

**EL DORADO UNION HIGH SCHOOL DISTRICT  
ADMINISTRATIVE REGULATION**

**Community Relations**

**WILLIAMS UNIFORM COMPLAINT PROCEDURES  
AR 1312.4**

*Note: Education Code 35186 **mandates** that school districts establish policies and procedures regarding deficiencies related to textbooks and instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment. It is recommended that districts use this procedure only for those complaints specified in Education Code 35186 and that a regular uniform complaint procedures continue to be as required for complaints concerning discrimination in state and federal programs. Education Code 35186 also requires that the district post notices in each classroom.*

*Education Code 42605 grants districts flexibility in "Tier 3" categorical programs and provides that districts are deemed in compliance with the program and funding requirements for these programs through fiscal year 2012–13. As a result of this flexibility, the district may choose to temporarily suspend certain provisions of the following policy of administrative regulation that reflect those requirements. However, this flexibility does not affect or alter any existing contract or bargaining agreement that the district may have in place.*

**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; 5 CCR 4681, 4682, 4683*)

1. Textbooks and 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 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.
- 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.

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

2. Teacher vacancy or misassignment

- 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 learner students in the class.

(cf. 4112.22 - *Staff Teaching Students of Limited English Proficiency*)

- 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 a semester for an entire semester. (*Education Code 35186; 5 CCR 4600*)

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

4. High school exit examination intensive instruction and services

A pupil, 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 2 consecutive academic years or until the student has passed both parts of the exam, whichever comes first. (*Education Code 35186*)

(*cf. 6162.52 - High School Exit Examination*)  
(*cf. 6179 - Supplemental Instruction*)

**FILING OF COMPLAINT**

*Note: Education Code 35186 requires that complaints be investigated and resolved within the timelines specified below. 5 CCR 4680 requires the principal to forward complaints beyond his/her control to the appropriate district official in a timely manner, but not to exceed 10 working days. During the Categorical Program Monitoring (CPM) process, California Department of Education (CDE) staff will expect to see statements regarding the filing of the complaint, the investigation, timelines, and the complainant's right to appeal to the Governing Board and to appeal facility complaints to the CDE, as detailed in the following section.*

A complaint alleging any condition(s) specified above shall be filed with the principal or designee at the school in which the complaint arises using the Williams Uniform Complaint Form #1312.4-f. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (*Education Code 35186; 5 CCR 4680*)

A complaint alleging any deficiency specified in item #4 above shall be filed with a district official designated by the Superintendent. Such complaints may be filed at the district office or at a school site and shall be immediately forwarded to the Superintendent or designee. (*Education Code 35186*)

## **INVESTIGATION AND RESPONSE**

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; 5 CCR 4685*)

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. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (*Education Code 35186; 5 CCR 4680, 4685*)

*Note: Education Code 48985 specifies that, when 15% or more of the students enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such students be written in English and in the primary language. Education Code 35186 requires that, when Education Code 48985 is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.*

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*)

If a complainant is not satisfied with the resolution of the 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 complaints 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 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 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*)

Complaints and written responses shall be public record. (*Education Code 35186; 5 CCR 4686*)

(*cf. 1340 - Access to District Records*)

## **REPORTS**

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The

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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; 5 CCR 4686*)

### FORMS AND NOTICES

The Superintendent or designee shall ensure that the Williams complaint form is available at each school.

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; 5 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*)

#### **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*

*35292.5 Restrooms, maintenance and cleanliness*

*37254 Supplemental instruction based on failure to pass exit exam by end of grade 12*

*48985 Notice to parents in language other than English*

*60119 Hearing on sufficiency of instructional materials*

##### *CODE OF REGULATIONS, TITLE 5*

*4600-4671 Uniform complaint procedures*

*4680-4687 Williams complaint*

#### **Management Resources:**

##### *WEB SITES*

*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>*