



LEGAL ALERT

Public School Alert

New Laws Mandating Local Education Agencies Establish Policies and Procedures In Light of *Eliezer Williams, et al. v. State of California, et al.*

SB 550 (Stats. 2004, ch. 900); AB 2727 (Stats. 2004, ch. 903) - Effective January 1, 2005

In our recent Legal Alert “New Laws Mandating Local Education Agencies Establish Policies and Procedures In Light of *Eliezer Williams, et al. v. State of California, et al.*” we noted the requirement that local education agencies use their *uniform complaint process* to help identify and resolve any deficiencies related to (1) instructional materials, (2) teacher vacancy or misassignment, and (3) facilities conditions that pose a threat to the health and safety of the pupils or staff per Education Code section 35186.

Questions have been raised whether the *classroom notice* must include the teacher assignment component of the complaint policy. Please be advised that the classroom notice itself does not require a reference that each class has a certificated teacher who is properly assigned to instruct that class.

Pursuant to Education Code section 35186(f), the *notice* posted in each classroom shall notify parents and guardians of the following:

- (1) There should be sufficient textbooks and instructional materials—that means each pupil, including English learners must have a textbook or instructional materials or both, to use in class and to take home to complete required homework assignments;
- (2) School facilities must be clean, safe, and maintained in good repair;
- (3) The location at which to obtain a form to file a complaint in case of a shortage.

Note: There is a sample notice provided by the California Department of Education at <http://www.cde.ca.gov/eo/ce/wc/samplenotice.asp>.

For additional information, please contact David Robinett at Girard & Vinson’s Sacramento office located at 1006 Fourth Street, Eighth Floor, Sacramento, CA (916) 446-9292. We invite you to visit our website at www.gandv.com.

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