

Regulation 1312.4: Williams Uniform Complaint Procedures

Status: DRAFT

Original Adopted Date: 10/07/2008 | Last Revised Date: 10/19/2021 | Last Reviewed Date: 10/19/2021

Types of Complaints

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that: (Education Code 35186; 5 CCR 4681)
 - a. 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.
 - b. 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.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - d. 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. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Education Code 35186; 5 CCR 4682)

- 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 **one or more than 20 percent** English learners 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 35186; 5 CCR 4600)

Beginning of the year or semester means the first day classes necessary to serve all the students enrolled are established with a single designated certificated employee assigned for the duration of the class, but not later than 20 working days after time period from the first day students attend classes for that a year-long course or semester-long course, though not later than 20 business days afterwards. (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. Complaints regarding the condition of school facilities, including any complaint alleging that: (Education Code 35186; 5 CCR 4683)
 - a. A condition poses an emergency or urgent threat to the health or safety of students 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 students 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 students or staff; structural damage creating a hazardous

or uninhabitable condition; or any other condition deemed appropriate. (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, ~~or~~**and** paper towels or functional hand dryers. (Education Code 35292.5)

Open restroom means the school has kept all restrooms open during school hours when students are not in classes and has kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when the temporary closing of the restroom is necessary for **a documented student safety concern, an immediate threat to student safety, or to make repairs**~~repair the facility~~. (Education Code 35292.5)

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to stock, at all times, at least half **stock and make available and accessible free of cost, an adequate supply** of the restrooms in the school with feminine ~~hygiene~~**menstrual** products and to not charge students for the use of such products ~~in every women's and all-gender restroom, and in at least one men's restroom.~~ (Education Code 35292.6)

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code 35186; 5 CCR 4680)

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

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. ~~Complaints may be filed anonymously.~~ (Education Code 35186; 5 CCR 4680) **Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)**

A complaint alleging that more than one student does not have sufficient textbooks or instructional materials as the result of an act by the Board, or the Board's failure to remedy the deficiency, may be filed with the Superintendent of Public Instruction (SPI) directly in addition to or in lieu of being filed with the district. Any such complaint shall identify the basis and provide evidence to support its filing directly with the SPI. (Education Code 35186)

If the Superintendent or designee becomes aware that a complaint alleging insufficient textbooks or instructional materials that has been filed directly with the SPI but not with the district, the Superintendent or designee may initiate an investigation in accordance with this administrative regulation, as described below, if there is sufficient evidence to do so.

Investigation and Response

The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority. (Education Code 35186; 5 CCR 4685)

The principal or Superintendent's designee 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)

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall ~~report the~~**send written** resolution of the complaint to the **mailing address of the complainant as indicated on the complaint** within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or 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, the complainant 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 students or staff as described in ~~item~~**Item #3a** in the section "Types of Complaints" above, 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~~**SPI** 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)

Reports

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code 35186; 5 CCR 4686)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Description

5 CCR 4600-4670	Uniform complaint procedures
5 CCR 4600-4687	Uniform complaint procedures and Williams complaints
5 CCR 4690-4694	Health and safety complaints in license-exempt preschool programs
Ed. Code 1240	County superintendent of schools; duties - https://simbli.eboardsolutions.com/SU/zxiNbLNKXQ1Z3w2H1beZIA==
Ed. Code 17592.72	Urgent or emergency repairs; School Facility Emergency Repair Account - https://simbli.eboardsolutions.com/SU/IGu9humHDTThZTnK3slsh9zFVw==
Ed. Code 200-262.4	Prohibition of discrimination - https://simbli.eboardsolutions.com/SU/ytTLslshoozWGUAbNL6kKkgxQ==
Ed. Code 234.1	Student protections relating to discrimination, harassment, intimidation, and bullying - https://simbli.eboardsolutions.com/SU/MRwslWU5kFXiTOiSjZCnKA==
Ed. Code 33126	School accountability report card - https://simbli.eboardsolutions.com/SU/tJs6YslshubwfWjC0ICzCplus6BA==
Ed. Code 35186	Williams uniform complaint procedures - https://simbli.eboardsolutions.com/SU/MDiv2vEqYgd1u6vWMYFnhA==
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness - https://simbli.eboardsolutions.com/SU/x70F3bNBkY1cKtJydsIshoC4A==
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations - https://simbli.eboardsolutions.com/SU/KDSjnurLBlr2KdV5numJiQ==
Ed. Code 48950	Speech and other communication - https://simbli.eboardsolutions.com/SU/Q5itwgUPloTFejGslshDadJ4g==
Ed. Code 48985	Notices to parents in language other than English - https://simbli.eboardsolutions.com/SU/LHS9yg0UBYa76W1AygydnA==

Ed. Code 51501	Nondiscriminatory subject matter - https://simbli.eboardsolutions.com/SU/txGfKL89VkvCW7IFg8Emtw==
Ed. Code 60010	Instructional materials; definition - https://simbli.eboardsolutions.com/SU/GjXRejOBcJgfje5LOpBxYg==
Ed. Code 60040-60052	Requirements for instructional materials - https://simbli.eboardsolutions.com/SU/vqD4yC2hSBZ9a219bpluseiDA==
Ed. Code 60119	Hearing on sufficiency of instructional materials - https://simbli.eboardsolutions.com/SU/wgpZKRQ3ptU4Chh5FQUmmw==
Ed. Code 60150	Penalty for insufficiency of textbooks and instructional materials - https://simbli.eboardsolutions.com/SU/LANplusEILU46oVV1EgNFUoWw==

Federal References

20 USC 6314

Description

Title I schoolwide program

Management Resources References

Website

Description

California County Superintendents Educational Services Association -
<https://simbli.eboardsolutions.com/SU/8dKABfP8KggMplus2tMzeNqdQ==>

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmpETuDsIshXk6R5akQ==>

Website

State Allocation Board, Office of Public School Construction -
<https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==>

Website

Department of Justice -
<https://simbli.eboardsolutions.com/SU/kYMplusPKVwKTngiVfOT4AD8Q==>

Website

U.S. Department of Education, Office for Civil Rights -
<https://simbli.eboardsolutions.com/SU/xmCPrTcoZle111WmbX10Vg==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Website

California Department of Education -
<https://simbli.eboardsolutions.com/SU/os2jq5DcA2RawmY2VZ5FZQ==>

Cross References

0410

Nondiscrimination In District Programs And Activities -
<https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==>

0460

Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/GFehexM710iNOSlgGCECFa==>

0460

Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/HYyNz19R96ffsIshgbgYsE3mQ==>

1100

Communication With The Public -
<https://simbli.eboardsolutions.com/SU/Hywu1plusUHmPznTnAojQeIshg==>

1250

Visitors/Outsiders -
<https://simbli.eboardsolutions.com/SU/0UxfKnDQx8i9V4vagesIsh6VA==>

1250

Visitors/Outsiders -
<https://simbli.eboardsolutions.com/SU/Algl3G2av7RnSyAPrFJslshPg==>

1312.2

Complaints Concerning Instructional Materials -
<https://simbli.eboardsolutions.com/SU/fcYZUJMpvy94bnD6gyGkJpW==>

1312.2

Complaints Concerning Instructional Materials -
<https://simbli.eboardsolutions.com/SU/a2ihWI4WdVbn5kGQ0I4NAQ==>

1312.2-E PDF(1)

Complaints Concerning Instructional Materials -
<https://simbli.eboardsolutions.com/SU/OqEutdav2RzolzCZlslshl4Bg==>

1312.3

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/CfApluscpXRIzplusOj2lmuhfqbaA==>

1312.3	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/NaAoUplustL0gdMDg4YyrqkSQ==
1312.3-E PDF(1)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/CGtJ1bS0fJ2qqnQzzY5qbQ==
1312.3-E PDF(2)	Uniform Complaint Procedures - https://simbli.eboardsolutions.com/SU/hYsgaF9LHjeplus4tINfVHZyg==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/ilradJh510f82Bjhbu4vRw==
1340	Access To District Records - https://simbli.eboardsolutions.com/SU/zrxplusFTeTpg8XDnadUSa6Q==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/0XNogGb3Aq9xGo5Rc3KNhA==
3270	Sale And Disposal Of Books, Equipment And Supplies - https://simbli.eboardsolutions.com/SU/3slshLplusKN5UgMFLtsue2JJYA==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/shlp06OGQEIJcPeXKe3plusuA==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/9cYjplusPqlvVli7eaOJH77og==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/W2Yj24ilN4UhsLshQ1VklYZmQ==
3517	Facilities Inspection - https://simbli.eboardsolutions.com/SU/br82blIsT1NLYrfluzitww==
3517-E(1)	Facilities Inspection - https://simbli.eboardsolutions.com/SU/ixzZz8Zdmg1Go04LzihkPA==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/slshbnNdB5VoKn29R1FDUD8Vw==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/KVOgHhXokXVv3QqM5NwYslshQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/pBrbutmrAaG9iACDiYMPYQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/lkdbJZosLshdbW3M28chWarWg==
4112.22	Staff Teaching English Learners - https://simbli.eboardsolutions.com/SU/rsQBplumHDFI4ghIEp5JSpJw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/ZyxvIQqCPgyGBZT1naoqJg==
4113	Assignment - https://simbli.eboardsolutions.com/SU/nuJniXqwYV0Ds3WwJ7z8bg==
4144	Complaints - https://simbli.eboardsolutions.com/SU/KyKD8LDxrB2PwRRY0z7CWA==
4244	Complaints - https://simbli.eboardsolutions.com/SU/AG8XgRWjeslshpslshdhFTO2smwQ==
4344	Complaints - https://simbli.eboardsolutions.com/SU/qGrSximwkCHTw02tO8UC4Q==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/Xtm3uqHMol1KAP4CIBOS3g==
5145.3	Nondiscrimination/Harassment - https://simbli.eboardsolutions.com/SU/Rx7eYWCQJQxyhVGfnTMQBQ==
6142.92	Mathematics Instruction - https://simbli.eboardsolutions.com/SU/esLsyR41A2MV6HpWvUso8A==

6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/2rm43307PLCL6tPtEi0B1g==
6143	Courses Of Study - https://simbli.eboardsolutions.com/SU/QSMplusSNCxGfu1or4plus3KUx6A==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/GmQp0w7DhRvK1m3vP0cXFW==
6161.1	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/36Q7I0MprITMVXSH2aUCslshA==
6161.1-E PDF(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/b9DR42M1EdCAnrwKB7O8g==
6161.11	Supplementary Instructional Materials - https://simbli.eboardsolutions.com/SU/kWJW4zRMF1hY1pHypTRx0g==
6161.2	Damaged Or Lost Instructional Materials - https://simbli.eboardsolutions.com/SU/Dhql1DVtVpluswCAsBzXgW6ow==
6163.1	Library Media Centers - https://simbli.eboardsolutions.com/SU/lwXB8c8GOCzKnQd9nEugsg==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/yCFHLIFLUDCtfgppluseQHTjg==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/hytEYovBqsqMp5UzUoFqvQ==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/0hKRSAtVLHUI2u41Y5PPKQ==
9322	Agenda/Meeting Materials - https://simbli.eboardsolutions.com/SU/PUk8QGIYGyhN8t44Le3YMw==