

Take Action Now to Improve Your School



DID YOU KNOW THAT:

- You have new tools to help improve schools?
- Because of the settlement of a case brought by students and parents (the “Williams” case), every student in California has a right to:
 - A fully qualified teacher.
 - Books and other necessary learning materials, to use at school and for assigned homework.
 - School buildings and grounds free of unhealthy or dangerous conditions.
- When any student lacks these essentials for learning, any person or group can notify responsible school officials and expect both action and a response. Complaints can be submitted by any parent, student, teacher, community member, organization or group.
- You can also complain about the kind of discrimination that exists when schools that serve students from some racial and ethnic groups are not nearly as good as schools serving other students.

The new law tells parents, students and others how to bring problems to the attention of school officials. And it tells school officials how they must listen and respond. The new law is not perfect. But it is a new tool for anyone who wants to help improve a school.

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All information current as of 3/10/2005.

For the latest version and more information, visit JustSchoolsComplaints.org

A STEP-BY-STEP GUIDE TO THE UNIFORM COMPLAINT PROCEDURE FOR CALIFORNIA SCHOOLS

STEPS IN FILING A COMPLAINT

Step 1. Decide Who Should File the Complaint. Who can complain?

Anyone can file a complaint:

- Parents or guardians of students
- Students
- Teachers
- Interested community members or advocates
- Organizations or groups
- Any person or group on behalf of another person, if that person agrees.

Step 2. Determine the Facts. What Can You Complain About?

TEXTBOOKS

- If a student does not have textbooks or other materials (like maps for geography or science equipment) to use at school.
- If a student does not have access to textbooks or other materials (like workbooks) to take home for assigned homework.
- If a student has textbooks in poor or unusable condition, or only photocopies made because of shortages.

TEACHERS

- If a student starts the school year without a permanently assigned teacher assigned to a class.
- If a student's teacher is assigned to teach a class and the teacher lacks the necessary training to teach that class.
- If a student is in a class with more than 20% students who are English Language Learners (ELLs) and the teacher lacks the credentials or training to teach ELLs.

FACILITIES

- If there are problems with the school building or grounds that create a serious threat to the health and safety of students, teachers, or school workers.

Other problems with school quality and discrimination.

In addition to the list above (the so-called "Williams Complaints"), complaints can also be filed based on discrimination in access to quality education. For example, it is illegal for a school, a school district, or the state to discriminate against students based on race or ethnic group. Discrimination can happen whether or not anyone intends to discriminate. For example, discrimination may be shown if students in schools serving mostly Latino students have many fewer learning opportunities than schools serving mostly White students. The law prohibits discrimination based on sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color or mental or physical disability.

Step 3. Fill out a written complaint form and make copies.

It's easy. Here's how:

- Fill out a written complaint form (in this packet, or available from your school).
- Make a copy of the complaint form for your records.
- Deliver or mail copies of the complaint form to the correct people (see next step).

Step 4. Deliver or mail copies of the complaint (always keep a copy) the complaint form goes to:

The School Principal

"Williams complaints" should be submitted to the School Principal.

The School District Superintendent (in most cases)

Complaints about discrimination must be submitted to the School District Superintendent. In addition, the School District Superintendent is responsible for all the schools in the district. Giving the District Superintendent a copy of the complaint may encourage a principal to pay attention to the complaint.

The County Superintendent of Schools.

You should also send a copy of the complaint to the County Superintendent of Schools. The County Superintendent of Schools is responsible for monitoring conditions in all the school districts in that county. Every year, people working for the County Superintendent of Schools inspect schools. Having a copy of your complaint will help these inspectors ask the right questions.

COMMON QUESTIONS

Q: When would it make sense to have a group or advocate file the complaint?

A: Having a group or several people file complaints together may make the complaint especially powerful. In addition, if an advocate, church, or group files the complaint, any possibility of retaliation is reduced.

Questions and Answers about Textbooks and Materials.

Q: What if a teacher just hands out copies of things for homework?

A: This is acceptable ONLY if the teacher is doing that for some teaching reason and NOT because of a shortage of books or materials.

Questions and Answers about Teachers.

Q: How do I find out what credentials or certification a teacher has?

A: If you know the name of the teacher, you can call the state credentialing agency at 888-921-2682. You can also look up the information on the internet at www.ctc.ca.gov

Questions and Answers about School Facilities.

Q: What kinds of problems are regarded as creating a serious (what the law calls an "emergency or urgent") threat to the health and safety of students or school employees?

A: Things like: gas leaks; heaters or air-conditioning not working; electrical power failure; major broken sewer lines; mice, rat or cockroach infestation; broken windows or locks; hazardous materials of any kind; structural damage to school buildings

Questions and Answers about Discrimination.

Q: Can you give an example of discrimination about things other than "Williams Complaints"?

A: One example might be if a student in a school with mostly African American students has fewer chances to enroll in advanced courses than students in a school where most of the students are White.

Q: What if the school tells me I have to use their form or another form?

A: You do NOT have to use any particular form, but we have provided an easy-to-use form in this booklet. You can also get a complaint form from your local school, but you are NOT required to use any particular form. This is law under California Education Code 4621(c) and 4680(c). We have designed the complaint form in this booklet to be used to make "Williams Complaints" and "Discrimination Complaints" at the same time.

Q: How do I get the name and address of the Principal?

A: Call your school, or ask in the school office.

Q: How do I find the School District Superintendent for my school?

A: Ask at your school or public library, or look in the telephone book. For schools in the Los Angeles Unified School District, complaints to the District Superintendent should be sent to:

Roy Romer, Superintendent
c/o Deborah Ernst, Director, SFP/CTS
701 W. Cesar Chavez Ave., Ste. 102, Los Angeles, CA 90012

Q: How do I find the County Superintendent of Schools?

A: Ask at your public library or look in the telephone book. For schools in Los Angeles County, copies of your complaint should be sent to:

Darline Robles, County Superintendent of Schools
9300 Imperial Highway, Room EC109
Downey, CA 90242-2890

STEPS IN FILING A COMPLAINT

Step 5. Wait for the school and school district to take action within the time the law requires.

School officials will look into the complaint and take action.

- If you have included your name and address on your complaint then you should get a written response from the Principal within 45 working days.
- You should receive a response from the School District Superintendent within 60 days (including all weekends and holidays). This is the required procedure for "Discrimination Complaints."
- The County Superintendent of Schools will keep your complaint as public record but you will probably not get a response from their office. Your complaint will be available when the County Superintendent inspects the school.

Step 6. What Happens If The Problem Is Not Fixed?

- For a "Williams Complaint," if you are not happy with the response from the Principal, you can attend a public meeting of the School Board and tell them about your complaint and the response you received.
- If your "Williams Complaint" is about a school facilities problem that creates an immediate risk to health or safety, you can also appeal directly to the State Superintendent of Public Instruction in Sacramento.
- For a "Discrimination Complaint," if you are not happy with the response from the School District Superintendent, you can appeal to the State Department of Education in Sacramento.

THE FLOWCHART BELOW SHOWS HOW THE APPEAL PROCESS WORKS.
PLEASE NOTE THAT THERE ARE IMPORTANT DEADLINES FOR APPEALING.

COMMON QUESTIONS

Q: What is a "working day"?

A: All days, not counting weekends and legal holidays.

Q: Why are the response times from the Principal and District Superintendent different?

A: There is a slightly different set of rules for two types of complaints. The Principal receives and responds to "Williams Complaints" The District Superintendent receives and responds to "Discrimination Complaints."

Remember: A single complaint can be both a "Williams Complaint" and a "Discrimination Complaint", if it is sent to the Principal and the Superintendent, so both should respond to these complaints.

Q: Who is the State Superintendent of Public Instruction and how do I send my appeal about school facilities to him?

A: Send a copy of your complaint, a copy of the response you received from the District, and a statement of why you think the District got the facts or the law wrong, to:

Jack O'Connell, State Superintendent of Public Instruction
1430 N. Street, Sacramento, CA 95814

Q: What are the kinds of problems that pose an immediate threat to health or safety?

A: Things like: gas leaks; heaters or air-conditioning not working when it is very hot or cold; electrical power failures; major broken sewer lines; mice, rat or cockroach infestation; broken windows or locks; hazardous materials of any kind; structural damage to school buildings.

Q: How do I appeal to the State Department of Education about discrimination?

A: Send a copy of your complaint, a copy of the response you received from the District, and a statement of why you think the District got the facts or the law wrong, to:

California Department of Education
1430 N. Street, Sacramento, CA 95814

Other Common Questions and Answers.

Q: Will the school take some action against me or my child if I submit a complaint form?

A: It is illegal for school officials to retaliate against you or your child. But if you are afraid this may happen, someone else can send the complaint without giving your name. This might be a parent group, a community organization, a church or an advocate.

Q: Won't people at the school get in trouble if I submit a complaint?

A: The purpose of the complaint process is to notify those who are responsible for our schools about problems in them. Good school leaders want to know if there are problems they should deal with. And every student deserves a good education, and someone speaking up for him or her.

WHAT TO DO IF YOU ARE NOT SATISFIED WITH A RESPONSE

A

When should I expect a response from the Principal?

- If you file a complaint without giving your name and address, you will not receive a response from the Principal.
- If you include your name and address, the Principal must respond to you within 45 working days.

B

How do I appeal a Principal's response?

- You can present your complaint at a school board meeting.
- If your complaint is about your school's facilities that creates a serious problem or creates a risk to the students' health, you can file an appeal to the State Superintendent of Public Instruction.

C

When should I expect a response from the District Superintendent?

- The superintendent must respond within 60 calendar days from receiving your complaint.

D

How do I appeal a District Superintendent's response?

- If you receive a response and you are not happy.
- Within 15 days, you file an appeal to the State Department of Education.
- They have 60 days to reply to you.
- You receive a response from the State Department of Education and you are still not happy.
- Within 35 days, you must ask for reconsideration from the State Superintendent of Public Instruction.
- They have 35 days to respond to you.

COMPLAINT FORM

(Uniform Complaint Procedure)

Date _____

Under Williams Case (Ed. Code 35186) and Anti-Discrimination Law (Gov. Code 11135)

Important: Please keep a copy for your records with the date you filed the complaint. If you need additional space to write, please attach sheets as needed.

Contact information: Fill out below if you want a written response.

Name or Group _____

Address _____

City, State and Zip Code _____

Phone: _____ Signature _____

I. School Information: School Name _____

Address _____ City _____

II. I request immediate action to correct the following problems covered by the Williams case:

Check all boxes that apply and **also** provide details below. Please provide enough details of the problem(s) for school officials to investigate and fix the problem(s). *Use additional pages if needed.*

A. Textbooks and Instructional Materials:

- A student does not have required books and materials to use in class.
- A student does not have textbooks to use at home or after school for homework.
- Textbooks or other materials are in poor or unusable conditions.

Describe the materials, the class, grade, and/or the teacher: _____

B. Teacher Vacancies or Unqualified Teacher:

- Class began and there is no certificated teacher assigned to teach the class.
- A teacher is assigned to teach the class who does not have the credentials to teach the subject of the class.
- A teacher is assigned to a class with more than 20% English Language Learners and does not have credentials or training to teach English Language Learners.

Identify the class and/or teacher: _____

C. Conditions of School Buildings and Facilities:

- A school building, school grounds, or classroom is in poor condition and poses a threat to the health or safety of students, teachers, or school employees.

Describe the conditions, the location, and the reason the conditions are dangerous:

D. Discrimination: I also request action to fix the problems above and additional problems described on the attached sheets that are not found in schools attended by upper income White students in California.

III. I am filing this complaint with the Principal and District Superintendent and sending an informational copy to the County Superintendent of Schools, as follows:

A. School Principal: _____

B. School District Superintendent: _____

C. County Superintendent of Schools for _____ County _____