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## **APPEAL OF DENIED CHARTER RENEWAL PETITION TO THE STATE BOARD OF EDUCATION**

### **EXHIBIT 2**

**The District's Staff Report and “Findings Supporting Denial  
of Petition” dated August 27, 2025**

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**REVIEW OF PETITION FOR THE RENEWAL OF  
BAYPOINT PREPARATORY ACADEMY - SAN DIEGO**

**AUGUST 27, 2025**

On June 16, 2025, the San Marcos Unified School District (“District”) received a petition (“Petition” or “Renewal Petition”) for the renewal of Baypoint Preparatory Academy – San Diego (“Baypoint” or “Charter School”), a site-based charter school currently authorized to operate by the State Board of Education (“SBE”). Baypoint started serving students on August 1, 2018.<sup>1</sup> Due to the COVID-19 pandemic, Baypoint’s charter term was extended by statute and is now set to expire on June 30, 2026. (Ed. Code § 47607.4.)

The District’s charter review team, including legal counsel, has reviewed the Petition. The information set forth below reflects the results of that review.

**PROCEDURAL BACKGROUND AND REQUIREMENTS**

Renewal petitions are generally required to be submitted to the chartering authority of the charter school. However, in 2019 Section 47605.9 was added to the Education Code to provide that a charter school approved by SBE on appeal may continue to operate under SBE’s authority only until the date on which the charter is up for renewal, at which point the charter school “*shall submit a petition for renewal to the governing board of the school district within the boundaries of which the charter school is located.*” (Ed. Code § 47605.9(b).) As such, because Baypoint is currently located within the boundaries of the District, the Petition was submitted to the District under Education Code section 47605.9(b), even though the District did not approve the charter originally and has not acted as oversight agency.

On August 14, 2025, the District’s Board of Education (“Board”) held a public hearing to consider the terms of the proposed Petition and the level of support from teachers and other employees of the District, and from parents. During that meeting, the Charter School was provided an

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<sup>1</sup> By way of background, Baypoint’s initial charter petition was denied by San Marcos Unified School District on August 15, 2017. The petition was submitted to the San Diego County Board of Education on appeal and was denied by the County Board on November 8, 2017. Petitioners then submitted the petition to SBE on appeal. After review by the Advisory Commission on Charter Schools on February 7, 2018, the California Department of Education (“CDE”) staff recommended denial of the petition based on a finding that petitioners were demonstrably unlikely to successfully implement the program (minimal fiscal reserves). Against that recommendation, the SBE approved the initial petition on March 15, 2018 subject to certain requirements prior to opening.

opportunity to present the Petition, and employees of Baypoint spoke in support of the renewal. At least one parent, who is not an employee of Baypoint, also spoke in support of the renewal. The District also received emails from members of the public, some in support of renewal and others urging denial.

The Board is required to grant or deny a renewal petition within ninety (90) days of receipt, unless extended by mutual agreement for an additional 30 days. (Ed. Code § 47605(b).) All staff recommendations, including the recommended findings, regarding the Petition must be published at least 15 days before the public hearing at which the Board will either grant or deny the Petition. At that meeting, Petitioners “shall have equivalent time and procedures to present evidence and testimony to respond to the staff recommendations and findings.” (Ed. Code § 47605(b).)

The Board is scheduled to take action on the Petition on September 11, 2025. Because the Charter School is considered a “high-tier” charter school based on academic performance, the Board may choose to grant the renewal Petition for a period five (5), six (6), or seven (7) years if it meets legal requirements. (Ed. Code § 47607(c)(2)(E).)<sup>2</sup> If the Board grants Petition, the Board will become the chartering authority with oversight and supervisory responsibilities. If renewal is denied, the Charter School may appeal to SBE. (Ed. Code § 47605.9(b).)

### **LEGAL STANDARDS FOR REVIEW OF RENEWAL PETITION**

#### **1. Legal Standard for All Renewal Petitions**

Charter renewals are governed by the standards and criteria that apply to initial petitions. In addition, a renewal petition shall include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. (Ed. Code §§ 47607(b), 47605(c).)<sup>3</sup> Like initial petitions, a renewal petition must include

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<sup>2</sup> A charter school is considered “high-tier” for purposes of academic performance if, for two consecutive years immediately preceding the renewal decision, either of the following apply: (1) the charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics for which it receives performance levels; or (2) for all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of the subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average. (Ed. Code § 47607(c)(2)(A).)

<sup>3</sup> “Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and **shall include**, but not be limited to, **a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.**” (Educ. Code § 47607(b), emphasis added.)

reasonably comprehensive descriptions of 15 elements. (Ed. Code § 47605(c)(5).) These include: educational program; measurable pupil outcomes; method of measuring pupil outcomes; governance structure; employee qualifications; health and safety procedures; means to achieve pupil population balance; admission procedures; financial audits; student discipline or other involuntary removals; retirement programs; attendance alternatives; employee return rights; dispute resolution; and closures procedures.

The Board may deny a renewal petition only if it adopts written factual findings, specific to the petition, setting forth specific facts to support one or more of the following findings: (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school; (2) Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition; (3) the petition does not contain an affirmation of each of the conditions set forth in Education Code section 47605(e); or (4) the petition does not contain reasonably comprehensive descriptions of each of the required 15 elements. (Ed. Code § 47605(c).)

In addition, for renewals specifically, a chartering authority must consider the academic performance of a charter school, as follows:

*“(c)(1) **As an additional criterion** for determining whether to grant a charter renewal, the chartering authority **shall consider the performance** of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5. (Ed. Code § 47607(c)(1).)*

Although consideration of academic performance is required for all renewal petitions, the law treats high-tier charter schools differently than other charter schools in this regard.

## **2. Legal Standard for High-Tier Charter Schools – Academic Performance and Revisions to Charter**

By law, academics may not be grounds for denial if a charter school is academically high-performing as defined in statute. Education Code section 47607(c)(2)(A) reads:

*“[c](2)(A) The chartering authority **shall not deny renewal for a charter school pursuant to this subdivision** [i.e., subdivision “c,” requiring consideration of academic performance] if either of the following apply for two consecutive years immediately preceding the renewal decision: . . . [high-tier criteria described].*

However, a high-performing charter school is still required to “*update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter. . .*” (Ed. Code § 47607(c)(2)(F).)

### **3. Legal Standard for Denying a High-Tiered Charter School Based on Governance or Fiscal Concerns**

One basis for denying a renewal petition is that “petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.” (Ed. Code §§ 47605(c)(2); 47607.) However, for a high-tier charter school, the law requires a specific standard and process prior to denial on this basis.

Specifically, Education Code section 47607(e) reads as follows:

*“(e)[T]he chartering authority may deny renewal of a [high tiered] charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors . . . The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days' notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:*

- (1) The corrective action proposed by the charter school has been unsuccessful.*
- (2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.” (Ed. Code § 47607(e).)*

Therefore, although renewal petitions may be denied based on a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition, including due to fiscal or governance factors, before a governing board may make this finding to support denial of a high-tier charter school, the high-tier charter school must be notified of the concerns and provided an opportunity to cure the violation. (Ed. Code § 47607(e).)

### **4. Summary of Legal Standard**

Read together, these provisions require the Renewal Petition to be updated (1) to include a “reasonably comprehensive description” of any new legal requirement for charter schools since last approved; and (2) to reflect the current program offered by the Charter School. (Educ. Code § 47607(c)(2)(F).) Although academic performance generally must be “considered,” the District Board may not deny the Renewal Petition based on academic performance. (Educ. Code § 47607(c)(2)(A).) Finally, Baypoint is entitled to notice and an opportunity to cure substantial governance or fiscal concerns or factors before a finding can be made to deny the Petition on that basis.

## **SUBSTANTIAL FISCAL AND GOVERNANCE FACTORS**

### **1. District Notice of Substantial Fiscal and Governance Factors**

On or about July 3, 2025, the District provided Baypoint a “Notice of Substantial Fiscal and Governance Factors” (“Notice”) under Education Code section 47607(e), noting several serious fiscal and governance concerns and providing Baypoint an opportunity to cure the concerns or violations. (See Exhibit 1, incorporated herein by reference.)

With respect to fiscal factors, the Notice explained that Charter School’s Average Daily Attendance (“ADA”) projections appeared to be unreasonable, greatly inflating anticipated revenue. In addition, the Notice described concerns regarding the Charter School’s ability to repay anticipated debt obligations if the projected ADA does not materialize as hoped over the next few years. The Notice also explained concerns regarding the Charter School’s assumptions regarding receiving a Charter School Facility Grant when the program is oversubscribed and annual program funding is not guaranteed.

With respect to governance factors, the Notice informed the Charter School that at least five meetings were unlawfully convened via teleconference because a quorum of the Board was not physically present in the Charter School’s jurisdiction as required by law. (See Exhibit 1.) Only two (2) of the four (4) Board members – not a quorum -- was physically within the jurisdiction of the Charter School, in violation of Government Code section 54953(b)(3), Education Code section 47604.1, the Board Bylaws, and the Charter. During those meetings (April 9, 2024, August 5, 2024, December 9, 2024, February 10, 2025, and March 10, 2025), several important actions were taken without a legally constituted quorum.

### **2. Charter School Response to Notice of Substantial Fiscal and Governance Factors**

On August 4, 2025, the District received a letter from Baypoint with the subject line, “Response and Corrective Action Plan to Notice of Substantial Fiscal and Governance Factors.” (See Exhibit 2, incorporated herein by reference.) In response to the Notice, Baypoint provided a “corrective action plan” that included proposed ratification, at its August 4, 2025 meeting, of actions taken at the unlawfully constituted Board meetings of April 2024, August 2024, December 2024, February 2025, and March 2025. As of the date of this writing, the Charter School has not provided the District with evidence of ratification of those items, and no minutes for the August 2025 meeting have been posted. As proposed corrective action, Baypoint indicated that there has been, and will continue to be, Brown Act training for the Board.

With respect to fiscal concerns, Baypoint dismisses the District’s concerns regarding unrealistic ADA projections and states, as a corrective action plan, that Baypoint will adjust operations if ADA projections do not materialize. (“If BPA-SD does not reach enrollment of 225 students during the 2025-26 school year, the school will implement a plan to reduce expenditures without negatively

impacting student services. For example, BPA-SD has the ability to remove the long-term substitute position, reduce leadership team compensation, reduce classified positions, and/or combine grade levels that may not be at capacity.”) (See Exhibit 2)

### **3. District Response to Charter School’s Comments and Corrective Action Plan**

The District has analyzed the Charter School’s August 4, 2025 response letter and has found the response to be both inadequate and inaccurate, as described below:

- a. ADA Rate. In its response, Baypoint states that the ADA rates used by the District in the Notice to project revenue are inaccurate and further asserts that a rate of 95% is reasonable, as used in Baypoint’s multi-year projection (“MYP”) assumption, is reasonable. However, the District used data provided by Baypoint, from a Google drive shared with the District via email on May 30, 2025, to determine ADA (See Exhibit 3). ADA rates are calculated by dividing the actual P-2 ADA report by the annual CBEDS enrollment, as shown in the chart below.

	<b>P-2 ADA</b>	<b>CBEDS Enrollment</b>	<b>ADA Rate</b>
<b>2022/23</b>	189.89	199	95.42%
<b>2023/24</b>	222.47	237	93.87%
<b>2024/25</b>	150.51	162	92.91%

Based on Baypoint’s own enrollment and attendance documents, the District continues to believe that using the most recent actual ADA rate of 92.91% for future funding projections is reasonable. The District’s projected ADA rates are further justified in the LCFF Calculator, in which the CDE prefills actual enrollment and ADA reports that are filed with their agency. (See Exhibit 3, page 7). Baypoint’s use of a 95% ADA rate results in inflated revenue projections.

- b. MYP Projections and Enrollment. Baypoint continues to assert that its enrollment projections “are reasonable and based on actual growth before the 2024-25 school year.” This is simply incorrect. Baypoint’s projections are based on the unreasonable assumption that sustained enrollment growth of 39%, 39%, and 36% will occur in each of the next three years, while their highest historical rate of year-over-year enrollment growth was 21% in the 2021-22 school year. District staff believe that Baypoint’s enrollment assumptions are overly optimistic in order to justify the debt financing they are seeking to expand their facility. Baypoint’s ability to repay this significant debt will be compromised if it is unable to achieve significant enrollment growth over the next several years – something that has never been done historically.

District staff continues to have substantial fiscal concerns in connection with the Renewal Petition. The enrollment, ADA, and resulting budget projections used by Baypoint are unreasonable and not based on any actual historical trends.

### **FINDINGS SUPPORTING DENIAL OF PETITION**

The following findings support denial of the Renewal Petition:

- 1. The Petition does not contain reasonably comprehensive descriptions of each of the required elements.** (Ed. Code § 47605(c).)

Specific to renewal petitions, Petitioners failed to update the Petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed, as required by Education Code section 47607(c)(2)(F). For example:

- The Petition does not include a reasonably comprehensive description of “[t]he means by which the charter school will achieve a balance of racial and ethnic pupils, special education pupils, and English learner pupils, including redesignated fluent English proficient pupils, as defined by the evaluation rubrics in Section 52064.5, that is reflective of the general population residing within the territorial jurisdiction of the school district to which the charter petition is submitted,” as required by Education Code section 47605(c)(5)(G). The Petition, which was initially submitted for approval before this new requirement went into effect, only addresses racial and ethnic balance. (See Petition, pp 138-139). As such, it is not legally compliant.
- The Petition also does not include a reasonably comprehensive description of “[t]he procedures by which pupils can be suspended or expelled from the charter school for disciplinary reasons or otherwise involuntarily removed from the charter school for any reason” as required by Education Code section 47605(c)(5)(J). (Emphasis added.) This new requirement to address involuntary removals (in addition to suspension and expulsion) was enacted after the Petition was initially submitted for approval. The Petition describes suspension procedures (Petition, p. 161) but does not include procedures by which pupils can be “otherwise involuntarily removed” from the charter school, as required by law. The only reference to involuntary removals in the body of the Petition is under the heading of “Suspension Procedure” in reference to the contents of a suspension notice, but in the same paragraph, the Petition states that involuntary removals do not include

suspensions. (Petition, p. 161.) In addition, the 24/25 Student Handbook attached to the Petition states that “[c]hronic attendance problems/tardy problems may result in disenrollment from BPA-SD...” (Handbook, p. 7; PDF, p. 567<sup>4</sup>.) “Disenrollment” is also referenced in a heading relating to suspension and expulsion of special education students, but the procedures for disenrollment as an involuntary removal are not discussed there either. (Petition, p. 68.) Finally, although “Involuntary Student Disenrollment or Transfer” is listed on the Table of Contents for the School Safety Plan (PDF, p. 495), no content follows that Table of Contents. Therefore, the Petition does not contain a reasonably comprehensive description of the procedures by which pupils can be involuntarily removed from the charter school. As such, it is not legally compliant.

**2. Petitioners failed to update the Petition to reflect the current program offered by the Charter School. (Ed. Code § 47607(c)(2)(F).)**

The Renewal Petition was not updated to reflect the current or intended facilities location for the school’s program over the course of the renewal term. By law, a charter petition must identify “the facilities to be used by the charter school.” (Educ. Code § 47605(h).) “The description of the facilities to be used by the charter school shall specify where the charter school intends to locate.” (Educ. Code § 47605(h).) Charter schools are bound by the terms of their charters, and an essential part of that charter is school location and a description of the facilities to be used by the charter school. Under the section of the Petition relating to facilities, the Petition only states this: *“BPA-SD will not operate satellite schools, campuses, sites, resource centers, or meeting spaces not identified in the charter without the prior written approval of SMUSD.”* (Petition, p. 147.) No location is identified, and the facilities are not described. As such, Petitioners have not complied with the requirement to update the Petition to reflect the current program being offered.

**3. The Charter School is demonstrably unlikely to successfully implement the program set forth in the Petition due to substantial fiscal factors.**

The District provided Petitioners at least 30 days’ notice of substantial fiscal factors and concerns and gave the Charter School a reasonable opportunity to cure the violation or concern, including through a corrective action plan proposed by the Charter School. After carefully reviewing and considering the Charter School’s response to the Notice and the Charter School’s proposed corrective plan, the District has determined the following:

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<sup>4</sup> This reference to “PDF” is to the 611-page PDF submitted by Petitioners.

- a. The corrective action proposed by the Charter School has been unsuccessful in addressing the substantial fiscal factors identified by the District. Rather than adjust unreasonable assumptions regarding ADA and other revenue to align with historical and current realities, the Charter School states that if the revenue does not materialize it will respond by making adjustments to its program – purportedly without negatively impacting students – by eliminated positions, cutting salaries, and combining classes. This does not adequately address the District's concern regarding the inflated ADA projections and how that would likely impact charter school operations and its ability to meet financial obligations, including the repayment of debt. Therefore, the proposed corrective action plan is unsuccessful in addressing the noted concerns.
  
- b. The concerns or violations are sufficiently severe and pervasive as to render a corrective action plan unviable. (Ed. Code § 47607(e).) Even if the Charter School were to now adjust its ADA and other revenue projections, prior to Board action on the Petition, any such plan may not be accepted by the District in connection with the renewal consideration. By law, the District is required to post any findings and recommendations at least 15 days prior to the Board meeting at which the Petition will be considered. Therefore, any new or adjusted corrective action plan cannot be considered and would be inviable.

#### **STAFF RECOMMENDATION**

The District charter review team recommends that the Board of Education **DENY** the Renewal Petition by adopting Resolution No. 05-25/26 Denying the Renewal Petition of Baypoint Preparatory Academy – San Diego and Adopting Findings in Support of Denial.

# # #

Attached: Exhibits 1-3

# EXHIBIT 1



**Business Services**  
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July 3, 2025

**Via Email**

Frank Ogwaro, CEO  
Sabina Chaar, Executive Director  
Baypoint Preparatory Academy-San Diego  
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**Re: Renewal Petition for Baypoint Preparatory Academy – San Diego  
Notice of Substantial Fiscal and Governance Factors and Concerns Pursuant to Education  
Code Section 47607(e)**

Dear Lead Petitioners,

The San Marcos Unified School District (“District”) is in receipt of your renewal petition (“Petition”), submitted on June 16, 2025, for Baypoint Preparatory Academy – San Diego charter school (“Baypoint” or “Charter School”), a school currently authorized by the California State Board of Education (“SBE”).<sup>1</sup>

As you know, since the Charter School’s approval by SBE in 2018, Section 47605.9 was added to the Education Code by AB 1505 to provide that a charter school operating under a SBE-approved charter on appeal may continue to operate under SBE’s authority only until the date on which the charter is up for renewal, at which point the charter school “shall submit a petition for renewal to the governing board of the school district within the boundaries of which the charter school is located.” (Ed. Code § 47605.9(b).) As such, the Petition was submitted to the District under Education Code section 47605.9(b), even though the District did not approve the charter originally and has not acted as is oversight agency.

The District has begun the process of reviewing and analyzing the Petition and has identified substantial fiscal and governance concerns.<sup>2</sup>

<sup>1</sup> The initial charter petition for Baypoint Preparatory Academy – San Diego was submitted to the District in 2017 but was denied by the District in August 2017. It was then submitted, on appeal, to the San Diego County Board of Education, and the County Board denied the petition. The petition was then submitted to SBE and was approved in March of 2018 by the SBE. The initial term of the Charter School’s initial charter was extended automatically by statute due to COVID-19. The current charter term is set to expire June 30, 2026 unless renewed.

<sup>2</sup> This letter is provided to the Charter School pursuant to Education Code section 47607(e) and therefore focuses on fiscal and governance factors. The District is in the process of reviewing and analyzing the entirety of the Petition and may later identify other concerns or potential bases for denial, consistent with law. This letter’s focus on financial and governance issues is not exhaustive and should not be interpreted as agreement with, or approval of, any other aspect of the proposed Petition. This letter should also not be interpreted as a predetermination regarding whether the Petition should be granted. Only the District Governing Board has the authority to grant or deny a charter petition after the required review period and public hearing.



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When considering renewal of a charter school that is academically high performing, a school district may nevertheless *“deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors...”* (Ed. Code § 47607(e).) Prior to making such a finding, the school district is required to provide the charter school at least 30 days’ notice of the alleged violation or substantial fiscal or governance factors and provide the charter school a reasonable opportunity to cure the violation or concern, including through a corrective action plan proposed by the charter school. (Ed. Code § 47607(e).)

The District is hereby providing you notice of serious fiscal and governance factors and concerns that could potentially lead to a finding by the District Governing Board that the Charter School is demonstrably unlikely to successfully implement the program set forth in the Petition, pursuant to Education Code section 47607(e).

### FISCAL FACTORS

#### Student Enrollment and ADA

The budget for the initial charter petition, submitted in 2017, contained aggressive enrollment projections that never materialized. The current Petition budget is also based on assumptions of very significant enrollment growth that are highly unlikely to be realized, as well as an inflated ADA rate.

According to the Charter School’s Multiyear Projections (“MYP”) submitted with the Petition, **162 students** were enrolled in the Charter School during the 2024/25 school year, but the MYP assumes enrollment will jump to 225 in 2025/26 – a 39 percent increase. This would result in a 47% increase in LCFF revenues for 2025/26 due to the projected enrollment jump. Similarly, the MYP projects another 39% increase in enrollment for 2026/27 (to 312 students) and an additional 36% increase for 2027/28 (to 424 students). By 2029/30, the Charter School projects enrollment of 496 students:

	Actual 2024-25	Projected 2025-26	Projected 2026-27	Projected 2027-28	Projected 2028-29	Projected 2029-30
Enrollment	162	225	312	424	458	496
% Growth	-	39%	39%	36%	8%	8%

This projected enrollment growth appears to be unsupported considering Charter School’s enrollment history, which saw a sharp decline in 2024-25:

	Actual 2020-21	Actual 2021-22	Actual 2022-23	Actual 2023-24	Actual 2024-25
Enrollment	151	182	199	237	162
% Growth	-	21%	9%	19%	-32%

The Charter School has not experienced this type of annual growth previously, and no evidence was provided to support the projected growth. A document entitled “2025-26 Adopted Budget Narrative – Baypoint Preparatory Academy San Diego,” submitted with the Petition explains that the Charter School’s sharp decline in student enrollment after the 2023/24 school year (i.e., more than 100 students) was due to a “negative campaign against them from former parents and staff.” That document states the school “is optimistic about a

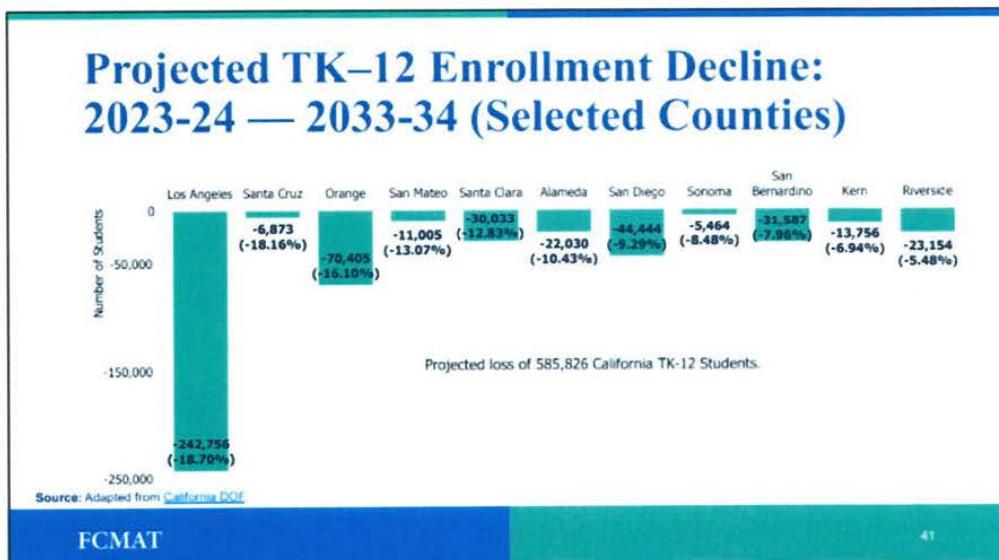


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return to its historical upward enrollment trends, supported by a waitlist for the 2025/26 school year.” However, documentation submitted with the Petition does not indicate that there is a waitlist for the 2025/26 school year. (See “BPA-SD Charter Renewal Performance Report” submitted with Petition, page 22 of 26.) Even if a waitlist were to be provided, predicting enrollment for the 2025/26 school year based on that list would be highly speculative in light of last year’s decline, and verification with parents would be necessary for a more realistic projection.

In addition, most of the surrounding school districts, where the Charter School is hoping to attract students from, are experiencing declining enrollment, largely due to declining birth rates. Without evidence of a significant and verifiable waitlist, the school-age population of the surrounding communities is highly unlikely to result in enrollment growth for the charter. For example, student enrollment in the District has declined for the past three years, from 19,532 in 2022/23, to 19,374 in 2023/24, to 18,860 in 2024/25. Likewise, TK-12 enrollment in San Diego County is expected to decline by 44,444 students, or **-9.29%**, of the next decade:



41

Source: CA Department of Finance  
<https://dof.ca.gov/forecasting/demographics/public-k-12-graded-enrollment/>

Finally, the Charter School’s budget assumes an Average Daily Attendance (“ADA”) of 95% of enrollment, while its actual ADA rate reported at the P-2 period in 2024/25 was only 92.91%, trending down from 93.87% in 2023/24. (Source: Charter School’s Local Control Funding Formula.) The District believes this ADA rate is high and results in inflated revenue projections.

Overall, the District fiscal team believes Charter School’s budget is based on unreasonable assumptions.



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#### District's Recalculation of MYP

The District recalculated the Charter School's MYP based on what it believes is reasonable assumptions. (See Excel file "2025-26 BPA SD Adopted Budget-FINAL-updated by SMUSD" provided with this letter.) When the MYP is adjusted accordingly,<sup>3</sup> it appears that the Charter School would not be able to meet its 5% required reserves in 2026/27, the first year of the charter renewal term.

When the Charter School's enrollment unexpectedly declined by 32% in 2024/25, its leadership used its reserve balance to cover the loss in LCFF funds. In 2024/25, the gap is estimated to be \$622,368, or 29% of the total reserve balance will be spent down. If the anticipated enrollment growth (+39%) in 2025/26 is not achieved, the Charter School will deficit spend by approximately \$624,000, depleting the reserves by another 41%, down to \$876,000. By 2026/27, if enrollment does not grow, deficit spending worsens and reserves will drop below the required level, to only 0.5%.

#### Proposal to Incur Debt for Facility Improvements

The District is also concerned about the Charter School's plan to incur debt for the proposed facilities expansion. The District is aware that debt is being issued by the State's California Enterprise Development Authority ("CDEA"), a conduit for charter school funding, and that CDEA approved the financing at its June 5, 2025 meeting. However, the District was unable to find any credit rating assigned to this financing, indicating that it will be non-rated with a higher interest rate. Based on the Good Faith Estimates and parameters noted in the Debt Disclosure Form, the District fiscal team confirmed that the \$1.6 million annual facility lease payment the Charter School has included in its MYP, beginning in 2028/29, is reasonable. However, that repayment obligation must be paid through the Charter School's General Fund operating budget, offset by any Charter School Facility Grants (discussed below) it may receive. Based on the MYP revisions made by the District (discussed above), if the Charter School is not able to meet the enrollment growth targets currently projected, it will not be a viable charter after the 2026/27 fiscal year, and will therefore not be able to pay the debt repayment obligations that begin in 2028/29.

#### SB740 – Charter School Facility Grant Revenue

The Charter School is expecting to receive Charter School Facility Grant revenue, administered by the State through its California School Finance Authority. This program provides grant funding to eligible charter schools to help reimburse facility rent or lease costs. However, prior funding rounds have been oversubscribed and, therefore, annual program funding is not guaranteed over the long run. As such, the Charter School should be prepared to backfill this revenue with other General Fund operating funds as needed. Based on the State's SB740 awardee lists, the Charter School was previously awarded the grant but in lower amounts than the \$336K provided in its Charter Debt Disclosure Form (i.e., \$290K in 2023/24 and \$242K in 2022/23). Even if the

<sup>3</sup> These adjustments are as follows:

- a. Enrollment projection adjusted down to stay flat at 162 until 2027-28 then doubled to 324 starting in 2027-28 when the new classrooms are constructed.
- b. ADA rate adjusted down (from 95%) to 93%, the actual ADA rate achieved in the most recent fiscal year, 2024/25.
- c. Staffing adjusted down in accordance with the revised enrollment.
- d. Projected SB740 grant revenues lowered based on lower enrollment projections.



**Business Services**  
255 Pico Avenue, Suite 250  
San Marcos, CA 92069

T 760.752.1299  
F 760.591.0426  
[www.smusd.org](http://www.smusd.org)

Charter School receives SB740 grants, this would cover only a fraction of the annual debt payment (i.e. \$1.6 million) expected to result from the CDEA borrowing.

### GOVERNANCE FACTORS

The District has several initial concerns regarding the Charter School's governance. Fundamentally, the fiscal concerns discussed above, based on the budget projections recently approved by the Charter School governing board, suggest a lack of fiscal responsibility. In addition, a brief review of the Charter School Governing Board meeting agendas and minutes over the past year revealed ongoing violations of the Ralph M. Brown Act (Gov. Code § 54950 et seq., "The Brown Act"), Education Code section 4704.1, the Board Bylaws, and the approved Charter document which requires compliance with the Brown Act.<sup>4</sup>

A charter school and an entity managing a charter school is subject to the provisions of the Brown Act. (Educ. Code § 47604.1(b).) This includes Government Code section 54953, which provides, in relevant part:

"(b)(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction..."

This is also reflected in the Board's Bylaws, at Section 13(a), which reads:

"At a minimum, a quorum of the members of the Board of Directors shall participate in the teleconference meeting from locations within the jurisdictional boundaries of the Corporation."

What constitutes a quorum of the Board of Directors is dictated by the Bylaws. Section 18 of the Bylaws provides:

"A majority of the authorized number of directors then in office shall constitute a quorum for the transaction of any business except adjournment."

In this case, over the past several months, at least five meetings were convened and held via teleconference unlawfully because a quorum of the Board was not physically present in the Charter School's jurisdiction. For the meetings of April 9, 2024, August 5, 2024, December 9, 2024, February 10, 2025, and March 10, 2025, the meeting minutes reflect that the Board consisted of four (4) members (i.e., Max Eggleston, Galel Fajardo, Nathan Limjoco, and Nancy Spencer). However, on each of these dates, Ms. Spencer was "Present via Conference Call," presumably from **Hayden Lake, Idaho**, which is a meeting location regularly listed on the agendas. In addition, on each of these dates, another Board member was noted as "absent" in the meeting minutes. (Mr. Eggleston was absent for the April 2024, August 2024, December 2024, and March 2025 meetings, while Mr. Limjoco was absent for the February 2025 meeting.) As a result, only two (2) of the four (4) Board members – not a quorum – was physically within the jurisdiction of the Charter School, in violation of Government Code section 54953(b)(3), Education Code section 47604.1, the Board Bylaws, and its approved Charter.

Several important actions were taken during those meetings, convened illegally because a quorum of the Board was not participating within the jurisdiction, including, but not limited to, the following open session items: In March 2025, action was taken to approve a 2024/25 2<sup>nd</sup> Interim Report & Budget Update; ratification/approval

<sup>4</sup> The Petition, on page 109, references the Board Bylaws as "Appendix E4," but the Board Bylaws are not attached at Appendix E4. Board Bylaws were located on the Charter School's website, identified in the footer as "Fourth Amendment Adopted June 28, 2021."



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of a tenant improvement proposal; selection of an independent auditor, the 2025/26 Charter School calendar, new staffing, and contracts relating to art grant funding. In February 2025, action was taken to approve 2023/24 audited financial statements, new staffing, and a “Resolution to Authorize Borrowing on a Line of Credit.” In December 2024, action was taken to approve the 1<sup>st</sup> Interim Report & Budget. In August 2024, action was taken to approve a Reimbursement Resolution, an Operating Agreement Resolution, and an I-Ready agreement, among other things. In April 2024, action was taken on a student expulsion. (See BPA Board Agendas and Minutes sent as an attachment with this letter)

**Reasonable Opportunity to Cure Violation or Concern**

The District is bound by statutory timelines with respect to the Petition review process. The District’s Governing Board is scheduled to take action on the Petition at its meeting on September 11, 2025. District staff are required to publish any findings and recommendations no later than 15 days prior to that meeting and will require time to analyze and prepare any recommendations in light of your response. Therefore, please provide your response to this Notice, including any corrective plan(s), no later than August 4, 2025.

If you have any questions regarding this, please contact Tiffany Campbell, Ed.D. at 760-752-1231 or [tiffany.campbell@smusd.org](mailto:tiffany.campbell@smusd.org).

Sincerely,

Erin Garcia  
Assistant Superintendent, Business Services

Enclosures:

Excel file-2025-26 BPA SD Adopted Budget-FINAL (Baypoint projections)  
Excel file-2025-26 BPA SD Adopted Budget-FINAL-updated by SMUSD (District projections)  
BPA Board Agendas and Minutes

## Enclosure:

(Posted separately and incorporated herein by reference.)

Excel file-2025-26 BPA SD  
Adopted Budget-FINAL  
(Baypoint projections)

## Enclosure:

(Posted separately and incorporated herein by reference.)

Excel file-2025-26 BPA SD  
Adopted Budget  
FINAL-updated by SMUSD  
(District projections)

Enclosure:

BPA Board Agendas and Minutes



**SPECIAL MEETING AGENDA OF THE GOVERNING BOARD**

**520 East Carmel Street  
San Marcos, CA 92078  
3839 E. Tobler Road  
Hayden Lake, ID 83835**

**Available via Zoom at:**

*Baypoint Meetings is inviting you to a scheduled Zoom meeting.*

*Topic: Board Meeting*

<https://zoom.us/j/96253305142?pwd=WWNDeEZ0cDVabXc5bVo4aFZDT0J10T09>

*Meeting ID: 962 5330 5142*

*Passcode: h3eqW0*

**April 9th, 2024 at 5:30 P.M. (Closed Session)**

**1. CALL TO ORDER**

The meeting was called to order by \_\_\_\_\_ at \_\_\_\_\_.

Our mission at Baypoint Preparatory Academy is to educate TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.

**2. PUBLIC SESSION:**

**A. Roll Call**

Board Member	Present	Absent	Present via Conference Call
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

**3. PLEDGE OF ALLEGIANCE**

**4. REVISION/ADOPTION/ORDERING OF AGENDA**

Motion:				As Submitted:
Second:				As Revised:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**5. PUBLIC COMMENT (Closed Session Item Only)**

If you wish to share your thoughts and suggestions with our Board, there are several ways you can do this:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written testimony or comments for the Board to the business manager ([shovencamp@baypointprep.org](mailto:shovencamp@baypointprep.org)) by 4:00 p.m. on the day of the meeting.

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**ANNOUNCE CLOSED SESSION ITEM**

**A. Student Expulsion Case #202401**

**ADJOURN OPEN SESSION:**

**CONVENE CLOSED SESSION:**

**6. CLOSED SESSION**

**Student Expulsion Case #202401 student #10706**

**ADJOURN CLOSED SESSION:**  
**RECONVENE OPEN SESSION:**

**REPORT OF ACTION TAKEN IN CLOSED SESSION:**

**7. PUBLIC COMMENT (Open Session)**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**A. Opportunity for the public to address the board on open session items**

**8. ACTION ITEM**

A. Student Expulsion Case #202401.

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**9. ORGANIZATIONAL MATTERS**

The next Regular meeting of the Governing Board will take place May 7th 5:30 p.m. in person at 520 East Carmel Street, San Marcos, CA or via Zoom.

**10. ADJOURNMENT**

Motion:			
Second:			
Vote:	Yes	No	Absent
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

The meeting adjourned at \_\_\_\_\_.





**SPECIAL MEETING MINUTES OF THE GOVERNING BOARD**

520 East Carmel Street  
San Marcos, CA 92078  
3839 E. Tobler Road  
Hayden Lake, ID 83835

**Available via Zoom at:**

*Baypoint Meetings is inviting you to a scheduled Zoom meeting.*

Topic: Board Meeting

<https://zoom.us/j/96253305142?pwd=WWNDeEZ0cDVabXc5bVo4aFZDT0J1OT09>

Meeting ID: 962 5330 5142

Passcode: h3eqW0

**April 9th, 2024 at 5:30 P.M. (Closed Session)**

**1. CALL TO ORDER**

The meeting was called to order by Galel Fajardo at 5:34 PM.

Our mission at Baypoint Preparatory Academy is to educate TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.

**2. PUBLIC SESSION:**

**A. Roll Call**

Board Member	Present	Absent	Present via Conference Call
Max Eggleston		X	
Galel Fajardo	X		
Nathan Limjoco	X		
Nancy Spencer			X

**3. PLEDGE OF ALLEGIANCE**

**4. REVISION/ADOPTION/ORDERING OF AGENDA**

Motion:	Nathan Limjoco			As Submitted:	X
Second:	Galel Fajardo			As Revised:	
Vote:	Yes	No	Absent		
Max Eggleston			X		
Galel Fajardo	X				
Nathan Limjoco	X				
Nancy Spencer	X				

**5. PUBLIC COMMENT (Closed Session Item Only)**

If you wish to share your thoughts and suggestions with our Board, there are several ways you can do this:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written testimony or comments for the Board to the business manager ([shovencamp@baypointprep.org](mailto:shovencamp@baypointprep.org)) by 4:00 p.m. on the day of the meeting.

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**ANNOUNCE CLOSED SESSION ITEM**

**A. Student Expulsion Case #202401**

**ADJOURN OPEN SESSION: 5:38 PM  
CONVENE CLOSED SESSION: 5:40 PM**

**6. CLOSED SESSION**

**Student Expulsion Case #202401 student #10706**

**ADJOURN CLOSED SESSION: 6:34 PM  
RECONVENE OPEN SESSION: 6:36 PM**

**REPORT OF ACTION TAKEN IN CLOSED SESSION: BOARD MET WITH PARENTS OF STUDENT #10706 AND BPA STAFF**

**7. PUBLIC COMMENT (Open Session)**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**A. Opportunity for the public to address the board on open session items**

**8. ACTION ITEM**

A. Student Expulsion Case #202401. MOTION TO PROCEED WITH EXPULSION OF STUDENT #10706 WITH CONDITIONS DETERMINED BY BPA SD ADMINISTRATION.

Motion:	Nancy Spencer			As Submitted: x
Second:	Nathan Limjoco			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston			x	
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

**9. ORGANIZATIONAL MATTERS**

The next Regular meeting of the Governing Board will take place May 7th at 5:30 p.m. in person at 520 East Carmel Street, San Marcos, CA or via Zoom.

**10. ADJOURNMENT**

Motion:	Nathan Limjoco			
Second:	Nancy Spencer			
Vote:	Yes	No	Absent	
Max Eggleston			x	
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

The meeting adjourned at 6:39 PM.





**SPECIAL MEETING AGENDA OF THE GOVERNING BOARD**

**520 East Carmel Street  
San Marcos, CA 92078  
3839 East Tobler Road  
Hayden Lake, ID 83835**

**Available via Zoom at:**

*Baypoint Meetings is inviting you to a scheduled Zoom meeting.*

*Topic: Board Meeting*

*Join Zoom Meeting*

<https://zoom.us/j/93301694972?pwd=ieV5hgoYJ0FlfkecYi0kCwMW1c20ho.1>

*Meeting ID: 933 0169 4972*

*Passcode: GG2trn*

***Because board meetings are conducted in public, the zoom link is only for observing the meeting.***

**August 5, 2024 at 3:00 P.M.**

**1. CALL TO ORDER**

The meeting was called to order by \_\_\_\_\_ at \_\_\_\_\_ PM.

Our mission at Baypoint Preparatory Academy is to educate TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.

**PUBLIC COMMENT:**

If you wish to share your thoughts and suggestions with the Board, there are two ways this can be done:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written comments for the Board to the business manager ([shovencamp@baypointprep.org](mailto:shovencamp@baypointprep.org)) by 12:00 p.m. on the day of the meeting. Comments will be disseminated to the board members prior to the meeting.

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken.

The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**2. PUBLIC SESSION:**

**A. Roll Call**

Board Member	Present	Absent	Present via Conference Call
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

**3. PLEDGE OF ALLEGIANCE**

**4. REVISION/ADOPTION/ORDERING OF AGENDA**

Motion:				As Submitted:	
Second:				As Revised:	
Vote:	Yes	No	Absent		
Max Eggleston					
Galel Fajardo					
Nathan Limjoco					
Nancy Spencer					

**5. PUBLIC COMMENT (Open Session Item) -**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**A. Opportunity for the public to address the board on open session items.**

**6. INFORMATION/ DISCUSSION ITEMS**

## 7. ACTION ITEM

### A. Reimbursement Resolution

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

### B. Operating Agreement Resolution

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

### C. I-Ready Agreement

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

D. Independent Study Revisions (SB 153)

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

E. 2022-23 Teacher Assignment Monitoring Outcomes- Priority 1 Local Indicator (TAMO data)

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

F. Revised Student Parent Handbook

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

G. Lighthouse Players Agreement (Prop 28 Grant)

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**8. FUTURE AGENDA ITEMS**

- A. Frank CEO Goals for 2024-25
- B. Knowledge Saves Lives Report
- C. Employee Handbook
- D. School Safety Plan
- E. Brown Act Training

**9. ORGANIZATIONAL MATTERS**

The next Regular meeting of the Governing Board will take place September 10th at 5:30 p.m. in person at 520 East Carmel Street, San Marcos, CA or via Zoom.

**10. ADJOURNMENT**

Motion:			
Second:			
Vote:	Yes	No	Absent
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

The meeting adjourned at \_\_\_\_\_ p.m..





**SPECIAL MEETING MINUTES OF THE GOVERNING BOARD**

**520 East Carmel Street  
San Marcos, CA 92078  
3839 East Tobler Road  
Hayden Lake, ID 83835**

**Available via Zoom at:**

*Baypoint Meetings is inviting you to a scheduled Zoom meeting.*

*Topic: Board Meeting*

*Join Zoom Meeting*

<https://zoom.us/j/93301694972?pwd=ieV5hqoYJ0FlifkecYi0kCwMW1c20ho.1>

*Meeting ID: 933 0169 4972*

*Passcode: GG2trn*

***Because board meetings are conducted in public, the zoom link is only for observing the meeting.***

**August 5, 2024 at 3:00 P.M.**

**1. CALL TO ORDER**

The meeting was called to order by Galel Fajardo at 6:13 PM.

Our mission at Baypoint Preparatory Academy is to educate TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.

**PUBLIC COMMENT:**

If you wish to share your thoughts and suggestions with the Board, there are two ways this can be done:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written comments for the Board to the business manager ([shovencamp@baypointprep.org](mailto:shovencamp@baypointprep.org)) by 12:00 p.m. on the day of the meeting. Comments will be disseminated to the board members prior to the meeting.

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken.

The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**2. PUBLIC SESSION:**

**A. Roll Call**

Board Member	Present	Absent	Present via Conference Call
Max Eggleston		x	
Galel Fajardo	x		
Nathan Limjoco	x		
Nancy Spencer			x

**3. PLEDGE OF ALLEGIANCE**

**4. REVISION/ADOPTION/ORDERING OF AGENDA**

Motion:	Galel Fajardo			As Submitted:	x
Second:	Nathan Limjoco			As Revised:	
Vote:	Yes	No	Absent		
Max Eggleston			x		
Galel Fajardo	x				
Nathan Limjoco	x				
Nancy Spencer	x				

**5. PUBLIC COMMENT (Open Session Item) - N/A**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**A. Opportunity for the public to address the board on open session items.**

**6. INFORMATION/ DISCUSSION ITEMS**

## 7. ACTION ITEM

A. Reimbursement Resolution- Mr. Ogwaro provided information related to the Reimbursement Resolution related to Acquisition and Expansion of the school.

<https://drive.google.com/drive/folders/1KLLPbepxchbLms-LB2UWL-bTwE-gwpE>

Motion:	Galel Fajardo			As Submitted: x
Second:	Nathan Limjoco			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston		x		
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

B. Operating Agreement Resolution- Mr. Ogwaro addressed this.

<https://drive.google.com/drive/folders/1sFtvMutdoTPtAApyH4uViejeKgsqOlug>

Motion:	Galel Fardo			As Submitted: x
Second:	Nathan Limjoco			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston		x		
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

C. I-Ready Agreement Ms. Chaar addressed this with the board. She discussed the iready curriculum. The recommendation is to use this since we are using iready for the diagnostics and we are looking to bump up math scores. The board asked that BPA look into how much the p.d./implementation costs are for next year. What will year two look like? Sabina said she should have the contract for the Diagnostic portion shortly.

<https://drive.google.com/drive/folders/1y7i3zs2yrlNst7q1plWqp5vY2n2NB74p>

Motion:	Nathan Limjoco			As Submitted: x
Second:	Galel Fajardo			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston		x		
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

D. Independent Study Revisions (SB 153) Ms. Hovencamp addressed this. Ms. Spencer made note of a correction that needs to be made to page 6. This was approved with the correction.

[https://drive.google.com/drive/folders/1n7ZOAVtWfAUjxrIBxE3t5R\\_rPX1Y08CO](https://drive.google.com/drive/folders/1n7ZOAVtWfAUjxrIBxE3t5R_rPX1Y08CO)

Motion:	Nathan Limjoco			As Submitted:
Second:	Nancy Spencer			As Amended: x
Vote:	Yes	No	Absent	
Max Eggleston		x		
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

E. 2022-23 Teacher Assignment Monitoring Outcomes- Priority 1 Local Indicator (TAMO data)  
 Ms. Chaar addressed this.

[https://drive.google.com/drive/folders/1b93uF7286fHEeZqD8fRTQlEpyTx-yq\\_r](https://drive.google.com/drive/folders/1b93uF7286fHEeZqD8fRTQlEpyTx-yq_r)

Motion:	Galel Fajardo			As Submitted: x
Second:	Nathan Limjoco			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston		x		
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

**F. Revised Student Parent Handbook**

Ms. Hovencamp addressed this. Board suggested a couple of revisions that will be made.  
<https://drive.google.com/drive/folders/1Cd1b2aWI6toBrFnYY3G7uVYiS-YT6eFQ>

Motion:	Galel Fajardo			As Submitted:
Second:	Nathan Limjoco			As Amended: x
Vote:	Yes	No	Absent	
Max Eggleston			x	
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

**G. Lighthouse Players Agreement (Prop 28 Grant)** Ms. Chaar addressed this. Would like to approve this for the full year for all students. Zach confirmed that the money is in the budget. Approve for Fall and contingent for spring based on the number of students participating.  
<https://drive.google.com/drive/folders/1Ad-GYW6nZrI1SID908B147z169xoxgty>

Motion:	Nancy Spencer			As Submitted:
Second:	Galel Fajardo			As Amended: x
Vote:	Yes	No	Absent	
Max Eggleston			x	
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

**8. FUTURE AGENDA ITEMS**

- A. Mr. Ogwaro - CEO Goals for 2024-25- Requested that the board members have this by September 3rd.
- B. Knowledge Saves Lives Report- Mr. Ogwaro will address changes to the School Safety Plan based on the results of the visit.
- C. Employee Handbook- Pending legal review
- D. School Safety Plan- Knowledge Saves Lives recommendations
- E. Brown Act Training

**9. ORGANIZATIONAL MATTERS**

The next Regular meeting of the Governing Board will take place September 10th at 5:30 p.m. in person at 520 East Carmel Street, San Marcos, CA or via Zoom.

**10. ADJOURNMENT**

Motion:	Galel		
Second:	Nathan		
Vote:	Yes	No	Absent
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

The meeting adjourned at 4:19 p.m..





**REGULAR MEETING AGENDA OF THE GOVERNING BOARD**

On site at:

520 East Carmel Street  
San Marcos, CA 92078

Available via Zoom at:

*Join Zoom Meeting*

<https://zoom.us/j/93301694972?pwd=ieV5hgoYJ0FlfkecYi0kCwMW1c20ho.1>

Meeting ID: 933 0169 4972

Passcode: GG2trn

**DECEMBER 9th, 2024 at 5:00 P.M.**

**1. CALL TO ORDER**

The meeting was called to order by \_\_\_\_\_ at \_\_\_\_\_ p.m.

Our mission at Baypoint Preparatory Academy is to educate TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.

**Public Comment-**

If you wish to share your thoughts and suggestions with our Board, there are several ways you can do this:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written testimony or comments for the Board to the business manager ([shovencamp@baypointprep.org](mailto:shovencamp@baypointprep.org)) by 4:00 p.m. on the day of the meeting.

**2. PUBLIC SESSION:**

**A. Roll Call**

Board Member	Present	Absent	Present via Conference Call
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

**3. PLEDGE OF ALLEGIANCE**

**4. REVISION/ADOPTION/ORDERING OF AGENDA - N/A**

Motion:				As Submitted:
Second:				As Revised:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**5. PUBLIC COMMENT (Open Session)**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

A. Opportunity for the public to address the board on open session items

**6. CONSENT AGENDA**

All matters listed under the consent agenda are considered by the Board to be routine and will be approved/enacted by the Board in one motion as set forth below. Unless specifically requested by a Board member to be set for further discussion or removed from the agenda, there will be no discussion of these items prior to the Board vote. The Executive Director recommends approval of all items set forth under the Consent Agenda.

A. Minutes of the Regular Board Meeting on September 10, 2024.

6a Board Minutes for Approval

B. Minutes of the Special Board Meetings on N/A

C. The Check Registries for August, September, and October 2024.

6c Check Registries for Approval

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**7. SCHOOL REPORTS-**

- A. CEO Report -  7a CEO Report
- B. Executive Director Report-  7b Executive Director Report
- C. CBO Report-  7c CBO Report

**8. ACTION ITEMS**

- A. 2024-25 First Interim Report and Budget.  
 8a 1st Interim Report & Budget

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

- B. Draft of 2023-24 Audited Financial Statements.  
 8b Draft of Audited Financial Statements

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**C. Revised Board Meeting Schedule (meetings being changed from Tuesdays to Mondays).**

**■ 8c Revised Board Meeting Dates Schedule**

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**9. INFORMATION/ DISCUSSION ITEMS**

- a. Knowledge Saves Lives Document Review.
  - 9a Knowledge Saves Lives Report
- b.

**10. FUTURE AGENDA ITEMS**

- a. Move CEO Evaluation to the next board meeting on February 10th.
- b. LCAP first review

**11. BOARD MEMBER COMMENTS**

**12. ORGANIZATIONAL MATTERS**

The next Annual/Regular meeting of the Governing Board will take place tentatively Monday, February 10th at 5:30 p.m. via Zoom or in person at 520 East Carmel Street, San Marcos, CA.

**13. ADJOURNMENT**

Motion:			
Second:			
Vote:	Yes	No	Absent
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

The meeting adjourned at \_\_\_\_\_ p.m.





## REGULAR MEETING MINUTES OF THE GOVERNING BOARD

On site at:

520 East Carmel Street  
San Marcos, CA 92078

Available via Zoom at:

Join Zoom Meeting  
<https://zoom.us/j/93301694972?pwd=ieV5hgoYJ0FlfkecYi0kCwMW1c2Oho.1>  
Meeting ID: 933 0169 4972  
Passcode: GG2trn  
25111 E MUSTANG DR, LAGUNA HILLS, CA-NANCY'S CALLING IN location DUE TO ILLNESS  
(Per AB 2449 )

DECEMBER 9th, 2024 at 5:00 P.M.

### 1. CALL TO ORDER

The meeting was called to order by Galel Fajardo at 5:13 p.m.

Our mission at Baypoint Preparatory Academy is to educate TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.

### Public Comment-

If you wish to share your thoughts and suggestions with our Board, there are several ways you can do this:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written testimony or comments for the Board to the business manager (shovencamp@baypointprep.org) by 4:00 p.m. on the day of the meeting.

### 2. PUBLIC SESSION:

#### A. Roll Call

Board Member	Present	Absent	Present via Conference Call
Max Eggleston		X	
Galel Fajardo	X		
Nathan Limjoco	X		
Nancy Spencer			X

### 3. PLEDGE OF ALLEGIANCE

4. **REVISION/ADOPTION/ORDERING OF AGENDA** - Item 8b was removed as it was not provided in time for this meeting. Nancy Spencer's location was added to this agenda as she was ill and unable to be on site but attended the meeting via Zoom. Action item 8b was removed due to lack of audit report.

Motion:	Galel Fajardo			As Submitted:
Second:	Nathan Limjoco			As Revised:X
Vote:	Yes	No	Absent	
Max Eggleston			X	
Galel Fajardo	X			
Nathan Limjoco	X			
Nancy Spencer	X			

5. **PUBLIC COMMENT (Open Session)**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

A. Opportunity for the public to address the board on open session items

6. **CONSENT AGENDA**

All matters listed under the consent agenda are considered by the Board to be routine and will be approved/enacted by the Board in one motion as set forth below. Unless specifically requested by a Board member to be set for further discussion or removed from the agenda, there will be no discussion of these items prior to the Board vote. The Executive Director recommends approval of all items set forth under the Consent Agenda.

- A. Minutes of the Regular Board Meeting on September 10, 2024.
  - 6a Board Minutes for Approval
- B. Minutes of the Special Board Meetings on N/A
- C. The Check Registries for August, September, and October 2024.
  - 6c Check Registries for Approval

Motion:	Nathan Limjoco			As Submitted: X
Second:	Galel Fajardo			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston			X	
Galel Fajardo	X			
Nathan Limjoco	X			
Nancy Spencer	X			

**7. SCHOOL REPORTS-**

- A. CEO Report -  7a CEO Report
- B. Executive Director Report-  7b Executive Director Report
- C. CBO Report-  7c CBO Report

**8. ACTION ITEMS**

- A. 2024-25 First Interim Report and Budget. Zach shared this information with the board.  
 8a 1st Interim Report & Budget

Motion:	Nathan Limjoco			As Submitted: X
Second:	Galel Fajardo			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston			X	
Galel Fajardo	X			
Nathan Limjoco	X			
Nancy Spencer	X			

- B. Draft of 2023-24 Audited Financial Statements.  8b Draft of Audited Financial Statements  
 REMOVED. Baypoint did not receive this item in time for this meeting. This will be added to the February meeting.

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

- C. Revised Board Meeting Schedule (meetings being changed from Tuesdays to Mondays).  
 8c Revised Board Meeting Dates SchedulMARCH IS THE 10TH NOT THE 12TH

Motion:	Nancy Spencer			As Submitted:
Second:	Nathan Limjoco			As Amended: X
Vote:	Yes	No	Absent	
Max Eggleston			X	
Galel Fajardo	X			
Nathan Limjoco	X			
Nancy Spencer	X			

**9. INFORMATION/ DISCUSSION ITEMS**

- a. Knowledge Saves Lives Document Review. Frank shared this information with the board.
  - 9a Knowledge Saves Lives Report

**10. FUTURE AGENDA ITEMS**

- a. Move CEO Evaluation to the next board meeting on February 10th.
- b. LCAP first review
- c. Mid year iReady data review
- d. CAASPP comparison with SMUSD and neighboring districts
- e. Surveys follow up
- f. Updated School Safety Plan March 1st deadline
- g. Reminder to complete the Form 700 by April 1st.

**11. BOARD MEMBER COMMENTS**

**12. ORGANIZATIONAL MATTERS**

The next Annual/Regular meeting of the Governing Board will take place tentatively Monday, February 10th at 5:30 p.m. via Zoom or in person at 520 East Carmel Street, San Marcos, CA.

**13. ADJOURNMENT**

Motion:	Nathan Limjoco		
Second:	Nancy Spencer		
Vote:	Yes	No	Absent
Max Eggleston			X
Galel Fajardo	X		
Nathan Limjoco	X		
Nancy Spencer	X		

The meeting adjourned at 6:44 p.m.





**REGULAR MEETING AGENDA OF THE GOVERNING BOARD**

On site at:

520 East Carmel Street  
San Marcos, CA 92078

3839 E. Tobler Road  
Hayden Lake, ID 83835

**Available via Zoom at:**

*Join Zoom Meeting*

<https://zoom.us/j/93301694972?pwd=ieV5hgoYJ0FlfkecYi0kCwMW1c20ho.1>

Meeting ID: 933 0169 4972

Passcode: GG2trn

**FEBRUARY 10th, 2025 at 5:30 P.M.**

**1. CALL TO ORDER**

The meeting was called to order by \_\_\_\_\_ at \_\_\_\_\_ p.m.

**Our mission at Baypoint Preparatory Academy is to educate TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.**

**Public Comment-**

If you wish to share your thoughts and suggestions with our Board, there are several ways you can do this:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written testimony or comments for the Board to the business manager (shovencamp@baypointprep.org) by 4:00 p.m. on the day of the meeting.

**2. PUBLIC SESSION:**

**A. Roll Call**

Board Member	Present	Absent	Present via Conference Call
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

**3. PLEDGE OF ALLEGIANCE**

**4. REVISION/ADOPTION/ORDERING OF AGENDA**

Motion:				As Submitted:
Second:				As Revised:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**1. PUBLIC COMMENT (Closed Session)**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**ANNOUNCE CLOSED SESSION ITEMS**

**Public Employee Performance Evaluation (Government Code Section 54957(b)1)**

Employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session." ( Gov. Code § 54957(b)1):

**Opportunity for the public to address the board on closed session items**

**ADJOURN OPEN SESSION: p.m.**

**CONVENE CLOSED SESSION: p.m.**

**6. CLOSED SESSION**

**Public Employee Performance Evaluation (Government Code Section 54957(b)1)**

CEO: Frank Ogwaro

2024-2025 Performance Goals

**ADJOURN CLOSED SESSION: p.m.**  
**RECONVENE OPEN SESSION: p.m.**

**REPORT OF ACTION TAKEN IN CLOSED SESSION:**

**6. CONSENT AGENDA**

All matters listed under the consent agenda are considered by the Board to be routine and will be approved/enacted by the Board in one motion as set forth below. Unless specifically requested by a Board member to be set for further discussion or removed from the agenda, there will be no discussion of these items prior to the Board vote. The Executive Director recommends approval of all items set forth under the Consent Agenda.

- A. Minutes of the Regular Board Meeting on December 9, 2024.
  - 6A. Board Minutes
- B. Minutes of the Special Board Meetings on N/A
- C. The Check Registries for
  - 6c Check Registries

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**7. SCHOOL REPORTS-**

- A. CEO Report -  7a CEO Report
  - a. AI-Powered Curriculum
- B. Executive Director Report-  7b Executive Director Report
  - a. SARC Report  
<https://sarconline.org/public/summary/37771720138099/2023-2024>
  - b. Mid year data update-iReady, etc
  - c. Community Schools Grant
  - d. Mid year review of LCAP
- C. CBO Report-  7c CBO Report

## 8. ACTION ITEMS

### A. 2023-24 Audited Financial Statements

#### 8A. 2023-24 Audited Financial Statements

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

### B. 2024-25 New Staff.

#### 8B. 2024-25 New Staff

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

### C. Review and Ratification of BPA Tenant Improvement Proposal

#### 8C. Review and Ratification of Tenant Improvements

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

D. Resolution to Authorize Borrowing On a Line of Credit  
 8D Resolution to Authorize borrowing on a line of credit

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**9. INFORMATION/ DISCUSSION ITEMS**

a.

**10. FUTURE AGENDA ITEMS**

- a. Form 700 due April 1st
- b. Annual Brown Act Training and Annual Ethics Training due June
- c. School Safety Plan changes to be added for June agenda
  - 10c School Safety Plan
- d. Audit proposal for approval due April 1st

**11. BOARD MEMBER COMMENTS**

**12. ORGANIZATIONAL MATTERS**

The next Annual/Regular meeting of the Governing Board will take place tentatively on Monday, March 10th at 5:30 p.m. via Zoom or in person at 520 East Carmel Street, San Marcos, CA.

**13. ADJOURNMENT**

Motion:	
---------	--

Second:			
Vote:	Yes	No	Absent
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

The meeting adjourned at \_\_\_\_\_ p.m.





**REGULAR MEETING MINUTES OF THE GOVERNING BOARD**

On site at:

**520 East Carmel Street  
San Marcos, CA 92078**

**3839 E. Tobler Road  
Hayden Lake, ID 83835**

**Available via Zoom at:**

*Join Zoom Meeting*

<https://zoom.us/j/93301694972?pwd=jeV5hgoYJ0FlfkccYi0kCwMW1c20ho.1>

Meeting ID: 933 0169 4972

Passcode: GG2trn

**FEBRUARY 10th, 2025 at 5:30 P.M.**

**1. CALL TO ORDER**

The meeting was called to order by Galel Fajardo at 5:32 p.m.

**Our mission at Baypoint Preparatory Academy is to educate TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.**

**Public Comment-**

If you wish to share your thoughts and suggestions with our Board, there are several ways you can do this:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written testimony or comments for the Board to the business manager ([shovencamp@baypointprep.org](mailto:shovencamp@baypointprep.org)) by 4:00 p.m. on the day of the meeting.

**2. PUBLIC SESSION:**

**A. Roll Call**

<u>Board Member</u>	<u>Present</u>	<u>Absent</u>	<u>Present via Conference Call</u>
Max Eggleston	x		
Galel Fajardo	x		
Nathan Limjoco		x	
Nancy Spencer			x

**3. PLEDGE OF ALLEGIANCE**

**4. REVISION/ADOPTION/ORDERING OF AGENDA**

Motion:	Galel Fajardo			As Submitted: <input checked="" type="checkbox"/>
Second:	Max Eggleston			As Revised:
Vote:	Yes	No	Absent	
Max Eggleston	<input checked="" type="checkbox"/>			
Galel Fajardo	<input checked="" type="checkbox"/>			
Nathan Limjoco			<input checked="" type="checkbox"/>	
Nancy Spencer	<input checked="" type="checkbox"/>			

**1. PUBLIC COMMENT (Closed Session)**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**ANNOUNCE CLOSED SESSION ITEMS**

**Public Employee Performance Evaluation (Government Code Section 54957(b)1)**

Employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session." ( Gov. Code § 54957(b)1):

**Opportunity for the public to address the board on closed session items**

**ADJOURN OPEN SESSION: 5:34 p.m.**

**CONVENE CLOSED SESSION: 5:41 p.m.**

Nathan Limjoco arrived at 6:00 p.m.

**6. CLOSED SESSION**

**Public Employee Performance Evaluation (Government Code Section 54957(b)1)**

CEO: Frank Ogwaro

2024-2025 Performance Goals

**ADJOURN CLOSED SESSION: 6:24p.m.  
RECONVENE OPEN SESSION: 6:32 p.m**

**REPORT OF ACTION TAKEN IN CLOSED SESSION: NO ACTION**

**6. CONSENT AGENDA**

All matters listed under the consent agenda are considered by the Board to be routine and will be approved/enacted by the Board in one motion as set forth below. Unless specifically requested by a Board member to be set for further discussion or removed from the agenda, there will be no discussion of these items prior to the Board vote. The Executive Director recommends approval of all items set forth under the Consent Agenda.

- A. Minutes of the Regular Board Meeting on December 9, 2024.
  - 6A. Board Minutes
- B. Minutes of the Special Board Meetings on N/A
- C. The Check Registries for
  - 6c Check Registries

Motion:	Max Eggleston			As Submitted: x
Second:	Nathan Limjoco			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston	x			
Galei Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

**7. SCHOOL REPORTS-**

- A. CEO Report -  7a CEO Report Frank shared a Powerpoint Presentation.
  - a. AI-Powered Curriculum
- B. Executive Director Report-  7b Executive Director Report Sabina presented the Executive Director Powerpoint Presentation.
  - a. SARC Report  
<https://sarconline.org/public/summary/37771720138099/2023-2024>
  - b. Mid year data update-iReady, etc- Sabina shared the data
  - c. Community Schools Grant

d. Mid year review of LCAP- Sabina shared and reviewed the LCAP. Zach discussed the Actuals on the LCAP. Zach reviewed the Impact to Budget Overview for Parents. Addressed the impact of the loss of enrollment.

C. CBO Report-  7c CBO Report Zach presented the CBO Report.

## 8. ACTION ITEMS

A. 2023-24 Audited Financial Statements- Zach reviewed the Audited financial statements.

8A. 2023-24 Audited Financial Statements

Motion:	Galel Fajardo			As Submitted: x
Second:	Max Eggleston			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston	x			
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

B. 2024-25 New Staff.

8B. 2024-25 New Staff

Motion:	Galel Fajardo			As Submitted: x
Second:	Nathan Limjoco			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston	x			
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

C. Review and Ratification of BPA Tenant Improvement Proposal. Tabled to next board meeting  8C. Review and Ratification of Tenant Improvements - Frank will put together the additional #'s for approval at the next board meeting.

Motion:	Galel Fajardo			As Submitted: Tabled
Second:	Max Eggleston			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston	x			
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

**D. Resolution to Authorize Borrowing On a Line of Credit**  
 8D Resolution to Authorize borrowing on a line of credit

Motion:	Galel Fajardo			As Submitted: x
Second:	Nathan Limjoco			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston	x			
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

**9. INFORMATION/ DISCUSSION ITEMS**

a.

**10. FUTURE AGENDA ITEMS**

- a. Form 700 due April 1st
- b. Annual Brown Act Training and Annual Ethics Training due June
- c. School Safety Plan changes to be added for June agenda  
 10c School Safety Plan
- d. Audit proposal for approval due April 1st

**11. BOARD MEMBER COMMENTS**

**12. ORGANIZATIONAL MATTERS**

The next Annual/Regular meeting of the Governing Board will take place tentatively on Monday, March 10th at 5:30 p.m. via Zoom or in person at 520 East Carmel Street, San Marcos, CA.

**13. ADJOURNMENT**

Motion:	Nathan Limjoco		
Second:	Max Eggleston		
Vote:	Yes	No	Absent
Max Eggleston	x		
Galel Fajardo	x		
Nathan Limjoco	x		
Nancy Spencer	x		

The meeting adjourned at 8:43 p.m.





**REGULAR MEETING AGENDA OF THE GOVERNING BOARD**

**On site at:**

**520 East Carmel Street  
San Marcos, CA 92078**

**3839 E. Tobler Road  
Hayden Lake, ID 83835**

**Available via Zoom at:**

*Join Zoom Meeting*

<https://zoom.us/j/93301694972?pwd=ieV5hgoYJ0FlfkecYi0kCwMW1c20ho.1>

*Meeting ID: 933 0169 4972*

*Passcode: GG2trn*

**MARCH 10th, 2025 at 5:30 P.M.**

**1. CALL TO ORDER**

The meeting was called to order by \_\_\_\_\_ at \_\_\_\_\_ p.m.

Our mission at Baypoint Preparatory Academy is to educate TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.

**Public Comment-**

If you wish to share your thoughts and suggestions with our Board, there are several ways you can do this:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written testimony or comments for the Board to the business manager (shovencamp@baypointprep.org) by 4:00 p.m. on the day of the meeting.

**2. PUBLIC SESSION:**

**A. Roll Call**

Board Member	Present	Absent	Present via Conference Call
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

**3. PLEDGE OF ALLEGIANCE**

**4. REVISION/ADOPTION/ORDERING OF AGENDA**

Motion:				As Submitted:
Second:				As Revised:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**1. PUBLIC COMMENT (Closed Session)**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**ANNOUNCE CLOSED SESSION ITEMS**

**Conference with Real Property Negotiator (Gov. Code Section 54956.8)**

Property: 520 East Carmel Drive, San Marcos, CA 92078

Negotiator: Frank Ogwaro

Negotiating Party: 520 East Carmel Drive LLC

Purchase and/or Lease Agreement

**Opportunity for the public to address the board on closed session items**

**ADJOURN OPEN SESSION: p.m.**

**CONVENE CLOSED SESSION: p.m.**

**6. CLOSED SESSION**

**Conference with Real Property Negotiator (Gov. Code Section 54956.8)**

**ADJOURN CLOSED SESSION: p.m.**  
**RECONVENE OPEN SESSION: p.m**

**REPORT OF ACTION TAKEN IN CLOSED SESSION:**

**6. CONSENT AGENDA**

All matters listed under the consent agenda are considered by the Board to be routine and will be approved/enacted by the Board in one motion as set forth below. Unless specifically requested by a Board member to be set for further discussion or removed from the agenda, there will be no discussion of these items prior to the Board vote. The Executive Director recommends approval of all items set forth under the Consent Agenda.

- A. Minutes of the Regular Board Meeting on February 10, 2025.
  - Minutes of Regular Board Meeting
- B. Minutes of the Special Board Meetings on N/A
- C. Check Registries - January 2025.
  - Check Register

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**7. SCHOOL REPORTS-**

- A. CEO Report - N/A
- B. Executive Director Report- Update
- C. CBO Report- See Action Item A.

**8. ACTION ITEMS**

- A. 2024-25 2nd Interim Report and Budget Update
  - 2024-25 2nd Interim Report & Budget Update

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				

San Marcos Unified School District  
 Staff Report and Findings & accs-feb26item02  
 Baypoint Preparatory Academy—San Diego Response Attachment 4  
 to Staff report and Findings Page 69 of 113

Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**B. Review and Ratification of BPA Tenant Improvement Proposal (tabled from February Board Meeting)**

**BPA Tenant Improvement Proposal**

<b>Motion:</b>				<b>As Submitted:</b>
<b>Second:</b>				<b>As Amended:</b>
<b>Vote:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**C. Independent Auditor Selection for 2025-26 for audit and taxes (due April 1st)**

**Independent Auditor Selection**

<b>Motion:</b>				<b>As Submitted:</b>
<b>Second:</b>				<b>As Amended:</b>
<b>Vote:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**D. BPA 2025-26 Calendar**

**2025-26 Calendar**

<b>Motion:</b>				<b>As Submitted:</b>
<b>Second:</b>				<b>As Amended:</b>
<b>Vote:</b>	<b>Yes</b>	<b>No</b>	<b>Absent</b>	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

E. New 2024-25 Staffing  
■ 2024-25 Staffing

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

F. Children's Arts & More (Art Grant Funding)  
■ Children's Arts & More

Motion:				As Submitted:
Second:				As Amended:
Vote:	Yes	No	Absent	
Max Eggleston				
Galel Fajardo				
Nathan Limjoco				
Nancy Spencer				

**9. INFORMATION/ DISCUSSION ITEMS**

a.

**10. FUTURE AGENDA ITEMS**

- a. Form 700 due April 1st
- b. Annual Brown Act Training and Annual Ethics Training (need certificate) due June
- c. School Safety Plan changes to be added for June agenda
- d.

**11. BOARD MEMBER COMMENTS**

**12. ORGANIZATIONAL MATTERS**

The next Annual/Regular meeting of the Governing Board will take place tentatively on Monday, May 12th at 5:30 p.m. via Zoom or in person at 520 East Carmel Street, San Marcos, CA.

**13. ADJOURNMENT**

Motion:			
Second:			
Vote:	Yes	No	Absent
Max Eggleston			
Galel Fajardo			
Nathan Limjoco			
Nancy Spencer			

The meeting adjourned at \_\_\_\_\_ p.m.





**REGULAR MEETING MINUTES OF THE GOVERNING BOARD**

**On site at:**

**520 East Carmel Street  
San Marcos, CA 92078**

**3839 E. Tobler Road  
Hayden Lake, ID 83835**

**Available via Zoom at:**

*Join Zoom Meeting*

<https://zoom.us/j/93301694972?pwd=ieV5hgoYJ0FlfkecYi0kCwMW1c20ho.1>

**Meeting ID: 933 0169 4972**

**Passcode: GG2trn**

**MARCH 10th, 2025 at 5:30 P.M.**

**1. CALL TO ORDER**

The meeting was called to order by Galel Fajardo at 5:36 p.m.

**Our mission at Baypoint Preparatory Academy is to educate TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.**

**Public Comment-**

If you wish to share your thoughts and suggestions with our Board, there are several ways you can do this:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written testimony or comments for the Board to the business manager (shovencamp@baypointprep.org) by 4:00 p.m. on the day of the meeting.

**2. PUBLIC SESSION:**

**A. Roll Call**

Board Member	Present	Absent	Present via Conference Call
Max Eggleston		x	
Galel Fajardo	x		
Nathan Limjoco	x		
Nancy Spencer			x

**3. PLEDGE OF ALLEGIANCE**

**4. REVISION/ADOPTION/ORDERING OF AGENDA**

Motion:	Galel Fajardo			As Submitted: <input checked="" type="checkbox"/>
Second:	Nathan Limjoco			As Revised:
Vote:	Yes	No	Absent	
Max Eggleston			<input checked="" type="checkbox"/>	
Galel Fajardo	<input checked="" type="checkbox"/>			
Nathan Limjoco	<input checked="" type="checkbox"/>			
Nancy Spencer	<input checked="" type="checkbox"/>			

**PUBLIC COMMENT (Closed Session)**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**ANNOUNCE CLOSED SESSION ITEMS**

**Conference with Real Property Negotiator (Gov. Code Section 54956.8)**

Property: 520 East Carmel Drive, San Marcos, CA 92078

Negotiator: Frank Ogwara

Negotiating Party: 520 East Carmel Drive LLC

Purchase and/or Lease Agreement

**Opportunity for the public to address the board on closed session items**

**ADJOURN OPEN SESSION: 5:38 p.m.**

**CONVENE CLOSED SESSION: 5:38 p.m.**

**5. CLOSED SESSION**

**Conference with Real Property Negotiator (Gov. Code Section 54956.8)**

**ADJOURN CLOSED SESSION: 6:33 p.m.**  
**RECONVENE OPEN SESSION: 6:33 p.m.**

**REPORT OF ACTION TAKEN IN CLOSED SESSION: None.**

## **6. CONSENT AGENDA**

All matters listed under the consent agenda are considered by the Board to be routine and will be approved/enacted by the Board in one motion as set forth below. Unless specifically requested by a Board member to be set for further discussion or removed from the agenda, there will be no discussion of these items prior to the Board vote. The Executive Director recommends approval of all items set forth under the Consent Agenda.

- A. Minutes of the Regular Board Meeting on February 10, 2025.
  - Minutes of Regular Board Meeting
- B. Minutes of the Special Board Meetings on N/A
- C. Check Registries - January 2025.
  - Check Register

Motion:	Nathan Limjoco			As Submitted: x
Second:	Galel Fajardo			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston			x	
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

## **7. SCHOOL REPORTS-**

- A. CEO Report - N/A
- B. Executive Director Report-
- C. CBO Report- See Action Item A.

## **8. ACTION ITEMS**

- A. 2024-25 2nd Interim Report and Budget Update - Zach reviewed the Report and provided the budget update.
  - 2024-25 2nd Interim Report & Budget Update

Motion:	Nathan Limjoco			As Submitted: x
Second:	Nancy Spencer			As Amended:
Vote:	Yes	No	Absent	

Max Eggleston		x	
Galel Fajardo	x		
Nathan Limjoco	x		
Nancy Spencer	x		

B. Review and Ratification of BPA Tenant Improvement Proposal (tabled from February Board Meeting) Frank reviewed the anticipated expansion costs.

■ BPA Tenant Improvement Proposal

Motion:	Galel Fajardo			As Submitted: x
Second:	Nancy Spencer			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston			x	
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

C. Independent Auditor Selection for 2025-26 for audit and taxes (due April 1st)

■ Independent Auditor Selection

Motion:	Galel Fajardo			As Submitted: x
Second:	Nathan Limjoco			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston			x	
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

D. BPA 2025-26 Calendar

■ 2025-26 Calendar

Change start date. August 18th - change bottom of calendar.

Motion:	Galel Fajardo			As Submitted:
Second:	Nathan Limjoco			As Amended: x
Vote:	Yes	No	Absent	
Max Eggleston			x	
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

**E. New 2024-25 Staffing**

2024-25 Staffing

Motion:	Galel Fajardo			As Submitted: x
Second:	Nathan Limjoco			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston			x	
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

**F. Children's Arts & More (Art Grant Funding)**

Children's Arts & More

Motion:	Galel Fajardo			As Submitted: x
Second:	Nathan Limjoco			As Amended:
Vote:	Yes	No	Absent	
Max Eggleston			x	
Galel Fajardo	x			
Nathan Limjoco	x			
Nancy Spencer	x			

**9. INFORMATION/ DISCUSSION ITEMS**

a.

**10. FUTURE AGENDA ITEMS**

- a. Form 700 due April 1st
- b. Annual Brown Act Training and Annual Ethics Training (need certificate) due June
- c. School Safety Plan changes to be added for June agenda
- d. CCI Agreement - Share with board members
- e. LCAP - Reviewed at ESWED
- f. Agreements related to acquisition of facility- add to agendas as a matter of transparency

**11. BOARD MEMBER COMMENTS**

**12. ORGANIZATIONAL MATTERS**

The next Annual/Regular meeting of the Governing Board will take place tentatively on Monday, May 12th at 5:30 p.m. via Zoom or in person at 520 East Carmel Street, San Marcos, CA.

**13. ADJOURNMENT**

Motion:	Galel Fajardo		
Second:	Nathan Limjoco		
Vote:	Yes	No	Absent
Max Eggleston			x
Galel Fajardo	x		
Nathan Limjoco	x		
Nancy Spencer	x		

The meeting adjourned at 7:10 p.m.

# EXHIBIT 2



Baypoint Preparatory Academy  
520 E. Carmel St. San Marcos, CA. 92078

08/04/2025

**VIA ELECTRONIC MAIL**

Erin Garcia  
Assistant Superintendent, Business Services  
San Marcos Unified School District  
255 Pico Avenue, Suite 250  
San Marcos, CA 92069

Re: Response and Corrective Action Plan to Notice of Substantial Fiscal and Governance Factors and Concerns Pursuant to Education Code Section 47607(e)

Dear Ms. Garcia,

On behalf of Baypoint Preparatory Academy-San Diego (“BPA-SD”), I respectfully provide this response to the “Notice of Substantial Fiscal and Governance Factors and Concerns Pursuant to Education Code section 47607(e)” (“Notice”) dated July 3, 2025 and issued by the San Marcos Unified School District (“District”), as well as the corrective action plan.

The BPA-SD Board of Directors will review the Notice and this response at its upcoming meeting scheduled on August 4, 2025. The BPA-SD leadership team was very surprised by the District’s alleged concerns. After each of the school’s annual site visits over the current charter term, the California Department of Education consistently determined that BPA-SD “is in compliance with the BPA-SD charter petition, and the Memorandum of Understanding between the California State Board of Education and BPA-SD.” (See enclosed letter re: “Summary of Annual Site Visit for Baypoint Preparatory Academy, Conducted on November 19, 2024.”) As explained in more detail below, there is no basis to deny the BPA-SD charter renewal.

Education Code section 47607(e) is only intended to be used for a “high” performing charter school when it has a fiscal or governance factor that is so substantial, it would cause the school to be demonstrably unlikely to successfully implement its own current charter petition. When a school has that kind of fiscal or governance problem—a problem so grave that it cannot successfully operate the school program any longer—Education Code section 47607(e) allows the chartering authority to deny charter renewal only after at least 30 days’ notice to the school and a reasonable opportunity to cure. Because of the gravity of such a decision, denial of charter renewal under section 47607(e) also requires a finding that to the extent there are ongoing violations of law or the charter, the school’s corrective action plan has been unsuccessful, or the violations are so severe and pervasive that a corrective action plan is unviable, among other required findings to deny.

Denying renewal of the BPA-SD charter would be an extreme decision by the District to potentially close a quality public school that has been placed for two consecutive years in the

“high” performing track for purposes of charter renewal. BPA-SD’s students outperformed the State average based on all indicators on the most recent California School Dashboard, and have also experienced growth in English Language Arts and Math. Families choosing BPA-SD seek an alternative educational experience distinct from both private and traditional public schools. BPA-SD’s value is in offering a unique program for families in San Marcos as well as in contiguous districts. If the school’s charter renewal is denied, BPA-SD students and families could be uprooted from the small and individualized learning environment where they have found academic success, established close personal relationships and feel safe and secure. Denying renewal would not be in the best interest of these families, the San Marcos community, or the District. It certainly would not be in the best interest of students currently attending BPA-SD. The most vulnerable student populations, many of whom require and thrive in a small school culture that addresses their unique needs, would be significantly affected by this. The concerns identified in the Notice do not rise to the level of support to deny under Education Code section 47607(e) because they do not impact whether BPA-SD can successfully implement the petition. We have responded to each of the concerns below:

#### **RESPONSE TO “FISCAL FACTORS”**

This entire section of the Notice is based on District staff’s opinion that BPA-SD will not be able to reach the enrollment projections in the renewal charter and budget. This is not an appropriate basis to deny renewal of any charter school under section 47607(e), let alone one in the “high” track such as BPA-SD.

BPA-SD was established to meet the community’s request for a charter five-day-a-week, seat-based program. The school opened in August 2018 and operated out of a leased 5,000 sq. ft. facility at 1175 Linda Vista Rd. in San Marcos. The facility offered a large learning bay and three classrooms with a restricted onsite capacity of 130 students. The school planned to expand by occupying a portion of an existing church building to accommodate the enrollment growth plan. While city permits were being finalized, BPA-SD operated in the Boys & Girls Club and at the North County Regional Education Center to accommodate the additional students. The unforeseen COVID-19 pandemic prevented the initial enrollment projections outlined in the current petition from materializing. The facility’s student capacity limitations, compounded by the pivot to distance learning, ultimately restricted enrollment growth.

Undeterred, BPA-SD started searching for a new facility during the pandemic to accommodate the growing needs. BPA-SD examined and reviewed 106 properties before securing the current location at 520 E. Carmel St. in San Marcos. BPA-SD has invested approximately \$4 million in improvements in order to meet all of the conditions necessary to operate a school in this facility. These improvements included crucial safety enhancements to the facility, as well as collaborating with the City of San Marcos to upgrade public infrastructure to the surrounding streets. BPA-SD has finally secured a permanent home, ensuring long-term stability for students, families and staff. BPA-SD values the relationships built to make this milestone possible.

Despite the preceding background challenges, BPA-SD has successfully demonstrated the ability to consistently align expenses with actual revenues while establishing a charter school in the San Marcos community. BPA-SD has a proven track record of fiscal soundness, having generated substantial reserves in order to complete the current facility improvements, without compromising the academic program as demonstrated by the BPA-SD’s two year high

performance track status. In addition, these substantial reserves offset the 2024-25 school year preserving program continuity and school operations. BPA-SD is a staple in San Marcos, serving students from San Marcos, Escondido, Vista, and Carlsbad. BPA-SD is an essential option for many families who work in San Marcos.

#### **A. Student Enrollment and ADA**

The enrollment projections in BPA-SD's renewal charter and budget are reasonable and based on actual growth before the 2024-25 school year. BPA-SD had 280 students enrolled at the beginning of the 2024-25 school year, however, a negative campaign against the school impacted enrollment. Prior to last year, the enrollment had steadily grown from 151 students in the 2020-21 school year to 237 in the 2023-24 school year (peaking at 255). The estimate for 2025-26 of 225 students is conservative and would put the school back on track to BPA-SD's growth enrollment trend.

Currently, BPA-SD has 240 students who have completed the enrollment process for the upcoming school year. During the first two weeks of school, enrollment typically stabilizes as the school confirms which students are officially attending. Anticipating that some may not attend, BPA-SD conservatively budgeted for 225 students. These are realistic estimates based on actual enrolled students. The school does not depend on an interest list to gauge potential enrollment commitments, thereby mitigating the risk of inappropriately staffing to serve enrollment growth or decline. Instead, the school has adopted a three-step process to confirm families' enrollment commitment. BPA-SD has received approximately 137 new student applications for the 2025-26 school year. Given a 92.6% retention rate (excluding outgoing 8th graders), this indicates a total enrollment interest of approximately 287 students of which 240 students have completed the three-step process. BPA-SD expects to be fully enrolled this fall and maintain a waitlist consistent with previous years. The law does not require that petitioners submit "evidence of a significant and verifiable waitlist" with a renewal petition. Doing so would likely be a violation of the Family Educational Rights and Privacy Act.

The ADA rate information in the Notice is inaccurate. BPA-SD's budget of 95% assumption aligns with the actual historical figures. BPA-SD's ADA rate was 94.32% in 2022-23 (P2), 95.01% in 2023-24 (P2), and 94.89% in 2024-25 (P2). Furthermore, we have shown the ability to make the necessary adjustments to ensure the educational program is not compromised due to any attendance fluctuations.

BPA-SD's renewal budget is presented as a strategic financial plan but is subject to necessary adjustments. BPA-SD's leadership team has consistently demonstrated the ability to promptly adjust expenditures with revenues. This adjustment is reviewed during monthly meetings with the school's leadership team and the back office accounting firm. Internally, the school's leadership conducts weekly meetings to monitor both operational and fiscal health. This proactive and responsive operational and financial management ensures BPA-SD's ability to adapt to changing financial circumstances. BPA-SD's leadership team is confident that the high quality educational program, the academic performance record, and the planned facility expansion will lead to steady enrollment growth during the renewal term.

## **B. District's Recalculation of MYP**

In this section of the Notice, District staff recalculated BPA-SD's renewal budget based on the District's arbitrary enrollment projections, and concluded that BPA-SD would be in deficit spending during the renewal term and eventually deplete the reserves to only 0.5%. Please see the response above about enrollment projections. BPA-SD has 240 students enrolled for next year, therefore BPA-SD is on track to successfully meet the projections in the charter renewal budget. The concerns in this section of the Notice are moot.

## **C. Proposal to incur Debt for Facility Improvements**

BPA-SD's agrees with District staff that the annual facility lease payment included in the renewal budget is reasonable. As explained above, BPA-SD is on track to successfully meet the enrollment and revenue projections in the charter renewal budget, therefore the concerns in this section of the Notice are moot.

## **D. SB 740 – Charter School Facility Grant Revenue**

BPA-SD understands that no revenue source is guaranteed over the long run. When preparing a budget, BPA-SD relies on the information that is currently and reasonably available. BPA-SD's renewal budget was prepared with the assistance of financial consultants and experts with many years of experience with the SB 740 program and facility expansion projects. The BPA-SD budget is reasonable, and the school is confident in the ability to successfully meet the enrollment and revenue projections, as has been historically proven.

## **RESPONSE TO “GOVERNANCE FACTORS”**

The vague allegation about “a lack of fiscal responsibility” is completely unwarranted. BPA-SD and its leadership have consistently demonstrated fiscal stability, having successfully managed two state board-approved charter schools without any fiscal or governance concerns or violations, and two unanimous renewal approvals from the District. BPA-SD has a demonstrated history of fiscal soundness, particularly in the ability to adjust expenditures in response to any enrollment fluctuations. There is zero evidence in the Notice that BPA-SD lacks fiscal responsibility. District staff's opinion that BPA-SD may not be able to meet the enrollment projections is unfounded, as explained above.

As for the Brown Act concern, there is no dispute that a quorum of the BPA-SD Board participated in the five meetings identified in the Notice, and a majority of the quorum voted in favor of each item. However, BPA-SD recognizes that the meetings did not fully comply with the Brown Act's teleconference rules, so BPA-SD is taking corrective actions as described below.

## **CORRECTIVE ACTION PLAN**

Although the Notice does not contain any basis to deny renewal under Education Code section 47607(e), BPA-SD provides the following corrective action plan:

1. If BPA-SD does not reach enrollment of 225 students during the 2025-26 school year, the school will implement a plan to reduce expenditures without negatively impacting student services. For example, BPA-SD has the ability to remove the long-term substitute

teacher position, reduce leadership team compensation, reduce classified positions, and/or combine grade levels that may not be at capacity.

2. BPA-SD will ratify all action items from the meetings identified in the Notice at a Board meeting currently scheduled for August 4, 2025.
3. All BPA-SD Board members and key personnel recently participated and completed additional Brown Act training facilitated by the Charter Schools Development Center.
4. BPA-SD will continue to require annual Brown Act training for the Board members and key personnel.

Thank you very much for taking the time to carefully read and consider this response. BPA-SD looks forward to answering any questions during the District's board meeting on August 14, 2025.

Sincerely,



Frank Ogwaro  
Chief Executive Officer  
Baypoint Preparatory Academy-San Diego

Enclosure:

Summary of Annual Site Visit for Baypoint Preparatory Academy, Conducted on November 19, 2024.



**CALIFORNIA DEPARTMENT  
OF EDUCATION**

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

**TONY THURMOND**  
STATE SUPERINTENDENT OF  
PUBLIC INSTRUCTION

May 28, 2025

*Communication Sent via Email*

Galel Fajardo, Board Chair  
Sabina Chaar, Executive Director  
Frank Ogwaro, Chief Executive Officer  
Baypoint Preparatory Academy  
520 East Carmel Street  
San Marcos, CA 92078

Dear Board Chair Galel Fajardo, Executive Director Sabina Chaar, and Chief Executive Officer Frank Ogwaro:

Subject: Summary of Annual Site Visit for Baypoint Preparatory Academy, Conducted on November 19, 2024

Thank you for the opportunity to visit Baypoint Preparatory Academy (BPA). The California Department of Education (CDE) appreciates the preparation and work by BPA before and during the site visit.

Based on interviews conducted with school leadership and staff, and through classroom observations and information gathered, the CDE has determined that BPA is in compliance with the BPA charter petition, and the Memorandum of Understanding between the California State Board of Education and BPA.

The CDE will continue to monitor the academic performance and fiscal viability of BPA, which could result in the CDE requesting a written response, action plan, or additional documentation.

If you have any questions regarding this letter, please contact Soledad Gutierrez, Education Programs Consultant, by phone at 916-323-5833 or by email at [sgutierrez@cde.ca.gov](mailto:sgutierrez@cde.ca.gov).

Sincerely,

/c/

Craig Heimbichner, Education Administrator  
Charter Schools Division

Galel Fajardo, Board Chair  
Sabina Chaar, Executive Director  
Frank Ogwaro, Chief Executive Officer  
May 28, 2025  
Page 2

CH:sg

cc: Susan Park, Director, Charter Schools Division  
Brooks Allen, Executive Director, California State Board of Education  
Len Garfinkel, General Counsel, Legal, Audits, and Charters Branch

*Sent via Email to:*

[gfajardo@baypointprep.org](mailto:gfajardo@baypointprep.org)  
[schaar@baypointprep.org](mailto:schaar@baypointprep.org)  
[fogwaro@baypointprep.org](mailto:fogwaro@baypointprep.org)

# EXHIBIT 3

San Marcos Unified School District  
 Staff Report and Findings &  
 Baypoint Preparatory Academy—San Diego Response  
 to Staff report and Findings

accs-feb26item02  
 Attachment 4  
 Page 88 of 113

5/30/25, 9:51 AM

PLSIS (baypointsd)

## Gradelevel Summary

### Baypoint Preparatory Academy San Diego

Report criteria: Gradelevels: TK,KN,01,02,03,04,05,06,07,08,09,10,11,12, Range: Manually Specified (10/05/2022 - 10/05/2022), 2022 - 2023

Generated on: Fri, May 30, 2025 - 9:51 am

#### Gradelevel Summary

Grade Level	A # Days Taught	B Enrollments Carried Fwd	C Gains	D Total Enrollment [B+C]	E Losses	F Ending Enrollment [D-E]	G Days Not Enrolled	H Days Non- Apport	I Total Apport [A*D-G-H]	J Total ADA [I/A]	K % Apport [I / (A*D-G)]
TK	A: 1	6	0	6	0	6	0	1	5	5	83.333333333333%
KN	A: 1	36	0	36	0	36	0	2	34	34	94.444444444444%
01	A: 1	27	0	27	0	27	0	0	27	27	100%
02	A: 1	24	0	24	0	24	0	1	23	23	95.833333333333%
03	A: 1	20	0	20	0	20	0	0	20	20	100%
Total TK, KN, 01, 02, 03	A: 1	113	0	113	0	113	0	4	109	109	96.46017699115%
04	A: 1	25	0	25	0	25	0	1	24	24	96%
05	A: 1	20	0	20	0	20	0	1	19	19	95%
06	A: 1	17	0	17	0	17	0	0	17	17	100%
Total 04 - 06	A: 1	62	0	62	0	62	0	2	60	60	96.774193548387%
07	A: 1	16	0	16	0	16	0	0	16	16	100%
08	A: 1	8	0	8	0	8	0	1	7	7	87.5%
Total 07 - 08	A: 1	24	0	24	0	24	0	1	23	23	95.833333333333%
09	A: 1	0	0	0	0	0	0	0	0	0	0%
10	A: 1	0	0	0	0	0	0	0	0	0	0%
11	A: 1	0	0	0	0	0	0	0	0	0	0%
12	A: 1	0	0	0	0	0	0	0	0	0	0%
Total 09 - 12	A: 1	0	0	0	0	0	0	0	0	0	0%
Total All	A: 1	199	0	199	0	199	0	7	192	192	96.482412060301%

San Marcos Unified School District  
 Staff Report and Findings &  
 Baypoint Preparatory Academy—San Diego Response  
 to Staff report and Findings

accs-feb26item02  
 Attachment 4  
 Page 89 of 113

5/30/25, 9:50 AM

PLSIS (baypointsa)

## Gradelevel Summary

### Baypoint Preparatory Academy San Diego

Report criteria: Gradelevels: TK,KN,01,02,03,04,05,06,07,08,09,10,11,12, Range: Manually Specified (10/04/2023 - 10/04/2023), 2023 - 2024

Generated on: Fri, May 30, 2025 - 9:50 am

#### Gradelevel Summary

Grade Level	A # Days Taught	B Enrollments Carried Fwd	C Gains	D Total Enrollment [B+C]	E Losses	F Ending Enrollment [D-E]	G Days Not Enrolled	H Days Non- Apport	I Total Apport [A*D-G-H]	J Total ADA [I/A]	K % Apport [I / (A*D-G)]
TK	A: 1	24	0	24	0	24	0	1	23	23	95.833333333333%
KN	A: 1	32	0	32	0	32	0	1	31	31	96.875%
01	A: 1	42	0	42	0	42	0	0	42	42	100%
02	A: 1	24	0	24	0	24	0	2	22	22	91.666666666667%
03	A: 1	26	0	26	1	25	0	2	24	24	92.307692307692%
Total TK, KN, 01, 02, 03	A: 1	148	0	148	1	147	0	6	142	142	95.945945945946%
04	A: 1	20	0	20	0	20	0	0	20	20	100%
05	A: 1	24	0	24	0	24	0	0	24	24	100%
06	A: 1	23	0	23	0	23	0	0	23	23	100%
Total 04 - 06	A: 1	67	0	67	0	67	0	0	67	67	100%
07	A: 1	12	0	12	0	12	0	0	12	12	100%
08	A: 1	10	0	10	0	10	0	0	10	10	100%
Total 07 - 08	A: 1	22	0	22	0	22	0	0	22	22	100%
09	A: 1	0	0	0	0	0	0	0	0	0	0%
10	A: 1	0	0	0	0	0	0	0	0	0	0%
11	A: 1	0	0	0	0	0	0	0	0	0	0%
12	A: 1	0	0	0	0	0	0	0	0	0	0%
Total 09 - 12	A: 1	0	0	0	0	0	0	0	0	0	0%
Total All	A: 1	237	0	237	1	236	0	6	231	231	97.46835443038%

San Marcos Unified School District  
 Staff Report and Findings &  
 Baypoint Preparatory Academy—San Diego Response  
 to Staff report and Findings

accs-feb26item02  
 Attachment 4  
 Page 90 of 113

5/30/25, 9:45 AM

PLSIS (baypointsd)

## Gradelevel Summary

### Baypoint Preparatory Academy San Diego

Report criteria: Gradelevels: TK,KN,01,02,03,04,05,06,07,08,09,10,11,12, Range: Manually Specified (10/02/2024 - 10/02/2024), 2024 - 2025

Generated on: Fri, May 30, 2025 - 9:44 am

#### Gradelevel Summary

Grade Level	A # Days Taught	B Enrollments Carried Fwd	C Gains	D Total Enrollment [B+C]	E Losses	F Ending Enrollment [D-E]	G Days Not Enrolled	H Days Non- Apport	I Total Apport [A*D-G-H]	J Total ADA [I/A]	K % Apport [I / (A*D-G)]
TK	A: 1	11	0	11	0	11	0	0	11	11	100%
KN	A: 1	22	0	22	1	21	0	2	20	20	90.909090909091%
01	A: 1	19	0	19	0	19	0	0	19	19	100%
02	A: 1	17	0	17	0	17	0	1	16	16	94.117647058824%
03	A: 1	17	0	17	0	17	0	1	16	16	94.117647058824%
Total TK, KN, 01, 02, 03	A: 1	86	0	86	1	85	0	4	82	82	95.348837209302%
04	A: 1	21	0	21	0	21	0	0	21	21	100%
05	A: 1	17	0	17	0	17	0	0	17	17	100%
06	A: 1	13	0	13	0	13	0	1	12	12	92.307692307692%
Total 04 - 06	A: 1	51	0	51	0	51	0	1	50	50	98.039215686275%
07	A: 1	18	0	18	0	18	0	0	18	18	100%
08	A: 1	7	0	7	0	7	0	0	7	7	100%
Total 07 - 08	A: 1	25	0	25	0	25	0	0	25	25	100%
09	A: 1	0	0	0	0	0	0	0	0	0	0%
10	A: 1	0	0	0	0	0	0	0	0	0	0%
11	A: 1	0	0	0	0	0	0	0	0	0	0%
12	A: 1	0	0	0	0	0	0	0	0	0	0%
Total 09 - 12	A: 1	0	0	0	0	0	0	0	0	0	0%
Total All	A: 1	162	0	162	1	161	0	5	157	157	96.913580246914%

**Baypoint Preparatory Academy**

Schedule of Average Daily Attendance

Year Ended June 30, 2023

	Second Period Report		Annual Report	
	Original C86EE92	Revised N/A	Original E3C923A0	Revised N/A
<b>Classroom Based Attendance</b>				
Grades TK/K-3	103.18	N/A	103.79	N/A
Grades 4-6	59.67	N/A	59.52	N/A
Grades 7-8	21.45	N/A	21.21	N/A
<b>Total Classroom Based Attendance</b>	<b>184.30</b>	<b>N/A</b>	<b>184.52</b>	<b>N/A</b>
<b>Non-Classroom Based Attendance</b>				
Grades TK/K-3	4.14	N/A	4.41	N/A
Grades 4-6	0.42	N/A	0.52	N/A
Grades 7-8	1.03	N/A	1.17	N/A
<b>Total Non-Classroom Based Attendance</b>	<b>5.59</b>	<b>N/A</b>	<b>6.10</b>	<b>N/A</b>
<b>Total ADA</b>	<b>189.89</b>	<b>N/A</b>	<b>190.62</b>	<b>N/A</b>

22-23 p-2

N/A – There were no audit findings which resulted in revisions to the second period or annual reports of attendance.

Baypoint Preparatory Academy  
 Schedule of Average Daily Attendance  
 Year Ended June 30, 2024

	Second Period Report		Annual Report	
	Original 19171690	Revised N/A	Original 7038E0FF	Revised N/A
<b>Classroom Based Attendance</b>				
Grades TK/K-3	136.64	N/A	135.14	N/A
Grades 4-6	62.91	N/A	63.04	N/A
Grades 7-8	21.16	N/A	21.16	N/A
<b>Total Classroom Based Attendance</b>	<b>220.71</b>	<b>N/A</b>	<b>219.34</b>	<b>N/A</b>
<b>Non-Classroom Based Attendance</b>				
Grades TK/K-3	1.00	N/A	0.74	N/A
Grades 4-6	0.76	N/A	0.88	N/A
<b>Total Non-Classroom Based Attendance</b>	<b>1.76</b>	<b>N/A</b>	<b>1.62</b>	<b>N/A</b>
<b>Total ADA</b>	<b>222.47</b>	<b>N/A</b>	<b>220.96</b>	<b>N/A</b>

23-24 p-2

N/A – There were no audit findings which resulted in revisions to the second period or annual reports of attendance.

**San Marcos Unified School District  
Staff Report and Findings &  
Baypoint Preparatory Academy—San Diego Response  
to Staff report and Findings**

accs-feb26item02  
Attachment 4  
Page 93 of 113

4/17/25, 12:53 AM

**Principal Apportionment Data Collection (PADC)**

**ADA Totals for All Tracks**

Total Regular ADA (Sum of All Records D-1)	J-1	80.59	47.52	22.40	0.00	150.51
Total Extended Year Special Education [EC 56345(b) (3)] ADA (Sum of All Records D-2)	J-2	0.00	0.00	0.00	0.00	0.00
Total Special Education - Nonpublic, Nonsectarian Schools [EC 56366(a)(7)] and/or Nonpublic, Nonsectarian Schools - Licensed Childrens Institutions ADA (Sum of All Records D-3)	J-3	0.00	0.00	0.00	0.00	0.00
Total Extended Year Special Education - Nonpublic, Nonsectarian Schools [EC 56366(a)(7)] and/or Nonpublic, Nonsectarian Schools - Licensed Childrens Institutions ADA (Sum of All records D-4)	J-4	0.00	0.00	0.00	0.00	0.00
ADA Totals for All Tracks (Sum of J-1 through J-4)	J-5	80.59	47.52	22.40	0.00	150.51

**Summary of Reported ADA for All Districts of Residence**

Applicable to countywide charter schools authorized pursuant to EC 47605.6 and State Board of Education authorized charters

Classroom-based ADA Totals for All Districts (sum of all records F-5)	K-1	80.16	47.52	22.40	0.00	150.08
Nonclassroom-based ADA Totals for All Districts (sum of all records G-5)	K-2	0.43	0.00	0.00	0.00	0.43

**ADA Totals for All Districts of Residence**

Total Regular ADA (sum of all records H-1)	L-1	80.59	47.52	22.40	0.00	150.51
Total Extended Year Special Education [EC 56345(b) (3)] ADA (Divisor 175) (Sum of All Records H-2)	L-2	0.00	0.00	0.00	0.00	0.00
Total Special Education - Nonpublic, Nonsectarian Schools [EC 56366(a)(7)] and/or Nonpublic, Nonsectarian Schools - Licensed Childrens Institutions ADA (Sum of All Records H-3)	L-3	0.00	0.00	0.00	0.00	0.00
Total Extended Year Special Education - Nonpublic, Nonsectarian Schools [EC 56366(a)(7)] and/or Nonpublic, Nonsectarian Schools - Licensed Childrens Institutions (Divisor 175) ADA (Sum of All Records H-4)	L-4	0.00	0.00	0.00	0.00	0.00
ADA Totals for All Districts (Sum of L-1 through L-4)	L-5	80.59	47.52	22.40	0.00	150.51

2024-25 P-2

San Marcos Unified School District  
 Staff Report and Findings &  
 Baypoint Preparatory Academy—San Diego Response  
 to Staff report and Findings

accs-feb26item02  
 Attachment 4  
 Page 94 of 113

Data Entry Tab

LCFF CALCULATOR																																																																																																													
138099	5 digit District code or 7 digit School code (from the CDS code)			LEA:	Baypoint Preparatory Academy - San Diego																																																																																																								
NO	Is this calculation for a new charter school? (select from drop down list)			Projection Title:	2024-25 BPA SD 2nd Interim LCFF Calc																																																																																																								
Charter	Projection Type			Created by:	Zach Wolfe																																																																																																								
03.04.2025	Projection Date			Email:	zach@thecbogroup.com																																																																																																								
				Phone:	619-817-7643																																																																																																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">PY3</th> <th style="width: 10%;">PY2</th> <th style="width: 10%;">PY1</th> <th style="width: 10%;">CY</th> <th style="width: 10%;">CY1</th> <th style="width: 10%;">CY2</th> <th style="width: 10%;">CY3</th> <th style="width: 10%;">CY4</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2021-22</td> <td style="text-align: center;">2022-23</td> <td style="text-align: center;">2023-24</td> <td style="text-align: center;">2024-25</td> <td style="text-align: center;">2025-26</td> <td style="text-align: center;">2026-27</td> <td style="text-align: center;">2027-28</td> <td style="text-align: center;">2028-29</td> </tr> </tbody> </table>										PY3	PY2	PY1	CY	CY1	CY2	CY3	CY4	2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29																																																																																				
PY3	PY2	PY1	CY	CY1	CY2	CY3	CY4																																																																																																						
2021-22	2022-23	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29																																																																																																						
<b>Baypoint Preparatory Academy - San Diego (138099)</b>																																																																																																													
<b>( b ) UNDUPPLICATED PUPIL PERCENTAGE (UPP)</b>																																																																																																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">A-1.2, A-2.2, A-3.2</th> <th style="width: 10%;">Enrollment (second prior year)</th> <th style="width: 10%;">159</th> <th style="width: 10%;">151</th> <th colspan="6"></th> </tr> </thead> <tbody> <tr> <td>A-1.1, A-2.1, A-3.1</td> <td>Enrollment (first prior year)</td> <td>151</td> <td>182</td> <td colspan="6"></td> </tr> <tr> <td>A-1, A-2, A-3</td> <td>Enrollment</td> <td>182</td> <td>199</td> <td>237</td> <td>162</td> <td>255</td> <td>255</td> <td>255</td> <td>255</td> </tr> <tr> <td>B-1.2, B-2.2, B-3.2</td> <td>Unduplicated Pupil Count (second prior year)</td> <td>81</td> <td>68</td> <td colspan="6"></td> </tr> <tr> <td>B-1.1, B-2.1, B-3.1</td> <td>Unduplicated Pupil Count (first prior year)</td> <td>68</td> <td>101</td> <td colspan="6"></td> </tr> <tr> <td>B-1, B-2, B-3</td> <td>Unduplicated Pupil Count</td> <td>101</td> <td>89</td> <td>110</td> <td>97</td> <td>153</td> <td>153</td> <td>153</td> <td>153</td> </tr> <tr> <td></td> <td></td> <td>3-yr rolling percentage</td> </tr> <tr> <td></td> <td></td> <td>55.49%</td> <td>44.72%</td> <td>46.41%</td> <td>59.88%</td> <td>60.00%</td> <td>60.00%</td> <td>60.00%</td> <td>60.00%</td> </tr> <tr> <td>C-1</td> <td>Unduplicated Pupil Percentage (%)</td> <td>50.81%</td> <td>48.50%</td> <td>48.54%</td> <td>49.50%</td> <td>55.05%</td> <td>59.97%</td> <td>60.00%</td> <td>60.00%</td> </tr> <tr> <td></td> </tr> </tbody> </table>										A-1.2, A-2.2, A-3.2	Enrollment (second prior year)	159	151							A-1.1, A-2.1, A-3.1	Enrollment (first prior year)	151	182							A-1, A-2, A-3	Enrollment	182	199	237	162	255	255	255	255	B-1.2, B-2.2, B-3.2	Unduplicated Pupil Count (second prior year)	81	68							B-1.1, B-2.1, B-3.1	Unduplicated Pupil Count (first prior year)	68	101							B-1, B-2, B-3	Unduplicated Pupil Count	101	89	110	97	153	153	153	153			3-yr rolling percentage			55.49%	44.72%	46.41%	59.88%	60.00%	60.00%	60.00%	60.00%	C-1	Unduplicated Pupil Percentage (%)	50.81%	48.50%	48.54%	49.50%	55.05%	59.97%	60.00%	60.00%																	
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<b>( c ) CONCENTRATION GRANT FUNDING LIMITATION: District of Physical Location</b>																																																																																																													
Enter the unduplicated pupil percentage (UPP) of the district where the charter school is physically located. If the charter school has a physical location within the boundaries of more than one district, enter the highest district UPP of all locations.																																																																																																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <td style="width: 10%;">D-3</td> <td style="width: 10%;">Unduplicated Pupil Percentage (%)</td> <td style="width: 10%;">37.79%</td> <td style="width: 10%;">38.32%</td> <td style="width: 10%;">40.30%</td> <td style="width: 10%;">40.49%</td> </tr> </thead> <tbody> <tr> <td></td> <td>Unduplicated Pupil Percentage: Supplemental Grant</td> <td>50.81%</td> <td>48.50%</td> <td>48.54%</td> <td>49.50%</td> <td>55.05%</td> <td>59.97%</td> <td>60.00%</td> <td>60.00%</td> </tr> <tr> <td></td> <td>Unduplicated Pupil Percentage: Concentration Grant</td> <td>37.79%</td> <td>38.32%</td> <td>40.30%</td> <td>40.49%</td> <td>40.49%</td> <td>40.49%</td> <td>40.49%</td> <td>40.49%</td> </tr> </tbody> </table>										D-3	Unduplicated Pupil Percentage (%)	37.79%	38.32%	40.30%	40.49%	40.49%	40.49%	40.49%	40.49%		Unduplicated Pupil Percentage: Supplemental Grant	50.81%	48.50%	48.54%	49.50%	55.05%	59.97%	60.00%	60.00%		Unduplicated Pupil Percentage: Concentration Grant	37.79%	38.32%	40.30%	40.49%	40.49%	40.49%	40.49%	40.49%																																																																						
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<b>( d ) AVERAGE DAILY ATTENDANCE (ADA)</b>																																																																																																													
ADA used for the Transitional Kindergarten Add-on <b>ONLY</b> :																																																																																																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <td style="width: 10%;">G-4</td> <td style="width: 10%;">TK (NEW beginning 2022-23)</td> <td style="width: 10%;">6.40</td> <td style="width: 10%;">21.80</td> <td style="width: 10%;">10.68</td> <td style="width: 10%;">11.46</td> </tr> </thead> </table>										G-4	TK (NEW beginning 2022-23)	6.40	21.80	10.68	11.46	11.46	11.46	11.46	11.46																																																																																										
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ADA used for Base, Supplemental and Concentration Grant Calculations: Enter P2 Data - Note: Charter School ADA is always funded on current year																																																																																																													
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <td style="width: 10%;">B-1</td> <td style="width: 10%;">Grades TK-3</td> <td style="width: 10%;">102.32</td> <td style="width: 10%;">107.32</td> <td style="width: 10%;">137.64</td> <td style="width: 10%;">81.88</td> <td style="width: 10%;">114.60</td> <td style="width: 10%;">114.60</td> <td style="width: 10%;">114.60</td> <td style="width: 10%;">114.60</td> </tr> </thead> <tbody> <tr> <td>B-2</td> <td>Grades 4-6</td> <td>56.40</td> <td>60.09</td> <td>63.67</td> <td>46.55</td> <td>77.36</td> <td>77.36</td> <td>77.36</td> <td>77.36</td> </tr> <tr> <td>B-3</td> <td>Grades 7-8</td> <td>16.01</td> <td>22.48</td> <td>21.16</td> <td>22.95</td> <td>51.57</td> <td>51.57</td> <td>51.57</td> <td>51.57</td> </tr> <tr> <td>B-4</td> <td>Grades 9-12</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> <td>-</td> </tr> <tr> <td></td> <td>SUBTOTAL ADA</td> <td>174.73</td> <td>189.69</td> <td>222.47</td> <td>151.38</td> <td>243.53</td> <td>243.53</td> <td>243.53</td> <td>243.53</td> </tr> <tr> <td></td> <td>RATIO: ADA to Enrollment</td> <td>0.9601</td> <td>0.9542</td> <td>0.9387</td> <td>0.9344</td> <td>0.96</td> <td>0.96</td> <td>0.96</td> <td>0.96</td> </tr> </tbody> </table>										B-1	Grades TK-3	102.32	107.32	137.64	81.88	114.60	114.60	114.60	114.60	B-2	Grades 4-6	56.40	60.09	63.67	46.55	77.36	77.36	77.36	77.36	B-3	Grades 7-8	16.01	22.48	21.16	22.95	51.57	51.57	51.57	51.57	B-4	Grades 9-12	-	-	-	-	-	-	-	-		SUBTOTAL ADA	174.73	189.69	222.47	151.38	243.53	243.53	243.53	243.53		RATIO: ADA to Enrollment	0.9601	0.9542	0.9387	0.9344	0.96	0.96	0.96	0.96																																								
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B-3	Grades 7-8	16.01	22.48	21.16	22.95	51.57	51.57	51.57	51.57																																																																																																				
B-4	Grades 9-12	-	-	-	-	-	-	-	-																																																																																																				
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<b>( e ) OTHER LCFF ADJUSTMENTS</b>																																																																																																													



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## **APPEAL OF DENIED CHARTER RENEWAL PETITION TO THE STATE BOARD OF EDUCATION**

### **EXHIBIT 3**

**Baypoint's Response to the District's Staff Report and  
"Findings Supporting Denial of Petition" dated  
September 7, 2025**

---



Baypoint Preparatory Academy  
520 E. Carmel St. San Marcos, CA. 92078

9/7/2025

**VIA ELECTRONIC MAIL**

Governing Board Members  
San Marco Unified School District  
255 Pico Avenue, Suite 250  
San Marcos, CA 92069

Re: Response to District Staff Report Recommending Denial of the Baypoint Preparatory Academy-San Diego Charter Renewal Petition

Dear Members of the Governing Board,

The leadership team of Baypoint Preparatory Academy-San Diego (“Baypoint”) has carefully reviewed the staff report recommending denial of our charter renewal petition (“Staff Report”) issued by the San Marcos Unified School District (“District”) on August 27, 2025. We appreciate the time spent by District staff reviewing our petition and supporting materials. However, we are extremely disappointed by the recommendation for denial. Baypoint is one of the few high performing charter schools in San Diego County. The Charter Schools Act was amended in 2020 to create a legal presumption that all high performing schools would have their charter renewed because their educational programs have proven to be successful. This is why high performing schools qualify for seven year renewal terms—the longest available term under the law. Denying renewal and potentially forcing closure for trivial reasons, such as some missing language in the charter, is a blatant disregard for the best interests of students.

The Staff Report unfairly flips the legal standard and implies that our renewal must be denied because it is “not legally compliant” due to some minor issues. **To be clear, the law does not require that the Governing Board deny our renewal. The Staff Report and proposed findings simply give the Governing Board an option to consider. The default position under the law is that the Governing Board “shall not deny renewal” for a high performing charter school like Baypoint, unless there are substantial issues that cannot be cured. (Ed. Code, § 47607(c)(2).)** There are no such issues here, so Baypoint is a prime candidate for renewal.

We respectfully request the District Board reject the Staff Report and approve the Baypoint renewal petition for a seven-year term. Below is an issue-by-issue response to the “Findings Supporting Denial of Petition” in the Staff Report, explaining how the allegations do not support denial and potential closure of Baypoint.

## **RESPONSE TO PROPOSED “FINDINGS SUPPORTING DENIAL OF PETITION”**

The format of this response tracks the format of the Staff Report by using similar headings wherever appropriate.

### **1. The Petition does not contain reasonably comprehensive descriptions of each of the required elements. (Ed. Code § 47605(c).)**

The Staff Report recommends denial because our renewal petition does not reasonably describe how we recruit a balance of English learners and special education students that is reflective of the District. As stated on page 138 of the renewal petition, “BPA-SD is committed to serving families across North San Diego County and aims to reflect the demographic composition of local district schools.” There are various ways that we specifically target English learners and special education students in our recruitment efforts. For example, we develop and distribute multilingual promotional and informational materials that are culturally relevant and representative of the racial and ethnic diversity surrounding communities. We have interpreters at recruitment events and translate all of our marketing materials into English and Spanish. School personnel who are knowledgeable about our special education program attend recruitment events so they can provide information to prospective families. We hire bilingual personnel to ensure families who primarily converse in Spanish are accurately informed in all matters of school business. We also post information about our services and supports for English learners and special education students on our public website.

But more importantly, our efforts have been successful. Baypoint serves a slightly higher population of English learners (**14.8%**) than the District (10.8%), and Baypoint’s current special education student population is **19.1%**. This is clear evidence that we are successfully implementing a plan to achieve a demographic balance of students that is reflective of the District, which is the purpose of describing the plan in the charter in the first place.

The Staff Report recommends denial because our renewal petition does not reasonably describe our procedures for involuntary disenrollment. We understand that the law prohibits Baypoint from involuntarily disenrolling a student for any reason unless we provide notice at least five days in advance and an opportunity for a hearing. This is the process that we have been following for years, and it is clearly reflected on page 60 of our School Safety Plan. We included only the Plan’s table of contents with our renewal petition because we do not publicize the entire document for school safety reasons as this describes specific procedures the school implements in the event of a critical safety occurrence. We would have provided a copy to District staff at any time, but they never requested it. For your review, we have enclosed a copy of page 60 of the School Safety Plan that describes our procedures for Involuntary Disenrollment, Dismissal, or Transfer.

We are more than happy to discuss technical amendments to add more detail to the renewal petition. These are minor issues that can be easily cured.

### **2. Petitioners failed to update the Petition to reflect the current program offered by the Charter School. (Ed. Code § 47607(c)(2)(F).)**

The Staff Report recommends denial because the school’s address is allegedly not identified in the renewal petition. This is not true, and it also highlights the trivialness of the recommended findings. Baypoint has operated at 520 E. Carmel St. in San Marcos for over five

years. Our address is clearly reflected in five of the appendices that are part of our renewal petition, including our LCAP, School Safety Plan table of contents, Title IX Policy, Wellness Policy, and Student/Parent-Guardian Handbook. Over the last several years, we have invited District staff and Governing Board members to various events as well as provided an open invitation to see the school. District staff visited Baypoint on June 4, 2025. If the Governing Board wants our address to be identified in a specific section of the renewal petition, we can accomplish that via technical amendment. However, feigning ignorance about the location of our school in order to deny charter renewal is egregious.

**3. The Charter School is demonstrably unlikely to successfully implement the program set forth in the Petition due to substantial fiscal factors.**

This noticeably short section of the Staff Report is based on the District's "Notice of Substantial Fiscal and Governance Factors and Concerns Pursuant to Education Code section 47607(e)" dated July 3, 2025. Baypoint responded on August 4, 2025 (a copy of which is enclosed) and fully refuted the concerns in the notice,[1] so we are surprised that they are cited in the Staff Report as support for denial. They are simply not the kind of concerns that would cause a high performing school to be demonstrably unlikely to successfully implement the program in its own current charter petition. The evidence is irrefutable—Baypoint students met or exceeded the District average based on every indicator on the most recent California School Dashboard. In addition, Baypoint has outperformed the District in ELA, Math and Science based on the most recent CAASPP results. We have been successfully operating our program for seven years, and we are more than capable of continuing to<sup>1</sup> do so over the next renewal term.

District staff once again claim in the Staff Report that the ADA projections in our renewal budget are unreasonable. It is important to recognize that Baypoint is a single, small charter school. We do not have the bureaucracy and red tape that school districts or large networks of charter schools often have. We are a nimble organization that is able to recognize issues and respond to them quickly and appropriately. This is how we have always approached our financial forecasting.

A preliminary budget, like a renewal budget, is simply a snapshot in time. Just like nearly every charter school across the state, our leadership team meets with our back office services provider once the school year starts, and we make necessary adjustments to the budget, including ADA, revenue, and expense projections. If enrollment is higher than expected, revenue will be higher so we have room to make additional expenditures throughout the year. If enrollment is lower than expected, our leadership team has consistently shown the ability to realign our expenditures with current enrollment. That is how budgeting works in a small school environment. District staff calling this plan "inadequate" again shows the trivialness of the proposed findings. There is no legitimate concern that Baypoint will not be able to operate our program because of "fiscal factors." We have been operating successfully for years under the oversight of the California Department of Education, and we have consistently received letters of good standing from them.

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<sup>1</sup> The Staff Report does not cite any governance factors as support for denial, likely because the District agrees that they are fully cured. As already explained to District staff, the Baypoint Board on August 4, 2025 ratified the actions from the previous meetings where there were Brown Act concerns.

As for our actual enrollment, the 2025-26 school year has started strong. We are still enrolling new students. We are also continuing our recruitment efforts. Our staff recently attended National Hero Days, Boys Girls Club flapjacks for backpacks night, and a homeschooling event in Vista. We have maintained our social media outreach and maintain a consistent budget for marketing not limited to Google and Facebook. Our leadership team and back office services provider met on September 3, 2025 and revised our budget as usual, which will ensure we will have a budget surplus at the end of this fiscal year. When the 1st Interim Budget update is due in December, the Baypoint board will approve a revised budget that aligns with Actuals and current enrollment.

As a final note, the Staff Report misrepresents the law about the Governing Board's decision on the renewal petition. Education Code section 47605(b) requires that the District post the “staff recommendations” at least 15 days before the Board’s decision. The law does not prohibit the Governing Board from considering additional information provided by petitioners between the 15-day posting deadline and the Board meeting. In fact, the Governing Board has discretion to reject staff’s recommendation outright. The Governing Board does not have to adopt findings to approve a renewal petition. Approval can be accomplished by a motion to approve the renewal petition for a seven-year term, a second, and a majority vote in favor of the motion.

#### **CONCLUSION: BAYPOINT’S RENEWAL PETITION SHOULD BE APPROVED**

We urge you to do what is best for students. Our students have experienced tremendous academic success in our small learning environment with high expectations and a family-like atmosphere. There is tremendous support in the San Marcos community for our program, and we have a proven track record of success in academics, operations, and finances. We would appreciate the opportunity to continue building upon our successes for years to come in partnership with the District.

Sincerely,



Frank Ogward  
Chief Executive Officer  
Baypoint Preparatory Academy

cc: Dr. Andy Johnsen, District Superintendent  
Dr. Tiffany Campbell, Deputy Superintendent, Educational Services  
Erin Garcia, District Assistant Superintendent, Business Services

Enclosure

1. Page 60 of the School Safety Plan
2. Response to Notice of Substantial Fiscal or Governance Factors
3. Draft minutes of the August 4th board meeting

The Charter School shall not be deemed to have knowledge that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

### **Involuntary Student Disenrollment, Dismissal, or Transfer**

No pupil shall be involuntarily removed by Charter School for any reason unless the parent or guardian of the pupil has been provided written notice in-person and/or by mail of the intent to remove the pupil no less than five (5) school days before the effective date of the action. The written notice shall be in the native language of the pupil or the pupil's parent or guardian or, if the pupil is a foster child or youth or a homeless child or youth, the pupil's educational rights holder, and shall inform him or her of the right to request a hearing adjudicated by a neutral officer before the effective date of the action as set forth above. If a hearing is requested, the pupil will remain enrolled until the school issues a final decision. For purposes of this charter, "involuntarily removed" includes dis-enrolled, dismissed, transferred, or terminated, but does not include suspensions for disciplinary reasons.

### **Complaints of Discrimination, Harassment, Intimidation and/or Bullying**

Complaints of discrimination, harassment, intimidation, and/or bullying of a student as identified in Education Code §200 and 220 and Government Code §11135, including any actual or perceived characteristics set forth in Penal Code §422.55, based on sex, sexual orientation, gender, gender identity, gender expression, race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration status, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any programs or activities conducted by BPA which is funded directly by, or that received or benefits from any state financial assistance, are subject to this UCP and will be investigated by BPA. Any BPA personnel who witness an act of discrimination, harassment, intimidation or bullying, shall take immediate steps to intervene when safe to do so as required by Education Code § 234.1.



Baypoint Preparatory Academy  
520 E. Carmel St. San Marcos, CA. 92078

08/04/2025

**VIA ELECTRONIC MAIL**

Erin Garcia  
Assistant Superintendent, Business Services  
San Marcos Unified School District  
255 Pico Avenue, Suite 250  
San Marcos, CA 92069

Re: Response and Corrective Action Plan to Notice of Substantial Fiscal and Governance Factors and Concerns Pursuant to Education Code Section 47607(e)

Dear Ms. Garcia,

On behalf of Baypoint Preparatory Academy-San Diego (“BPA-SD”), I respectfully provide this response to the “Notice of Substantial Fiscal and Governance Factors and Concerns Pursuant to Education Code section 47607(e)” (“Notice”) dated July 3, 2025 and issued by the San Marcos Unified School District (“District”), as well as the corrective action plan.

The BPA-SD Board of Directors will review the Notice and this response at its upcoming meeting scheduled on August 4, 2025. The BPA-SD leadership team was very surprised by the District’s alleged concerns. After each of the school’s annual site visits over the current charter term, the California Department of Education consistently determined that BPA-SD “is in compliance with the BPA-SD charter petition, and the Memorandum of Understanding between the California State Board of Education and BPA-SD.” (See enclosed letter re: “Summary of Annual Site Visit for Baypoint Preparatory Academy, Conducted on November 19, 2024.”) As explained in more detail below, there is no basis to deny the BPA-SD charter renewal.

Education Code section 47607(e) is only intended to be used for a “high” performing charter school when it has a fiscal or governance factor that is so substantial, it would cause the school to be demonstrably unlikely to successfully implement its own current charter petition. When a school has that kind of fiscal or governance problem—a problem so grave that it cannot successfully operate the school program any longer—Education Code section 47607(e) allows the chartering authority to deny charter renewal only after at least 30 days’ notice to the school and a reasonable opportunity to cure. Because of the gravity of such a decision, denial of charter renewal under section 47607(e) also requires a finding that to the extent there are ongoing violations of law or the charter, the school’s corrective action plan has been unsuccessful, or the violations are so severe and pervasive that a corrective action plan is unviable, among other required findings to deny.

Denying renewal of the BPA-SD charter would be an extreme decision by the District to potentially close a quality public school that has been placed for two consecutive years in the

“high” performing track for purposes of charter renewal. BPA-SD’s students outperformed the State average based on all indicators on the most recent California School Dashboard, and have also experienced growth in English Language Arts and Math. Families choosing BPA-SD seek an alternative educational experience distinct from both private and traditional public schools. BPA-SD’s value is in offering a unique program for families in San Marcos as well as in contiguous districts. If the school’s charter renewal is denied, BPA-SD students and families could be uprooted from the small and individualized learning environment where they have found academic success, established close personal relationships and feel safe and secure. Denying renewal would not be in the best interest of these families, the San Marcos community, or the District. It certainly would not be in the best interest of students currently attending BPA-SD. The most vulnerable student populations, many of whom require and thrive in a small school culture that addresses their unique needs, would be significantly affected by this. The concerns identified in the Notice do not rise to the level of support to deny under Education Code section 47607(e) because they do not impact whether BPA-SD can successfully implement the petition. We have responded to each of the concerns below:

#### **RESPONSE TO “FISCAL FACTORS”**

This entire section of the Notice is based on District staff’s opinion that BPA-SD will not be able to reach the enrollment projections in the renewal charter and budget. This is not an appropriate basis to deny renewal of any charter school under section 47607(e), let alone one in the “high” track such as BPA-SD.

BPA-SD was established to meet the community’s request for a charter five-day-a-week, seat-based program. The school opened in August 2018 and operated out of a leased 5,000 sq. ft. facility at 1175 Linda Vista Rd. in San Marcos. The facility offered a large learning bay and three classrooms with a restricted onsite capacity of 130 students. The school planned to expand by occupying a portion of an existing church building to accommodate the enrollment growth plan. While city permits were being finalized, BPA-SD operated in the Boys & Girls Club and at the North County Regional Education Center to accommodate the additional students. The unforeseen COVID-19 pandemic prevented the initial enrollment projections outlined in the current petition from materializing. The facility’s student capacity limitations, compounded by the pivot to distance learning, ultimately restricted enrollment growth.

Undeterred, BPA-SD started searching for a new facility during the pandemic to accommodate the growing needs. BPA-SD examined and reviewed 106 properties before securing the current location at 520 E. Carmel St. in San Marcos. BPA-SD has invested approximately \$4 million in improvements in order to meet all of the conditions necessary to operate a school in this facility. These improvements included crucial safety enhancements to the facility, as well as collaborating with the City of San Marcos to upgrade public infrastructure to the surrounding streets. BPA-SD has finally secured a permanent home, ensuring long-term stability for students, families and staff. BPA-SD values the relationships built to make this milestone possible.

Despite the preceding background challenges, BPA-SD has successfully demonstrated the ability to consistently align expenses with actual revenues while establishing a charter school in the San Marcos community. BPA-SD has a proven track record of fiscal soundness, having generated substantial reserves in order to complete the current facility improvements, without compromising the academic program as demonstrated by the BPA-SD’s two year high

performance track status. In addition, these substantial reserves offset the 2024-25 school year preserving program continuity and school operations. BPA-SD is a staple in San Marcos, serving students from San Marcos, Escondido, Vista, and Carlsbad. BPA-SD is an essential option for many families who work in San Marcos.

#### **A. Student Enrollment and ADA**

The enrollment projections in BPA-SD's renewal charter and budget are reasonable and based on actual growth before the 2024-25 school year. BPA-SD had 280 students enrolled at the beginning of the 2024-25 school year, however, a negative campaign against the school impacted enrollment. Prior to last year, the enrollment had steadily grown from 151 students in the 2020-21 school year to 237 in the 2023-24 school year (peaking at 255). The estimate for 2025-26 of 225 students is conservative and would put the school back on track to BPA-SD's growth enrollment trend.

Currently, BPA-SD has 240 students who have completed the enrollment process for the upcoming school year. During the first two weeks of school, enrollment typically stabilizes as the school confirms which students are officially attending. Anticipating that some may not attend, BPA-SD conservatively budgeted for 225 students. These are realistic estimates based on actual enrolled students. The school does not depend on an interest list to gauge potential enrollment commitments, thereby mitigating the risk of inappropriately staffing to serve enrollment growth or decline. Instead, the school has adopted a three-step process to confirm families' enrollment commitment. BPA-SD has received approximately 137 new student applications for the 2025-26 school year. Given a 92.6% retention rate (excluding outgoing 8th graders), this indicates a total enrollment interest of approximately 287 students of which 240 students have completed the three-step process. BPA-SD expects to be fully enrolled this fall and maintain a waitlist consistent with previous years. The law does not require that petitioners submit "evidence of a significant and verifiable waitlist" with a renewal petition. Doing so would likely be a violation of the Family Educational Rights and Privacy Act.

The ADA rate information in the Notice is inaccurate. BPA-SD's budget of 95% assumption aligns with the actual historical figures. BPA-SD's ADA rate was 94.32% in 2022-23 (P2), 95.01% in 2023-24 (P2), and 94.89% in 2024-25 (P2). Furthermore, we have shown the ability to make the necessary adjustments to ensure the educational program is not compromised due to any attendance fluctuations.

BPA-SD's renewal budget is presented as a strategic financial plan but is subject to necessary adjustments. BPA-SD's leadership team has consistently demonstrated the ability to promptly adjust expenditures with revenues. This adjustment is reviewed during monthly meetings with the school's leadership team and the back office accounting firm. Internally, the school's leadership conducts weekly meetings to monitor both operational and fiscal health. This proactive and responsive operational and financial management ensures BPA-SD's ability to adapt to changing financial circumstances. BPA-SD's leadership team is confident that the high quality educational program, the academic performance record, and the planned facility expansion will lead to steady enrollment growth during the renewal term.

## **B. District's Recalculation of MYP**

In this section of the Notice, District staff recalculated BPA-SD's renewal budget based on the District's arbitrary enrollment projections, and concluded that BPA-SD would be in deficit spending during the renewal term and eventually deplete the reserves to only 0.5%. Please see the response above about enrollment projections. BPA-SD has 240 students enrolled for next year, therefore BPA-SD is on track to successfully meet the projections in the charter renewal budget. The concerns in this section of the Notice are moot.

## **C. Proposal to incur Debt for Facility Improvements**

BPA-SD's agrees with District staff that the annual facility lease payment included in the renewal budget is reasonable. As explained above, BPA-SD is on track to successfully meet the enrollment and revenue projections in the charter renewal budget, therefore the concerns in this section of the Notice are moot.

## **D. SB 740 – Charter School Facility Grant Revenue**

BPA-SD understands that no revenue source is guaranteed over the long run. When preparing a budget, BPA-SD relies on the information that is currently and reasonably available. BPA-SD's renewal budget was prepared with the assistance of financial consultants and experts with many years of experience with the SB 740 program and facility expansion projects. The BPA-SD budget is reasonable, and the school is confident in the ability to successfully meet the enrollment and revenue projections, as has been historically proven.

## **RESPONSE TO “GOVERNANCE FACTORS”**

The vague allegation about “a lack of fiscal responsibility” is completely unwarranted. BPA-SD and its leadership have consistently demonstrated fiscal stability, having successfully managed two state board-approved charter schools without any fiscal or governance concerns or violations, and two unanimous renewal approvals from the District. BPA-SD has a demonstrated history of fiscal soundness, particularly in the ability to adjust expenditures in response to any enrollment fluctuations. There is zero evidence in the Notice that BPA-SD lacks fiscal responsibility. District staff's opinion that BPA-SD may not be able to meet the enrollment projections is unfounded, as explained above.

As for the Brown Act concern, there is no dispute that a quorum of the BPA-SD Board participated in the five meetings identified in the Notice, and a majority of the quorum voted in favor of each item. However, BPA-SD recognizes that the meetings did not fully comply with the Brown Act's teleconference rules, so BPA-SD is taking corrective actions as described below.

## **CORRECTIVE ACTION PLAN**

Although the Notice does not contain any basis to deny renewal under Education Code section 47607(e), BPA-SD provides the following corrective action plan:

1. If BPA-SD does not reach enrollment of 225 students during the 2025-26 school year, the school will implement a plan to reduce expenditures without negatively impacting student services. For example, BPA-SD has the ability to remove the long-term substitute

teacher position, reduce leadership team compensation, reduce classified positions, and/or combine grade levels that may not be at capacity.

2. BPA-SD will ratify all action items from the meetings identified in the Notice at a Board meeting currently scheduled for August 4, 2025.
3. All BPA-SD Board members and key personnel recently participated and completed additional Brown Act training facilitated by the Charter Schools Development Center.
4. BPA-SD will continue to require annual Brown Act training for the Board members and key personnel.

Thank you very much for taking the time to carefully read and consider this response. BPA-SD looks forward to answering any questions during the District's board meeting on August 14, 2025.

Sincerely,



Frank Ogwaro  
Chief Executive Officer  
Baypoint Preparatory Academy-San Diego

Enclosure:

Summary of Annual Site Visit for Baypoint Preparatory Academy, Conducted on November 19, 2024.



**CALIFORNIA DEPARTMENT  
OF EDUCATION**

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

**TONY THURMOND**  
STATE SUPERINTENDENT OF  
PUBLIC INSTRUCTION

May 28, 2025

*Communication Sent via Email*

Galel Fajardo, Board Chair  
Sabina Chaar, Executive Director  
Frank Ogwaro, Chief Executive Officer  
Baypoint Preparatory Academy  
520 East Carmel Street  
San Marcos, CA 92078

Dear Board Chair Galel Fajardo, Executive Director Sabina Chaar, and Chief Executive Officer Frank Ogwaro:

Subject: Summary of Annual Site Visit for Baypoint Preparatory Academy, Conducted on November 19, 2024

Thank you for the opportunity to visit Baypoint Preparatory Academy (BPA). The California Department of Education (CDE) appreciates the preparation and work by BPA before and during the site visit.

Based on interviews conducted with school leadership and staff, and through classroom observations and information gathered, the CDE has determined that BPA is in compliance with the BPA charter petition, and the Memorandum of Understanding between the California State Board of Education and BPA.

The CDE will continue to monitor the academic performance and fiscal viability of BPA, which could result in the CDE requesting a written response, action plan, or additional documentation.

If you have any questions regarding this letter, please contact Soledad Gutierrez, Education Programs Consultant, by phone at 916-323-5833 or by email at [sgutierrez@cde.ca.gov](mailto:sgutierrez@cde.ca.gov).

Sincerely,

/c/

Craig Heimbichner, Education Administrator  
Charter Schools Division

Galel Fajardo, Board Chair  
Sabina Chaar, Executive Director  
Frank Ogwaro, Chief Executive Officer  
May 28, 2025  
Page 2

CH:sg

cc: Susan Park, Director, Charter Schools Division  
Brooks Allen, Executive Director, California State Board of Education  
Len Garfinkel, General Counsel, Legal, Audits, and Charters Branch

*Sent via Email to:*

[gfajardo@baypointprep.org](mailto:gfajardo@baypointprep.org)  
[schaar@baypointprep.org](mailto:schaar@baypointprep.org)  
[fogwaro@baypointprep.org](mailto:fogwaro@baypointprep.org)



## SPECIAL MEETING MINUTES OF THE GOVERNING BOARD

On Site At:

520 East Carmel Street  
San Marcos, CA 92078

3839 E. Tobler Road  
Hayden Lake, ID 83835

Available via Zoom at:

Join Zoom Meeting

<https://zoom.us/j/93301694972?pwd=ieV5hgoYJ0FlfkecYi0kCwMW1c20ho.1>

Meeting ID: 933 0169 4972

Passcode: GG2trn

AUGUST 4, 2025 at 5:30 p.m.

### 1. CALL TO ORDER

The meeting was called to order by Galel Fajardo at 5:30 PM.

**Our mission at Baypoint Preparatory Academy is to educate diverse TK-8 students through a rigorous college prep curriculum in a flexible, student-centered learning environment. Our goal is to actively partner with students, parents, and the community to support students' academic success and personal goals.**

### PUBLIC COMMENT:

If you wish to share your thoughts and suggestions with the Board, there are two ways this can be done:

- Address the Board directly during the public comment section of the meeting by signing up in-person prior to the start of the scheduled meeting.
- Submit written comments for the Board to the business manager ([shovencamp@baypointprep.org](mailto:shovencamp@baypointprep.org)) by 12:00 p.m. on the day of the meeting. Comments will be disseminated to the board members prior to the meeting.

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken.

If you have special needs because of a disability or you require assistance or auxiliary aids to participate in the meeting, please contact Shelley Hovencamp via email at [shovencamp@baypointprep.org](mailto:shovencamp@baypointprep.org) or call 760-203-4383 at least twenty four (24) hours before the meeting. The school will use reasonable best efforts to accommodate your disability. Copies of this agenda and the public agenda packet are available for public inspection in the school's main office at 520 E. Carmel Street, San Marcos, CA 92078.

**The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.**

**2. PUBLIC SESSION:**

**A. Roll Call**

Board Member	Present	Absent	Present via Conference Call
Galel Fajardo	X		
Sean Kruse	X		
Nancy Spencer			X

**3. PLEDGE OF ALLEGIANCE**

**4. REVISION/ADOPTION/ORDERING OF AGENDA**

Motion:	Galel Fajardo			As Submitted:
Second:	Sean Kruse			As Revised: X
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

**PUBLIC COMMENT (Closed Session)**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**ANNOUNCE CLOSED SESSION ITEMS**

**A. Conference with Legal Counsel**

**ADJOURN OPEN SESSION: 5:31p.m.  
CONVENE CLOSED SESSION: 5:34p.m.**

**5. CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION (Gov. Code § 54956.9 (d)(2))

**ADJOURN CLOSED SESSION: 5:57p.m.  
RECONVENE OPEN SESSION: 5:58p.m**

**REPORT OF ACTION TAKEN IN CLOSED SESSION: No reportable action taken**

**PUBLIC COMMENT (Open Session Item) -**

Each speaker will be allowed a maximum of three minutes to speak. Unless an item has been placed on the published agenda in accordance with the Brown Act, there shall be no action taken. The Board may (1) acknowledge receipt of the information/report and comment; (2) refer to staff for further study; or (3) refer the matter to the next agenda.

**6. ACTION ITEMS**

A. July 3, 2025 Notice from San Marcos Unified School District and Response/Corrective Action Plan [SMUSD Response and Corrective Action Plan](#)

Motion:	Galel Fajardo			As Submitted: X
Second:	Sean Kruse			As Amended:
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

B. Ratification of Action(s) Taken at Board Meeting on April 9, 2024

1. Student Expulsion Case #202401

Motion:	Galel Fajardo			As Submitted: X
Second:	Nancy Spencer			As Amended:
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

C. Ratification of Action(s) Taken at Board Meeting on August 5, 2024

1. Reimbursement Resolution
2. Operating Agreement Resolution
3. I-Ready Agreement
4. Independent Study Revisions (SB 153)
5. 2022-23 Teacher Assignment Monitoring Outcomes
6. Revised Student Parent Handbook
7. Lighthouse Players Agreement (Prop 28 Grant)

Motion:	Galel Fajardo			As Submitted: X
Second:	Sean Kruse			As Amended:
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

D. Ratification of Action(s) Taken at Board Meeting on December 9, 2024

1. Minutes of the Regular Board Meeting on September 10, 2024
2. The Check Registries for August, September, and October 2024
3. 2024-25 First Interim Report and Budget
4. Revised Board Meeting Schedule

Motion:	Galel Fajardo			As Submitted: X
Second:	Nancy Spencer			As Amended:
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

E. Ratification of Action(s) Taken at Board Meeting on February 10, 2025

1. Minutes of the Regular Board Meeting on December 9, 2024
2. The Check Registries for November and December 2024
3. 2023-24 Audited Financial Statements
4. 2024-25 New Staff
5. Resolution to Authorize Borrowing On a Line of Credit

Motion:	Galel Fajardo			As Submitted: X
Second:	Sean Kruse			As Amended:
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

F. Ratification of Action(s) Taken at Board Meeting on March 10, 2025

1. Minutes of the Regular Board Meeting on February 10, 2025
2. Check Registries - January 2025
3. 2024-25 2nd Interim Report and Budget Update
4. Review and Ratification of BPA Tenant Improvement Proposal
5. Independent Auditor Selection for 2025-26 for audit and taxes
6. BPA 2025-26 Calendar
7. New 2024-25 Staffing
8. Children's Arts & More (Art Grant Funding)

Motion:	Galel Fajardo			As Submitted: X
Second:	Nancy Spencer			As Amended:
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

San Marcos Unified School District  
Staff Report and Findings & accs-feb26item02  
Baypoint Preparatory Academy—San Diego Response Attachment 4  
to Staff report and Findings Page 112 of 113

G. Approval of Nossaman Engagement Agreement  
[Nossaman Engagement Agreement](#)

Motion:	Nancy Spencer			As Submitted: X
Second:	Galel Fajardo			As Amended:
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

H. IT Services 2025-26  
[IT Services](#)

Motion:	GALEL FAJARDO			As Submitted: X
Second:	SEAN KRUSE			As Amended:
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

I. DON Form  
[DON Form](#)

Motion:	Galel Fajardo			As Submitted: X
Second:	Nancy Spencer			As Amended:
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

J. McGraw Hill Curriculum  
[McGraw Hill Curriculum](#)

Motion:	Galel Fajardo			As Submitted: X
Second:	Sean Kruse			As Amended:
Vote:	Yes	No	Absent	
Galel Fajardo	X			
Sean Kruse	X			
Nancy Spencer	X			

## 7. INFORMATIONAL ITEMS

**Frank strongly encouraged the Board and members of the Baypoint community to attend the SMUSD meeting on August 14, 2025 to show support for the charter petition renewal.**

**Galel asked members of the Baypoint community to reach him by email with any questions, comments, or concerns as we begin the school year & face charter petition renewal.**

## 8. ORGANIZATIONAL MATTERS

The next Regular meeting of the Governing Board will take place on September 8, 2025 at 5:30 P.M. via Zoom or in person at 520 East Carmel Street, San Marcos, CA.

## 9. ADJOURNMENT

Motion:	Galel Fajardo		
Second:	Sean Kruse		
Vote:	Yes	No	Absent
Galel Fajardo	X	.	
Sean Kruse	X	.	
Nancy Spencer	X	.	

The meeting adjourned at 6:29 p.m.