

SAN MARCOS UNIFIED SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE
COMMUNITY RELATIONS

1312.4

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WILLIAMS UNIFORM COMPLAINT PROCEDURES

Types 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 pupil, 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 pupil.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- d. 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. A semester begins and a teacher vacancy exists. *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

The CAHSEE has been suspended as of January 1, 2016.

Filing of Complaint

A complaint alleging any condition(s) specified above shall be filed with the principal of the school or his/her designee, in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within 10 working days. (Education Code 35186) The school shall have a complaint form available for such Williams Complaints. The complainant need not use the Williams Complaint form to file a complaint.

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 response shall be made to the mailing address of the complainant indicated on the complaint. If Section 48985 of the Ed Code is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. 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, if complainant identifies himself or herself and requested a response. 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 principal or the district superintendent or his /her designee, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting of the Governing Board. (Education Code 36186)

A complainant who is not satisfied with the resolution proffered by the principal, District Superintendent, or designee, involving a condition of a facility that poses an emergency or urgent threat as described in item #3a above, may file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the report. (Education Code 35186) The complainant shall comply with the appeal requirements of 5 CCR §4632.

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

Reports

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

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 Complainant need not use the Williams Complaint form to file a complaint.

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
33031

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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Revisions Adopted: 12/13/16

WILLIAMS UNIFORM COMPLAINT PROCEDURES

WILLIAMS COMPLAINT FORM

Education Code (EC) Section 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response, you must provide the following contact information.

Response requested: Yes No

Name (Optional): _____ Mailing Address (Optional): _____

Phone Number Day (Optional): _____ Evening (Optional): _____

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 textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- 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. Teacher vacancy or misassignment:

- Teacher vacancy - A semester begins and a teacher vacancy exists. (A teacher vacancy is 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.)
- Teacher misassignment - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20% English learners pupils in the class.
- Teacher misassignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions:

- 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. This does not apply when temporary 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, including: 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 pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.

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

The CAHSEE has been suspended as of January 1, 2016.

Date of Problem: _____

Location of problem (school name, address, and room number or location): _____

Course or Grade Level and Teacher Name (if applicable): _____

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 principal of the school or his/her designee in which the complaint occurred:

Location: _____ Title of office _____

Address: _____ Street _____ City _____ Zip code _____

A complaint about problems beyond the authority of the principal shall be forwarded within 10 days to the appropriate school district official for resolution.

