

BELLA MENTE ACADEMIES
ANNUAL NOTIFICATION OF THE UNIFORM COMPLAINT PROCEDURES (UCP)
2026-27 School Year

Bella Mente Academies (“BMA”) annually notifies students, employees, parents/guardians, school advisory committee members 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.

BMA shall investigate and seek to resolve, using the UCP adopted by our Governing Board, complaints alleging a violation of federal or state law or regulation for the following types of programs or activities

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education, Career Technical, Technical Training
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, 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 an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance
- Education and Graduation requirements of Pupils in Foster Care, Homeless Pupils, former Juvenile Court Pupils, Migratory Pupils, Pupils participating in a Newcomer Program, and Pupils of Military Families
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- 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
- Reasonable Accommodations to a Lactating Pupil
- Refusing Approval of Use or Prohibiting Use of Any Curriculum for Classroom Instruction or School Library Resource Pursuant to Section 243 of the Education Code
- Regional Occupational Centers and Programs

- School Plans for Student Achievement
- 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

A student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. Relevant terms are defined below.

- a. “Educational activity” means an activity offered by BMA 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 the complaint.
- 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.

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, Superintendent
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, pupils formerly in Juvenile Court, pupils who are migratory, and pupils participating in a newcomer program. The notice shall include complaint process information, as applicable. The following is a link to a standardized notice developed by the California Foster Youth Education Task Force of the educational rights of pupils in foster care:
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 BMA’s UCP Policy. The Responsible Employee shall provide the complainant with a final written investigation report (“Decision”) within sixty (60) calendar days from BMA’s receipt of the complaint. This time period may be extended by written agreement of the complainant.



The complainant has a right to appeal BMA's Decision to the California Department of Education ("CDE") by filing a written appeal within thirty (30) calendar days of the date of BMA's written Decision, except if BMA 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 BMA, a copy of BMA'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. BMA failed to follow its complaint procedures.
2. Relative to the allegations of the complaint, BMA's Decision lacks material findings of fact necessary to reach a conclusion of law.
3. The material findings of fact in BMA's Decision are not supported by substantial evidence.
4. The legal conclusion in BMA's Decision is inconsistent with the law.
5. In a case in which BMA's Decision found noncompliance, the corrective actions fail to provide a proper remedy.

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.

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, restraining orders, or other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws. 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 BMA 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.

For UCP Complaints Regarding State Preschool Health and Safety Issues Pursuant to Section 1596.7925 of the California Health and Safety Code (HSC)

In order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the California Health and Safety Code (HSC), a notice shall be posted in each California state preschool program classroom in each school in the local educational agency. BMA does not operate a preschool program.

The notice would be in addition to this UCP annual notice and would address parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations (5 CCR) that apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file a complaint.

**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. Many 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 *et seq.* BMA has primary responsibility to ensure its compliance with applicable state and federal laws and regulations. BMA will investigate and seek to resolve, in accordance with this UCP, complaints alleging failure to comply with applicable state and federal laws and regulations including, but not limited to, allegations of discrimination, harassment, intimidation, or bullying or noncompliance with laws relating to all programs and activities implemented by BMA that are subject to 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, 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 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 regarding complaints alleging a violation of federal or state law or regulation for the following types of programs or activities:

- Accommodations for Pregnant and Parenting Pupils
- Adult Education
- After School Education and Safety
- Agricultural Career Technical Education
- Career Technical and Technical Education, Career Technical, Technical Training
- Child Care and Development Programs
- Compensatory Education
- Consolidated Categorical Aid Programs
- Course Periods without Educational Content
- Discrimination, harassment, intimidation, or bullying against any protected group as identified under sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, 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 an educational institution, as defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance
- Education and Graduation requirements of Pupils in Foster Care, Homeless Pupils, former Juvenile Court Pupils, Migratory Pupils, Pupils participating in a Newcomer Program, and Pupils of Military Families
- Every Student Succeeds Act
- Local Control and Accountability Plans (LCAP)
- Migrant Education
- Physical Education Instructional Minutes
- 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
- Reasonable Accommodations to a Lactating Pupil
- Refusing Approval of Use or Prohibiting Use of Any Curriculum for Classroom Instruction or School Library Resource Pursuant to Section 243 of the Education Code
- Regional Occupational Centers and Programs
- School Plans for Student Achievement
- 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



A student enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity. Relevant terms are defined below.

- a. “Educational activity” means an activity offered by BMA 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 the complaint.
- 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.

The UCP Annual Notice

BMA provides written notice of this UCP on an annual basis. The notice addresses all students, employees, parents or guardians, school advisory committees, appropriate private school officials or representatives (if applicable), and other interested parties. The notice may be made available on the website and includes the following:

1. Information regarding allegations about discrimination, harassment, intimidation, or bullying.
2. The list of all federal and state programs within the scope of the UCP.
3. The position at BMA whose occupant is responsible for processing UCP complaints, and the identity(ies) of the person(s) currently occupying that position if known. The occupant responsible for processing complaints shall be knowledgeable about the laws and programs that they are assigned to investigate.
4. A statement that in order to identify appropriate subjects of state preschool health and safety issues pursuant to Section 1596.7925 of the Health and Safety Code (HSC) a notice, separate from the UCP Annual Notice, shall be posted in each California state preschool program classroom in each school in the local educational agency notifying parents, guardians, pupils, and teachers of (1) the health and safety requirements under Title 5 of the California Code of Regulations (5 CCR) apply to California state preschool programs pursuant to HSC Section 1596.7925, and (2) the location at which to obtain a form to file a complaint. Bella Mente does not operate a preschool program.

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, Superintendent
Bella Mente Academies
1737 W. Vista Way
Vista, CA 92083
760-621-8931
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 Principal or other appropriate BMA official, 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 president of the BMA Board of Directors shall be the compliance officer for that case.

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 or designee. 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 and/or complainant'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 allegation(s) 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 access to records and/or other information related to the allegation(s) in the complaint, or failure or refusal to cooperate or engagement in any other 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 for 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.
 - Pertaining to complaints regarding pupil fees, physical education instructional minutes, LCAP, or course periods without educational content, the remedy will go to all affected pupils and parents/guardians.
 - For all other complaints within the scope of the UCP, the remedy shall go to the affected pupil.
 - With respect to a pupil fees complaint, 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.
- 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.

- 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.

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, restraining orders, and other remedies or orders that may be available under state or federal discrimination, harassment, intimidation or bullying laws. 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.

UCP Requirements Regarding State Preschool Health and Safety Issues Pursuant to HSC Section 1596.7925

To file a UCP complaint regarding a state preschool health and safety issue pursuant to HSC Section 1596.7925 the complainant must file with the school's preschool program administrator or their designee. BMA does not currently operate a preschool program.

A state preschool health and safety issues complaint about problems beyond the authority of a school's preschool program administrator shall be forwarded in a timely manner, but not to exceed 10 working days to the appropriate school official for resolution.

A state preschool health and safety issues complaint may be filed anonymously. A complainant who identifies themselves is entitled to a response if they indicate that a response is requested. A complaint form shall include a space to mark to indicate whether a response is requested. If EC Section 48985 is otherwise applicable, the response, if requested, and the school's Investigation Report shall be written in English and the primary language in which the complaint was filed.

A complaint form for a state preschool health and safety issue shall specify the location for filing a complaint. A complainant may add as much text to explain the complaint as they wish.

When investigating a UCP state preschool health and safety issue the preschool program administrator or the school's designee shall make all reasonable efforts to investigate any problem within their authority, and investigations shall begin within 10 calendar days of the receipt of the complaint. A valid complaint shall be remedied within a reasonable time period, but not to exceed 30 working days from the date the complaint was received. The resolution of the complaint shall be reported to the complainant within 45 working days of the initial filing. If the preschool program administrator makes this report, they shall also report the same information in the same timeframe to the school's designee.

Filing an Appeal Regarding UCP State Preschool Health and Safety Issues

A complainant not satisfied with the resolution of the preschool program administrator or the school's designee has the right to describe the complaint at a regularly scheduled hearing of the board. A complainant will not be precluded from filing an appeal to the State Superintendent of Public Instruction (SSPI) if the complainant does not file a local appeal.

A complainant who is not satisfied with the resolution proffered by the preschool program administrator or the school's designee has the right to file an appeal to the SSPI within 30 calendar days of the date of the Investigation Report.

The complainant shall comply with the same appeal requirements of 5 CCR section 4632 as in the section above regarding the Appeal Process.

The complainant shall include a copy of the Investigation Report and specify and explain the basis for the appeal, including at least one of the following:

- the preschool program administrator or the school's designee failed to follow its complaint procedures, and/or
- the Investigation Report lacks material findings of fact necessary to reach a conclusion of law, and/or
- material findings of fact in the Investigation Report are not supported by substantial evidence, and/or
- the legal conclusion in the Investigation Report is inconsistent with the law, and/or
- If the preschool program is found noncompliant, the corrective actions fail to provide a proper remedy.

The SSPI or their designee shall comply with the requirements of 5 CCR Section 4633 and shall provide a written Investigation Report to the State Board of Education describing the basis for the complaint, the school's response to the state preschool health and safety issues pursuant to HSC Section 1596.7925 complaint and its remedy or proposed remedy and, as appropriate, a proposed remedy for the issue described in the complaint, if different from the school's remedy.

The school shall report summarized data on the nature and resolution of all UCP state preschool health and safety issues complaints on a quarterly basis to the county superintendent of schools and its board. The summaries shall be publicly reported on a quarterly basis at a regularly scheduled meeting of the school's board. The report shall include the number of complaints by general subject area with the number of resolved and unresolved complaints.

All complaints and responses are public records.



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.

NAME OF THE COMPLAINANT		ADDRESS	
EMAIL ADDRESS		TELEPHONE NUMBER	
COMPLAINANT WILL NEED THE ASSISTANCE OF AN INTERPRETER ☐ No ☐ Yes (specify the language to be spoken by the interpreter)			
COMPLAINANT IS A: ☐ Student ☐ Parent/Guardian ☐ Employee ☐ Public Agency ☐ Organization			
THIS COMPLAINT IS BEING FILED ON BEHALF OF: ☐ Myself ☐ A student (not the complainant named above) ☐ 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:

- | | |
|---|---|
| ☐ Accommodations for Pregnant and Parenting Pup | ☐ Every Student Succeeds Act |
| ☐ Adult Education | ☐ Local Control and Accountability Plans (LCAP) |
| ☐ After School Education and Safety | ☐ Migrant Education |
| ☐ Agricultural Career Technical Education | ☐ Physical Education Instructional Minutes |
| ☐ Career Technical and Technical Education, Career Technical, Technical Training | ☐ Pupil Fees |
| ☐ Child Care and Development | ☐ Reasonable Accommodations to a Lactating Pupil |
| ☐ Compensatory Education | ☐ Refusing Approval or Prohibiting Use of Curriculum for Classroom Instruction or Library Resource |
| ☐ Consolidated Categorical Aid | ☐ Regional Occupational Centers and Programs |
| ☐ Course Periods without Educational Content | ☐ School Plans for Student Achievement |
| ☐ Discrimination, Harassment, Intimidation, and/or Bullying | ☐ School Safety Plan |
| ☐ Education and Graduation Requirements of Pupils in Foster Care, Homeless Pupils, former Juvenile Court Pupils, Migratory Pupils, Pupils participating in a Newcomer Program, and Pupils of Military Families | ☐ School Site Councils |
| | ☐ State Preschool, or Health and Safety Issues in LEAs Exempt from Licensing |
| | ☐ Other: _____ |

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

- | | | |
|--|--|--|
| ☐ Race or ethnicity | ☐ Religion | ☐ Sex |
| ☐ Color | ☐ Age | ☐ Sexual orientation |
| ☐ Ancestry | ☐ Marital status | ☐ Gender |
| ☐ Nationality | ☐ Pregnancy | ☐ Gender identity |
| ☐ National origin | ☐ Parental status | ☐ Gender expression |
| ☐ Immigration status | ☐ Physical or mental disability | ☐ Genetic information |
| ☐ Ethnic group identification | ☐ 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:

List the **people** involved or impacted:

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

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

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

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:

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, Superintendent
Bella Mente Academies
1737 W. Vista Way
Vista, CA 92083
efeeley@bellamentecharter.org