

## Chula Vista Elementary School District



# Complaint Declaration Information Package

### BOARD OF EDUCATION

LESLIE RAY BUNKER ♦ ARMANDO FARÍAS ♦ LAURIE K. HUMPHREY  
EDUARDO REYES, Ed.D. ♦ FRANCISCO TAMAYO

### SUPERINTENDENT

FRANCISCO ESCOBEDO, Ed.D.

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#### EQUAL OPPORTUNITY EMPLOYER

The Chula Vista Elementary School District is committed to providing a working and learning environment free from discrimination, harassment, intimidation and bullying. The District prohibits discrimination, harassment, intimidation and bullying based on race, color, ancestry, national origin, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity or expression, genetic information; the perception of one or more of such characteristics, or association with a person or group with one or more of these actual or perceived characteristics in any program, practice or activity it conducts. For inquiries about District policies and procedures related to student-to-student, student-to-staff and staff-to student harassment/discrimination, including how to file a harassment/discrimination complaint contact: Instructional Services and Support Department, Matthew Tessier, Assistant Superintendent/Title IX Coordinator, [Matthew.Tessier@cvesd.org](mailto:Matthew.Tessier@cvesd.org), (619) 425-9600, Extension 1451. For inquiries or complaints related to employee-to-employee, student-to-employee, or work/ employment related discrimination or harassment, contact: Human Resources Service and Support Department, Jeffrey Thiel, Ed.D., Assistant Superintendent/ Title IX Coordinator, [Jeffrey.Thiel@cvesd.org](mailto:Jeffrey.Thiel@cvesd.org), (619) 425-9600, Ext. 1340 both contacts are located at 84 East J Street Chula Vista, CA 91910.

Dear Parent/Community Member:

The Chula Vista Elementary School District Governing Board welcomes constructive criticism of school policies, programs or personnel when it is motivated by a sincere desire to improve the quality of the educational process. Constructive criticism assists schools and departments to become more effective. In accordance with district policy, complaints will be categorized in one of the following four areas:

1. Complaints Concerning District Employees
2. Complaints Concerning Instructional Materials
3. Uniform Complaint Procedures for Programs or Alleged Acts of Discrimination
4. Williams Uniform Complaint Procedures

The attached Board policies provide guidance to complainants as well as the district regarding individual complaints. All complainants will be asked to document the nature of their complaint and file it under a specific complaint policy. Procedures, timelines, and legal guidelines are included in each policy. If any complainant requires assistance, staff will provide needed information, translation, and support to expedite the process.

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Estimados Padres de Familia y Miembros de la Comunidad:

La Mesa Directiva del Distrito Escolar Primario de Chula Vista recibe con gusto la crítica constructiva de los reglamentos escolares, de los programas o del personal cuando está inspirada por un deseo sincero de mejorar la calidad del proceso educativo. La crítica constructiva ayuda a que las escuelas y los departamentos funcionen mejor. De acuerdo con las normas del distrito, las quejas deberán clasificarse en una de las siguientes cuatro áreas.

1. Quejas respecto al personal docente
2. Quejas respecto a materiales didácticos
3. Procedimiento uniforme de quejas sobre programas o supuestos actos de discriminación
4. Procedimiento Uniforme de Quejas Williams

Los reglamentos de la Mesa Directiva (*BP*) que se anexan, proporcionan orientación a los quejosos y al distrito sobre quejas específicas. Se pedirá a todos los quejosos que documenten la naturaleza de su queja y que la presenten bajo una de las categorías mencionadas. En cada reglamento se detallan los procedimientos, las fechas límites y los lineamientos legales. Si algún quejoso necesita ayuda, el personal proporcionará la información, la traducción y el apoyo necesarios para agilizar el proceso.

Community Relations

**COMPLAINTS CONCERNING THE SCHOOLS**

The Governing Board welcomes constructive criticism of school policies, programs, or personnel when it is motivated by a sincere desire to improve the quality of the educational process and to assist the schools in performing their tasks more effectively.

The Board encourages the resolution of complaints as early as effectively possible. All complaints submitted in accordance with the procedures adopted by the Board shall be assured of receiving appropriate review and consideration. If the problem is not resolved at a lower level, it shall be dealt with by the Board.

When individual members are approached with complaints about the schools, they should listen to the complaint and demonstrate their concern by identifying established procedures and channels through which the complaint may receive attention.

- (cf. 1312.1 - Complaints Concerning the School)*
- (cf. 1312.2 - Complaints Concerning Instructional Materials)*
- (cf. 1312.3 - Uniform Complaint Procedure)*
- (cf. 1312.4 - Williams Uniform Complaint Procedures)*

Legal Reference:

EDUCATION CODE

35146 Closed sessions

35160.5 (a)(3) Requirement of school district policies: parental complaints re. employees

GOVERNMENT CODE

950 et seq. Actions against public employees

54957 et seq. Closed sessions

CODE OF REGULATIONS, TITLE 5

3080 Application of section

4600-4671 Uniform Complaint Procedures

Policy

Adopted: 11/13/90

Revised: 04/16/96

Revised: 09/11/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

Community Relations

**COMPLAINTS CONCERNING THE SCHOOLS**

Chula Vista Elementary School District has created five Board policies that cover a range of complaint issues. All provide legal recourse for complainants that wish to pursue concerns about programs, instructional materials, schools, employees, or acts of discrimination.

Generally, the initial step regarding a complaint will be for the complainant to declare the nature of the complaint and select the appropriate complaint policy. This will establish the proper procedures, timelines, and protocol for dealing with a complaint. The Superintendent/designee will provide appropriate assistance to help complainants select one of the appropriate policies listed on the Complaint Declaration Form. Copies of the actual policies will be shared with complainants. This form will be used to verify the nature of the complaint and specify Board policy to be referenced during the investigation. This declaration will be attached to any formal written complaint filed with the District.

Regulation  
Reviewed: 04/16/96  
Reviewed: 08/14/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

Chula Vista Elementary School District  
**COMPLAINT DECLARATION FORM**

**Please select the appropriate complaint procedure:**

- \_\_\_\_\_ 1312.1 - Complaints Concerning District Employees\*\*  
To be used when complaints are filed against District personnel. (Please explain below.)
- \_\_\_\_\_ 1312.2 - Complaints Concerning Instructional Materials  
To be used when parents and community have concerns about instructional materials. (Please complete form 1312.2(A))
- \_\_\_\_\_ 1312.3 - Uniform Complaint Procedure\*\*  
To be used when complaints focus on specific programs; i.e., Special Education, Title 1, etc. or alleged acts of gender bias or discrimination against an individual or specific class of individuals. (Please explain below.)
- \_\_\_\_\_ 1312.4 - *Williams* Uniform Complaint Procedures  
To be used when parents and community have concerns about students not having access to required textbooks or other instructional materials or have concerns about teacher vacancies or misassignments. (Please fill out form 1312.4 E.)

\*\*Nature of the complaint: (Please explain below and/or include attachment.)

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I have received a copy of the selected Board Policy and wish to pursue the complaint(s) as prescribed.

Complainant name	Phone	Email
Address		Date
District Representative's Name	Signature	Date

Exhibit  
Reviewed: 04/16/96  
Reviewed: 09/11/13  
Reviewed: 11/13/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

Community Relations

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

Any person or group having a legitimate interest in the schools of the District shall have the right to present a complaint concerning District personnel. It is the intent of this policy to provide the means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

It is the desire of the Governing Board to rectify any misunderstanding between the public and the District by direct discussions of an informal type among the interested parties. Only when such informal meetings fail to resolve the differences, shall more formal procedures be employed.

It is the belief of the Board that complaints regarding District personnel should be handled in a confidential manner and are not appropriate for public communication to the Board. Any complaints reaching the Board, Board Members, and the administration shall be referred to the Superintendent/ designee. Irate calls regarding personnel are to be referred to the Superintendent/designee.

The Superintendent/designee shall develop regulations which will permit the public to lodge criticism against staff members, assure a complete hearing, and protect the rights of the staff members and the District.

The Board prohibits retaliation against complainants. The District will not investigate anonymous complaints unless it so desires.

When public complaints involve accusations of child abuse, the provisions of this policy and regulation shall be implemented only after the child abuse reporting requirements have been completed.

*(cf. 5141.4 - Child Abuse and Neglect)*

The Board shall annually review policies and regulations regarding complaints against school personnel.

*(cf. CVE/CVCEO - Negotiated Agreements)*

*(cf. 1250 - Visits to the Schools)*

Community Relations

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES (continued)**

Legal Reference:

EDUCATION CODE

33308.1 Guidelines on procedure for filing child abuse complaints

35146 Closed sessions

35160.5(a)(3) Requirement of school district policies: parental complaints re employees

35204 Contract with attorney in private practice

44031 Personnel file contents and inspection

44811 Disruption of public school activities

44932-44949 Resignation, dismissal, and leaves of absence (rights of employee; procedures to follow)

48987 Child abuse guidelines

GOVERNMENT CODE

54957 Closed session; complaints re employees

54957.6 Closed session; salaries or fringe benefits

PENAL CODE

273 Cruelty or unjustifiable punishment of child

11164-11174.3 Child Abuse and Neglect Reporting Act

WELFARE AND INSTITUTIONS CODES

300 Minors subject to jurisdiction of juvenile court

Management Resources:

CDE LEGAL ADVISORIES

0910.93 Guidelines for parents to report suspected child abuse by school district employees or other persons against a pupil at schools site (LO:4-93) (6/92 6/93) 6/94 Arrata changes 10/96

Policy

Adopted: 11/13/90

Revised: 09/11/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

Community Relations

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES**

The Superintendent/designee shall determine whether a complaint should be considered a complaint against the District and/or an individual employee, and whether it should be resolved by the District's process for complaints concerning personnel and/or other District procedures.

(cf. [1312.2](#) - *Public Criticism of Instructional Programs/Materials*)  
(cf. [1312.3](#) - *Uniform Complaint Procedure*)

To promote prompt and fair resolution of complaints, the following procedures shall govern the resolution of complaints against District employees:

1. Every effort should be made to resolve a complaint at the earliest possible stage. Whenever possible, the complainant should communicate directly with the employee in order to resolve concerns.
2. If a complainant is unable or unwilling to resolve the complaint directly with the employee, he/she may submit an oral or written complaint to the employee's immediate supervisor or the principal.
3. All complaints related to District personnel other than administrators shall be submitted in writing to the principal or immediate supervisor. If the complainant is unable to prepare the complaint in writing, administrative staff shall help him/her to do so. Complaints related to a principal or central office administrator shall be initially filed in writing with the Superintendent/designee. Complaints related to the Superintendent shall be initially filed in writing with the Board.
4. When a written complaint is received, the employee shall be notified within five days or in accordance with the applicable collective bargaining agreements.
5. A written complaint shall include:
  - a. The full name of each employee involved.
  - b. A brief but specific summary of the complaint and the facts surrounding it.



Community Relations

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES** (continued)

- c. A specific description of any prior attempt to discuss the complaint with the employee and the failure to resolve the matter.
6. Staff responsible for investigating complaints shall attempt to resolve the complaint to the satisfaction of the parties involved within 30 days.
7. Both the complainant and the employee against whom the complaint was made may appeal a decision by the principal or immediate supervisor to the Superintendent/designee, who shall attempt to resolve the complaint to the satisfaction of the person involved within 30 days. Parties should consider and accept the Superintendent/designee's decision as final. However, the complainant, the employee, or the Superintendent/designee may ask to address the Board regarding the complaint.
8. Before any Board consideration of a complaint, the Superintendent/designee shall submit to the Board a written report concerning the complaint, including but not limited to:
  - a. The full name of each employee involved.
  - b. A brief but specific summary of the complaint and the facts surrounding it, sufficient to inform the Board and the parties as to the precise nature of the complaint and to allow the parties to prepare a response.
  - c. A copy of the signed original complaint.
  - d. A summary of the action taken by the Superintendent/designee, together with his/her specific finding that the problem has not been resolved and the reasons.
9. The Board may uphold the Superintendent's decision without hearing the complaint.
10. All parties to a complaint may be asked to attend a Board meeting in order to clarify the issue and present all available evidence.
11. A closed session may be held to hear the complaint in accordance with law.

(cf. [9321](#) - *Closed Session Purposes and Agendas*)

(cf. [9323](#) - *Meeting Conduct*)

Community Relations

**COMPLAINTS CONCERNING DISTRICT EMPLOYEES** (continued)

12. The decision of the Board shall be final.

Any complaint of child abuse or neglect alleged against a District employee shall be reported to the appropriate local agencies in accordance with law, Board Policy and Administrative Regulation.

(cf. [5141.4](#) - *Child Abuse and Neglect*)

Regulation

Approved: 11/13/90

Reviewed: 03/19/96

Reviewed: 08/14/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

## Community Relations

### **COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

The Governing Board uses a comprehensive process to adopt District instructional materials that is based on selection criteria established by law and Board Policy and includes opportunities for the involvement of parents/guardians and community members. Complaints concerning the content or use of instructional materials, including textbooks, supplementary instructional materials, library materials, or other instructional materials and equipment, shall be properly and fairly considered using established complaint procedures.

(cf. [6161.1](#) - *Selection and Evaluation of Instructional Materials*)

(cf. [6163.1](#) - *Library/Media Centers*)

Parents/guardians are encouraged to discuss any concerns regarding instructional materials with their child's teacher and/or the school principal. If the situation remains unresolved, a complaint may be filed using the process specified in the administrative regulation.

The District shall accept complaints concerning instructional materials only from staff, District residents, or the parents/guardians of children enrolled in District schools.

When deliberating upon challenged materials, the Superintendent and/or review committee shall consider the educational philosophy of the District, the professional opinions of teachers of the subject and of other competent authorities, reviews of the materials by reputable bodies, the teacher's stated objectives in using the materials, community standards, and the objections of the complainant.

Complainants are encouraged to accept the Superintendent's or review committee's decision. However, if the complainant finds that decision unsatisfactory, he/she may appeal the decision to the Board.

(cf. [9322](#) - *Agenda/Meeting Materials*)

The District's decision shall be based on educational suitability of the materials and the criteria established in Board Policy and Administrative Regulation.

(cf. [6144](#) - *Controversial Issues*)

(cf. [9000](#) - *Role of the Board Powers and Responsibilities*)

(cf. [9005](#) - *Professional Governance Standards*)

Community Relations

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS** (continued)

When any challenged instructional material is reviewed by the District, it shall not be subject to further reconsideration for 12 months, unless the Superintendent determines that reconsideration is warranted.

Complaints related to sufficiency of textbooks or instructional materials shall be resolved pursuant to the District's Administrative Regulation 1312.4, Community Relations, *Williams* Uniform Complaint Procedure.

(cf. [1312.1](#) - *Complaints Concerning School Personnel*)

(cf. [1312.3](#) - *Uniform Complaint Procedures*)

(cf. [1312.4](#) - *Williams Uniform Complaint Procedures*)

Legal Reference:

EDUCATION CODE

[18111](#) Exclusion of books by governing board

[35010](#) Control of district; prescription and enforcement of rules

[35186](#) Williams Uniform Complaint Procedures

[44805](#) Enforcement of course of studies; use of textbooks, rules and regulations

[51501](#) Subject matter reflecting on race, color, etc.

[60000-60005](#) Instructional materials, legislative intent

[60040-60048](#) Instructional requirements and materials

[60119](#) Public hearing on sufficiency of materials

[60200-60206](#) Elementary school materials

[60226](#) Requirements for publishers and manufacturers

[60400-60411](#) High school textbooks

[60510-60511](#) Donation or sale of obsolete instructional materials

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PROGRAM ADVISORIES

1002.90 Selection of Instructional Materials, CIL: 90/91-02

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Standards for Evaluation of Instructional Materials with Respect to Social Content, 1986 edition, revised 2001

WEB SITES

CSBA: [www.csba.org](http://www.csba.org)

California Department of Education, Curriculum and Instruction: [www.cde.ca.gov/ci](http://www.cde.ca.gov/ci) (9/88 12/90)  
3/06

Regulation

Approved: 02/19/91

Reviewed: 04/16/96

Reviewed: 09/11/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

Community Relations

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS**

Step 1: Informal Complaint

If a staff member, District resident, or parent/guardian of a student enrolled in a District school has a complaint regarding the content or use of any specific instructional material, he/she may informally discuss the material in question with the principal.

Step 2: Formal Complaint

If the complainant is not satisfied with the principal's initial response, he/she shall present a written complaint using Exhibit (A) 1312.2, Form A to the principal. Complaints regarding printed material shall name the author, title, and publisher and shall identify the objection by page and item numbers. In the case of nonprinted material, written information specifying the precise nature of the objection shall be given. Complainants shall sign all complaints and provide identifying information so that the District is able to make a proper reply. Anonymous complaints will not be accepted.

Upon receiving a complaint, the principal shall acknowledge its receipt and answer any questions regarding procedure. The principal then shall notify the Superintendent/designee and the teacher(s) involved regarding the complaint. The Superintendent/designee will determine whether the complaint should be considered on an individual basis or whether a review committee should be convened.

The use of challenged materials by class, school, or District shall not be restricted until final disposition has been made by the appropriate review committee. However, upon request of the parent/guardian who has filed the complaint, his/her child may be excused from using challenged materials until a resolution has been reached. The teacher shall assign the student an alternate material of equal merit.

Step 3: Superintendent Determination

If the Superintendent/designee determines that a review committee is not necessary, he/she shall issue a decision regarding the complaint.

Community Relations

**COMPLAINTS CONCERNING INSTRUCTIONAL MATERIALS** (continued)

Step 4: Review Committee

If the Superintendent/designee determines that a review committee is necessary, he/she shall appoint a committee composed of administrators and staff members selected from relevant instructional and administrative areas. The Superintendent/designee may also appoint community members to serve on the committee.

The review committee shall review the criteria specified in Board Policy and shall determine the extent to which the challenged material supports the curriculum, the educational appropriateness of the material, and its suitability for the age level of the student.

Within 30 days of being convened, the review committee shall summarize its findings and decision in a written report. The Superintendent/designee shall notify the complainant of the committee's decision within 15 days of receiving the committee's report and decision.

Step 5: Appeal to the Governing Board

If the complainant remains unsatisfied, he/she may appeal the Superintendent's or the review committee's decision to the Board. The Board's decision shall be final.

(*cf.* [9322](#) - *Agenda/Meeting Materials*)

Regulation

Reviewed: 02/19/91

Reviewed: 08/10/93

Reviewed: 04/16/96

Reviewed: 08/14/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

**FORM A**

**REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIAL**

This form is for use only by District employees, District residents, or parents/guardians of children enrolled in District schools to challenge the content or use of an instruction material. For complaints regarding sufficiency of instructional materials, please use the *Williams* Uniform Complaint Procedure complaint form.

Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ Zip \_\_\_\_\_

School \_\_\_\_\_

Date you reviewed material in its entirety \_\_\_\_\_

I have met with the principal and appropriate staff regarding my concerns prior to submitting this form YES \_\_\_\_\_ DATE \_\_\_\_\_ NO \_\_\_\_\_

Name/Title of Material challenged \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Author \_\_\_\_\_

The following questions are to be answered after you have read, viewed, listened to, or observed the material in its entirety. If sufficient space is not provided, attach additional sheets. (Please sign your name to each additional attachment.)

To what in the material do you specifically object? (Please cite pages, etc.)

\_\_\_\_\_  
\_\_\_\_\_

What do you believe is the purpose or theme of this material?

\_\_\_\_\_  
\_\_\_\_\_

**REQUEST FOR RECONSIDERATION OF INSTRUCTIONAL MATERIAL**

Why do you believe the material is inappropriate?

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1. What do you believe might result from the continued use of this material?

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5. Are there any conditions under which you believe this material might be used with value to the instructional program? If so, when?

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6. What suggestions would you offer regarding this material?

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Date \_\_\_\_\_ Signed \_\_\_\_\_

Exhibit

Approved: 02/19/91

Revised: 08/10/93

Revised: 04/16/96

Revised: 09/11/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California



**FORM B**

**CHECKLIST FOR REVIEW COMMITTEE'S RECONSIDERATION OF  
INSTRUCTIONAL MATERIAL**

Title of Material \_\_\_\_\_

Author \_\_\_\_\_

**I. PURPOSE**

1. Purpose of this material:

\_\_\_\_\_  
\_\_\_\_\_

Is the purpose accomplished?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Background and reputation of the author/producer of this material:

\_\_\_\_\_  
\_\_\_\_\_

Is information well documented and up-to-date?

Yes \_\_\_\_\_ No \_\_\_\_\_

**II. APPROPRIATENESS**

3. Does the material promote the educational goals of the curriculum?

Yes \_\_\_\_\_ No \_\_\_\_\_

4. Is the material appropriate to the level of instruction intended?

Yes \_\_\_\_\_ No \_\_\_\_\_

**CHECKLIST FOR REVIEW COMMITTEE'S RECONSIDERATION OF INSTRUCTIONAL MATERIAL** (continued)

III. CONTENT

5. Is the content of this material well presented by providing adequate scope, range, depth, and continuity?

Yes \_\_\_\_\_ No \_\_\_\_\_

6. Does this material present information not otherwise available?

Yes \_\_\_\_\_ No \_\_\_\_\_

IV. REVIEWS (If applicable)

V. ANALYSIS REGARDING COMPLAINANT'S CONCERNS

VI. ADDITIONAL COMMENTS

VII. RECOMMENDATION OF REVIEW COMMITTEE REGARDING CHALLENGED MATERIAL

SIGNATURES

DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Exhibit

Approved: 02/19/91

Revised: 08/10/93

Revised: 04/16/96

Revised: 09/11/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

Community Relations

**UNIFORM COMPLAINT PROCEDURES**

The Governing Board recognizes that the District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs. The District shall investigate and seek to resolve any complaints alleging failure to comply with such laws and/or alleging unlawful discrimination, harassment, intimidation, or bullying in accordance with the uniform complaint procedures.

The District shall use the uniform complaint procedures to resolve any complaint alleging unlawful discrimination, harassment, intimidation, or bullying in District programs and activities based on actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital or parental status, mental or physical disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 and 220, Penal Code 422.55 and Government Code 11135, or based on association with a person or group with one or more of these actual or perceived characteristics.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. [4030](#) - Nondiscrimination in Employment)*  
*(cf. [5131.2](#) - Bullying)*  
*(cf. [5145.3](#) - Nondiscrimination)(EEO, Title IX)*  
*(cf. [5145.7](#) - Student Harassment)*

Uniform complaint procedures shall also be used to address any complaint alleging the District's failure to comply with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, the requirements for the development and adoption of a school safety plan, and state and/or federal laws in adult education programs, consolidated categorical aid programs, migrant education, career technical and technical education and training programs, child-care and development programs, child nutrition programs, and special education programs.

*(cf. [0450](#) - Comprehensive Safety Plan)*  
*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. [3320](#) - Claims and Actions Against the District)*  
*(cf. 3553 - Free and Reduced Price Meals)*  
*(cf. 5141.4 - Child Abuse and Neglect)*  
*(cf. 5148 - Child Care)*  
*(cf. 6159 - Individualized Education Program)*

Community Relations

**UNIFORM COMPLAINT PROCEDURES** (continued)

*(cf. 6171 - Title I Programs)*

*(cf. 6174 - Education for English Language Learners)*

Complaints related to insufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments shall be investigated pursuant to the District's *Williams Uniform Complaint Procedures*.

*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

The Board encourages the early, informal resolution of complaints at the site level whenever possible.

The Superintendent/designee shall ensure that employees designated to receive and investigate complaints are knowledgeable about the laws and programs for which they are responsible. Such employees may have access to legal counsel as determined by the Superintendent/designee.

Complaints concerning Special Education programs shall be addressed in accordance with the regulations and procedures developed jointly with the Special Education Local Plan Area.

The Board prohibits retaliation in any form for the filing of a complaint, the reporting of instances of discrimination, and/or for participation in complaint procedures. Such participation shall not in any way affect the status, grades, or work assignments of the complainant.

The Board acknowledges and respects student and employee rights to privacy. Discrimination complaints shall be investigated in a manner that protects the confidentiality of the parties and the facts. This includes keeping the identity of the complainant confidential, as permitted by law and/or any other applicable authority, except to the extent necessary to carry out the investigation or proceedings, as determined by the Superintendent/designee on a case-by-case basis.

*(cf. 4119.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 5125 - Student Records; Confidentiality)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

Community Relations

**UNIFORM COMPLAINT PROCEDURES** (continued)

The Board recognizes that a neutral mediator can often suggest an early compromise that is agreeable to all parties in a dispute. Whenever all parties to a complaint voluntarily agree to try resolving their problem through mediation, the Superintendent/designee may initiate a mediation process before beginning a formal compliance investigation. The Superintendent/designee shall ensure that mediation results are consistent with state and federal laws and regulations.

Legal Reference:

EDUCATION CODE

200-262.4 Prohibition of discrimination  
8200-8498 Child-care and development programs  
[8500-8538](#) Adult basic education  
18100-18203 School libraries  
32289 School safety plan, uniform complaint procedures  
35186 *Williams* uniform complaint procedures  
41500-41513 Categorical education block grants  
48985 Notices in language other than English  
[49010-49013](#) Student fees  
49060-49079 Student records  
49490-49590 Child nutrition programs  
52160-52178 Bilingual education programs  
[52300-52490](#) Career technical education  
[52500-52616.24](#) Adult schools  
52800-52870 School-based coordinated programs  
54000-54028 Economic impact aid programs  
54100-54145 Miller-Unruh Basic Reading Act  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
56000-56865 Special Education programs  
59000-59300 Special schools and centers  
64000-64001 Consolidated application process

GOVERNMENT CODE

[11135](#) Nondiscrimination in programs or activities funded by state  
[12900-12996](#) Fair Employment and Housing Act

CODE OF REGULATIONS, TITLE 5

3080 Application of section  
4600-4687 Uniform complaint procedures  
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance

PENAL CODE

[422.55](#) Hate crime; definition  
422.6 Interference with constitutional right or privilege

UNITED STATES CODE, TITLE 20

6301-6577 Title I basic programs  
6601-6777 Title II preparing and recruiting high-quality teachers and principals

Community Relations

**UNIFORM COMPLAINT PROCEDURES** (continued)

6801-6871 Title III language instruction for limited-English proficient and immigrant students  
7101-7184 Safe and Drug-Free Schools and Communities Act  
7201-7283(g) Title V promoting informed parental choice and innovative programs  
7301-7372 Title V rural and low-income school programs

Management Resources:

**WEB SITES**

CSBA: [www.csba.org](http://www.csba.org)

CDE: [www.cde.ca.gov](http://www.cde.ca.gov)

U.S. Department of Education, Office for Civil Rights: [www.ed.gov/about/offices/list/ocr](http://www.ed.gov/about/offices/list/ocr)

Policy

Revised: 04/16/96

Revised: 01/18/11

Revised: 09/11/13

**CHULA VISTA ELEMENTARY SCHOOL DISTRICT**  
Chula Vista, California

Community Relations

**UNIFORM COMPLAINT PROCEDURES**

Except as the Governing Board may otherwise specifically provide in other Board Policies, the Uniform Complaint Procedure shall be used only to investigate and resolve complaints alleging violations of federal or state laws or regulations governing specific educational programs, the prohibition against requiring students to pay fees, deposits, or other charges for participating in educational activities, and unlawful discrimination, harassment, intimidation, or bullying, as specified in accompanying Board Policy.

*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 1312.2 - Complaints Concerning Instructional Materials)*  
*(cf. 1312.4 - Williams Uniform Complaint Procedures)*

The District's Uniform Complaint Procedures Policy and Administrative Regulation shall be posted in all District schools and offices, including staff lounges and student government meeting rooms. If 15 percent or more of students enrolled in a particular District school speak a single primary language other than English, the District's Policy, Regulation, forms, and notices concerning uniform complaint procedures shall be translated into that language. (Education Code 234.1, 48985)

Compliance Officers

The following compliance officer shall receive and investigate complaints and shall ensure District compliance with the law:

Name and Title: Assistant Superintendent, Instructional Services and Support  
Chula Vista Elementary School District  
84 East "J" Street  
Chula Vista, CA 91910  
(619) 425-9600

Notifications

The Superintendent/designee shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs for which they are responsible. Designated employees may have access to legal counsel as determined by the Superintendent/designee.

The Superintendent/designee shall annually provide written notification of the District's Uniform Complaint Procedure to students, employees, parents/guardians, the District Advisory Committee, school advisory committees, appropriate private school officials or

Community Relations

**UNIFORM COMPLAINT PROCEDURES** (continued)

representatives, and other interested parties. (Education Code 262.3, 49013; 5 CCR 4622)

*(cf. 0420 - School Plans/Site Councils)*  
*(cf. 1220 - Citizen Advisory Committees)*

The notice shall:

1. Identify the person(s), position(s), or unit(s) responsible for receiving complaints.
2. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
3. Advise the complainant of the appeal process, including, if applicable, the complainant's right to take a complaint directly to the California Department of Education (CDE) or to pursue remedies before civil courts or other public agencies.
4. Include statements that:
  - a. The District has the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing educational programs.
  - b. The complaint review shall be completed within 60 calendar days from the date of receipt of the complaint unless the complainant agrees in writing to an extension of the timeline.
  - c. A complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed not later than six months from the date it occurred, or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying.
  - d. The complainant has a right to appeal the District's decision to the CDE by filing a written appeal within 15 calendar days of receiving the District's decision.
  - e. The appeal to the CDE must include a copy of the complaint filed with the District and a copy of the District's decision.
  - f. Copies of the District's Uniform Complaint Procedure are available free of charge.



Community Relations

**UNIFORM COMPLAINT PROCEDURES** (continued)

Procedures

All complaints shall be investigated and resolved within 60 calendar days of the District's receipt of the complaint. (5 CCR 4631)

Investigations of discrimination complaints shall be conducted in a manner such that the complainants are protected from retaliation and that the identity of a complainant alleging discrimination, harassment, intimidation or bullying will remain confidential as appropriate. (5 CCR 4621).

Compliance officers shall maintain a record of each complaint and subsequent related actions, including all information required for compliance with 5 CCR 4631 and 4633.

All parties involved in allegations shall be notified when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

Step 1: Filing of Complaint

Any individual, public agency, or organization may file a written complaint of the District's alleged noncompliance with federal or state laws or regulations governing educational programs. (5 CCR 4630)

If a complainant is unable to put a complaint in writing due to conditions such as illiteracy or other handicaps, District staff shall help him/her to file the complaint (Title 5, Section 4600).

The complaint shall be presented to the Superintendent/designee, who will then give it to the appropriate compliance officer. The Superintendent/designee will maintain a log of complaints received, providing each with a code number and a date stamp.

A complaint concerning unlawful discrimination, harassment, intimidation, or bullying may be filed only by a person who alleges that he/she personally suffered unlawful discrimination, harassment, intimidation, or bullying or by a person who believes that an individual or any specific class of individuals has been subjected to it. The complaint shall be initiated no later than six months from the date when the alleged discrimination, harassment, intimidation, or

Community Relations

**UNIFORM COMPLAINT PROCEDURES** (continued)

bullying occurred, or six months from the date when the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation, or bullying. However, upon written request by the complainant, the Superintendent/designee may extend the filing period for up to 90 calendar days. (5 CCR 4630) (Title 5, Section 4630).

A complaint alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, and charges may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance. (Education Code 49013)

The complaint shall be presented to the compliance officer who shall maintain a log of complaints received, providing each with a code number and a date stamp.

If a complainant is unable to put a complaint in writing due to conditions such as a disability or illiteracy, District staff shall assist him/her in the filing of the complaint. (5 CCR 4600)

Step 2: Mediation

Within five days of receiving the complaint, the compliance officer shall informally discuss with the complainant the possibility of using mediation. If all parties agree to mediation, the compliance officer shall make all arrangements for this process.

Before initiating the mediation of a complaint alleging discrimination, harassment, intimidation, or bullying, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If the mediation process does not resolve the problem within the parameters of law, the compliance officer shall proceed with his/her investigation of the complaint.

The use of mediation shall not extend the District's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time. (5 CCR 4631)

Step 3: Investigation of Complaint

Within 10 calendar days of receiving the complaint, the compliance officer shall

Community Relations

**UNIFORM COMPLAINT PROCEDURES** (continued)

provide an opportunity for the complainant and/or his/her representative to present the complaint and any evidence, or information leading to evidence, to support the allegations in the complaint. The compliance officer also shall collect all documents and interview all witnesses with information pertinent to the complaint.

A complainant's refusal to provide the District's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. (5 CCR 4631)

In accordance with law, the District shall provide the investigator with access to records and other information related to the allegation in the complaint and shall not in any way obstruct the investigation. Failure or refusal of the District to cooperate in the investigation may result in a finding based on evidence collected that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631)

Step 4: Response

Within 30 calendar days of receiving the complaint, the compliance officer shall prepare and send to the complainant, a written report of the District's investigation and decision, as described in Step 5 below. If the complainant is dissatisfied with the compliance officer's decision, he/she may, within five business days, file his/her complaint in writing with the Board.

The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the compliance officer's decision shall be final.

If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the District's initial receipt of the complaint or within the time period that has been specified in a written agreement with the complainant. (5 CCR 4631)

Community Relations

**UNIFORM COMPLAINT PROCEDURES** (continued)

Step 5: Final Written Decision

The District's decision shall be in writing and sent to the complainant. (5 CCR 4631)

The report of the District's decision shall be written in English and in the language of the complainant whenever feasible or required by law. If it is not feasible to write this report in the complainant's primary language, the District will arrange a meeting at which a community member will interpret it for the complainant.

For all complaints, the decision shall include: (5 CCR 4631)

1. The findings of fact based on the evidence gathered.
2. The conclusion(s) of law.
3. Disposition of the complaint.
4. Rationale for such disposition.
5. Corrective actions, if any are warranted.
6. Notice of the complainant's right to appeal the District's decision within 15 calendar days to the CDE and procedures to be followed for initiating such an appeal.

In addition, any decision concerning a discrimination, harassment, intimidation, or bullying complaint based on state law shall include a notice that the complainant must wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. (Education Code 262.3)

If investigation of a complaint results in discipline to a student or an employee, the decision shall simply state that effective action was taken and that the student or employee was informed of District expectations. The report shall not give any further information as to the nature of the disciplinary action.

Community Relations

**UNIFORM COMPLAINT PROCEDURES** (continued)

If a complaint alleging noncompliance with the laws regarding student fees, deposits, and other charges is found to have merit, the District shall provide a remedy to all affected students and parents/guardians which, where applicable, shall include reasonable efforts to ensure full reimbursement to them. (Education Code 49013)

Appeal to the Governing Board

If a complainant is dissatisfied with the administrative designee's decision he/she may, within five days, file his/her complaint in writing with the Governing Board. The Board may consider the matter at its next regular Board meeting or at a special Board meeting convened in order to meet the 60-day time limit within which the complaint must be answered. The Board may decide not to hear the complaint, in which case the decision of the compliance officer shall be the District's final written decision. If the Board hears the complaint, the compliance officer shall send the Board's decision to the complainant within 60 calendar days of the District's initially receiving the complaint or within an extended time period that has been specified in a written agreement with the complainant.

Appeals to the CDE

If dissatisfied with the District's decision, the complainant may appeal in writing to the CDE. (Education Code 49013; 5 CCR 4632)

The complainant shall file his/her appeal within 15 calendar days of receiving the District's decision and the appeal shall specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of the District's decision. (5 CCR 4632)

Upon notification by the CDE that the complainant has appealed the District's decision, the Superintendent/designee shall forward the following documents to the CDE: (5 CCR 4633)

1. A copy of the original complaint.
2. A copy of the decision.
3. A summary of the nature and extent of the investigation conducted by the District, if not covered by the decision.

Community Relations

**UNIFORM COMPLAINT PROCEDURES** (continued)

4. A copy of the investigation file including, but not limited to, all notes, interviews, and documents submitted by the parties and gathered by the investigator.
5. A report of any action taken to resolve the complaint.
6. A copy of the District's Uniform Complaint Procedure.
7. Other relevant information requested by the CDE.

The CDE may directly intervene in a complaint without waiting for action by the District when one of the conditions listed in 5 CCR 4650 exists, including when the District has not taken action within 60 calendar days of the date the complaint was filed with the District. (5 CCR 4650)

Civil Law Remedies

A complainant may pursue available civil law remedies outside of the District's complaint procedures. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

For complaints alleging discrimination, harassment, intimidation, and bullying based on state law, a complainant shall wait until 60 calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies, provided the District has appropriately and in a timely manner apprised the complainant of his/her right to file a complaint in accordance with 5 CCR 4622. The moratorium does not apply to injunctive relief and to discrimination complaints based on federal law. (Education Code 262.3)(1/06 3/12 1/13)

Regulation

Reviewed: 10/20/92

Reviewed: 04/16/96

Reviewed: 12/11/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT  
Chula Vista, California

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; 5 CCR 4681, 4682, 4683)

1. Textbooks and instructional materials

- a. 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.
- b. A pupil does not have access to textbooks or instructional materials to use at home or after school.
- c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.

*(cf. 6161.1 - Selection and Evaluation of Instructional Materials)*

2. Teacher vacancy or misassignment

- 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 than 20 percent 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. (Education Code 33126; 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

Community Relations

**WILLIAMS UNIFORM COMPLAINT PROCEDURES** (continued)

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. (Education Code 35186; 5 CCR 4600)

(*cf.* 4112.2 - Certification)

(*cf.* 4113 - Assignment)

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 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; 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 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, and paper towels or functional hand dryers. (Education Code 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



Community Relations

**WILLIAMS UNIFORM COMPLAINT PROCEDURES** (continued)

kept a sufficient number of restrooms open during school hours when pupils are in classes. (Education Code 35292.5)

4. High school exit examination intensive instruction and services

A pupil, 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 pupil has passed both parts of the exam, whichever comes first. (Education Code 35186)

*(cf. 6179 - Supplemental Instruction)*

Filing of Complaint

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal/designee at the school in which the complaint arises. The principal/designee shall forward a complaint about problems beyond his/her authority to the Superintendent/designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680)

A complaint alleging any deficiency specified in item #4 above shall be filed with a District official designated by the Superintendent. Such complaints may be filed at the District office or at a school site and shall be immediately forwarded to the Superintendent/designee. (Education Code 35186)

Investigation and Response

The principal/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 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/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,

Community Relations

**WILLIAMS UNIFORM COMPLAINT PROCEDURES** (continued)

the principal/designee shall report the same information to the Superintendent/designee. (Education Code 35186; 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. (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)

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of pupils or staff as described in previous item #3a, a complainant who is not satisfied with the resolution offered by the principal or Superintendent/designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the District's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code 35186; 5 CCR 4687)

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

*(cf. 1340 - Access to District Records)*

Reports

The Superintendent/designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools 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

The Superintendent/designee 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.

Community Relations

**WILLIAMS UNIFORM COMPLAINT PROCEDURES** (continued)

However, complainants need not use the District's *Williams* complaint form in order to file a complaint. (Education Code 35186)

The Superintendent/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

- 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: [www.csba.org](http://www.csba.org)
- California County Superintendents Educational Services Association: [www.ccesa.org](http://www.ccesa.org)
- California Department of Education, *Williams* case: [www.cde.ca.gov/eo/ce/wc/index.asp](http://www.cde.ca.gov/eo/ce/wc/index.asp)
- State Allocation Board, Office of Public School Construction: [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov)

Policy

Adopted: 12/14/10

Reviewed: 08/14/13

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

Chula Vista, California

**Chula Vista Elementary School District Uniform Complaint Procedures**  
**Williams Settlement Form**  
**For Education Code Section 35186 Complaints**

Education Code 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: \_\_\_\_\_

Phone Number: (Optional) Day: \_\_\_\_\_ Evening: \_\_\_\_\_

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, instructional materials, 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, ventilating, 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 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 District determines appropriate.
- A school restroom has not been maintained or cleaned regularly, is not fully operational, and has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.

Chula Vista Elementary School District Uniform Complaint Procedures  
*Williams Settlement Form (continued)*

- 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.

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 form at your child's school or at the District's Operations and Instruction Services and Support Office located at 84 East "J" Street, Chula Vista, CA 91910.

Exhibit

CHULA VISTA ELEMENTARY SCHOOL DISTRICT

Approved: 01/18/11

Chula Vista, California

# COMPLAINT DECLARATION FORM

Nature of the complaint:

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Please select the appropriate complaint procedure:

- \_\_\_\_\_ 1312.1 Complaints Concerning School Personnel  
To be used when complaints are filed against District personnel.
- \_\_\_\_\_ 1312.2 Complaints Concerning Instructional Materials  
To be used when parents and community have concerns about instructional materials.
- \_\_\_\_\_ 1312.3 Uniform Complaint Procedure  
To be used when complaints focus on specific programs; i.e., Special Education, Title I, etc. or alleged acts of gender bias or discrimination against an individual or specific class of individuals.
- \_\_\_\_\_ 1312.4 Williams Uniform Complaint Procedures  
To be used when parents and community have concerns about students not having access to required textbooks or other instructional materials or have concerns about teacher vacancies or misassignments.

I have received a copy of the selected Board policy and wish to pursue complaints as prescribed.

Complainant	Date
Address	Phone # email
Superintendent or Designee	Date

