



The Foundation for Hispanic Education
-Education & Transformation Since 1981-

Site Address:

14271 Story Road, San Jose, CA 95127

Website:

tfhe.org

Mailing Address:

PO Box 730453, San Jose, CA 95173

ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES

The Foundation for Hispanic Education (“TFHE”) annually notifies students, employees, parents or guardians, and other interested parties (e.g., school advisory committees) of the Uniform Complaint Procedures (“UCP”) process. TFHE is primarily responsible for compliance with federal and state laws and regulations, including those related to unlawful discrimination, harassment, intimidation, or bullying against any protected group, and all programs and activities that are subject to the UCP.

1. Programs and Activities Subject to the UCP:

- a. Accommodations for Pregnant and Parenting Pupils;
- b. Adult Education;
- c. After School Education and Safety;
- d. Agricultural Career Technical Education;
- e. Education and Graduation requirements of Pupils in Foster Care, Homeless Pupils, former Juvenile Court Pupils, and Pupils of Military Families;
- f. Regional Occupational Centers and Programs;
- g. Reasonable Accommodation to a Lactating Pupil;
- h. School Site Councils;
- i. School Plan for Student Achievement;
- j. School Safety Plans;
- k. Pupil Fees, which includes a purchase that a pupil is required to make to obtain materials, supplies, equipment or clothes associated with an educational activity;
- l. Local Control and Accountability Plan (“LCAP”);
- m. Career Technical and Technical Education; Career Technical and Technical Training;
- n. Childcare and Development Programs;
- o. Compensatory Education;

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- p. Consolidated Categorical Aid Programs;
- q. Course Periods without Educational;
- r. Content (grades nine through twelve);
- s. Complaints of Discrimination, Harassment, Intimidation and/or Bullying any protected group as identified in Education Code §§ 200 and 220 and Government Code § 11135, including any actual or perceived characteristics set forth in Penal Code § 422.55, based on sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical, disability, age, immigration status, or on the basis of a 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 TFHE which is funded directly by, or that received or benefits from, any state financial assistance;
- t. Every Student Succeeds Act;
- u. Migrant Education;
- v. Physical Education Instructional Minutes;
- w. State Preschool Health and Safety Issues in LEAs Exempt from Licensing;
- x. State Preschool;
- y. Any other state or federal educational program the State Superintendent of Public Instruction or the California Department of Education (“CDE”) or designee deems appropriate.

2. Filing a UCP Complaint:

Generally, a UCP complaint shall be filed no later than one (1) year from the date the alleged violation occurred, except that complaints regarding the educational rights of students experiencing foster care are not subject to the one-year timeline. Complaints alleging unlawful discrimination, harassment, intimidation, or bullying shall be initiated no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation, or

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bullying occurred, or six (6) months from the date the complainant first obtained knowledge of the facts of the alleged unlawful discrimination, harassment, intimidation, or bullying. For complaints relating to TFHE's LCAP, the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by TFHE.

Complaints Concerning Pupil Fees:

A pupil enrolled in a charter school operated by TFHE shall not be required to pay a pupil fee for participation in an educational activity. A pupil fees complaint may be filed with the Principal or the Responsible Employee (defined below).

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. A pupil fee or LCAP complaint may be filed anonymously (without an identifying signature) if the complainant provides evidence or information leading to evidence to support an allegation of noncompliance.

Responsible Employee:

The designated official ("Responsible Employee") to receive and investigate complaints is:

Vu Long Trinh

Chief of Schools

14271 Story Road, San Jose, CA 95127

(408) 585-5022

vt Trinh@tfhe.org

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TFHE will ensure that the Responsible Employee and other employees who may be assigned to investigate complaints are knowledgeable about the laws and programs at issue in the complaints for which they are responsible.

3. Investigation Report and Right to Appeal:

Complaints will be investigated and an Investigation Report (final written decision) will be sent to the complainant within sixty (60) calendar days from the receipt of the complaint. This time may be extended by written agreement of the complainant. The person responsible for investigating the complaint shall conduct and complete the investigation in accordance with TFHE's UCP Policy.

The complainant has a right to appeal TFHE's decision concerning complaints regarding specific programs and activities subject to the UCP to the CDE by filing a written appeal within thirty (30) calendar days of receiving our decision. The appeal must be accompanied by a copy of the originally filed complaint and a copy of the Investigation Report.

4. TFHE's Responsibilities:

TFHE advises complainants of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the CDE. TFHE advises complainants of civil law remedies, 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. A complainant may pursue available civil law remedies outside of TFHE's complaint procedures. TFHE shall post a standardized notice, in addition to this notice, with educational and graduation requirements for pupils in foster care, pupils who are experiencing homelessness, pupils from military families, and pupils formerly in Juvenile Court now enrolled in a school

district. The following is a link to a standardized notice developed by the California Foster Youth Education Task Force regarding the educational rights of students experiencing foster care: http://www.cfyetf.org/publications_19_421458854.pdf. Copies of TFHE's UCP Policy shall be available free of charge.

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