

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ssb-csd-jan18item04

# California State Board of EducationJanuary 2018 AgendaItem #25

## Subject

Beacon Classical Academy: Take Action to Uphold the National School District Revocation of Beacon Classical Academy Pursuant to California *Education Code* Section 47607(f)(4).

## Type of Action

Action, Information, Public Hearing

## Summary of the Issue(s)

The California Department of Education (CDE) received an appeal from Beacon Classical Academy (BCA), which had its charter revoked by the National School District (NSD) on May 8, 2017.

On June 7, 2017, BCA appealed the charter revocation to the San Diego County Board of Education (SDCBOE) (Attachment 3, NSD APPX000005 of Agenda Item 04 on the Advisory Commission on Charter School [ACCS] December 7, 2017, Meeting Notice on the State Board of Education [SBE] ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

On June 30, 2017, BCA closed, as noted on the CDE California School Directory Web page at <https://www.cde.ca.gov/SchoolDirectory/details?cdscode=37682210132621> and the CDE Charter School Database Web page at <https://www.cde.ca.gov/ds/si/cs/ap/rptresult.asp?name=Beacon>.

On August 9, 2017, the SDCBOE took action to unanimously uphold the revocation of the charter of BCA by the NSD (Attachment 14 and Attachment 15 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a14.pdf> and <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a15.pdf>).

The CDE received delivery of BCA’s request for the appeal, in hard copy, from BCA on September 8, 2017 (Attachment 2 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a2.pdf>), which included a document without Bate stamped numbered pages (Attachment 1 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a1.pdf>).

The CDE received the NSD opposition to the BCA appeal on October 6, 2017 (Attachment 4 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a4.pdf>) with Bate numbered pages NSD AR000001 through NSD AR0001795, and NSD APPX000001 through NSD APPX000490 (Attachment 3 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

The CDE received the BCA response to the NSD opposition to the BCA appeal on October 26, 2017 (Attachment 5 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a5.pdf>). The CDE thoroughly reviewed all of the documents received from the parties with regard to this appeal.

BCA states that it was first authorized by the Julian Union Elementary School District as Beacon Classical Academy Elementary (BCAE) in the 2014–15 school year (SY) as an independent study charter school within NSD’s boundaries. BCAE voluntarily closed after one year of operation in order to be authorized under the NSD as BCA, a site-based charter school (Attachment 3, p. 1806 and NSD APPX000007 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

The CDE reviewed data located on the CDE School Directory Web page at <https://www.cde.ca.gov/SchoolDirectory/details?cdscode=37681630130815>. BCAE opened on August 8, 2014, and closed on July 16, 2015. BCAE was a directly funded elementary charter located at 2400 Euclid Avenue, National City. The Administrator for BCAE was Dr. Alma Van Nice.

BCA was authorized by the NSD on April 22, 2015, for a five-year term of July 1, 2015, through June 30, 2020, with conditions pursuant to a Memorandum of Understanding (Attachment 6 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a6.pdf>) executed June 25, 2015 (Attachment 3, NSD APPX000316 through NSD APPX000347 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

On December 15, 2016, the NSD issued a Notice of Violation (NOV) to BCA finding that BCA had done the following: (1) committed a material violation of the conditions, standards, or procedures set forth in the charter, pursuant to California *Education Code* (*EC*) Section 47607(c)(1)(A); (2) failed to meet or pursue the pupil outcomes identified in the charter, pursuant to *EC* Section 47607(c)(1)(B); (3) failed to meet general accepted accounting principles (GAAP) or engaged in fiscal mismanagement, pursuant to *EC* Section 47607(c)(1)(C); and (4) violated provisions of law, pursuant to *EC* Section 47607(c)(1)(D). Through the NOV, the NSD provided BCA with the opportunity to remedy the violations on or before February 7, 2017 (Attachment 3, NSD AR000045 through AR000497 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). Specifically, the NSD enumerated the following findings in the December 15, 2016, NOV (Attachment 3, NSD AR000045 through AR000497 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>):

1. BCA committed a material violation of the following conditions, standards, or procedures in the BCA charter:
* Health and safety of pupils–inappropriate adult use of pupils’ restroom;
* Affirmation to be nonsectarian in programs and operations, and Establishment Clause;
* Appropriately accounting for daily instructional minutes and failing to maintain accurate and contemporaneous written records documenting pupil attendance;
* Ensuring an appropriate curriculum and use of grade-level textbooks for pupils;
* Ensuring required Department of Justice (DOJ) clearance and fingerprinting of employees;
* Apparent conflict of interest, and violating *Government Code* Section 1090 and Political Reform Act *Government Code* Section 81000 et seq.;
* Ensuring safe facilities for occupancy by pupils and staff, and violation of California *Building Code* Requirements;
* Appropriately responding to all reasonable inquiries of the District;
* Meeting measurable pupil outcomes; and
* Appropriate number of members serving on the Board of Trustees.
1. BCA failed to meet or pursue the following pupil outcomes identified in the BCA charter:
* Lack of grade-level proficiency in English language arts (ELA); and
* Lack of grade-level proficiency in mathematics.
1. BCA failed to meet GAAP or engaged in fiscal mismanagement in the following:
* Failing to provide evidence of payment of payroll taxes of substitute services;
* Omitting checks from check details;
* Additional missing checks from check register detail during the 2015–16 fiscal year (FY); and
* Checks that cleared the BCA bank account, but were unreported in the BCA check register details.
1. BCA violated provisions of law as follows:
* Violation of the Brown Act;
* Violation of the Establishment Clause of the United States Constitution;
* Violation of pupil fees prohibition;
* Violation of the Family Educational Rights and Privacy Act (FERPA);
* Failure to appropriately account for daily instructional minutes, and failure to maintain accurate and contemporaneous written records documenting pupil attendance;
* Failure to ensure required DOJ clearance and fingerprinting of employees;
* Apparent conflict of interest, and violation of *Government Code* Section 1090 and Political Reform Act *Government Code* Section 81000 et seq.;
* Failure to appropriately respond to all reasonable inquiries of the District; and
* Utilizing non-licensed, non-Department of Industrial Relations (DIR)-certified contractors to perform work.

On February 7, 2017, BCA submitted a response to the NSD December 15, 2016, NOV to address the following: (1) material violations of the conditions, standards, or procedures of the charter; (2) failure to meet or pursue the pupil outcomes identified in the charter; (3) failure to meet GAAP, or engaged in fiscal mismanagement; and (4) violated provisions of law (Attachment 3, NSD AR000498 through AR000808 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

On March 9, 2017, the NSD issued a Request for Information (RFI) to BCA seeking certain academic, operational, and fiscal information and supporting documentation (Attachment 3, NSD AR000897 through AR000898 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). Through the March 9, 2017, RFI, the NSD provided BCA with the opportunity to submit the supporting information or documentation on or before March 16, 2017.

On March 15, 2017, BCA responded to the NSD March RFI and produced additional Measures of Academic Progress (MAP) reading reports (Attachment 3, NSD AR000899 through AR000947 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

On April 4, 2017, BCA provided the NSD with supplemental documentation of fingerprinting clearances for two employees identified in the December 15, 2016, NOV, along with MAP Winter 2016–17 Projected Proficiency data (Attachment 3, NSD AR001518 through AR001588 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

On April 5, 2017, the NSD held a Special Meeting of the Governing Board during which the Board took action to issue a Notice of Intent to Revoke (NIR) and Notice of Facts in Support of Revocation to BCA. On the same day, BCA submitted additional documentation to the NSD that included carbon copies of voided checks that were identified as missing in NSD’s April 5, 2017, NIR (Attachment 3, NSD AR001589 through AR001605 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

On April 6, 2017, the NSD issued a written NIR and Notice of Facts of Finding in Support of Revocation to BCA with notice that a public hearing would be held on

April 12, 2017 (Attachment 3, NSD AR000857 through AR001015 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). Contained in the NIR was the statement that the NSD was satisfied that BCA had remedied the following material violations of conditions, standards, or procedures in the charter, as noted in the

December 15, 2016, NOV:

* Health and safety of pupils – inappropriate adult use of pupils’ restroom (Attachment 3, NSD AR000864 through AR000865 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>);
* Affirmation to be nonsectarian in program and operations, and Establishment Clause violations (Attachment 3, NSD AR000867 through AR000870 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>);
* Appropriately account for daily instructional minutes and maintain accurate and contemporaneous written records documenting pupil attendance (Attachment 3, NSD AR000870 through AR000871 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>);
* Ensuring safe facilities for occupancy by pupils and staff/violation of California *Building Code* requirements (Attachment 3, NSD AR000877 through AR000879 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>);
* Appropriately responding to all reasonable inquiries of the District (Attachment 3, NSD AR000879 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>);
* Checks cleared BCA bank account but were unreported in check register details (Attachment 3, NSD AR000886 through AR000887 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>);
* November 16, 2016, Brown Act Violation *Government Code* Section 54950 et seq. (Attachment 3, NSD AR000888 through AR000889 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>);
* Public Accessibility to Meeting Agendas, Materials, and Minutes (Attachment 3, NSD AR000890 through AR000891 of Agenda Item 04 on the ACCS

December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>); and

* Violation of Pupil Fees Prohibition (Attachment 3, NSD AR000891 through AR000892 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

The NSD noted the following violations in the NIR, which the NSD found BCA had not resolved (Attachment 3, NSD AR000857 through AR000895 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>):

1. BCA failed to meet or pursue pupil outcomes identified in BCA’s charter.
	1. BCA demonstrated a lack of grade-level proficiency in ELA (Attachment 3, NSD AR000858 through AR000862 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
	2. BCA demonstrated a lack of grade-level proficiency in mathematics (Attachment 3, NSD AR000862 through R000864 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
2. BCA committed material violations of conditions, standards, or procedures of the charter.
	1. BCA utilized non-licensed, non-DIR-certified contractors to perform work (Attachment 3, NSD AR000865 through AR000867 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
	2. BCA failed to ensure an appropriate curriculum and use of grade-level textbooks (Attachment 3, NSD AR000871 through AR000873 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
	3. BCA failed to ensure required DOJ clearance and fingerprinting of employees (Attachment 3, NSD AR000873 through AR000874 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
	4. BCA engaged in apparent conflict of interest and violation of *Government Code* Section 1090 and Political Reform Act *Government Code* Section 81000 et seq. (Attachment 3, NSD AR000875 through AR000877 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
	5. BCA failed to meet measureable pupil outcomes (MPOs) described in charter (Attachment 3, NSD AR000879 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
	6. BCA failed to ensure appropriate number of members sitting on the Board of Trustees (Attachment 3, NSD AR000879 through AR000880 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
3. BCA engaged in fiscal mismanagement.
4. BCA failed to provide evidence of payment of payroll taxes for substitute services (Attachment 3, NSD AR000881 through AR000882 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
5. BCA omitted check details (Attachment 3, NSD AR000882 through AR000885 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
6. BCA had additional missing checks from check register detail during the 2015–16 FY (Attachment 3, NSD AR000885 through AR000886 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
7. BCA violated provisions of law.
	1. BCA violated Brown Act *Government Code* Section 54950 et seq. (Attachment 3, NSD AR000887 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>):
8. August 16, 2016, Brown Act Violation (Attachment 3, NSD AR000887 through AR000888 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>)
9. November 21, 2016, Brown Act Violation (Attachment 3, NSD

AR000889 through AR000890 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>)

* 1. BCA violated FERPA (Attachment 3, NSD AR000892 through AR000893 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
	2. BCA failed to ensure required DOJ clearance and fingerprinting (Attachment 3, NSD AR000873 though AR000874 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at [https://www.cde.ca.gov/be/cc/cs/documents/accs- dec17item04a3.pdf](https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf)).
	3. BCA engaged in apparent conflict of interest/violation of *Government Code* Section 1090 and Political Reform Act *Government Code* Section 81000 et seq. (Attachment 3, NSD AR000875 through AR000877 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
	4. BCA utilized non-licensed, non-DIR-certified contractors to perform work (Attachment 3, NSDAR000865 through AR000867 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

On April 12, 2017, the NSD held a Regular Board Meeting, which included Agenda Item 10.A, Public Hearing regarding the NIR and Notice of Facts in Support of Revocation of BCA (Attachment 3, NSD AR001016 through AR001030 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

On May 2, 2017, BCA submitted a response to the NSD’s April 6, 2017, NIR noting that all items were resolved and further progress was being made (Attachment 3, NSD AR001031 through AR001442 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

On May 8, 2017, the NSD held a Special Meeting of the Governing Board Agenda, which included Item 10.1, Consideration and Action on Resolution to Revoke the Charter of BCA, and Findings of Fact, pursuant to *EC* Section 47607(e) (Attachment 3, NSD AR001439 through AR001441 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>); the NSD Resolution #16-17.36 (Attachment 3, NSD AR001485 through AR001489 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>); and Exhibit A, Findings of Fact in Support of BCA Revocation (Attachment 3, NSD AR001490 through AR001794 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). The NSD Board minutes for this meeting, Item 10.1, note that the NSD Board unanimously approved the Consideration and Action on Resolution to Revoke the Charter of BCA, and Finding of Fact, pursuant to *EC* Section 47607(e) (Attachment 3, NSD AR001758 through AR001760 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

The NSD Board Resolution #16-17.36 and Findings of Fact include the following (Attachment 9 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a9.pdf>):

1. BCA failed to meet or pursue pupil outcomes identified in BCA’s charter.

1. BCA demonstrated a lack of grade-level proficiency in ELA.

2. BCA demonstrated a lack of grade-level proficiency in mathematics.

1. BCA committed material violations of conditions, standards, or procedures.
	* + 1. BCA utilized non-licensed, non-DIR-certified contractors to perform work.
			2. BCA failed to ensure an appropriate curriculum and use of grade level textbooks.
			3. BCA engaged in apparent conflict of interest and violated *Government Code* Section 1090 and Political Reform Act *Government Code* Section 81000 et seq.
			4. BCA failed to meet MPOs described in charter.
			5. BCA failed to ensure appropriate number of members sitting on the Board of Trustees.
2. BCA engaged in fiscal mismanagement.
3. BCA failed to provide evidence of payment of payroll taxes for substitute services.
4. BCA omitted check details.
5. BCA had additional missing checks from check register detail during the 2015–16 FY.
6. BCA violated provisions of law.
	* + 1. BCA violated FERPA.
			2. BCA engaged in apparent conflict of interest/violation of *Government Code* Section 1090 and Political Reform Act *Government Code* Section 81000 et seq.
			3. BCA utilized non-licensed, non-DIR-certified contractors to perform work.

On June 30, 2017, BCA closed, as noted on the CDE California School Directory Web page at <https://www.cde.ca.gov/SchoolDirectory/details?cdscode=37682210132621> and the CDE Charter School Database Web page at <https://www.cde.ca.gov/ds/si/cs/ap/rptresult.asp?name=Beacon>.

On August 9, 2017, the SDCBOE took action to unanimously uphold the revocation of the charter of BCA by the NSD (Attachment 14 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a14.pdf> and Attachment 15 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a15.pdf>).

*EC* Section 47607(c)(1)(A–D) allows a chartering authority to revoke a charter if the chartering authority finds, through a showing of substantial evidence, that a charter school did any of the following:

* 1. Committed a material violation of any of the conditions, standards, or procedures set forth in the charter;
	2. Failed to meet or pursue any of the pupil outcomes identified in the charter;
	3. Failed to meet GAAP, or engaged in fiscal mismanagement; or
	4. Violated any provision of law.

*EC* Section 47607(c)(2) provides that the authority that granted the charter shall consider increases in pupil academic achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter.

On September 8, 2017, the CDE received BCA’s Written Argument in Support of Charter Revocation Appeal to the SBE, which outlined BCA’s summary of the procedural and substantive facts and BCA’s argument in support of its position that the NSD and the SDCBOE erred in their decision to revoke the BCA charter and uphold the BCA revocation, respectively (Attachment 2, pp. 1–32 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a2.pdf>).

On September 9, 2017, the CDE received SDCBOE’s Board Resolution #2017–16, upholding the Revocation of the Charter of BCA by the NSD (Attachment 14 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a14.pdf> and Attachment 15 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a15.pdf>).

On October 6, 2017, the CDE received NSD’s Opposition to Appeal of Revocation of BCA, which outlined a summary of procedural and substantive facts limited to matters in the record relevant to BCA’s appeal of the revocation of its charter and a summary of arguments that the District did not err in its decision to revoke the BCA charter (Attachment 4, pp. 1–52 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a4.pdf>). Included in NSD’s Opposition to Appeal of Revocation of BCA was SDCBOE Resolution #2017-16 Findings in Support of the Recommendation to Uphold the Revocation of BCA (Attachment 14 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a14.pdf> and Attachment 15 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a15.pdf>).

On October 24, 2017, the CDE received the BCA Rebuttal to NSD’s Opposition of Appeal of Revocation of the BCA Charter, which outlined the rebuttal to NSD’s procedural and substantive facts limited to matters in the record and relevant to NSD’s opposition to BCA’s appeal of the revocation of its charter, and the rebuttal to summary of arguments that the NSD did not err in its decision (Attachment 5, pp. 1–16 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a5.pdf>).

In addition to being supported by substantial evidence and consideration of increases in pupil achievement for all groups of pupils served by the charter school as the most important factor in determining whether to revoke a charter, revocation actions must comply with specific procedural requirements, pursuant to *EC* Section 47607(d), which requires the chartering authority to notify the charter school prior to revocation of any violation described above, and give the school a reasonable opportunity to remedy the violation unless the violation constitutes a severe and imminent threat to the health or safety of pupils.

Pursuant to *EC* Section 47607(f)(4), the SBE may reverse a revocation decision if it finds that the chartering authority’s decision to revoke was not supported by substantial evidence. In the alternative, the SBE may uphold a revocation if it finds that the chartering authority’s decision was supported by substantial evidence.

## California Department of Education Recommendation

The CDE recommends that the SBE hold a public hearing to consider the CDE’s recommendation to uphold the NSD revocation of BCA. The Meeting Notice for the December 8, 2017, ACCS meeting is posted on the SBE ACCS Web page at <https://www.cde.ca.gov/be/cc/cs/accsnotice120717.asp>.

## Advisory Commission on Charter Schools Recommendation

The ACCS considered the BCA revocation appeal at its December 7, 2017, meeting. Due to a lack of quorum, there was no motion made and no recommendation moved to the SBE.

## Brief History of Key Issues

BCA submitted a revocation appeal to the CDE on September 8, 2017.

In considering the BCA revocation petition, the CDE reviewed the following:

* Administrative Record Beacon Classical Academy (Attachment 1 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a1.pdf>)
* Beacon Classical Academy Written Argument in Support of Charter Revocation Appeal to the State Board of Education (Attachment 2 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a2.pdf>)
* National School District’s Administrative Record in Support of Opposition to the Appeal of Revocation of Beacon Classical Academy Charter (Attachment 3 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>)
* National School District’s Opposition to Appeal of Revocation of Beacon Classical Academy Charter (Attachment 4 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a4.pdf>)
* Beacon Classical Academy Rebuttal to National School District’s Opposition of Appeal of Revocation of Beacon Classical Academy Charter (Attachment 5 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a5.pdf>)
* Memorandum of Understanding between the National School District and Beacon Classical Academy (Attachment 6 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a6.pdf>)
* National School District Notice of Intent to Revoke and Notice of Facts in Support of Revocation of Beacon Classical Academy (Attachment 7 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a7.pdf>)
* Beacon Classical Academy Response to Notice of Intent to Revoke and Notice of Facts in Support of Revocation (Attachment 8 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a8.pdf>)
* National School District Resolution #16-17.36 of the Governing Board to Revoke the Charter of Beacon Classical Academy (Attachment 9 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a9.pdf>)
* National School District’s December 15, 2016, Notice of Violation (Attachment 10 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a10.pdf>)
* Beacon Classical Academy Response to National School District (Attachment 11 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a11.pdf>)
* National School District Presentation of Instructional Audit Findings and Recommendations for Beacon Classical Academy National City (Attachment 12 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a12.pdf>)
* Beacon Classical Academy Charter Petition (Attachment 13 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a13.pdf>)
* San Diego County Board of Education Resolution #2017-16 (Attachment 14 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a14.pdf>)
* San Diego County Board of Education Exhibit A to Resolution #2017–16 Findings of Fact to Uphold the Revocation of Beacon Classical Academy (Attachment 15 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a15.pdf>)

The CDE analysis of the NSD Board Resolution #16-17.36 and Findings of Fact in Support of Revocation (Attachment 9 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a9.pdf>) and BCA’s Response to NSD’s NIR and Notice of Facts in Support of Revocation Finding of Fact (Attachment 8 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a8.pdf>) is provided as follows:

**Finding A**: BCA failed to meet or adequately pursue pupil outcomes identified in BCA’s charter.

**A-1**: BCA has failed to adequately pursue and meet the MPOs stated in the BCA charter petition that 85 percent of pupils will demonstrate at least one year of growth toward grade-level proficiency in ELA. Based on a comparison of BCAE’s school-wide results on the California Assessment of Student Performance and Progress (CAASSP) for ELA for the 2014–15 SY and BCA’s school-wide results on the CAASSP for ELA for the 2015–16 SY, there was a 13 percent increase in BCA pupils who failed to meet grade-level proficiency. Additionally, CAASSP test scores for BCA for the 2015–16 SY in ELA were significantly below those of the NSD pupils for each grade level tested (Attachment 3, NSD AR001490 through AR001491 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* 2015–16 ELA CAASSP data for BCA, which showed that 83 percent of pupils attending BCA did not meet grade-level proficiency. Specifically, 49 percent of pupils did not meet state standards and 34 percent of pupils nearly met state standards in ELA (Attachment 3, NSD AR000088 through AR000090 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* 2014–15 ELA CAASSP data for BCAE, which showed that 70 percent of its pupils did not meet grade-level proficiency. Specifically, 43 percent of pupils did not meet state standards and 27 percent of pupils nearly met state standards in ELA (Attachment 3, NSD AR000084 through AR000087 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* 2015–16 CAASSP data for the NSD, which showed that 59 percent of pupils in the District did not meet grade-level proficiency. Specifically, 33 percent did not meet state standards and 26 percent nearly met state standards in ELA (Attachment 3, NSD AR000091 though AR000092 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA’s Multiple Measures of Academic Achievement (MMAA) report, which presented a summary of information with bar graphs but did not provide any raw data to substantiate the purported results. Slide 25 of the MMAA report purports to show evidence of some growth; however, the actual number of scaled scores were not visible, and it was not possible to ascertain the amount of growth toward proficiency among BCA pupils who took the test. Slide 27 does not provide actual scaled score averages and no information has been provided as to the Northwest Evaluation Association (NWEA) expectations on what scores would indicate progress towards one year’s worth of growth; therefore, there is no key to determine exactly what that growth would look like in terms of year-end expectations. Slide 34 compared the fourth-quarter MC-Hardy reading assessment to 2016–17 first and second quarter Developmental Reading Assessment (DRA) scores; however, no administration dates were provided and it could not be determined whether there would have been enough time to achieve a year’s worth of growth, or if 85 percent of pupils demonstrated at least one year of growth (Attachment 3, NSD AR000859 through AR000862 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* MAP raw test data showed the test was administered six weeks past the normed assessment window, which invalidates the results. According to the NWEA, fall assessment should be administered between weeks two and eight of instruction. BCA’s SY began on July 26, 2016. Therefore, the fall MAP test should have been administered on or before October 11, 2016; however, it was determined that BCA administered the test between November 14, 2016, and December 2, 2016 (Attachment 3, NSD AR00859 through AR000862, and NSD AR000899 through AR000947 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A supplemental evaluation of BCA’s MAP data for fall/winter shows correlative charts that indicate four of six grade levels would not meet standards on the CAASSP ELA, and two of six grade levels were projected as nearly met standards (Attachment 3, NSD APPX000034 through APPX000048 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA’s Draft Strategic Improvement Plan, submitted December 15, 2017, had no stated timeframe for improvement; no benchmarks (i.e., the plan includes a list of general practices and activities without any strategic improvement goals and actions); and no distribution of responsibility for implementation of the specific goals and actions addressed in the plan (Attachment 3, NSD AR000962 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* The NSD noted that BCA provided supplemental information in their May 3, 2017, submission to demonstrate growth and progress among its pupils in ELA and mathematics; however, based on NSD’s limited review before NSD’s May 8, 2017, meeting to consider revocation, the information presented did not alter or otherwise impact NSD’s concerns noted in its Findings of Fact in Support of Revocation (Attachment 3, NSD AR001490 through AR001497 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding A-1:**

* BCA provided its MMAA for 2015–16 assessments and 2016–17 mid-year assessments (Attachment 3, NSD AR000532 through AR000555 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided a draft of BCA’s Draft Strategic Improvement Plan (Attachment 3, NSD AR001524 through AR001588, and NSD AR000519 through AR000530 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided its winter MAP testing results (Attachment 3, NSD AR001524 through AR001588 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided MAP data from the 2015–16 and 2016–17 SYs. 2015–16 and 2016–17 MAP data for reading show that 53.2 and 56.4 percent of pupils tested demonstrated one year of growth, and 52 and 57.4 percent of pupils that were below grade level demonstrated half of a year’s worth of growth, respectively (Attachment 3, NSD AR0001034 through AR0001035 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**A-2**: BCA has failed to adequately pursue and meet the MPOs stated in the BCA charter petition that 85 percent of pupils will demonstrate at least one year of growth toward grade-level proficiency in mathematics. Based on a comparison of BCAE’s school-wide results on the CAASSP for mathematics for the 2014–15 SY and BCA’s school-wide results on the CAASSP for mathematics for the 2015–16 SY, there was an eight percent increase in BCA pupils who failed to meet grade-level proficiency. Additionally, BCA CAASSP test scores for the 2015–16 SY in mathematics were significantly below those of the district pupils for each grade level tested (Attachment 3, NSD AR001495 through AR001496 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, NSD relied on the following:

* 2014–15 mathematics CAASSP data for BCAE, which showed that 88 percent of its pupils did not meet grade-level proficiency. Specifically, 57 percent of pupils did not meet state standards and 31 percent of pupils nearly met state standards in mathematics (Attachment 3, NSD AR000156 through AR000158 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* 2015–16 mathematics CAASSP data for BCA, which showed that 94 percent of pupils attending BCA did not meet grade-level proficiency. Specifically, 65 percent of pupils did not meet state standards and 29 percent of pupils nearly met state standards in mathematics (Attachment 3, NSD AR000159 through AR000161 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* 2015–16 mathematics CAASSP data for the NSD, which showed that 70 percent of pupils in the District did not meet grade-level proficiency. Specifically, 37 percent did not meet state standards and 33 percent nearly met state standards in mathematics (Attachment 3, NSD AR000162 though AR000164 Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA’s MMAA Report presented a summary of information with bar graphs which did not provide any raw data to substantiate the purported results. Slide 25 of the MMAA Report purports to show evidence of some growth; however, the actual number of scaled scores were not visible, and it was not possible to ascertain the amount of growth toward proficiency among BCA pupils who took the test. Slide 27 does not provide actual scaled score averages and no information has been provided as to NWEA’s expectations on what scores would indicate progress towards one year’s worth of growth; therefore, there is no key to determine exactly what that growth would look like in terms of year-end expectations. Slide 34 compared the fourth quarter MC-Hardy reading assessment to 2016–17 first and second quarter DRA scores; however, no administration dates were provided and it could not be determined whether there would have been enough time to achieve a year’s worth of growth, or if 85 percent of pupils were on target (Attachment 3, NSD AR000859 through AR000862 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* MAP raw test data concluded the test was administered six weeks past the normed assessment window, which invalidates the results. According to the NWEA, fall assessment should be administered between weeks two and eight of instruction. BCA’s SY began on July 26, 2016, and the fall MAP test should have been administered on or before October 11, 2016; however, it was determined that BCA administered the test between November 14, 2016, and December 2, 2016 (Attachment 3, NSD AR00859 through AR000862 and NSD AR000899 through AR000947 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A supplemental evaluation of BCA’s MAP data for fall/winter showed correlative charts that indicate six grade levels would not meet standards on mathematics CAASSP (Attachment 3, NSD APPX000034 through APPX000048 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA’s Draft Strategic Improvement Plan, submitted December 15, 2017, has no stated timeframe for improvement; no benchmarks (i.e., the plan includes a list of general practices and activities without any strategic improvement goals and actions); and no distribution of responsibility for implementation of the specific goals and actions addressed in the plan (Attachment 3, NSD AR000962 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* The NSD noted that BCA provided supplemental information in their May 3, 2017, submission to demonstrate growth and progress among its pupils in ELA and mathematics; however, based on NSD’s limited review before NSD’s May 8, 2017, meeting to consider revocation, the information presented did not alter or otherwise impact NSD’s concerns noted in its Findings of Fact in Support of Revocation (Attachment 3, NSD AR001490 through AR001497 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding A-2:**

* BCA provided its MMAA for 2015–16 assessments and 2016–17 mid-year assessments (Attachment 3, NSD AR000532 through AR000555 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided a draft of BCA’s Strategic Improvement Plan (Attachment 3, NSD AR000519 through AR000530 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided winter MAP testing results (Attachment 3, NSD AR001524 through AR001588 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided MAP data from the 2015–16 and 2016–17 SYs. 2015–16 and 2016–17 MAP data for math show that 51.8 and 54.5 percent of pupils tested demonstrated one year of growth, and 53.1 and 68.6 percent of pupils that were below grade level demonstrated half of a year’s worth of growth, respectively (Attachment 3, NSD AR0001034 through NSD AR0001035 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

From the documentation submitted in the NSD Administrative Record and BCA Administrative Record, the CDE determines there is substantial evidence to support NSD Findings A, A-1, and A-2.

**Finding B**: BCA committed material violations of conditions, standards, or procedures of the charter.

**B-1**: BCA utilized non-licensed, non-DIR-certified contractors to perform work. The NSD found that there was no evidence that certain individuals hired by BCA to perform labor and service obtained the required licensing and were in good standing with the California Contractors State Licensing Board (CSLB), thus exposing the charter school to potential liability and which could compromise the safety and well-being of staff, pupils, and visitors to the extent that work performed by the individuals was not performed in a legally compliant, sound, and workmanlike manner (Attachment 3, NSD AR001497 through AR001499 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* BCA’s charter petition Element Six (F)–Health and Safety: *Assurances and Labor Code* Section 1720 (Attachment 3, NSD AR000166 through AR000173 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA’s Charter Vision check register detail and general bank account statements, which show that BCA made cumulative payments in excess of $1,000 to each of the following individuals: Michael Mossbarger, $5,477.61; Martha Quezada, $3,000; David Quezada, $28,084.54; and Daniel Van Nice, $6,250.09 (Attachment 3, NSD AR000175 through AR000227, and NSD AR001497 through AR001498 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding B-1:**

* BCA provided two Certificates of Payment of Business Tax to the city of San Diego from Dave’s Handyman Services, and Martha’s Handyman & Landscape Services, respectively: memo dated April 21, 2017, from the Chula Vista Elementary School District to Whom it May Concern Re: Employment Verification for Daniel Van Nice performing work as a district substitute custodian, general maintenance worker, and district plumber; and California Board of Occupational Therapy certificate with an expiration date of March 31, 2018 (other information on this document is partially obscured and cannot be read) (Attachment 3, NSD AR001298 through AR001300 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**B-2**: BCA failed to ensure an appropriate curriculum and use of grade-level textbooks. The NSD conducted an instructional audit beginning November 3, 2016, through

November 16, 2016, and found deficiencies in BCA’s educational program. Specifically, BCA failed to provide pupils with a common core state standards-aligned reading program or curriculum; failed to provide a consistent, focused math curriculum for pupils; and failed to provide an appropriate English Language Development (ELD) curriculum to English learners (Attachment 3, NSD AR001499 through AR001501 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* NSD’s Presentation of Instructional Audit Findings and Recommendations for BCA prepared on November 17, 2016, which identified deficiencies in BCA’s instructional materials for ELA, mathematics, and ELD (Attachment 3, NSD AR000398 though AR000424 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A December 9, 2016, Declaration from Leighangela Brady, Superintendent of the NSD, which stated that during an unannounced visit, Superintendent Brady observed that there was no curriculum in BCA classrooms and pupils did not appear to have access to grade-level textbooks to support their learning (Attachment 3, NSD AR000067 through AR000068 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A December 9, 2016, Declaration from Paula Jameson-Whitney, Assistant Superintendent of Educational Services for the NSD, which stated that during an unannounced site visit to observe BCA operations and instructional program on October 10, 2016, Ms. Jameson-Whitney did not observe any standards-based curriculum in classrooms, and pupils did not appear to have access to grade-level textbooks to support their learning and were working with materials and on activities that were two to three grade levels below pupils’ grade level (Attachment 3, NSD AR000072 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding B-2:**

* BCA provided sample learning plans for grade six and grade seven only, and curriculum maps from kindergarten through grade eight (Attachment 3, NSD AR000617 through AR000686 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided e-mail communications between BCA and E.L. Achieve dated January 20, 2016, and November 29, 2016, and a service agreement dated March 22, 2017, which totaled $33,875 for services from April 5, 2017, through May 24, 2017, for Elementary ELD Institute training (Attachment 3, NSD AR001102 through AR001105 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**B-3**: BCA engaged in apparent conflict of interest and violated *Government Code* Section 1090 and Political Reform Act *Government Code* Section 81000 et seq. The NSD conducted a fiscal audit of BCA and discovered payments to Daniel Van Nice, who is the husband of Dr. Alma Van Nice, Executive Director of BCA, which constitutes a direct conflict of interest (Attachment 3, NSD AR001502 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* BCA’s charter petition, which states that BCA shall comply with *Government Code* Section 1090 and the Political Reform Act *Government Code* Section 81000 et seq. (Attachment 3, NSD AR000436 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A letter dated November 2, 2016, to Dr. Alma Van Nice requiring an audit of BCA finances and requesting documentation of payments made to Daniel Van Nice (Attachment 3, NSD AR000466 through AR000471 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA Board meeting agenda on February 21, 2017, that showed no action was taken by the Board concerning Mr. Van Nice’s compensation for the labor and materials provided to BCA (Attachment 3, NSD AR000953 through AR000955 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding B-3:**

* BCA provided its Conflict of Interest Code, which the Board approved on February 2, 2017 (Attachment 3, NSD AR000731 through AR000734, and NSD APPX000167 through APPX000169 of Agenda Item 04 on the ACCS

December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

* BCA provided a letter dated February 6, 2017, from Daniel Van Nice that requests the BCA Board to set up a payback schedule for compensation made for the labor and materials provided to BCA (Attachment 3, NSD AR000729 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided its Board meeting agenda for April 11, 2017, that showed Action Item VI.5 that the Board reviewed and approved a schedule for reimbursement to BCA of family members’ payment for services and materials. The Board noted that both services and material would be repaid, and that after both services and materials were fully paid, reimbursement could be allowed for materials since the material remained with BCA, or BCA could provide a donation letter for the materials (Attachment 3, NSD APPX000172 through APPX000174 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**B-4**: BCA failed to meet MPOs described in the charter. BCA has failed to adequately pursue and meet the pupil outcomes stated in the BCA charter petition that 85 percent of pupils will demonstrate at least one year of growth toward grade-level proficiency in ELA and mathematics. Based on a comparison of BCAE’s school-wide results on the CAASSP for ELA for the 2014–15 SY and BCA’s school-wide results on the CAASSP for ELA for the 2015–16 SY, there was a 13 percent increase in BCA pupils who failed to meet grade-level proficiency. Additionally, CAASSP test scores for the 2015–16 SY in ELA were significantly below those of the district pupils for each grade level tested (Attachment 3, NSD AR001490 through AR001491 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). Based on a comparison of BCAE’s school-wide results on the CAASSP for mathematics for the 2014–15 SY and BCA’s school-wide results on the CAASSP for mathematics for the 2015–16 SY, there was an eight percent increase in pupils who failed to meet grade-level proficiency. Additionally, CAASSP test scores for the 2015–16 SY in mathematics were significantly below those of the NSD pupils for each grade level tested (Attachment 3, NSD AR001495 through AR001496 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* 2015–16 ELA CAASSP data for BCA, which showed that 83 percent of pupils attending BCA did not meet grade-level proficiency. Specifically, 49 percent of pupils did not meet state standards and 34 percent of pupils nearly met state standards in ELA (Attachment 3, NSD AR000088 through AR000090 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* 2014–15 ELA CAASSP data for BCAE, which showed that 70 percent of its pupils did not meet grade-level proficiency. Specifically, 43 percent of pupils did not meet state standards and 27 percent of pupils nearly met state standards in ELA (Attachment 3, NSD AR000085 through AR000087 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* 2015–16 CAASSP data for the NSD, which showed that 59 percent of pupils in the district did not meet grade-level proficiency. Specifically, 33 percent of pupils did not meet state standards and 26 percent nearly met state standards in ELA (Attachment 3, NSD AR000091 though AR000092 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* An evaluation of BCA’s MAP data for fall/winter, which show correlative charts that indicate four of six grade levels would not meet standards on ELA CAASSP and two of six grade levels nearly met standards (Attachment 3, NSD APPX000034 through APPX000048 of Agenda Item 04 on the ACCS

December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

* 2014–15 mathematics CAASSP data for BCAE, which showed that 88 percent of its pupils did not meet grade-level proficiency. Specifically, 57 percent of pupils did not meet state standards and 31 percent of pupils nearly met state standards in mathematics (Attachment 3, NSD AR000156 through AR000158 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* 2015–16 mathematics CAASSP data for BCA, which showed that 94 percent of pupils attending BCA did not meet grade-level proficiency. Specifically, 65 percent of pupils did not meet state standards and 29 percent of pupils nearly met state standards in mathematics (Attachment 3, NSD AR000159 through AR000161 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* 2015–16 mathematics CAASSP data for the NSD, which showed that 70 percent of pupils in the district did not meet grade-level proficiency. Specifically, 37 percent of pupils did not meet state standards and 33 percent nearly met state standards in mathematics (Attachment 3, NSD AR000162 though AR000164 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* An evaluation of BCA’s MAP data for fall/winter, which show correlative charts that indicate six grade levels would not meet standards on mathematics CAASSP (Attachment 3, NSD APPX000034 through APPX000048 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA’s MMAA Report presented a summary of information with bar graphs which did not provide any raw data to substantiate the purported results. Slide 25 of the MMAA Report purports to show evidence of some growth; however, the actual number of scaled scores were not visible, and it was not possible to ascertain the amount of growth toward proficiency among BCA pupils who took the test. Slide 27 does not provide actual scaled score averages and no information has been provided as to NWEA’s expectations on what scores would indicate progress towards one year’s worth of growth; therefore, there is no key to determine exactly what that growth would look like in terms of year-end expectations. Slide 34 compared the fourth-quarter MC-Hardy reading assessment to 2016–17 first and second quarter DRA scores; however, no administration dates were provided and it could not be determined whether there would have been enough time to achieve a year’s worth of growth or if 85 percent of pupils were on target to meet BCA MPOs (Attachment 3, NSD AR000859 through AR000862 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* MAP raw test data showed the test was administered six weeks past the normed assessment window, which invalidates the results. According to the NWEA, fall assessment should be administered between weeks two and eight of instruction. BCA’s SY began on July 26, 2016; therefore, the fall MAP test should have been administered on or before October 11, 2016. However, it was determined that BCA administered the test between November 14, 2016, and December 2, 2016 (Attachment 3, NSD AR00859 through AR000862, and NSD AR000899 through AR000947 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* The NSD noted that BCA provided supplemental information in their May 3, 2017, submission to demonstrate growth and progress among its pupils in ELA and mathematics; however, based on NSD’s limited review before NSD’s May 8, 2017, meeting to consider revocation, the information presented did not alter or otherwise impact NSD’s concerns noted in its Findings of Fact in Support of Revocation (Attachment 3, NSD AR001490 through AR001497 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding B-4:**

* BCA provided its MMAA for 2015–16 assessments and 2016–17 mid-year assessments (Attachment 3, NSD AR000532 through AR000555 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided winter MAP testing results (Attachment 3, NSD AR001523 through AR001525 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided MAP data from the 2015–16 and 2016–17 SYs. 2015–16 and 2016–17 MAP data for reading show that 53.2 and 56.4 percent of pupils tested demonstrated one year of growth, and 52 and 57.4 percent of pupils that were below grade level demonstrated half of a year’s worth of growth, respectively. 2015–16 and 2016–17 MAP data for math show that 51.8 and 54.5 percent of pupils tested demonstrated one year of growth, and 53.1 and 68.6 percent of pupils that were below grade level demonstrated half of a year’s worth of growth, respectively (Attachment 3, NSD AR0001034 through NSD AR0001035 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**B-5**: BCA failed to ensure appropriate number of members sitting on the Board of Trustees. The NSD found that during the time the NSD issued the December 15, 2016, NOV, BCA’s Web site indicated four Board members. Prior to the April 11, 2017, appointment of the fourth member, the Board consisted of three members, which in is violation of BCA’s charter. BCA’s charter states the Board will operate with a minimum of five board members (Attachment 3, NSD AR001505 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* BCA’s charter petition, which states the Board of Trustees will include a minimum of five and a maximum of seven members (Attachment 3, NSD AR000462 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A print out of the BCA Web site that showed BCA Board of Trustees consisting of four Board members (Attachment 3, NSD AR000463 through AR000464 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A December 9, 2016, Declaration of Christopher Carson, Assistant Superintendent, Business Services for the NSD, which stated that BCA’s Web site indicated four members serving on BCA’s Board of Trustees, which was inconsistent with BCA’s charter petition. Additionally, after Mr. Carson’s review of BCA Board meeting minutes, only two Board members were present at multiple meetings and after attending BCA’s regularly scheduled Board meeting on November 21, 2016, Mr. Carson observed the meeting was conducted without proper quorum (Attachment 3, NSD AR000069 through AR000071 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding B-5:**

* BCA provided its January 19, 2017, Board meeting minutes, which noted five members on the Board of Trustees (Attachment 3, NSD AR000747 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided the minutes from BCA’s Special Board Meeting on April 11, 2017, which indicate a re-vote to affirm Alicia Tripoli and all actions items voted on prior to her appointment (Attachment 3, NSD AR001666 through AR001668 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

From the documentation submitted in the NSD Administrative Record, and the BCA Administrative Record, the CDE determines there is substantial evidence to support NSD Findings B, B-1, B-2, B-3, B-4, and B-5.

**Finding C**: BCA engaged in fiscal mismanagement

**C-1**: BCA failed to provide evidence of payment of payroll taxes for substitutes’ services (Attachment 3, NSD AR001507 through AR001509 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* BCA’s Charter Vision check register detail from July 1, 2016, through

September 30, 2016, which did not include any proof of payment of payroll taxes to Internal Revenue Service or Franchise Tax Board for five substitutes’ services (Attachment 3, NSD AR000175 through AR000360 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding C-1:**

* BCA provided the minutes from BCA’s Special Board Meeting on April 11, 2017, which indicated the Board tabled the review and approval of a schedule for tax repayment of substitute teachers (Attachment 3, NSD AR001666 through AR001668 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided the agenda from BCA’s Special Board Meeting on April 18, 2017, which notes that the Board will review and possibly approve a schedule for tax repayments of substitute teachers (Attachment 3, NSD AR001670 through AR001674 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**C-2**: BCA omitted several checks from its list to BCA Board of Trustees totaling $129,405, which resulted in a material misstatement to the Board of Trustees, the NSD, and the public, and demonstrated a lack of internal fiscal controls (Attachment 3, NSD AR001509 through AR001512 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* BCA’s Charter Vision check register detail from July 1, 2016, through

September 30, 2016, which show checks were not in numerical order and several checks were missing from the list provided to the BCA Board of Trustees (Attachment 3, NSD AR000175 through AR000360 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

* A letter dated November 2, 2016, to Dr. Alma Van Nice requiring an audit of BCA finances and requesting documentation of omitted checks due to the NSD by November 7, 2016 (Attachment 3, NSD AR000466 through AR000471 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* NSD’s March 9, 2017, RFI Concerning Response to NOV, requesting copies of all check registers for the 2015–16 and 2016–17 SYs (Attachment 3, NSD AR000897 through AR000898 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A March 13, 2017, e-mail response from Christy White Associates, which provided BCA’s general ledger report for the 2014–15 FY and the check register report for the 2015–16 FY from BCA’s back-office provider, Charter School Management Corporation (CSMC). These reports were not the same as those provided by BCA in response to NSD’s November 2, 2016, letter requiring an audit of BCA finances and NSD’s March 9, 2017, RFI (Attachment 3, NSD AR000957 through AR001011 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding C-2:**

* BCA provided its Check/Payment Register Report and explained that there were two separate checkbooks for BCA: one processed through CSMC and the other processed through BCA and kept on site, which resulted in checks that were improperly accounted for (Attachment 3, NSD AR000511, and NSD AR00749 through AR000782 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided copies of voided checks, missing checks, and bank-entry journals, which show additional checks missing (Attachment 3, NSD AR001319 through AR001417, and NSD AR001509 through AR001512 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**C-3**: BCA had additional missing checks from the check register detail during the 2015–16 and 2016–17 FYs (Attachment 3, NSD AR001512 through AR001519 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* BCA’s Charter Vision check register detail from July 1, 2016, through

September 30, 2016, which show checks were not in numerical order and several checks missing from the list provided to the BCA Board of Trustees (Attachment 3, NSD AR000175 through AR000360 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

* A letter dated November 2, 2016, to Dr. Alma Van Nice requiring an audit of BCA finances and requesting documentation of omitted checks due to the NSD by November 7, 2016 (Attachment 3, NSD AR000466 through AR000471 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* NSD’s March 9, 2017, RFI Concerning Response to NOV requesting copies of all check registers for the 2015–16 and 2016–17 SYs (Attachment 3, NSD AR000897 through AR000898 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A March 13, 2017, e-mail response from Christy White Associates, which provided BCA’s general ledger report for the 2014–15 FY and the check register report for the 2015–16 FY from BCA’s back-office provider, CSMC. These reports were not the same as those provided by BCA in response to NSD’s November 2, 2016, letter requiring an audit of BCA finances and NSD’s March 9, 2017, RFI (Attachment 3, NSD AR000957 through AR001011 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding C-3:**

* BCA provided its Check/Payment Register Report and explained that there were two separate checkbooks for BCA: one processed through CSMC and the other processed through BCA and kept on site, which resulted in checks that were improperly accounted for (Attachment 3, NSD AR000511, and NSD AR00749 through AR000782 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided copies of voided and missing checks, and bank-entry journals, which show additional checks missing (Attachment 3, NSD AR001319 through AR001417, and NSD AR001509 through AR001512 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

From the documentation submitted in the NSD Administrative Record, and BCA Administrative Record, the CDE determines there is substantial evidence to support NSD Findings C, C-1, C-2, and C-3.

**Finding D**: BCA violated provisions of law.

**D-1**: BCA violated FERPA by disclosing personally identifiable information regarding BCA pupils during public Board of Trustees meetings (Attachment 3, NSD AR001514 through AR001516 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* BCA’s Board of Trustees meeting agenda on June 14, 2016, which disclosed personally identifiable information regarding pupils (Attachment 3, NSD AR000493 through AR000497 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A screenshot of BCA’s Web site which showed BCA’s June 14, 2016, Board of Trustees meeting minutes that continued to list pupils’ names in Board meeting minutes on the BCA Web site (Attachment 3, NSD AR001013 through AR001015 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA’s Response to Finding D-1:**

* BCA provided its Board adopted policy dated February 2, 2017: a new Educational Records and Student Information Policy to include any information about any pupil or group of pupils that constitutes less than 10 percent of the total pupil population of the school when the information provided is identified as belonging only to pupils with a specific characteristic common to those pupils (Attachment 3, NSD AR000801 through AR000808, and NSD AR001281 through AR001283 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided copies of FERPA apology acknowledgement letters sent to and received from families (Attachment 3, NSD AR001258 through AR001274 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**D-2**: BCA engaged in apparent conflict of interest/violation of *Government Code* Section 1090 and Political Reform Act *Government Code* Section 81000 et seq. The NSD conducted a fiscal audit of BCA and discovered payments to Daniel Van Nice, who is the husband of Dr. Alma Van Nice, Executive Director of BCA, which constitutes a direct conflict of interest (Attachment 3, NSD AR000729, and NSD AR001502 through AR001505 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* BCA’s charter petition, which states that BCA shall comply with *Government Code* Section 1090 and the Political Reform Act *Government Code* Section 81000 et seq. (Attachment 3, NSD AR000436 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* A letter dated November 2, 2016, to Dr. Alma Van Nice requiring an audit of BCA finances and requesting documentation of payments made to Daniel Van Nice due to the NSD by November 7, 2016 (Attachment 3, NSD AR000466 through AR000471 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA Board meeting agenda on February 21, 2017, that showed no action was taken by the Board concerning Mr. Van Nice’s compensation for the labor and materials provided to BCA (Attachment 3, NSD AR000953 through AR000955 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding D-2:**

* BCA provided its Conflict of Interest Code (Attachment 3, NSD AR000731 through AR000734 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided a letter dated February 6, 2017, from Daniel Van Nice that requests the BCA Board to set up a payback schedule for compensation made for the labor and materials provided to BCA (Attachment 3, NSD AR000729 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA provided a Board meeting agenda for April 11, 2017, that showed the Board took action on, reviewed, and approved a schedule for reimbursement to BCA of family members’ payment for services and materials. The Board noted that both services and material would be repaid, and that after both services and materials were fully paid, reimbursement could be allowed for materials since the material remained with BCA, or BCA could provide a donation letter for the materials (Attachment 3, NSD APPX000172 through APPX000174 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**D-3**: BCA utilized non-licensed, non-DIR-certified contractors to perform work. The NSD found no evidence that certain individuals hired by BCA to perform labor and services obtained the required licensing and were in good standing with the California CSLB, thus exposing the charter school to potential liability and which could compromise the safety and well-being of staff, pupils, and visitors to the extent that work performed by the individuals was not performed in a legally compliant, sound, and workmanlike manner (Attachment 3, NSD AR001497 through AR001499 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>). In support of this finding, the NSD relied on the following:

* BCA’s charter petition Element Six (F)–Health and Safety: *Assurances and Labor Code* Section 1720 (Attachment 3, NSD AR000166 through AR000173 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).
* BCA’s Charter Vision check register detail and general bank account statements, which show that BCA made cumulative payments in excess of $1,000 to the following individuals: Michael Mossbarger, $5,477; Martha Quezada, $3,000; David Quezada, $28,084; and Daniel Van Nice, $6,250 (Attachment 3, NSD AR000175 through AR000227, and NSD AR001497 through AR001498 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

**BCA Response to Finding D-3:**

* BCA provided two Certificates of Payment of Business Tax to the city of San Diego from Dave’s Handyman Services, and Martha’s Handyman & Landscape Services, respectively: memo dated April 21, 2017, from the Chula Vista Elementary School District to Whom it May Concern Re: Employment Verification for Daniel Van Nice performing work as a district substitute custodian, general maintenance worker, and district plumber; and California Board of Occupational Therapy certificate with an expiration date of March 31, 2018 (other information on this document is partially obscured and cannot be read) (Attachment 3, NSD AR001298 through AR001300 of Agenda Item 04 on the ACCS December 7, 2017, Meeting Notice on the SBE ACCS Web page located at <https://www.cde.ca.gov/be/cc/cs/documents/accs-dec17item04a3.pdf>).

From the documentation submitted in the NSD Administrative Record, and BCA Administrative Record, the CDE determines there is substantial evidence to support NSD Findings D, D-1, D-2, and D-3.

## Summary of Previous State Board of Education Discussion and Action

Currently, 30 charter schools operate under SBE authorization as follows:

* One statewide benefit charter, operating a total of six sites
* Seven districtwide charters, operating a total of 18 sites
* Twenty-two charter schools, authorized on appeal after local or county denial

The SBE delegates oversight duties of the districtwide charters to the county office of education of the county in which the districtwide charter is located. The SBE delegates oversight duties of the remaining charter schools to the CDE.

## Fiscal Analysis (as appropriate)

Not Applicable

## Attachment(s)

None