

WILLIAMS COMPLAINT PROCEDURES

The District shall use the following procedures to investigate and resolve complaints when the complainant alleges that any of the following has occurred: (Education Code 35186)

1. Instructional materials
 - 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.
 - b. A student does not have access to instructional materials to use at home or after school in order to complete required homework assignments.
 - c. Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
2. Teacher vacancy or misassignment
 - a. A semester begins and a certificated teacher is not assigned to teach the class. *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)
 - 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. (5 CCR 4600)
 - c. A teacher is assigned to teach a class for which the teacher lacks subject matter competency. *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. Facilities
 - a. A condition poses an emergency or urgent threat to the health or safety of students or staff members. *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 members 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 Fullerton Joint Union High School District 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 members; or structural damage creating a hazardous or uninhabitable condition. (Education Code 17592.72)
 - b. A school restroom has not been cleaned, maintained, or kept open in accordance with Education Code 35292.5.

Fullerton Joint Union High School District
AR 1312.2(b)

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, 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. (Education Code 35292.5)

4. High school exit examination intensive instruction and services

A student, including an English learner, who has not passed the exit exam by the end of grade 12 was not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first. (Education Code 35186 and 37254)

Filing of Complaint, Investigation, and Response

Williams complaints shall be filed with the principal (or designee) of the school in which the complaint arises (Education Code 35186 (a), 5 CCR and 4680).

A complaint alleging any condition(s) specified above shall be filed with the principal or designee. The principal or designee shall forward a complaint about problems beyond his/her authority to the Superintendent or designee within ten working days. (Education Code 35186, 5CCR 4680)

The principal or designee 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. (Education Code 35186)

Complaints may be filed anonymously. If the complainant has indicated on the complaint form that he/she would like a response to his/her complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days of the initial filing of the complaint. The response shall be made to the mailing address of the complainant indicated on the complaint (T5CCR 4680). If Section 48985 of the Education Code is applicable, the response, if requested, and a report shall be written in English and the primary language in which the complaint was filed (EC 35186). At the same time, the principal or designee shall report the same information to the Superintendent or designee. (Education Code 35186, 5 CCR 4686, 4685)

If a complainant is not satisfied with the resolution of the complaint, he/she may describe the complaint to the Board of Trustees at a regularly scheduled hearing. (Education Code 36186)

For complaints concerning a facility condition that poses an emergency or urgent threat to the health or safety of students as described in item #3a above, a complainant who is not satisfied with the resolution proffered by the principal, Superintendent, or designee may file an appeal to the Superintendent of Public Instruction. (Education Code 35186)

Complaints and written responses shall be public records. (Education Code 35186)

Reports

The Superintendent or designee shall report summarized data on the nature and resolution of all complaints on a quarterly basis to the Board of Trustees and the County Superintendent of Schools. 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 Board of Trustees meeting. (Education Code 35186, 5 CCR 5686)

Forms and Notices

The Superintendent or designee shall ensure that the District'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 he/she wishes. (Education Code 35186)

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

Complaint forms for *Williams*-identified complaints will be available at District school sites. (T5CCR 4680) Complainants need not use the *Williams* complaint form to file a complaint. (T5CCR 4680)

Appeal

Complainants who appeal the decision or response to a *Williams* complaint shall comply with the appeal requirements of Education Code Section 4632. (T5CCR 4687)

Reference: Education Code 1240, 17592.72, 33126, 35186, 35292.5, 37254, 48985, and 60119; Code of Regulations, Title 5, 4600-4687; AB 347 (Ch. 526, Statutes of 2007)

Regulation approved: September 6, 2005; April 21, 2009; April 16, 2013, March 2, 2015

**FULLERTON JOINT UNION HIGH SCHOOL DISTRICT
NOTICE TO PARENTS/GUARDIANS:**

COMPLAINT RIGHTS

Williams Settlement Legislation

ATTENTION PARENTS AND GUARDIANS

**IMPORTANT INFORMATION ABOUT INSTRUCTIONAL MATERIALS,
SCHOOL FACILITIES, AND TEACHER VACANCY OR MISASSIGNMENT**

State law requires the following:

1. There are sufficient textbooks and instructional materials. Each student, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities are clean, safe, and maintained in good repair. “Good repair” means that the facility is maintained in a manner that assures that it is clean, safe, and functional as determined by the Office of Public School Construction.
3. There are no teacher vacancies or misassignments. “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. “Teacher vacancy” means a position to which a single designated certificated employee has not been assigned at the beginning of the school year for the 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 the entire semester.
4. A student, including an English learner, who has not passed the exit exam by the end of grade 12 will be provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254(d)(4) and (5) after completion of grade 12 for two consecutive academic years or until the student has passed both parts of the exam, whichever comes first. (Education Code 35186 and 37254)

If you do not think these requirements are being met, you can obtain a Uniform Complaint Form in the Principal’s Office.

Education Code Section 35186(f); 37254(d)(4) and (5)

9/2009

**FULLERTON JOINT UNION HIGH SCHOOL DISTRICT
COMPLAINT FORM: WILLIAMS COMPLAINT PROCEDURE**

Complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must provide the contact information below.

Response requested? Yes No

If response is requested in a primary language other than English, please indicate. Yes

Name: _____

Address: _____

Phone Number: Day: _____ Evening: _____

Complaint concerning: _____

(name of high school)

Issue(s) of the complaint: Please check all that apply:

1. Textbooks and instructional materials:

- Course Name _____ Grade Level (if applicable) _____
- A pupil, including an English learner, does not have standards-aligned or State-adopted or District-adopted textbooks or instructional materials to use in class.
- A pupil does not have access to textbooks or instructional materials to use at home or after school to complete homework assignments. This does not require two sets of textbooks or instructional materials for each pupil. (T5CCR 4687)
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- 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 for each pupil. (T5CCR 4681)

2. Teacher vacancy or misassignment:

- A semester begins and a certificated teacher is not assigned to teach the class.
- A teacher lacks credentials or training to teach English learners or is assigned to teach a class with more than 20 percent English learners in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

3. Facility conditions:

- A condition poses an urgent or emergency threat to the health or safety of students or staff as defined in AR 1312.4, including gas leaks, nonfunctioning heating, ventilation, fire or gates that will not lock and that pose a security risk, abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate. (T4CCR 4683)
- A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not been stocked at all times with toilet paper, soap, and paper towels or functional hand dryers. (EC 35292.5)
- The school has not kept all restrooms open during school hours when pupils are not in classes, and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. (EC 35292.5)

4. High school exit examination intensive instruction and services. (Education Code 35186)

- Pupils who have not passed the high school exit exam by the end of grade 12 were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254 (d)(4) and (5) after the completion of grade 12.

Please describe the issue of your complaint in detail, including the date of the problem and specific location where the problem occurred (school, room number). Please attach pages as necessary to fully describe the situation

Complaint form must be filed with the Principal of the high school named in the complaint. (4/16/13)