

UNIFORM COMPLAINT PROCEDURES FOR TEXTBOOKS AND INSTRUCTIONAL MATERIALS, SCHOOL FACILITIES AND TEACHER CERTIFICATIONTypes of Complaints

The Office of Education 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. Textbooks and instructional materials
 - a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or Office of Education-adopted textbooks or other required instructional materials to use in class.
 - b. A pupil does not have access to 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 textbook or instructional materials.

A complaint related to instructional materials shall identify the school, the course or grade level in which the deficiency(ies) in instructional materials exist, the teacher of the course or grade level, and the specific nature of the deficiency or deficiencies as specified above. A complaint may include as much text to explain the deficiency or deficiencies as the complainant feels necessary. A complaint may contain more than one allegation of deficiency or deficiencies in the instructional material.

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)

A complaint regarding a teacher vacancy or misassignment shall identify the course or grade level in which the teacher vacancy or misassignment exists, the specific nature of the vacancy or misassignment as specified above, and, if it is a misassignment, the name of the teacher who is misassigned. A complaint may include as much text to explain the teacher vacancy or misassignment as the complainant feels necessary. A complaint may contain more than one allegation of teacher vacancy or misassignment.

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)

A complaint related to the conditions of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff shall identify the specific school in which the condition exists. The complaint shall specify the location of the facility, describe emergency

or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and describe how the condition poses a threat to the health or safety of pupils or staff. A complainant may include as much text to explain the emergency or urgent facilities conditions as the complainant feels necessary. A complaint may contain more than one allegation of emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff.

- 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 pupil safety or to make repairs, 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. (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 two consecutive academic years or until the pupil 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 in a timely manner but not to exceed 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 identified himself or herself and 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 indicated on the complaint. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186)

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 may describe the complaint to the Board of Education at a regularly scheduled hearing. (Education Code 35186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 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. (Education Code 35186)

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. 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 school shall have a complaint form available for such complaints identified in this policy (Williams complaints). The Superintendent or designee shall ensure that the Office of Education'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. However, complainants need not use the Office of Education's Williams complaint form in order to file a complaint. (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

4680-4687 Williams complaints

Policy

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Humboldt County Office of Education

Eureka, California