

# Kern County Superintendent Of Schools

## WILLIAMS UNIFORM COMPLAINT POLICY AND PROCEDURES

### Types of Complaints

The County Superintendent shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred with respect to a program operated by the County Superintendent:

1. Textbooks and 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.

2. Teacher Vacancy or Misassignment

- 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 section 33126.)

*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.
- 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 section 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 section 17592.72.)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code section 35292.5.

*Cleaned 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 section 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 section 35292.5.)

4. High School Exit Examination Intensive Instruction and Services

A student, 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 section 37254(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first. (Education Code section 35186.)

**Filing of Complaint**

A complaint alleging any condition(s) specified in Item Nos. 1-3 above shall be filed with the principal/program coordinator or designee. The principal/program coordinator or designee

shall forward a complaint about problems beyond his/her authority to the appropriate Assistant County Superintendent or designee within 10 working days.

A complaint alleging any deficiency specified in Item No. 4 above shall be filed with an official designated by the County Superintendent at the office of the County Superintendent. Such complaints may also be filed at the school site with an employee of the County Superintendent and shall immediately be forwarded to the County Superintendent or designee.

### **Investigation and Response**

The principal/program coordinator 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.

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 appropriate Assistant County Superintendent or designee.

When Education Code section 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 section 35186.)

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the County Superintendent.

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 No. 3a above, a complainant who is not satisfied with the resolution proffered by the principal/program coordinator or County Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the response of the principal/program coordinator or County Superintendent or designee.

Complaints and written responses shall be public records.

### **Reports**

Each principal/program coordinator/designee and each Assistant County Superintendent shall report summarized data on the nature and resolution of all complaints filed under this policy to the County Superintendent 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 posted publicly on a quarterly basis for a period of at least one week in a location accessible to the public.

## **Forms and Notices**

The County Superintendent or designee shall ensure that the 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, a complainant need not use the County Superintendent's Williams complaint form in order to file a complaint.

The County Superintendent or designee shall ensure that a notice is posted in each classroom in each school where County Superintendent operates an educational program which contains the components specified in Education Code section 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*

*60119 Hearing on sufficiency of instructional materials*

#### CODE OF REGULATIONS, TITLE 5

*4600-4671 Uniform complaint procedures*

# Kern County Superintendent Of Schools

## EXHIBIT TO WILLIAMS UNIFORM COMPLAINT POLICY AND PROCEDURES

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

Parents/Guardians, Students and Teachers:

Education Code section 35186 requires that the following notice be posted in each 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.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

*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.

*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. Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.
5. To file a complaint regarding the above matters relating to an educational program operated by the Kern County Superintendent of Schools, complaint forms can be obtained at the office of the Kern County Superintendent of Schools, or can be downloaded from the County Superintendent's website, [www.kern.org](http://www.kern.org), school district's or the California Department of Education's website, [www.cde.ca.gov](http://www.cde.ca.gov).

# Kern County Superintendent of Schools

## EXHIBIT TO WILLIAMS UNIFORM COMPLAINT POLICY AND PROCEDURES

### COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURE

Pursuant to Education Code section 35186, this form is to be used for complaints concerning educational programs operated by the Kern County Superintendent of Schools regarding deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, teacher vacancy or misassignment, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. 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

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

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

Phone Number: Day: \_\_\_\_\_ Evening: \_\_\_\_\_

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 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:

- A student, including an English learner, lacks standards-aligned textbooks or instructional materials or district- or state-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.
- 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 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 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 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.
- 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:

- A condition exists that poses an emergency or urgent threat to the health or safety of students or staff as defined in the Kern County Superintendent of Schools Williams Uniform Complaint Policy and Procedures.
- 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.

4. High school exit exam intensive instruction and services:

- Pupils who have not passed the high school exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code section 37254(d)(4) and (5) after the completion of grade 12.

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). For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of students or staff. You may attach additional pages if necessary to fully describe the situation:

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

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(principal or title of his/her designee)

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(address)

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.

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)