

Fontana USD

Administrative Regulation

AR 1312.4

Community Relations

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 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.

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

(cf. 6161.1 - Selection and Evaluation of 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 35186)

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)

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.

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)

(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 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)

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 of 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. (Education Code 35292.5)

### Filing of Complaint

A complaint alleging any condition(s) specified in Education Code 35186 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 within 10 working days. (Education Code 35186; 5 CCR 4680)

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)

When Education Code 48985 is applicable and the complainant has requested a response, the response shall be written in English and 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 Governing Board at a regularly scheduled hearing. (Education Code 35186; 5 CCR 4686)

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 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 records. (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 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 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, library media center and school administrative office, 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 Williams uniform complaint procedure

35292.5 Restrooms, maintenance and cleanliness

48985 Notices to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4671 Uniform complaint procedures, especially:

4680-4687 Williams complaints

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>

California County Superintendent's Educational Services Association: <http://www.ccesa.org>

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

Regulation FONTANA UNIFIED SCHOOL DISTRICT

Approved: January 19, 2005 Fontana, California

Revised: June 19, 2007

Fontana USD

Exhibit

E 1312.4

Community Relations

Williams Uniform Complaint Procedures

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

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

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

Telephone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

E-mail address, if any: \_\_\_\_\_

Location of the problem that is the subject of this complaint

School: \_\_\_\_\_

Course title/grade level and teacher name: \_\_\_\_\_

Room number/name of room/location of facility: \_\_\_\_\_

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. A complaint may contain more than one allegation)*

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681)

\_\_\_ 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.

\_\_\_ A student 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 student.*

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

\_\_\_ Student 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: (Education Code 35186; 5 CCR 4681)

\_\_\_ 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 school 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.

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

\_\_\_ The teacher is assigned to teach a class for which the teacher lacks subject matter competency.

## 3. Facility conditions: (Education Code 35186, 35292.5; 5 CCR 4683)

\_\_\_ 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 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.

\_\_\_ 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 students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when closing of the restroom is necessary for student safety or to make repairs.

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:

\_\_\_\_\_Principal of \_\_\_\_\_School,

\_\_\_\_\_

(address)

Fontana, California

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.

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Exhibit FONTANA UNIFIED SCHOOL DISTRICT

Version: (1/05) 6/07 Fontana, California

# Fontana Unified School District

## NOTICE TO STUDENTS/PARENTS/GUARDIANS/STAFF

### IMPORTANT INFORMATION ABOUT YOUR COMPLAINT RIGHTS

*Williams Uniform Complaint Process, Education Code Section 35186(f)*

This notice is provided to inform you of the following:

1. Every school must provide sufficient textbooks and instructional materials. Every student, including English learners, must have textbooks or instructional materials, or both, to use in class and to take home or use after class.
2. School facilities must be clean, safe, and maintained in good repair. School restrooms must be cleaned and maintained regularly, fully functional and stocked at all times with toilet paper, soap, and paper towels or functional hand dryers in accordance with Education Code 35292.5.
3. There should be no teacher vacancies or misassignment. Each class should be assigned a teacher and not a series of substitutes or temporary teachers. The teacher should have the proper credential and subject matter training to teach the class, including training to teach English Learners, if present.

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

To file a complaint regarding the above matters, complaint forms can be obtained at the Principal's Office or downloaded from the district website at [www.fusd.net](http://www.fusd.net).



## AVISO PARA ESTUDIANTES/PADRES/TUTORES/EMPLEADOS

### INFORMACIÓN IMPORTANTE SOBRE SUS DERECHOS DE QUEJA

Proceso Uniforme de Quejas *Williams*, Sección 35186(f) del Código de educación

El propósito de este aviso es informarles lo siguiente:

1. Cada escuela debe proporcionar suficientes libros de texto y materiales de enseñanza. Cada alumno, incluyendo a los que aprenden inglés, debe tener libros de texto o materiales de enseñanza, o ambos, para usar en clase y llevar a casa, o para usar después de clase.
2. Las instalaciones escolares deben estar limpias, ser seguras y bien mantenidas. Los baños escolares deberán limpiarse y mantenerse limpios regularmente, funcionando totalmente y con lo necesario en todo momento con papel del baño, jabón, papel para las manos o secadoras de manos funcionando de acuerdo al Código Educativo 35292.5.

3. Se deberá asignar un maestro a cada clase y no una serie de suplentes u otros maestros provisorios. El maestro deberá tener las credenciales apropiadas y capacitación en la materia para dar la clase, incluyendo capacitación para enseñar a alumnos que están aprendiendo inglés, en caso de haberlos.

Una plaza vacante de maestro(a), significa una posición la cual un empleado certificado designado no ha sido asignado al principio del año o, al principio de un semestre por un semestre del año escolar. Ubicación inapropiada significa la colocación de un empleado certificado en un puesto en el cual el empleado no esté legalmente autorizado.

Para presentar una queja en relación a los asuntos mencionados anteriormente, puede obtener formularios en la oficina del Director(a) o bajarlos del sitio del distrito [www.fusd.net](http://www.fusd.net).

*Notice must be in every classroom, the school administration office and school library. (BP 1312.4)*

*July 2007*