

**BELLA MENTE ACADEMIES**  
**ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP)**  
**2023-24 School Year**

Bella Mente Academies (“BMA”) annually notifies students, employees, parents/guardians, school advisory committee members, school district officials, and other interested parties of the Uniform Complaint Procedures (“UCP”) process. BMA 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, to the extent offered by BMA.

The Charter School shall investigate and seek to resolve complaints using policies and procedures known as the Uniform Complaint Procedure (“UCP”) adopted by our Governing Board for the following types of complaints:

1. Complaints alleging unlawful discrimination, harassment, intimidation or bullying against any protected group on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or sexual orientation, 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 BMA program or activity.

2. Complaints alleging a violation of state or federal law or regulation governing the following programs:

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| ● Accommodations for Pregnant and Parenting Pupils                                       | ● former Juvenile Court Pupils, and Pupils of Military Families  |
| ● Adult Education  | ● Every Student Succeeds Act   |
| ● After School Education and Safety  | ● Migrant Education  |
| ● Agricultural Career Technical Education  | ● Physical Education Instructional Minutes   |
| ● Career Technical and Technical Education, Career Technical, Technical Training (state) | ● 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 |
| ● Career Technical Education (federal)   | ● Reasonable Accommodations to a Lactating Pupil   |
| ● Child Care and Development Programs  | ● Regional Occupational Centers and Programs   |
| ● Consolidated Categorical Aid Programs  | ● School Plans for Student Achievement   |
| ● Course Periods without Educational Content   |  |
| ● Education and Graduation requirements of Pupils in Foster Care, Homeless Pupils,       |  |

- School Safety Plans
- School Site Councils
- State Preschool
- State Preschool Health and Safety Issues in LEAs Exempt from Licensing
- Any other state or federal educational program the State Superintendent of Public Instruction or the California Department of Education or designee deems appropriate

3. Complaints alleging that a student enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.

- a. “Educational activity” means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
- b. A pupil fee means a fee, deposit or other charge imposed on students, or a student’s parents/guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all students without regard to their families’ ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. 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.
- c. 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 with Education Code sections 52060 - 52077, including an allegation of a violation of Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding local control and accountability plans.
- d. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or BMA and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.

4. Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or LCAP under Education Code sections 47606.5 and 47607.3, as applicable. If BMA adopts a School Plan for Student Achievement in addition to its LCAP, complaints of noncompliance with the requirements of the School Plan for Student Achievement under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under this Policy.

Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 no longer fall under the UCP. Instead, they are governed by Title 7, Code of Federal Regulations (“C.F.R.”) sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations (“C.C.R.”) sections 15580 - 15584.

Complaints alleging noncompliance regarding special education programs established pursuant to Education Code sections 56000-56865 and 59000-59300 no longer fall under the UCP. Instead, they are governed by the procedures set forth in 5 C.C.R. sections 3200-3205 and 34 C.F.R. sections 300.151-300.153.

### **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 this one-year timeline shall not apply to complaints regarding the educational rights of foster youth as specified in 5 C.C.R. § 4630.5. 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 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 Local Control and Accountability Plans (LCAP), the date of the alleged violation is the date when the reviewing authority approves the LCAP or annual update that was adopted by BMA.

### **Designated Official**

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

Erin Feeley, Executive Director  
Bella Mente Academies  
1737 W. Vista Way  
Vista, CA 92083  
760-621-8931  
efeeley@bellamentecharter.org

BMA 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.

### **BMA's Responsibilities**

BMA advises complainants of the opportunity to appeal an Investigation Report of complaints regarding programs within the scope of the UCP to the CDE.

BMA provides a standardized notice with 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. The following is link to a standardized notice developed by the California Foster Youth Education Task Force of the educational rights of pupils in foster care, pupils who are homeless, former juvenile court pupils now enrolled in a school district, and pupils in military families as specified in Education Code §§ 48853, 48853.5, 49069.5, 51225.1, and 51225.2: [http://www.cfyetf.org/publications\\_19\\_421458854.pdf](http://www.cfyetf.org/publications_19_421458854.pdf)

The Responsible Employee responsible for investigating the complaint shall conduct and complete the investigation in accordance with California regulations and the Charter School's UCP Policy. The Responsible Employee shall provide the complainant with a final written investigation report ("Decision") within sixty (60) calendar days from the Charter School's receipt of the complaint. This sixty (60) calendar day time period may be extended by written agreement of the complainant.

The complainant has a right to appeal the Charter School's Decision to the California Department of Education ("CDE") by filing a written appeal within thirty (30) calendar days of the date of the Charter School's written Decision, except if the Charter School has used its UCP to address a complaint that is not subject to the UCP requirements. The appeal must include a copy of the complaint filed with the Charter School, a copy of the Charter School's Decision, and the complainant must specify and explain the basis for the appeal of the Decision, including at least one of the following:

1. The Charter School failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, the Charter School's Decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in the Charter School's Decision are not supported by substantial evidence.
4. The legal conclusion in the Charter School's Decision is inconsistent with the law.
5. In a case in which the Charter School's Decision found noncompliance, the corrective actions fail to provide a proper remedy.

A complainant who appeals the Charter School's Decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.

Within thirty (30) calendar days of the date of the CDE's appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction ("SSPI") or the SSPI's designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE's appeal Decision.

If a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.

If the Charter School finds merit in a UCP complaint, or the CDE finds merit in an appeal, the Charter School shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.

A complainant may pursue available civil law remedies outside of the Charter School'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. For unlawful discrimination, harassment, intimidation or bullying complaints arising under state law, however, a complainant must wait until sixty (60) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if the Charter School has appropriately, and in a timely manner, apprised the complainant of the complainant's right to file a complaint in accordance with 5 C.C.R. § 4622.

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

All BMA students have a right to a free public education, regardless of immigration status or religious beliefs. For more information about this issue, we recommend families review the "Know Your Rights" immigration enforcement established by the California Attorney General and available on the California Attorney General website here: <https://oag.ca.gov/immigrant/rights>. BMA shall inform students who are victims of hate crimes of their right to report such crimes.

**BELLA MENTE ACADEMIES  
UNIFORM COMPLAINT PROCEDURES POLICY**

The Governing Board (“Board”) of Bella Mente Academies (“BMA”) is committed to compliance with applicable state and federal laws and regulations governing educational programs and activities. Most issues are best handled informally, and the Board encourages the early resolution of complaints at the site level whenever possible. If you have a concern, you can always come and talk to one of us. If you find that for some reason this informal resolution is not adequate, you can follow our formal complaint policy and procedure set out herein.

BMA developed this Uniform Complaint Procedures Policy (“UCP”) in accordance with Title 5, California Code of Regulations, §§ 4600-4687. BMA has primary responsibility to ensure its compliance with applicable state and federal laws and regulations, and BMA will investigate and seek to resolve UCP complaints in accordance with this UCP. This UCP has been approved by BMA’s Board.

**UCP Complaints**

Not all complaints fall under the scope of the UCP. Complaints arising from the employment relationship are separately addressed by BMA’s employment policies. Many concerns, including classroom assignments, grades, graduation requirements, hiring and evaluation of staff, homework policies and practices, student advancement and retention, student discipline, student records, the Brown Act, and other general education requirements, may not fall under the UCP. BMA, however, may use these complaint procedures to address complaints not covered by the UCP in its sole discretion. Only allegations within the subject matters falling within the UCP can be appealed to the CDE. For complaints that do not fall within the UCP, please refer to the BMA’s General Complaint Policy, located on our school website.

A UCP complaint is a written and signed statement alleging a violation of federal or state laws or regulations, which may include: complaints regarding certain programs and activities (list below); complaints alleging the charging of pupil fees for participation in an educational activity; complaints regarding non-compliance with the requirements of BMA’s Local Control and Accountability Plans (“LCAP”); or an allegation of unlawful discrimination, harassment, intimidation, or bullying in certain programs or activities.

**Complaints Regarding Programs and Activities**

This complaint procedure is adopted to provide a uniform system of complaint processing (“UCP”) for the following types of complaints:

1. Complaints alleging unlawful discrimination, harassment, intimidation or bullying against any protected group on the basis of the actual or perceived characteristics of age, ancestry, color, mental disability, physical disability, ethnic group identification, immigration status, citizenship, gender expression, gender identity, gender, genetic information, nationality, national origin, race or ethnicity, religion, medical condition, marital status, sex, or sexual orientation, 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 BMA program or activity.
2. Complaints alleging a violation of state or federal law or regulation governing the following programs:
 

<ul style="list-style-type: none"> <li>● Accommodations for Pregnant and Parenting Pupils</li> <li>● Adult Education</li> <li>● After School Education and Safety</li> <li>● Agricultural Career Technical Education</li> <li>● Career Technical and Technical Education, Career Technical, Technical Training (state)</li> <li>● Career Technical Education (federal)</li> <li>● Child Care and Development Programs</li> <li>● Consolidated Categorical Aid Programs</li> <li>● Course Periods without Educational Content</li> <li>● Education and Graduation requirements of Pupils in Foster Care, Homeless Pupils, former Juvenile Court Pupils, and Pupils of Military Families</li> <li>● Every Student Succeeds Act</li> <li>● Migrant Education</li> </ul>	<ul style="list-style-type: none"> <li>● Physical Education Instructional Minutes</li> <li>● 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</li> <li>● Reasonable Accommodations to a Lactating Pupil</li> <li>● Regional Occupational Centers and Programs</li> <li>● School Plans for Student Achievement</li> <li>● School Safety Plans</li> <li>● School Site Councils</li> <li>● State Preschool</li> <li>● State Preschool Health and Safety Issues in LEAs Exempt from Licensing</li> <li>● Any other state or federal educational program the State Superintendent of Public Instruction or the California Department of Education or designee deems appropriate</li> </ul>
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3. Complaints alleging that a student enrolled in a public school was required to pay a pupil fee for participation in an educational activity as those terms are defined below.





- a. “Educational activity” means an activity offered by the charter school that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.
  - b. “Pupil fee” means a fee, deposit or other charge imposed on students, or a student’s parents/guardians, in violation of Education Code section 49011 and Section 5 of Article IX of the California Constitution, which require educational activities to be provided free of charge to all students without regard to their families’ ability or willingness to pay fees or request special waivers, as provided for in *Hartzell v. Connell* (1984) 35 Cal.3d 899. A pupil fee includes, but is not limited to, all of the following:
    - i. A fee charged to a student 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.
    - ii. A security deposit, or other payment, that a student is required to make to obtain a lock, locker, book, class apparatus, musical instrument, uniform or other materials or equipment.
    - iii. A purchase that a student is required to make to obtain materials, supplies, equipment, or uniforms associated with an educational activity.
  - c. A pupil fees complaint and complaints regarding local control and accountability plans (“LCAP”) only, may be filed anonymously (without an identifying signature), if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance with Education Code sections 52060 - 52077, including an allegation of a violation of Education Code sections 47606.5 or 47607.3, as referenced in Education Code section 52075, regarding local control and accountability plans.
  - d. Nothing in this Policy shall be interpreted to prohibit solicitation of voluntary donations of funds or property, voluntary participation in fundraising activities, or BMA and other entities from providing student prizes or other recognition for voluntarily participating in fundraising activities.
4. Complaints alleging noncompliance with the requirements governing the Local Control Funding Formula (“LCFF”) or LCAP under Education Code sections 47606.5 and



47607.3, as applicable. If BMA adopts a School Plan for Student Achievement in addition to its LCAP, complaints of noncompliance with the requirements of the School Plan for Student Achievement under Education Code sections 64000, 64001, 65000, and 65001 shall also fall under this Policy.

Complaints alleging noncompliance regarding child nutrition programs established pursuant to Education Code sections 49490-49590 no longer fall under the UCP. Instead, they are governed by Title 7, Code of Federal Regulations (“C.F.R.”) sections 210.19(a)(4), 215.1(a), 220.13(c), 225.11(b), 226.6(n), and 250.15(d) and Title 5, California Code of Regulations (“C.C.R.”) sections 15580 - 15584.

Complaints alleging noncompliance regarding special education programs established pursuant to Education Code sections 56000-56865 and 59000-59300 no longer fall under the UCP. Instead, they are governed by the procedures set forth in 5 C.C.R. sections 3200-3205 and 34 C.F.R. sections 300.151-300.153.

### **The UCP Annual Notice**

BMA provides notice of this UCP on an annual basis. The notice addresses all students, employees, parents or guardians, school advisory committee members, appropriate private school officials or representatives (if applicable), and other interested parties. The notice includes:

1. A list of the types of complaints that fall under the scope of the UCP and the state and federal provisions that govern complaints regarding child nutrition programs and special education programs.
2. The position at BMA who is responsible for and knowledgeable about processing UCP complaints. BMA’s annual UCP notice is in English.
3. A statement that if 15% or more of students enrolled at BMA speak a single primary language other than English, the annual notice will be provided in that language as well pursuant to Education Code § 48985.
4. A statement clearly identifying any California State preschool programs that BMA is operating as exempt from licensing pursuant to Health and Safety Code section 1596.792(o) and corresponding Title 5 health and safety regulations, and any California State preschool programs that BMA is operating pursuant to Title 22 licensing requirements.
5. A statement that BMA is primarily responsible for compliance with federal and state laws and regulations.
6. A statement that a student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.
7. A statement that if a UCP complaint is filed directly with the CDE and the CDE determines that it merits direct intervention, the CDE shall complete an investigation and



- provide a written decision to the complainant within sixty (60) calendar days of receipt of the complaint, unless the parties have agreed to extend the timeline or the CDE documents exceptional circumstances and informs the complainant.
8. A statement that the complainant has a right to appeal BMA's decision to the CDE by filing a written appeal within thirty (30) calendar days of the date of BMA's Decision, except if BMA has used its UCP to address a complaint that is not subject to the UCP requirements.
  9. A statement that a complainant who appeals BMA's decision on a UCP complaint to the CDE shall receive a written appeal decision within sixty (60) calendar days of the CDE's receipt of the appeal, unless extended by written agreement with the complainant or the CDE documents exceptional circumstances and informs the complainant.
  10. A statement that if BMA finds merit in a UCP complaint, or the CDE finds merit in an appeal, BMA shall take corrective actions consistent with the requirements of existing law that will provide a remedy to the affected student and/or parent/guardian as applicable.
  11. A statement advising the complainant of any civil law remedies that may be available under state or federal discrimination, harassment, intimidation or bullying laws, if applicable, and of the appeal pursuant to Education Code section 262.3.
  12. A statement that copies of BMA's UCP shall be available free of charge.

### **Designation of Responsible Employee**

BMA's Executive Director is the employee responsible for receiving, investigating and responding to UCP complaints (the "Responsible Employee"):

Erin Feeley, Executive Director  
Bella Mente Academies  
1737 W. Vista Way  
Vista, CA 92083  
760-621-8931  
[efeeley@bellamentecharter.org](mailto:efeeley@bellamentecharter.org)

In no instance will the Responsible Employee be assigned to investigate a complaint in which he or she has a bias that would prohibit them from fairly investigating or responding to the complaint. Any complaint against Responsible Employee or that raises a concern about Responsible Employee's ability to investigate the complaint fairly and without bias should be referred to BMA's Board of Directors, who will determine how the complaint will be investigated.

BMA will ensure that the Responsible Employee (or designee) investigating the complaint is knowledgeable about the laws and programs at issue in the complaints. BMA may consult with legal counsel as appropriate.

Should a complaint be filed against the Responsible Employee, the compliance officer for that case shall be the decided by the BMA Board of Directors.

### **Confidentiality and Non-Retaliation**

BMA will ensure that complainants are protected from retaliation and acknowledges every individual's right to privacy. Complaints alleging unlawful discrimination, harassment, intimidation or bullying shall be investigated in a manner that protects (to the greatest extent reasonably possible and as permitted by law) confidentiality of the parties, including but not limited to the identity of the complainant, and maintains the integrity of the process. BMA cannot guarantee anonymity of the complainant. This includes keeping the identity of the complainant confidential. However, BMA will attempt to do so as appropriate. BMA may find it necessary to disclose information regarding the complaint/complainant to the extent required by law or necessary to carry out the investigation or proceedings, as determined by the Executive Director or designee on a case-by-case basis

### **Complaint Procedures**

#### Step 1: Filing a UCP Complaint

A UCP complaint must be filed according to the procedures set forth herein.

Any individual, including a person's duly authorized representative or an interested third party, public agency, or organization, may file a UCP complaint. However, a complaint filed on behalf of a student may only be filed by that student or that student's duly authorized representative.

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying may be filed by a person who alleges that he or she personally suffered unlawful discrimination, harassment, intimidation, or bullying, or by a person who believes that an individual or any specific class of individuals has been subjected to the same.

A UCP complaint must be in writing and signed. If a complainant is unable to put their complaint in writing due to a disability or illiteracy, BMA will assist the complainant in the filing of the complaint. A signature on a UCP complaint may be handwritten, typed (including in an email), or electronically-generated. Complaints related to pupil fees and/or LCAPs may be filed anonymously if the complaint provides evidence or information leading to evidence to support an allegation of noncompliance.

Complainants are encouraged, but not required, to use the appropriate complaint form(s), attached. Complaints shall be filed with the Responsible Employee at the address provided herein. A pupil fees complaint may also be filed with BMA's Principal. The Responsible Employee will maintain a log of complaints and subsequent related actions to the extent required by oversight agencies.

Upon receipt of a complaint, the Responsible Employee (or designee) will evaluate the complaint to determine whether it is subject to this UCP and will endeavor to notify the complainant within five (5) business days if the complaint is outside the jurisdiction of this UCP.

The Responsible Employee (or designee) may also determine if interim measures are necessary pending the result of an investigation. If interim measures are determined to be necessary, Responsible Employee (or designee) will consult with the Board President, Principal or designee, prior to implementing any such measures. The interim measures shall remain in place until the Responsible Employee (or designee) determines that they are no longer necessary or until BMA issues its final written Investigation Report, whichever occurs first.

#### Timing of Complaints and Investigation

A complaint alleging unlawful discrimination, harassment, intimidation, or bullying shall be filed no later than six (6) months from the date when the alleged unlawful discrimination, harassment, intimidation or bullying occurred or the complainant first obtained knowledge of the facts of the alleged discrimination, harassment, intimidation or bullying. The time for filing may be extended by the Responsible Employee (or designee) for good cause upon written request from the complainant. Such extension shall be in writing and may not exceed ninety (90) days following the expiration of the six-month period.

All other complaints shall be filed no later than one (1) year from the date the alleged violation occurred, except this one-year timeline shall not apply to complaints regarding the educational rights of foster youth as specified in 5 C.C.R. § 4630.5. For complaints regarding LCAP, the date of the alleged violation is the date when BMA's governing board approves the LCAP or annual update.

Unless a UCP complaint is resolved through mediation as set forth below, BMA will investigate the UCP complaint and issue a written Investigation Report to the complainant within sixty (60) calendar days from the date of receipt of the complaint, unless the complainant agrees in writing to an extension of time.

#### Step 2: Mediation (Optional)



The Responsible Employee (or designee) and complainant may mutually agree to mediation. Any BMA employee or member of BMA's Board who has not been involved with the allegations in the complaint may be assigned by the Responsible Employee (or designee) to serve as mediator. The mediator will arrange for both the complainant and BMA to present relevant evidence. The Responsible Employee (or designee) will inform the complainant that the mediation process may be terminated at any time by either BMA or complainant, in which case the complaint will proceed directly to an investigation. If mediation resolves the complaint to the satisfaction of both parties, BMA will implement any remedial measures and the complainant may choose to withdraw the complaint. If mediation does not resolve the complaint to the satisfaction of both parties or within the parameters of law, the Responsible Employee (or designee) shall proceed with their investigation of the complaint.

Before initiating the mediation of an unlawful discrimination, harassment, intimidation or bullying complaint, the compliance officer shall ensure that all parties agree to make the mediator a party to related confidential information.

The use of mediation does not extend BMA's timelines for investigating and resolving the complaint unless the complainant agrees in writing to such an extension of time.

### Step 3: Investigation of Complaint

In order to investigate the complaint, the Responsible Employee (or designee) shall have access to applicable BMA records and/or information related to the complaint allegations. As part of their investigation, the Responsible Employee (or designee) will do all of the following, in any order:

- Provide an opportunity for the complainant or complainant's representative and BMA's representative to present information relevant to the complaint or investigative process.
- Obtain statements from individuals/witnesses who can provide relevant information concerning the alleged violation.
- Review documents that may provide information relevant to the allegation.
- When necessary, seek clarification on specific complaint issues.

Refusal by the complainant or their representatives to provide the Responsible Employee (or designee) with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation, may result in dismissal of complaint because of a lack of evidence to support the allegation.

Refusal by BMA to provide the Responsible Employee (or designee) with documents or other evidence related to the allegations in the complaint, or failure or refusal to cooperate or obstruction of the investigation, may result in a finding, based on evidence collected, that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

#### Step 4: Final Written Decision (Investigation Report)

The Responsible Employee (or designee) shall prepare and send to the complainant a written report of the investigation and final decision (the “Investigation Report”) within sixty (60) calendar days of receipt of the complaint, unless complainant agrees to extend this date. BMA’s Investigation Report shall be written in English and, when required by law, in the complainant’s primary language.

The Investigation Report shall include:

- The finding(s) of fact based on the evidence gathered;
- Conclusion providing a clear determination as to each allegation as to whether BMA is in compliance with the relevant law;
- If BMA finds merit in the complaint, the corrective actions required by law;
- Notice of the complainant’s right to appeal BMA’s Investigation Report to the CDE, except when BMA has used its UCP to address a non-UCP complaint; and
- Procedures to be followed for initiating an appeal to the CDE.

In addition, any Investigation Report on a complaint of discrimination, harassment, intimidation or bullying based on state law shall include a notice that the complainant must wait until sixty (60) days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies.

An Investigation Report shall not include student information protected under the Family Educational Rights and Privacy Act (FERPA) or any private employee personnel information, including but not limited to the nature of the disciplinary action taken against a student or employee. If a student or employee is disciplined as a result of the complaint, the Investigation Report shall simply state that effective action was taken and that the student or employee was informed of BMA’s expectations. The Decision shall not give any further information as to the nature of the disciplinary action except as required by applicable law.

If BMA finds merit in a complaint regarding pupil fees, physical education instructional minutes, or LCAP, or the California Department of Education (“CDE”) finds merit in an appeal, the remedy will go to all affected pupils and parents/guardians. BMA, in good faith will engage in reasonable efforts to identify and fully reimburse all pupils, parents and guardians who paid any unlawful pupil fee within one (1) year prior to the filing of the complaint.

### **Appeal Process**

A complainant may appeal BMA’s Investigation Report by filing a written appeal within thirty (30) days of the date of the Investigation Report with the California Department of Education (“CDE”). This appeal to the CDE must specify and explain the basis for the appeal, including at least one of the following:

- BMA failed to follow its complaint procedures;
- Relative to the allegations of the complaint, the Investigation Report lacks material findings of fact necessary to reach a conclusion of law;
- The material findings of fact in the Investigation Report are not supported by substantial evidence;
- The legal conclusion in the Investigation Report is inconsistent with the law; and/or
- In a case in which BMA found noncompliance, the corrective actions fail to provide a proper remedy.

The appeal must be sent to CDE with: (1) a copy of the locally filed complaint; and (2) a copy of BMA’s Investigation Report.

*Appeals of decisions regarding discrimination, harassment, intimidation, and/or bullying, and regarding provision of accommodations to lactating students should be sent to:*

California Department of Education  
Education Equity UCP Appeals Office  
1430 N Street  
Sacramento, CA 95814  
916-319-8239



*Appeals of decisions regarding LCAP should be sent to:*

California Department of Education  
Local Agency Systems Support Office  
1430 N Street  
Sacramento, CA 95814  
916-319-0809

*Appeals of decisions regarding pupil fees or all other educational program complaints should be sent to:*

California Department of Education  
Categorical Programs Complaints Management Office  
1430 N Street  
Sacramento, CA 95814  
916-319-0929

Upon notification by the CDE that the complainant has appealed the Decision, the Executive Director or designee shall forward the following documents to the CDE within ten (10) calendar days of the date of notification:

1. A copy of the original complaint.
2. A copy of the Decision.
3. A copy of the investigation file, including but not limited to all notes, interviews, and documents submitted by the parties or gathered by the investigator.
4. A report of any action taken to resolve the complaint.
5. A copy of BMA's complaint procedures.
6. Other relevant information requested by the CDE.

If the CDE determines the appeal raises issues not contained in the local complaint, the CDE will refer those new issues back to BMA for resolution as a new complaint. If the CDE notifies BMA that its Decision failed to address an allegation raised by the complaint and subject to the UCP process, BMA will investigate and address such allegation(s) in accordance with the UCP requirements and provide the CDE and the appellant with an amended Decision addressing such allegation(s) within twenty (20) calendar days of the CDE's notification. The amended Decision will inform the appellant of the right to separately appeal the amended Decision with respect to the complaint allegation(s) not addressed in the original Decision.

Within thirty (30) calendar days of the date of the CDE’s appeal Decision pursuant to 5 C.C.R. section 4633(f)(2) or (3), either party may request reconsideration by the State Superintendent of Public Instruction (“SSPI”) or the SSPI’s designee. The request for reconsideration shall specify and explain the reason(s) for contesting the findings of fact, conclusions of law, or corrective actions in the CDE’s appeal Decision. The SSPI will not consider any information not previously submitted to the CDE by a party during the appeal unless such information was unknown to the party at the time of the appeal and, with due diligence, could not have become known to the party. Pending the SSPI’s response to a request for reconsideration, the CDE appeal Decision remains in effect and enforceable, unless stayed by a court.

The CDE may directly intervene in the complaint without waiting for action by BMA, when one of the conditions listed in Title 5, California Code of Regulations, § 4650 exists, including cases in which through no fault of the complainant, BMA has not taken action within sixty (60) calendar days of the date the complaint was filed with BMA. A direct complaint to CDE must identify the basis for direct filing of the complaint, which must include evidence that supports such a basis.

### **Civil Law Remedies**

A complainant may pursue available civil law remedies outside of BMA’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. For unlawful discrimination complaints arising under state law, however, a complainant must wait until sixty (60) calendar days have elapsed from the filing of an appeal with the CDE before pursuing civil law remedies. The moratorium does not apply to injunctive relief and is applicable only if BMA has appropriately, and in a timely manner, apprised the complainant of their right to file a complaint.

## Uniform Complaint Procedures Form

Bella Mente Academies has primary responsibility to ensure compliance with applicable state and federal laws and regulations and shall investigate and seek to resolve complaints in accordance with the Uniform Complaint Procedures Policy (UCP). Please complete this form, providing as much information as possible and attaching any applicable supporting documentation, to assist in the investigation of your complaint.

### Information

NAME OF THE COMPLAINANT		ADDRESS	
EMAIL ADDRESS		TELEPHONE NUMBER	
COMPLAINANT WILL NEED THE ASSISTANCE OF AN INTERPRETER <input type="checkbox"/> No <input type="checkbox"/> Yes (specify the language to be spoken by the interpreter)			
COMPLAINANT IS A: <input type="checkbox"/> Student <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Employee <input type="checkbox"/> Public Agency <input type="checkbox"/> Organization			
THIS COMPLAINT IS BEING FILED ON BEHALF OF: <input type="checkbox"/> Myself <input type="checkbox"/> A student (not the complainant named above) <input type="checkbox"/> Other (specify)			
DATE OF ALLEGED VIOLATION		SCHOOL OF ALLEGED VIOLATION	

### Basis of Complaint

For allegations related to any of the following programs and activities subject to the UCP:

- |  |  |
|--|--|
| <input type="checkbox"/> After School Education and Safety   | <input type="checkbox"/> Local Control and Accountability Plans (LCAP) |
| <input type="checkbox"/> Child Care and Development  | <input type="checkbox"/> Migrant Education                             |
| <input type="checkbox"/> Child Nutrition   | <input type="checkbox"/> Pupil Fees                                    |
| <input type="checkbox"/> Consolidated Categorical Aid  | <input type="checkbox"/> School Plans for Student Achievement          |
| <input type="checkbox"/> Discrimination, Harassment, Intimidation, and/or Bullying   | <input type="checkbox"/> School Safety Plan                            |
| <input type="checkbox"/> Education for Foster Youth, Homeless Youth, Former Juvenile Court School Students, or Military Dependents | <input type="checkbox"/> School Site Councils                          |
| <input type="checkbox"/> Every Student Succeeds Act (Titles I-VII)   | <input type="checkbox"/> Other: _____                                  |

For complaints alleging discrimination, harassment, intimidation, and/or bullying, indicate the actual or perceived protected characteristics upon which the alleged conduct is based:

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Race or ethnicity           | <input type="checkbox"/> Religion                      | <input type="checkbox"/> Sex                 |
| <input type="checkbox"/> Color                       | <input type="checkbox"/> Age                           | <input type="checkbox"/> Sexual orientation  |
| <input type="checkbox"/> Ancestry                    | <input type="checkbox"/> Marital status                | <input type="checkbox"/> Gender              |
| <input type="checkbox"/> Nationality                 | <input type="checkbox"/> Pregnancy                     | <input type="checkbox"/> Gender identity     |
| <input type="checkbox"/> National origin             | <input type="checkbox"/> Parental status               | <input type="checkbox"/> Gender expression   |
| <input type="checkbox"/> Immigration status          | <input type="checkbox"/> Physical or mental disability | <input type="checkbox"/> Genetic information |
| <input type="checkbox"/> Ethnic group identification | <input type="checkbox"/> Other _____                   |  |

### FOR OFFICE USE ONLY

Date received \_\_\_\_\_ Received by \_\_\_\_\_ Title \_\_\_\_\_  
 Investigator by \_\_\_\_\_ Outcome by \_\_\_\_\_  
 Final written decision sent to complainant on \_\_\_\_\_ Appeal filed with CDE? Yes No

**Details of the Complaint**

*Please answer the following questions to the best of your ability. If you mention names, please also identify who they are (i.e. student, staff, parent, etc.). Attach additional pages, if necessary.*

Provide the **facts** about your complaint:

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List the **people** involved or impacted:

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List any **witnesses** or individuals who may have knowledge of the alleged acts:

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Provide and/or describe the specific **location(s)** where the incident(s) occurred:

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List the **date(s) and time(s)** when the incident(s) occurred or when the alleged acts came to your attention:

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Describe any **steps** you have taken to resolve this issue before filing the complaint. If applicable, list names and titles of school staff you have contacted:

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Do you have any **written documents/ evidence** that may be relevant/supportive of your complaint?

☐ No ☐ Yes, copies of the documents/evidence are attached to this complaint

Signature of Complainant \_\_\_\_\_ Date \_\_\_\_\_

Bella Mente Academies shall take steps to protect complainants from retaliation. Please file this complaint form and any additional documents in person, by mail, or via email with the following:

**Erin Feeley**, *Executive Director*  
Bella Mente Academies  
1737 W. Vista Way  
Vista, CA 92083  
efeeley@bellamentecharter.org