

A copy of the Uniform Complaint Procedures BP/AR 1312.3 and the Williams Uniform Complaint Procedures AR 1312.4 are available free of charge. You may also access them online at our website:

<https://www.duesd.org/District/Department/27-Administration>

CIVIL LAW REMEDIES

Nothing in this policy precludes a complainant from pursuing available civil law remedies outside of the district's complaint procedures. Such remedies may include mediation centers, public/private/interest attorneys, injunctions, restraining orders. However, for discrimination complaints, a complainant must wait until 60 days have elapsed from the filing of an appeal with the California Department of Education before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the district has appropriately, and in a timely manner, apprised the complainant of his/her right to file a complaint.

For assistance, you may contact:
Greater Bakersfield Legal Assistance
615 California Ave.
Bakersfield, CA
(661) 325-5943

Board of Trustees

Frank Herrera, President

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Delano Union School District

Williams Uniform Complaint Procedures



DELANO UNION SCHOOL DISTRICT
Working Together For A Brighter Future

Revised 8/15/2023

The Delano Union School Board recognizes the district has primary responsibility for complying with applicable law pertaining to the Williams Settlement. The district shall investigate and seek to resolve complaints at the local level. The district shall follow the Williams Uniform Complaint Procedures when addressing complaints alleging the following:

Insufficiency of Textbooks

- 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.
- A student does not have access to textbooks or instructional materials to use at home or after school. However, this does not require two sets of textbooks or Instructional materials for each student.
- Textbooks or instructional materials are in poor or unusable condition, have missing pages, or are unreadable due to damage.
- 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.

School Facilities:

- A condition poses an emergency or urgent threat to the health or safety of students or staff.
- A school restroom has not been cleaned, maintained, or kept 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 student safety or to make repairs.
- For a school that serves students in grades 6-12 with 40 percent or more of its students from low income families, the school has not stocked at least half of its restrooms with feminine products.

Teacher Vacancy or Misassignment

- A semester begins and a teacher vacancy exists.
- 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.
- A teacher is assigned to teach a class for which the teacher lacks subject matter competency.

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 the semester for an entire semester. (*Education Code 35186; 5 CCR 4600*)

Notices

Notices shall be posted in each classroom regarding the Williams Uniform Complaint Procedures Complaint Rights.

Filing a Complaint

A complaint alleging any condition(s) described in the preceding sections shall be filed with the principal or designee at the school in which the complaint arises. The principal or designee shall forward a complaint about problems beyond his/her authority to the District Compliance Officer or designee in a timely manner, but not to exceed 10 working days.

A complaint form is available at the school office or district office, and can also be downloaded from the following:

District website

www.duesd.org/District/Department/27-Administration/22998-Untitled.html

California Department of Education website

<http://www.cde.ca.gov/re/cp/uc>

However, a complaint need not be filed using either the district's or California Department of Education's complaint forms.

Complaints may be filed anonymously. If a complainant would like to receive a response to his/her complaint they must provide the contact information.

If the complainant has indicated on the complaint form that he/she would like a response to the complaint, the principal or designee shall report the resolution of the complaint to him/her within 45 working days from the date the complaint was filed.

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.

If a complainant is not satisfied with the resolution of a complaint, he/she has the right to describe the complaint to the Governing Board at a regularly scheduled meeting. (*Education Code 35186*)

Appeal

If the District decision is not satisfactory for complaints concerning a facilities condition that poses an emergency or urgent threat to the health or safety of students or staff, it may be appealed to the State Department of Education within 15 days of the receipt of the district decision.

In accordance with the appeal requirements specified in 5 CCR 4632, the appeal shall include:

- A copy of the locally filed complaint; and
- A copy of the District's Decision

*An 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 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. (*Education Code 17592.72*)

All complaints and written responses shall be public records. (*Education Code 35186; 5 CCR 4686*)