Community Relations

WILLIAMS COMPLAINTS

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: (Ed. Code § 35186; 5 C.C.R. § 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.

   (cf. 6161.1 - Selection and Evaluation of Instructional Materials)

2. Complaints regarding teacher vacancy or misassignment, including any complaint alleging that: (Ed. Code § 35186; 5 C.C.R. § 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.

   (cf. 4112.22 - Staff Teaching English Learners)
   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 (Ed. Code § 35186; 5 C.C.R. § 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 C.C.R. § 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 (Ed. Code § 35186; 5 C.C.R. § 4600).

(cf. 4112.2 - Certification)
(cf. 4113 - Assignment)

3. Complaints regarding the condition of school facilities, including any complaint alleging that: (Ed. Code § 35186; 5 C.C.R. § 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 (Ed. Code § 17592.72; 5 C.C.R. § 4600).

   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, and has been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers (Ed. 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 (Ed. Code § 35292.5).

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 United States
WILLIAMS COMPLAINTS (continued)

Code, title 20, section 6314, a complaint may be filed alleging noncompliance with the requirement of Education Code section 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.

(cf. 3514 - Environmental Safety)
(cf. 3517 - Facilities Inspection)

Forms and Notices

The Superintendent or designee shall ensure a Williams Complaint form is available at each school. However, complainants do not need to use the District's complaint form in order to file a complaint (Ed. Code § 35186; 5 C.C.R. § 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 (Ed. Code § 35186; 5 C.C.R. § 4680).

The Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code section 35186 (Ed. Code § 35186; 5 C.C.R. § 4684).

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 at the school in which the complaint arises. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously (Ed. Code § 35186; 5 C.C.R. § 4680).

A complaint related to instructional materials shall identify: (1) the school; (2) the course or grade level in which the deficiency(ies) in instructional materials exist; (3) the teacher of the course or grade level; and (4) the specific nature of the deficiency or deficiencies as specified in subsection (a) (5 C.C.R. § 4681).

A complaint regarding a teacher vacancy or misassignment shall identify: (1) the course or grade level in which the teacher vacancy or misassignment exists; (2) the specific nature of the vacancy or misassignment as specified in subdivision (a); and (3) if it is a misassignment, the name of the teacher who is misassigned (5 C.C.R. § 4682).
A complaint related to the conditions of facilities that pose an emergency or urgent threat to the
health or safety of pupils or staff shall identify: (1) the specific school in which the condition
exists; (2) describe the emergency or urgent facilities conditions that pose a threat to the health or
safety of pupils or staff; and (3) how the condition poses a threat to the health or safety of pupils
or staff (5 C.C.R. § 4683).

Investigation and Response

The principal or Superintendent's designee shall make all reasonable efforts to investigate any
problem within the principal's or designee's authority (Ed. Code § 35186; 5 C.C.R. § 4685). The
principal 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 (Ed. Code §
35186; 5 C.C.R. § 4685).

If the complainant has indicated on the complaint form a desire to receive a response to the
complaint, the principal 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
makes this report, the information shall be reported at the same time to the Superintendent or
designee (Ed. Code § 35186; 5 C.C.R. §§ 4680, 4685).

When Education Code section 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 (Ed. 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 Governing Board at a regularly scheduled meeting (Ed. Code §
35186; 5 C.C.R. § 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 or Superintendent or designee may file an appeal to the Superintendent of Public
Instruction within 15 calendar days of receiving the District's response. The complainant shall
comply with the appeal requirements specified in California Code of Regulations, title 5,
section 4632 (Ed. Code § 35186; 5 C.C.R. § 4687).

All complaints and written responses shall be public records (Ed. Code § 35186; 5
C.C.R. §§ 4680, 4686)

(cf. 1340 - Access to District Records)
WILLIAMS COMPLAINTS (continued)

Reports

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 (Ed. Code § 35186; 5 C.C.R. § 4686).

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
35292.5-35292.6 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

UNITED STATES CODE, TITLE 20

6314 Title I schoolwide program

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/fo/ce/wc
State Allocation Board, Office of Public School Construction: http://www.opsc.dgs.ca.gov

Regulation
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Revised: April 2, 2008

ELK GROVE UNIFIED SCHOOL DISTRICT
Elk Grove, California
WILLIAMS COMPLAINTS (continued)

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