Community Relations
UNIFORM COMPLAINT PROCEDURE

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 County Superintendent and County Board. This administrative regulation establishes the Uniform Complaint Procedure to address allegations of noncompliance and/or discrimination in specified programs and activities that receive state or federal funding. These procedures shall be used for the filing, investigating, and resolution of complaints that allege any of the following:

1. Failure to comply with applicable state or federal law or regulations governing the following programs and activities, to the extent such programs/activities are applicable to County Board and/or County Superintendent:
   - Adult Education.
   - After School Education and Safety.
   - Agricultural Vocational Education.
   - American Indian Education Centers and Early Childhood Education Program Assessments.
   - Bilingual Education.
   - California Peer Assistance and Review Programs for Teachers
   - Career Technical and Technical Education; Career Technical; Technical Training.
   - Career Technical Education.
   - Child Care and Development.
   - Child Nutrition.
   - Compensatory Education.
   - Consolidated Categorical Aid.
   - Economic Impact Aid.
   - English Learner Programs.
   - Every Student Succeeds Act / No Child Left Behind (Titles I – IV)
   - Migrant Education.
   - Regional Occupational Centers and Programs.
   - School Safety Plans.
   - Special Education.
   - State Preschool
   - Tobacco-Use Prevention Education
   - Any other program implemented by County Board and/or County Superintendent which is listed in Education Code section 64000(a) or California Code of Regulations, Title 5, section 4610.

2. 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, ethnic group identification, age, religion, marital, pregnancy, or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code sections 200 or 220, Government Code section 11135, or Penal Code section 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. 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. Noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities. (5 CCR 4610.)

5. Noncompliance with legal requirements related to the implementation of the local control and accountability plan ("LCAP"). (Education Code 52075.)

6. Noncompliance with any legal requirement applicable to a foster youth 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 Board/County Superintendent-imposed graduation requirements. (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2.)

7. Noncompliance with any requirement applicable to a homeless student regarding the award of credit for coursework satisfactorily completed in another school or district or the grant of an exemption from County Board/County Superintendent-imposed graduation requirements. (Education Code 51225.1, 51225.2; 42 USC 11434a.)

8. Noncompliance with any requirement applicable to a former juvenile court school student who transfers into a County Board/County Superintendent school after his/her second year of high school regarding the award of credit for coursework satisfactorily completed in a juvenile court school or the grant of an exemption from County Board/County Superintendent-imposed graduation requirements. (Education Code 51225.1, 51225.2.)

9. Noncompliance with the requirements that prohibit the assignment of a student 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.)

10. Noncompliance with the physical education instructional minutes requirement for student in elementary school. (Education Code 51210, 51223.)

11. 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.

Uniform Complaint Procedures established pursuant to Education Code section 35186 to address complaints regarding insufficient instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of students and staff, and/or teacher vacancies or misassignments in schools and programs operated by County Superintendent are presented in Administrative Regulation 1312.4, Williams Settlement-Related Complaint Procedures.

County Superintendent shall protect all complainants from retaliation. The complainant's identity will remain confidential as appropriate, except to the extent necessary to carry out the investigation. An employee may not directly or indirectly use or attempt to use his/her official authority or influence for the purpose of intimidating, threatening, coercing, commanding, or attempting to intimidate, threaten, coerce, or command any person for the purpose of interfering with the rights conferred pursuant to this administrative regulation. Use of official authority includes promising to confer, or conferring, any benefit; effecting, or threatening to effect, any reprisal; or taking, or directing others to take, or
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recommending, processing, or approving, any personnel action, including, but not limited to, appointment, promotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action.

Notifications

County Superintendent or designee shall annually provide written notification of these Uniform Complaint Procedures, including information regarding allegations of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), unlawful student fees, LCAP requirements, and requirements related to the educational rights of foster youth, homeless students, and former juvenile court school students to students, employees, parents/guardians, school and County Superintendent advisory committees, bargaining units, appropriate private school officials or representatives, and other interested parties. County Superintendent or designee shall make available copies of these Uniform Complaint Procedures free of charge.

These Uniform Complaint Procedures shall be posted in all County Superintendent and County Board schools and offices, including staff lounges and student government meeting rooms.

Prior to initiating these Uniform Complaint Procedures, affected parties are encouraged to resolve the complaint through an informal information exchange process.

Compliance Officer

For the purposes of receiving and investigating complaints under this administrative regulation and ensuring County Board and County Superintendent compliance with applicable laws and regulations, County Superintendent designates the following Compliance Officer:

Deputy Superintendent, Educational Services
Fresno County Office of Education
1111 Van Ness Avenue
Fresno, California 93721-2000
(559) 265-3090

The Compliance Officer or designee shall:

1. Maintain a record of each complaint received and subsequent related actions, including steps taken during the investigation and all information required for compliance with California Code of Regulations, Title 5, sections 4631 and 4633.

2. Notify all parties involved in allegations when a complaint is filed, when a complaint meeting or hearing is scheduled, and when a decision or ruling is made.

3. Participate in the investigating and resolution of complaints in accordance with the procedures established by law and this administrative regulation.

4. Ensure that the investigation of complaints is completed and the written decision of County Superintendent is sent to the complainant within 60 days of the receipt of the complaint, unless this time period is extended by written agreement of the complainant.

5. Advise the complainant of any civil law remedies that may be available to him/her under state or federal discrimination laws, if applicable.
6. Advise the complainant of the appeal process pursuant to Education Code 262.3 including the complainant's right to take a complaint directly to the California Department of Education (“CDE”) or to pursue remedies before civil courts or other public agencies.

County Superintendent or designee shall ensure that employees assigned to investigate and resolve complaints receive training and are knowledgeable about the laws and programs at issue in the complaints to which they are assigned. Training provided to such employees shall cover current state and federal laws and regulations governing the program, applicable processes for investigating and resolving complaints, including those alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), applicable standards for reaching decisions on complaints, and appropriate corrective measures.

Complaint Process

Filing a Complaint

A complainant shall submit a written complaint to the Compliance Officer. If a complainant is unable to put a complaint in writing due to such conditions as a disability or illiteracy, County Superintendent shall provide staff to assist the complainant in filing the complaint. The Compliance Officer shall retain a log of complaints and date stamp all complaints upon receipt.

Any individual, including a person’s duly authorized representative or an interested third party, public agency, or organization may file a written complaint alleging violation of federal or state laws or regulations, including allegations of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), failure to comply with prohibition regarding pupil fees in programs and activities funded directly by the state or receiving any financial assistance from the state, or failure to comply with LCAP requirements.

A complainant alleging noncompliance with the law regarding the prohibition against requiring students to pay student fees, deposits, or charges, or any requirement related to the LCAP may be filed anonymously if the complainant provides evidence or information leading to evidence to support the allegation of noncompliance. A complaint about a violation of the prohibition against the charging of unlawful student fees may be filed with the principal of the school, or County Superintendent or designee. However, any such complaint shall be filed no later than one year from the date the alleged violation occurred. (Education Code 49013, 52075; 5 CCR 4630.)

A complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) may be filed by a person who alleges that he/she personally suffered unlawful discrimination or by one who believes that an individual or any specific class of individuals has been subjected to unlawful discrimination (such as discriminatory harassment, intimidation, or bullying). The complaint must be initiated no later than six months from the date of the alleged discrimination or six months from the date the complaint first obtained knowledge of the facts of the alleged discrimination(such as discriminatory harassment, intimidation, or bullying). An extension to the filing period for a period not to exceed 90 days may be granted by County Superintendent or designee upon written request of the complainant, in accordance with California Code of Regulations, Title 5, section 4630.
Conducting the Investigation

The Compliance Officer shall provide an opportunity for the complainant and/or the complainant's representative to present the complaint(s) and evidence or information leading to evidence to support the allegations(s) in the complaint.

The Compliance Officer may assign portions of the investigation to staff but shall not delegate primary responsibility for conducting and coordinating the investigation and issuing the investigative report. Furthermore, the Compliance Officer shall ensure that employees designated to investigate complaints are knowledgeable about the laws and programs they are assigned to investigate and the requirements of this administrative regulation.

Investigation of discrimination complaints shall be conducted in a manner that protects confidentiality of the parties and maintains the integrity of the process. Appropriate disclosure will vary in each case depending on the facts and circumstances.

A complainant's refusal to provide County Superintendent's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegation. Similarly, County Superintendent's or County Board's refusal to provide County Superintendent's investigator with documents or other evidence related to the allegations in the complaint, failure or refusal to cooperate in the investigation, or engagement in any other obstruction of the investigation may result in a finding, based on evidence collected, that a violation has occurred and in the imposition of a remedy in favor of the complainant. (5 CCR 4631.)

Written Decision of County Superintendent

County Superintendent’s decision on how it will resolve the complaint shall be in writing and shall be sent to the complainant and respondent. (5 CCR 4631.)

In consultation with County Superintendent's legal counsel, information about the relevant part of a decision may be communicated to a victim who is not the complainant and to other parties who may be involved in implementing the decision or are affected by the complaint, as long as the privacy of the parties is protected. In a complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, and bullying), notice of County Superintendent's decision to the alleged victim shall include information about any sanction to be imposed upon the respondent that relates directly to the alleged victim.

If the complaint involves a limited-English-proficient student or parent/guardian and the student involved attends a school at which 15 percent or more of the students speak a single primary language other than English, then the decision shall also be translated into that language. In all other instances, County Superintendent shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.
The written decision shall include:

1. Findings of fact based on the evidence gathered;
2. Conclusion(s) of law;
3. Disposition of the complaint;
4. Rationale for the disposition;
5. Corrective actions, if warranted;
6. Notice of the complainant’s right to appeal the decision within 15 days to the CDE and procedures to be followed for initiating such an appeal; and
7. In discrimination complaints, a notice that the complainant must wait 60 days after filing an appeal with the CDE before pursuing civil law remedies.

The Compliance Officer ensures confidentiality of students and staff. If an employee was disciplined as a result of the complaint, the decision shall simply state that effective action was taken and that the employee was informed of County Superintendent’s expectations. The decision shall not give any further information as to the nature of the disciplinary action that was conducted in accordance with applicable laws.

County Superintendent sends the written decision to the complainant within 60 days of receipt of the complaint unless an extension has been agreed to in writing by the complainant.

If a complaint alleging noncompliance with the laws concerning student fees, deposits, or charges, physical education instructional minutes for students in elementary schools, or any requirement related to the LCAP is found to have merit, County Superintendent or designee shall provide a remedy to all affected students and parents/guardians subject to procedures established by regulation of the State Board of Education. (Education Code 49013, 51223, 52075.)

For complaints alleging noncompliance with the laws regarding student fees, County Superintendent or designee shall attempt in good faith, by engaging in reasonable efforts, to identify and fully reimburse all affected students and parents/guardians who paid the unlawful student fees within one year prior to the filing of the complaint. (Education Code 49013; 5 CCR 4600.)

If complaints regarding student fees, LCAP requirements, reasonable accommodations to a lactating pupil, assignment of a high school student to a course period without educational content, physical education instructional minutes requirements for elementary school students, and education of pupils in foster care, pupils who are homeless, and former juvenile court school pupils now enrolled in County Superintendent and County Board schools is found to have merit, County Superintendent or designee shall provide a remedy. In the case of complaints that have merit regarding assignment of a high school student to a course period without educational content, reasonable accommodations to a lactating pupil, and education of pupils in foster care, pupils who are homeless, and former juvenile court school pupils now
enrolled in County Superintendent and County Board schools, the remedy shall be provided to the affected pupil.

**Alternative Method for Resolving the Complaint**

The Compliance Officer, in consultation with County Superintendent, decides whether to utilize an alternative method for resolving the allegations in the complaint, including, but not limited to, mediation. If the complainant agrees and an alternative method is used, the Compliance Officer establishes a timeline that does not exceed the time period allowed for investigating and resolving the complaint by County Superintendent.

If mediation is used, County Superintendent shall pay for the services of the mediator. The Compliance Officer shall provide the mediator with copies of all relevant policies and administrative regulations and applicable laws and regulations. The Compliance Officer shall be responsible for designating which County Superintendent staff shall participate in the mediation on behalf of County Superintendent.

If mediation is to be used for a complaint alleging discrimination, before initiating the process, the Compliance Officer shall ensure that all parties agree to make the mediator a party to related confidential information.

If an alternative method does not resolve the problem within the parameters of law, the Compliance Officer shall proceed with his/her investigation of all unresolved issues subject to these Uniform Complaint Procedures. The use of mediation shall not extend the timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

**Appeal Process**

If dissatisfied with the decision, the complainant may appeal in writing to the CDE within 15 days of receiving County Superintendent’s decision regarding all specified federal and state educational programs subject to the Uniform Complaint Procedures set forth in this administrative regulation. When appealing to the CDE, the complainant must specify the basis for the appeal of the decision and whether the facts are incorrect and/or the law has been misapplied. The appeal shall be accompanied by a copy of the locally filed complaint and a copy of County Superintendent's decision.

Upon notification by the CDE that the complainant has appealed County Superintendent's decision, County Superintendent or his/her designee shall forward the following documents to CDE:

1. A copy of the original complaint;
2. A copy of the decision;
3. A summary of the nature and extent of the investigation conducted by County Superintendent, if not covered by the decision;
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4. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties and gathered by the investigator;

5. A report of any action taken to resolve the complaint;

6. A copy of County Superintendent's and County Board’s complaint procedures; and

7. Other relevant information requested by the CDE.

CDE may directly intervene in a complaint when one of the conditions listed in 5 CCR 4650 exists, including if County Superintendent has not taken action within 60 calendar days of receiving the complaint.

Civil Law Remedies

For complaints alleging unlawful discrimination based on state law (such as discriminatory harassment, intimidation, and bullying), the decision shall also include a notice to the complainant that:

1. He/she may pursue available civil law remedies outside of County Superintendent and County Board complaint procedures, including seeking assistance from mediation centers or public/private interest attorneys, 60 calendar days after the filing of an appeal with the CDE. (Education Code 262.3.)

2. The 60 days moratorium does not apply to complaints seeking injunctive relief in state courts or to discrimination complaints based on federal law. (Education Code 262.3.)

3. Complaints alleging discrimination based on race, color, national origin, sex, gender, disability, or age may also be filed with the U.S. Department of Education, Office for Civil Rights at www.ed.gov/ocr within 180 days of the alleged discrimination.

Adopted: 06/19/1995
Amended: 03/17/2016, 09/21/2017

Legal Reference

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
32289 School safety plan, Uniform Complaint Procedure
35186 Williams complaint procedure
41500-41513 Categorical education block grants
48985 Notices in language other than English
49010-49013 Student fees
49060-49079 Student records
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49069.5 Rights of Parents
49490-49590 Child nutrition programs
51210 Courses of Study grades 1-6
51223 Physical education, elementary schools
51225.1-51225.2 Foster youth, homeless children, and former juvenile court school students; course credits; graduation requirements
51228.1-51228.3 Course periods without educational content
52060-52077 Local Control Accountability Plans
52160-52178 Bilingual education programs
52300-52499.6 Career-technical education
52500-52616.24 Adult schools
52800-52870 School-based coordinated programs
54000-54028 Economic impact aid programs
54100-54145 Miller-Unruh Basic Reading Act
54400-54425 Compensatory education programs
54440-54445 Migrant education
54460-54529 Compensatory education programs
56000-56885 Special education programs
59000-59300 Special schools and centers
64000-64001 Consolidated application process

Code of Regulations, Title 5
3080 Application of section
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs

Penal Code
422.6 Interference with constitutional right or privilege

United States Code, Title 20
6301-6577 Title I basic programs
6601-6777 Title II preparing and recruiting high quality teachers and principals
6801-6871 Title III language instruction for limited English proficient and immigrant students
7101-7184 Safe and Drug-Free Schools and Communities Act
7201-7283g Title V promoting informed parental choice and innovative programs
7301-7372 Title V rural and low-income school programs

Management Resources

CSBA: http://www.csba.org
California Department of Education: http://www.cde.ca.gov

1312.3, 05/2017; Doc# 65552-2, rev. 08/2017
### Uniform Complaint Procedures Form

<table>
<thead>
<tr>
<th>Last name _____________________________</th>
<th>First Name _____________________________</th>
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<tbody>
<tr>
<td>Student Name (if applicable) __________</td>
<td>Date of Birth __________________________</td>
</tr>
<tr>
<td>Street Address/Apt. # __________________</td>
<td>________________________________________</td>
</tr>
<tr>
<td>City __________________ State __________</td>
<td>Zip Code ________________________________</td>
</tr>
<tr>
<td>Home Phone __________________ Cell Phone</td>
<td>Work Phone ______________________________</td>
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<tr>
<td>School/Office/Site of Alleged Violation</td>
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**For allegation(s) of noncompliance, please indicate the program or activity referred to in your complaint, if applicable.**

<table>
<thead>
<tr>
<th>Program(s) or Activities:</th>
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**This is a complaint alleging noncompliance with laws regarding**

- Unlawful Discrimination (such as discriminatory harassment, intimidation or bullying)
- Foster Youth
- Assignment of Student to Course without Educational Content
- Lactating Student(s)
- Pupil fees/charges
- Homeless Students
- Other Laws/Programs (specify): ______________
- School Safety Plan
- Local Control & Accountability Plan
- Former Juvenile Court School Students

**For allegation(s) of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), please check the basis of the unlawful discrimination described in your complaint, if applicable.**

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<thead>
<tr>
<th>Race/Ethnicity</th>
<th>Color</th>
<th>Age</th>
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<tbody>
<tr>
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<tr>
<td>Sex (Actual/Perceived)</td>
<td>Sexual Orientation (Actual/Perceived)</td>
<td>Gender</td>
</tr>
<tr>
<td>Ethnic Group Identification</td>
<td>Ancestry</td>
<td>Religion</td>
</tr>
<tr>
<td>Gender Identity</td>
<td>Nationality/National Origin</td>
<td>Mental or Physical Disability</td>
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<td></td>
<td>Gender Expression</td>
<td>Marital/Pregnancy/Parental Status</td>
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<td>Genetic Information</td>
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<tr>
<td>Based on association with a person or group with one or more of these perceived characteristics</td>
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</tbody>
</table>

1. Please give facts about the complaint. Provide details such as the names of those involved, dates, whether witnesses were present, etc., that might be helpful to the complaint investigator. *(If necessary, please attach additional sheets of paper.)*

   ____________________________________________________________

2. Have you discussed your complaint or brought your complaint to any Fresno County Office of Education personnel? If you have, to whom did you take the complaint, and what was the result?

   ____________________________________________________________

3. Please provide copies of any written documents that may be relevant or supportive of your complaint. I have attached supportive documents to this complaint: □ Yes □ No

   ____________________________________________________________

**Signed__________________________ Date __________________**

Mail complaint and any relevant documents to:  Dr. Kathryn Catania, Deputy Superintendent/Compliance Officer
Fresno County Office of Education
1111 Van Ness Avenue
Fresno, CA 93721-2000
Formulario del Procedimiento Uniforme de Quejas

<table>
<thead>
<tr>
<th>Apellido ___________________________________________</th>
<th>Nombre ___________________________________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nombre del Estudiante (Si corresponde) ________________</td>
<td>Fecha de Nacimiento ______________________________</td>
</tr>
<tr>
<td>Dirección/# de Apto. _________________________________</td>
<td>__________________________________________________</td>
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<tr>
<td>Ciudad ______________________________________________</td>
<td>Estado _______________ Zona Postal ____________________</td>
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<tr>
<td>Teléfono (casa) ______________________ Teléfono Celular ___________ Teléfono (trabajo) __________</td>
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<tr>
<td>Escuela/Oficina de Supuesta Violación __________________</td>
<td>__________________________________________________</td>
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Para queja(s) de no conforme, favor de indicar el programa o actividad en referencia a su queja, si aplica:

Program(as) o Actividad(es):

Esta es una denuncia por incumplimiento de las leyes con respecto a:

- [ ] Discriminación ilegal (como el acoso o intimidación discriminatorio)
- [ ] Jovenes dentro del sistema de cuidado de crianza temporal
- [ ] Estudiantes sin hogar
- [ ] Estudiantes lactantes
- [ ] Costos de estudiantes
- [ ] Asignación de estudiante en una clase sin contenido educativo
- [ ] Otras leyes/programas (indica): ______________________
- [ ] Plan de seguridad escolar
- [ ] Plan de control local y responsabilidad
- [ ] Ex estudiantes de los tribunales de menores

Para queja(s) de discriminación ilegal (como el acoso o intimidación discriminatorio), favor de marcar la base de la discriminación ilegal describida:

- [ ] Raza/Etnia
- [ ] Color
- [ ] Edad
- [ ] Sexo (real/percibida)
- [ ] Orientación Sexual (real/percibida)
- [ ] Género
- [ ] Identificación de Grupo Étnico
- [ ] Ascendencia
- [ ] Religión
- [ ] Identidad de género
- [ ] Nationalidad/Origen Nacional
- [ ] Discapacidad Física o Mental
- [ ] Espresión de género
- [ ] Información genético
- [ ] Basado sobre la asociación con una persona o grupo con una o mas de estas características actuales o percibidas
- [ ] Estado civil/de embarazo/parental

1. Favor de explicar los hechos acerca de la queja. Favor de proporcionar los detalles como los nombres de las personas involucradas, fechas, si había testigos presentes, etc., que puedan ser útiles para el investigador de quejas. (En caso necesario, por favor adjuntar hojas adicionales.)

2. ¿Ha dialogado usted o traído su queja a cualquier personal de la Oficina de Educación del Condado de Fresno? ¿Si usted lo ha hecho, a quen le llevo la queja y cual fue el resultado?

3. Favor de proporcionar copias de cualquier documento por escrito que puedan ser pertinentes o que apoyen su queja. He adjuntado documentos de apoyo: [ ] Sí [ ] No

Firma________________________________________________ Fecha ______________________

Favor de enviar por correo la queja y documentos a: Dr. Kathryn Catania, Deputy Superintendent/Compliance Officer
Fresno County Office of Education
1111 Van Ness Avenue
Fresno, CA 93721-2000