



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Williams/Valenzuela Complaint Procedures
NUMBER: BUL-4759.0
ISSUER: Roberta Fesler, General Counsel
Office of General Counsel
DATE: July 1, 2009

ROUTING
All Employees
All Schools
Local District Superintendents
Local District Directors
School Site Administrators

PURPOSE: This Bulletin establishes the District’s policy to respond to complaints regarding the Williams/Valenzuela Uniform Complaint Process.

MAJOR CHANGES: This replaces bulletin No. BUL-2362.8 on the same subject issued by the Office of the Chief Operating Officer, dated September 12, 2008. The responsibility for District implementation of the Williams/Valenzuela Complaint Procedures is being transferred to the Educational Equity Compliance Office in the Office of General Counsel effective July 1, 2009.

GUIDELINES: The following guidelines apply.

I. BACKGROUND

The *Eliezer Williams, et al., vs. State of California, et al.* (Williams) case was filed as a class action in 2000 in San Francisco County Superior Court. The plaintiffs included nearly 100 San Francisco County pupils, who filed suit against the State of California and state education agencies, including the California Department of Education (CDE). The basis of the lawsuit was that the agencies failed to provide public school pupils with equal access to instructional materials, safe and decent school facilities, and qualified teachers.

After four years of intense litigation, the parties in the case reached a Settlement Agreement on August 13, 2004. Governor Arnold Schwarzenegger signed laws implementing the legislative proposals set forth in the parties’ Settlement Agreement on September 29, 2004.

The *Valenzuela vs. O’Connell et al.*, lawsuit filed in February 2006 challenging the California High School Exit Examination (CAHSEE) was settled in July 2007. On October 12, 2007, the Governor signed AB 347, which expands the services available to pupils for up to two consecutive years after completion of grade twelve (currently pupils in the Classes of 2006 and 2007) who have not yet passed the CAHSEE under the Intensive Service and Instruction and the Middle and High School Counseling Programs. The bill also makes other changes to Education Code sections 1240, 35186, 37254, 52378 and 52380 to implement the settlement. The text of AB 347 can be found at <http://www.leginfo.ca.gov/>.



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II. WILLIAMS/VALENZUELA LEGISLATION REQUIREMENTS

- A. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have textbooks or instructional materials, or both, to use in class and to take home or use after class.
- B. School facilities must be clean, safe, and maintained in good repair.
- C. There should be no teacher vacancies.
 - 1. 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.
 - 2. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers.
- D. There should be no teacher misassignments.
 - 1. 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.
 - 2. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.
- E. Pupils, including English learners, who have not passed one or both parts of the high school exit examination (CAHSEE) by the end of the 12th grade, are to be provided the opportunities to receive intensive instruction and services for up to two consecutive academic years after the completion of Grade 12.

III. NOTICE POSTING REQUIREMENT

- A. “Notice to Parents, Guardians, Pupils, Teachers and Other Stakeholders – Important Information About Your Complaint Rights – Williams/Valenzuela Legislation” (Attachment A) must be posted in each classroom visible to staff, pupils, parents and other stakeholders.



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- B. “Williams/Valenzuela Complaint Procedures Form for Education Code Section 35186” in English and Spanish (Attachments B and C) can be obtained in the school’s main office, through the LAUSD website www.lausd.net, by calling (213) 241-7682 or California Department of Education website: <http://www.cde.ca.gov/re/cp/uc/>.

IV. COMPLAINT PROCEDURES

A. Complaint Filing

1. Complaints may be filed anonymously and the complainant need not use the “Williams/Valenzuela Uniform Complaint Procedures Form” to file a complaint.
2. Completed complaint forms may be submitted to school sites (main office, principal, etc.), local district offices and/or district offices. In those instances, the site administrator is requested to promptly forward a copy of the written complaint/form to the Educational Equity Compliance via fax at (213) 241-3312 or through school mail to Educational Equity Compliance Office, Beaudry – 20th Floor.
3. Complainants may also submit a written complaint or completed Williams/Valenzuela Uniform Complaint Procedures Form by mail, fax, or Email as follows:

Los Angeles Unified School District
Educational Equity Compliance Office
333 S. Beaudry Ave. – 20th Floor
Los Angeles, CA 90017
Telephone: (213) 241-7682

Fax: (213) 241-3312

Email: williams-valenzuela@lausd.net

4. To receive a response, the complainant’s contact information must be completed and a check-off mark must be indicated on the form. If Section 48985 of the Education Code is applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed.



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B. Complaint Response

1. Schools, local district offices, or other offices in receipt of a completed Williams/Valenzuela Uniform Complaint Procedures Form are to promptly forward all complaint forms/written complaints by either fax to (213) 241-3312, Email to williams-valenzuela@lausd.net, or school mail to the Educational Equity Compliance Office, Beaudry Building-20th Floor.
2. The principal 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 30 working days from the date the complaint was received. Information regarding the resolution of the complaint must be provided in writing to the Educational Equity Compliance Office within 30 working days from the date the complaint was received.
3. A complaint regarding issues beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the Educational Equity Compliance Office. Upon receipt, the Educational Equity Compliance Office will promptly forward the complaint to the appropriate school district official for resolution.
4. Within 45 working days of the initial filing of the complaint, the Educational Equity Compliance Office will mail a response with the resolution to the following:
 - a. Complainant, if contact information provided and a check-off mark indicated on the complaint form
 - b. Local District Superintendent/Division of Authority
 - c. Principal
 - d. Division Contact Personnel (Textbook/Instructional Materials, Human Resources, Facilities or CAHSEE)
5. If no response information was provided or requested by the Complainant, a resolution of the complaint will be forwarded to the principal, local district superintendent/Division of Authority and the Division contact personnel.

VI. APPEALS PROCESS

- A. Complainants shall comply with the appeal requirements of California Code of Regulations, Title 5, Section 4632.



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- B. Complainants not satisfied with the resolution shall have the right to describe the complaint to the Board of Education at a regularly scheduled meeting. To obtain information regarding Board meeting schedules, please contact Board Secretariat at (213) 241-7002 or log on to www.lausd.net.
- C. Complainants not satisfied with the resolution involving emergency or urgent school facilities conditions can file an appeal to the Superintendent of Public Instruction within 15 days of receiving the report.

Jack O'Connell
State Superintendent of Public Instruction
California Department of Education
1430 "N" Street
Sacramento, CA 95814

The Superintendent of Public Instruction shall provide a written report to the State Board of Education describing the basis of the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

V. WILLIAMS/VALENZUELA COMPLAINTS DATA REPORTING

- A. The Director of the Educational Equity Compliance Office will report summarized data regarding the Williams/Valenzuela Uniform Complaints on a quarterly basis to the Board of Education at a regular scheduled Board meeting and to the County Superintendent of Education.
- B. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. Reports, complaints and written responses will be available as public records.

VI. COMPLAINT TRACKING SYSTEM

Williams/Valenzuela Complaint Tracking System (Attachment D) is provided to show the process used to handle each complaint received.

AUTHORITY: This is a policy of the Superintendent of Schools. The following legal standards are applied in this policy:

California Education Code Section 35186 as amended



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- ATTACHMENTS:**
- Attachment A (English and Spanish) - “Notice to Parents, Guardians, Pupils, Teachers and Other Stakeholders – Important Information About Your Complaint Rights – Williams/Valenzuela Legislation”
 - Attachment B (English) – “Williams/Valenzuela Uniform Complaint Procedures Form for Education Code Section 35186 Complaint”
 - Attachment C (Spanish) – “Williams/Valenzuela Uniform Complaint Procedures Form for Education Code Section 35186 Complaint”
 - Attachment D – “Williams/Valenzuela Complaint Tracking System”

ASSISTANCE: For assistance or additional information, please call:

Sue Spears, Director, Educational Equity Compliance Office - (213) 241-7682



NOTICE TO PARENTS, GUARDIANS, PUPILS, TEACHERS AND OTHER STAKEHOLDERS

IMPORTANT INFORMATION ABOUT YOUR COMPLAINT RIGHTS WILLIAMS/VALENZUELA LEGISLATION

ATTACHMENT A

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

1. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

Teacher vacancy means a position to which a single designated certificated employee has not been assigned at the beginning of the year for an entire year or, if the position is for a one-semester course, a position to which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester.

Misassignment means the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or the placement of a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

4. Pupils, including English learners, who have not passed one or both parts of the high school exit examination (CAHSEE) by the end of the 12th grade are to be provided the opportunities to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.
5. A complaint form may be obtained at the school office, district office, or downloaded from the school's Web site www.lausd.net. You may also download a copy of the California Department of Education complaint form from the following Web site: <http://www.cde.ca.gov/re/cp/uc/>.



AVISO A LOS PADRES, TUTORES, ALUMNOS, MAESTROS Y OTROS INTERESADOS

INFORMACION IMPORTANTE SOBRE SUS DERECHAS DE QUEJA

LEGISLACION DE WILLIAMS/VALENZUELA

De conformidad con el *Artículo 35186 del Código de Educación* de California, por la presente se les comunica que:

1. Debe haber suficientes libros de texto y materiales didácticos. Esto significa que cada alumno, incluidos los que aprenden el idioma inglés, deben tener un texto o materiales didácticos o ambos para utilizar en la clase y para llevar a casa o utilizar después de clase.
2. Las instalaciones escolares deben estar limpias, ser seguras y mantenerse en buen estado.
3. No debería haber vacantes ni asignaciones inadecuadas de maestros. Debería haber un profesor asignado a cada clase y no una serie de suplentes u otros profesores temporales. El profesor debería tener la credencial apropiada para impartir la clase, incluida la certificación obligatoria para enseñarles a los alumnos del idioma inglés, si los hay.

La vacante de un profesor significa un puesto al que no se le ha asignado un solo empleado certificado al principio del año para todo el año, o si se trata de un puesto para un curso de un solo semestre, un puesto al que no se le ha asignado un empleado certificado y designado al principio del semestre para un semestre entero.

La asignación inadecuada significa la asignación de un empleado certificado a un puesto de enseñanza o servicios para el que el empleado no tenga un certificado o una credencial legalmente reconocidos o la asignación de un empleado certificado a un puesto de enseñanza o servicios que el empleado no esté autorizado de otra manera a ocupar legalmente.

4. A los alumnos, incluidos los del idioma inglés, que no hayan aprobado una o ambas partes del examen de egreso de la preparatoria (CAHSEE) para el fin del 12º grado se les deben brindar las oportunidades de recibir enseñanza y servicios intensivos por hasta dos años académicos consecutivos después de terminar dicho grado.
5. Se puede obtener un formulario para presentar una queja en la oficina de la escuela, la oficina del distrito o se puede bajar el formulario del sitio web del Distrito Escolar: www.lausd.net. También se puede bajar una copia del formulario para presentar una queja del Departamento de Educación de California en el siguiente sitio web: <http://www.cde.ca.gov/re/cp/uc/>.



Williams/Valenzuela Uniform Complaint Procedures Form For Educational Code Section 35186 Complaint

DATE STAMP FOR OFFICE USE ONLY:

California *Education Code* (EC) 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. Such complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must indicate below and provide the following contact information.

Response requested: Yes No

Name(Optional): _____

Mailing Address (Optional): _____ City _____ Zip Code _____

Phone Number Home (Optional): _____ Cell Phone (Optional): _____ Work Phone (Optional): _____

Date of Problem: _____ School Name: _____ Principal: _____

Location of Problem (Room Number, Building, or Location): _____

Course or Grade Level: _____ Teacher Name: _____

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 or instructional materials or 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 with 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 at the school poses an urgent or emergency threat to the health or safety of pupils or staff, including: abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, broken windows or exterior doors or gates that will not lock and that pose a security risk, electrical power failure, gas leaks, major pest or vermin infestation, major sewage stoppage, nonfunctioning air-conditioning systems, fire sprinklers, heating or ventilation, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions that the District 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 class.

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.)
- A teacher lacks credentials or training to teach English learners is assigned to teach a class with more than 20 per cent English learner pupils in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

4. High School Exit Examination

- Pupils who have not passed the high school exit exam (CAHSEE) by the end of 12th grade were not provided the opportunity to receive intensive instruction and services after the completion of Grade 12.

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 at the following location(s): Principal's Office and/or mail to the Educational Equity Compliance Office, Los Angeles Unified School District, 333 S. Beaudry Avenue – 20th Floor, Los Angeles, CA 90017. The telephone number is (213) 241-7682.



Formulario del Procedimiento Uniforme de Quejas-Williams/Valenzuela Para Quejas del Código de Educación-Artículo 35186

ATTACHMENT C

DATE STAMP FOR OFFICE USE ONLY:

El Artículo 35186 creó un procedimiento para presentar quejas acerca de las deficiencias relacionadas con los materiales didácticos, el estado de las instalaciones que no se mantienen limpias o seguras o en buen estado y las vacantes o asignaciones inadecuadas de maestros. La queja y la respuesta a ésta son documentos públicos según se estipula en las leyes. Las quejas se pueden presentar anónimamente. Sin embargo, si usted desea recibir una respuesta a su queja, debe proporcionar la siguiente información de contacto.

Se solicita respuesta: Sí No

Nombre y apellido(Opcional): _____			
Dirección postal (Opcional): _____	Ciudad: _____	Código Postal: _____	
Número de teléfono de casa (Opcional): _____	Teléfono Celular (Opcional) _____	Teléfono del Trabajo (Opcional): _____	

Fecha del problema: _____ Nombre de la escuela: _____ Director: _____

Lugar del problema (Nombre de la escuela, dirección, número del salón o lugar): _____

Curso o grado escolar: _____ Apellido del maestro: _____

Materia de la queja (favor de marcar todos los que correspondan):

1. Libros de texto y materiales didácticos

- El alumno, incluso si está aprendiendo inglés, no tiene libros de texto o materiales didácticos coordinados con las normas o libros de texto u otros materiales didácticos obligatorios adoptados por el Estado o el Distrito para usar en clase.
- El alumno no tiene acceso a libros de texto o materiales didácticos para usar en casa o después de clase. Esto no requiere dos juegos de libros de texto o materiales didácticos para cada alumno.
- Los libros de texto o los materiales didácticos están en mal estado o inutilizables, les faltan páginas o son ilegibles debido a daños.
- Al alumno se le proporcionaron hojas fotocopiadas de sólo una porción de un libro de texto o materiales didácticos para resolver una escasez de libros de texto o materiales didácticos.

2. Estado de las instalaciones

- Las condiciones suponen un peligro urgente o de emergencia para la salud o la seguridad de los alumnos o del personal, incluidos: disminución de materiales peligrosos previamente sin descubrir que presentan un peligro inmediato para los alumnos o el personal, ventanas quebradas o puertas o portones exteriores que no se pueden cerrar con llave y que presentan un peligro de seguridad, fallas de la corriente eléctrica, escapes de gas, infestación mayor de insectos o alimañas, obstrucción grave de las alcantarillas, sistemas de aire acondicionado, rociadores, calefacción o ventilación que no funcionan, daños estructurales que dan lugar a un estado peligroso o inhabitable, y cualquier otro estado de emergencia que el distrito escolar considere apropiado.
- Uno de los baños de la escuela no se ha mantenido o limpiado regularmente, no está completamente en funcionamiento o no ha estado abastecido en todo momento con papel higiénico, jabón y toallas de papel o secadoras para las manos que funcionen.
- La escuela no ha mantenido abiertos todos los baños durante la jornada escolar cuando los alumnos no están en clase, y no ha mantenido abiertos suficientes baños durante la jornada escolar cuando los alumnos están en clase.

3. Puesto vacante o asignación inadecuada de maestros

- Puesto vacante de maestro – Empieza un semestre y existe un puesto vacante de maestro. Un puesto de maestro vacante es un puesto al que no se le haya asignado un solo empleado certificado y designado al principio del año para el año entero o, si se trata de un curso de un semestre, es un puesto al que no se le haya asignado un solo empleado certificado y designado al principio del semestre para el semestre entero.
- Asignación inadecuada de un maestro – Un maestro que carece de credenciales o capacitación para enseñar a alumnos del idioma inglés está asignado a impartir una clase con más del 20 por ciento de tales alumnos.
- Asignación inadecuada de un maestro – Un maestro está asignado a impartir una clase para la que carece de competencia en la asignatura de que se trata.

4. Examen de Egreso de la Preparatoria (Para distritos escolares que reciben fondos para la enseñanza intensiva)

- A los alumnos que no han aprobado el Examen de Egreso de la Preparatoria para el final del 12º grado no se les proporcionó la oportunidad de recibir enseñanza intensiva y servicios de conformidad con el Artículo 37254 (d) (4) y (5) del Código de Educación, después de terminar el 12º grado.

Haga el favor de describir la índole de su queja de manera detallada. Se pueden adjuntar páginas adicionales si es necesario para poder describir plenamente la situación.

Haga el favor de presentar esta queja en el siguiente lugar(es): Oficina del director de la escuela y/o a Educational Equity Compliance Office, Los Angeles Unified School District, 333 South Beaudry Avenue – 20th Floor, Los Angeles, CA 90017. El teléfono es (213) 241-7682.

Los Angeles Unified School District WILLIAMS/VALENZUELA COMPLAINT TRACKING SYSTEM

