

WILLIAMS UNIFORM COMPLAINT PROCEDURES**7703.01**

The *Eliezer Williams, et al., vs. State of California, et al. (Williams)* case was filed as a class action in 2000 in San Francisco County Superior Court. The plaintiffs included nearly 100 San Francisco County students who filed suit against the State of California and state education agencies, including the California Department of Education (CDE). The basis of the lawsuit was that the agencies failed to provide public school students with equal access to instructional materials, safe and decent school facilities, and qualified teachers.

The case was settled in 2004. As a result of the Williams Settlement, Education Code 35186 mandates districts to establish policies and procedures regarding complaints for deficiencies related to textbooks and instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students or staff, and teacher vacancy or misassignments.

Assembly Bill 347 (Chapter 526, Statutes of 2007) amended Education Code 35186 to include the use of this complaint procedure by districts that receive California High School Exit Examination (CAHSEE) intensive intervention funds, for deficiencies related to the provision of intensive instruction and services to students who have not passed one or both parts of the high school exit examination after the completion of grade 12.

The Anaheim Union High School District is committed to providing adequate and appropriate textbooks and instructional materials, clean and safe facilities in good repair, appropriately credentialed teachers, and the opportunity for students who have not passed the high school exit examination by the end of 12th grade to receive intensive instruction and services.

The district will use the following procedure for those complaints specified in Education Code 35186. Regular uniform complaint procedures will continue to be used, as required, for complaints alleging harassment, unlawful discrimination, or failure to comply with state or federal laws regarding consolidated categorical aid programs (Board Policy 7703, Uniform Complaint Procedures).

I. General Information

1. The district shall post Williams complaint information in each classroom.
2. Williams complaint forms, containing submission information, **shall be** ~~are~~ available at each school, the district office, and ~~are available~~ on the district's website: www.auhsd.us.

II. Types of Complaints

1. Textbooks and Instructional Materials

- a. A pupil, including an English learner, does not have standards-aligned textbooks or instructional materials or state-adopted or district-adopted textbooks or other required instructional materials to use in class.
- b. A pupil does not have access to textbooks or instructional materials to use at home or after school.
- c. 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.

2. Facility Conditions

- a. A condition poses an urgent or emergency 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 pupils or staff, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions the school district determines appropriate.

- b. 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.
 - c. 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.
3. Teacher Vacancy or Misassignment
- a. Teacher vacancy - 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 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.)
 - b. Teacher misassignment - 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.
 - c. Teacher misassignment - A teacher is assigned to teach a class for which the teacher lacks subject matter competency.
4. High School Exit Examination
- a. Pupils who have not passed the high school exit exam by the end of 12th grade were not provided the opportunity to receive intensive instruction and services pursuant to Education Code 37254 (d)(4) and (5).

A complainant may add as much text to the complaint form, to explain the complaint, as he/she wishes.

~~A complaint may be filed on-line, at the district office, or at the schoolsite and shall be immediately forwarded to the designee of the district superintendent.~~

III. Filing a Complaint

- 1. Williams complaint forms identify the place for filing the complaint as with the principal of the school or his or her designee in which the complaint arises, or the form may be submitted on-line to the district for forwarding to the appropriate school administrator.**
- 2. Williams complaints may be filed anonymously. A complainant who identifies himself or herself will receive a response if he or she indicates in the space provided on the form that a response is requested. The response shall be made to the mailing address of the complainant indicated on the complaint. When Education Code 48985 is applicable (15 percent or more of the pupils enrolled speak a single primary language other than English) and the complainant has requested a response, the response and report shall be written in English and the primary language in which the complaint was filed.**
- 3. Williams identified complaints shall be filed with the principal of the school or his or her designee in which the complaint arises.**
- 4. Complaints about problems beyond the authority of the school principal shall be forwarded in a timely manner, but not to exceed ten (10) working days, to the appropriate school district official for resolution.**
- 5. A Williams complaint will not be rejected if the form is not used as long as the complaint is submitted in writing.**

IV. Investigation and Response

- 1. The superintendent, principal, or designee of the district superintendent, as applicable, shall make all reasonable efforts to investigate any problem within his or her authority and shall remedy a valid complaint within thirty (30) working days from the date the complaint was received and shall report to the complainant the resolution of the complaint within forty-five (45) working days of the initial filing, if the complainant requested a response. If the principal makes this report, the principal shall also report the same information in the same timeframe to the district superintendent or his or her designee.**

- 2.** Complainants not satisfied with the district’s resolution have the right to describe the complaint to the Board of Trustees at a regularly scheduled meeting, with a further right to file an appeal with the Superintendent of Public Instruction at the California Department of Education, within fifteen (15) days of receiving the district’s report. **The complainant shall comply with the appeal requirements specified in the California Code of Regulations, Title 5, Section 4632.**

- 3.** All complaints and responses are public records.

- 4.** Summarized data on the nature and resolution of all complaints are reported to the county Superintendent of Schools and the Board of Trustees on a quarterly basis (Code of Regulations, Title 5, Sections 4680-4687). **The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.**

Cross References:

Anaheim Union High School District Board Policy
7703 Uniform Complaint Procedures

California Department of Education: The Williams Case – An Explanation

Legal References:

- Education Code
 - 17592.72 Property Maintenance and Control
 - 35186 Uniform Complaint Process
 - 35292.5 School Restrooms
 - 37254 Supplemental Instruction
 - 48985 English Language Learners**

- California** Code of Regulations, Title 5
 - 4600 General Definitions
 - 4621 District Policies and Procedures**
 - 4632 Appeal of Local Education Agency Decision
 - 4680-4687 Williams Complaints

Board of Trustees
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