

Beacon Classical Academy National City

**Summary of Responses to Notice of Violation and Notice of Intent to Revoke
Demonstrating the District’s Findings are Not Supported by Substantial Evidence**

June 7, 2017

#	District Finding	Did the District Have Substantial Evidence?	BCA Response/Facts • Refutation • Remedial Action Taken Proposed Remedial Action	BCA Evidence
	<p>“A. Failure to Meet or Adequately Pursue Pupil Outcomes Identified in Beacon’s Charter”</p> <p>a). Lack of Grade-Level Proficiency in English-Language Arts</p> <ol style="list-style-type: none"> 1. 85% of students will demonstrate at least one year of growth towards grade-level proficiency in English reading and language arts. 2. Students who are below grade level will make at least .5 years of growth. 	<p>No; there are no current and uncured violations. BCA was not provided a reasonable opportunity to remedy the violations.</p>	<p>Remedial Action Taken and Refutation:</p> <p>Refutation 1: NSD makes faulty assumptions. Beacon Classical Academy Elementary (BCAE) was originally authorized under Julian Union Elementary School District as an independent study charter, and was located within NSD’s borders. BCAE self-closed in order to become authorized under NSD as a classroom-based charter called Beacon Classical Academy National City (BCA). NSD assumes that the same students declined from the Julian Charter. However, only 49% of the students in grades 3-7 who tested on the SBAC/CAASPP in 14-15 transferred to the new charter in grades 4-8 for 15-16 (1). BCA lost a high percentage of students from 2015-2016 to 2016-2017 who were at grade level or higher, so the weighted average of BCA’s pool of students changed—lots more students in the fall were below grade level than the year before. The new charter’s demographics are different (2). The Julian Charter</p>	<ol style="list-style-type: none"> 1. A 1-1 New- CAASPP Rollover from 2014-15

		<p>was 65% Title 1 whereas the National City Charter was 81%. 2</p> <p>This year's 16-17 Winter MAP Reading scores are higher than 15-16's scores for grades K, 1, 3, 4, 6, *7 and *8. Winter 16-17 scores were also higher than 14-15 Winter scores for grades K, 1, 2, 3, 6, and *8. <i>An asterisk preceding a grade number indicates that the population for that grade level was less than 10 students. Our public documents (charts) cannot reflect their data, but it is available in private upon a request from the Board (3 & 4).</i></p> <p>BCA refutes NSD's claim that scores are declining despite more Title 1 students, more English learners, and more students enrolling who are below grade level 5, but in fact scores appear to be on an upward trend, not just for last year 15-16, but even when compared to the Julian Charter, 14-15. Additional time is needed to verify BCA students' upward academic trend. (5).</p> <p>Refutation 2: NSD denies 16-17's Winter test results. NSD claims that test results are invalid because BCA tested outside of the testing windows. NWEA states that the testing windows are recommended and schools set their own testing periods depending on their school calendar, and that as long as meaningful instruction occurs between testing periods, results are valid (6). Based on BCA's assessment history, the assessments were delayed by 2 weeks for both Fall and Winter MAP assessments. During the interim between the assessments meaningful instruction occurred; therefore the results are valid</p>	<p>2. A 1-2 New-SSDP 2014-2015 and 2015-2016 Screenshots</p> <p>3. A 1-3 NSD. REV. Exhibit A-5 MAP Winter Comparison Charts</p> <p>4. A 1-4 New-MAP Comparison Chart of Winter 15-16 to Winter 16-17</p> <p>5. A 1-5 BCA.NIR. Exhibit A-1G CCSA Team Analysis Table Set 1</p>
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		<p>The testing windows were pushed back because BCA was without proper facilities from 11/4/16 until 2/13/17, excluding Thanksgiving and Winter break. The loss of the facility occurred during a routine fire inspection. The Chief Fire Marshall identified a safety concern from a construction project by the building owner as the reason for red-tagging the educational building (7). However, a Professional Engineer (PE) confirmed there was no safety issue. NSD was provided a copy of the PE's report but NSD did not advocate for its charter (8). Instead NSD sent a letter of possible revocation to BCA (9). BCA questions a possible conflict of interest between the Chief Fire Marshall and his wife, a NSD high-level administrator, who works in the District office (10).</p> <p>During this period, BCA students completed independent study work, attended classes in a church gymnasium, were tutored at the library, and went on educational field trips. BCA's concerted efforts resulted in higher reading achievement growth when compared to 2015-16. BCA refutes NSD's claim that 16-17's Winter test results are invalid. Additional time is needed to verify BCA students' upward academic trend.</p> <p>BCA did not have a normal school site for roughly 100 days, yet progress was still made. Imagine the progress had we been able to remain in our facility the entire time. Think of what that means for next year.</p> <p>Refutation 3: NSD asserts peak growth in initial years. NSD asserts that the charter should be performing at its peak growth of the 5-year term</p>	<p>6. A 1-6 BCA.NIR Exhibit 1.I Testing Windows</p> <p>7. A 1-7 NSD.NOV Exhibit J Fire Department Notice of Violations</p> <p>8. A 1-8 BCA.NOV Exhibit U Engineer Report</p> <p>9. A 1-9 NSD.NOV Exhibit J NSD Letter from 11/04/16</p> <p>10. A 1-10 New-Possible Conflict of Interest</p>
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			<p>with 85% of students meeting the Charter goals. But the intent of the Charter is that growth would be progressively measured towards the goal by State and multiple measure assessments over the 5-year charter term. The Charter was approved from July 1, 2015 to June 30, 2020. The new classroom-based charter is completing its second year amidst great facility challenges.</p> <p>Refutation 4: NSD denies projected growth. MAP has a report that compares MAP scores into a Projected Proficiency Report that forecasts proficiency levels on the SBAC/CAASPP assessment. The actual SBAC/CAASPP results from last year were 17% Standard Met or Standard Exceeded on the ELA SBAC/CAASPP:</p> <ul style="list-style-type: none">Level 4 - 4% (Standard Exceeded)Level 3-13% (Standard Met)Level 2-34% (Standard Nearly Met)Level 1-49%. (Standard Not Met) <p>This year's Projected Proficiency Report based on 16-17 Winter MAP results is projected at 29% Standard Met or Standard Exceeded on the ELA SBAC/CAASPP:</p> <ul style="list-style-type: none">Level 4- 4.4% (Standard Exceeded)Level 3-25% (Standard Met)Level 2-38.2% (Standard Nearly Met)Level 1-32.4% (Standard Not Met) <p>The Projected Proficiency Report provides another positive growth trend (11).</p> <p>Refutation 5: NSD Ignores BCA individual percentage growth and California Charter School Association Data Team's analysis of positive</p>	
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		<p>growth.</p> <p>The Charter's ELA goal that 85% of the students at grade level will yield at least 1-year's growth is a good goal. Recent Winter 2016-17 results are actually showing 56.4% of students at grade level making an average growth of 1.5 grades.</p> <p>The Charter's ELA goal that 85% of the students at grade level will yield at least .5 year's growth is not an appropriate goal. BCA is actually seeing 57.6% of students below grade level have already reached or gone beyond .5 year. But on average, students below grade level who started out 1.5 grade levels below grew 1 grade level or more as measured by RIT norms. 12 Moreover, for 2015-2016 44.2% of EL students entering BCA below grade level reached or went beyond .5 year (12&13).</p> <p>These growth results are from the 2016-17 Winter assessments. BCA anticipates more student growth will be evidenced from the Spring 2016-17 results.</p> <p>CCSA's chart focuses on comparing grade growth of students who are below grade level from Spring 15-16 to Winter 16-17 (14).</p> <p>Table Set 2 of this chart indicates that we've had more students make progress this year compared to last year. This information was based on our Winter assessment period. This means that from Fall to Winter this year more of the students who entered BCA below grade level are showing growth as compared to all of last year. Specifically, 30% of these students have already made at least one year's worth of growth, whereas last year only 23% had made that much progress by the end of the</p>	<p>11. A 1-11 NSD.REV Exhibit A-2.2 Proficiency Chart for Winter 2016-17</p> <p>12. A 1-12 New- MAP Individual Growth Data for Fall to Winter 2016-2017</p> <p>13. A 1-13 BCA.NIR. A1-F ELL Growth Data</p> <p>14. A 1-14 BCA.NIR. A1-G CCSA Team Analysis Table Set 2</p>
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		<p>year.</p> <p>Proposed Remedial Action 1: NSD ignored the remedial actions BCA has taken.</p> <p>BCA achievement goals are in progress, these efforts that have contributed to the school's current upward academic trend. Remedial actions include an extended instructional day (7:30 to 3:00 pm), the school year being lengthened (189 days), daily afterschool tutoring (3-4 pm), intersession tutoring, the purchase and implementation of additional CCSS aligned ELA and ELD curriculum and a targeted strategic professional development plan with a process to ensure that the professional development is transferred into the classroom (15&16).</p> <p>BCA is also availing itself of CCSA's administrator mentorship program and is also a member of the Charter School Development Center for ongoing leadership training.</p> <p>BCA staff is dedicated and hardworking, if given time, more academic achievement will be evidenced.</p> <p>Proposed Remedial Action 2: NSD ignored BCA's Proposal for Continued Operation (17). BCA requested to meet with NSD to discuss a proposal to halt the revocation. The following 3 options were presented to NSD. In the event that not one of the options below were met, as specified during the 2017-18 school year, <u>BCA would voluntarily rescind its charter</u>. NSD ignored BCAs request to dialogue and stated that at that time, it would not consider</p>	<p>15. A 1-15 BCA.NOV Exhibit B Strategic Improvement Plan</p> <p>16. A 1-20 BCA Educational Audit -Instructional Minutes</p>
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			<p>the proposal.</p> <p><u>Option 1</u></p> <p>For the 2017-18 school year, at least 30% of Beacon students will score at the Standards Met or Standards Exceeded (Levels 3 and 4) level on the California Assessment of Student Performance and Progress ("CAASPP") in English language arts.</p> <p>For the 2017-18 school year, at least 25% of Beacon students will score at the Standards Met or Standards Exceeded (Levels 3 and 4) level on the California Assessment of Student Performance and Progress ("CAASPP") in mathematics.</p> <p>Or</p> <p><u>Option 2</u></p> <p>For the 2017-18 school year, Beacon will be in the Orange category on the California Department of Education Accountability Team's Status and Change Report and Five by Five Coded Table in English language arts.</p> <p>For the 2017-18 school year, Beacon will be in the Orange category on the California Department of Education Accountability Team's Status and Change Report and Five by Five Coded Table in Mathematics.</p> <p>Or</p> <p><u>Option 3</u></p> <p>For the 2017-18 school year, at least 65% of Beacon students at grade level will demonstrate</p>	<p>17. A 1-16 BCA.NIR Additional Document- BCA Proposal for Continued Operation 05/05/2017</p>
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			<p>1 years' growth towards proficiency in English language arts and at least 65% of Beacon students below grade level will demonstrate at least .5 years' growth towards proficiency in English language arts</p> <p>For the 2017-18 school year, at least 65% of Beacon students at grade level will demonstrate 1 years' growth towards proficiency in mathematics and at least 65% of Beacon students below grade level will demonstrate at least .5 years' growth towards proficiency in mathematics.</p> <p>This proposal was an attempt made by BCA to work with NSD. BCA was trying to give NSD very clear benchmarks with the intention of self closure if the benchmarks were not met. BCA felt confident that with the remedial actions in place they would meet or exceed the benchmarks; otherwise they would not have proposed them.</p> <ul style="list-style-type: none"> • 	
1.	<p>b). Lack of Grade-Level Proficiency in Mathematics</p> <ol style="list-style-type: none"> 1. 85% of students will demonstrate at least one year of growth towards grade-level proficiency in English reading and language arts 2. Students who are below grade level will make at 	<p>No; there are no current and uncured violations. BCA was not provided a reasonable opportunity to remedy the violations.</p>	<p>Remedial Action Taken and Refutation:</p> <p>Refutation 1: NSD makes faulty assumptions. Please see the facts listed above in Refutation 1 for District Finding 1.A.a. This year's 16-17 Winter MAP Math scores are higher than 15-16's scores for grades K, 1, 3, 4, 5, 6, *7 and *8. Winter 16-17 scores were also higher than 14-15 Winter scores for grades K, 1, 2, 3, and 6. <i>An asterisk preceding a grade number indicates that the population for that grade level was less than 10 students. Our public</i></p>	

	least .5 years of growth.	<p><i>documents (charts) cannot reflect their data, but it is available in private upon a request from the Board (18 & 19).</i></p> <p>Refutation 2: NSD denies 16-17's Winter test results. Please see the facts listed above in Refutation 2 for District Finding 1.A.a</p> <p>Refutation 3: NSD asserts peak growth in initial years. Please see the facts listed above in Refutation 3 for District Finding 1.A.a</p> <p>Refutation 4: NSD denies projected growth. Last year, 6% of BCA's students were at combined levels 3 & 4 on the Math CAASPP:</p> <p>Level 4 -1% (Standard Exceeded) Level 3-5% (Standard Met) Level 2-29% (Standard Nearly Met) Level 1-65%. (Standard Not Met)</p> <p>This year's Projected Proficiency Report based on 16-17 Winter MAP results is projected at 11.8% Standard Met or Standard Exceeded on the Math CAASPP:</p> <p>Level 4- 1.5% (Standard Exceeded) Level 3-10.3% (Standard Met) Level 2-39.7% (Standard Nearly Met) Level 1-48.5%. (Standard Not Met) (20).</p> <p>Refutation 5: NSD Ignores BCA individual percentage growth and California Charter School Association Data Team's analysis of positive growth.</p> <p>The Charter's Math goal that 85% of the students at grade level will yield at least 1-year's growth is a good goal. Recent Winter 2016-17 results are actually showing 54.5% of students at grade level</p>	<p>18. A 1-17 NSD. REV. Exhibit A-5 MAP Winter Comparison Chart</p> <p>19. A 1-18 New-MAP Comparison Chart of Winter 15-16 to Winter 16-17</p>
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		<p>making an average growth of 1.5 grades.</p> <p>The Charter's Math goal that 85% of the students at grade level will yield at least .5 year's growth is not an appropriate goal. BCA is actually seeing 68.6% of students below grade level have already reached or gone beyond .5 year. But on average, students below grade level who started out 1.5 grade levels below grew 1 grade level or more as measured by RIT norms. 12 Moreover, for 2015-2016 57.8% of EL students entering BCA below grade level reached or went beyond .5 year (20).</p> <p>These growth results are from the 2016-17 Winter assessments. BCA anticipates more student growth will be evidenced from the Spring 2016-17 results.</p> <p>CCSA's chart focuses on comparing grade growth of students who are below grade level from Spring 15-16 to Winter 16-17</p> <p>Table Set 2 of this chart indicates that we've had more students make progress this year compared to last year. This information was based on BCA's Winter assessment period. This means that from Fall to Winter this year more of the students who entered BCA below grade level are showing growth as compared to all of last year. Specifically, 54% of these students have already made at least one year's worth of growth, whereas last year only 30% had made that much progress by the end of the year (14).</p> <p>Proposed Remedial Action 1: NSD ignored the remedial actions BCA has taken. Please see the facts listed above in Proposed Remedial Action 1 for District Finding 1.A.a.</p>	<p>20. A 1-19 NSD.REV Exhibit A-2.2 Proficiency Chart for Winter 2016-17</p>
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		<p>Please note that additional mathematics curriculum that is CCSS aligned has also been purchased.</p> <p>Proposed Remedial Action 2: NSD ignored BCA's Proposal for Continued Operation. Please see the facts listed above in Proposed Remedial Action 2 for District Finding 1.A.a</p>	
	<p>B. Material Violation of Conditions, Standards, or Procedures in Charter.</p> <p>1. Health and Safety of Students.</p> <p>a. Beacon is Utilizing Non-Licensed, Non-Department of Industrial Relations-Certified Contractors to Perform Work.</p>	<p>Refutation and Remedial Action Taken: The finding was addressed with a clarification of compliance with Labor Code Section 1720 ("Section 1720"), which requires the use of contractors who are registered with the Department of Industrial Relations ("DIR") for the execution of public works. Section 1720 defines "public works" to include "[c]onstruction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds ..." Section 1720 further defines "paid for in whole or in part out of public funds" to mean, inter alia, "payment of money or the equivalent of money by the state or political subdivision directly to or on behalf of the public works contractor, subcontractor, or developer." Labor Code Section 1721 defines a "political subdivision" to include "any county, city, district, public housing authority, or public agency of the state, and assessment or improvement districts."</p> <p>However, a charter school is not a "political subdivision" to which Section 1720 applies. Instead, a charter school is a nonprofit public benefit corporation. (Education Code Section 47604.) Education Code Section 47610 waives the applicability of laws applicable to school districts (subject to specified exceptions not applicable</p>	

			<p>here): “[a] charter school shall comply with this part and all of the provisions set forth in its charter, but is otherwise exempt from the laws governing school districts, except for the following [listing exceptions].” (Emphasis added.) Moreover, Education Code Section 47612(c) states that “[a] charter school is deemed to be a ‘school district’ for purposes of [specified Education Code Sections] and Sections 8 and 8.5 of Article XVI of the California Constitution.” None of the specific laws to which a charter school is subject requires compliance with public works laws.</p> <p>The Department of Industrial Relations itself has recognized that charter schools are not subject to public works law. In Public Works Case No. 2008-026, King/Chavez Preparatory Academy, the Director determined “easily” that a charter school is not a “political subdivision” for purposes of Labor Code Section 1721. The Director found support for this position in the Supreme Court’s opinion in Wells v. One2One Learning Foundation (2006) 39 Cal.4th 1164. In that case the Supreme Court recognized that the Legislature chose to make charter schools subject to a limited subset of the laws governing school districts. (39 Cal.4th at 1200-01.) In all other respects, charter schools are exempt. (Ibid.) By law Charters can use non-Department of Industrial Relations (DIR) - Certified Contractors to perform small construction projects. BCA clearly clarified its compliance with Labor Code Section 1720. To further address this issue, BCA went beyond. Going forward, the BCA will evaluate a handyman’s status with the DIR among factors it</p>	
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			<p>uses to select contractors, and will use DIR-Certified Contractors for any future construction projects, if they are the most qualified. Furthermore to address NSD's concerns regarding the safety, BCA provided copies of valid handyman certifications and qualified work experience of the 3 contractors who services, the exception was a school parent who made planters for the school garden. Nevertheless, BCA will cease from contacting with these individuals in the future and will hire DIR-Certified Contractors. BCA seeks to accommodate NSD though legally, it does not need to hire DIR-Certified Contractors.</p>	
	<p>2. Failure to Ensure an Appropriate Curriculum and Use of Grade-Level Textbooks for Its Students.</p> <p>a. In its petition, Beacon affirmatively states that it will follow the State of California Common Core Framework and Content Standards in all subjects including reading, language arts, math, science, social studies, physical education, and art. Beacon also indicates that</p>		<p>Remedial Action Taken and Refutation: BCA provided NSD with Beacon Classical Academy's 3-page Core Curriculum 2016-17 chart, TK-8 curriculum maps, and access to BCA's online Google Documents of TK-8 learning plans in November. Included was also a specific subject scope and sequence for SWR phonics. The curriculum maps provide a year's overview and the learning plans provide week-by-week CCSS aligned scope and sequence of instruction. As the new California Common Core Frameworks are being made available, BCA is incorporating and adjusting their curriculum maps to include the CCSS units of study. (21, 22, 23 & 24)</p> <p>When NSD made an unannounced visit during the students' lunch time, student books were in their desks. During another surprise visit, an NSD staff member was shown all the curriculum books in our book room. It was noted that we had more than enough curriculum textbooks in every subject for all</p>	<p>21. B 2-1 NSD Educational Audit- Core Curriculum 2016-17 chart</p> <p>22. B 2-2 BCA.NOV Exhibit O BCA's Sample curriculum maps</p> <p>23. B 2-3 New- Screenshots of Learning Plans Provided to NSD</p> <p>24. B 2-4 BCA.NOV Exhibit N BCA's Sample learning plans</p>

	<p>it will “implement the instructional scope and sequence of skills to be taught as outlined in the various standards aligned curricula.” (See page 23 of 118 of charter petition.)</p>	<p>students.</p> <p>Math – BCA adjusted its math program prior to the NSD audit, changing from Common Core Singapore because it did not provide enough practice to Engage New York Common Core math for grades K-4, and Math in Focus Common Core for grades 5-8. Additionally, a Common Core standards-based intervention program called Math Buckle Down provides a series of lessons that use the scope and sequence for all the CCSS math standards.</p> <p>Language Arts – The school-wide program uses classical literature and <i>Spelling to Write and Read</i> at the core for each grade level. Several supplemental materials are also incorporated as noted in the curriculum chart which include <i>Teaching the Classics</i> teacher guides, <i>Core Knowledge</i> teacher guides that are accessible for each grade. New curriculum maps are incorporating the online <i>Core Knowledge</i> teacher guides for each grade level. This will make it easier for teachers to include the CCSS scope and sequence into every unit of study. Furthermore, a CCSS-based intervention program called <i>ELA Buckle Down</i> also provides a scope and sequence for all the CCSS and a series of standards-aligned lessons. Additionally, new curriculum was also added in January, <i>Writing with Ease</i>, which includes dictation and grammar, and <i>Slingerland Manuscript and Cursive</i>.</p> <p>ELD – Previously BCA did use a single program but used a variety of materials including <i>San Diego's Focused ELD</i> units. NSD recommended the use of <i>E.L. Achieve</i>. Immediately in November, BCA inquired about its purchase, but was told by <i>E.L</i></p>	
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		<p>Achieve that no curriculum could be purchased until BCA received an overview training that was scheduled in March 2017. The company called NSD to request NSDs certified trainers to provide the training so that BCA could purchase the curriculum. NSD said they could not provide the training. BCA asked two NSD staff members why NSD could not help. Staff replied that they did not know why. BCA had to wait until March for the training. BCA has since purchased the curriculum, is participating in ongoing trainings, and has implemented the program school-wide. (25)</p> <p>Science – <i>Elementary Science</i> is a classical inquiry approach to science. Not listed for every grade is the supplemental curriculum of <i>Usborne Science Encyclopedias</i>, and <i>Spectrum Science</i> workbooks for aligning CCSS.</p> <p>Social Studies - <i>Story of the World</i> is another classical curriculum. Not listed for every grade are the supplemental California Common Core Content Standards, i.e., English Language Arts and Literacy in History-Social Studies and Science, and Technical Subjects.</p> <p>Curriculum - When responding to the Notice of Violations, the BCA staff was displaced from their building. In attempting to address all the issues, BCA did not have access to their files that were in the building. This added to the stress. BCA hired a consultant for support in writing the Response. The consultant assumed that BCA's curriculum was Board approved and stated that in the Response. Based on that misstatement, NSD alleged that BCA was in noncompliance with it's curriculum. A letter</p>	<p>25. B 2-5 –BCA.NIR Exhibit 2 EL Achieve Agreement & New-NSD Education Directors</p>
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			<p>was written by BCA to NSD to correct this misstatement.</p> <p>All issues concerning curriculum have been cured.</p>	
	<p>3. Apparent Conflict of Interest / Violation of Government Code Section 1090 and Political Reform Act (Government Code §§ 81000 et seq.).</p> <p>Beacon includes an affirmative written assurance in its petition that it will comply with Government Code section 1090 et seq. and the Political Reform Act, and will adopt a Conflict of Interest Code necessary to comply with these statutes. (See page 61 of 118 of charter petition.)</p>		<p>Remedial Action Taken: All issues concerning this matter have been addressed. At a Beacon Board meeting, a Conflict of Interest policy was approved. A promissory letter for repayment of services was provided by the family and was approved by the Board. The amount of payment to Beacon is \$6,851.25 which includes both labor and materials, though the materials remain in the school. The BCA Board accepted a payment schedule of \$1000 a month. The first payment was made on May 8, 2017. A copy of the first payment was emailed to NSD after NSD mentioned that they needed proof. (26, 27, 28 & 29)</p>	
	<p>4. Failure to Meet Measurable Outcomes Described in Charter.</p> <p>a. The District's findings of fact in Section I.A above is hereby incorporated herein by this reference.</p>			<p>26. B 3-1 BCA.NOV Appendix S Conflict of Interest</p> <p>27. B 3-2 BCA.NOV Appendix R Daniel Van Nice Letter</p> <p>28. B 3-3 BCA.NIR Exhibit 15 Payment Agreement</p> <p>29. B 3-4 New-First</p>

<p>5. Failure to Ensure Appropriate Number of Members Serving on Board of Trustees.</p> <p>a. Beacon states in its petition that it will be governed by the Board of Trustees of Beacon Classical Academy, Inc. and will include a minimum of five and a maximum of seven members</p>	<p>Remedial Action Taken: BCAE By-laws under Julian stipulated 3-5 board members. When BCA was authorized under NSD, the number of board members was increased to 5-7 members. BCA started out with 4 board members and was attempting to recruit a 5th member. For a Board with 5 members pending, 3 board members would constitute a quorum. Shortly after the school year began, we were informed of the death of a board member. The By-Laws state that a reasonable grace period for filling vacant slots may be accorded to the Board in the event of an unexpected vacancy. NSD in its revocation stated for the first time that BCA had no proof of any attempts of finding new board members. Several attempts were made to install a new member. The challenge was that the Charter petition disallowed staff and parents on the Board in order to avoid any conflict of interest. We attempted on several occasions to recruit more members. An email to NSD included board agendas and minutes, emails, and screen shots of phone calls between potential candidates who declined serving on the Board. But now we are glad to report that we have 6 board members serving. We are building up our board both in numbers and in training.</p> <p>Trainings on Brown Act and ethical practices have been given.</p> <p>NSD in the REVO identified other meetings in question. Therefore For any meeting where less than 3 members were present either because they arrived late or left early, minutes were revisited and action items were reviewed and voted again on and</p>	<p>Payment</p> <p>30. B 5-1 BCA.NIR Exhibit 14 Minutes and emails of board member recruitments.</p> <p>31. B 5-2 BCA.NOV: Additional Document-Board of Trustees List</p>
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			the minutes were amended. (30, 31 & 32)	32. B 5-3 BCA.NIR Exhibit 13 Minutes that BCA Board Amended
	<p>“C. Engaged in Fiscal Mismanagement”</p> <p>1. No Evidence of Payment of Payroll Taxes for Substitute Services</p>		<p>Refutation: Our Auditors stated that there are other charter schools that treat their substitutes as independent contractors and BCA’s legal counsel explained that payroll taxes were not required for independent contractors. 1099s were issued to independent contractors. (33)</p> <p>Remedial/Proposed Action: BCA proposes to amend tax years affected using a third-party tax professional. The length of time to process will be determined by the taxing authorities’ timeline. ADP and CSMC payroll have been contacted to provide 940 returns for each year, 941 and other state returns for each quarter. (34, 35 & 36)</p>	
	<p>2. Omitted Check Details</p>		<p>Refutation: The \$129,405.02 that were identified by the District in the Notice of Violation as missing are all in the Sage report and in emails provided to the District. NSD Business Services Assistant Superintendent, Chris Carson did not attend the meeting to address these alleged violations. (37, 38, 39 & 40)</p>	<p>33. Exhibit C1-1 Auditor’s email by Marcy Fimbres (NEW)</p> <p>34. Exhibit C1-2 Email correspondence to Stuart Clark Z Payroll Solutions,</p>

			<p>Remedial/ Proposed Action: BCA provided the District with a check register report from Sage accounting software containing all checks that were issued. BCA will only use Sage reports going forward and will have CSMC issue all manual checks.</p>	<p>to amend tax returns and response from Rick Navarro; Contract (NEW)</p>
	<p>3. Additional Missing Check from Check Register Detail During 2015-2016 Fiscal Year</p>		<p>Refutation: District fails to acknowledge BCA's Sage check register report that shows the 80 checks and PDFs of the voided checks listed as "is missing." These checks never cleared the bank reconciliation process because they were voided. Of the list of 80 checks, 20 were duplicates previously listed in C.2 of the Resolution to Revoke. Copies of all of the voided checks were provided to NSD. (37, 38, & 39)</p>	<p>35. Exhibit C1-3 Response to Notice of Violation, February 7, 2017 Page 13, Item C.</p> <p>36. Exhibit C1-4 Letters to Substitute Teachers, May 2, 2017: Margaret Bourdette, Lilia Choy, Genalyn Pascua and acknowledgement receipt of letter.</p> <p>37. Appendix Y BCA Response to NOV - Sage check register report</p> <p>38. Exhibit C2-1 CSMC Letter, dated June 6, 2017 explaining the difference in the</p>

	<p>D. Violation of Provisions of Law.</p> <p>1. Violation of the Family Educational Rights and Privacy Act ("FERPA").</p>		<p>Remedial Action Taken: The Board of Trustees adopted a new FERPA Policy at its February 2, 2017 Board meeting refining the definition of "personally identifiable information" to include small groups of students sharing a common characteristic as well as written parent permission for posting identifiable student information even if it included a notice of student achievement as was the case. Student names remained on the website for several months (Appendix DD, FERPA Policy). BCA personally met with the affected families to apologize to them, and a complete record of apology acknowledgment forms were presented to the District (BCA.NIR Exhibit 12). There was no need for student names to be on the forms, but in an attempt to show proof to the District, student names were included and blacked out. Of the forms, two forms still showed the students' names that were given to NSD as an Exhibit. BCA also posted all of its Exhibits as a Google Docs link on its website because BCA parents were interested in following our progress. This event prompted another apology to the families of those two students. This issue has been fully cured. (41, 42 & 43)</p>	<p>Charter Vision reports that were provided to the District and the Sage 300 ERP reports that reflect all the checks in the bank reconciliations and the general ledger. All the checks are captured and reflected in BCA's financial statements.</p> <p>39. Exhibit C2-2 CSMC report of TRXXXXXX TR0000001 through TR0000343 (NEW)</p> <p>40. Exhibit C2-3 Email to NSD requesting a meeting to address \$129,405.02 and omitted checks.</p>
	<p>1. Apparent Conflict of Interest / Violation of Government Code Section 1090 and Political Reform Act (Government Code §§ 81000 et seq.) above are hereby incorporated herein by this reference.</p>			<p>41. D 1-1 BCA.NOV Appendix DD FERPA Policy</p> <p>42. D 1-2 NSD.NOV Exhibit 7 Website Minutes June 14,</p>

<p>Beacon is Utilizing Non-Licensed, Non-Department of Industrial Relations-Certified Contractors to Perform Work Above are hereby incorporated herein by this reference.</p>			2016 43. D 1-3 BCA.NIR Exhibit 12 FERPA Apology Letters
<p>2. E. Consideration of Increases in Student Academic Achievement for all Groups of Students Served by Beacon as Most Important Factor in Determining Whether to Revoke a Charter.</p>		<p>Refutation: Please see the facts listed above in reference to District Finding 1.A.a and 1.A.b.</p>	