



**Sky Mountain Charter School
1166 Broadway, Ste. Q
Placerville, CA 95667**

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Note: Education Code 35186 **mandates** districts to establish policies and procedures regarding complaints for deficiencies related to textbooks and instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment. For districts that receive California High School Exit Examination (CAHSEE) intensive intervention funds, AB 347 (Ch. 526, Statutes of 2007) amended Education Code 35186 to authorize the use of this complaint procedure for deficiencies related to the provision of intensive instruction and services to students who have not passed one or both parts of the high school exit examination after the completion of grade 12. For details regarding the provision of this intensive instruction, see BP/AR 6179 - Supplemental Instruction.

Education Code 35186 also requires that the district post notices in each classroom. 5 CCR 4680-4687 further delineate legal requirements for the complaint form and notice. See the accompanying exhibits for a sample notice and complaint form.

It is recommended that districts use this procedure only for those complaints specified in Education Code 35186 and that regular uniform complaint procedures continue to be used, as required, for complaints concerning discrimination in state and federal categorical programs; see BP/AR 1312.3 - Uniform Complaint Procedures. For procedures related to complaints about employees, other than vacancy or misassignment, see BP/AR 1312.1 - Complaints Concerning District Employees. For complaints concerning the district's adoption and selection of specific instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials.

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)

Note: Item #4 below is for use by districts maintaining grades 10-12 that receive CAHSEE intensive intervention funding. As amended by AB 347 (Ch. 526, Statutes of 2007), Education Code 35186 authorizes complaints for deficiencies related to the provision of intensive instruction and services pursuant to Education Code 37254. Education Code 37254 requires that districts, as a condition of receiving CAHSEE intensive intervention funding, provide students who have not passed one or both parts of the exit exam by the end of grade 12 the opportunity to receive intensive instruction and services, as specified below.

1. 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 (continued)

Filing of Complaint

Note: Education Code 35186 requires that complaints be investigated and resolved within the timelines specified below. 5 CCR 4680 requires the principal to forward complaints beyond his/her control to the appropriate district official in a timely manner, but not to exceed 10 working days. During the Categorical Program Monitoring (CPM) process, California Department of Education (CDE) staff will expect to see statements regarding the filing of the complaint, the investigation, timelines, and the complainant's right to appeal to the Board and to appeal facility complaints to the CDE, as detailed in the following section.

Note: The following paragraph is for use by districts maintaining grades 10-12. As amended by AB 347 (Ch. 526, Statutes of 2007), Education Code 35186 requires that the Superintendent designate a district official to receive and investigate complaints regarding deficiencies related to intensive instruction and services for students who have not passed the exit exam after the completion of grade 12.

A complaint alleging any deficiency specified in item #1 above shall be filed with Director. Such complaints may be filed at the district office or at a school site and shall be immediately forwarded to the Director. (Education Code 35186)

Investigation and Response

The Director 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 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. 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)

Note: Education Code 48985 specifies that, when 15 percent or more of the students enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such students be written in English and in the primary language. Education Code 35186 requires that, when Education Code 48985 is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.

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

WILLIAMS UNIFORM COMPLAINT PROCEDURES (continued)

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

Reports

Note: During the CPM process, CDE staff will expect to see a statement that the district is required to report summarized data as specified below.

The Director shall report summarized data on the nature and resolution of all complaints to the Board 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

Note: Education Code 35186 requires that the district's complaint form contain the elements stated in the following paragraph. In addition, Education Code 35186 requires that a notice be posted in each classroom in each school in the district, as specified below. See the accompanying exhibits for a sample form and classroom notice.

The Director 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 Director 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

35186 Williams uniform complaint procedure

35292.5 Restrooms, maintenance and cleanliness

37254 Supplemental instruction based on failure to pass exit exam by end of grade 12

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4600-4687 Uniform complaint procedures, especially:

4680-4687 Williams complaints

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California County Superintendents Educational Services Association: <http://www.ccesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc/index.asp>

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