

## COMMUNITY RELATIONS

### ADMINISTRATIVE REGULATION – WILLIAMS COMPLAINT PROCEDURE AR 2006.1

#### Types of Complaints

The County Education Office shall use the procedures described in this administrative regulation only to investigate and resolve the following: (Education Code 35186; 5 CCR 4680-4683).

1. Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:
  - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or County Education Office-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 material to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that:
  - 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:
  - 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.

Cleaned 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)

### Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the Assistant Superintendent or designee of the program in which the complaint arises. The Assistant Superintendent or designee shall forward a complaint about problems beyond the Assistant Superintendent or designee's authority to the County Superintendent or designee in a timely manner, but not to exceed 10

working days. (Education Code 35186; 5 CCR 4680)

### Investigation and Response

The Assistant Superintendent or designee shall make all reasonable efforts to investigate any problem within the Assistant Superintendent or designee's authority. The Assistant Superintendent or 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)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that the complainant would like a response to the complaint, the Assistant Superintendent or designee shall report the resolution of the complaint to the complainant at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. At the same time, the Assistant Superintendent or designee shall report the same information 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 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 Assistant Superintendent or County Superintendent or designee may file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the County Education Office'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 Education Office designee shall report at a regularly scheduled board meeting to the County Superintendent and the County Board, 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)

## Forms and Notices

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

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

The County Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186)

## Legal Reference:

### EDUCATION CODE

234.1 Prohibition of discrimination, harassment, intimidation, and bullying  
1240 County superintendent of schools, duties  
17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account  
33126 School accountability report card  
35186 Williams uniform complaint procedures  
35292.5 Restrooms, maintenance and cleanliness  
48985 Notice to parents in language other than English  
60119 Hearing on sufficiency of instructional materials

### CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures  
4680-4687 Williams uniform complaint procedures

## Management Resources:

### WEB SITES

CSBA: <http://www.csba.org>  
California County Superintendents Educational Services Association: <http://www.ccsesa.org>  
California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc>  
State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

APPROVED BY COUNTY SUPERINTENDENT: March 3, 2005

REVISED: March 15, 2006, March 6, 2008, July 16, 2009, March 15, 2012, June 14, 2012, September 15, 2017, January 2, 2020