

SAN MARCOS UNIFIED SCHOOL DISTRICT  
ADMINISTRATIVE PROCEDURE

COMMUNITY RELATIONS

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### Type of Complaints

The district shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186)

1. Instructional Materials
  - 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 instructional materials to use at home or after school in order to complete required homework assignments.
  - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
2. Teacher Vacancy or Misassignment
  - a. A semester begins and a certificated teacher is not assigned to teach the class.  
*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 a semester for an entire semester. (Education Code 33126)
  - b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class.
  - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.  
*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)
3. Facilities
  - 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 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. (Education Code 17592.72)

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- 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, except as necessary for student safety or to make repairs, 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.

4. High School Exit Examination Intensive Instruction and Services

A student, including an English learner, who has not passed the exit exam by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first. (Education Code 35186)

### Filing of Complaint

A complaint alleging any condition(s) specified above shall be filed with the principal or designee. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee with 10 working days. (Education Code 35186)

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (Education Code 35186)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186)

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Governing Board at a regularly scheduled hearing. (Education Code 36186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students as described in item #3a above, a complainant who is not satisfied with the resolution proffered by the principal, Superintendent, or designee may file an appeal to the Superintendent of Public Instruction. (Education Code 35186)

Complaints and written responses shall be public records. (Education Code 35186)

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## Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the Board and the County Superintendent of Schools. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting. (Education Code 35186)

## Forms and Notices

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)

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)

### Legal Reference:

#### EDUCATION CODE

1240 County superintendent of schools, duties  
17592.72 Urgent or emergency repairs, School/Facility Emergency Repair Account  
33126 School Accountability Report Card  
35186 Alternative uniform complaint procedure  
60119 Hearing on sufficiency of instructional materials

#### CODE OF REGULATIONS, TITLE 5

4600-4671 Uniform complaint procedures

### Management Resources:

#### WEB SITES

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

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

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**EXHIBIT**  
**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

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number – Day: \_\_\_\_\_ Evening: \_\_\_\_\_

**Issue(s) of the complaint: Please check all that apply:**

1. **Textbooks and instructional materials:**

- A student lacks textbooks or instructional materials to use in class.
- A student does not have access to instructional materials to use at home or after school to complete homework assignments.
- Textbooks or instructional materials are in poor or unusable condition, have 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. **Facility conditions:**

- A school restroom has not been cleaned or maintained regularly, is not fully operational, or 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. This does not apply when closing of the restroom is necessary for pupil safety or to make repairs.
- A condition exists that poses an emergency or urgent threat to the health or safety of students or staff as defined in AR 1312.4.

3. **Teacher vacancy or misassignment:**

- A semester begins and a certificated teacher is not assigned to teach the class.
- A teacher lacks credentials or training to teach English learners or 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.

4. **High School Exit Exam intensive instruction and services:** (Education Code 35186)

- Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail, including the date of the problem and specific location where the problem occurred (school, room number). 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:

**Gina Bishop, Assistant Superintendent**  
**255 Pico Avenue, Suite 250, San Marcos, CA 92069**

Governing Board: Becky Garrett Pam Lindamood Janet McClean Jay Petrek Randy Walton

Kevin D. Holt, Ed.D. Superintendent