COUNTY SUPERINTENDENT/BOARD POLICY

Community Relations

UNIFORM COMPLAINT PROCEDURES

The County Board and County Superintendent recognize the county is responsible for complying with applicable state and federal laws and regulations governing educational programs. The county shall follow uniform complaint procedures when addressing complaints alleging unlawful discrimination based on age, sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability in any program or activity that receives or benefits from public funding. Uniform complaint procedures shall be used when addressing complaints alleging failure to comply with state and/or federal laws in adult education, consolidated categorical aid programs, migrant education, vocational education, childcare and development programs, child nutrition programs, special education programs, and federal school safety planning requirements.

The County Board and the County Superintendent encourage the early, informal resolution of complaints at the site level whenever possible.

The Board and Superintendent acknowledges and respects every individual’s right to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes maintaining confidentiality of the complainant, except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent or designee on a case-by-case basis.

The Board and the Superintendent prohibit retaliation in any form for participating in complaint procedures, including but not limited to the filing of a complaint or the reporting of instances of discrimination. Such participation shall not in any way affect the status, grade or work assignments of the complainant.

The Board and the Superintendent recognize a neutral mediator can often suggest a compromise for all parties in a dispute. In accordance with uniform complaint procedures, when the involved parties to a complaint agree to attempt a mediated solution, the Superintendent or designee shall initiate mediation. The Superintendent or designee shall ensure mediation results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE
200-262.3 Prohibition of discrimination
8200-8498 Child care and development programs
8500-8538 Adult basic education
18100-18179 School libraries
32289 School safety plan. Uniform complaint procedures
35186 Alternative uniform complaint procedures
48985 Notices in language other than English
49060-49079 Student records
49490-49560 Child nutrition programs
UNIFORM COMPLAINT PROCEDURES (continued)

EDUCATION CODE
52160-52178 Bilingual education programs
52300-52483 Vocational education
52500-52616.24 Adult schools
52800-52863 School-based coordinated programs
54000-54041 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56885 Special education programs
59000-59300 Special schools and centers
62000-62005.5 Evaluation and sun setting of programs
64000-64001 Consolidated application process

CODE OF REGULATIONS, TITLE 5
3080 Application of section
4600-4671 Uniform Complaint Procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

PENAL CODE
422.6 Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 20
6301-6577 Title I Basic Programs
6601-6777 Title II Preparing and Recruiting High Quality Teachers and Principals
6801-6871 Title III, Language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act, including
7114 Local educational program, safety plans
7201-7283g Title V Promoting Informed Parental Choice and Innovative Programs
7301-7372 Title VI Rural and Low-Income School Programs

Management Resources:
WEB SITES
California Department of Education: http://www.cde.ca.gov

ADOPTED: November 18, 2015

Tracy J. Quinn, Superintendent

Judith Holzapfel, Board President

Policy relates to:

x All programs
___ K-12
___ Sr. Nutrition
___ Child & Family Services
___ ROP/Adult Education
___ Charter School
ADMINISTRATIVE REGULATION

Community Relations

AR 1312.3(a)

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Compliance Officers

The Glenn County Office of Education designates the following compliance officers to receive, investigate complaints and ensure county compliance with law:

Assistant Superintendent of Human Resources
311 S. Villa Avenue
Willows, CA 95988
530-934-6575 Ext. 3125

Types of Complaints

The county 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 county-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 in order to complete required homework assignments.

   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 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)

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-condition 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)

**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 within 10 working days. (Education Code 35186)

The Superintendent 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 indicated on the complaint form that he/she would like a response to his/her complaint, the Superintendent or designee shall report the resolution of the complaint to him/her within 45 working days of
the initial filing of the complaint. At the same time, the Superintendent 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 Board at a regularly scheduled hearing. (Education Code 36186)

For 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, 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 on a quarterly basis to the Board and the County Superintendent of Schools. 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 Superintendent or designee shall ensure that the county’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 in each school containing the components specified in Education Code 35186. (Education Code 35186)

Legal Reference:

EDUCATION CODE
1240 County superintendent of schools, duties
17392.72 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 3
4600-4671 Uniform complaint procedures
Exhibit

Community Relations

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Notice to Parents and Guardians
Complaint Rights

Parents/Guardians:

Pursuant to California Education Code Section 35186, you are hereby notified that:

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.

2. School facilities must be clean, safe, and maintained in good repair.

3. There should be no teacher vacancies or misassignments.

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. A complaint form may be obtained at the county office. You may also download a copy of the California Department of Education complaint form from the following Web site: http://www.cde.ca.gov/eo/ce/wc/index.asp.
WILLIAMS UNIFORM COMPLAINT PROCEDURES

Uniform Complain Procedure Form
For Education Code Section 35186 Complaints

Education Code Section 35186 created a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. The complaint and response are public documents as provided by statute. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the following contact information.

Response requested: □ Yes □ No

Name: ___________________________ Address: ___________________________

Phone Number: Day: ______________ Evening: ________________________

Issue of complaint (please check all that apply):

1. Textbooks and Instructional Materials
   □ A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
   □ A pupil does not have access to textbooks or instructional materials to use a home or after school.
   □ Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.
   □ A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

2. Facility Conditions
   □ A condition poses an urgent or emergency threat to the health or safety of students or staff, including: gas leaks, nonfunctioning heating, ventilation, fire sprinklers or air-condition 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 an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the county determines appropriate.
3. **Teacher Vacancy or Misassignment**
   - Teacher vacancy – 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 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.)
   - Teacher misassignment – A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class.
   - Teacher misassignment – A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Date of Problem: ________________________________________________

Location of Problem (School Name, Address, and Room Number or Location): _______________________________________________________

Course of Grade Level and Teacher Name: _______________________________________________________

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation.

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Please file this complaint at the following location:

Assistant Superintendent of Human Resources
Glenn County Office of Education
311 S. Villa Avenue
Willows, CA 95988
(530) 934-6575 Ext. 3125
Exhibit

Community Relations E(3) 1312.4

WILLIAMS UNIFORM COMPLAINT PROCEDURES

(Complainant)
(Address)
(City, CA Zip)

Dear Complainant:

I reviewed your letter addressed to (person), (title) dated ( ). I understand your concerns. However, the California Department of Education (CDE) does not have legal authority to intervene in this matter.

The California Code of Regulations, Title 5, section 4610, authorizes CDE, through the Uniform Complaints Procedures (UCP), to process only complaints regarding categorical programs that are mandated by certain federal and state statutes and regulations or allegations of discrimination. Except when Consolidated Application programs are affected, each local district governing board has ultimate authority over general education processes such as:

* hiring and evaluation of staff
* classroom assignments
* student advancement and retention
* graduation requirements
* selection and provision of textbooks
* provision of core curricula subjects
* student discipline
* use of general education funds and materials
* homework policies and practices

Please contact your local county office administration to determine what local processes govern the resolution of complaints such as yours regarding general education issues. I am enclosing a UCP brochure describing the complaint procedures that govern our CDE investigations. If you have further questions regarding the Uniform Complaint Procedures, please contact (Assigned Staff Member), Consultant.

Sincerely,

Kathleen Seabourne, Manager
Categorical Programs Complaints Management Unit

KS:
Enclosure