

**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. To resolve complaints that require a formal procedure, 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, 52500-52617)
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, including in those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on a person's actual or perceived characteristics of race or ethnicity, color, ancestry, nationality, national origin, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or 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 (5 CCR 4610)

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Discrimination includes, but is not limited to, the County Superintendent's and/or County Board's refusal to approve the use or prohibit the use of any textbook, instructional material, supplemental instructional material, or other curriculum for classroom instruction, or any book or other resource in a school library, on the basis that it includes a study of the role and contributions of any individual or group consistent with the requirements of Education Code 51204.5 and 60040, unless such study would violate Education Code 51501 or 60044. A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed pursuant to this policy and related administrative regulation, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243)

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 students participating in a newcomer program (Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1, 51225.2)
12. Every Student Succeeds Act (Education Code 52059.5; 20 USC 6301 et seq.)
13. Local control and accountability plan (Education Code 52075)
14. Migrant education (Education Code 54440-54445)
15. Physical education instructional minutes (Education Code 51210, 51222, 51223)
16. Student fees (Education Code 49010-49013)
17. Reasonable accommodations to a lactating student (Education Code 222)
18. Regional occupational centers and programs (Education Code 52300-52334.7)
19. School plans for student achievement as required for the consolidated application for specified federal and/or state categorical funding (Education Code 64001)
20. School site councils as required for the consolidated application for specified federal and/or state categorical funding (Education Code 65000)
21. State preschool programs (Education Code 8207-8225)
22. State preschool health and safety issues in license-exempt programs (only if an exempt State preschool is in operation) (Education Code 8212)
23. 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
24. Any other state or federal educational program the State Superintendent of Public Instruction or designee deems appropriate

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The County Superintendent or designee shall investigate complaints listed herein and shall seek to resolve those complaints in accordance with the UCP set forth in Administrative Regulation 1312.3. (5 CCR 4620.)

The County Superintendent shall protect all complainants from retaliation. In investigating complaints, the confidentiality of the parties involved shall be protected as required by law. For any complaint alleging retaliation or unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the County Superintendent or designee shall keep the identity of the complainant, and/or the subject of the complaint if different from the complainant, 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 County Superintendent or designee shall refer the non-UCP allegation to the appropriate staff or agency and shall investigate and, if appropriate, resolve the UCP-related allegation(s) through the UCP.

The County Superintendent or designee shall provide training 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.

The County Superintendent or designee shall maintain a record of each complaint and subsequent related actions, including steps taken during the investigation and all information required for compliance with 5 CCR 4631 and 4633.

**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 in which the County Superintendent/County Board exercises substantial control over the context and respondent, was subjected to sexual harassment as defined in 34 CFR 106.30 shall be addressed through the federal Title IX complaint procedures adopted pursuant to 34 CFR 106.44-106.45, as specified in County Superintendent Administrative Regulation 5145.71 - Title IX Sexual Harassment Complaint Procedures.
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.
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

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appropriate public education (FAPE), failure or refusal to implement a due process hearing order, 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 allegation of 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. The County Board hereby adopts as its own procedure County Superintendent Administrative Regulation 1312.4 – Williams Uniform Complaint Procedures. (Education Code 35186)

Adopted: 10/18/2018

Amended: 11/19/2020, 02/17/2022, 12/12/2023

**Legal References**Education Code

200-262.4 Prohibition of discrimination  
222 Reasonable accommodations; lactating students  
8200-8498 Child care and development programs  
8500-8538 Adult basic education  
18100-18203 School libraries  
35186 Williams uniform complaint procedures  
46015 Parental leave for students  
48853-48853.5 Foster youth  
48985 Notices in language other than English  
49010-49013 Student fees  
49060-49079 Student records  
49490-49590 Child nutrition programs  
49701 Interstate Compact on Educational Opportunity for Military Children  
51210 Courses of study grades 1-6  
51222 Physical education, secondary schools  
51223 Physical education, elementary schools

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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

8200-8488 Child care and development programs

8500-8538 Adult basic education

**Government Code**

11135 Nondiscrimination in programs or activities funded by state

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 Interference with constitutional right or privilege

**Code of Regulations, Title 2**

11023 Harassment and discrimination prevention and correction

**Code of Regulations, Title 5**

3080 Application of section

4600-4670 Uniform complaint procedures

4680-4687 Williams uniform complaint procedures

4900-4965 Nondiscrimination in elementary and secondary education programs

**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

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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

12101-12213 Title II equal opportunity for individuals with disabilities

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 responsible employee for Title IX

**Management Resources**

California Department of Education Publications

Uniform Complaint Procedure 2021-22 Program Instrument

Sample UCP Board Policies and Procedures

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

Part 1: Questions and Answers Regarding the Department's Title IX Regulations, January 2021

Questions and Answers on the Title IX Regulations on Sexual Harassment, July 2021

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

U.S. Department of Justice Publications

Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against

National Origin Discrimination Affecting Limited English Proficient Persons, 2007

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: <http://www.ed.gov/ocr>

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