

## **Uniform Complaint Procedures (UCP) Annual Notice 2021–2022**

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

The UCP Annual Notice is available on our website.

The County Board and County Superintendent 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
- Any complaint alleging the occurrence of 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, immigration status, ethnic group identification, age, religion, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or any other characteristic identified in Education Code 200 or 220, Government Code 11135, or Penal Code 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.)

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- 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
- 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
- Schoolsite Councils
- State Preschool
- Health and Safety Issues in State Preschools Exempt from Licensing

And 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 Board or the County Superintendent. 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 Board/County Superintendent 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 pupil fee complaint may be filed with the principal of a school or with the County Superintendent or designee.

A pupil 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.

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### Investigation

Complaints will be investigated in accordance with the County Board and County Superintendent's 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.

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 County Board and County Superintendent 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. Hank Gutierrez  
Deputy Superintendent, Educational Services

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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.