

Types of Complaints

The Modoc County Office of Education shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or County Office-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 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 student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:
 - 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 one or more English learner pupils 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 the semester for an entire semester.

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 for the duration of the class, but not later than 20 working days after the first day pupils 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. (5 CCR 4600)

3. Complaints regarding the condition of school facilities, including any complaint alleging that:
 - 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 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 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 students or staff; structural damage creating a hazardous or uninhabitable condition; or any other condition deemed appropriate.

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

Clean or maintained school restroom means a school restroom has been cleaned or maintained regularly, is fully operational, or has been stocked at all times with toilet paper, soap, or paper towels or functional hand dryers.

Open restroom means 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. This does not apply when the temporary closing of the restroom is necessary a documented for student safety concern, an immediate threat to student safety, or to make repairs the facility.

In any County Office school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

Forms and Notices

The County Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the County Office's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The County Superintendent or designee shall ensure that the County Office's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 8235.5, 35186; 5 CCR 4680)

The County Superintendent or designee shall post in each K-12 classroom in each school a notice containing the components specified in Education Code 35186. In each license-exempt CSPP classroom, a notice containing the components specified in Education Code 8235.5 shall be posted. (Education Code 8235.5, 35186)

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed

with the site administrator/program director or designee, or the preschool administrator or designee as appropriate, at the school in which the complaint arises. A complaint about problems beyond the authority of the principal or preschool administrator shall be forwarded to the County Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously.

Investigation and Response

The site administrator/program director / preschool administrator or a designee of the County Superintendent shall make all reasonable efforts to investigate any problem within their authority.

Investigation of a complaint regarding preschool health or safety issues shall begin within 10 calendar days of receipt of the complaint. (Education Code 8235.5)

The site administrator/program director / preschool administrator shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received. (5 CCR 4685)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the site administrator/program director / preschool administrator or County Superintendent's 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 site administrator/program director or designee shall report the same information to the County Superintendent or designee. (5 CCR 4680, 4685)

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.

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

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a in the section entitled "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the site administrator/program director or County Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the County Office's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (5 CCR 4687)

All complaints and written responses shall be public records. (5 CCR 4686)

Reports

On a quarterly basis, the County Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the County Board. 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. (5 CCR 4686)

Forms and Notices

The County Superintendent or designee shall ensure a Williams complaint form is available at each site/program. However, complainants need not use the County Office's complaint form in order to file a complaint. (5 CCR 4680)

The County Superintendent or designee shall ensure that the County Office'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. (5 CCR 4680)

The County Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186.

Legal Reference:

EDUCATION CODE

34.1 Prohibition of discrimination, harassment, intimidation, and bullying

1240 County superintendent of schools, duties

8235-8239.1 California State Preschool Programs, especially:

8235.5 California State Preschool Program, complaints regarding health and safety issues

17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account

33126 School accountability report card

35186 Williams uniform complaint procedures

35292.5-35292.6 Restrooms, maintenance and cleanliness

48985 Notice to parents in language other than English

60119 Hearing on sufficiency of instructional materials

HEALTH AND SAFETY CODE

1596.792 California Child Day Care Act; general provisions and definitions

1596.7925 California Child Day Care Act; health and safety regulations

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

UNITED STATES CODE, TITLE 20

6314 Title I schoolwide program