

**Exhibit 1312.4-E(1): Williams Uniform Complaint Procedures**

Status: DRAFT

Original Adopted Date: Pending

NOTICE TO PARENTS/GUARDIANS, PUPILS, AND TEACHERS:

COMPLAINT RIGHTS

Parents/Guardians, Pupils, and Teachers:

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

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each pupil, including English learners, must have a textbook or instructional material, 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 grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.
5. A complaint form can be obtained at the school office or district office, or downloaded from the school or district web site. You may also download a copy of the California Department of Education complaint form from the following website: <http://www.cde.ca.gov/re/cp/uc>.

Exhibit: SAN JOSE UNIFIED SCHOOL DISTRICT

adopted: October 26, 2006, San Jose, California revised: March 24, 2011

E(2) 1312.4

## WILLIAMS UNIFORM COMPLAINT PROCEDURES

### COMPLAINT FORM: WILLIAMS UNIFORM COMPLAINT PROCEDURES

Education Code 35186 creates 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, teacher vacancy or misassignment, or the lack of opportunity to receive intensive instruction and services to pupils who did not pass one or both parts of the high school exit examination by the end of grade 12. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested?  Yes  No Contact Information:

Name:

Address:

Phone Number: Day: Evening:

E-mail address, if any:

Location of the problem that is the subject of this complaint:

School name/address:

Course title/grade level and teacher name:

Room number/name of room/location of facility:

Date problem was observed:

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please use the appropriate district complaint procedure.

Specific issue(s) of the complaint: (Please check all that apply: A complaint may contain more than one allegation.)

1. Textbooks and instructional materials: (Education Code 35186; 5 CCR 4681) 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.

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. Teacher vacancy or misassignment: (Education Code 35186; 5 CCR 4681)

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 school 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.

A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20% English learners in the class.

A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions: (Education Code 17592.72, 35186, 35292.5; 5 CCR 4683)

A condition exists that poses an emergency or urgent threat to the health or safety of pupils 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 condition deemed appropriate by the district.

A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, or 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 temporary closing of the restroom is necessary for pupil safety or to make repairs.

4. High school exit exam intensive instruction and services: (Education Code 35186)

Pupils who have not passed the high school exit exam by the end of grade 12 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.

Please describe the issue of your complaint in detail. You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health or safety of pupils or staff.

Please file this complaint with the person specified below at the following location:

{principal or title of designee of the Superintendent}

{address}

Please provide a signature below. If you wish to remain anonymous, a signature is not required. However, all complaints, even anonymous ones, should be dated.

{signature} (date)

Exhibit: SAN JOSE UNIFIED SCHOOL DISTRICT

adopted: October 26, 2006, San Jose, California revised: March 24, 2011

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**State References**

5 CCR 4600-4670

5 CCR 4600-4687

5 CCR 4690-4694

Ed. Code 1240

Ed. Code 17592.72

Ed. Code 200-262.4

Ed. Code 234.1

**Description**

[Uniform complaint procedures](#)

[Uniform complaint procedures and Williams complaints](#)

[Health and safety complaints in license-exempt preschool programs](#)

[County superintendent of schools; duties](#)

[Urgent or emergency repairs; School Facility Emergency Repair Account](#)

[Prohibition of discrimination](#)

[Student protections relating to discrimination, harassment, intimidation, and bullying](#)

|                          |   |
|--------------------------|---|
| Ed. Code 33126           | <a href="#">School accountability report card</a>   |
| Ed. Code 35186           | <a href="#">Williams uniform complaint procedures</a>                                     |
| Ed. Code 35292.5-35292.6 | <a href="#">Restrooms; maintenance and cleanliness</a>                                    |
| Ed. Code 48907           | <a href="#">Exercise of free expression; time, place and manner rules and regulations</a> |
| Ed. Code 48950           | <a href="#">Speech and other communication</a>  |
| Ed. Code 48985           | <a href="#">Notices to parents in language other than English</a>                         |
| Ed. Code 51501           | <a href="#">Nondiscriminatory subject matter</a>  |
| Ed. Code 60010           | <a href="#">Instructional materials; definition</a>                                       |
| Ed. Code 60040-60052     | <a href="#">Requirements for instructional materials</a>                                  |
| Ed. Code 60119           | <a href="#">Hearing on sufficiency of instructional materials</a>                         |
| Ed. Code 60150           | <a href="#">Penalty for insufficiency of textbooks and instructional materials</a>        |

**Federal References**

20 USC 6314

**Description**

[Title I schoolwide program](#)

**Management Resources References**

Website  
 Website  
 Website  
 Website  
 Website  
 Website  
 Website

**Description**

[California County Superintendents Educational Services Association](#)  
[CSBA District and County Office of Education Legal Services](#)  
[State Allocation Board, Office of Public School Construction](#)  
[Department of Justice](#)  
[U.S. Department of Education, Office for Civil Rights](#)  
[CSBA](#)  
[California Department of Education](#)

**Cross References**

0410  
 0460  
 1100  
 1100-E PDF(1)  
 1250  
 1250  
 1312.2  
 1312.2  
 1312.2-E PDF(1)  
 1312.3  
 1312.3  
 1340  
 1340  
 3270  
 3270  
 3514  
 3514.2

**Description**

[Nondiscrimination In District Programs And Activities](#)  
[Local Control And Accountability Plan](#)  
[Communication With The Public](#)  
[Communication With The Public](#)  
[Visitors/Outsiders](#)  
[Visitors/Outsiders](#)  
[Complaints Concerning Instructional Materials](#)  
[Complaints Concerning Instructional Materials](#)  
[Complaints Concerning Instructional Materials](#)  
[Uniform Complaint Procedures](#)  
[Uniform Complaint Procedures](#)  
[Access To District Records](#)  
[Access To District Records](#)  
[Sale And Disposal Of Books, Equipment And Supplies](#)  
[Sale And Disposal Of Books, Equipment And Supplies](#)  
[Environmental Safety](#)  
[Integrated Pest Management](#)

|                 |   |
|-----------------|---|
| 3550            | <a href="#">Food Service/Child Nutrition Program</a>                |
| 3550            | <a href="#">Food Service/Child Nutrition Program</a>                |
| 4112.2          | <a href="#">Certification</a>                                       |
| 4112.2          | <a href="#">Certification</a>                                       |
| 4112.22         | <a href="#">Staff Teaching English Learners</a>                     |
| 4113            | <a href="#">Assignment</a>  |
| 4113            | <a href="#">Assignment</a>  |
| 4144            | <a href="#">Complaints</a>  |
| 4144            | <a href="#">Complaints</a>  |
| 4244            | <a href="#">Complaints</a>  |
| 4244            | <a href="#">Complaints</a>  |
| 4344            | <a href="#">Complaints</a>  |
| 5145.3          | <a href="#">Nondiscrimination/Harassment</a>                        |
| 6142.92         | <a href="#">Mathematics Instruction</a>                             |
| 6143            | <a href="#">Courses Of Study</a>                                    |
| 6143            | <a href="#">Courses Of Study</a>                                    |
| 6161.1          | <a href="#">Selection And Evaluation Of Instructional Materials</a> |
| 6161.1          | <a href="#">Selection And Evaluation Of Instructional Materials</a> |
| 6161.1-E PDF(1) | <a href="#">Selection And Evaluation Of Instructional Materials</a> |
| 6161.11         | <a href="#">Supplementary Instructional Materials</a>               |
| 6161.2          | <a href="#">Damaged Or Lost Instructional Materials</a>             |
| 6163.1          | <a href="#">Library Media Centers</a>                               |
| 9000            | <a href="#">Role Of The Board</a>                                   |
| 9200            | <a href="#">Limits Of Board Member Authority</a>                    |
| 9322            | <a href="#">Agenda/Meeting Materials</a>                            |