



*Preparing Career Ready Graduates*

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## 2017-2018 School Year

### ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP)

**For students, employees, parents or guardians of its students, school and district advisory committees, 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 procedures to address allegations of unlawful discrimination, including discriminatory harassment, intimidation, and bullying, and complaints alleging violation of state or federal laws governing educational programs including all academic, extra-curricular and school-sponsored activities, the charging of unlawful pupil fees, and any complaints alleging that the district has not complied with legal requirements related to lactation accommodations, educational rights of foster youth, homeless students, and former juvenile court school students, course periods without educational content, physical education instructional minutes (grades 1-6), and the non-compliance of our Local Control and Accountability Plan (LCAP).

The Fresno Unified School District shall investigate all allegations of unlawful discrimination, 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 their actual or perceived characteristics of race, or ethnicity, color, ancestry, nationality, national origin, ethnic group identification, age, religion, marital 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 200 or 220, Penal Code 422.55, or Government Code 11135 or based on their association with a person or group with one or more of these actual or perceived characteristics.

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

- |                                       |  |
|---------------------------------------|--|
| Adult Education                       | Consolidated Categorical Aid Programs      |
| After School Education                | Migrant Education                          |
| American Indian Education Centers     | Regional Occupational Centers and Programs |
| Career Technical Education            | School Facilities                          |
| Child Care and Developmental Programs | Special Education Programs                 |
| Child Nutrition Programs              | Safety Planning Requirements               |

A complaint of noncompliance with laws relating to pupil fees may be filed pursuant to the local UCP. A pupil fees/and 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 program, including curricular and extracurricular activities.

Complaints of noncompliance with laws relating to pupil fees are filed with a principal of a school.

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.

A pupil fee complaint shall not be filed later than one year from the date the alleged violation occurred.

Complaints should be filed in writing and signed by the complainant. 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.

Formal and informal complaints other than complaints relating to pupil fees must be filed in writing with the following compliance officers:

Teresa Plascencia, Executive Director, Constituents Services Office Address: 2309 Tulare Street, Room 218, Fresno, CA 93721 Telephone Number: (559) 457-3736 FAX: (559) 457-3933 Email: <a href="mailto:Teresa.Plascencia@fresnounified.org">Teresa.Plascencia@fresnounified.org</a>	Brian Beck, Assistant Superintendent - Special Education Office Address: 1301 M Street, Fresno, CA 93721 Telephone Number: (559) 457-3226 FAX: (559) 457-3258 Email: <a href="mailto:Brian.Beck@fresnounified.org">Brian.Beck@fresnounified.org</a>
Paul Idsvoog, Chief of Human Resources Title IX Officer/AgeDA (Discrimination Act) Address: 2309 Tulare Street, Fresno, CA 93721 Telephone Number: (559) 457-3548 FAX: (559) 457-3730 Email: <a href="mailto:Paul.Idsvoog@fresnounified.org">Paul.Idsvoog@fresnounified.org</a>	Marrío Walker, 504 Coordinator Address: 1301 M Street, Fresno, CA 93721 Telephone Number: (559) 457-3289 FAX: (559) 457-3258 Email: <a href="mailto:Marrío.Walker@fresnounified.org">Marrío.Walker@fresnounified.org</a>

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) days from the receipt of the complaint. This sixty (60) day time period may be extended by written agreement of the complainant. 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 that may be imposed by a court include, but are not limited to, injunctions and restraining orders.

The UCP shall also be used when addressing complaints alleging district noncompliance with legal requirements related to the implementation of the local control and accountability plan (LCAP).

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 6/16/17*