

# **Mt. Diablo USD**

## **Administrative Regulation**

### **Williams Uniform Complaint Procedures**

AR 1312.4

#### **Community Relations**

#### **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. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:

- 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 textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- 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 a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)

- 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 English Language Learners)~~

- 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 the 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 pupils 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 pupils attend classes for that semester. (5 CCR 4600)

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. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)

- 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 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; or structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate. (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. (Education Code 35292.5)

Open restroom means, except as necessary for pupil safety or to make repairs, the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils 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)

~~(cf. 3514—Environmental Safety)~~

~~(cf. 3517—Facilities Inspection)~~

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area 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 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

### **Forms and Notices**

The Superintendent or designee shall ensure 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. (Education Code 35186; 5 CCR 4680)

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; 5 CCR 4680)

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

### **Filing of Complaint**

A complaint alleging any condition(s) specified in section "Types of Complaints" items #1-3 above shall be filed with the principal or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded 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)

~~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 of the Superintendent shall make all reasonable efforts to investigate

any problem within his/her authority. (Education Code 35186; 5 CCR 4685)

The principal or Superintendent's designee 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 a desire to receive that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee. ~~At the same time, the principal or designee shall report the same information to the Superintendent or designee.~~ (Education Code 35186; 5 CCR 4680, 4685)

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 a complaint, the complainant he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in item #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal or 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)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

(cf. 1340 - Access to District Records)

## Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. 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 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. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that the district's complaint form identifies the place for filing the complaint, 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)

State	Description
5 CCR 4600-4670	<a href="#">Uniform complaint procedures</a>
5 CCR 4680-4687	<a href="#">Williams uniform complaint procedures</a>
Ed. Code 1240	<a href="#">County superintendent of schools, duties</a>
Ed. Code 17592.72	<a href="#">Urgent or emergency repairs, School Facility Emergency Repair Account</a>
Ed. Code 234.1	<a href="#">Prohibition of discrimination, harassment, intimidation, and bullying</a>
Ed. Code 33126	<a href="#">School accountability report card</a>
Ed. Code 35186	<a href="#">Complaints concerning deficiencies in instructional materials and facilities</a>
Ed. Code 35292.5-35292.6	<a href="#">Restrooms, maintenance and cleanliness</a>
Ed. Code 48985	<a href="#">Notices in language other than English</a>
Ed. Code 60119	<a href="#">Hearing on sufficiency of instructional materials</a>

Federal	Description
20 USC 6314	<a href="#">Schoolwide programs</a>

Management Resources	Description
Website	<a href="#">AASA The School Superintendents Association</a>

Regulation	MT. DIABLO UNIFIED SCHOOL DISTRICT	
Approved	May 13, 2008	Concord, California
Revised	January 5, 2016	Concord, California
Revised	October 23, 2017	Concord, California
Revised	TBD 2021	Concord, California