

## **WILLIAMS UNIFORM COMPLAINT POLICIES AND PROCEDURES**

The Monterey County Board of Education (County Board) and Monterey County Office of Education (MCOE) are required to set forth the process for submission of Williams complaints as per the Williams Lawsuit Settlement. This policy contains rules and instructions about the filing, investigation and resolution of a Williams complaint regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

The Monterey County Office of Education adopted the Uniform Complaint Procedures (UCP) process in accordance with Chapter 5.1 (commencing with Section 4680) of the *California Code of Regulations*, Title 5, to resolve Williams complaints. This document presents information about how complaints concerning Williams Settlement issues are processed. A UCP (Uniform Complaint Procedure) complaint is a written and signed statement by a complainant alleging a violation of state laws or regulations. A complainant is any individual, including a person's duly authorized representative or an interested third party, public agency, or organization who files a written complaint alleging violation of state laws or regulations, regarding alleged deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. If a complainant is unable to put the complaint in writing, due to a disability or illiteracy, MCOE shall assist the complainant in the filing of the complaint.

### **The Responsibility of the Monterey County Office of Education**

MCOE is required to have local policies and procedures that enable Williams Complaints to be handled through the UCP process; to post a classroom notice informing parents, guardians, pupils, and teachers of their rights to file a Williams complaint in each classroom in each program and school; and to provide a complaint form for Williams complaints regarding alleged deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment.

If a response is requested by the complainant, the response will go to the mailing address of the complainant indicated on the complaint.

If Education Code §48985 is applicable and 15 percent or more of the pupils in grades K–12 enrolled in MCOE programs speak a language other than English, the Williams Complaint Classroom Notice and the Williams Complaint Form shall be written in English and in the primary language of the complainant. The complaint response, if requested, and final report shall be written in English and the primary language in which the complaint was filed.

A Williams Complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but will not exceed 10 working days, to the department or division head for resolution.

The principal of the school or principal's supervisor, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority.

The principal, or, where applicable, the principal's supervisor shall remedy a valid complaint within a reasonable time period but not to exceed 30 working days from the date the complaint was received.

The principal, or where applicable, the principal's supervisor, shall report to the complainant the resolution of the complaint within 45 working days of the initial filing, if complainant identifies himself or herself and requested a response.

The principal makes this report; the principal shall also report the same information in the same timeframe to the principal's supervisor.

MCOE shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the County Superintendent and the County Board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the County Board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

The complaints and responses shall be available as public records.

### **The Williams Complaint Classroom Notice**

MCOE will make sure that the Williams Complaint Classroom Notice is posted in each classroom in each school in MCOE and includes:

- The parents, guardians, pupils, and teachers,
- a statement proclaiming sufficient textbooks and instructional materials, (For there to be sufficient textbooks and instructional materials each pupil, including English Learners, must have a textbook or instructional materials, or both, to use in class and to take home)
- a statement that facilities must be clean, safe, and maintained in good repair,
- a statement that there should be no teacher vacancies or misassignments, and
- the location at which to obtain a form to file a complaint in case of a shortage.

The Williams Complaint Notice shall be made available for download on the MCOE website.

**The Williams Complaint Form**

The Williams Complaint form is to be made available for parents, guardians, pupils, and teachers to use. The Complaint form is available on the MCOE website or at the school site. (Exhibit A)

Every MCOE school and program shall have a complaint form available for such Williams complaints. The Williams Complaint form shall include:

- A section to indicate if a response is requested;
- A section for contact information including mailing address if a response be requested;
- A statement that a pupil, including an English Learner, does not have standards - aligned textbooks or instructional materials or state adopted or County Board-adopted textbooks or other required instructional materials to use in class;
- A statement that 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;
- A statement that textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage;
- A statement that 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;
- A statement that a condition poses an urgent or emergency threat to the health or safety of pupils or staff, including: 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, and any other emergency conditions MCOE determines appropriate;
- A statement that a restroom at a school or program has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and towels or functional hand dryers;
- A statement that the school or program has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary closing of the restroom is necessary for pupil safety or to make repairs;
- A statement that a semester begins and a teacher vacancy exists. (A position to which a single designated certificate 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 of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).

- A statement that a teacher who lacks credentials or training to teach English Learners is assigned to teach a class with more than 20 percent English Learners pupils in the class;
- A statement that a teacher is assigned to teach a class for which the teacher lacks subject matter competency;
- a section to identify the location of the school or program in which the alleged violation took place;
- A section to identify the course or grade level, if applicable;
- A section where the complainant describes the specific nature of the complaint in detail;
- A statement that the complainant may include as much text as the complainant feels is necessary, and
- A statement identifying the place to file the complaint that includes the office and address of the program director or his/her designee of the school or program in which the alleged violation took place.

### **Filing a Williams Complaint**

A Williams complaint shall be filed with the principal of the school or his or her designee, in which the complaint arises. A Williams complaint may be filed anonymously. The complainant need not use the Williams Complaint form to file a complaint.

### **How To Appeal a Williams Complaint**

A complainant who is not satisfied with the resolution of the principal, principal's supervisor or the County Superintendent, involving deficiencies related to instructional materials, the condition of a facility that is not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment, has the right to describe the complaint to the County Board at a regularly scheduled meeting.

A complainant who is then not satisfied with the resolution proffered by the principal, the principal's supervisor or the County Superintendent, involving a condition of a facility that poses an emergency or urgent threat, as defined in paragraph (1) of subdivision (c) of EC § 17592.72, has the right to file an appeal to the State Superintendent of Public Instruction at the California Department of Education (CDE) within 15 days of receiving the report.

Conditions that pose an emergency or urgent threat (not cosmetic or nonessential) to the health and safety of pupils or staff while at school include the following:

- 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 pupil or staff.
- Structural damage creating a hazardous or uninhabitable condition.

In regards to the resolution proffered by the County Superintendent or his or her designee, involving a condition of a facility that poses an emergency or urgent threat, the complainant shall comply with the appeal requirements of 5 *CCR* § 4632.

A complainant may appeal the Decision of an emergency or urgent threat to the CDE by filing a written appeal within 15 days of receiving the Decision.

The complainant shall specify the basis for the appeal of the Decision and whether the facts are incorrect and/or the law is misapplied.

The appeal shall be accompanied by:

1. a copy of the locally filed complaint; and
2. a copy of the Decision.

Legal References:

EDUCATION CODE

1240 *County superintendent of schools, duties*

1791-1792 *Establishment and management of technical, agricultural and natural resources conservation school*

1980-1984 *Establishment of county community school*

17592.72 *Urgent or emergency repairs, School Facility Emergency Repair Account*

33126 *School Accountability Report Card*

35145.5 *Right of public to place matters on agenda*

35186 *Williams uniform complaint procedure*

35292.5 *School Maintenance*

48985 *Notices in language other than English*

60119 *Hearing on sufficiency of instructional materials*

CODE OF REGULATIONS, TITLE 5

4600-4671 *Uniform complaint procedures, especially:*

4680-4687 *Williams complaints*

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