California Law and Regulations Addressing *Williams* Complaints

**EDUCATION CODE**
**Title 2. ELEMENTARY AND SECONDARY EDUCATION**
**Division 3. Local Administration**
**Part 21. Local Educational Agencies**
**Chapter 2. Governing Boards**
**Article 4.7. Miscellaneous Administrative Authority**

California Education Code § 35186 (2008)

§ 35186. Use of uniform complaint process to resolve complaints of specified deficiencies; Duties of principal or designee; Appeal; Summaries of complaints; Posting of notice

(a) A school district shall use the uniform complaint process it has adopted as required by Chapter 5.1 (commencing with Section 4600) of Title 5 of the California Code of Regulations, with modifications, as necessary, to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, teacher vacancy or misassignment, and intensive instruction and services provided pursuant to Section 37254 to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12.

(1) A complaint may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If Section 48985 is otherwise applicable, the response, if requested, and report shall be written in English and the primary language in which the complaint was filed. All complaints and responses are public records.

(2) The complaint form shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as he or she wishes.

(3) Except as provided pursuant to paragraph (4), a complaint shall be filed with the principal of the school or his or her designee. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner but not to exceed 10 working days to the appropriate school district official for resolution.

(4) A complaint regarding any deficiencies related to intensive instruction and services provided pursuant to Section 37254 to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12 shall be submitted to the district official designated by the district superintendent. A complaint may be filed at the school district office, or it may be filed at the schoolsite and shall be immediately forwarded to the designee of the district superintendent.
(b) The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal or designee of the district superintendent 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 designee of the district superintendent shall report to the complainant the resolution of the complaint within 45 working days of the initial filing. If the principal makes this report, the principal shall also report the same information in the same timeframe to the designee of the district superintendent.

(c) A complainant not satisfied with the resolution of the principal or the designee of the district superintendent has the right to describe the complaint to the governing board of the school district at a regularly scheduled hearing of the governing board. As to complaints 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, a complainant who is not satisfied with the resolution proffered by the principal or the designee of the district superintendent has the right to file an appeal to the Superintendent, who shall provide a written report to the state board describing the basis for the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

(d) A school 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 governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. 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.

(e) The procedure required pursuant to this section is intended to address all of the following:

(1) A complaint related to instructional materials as follows:

(A) A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional material to use in class.

(B) A pupil does not have access to 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.

(2) A complaint related to teacher vacancy or misassignment as follows:

(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 pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(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 pupils or staff as defined in paragraph (1) of subdivision (c) of Section 17592.72 and any other emergency conditions the school district determines appropriate and the requirements established pursuant to subdivision (a) of Section 35292.5.

(4) A complaint related to the provision of intensive instruction and services pursuant to paragraphs (4) and (5) of subdivision (d) of Section 37254.

(f) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents, guardians, pupils, and teachers of the following:

1. There should be 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.

2. School facilities must be clean, safe, and maintained in good repair.

3. There should be no teacher vacancies or misassignments as defined in paragraphs (2) and (3) of subdivision (h).

4. Pupils who have not passed the high school exit examination by the end of grade 12 are entitled to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until the pupil has passed both parts of the high school exit examination, whichever comes first, pursuant to paragraphs (4) and (5) of subdivision (d) of Section 37254. The information in this paragraph, which is to be included in the notice required pursuant to this subdivision, shall only be included in notices posted in classrooms in schools with grades 10 to 12, inclusive.

5. The location at which to obtain a form to file a complaint in case of a shortage. Posting a notice downloadable from the Internet Web site of the department shall satisfy this requirement.

(g) A local educational agency shall establish local policies and procedures, post notices, and implement this section on or before January 1, 2005.
(h) For purposes of this section, the following definitions apply:

(1) "Good repair" has the same meaning as specified in subdivision (d) of Section 17002.

(2) "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.

(3) "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.
§ 4680. Complaints Regarding Instructional Materials, Teacher Vacancy or Misassignment, and School Facilities

(a) Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancy or misassignment shall be filed with the principal of the school, or his or her designee, in which the complaint arises. A complaint about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed 10 working days, to the appropriate school district official for resolution.

(b) Complaints regarding instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, and teacher vacancy or misassignment may be filed anonymously. A complainant who identifies himself or herself is entitled to a response if he or she indicates that a response is requested. If a response is requested, the response shall be made to the mailing address of the complainant indicated on the complaint.

(c) The school shall have a complaint form available for such complaints. The complaint form shall identify the place for filing the complaint and include a space to indicate whether a response is requested. However, the complainant need not use a complaint form.

(d) All complaints and responses are public records.

§ 4681. Contents of Complaints Regarding Instructional Materials

(a) A complaint related to instructional materials may allege as follows:

(1) A pupil, 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.

(2) 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.
(3) Textbooks or instructional materials are in poor or unusable condition, having missing pages, or are unreadable due to damage.

(4) 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.

(b) A complaint related to instructional materials shall identify:

(1) the school;

(2) the course or grade level in which the deficiency(ies) in instructional materials exist;

(3) the teacher of the course or grade level; and

(4) the specific nature of the deficiency or deficiencies as specified in subsection (a).

(c) A complaint may include as much text to explain the deficiency or deficiencies in instructional materials as complainant feels necessary. A complaint may contain more than one allegation of deficiency or deficiencies in the instructional material.

§ 4682. Contents of Complaints Regarding Teacher Vacancy or Misassignment

(a) A complaint related to teacher vacancy or misassignment may allege as follows:

(1) A semester begins and a teacher vacancy exists (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 of which a single designated certificated employee has not been assigned at the beginning of a semester for an entire semester).

(2) A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learner pupils in the class. This subparagraph does not relieve a school district from complying with state or federal law regarding teachers of English learners.

(3) A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

(b) A complaint 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 as specified in subdivision (a); and

(3) if it is a misassignment, the name of the teacher who is misassigned.
(c) A complaint may include as much text to explain the teacher vacancy or misassignment as complainant feels necessary. A complaint may contain more than one allegation of teacher vacancy or misassignment.

§ 4683. Contents of Complaints Regarding the Condition of a Facility

(a) A complaint related to the conditions of facilities that pose an emergency or urgent threat to the health or safety of pupils or staff shall identify the specific school in which the condition exists. The complaint shall specify:

(1) the location of the facility;

(2) describe emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff; and

(3) how the condition poses a threat to the health or safety of pupils or staff.

(b) A complainant may include as much text to explain the emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff, as complainant feels necessary. A complaint may contain more than one allegation of emergency or urgent facilities conditions that pose a threat to the health or safety of pupils or staff.

§ 4684. Notice

(a) In order to identify appropriate subjects of complaint, a notice shall be posted in each classroom in each school in the school district notifying parents and guardians of the following:

(1) There should be 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.

(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. Posting a notice downloadable from the Web site of the Department shall satisfy this requirement.
§ 4685. Investigation

The principal or the designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority. The principal, or, where applicable, district superintendent or his or her 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. The principal, or where applicable, district superintendent or his or her designee, 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. If the principal makes this report, the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.

§ 4686. Responsibilities of Governing Board

(a) A complainant who is not satisfied with the resolution of the principal or the district superintendent or his or her designee, has the right to describe the complaint to the governing board of the school district at a regularly scheduled meeting of the governing board.

(b) A school 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 governing board of the school district. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the governing board of the school district. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

(c) The complaints and written responses shall be available as public records.

§ 4687. Appeal of Facilities Complaint to Superintendent

(a) A complainant who is not satisfied with the resolution proffered by the principal, or the district superintendent or his or her designee, 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, has the right to file an appeal to the Superintendent of Public Instruction within 15 days of receiving the report.

(b) Complainant shall comply with the appeal requirements of section 4632.

(c) The Superintendent of Public Instruction or his or her designee shall comply with the requirements of section 4633.
(d) The Superintendent of Public Instruction shall provide a written report to the State Board of Education describing the basis for the complaint, the school district's response to the complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from the school district's remedy.