

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION****Community Relations  
UNIFORM COMPLAINT PROCEDURES**

The County Superintendent and County Board recognize the need to comply with state and federal laws and regulations governing educational programs. The County Superintendent and County Board have the primary responsibility to ensure compliance with applicable state and federal laws and regulations governing the educational programs and activities of the County Superintendent and/or County Board. The County Superintendent and County Board encourage the early resolution of complaints whenever possible. To resolve complaints that may require a formal process, the County Superintendent and County Board adopt the uniform system of complaint processes specified in 5 CCR 4600-4670. The County Superintendent shall further articulate this procedure in Administrative Regulation 1312.3 – Uniform Complaint Procedures (UCP). The County Board hereby adopts as its own procedure County Superintendent Administrative Regulation 1312.3 – Uniform Complaint Procedures.

**Complaints Subject to the UCP**

The UCP shall be used to investigate and resolve complaints regarding the following programs and activities to the extent such programs and activities are applicable to County Superintendent and/or County Board, including:

1. Accommodations for pregnant and parenting students (Education Code 46015)
2. Adult education programs (Education Code 8500-8538, 52334.7, 52500-52616.18)
3. After School Education and Safety programs (Education Code 8482-8484.65)
4. Agricultural career technical education (Education Code 52460-52462)
5. Career technical and technical education and career technical and technical training programs (Education Code 52300-52462)
6. Child care and development programs (Education Code 8200-8488)
7. Compensatory education (Education Code 54400)
8. Consolidated categorical aid programs (Education Code 33315; 34 CFR 299.10-299.12)
9. Course periods without educational content (Education Code 51228.1-51228.3)
10. Discrimination, harassment, intimidation, or bullying in County Superintendent/County Board programs and activities funded directly by or that receive or benefit from any state financial assistance, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, a person's actual or perceived characteristics of race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression; age; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or

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Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 5 CCR 4610; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

However, the UCP shall not be used to investigate and resolve employment discrimination complaints. (5 CCR 4611)

11. Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school, students who are migratory, and newcomer students (Education Code 48645.7, 48850, 48853, 48853.5, 48911, 48915.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 12303, 52059.5, 64000; 20 USC 6301 et seq.)
13. Instructional Materials and Curriculum: Diversity (Education Code 243)  
  
A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the County Superintendent, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)
14. Local control and accountability plan (Education Code 52075)
15. Migrant education (Education Code 54440-54445)
16. Physical education instructional minutes (Education Code 51210, 51222, 51223)
17. Student fees (Education Code 49010-49013)
18. Reasonable accommodations to a lactating student (Education Code 222)
19. Regional occupational centers and programs (Education Code 52300-52334.7)
20. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
21. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
22. State preschool programs (Education Code 8200-8488, 33315)
23. State preschool health and safety issues in license-exempt programs (only if an exempt State preschool is in operation) (Education Code 8212)
24. School or athletic team names, mascots, or nicknames pursuant to Education Code 221.3

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25. Any complaint alleging retaliation against a complainant or other participant in the complaint process or anyone who has acted to uncover or report a violation subject to this policy

26. Any other state or federal educational program the SPI or designee deems appropriate

All complainants shall be protected from retaliation, and the confidentiality of the parties shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination, the identity of the complainant, and/or the subject of the complaint if different from the complainant, shall remain confidential when appropriate and as long as the integrity of the complaint process is maintained.

When an allegation that is not subject to the UCP is included in a UCP complaint, the non-UCP allegation shall be referred to the appropriate staff or agency and the UCP-related allegation(s) shall be investigated, if appropriate, through the UCP.

Training shall be provided to staff to ensure awareness and knowledge of current law and requirements related to the UCP, including the steps and timelines specified in this policy and the accompanying administrative regulation.

Records of all UCP complaints and investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent policies and procedures.

**Non-UCP Complaints**

The following complaints shall not be subject to the UCP but shall be investigated and resolved by the specified agency or through an alternative process:

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services Protective Services Division, and/or the appropriate law enforcement agency. (5 CCR 4611)
2. Any complaint alleging health and safety violations by a child development program shall, for licensed facilities, be referred to Department of Social Services. (5 CCR 4611)
3. Any complaint alleging that a student, while in an education program or activity, was subjected to sexual harassment, as defined in 34 CFR 106.30, shall be addressed through the federal Title IX complaint procedures set forth in County Superintendent Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures which the County Board hereby adopts as its own procedure.
4. Any complaint alleging employment discrimination or harassment shall be investigated and resolved in accordance with the procedures specified in applicable County Superintendent policy and/or administrative regulation, including the right to file the complaint with the California Civil Rights Department.

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5. Any complaint alleging a violation of a state or federal law or regulation related to special education, a settlement agreement related to the provision of a free appropriate public education (FAPE), failure or refusal to implement a due process hearing order to which the County Superintendent or County Board is subject, or a physical safety concern that interferes with the provision of FAPE shall be submitted to the California Department of Education (CDE) in accordance with County Superintendent Administrative Regulation 6159.1 - Procedural Safeguards and Complaints for Special Education. (5 CCR 3200-3205)
6. Any complaint alleging noncompliance with laws regarding meal counting and claiming, reimbursable meals, eligibility of children or adults, or use of cafeteria funds and allowable expenses shall be filed with or referred to CDE in accordance with County Superintendent and County Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15580-15584)
7. Any complaint alleging discrimination based on race, color, national origin, sex, age, or disability in the County Superintendent's food service program shall be filed with or referred to the U.S. Department of Agriculture in accordance with County Superintendent and County Board Policy 3555 - Nutrition Program Compliance. (5 CCR 15582)
8. Any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments shall be investigated and resolved in accordance with the procedures in County Superintendent Administrative Regulation 1312.4 - Williams Uniform Complaint Procedures which the County Board hereby adopts as its own procedure. (Education Code 35186)

Adopted: 10/18/2018

Amended: 11/19/2020, 02/17/2022, 12/12/2023, 08/15/2024, 08/21/2025

**Legal References**Education Code

200-262.4 Prohibition of discrimination  
8200-8498 Child care and development programs  
8500-8538 Adult basic education  
18100-18203 School libraries  
32280-32289.5 School safety plans  
33315 Uniform complaint procedures  
35186 Williams uniform complaint procedures  
46015 Parental leave for students  
48645.7 Juvenile court schools  
48853-48853.5 Foster youth  
48900.5 Suspension; other means of correction  
48985 Notices in language other than English  
49010-49013 Student fees  
49060-49079 Student records

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49069.5 Records of foster youth  
49490-49590 Child nutrition programs  
49701 Interstate Compact on Educational Opportunity for Military Children  
51204.5 Social sciences instruction; contributions of specified groups  
51210 Courses of study grades 1-6  
51222 Physical education, secondary schools  
51223 Physical education, elementary schools  
51225.1-51225.2 Foster youth, homeless children, former juvenile court school students, military-connected students, migrant students, and newly arrived immigrant students; course credits; graduation requirements  
51226-51226.1 Career technical education  
51228.1-51228.3 Course periods without educational content  
51501 Nondiscriminatory subject matter  
52059.5 Statewide system of support  
52060-52077 Local control and accountability plan, especially:  
52075 Complaint for lack of compliance with local control and accountability plan requirements  
52300-52462 Career technical education  
52500-52617 Adult schools  
54400-54425 Compensatory education programs  
54440-54445 Migrant education  
54460-54529 Compensatory education programs  
59000-59300 Special schools and centers  
60010 Instructional materials; definition  
60040-60052 Requirements for instructional materials  
64000-64001 Consolidated application process; school plan for student achievement  
65000-65001 School site councils  
8200-8498 Child care and development programs  
8500-8538 Adult basic education

**Government Code**

11135 Prohibition of discrimination  
12900-12996 Fair Employment and Housing Act

**Health and Safety Code**

1596.792 California Child Day Care Act; general provisions and definitions  
1596.7925 California Child Day Care Act; health and safety regulations

**Penal Code**

422.55 Hate crime; definition  
422.6 Crimes, harassment

**Code of Regulations, Title 2**

11023 Harassment and discrimination prevention and correction

**Code of Regulations, Title 5**

3200-3205 Special education compliance complaints  
4600-4670 Uniform complaint procedures  
4680-4687 Williams uniform complaint procedures  
4690-4694 Complaints regarding health and safety issues in license-exempt preschool programs

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4900-4965 Nondiscrimination in elementary and secondary education programs  
15580-15584 Child nutrition programs complaint procedures

United States Code, Title 20

1221 Application of laws  
1232g Family Educational Rights and Privacy Act  
1681-1688 Title IX of the Education Amendments of 1972  
6301-6576 Title I Improving the Academic Achievement of the Disadvantaged  
6801-7014 Title III language instruction for limited English proficient and immigrant students

United States Code, Title 29

794 Section 504 of Rehabilitation Act of 1973

United States Code, Title 42

2000d-2000d-7 Title VI and Title VII Civil Rights Act of 1964, as amended  
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964  
6101-6107 Age Discrimination Act of 1975  
11431-11435 McKinney-Vento Homeless Assistance Act  
12101-12213 Americans with Disabilities Act

Code of Federal Regulations, Title 28

35.107 Nondiscrimination on basis of disability; complaints

Code of Federal Regulations, Title 34

99.1-99.67 Family Educational Rights and Privacy Act  
100.3 Prohibition of discrimination on basis of race, color or national origin  
104.7 Designation of responsible employee for Section 504  
106.1-106.82 Nondiscrimination on the basis of sex in education programs  
106.8 Designation of coordinator; dissemination of policy; adoption of grievance procedures  
106.30 Discrimination on the basis of sex in education programs and activities; definitions  
106.44 Recipient's response to sexual harassment  
106.45 Grievance process for formal complaints of sexual harassment  
110.25 Notification of nondiscrimination on the basis of age

**Management Resources**California Department of Education Publications

Uniform Complaint Procedure 2020-21 Program Instrument  
Sample UCP Board Policies and Procedures

California Department of Justice Publications

Guidance to School Officials re: Legal Requirements for Providing Inclusive Curricula and Books, January 2024

CSBA Publications

Reference: State Roles, Responsibilities, and Process for Instructional Materials Adoption, February 2024

Fact Sheet: Instructional Materials Adoption: Local governing board responsibilities, February 2024

Instructional Materials Adoptions: State and local governing board processes, roles, and

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responsibilities, February 2024

U.S. Department of Education, Office For Civil Rights Publications

Dear Colleague Letter: Responding to Bullying of Students with Disabilities, October 2014

U.S. Department of Justice Publications

Dear Colleague Letter: Enforcement of Title IX under the provisions of the 2020 Title IX Rule,  
February 4, 2025

Web Sites

CSBA: <http://www.csba.org>

California Department of Education: <http://www.cde.ca.gov>

U.S. Department of Education, Office for Civil Rights: <https://www.ed.gov/about/ed-offices/ocr>

California Civil Rights Department: <https://civildrights.ca.gov/>