



Preparing Career Ready Graduates

2019-2020 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, 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, creed, religion, political affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, medical information, military 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 (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
- State and Federal Career Technical Education, Career Technical and Training Programs
- Child Care and Developmental Programs
- Compensatory Education
- 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
- California State Preschool Programs and Health/Safety Issues

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 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, or equipment, or clothes associated with an educational activity.

The District shall post a notice of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families, as specified in *EC* sections 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 HSC Section 1596.7925, 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 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 state preschool health and safety issues complaint pursuant to HSC Section 1596.7925.

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):

Teresa Plascencia, Executive Director
Title 5 Compliance Officer
Constituents Services Office
Address: 2309 Tulare Street, Room 218
Fresno, CA 93721
Phone: (559) 457-3736
FAX: (559) 457-3933
Email: Teresa.Plascencia@fresnounified.org

Paul Idsvoog, Chief of Human Resources
Title IX Officer/AgeDA (Discrimination Act)
Human Resources
Address: 2309 Tulare Street, Fresno, CA 93721
Phone: (559) 457-3730
FAX: (559) 457-3528
Email: Paul.Idsvoog@fresnounified.org

Brian Beck, Special Education
Assistant Superintendent
Special Education Office
Address: 1301 M Street, Fresno, CA 93721
Phone: (559) 457-3226
FAX: (559) 457-3258
Email: Brian.Beck@fresnounified.org

Jeanne Butler, Manager
Section 504 Coordinator
Address: 1301 M Street, Fresno, CA 93721
Phone: (559) 457-3220
FAX: (559) 457-3258
Email: Jeanne.Butler@fresnounified.org

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 decision 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. Civil law remedies may be available under state or federal discrimination, harassment, intimidation, or bullying laws, if applicable. 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. Complainants may seek assistance from mediation centers or public/private interest attorneys. Civil law remedies, including, but are not limited to, 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.

Revised: January 29, 2020