

## **Uniform Complaint Procedures (UCP) Annual Notice**

The Fresno County Superintendent of Schools ("County Superintendent") and the Fresno County Board of Education ("County Board") annually notify students, employees, parents or guardians, school and County Superintendent advisory committee members, appropriate private school officials or representatives, and other interested parties of the County Superintendent and County Board Uniform Complaint Procedures (UCP) process.

The UCP Annual Notice is available on the County Superintendent website.

The County Superintendent and County Board are primarily responsible for compliance with federal and state laws and regulations, including those related to prohibition of unlawful discrimination, harassment, intimidation or bullying against any protected group, and all programs and activities that are subject to the UCP.

### **Programs and Activities Subject to the UCP**

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education and Career Technical and Technical Training Programs
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying in County Superintendent/ County Board programs and activities funded directly by or that receive or benefit from any state financial assistance, based on one, or a combination of two or more, protected characteristics, which include, but may not be limited to, a person's actual or perceived characteristics of race or ethnicity; ancestry; color; ethnic group identification; nationality; national origin; immigration status; sex; sexual orientation; sex stereotypes; gender; gender identity; gender expression;

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age; religion; disability; medical condition; genetic information; pregnancy, false pregnancy, childbirth, termination of pregnancy, or related conditions or recovery; and parental, marital, and family status; or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 422.55, or based on the person's association with a person or group with one or more of these actual or perceived characteristics (Education Code 200, 210.1, 210.2, 212, 212.1, 220, 221.51, 230, 260; Government Code 11135, 12926; 5 CCR 4610; 20 USC 1681-1688, 42 USC 2000d-2000d-7)

- Educational and graduation requirements for students in foster care, students experiencing homelessness, students from military families, students formerly in a juvenile court school now enrolled in a school district, and students who are migratory, and newcomer students
- Every Student Succeeds Act
- Instructional Materials and Curriculum: Diversity

A complaint alleging such unlawful discrimination may, in addition to or in lieu of being filed with the County Superintendent, be directly filed with the Superintendent of Public Instruction (SPI). (Education Code 243, 244)

- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- Student Fees
- Reasonable Accommodations to a Lactating Student
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- School site Councils
- State Preschool Programs
- Health and Safety Issues in State Preschools Exempt from Licensing (only if an exempt State Preschool is in operation)
- School or athletic team names, mascots, or nicknames pursuant to Education Code 221.3

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- 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
- Any other state or federal educational program the State Superintendent of Public Instruction or designee deems appropriate.

There are no State Preschool sites exempt from licensing operated by the County Superintendent or the County Board. Any complaint alleging health and safety violations relating to a licensed State Preschool site or child development program shall be referred to Department of Social Services. (5 CCR 4611)

### **Filing a UCP Complaint**

A UCP complaint alleging unlawful discrimination, harassment, intimidation, or bullying must be filed no later than six months from the date of the alleged conduct or the date the complainant first obtained knowledge of the facts of the alleged conduct. All other UCP complaints must be filed no later than one year from the date the alleged violation occurred.

A student enrolled in any of the County Superintendent/County Board public schools shall not be required to pay a student fee for participation in an educational activity that constitutes an integral fundamental part of the educational program, including curricular and extracurricular activities.

A student fee complaint may be filed with the principal of a school or with the County Superintendent or designee.

A student fee 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 an allegation of noncompliance.

### **Investigation**

Complaints will be investigated in accordance with the County Superintendent and County Board UCP and a written decision will be sent to the complainant within 60 days from the receipt of the complaint, unless this time period is extended by written agreement of the complainant.

### **Appeal**

Complainants have the right to appeal the County Superintendent's investigation report for complaints regarding programs within the scope of the UCP to the California Department of Education (CDE) within 30 calendar days of receiving the decision.

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We advise complainants of civil law remedies, including, but 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.

Copies of the UCP procedures shall be available free of charge.

### **Educational Rights of Foster Youth, Homeless Students, Former Juvenile Court School Students, Students from Military Families, Migrant Students, and Immigrant Students**

The County Superintendent shall post a standardized notice, in addition to this notice, of the educational rights of foster youth, homeless students, former juvenile court school students now enrolled in County Superintendent/County Board schools, children of military families, migrant students, and immigrant students enrolled in a newcomer program.

### **For UCP Complaints Regarding Health and Safety Issues in License- Exempt State Preschools Pursuant to California Health and Safety Code Section 1596.7925**

No license-exempt California State Preschool Program (CSPP) is operated by the County Superintendent or County Board. Therefore, the following requirements do not apply to the County Superintendent or County Board.

In order to identify appropriate subjects of license-exempt CSPP health and safety issues pursuant to Health and Safety Code 1596.7925, a notice shall be posted in each license-exempt CSPP classroom operated by the County Superintendent or County Board notifying parents/guardians, students, and teachers of the health and safety requirements of Title 5 of the California Code of Regulations that apply to license-exempt CSPP programs pursuant to Health and Safety Code 1596.7925 and the location at which to obtain a form to file any complaint alleging noncompliance with those requirements.

### **Contact Information**

Complaints within the scope of the UCP are to be filed with the person responsible for processing complaints:

Dr. Diane Lira  
Deputy Superintendent, Instructional Division  
1111 Van Ness Avenue  
Fresno, California 93721-2000  
(559) 265-3090

The above contact is knowledgeable about the laws and programs that they are assigned to investigate.

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