1000 COMMUNITY RELATIONS

1200 – RELATIONS WITH PUBLIC

TYPES OF COMPLAINTS

The Madera County Board of Education and the Madera County Superintendent of Schools shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred with respect to a program operated by the Madera County Superintendent of Schools:

1. Textbooks and Instructional Materials

    a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state or County Board-adopted textbooks or other required instructional materials to use in class.

    b. A pupil does not have access to instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each pupil.

    c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

    d. 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

    a. A semester begins and a teacher vacancy exists.

    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 section 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 twenty (20) working days after the first day pupils attend classes for that

semester. (5CCR 4600)

b. A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than twenty percent (20%) English learner pupils in the class.

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

d. 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 section 35186)

3. Facilities

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 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 by Madera County Superintendent of Schools. (Education Code section 17592.72)

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

Cleaned or maintained school restrooms 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 section 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. (Education Code section 35292.5)

FILING OF COMPLAINT

A complaint alleging any condition(s) specified in Item Numbers 1-3 above shall be filed with the principal/program director or designee of the school or program where the complaint arises. The principal/program director or designee shall forward a complaint about problems beyond his/her authority to the appropriate assistant county superintendent or designee within ten (10) working days. A complaint may be filed anonymously. The complainant need not use the Williams Complaint form to file a complaint.

INVESTIGATION AND RESPONSE

The principal/program director 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 thirty (30) working days from the date the complaint was received.

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her 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 forty-five (45) working days of the initial filing of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the appropriate assistant county superintendent or designee.

When Education Code section 48985 is applicable and 15 percent or more of the pupils in grades K-12 enrolled in programs operated by the Madera County Superintendent of Schools speak a language other than English, the Williams Complaint Classroom Notice and the Williams Complaint Form shall be written in English and in the primary language of the complainant. The complainant response, if requested, and final report shall be written in English and the primary language in which the complaint was filed.

A complainant who is not satisfied with the resolution of the principal or the county superintendent/designee has the right to describe the complaint to the governing board (or authorized designee) of the Madera County Superintendent of Schools at a regularly scheduled Madera County Board of Education meeting.

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in paragraph (1) of subdivision © of EC Section 17592.72, a complainant who is not satisfied with the resolution offered by the principal/program director or county superintendent or designee has the right to file an appeal to the State Superintendent of Public Instruction at the California Department of Education (CDE) within 15 calendar days of receiving the response of the principal/program director or county superintendent or designee. The complainant shall comply with the appeal requirements of section 4632 of Title 5 of the California Code of Regulations.

The complainant shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law is misapplied.

The appeal shall be accompanied by:

1. A copy of the original locally filed complaint; and
2. A copy of the county superintendent's decision of this original locally filed complaint.

Complaints and written responses shall be public records.

REPORTS

Each principal/program director/designee and each assistant county superintendent shall report summarized data on the nature and resolution of all complaints filed under this policy to the county superintendent 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 of Education meeting. The complaints and responses shall be available as public records.

FORMS AND NOTICES

The Superintendent or designee shall ensure that a Williams complaint form is available at each school or program site. The Superintendent or designee shall ensure that the 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. Complainants are encouraged, but not required, to use the county superintendent's Williams complaint form in order to file a complaint.

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school where the Madera County Superintendent of Schools operates an educational program that contains the components specified in Education Code section 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 Alternative Uniform Complaint Procedure 35292.5 Restrooms, Maintenance and Cleanliness 48985 Notice to Parents in Language Other than English

60119 Hearing on Sufficiency of Instructional Materials

CODE OF REGULATIONS, TITLE 5
4600-4671 Uniform Complaint Procedures
4680-4687 Williams Complaints

Adopted: _____

NOTICE TO PARENTS/GUARDIANS, PUPILS AND TEACHERS: COMPLAINT RIGHTS

Parents/Guardians, Pupils and Teachers:

Education Code section 35186 requires that the following notice be posted in each classroom:

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.

   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.

   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.

4. To file a complaint regarding the above matters relating to an educational program operated by the Madera County Superintendent of Schools, complaint forms can be obtained at the office of the Madera County Superintendent of Schools, or can be downloaded from the Madera County Superintendent of Schools website, www.mcsos.org, or the California Department of Education's website, www.cde.ca.gov.

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, and teacher vacancy or misassignment. 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:_____

Mailing Address:_____

Phone Number: Day:_____ Evening:_____

E-mail address, if any:_____

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

School Name:_____

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

___ A condition exists that poses an urgent or emergency 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; or any other emergency conditions that MCSOS 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 temporary closing of the restroom is necessary for pupil safety or to make repairs.

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

___ 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 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.

___ 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.

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. The complainant need not use the Williams Complaint form to file a complaint. 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.

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Please file this complaint at the following location:

Madera County Superintendent of Schools
1105 S. Madera Ave.
Madera, CA 93637
Attn: Assistant Superintendent, Human Resources

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

Please file this complaint with the principal of the school or his/her designee in which the alleged violation occurred.

A complaint about problems beyond the authority of the principal shall be forwarded within 10 working days to the appropriate MCSOS official for resolution.

AVISO A PADRES/GUARDIANES, ALUMNOS Y MAESTROS: DERECHOS DE QUEJA

Padres/Guardianes, Alumnos y Maestros:

La sección 35186 del Código de Educación requiere que se publique el siguiente aviso en cada salon de clase:

1. Debe haber suficientes libros de texto y materiales de instrucción. Para que haya suficientes libros de texto y materiales de instrucción, cada alumno, incluidos los estudiantes de aprendizaje inglés, debe tener un libro de texto o material de instrucción, o ambos, para usar en clase y para llevar a casa.

2. Las instalaciones escolares deben estar limpias, seguras y mantenidas en buen estado.

3. No debe haber vacancias de maestros o asignaciones equivocadas. Debe haber un maestro asignado a cada clase y no una serie de sustitutos u otros maestros temporales. El maestro debe tener la credencial adecuada para enseñar la clase, incluida la certificación requerida para enseñar a los estudiantes de aprendizaje inglés, si están presentes.

   Asignación equivocada significa la colocación de un empleado certificado en un puesto de enseñanza o de servicios para el que el empleado no posee un certificado o crédito reconocido legalmente o la colocación de un empleado certificado en una posición de enseñanza o servicio que el empleado no está autorizado de otra manera por ley para mantener.

   La vacancia de un maestro significa una posición a la cual un solo empleado certificado designado no ha sido asignado al principio del año por un año entero o, si la posición es para un curso de un semestre, una posición en la cual un solo empleado certificado designado no se ha asignado al comienzo de un semestre por un semestre completo.

4. Para presentar una queja sobre los asuntos mencionados relacionados con un programa educativo operado por el Superintendente de Escuelas del Condado de Madera, los formularios de queja se pueden obtener en la oficina del Superintendente de Escuelas del Condado de Madera, o se pueden bajar del sitio web del Superintendente de Escuelas del Condado de Madera, www.mcsos.org, o el sitio web del Departamento de Educación de California, www.cde.ca.gov.

FORMULARIO DE QUEJAS:
PROCEDIMIENTOS UNIFORMES DE QUEJAS DE WILLIAMS

El Código de Educación 35186 crea un procedimiento para la presentación de quejas pertinentes a las deficiencias relacionadas con los materiales instruccionales, las condiciones de las instalaciones que no se mantienen de manera limpia o segura o en buen estado, y la asignación incorrecta de las vacancias de los maestros. La queja y la respuesta son documentos públicos según lo dispuesto por la ley. Las quejas pueden presentarse de forma anónima. Sin embargo, si desea recibir una respuesta a su queja, debe proporcionar la información de contacto a continuación.

¿Respuesta solicitada? _____ Sí _____ No

Información del Contacto:

Nombre:_____

Dirección de Envio: _____

Número de Teléfono: de Día _____ de Tarde: _____

Dirección de Correo Electrónico, si la hay: _____

Ubicación del problema objeto de esta queja:

Nombre de Escuela: _____

Dirección de Escuela: _____

Título del curso/nivel de grado y nombre del maestro: _____

Número de salon de clase/nombre de la clase/ubicación de la instalación: _____

Fecha en que se observó el problema: _____

Solo los siguientes problemas pueden ser objeto de este proceso de queja. Si desea quejarse de una emisión no especificada a continuación, por favor utilice el procedimiento adecuado de quejas.

Problema(s) específicos de la queja: (Por favor marque todo lo que corresponda. Una queja puede contener más de una alegación).

1. Libros de texto y materiales instructivos: (Código de Educación 35186; 5 CCR 4681

___ Un alumno, incluido de aprendizaje de inglés, no tiene libros de texto o materiales de instrucción alineados con los estándares o libros de texto adoptados por el estado o el distrito u otros materiales de instrucción requeridos para usar en clase.

___ Un alumno no tiene acceso a libros de texto o materiales de instrucción para usar en casa o después de la escuela. Esto no requiere dos juegos de libros de texto o materiales instructivos para cada alumno.

___ Los libros de texto o los materiales instructivos no se encuentran en malas condiciones o son inutilizables, les faltan páginas o no se pueden leer debido a daños.

___ A un alumno se le proporcionaron hojas fotocopiadas de solo una parte de un libro de texto o materiales de instrucción para abordar la falta de libros de texto o materiales de instrucción.

2. Condiciones de la Instalación: (Código de Educación 35186, 35292.5; 5 CCR 4683)

___ Existe una condición que representa una amenaza urgente o de emergencia para la salud o seguridad de los alumnos o el personal, incluidas las fugas de gas; calefacción no funcional, ventilación, rociadores contra incendios o sistemas de aire condicionado; falla de energía eléctrica; parade mayor de la línea de alcantarillado; plaga mayor o infestación de alimañas; ventanas rotas o puertas o portones exteriores que no se cerrarán y que representan un riesgo de seguridad; reducción de materiales peligrosos previamente no descubiertos que representan una amenaza inmediata para los alumnos o el personal; daño estructural creando una condición peligrosa o inhabitable; o cualquier otra condición de emergencia que MCSOS determine apropiada.

___ Un baño de la escuela no se ha mantenido o limpiado regularmente, no está completamente operativo, o no se ha abastecido en todo momento con papel, jabón y toallas de papel o secadores de manos funcionales.

___ La escuela no ha mantenido todos los baños abiertos durante el horario escolar cuando los alumnos no están en clases y no ha mantenido un número suficiente de baños abiertos durante las horas de escuela cuando los alumnos están en clases. Esto no se aplica cuando el cierre temporal del baño es necesario para la seguridad de los alumnos o para hacer reparaciones.

3. Vacante o asignación equivocada de maestros: (Código de educación 35186; 5 CCR 4681)

___ Vacancia de maestros: comienza un semestre y existe una vacante de maestro. Una vacante de maestro es un puesto en el que un solo empleado certificado designado no ha sido asignado al comienzo del año escolar durante un año completo o, si el puesto es para un curso de un semestre, un puesto en el que un único empleado certificado designado no ha sido asignado al comienzo de un semestre durante un semestre completo.

___ Asignación equivocada de maestros: Un maestro que carece de credenciales o capacitación para enseñar a los estudiantes de inglés a que se les asigne una clase con más del 20 por ciento de alumnos de aprendizaje inglés en la clase.

___ Asignación equivocada: Se asigna a un maestro para que enseñe una clase para la cual el maestro carece de competencia en la materia.

Describa el problema de su queja en detalle. Puede adjuntar páginas adicionales e incluir tanto texto como sea necesario para describir completamente la situación. El demandante no necesita usar el formulario de Queja de Williams para presentar una queja. Para quejas relacionadas con las condiciones de las instalaciones, describa la condición de emergencia o urgente de las instalaciones y cómo esa condición representa una amenaza para la salud o la seguridad de los alumnos o el personal.

_____
_____
_____
_____

Por favor presente esta queja en la siguiente ubicación:

Superintendente de Escuelas del Condado de Madera
1105 S. Madera Ave.
Madera, CA 93637
A la atención de: Superintendente Asistente de los Recursos Humanos

Proporcione una firma a continuación. Si desea permanecer anónimo, no se requiere una firma. Sin embargo, todas las quejas, incluso las anónimas, deben tener fecha.

_____ _____
Firma Fecha

Por favor presente esta queja ante el director de la escuela o su designado en el que se produjo la presunta violación.

Una queja sobre problemas más allá de la autoridad del director será enviado dentro de los 10 días hábiles al oficial de MCSOS apropiado para su resolución.