

WILLIAMS UNIFORM COMPLAINT PROCEDURE

I. TYPES OF COMPLAINTS

The Santa Cruz County Office of Education (SCCOE) shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186, 5 CCR 4681, 4682, 4683)

A. Textbooks and instructional materials

1. A pupil, 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.
2. A pupil 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 pupil.
3. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
4. A pupil was provided photocopied sheets from only a portion of a textbook or instructional materials to address a shortage of textbooks or instructional materials.

(BP 6161.1: Selection and Evaluation of Instructional Materials)

B. Teacher Vacancy or Misassignment

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 learner pupils 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 pupils 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 pupils 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)

C. Facilities

1. A condition poses an emergency or urgent threat to the health or safety of pupils 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 pupils 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 pupils or staff, structural damage creating a hazardous or uninhabitable condition, or any other condition deemed appropriate. (Education Code 17592.72)

2. 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, 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 pupils are not in classes and has kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when the temporary closing of the restroom is necessary for pupil safety or to make repairs. (Education Code 35292.5)

II. FILING OF COMPLAINT

All complaints alleging any deficiency specified in items 1-3 in the section entitled "Types of Complaints" above shall be filed with the Director of the school or his or her designee, in which the complaint arises. A complaint about problems beyond the authority of the school Director shall be forwarded in a timely manner, but not to exceed 10 working days, to the County Superintendent's designee, the Compliance Officer or his or her designee. (Education Code 35186(a)(3), 5CCR 4680)

III. INVESTIGATION AND RESPONSE

The Compliance Officer or his or her designee shall make all reasonable efforts to investigate any problems within his or her authority. He or she 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(b), 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the Compliance Officer shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. 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 Compliance Officer shall report the same information to the County Superintendent. (Education code 35186(a)(b)(1), 5 CCR 4680, 4685)

When Education Code 48985 is applicable (i.e., when 15 percent or more of the pupils enrolled in a particular school speak a single primary language), 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(a)(1))

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the County Superintendent and the County Board at a regularly scheduled meeting. (Education Code 35186(c), 5 CCR 4686)

If the complaint involved a condition of a facility that poses an emergency or urgent threat, as described in item 3 above under "Types of Complaints," an unsatisfied complainant has, in addition to the right to appeal to the County Superintendent and the County Board, the right to file an appeal to the State Superintendent of Public Instruction within fifteen (15) days of receiving the report, who shall provide a written report to the State Board of Education describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint. The complainant shall comply with the appeal requirements of 5 CCR 4632. (Education Code 35186, 5 CCR 4687)

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

IV. REPORTS

The Santa Cruz County Deputy Superintendent shall report summarized data on the nature and resolution of all complaints to the Santa Cruz Board of Education and the County Superintendent 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. (Education Code 35186(d), 5 CCR 4686)

V. FORMS AND NOTICES

The County Superintendent or designee shall ensure a Williams Complaint form is available at each school. However, complainants need not use the complaint form in order to file a complaint (Education Code 35186(a)(1), 5 CCR 4680). A copy of the Williams complaint form shall be available on the SCCOE website.

The County Superintendent or designee shall ensure that the complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as he/she wishes. (Education Code 35186(a)(2), 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(f))

VI. LEGAL REFERENCE

A. 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

B. Code of Regulations, Title 5

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