

Williams Uniform Complaint Procedures

Types of Complaints

The Solano County Office of Education (SCOE) shall use the procedures described below to investigate and resolve the following: (Education Code section 35186; 5 CCR 4680-4683)

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, instructional materials, state- or SCOE-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, including any complaint alleging that:
 - 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 twenty percent (20%) 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)

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 twenty (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:
 - 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 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)

Policy 1312.4 (Continued)

- 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. (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)

- c. In any school serving any of grades 6-12 in which forty percent (40%) 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 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. (Education Code §35292.6)
4. Complaints regarding the noncompliance of a license-exempt California State Preschool Program (CSPP) with health and safety standards as specified in Health and Safety Code 1596.7925 and related state regulations, including any complaint alleging that: (Education Code §8235.5)
- a. The preschool does not have outdoor shade that is safe and in good repair.
 - b. Drinking water is not accessible and/or readily available throughout the day.
 - c. The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every fifteen (15) children.
 - d. Restroom facilities are not available only for preschoolers and kindergartners.
 - e. The preschool program does not provide visual supervision of children at all times.
 - f. Indoor and outdoor space is not properly contained, fenced or does not provide sufficient space for the number of children using the space at any given time.
 - g. Playground equipment is not safe, in good repair, or age appropriate.

Filing of Complaint

A complaint alleging any condition(s) specified in the section “Types of Complaints” above shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the County Superintendent or designee in a timely manner, but not to exceed ten (10) working days. (Education Code §35186; 5 CCR 4680)

Complaints may be filed with the following individual:

Name:	Manolo Garcia
Title or Position:	Associate Superintendent – Human Resources and Educator Effectiveness
Work Address:	5100 Business Center Drive, Fairfield, CA 94534-1658
Telephone Number:	(707) 399-4400
Email:	complianceofficer@solanocoe.net

Policy 1312.4 (Continued)

Investigation and Response

The principal or designee shall make all reasonable efforts to investigate any problem within their authority. They shall remedy a valid complaint within a reasonable time period not to exceed thirty (30) working days from the date the complaint was received. (Education Code §35186; 5 CCR 4685)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that s/he would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her at the mailing address indicated on the complaint form within forty-five (45) working days of the initial filing of the complaint. At the same time, the principal or designee shall report the same information to the County Superintendent or designee. (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.

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 proffered by the principal or County Superintendent/Designee, may file an appeal to the Superintendent of Public Instruction within fifteen (15) days of receiving SCOE's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632. (Education Code §35186; 5 CCR 4686)

All complaints and written responses shall be public records. (5 CCR 4686)

Reports

On a quarterly basis, the County Superintendent's designee shall report, to the County Board of Education at a regularly scheduled public Board meeting, 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 §35186; 5 CCR 4686)

Forms and Notices

The County Superintendent or designee shall ensure a *Williams* complaint form is available at each school. However, complainants need not use the form provided by SCOE to file a complaint. (Education Code §35186; 5 CCR 4680)

The County Superintendent or designee shall ensure that SCOE's complaint form contains a space to indicate whether the complainant desires a response to his/her complaint and specifies the location for filing a complaint. A complainant may add as much text to explain the complaint as s/he wishes.

The 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.

Attachments: Attachment A – Notice to Parents
Attachment B – *Williams* UCP Form

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 procedure
35292.5 Restrooms, maintenance and cleanliness
35292.6 Feminine hygiene products
48985 Notice to parents in language other than English
60119 Hearing on sufficiency of instructional materials
8235.5 License-exempt CSPP

CODE OF REGULATIONS, TITLE 5

4600-4670 Uniform complaint procedures
4680-4687 Williams uniform complaint procedures
1596.7925 Health and Safety

Policy Cross-Reference:

1312.1 Complaints Concerning Employees
1312.2 Complaints Concerning Instructional Materials
1312.3 Uniform Complaint Procedures
1340 Access to Records
3514 Environmental Safety
3517 Facilities Inspection
4112.22 Staff Teaching Students of Limited English Proficiency
6161.1 Selection and Evaluation of Instructional Materials
6162.52 High School Exit Examination
6179 Supplemental Instruction

**Notice to Parents/Guardians, Students, and Teachers:
Complaint Rights**

Parents/Guardians, Students, and Teachers:

Pursuant to California *Education Code* Section 35186, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each student, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. 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.

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.

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. School facilities must be clean, safe, and maintained in good repair.
4. License-exempt CSPP facilities and playground equipment must be clean, safe, in good repair. Children have access to outdoor shade, drinking water and are supervised at all times.
5. A complaint form may be obtained at one of the following locations:
 - **The School Office at:**
 - Irene Larsen Center, 1707 California Drive; Vacaville, CA 95687
 - Golden Hills Education Center, 2460 Clay Bank Road, Fairfield, CA 94533
 - Golden Hills Community School-Vacaville Campus, 343 Brown Street, Vacaville, CA 95688
 - T. C. McDaniel Center, 1895 Woolner Avenue; Fairfield, CA 94533
 - **Solano County Office of Education (SCOE), 5100 Business Center Drive; Fairfield, CA 94534**
 - **On SCOE's website: <http://www.solanocoe.net> (Parents/Community tab)**
 - **You may also download a copy of the California Department of Education (CDE) complaint form from the following website: <http://www.cde.ca.gov/re/cp/uc/>**

A complaint need not be filed using either SCOE's complaint form or the complaint form from the CDE.

Solano County Office of Education (SCOE)
Complaint Form: Williams Uniform Complaint Procedures

Education Code section 35186 creates a procedure for the filing of complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, or teacher vacancy or misassignment. The complaint and response are public documents as provided by law. Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the following contact information.

Response requested: Yes No

Contact Information: *(if a response is requested)*

Name: _____

Address: _____

Phone Number (day): _____ (evening): _____

E-mail Address, if any: _____

Information about the problem that is the subject of this complaint:

Date problem was observed: _____

Location of Problem (School Name, Address): _____

Room Number/name of room/location of facility: _____

Course title/grade level and teacher name: _____

Only the following issues may be the subject of this complaint process. If you have a complaint about an issue not specified below, please contact the school or SCOE for the appropriate complaint procedure.

Specific Issue(s) of the Complaint (Please check all that apply; a complaint may contain more than one allegation.):

1. Textbooks and Instructional Materials: (Education Code §35186; 5 CCR 4681)
 - A student, including an English learner, does not have standards-aligned textbooks, instructional materials, state-adopted or SCOE-adopted textbooks, or other required instructional materials to use in class.
 - 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.
 - Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
 - 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. Teacher Vacancy or Misassignment: (Education Code §35186; 5 CCR 4682)
 - A semester begins and a teacher vacancy exists. A teacher vacancy is a position to which a single designated certificated employee has not been assigned at the beginning of the school 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.
 - A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than twenty percent (20%) English learners in the class.
 - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Williams Uniform Complaint Procedures (Continued)

3. Facility Conditions: (Education Code §§17592.72, 35186, 35292.5, 35292.6; 5 CCR 4683)
 - A condition exists that poses an emergency or urgent threat to the health or safety of students 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 students or staff; structural damage creating a hazardous or uninhabitable condition; and any other condition deemed appropriate by SCOE.
 - A school restroom has not been cleaned or maintained regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers.
 - The school has not kept all restrooms open during school hours when students are not in classes and has not kept a sufficient number of restrooms open during school hours when students are in classes. This does not apply when temporarily closing the restroom is necessary for student safety or to make repairs.
 - In any school serving any grades 6-12 in which forty percent (40%) or more 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 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.

4. Preschool Health and Safety: (Education Code §8235.5; Health and Safety Code 1596.7925)
 - The preschool does not have outdoor shade that is safe and in good repair.
 - Drinking water is not accessible and/or readily available throughout the day.
 - The preschool does not provide safe and sanitary restroom facilities with one toilet and handwashing fixture for every fifteen (15) children.
 - Restroom facilities are not available only for preschoolers and kindergartners.
 - The preschool program does not provide visual supervision of children at all times.
 - Indoor or outdoor space is not properly contained or fenced or does not provide sufficient space for the number of children using the space at any given time.
 - Playground equipment is not safe, in good repair, or age appropriate.

