

# HOME STREET MIDDLE SCHOOL

**BISHOP UNIFIED SCHOOL DISTRICT**  
**Community Relations**

AR1312.4(a)

## **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)

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 textbooks or instructional materials to use at home after school.
  - c) Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
  - d) (cf. 6161.1 - Selection and Evaluation of Instructional Materials)
  - e) From complaint form a pupil was provided photo copy sheets from only a portion of a textbook or instructional materials to address textbook or instructional materials to address a shortage of textbooks or 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 students in the class. (cf. 112.22 - Staff Teaching Students of Limited English Proficiency)
  - c) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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 4682)

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

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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)

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 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 17592.72)

### **Filing of Complaint**

A complaint alleging any condition(s) specified above shall be filed with the principal or designee at the school in which the complaint arises. The school shall have a complaint form available for such Williams Complaints, however, the complainant need not use the Williams complaint form to file a complaint. [T5CCR 4680] The principal or 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; 5 CCR 4680)

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)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the 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. The response, if requested and report shall be written in English and the primary language in which the

complaint was files. [EC 35186] At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186; 5 CCR 4680)

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

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For any complaint concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 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 (SPI) 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**

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools 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 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. (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

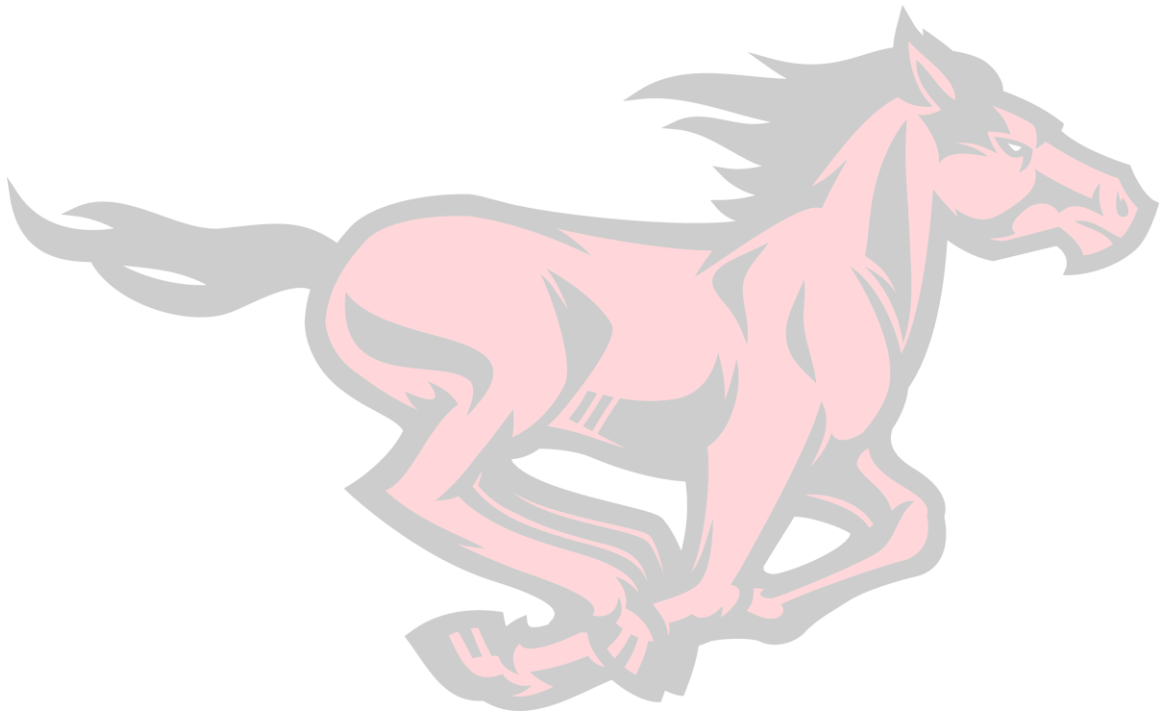
1240 County superintendent of schools, duties

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School Accountability Report Card

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>

Revised (11/04 8/05) 1/06, 03/05, 08/06, 11/07  
Adopted: 4/08



**Williams Uniform Complaint Procedure**

**BISHOP UNIFIED SCHOOL DISTRICT**

**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. A complaint form may be obtained at the school office, district office, or downloaded from the school's Web site at <http://www.bishopschools.org>. 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>.

## **DISTRITO DE LAS ESCUELAS PRIMARIAS DE BISHOP**

### **Padres, Tutores, Estudiantes y Maestros:**

Según el *Código de Educación de California* Sección 35186, usted por la presente es notificado que:

1. Debe de haber suficientes libros de texto y materiales de instrucción. Eso significa que cada alumno, incluyendo a los aprendices de inglés, deben de tener un libro de texto o materiales de instrucción, o los dos, para usar en clase y para llevar a casa.
2. Las instalaciones escolares deben ser limpias, seguras y mantenidas en buen estado.
3. No deben de haber plazas vacantes de maestros, ni asignaciones equivocadas. Debe haber un maestro asignado a cada clase y no una serie de substitutes o maestros temporales. El maestro debe tener las credenciales apropiadas para enseñar la clase, incluyendo la certificación requerida para enseñar a aprendices de inglés si están presentes.

Una plaza vacante es aquel puesto al que, habiendo iniciado el año, aún no se le ha asignado ningún empleado certificado y permanece vacante todo el año; si el puesto fuera para una materia de un solo semestre, y que, habiendo iniciado el semestre, aún no se le ha asignado ningún empleado certificado y permanece vacante todo el semestre.

Las asignaciones equivocadas significan cuando a algún empleado certificado es colocado para educar o prestar servicios en un cargo para el cual el empleado no cuenta lícitamente con la certificación o diploma reconocido; o un empleado certificado es asignado a impartir enseñanza o a un puesto para que preste servicios sin que los estatutos se lo autorice.

4. Una forma de queja puede ser obtenida en la oficina de la escuela, la oficina del distrito, o descargarla del sitio Web de la escuela:  
<http://www.bishopschools.org>. También puede descargar una copia de la forma de queja del Departamento de Educación de California al sitio de Web siguiente: <http://www.cde.ca.gov/re/cp/uc>.

Exhibit 1 Revised (11/04 8/05) 11/05, 03/25, 08/06, 04/08  
Adopted: 04/08

## **Uniform Complaint Procedures Williams Settlement 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: \_\_\_\_\_

Phone Number: (Optional) 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 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.

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:

BUSD District Office  
301 North Fowler Street  
Bishop, CA 93514

