

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

Community Relations
WILLIAMS UNIFORM COMPLAINT PROCEDURES

This administrative regulation establishes *Williams* Uniform Complaint Procedures to be followed in County Superintendent/County Board schools for the filing, investigation, and resolution of complaints regarding instructional materials, teacher vacancies or misassignments, and emergency or urgent facilities conditions that pose a threat to the health and safety of students or County Superintendent staff.

Types of Complaints

The procedures described in this administrative regulation shall be used 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 other instructional materials or state-adopted or County Board-adopted textbooks or other required instructional materials to use in class.
 - b. A student does not have access to textbooks or other 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 other 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 other instructional materials to address a shortage of textbooks or instructional materials.
2. Complaints regarding teacher vacancies or misassignments, 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 one or more English-learners in the class.
 - 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)

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

“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)

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 a documented student safety concern, an immediate threat to student safety, or to repair the facility. (Education Code 35292.5)

In any County Superintendent/County Board school serving any of grades 6-12, a complaint may be filed alleging noncompliance with the requirement of Education Code 35292.6 to, at all

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

times, stock and make available and accessible free of cost, an adequate supply of menstrual products in every women's and all-gender restroom, and in at least one men's restroom. (Education Code 35292.6)

Filing a Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the principal/school site administrator or designee at the school in which the complaint arises. The principal/school site administrator or designee shall forward a complaint about problems beyond the principal's/school site administrator's authority to the designated Compliance Officer or designee, in a timely manner, but not to exceed 10 working days. Complaints may be filed anonymously. (Education Code 35186; 5 CCR 4680)

The Compliance Officer is:

Deputy Superintendent, Instructional Division
Office of Fresno County Superintendent of Schools
1111 Van Ness Avenue
Fresno, CA 93721
(559) 265-3090

Investigation and Response

The Compliance Officer or designee shall make all reasonable efforts to investigate any problem within the Compliance Officer's or designee's authority. The Compliance Officer may assign to other County Superintendent staff responsibility for investigating and resolving a complaint and reporting the resolution to the complainant. The Compliance Officer shall ensure that any employee designated to investigate and resolve a complaint is knowledgeable about applicable laws and the requirements of this administrative regulation.

The Compliance Officer or designee shall remedy a valid complaint within a reasonable time period, but not to exceed 30 working days from the date the complaint was received. (Education Code 35186; 5 CCR 4685)

If the complainant has indicated on the complaint form that the Complainant would like a response to the complaint, the Compliance Officer or designee shall report the resolution of the complaint to the complainant at the mailing address indicated on the complaint form within 45 working days of the initial filing of the complaint. If the principal/site administrator makes this report to the complainant, at the same time, the principal/site administrator or designee shall report the same information to the Compliance Officer. (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 a complaint, the complainant has the right to describe the complaint to the County Superintendent or County Board at a regularly scheduled meeting. (Education Code 35186; 5 CCR 4686)

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

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 3.a. in the section "Types of Complaints" above and as defined in Education Code section 17592.72(c)(1), a complainant who is not satisfied with the resolution proffered by the principal/site administrator or the Compliance Officer or designee may file an appeal to the Superintendent of Public Instruction within 15 calendar days of receiving the response. The complainant shall comply with the appeal requirements specified in California Code of Regulations, Title 5, section 4632. (Education Code 35186; 5 CCR 4687)

All complaints and written responses shall be public records. (Education Code 35186; 5 CCR 4686)

Reports

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

Forms and Notices

The complaint form in Superintendent Exhibit 1312.4, Exhibit 2 may be used by a complainant to identify deficiencies related to instructional materials, teacher vacancies or misassignments, or conditions of facilities as defined above. Complaint forms shall be available with the principal/site administrator at all County Superintendent/County Board schools, on the County Superintendent's website, and through the Compliance Officer. County Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the complaint form in Superintendent Exhibit 1312.4, Exhibit 2 in order to file a complaint. (Education Code 35186; 5 CCR 4680.)

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

County Superintendent or designee shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186. (Education Code 35186.) The required notice is in Superintendent Exhibit 1312.4, Exhibit 1.

Adopted: 03/17/1995

Amended: 03/17/2016, 10/18/2018, 03/16/2023, 12/12/2023

Legal References**Education Code**

1240 County superintendent of schools, duties

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

FRESNO COUNTY SUPERINTENDENT OF SCHOOLS

1980-1984 Establishment of county community school
17592.72 Urgent or emergency repairs, School Facility Emergency Repair Account
33126 School accountability report card
35186 Williams uniform complaint procedure
35292.5-35292.6 Restrooms, maintenance and cleanliness
48660-48667 Establishment of community day school
48985 Notices to parents in languages other than English
60119 Hearing on sufficiency of instructional materials

California Code of Regulations, Title 5

4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures

Management Resources

Web Sites

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>