

## **COMMUNITY RELATIONS**

### **Williams Uniform Complaint Procedures**

#### **Types of Complaints**

The San Joaquin County Office of Education (SJCOE) shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred:

1. Textbooks and instructional materials:
  - 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. 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. Facilities:

- 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 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; or 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, except as necessary for student safety or to make repairs, 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.

**Filing of Complaint**

A complaint alleging any condition(s) specified in items #1-3 above shall be filed with the Director of Human Resources at the following address:

Director of Human Resources  
San Joaquin County Office of Education  
2901 Arch-Airport Road, 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 SJCOE Director of Human Resources in a timely manner. The Director of Human Resources shall forward a complaint about problems beyond his/her 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.

### **Investigation and Response**

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

Complaints may be filed anonymously. If the complainants have identified themselves and indicated on the complaint form that he/she would like a response to his/her complaint, the Director of Human Resources shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. If a response is requested, the response shall be made to the mailing address of the complainant as indicated on the complaint form. At the same time, the Director of Human Resources shall report the same information to the Superintendent.

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, he/she has the right to describe the complaint to the Superintendent and the County Board of Education at a regularly scheduled meeting.

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 above, a complainant who is not satisfied with the resolution provided by the 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**

The Director of Human Resources shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the Superintendent and the County Board of Education. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints. These summaries shall be publicly reported on a quarterly basis at a regularly scheduled County Board of Education meeting.

### **Forms and Notices**

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

The Director of Human Resources shall ensure that the SJCOE 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 he/she wishes.

The Superintendent shall ensure that a notice is posted in each classroom in each school containing the components specified in Education Code 35186.

*cf:* 1340 Access to Public Records  
4112.2 Certification  
4113 Assignments  
6162.52 High School Exit Examination  
6179 Supplemental Instruction

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

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

(08/14)