

11-27-18 YCBE Reg.  
 Mtg. PKT Item 4.6  
 Handout #1

**Quarterly Report on Williams Uniform Complaints**  
 [Education Code § 35186(d)]

District: Davis Joint Unified School District

Person completing this form: Laura Juanitas

Title: Director

Quarterly Report Submission Date:  
 (check one)

- October 2018
- January 2019
- April 2019
- July 2019

Date for information to be reported publicly at governing board meeting: October 4, 2018

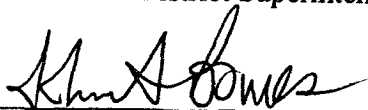
Please check the box that applies:

- No complaints were filed with any school in the district during the quarter indicated above.
- Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total # of Complaints	# Resolved	# Unresolved
Textbooks and Instructional Materials	0		
Teacher Vacancy or Misassignment	1		1
Facilities Conditions	0		
<b>TOTALS</b>	<b>1</b>		<b>1</b>

John A. Bowes, Ed.D.

Print Name of District Superintendent

  
 Signature of District Superintendent

9/25/18  
 Date



# DJUSD

DAVIS JOINT UNIFIED  
SCHOOL DISTRICT

John A. Bowes, Ed.D.  
Superintendent

526 B Street ♦ Davis, CA 95616 ♦ (530) 757-5300 ♦ FAX: (530) 757-5323 ♦ www.djUSD.net

## WILLIAMS UNIFORM COMPLAINT FORM

Education Code 35186 creates 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, or teacher vacancy or misassignment. The complaint and response are public documents as provided by law. w.

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below. Is a response requested?  Yes  No

Name of Complainant: COREY OWENS Date Complaint Filed: 10/20/18

Address: 1410 PACIFIC DR Phone #: 530-902-3957 Email: coreyowens@gmail.com  
DAVIS 95616

Only the following issues may be the subject of this complaint process. If you wish to complain about an issue not specified below, please contact the school or district for the appropriate district complaint procedure.

The complaint is (please check all that apply):

**1. Textbooks and Instructional Materials:** (Education Code 35186; 5 CCR 4682)

- A student, 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.
- A student does not have access to textbooks or instructional materials to use at home or after school. This does not require two sets of textbooks or instructional materials for each student.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A student was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

**2. Teacher Vacancy or Misassignment:** (Education Code 35186; 5 CCR 4682)

- 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 school 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 who lacks credentials or training to teach English learners is assigned to teach a class with more than 20% English learners in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

**3. Facility Conditions:** (Education Code 17592.72, 35186, 35292.5; 5 CCR 4683)

- A condition exists that poses an emergency or urgent threat to the health or safety of students or staff including gas leaks; nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems; electrical power failure; major sewer stoppage; major pest or vermin infestation; broken windows or exterior doors or gates that will not lock and that pose a security risk; abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff; or structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by the district.
- A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been with toilet paper, soap, or paper towels or functional hand dryers.

- The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporary closing of the restroom is necessary for student safety or to make repairs.

Please describe the issue(s) of your complaint in detail, including the date of the problem and specific location where the problem occurred (school, room number). You may attach additional pages and include as much text as necessary to fully describe the situation. For complaints regarding facilities conditions, please describe the emergency or urgent facilities condition and how that condition poses a threat to the health and safety of students or staff.

10/20/18 - There has been significant gaps in filling teaching positions for the Birch Lane Montessori Program for the past three school years, substitute teachers teaching in Montessori classrooms without certification and now teachers leaving at the start of the school year.

Please file this complaint with the principal or designee at the school site 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 matter, but not to exceed ten (10) working days. Please see the following for more details about the complaint and appeal process.

## WILLIAMS UNIFORM COMPLAINT PROCESS AND PROCEDURES

(Board Policy and Administrative Regulations 1312.4)

The Board encourages the early, informal resolution of complaints at the site level whenever possible and appropriate. Usually, complaints are satisfactorily responded to at the informal discussion level. However, procedures below describe formal processes to bring closure to complaints. The following steps summarize the Williams Uniform District's Administrative Regulations.

### Step 1: Formal Written Level

- A. If your complaint is not resolved informally; you may obtain a Williams Uniform Complaint Form from a school site main office, the district office customer service desk, or from the district's website. ([www.djUSD.net](http://www.djUSD.net))
- B. A complaint alleging any condition(s) specified shall be filed with the principal at the school in which the complaint arises. The principal shall forward a complaint about problems beyond his/her authority to the Superintendent or designee in a timely manner, but not to exceed ten (10) working days.
- C. The principal shall make all reasonable efforts to investigate any problem within his/her authority and shall remedy a valid complaint and provide a written response within a reasonable time period not to exceed thirty (30) working days from the date the complaint was received.

### Step 3: Formal Appeals Level

- A. If you are not satisfied with the resolution of the complaint, you may appeal the decision by the principal or designee to the Associate Superintendent who oversees the facilities, personnel, or materials named in the complaint. Include a brief letter to indicate what specifics in the response from the principal were not satisfactory to you. The Associate Superintendent shall conduct a "Findings of Facts" and will send you a written report of the resolution of the complaint within forty-five (45) days of the initial filing of the complaint.
- B. If you are not satisfied with the Associate Superintendent's resolution of the complaint, you have the right to describe the complaint to the Board of Education at a regularly scheduled meeting. The Associate Superintendent will explain the process for bringing your concern to the Board.
- C. For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health and safety of students or staff, a complainant who is not satisfied with the resolution proffered by the principal or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within fifteen (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)



# DJUSD

DAVIS JOINT UNIFIED  
SCHOOL DISTRICT

John A. Bowes, Ed.D.  
Superintendent

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526 B Street ♦ Davis, CA 95616 ♦ (530) 757-5300 ♦ FAX: (530) 757-5323 ♦ [www.djUSD.net](http://www.djUSD.net)

October 31, 2018

Sent via US Mail and email at [coreyeowens@gmail.com](mailto:coreyeowens@gmail.com)

CONFIDENTIAL

Corey Owens

1410 Pacific Drive

Davis Ca, 95616

Re: Investigation Findings Letter Regarding Williams Uniform Complaint

Dear Corey Owens,

On September 21, 2018, the Davis Joint Unified School District ("District") received your complaint.

In your complaint, you marked three areas of concern:

1. Teacher Vacancy or Misassignment- 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 school 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 the entire semester.
2. Teacher Vacancy or Misassignment- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. Additionally, you allege that "There have been significant gaps in filling teaching positions for the Birch Lane Montessori Program for the past three school years, substitute teachers teaching in Montessori classrooms without certification and now teachers leaving at the start of the school year."

According to Board Policy 1312.1 Complaints Concerning District Employees, I am the compliance officer designee responsible for investigating this complaint. This letter is my response to your complaint.

## SUMMARY OF CONCERNS AND REQUESTED REMEDIES

**Concerns #1 and #3:** According to our records for the past four years, there was a credentialed teacher, holding a California Multiple Subject Teaching Credential, assigned to all Montessori classes at Birch Lane except the beginning of the 2017-18 school year. During the same time period a Montessori-trained teacher has been assigned to every Montessori classroom except:

- 2016-17: Fourth/Fifth grade Montessori, a .5 Full Time Equivalent (FTE) credentialed teacher was assigned at the beginning of the school year and resigned for another position in October of 2016. DJUSD substitutes with California Teaching Credentials filled the position from October-December. A .5 FTE credentialed teacher was hired in December 2016 and completed the year.
- 2017-18: In two Kindergarten/First grade classrooms (.5 FTE each class), the teacher assigned held a multiple subject credential but was not Montessori trained, but was partnered with a fully credentialed and Montessori-trained teacher.
- 2017-18: In a Fourth/Fifth grade classroom (1.0 FTE), where the teacher held a valid California Multiple Subject Credential but not a Montessori credential.
- 2018-19: In two Kindergarten/First grade classrooms (.5 FTE each class), where a teacher partner taught with a fully credential Montessori teacher while completing Montessori training.

**Concerns #2 and 3:** In addition to the positions in Concern #1):

- 2016-17: A teacher in a Third/Fourth grade class took a leave of absence for illness from November 2016 to February 2017. The vacancy was filled with fully credentialed DJUSD substitutes during the leave of absence.
- 2018-19: A teacher resigned her position as a Fifth/Sixth grade teacher in October of 2018 to accept an administrative position in another district. An interim teacher with a California Multiple Subject Credential (but not Montessori-trained) is filling the position beginning October 15 and is assigned until the newly hired teacher, who holds multiple subject Montessori credentials, begins teaching. November 26 is the planned starting date for the newly hired teacher.

**Concern #3:** The Montessori Master Plan 2014-2019 provides on page 5 the criteria for Teacher Recruitment and Employment: "DJUSD will continue to recruit Montessori-trained teachers for both Montessori and non-Montessori positions. DJUSD will use the same criteria when hiring Montessori teachers as it does for hiring any other teacher in the district with the additional qualification that the teacher has earned a Montessori credential from American Montessori Society (AMS) or Association Montessori Internationale (AMI). Candidates with equivalent training in Montessori methods, demonstrated skills, knowledge and ability to teach in a Montessori class may also be considered.

After conducting a rigorous, national search, priority consideration is given to candidates in the following order:

1. Candidates with an AMS/AMI certificate and a California Teaching Credential
2. Candidates must hold a California Teaching Credential. Candidates with a California Teaching Credential and training or experience equivalent to AMI/AMS certificate will be hired as a temporary employee until AMS/AMI credential is completed.

You did not request any specific remedies to your complaint.

## **INVESTIGATION PROCESS**

I gathered information from the Montessori Master Plan and employee records from DJUSD Personnel Services. In addition, I reviewed documentary evidence, including, but not limited to, relevant Board Policies and Administrative Regulations including BP 4100 Certificated Personnel, BP 4111 Recruit and Selection, BP 4112.2 Certification, BP 4311 Recruitment and Selection, AR 4112 Appointment and Conditions of Employment.

## **SUMMARY OF FACTUAL FINDINGS**

California Education Code requires a teacher with a valid California Teaching Credential be the instructor of record for every classroom. In the Montessori program, we strive to meet this requirement and additionally recruit and hire teachers with a Montessori certificate. According to records from the DJUSD Personnel Services office, there have been multiple instances of a California credentialed teacher, but non-Montessori trained teacher, assigned to the Birch Lane Montessori Program. The district has followed recommendations from the Montessori Master Plan for recruiting teachers, but due to the difficulty in finding candidates with Montessori credentials there have been gaps in filling positions with teachers who are fully Credentialed and have a Montessori Certificate. DJUSD is committed to recruiting qualified candidates. In the instances when an employee takes a leave or resigns, DJUSD recruits teaching candidates in accordance with our guidelines. In the instances where a teacher took a leave due to illness, a licensed and credentialed substitute teacher from DJUSD was assigned to the classroom until a certificated teacher could be hired as a replacement.

## **POLICY DETERMINATIONS:**

Board Policies 4100 Certificated Personnel: The Board of Education recognizes that teachers and other certificated personnel work closely with students in carrying out the district's educational goals. The Superintendent or designee shall ensure that the duties, responsibilities, and district's expectations for certificated positions are clearly defined and made known to each member of the certificated staff.

Each certificated staff member shall be held accountable for duties assigned to him/her and shall undergo regular performance evaluations in accordance with law and negotiated agreements.

**Finding:** The hiring of certificated teachers and DJUSD substitutes adhered to Board policy in filling all vacancies in the Montessori Program over the last four years.

Board Policy 4111 Recruit and Selection: The Board of Education is committed to employing suitable, qualified individuals to carry out the district's mission to provide high-quality education to its students and to ensure the efficiency of district operations.

When a vacancy occurs, the Superintendent or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she also shall disseminate job announcements to ensure a wide range of candidates.

**Finding:** The advertising for, and the hiring of, certificated teachers and DJUSD substitutes adhered to Board policy in filling all vacancies in the Montessori Program over the last four years.

Board Policy 4112.2 Certification: Upon recommendation from the Superintendent or designee, the Board of Education shall approve the appointment of all certificated personnel with the exception of positions paid hourly or by stipend. The position and the salary classification shall be reported to the Board at a regular meeting.

Certificated personnel shall possess the appropriate certification qualifications and register the certification document in accordance with law and Board policy.

Certificated personnel shall demonstrate proficiency in basic skills as required by law and Board policy

**Finding:** DJUSD properly vetted the qualifications and skills of candidates when filling all vacancies in the Montessori Program over the last four years in adherence to Board Policy.

Board Policy 4311 Recruitment and Selection: The Board of Education is committed to employing suitable, qualified individuals to carry out the district's mission to provide high-quality education to its students and to ensure the efficiency of district operations.

When a vacancy occurs, the Superintendent or designee shall review the job description for the position to ensure that it accurately describes the major functions and duties of the position. He/she also shall disseminate job announcements to ensure a wide range of candidates.

**Finding:** The advertising for, and the hiring of, certificated teachers and DJUSD substitutes adhered to Board policy in filling all vacancies in the Montessori Program over the last four years.

#### **CONCLUSION AND NEXT STEPS:**

DJUSD and Birch Lane Elementary School will continue to recruit Montessori-trained teachers for both Montessori and non-Montessori positions. Any teacher in our district must hold a valid California-approved teaching credential with a preference that Montessori teachers have Montessori training and a related additional Montessori certificate.

DJUSD will use the same criteria when hiring Montessori teachers as it does for hiring any other teacher in the district with the additional qualification that the teacher has earned a Montessori credential from the American Montessori Society (AMS) or the Association Montessori Internationale (AMI). Candidates are encouraged to have equivalent training in Montessori methods, demonstrated skills, knowledge and ability to teach in a Montessori class.

In addition, DJUSD and Birch Lane Elementary School recently partnered with the Shingle Springs Montessori Credentialing Program to offer training for Montessori credentials. DJUSD is offering this training on the Birch Lane Elementary School campus and is offering professional development to DJUSD staff at no cost to the employee. The goal is to create a pool of candidates to apply for future open Montessori positions.

Any personnel actions taken by the District based on these findings are confidential and cannot be revealed through this process. However, the District takes these matters seriously and will take appropriate action to address and prevent the recurrence of this type of situation.

#### **APPEAL OPTIONS**

If you are dissatisfied with my decision as compliance officer, you may appeal the findings to the District under Board Policy and Administrative Regulations 1312.4 within ten (10) business days. If appealed, the Director of Student Services, Laura Juanitas, will review the investigation and make a separate determination within 30 days of an appeal.

#### **RETALIATION PROHIBITED:**

It is against the law and District policy for anyone to retaliate against someone who brings a complaint, an appeal, or was involved in the investigation. Therefore, you must immediately report to the District if someone has retaliated against you or your student because of your involvement in this complaint process. If you have any questions about this letter, you may contact my office. The District considers an investigation involving personnel and student matters to be confidential. Therefore, we will avoid revealing confidential information to employees, parents, students or other members of the public and we ask that you do the same.

Thank you for your patience during this process. Should you wish to meet with me regarding these findings, please do not hesitate to contact me at 530-757-5395 ex 103.

Sincerely,



Jim Knight

Principal,

Birch Lane Elementary School

(530) 757-5395



