

Regulation 1312.4: Williams Uniform Complaint Procedures

Status: DRAFT

Original Adopted Date: 10/07/2008 | Last Revised Date: 10/01/2019

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 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 the first day students 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)

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 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 student safety or to make repairs.—(Education Code 35292.5)

- a. 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 of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

- 1. ~~Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards specified in Health and Safety Code 1596.7925 and related state regulations, including any complaint alleging that: (Education Code 8235.5; Health and Safety Code 1596.7925)~~

- ~~a. The preschool does not have outdoor shade that is safe and in good repair.~~

- ~~a. Drinking water is not accessible and/or readily available throughout the day.~~

- ~~a. The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every 15 children.~~

- ~~a. Restroom facilities are not available only for preschoolers and kindergartners.~~

- ~~a. The preschool program does not provide visual supervision of children at all times.~~

- ~~a. Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.~~

- ~~a. Playground equipment is not safe, in good repair, or age appropriate.~~

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 8235.5, 35186; 5 CCR 4680)

The Superintendent or designee shall post in each K-12 classroom in each school a notice containing the components specified in Education Code 35186. ~~In each license-exempt CSPP classroom, a notice containing the components specified in Education Code 8235.5 shall be posted. (Education Code 8235.5, 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, ~~or the preschool administrator or designee as appropriate,~~ at the school in which the complaint arises. ~~A complaint about problems beyond the authority of the principal or preschool administrator 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 8235.5, 35186; 5 CCR 4680)~~

Investigation and Response

The principal/~~preschool administrator~~ or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within ~~their~~ **the principal's or designee's** authority. ~~(Education Code 8235.5, 35186; 5 CCR 4685)~~

~~Investigation of a complaint regarding preschool health or safety issues shall begin within 10 calendar days of receipt of the complaint. (Education Code 8235.5)~~

The principal/~~preschool administrator~~ 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 8235.5, 35186; 5 CCR 4685)~~

If the complainant has indicated on the complaint form **a** desire to receive a response to the complaint, the principal/~~preschool administrator~~ or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. ~~If the principal/preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code 8235.5, 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 8235.5, 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 8235.5, 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 #3a ~~or #4~~ in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal/~~preschool administrator~~ or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. ~~(Education Code 8235.5, 35186; 5 CCR 4687)~~

All complaints and written responses shall be public records. ~~(Education Code 8235.5, 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 8235.5, 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
5 CCR 4600-4670

Description
Uniform complaint procedures

5 CCR 4680-4687	Williams uniform complaint procedures
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
Ed. Code 234.1	Prohibition of discrimination, harassment, intimidation, and bullying
Ed. Code 33126	School accountability report card
Ed. Code 35186	Williams uniform complaint procedure
Ed. Code 35292.5-35292.6	Restrooms, maintenance and cleanliness
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 60119	Hearing on sufficiency of instructional materials

Federal References

20 USC 6314

Description

Title I schoolwide program

Management Resources References

Website

Description

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

Website

California Department of Education, Williams Case -
<https://simbli.eboardsolutions.com/SU/lgEokvI5m4hnKA9yXFZS8A==>

Website

California County Superintendents Educational Services Association -
<https://simbli.eboardsolutions.com/SU/Wyr1WplusZPL9SDth52IMoLrg==>

Website

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

Cross References

0460

Description

Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/Oa8UxEDuhq6BH2zsd274XA==>

0460

Local Control And Accountability Plan -
<https://simbli.eboardsolutions.com/SU/8eaD94eHfiVAA8KyIGL0hw==>

1100

Communication With The Public -
<https://simbli.eboardsolutions.com/SU/Hywu1plusUHmPznTnAojQejslshg==>

1250

Visitors/Outsiders -
<https://simbli.eboardsolutions.com/SU/0UxfKnDQx8i9V4vageslsh6VA==>

1250

Visitors/Outsiders -
<https://simbli.eboardsolutions.com/SU/AlgI3G2av7RnSyAPrFJslshPg==>

1312.2

Complaints Concerning Instructional Materials -
<https://simbli.eboardsolutions.com/SU/fcYZUJMpv94bnD6gyGkJPw==>

1312.2

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

1312.2-E(1)

Complaints Concerning Instructional Materials -
<https://simbli.eboardsolutions.com/SU/OqEutdav2RrzolCZLslsh4Bg==>

1312.3

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/jyKa60efBU85pBteBaMvha==>

1312.3

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/he5R6o3mKhZ8plus8KsNn26EQ==>

1340

Access To District Records -
<https://simbli.eboardsolutions.com/SU/Yd00hypY8zlqBWetfgeDyQ==>

1340	Access To District Records - https://simbli.eboardsolutions.com/SU/3WHcNUN51FhE5p4Qq0Szwz==
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/3slshLplusKN5UgMFLtsue2JJIYA==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/YguT6aXfo2478uReaoY2AA==
3514	Environmental Safety - https://simbli.eboardsolutions.com/SU/oePNAp4p3v5y322yAcgfwg==
3514.2	Integrated Pest Management - https://simbli.eboardsolutions.com/SU/W2Yj24iIN4UhsLshQ1VkiYZmQ==
3517	Facilities Inspection - https://simbli.eboardsolutions.com/SU/85D2qpT9jRbOpokE81PiJA==
3517	Facilities Inspection - https://simbli.eboardsolutions.com/SU/gFYPsajKEc6slshnR6IFRM1OA==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/8PD4MufjPOdleCs1QuQQ3Q==
3550	Food Service/Child Nutrition Program - https://simbli.eboardsolutions.com/SU/KVOgHhXokXVv3QqM5NwYslshQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/q8l4slshXu4CrrLkoslshYlmslshFyQ==
4112.2	Certification - https://simbli.eboardsolutions.com/SU/DDjiXtBJeO5pB0n3bGtLPw==
4112.22	Staff Teaching English Learners - https://simbli.eboardsolutions.com/SU/rsQBplusmHDFI4ghEp5JSpJw==
4113	Assignment - https://simbli.eboardsolutions.com/SU/BkooXvqQ61Pz9gyaJtplusAkw==
4144	Complaints - https://simbli.eboardsolutions.com/SU/KyKD8LDxrB2PwRRY0z7CWA==
4244	Complaints - https://simbli.eboardsolutions.com/SU/AG8XgRWjeslshpslshdhFTO2smwQ==
4344	Complaints - https://simbli.eboardsolutions.com/SU/qGrsXimwkCHTw02tO8UC4Q==
6142.92	Mathematics Instruction - https://simbli.eboardsolutions.com/SU/esLsyR41A2MV6HpWvUso8A==
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/36O7I0MprlTMVXSH2aUCslshA==
6161.1-E(1)	Selection And Evaluation Of Instructional Materials - https://simbli.eboardsolutions.com/SU/b9DR42M1EdCANrzwKB7O8g==
6161.2	Damaged Or Lost Instructional Materials - https://simbli.eboardsolutions.com/SU/Dhq11DVtVpluswCAsBzXgW6ow==
9000	Role Of The Board - https://simbli.eboardsolutions.com/SU/yCFHLIFLUDctfgpluseQHTjg==
9012	Board Member Electronic Communications - https://simbli.eboardsolutions.com/SU/BvhPRCDa87EkplusSikllr1eA==
9200	Limits Of Board Member Authority - https://simbli.eboardsolutions.com/SU/OhKRSAtVLHUI2u41Y5PPKQ==

9322

Agenda/Meeting Materials -
<https://simbli.eboardsolutions.com/SU/HMeZuSH7vnURgKSyn06rcA==>