

1312.31 Uniform Complaint Procedure (Williams) for Complaints Involving the Sufficiency of Textbooks or Instructional Materials, the Condition of School Facilities, and Teacher Vacancies and Misassignments

Education Code section 35186 mandates that the District establish a policy and procedure to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, and emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff.

The District shall post a notice in all classrooms notifying parents, guardians, students and teachers: (1) that school facilities must be clean, safe and in good repair; (2) that students must have a textbook or instructional materials, or both, to use in class and to take home; and (3) that 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, including the certification to teach English learners if present, and have the requisite subject-matter competence to teach assigned classes. The notice shall also specify the locations where forms can be obtained to file such a complaint.

The District provides this *Williams* complaint process to identify and resolve deficiencies regarding the conditions of school facilities, the sufficiency of textbooks and other instructional materials, and teacher vacancies or misassignments.

Complaints shall be filed with the school site principal/designee. If the complaint is beyond the authority of the principal, it shall be forwarded by the principal to the appropriate District official within ten (10) working days. All complaints shall be resolved with thirty (30) working days. Resolution of a complaint shall be reported to the complainant with forty-five (45) working days of the initial filing. 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. All complaints and written responses are considered public records.

Complaints may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she so indicates. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the principal or designee shall report the same information to the Superintendent or designee. The complaint form shall include a space to mark whether a response is requested, as well as the location for filing a complaint.

If the complainant is dissatisfied with the resolution, he or she may address the complaint to the Board at a regularly scheduled Board meeting. If the complaint involves school facility conditions that pose an emergency or urgent threat, and the complainant is dissatisfied with the resolution, the complainant may file an appeal with the Superintendent of Public Instruction within fifteen (15) days after receiving the District's report. The Superintendent of Public Instruction shall provide a written report to the State Board of Education, describing the basis for the complaint and a proposed remedy.

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints to the Board and the County Superintendent of Schools on a quarterly basis. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled Board meeting.

Complaints Involving Textbooks and Instructional Materials

The *Williams* complaint procedure is designed to address the following concerns regarding the sufficiency of textbooks and other instructional materials:

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1. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or District-adopted textbooks or other required instructional materials to use in class.
2. A student does not have access to textbooks or instructional materials, or both, to use at home or after school.
3. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
4. 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.

Complaints Involving Teacher Vacancies or Misassignments

The *Williams* complaint procedure is designed to address the following concerns regarding teacher vacancies or misassignments:

1. A semester begins and a teacher vacancy exists.
2. 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.
3. 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)

Complaints Involving the Condition of School Facilities

The *Williams* complaint procedure is designed to address concerns that school facilities pose an emergency or urgent threat to the health or safety of students or staff, including:

1. Gas leaks.
2. Nonfunctioning heating, ventilation, fire sprinklers, or air-conditioning systems.

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3. Electrical power failure.
4. Major sewer line stoppage.
5. Major pest or vermin infestation.
6. Broken windows or exterior doors or gates that will not lock and pose a security risk.
7. Abatement of hazardous materials previously undiscovered that pose an immediate threat to students or staff.
8. Structural damage creating a hazardous or uninhabitable condition.

The *Williams* complaint procedure is also designed to address concerns that a school restroom has not been cleaned, maintained, or kept open in accordance with Education Code section 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, except as necessary for student safety or to make repairs, 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. (Education Code 35292.5)

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