

**1312.4 SR: Williams Uniform Complaint Procedures**

**Status: ADOPTED**

**Original Adopted Date: 3/3/2005 | Last Revised Date: 11/12/2024**

**Types of Complaints**

The County Office of Education (COE) shall use the procedures described in this Superintendent 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)

- c. *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 3-12, 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)

Additionally, starting July 1, 2026, in any school that has more than one female and more than one male restroom designated exclusively for student use, a complaint may be filed alleging noncompliance with the requirements specified in Education Code 35292.5 to maintain at least one all-gender restroom for student use. (Education Code 35292.5)

### **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 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 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 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. Any

such complaint shall identify the basis and provide evidence to support its filing directly with the SPI. (Education Code 35186)

### **Investigation and Response**

The principal/program coordinator or a designee of the County Superintendent 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'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'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 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 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 or designee may file an appeal to the 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 4610, 4687)

However, no other type of complaint regarding the condition of school facilities as described in the section "Types of Complaints" above may be appealed to the SPI. (Education Code 35186; 5 CCR 4610, 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

### **Reports**

On a quarterly basis, the County Superintendent 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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#### **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.

<b>State</b>	<b>Description</b>
5 CCR 4600-4670	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	<a href="#"><u>County superintendent of schools, duties</u></a>
Ed. Code 17592.72	Urgent or emergency repairs, School Facility Emergency Repair Account
Ed. Code 1980-1984	Establishment of county community school
Ed. Code 200-270	Prohibition of discrimination
Ed. Code 33126	School accountability report card
Ed. Code 35145.5	Agenda; public participation and regulations
Ed. Code 35186	Williams uniform complaint procedure
Ed. Code 35292.5-35292.6	Restrooms; maintenance and cleanliness
Ed. Code 48660-48666	Establishment of community day school
Ed. Code 48907	Exercise of free expression; time, place and manner rules and regulations
Ed. Code 48950	Speech and other communication
Ed. Code 48985	Notices to parents in language other than English
Ed. Code 51501	Nondiscriminatory subject matter
Ed. Code 60010	Instructional materials; definition
Ed. Code 60040-60052	Requirements for instructional materials
Ed. Code 60119	Hearing on sufficiency of instructional materials
Ed. Code 60150	Penalty for insufficiency of textbooks and instructional materials
<b>Federal</b>	<b>Description</b>
20 USC 6314	Title I schoolwide program
<b>Management Resources</b>	<b>Description</b>
CA Office of the Attorney General Publication	<a href="#"><u>Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, Legal Alert, January 2024</u></a>
CSBA Publication	<a href="#"><u>Instructional Materials Adoptions: State and local governing board processes, roles, and responsibilities, Governance Brief, February 2024</u></a>
CSBA Publication	<a href="#"><u>Instructional Materials Adoptions: Local governing board responsibilities, Fact Sheet, February 2024</u></a>
Website	<a href="#"><u>CSBA District and County Office of Education Legal Services</u></a>
Website	<a href="#"><u>U.S. Department of Education, Office for Civil Rights</u></a>
Website	<a href="#"><u>Department of Justice</u></a>
Website	<a href="#"><u>CSBA</u></a>
Website	<a href="#"><u>California Department of Education</u></a>

#### Cross References

<b>Code</b>	<b>Description</b>
0410	<a href="#"><u>Nondiscrimination In County Office Programs And Activities</u></a>
1312.3	<a href="#"><u>Uniform Complaint Procedures</u></a>

1312.3-E(1)	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3-E(2)	<a href="#"><u>Uniform Complaint Procedures</u></a>
1312.3-E(3)	<a href="#"><u>Uniform Complaint Procedures</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
5145.3	<a href="#"><u>Nondiscrimination/Harassment</u></a>
9012	<a href="#"><u>Board Member Electronic Communications</u></a>

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