You are encouraged to voice your concerns/ complaints. Comments will be kept confidential to the extent of the law, and there is no retaliation for coming forward.

PVPUSD is primarily responsible for compliance with federal and state laws and regulations. PVPUSD takes employee complaints seriously and processes them in a fair, consistent and timely manner.

This information is provided to you free of charge to help you with any concerns or complaints you may have. The first section, Administrative Regulation, describes types of complaints and complaint procedures. The second section, PVPUSD Contact Information, lists helpful information for the reporting process. Finally, Voicing Your Concern/Complaint explains the four-step process to resolution.

Notice to Parents/Guardians, Pupils, and Teachers: Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials, each pupil, including English learners, must have a textbook or instructional material, or both, to use in class and to take home.

2. School facilities must be clean, safe, and maintained in good repair.

3. There should be no teacher vacancies or misassignments. There should be a teacher assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners, if present.

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 35186: 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)

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)

4. Pupils, including English learners, who have not passed one or both parts of the high school exit examination by the end of grade 12 are to be provided the opportunity to receive intensive instruction and services for up to two consecutive academic years after the completion of grade 12.

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186: 5 CCR 4600)

5. A complaint form can be obtained at the school office or district office, or downloaded from the school or district website. You may also download a copy of the California Department of Education complaint form from the following web site: http://www.cde.ca.gov/retl/plic/pal.shtml

Palo Verde Peninsula Unified School District Administrative Regulation 1312.4 - Community Relations Uniform Complaint Procedures - Types of Complaints

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.
   d. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

   (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. (cf. 4112.22 - Staff Teaching Students of Limited English Proficiency)
   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 35186: 5 CCR 4600)

   Beginning of the year or semester means the first day classes necessary to serve all the pupils enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 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)

   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)

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 17592.77)

   b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35206.9.

   Clean or maintained school restroom means a school restroom has been cleansed and 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 35206.9)

   Open restroom means, except as necessary for pupil safety or to make repairs, the school has kept all restrooms open during school hours when pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes. (Education Code 35206.9)

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(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. 35186.1 - High School Exit Examination
   (cf. 35186.5 - Supplemental Instruction)

Filing of Complaint

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186: 5 CCR 4600)

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 or designee. (Education Code 35186)

Investigation and Response

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 4600) 4692, 4693)

The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/she shall promptly notify the complainant if the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186: 5 CCR 4600)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be mailed to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186: 5 CCR 4600)

When Education Code 4693 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 complaint is not satisfied with the resolution of a complaint, he/she has the right to describe the concern to the Board of Education at a regularly scheduled meeting. (Education Code 35186: 5 CCR 4600)

All complaints and written responses shall be public records. (Education Code 35186: 5 CCR 4600)

Reports

The Superintendent or 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 4600)

Forms and Notices

The Superintendent or 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. However, complainants need not use the districts' Williams complaint form in order to file a complaint. (Education Code 35186)

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

Legal References

EDUCATION CODE

1255 County superintendent of schools, duties
17325 Emergency repairs, School Facility Emergency Repair Account
37572 School accountability report card
37588 Uniform complaint procedure
50220 Restrooms, maintenance and cleanliness
17265 Supplemental instruction based on failure to pass exit exam by end of grade 12
60119 Notice to parents in language other than English
52818 Hearing on sufficiency of instructional materials

CODE OF REGULATIONS, TITLE 5

4800 - Access to District Records

Reports

The Superintendent or 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. However, complainants need not use the districts' Williams complaint form in order to file a complaint. (Education Code 35186)

The Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)
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 discrimination complaints, however, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies.

The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint in accordance with the California Code of Regulations, Title 5, Section 4622 (EC 262.3).

Williams/Valenzuela Uniform Complaint Procedure

A complainant may file a complaint specifically addressing the sufficiency of instructional materials, emergency and urgent facility needs, and teacher vacancy and misassignment issues by obtaining a Williams Uniform Complaint Procedure directly from the Site Principal, or Compliance Support Services.

National School Lunch and Breakfast Program (NSLBP)

Parents who have specific concerns or disagree with a decision regarding their child's eligibility status may file an appeal with a hearing official. An appeal may be filed by calling or in writing.

Policies you may be interested in:

- Student Policies: Nondiscrimination, Freedom of Expression, Student Sexual Harassment, Student Complaints, Student Records, Privacy, Uniform Complaint Procedure, Williams Complaint Procedure, Student Conduct, Suspensions and Expulsions
- Personnel Policies: Nondiscrimination, Harassment, Sexual Harassment, Personnel-Related Complaints, Uniform Complaint Procedure
- General Policies: 1000 Series (School-Community Relations)

Voicing Concerns

A complaint alleging any condition(s) specified in District Administrative Regulation items #1-3 shall be filed with the principal or designee at the school in which the complaint arises. A complaint alleging any deficiency specified in item #4 shall be filed with the Superintendent/designee.

STEP 2:
If Step 1 is unsatisfactory, or you choose to start here, put your concern/complaint in writing to the Superintendent or Designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4686)

STEP 3:
If Step 2 proves unsatisfactory, or if you choose, you may send a letter to the appropriate Assistant Superintendent along with a copy of your Step 2 written concern/complaint, if available. The Assistant Superintendent 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 4686)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. The investigator may conduct interviews, review documents and visit the site, as appropriate, to resolve the complaint. You may have the opportunity to meet with others involved to resolve the issue. The investigator will prepare a written report with facts and recommendations for resolution of your complaint, including possible actions and copies of all documents.

Discrimination complaints must be filed with the Local Education Agency (LEA) or the California Department of Education (CDE) by a person harmed or by a person on behalf of others. These complaints must be filed no later than six months from the occurrence or when they are first acknowledged. The LEA and the CDE must protect the confidentiality of the parties and the facts related to the case.

STEP 4:
If you are not satisfied with the results of Steps 1, 2, or 3, you may appeal the District’s decision to the California Department of Education (CDE). You must send the appeal in writing within 15 days of receiving the District’s decision. You must specify the reason(s) for your appeal and include copies of your original complaint and letter, and a copy of the District’s decision.

National School Lunch and Breakfast Program (NSLBP)

To file directly with the Federal Office for Civil Rights regarding alleged discrimination, including sexual harassment:

U.S. Department of Education - Federal Office for Civil Rights
50 United Nations Plaza, Rm. 239
San Francisco, CA 94102 • (415) 556-4275

Personnel-Related Complaints:

Superintendent/Designee (310) 378-9966

To file directly with the Federal Office for Civil Rights regarding alleged discrimination, including sexual harassment:

U.S. Department of Education - Federal Office for Civil Rights
50 United Nations Plaza, Rm. 239
San Francisco, CA 94102 • (415) 556-4275

You must send the appeal in writing within 15 days of receiving the District’s decision. You must specify the reason(s) for your appeal and include copies of your original complaint and letter, and a copy of the District’s decision.