

## **Williams Complaint Procedures**

### **Types of Complaints**

The Yolo County Office of Education ("YCOE") 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 4680-4683.)

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 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: (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 more than 20% English learner students in the class.

(cf. 4112.22 - Staffing Teaching English Language 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 a 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. (Title 5 CCR Section 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.)

(cf. 4112.2 - Certification)

(cf. 4113 - Assignments)

3. Complaints regarding the condition 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 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; or 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.)

*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. This does not apply when the temporary closing of the restroom is necessary for student safety or to make repairs. (Education Code 35292.5.)

(cf. 3514 - Environmental Safety)

(cf. 3517 - Facilities Inspection)

In any school serving grades 6-12, a complaint may be filed alleging noncompliance with Education Code 35292.6 to stock, at all times, all female and all-gender restrooms and at least one male restroom with feminine hygiene products and to not charge students for the use of such products.

## **Filing of Complaint**

A complaint alleging any condition(s) specified in items Nos. 1-3 above shall be filed with the site administrator or designee at the school in which the complaint arises. The site administrator or designee shall forward a complaint about problems beyond his/her authority to the Yolo County Superintendent of Schools (“Superintendent”) or designee in a timely manner, but not to exceed 10 working days. (Education Code 35186; 5 CCR 4680.)

## **Investigation and Response**

The site administrator or designee shall make all reasonable efforts to investigate any problem within his/her authority. He/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; 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 his/her complaint, the site administrator or designee 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 site administrator or designee shall report the same information to the 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 the complaint, he/she may describe the complaint to the Yolo County Board of Education (“County Board”) at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686). For any complaint concerning a facility condition that poses an emergency or urgent threat to the health or safety of students as described in item No. 3a in the section “Types of Complaints” above, a complainant who is not satisfied with the resolution proffered by the site administrator, Superintendent, or designee may file an appeal to the State Superintendent of Public Instruction (“State Superintendent”) within 15 days of receiving the district’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.)

(cf. 1340-- Access to District Records)

## **Reports**

The Superintendent or designee shall report, to the County Board at a regularly scheduled public County Board meeting, summarized data on the nature and resolution of all complaints to the County Board and the 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 schedule County Board meeting. (Education Code 35186; 5 CCR 4686.)

## **Forms and Notices**

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

The Superintendent or designee shall ensure that the district's 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.)

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

## **Legal References:**

Education Code, 234.1, 1240, 17592.72, 33126, 35186, 35292.5, 48985, 60119  
California Code of Regulations, Title 5, 4600-4670, 4680-4687

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