

County Board Policy 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 10/07/2021 | **Last Revised Date:** 08/18/2022 | **Last Reviewed Date:** 08/18/2022

The County Board of Education recognizes the responsibility of the County Board and County Superintendent of Schools to ensure that the educational programs of the county office of education (COE) are implemented in accordance with law.

Any complaint against the COE regarding the insufficiency of textbooks or instructional materials, teacher vacancy or misassignment, or conditions of school facilities that pose an emergency or urgent threat to the health and safety of students and staff, as defined in Education Code 35186, shall be investigated and resolved in accordance with the Williams uniform complaint procedures described in 5 CCR 468004687 and County Superintendent policy and/or regulation. The Williams uniform complaint procedures may also be used to resolve any other complaint when authorized by the County Superintendent.

Reports

On a quarterly basis, the County Board shall, at a regularly scheduled County Board meeting, receive summarized data on the nature and resolution of all complaints against the COE. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (5 CCR 4686)

Notices

A notice containing the components specified in Education Code 35186 shall be posted in each classroom in each COE school/program. (Education Code 35186)

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.

Federal References

20 USC 6314

Description

Title I schoolwide program

Management Resources References

Website

Description

[CSBA District and County Office of Education Legal Services](#)

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[U.S. Department of Education, Office for Civil Rights](#)

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[Department of Justice](#)

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[California Department of Education](#)

State References

5 CCR 4600-4670

Description

Uniform complaint procedures

5 CCR 4632

Appeal of LEA decision; grounds

5 CCR 4680-4687

Williams uniform complaint procedures

5 CCR 4690-4694

Health and safety complaints in license-exempt preschool programs

Ed. Code 1240

[County superintendent of schools, duties](#)

Ed. Code 17592.72

Urgent or emergency repairs, School Facility Emergency Repair Account

Ed. Code 1980-1984

Establishment of county community school

Ed. Code 200-262.4

Prohibition of discrimination

Ed. Code 33126

School accountability report card

Ed. Code 35145.5

Agenda; public participation and regulations

State References

Ed. Code 35186
Ed. Code 35292.5-35292.6
Ed. Code 48660-48667
Ed. Code 48907
Ed. Code 48950
Ed. Code 48985
Ed. Code 51501
Ed. Code 60010
Ed. Code 60040-60052
Ed. Code 60119
Ed. Code 60150

Cross References

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Description

Williams uniform complaint procedure
Restrooms; maintenance and cleanliness
Establishment of community day school
Exercise of free expression; time, place and manner rules and regulations
Speech and other communication
Notices to parents in language other than English
Nondiscriminatory subject matter
Instructional materials; definition
Requirements for instructional materials
Hearing on sufficiency of instructional materials
Penalty for insufficiency of textbooks and instructional materials

Description

[Nondiscrimination In County Office Programs And Activities](#)
[Uniform Complaint Procedures](#)
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[Nondiscrimination/Harassment](#)
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[Board Member Electronic Communications](#)

County Office Regulation 1312.4: Williams Uniform Complaint Procedures

Status: ADOPTED

Original Adopted Date: 08/18/2022 | **Last Revised Date:** 12/05/2023 | **Last Reviewed Date:** 12/05/2023

Types of Complaints

The County Office of Education (COE) shall use the procedures described in this administrative regulation 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 COE-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 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 the 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 the entire semester. (Education Code 35186; 5 CCR 4600)

Beginning of the year or semester means the time period from the first day students attend classes for 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 conditions 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, 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 repair the facility. (Education Code 35292.5)

In any COE school or program serving any students in any of grades 6-12, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all times, stock and make available and accessible free of cost, an adequate supply of menstrual 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 County Superintendent of Schools or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the COE's complaint form in order to file a complaint. (Education Code 35186; 5 CCR 4680)

The County Superintendent of Schools or designee shall ensure that the COE'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 County Superintendent of Schools 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/program coordinator or designee at the school in which the complaint arises. A complaint about problems beyond the authority of the principal/program coordinator shall be forwarded to the County Superintendent of Schools or designee in a timely manner, but not to exceed 10 working days. 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 County Board of Education, or the County 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 COE and the SPI may directly intervene without waiting for an investigation. Any such complaint shall identify the basis and provide evidence to support its filing directly with the SPI. (Education Code 35186) If the SPI finds that COE has not provided sufficient textbooks or instructional materials as required, CDE is required to take all remedial actions as specified in Education Code 1240, including purchasing textbooks and instructional materials. Additionally, the SPI shall assess a financial penalty against the COE's local control funding formula allocation.

Investigation and Response

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

The principal/program coordinator or County Superintendent of Schools'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/program coordinator or County Superintendent of Schools's designee shall 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/program coordinator makes this report, the information shall be reported at the same time to the County Superintendent of Schools 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 County Board of Education 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 #3a in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal/program coordinator or County Superintendent of Schools or designee may file an appeal to the Superintendent of Public Instruction (SPI) within 15 days of receiving the COE'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 County Superintendent of Schools or designee shall report to the County Board, at a regularly scheduled County Board meeting, 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)

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[Nondiscrimination/Harassment](#)
[Board Member Electronic Communications](#)

Exhibit 1312.4-E(1): Williams Uniform Complaint Procedures**Status:** ADOPTED**Original Adopted Date:** 08/18/2022 | **Last Revised Date:** 11/29/2023 | **Last Reviewed Date:** 11/29/2023**NOTICE TO PARENTS/GUARDIANS, STUDENTS, AND TEACHERS:
K-12 COMPLAINT RIGHTS**

Parents/Guardians, Students, and Teachers:

Pursuant to Education Code 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including an English learner, must have a textbook or instructional materials, 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.

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.

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 a semester for an entire semester.

If you choose to file a complaint alleging that any of the above conditions is not being met, your complaint will be addressed through the county office of education's (COE) Williams uniform complaint procedures as required by law. A complaint form may be obtained at the school office or COE office, or downloaded from the school or COE website. You may also download a copy of the California Department of Education (CDE) complaint form from CDE's website when available. However, a complaint need not be filed using either the COE's complaint form or the complaint form from CDE.

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