

**REGULATION 1312.4: WILLIAMS UNIFORM COMPLAINT PROCEDURES**

**Comparison Chart**

Section: Community Relations

**SUMMARY OF UPDATE**

**Summary of Update:** *The regulation was updated to reflect NEW STATE REGULATIONS (Register 2020, No. 21) which amends the definition of "beginning of the year or semester" and NEW LAW (AB 367, 2021) which requires any school serving any of grades 6-12 to, at all times, stock and make available and accessible free of cost an adequate 4 supply of menstrual products in specified restrooms beginning with the 2022-23 school year. The regulation has also been updated to clarify that the principal or Superintendent's designee is required to send a written resolution of the complaint to the mailing address of the complainant when the complainant has indicated on the complaint form a desire to receive a response to the complaint.*

CSBA NOTE: Education Code 35186 mandates that districts establish policies and procedures to address complaints regarding insufficiency of textbooks and instructional materials, teacher vacancy or misassignments, and emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff. When such a complaint is filed with the district, the district is required to investigate and resolve the complaint in accordance with the Williams uniform complaint procedures established pursuant to 5 CCR 4680-4687.

It is recommended that districts use these procedures only for complaints specified in law and this administrative regulation. See BP/AR 1312.3 - Uniform Complaint Procedures for a discussion of the types of complaints subject to the uniform complaint procedures established pursuant to 5 CCR 4600-4670. For procedures related to complaints about employees, see BP/AR 1312.1 - Complaints Concerning District Employees. For complaints concerning the district's adoption and selection of specific instructional materials, see BP/AR 1312.2 - Complaints Concerning Instructional Materials. For complaints regarding the district's nutrition program, see BP 3555 - Nutrition Program Compliance.

CURRENT VERSION			REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
PARA	Section	Sub-Section	September 8, 2020	
			<b>Types of Complaints</b>	No change
1			The district shall use the procedures described in this administrative regulation only to investigate and resolve the following:	No change
	1		Complaints regarding the insufficiency of textbooks and instructional materials, including any complaint alleging that:	No change
		a	A student, including an English learner, does not have standards-aligned textbooks or instructional materials or state- or district-adopted textbooks or other required instructional materials to use in class.	No change

	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.	No change	
	c	Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.	No change	
	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.	No change	
2		Complaints regarding teacher vacancy or mis-assignment, including any complaint alleging that:	No change	
	a	A semester begins and a teacher vacancy exists	No change	
	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.	A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent English learners in the class.	
	c	A teacher is assigned to teach a class for which the teacher lacks subject matter competency.	No change	
	c (2)	<i>Teacher vacancy</i> 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 the semester for an entire semester.	No change	
	c (3)	<i>Beginning of the year or semester</i> 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.	<i>Beginning of the year or semester</i> means the time period from the first day students attend classes for a year-long course or semester-long course though not later than 20 business days afterwards.	CSBA NOTE: 5 CCR 4600, as amended by Register 2020, No. 21, revises the definition of "beginning of the year or semester" as provided
	c (4)	<i>Misassignment</i> 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	No change	

		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:	No change	
		a A condition poses an emergency or urgent threat to the health or safety of students or staff.	No change	
		a (1) <i>Emergency or urgent threat</i> 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.	No change	
		b A school restroom has not been cleaned, maintained, or kept open in accordance with Education code 35292.5.	No change	
		b (2) <i>Clean or maintained school restroom</i> 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.	No change	
		b (3) <i>Open restroom</i> 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 pupil safety or to make repairs.	No change	
2		In any district 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	In any 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 times, stock and make available and	CSBA NOTE: The following optional paragraph is for use by districts that maintain any of grades 6-12, and may be revised to reflect the grade levels served by the district.

		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.	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.	Pursuant to Education Code 35292.6, as added by AB 367 (Ch. 664, Statutes of 2021), before the start of the 2022-23 school year, a school that serves any of grades 6-12 is required to stock the school's restrooms with menstrual products for use in connection with the menstrual cycle free of charge. See AR 3517 - Facilities Inspection.  Although Education Code 35292.6 does not require a complaint process, it is recommended that the Williams uniform complaint procedures be used to address any allegation of noncompliance with Education Code 35292.6 in order to ensure consistency in the procedures that districts use to address allegations of noncompliance with all restroom maintenance requirements.
		<b>Forms and Notices</b>	<b>No change</b>	
1		The Superintendent or designee shall ensure a Williams complaint form is available at each school. However, complainants need not use the district’s complaint form in order to file a complaint.	<b>No change</b>	
2		The Superintendent or designee shall ensure that the district’s complaint 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 ensure that the district's 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.	CSBA NOTE: Education Code 35186 requires that the district's complaint form contain the elements stated in the following paragraph. In addition, Education Code 35186 requires that a notice be posted in each classroom in each school in the district, as specified below. See the accompanying exhibits for a sample form and classroom notice.
3		The Superintendent or designee shall post in each classroom in each school a notice containing the components specified in Education Code 35186.	<b>No change</b>	
		<b>Filing of Complaint</b>	<b>No change</b>	
1		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. A complaint about problems beyond the authority of the principal shall be forwarded to the Superintendent or designee in a timely manner, but not to exceed 10	<b>No change</b>	CSBA NOTE: Education Code 35186 requires that complaints be investigated and resolved within the timelines specified below. During the Federal Program Monitoring (FPM) process, the California Department of Education (CDE) staff will expect to see statements regarding the filing of the complaint, the investigation, timelines, and the

		working days. Complaints may be filed anonymously.		complainant's right to appeal to the Governing Board and to appeal facilities complaints to CDE, as detailed in the following section and the section "Investigation and Response" below.
		<b><u>Investigation and Response</u></b>	<b>No change</b>	
1		The principal or a designee of the Superintendent shall make all reasonable efforts to investigate any problem within the principal's or designee's authority.	<b>No change</b>	
2		The principal or Superintendent's designee shall remedy a valid complaint within a reasonable time period not to exceed 30 working days from the date the complaint was received.	<b>No change</b>	
3		If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall report the resolution of the complaint to the complainant within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee.	If the complainant has indicated on the complaint form a desire to receive a response to the complaint, the principal or Superintendent's designee shall send written resolution of the complaint to the mailing address of the complainant as indicated on the complaint within 45 working days of the initial filing of the complaint. If the principal makes this report, the information shall be reported at the same time to the Superintendent or designee.	
4		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.	<b>No change</b>	CSBA NOTE: Education Code 48985 specifies that, when 15 percent or more of the students enrolled in a particular school speak a single primary language other than English, all notices, reports, statements, or records sent to the parents/guardians of such students be written in English and in the primary language. Education Code 35186 requires that, when Education Code 48985 is applicable, any response requested by the complainant must be written in English and in the primary language in which the complaint was filed.
5		If a complainant is not satisfied with the resolution of the complaint, the complainant has the right to describe the complaint to the Governing Board at a regularly scheduled meeting.	<b>No change</b>	
6		For any complaint concerning a facilities condition that poses an emergency or urgent threat to the	<b>No change</b>	

		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 Superintendent or designee may file an appeal to the Superintendent of Public Instruction within 15 days of receiving the district's response. The complainant shall comply with the appeal requirements specified in 5 CCR 4632.		
7		All complaints and written responses shall be public records.	No change	
		<b>Reports</b>	No change	
1		On a quarterly basis, the Superintendent or designee shall report to the Board at a regularly scheduled 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.	No change	CSBA NOTE: During the FPM process, CDE staff will expect to see the following statement.

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