



Huntington Beach Union High School District Board Policies and Administrative Regulations

AR 1312.4
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Community Relations

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)

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 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.
 - 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.

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 33126)

Williams Uniform Complaint Procedures (continued)

Beginning of the year or semester means the first day of 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.

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-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)

- b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Clean or maintained school 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.

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.

Williams Uniform Complaint Procedures (continued)
Filing a 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. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate school district official for resolution. (Education Code 35186 (a)(3), T5CCR 4680). The school shall have a complaint form available for such Williams identified complaints.

Investigation and Response

The principal or designee, as applicable, shall make all reasonable efforts to investigate any problem within his/her authority. The principal, or, where applicable, district superintendent or his or her designee 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) If a response is requested, the report shall be written in English and the primary language in which the complaint was filed. The response, if requested, shall be made to the mailing address of the complainant indicated on the complaint. The complainant need not use the Williams Complaint form to file a complaint.

Williams complaints may be filed anonymously. The Williams Complaint form will include a space to indicate whether a response is requested. The principal, or where applicable, district superintendent or his or her designee, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response. If the principal makes the report, the principal shall also report the same information in the same timeframe to the district superintendent or his or her 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)

A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the governing board. (Education Code 36186) Complainant shall comply with the appeal requirements of Section 4632 (T5CCR 4687).

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students as described in item #3 a 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. (Education Code 35186)

Complaints and written responses shall be public records. (Education Code 35186)

Williams Uniform Compliant Procedures (continued)

Reports

The HBUHSD shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the governing board of the HBUHSD. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of unresolved complaints. The complaints and responses shall be available as public records.

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; CCR 4680)

The Superintendent or designee shall ensure that the Williams 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)

A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent, or his/her designee, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of EC § 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the report. The complainant shall comply with the appeal requirements of 5 CCR § 4632.

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 Alternative uniform complaint procedure
- 60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

- 4600-4671 Uniform complaint procedures

WEB SITES

- CSBA: <http://www.csba.org>
- Calif. Dept. of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

Regulation Approved: 6-24-08
10-17-11
9-13-16

ATTENTION PARENTS, GUARDIANS, PUPILS & TEACHERS

IMPORTANT INFORMATION ABOUT INSTRUCTIONAL MATERIALS, SCHOOL FACILITIES, AND TEACHER VACANCY OR MISASSIGNMENT

State law requires 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.**
- 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.

A complaint form may be obtained at the school office, district office, or downloaded from the district's website at www.hbuhd.edu . 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/>.

Education Code Section 35186(f)

**Huntington Beach Union High 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. This does not apply when temporarily closing of the restroom is necessary for pupil safety or to make repairs.

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:

Assistant Superintendent Education Services
5832 Bolsa Ave.
Huntington Beach, CA 92649
(714) 903-7000 – phone; distgroupedservices@hbuhdsd.edu - email