

1000 COMMUNITY RELATIONS

1500 COMPLAINTS

1502 WILLIAMS UNIFORM COMPLAINT PROCEDURES

The County Board of Education recognizes its role to support the County Superintendent of Schools to ensure that the educational programs of the county office of education are implemented in accordance with law and to establish procedures for resolving complaints that may arise from the implementation of such programs.

Any complainant who is not satisfied with the resolution of the principal/program administrator or the County Superintendent or designee regarding a complaint shall have the right to describe the complaint to the County Board, at its regularly scheduled meeting, if the complaint is related to any of the following subjects and alleges that any of the stated conditions occurred: (Education Code 35186; 5 CCR 4686)

1. Textbooks and instructional materials,
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state or Marin County Superintendent-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.
 - 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. At the beginning of the year, a single designated certificated employee has not been assigned to teach a class for an entire year or, if the position is for a one-semester course, a single designated certificated employee has not been assigned at the beginning of the semester for an entire semester. (5 CCR 4600)
Beginning of the year or semester means the first day that instruction is 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 certificated employee is placed in a teaching or services position for which they do not hold a legally recognized certificate or credential or a certificated employee is placed in a teaching or services position that they are not otherwise authorized by statute to hold, including but not limited to:
 - i. When 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.
 - ii. When a teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. Facilities
A condition at any facility owned or occupied by the COE poses an emergency or urgent threat to the health or safety of COE 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)


When a complaint alleges a facility condition described in item #3 above, a complainant who is not satisfied with the resolution proffered by the County Superintendent or designee may file an appeal to the Superintendent of Public Instruction (SPI) within 15 days of receiving the county office's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

Any request to describe a complaint to the County Board shall be submitted to the County Superintendent in writing, and in time to allow for the posting of the County Board meeting notice in accordance with law.

The County Superintendent or designee shall report summarized data on the nature and resolution of all complaints against the COE to the County Board 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 County Board meeting. Each November, the County Superintendent shall report to the County Board on the state of COE schools and county districts' schools that are ranked in deciles 1 to 3. (Education Code 1240; 5 CCR 4686)

A notice containing the components specified in Education Code 35186 shall be posted in each classroom in each COE school/program (Education Code 35186)

Approved as to form:


ROBERT J. HENRY, of Counsel

Approved by

Marin County Board of Education – 1/11/05

Revised: 2/1/06; /1/07; 7/17/07; 11/1/07; 2/12/08; 9/10/19

Legal Reference:

EDUCATION CODE

1240 County superintendent of schools, duties

1791-1992 Establishment and management of technical, agricultural and natural resources conservation school

1980-1984 Establishment of county community school

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School Accountability Report Card

35186 Williams uniform complaint procedure

48660-48667 Establishment of community day school

48985 Notices in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures, especially:

4632 Appeal of LEA decision – grounds

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/indix.asp>

MARIN COUNTY OFFICE OF EDUCATION
ADMINISTRATIVE REGULATIONS AND PROCEDURES

WILLIAMS UNIFORM COMPLAINT PROCEDURES

(Board Policy 1502)

PROCEDURES

TYPES OF COMPLAINTS

The county office 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)

1. Instructional Materials

- a. A student, including an English Learner, does not have standards-aligned textbooks or instructional materials or state-adopted or Marin County Office of Education-adopted textbooks or other required instructional materials to use in class. This does not require two sets of textbooks or instructional materials for each student.
- 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.
- d. A student was provided photocopied sheets from only a portion of textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignments

(Education Code 35186; 5 CCR 4682)

2.1 Vacancy

- a. A semester begins and a teacher vacancy exists
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 33126; 5 CCR 4600)

2.1 Misassignment

- 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; 5 CCR 4600)

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 or functional hand dryers.

Open restroom means 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. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5)

At any MCOE Program serving any of grades 6-12 in which 40 percent or more of the students in the school are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 if the school has not stocked at least half of its restrooms in the school with feminine hygiene products at all times and made those products available to students at no cost.

The Superintendent or designee shall ensure that a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint.

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 35186; 5CCR 4680)

The Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code 35186.

FILING OF COMPLAINT

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal/program administrator or designee at the school in which the complaint arises. The principal/program administrator 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. Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)

INVESTIGATION AND RESPONSE

The principal/program administrator or designee of the Superintendent shall make all reasonable efforts to investigate any problem within their authority. (Education Code 8235.5, 35186; 5 CCR 4685)

The principal/program manager or Superintendent's designee 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 8235.5, 35186; 5 CCR 4680, 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal/ program administrator or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. (Education Code 8235.5, 35186; 5 CCR 4680, 4685)

If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. If Section 48985 of the EC is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. (ED § 35186(a)(1).) At the same time, the principal/program manager 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 8235.5, 35186; 5 CCR 4686)

For any 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/program administrator, Superintendent, or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the report. The complaint shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 8235.5, 35186; 5 CCR 4687)

PUBLIC RECORDS

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

QUARTERLY REPORTS

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES

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)

NOTICE TO PARENTS/GUARDIANS, STUDENTS AND TEACHERS: COMPLAINT RIGHTS

Education Code 35186 requires that the following notice be posted in your child's classroom:

Parents/Guardians, Students, and Teachers:

Education Code 35186 requires that the following notice be posted in your child's classroom:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each student, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair. Good repair means that the facility is maintained in a manner that insures that it is clean, safe and functional as determined by the Office of Public School Construction.
3. There should be no teacher vacancies or misassignments as defined in Education Code 35186(e)(2).
 - o *Misassignment* means the placement of a certified employee in a teacher 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.
 - o *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.
4. To file a complaint regarding the above matters, complaint forms can be obtained at the principal/program administrator's office, county office, or can be downloaded from the county office's or California Department of Education's website.

COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

Education Code 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional material, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignments. The complaint and response are public documents as provided by law. 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

Contact Information (if response is requested):

Name:		
Address:		
Phone Number	Day:	Evening:
Email Address:		
Date problem was observed:		
Location of the problem that is the subject of this complaint:		
School name/address:		
Room number/name of room or location of facility		

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or Marin County Office of Education for the appropriate district complaint procedure.

Specific issues(s) of the complaint: Please check all that apply.

1. Textbooks and instructional materials:

- A student including an English learner does not have standards-aligned textbooks or instructional materials or state-adopted or Marin County Office of Education-adopted textbooks or other 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, have missing pages or are unreadable due to damage.
- A student was provided photocopied sheets for 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 4682)

- A semester begins and a teacher vacancy exists. (Education code 35186(e)(2). 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 of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.
- 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.

3. Facility conditions: (Education Code 17592.72, 35186, 35292.5, 35292.6; 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 line stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the county office of education.
- 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.
- For a school that serves students in any of grades 6-12 with 40 percent or more of its students from low-income families, as defined, the school has not stocked at least half of its restrooms with feminine products at all times and made those products available to students at no cost.
- 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 temporary 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 as necessary to fully describe the situation(s).

For complaints regarding facilities condition, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff. Your complaint may contain more than one allegation.

Please file this complaint with the person specified below at the following location:

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.

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

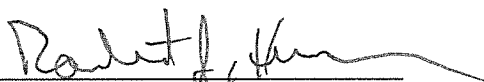
35186 Alternative uniform complaint procedure

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4671 Uniform complaint procedures

Approved as to form:



ROBERT J. HENRY, of Counsel

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