

# Fairfield-Suisun Unified School District

## Notice to Parents, Guardians, Pupils, and Teachers Complaint Rights

Uniform Complaints Notice Grades 10 -12 for Schools That Receive Intensive Instructions Funds.

Parents, Guardians, Pupils and Teachers:

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. 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.

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.

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.

4. Pupils, including English Learners, who have not passed one or both parts of the high school exit examination by the end of the 12<sup>th</sup> grade are to be provided the opportunities to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.
5. A complaint form may be obtained at the school office, district office, or downloaded from the district's Website at [www.fsusd.k12.ca.us](http://www.fsusd.k12.ca.us). You may also download a copy of the California Department of Education complaint form from the following Web site: <http://www.cde.ca.gov/re/cp/uc/>.

March 08

# Fairfield-Suisun Unified School District

## Notificación para padres, tutores legales, estudiantes y maestros Derecho a presentar quejas

Notificación sobre los procedimientos uniformes de presentación de quejas para grados 10 a 12 en escuelas que reciben fondos para instrucción intensiva.

Padres, tutores, estudiantes y maestros:

Según la Sección §35186 del Código de Educación de California, por la presente, se les notifica que:

1. Debe haber suficientes libros de texto y materiales de instrucción, lo que significa que todos los estudiantes, incluyendo los estudiantes de inglés como segunda lengua, tienen que tener un libro de texto o materiales de instrucción, o ambos, para usarlos en clase y llevarlos a casa.
2. Las instalaciones escolares tienen que estar limpias, ser seguras y estar en buenas condiciones de mantenimiento.
3. No debe haber vacantes docentes ni asignaciones erróneas de maestros. Debe haber un maestro asignado a cada clase y no una serie de sustitutos u otros maestros provisionales. El maestro deberá tener las credenciales apropiadas para impartir la clase, incluyendo la certificación requerida para enseñar a estudiantes de inglés como segunda lengua en caso de haberlos.

Una vacante docente es un puesto al cual no se ha asignado un empleado con certificación a principios de año escolar y durante todo un año o, si el puesto es para un curso de un semestre, un puesto al cual no se ha asignado un empleado con certificación a principios de semestre durante un semestre entero.

Una asignación errónea implica que se le ha asignado a un empleado con certificación un puesto docente o de servicios para el cual no tiene una certificación o credencial legalmente reconocida, o el cual no está legalmente autorizado a ocupar.

4. Los estudiantes, incluyendo los estudiantes de inglés como segunda lengua, que no hayan pasado una o ambas partes del examen de egreso o salida de la preparatoria al final del grado 12 tendrán la oportunidad de recibir servicios e instrucción intensiva durante un máximo de dos años académicos consecutivos después de terminar el grado 12.
5. Se puede obtener un formulario de presentación de quejas en la oficina de la escuela, en las oficinas del distrito o en el sitio web del distrito [www.fsusd.k12.ca.us](http://www.fsusd.k12.ca.us). También se puede descargar una copia del formulario de presentación de quejas del Departamento de Educación de California del siguiente sitio web: <http://www.cde.ca.gov/re/cp/uc/>.

Marzo 08

## Fairfield-Suisun Unified School District

### Uniform Complaint Procedure Form For Education Code Section 35186 Complaints

*Education Code* (EC) 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 (Optional): \_\_\_\_\_

Mailing Address (Optional): \_\_\_\_\_

Phone Number Day (Optional): \_\_\_\_\_

Evening (Optional): \_\_\_\_\_

#### 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 at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.
- Textbooks or instructional materials are in poor or unusable condition, have 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-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 a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.
- A school restroom has not been maintained or cleaned 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 pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes.

**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.

**4. High School Exit Examination (For school districts who receive intensive instruction funds)**

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

Date of Problem: \_\_\_\_\_

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

Course or 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: (Will vary depending on the site)

Name of Principal of School  
School Address  
Phone Number of School

## 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; 5 CCR 4681, 4682, 4683)

1. Textbooks and instructional materials

- a. A pupil, 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 pupil 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.
- 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 pupils 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.

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 35186; 5 CCR 4600)

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)

**WILLIAMS UNIFORM COMPLAINT PROCEDURES** (continued)

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)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignment)

**3. Facilities**

- a. A condition poses an emergency or urgent threat to the health or safety of pupils 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 pupils 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 pupils 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, and has been stocked at all times with toilet paper, soap, and paper towels or 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)

**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 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 35186)

**WILLIAMS UNIFORM COMPLAINT PROCEDURES (cont)**

**Filing of Complaint**

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

A complaint alleging any deficiency specified in item #4 above shall be filed with a district official designated by the Superintendent. Such complaints may be filed at the district office or at a school site and shall be immediately forwarded to the Superintendent or designee. (Education Code 35186)

**Investigation and Response**

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)

When Education Code 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 35186)

If a complainant is not satisfied with the resolution of the complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 36186; 5 CCR 4686)

For any complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3 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 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)

**WILLIAMS UNIFORM COMPLAINT PROCEDURES** (continued)

All 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 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; 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. However, complainants need not use the district's Williams complaint form in order to file a complaint. (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, and that complaint forms are available at each school. (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 Notice 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 Superintendents Educational Services Association: <http://www.ccesa.org>

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

**WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)**

**FAIRFIELD-SUISUN UNIFIED SCHOOL DISTRICT**

Policy

Adopted: January 27, 2005

Fairfield, California

Revised: September 14, 2005

Revised: September 10, 2007

Revised: November 26, 2007

Revised: March 4, 2008