
Williams Complaint Policy 2-207

Scope:

This policy applies to complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments.

The Board hereby adopts the Williams Complaint Procedures set forth in 5 C.C.R. § 4680-4687 and Education Code § 35186. The District will comply with such regulations and all other applicable law.

Purpose

The Governing Board is committed to ensuring appropriate access to instructional materials, all positions are appropriately filled, and the safety and well-being of its students and staff.

Definitions:

Good Repair: Means the facility is maintained in a manner that assures that it is clean, safe, and functional as determined pursuant Education Code § 17002.

Misassignment: Means (1) the placement of a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate; or (2) 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.

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 or for an entire semester.

Administrative Regulations

Complaints

Complaints shall be limited to those topics identified in 5 C.C.R. § 4680-4687 and Education Code § 35186 as follows:

1. A complaint related to instructional materials includes:
 - a. 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.
 - 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, having 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.
2. A complaint related to teacher vacancy or misassignment includes:
 - 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 learner students in the class.
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. A complaint related to the condition of facilities that pose an emergency or urgent threat to the health or safety of students or staff as defined in Education Code § 17592.72(c)(1) and the requirements established pursuant to Education Code § 35292.5(a).

Filing a Complaint

Complainants may use the attached form for filing the complaint; however, use of the complaint form is not required. A complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if they request it.

The complaint shall be filed with the site principal or designee of the Superintendent. A complaint that is filed beyond the authority of the principal will be forwarded to the appropriate school official within ten (10) working days.

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Revised on:

Page 2 of 8

The policies are developed in collaboration with the Small School Districts' Association for general informational, educational and procedural purposes only and are not intended to constitute legal advice for any specific situation.

Complaints related to instructional materials shall identify:

1. The school;
2. The course or grade level in which the deficiencies in instructional materials exist;
3. The teacher of the course or grade level; and
4. The specific nature of the deficiencies.

Complaints 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; and
3. If it is a misassignment, the name of the teacher who is misassigned.

Complaints regarding the conditions of facilities that pose an emergency or urgent threat to the health or safety of students or staff shall identify:

1. The specific school in which the condition exists;
2. The location of the facility;
3. Describe emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff; and
4. How the condition poses a threat to the health or safety of students or staff.

Notices

Notice shall be posted in each classroom in each school of the District notifying parents of the following required under 5 C.C.R. § 4684 and Education Code § 35186:

1. There should be sufficient textbooks and instructional materials. For there to be sufficient textbooks and instructional materials each student, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair.
3. 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 to teach the class, including the certification required to teach English learners if present.
4. The location at which to obtain a form to file a complaint in case of a shortage.

Investigation and Response

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Page 3 of 8

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The principal or designee of the Superintendent shall make all reasonable efforts to investigate any problem within their authority. The principal or designee of the Superintendent shall remedy a valid complaint within a reasonable time period not to exceed thirty (30) working days from the date the complaint was received.

The report will be provided in English and if Section 48985 is applicable, the primary language in which the complaint was filed.

The principal or designee of the Superintendent shall report to the complainant the resolution of the complaint within forty-five (45) working days of the initial filing of the complaint if the complainant identified themselves and requested a response. If the principal makes the report, the principal shall also report the same information in the same timeframe to the Superintendent or designee of the Superintendent.

All complaints and responses are public records.

Appeals

A complainant who is not satisfied with the resolution of the principal or designee of the Superintendent has the right to describe the complaint to the Board at a regularly scheduled meeting of the Board.

A complainant who is not satisfied with the resolution by the principal, or the district superintendent or his or her designee of the Superintendent, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of section 17592.72(c)(1), has the right to file an appeal to the Superintendent of Public Instruction within fifteen (15) days of receiving the report.

Complaints alleging more than one student does not have sufficient textbooks or instructional materials, as defined in Education Code § 60119(c), as a result of an act by the board or the Board's failure to act to remedy the deficiency may be filed with the Superintendent of Public Instruction.

Reports

The District shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the county superintendent of schools and the Board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the Board. The report

shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. The complaints and written responses shall be available as public records.

Williams Complaint Form

Pursuant to Education Code § 35186 and 5 C.C.R. §§ 4680-4687 complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, and teacher vacancies and misassignments can be filed with the District. Complaints can be filed anonymously, however, if you would like a response to your complaint you must provide your contact information. Complaints and responses under this statute are public documents.

Complaints shall be filed with the site principal.

Name: _____

Mailing Address: _____

Email: _____

Phone Number: _____

Would you like a response? ☐ Yes ☐ No

Identify the school site: _____

Identify the specific location of the condition (if applicable): _____

Identify the course or grade level: _____

Identify the teacher (if applicable): _____

What is the topic of your complaint? Please check all that apply.

1. A complaint related to instructional materials.

☐ 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.

- ☐ A student does not have access to textbooks or instructional materials to use at home or after school.
 - ☐ Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.
 - ☐ 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.
2. A complaint related to teacher vacancy or misassignment.
- ☐ A semester begins and a teacher vacancy exists.
 - ☐ A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner students in the class.
 - ☐ A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
3. A complaint related to the condition of facilities.
- ☐ The condition of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff as defined in Education Code § 17592.72(c)(1) or the requirements established pursuant to Education Code § 35292.5(a).

Please describe in detail the nature of your complaint. You may attach additional pages as needed to describe the situation or issue fully. For complaints concerning the condition of the facilities that pose an emergency or urgent threat to the health or safety of students or staff please describe how the condition poses such a threat.

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