

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types of Complaints

The district shall use the following procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

2. Complaints regarding teacher vacancy or misassignment, including any complaint that:
 - a. A semester begins and a teacher vacancy exists.
 - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.

(cf. 4112.22 - Staff Teaching-English Language Learners)

- c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (Education Code 35186; 5 CCR 4600)

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Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after the first day pupils attend classes for that semester. (5 CCR 4600)

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold. (Education Code 35186; 5 CCR 4600)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:
 - a. A condition poses an emergency or urgent threat to the health or safety of students or staff.

Emergency or urgent threat means structures or systems that are in a condition that poses a threat to the health and safety of students or staff while at school, including, but not limited to, gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; ~~or~~ structural damage creating a hazardous or uninhabitable condition, or any other condition deemed appropriate. (Education Code 17592.72)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code

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35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

(cf. 3514 – Environmental Safety)
(cf. 3517 – Facilities Inspection)

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district’s complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that the district's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186; CCR 4680)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

Filing of Complaint

A complaint alleging any condition(s) specified in the section “Types of Complaints” above shall be filed with the principal or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)

Investigation and Response

The principal or designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal’s or designee’s authority. (Education Code 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent’s designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 35186; 5 CCR 4680, 4685)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and in the primary language in which the complaint was filed. (Education Code 35186)

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If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a in the section “Types of Complaints” above, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

(cf. 1340 - Access to District Records)

Reports

On a quarterly basis, the Superintendent or designee shall report, to the board at a regularly scheduled public Board meeting, and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

Legal Reference:

EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedure

35292.5 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4600-4687 Uniform complaint procedures

4680-4687 Williams uniform complaints procedures

UNITED STATES CODE, TITLE 20

6314 Title I school wide program

Management Resources:

WEB SITES

Community Relations

AR 1312.4 (e)

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CSBA: <http://www.csba.org>

California County Superintendents Educational Services Association: <http://www.ccesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

Regulation Approved: 08/14/2020

ORCUTT UNION SCHOOL DISTRICT

Orcutt, California

NOTICE TO PARENTS/GUARDIANS

IMPORTANT INFORMATION ABOUT YOUR COMPLAINT RIGHTS Williams Uniform Complaint Process, Education Code Section 35186(f)

Parents/Guardians, Pupils, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitute or temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present. Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

4. A complaint form may be obtained at the school office or district office, or downloaded from the school or district website. You may also download a copy of the California Department of Education complaint form from the following web site: <http://www.cde.ca.gov/re/cp/uc>. However a complaint need not be filed using either the district's complaint form or the complaint form from the California Department of Education.



AVISO PARA PADRES/TUTORES

INFORMACION IMPORTANTE SOBRE SUS DERECHOS DE QUEJA Proceso Uniforme de Quejas Williams, Sección 35186(f) del Código de Educación

Padres/tutores, alumnos, y maestros:

Con arreglo al Código de Educación 35186, mediante este documento, se le notifica que:

1. Deben de haber suficientes libros de texto y materiales de enseñanza. Eso quiere decir que cada alumno, incluyendo a los aprendices de inglés, deben tener libros de texto o materiales de enseñanza, o ambos, para usar en clase y llevar a casa.
2. Las instalaciones escolares deben estar limpias, seguras, y bien mantenidas.
3. No debe haber espacios de maestros vacantes o mal asignados. Debe haber un maestro asignado a cada clase y no una serie de suplentes u otros maestros provisorios. El maestro deberá tener las credenciales apropiadas para dar la clase, incluyendo la certificación requerida para enseñar a alumnos aprendices de inglés, si están presentes.
4. Puede obtener una forma de queja en la oficina de la escuela o el distrito, también la puede encontrar en la página de red de la escuela o el distrito. También puede obtener una copia de la forma de queja en la página de red del Departamento de Educación de California que es <http://www.cde.ca.gov/re/cp/uc>. Pero la queja no debe ser presentada usando ni el formulario del distrito, ni el formulario del Departamento de Educación de California.

Community Relations**WILLIAMS UNIFORM COMPLAINT PROCEDURES**

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

Contact Information:

Name _____

Address: _____

Phone Day: _____ Evening: _____

Location of the problem that is the subject of this complaint:

School: _____

Room Number or Name of Room: _____ Course or Grade Level: _____

Date problem was observed: _____

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.

Specific issue(s) of the complaint. Please check all that apply.

1. Textbooks and instructional materials:

A pupil including an English Learner does not have standards-aligned textbooks or instructional materials or state adopted or district adopted textbooks or other required instructional materials to use in class

A pupil does not have access to instructional materials to use at home or after school to complete homework assignments. This does not required two sets of textbooks or instructional materials for each pupil.

Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.

A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignment:

A semester begins and a certificated teacher is not assigned to teach the class.

A teacher lacking credentials or training to teach English learners is assigned to teach a class with more than 20% English learners in the class.

A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Community Relations

3. Facility conditions:

_____ A condition poses an emergency or urgent threat to the health or safety of pupils or staff including: gas leaks, nonfunctioning heating, ventilation, fire or gates that will not lock and that pose a security risk, abatement of hazardous materials, previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.

_____ A school restroom has not been maintained or cleaned regularly, is not fully operational, and has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

_____ The school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes.

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation:

Please file this complaint with the person specified below at the following location:

(Principal or title of designee)

(Address)

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

(Signature)

(Date)