

WILLIAMS UNIFORM COMPLAINT PROCEDURES

Williams Case Supplemental Board Policy: 5 CCR 4621 has long required every school district to adopt uniform complaint procedures for the resolution of complaints regarding discrimination or failure to comply with State or Federal law in certain categorical programs. As added and amended by SB 550 (Ch. 900, Statutes of 2004) and AB 2727 (Ch. 903, Statutes of 2004), Education Code 35186 mandates that the District establish policies and procedures regarding deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignment. Education Code 35186 requires that the District adopt policies and post notices by January 1, 2005.

Education Code 35186 was further amended by AB 831 (Ch. 118, Statutes of 2005) to modify language in the notice to (1) eliminate the condition that a complaint could be filed only if a student did not have a book to take home in order “to complete required homework assignments” and (2) require information about teacher vacancy and assignments. SB 512 (Ch. 677, Statutes of 2005) also amended Education Code 35186 to require that the notice be addressed to students and teachers, as well as parents and guardians.

Education Code 35186, as added, requires a district to use the uniform complaint procedure, with modifications, to identify and resolve complaints regarding those issues listed above. However, Education Code 35186 sets forth different timelines for investigation and resolution of complaints than the timelines specified under the longstanding uniform complaint procedures required by 5 CCR 4600-4671. Therefore, the following regulation creates a “supplemental” uniform complaint procedure to investigate complaints filed pursuant to Education Code 35186. It is recommended that districts use this procedure only for those complaints specified in Education Code 35186 and that existing complaint procedures continue to be used for all other issues.

For procedures related to complaints about employees, other than vacancy or assignment, see Board Policy 1312.1 – Complaints Concerning School Personnel. For complaints concerning the adoption and selection of specific instructional materials, see Board Policy 1312.2 – Selection and Evaluation of Instructional Materials. For regular uniform complaints, see Board Policy 1312.3 – Uniform Complaint Procedures.

Adopted: June 6, 2007