
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 the following complaints:

1. Any complaint alleging violation of applicable state or federal law or regulations governing all programs and activities that are subject to the UCP, to the extent such programs/activities are applicable to the County Superintendent and/or County Board, including:
 - Adult Education.
 - After School Education and Safety.
 - Agricultural Career Technical Education.
 - Career Technical and Technical Education; Career Technical; Technical Training.
 - Career Technical Education.
 - Child Care and Development.
 - Compensatory Education.
 - Consolidated Categorical Aid.
 - Every Student Succeeds Act.
 - Migrant Education.
 - Regional Occupational Centers and Programs.
 - School Safety Plans.
 - State Preschool Programs.
 - Health and Safety Issues in State Preschools Exempt from Licensing (only if an exempt State Preschool is in operation).
 - Any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate.
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any student, employee, or other person participating in County Superintendent or County Board programs and activities, including, but not limited to, those programs or activities funded directly by or that receive or benefit from any state financial assistance, based on the 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,

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- 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 his/her association with a person or group with one or more of these actual or perceived characteristics. (5 CCR 4610.)
3. Any complaint alleging noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student. (Education Code 222.)
 4. Any complaint alleging noncompliance with requirements to provide a pregnant or parenting student the accommodations specified in Education Code 46015, including those related to the provision of parental leave, right of return to the school of previous enrollment or to an alternative education program, if desired, and possible enrollment in school for a fifth year of instruction to enable the student to complete state and County Superintendent/County Board-imposed graduation requirements (Education Code 46015)
 5. Any complaint alleging noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (5 CCR 4610.)
 6. Any complaint alleging noncompliance with legal requirements related to the implementation of the local control and accountability plan. (Education Code 52075.)
 7. Any complaint alleging noncompliance with requirements related to the development of a school plan for student achievement or the establishment of a school site council, to the extent those provisions are applicable to the County Superintendent and County Board for the consolidated application for specified federal and/or state categorical funding. (Education Code 64000-64001, 65000-65001)
 8. Any complaint, by or on behalf of any student who is a foster youth, alleging noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the educational liaison to the student, the award of credit for coursework satisfactorily completed in another school or district, school transfer, or the grant of an exemption from County Superintendent/County Board-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2.)
 9. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a, a former juvenile court school student, a child of a military family as defined in Education Code 49701, a migrant student as defined in Education Code 54441, or an immigrant student participating in a newcomer program as defined in Education Code 51225.2, who transfers into a County Superintendent/County Board school after his/her second year of high school, alleging noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another school or

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district or the grant of an exemption from County Superintendent/County Board-imposed graduation requirements. (Education Code 51225.1, 51225.2.)

10. Any complaint alleging noncompliance with the requirements that prohibit the assignment of a student in grades 9-12 to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions. (Education Code 51228.1, 51228.2, 51228.3.)
11. Any complaint alleging noncompliance with the physical education instructional minutes requirement for students in elementary school (Education Code 51210, 51223.)
12. 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.

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 he/she is 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 related requirements, 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)

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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 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 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

Legal ReferencesEducation 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

32280-32289 School safety plan, uniform complaint procedures

35186 Williams uniform complaint procedures

46015 Parental leave for students

48853-48853.5 Foster youth

48985 Notices in language other than English

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49010-49014 Student fees
49060-49079 Student records, especially:
49069.5 Records of foster youth
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
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
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
52500-52616.24 Adult schools
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process; school plan for student achievement
65000-65001 School site councils

Government Code

11135 Nondiscrimination in programs or activities funded by state
12900-12996 Fair Employment and Housing Act

Health and Safety Code

104420 Tobacco-Use Prevention Education

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-2000e-17 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

106.8 Designation of responsible employee for Title IX

106.9 Notification of nondiscrimination on basis of sex

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

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

Dear Colleague Letter, September 22, 2017

Dear Colleague Letter: Title IX Coordinators, April 2015

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

Dear Colleague Letter: Harassment and Bullying, October 2010

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, January 2001

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, 2002

Web Sites

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

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

Family Policy Compliance Office: <http://www2.ed.gov/policy/gen/guid/fpc>

U.S. Department of Education, Office for Civil Rights: <http://www.ed.gov/ocr>