

COMMUNITY RELATIONS

Williams Uniform Complaint Procedures

Types of Complaints

The San Joaquin County Office of Education (SJCOE) 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:
 - a. A student, including an English-learner, does not have standards-aligned textbooks or instructional materials or state- or SJCOE-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.

2. Complaints regarding teacher vacancy or misassignment:
 - 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.

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.

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.

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 a 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. Complaints regarding the condition of school facilities, including any complaint alleging that:
 - 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 pose 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.

- 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, and paper towels or functional hand dryers.

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.

In any SJCOE 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.

Forms and Notices

The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use SJCOE's complaint form in order to file a complaint.

The Superintendent or designee shall ensure that the 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.

The Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code § 35186.

Filing of Complaint

A complaint alleging any condition(s) specified in the section "Types of Complaints" above shall be filed with the Division Director of Human Resources at the following address:

Division Director of Human Resources
San Joaquin County Office of Education
2922 Transworld Drive, Stockton, CA 95206 (physical)
P.O. Box 213030, Stockton, CA 95213-9030 (mailing)
(209) 468-4820

Such complaints may also be filed with the program administrator where the complaint arises. The program administrator shall then forward all complaints to the Division Director of Human Resources in a timely manner. The Division Director of Human Resources shall forward a complaint about problems beyond their authority to the Superintendent or designee in a timely manner, but not to exceed 10 working days. SJCOE shall have a complaint form (E 1312.4) available for such Williams Complaints. Complaints may be filed anonymously.

Investigation and Response

The Division Director of Human Resources shall make all reasonable efforts to investigate any problem within their authority and shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received.

If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the Division Director of Human Resources shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. At the same time, the Division Director of Human Resources shall report the same information to the Superintendent or designee.

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.

If a complainant is not satisfied with the resolution of a complaint, the complainant has the right to describe the complaint to the Superintendent.

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 in the section “Types of Complaints” above, a complainant who is not satisfied with the resolution provided by the Division Director of Human Resources, or Superintendent, may file an appeal to the State Superintendent of Public Instruction within 15 days of receiving the response. Complainant shall comply with the appeal requirements of 5 CCR 4632.

All complaints and written responses shall be public records.

Reports

On a quarterly basis, the Superintendent or designee shall report, to the County Board of Education 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.

Legal Reference:

EDUCATION CODE

- 234.1 Prohibition of discrimination, harassment, intimidation, and bullying
- 1240 County superintendent of schools, duties
- 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

CODE OF REGULATIONS, TITLE 5
4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures

UNITED STATES CODE, TITLE 20
6314 Title I schoolwide program