

Note: Education Code [35186](#) mandates that districts establish policies and procedures to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignment, and emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff. When such a complaint is filed with the district, the district is required to investigate and resolve the complaint in accordance with the Williams uniform complaint procedures established pursuant to 5 CCR [4680-4687](#). In addition, pursuant to Education Code [8235.5](#), as added by AB 1808 (Ch. 32, Statutes of 2018), California State Preschool Programs (CSPP) (Education Code [8235-8239.1](#)) that are exempt from licensing pursuant to Health and Safety Code [1596.792](#) must utilize district complaint procedures, with modifications as necessary, to resolve allegations of noncompliance with applicable health and safety requirements. The Legislative Counsel's Digest of AB 1808 clarifies that the Williams uniform complaint procedures are the applicable procedures.

Note: It is recommended that districts use these procedures only for complaints specified in law and this administrative regulation. See BP/AR 1312.3 - Uniform Complaint Procedures for a discussion of the types of complaints subject to the uniform complaint procedures established pursuant to 5 CCR [4600-4670](#). For procedures related to complaints about employees, see BP/AR 1312.1 - Complaints Concerning District Employees. For complaints concerning the district's adoption and selection of specific instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials. For complaints regarding the district's nutrition program, see BP [3555](#) - Nutrition Program Compliance.

### **Types of Complaints**

The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:

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 percent English learners in the class.

(cf. [4112.22](#) - Staff Teaching English 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 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 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. (Education Code [35186](#); 5 CCR [4600](#))

(cf. [4112.2](#) - Certification)

(cf. [4113](#) - Assignment)

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 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 students or staff; 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, 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 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](#))

Note: The following optional paragraph is for use by districts that maintain any of grades 6-12. Education Code [35292.6](#) requires a school that serves any of grades 6-12 and meets a 40 percent student poverty threshold, as defined in 20 USC [6314](#), to stock

at least 50 percent of the school's restrooms with feminine hygiene products for use in connection with the menstrual cycle, and to not charge students for such products. See AR [3517](#) - Facilities Inspection. Although Education Code [35292.6](#) does not require a complaint process, it is recommended that the Williams uniform complaint procedures be used to address any allegation of noncompliance with Education Code [35292.6](#) in order to ensure consistency in the procedures that districts use to address allegations of noncompliance with all restroom maintenance requirements.

In any district school serving any of grades 6-12 in which 40 percent or more of the students in the school or school attendance area are from low-income families, as defined in 20 USC [6314](#), a complaint may be filed alleging noncompliance with the requirement of Education Code [35292.6](#) to stock, at all times, at least half of the restrooms in the school with feminine hygiene products and to not charge students for the use of such products.

(cf. [3514](#) - Environmental Safety)

(cf. [3517](#) - Facilities Inspection)

### **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](#))

Note: Education Code [8235.5](#) and [35186](#) require that the district's complaint form contain the elements stated in the following paragraph. In addition, Education Code [8235.5](#) and [35186](#) require that a notice be posted in each classroom in each school in the district, as specified below. See the accompanying exhibits for sample forms and classroom notices.

The Superintendent or designee shall ensure that the district's complaint form specifies the location for filing a complaint and contains a space to indicate whether the complainant desires a response to the complaint. A complainant may add as much text to explain the complaint as desired. (Education Code [8235.5](#), [35186](#); 5 CCR [4680](#))

Note: The following paragraph may be revised to reflect the grade levels offered by the district.

The Superintendent or designee shall post in each K-12 classroom in each school a notice containing the components specified in Education Code [35186](#). In each license-exempt CSPP classroom, a notice containing the components specified in Education Code [8235.5](#) shall be posted. (Education Code [8235.5](#), [35186](#))

### **Filing of Complaint**

Note: Education Code [8235.5](#) and [35186](#) require that complaints be investigated and resolved within the timelines specified below. During the Federal Program Monitoring (FPM) process, CDE staff will expect to see statements regarding the filing of the complaint, the investigation, timelines, and the complainant's right to appeal to the Governing Board and to appeal facilities complaints to CDE, as detailed in the following section and the section "Investigation and Response" below.

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal or designee, or the preschool administrator or designee as appropriate, at the school in which the complaint arises. A complaint about problems beyond the authority of the principal or

preschool administrator shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code [8235.5](#), [35186](#); 5 CCR [4680](#))

### **Investigation and Response**

The principal/preschool administrator or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within their authority. (Education Code [8235.5](#), [35186](#); 5 CCR [4685](#))

Investigation of a complaint regarding preschool health or safety issues shall begin within 10 calendar days of receipt of the complaint. (Education Code [8235.5](#))

The principal/preschool administrator or Superintendent's designee 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 [8235.5](#), [35186](#); 5 CCR [4685](#))

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal/preschool administrator or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the principal/preschool administrator makes this report, the information shall be reported at the same time to the Superintendent or designee. (Education Code [8235.5](#), [35186](#); 5 CCR [4680](#), [4685](#))

Note: Education Code [48985](#) specifies that, when 15 percent or more of the students enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such students be written in English and in the primary language. Education Code [8235.5](#) and [35186](#) require that, when Education Code [48985](#) is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.

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 [8235.5](#), [35186](#))

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (Education Code [8235.5](#), [35186](#); 5 CCR [4686](#))

For any complaint concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff as described in item #3a or #4 in the section "Types of Complaints" above, a complainant who is not satisfied with the resolution proffered by the principal/preschool administrator or Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR [4632](#). (Education Code [8235.5](#), [35186](#); 5 CCR [4687](#))

All complaints and written responses shall be public records. (Education Code [8235.5](#), [35186](#); 5 CCR [4686](#))

(cf. [1340](#) - Access to District Records)

## Reports

Note: During the FPM process, CDE staff will expect to see the following statement.

On a quarterly basis, the Superintendent or designee shall report, to the Board at a regularly scheduled public Board meeting and to the County Superintendent of Schools, summarized data on the nature and resolution of all complaints. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. (Education Code [8235.5](#), [35186](#); 5 CCR [4686](#))

Legal Reference:

### EDUCATION CODE

[234.1](#) Prohibition of discrimination, harassment, intimidation, and bullying

[1240](#) County superintendent of schools, duties

[8235-8239.1](#) California State Preschool Programs, especially:

[8235.5](#) California State Preschool Program, complaints regarding health and safety issues

[17592.72](#) Urgent or emergency repairs, School Facility Emergency Repair Account

[33126](#) School accountability report card

[35186](#) Williams uniform complaint procedures

[35292.5-35292.6](#) Restrooms, maintenance and cleanliness

[48985](#) Notice to parents in language other than English

[60119](#) Hearing on sufficiency of instructional materials

### HEALTH AND SAFETY CODE

[1596.792](#) California Child Day Care Act; general provisions and definitions

[1596.7925](#) California Child Day Care Act; health and safety regulations

### CODE OF REGULATIONS, TITLE 5

[4600-4670](#) Uniform complaint procedures

[4680-4687](#) Williams uniform complaint procedures

### UNITED STATES CODE, TITLE 20

Community Relations  
**Williams Uniform Complaint Procedures**

AR 1312.4

[6314](#) Title I schoolwide program

Management Resources:

WEB SITES

CSBA: <http://www.csba.org>

California County Superintendents Educational Services Association: <http://www.ccsesa.org>

California Department of Education, Williams case: <http://www.cde.ca.gov/eo/ce/wc>

State Allocation Board, Office of Public School Construction: <http://www.opsc.dgs.ca.gov>

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