

WILLIAMS UNIFORM COMPLAINT PROCEDURES

The Monterey County Office of Education (MCOE) shall follow procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: [Education Code (EC) 35186; 5 CCR 4681, 4682]

Types of Complaints

1. Textbooks and instructional materials
 - a. A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or county-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.
 - 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 from instructional materials to address a shortage of textbooks or instructional materials.

2. Teacher vacancy or misassignments
 - 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.

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. [EC 33126; 5 CCR 4682]

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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. [EC 35186; 5 CCR 4600]

3. Facilities

- 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. [EC 17592.72]

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. [EC 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. [EC 35292.5]

Filing of Complaint

1. A complaint alleging any condition(s) specified above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall make all reasonable efforts to investigate any problem within his/her authority. The principal or designee shall forward a complaint about problems beyond his/her authority to the Division Head, program director or designee in a timely manner, but not to exceed 10 working days. [EC 35186; 5 CCR 4680]
2. Complaints may be filed anonymously. If the complainant has identified themselves and has indicated on the complaint form that he/she would like a response to his/her complaint, the principal 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. When the principal or designee makes this requested response, the principal or designee shall also report the same information in the same timeframe to the Monterey County Superintendent of Schools (County Superintendent) or designee. [EC 35186; 5 CCR 4680, 4685]
 - a. Valid complaints must be remedied within a reasonable time period not to exceed 30 working days from the date the complaint was received. [EC 35186]
 - b. 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. [EC 48985; 35186]
 - c. If a complainant is not satisfied with the resolution of a complaint, he/she may schedule a meeting with the Division Head to discuss the complaint. [EC 35186; 5 CCR 4686]
 - d. For any complaint concerning a facility condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3 above, a complainant who is not satisfied with the resolution proffered by the principal, program director, Division Head or County Superintendent may file an appeal to the State Superintendent of Public Instruction (SSPI) within 15 days of receiving the county's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. [EC 35186; 5 CCR 4687]
 - e. All complaints and written responses shall be public records. [EC 35186; 5 CCR 4686]

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Reports

The Deputy Superintendent or designee shall report to the Monterey County Board of Education (County Board) on a quarterly basis summarized data on the nature of all complaints and how they were resolved. 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 County Board meeting. [EC 35186; 5 CCR 4686]

Forms and Notices

The program director, principal or designee shall ensure a Williams complaint form is available at each school and program office. However, complainants need not use the Williams complaint form in order to file a complaint. [EC 35186; 5 CCR 4680]

The Deputy Superintendent or designee shall ensure that the Williams complaint form contains a space to indicate whether the complainant desires a response to his/her complaint. A complainant may add as much text to explain the complaint as he/she wishes. The Williams complaint form shall also identify the place for filing the complaints. [EC 35186]

The principal shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. [EC 35186]

Legal Reference:

EDUCATION CODE

1240	<i>County superintendent of schools, duties</i>
17592.72	<i>Urgent or emergency repairs, School Facility Emergency Repair Account</i>
33126	<i>School Accountability Report Card</i>
35186	<i>Williams uniform complaint procedure</i>
35292.5	<i>Restrooms, maintenance and cleanliness</i>
3724	<i>Supplemental instruction based on failure to pass exit exam by grade 12</i>
48985	<i>Notice to parents in language other than English</i>
60119	<i>Hearing on sufficiency of instructional materials</i>

CODE OF REGULATIONS TITLE 5

4600-4671	<i>Uniform complaint procedures, especially:</i>
4680-4687	<i>Williams complaints</i>

Approved: 03/09/18