

TITLE: Williams Complaint Procedures

NUMBER: BUL-4759.5

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Office of the General Counsel

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ROUTING
All Employees
All Schools

PURPOSE: This Bulletin establishes the District’s policy to respond to complaints regarding the Williams Uniform Complaint Process.

MAJOR CHANGES: This Bulletin replaces BUL-4759.4 on the same subject issued by the Office of the General Counsel on July 30, 2018. It includes clarifying information regarding Williams Complaint policies and procedures to ensure compliance with legal requirements and per State Federal Program Monitoring.

GUIDELINES: The following guidelines apply.

I. BACKGROUND

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 pupils, who filed suit against the State and state education agencies, including the California Department of Education. The basis of the lawsuit was that the agencies failed to provide public school pupils equal access to instructional materials, safe and decent school facilities, and qualified teachers.

After four years of litigation, the parties reached a Settlement Agreement on August 13, 2004. The Governor signed laws implementing the legislative proposals set forth in the Settlement Agreement on September 29, 2004. Since that time, California’s academic standards changed, and Senate Bill 172 (Liu), signed by the Governor effective January 1, 2016, suspended the administration of the California High School Exit Exam and the requirement that students pass the exam to receive a high school diploma for particular school years. After that, policy references to Valenzuela complaints addressing services available to pupils who had not passed the exam have been removed.

Separately, on February 10, 2015, the Los Angeles Unified School District’s Board of Education ratified a delegation of its authority to approve the Williams Complaint Procedures policy and procedures to the District’s Superintendent of Schools to remain in force until the delegation is rescinded.

II. WILLIAMS LEGISLATION REQUIREMENTS

- A. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have textbooks or instructional materials, or both, to use in class and to take home or after class.
- B. School facilities must be clean, safe, and maintained in good repair in addition to the following:
 - 1. A school restroom should be maintained or cleaned regularly, fully operational, and stocked with consumable supplies and/or a hand dryer.
 - 2. A school must keep all restrooms open during school hours when pupils are in class and/or a sufficient number of restrooms open during school hours when pupils are in class. This does not apply when temporary restroom closing is necessary for pupil safety or to make repairs.
- C. There should be no teacher vacancies.
 - 1. 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.
 - 2. A teacher should be assigned to each class and not a series of substitutes or other temporary teachers.
- D. There should be no teacher misassignments.
 - 1. Misassignment means placing a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or placing a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.
 - 2. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

III. NOTICE POSTING REQUIREMENT

- A. Notice to Parents, Guardians, Pupils, Teachers, and Other Stakeholders – Important Information About Your Complaint Rights – Williams Legislation (Attachment A) must be posted in each classroom and visible to staff, pupils, parents, and other stakeholders.

- B. Williams Complaint Procedures Form for Education Code Section 35186, in English and Spanish (Attachments B and C), can be obtained in school main offices, on the website <https://lausd.org/oscr>, by calling (213) 241-7682 or through CDE's website <http://www.cde.ca.gov/re/cp/uc/>.

IV. COMPLAINT PROCEDURES

A. Complaint Filing

1. Complaints may be filed anonymously, and the complainant need not use the Williams Uniform Complaint Procedures Form to file a complaint.
2. Completed complaint forms shall be filed with the principal of the school or his/her designee in which the complaint arises. Completed complaint forms may also be submitted to the applicable Region. The Williams Uniform Complaint Procedures Form includes information on where and how to file the complaint.
3. All received Williams Uniform Complaint Procedures Forms or written complaints, including those beyond the authority of the school principal, shall be forwarded in a timely manner, but not to exceed ten working days, to the District's designated office for receipt of such complaints, the Office of Student Civil Rights by fax (213) 241-3312, email williamscomplaint@lausd.net or school mail to Beaudry – 20th Floor.
4. Complainants may also submit a written complaint or completed Williams Uniform Complaint Procedures Form by mail, fax, or email directly as follows to the District office designated for receipt of such:

Los Angeles Unified School District
Office of Student Civil Rights
333 S. Beaudry Ave. – 18th Floor
Los Angeles, CA 90017
Telephone: (213) 241-7682; Fax: (213) 241-3312
Email: williamscomplaint@lausd.net

5. The complaint form includes a check box indicating whether a response to the complaint is requested. To receive a response, the complainant's contact information and mailing address must be completed, and a check-off mark must be indicated on the form or mention the request for a response in the submitted written complaint. If §48985 of the Education Code is applicable, the response, if requested, and the report shall be written in English and the primary language in which the complaint was filed.

B. Complaint Response

1. Schools, Regions, or other offices in receipt of a completed Williams Uniform Complaint Procedures Form are to promptly forward the complaint by fax (213) 241-3312, email williamscomplaint@lausd.net or school mail to Office of Student Civil Rights, Beaudry – 18th Floor.
2. The principal or designee of the superintendent shall make all reasonable efforts to investigate any problem within his/her authority and remedy a valid complaint within a reasonable time period not to exceed 30 working days from receipt of the complaint. Complaint resolution information must be provided in writing to the Office of Student Civil Rights and Region or designee within 30 working days of receiving the complaint.
3. A complaint regarding issues beyond the authority of the principal shall be forwarded in a timely manner, but not to exceed ten working days, to the Office of Student Civil Rights, the District's office designated for receipt of such. Upon receipt, the Office of Student Civil Rights will promptly forward the complaint to the appropriate school district official for resolution.
4. Within 45 working days of the initial filing of the complaint, the Office of Student Civil Rights will, on behalf of the District, mail a response with the resolution to the following:
 - a. Complainant, if contact information provided and a check-off mark indicated on the complaint form, or a response request was made in the written complaint
 - b. Region Superintendent, Administrator of Operations, or Director/Division of Authority
 - c. Principal
 - d. Division Contact Personnel (Textbook/Instructional Materials, Human Resources or Facilities)
5. If no response information was provided or requested by the Complainant, a resolution of the complaint will be forwarded to the principal, Region Superintendent, Administrator of Operations or Director/Division of Authority, and the Division contact personnel.

VI. APPEALS PROCESS

- A. Complainants shall comply with the appeal requirements of the California Code of Regulations, Title 5, §4632.

- B. Complainants unsatisfied with the resolution shall have the right to describe the complaint to the Board of Education at a regularly scheduled meeting. To obtain information regarding Board meeting schedules, please contact Board Secretariat at (213) 241-7002 or log on to <https://lausd.org>.
- C. Complainants not satisfied with the resolution involving emergency or urgent school facilities conditions can file an appeal within 15 days of receiving the report to:

State Superintendent of Public Instruction
California Department of Education
1430 N Street
Sacramento, CA 95814-5901

The Superintendent of Public Instruction shall provide a written report to the State Board of Education describing the basis of the complaint and, as appropriate, a proposed remedy for the issue described in the complaint.

V. WILLIAMS COMPLAINTS DATA REPORTING

- A. The Office of Student Civil Rights Director reports summarized data regarding the Williams Uniform Complaints on a quarterly basis to the Board of Education at regularly scheduled Board meetings and to the County Superintendent of Education.
- B. The report shall include the number of complaints by the general subject area with the number of resolved and unresolved complaints. Reports, complaints, and written responses are available as public records.

VI. COMPLAINT TRACKING SYSTEM

Williams Complaint Tracking System (Attachment D) is provided to show the process used to handle each complaint received.

AUTHORITY: This is a policy of the Superintendent of Schools. The following legal standards are applied:

California Education Code §35186

- ATTACHMENTS:**
- Attachment A (English/Spanish) - Notice to Parents, Guardians, Pupils, Teachers, and Other Stakeholders - Important Information About Your Complaint Rights - Williams Legislation
 - Attachment B (English) - Williams Uniform Complaint Procedures Form for Education Code Section 35186 Complaint
 - Attachment C (Spanish) - Williams Uniform Complaint Procedures Form for Education Code Section 35186 Complaint
 - Attachment D - Williams Complaint Tracking System

ASSISTANCE: For assistance or additional information, please call:
Office of Student Civil Rights at (213) 241-7682
Additional Uniform Complaint Procedures are addressed in District policy, [BUL-5159.11, Uniform Complaint Procedures \(UCP\)](#)



NOTICE TO PARENTS, GUARDIANS, PUPILS, TEACHERS, AND OTHER STAKEHOLDERS

IMPORTANT INFORMATION ABOUT YOUR COMPLAINT RIGHTS WILLIAMS LEGISLATION

ATTACHMENT A

Pursuant to *California Education Code Section 35186*, you are hereby notified that:

1. There should be sufficient textbooks and instructional materials. That means each pupil, including English learners, must have a textbook or instructional materials, or both, to use in class and to take home.
2. School facilities must be clean, safe, and maintained in good repair. An adequate number of pupil restrooms should be open, clean, stocked, and fully functional.
3. There should be no teacher vacancies or misassignments. A teacher should be assigned to each class and not a series of substitutes or other temporary teachers. The teacher should have the proper credential to teach the class, including the certification required to teach English learners if present.

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.

Misassignment means placing a certificated employee in a teaching or services position for which the employee does not hold a legally recognized certificate or credential or placing a certificated employee in a teaching or services position that the employee is not otherwise authorized by statute to hold.

4. A complaint form may be obtained at the school or district office or downloaded from the District's website <https://www.lausd.org/oscr>. You may also download a copy of the California Department of Education complaint form from the following website: <http://www.cde.ca.gov/re/cp/uc/>.



AVISO A LOS PADRES, TUTORES, ALUMNOS, MAESTROS Y OTROS INTERESADOS INFORMACION IMPORTANTE SOBRE SUS DERECHAS DE QUEJA LEGISLACION DE WILLIAMS

De conformidad con el *Artículo 35186 del Código de Educación* de California, por la presente se les comunica que:

1. Debe haber suficientes libros de texto y materiales didácticos. Esto significa que cada alumno, incluidos los que aprenden el idioma inglés, deben tener un texto o materiales didácticos o ambos para utilizar en la clase y para llevar a casa o utilizar después de clase.
2. Las instalaciones escolares deben estar limpias, ser seguras y mantenerse en buen estado. Un número adecuado de baños estudiantiles deberán estar abiertos, limpios, equipados y debidamente funcionando.
3. No debería haber vacantes ni asignaciones inadecuadas de maestros. Debería haber un profesor asignado a cada clase y no una serie de suplentes u otros profesores temporales. El profesor debería tener la credencial apropiada para impartir la clase, incluida la certificación obligatoria para enseñarles a los alumnos del idioma inglés, si los hay.

La vacante de un profesor significa un puesto al que no se le ha asignado un solo empleado certificado al principio del año para todo el año, o si se trata de un puesto para un curso de un solo semestre, un puesto al que no se le ha asignado un empleado certificado y designado al principio del semestre para un semestre entero.

La asignación inadecuada significa la asignación de un empleado certificado a un puesto de enseñanza o servicios para el que el empleado no tenga un certificado o una credencial legalmente reconocidos o la asignación de un empleado certificado a un puesto de enseñanza o servicios que el empleado no esté autorizado de otra manera a ocupar legalmente.

4. Se puede obtener un formulario para presentar una queja en la oficina de la escuela, la oficina del distrito o se puede bajar el formulario del sitio web del Distrito Escolar: <https://www.lausd.org/oscr>. También se puede bajar una copia del formulario para presentar una queja del Departamento de Educación de California en el siguiente sitio web: <http://www.cde.ca.gov/re/cp/uc/>.



Williams Uniform Complaint Procedures Form For Educational Code Section 35186 Complaint

DATE STAMP FOR OFFICE USE ONLY:

California *Education Code* (EC) Section 35186 created a procedure for filing complaints concerning deficiencies related to instructional materials, conditions of facilities that are not maintained in a clean or safe manner or in good repair, and teacher vacancy or misassignment. Such complaints may be filed anonymously. However, if you wish to receive a response to your complaint, you must indicate below and provide the following contact information.

Response requested: Yes No Anonymous

Name (Optional): _____

Mailing Address (Optional): _____ City: _____ Zip Code: _____

Phone Number Home (Optional): _____ Cell Phone (Optional): _____ Work Phone (Optional): _____

Date of Problem: _____ School Name: _____ Principal: _____

Location of Problem (Room Number, Building, or Location): _____

Course or Grade Level: _____ Teacher Name: _____

Issue of complaint (please check all that apply):

1. Textbooks and Instructional Materials

- 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.
- A pupil 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 pupil.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- A pupil was provided with 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 condition at the school poses an urgent or emergency threat to the health or safety of pupils or staff, including abatement of hazardous materials previously undiscovered that pose an immediate threat to pupils or staff, broken windows or exterior doors or gates that will not lock and that pose a security risk, electrical power failure, gas leaks, major pest or vermin infestation, major sewage stoppage, nonfunctioning air-conditioning systems, fire sprinklers, heating or ventilation, structural damage creating a hazardous or uninhabitable condition, and any other emergency conditions that the District determines appropriate.
- A school restroom has not been maintained or cleaned regularly, is not fully operational, or has not always been stocked with toilet paper, soap, towels, or functional hand dryers.
- The school has not kept all restrooms open during school hours when pupils are not in class and has not kept a sufficient number of restrooms open during school hours when pupils are in classes. This does not apply when temporary restroom closing is necessary for pupil safety or to make repairs.

3. Teacher Vacancy or Misassignment

- 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.)
- A teacher who lacks credentials or training to teach English learners is assigned to teach a class with more than 20 percent of English learner pupils in the class.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

Please describe the issue of your complaint in detail. You may attach additional pages if necessary to fully describe the situation: _____

Please file this complaint at the following location(s): Principal's Office and/or mail to the Office of Student Civil Rights, Los Angeles Unified School District, 333 South Beaudry Avenue, 18th Floor, Los Angeles, CA 90017. Email: EquityCompliance@lausd.net. Office (213) 241-7682 Fax (213) 241-3312.



**Formulario del Procedimiento Uniforme de Quejas-Williams/Valenzuela
Para Quejas del Código de Educación-Artículo 35186**

ATTACHMENT C

DATE STAMP FOR OFFICE USE ONLY:

El Artículo 35186 creó un procedimiento para presentar quejas acerca de las deficiencias relacionadas con los materiales didácticos, el estado de las instalaciones que no se mantienen limpias o seguras o en buen estado y las vacantes o asignaciones inadecuadas de maestros. La queja y la respuesta a ésta son documentos públicos según se estipula en las leyes. Las quejas se pueden presentar anónimamente. Sin embargo, si usted desea recibir una respuesta a su queja, debe proporcionar la siguiente información de contacto.

Se solicita respuesta: Sí No Anónimo

Nombre y apellido (Opcional): _____
 Dirección postal (Opcional): _____ Ciudad: _____ Código Postal: _____
 Número de teléfono de casa (Opcional): _____ Teléfono Celular (Opcional) _____ Teléfono del Trabajo (Opcional): _____

Fecha del problema: _____ Nombre de la escuela: _____ Director: _____

Lugar del problema (Nombre de la escuela, dirección, número del salón o lugar): _____

Curso o grado escolar: _____ Apellido del maestro: _____

Materia de la queja (favor de marcar todos los que correspondan):

1. Libros de texto y materiales didácticos

- El alumno, incluso si está aprendiendo inglés, no tiene libros de texto o materiales didácticos coordinados con las normas o libros de texto u otros materiales didácticos obligatorios adoptados por el Estado o el Distrito para usar en clase.
- El alumno no tiene acceso a libros de texto o materiales didácticos para usar en casa o después de clase. Esto no requiere dos juegos de libros de texto o materiales didácticos para cada alumno.
- Los libros de texto o los materiales didácticos están en mal estado o inutilizables, les faltan páginas o son ilegibles debido a daños.
- Al alumno se le proporcionaron hojas fotocopiadas de sólo una porción de un libro de texto o materiales didácticos para resolver una escasez de libros de texto o materiales didácticos.

2. Estado de las instalaciones

- Las condiciones suponen un peligro urgente o de emergencia para la salud o la seguridad de los alumnos o del personal, incluidos: disminución de materiales peligrosos previamente sin descubrir que presentan un peligro inmediato para los alumnos o el personal, ventanas quebradas o puertas o portones exteriores que no se pueden cerrar con llave y que presentan un peligro de seguridad, fallas de la corriente eléctrica, escapes de gas, infestación mayor de insectos o alimañas, obstrucción grave de las alcantarillas, sistemas de aire acondicionado, rociadores, calefacción o ventilación que no funcionan, daños estructurales que dan lugar a un estado peligroso o inhabitable, y cualquier otro estado de emergencia que el distrito escolar considere apropiado.
- Uno de los baños de la escuela no se ha mantenido o limpiado regularmente, no está completamente en funcionamiento o no ha estado abastecido en todo momento con papel higiénico, jabón y toallas de papel o secadoras para las manos que funcionen.
- La escuela no ha mantenido todos los baños abiertos durante el horario escolar cuando los alumnos no están en clase, y no ha mantenido una cantidad suficiente de baños abiertos durante el horario escolar cuando los alumnos están en clase. Esto no se aplica cuando el cierre temporal del baño es necesario para la seguridad de los alumnos o para hacer reparaciones.

3. Puesto vacante o asignación inadecuada de maestros

- Puesto vacante de maestro – Empieza un semestre y existe un puesto vacante de maestro. Un puesto de maestro vacante es un puesto al que no se le haya asignado un solo empleado certificado y designado al principio del año para el año entero o, si se trata de un curso de un semestre, es un puesto al que no se le haya asignado un solo empleado certificado y designado al principio del semestre para el semestre entero.
- Asignación inadecuada de un maestro – Un maestro que carece de credenciales o capacitación para enseñar a alumnos del idioma inglés está asignado a impartir una clase con más del 20 por ciento de tales alumnos.
- Asignación inadecuada de un maestro – Un maestro está asignado a impartir una clase para la que carece de competencia en la asignatura de que se trata.

Haga el favor de describir la índole de su queja de manera detallada. Se pueden adjuntar páginas adicionales si es necesario para poder describir plenamente la situación.

Haga el favor de presentar esta queja en el siguiente lugar(es): Oficina del director de la escuela y/o a Oficina de Derechos Civiles Estudiantiles, Los Angeles Unified School District, 333 South Beaudry Avenue – 18th Floor, Los Angeles, CA 90017. El teléfono es (213) 241-7682 Fax (213) 241-3312.

Los Angeles Unified School District WILLIAMS COMPLAINT TRACKING SYSTEM

