



2023-24 School Year

ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP)

To all students, employees, parents or guardians of its students, school and district advisory committee members, appropriate private school officials or representatives, and other interested parties:

The Fresno Unified School District has the primary responsibility to ensure compliance with applicable state federal laws and regulations and has established Uniform Complaint Procedures (UCP) to address and resolve any complaints alleging unlawful discrimination, including discriminatory harassment, intimidation, and/or bullying in any district educational programs.

The Fresno Unified School District shall investigate all allegations of unlawful discrimination, discriminatory harassment (including sexual harassment), intimidation, or bullying against any person in district 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, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment, or any other characteristic identified in Education Code 200 or 220, Penal Code 422.55, or Government Code 11135 or based on the person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance. (5 CCR 4610).

The UCP shall also be used when addressing complaints alleging failure to comply with state and/or federal laws in:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety Programs
- Agricultural Career Technical Education
- Child Care and Developmental Programs
- Compensatory Education
- Consolidated Categorical Aid Program
- Course Periods Without Educational Content
- Education of Pupils (Foster Care, Homeless, former Juvenile Court Pupils, and Children of Military Families)
- Federal Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Pupil Fees
- Reasonable Accommodations to a Lactating Pupil
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School Safety Plans
- School site Councils
- State and Federal Career Technical Education, Career Technical and Training Programs
- And any other state or federal educational program the State Superintendent of Public Instruction (SSPI) or designee deems appropriate

A UCP complaint shall be filed no later than one year from the date the alleged violation occurred. For complaints relating to Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by our agency.

A complaint of noncompliance with laws relating to pupil fees may be filed pursuant to the local UCP. A pupil fees or LCAP complaint may be filed anonymously, that is, without an identifying signature, if the complainant provides evidence or information leading to evidence to support the complaint. A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

Complaints of noncompliance with laws relating to pupil fees are filed with a principal of a school. A pupil fee complaint shall not be filed later than one year from the date the alleged violation occurred. A pupil fee includes, but is not limited to, all of the following:

1. A fee charged to a pupil as a condition for registering for school or classes, or as a condition for participation in a class or an extracurricular activity, regardless of whether the class or activity is elective or compulsory or is for credit.
2. A security deposit, or other payment, that a pupil is required to make to obtain a lock, locker, book, class apparatus, musical instrument, clothes, or other materials or equipment.
3. A purchase that a pupil is required to make to obtain materials, supplies, equipment, or clothes associated with an educational activity.

Educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families and pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils in a newcomer program, as specified in Education Code 48645.7, 48853, 48853.5, 49069.5, 51225.1 and 51225.2.

The notice shall include complaint process information, as applicable.

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California *Health and Safety Code (HSC)*, a notice shall be posted in each California state preschool program classroom in each school in the district. The notice shall (1) state the health and safety requirements under Title 5 of the California *Code of Regulations (5 CCR)* that apply to California state preschool programs pursuant to HSC Section 1596.7925 and (2) state the location at which to obtain a form to file a complaint.

Complaints should be filed in writing and signed by the complainant or complaints may be filed anonymously. However, if complainant wishes to receive a response, the complainant must indicate that a response is required and provide contact information. If a complainant is unable to put their complaint in writing, for example, due to conditions such as a disability or illiteracy, district staff shall assist them in the filing of the complaint.

The Governing Board designates the following compliance officer(s) to receive formal and informal complaints from constituents, including students, and investigate them to ensure district compliance with law (Title II, V, IX, Title 5, Section 504 of the Rehabilitation Act):

<p>Teresa Plascencia, Executive Director/Equity Compliance Officer Constituents Services Office Fresno Unified School District 2309 Tulare Street, Fresno, CA 93721 (559) 457-3736 Constituent.Services@fresnounified.org</p>	<p>Tangee Pinheiro, Instructional Superintendent Special Education Office Fresno Unified School District 890 S 10 Street, Bldg C (559) 457-3220 Spedleadership@fresnounified.org</p>
<p>David Chavez, Chief of Human Resources Title IX Officer/AgeDA (Discrimination Act) Human Resources Fresno Unified School District 2309 Tulare Street, Fresno, CA 93721 (559) 457-3730 titleix@fresnounified.org</p>	<p>Patrick Morrison, District 504 Coordinator Fresno Unified School District 890 S 10 Street, Bldg C (559) 457-3308 504@fresnounified.org</p>

The district shall post a standardized notice, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are homeless, pupils from military families, pupils formerly in Juvenile Court now enrolled in a school district, pupils who are migratory, and pupils participating in a newcomer program.

Complaints alleging unlawful discrimination, discriminatory harassment, intimidation or bullying must be filed not later than six (6) months from the date the alleged incident occurred or six months from the date the complainant first obtained knowledge of the facts of the alleged discrimination, discriminatory harassment, intimidation or bullying. The time for filing may be extended for up to 90 days by the Superintendent or designee for good cause upon written request by the complainant setting forth the reasons for the extension. As appropriate for any complaint alleging retaliation, unlawful discrimination, discriminatory harassment, intimidation, or bullying, the Superintendent or designee may keep the identity of the complainant confidential to the extent that the investigation of the complaint is not obstructed. Complaints shall be investigated in a manner that protects the confidentiality of the parties and maintaining the integrity of the process.

Complaints will be investigated, and a written decision or report will be sent to the complainant within sixty (60) calendar days from the date of the receipt of the complaint, unless the complainant agrees in writing to an extension of time. The Local Educational Agency (LEA) person responsible for investigating the complaint shall conduct and complete the investigation in accordance with sections 4680-4687 and in accordance with local procedures adopted under section 4621.

The complainant has a right to appeal the LEA's investigation report/decision of complaints regarding programs within the scope of the UCP to the California Department of Education (CDE) by filing a written appeal within 15 days of receiving the LEA's decision. In any complaint alleging unlawful discrimination (such as discriminatory harassment, intimidation, or bullying), the respondent also shall have the right to file an appeal with the CDE in the same manner as the complainant, if they are dissatisfied with the district's decision. The appeal must include a copy of the complaint filed with the LEA and a copy of the LEA's decision. In appropriate cases, an appeal may be filed pursuant to Education Code Section 262.3. A complainant may pursue available civil law remedies outside of the LEA's complaint procedures, including injunctions, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable.

The district prohibits retaliation in any form for filing a complaint and shall ensure that complainants or anyone who has acted to uncover or report a violation subject are protected from retaliation. The UCP shall also be used when addressing complaints alleging retaliation against a complainant or other participant in the complaint process. A copy of the Fresno Unified School District's UCP policy and complaint procedures shall be available free of charge and is available on the district's website.

Revised: December 13, 2023