

Superintendent Policy 1312.3: Uniform Complaint Procedures

Status: ADOPTED

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The Napa County Superintendent of Schools recognizes its role in developing policies to comply with applicable state and federal laws and regulations governing the Napa County Office of Education's (NCOE) educational programs. The County Superintendent encourages the early, informal resolution of complaints whenever possible and appropriate. To resolve complaints which cannot be resolved through such informal process, the County Superintendent adopts the uniform system of complaint processes specified in 5 CCR 4600- 4670 and incorporates any County Superintendent-approved procedures implementing this policy.

The NCOE's uniform complaint procedures (UCP) shall be used to investigate and resolve the following complaints:

1. Any complaint alleging NCOE violation of applicable state or federal law or regulations governing adult education programs, after school education and safety programs, migrant education, career technical and technical education and training programs, child care and development programs, child nutrition programs, special education programs, consolidated categorical aid programs, or any other NCOE- implemented program which is listed in Education Code 64000(a) (5 CCR 4610)
2. Any complaint alleging the occurrence of unlawful discrimination (such as discriminatory harassment, intimidation, or bullying) against any person participating in NCOE 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, ethnic group identification, age, religion, marital, pregnancy, 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, 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). Notwithstanding the foregoing, claims that meet the Title IX definition of sexual harassment shall be addressed under the applicable Title IX policy (See 4119.13/4219.13/4319.13 for employees, and 5145.71 for students).
3. Any complaint alleging NCOE noncompliance with the requirement to provide reasonable accommodation to a lactating student on school campus to express breast milk, breastfeed an infant child, or address other breastfeeding-related needs of the student (Education Code 222)

(cf. 5146 - Married/Pregnant/Parenting Students)
4. Any complaint alleging NCOE noncompliance with the prohibition against requiring students to pay fees, deposits, or other charges for participation in educational activities, as defined in Education Code 49010 (5 CCR 4610)
5. Any complaint, by or on behalf of any student who is a foster youth, alleging NCOE noncompliance with any legal requirement applicable to the student regarding placement decisions, the responsibilities of the NCOE's educational liaison to the student, the award of credit for coursework satisfactorily completed in another public school, school transfer, or the grant of an exemption from any additional graduation requirements (Education Code 48853, 48853.5, 49069.5, 51225.1, 51225.2)
6. Any complaint, by or on behalf of a homeless student as defined in 42 USC 11434a or a former juvenile court school student as defined in Education Code 51225.2, alleging NCOE noncompliance with any requirement applicable to the student regarding the award of credit for coursework satisfactorily completed in another public school or the grant of an exemption from any additional graduation requirements (Education Code 51225.1, 51225.2)
7. Any complaint alleging NCOE noncompliance with the requirements of Education Code 51228.1 and 51228.2 that prohibit the assignment of a student to a course without educational content for more than one week in any semester or to a course the student has previously satisfactorily completed, without meeting specified conditions (Education Code 51228.3)
8. Any complaint alleging NCOE noncompliance with the physical education instructional minutes requirements for students in elementary school (Education Code 51210, 51223)
9. 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 (5 CCR 4621)
10. Any other complaint as specified in a County Board policy or a County Superintendent policy

All complainants shall be protected from retaliation and the confidentiality of the parties involved shall be protected as required by law.

Records of all UCP complaints and the investigations of those complaints are to be maintained in accordance with applicable law and County Superintendent policies and procedures.

Non-UCP Complaints

The following complaints shall not be subject to the NCOE's UCP but shall be referred to the specified agency: (5 CCR 4611)

1. Any complaint alleging child abuse or neglect shall be referred to the County Department of Social Services, the County Protective Services Division, and the appropriate law enforcement agency.
2. Any complaint alleging fraud shall be referred to the California Department of Education. Notwithstanding the foregoing, claims that meet the Title IX definition of sexual harassment shall be addressed under the applicable Title IX policy (See 4119.13/4219.13/4319.13).

In addition, the County Superintendent's Williams Uniform Complaint Procedures shall be used to investigate and resolve any complaint related to sufficiency of textbooks or instructional materials, emergency or urgent facilities conditions that pose a threat to the health or safety of students or staff, or teacher vacancies and misassignments. (Education Code 35186)
