

This document was provided, as is, to the California Department of Education (CDE) by the **Napa Valley Unified School District** for Agenda Item 2 of the Advisory Commission on Charter Schools August 2022 Meeting Agenda and is posted to the CDE website to meet the legal requirements of California *Education Code* Section 33009.5. Minor formatting changes may have occurred during document remediation.

For more information regarding the content of this material, please contact the Charter Schools Division by phone at 916-322-6029 or by email at charters@cde.ca.gov.

Attachment 7

Written Opposition from Napa Valley Unified School District



Board of Trustees

Robyn Jankiewicz, *President*
David T. Gracia, *Vice President*
Cindy Watter, *Clerk*
Lisa Chu
Jason Dooley
Eve Ryser
Elba Gonzalez-Mares

Superintendent

Rosanna Mucetti, Ed.D.

May 12, 2022

California State Board of Education
1430 N Street
Sacramento, CA 95814

Via E-mail to:
CharterAppeals@cde.ca.gov

***Re: Mayacamas Charter Middle School: Statement by Napa Valley Unified School District
in Opposition to Appeal of Denial of New Charter Petition***

Members of the Board:

Pursuant to section 47605(k)(2)(C) of the California Education Code, the Board of Trustees of the Napa Valley Unified School District, through designation to Dr. Rosanna Mucetti, Superintendent of the Napa Valley Unified School District, hereby respectfully submits its written opposition to the petition submitted by Napa Foundation for Options in Education to the State Board of Education, appealing the denial by Napa Valley Unified School District and the Napa County Board of Education of a petition to establish a new charter school.

1. Introduction

On December 9, 2021, the governing board of Napa Valley Unified School District (the “District” or “NVUSD”) unanimously voted, on multiple grounds,¹ to deny a petition (“Petition”) submitted by Napa Foundation for Options in Education (“Petitioners”) to establish a new charter school to be named Mayacamas Charter Middle School (“Charter School”).

Petitioners appealed the District’s denial of their Petition to the Napa County Board of Education (“County Board”). On March 15, 2022, the County Board voted to deny Petitioners’ appeal on the grounds that the proposed charter school was unlikely to serve the interests of the entire

¹ NVUSD’s grounds for denial of the petition included that the educational program described in the petition was unsound, that petitioners were unlikely to successfully implement the program set forth in the petition, that the petition lacked reasonably comprehensive descriptions of all required elements, and that the proposed charter school was unlikely to serve the interests of the entire community.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

community, and on April 5, 2022 the County Board adopted written findings supporting its denial decision.

On April 14, 2022, Petitioners submitted an appeal petition (“Appeal Petition”) to the State Board of Education (“State Board”). Petitioners argue in their written submission to the State Board (“Appeal Submission”)² that both the District Board and the County Board abused their discretion in denying the Petition. As set forth herein, Petitioners’ arguments are baseless, because both the District’s governing board and the County Board followed all requirements of law in their review of the Petition, provided Petitioners with a fair review process, and ultimately denied the Petition on the basis of specific written findings that were supported by evidence in the record.

As set forth below, Petitioners’ Appeal Submission fails to meet their burden to overcome the highly deferential standard of review on a State Board appeal to overturn the denial of a new charter petition. Because Petitioners have not demonstrated that the District Board or the County Board abused their discretion, the State Board should deny the Appeal Petition.

2. Procedural History of the Mayacamas Charter Petition

a. Summary of the District’s Review and Denial of the Petition

On September 15, 2021, Petitioners submitted the Petition to the District.³ A team of District staff conducted a comprehensive review of the Petition, based on a rubric developed by the California Charter School Authorizers (“CCSA”), and based on that analysis, prepared a report of proposed findings and recommendations to the District’s governing board (“District Board”), which was published on November 23, 2021.⁴

² Petitioners’ written submission in support of their appeal is Exhibit 6 to the complete appeal packet submitted to the State Board.

³ NVUSD-MCMS0001 - NVUSD-MCMS0469. Citations herein with the prefix NVUSD-MCMS refer to pages from the documentary record of the District governing board’s review and action on the Mayacamas Charter petition.

⁴ NVUSD-MCMS0522 - NVUSD-MCMS0563; see also District Exhibit A (District staff’s petition evaluation rubric). The District staff team’s review process is described in more detail below in Part 4.d.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

In its report, District staff recommended that the District Board deny the petition, based on proposed findings that:

- (1) The Petition presented an unsound educational program under Education Code section 47605(c)(1);⁵
- (2) Petitioners were demonstrably unlikely to successfully implement the program set forth in the Petition under Education Code section 47605(c)(2);⁶
- (3) The Petition did not contain reasonably comprehensive descriptions of elements (A) through (O) of Education Code section 47605(c)(5) (specifically, the educational program (Ed. Code § 47605(c)(5)(A)); the means to achieve a balance of student population reflective of district general population (Ed. Code § 47605(c)(5)(G)); and measurable student outcomes (Ed. Code § 47605(c)(5)(B));⁷ and
- (4) The proposed charter school was demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate, under Education Code section 47605(c)(7).⁸

Evidence supporting the District staff's proposed findings and recommendations was cited and/or included in the District staff report.⁹

The District Board held the public hearing required by Education Code section 47605(b) on November 4, 2021. On December 9, 2021, after listening to and considering over 40 minutes of public comments,¹⁰ the District Board voted to adopt the proposed findings of the District staff report, and on the basis of those findings to deny the Petition.¹¹

⁵ NVUSD-MCMS0527 - NVUSD-MCMS0534.

⁶ NVUSD-MCMS0527 - NVUSD-MCMS0528; NVUSD-MCMS0535 - NVUSD-MCMS0542.

⁷ NVUSD-MCMS0527 - NVUSD-MCMS0529; NVUSD-MCMS0542 - NVUSD-MCMS0546.

⁸ NVUSD-MCMS0528 - NVUSD-MCMS0529; NVUSD-MCMS0547 - NVUSD-MCMS0548.

⁹ NVUSD-MCMS0522 - NVUSDMCMS0563.

¹⁰ Appeal Submission, Exhibit 3: December 9, 2021 NVUSD Board Meeting Transcript, pp. 16-28, timestamps 00:56:41 - 01:37:19. Public comment included 7 speakers in favor of granting the Petition and 9 speakers in favor of denying the Petition. (*Ibid.*)

¹¹ NVUSD-MCMS0592 - NVUSD-MCMS0692.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

b. Summary of the County Board's Review and Denial of the Petition

On December 21, 2021, Petitioners submitted the Petition, along with additional materials, to the Napa County Office of Education ("County Office").¹²

In violation of Education Code section 47605, Petitioners did not provide a copy of their appeal materials to the District simultaneously with their submission of the appeal materials to the County Office.¹³ Thus, the District was forced to demand on December 29, 2021 that the County Office or Petitioners provide it with copies of the complete appeal submission to the County Office, so that the District could determine whether the appeal submission to the County Office contained new or material terms requiring that the Petition be remanded to the District for reconsideration.¹⁴

Petitioners finally provided a copy of their appeal submission to the District on January 5, 2022.¹⁵ Because Petitioners' appeal to the County Board was not statutorily complete until they had provided their appeal submission to the District, the County Board's statutory timeline to take action on Petitioners' appeal was 90 days after January 5, 2022; *i.e.*, April 5, 2022.¹⁶

Upon review of Petitioners' appeal submission to the County Office, the District determined that Petitioners' appeal submission contained new or different material terms—specifically, additional parent signatures; changes to the admissions policies and procedures described in the Petition; and amendments to the reclassification procedures described in the Petition. On those grounds, the District demanded, at a special meeting of the County Board held on January 14,

¹² Appeal Submission, Exhibit 1 to Exhibit 5 (Appeal Packet to NCBOE).

¹³ "*At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district.*" Ed. Code § 47605(k)(1)(A)(i), emphasis added.

¹⁴ See District Exhibit B; Appeal Submission, Exhibit 2 to Exhibit 5.

¹⁵ See District Exhibit C.

¹⁶ Ed. Code § 47605(b).

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

2022,¹⁷ that the County Board remand the Petition to the District under Education Code section 47605(k)(1)(A)(i).¹⁸

Eventually, Petitioners requested on January 17, 2022 that the County Board strike the objectionable portions of the appeal submission, and the County Office went forward with its review of the Petition.¹⁹ The County Board held a public hearing on Petitioners' appeal on February 1, 2022,²⁰ and County Office staff published their findings and recommendations regarding the Petition on February 28, 2022.²¹

The County Office staff report did not specifically analyze any of the criteria for denying a charter petition under section 47605(c), other than the new subdivision 47605(c)(7).²² With respect to section 47605(c)(7), the County Office staff report recommended that the County Board consider whether denial of the Petition was appropriate, on the grounds that due to the fiscal impact on the District—which has been experiencing declining enrollment and resulting budgetary difficulties in recent years, necessitating staff reductions and school closures—the proposed charter school would be demonstrably unlikely to serve the interests of the entire community in which it was proposing to locate.²³ In support of this recommendation, the County Office staff report included a detailed financial analysis, projecting that the reduction in District

¹⁷ District Exhibit D; *see also* Agenda, Jan. 14, 2022 Napa County Board of Education Special Meeting, available at https://napacoe.org/wp-content/uploads/2022/01/CORRECTED-LINK-AGENDA-January-14-2022-Special-Meeting_v3-2.pdf.

¹⁸ “If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days.” Ed. Code § 47605(k)(1)(A)(i); *see also* Ed. Code § 47605(k)(1)(A)(iii) (“As used in this subdivision, “material terms” of the petition means the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h), but shall not include minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facilities arrangements, or state law, or to reflect the county board of education as the chartering authority.”)

¹⁹ See District Exhibit E.

²⁰ Appeal Submission, Exhibit 3 to Exhibit 5 (NCBOE 2-1-22 Agenda).

²¹ Appeal Submission, Exhibit 4 to Exhibit 5 (2-28-22 NCOE Findings re MCMS) (“NCOE Staff Findings”).

²² NCOE Staff Findings.

²³ NCOE Staff Findings, pp. 5-6. The standard for denial of a charter petition under Education Code section 47605(c)(7) is discussed below in Part 4.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

enrollment due to the proposed charter school was likely to exacerbate the District's fiscal difficulties, potentially causing the District to fail to meet its required reserves in the fourth year of the charter school's operation, or one year prior to when it might otherwise fail to meet its required reserves.²⁴ County Office staff did not find grounds for denial of the Petition under the criteria set forth in Education Code section 47605(c), subdivisions (1)-(6) or (8).²⁵

At its March 15, 2022 meeting, the County Board considered and debated whether the fiscal impact of the proposed charter school on the District was grounds for denial under Education Code section 47605(c)(7), and after listening to and considering approximately three and a half hours of public comment,²⁶ voted to deny Petitioners' appeal under section 47605(c)(7).²⁷

Because the County Board had not prepared written findings in support of its decision in advance of the March 15, 2022 meeting, the County Board delegated the preparation of written findings based on the reasons for its decision, as discussed during that meeting, to County counsel and a designated County Board member.²⁸ The County Board adopted its written findings in support of denial at its April 5, 2022 meeting.²⁹

²⁴ NCOE Staff Findings, pp. 3-4, 6-7.

²⁵ NCOE Staff Findings, pp. 4-5.

²⁶ Appeal Submission, Exhibit 9 to Exhibit 5 (3-15-22 NCBOE meeting recording transcript ("NCBOE Transcript")), pp. 44-157 (timestamps 510 (01:16:05) - 1883 (04:46:36)).

²⁷ Appeal Submission, Exhibit 8 to Exhibit 5 (3-15-2022 Board Minutes).

²⁸ NCBOE Transcript, pp. 171-173. At the March 15, 2022 meeting, County Board counsel explained the requirement of written findings supporting the County Board's decision and took instruction from the Board on the content of the written findings to be prepared. (*Ibid.*)

²⁹ Appeal Submission, Exhibit 11 to Exhibit 5.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

3. Assembly Bill 1505 (2019) Established a New Standard for State Board Review That Is Highly Deferential to the Local District's and County's Decisions to Deny a Charter Petition

Prior to the passage of Assembly Bill 1505 (“AB1505”) in October 2019, when petitioners seeking to establish a new charter school appealed denial of their petition by a local school district and a county office of education to the State Board of Education, the State Board would review the petition on appeal under the same standards applicable to review by a local district or a county office—*i.e.*, the State Board would review the petition *de novo*.³⁰

AB1505 changed charter appeal procedures by establishing “a limited appeal process to the [State Board], which will hear appeals for a charter school able to show the school district or county abused its discretion when hearing the petition.”³¹ Thus, under AB1505, when the State Board reviews an appeal of the denial of a charter petition, the State Board’s inquiry is limited to whether the local district or the county office abused their discretion in denying the petition.³² On appeal, the State Board “may affirm the determination of the governing board of the school district or the county board of education, or both of those determinations, or may reverse only upon a determination that there was an abuse of discretion.”³³

Section 47605 of the Education Code does not define “abuse of discretion” in the context of review of a charter petition by a local district or a county board of education. However, numerous court decisions provide general guidance in applying the deferential “abuse of discretion” standard of review.

As a preliminary matter, because a charter school is deemed to be a school district for purposes of statutory and constitutional funding allocation, approval of a charter petition is akin to creation of a school district, *i.e.*, a “quasi-legislative” action.³⁴ Court review of “quasi-

³⁰ See Cal. Ed. Code § 47605(j)(1), version effective July 1, 2019 to December 31, 2019, as amended by Stats. 2019, c. 51 (S.B. 75), § 30.

³¹ Assembly Floor Analysis, AB1505, Concurrence in Senate Amendments (Sep. 5, 2019), Summary ¶ 5 (emphasis added, available at https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505#; see also Senate Rules Committee Floor Analysis, AB1505, Comments § 6, pp. 8-9, available at https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201920200AB1505#.)

³² Ed. Code § 47605(k)(2), effective July 1, 2020.

³³ Ed. Code § 47605(k)(2)(E).

³⁴ Ed. Code § 47612(c); see *Cal School Bds. Assn. v. State Bd. of Education*, 186 Cal.App.4th 1298, 1324-25 (2010).

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

legislative” actions (as opposed to “quasi-judicial” actions) is subject to the highly deferential “abuse of discretion” standard. As stated by the California Supreme Court:

In reviewing such quasi-legislative decisions, the trial court does not inquire whether, if it had power to act in the first instance, it would have taken the action taken by the administrative agency. The authority of the court is limited to determining whether the decision of the agency was arbitrary, capricious, entirely lacking in evidentiary support, or unlawfully or procedurally unfair.³⁵

Put differently, a court may find abuse of discretion only where a public agency “has not proceeded in the manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence.”³⁶ When reviewing an agency’s decision under the “abuse of discretion” standard, a court may reverse the agency’s decision only if, based on the evidence before the agency, a reasonable person could not have reached the agency’s conclusion.³⁷ In making this determination, the court presumes substantial evidence supports the agency’s decision,³⁸ and resolves reasonable doubts *in favor* of the agency’s findings and decision.³⁹ Further, to warrant court reversal of a public agency’s decision, abuse of discretion must have been prejudicial.⁴⁰

Thus, in applying the new standard of review under AB1505, the State Board *must* let the denial decisions of the District and the County Board stand, *unless* the State Board finds that the District and County Board did not proceed in the manner required by law, that their decisions were not supported by the findings, or that their findings were not supported by the evidence.

In determining whether evidence supports the findings, the State Board must not substitute its own judgment for that of the District Board or the County Board—i.e., the State Board cannot

³⁵ *Fullerton Joint Union High School Dist. v. State Bd. of Education*, 32 Cal.3d 779, 786 (1982); *see also California School Bds. Assn. v. State Bd. of Education*, 186 Cal.App.4th 1298, 1314 (2010); *County of Del Norte v. City of Crescent City*, 71 Cal.App.4th 965, 972 (1999); *California Correctional Peace Officers' Assn. v. State*, 181 Cal.App.4th 1454, 1459-60 (2010).

³⁶ Code Civ. Proc. § 1094.5(b).

³⁷ *Paoli v. Cal. Coastal Com.* (1986) 178 Cal.App.3d 544, 550–551.

³⁸ *Ross v. California Coastal Com.* (2011) 199 Cal.App.4th 900, 921.

³⁹ *Topanga Assn. for Scenic Community v. County of Los Angeles*, 11 Cal.3d 506, 514 (1974).

⁴⁰ Code Civ. Proc. § 1094.5(b) (“The inquiry in [a court proceeding on a petition for a writ of administrative mandate] shall extend to the questions whether the respondent has proceeded without, or in excess of, jurisdiction; whether there was a fair trial; and whether there was any *prejudicial* abuse of discretion,” emphasis added).

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

overturn the District Board's or County Boards' decision merely because the State Board determines that it would have reached a different conclusion on the same evidence.⁴¹ Rather, the State Board may only find abuse of discretion if, based on the evidence, *a reasonable person could not have reached the same conclusion* as the District Board or the County Board. In this analysis, any reasonable doubts must be resolved in favor of the lower agencies' decisions.

Additionally, in reviewing the District's and County Board's denials for abuse of discretion, the State Board may not overturn those decisions unless *all* of the grounds for denial were not supported by the findings and evidence. Put another way, if *any one* of the statutory grounds for denial cited by the District or County Board was supported by findings, and those findings were supported by the evidence, then the State Board must let the decision stand on appeal.⁴²

4. **The State Legislature Adopted AB1505 With the Intent to Grant Local School Districts and County Offices of Education Broad Discretion to Consider the Fiscal and Community Impact of a Proposed Charter School**

Besides modifying the appeals process for charter petitions, AB1505 added new grounds upon which charter petition denial findings may be made. Specifically, as relevant here, under AB1505, a charter petition may be denied upon a finding that the charter school will not serve the interests of the entire community:

The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. *Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school.* A written factual finding under this paragraph shall detail specific facts and circumstances that analyze and consider the following factors:

- (A) The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings.

⁴¹ “[I]n determining whether the [administrator] has acted arbitrarily or capriciously, this court does not inquire whether, if it had power to draft the regulation, it would have adopted some method or formula other than that promulgated by the director. The court does not substitute its judgment for that of the administrative body. ... The substitution of the judgment of a court for that of the administrator in quasi-legislative matters would effectuate neither the legislative mandate nor sound social policy.” *Pitts v. Perluss*, 58 Cal.2d 824, 834–835 (1962).

⁴² *See* Ed. Code § 47605(c) (a petition may be denied based on “one or more” of the findings listed in subdivisions (c)(1)-(c)(8)).

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

(B) Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.⁴³

Analysis of this “community interest” factor is a subjective standard, which necessarily grants the full measure of discretion to educational officials charged with review of a charter petition. One of AB1505’s authors, Assemblyman Patrick O’Donnell (AD-70), Chair of the Assembly Education Committee, has confirmed in writing that the bill’s intent was to grant such broad discretion to local districts and county boards, via a March 10, 2022 letter to the County Board, which is attached in its entirety to this submission as Exhibit F:

[Section] 47605(c)(7) applies when the approval of the charter will present a fiscal impact to the school district's programs, and the school district presents an analysis of how the charter school would substantially undermine existing services, academic offerings, or programmatic offerings because of that fiscal impact. When drafting the bill, we used the word “substantial” to indicate that a financial impact of \$1.00 is not enough, but instead it must be substantial to the school district, according to their analysis. The language was left broad intentionally, due to the fact that each school district is different and therefore the financial impact is different in each case.

The main requirement of a denial under 47605(c)(7) is that the school district must present a basic analysis of the financial impact of opening or expanding the charter school on the school district and how that financial impact will substantially undermine existing services to the school district's students. For example, if the charter school opens and the school district loses the projected ADA, the school district may have to adjust their budget accordingly by eliminating the music program, closing a school site, or by requiring two schools to share school facilities. The analysis should lay out the impact on the school

⁴³ Ed. Code § 47605(c)(7), emphasis added.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

district and the impact to the community, including the services or programs that may be impacted by the new or expanding charter school. [...]

Again, the Legislative intent was to give school district and county boards of education broad discretion to consider what the fiscal and community impacts of a proposed charter school might be, and deny a charter school under 47605(c)(7) if they felt that impact would be substantial for their students, schools, and broader community. [...]

To deny a charter school petition under Section 47605(c)(7), a school district or county board of education need only find that there will be a fiscal and community impact of the proposed school that will “substantially undermine existing services, academic offerings, or programmatic offerings.” The school district does not need to meet any criteria of fiscal distress, or be in fiscal distress to deny a charter petition under 47605(c)(7). [...]

The intent of AB 1505 was to provide greater local control to school districts and provide more flexibility to school districts to deny charter school petitions if the proposed charter school (or expansion) would have a substantial impact on the school district's programs under 47605(c)(7), or if the school district was in financial distress under 47605(c)(8).⁴⁴

⁴⁴ District Exhibit F at pp. 1-3, emphasis in original.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

5. Neither the District Board Nor the County Board Abused Their Discretion in Denying the Petition

Petitioners' Written Submission in support of their Appeal Petition ("Appeal Submission") asserts five grounds on which Petitioners contend both the District Board and the County Board abused their discretion in denying the Petition:

1. That the County Board failed to proceed in the manner required by law, because its adoption of findings in support of its decision to deny the Petition occurred later than 90 days after its receipt of the Petition;
2. That the County Board's decision to deny the Petition was not supported by the factual findings that the County Board adopted;
3. That the County Board's findings in support of denial were not supported by the evidence in the record;
4. That the District Board failed to proceed in the manner required by law, because its review process was not fair and impartial; and
5. That the District's factual findings in support of denial were not supported by the evidence in the record.

As set forth below, Petitioners' stated grounds are without merit, and the State Board should deny Petitioners' appeal.

a. The County Board's Adoption of Findings on April 5 Was Statutorily Compliant and Was Not an Abuse of Discretion

Petitioners contend that the County Board abused its discretion by failing to adopt written findings in support of its decision to deny the Petition until April 5, 2022. (Appeal Submission, pp. 10-11.) Petitioners argue that the County Board's adoption of findings after its decision to deny the Petition violated the timeframe for action set forth in Education Code section 47605(b), because the findings were adopted over 90 days after the County Board received the Petition from Petitioners on December 21, 2022. This argument fails for three reasons:

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

- First, Petitioners' appeal submission to the County Board was not complete until January 5, 2022, and thus the County Board's 90-day timeframe to take action ran until April 5, 2022, which was the date on which the County Board adopted its findings.
- Second, even if Petitioners' appeal submission were deemed to have been submitted to the County Board on December 21, the 90-day timeframe in section 47605(b) is directory, not mandatory, under California law; and thus the County Board still had power to act even beyond 90 days from submission.
- Finally, even if the County Board had exceeded its statutory timeframe to render a decision by 15 days, Petitioners have made no showing that such delay was prejudicial.

First, Petitioners' appeal submission to the County Board on December 21, 2022 was not compliant with Education Code section 47605(k)(1)(A)(i), because Petitioners failed to furnish a copy of its complete appeal submission to the District on that date as the statute requires.⁴⁵ Petitioners finally complied with this requirement on **January 5, 2022**.⁴⁶ Thus, the County Board's adoption of written findings on April 5, 2022, 90 days after Petitioners provided their appeal petition to the District, was within the statutory directive that a County Board take action within 90 days of submission of an appeal petition.

Second, even if Petitioners' submission to the County Board were deemed complete as of December 21, 2021, the County Board's adoption of findings on April 5, 2022 would not have been an abuse of discretion justifying overturning the decision to deny, because the 90-day statutory timeline in section 47605(b) is only *directory*, not mandatory; and thus the County Board still had jurisdiction to act after 90 days from receiving the appeal submission.

In support of their argument, Petitioners cite two cases: *Tran v. County of Los Angeles*⁴⁷ and *Austin v. Department of Motor Vehicles*,⁴⁸ in which courts found that an agency abused its discretion by failing to render decisions within timeframes established by the County Code (in

⁴⁵ See Section 2.b above.

⁴⁶ District Exhibit C; see also Section 2.b above.

⁴⁷ 74 Cal.App.5th 154 (2022).

⁴⁸ 203 Cal.App.3d 305 (1988).

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

Tran) or the Vehicle Code (in *Austin*).⁴⁹ However, both of those cases dealt with mandatory, not directory, timeframes, and thus do not control this appeal.⁵⁰

In *Tran*, the County Code section in question provided that “[d]ecisions on appeals or reviews [of conditional use permits (CUPs)] shall be rendered within 30 days of the close of the hearing,” and that “[i]f the Appeal Body fails to act upon an appeal within the time limits prescribed [above], the decision from which the appeal was taken shall be deemed affirmed.” The Court of Appeal found that the timeframe set forth in the County Code section was mandatory, not directory, because failure to comply with the timeframe divested the appeal body from jurisdiction to act.⁵¹ The Court of Appeal explained:

If the failure to comply with a particular procedural step does not invalidate the action ultimately taken, ... the procedural requirement is referred to as “directory.”
If, on the other hand, it is concluded that noncompliance does invalidate subsequent action, the requirement is deemed “mandatory.”⁵²

Tran followed the direction of the state Supreme Court’s ruling in *California Correctional Peace Officers Assn. v. State Personnel Bd.*⁵³ (CCPA). “Time limits are usually deemed to be directory

⁴⁹ Appeal Submission, p. 10.

⁵⁰ *Tran*, 74 Cal.App.5th at ; *Austin*, 203 Cal.App.3d at 305-306.

The question of whether a statutory directive is mandatory or directory is separate from the question of whether that directive is mandatory or permissive.

In *People v. McGee*, 19 Cal.3d 948, 958-959 (1989), the state Supreme Court explained that some past judicial decisions “have improperly equated the mandatory-directory duality with the linguistically similar, but analytically distinct, ‘mandatory-permissive’ dichotomy.” (*McGee*, 19 Cal.3d at 958-959.) “[I]n the latter context ‘the term ‘mandatory’ refers to an obligatory [procedure] which a governmental entity is required to [follow] as opposed to a permissive [procedure] which a governmental entity may [follow] or not as it chooses. By contrast, the ‘directory’ or ‘mandatory’ designation does not refer to whether a particular statutory requirement is ‘permissive’ or ‘obligatory,’ but instead simply denotes whether the failure to comply with a particular procedural step will or will not have the effect of invalidating the governmental action to which the procedural requirement relates.” (*Ibid.*)

“Many statutory provisions which are ‘mandatory’ in the obligatory sense are accorded only ‘directory’ effect.” (*Morris v. County of Marin*, 18 Cal.3d 901, 908 (1977).)

⁵¹ 74 Cal.App.5th at 165.

⁵² *Tran*, 74 Cal.App.5th at 165, internal quotations and citations omitted.

⁵³ 10 Cal.4th 1133 (1995).

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

unless the Legislature clearly expresses a contrary intent.”⁵⁴ “[T]he consequence or penalty [of violating a time limit] must have the effect of invalidating the government action in question if the limit is to be characterized as “mandatory.”⁵⁵

Contrary to Petitioners’ mischaracterization of the *Tran* decision, *Tran* did not address whether the adoption of written findings after the County’s resolution of intent to approve the CUP was improper, or as Petitioners put it, a “*post hoc* rationalization.” The issues in *Tran* were solely: (1) whether the time limit in the County Code was mandatory, (2) whether the County’s “decision” was rendered for purposes of the time limit when it passed the motion of intent to approve the CUP with the modified conditions or when it ultimately adopted its findings, and (3) whether the County’s delay was prejudicial.⁵⁶

Austin, also cited by Petitioners, preceded the State Supreme Court’s decision in *CCPA*, and did not examine whether the statute in question had a consequence or penalty for violation of the timeframe. Later Court of Appeal decisions have declined to follow *Austin*’s holding that the mere use of the word “shall,” as opposed to “may,” in a statute rendered a time limit mandatory. For instance, in *Woods v. Dep’t of Motor Vehicles*,⁵⁷ the Court of Appeal expressly disagreed with *Austin*, finding that the court in *Austin* had failed to analyze whether an obligatory statutory time limit should be given “directory” as opposed to “mandatory” effect.⁵⁸ In *Woods*, the Court of Appeal found that the time limit in question [requiring the Department to hold a hearing on a motorist’s license suspension within 30 days of the motorist’s demand] was obligatory, but that because the time limit was directory and not mandatory, the Department’s delay in holding the demanded hearing was not cause to set aside the suspension without a showing that the motorist was prejudiced by the delay.⁵⁹

⁵⁴ *Tran*, 74 Cal.App.5th at 165, citations omitted.

⁵⁵ *CCPA*, 10 Cal.4th at 1145.

⁵⁶ *Tran*, 74 Cal.App.5th at 159, 167-68, 172, 173.

⁵⁷ 211 Cal.App.3d 1263 (1989)

⁵⁸ *Woods*, 211 Cal.App.3d at 1271-72.

⁵⁹ *Id.* at 1272; *see also Spitze v. Zolin*, 48 Cal.App.4th 1920, 1932 (1996) (“In addition to finding *Woods* to be the better-reasoned opinion, we think *Austin* has been undermined by [*CCPA*].”).

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

Here, section 47605(b) does not provide any penalty or consequence for failure by a county board to take action on a petition within 90 days from its submission. Section 47605(k)(6) does provide that if a county board fails to act on an appeal of denial within 180 days of receipt, then the school district's denial decision will be subject to judicial review—however, that provision is inapplicable here, because the County Board took action within well under 180 days from receipt of Petitioners' appeal. In fact, as demonstrated by the discussion between the County Board and its counsel at the March 15, 2022 meeting, the additional time that the County Board took to prepare and ratify findings after voting to deny the Petition was for the *specific purpose* of complying with the requirement that denial under section 47605(c)(7) be supported by written factual findings that detail specific facts and circumstances.⁶⁰

Petitioners also cite *Woody's Group, Inc. v. City of Newport Beach*⁶¹ for the proposition that a governmental body commits an abuse of discretion by not proceeding in the manner required by law where it does not “follow the policies it sets for itself.”⁶² *Woody's Group* is also inapplicable here. In *Woody's Group*, a city council member initiated an appeal against a permit issued by the city's planning commission to a restaurant, and then participated in the hearing on the appeal that he had initiated.⁶³ This was held improper because the council member had no standing as an interested party to initiate the appeal, did not follow procedural requirements applicable to other appellants, and demonstrated “an unacceptable probability of actual bias” through his actions in participating in the hearing on his own appeal.⁶⁴ In other words, *Woody's Group* did not address an alleged minor violation of a timeline that was merely directory, not mandatory: rather, *Woody's Group* addressed a governmental body conducting an adjudicative inquiry that was entirely outside its authority, and which was initiated by a person who would also be participating in the decision.

⁶⁰ NCBOE Transcript (Appeal Submission, Exhibit 9 to Exhibit 5), pp. 171-173; *see also* Appeal Submission, Exhibit 8 to Exhibit 5 (3-15-22 Board Minutes).

⁶¹ 233 Cal.App.4th 1012 (2015).

⁶² Appeal Submission, p. 11.

⁶³ *Woody's Group*, 233 Cal.App.4th at 1017, 1019.

⁶⁴ *Woody's Group*, 233 Cal.App.4th at 1019, 1022-23, 1027.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

Finally, even if the County Board had exceeded its 90-day timeline to render a decision on the Petition by 15 days, the Appeal Submission makes no showing that such delay was *prejudicial*—*i.e.*, that *the delay itself*, rather than the ultimate decision reached by the County Board, harmed Petitioners' interests. Put another way, Petitioners have not demonstrated that they were prejudiced by the County Board's final action having taken place on April 5, 2022 rather than on or before March 21, 2022—*e.g.*, that the additional 15-day lapse in time either resulted in a less favorable outcome or resulted in evidence becoming unavailable.⁶⁵

b. The County Board Properly Adopted Specific Factual Findings in Support of Denial of the Petition

Petitioners next argue that the County Board's findings adopted on April 5, 2022 were insufficient to support the County Board's decision to deny the Petition under section 47605(c)(7), because the County Board's findings "simply parroted back the language of the two factors [set forth in section 47605(c)(7)(A)-(B)] without providing any supporting facts or legal conclusions."⁶⁶ This contention is false and conclusory, and ignores the actual content of the County Board's findings. Contrary to Petitioners' mischaracterization, the County Board's findings are both adequate and specific, and the County Board provided numerous supporting facts and citations to evidence in the record.⁶⁷

Specifically, the County Board adopted 26 specific factual findings, and almost every one of these findings provided a citation to evidence in the record. For example:

⁶⁵ See, e.g., *Alpha Nu Assn. of Theta Xi v. University of Southern California*, 62 Cal.App.5th 383, 407 (2021) (finding that university's hearing of a complaint regarding fraternity hazing that was submitted two months after the deadline did not prejudice the fraternity chapter, where there was "little prospect that this modest untimeliness would obstruct the investigation or prejudice Theta Xi's defense" and the fraternity chapter did "not claim that any evidence had gone stale." Compare with *Tran v. County of Los Angeles*, 74 Cal.App.5th 154, 173 (2022) (finding that Board's erroneous issuance of CUP decision after 30-day deadline did result in less favorable outcome to Plaintiff, because the Board lacked jurisdiction after the deadline and therefore the more favorable decision of the Commission should have been deemed affirmed).

⁶⁶ Appeal Submission, p. 12.

⁶⁷ Napa County Board of Education Findings adopted April 5, 2022, Appeal Submission, Exhibit 11 to Exhibit 5 ("NCBOE Findings").

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

- Findings # 6-16 and 18-20 set forth the current and future fiscal situation of the District caused by long-term declines in enrollment.⁶⁸
- Findings # 17 and 22-25 set forth the fiscal impact of the proposed charter school on the District and the anticipated and potential cuts in District programs and services that would be required to mitigate that impact (including potential school closures; cuts to sports, music, physical education, afterschool, and summer school programs; and reductions in counselors, intervention teachers, and electives).⁶⁹
- In support, the County Board's findings cited detailed fiscal analysis documents, the County Office's and the District's staff reports, and additional evidence provided to the County Office by the District.⁷⁰

These findings fully satisfy the statutory requirement that findings in support of denial under section 47605(c)(7) "include consideration of the fiscal impact of the proposed charter school" and consider "[t]he extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings."

The findings also satisfy the legislative intent, as explained by AB1505's author, Assemblyman O'Donnell,⁷¹ that to deny a petition based on section 47605(c)(7), a school district (or county board) should "present a basic analysis of the financial impact of opening or expanding the charter school on the school district and how that financial impact will substantially undermine existing services to the school district's students ... including the services or programs that may be impacted by the new or expanding charter school."⁷²

⁶⁸ NCBOE Findings, pp. 2-3.

⁶⁹ NCBOE Findings, pp. 2-3.

⁷⁰ NCBOE Findings, pp. 2-3.

⁷¹ See Part 3 above.

⁷² District Exhibit F at p. 2.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

c. The County Board's Findings Were Supported by Substantial Evidence in the Record

Petitioners argue that the County Board's analysis underlying its findings in support of denial was not supported by substantial evidence in the record.⁷³ Petitioners contend that there is not substantial evidence supporting a finding that the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings, because the proposed charter school would replace a current District program that is being discontinued, and thus "approval of MCMS is akin to maintaining a programmatic status quo."⁷⁴ This contention misses the mark.

As the County Board correctly noted and Petitioners acknowledge, the District's fiscal difficulties caused by declining enrollment have *already* required the District to reduce programs and close schools, including the small middle school whose program the Petition seeks to continue.⁷⁵ The County Board's findings were based on evidence that the fiscal impact of the proposed charter school were likely to result in cuts to, or elimination of, several *other* District programs—including sports, music, physical education, afterschool, and summer school programs; and reductions in counselors, intervention teachers, and electives.⁷⁶

Difficult decisions regarding prioritization of programs and services, together with selection of expenditures to reduce to offset reductions in revenues, are within the discretion of a local school district.⁷⁷ The findings adopted in support of the County's denial reflect the County Board's

⁷³ Appeal Submission, pp. 13-15.

⁷⁴ Appeal Submission, p. 13.

⁷⁵ See NCBOE Findings, Appeal Submission, Ex. 11 to Ex. 5, at pp. 2-3, Findings # 6-7, 13-15; NCOE Staff Findings, Appeal Submission Ex. 4 to Ex. 5, p. 4 ("NVUSD likely is going to need to close more schools, with or without MCMS"), Ex. E pp. 6-7 (District First Interim Financial Report 2021-2022, discussing the need to close schools among other measures required to reduce expenditures).

⁷⁶ NCBOE Findings, Appeal Submission, Ex. 11 to Ex. 5, pp. 2-3, Findings # 17, 22-25.

⁷⁷ "[A government agency's] decision involving the allocation of limited funds is a purely discretionary one. A governmental decision involving essentially political considerations is regarded as "discretionary" and thus immune from liability. The category of political decisionmaking includes questions of budgetary and fiscal policy, personnel administration standards, allocation of available resources according to variable priorities of need, and choices between competing plans for accomplishing approved objectives." *Taylor v. Buff*, 172 Cal.App.3d 384, 390, internal quotation marks & citations omitted.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

determination that despite County Staff's belief that the proposed charter school may have offered some benefits to a small student population, the potential benefits of the proposed charter school's program did not outweigh the detriments to the wider District student population that would result from the additional reductions in other programs that would be required if District revenues were diverted to a new charter school at a time when other District schools were being closed. The exhibits to the County Office staff report, including the County Office's "What If" analysis charts and the District's 2021-2022 First Interim Financial Report,⁷⁸ substantially support the County Board's findings regarding the economic and programmatic impacts of the proposed charter school.

Petitioners further contend that the County Board's fiscal analysis did not account for "the acceleration of declining enrollment that will most assuredly result from the denial of the MCMS petition, with disenfranchised families choosing to leave the District for other education options."⁷⁹ However, the County Office staff report *expressly acknowledges* the possibility that if the Petition is denied, some students formerly enrolled in River Middle School may not remain in the district, which could change assumptions about the District's future budget.⁸⁰ The precise number of these hypothetical enrollment losses was not, and likely could not be, estimated either by County Staff or Petitioners with any accuracy: nonetheless, the County Board was informed of this uncertain possibility in the County Staff report, and there is no basis for the State Board to determine that the County Board members failed to consider it—while using their discretion in determining how much weight to assign this possibility—in reaching their final decision.

Similarly, Petitioners assert that the County Board's fiscal analysis failed to account for either reductions in District expenses due to the loss in revenue caused by the proposed charter school, or the increase in District revenues due to expansion of Transitional Kindergarten (TK) in coming years.⁸¹ Again, both of these issues were noted in the County Office staff report and its exhibits—including a "What If" analysis of how District revenues and expenses with the

⁷⁸ NCOE Staff Findings, Appeal Submission Ex. 4 to Ex. 5, pp. 7, 14, 15-163

⁷⁹ Appeal Submission, p. 14.

⁸⁰ NCOE Staff Findings, Appeal Submission Ex. 4 to Ex. 5, p. 4.

⁸¹ Appeal Submission, pp. 14-15.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

proposed charter school would affect its budget over the next 5 academic years,⁸² and additionally noted that overall District enrollment was declining *even assuming* an increase in TK enrollment.⁸³ Based on the evidence before the County Board, a reasonable person could still reach a conclusion that even with these potential offsets, the fiscal impact of the proposed charter school was such that the resulting reductions in District revenues were likely to negatively impact existing District programs.

Under the deferential standard of review established by AB1505, the State Board must resolve *all* these uncertainties in favor of the County Board's analysis of the evidence. Essentially, Petitioners' argument regarding the evidentiary support for the County Board's findings is a demand that the State Board act improperly under the "abuse of discretion" standard of review, by substituting its own judgment on interpretation of evidence (or that of Petitioners) for that of the County Board.

d. The District Board's Review Process Was Fair and Compliant with the Education Code

Petitioners contend that the District abused its discretion in reviewing the Petition by failing to provide a fair and unbiased review process. Petitioners' argument is not supported by the documentary record and contains multiple factual misrepresentations.

First, Petitioners assert, without citation to the record, that "At the outset, the District informed petitioners that the education-oriented charter process would be handled not by educators, but entirely by its outside law firm, and instructed us to communicate with the District solely through their private lawyers."⁸⁴ The first part of this assertion is entirely untrue, and the second part is misleading and does not reflect the actual communications between the District and Petitioners through the course of the review process:

- On September 16, 2021, District counsel e-mailed the lead Petitioners acknowledging receipt of the Petition. In that e-mail, District counsel informed Petitioners: "We will be

⁸² NCOE Staff Findings, Appeal Submission Ex. 4 to Ex. 5, p. 7.

⁸³ NCOE Staff Findings, Appeal Submission Ex. 4 to Ex. 5, p. 18 (NVUSD 2021-2022 First Interim Financial Report Period Narrative, p. 4).

⁸⁴ Appeal Submission at p. 3.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

in touch soon regarding the timeline for Board hearings on the petition and next steps in the review process. *For the time being*, please direct any inquiries regarding the petition review to me, with a copy to [District counsel] Mary Hernandez. We look forward to working with you.”⁸⁵ As the District’s review of the Petition progressed, however, there were multiple e-mail communications directly between District staff and Petitioners regarding the petition review process, without participation by District counsel in those communications.⁸⁶

- On October 6, 2021, District counsel responded to an inquiry from Petitioners regarding the District’s review process and its timeline for review of the Petition.⁸⁷ In that letter, besides outlining the timeline for review, District counsel stated: “*District staff* will be reviewing the Petition over the next several weeks: if *District staff* has questions for the petitioners, those questions will be communicated to you at appropriate time(s) during the course of the review process, and your responses to any such questions will inform the staff recommendations and findings that will be published on or before November 24.”⁸⁸

The District’s review of the Petition was conducted by a Review Team consisting of fourteen District staff members from the following departments: Data & Assessment Services; Business Services; Enrollment; Human Resources; Instructional Support Services; Operations, Facilities & Maintenance; Special Education; Student Services; and Technology.⁸⁹ Although District counsel provided legal guidance to the Review Team, the review process itself was led and conducted by District staff.⁹⁰

Individual members of the Review Team were assigned specific areas of the Petition to evaluate, based on their areas of expertise and responsibility. The Petition review was organized according

⁸⁵ District Exhibit G, emphasis added.

⁸⁶ *See, e.g.*, District Exhibit H.

⁸⁷ District Exhibit I.

⁸⁸ District Exhibit I at pp. 1-2.

⁸⁹ *See* NVUSD-MCMS0523 - NVUSD-MCMS0524; *see also* District Exhibit A (District staff’s petition evaluation rubric). Section 47605 of the Education Code does not specify exactly who must review a charter petition on behalf of a local school district.

⁹⁰ NVUSD-MCMS0523.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

to the standards set forth in Section 47605 of the Education Code, with guidance on interpreting those standards based on 5 CCR § 11967.5.1,⁹¹ and an adaptation of a review rubric published by the California Charter Authorizing Professionals organization (“CCAP”) in its *Initial Charter Petition Toolkit*.⁹² A copy of the rubric used by the Review Team, closely based on the rubric published by CCAP, is attached as District Exhibit A.⁹³ As demonstrated by the Review Team’s rubric, the Review Team’s analysis was rigorous and data-driven, and found that while some requirements under section 47605(c) were met, other requirements were not.⁹⁴

Petitioners contend that the District Review Team’s attempt to conduct a capacity interview with Petitioners during its review process demonstrated unfairness by the District.⁹⁵ As set forth below, Petitioners’ contention is false.

A capacity interview is described by CCAP as a “best practice” which both “provide[s] district/county office staff the opportunity to meet the charter leaders and clarify any concerns raised during the evaluation of the petition” and “afford[s] petitioners the opportunity to demonstrate their experience and expertise and highlight elements in the petition.”⁹⁶ Such an interview “may include proposing hypothetical scenarios that could occur at a charter school,” in order to “elicit opportunities for petitioners to demonstrate their capacity to lead and manage the charter school.”⁹⁷

⁹¹ Cal. Code of Regulations, Title 5, section 11967.5.1, “Criteria for the Review and Approval of Charter School Petitions and Charter School Renewal Petitions by the State Board of Education (SBE).” A local school district is not required to employ the standards set forth in this regulation; however, local school districts commonly follow the guidance provided by this regulation in applying the standards in Section 47605 of the Education Code to their review of a charter petition.

⁹² NVUSD-MCMS0524. The *Initial Charter Petition Toolkit* is published online at <https://calauthorizers.org/initial-charter-petition-toolkit/>.

⁹³ CCAP’s petition evaluation rubric is published at <https://calauthorizers.org/resource/initial-charter-petition-toolkit-charter-petition-evaluation-rubric/>.

⁹⁴ District Exhibit A.

⁹⁵ Appeal Submission, pp. 3-4. The District staff report described the Review Team’s attempt to interview Petitioners at pages 3-4 (NVUSD-MCMS0524 - NVUSD-MCMS0525).

⁹⁶ CCAP, *Initial Charter Petition Toolkit - Overview*, pp. 11-12, available at <https://calauthorizers.org/resource/initial-charter-petition-toolkit-overview-of-initial-petition-review/>.

⁹⁷ *Ibid.*

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

As stated in the District Staff's report of proposed findings and recommendations, after accepting the invitation to the interview, "Lead Petitioners then attempted to impose their own conditions on the conduct of the interview in advance (including conducting the interview by written questions only and including the members of the District Board as part of the exchange of written questions and answers); and in the end refused to attend the capacity interview after District staff declined to agree to Lead Petitioners' conditions."⁹⁸

Petitioner's description of the Review Team's attempts to schedule the capacity interview is unsupported by anything in the documentary record, other than Petitioners' own argumentative characterization of the process in their eleventh-hour written response to the District staff report.⁹⁹ Petitioners' characterization distorts the facts of the Review Team's capacity interview process, as follows:

- First, Petitioners' statements that District staff expected Petitioners to attend the interview "without support from any of their consultants," and that "no one other than the two lead petitioners would be allowed to speak"¹⁰⁰ are incorrect. In reality, District staff stated that it was concerned that Petitioners had said that the consultant who had assisted them in drafting the petition, rather than a member of Petitioners' leadership team, would respond to all budget-related questions.¹⁰¹

The purpose of a capacity interview, as stated in the *CCAP Toolkit*, is to determine the abilities and preparedness of the petitioners and their leadership team to lead and manage the charter school.¹⁰² The Petition did not state, and Petitioners did not inform the District, that Petitioners' consultant would be involved in day-to-day operations of the proposed charter school. Therefore, District staff informed Petitioners that their consultant could attend, but that the purpose of the meeting was to determine the

⁹⁸ *Ibid.*

⁹⁹ Appeal Submission, pp. 3-4. The late submission of Petitioners' response to the District Staff's report of proposed findings and recommendations is discussed further below in this Part.

¹⁰⁰ Appeal Submission, p. 4.

¹⁰¹ District Exhibit H at p. 1.

¹⁰² CCAP, Initial Charter Petition Toolkit - Overview, pp. 11-12, available at <https://calauthorizers.org/resource/initial-charter-petition-toolkit-overview-of-initial-petition-review/>.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

Petitioners' knowledge about their own petition (including the budget), not a consultant's, and that questions would be directed to the petitioners and their leadership team.¹⁰³ District staff did not limit the "leadership team" attending the meeting to the two lead petitioners.¹⁰⁴ Petitioners could have taken the opportunity to clarify their consultant's planned role in operating the charter school, but did not do so.

- Second, contrary to Petitioners' characterization, District staff did not "refuse to disclose" who would attend on behalf of the District. Rather, District staff stated that "District staff members who have been analyzing the petition will be attending, along with myself. We do not have a final list yet, but there will be multiple members of District staff present. District counsel will also be present to observe the meeting and advise District staff as necessary, but he will not be there to ask questions of your team."¹⁰⁵
- Petitioners initially accepted the District's invitation to the capacity interview,¹⁰⁶ then several days later demanded: (1) that the interview be conducted via written questions only, and (2) that all members of the District Board be included in all written exchanges.¹⁰⁷ When the District declined the conditions that Petitioners attempted to unilaterally place on the interview, Petitioners declined to attend.¹⁰⁸

Petitioners complain that District staff's report of proposed findings and recommendations focused on the numerous deficiencies found in District staff's review of the Petition, without discussing positive factual findings or comments.¹⁰⁹ Section 47605(b) of the Education Code does not require a school district's staff to list all positive aspects of a charter petition in its findings and recommendations to the governing board. However, where the recommendation of the district's staff is to deny the petition, section 47605(b) requires that the staff report set forth the reasons for the staff recommendation so that the petitioners have a chance to respond.

¹⁰³ District Exhibit H at p. 1.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

¹⁰⁷ District Exhibit J at p. 1.

¹⁰⁸ District Exhibit J at p. 2.

¹⁰⁹ Appeal Submission, p. 4.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

District staff's report, published over 15 days prior to the December 9, 2021 board meeting, set forth the reasons for the recommendations in detail.¹¹⁰ Petitioners' description of the District staff's report as a biased "hit job" is undermined by the fact that not all of the deficiencies that the Review Team identified in its evaluation rubric¹¹¹ were included in the District staff's findings and recommendations.

Petitioners eventually did respond in writing to the November 23, 2021 District staff findings and recommendations, via a 27-page written response that was transmitted by Petitioners to the District Board on December 9, 2021 at approximately 2:45 PM—only *one hour and 45 minutes* before the beginning of the District Board meeting at which action on the Petition would be taken, and too late to be placed on the agenda for the District Board meeting under the Brown Act.¹¹² Petitioners spent only 3 minutes of their 20-minute presentation at the District Board meeting responding to the District staff's findings and recommendations.¹¹³ In light of Petitioners' eleventh-hour submission of their written response to the District staff's findings and recommendations, Petitioners' contention that "the District Board had prejudged the facts before even receiving petitioners' response"¹¹⁴ is both misleading and unpersuasive. A board's reliance on agency staff to investigate a matter does not demonstrate bias.¹¹⁵

Petitioners further argue that during deliberations at the December 9, 2021 District Board meeting, board members expressed their opposition to the Petition via written statements,

¹¹⁰ NVUSD-MCMS0522 - NVUSD-MCMS0563.

¹¹¹ See District Exhibit A.

¹¹² NVUSD-MCMS0564 - NVUSD-MCMS0591; District Exhibit K. The December 9, 2021 board meeting began at 4:30 PM (NVUSD- MCMS0592).

Although Petitioners' written response could not be placed on the District Board agenda for the public to review in advance of the board meeting, due to its tardy submission, Petitioners sent it directly to the District Superintendent via e-mail, approximately 1 hour and 45 minutes prior to the beginning of the meeting. (District Exhibit K.)

¹¹³ Appeal Submission, Exhibit 3: December 9, 2021 NVUSD Board Meeting Transcript, pp. 8-15, timestamps 0:24:39 - 0:44:18. Petitioners' remarks addressing the District staff findings are at pp. 12-13 of the transcript, timestamps 0:35:45 - 0:38:55.

¹¹⁴ Appeal Submission, p. 17.

¹¹⁵ *Today's Fresh Start Inc. v. Los Angeles County Office of Education*, 57 Cal.4th 197, 225-227 (2013).

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

demonstrating bias.¹¹⁶ But as set forth above, District staff's report of findings and recommendations had been published over 15 days prior to the December 9 board meeting—whereas Petitioners' written response was transmitted to the District less than two hours before the meeting.¹¹⁷ In short, Petitioners were provided ample opportunity to timely respond to the District staff report and present counterarguments to the District Board: their failure to effectively do so is not evidence that the District's process was unfair.

e. The District Governing Board's Findings in Support of Denial Were Supported by the Evidence in the Record

Petitioners contend that the District staff's report regarding the charter school budget in the Petition was based on incorrect assumptions regarding the proposed charter school's enrollment projections and unduplicated pupil percentage (UPP).¹¹⁸ In the first place, this assertion is unsupported by citations to the documentary record, except for references to arguments presented in Petitioners' eleventh-hour written response to District staff's findings and recommendations.¹¹⁹ But the arguments in Petitioners' written response to the District staff report do not support a finding that the District's proposed findings were not supported by the evidence, for the following reasons:

- District staff determined that Petitioners' enrollment projections were unrealistic, given current trends in overall District enrollment and a low rate of positive responses to the District's signature-verification parent interviews when asked whether signatories were still meaningfully interested in enrolling their children in the proposed charter school.¹²⁰ In their response and in the Appeal Submission, Petitioners acknowledged declining

¹¹⁶ Appeal Submission, p. 16.

¹¹⁷ See Footnote 112 above.

¹¹⁸ Appeal Submission at pp. 3, 17.

The Unduplicated count of pupils is equal to students who (1) are English learners, (2) meet income or categorical eligibility requirements for free or reduced-price meals under the National School Lunch Program, or (3) are foster youth. "Unduplicated count" means that each pupil is counted only once even if the pupil meets more than one of these criteria (Ed. Code §§ 2574(b)(2), 42238.02(b)(1)). UPP is measured by the Unduplicated count as a percentage of enrollment.

¹¹⁹ The late submission of Petitioners' written response to District staff's findings and recommendations is discussed above in Part 4.d.

¹²⁰ NVUSD-MCMS0536.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

District enrollment trends, but contended that their enrollment projections were realistic due to the impending closure of two District middle schools.¹²¹ Petitioners' contentions merely illustrate a difference of opinion with District staff regarding the likelihood of the proposed charter school meeting its enrollment projections, and do not establish that District staff's analysis, which the District Board adopted, was beyond the pale of reason.

- The Petition projected a UPP of 60%.¹²² However, the District's overall Unduplicated pupil percentage has never been above 57%.¹²³ Local Control Funding Formula (LCFF) concentration grants for a charter school are funded at the lower of the actual Unduplicated count of the charter or the LEA. Given that the Unduplicated percentage for the District is currently 55% and has never been above 57%,¹²⁴ the proposed charter school could not have been funded at a 60% Unduplicated student count, even if it met its projected school UPP of 60%.
- More importantly, District staff analyzed the Petition signatories who indicated meaningful interest in enrolling their children in the proposed charter school, and found that less than 25% of those signatures represented Unduplicated pupils, which is less than half the overall District percentage.¹²⁵ Because charter school enrollment is by choice, the demographics of petition signatories indicating interest in enrollment is evidence that District staff—and in turn, the District Board—could reasonably rely on in determining that the proposed charter school was likely to have difficulty in meeting the Unduplicated enrollment projections in the Petition.

The District Board's findings regarding the budget set forth in the Petition was only one aspect of its finding that Petitioners were demonstrably unlikely to successfully implement the program set forth in the Petition. The District staff's proposed findings and recommendations laid out multiple grounds for denial under Section 47605(c), including:

¹²¹ NVUSD-MCMS0575; Appeal Submission, p. 17.

¹²² Petition, p. 139.

¹²³ NVUSD-MCMS0537.

¹²⁴ NVUSD-MCMS0537; NVUSD-MCMS0545 - NVUSD-MCMS0546.

¹²⁵ NVUSD-MCMS0537; NVUSD-MCMS0545 - NVUSD-MCMS0546.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

- Petitioners' apparent unfamiliarity with charter school legal requirements, as evidenced by the inclusion in the Petition of an admissions preference that violated the Education Code—supporting denial on the grounds that Petitioners were demonstrably unlikely to successfully implement the program set forth in the Petition.¹²⁶
- Petitioners' apparent lack of the necessary background in areas critical to the charter school's success, and failure to demonstrate a plan to secure the services of individuals who have the necessary background in these areas—supporting denial on the grounds that Petitioners were demonstrably unlikely to successfully implement the program set forth in the Petition.¹²⁷
- The educational program set forth in the Petition was unlikely to meet the needs of all subgroups of pupils, particularly English learners and students with disabilities.¹²⁸
- The Petition failed to adequately describe a realistic means to achieve a balance of student population reflective of the District's general population, given specific information which undermined the general presumption that a reasonably comprehensive description of such means is met.¹²⁹
- The Charter School was unlikely to serve the interests of the entire community in which it proposes to locate, because it would undermine existing District services, academic offerings, or programmatic offerings due to its fiscal impact.¹³⁰

Petitioners' Appeal Submission does not "detail[] with specific citations to the documentary record"¹³¹ how any of these findings in support of denial, or any other of the District's findings, were not supported by the evidence in the record. Petitioners broadly assert that their late-submitted written response to the District staff report as having "refuted" District staff's findings¹³²—but Petitioners' Appeal Submission fails to specifically detail how each of District

¹²⁶ NVUSD-MCMS0539 - NVUSD-MCMS0540; see 5 CCR § 11967.5.1(c)(2).

¹²⁷ NVUSD-MCMS0540 - NVUSD-MCMS0541; see 5 CCR § 11967.5.1(c)(4).

¹²⁸ NVUSD-MCMS0542 - NVUSD-MCMS0545; see 5 CCR § 11967.5.1(f)(1)

¹²⁹ NVUSD-MCMS0545 - NVUSD-MCMS0546; see (5 CCR § 11967.5.1(f)(7).

¹³⁰ NVUSD-MCMS0547 - NVUSD-MCMS0548; see Ed. Code § 47605(c)(7)

¹³¹ Ed. Code § 47605(k)(2)(A).

¹³² Appeal Submission, p. 17.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

staff's findings constituted abuse of discretion, rather than—at most—interpretations of the record evidence over which reasonable minds may differ.

As set forth above in Part 3, if even *one* of the District Board's grounds for denial were supported by written findings of fact, and those findings of fact were supported by the evidence, then the State Board must let the District Board's decision stand. And as further set forth above in Part 3, the State Board must not substitute its judgment on contested interpretations of evidence for that of the District Board, so long as a reasonable person could have reached the same conclusion as the District Board. Any reasonable doubts as to whether the evidence supported the District Board's conclusions must be resolved in favor of the District Board.

Further, as discussed above in Part 5.c with respect to the County Board's conclusions regarding the "community impact" criterion for denial under section 47605(c)(7), and as discussed above in Part 4 with respect to the deferential standard of review established by AB1505, the State Board must resolve any uncertainties regarding this factor in favor of the District Board's analysis of the evidence.

*Napa Valley Unified School District's Response to
Appeal to State Board of Education - Mayacamas Charter
May 12, 2022*

6. Conclusion

Under AB1505, the State Board has limited authority to grant a new charter petition on appeal from denial by a local school district and a county board of education: it may only do so on a finding of “abuse of discretion,” a standard that is highly deferential to the decisions of the local and county agencies. Petitioners’ Appeal Submission fails to overcome their burden to establish abuse of discretion, because the record demonstrates that both Napa Valley Unified School District and the Napa County Board of Education followed the requirements of law, offered Petitioners a fair process, and denied the Petition on the basis of proper statutory grounds, supported by written findings of fact, which in turn were supported by the evidence on the record before them. The State Board should deny Petitioners’ appeal and allow the discretionary decisions of the District and the County Board to stand.

Yours truly,



Rosanna Mucetti
Superintendent, Napa Valley Unified School District

Enclosure: District Exhibits A-K

INDEX OF EXHIBITS

Napa Valley Unified School District's Response to Appeal
of Petition to Establish Mayacamas Charter Middle School
California State Board of Education, September 2022 Meeting

Exhibit	Description
A	Charter Petition Evaluation Rubric used by District staff in reviewing the Mayacamas Charter petition
B	December 29, 2021 letter from District Superintendent to Napa County Superintendent of Education demanding remand of appeal petition
C	January 5, 2022 e-mail from Petitioners to District Superintendent attaching copy of appeal submission to County Board of Education; District Superintendent's e-mail response to Petitioners
D	Presentation by District staff to Napa County Board of Education, January 14, 2022.
E	January 17, 2022 letter from Petitioners' counsel to Napa Valley Unified School District regarding demand that County office remand Petition to District
F	March 10, 2022 letter from Assemblyman Patrick O'Donnell to Napa County Board of Education and Napa County Superintendent of Education re: AB1505
G	September 16, 2021 e-mail from District counsel to Petitioners, acknowledging receipt of charter petition
H	November 3, 2021 e-mail exchange between Petitioners and District Assistant Superintendent of Business Services regarding capacity interview
I	October 6, 2021 letter from District counsel to Petitioners regarding charter petition review process
J	November 12, 2021 and November 15, 2021 e-mails from Petitioners to District Assistant Superintendent of Business Services regarding capacity interview
K	December 9, 2021 e-mail from petitioners attaching written response to District staff findings

EXHIBIT

A

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element A(1) Educational Program

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Targeted Student Population	Students the charter school will attempt to educate and their academic needs. (Education Code § 47605 subd. (c)(5)(A)(i).)	Evidence of Compliance - Describes the target student population, including demographic groups and other characteristics of the students the charter school will attempt to educate. - Describes the academic needs of the student population it will attempt to educate. Quality Indicators - Articulates a proposed educational program that aligns with the demonstrated need.	Pat	Did Not Meet Evaluation Standard	pg.4-16
2	2	Targeted Student Population	Educational interests, backgrounds, and challenges of the target student population.	Quality Indicators - Clearly and comprehensively describes the interests, backgrounds, and challenges of the targeted student groups to be served. - Aligns to the school's mission and vision. - Includes evidence of interests and challenges.	Pat	Did Not Meet Evaluation Standard	pg.17
3	3	Targeted Student Population	Grade levels and number of students the charter school plans to serve. (Education Code § 47605 subds. (c)(5)(A) and (B).)	Evidence of Compliance - Provides grade levels and number of students. Quality Indicators - Grade levels and numbers of students seem reasonable given the other schools in the community and the population. - The student enrollment numbers ensure the budget can support the program proposed.	Chris	Did Not Meet Evaluation Standard	pg. 21
4	4	Targeted Student Population	School year/academic calendar, number of school days and instructional minutes.	Assurance - The number of school days and instructional minutes meets state requirements. See here. - 175 required days - Required Minutes o K 36,000 o 1-3 50,400 o 4-8 54,000 o 9-12 64,800 (5 CCR § 11960; Ed. Code, § 47612.5.) Evidence of Compliance - Provides a proposed academic calendar that displays school days and instructional minutes.	Monica	Partially Met Evaluation Standard	pgs 80-82
5	5	Targeted Student Population	Attendance expectations and requirements, including enrollment projections.	Evidence of Compliance - Provides attendance policies. - Enrollment projections seem reasonable given the other school options and the population in the community.	Chris	Did Not Meet Evaluation Standard	pg. 21
6	6	Targeted Student Population	5. Master/daily schedule and proposed bell schedule.	Evidence of Compliance - Provides a proposed master/daily schedule that aligns with the educational program. - Provides a comprehensive set of sample daily schedules.	Monica	Did Not Meet Evaluation Standard	pg. 81-82
7	1	Goals and Philosophy	A clear, concise school mission statement.	Quality Indicators - Provides a clear, concise school mission and vision statement that aligns with the target population and proposed educational program. - Describes a cohesive approach to achieving the mission throughout the petition.	Monica	Partially Met Evaluation Standard	pg. 22, 46-53, 82-84
8	2	Goals and Philosophy	Academic skills and qualities of an "educated person" in the 21st century.	Quality Indicators - Includes a list of academic and non-academic skills and qualities important for an educated person in the 21st century. - The skills and qualities are research-based. - Addresses college and career-readiness. - Addresses use of technology.	Monica	Partially Met Evaluation Standard	pg. 2, 36, 68, 113-114

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element A(1) Educational Program

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
9	3	Goals and Philosophy	School's goals and strategies consistent with enabling pupils to become and remain self-motivated, competent, and lifelong learners.	Quality Indicators - Provides goals that seem likely to enable students to become and remain self-motivated, competent, and lifelong learners. - Describes research-based strategies for achieving these goals that align with the mission. - Goals are SMART—Specific, Measurable, Achievable, Relevant, and Timebound.	Monica	Partially Met Evaluation Standard	pg. 30-37, 46-53
10	4	Goals and Philosophy	Annual goals for all pupils and for each subgroup of pupils identified that apply to the grade levels served.	Evidence of Compliance - Includes annual goals for all students and for each subgroup in the Measurable Student Outcomes section.	Monica	Partially Met Evaluation Standard	pg. 32-33, 82-84
11	5	Goals and Philosophy	Specific annual actions the school will take to achieve identified goals.	Evidence of Compliance - Provides annual actions in the Measurable Student Outcomes section.	Monica	Partially Met Evaluation Standard	pg. 30-34, 110-113
12	6	Goals and Philosophy	Additional priorities related to unique aspects of the proposed charter school program include goals and specific annual actions.	Evidence of Compliance - Provides additional priorities related to the unique aspects of the educational program in the LCAP template in the Measurable Student Goals section.	Pat	Partially Met Evaluation Standard	
13	1	Instructional Design	Curricular and instructional design of the education program.	Quality Indicators - Includes discussion of key educational theories and research that support the educational program design. - Provides research-based evidence to show how the design will successfully serve the target student population. - Describes instructional approaches and strategies that will enable the school's students, including subgroup populations (students with disabilities, English learners, students achieving substantially above or below grade level expectations, and other special student populations) to master the content standards for the core curriculum areas adopted by the SBE. - The curricular and instructional design of the education program aligns to state standards.	Monica	Multiple Standard Evaluation Standard	pg. 63-66, 77-79, 82-84
14	2	Instructional Design	Description of learning setting (e.g., site-based matriculation, independent study, tech-based).	Quality Indicators - The learning setting aligns with the instructional design and the needs of the student population.	Monica	Met Evaluation Standard	
15	3	Instructional Design	1. Description of the charter school's curriculum.	Evidence of Compliance - Provides a concise description of the curriculum that addresses all major subject areas. Quality Indicators - Describes how the curriculum is research based and effective. - Describes innovative curricular components. - Describes intervention and enrichment programs. - Describes a curriculum that aligns with the mission and addresses the specific needs of the targeted student population. - Describes professional development needed to support the curriculum and aligns with the budget.	Sarah	Partially Met Evaluation Standard	59-79; search intervention, search professional development, search enrichment
16	4	Instructional Design	2. Description of instructional methods and strategies.	Quality Indicators - Provides research-based, focused description of instructional methods and strategies designed to meet the needs of the student population. - Instructional methods and strategies are consistent with the proposed curriculum.	Sarah	Met Evaluation Standard	

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element A(1) Educational Program

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
17	5	Instructional Design	3. Description of professional development plan.	Quality Indicators - Provides plan for professional development that aligns with the charter school's proposed program and seems likely to ensure that teachers have the capacity to deliver the educational program. - Plan includes both start up and sustained, ongoing professional development activities. - Plan builds the capacity of teachers to support the specific needs of special populations of students.	Sarah	Partially Met Evaluation Standard	search professional development
18	1	Requirements for Charters Serving High School Students	1. The charter school's graduation requirements.	Evidence of Compliance - Provides a comprehensive description of the school's graduation requirements. - Graduation requirements meet the following state standards: - 3 years of English - 2 years of mathematics (including Algebra I) - 3 years of social science (including U.S. history and geography; world history, culture, and geography; one semester of American government; and one semester of economics) - 2 years of science (including biology and physical science) - 2 years of physical education - 1 year of foreign language or visual and performing arts or commencing with the 2012–13 school year, career technical education. For the purpose of satisfying the minimum course requirement, a course in American Sign Language shall be deemed a course in foreign language.	N/A - Not a High School		
19	2	Requirements for Charters Serving High School Students	1. How the school program and course schedule will enable all students (except those with IEPs that state otherwise) to meet graduation requirements and A-G[1] requirements within four years.	Evidence of Compliance - Includes the school program and course schedule that enables students to meet the state's graduation requirements and A–G requirements. A–G requirements are as follows: - 2 years history/social Science - 4 years English - 3 years mathematics - 2 years laboratory science - 2 years foreign language - 1 year visual and performing Arts - 1 year college preparatory elective - Describes how the school will ensure ELs' participation in the standard instructional program to meet graduation requirements. (Newcomer ELs entering in high school may require more than four years.)	N/A - Not a High School	N/A - Not a High School	N/A - Not a High School
20	3	Requirements for Charters Serving High School Students	2. How the school will provide sufficient opportunities to provide support to students that have fallen behind in meeting graduation requirements.	Quality Indicator - Describes research-based strategies for supporting students that have fallen behind.	N/A - Not a High School	N/A - Not a High School	N/A - Not a High School
21	4	Requirements for Charters Serving High School Students	3. How the school will ensure that transfer students can meet graduation and college entrance requirements.	Evidence of Compliance - Describes how transfer students' transcripts will be assessed and a plan developed to enable them to meet graduation and college entrance requirements. - Describes how the school will inform parents in the event that the school's course offerings might preclude a student from meeting graduation and/or college entrance requirements if he or she transfers into or out of the school.	N/A - Not a High School	N/A - Not a High School	N/A - Not a High School

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element A(1) Educational Program

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
22	5	Requirements for Charters Serving High School Students	1. How parents will be informed about the transferability of courses to other public high schools and the eligibility of courses to meet college entrance requirements. (Education Code § 47605 subd. (c)(5)(A)(iii).)	Evidence of Compliance - Describes a variety of tools/vehicles for communicating with parents. - States that parent communications will be translated into parents' primary languages.	N/A - Not a High School	N/A - Not a High School	N/A - Not a High School
23	6	Requirements for Charters Serving High School Students	2. How the instructional program provides options that ensure students meet the CDE's College/Career Indicator.	Evidence of Compliance - Instructional program incorporates multiple means for students to meet CDE's College/Career standards, offering: Advanced Placement, International Baccalaureate, college credit, leadership/military science, career/technical education, A–G requirements. For more information, see here. - Describes how charter school will ensure that English learners are not denied enrollment in courses offered by the school that meet the subject matter requirements for purposes of recognition for college admissions, such as honors or advanced placement courses.	N/A - Not a High School	N/A - Not a High School	N/A - Not a High School
24	7	Requirements for Charters Serving High School Students	3. How each student will receive information on how to complete and submit a FAFSA or California Dream Act Application at least once before the student enters grade 12.	Evidence of Compliance - This description identifies a staff position to provide this information and describes when and how it will be provided.	N/A - Not a High School	N/A - Not a High School	N/A - Not a High School
25	8	Requirements for Charters Serving High School Students	4. How the exit outcomes will align to mission, curriculum, and assessments.	Evidence of Compliance - Exit outcomes are aligned to and appropriate for the mission, curriculum, and assessments.	N/A - Not a High School	N/A - Not a High School	N/A - Not a High School
26	1	Technology	How staff and students' technology resources are aligned to the instructional program and meet state assessment requirements.	Quality Indicators - Describes the technology available to students. - Describes a plan for providing adaptive technology for SPED students. - Addresses Common Core technology standards, digital assessments, and professional learning.	Sarah, Terri Lynne	Partially Met Evaluation Standard	21, 55

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element A(1) Educational Program

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
27	1	Meeting the Needs of All Students	How the charter school will identify and meet the needs of students with disabilities, Ethnic subgroups, Socioeconomically disadvantaged students, English learners, students achieving substantially above or below grade level expectations, homeless youth, foster youth, and other special student populations (Education Code § 47605(c)(5)(A)(ii); see also Education Code § 52052.)	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Describes, at minimum, how the school will meet state and federal requirements for identifying and meeting the needs of special student populations. - Addresses students with disabilities, English learners, and students achieving substantially above or below grade level expectations. - Addresses other significant student populations that school anticipates serving. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Description demonstrates understanding of the likely English learner population, including subpopulations (e.g., newcomers, migrant students, long term English learners, English learners with disabilities). - Provides description of process to be used to identify students who qualify for special education programs and services and how the school will provide or access special education programs and services. - Includes research-based approach to identify and meet the needs of other major subgroup populations. 	Monica, Terri Lynne	Did Not Meet Evaluation Standard	2, 81, 97
28	1	English Learners	The process for identifying English learners. (Education Code § 47605 subd. (c) (5)(A)(ii).)	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Describes how the school will, at or before the time of a student's initial California enrollment, conduct, in writing, a home language survey (HLS) to identify whether the primary or native language of the student is a language other than English (5 CCR § 11518.5(a).) - Describes how the school will determine if the student is eligible for initial assessment if a parent or guardian HLS response indicates a primary or native language other than English, and if so, will promptly notify the parent or guardian, in writing, prior to the administration of the English Language Proficiency Assessments for California (ELPAC) initial assessment (5 CCR § 11518.5(c).) 	Peter	Did Not Meet Evaluation Standard	93-94
29	2	English Learners	The educational program for English language acquisition and how the school will provide English learners with meaningful access to the curriculum. (Education Code § 47605 subd. (c) (5)(A)(ii).)	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Includes both integrated and designated English language development (ELD) in the school's educational program. (See ELA/ELD Framework, and the English Learner Roadmap for details.) [1] - Includes a comprehensive description of how the ELD program is designed to be based on sound educational theory, implemented effectively with sufficient resources and personnel, and evaluated for its effectiveness in having English learners overcome language barriers and meet the same academic goals set for all other students within a reasonable period of time. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Describes an instructional approach that is asset-based and responsive to different English learner characteristics and experiences. - Describes how English learners will be provided access to a full standards-based and relevant curriculum along with appropriate supports and services. - Instructional design and materials reflect high expectations and support high levels of language (English and other languages), literacy, and intellectual engagement. - Ensures English learners have access to full range of instructional programs, including gifted and talented, Advanced Placement (AP), etc. - Describes how the school will recruit, evaluate, and provide professional development for staff to effectively implement the English learner educational program. (See also Element E(5): Employee Qualifications.) 	Matt	Partially Met Evaluation Standard	88-97 and 62-63

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element A(1) Educational Program

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
30	3	English Learners	The process for monitoring progress and effectiveness of supports for English learners at all proficiency levels, including long term English Learners. (Education Code § 47605 subd. (c)(5)(A)(ii).)	Quality Indicators - Describes evidence- and asset-based approaches for meeting the needs of English learners at all proficiency levels, including LTELs, and how the school will monitor the effectiveness of the supports provided. - Describes how the school will identify long term English learners (LTELs) and students at risk of becoming LTELs and monitor their progress in both English language proficiency and grade-level academic content.	Matt	Did Not Meet Evaluation Standard	88-97 and 62-63
31	4	English Learners	The process for reclassification and monitoring of students after reclassification[1].	Evidence of Compliance - Describes the school's process and criteria for reclassifying a student from English learner to proficient in English meets state requirements per Education Code section 313(f). - Includes how the school will monitor the progress of reclassified students for a minimum of four years to ensure correct classification, placement, and additional academic support, as needed.	Peter	Did Not Meet Evaluation Standard	95-96
32	5	English Learners	How the school will engage families and the community.	Evidence of Compliance - For a school site with 21 or more English learners, describes how it will meet state requirements for a functioning English Learner Advisory Committee (ELAC). Quality Indicators - For a school site with fewer than 21 English learners, describes how the school will encourage families of ELs to participate in the School Site Council or other school-family councils or committees. - Describes how the school will build strong partnerships with families of English learners. - Describes how the school will ascertain the needs and preferences of families and the community in designing the English learner education program and other services (e.g., after-school programs).	Matt	Did Not Meet Evaluation Standard	88-97, 113, 117
34	1	Students with Disabilities	The school's special education plan and indicates how it will comply with the district's special education plan.	Evidence of Compliance - Specifies the school's special education plan, including, but not limited to, the means by which the school will comply with the provisions of Education Code section 47641. - Demonstrates the school's understanding of its responsibilities under law for students with disabilities and how the school intends to meet those responsibilities. Quality Indicators - Describes how the school will serve students with different disability types. - Describes how the school will provide needed services, i.e., speech, cognitive, etc.	Terri Lynne	Did Not Meet Evaluation Standard	97-102
35	2	Students with Disabilities	How the school will identify and evaluate students with disabilities. (Education Code § 47605 subd. (c)(5)(A)(ii).)	Evidence of Compliance - Provides enrollment projections for students with disabilities and anticipated disability types. Quality Indicators - Describes how the school will evaluate and identify children with disabilities using valid assessment practices. - Describes how the identification process for English learners will rule out language development as a primary contributor to academic and/or behavioral difficulties. - Describes how the school will develop, review, and revise IEPs. - Describes how IEPs for English learners with disabilities will be developed to support culturally and linguistically inclusive practices.	Terri Lynne	Did Not Meet Evaluation Standard	97-102
36	3	Students with Disabilities	How the school will meet their educational needs. (Education Code § 47605 (c)(5)(A)(ii).)	Quality Indicators - Describes appropriate staffing for providing special education services to the anticipated student population. - Describes how the school will modify the curriculum and instructional delivery to address the unique needs of students with disabilities. - Describes how the school will ensure the Least Restrictive Environment and provide a continuum of services.	Terri Lynne	Did Not Meet Evaluation Standard	97-102

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element A(1) Educational Program

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
37	4	Students with Disabilities	How the school will monitor their progress. (Education Code § 47605 subd. (c)(5)(A)(ii).)	Quality Indicators - Describes how the school will include children with disabilities in required assessments or develop alternate assessments. - Describes how curriculum and assessment decisions will be considered and monitored by IEP teams and staff.	Terri Lynne	Did Not Meet Evaluation Standard	100, 110
38	1	Students in Other Subgroups (homeless, foster, socio-economically disadvantaged, high performing students, students performing below grade level)	1. How the school will identify each group of students. (Education Code § 47605 subd. (c)(5)(A)(ii).)	Evidence of Compliance - Describes how the school will identify each group of students.	Pat	Partially Met Evaluation Standard	pg 53
39	2	Students in Other Subgroups (homeless, foster, socio-economically disadvantaged, high performing students, students performing below grade level)	2. How the school will meet their educational needs. (Education Code § 47605 subd. (c)(5)(A)(ii).)	Quality Indicators - Describes specific strategies and services to addressing the needs of students in all of the identified subgroups. - Provides additional detail for students that are a focus of programming or projected to be numerically significant.	Pat	Did Not Meet Evaluation Standard	
40	3	Students in Other Subgroups (homeless, foster, socio-economically disadvantaged, high performing students, students performing below grade level)	3. How the school will monitor their progress. (Education Code § 47605 subd. (c)(5)(A)(ii).)	Quality Indicators - Describes the assessments and other tools the school will use to monitor the progress of these student groups.	Pat	Met Evaluation Standard	

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element B (2) Measurable Student Outcomes

Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
Measurable student outcomes for all pupils and for each numerically significant subgroup, including specific assessment methods or tools listed for each outcome. (Education Code § 47605 subd. (c)(5)(B).)	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Provides annual measurable goals and objectives for the school and for each numerically significant subgroup of pupils served for each of the eight state priorities identified in Education Code section 52060(d). Numerically significant subgroups are those with at least 30 students. Subgroups include: ethnic subgroups, socio-economically disadvantaged students, English learners, students with disabilities, foster youth, homeless youth. For foster or homeless youth, the subgroup only has to be 15. (Education Code § 52052 subd. (a)(2).) - Includes assessment methods for each goal. - Describes how pupil outcomes align with state priorities. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Provides goals that are appropriate, achievable, and aligned to the school's mission and instructional program. - Actions are specific and there is a reasonable expectation that they will achieve stated goals. - Goals for English learner academic growth equal or exceed those for the expected growth of English proficient students. <p>State Priorities are listed at: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=52060.</p>	Pat and Peter	Partially Met Evaluation Standard	110-111
1. Specific annual actions designed to achieve the stated goals. (Education Code § 47605 subd. (c)(5)(A)(ii).)	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Provides annual actions for each of the stated goals. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Actions are specific and there is a reasonable expectation they would achieve stated goals. 	Pat	Partially Met Evaluation Standard	pg.33-34 pg.108-109
2. Additional school priorities related to unique aspects of the proposed charter school program, with goals and specific annual actions. (Education Code § 47605 subd. (c)(5)(A)(ii).)	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Includes additional school priorities related to the unique aspects of the proposed school. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Provides goals that are appropriate, achievable, and aligned to school priorities. - Actions are specific and there is a reasonable expectation that they will achieve stated goals. 	Pat	Partially Met Evaluation Standard	pg.33-34 pg.108-109
3. How pupil outcomes will address state content and performance standards in core academic areas. (Education Code § 47605 subd. (c)(5)(B).)	<p>Quality Indicators</p> <ul style="list-style-type: none"> - Explains alignment between pupil outcomes and state content and performance standards. 	Monica	Partially Met Evaluation Standard	pg. 30-34, 82-84, 110-113

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element B (2) Measurable Student Outcomes

Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1. School-wide student performance goals students will achieve over a given period of time (Education Code § 47605 subd. (c)(5)(B)), including projected attendance levels, dropout percentage, and graduation rate goals.	<p>Evidence of Compliance - Provides schoolwide goals and target dates for achievement, attendance, dropout, and graduation.</p> <p>Quality Indicators - Appropriate use of SMART Goals—Specific, Measurable, Achievable, Relevant, and Timebound.</p>	Peter	Partially Met Evaluation Standard	31-34, 108-109

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element C(3): Student Progress Measurement

Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1. How the school will monitor and measure student progress toward mastery of state standards and other goals identified above. (Education Code § 47605 subd. (c)(5)(B-C).)	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Assessment tools include all required state and federal assessment (SBAC, ELPAC, etc.) for purposes of accountability. - At least one assessment method or tool listed for each of the exit assessments. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Provides a variety of alternative assessment types, including those that employ objective means of assessment consistent with the measurable pupil outcomes. - Chosen assessments or assessment types are appropriate for standards and skills the school seeks to measure. 	Peter	Partially Met Evaluation Standard	111
1. A plan for collecting, analyzing/utilizing and reporting student/school performance to charter school staff and to students' parents and guardians, and for utilizing the data continuously to monitor and improve the charter school's educational. (Education Code § 47605 subds. (c) and (d).)	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Provides plan that is thorough and addresses data collection, analysis, and communication to all stakeholder groups. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Describes the role and use of data to inform curriculum, instruction, tiered intervention, and enrichment. - Describes the role and use of data to monitor and improve the charter school's educational program and operations by the staff, school site leadership, executive leadership, and governing board. - Describes the role and use of data to inform stakeholders of school performance. - Describes how data will be disaggregated for relevant student subgroups. 	Peter	Did Not Meet Evaluation Standard	111-112
2. The school's grading and progress reporting systems.	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Addresses grading policy, type and frequency of progress reporting, and promotion/retention policy and procedures. 	Monica	Did Not Meet Evaluation Standard	110-114

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element D(4): Governance Structure

Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
<p>Evidence of Compliance</p> <ul style="list-style-type: none"> · Provides Articles of Incorporation. · Summarizes the policies listed below: <ul style="list-style-type: none"> - Conflict of Interest Code. Must be a stand-alone document that meets the requirements of the California Political Reform Act, Government Code § 87100 et seq. For further information, please see the various resources available on the Fair Political Practices Commission website at http://www.fppc.ca.gov/Form700.html - Conflict of Interest Policy - Complaint Policy - Conflict Resolution Policy - Policies and Internal Controls to Prevent Fraud, Embezzlement, and Conflict of Interest · Summarizes the bylaws. Bylaws should include: [1] <ul style="list-style-type: none"> - Mission statement. - An indemnification statement, or statement that limits the personal liability of board members. - Compliance with the Brown Act and the California Public Records Act. - The minimum and maximum number of board members, their terms and term limits, and the selection process. - Powers and duties of board members and officers. - Rules and procedures for holding meetings, voting, and minimum number of meetings per year. - Procedure for removing a board member or officer. - Description of committees and how committees may be created or dissolved. - How a special or emergency board meeting may be called. - How the bylaws can be changed. 	Alex		
	Alex		
<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Includes an organizational chart. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Description should include a focus on student achievement, providing strategic direction, recruiting and managing an exceptional school leader, raising resources, engaging in financial oversight, ensuring the school meets all compliance expectations and requirements of the authorizer, and running board operations (including member recruitment, committees, and meeting schedules). [1] - Demonstrates understanding of their role as policymakers and not operational leaders. - Provides an annual calendar of meetings that describes the major work of the board. 	Alex		
<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Proposed contract between the school and management organization is submitted with specific sections of the contract referenced that clearly describe the charter school's level of autonomy with respect to budget, expenditures, personnel, and daily operations. 	Alex		

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element D(4): Governance Structure

Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Board size varies. Nationally, boards typically have between 9 and 11 members.[1] - Describes board committees and composition. Should include at least finance, academic, and governance committees. 	Alex		
<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Describes important legal or operational relationships between the charter school and granting agency. 	Alex		
<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Describes where/how vacant positions will be publicized. - Describes the selection process—i.e., initial resume review, interview with governance committee, etc. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Describes criteria for selecting board members that align to the needs of the school, including specific expertise and skills needed on the board. Criteria should include willingness and commitment to participate in board activities. Experience and expertise could include legal, financial, instructional, facilities, operations, and nonprofit leadership. - Annual board calendar that includes key work of the board, e.g., LCAP approval, budget approval, annual evaluation of the school leader, etc. - Ensures board members reflect the community. 	Alex		
<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Provides a list of names and qualifications for board members consistent with the board's bylaws. - Includes evidence that a parent would be on the board. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Board members have a range of experience aligned to the needs of the school. - Experience could include legal, financial, instructional, facilities, operations, and nonprofit leadership. - Ensures members reflect the community. 	Alex		
<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Includes the following: <ul style="list-style-type: none"> - Location and frequency of governing board and committee meetings - Annual calendar of governing board and committee meetings that describes major work of the board - Location(s) for posting governing board and committee meeting agendas - Specific procedures that will ensure compliance with key Brown Act requirements 	Alex		
<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Includes the following: <ul style="list-style-type: none"> - Quorum requirements - Board action (voting) requirements - Abstention and teleconference participation 	Alex		
<p>Quality Indicators</p> <ul style="list-style-type: none"> - Describes how they will assess training needs and provide training that aligns with the board's responsibilities. 	Alex		

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element D(4): Governance Structure

Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
<p>Evidence of Compliance - See Element D(4): Governance Structure (## 1-7).</p>	Alex		
<p>Assurance - Schools shall comply with the Ralph M. Brown Act ("Brown Act"). All meetings of the Charter School's governing board shall be called, held and conducted in accordance with the terms and provisions of Education Code Section 47604.1 and the Brown Act including, but not limited to, those related to meeting access and recording, notice, agenda preparation, posting and reporting. Evidence of Compliance - Indicates will provide board meeting agendas, minutes, committee meeting minutes.</p>	Alex		
<p>Evidence of Compliance - Describes parent bodies, their roles and responsibilities, their involvement in decision-making, and how members will be selected. - Describes the process by which the school will consult with all stakeholders (parents, teachers, staff, administrators, and students) to develop its LCAP and annual update. - Describes the process by which the school will consult with parents and teachers regarding the school's educational program. Quality Indicators - Describes outreach and selection strategies that ensure that all members of the community have a voice and are represented. - Parent bodies collaborate with families and treat parents as partners in their child's learning.[1] - Describes how parent bodies are integrated into the school community and decision making.[2] - Describes how the school will communicate with and engage families of English learners (see Element A(1): Meeting the Needs of All Students/English Learners for details).</p>	Alex		
<p>Evidence of Compliance - Describes the tools/vehicles (i.e., newsletter, email, website, etc.) for notifying parents and guardians that parental involvement is not a requirement. - Describes a plan for oral and written translation of parent and guardian notifications in languages spoken by at least 15% of the EL population, as required by Education Code § 48985.</p>	Alex		

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element E (5): Employee Qualifications

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Employee Qualifications	Affirms all teachers will hold appropriate Commission on Teacher Credentialing certificates (new on July 1, 2020). (Education Code § 47605 subd. (c)(5)(E))	Assurance - Ensures all teachers hold appropriate Commission on Teacher Credentialing certificates prior to school opening or the charter school shall request an emergency permit or a waiver from the Commission on Teacher Credentialing for individuals in the same manner as a school district. - Ensures teachers assigned to provide ELD and instruction in subject matter courses for ELs must have the appropriate authorizations.[1]	Dana, Elizabeth	Partially Met Evaluation Standard	121
2	2	Employee Qualifications	All school employee classes/positions, including administrators, certificated staff, instructional support staff, and classified staff.	Evidence of Compliance - Provides list of all positions and positions align with budget and the size of the school. - Staffing is reasonable given the education program proposed. - A job description for each position.	Dana, Elizabeth	Partially Met Evaluation Standard	121-129
3	3	Employee Qualifications	General qualifications for the various categories of employees (e.g., other administrative, instructional support, non-instructional support). (Education Code § 47605 subd. (c)(5)(E)) These qualifications shall be sufficient to ensure the health and safety of the charter school's faculty, staff, and students.	Evidence of Compliance - Provides general qualifications for all categories of positions. - Qualifications seem reasonable to ensure the competence of the charter school's faculty.	Dana, Elizabeth	Partially Met Evaluation Standard	budget appendix
4	4	Employee Qualifications	Identifies those positions that the charter school regards as key and specifies the additional qualifications expected of individuals assigned to those positions and their responsibilities.	Evidence of Compliance - Provides list of key positions and specific qualifications expected of these positions. Quality Indicators - Key positions align with the needs of the educational program. - Qualifications ensure that staff have the capacity to perform in their roles.	Dana, Elizabeth	Partially Met Evaluation Standard	121-129
5	5	Employee Qualifications	A clear plan for recruitment, selection, development and evaluation of staff and charter school leader.	Evidence of Compliance - Includes plan describing professional development that is specific to the implementation of programs for English learners and sufficient to effectively implement the programs [1] Quality Indicators - The plan includes a variety of strategies, sources, and vehicles for recruiting a diverse teaching staff. - The plan identifies how teachers' strengths and needs will be assessed to inform professional development. - The plan provides for continuous, job-embedded learning. - The plan describes how the school will evaluate all staff responsible for the education of English learners and provide professional development to meet their needs. (Also see Element A.(1): Meeting the Needs of All Students/English Learners.)	Dana and Pat	Did Not Meet Evaluation Standard	pg 89-90

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element F (6): Health and Safety Procedure

Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
A comprehensive charter school safety plan and assurance that all charter school staff will be trained on this plan and that the plan will be updated annually. (Education Code §§ 32282 and 47605 subd. (5)(f))	Assurance - All charter school staff will be trained on a comprehensive charter school safety plan and the plan will be updated annually.	Mike M.	Partially Met Evaluation Standard	131-142
Assurances that the charter school will require a criminal background clearance report, and proof of tuberculosis examination prior to employment. (Education Code §§ 32282 and 47605 subd. (5)(f))	Assurance - The charter school will require a criminal background clearance report and proof of tuberculosis examination prior to employment.	Dana and Elizabeth	Met Evaluation Standard	pg 131 & pg 133
Assurances that the charter school will adopt procedures to prevent acts of bullying and cyberbullying, and make the CDE online training module available to all employees who interact with students. (Education Code §§ 32282 and 47605 subd. (5)(f))	Assurance - The charter school will adopt procedures to prevent acts of bullying and cyberbullying, and make the CDE online training module available to all employees who interact with students.	Pat and Mike M.	Met Evaluation Standard	
Affirmation that charter schools with grades 7–12 will adopt a suicide prevention policy (Education Code §§ 32282 and 47605 subd. (5)(f))	Assurance - The charter school will adopt a suicide prevention policy. (For schools that serve grades 7–12 only).	Pat and Mike M.	Met Evaluation Standard	
A position to serve as the school's Custodian of Records per California Department of Justice requirements. (Education Code §§ 32282 and 47605 subd. (5)(f))	Evidence of Compliance - Provides the title of the position.	Mike M.	Met Evaluation Standard	

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element F (6): Health and Safety Procedure

Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
The content and process for developing a comprehensive charter school safety plan. References include safety-related policies/procedures or the date by which they will be adopted and submitted to the authorizer. (Education Code §§ 32282 and 47605 subd. (5)(f).)	Evidence of Compliance Describes the content and process for developing a comprehensive charter school safety plan. Briefly addresses each of the following topics: - The stakeholders who will be involved in developing and/or providing input on the plan. Include administrators, local first responders, legal counsel, and experts in school safety. - Child abuse reporting procedures; - Disaster procedures, including earthquake preparedness, procedures for allowing school grounds to be used as a disaster shelter, and adaptations for pupils with disabilities in accordance with the federal Americans with Disabilities Act; - Policies for pupils who committed certain serious acts that would lead to suspension, expulsion, or mandatory expulsion recommendations; - Procedures to notify teachers of dangerous pupils; - A discrimination and harassment policy; - The provisions of any school wide dress code that prohibits pupils from wearing "gang-related apparel," if the school has adopted that type of a dress code; - Procedures for safe ingress and egress of pupils, parents, and school employees to and from school; - A safe and orderly environment conducive to learning at the school; and - Procedures for conducting tactical responses to criminal incidents.	Pat and Mike M.	Did Not Meet Evaluation Standard	132-138
A list of additional health and safety policies and practices that will be developed for students and staff. (Education Code §§ 32282 and 47605 subd. (5)(f).)	Evidence of Compliance - Provides a list of health and safety-related policies and the date by which they will be adopted and submitted to the authorizer. They include at least the following: Medication in school; Athletic programs; Immunizations and health screenings; Free and reduced-price meals; California Healthy Youth Act; LGBTQ resources training; and Transportation safety plan.	Pat and Mike M.	Partially Met Evaluation Standard	132-138
Assurances on the compliance with ADA (Americans with Disabilities Act). (Education Code §§ 32282 and 47605 subd. (5)(f).)	Assurance - The charter school will comply with the Americans with Disabilities Act.	Terri Lynne	Met Evaluation Standard	97

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element G (7): Balanced Enrollment

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Balanced Enrollment	Specific practices/policies the charter school will design and implement to attract a diverse applicant pool/enrollment that is reflective of the general population, including special populations residing within the territorial jurisdiction of the district. (Education Code § 47605 subd. (c)(5)(G).)	Quality Indicators <ul style="list-style-type: none"> - Practices and policies appear likely to achieve racial and ethnic balance. - Practices and policies appear likely to achieve a balance of special education enrollment reflective of the district, including students with moderate to severe disabilities. - Practices and policies appear likely to achieve a balance of English learner enrollment reflective of the district. 	Chris	Partially Met Evaluation Standard	pg 139
2	2	Balanced Enrollment	Outreach strategies, identifying specifically who the targeted groups will be, including developed or planned benchmarks for achieving balance.	Evidence of Compliance <ul style="list-style-type: none"> - Provides a range of outreach strategies, identifying targeted groups. - Provides developed or planned benchmarks for achieving balance. - Strategies are specific to the local community. Quality Indicators <ul style="list-style-type: none"> - Outreach strategies are components of an overall recruitment approach, with benchmarks, that is appropriate for reaching the targeted groups. - Outreach strategies target significant student populations in the community. - Outreach strategies include communications in languages the target populations' families understand. 	Chris	Partially Met Evaluation Standard	pg 141
3	3	Balanced Enrollment	Types of supports that will be provided to maintain enrollment balance (counselors, support staff, medical-related staff, etc.).	Quality Indicators <ul style="list-style-type: none"> - Supports are reasonable to maintain enrollment balance. 	Chris	Partially Met Evaluation Standard	pg 142

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element H (8): Admissions, Policies, & Procedures

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Admissions, Policies, and Procedures	The following assurances: The charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in § 422.55 of the Penal Code, including immigration status, equal rights, and opportunities in the educational institutions of the state. (Education Code § 47605 subd. (e) (1).)	Assurances - The charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations, shall not charge tuition, and shall not discriminate against a pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Penal Code § 422.55, including immigration status, equal rights, and opportunities in the educational institutions of the state. - If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, a public random lottery shall determine acceptance of new pupils. - Enrollment preferences will not require mandatory parent volunteer hours as a criteria for admission. - Preferences, if given, are not likely to negatively impact the racial, ethnic and unduplicated balance the charter school strives to reflect. - The charter school shall not discourage enrollment in the charter school, or encourage disenrollment/ transfer of a student from the charter school, for any reason, including but not limited to academic performance or any characteristics of the student listed under Education Code section 47605(e)(2)(B)(iii). - The charter school shall not request a student's records, including an IEP, or require a parent, guardian, or student to submit the student's records to the school before enrollment. (Education Code § 47605(e)(4).)	Chris	Did Not Meet Evaluation Standard	pg 143 Founding Parent footnote (176)
2	2	Admissions, Policies, and Procedures	A clear description of the admissions policies, process, and timeline, including information to be collected through the interest form, application form, and/or enrollment form. (Education Code § 47605 subd. (c)(5)(H).)	Evidence of Compliance - Provides a clear and comprehensive description of the admissions policies and process from recruitment through enrollment. Quality Indicators - Admissions processes are robust but not likely to be a deterrent to low-income and other at-risk groups.	Chris	Did Not Meet Evaluation Standard	pg 145
3	3	Admissions, Policies, and Procedures	Building on the strategies referenced in the prior section, provides a clear description of how the school will recruit and reach out to all students in the community, including those with a history of low academic performance, socio-economically disadvantaged students, and students with disabilities. All promotional material must clearly state the charter school will serve ALL students.	Evidence of Compliance - Provides a clear and comprehensive description of how the school will reach out to all student groups. Quality Indicators - Recruitment strategies seem likely to be effective in reaching out to all student groups. - Provides specific strategy for outreach to numerically significant students in their community. - Strategies include reaching out to families who speak languages other than English, with communications in languages they understand.	Chris	Did Not Meet Evaluation Standard	pg 141
4	4	Admissions, Policies, and Procedures	The manner in which the charter school will conduct a public random drawing in the event that the number of students who wish to attend the school exceeds the school's capacity. (Education Code § 47605 subd. (e)(2)(B).)	Quality Indicators Includes the following components: - Open enrollment period(s) or timeline, and related enrollment procedures; - Method(s) that the school will use to communicate to all interested parties the timeline, rules, and procedures to be followed during the open enrollment and lottery processes; - Method that the school will use to ensure lottery procedures are fairly executed and that interested parties may attend and observe; - Date, time, and location for the lottery each year, if needed; - Procedures that the school will follow to determine waiting list priorities based upon lottery results and to enroll students from the waiting list. - Means by which the school will notify parents/guardians of students who have been offered a seat as a result of the lottery or from the waiting list following a lottery, and the procedures and timelines under which parents/guardians must respond in order to secure admission; and - Method for documenting the fair execution of lottery and waitlist procedures.	Chris	Did Not Meet Evaluation Standard	pg 140

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element H (8): Admissions, Policies, & Procedures

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
5	5	Admissions, Policies, and Procedures	A clear description of legally allowed preferences if applicable (Education Code § 47605 subd. (e)(2)(B).)	<p>Evidence of Compliance</p> <p>Describes policies that meet the following criteria:</p> <ul style="list-style-type: none"> - If the number of pupils who wish to attend the charter school exceeds the charter school's capacity, attendance, except for existing pupils of the charter school, shall be determined by a public random drawing. - Charter schools must give preferences to: students currently attending the charter school, students who reside in the district in which the school is authorized, and students who reside within the former attendance area of a charter school that was converted from an existing public school. <p>Charter schools located in the attendance area of a public elementary school in which 50% or more of the pupils are eligible for free or reduced price meals may give a preference in admissions to pupils who are currently enrolled in that public school and to pupils who reside in the public school attendance area where the charter school is located.</p> <p>Charter schools may give preferences to siblings of pupils admitted or attending the charter school and children of the charter school's teachers, staff, and founders identified in the initial charter.</p>	Chris	Did Not Meet Evaluation Standard	pg 145
6	6	Admissions, Policies, and Procedures	Assurance that the school shall not discourage a student from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance or any characteristics of the student listed under section 47605 subd. (e)(2)(B)(iii). (Education Code § 47605 subd. (e)(4).)	<p>Assurances</p> <ul style="list-style-type: none"> - The school shall not discourage a student from enrolling or seeking to enroll in the charter school for any reason, including, but not limited to, academic performance or any characteristics of the student listed under section 47605 subd. (e)(2)(B)(iii). - The school shall not request a student's records, including an IEP, or require a parent, guardian, or student to submit the student's records to the school before enrollment. - The school shall not encourage a current student to disenroll or transfer for any reason, including, but not limited to, academic performance or any characteristics of the student listed under section 47605 subd. (e)(2)(B)(iii). 	Chris	Met Evaluation Standard	
7	7	Admissions, Policies, and Procedures	Assurance that the school will provide parents, guardians and pupils with the CDE Complaint Notice and Form at times specified in Education Code section 47605 subd. (e)(4).	<p>Evidence of Compliance</p> <p>Describes policies that provide for distribution of the Complaint Notice and Form to a parent or guardian, or student 18 years of age or older, at the following times:</p> <ul style="list-style-type: none"> - when inquiring about enrollment - before conducting an enrollment lottery - before disenrollment of a student <p>CDE Charter School Complaint Notice and Form is posted on school website.</p>	Chris	Met Evaluation Standard	

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element I (9): Annual Independent Financial Audits

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Annual Independent Financial Audits	What person or position at the school is responsible for contracting with an accountant to conduct the required annual financial audit and working with the auditor to complete the audit.	Evidence of Compliance - Provides the name of the person or position responsible for facilitating the annual audit process in conjunction with the school's board.	Rob and Jenna	Met Evaluation Standard	147
2	2	Annual Independent Financial Audits	The procedures to select and retain an independent auditor including: qualifications that will be used for the selection of an independent auditor; and assurance that the auditor will have experience in education finance.	Assurance - The auditor will have experience in education finance. Evidence of Compliance - Describes the process to select and retain an independent auditor and the role of the charter school's board in making this selection. - Describes the qualifications that will be used to select an auditor. Quality Indicators - Procedures for selecting the auditor should include review of prospective auditors' experience, staff qualifications, references, professional affiliations, technical abilities, and price. - Specifies the role of the governing board's Finance and/or Audit Committee in the audit process, including selecting and retaining an independent auditor.	Rob and Jenna	Did Not Meet Evaluation Standard	147
3	3	Annual Independent Financial Audits	Assurance that the annual audit will employ generally accepted accounting principles.	Assurance - The annual audit will employ generally accepted accounting principles.	Rob and Jenna	Met Evaluation Standard	147
4	4	Annual Independent Financial Audits	The process and timeline that the charter school will employ to conduct the audit.	Evidence of Compliance - Provides the process and timeline.	Rob and Jenna	Met Evaluation Standard	147
5	5	Annual Independent Financial Audits	The process for addressing and resolving any deficiencies, findings, material weaknesses, or audit exceptions.	Evidence of Compliance - Provides the process and timeline.	Rob and Jenna	Met Evaluation Standard	147
6	6	Annual Independent Financial Audits	The process and timeline for distribution of completed audit to authorizer, county office, State Controller, California Department of Education, and/or other agencies required under law.	Evidence of Compliance - Includes the audit process and timeline and how the school will distribute the audit to parties specified.	Rob and Jenna	Met Evaluation Standard	147
7	7	Annual Independent Financial Audits	An assurance that the charter school will satisfy any audit deficiencies to the satisfaction of the authorizer.	Assurance - The school will satisfy any audit deficiencies to the satisfaction of the authorizer.	Rob and Jenna	Met Evaluation Standard	147

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element J (10): Suspension & Expulsion Procedures

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Suspension & Expulsion Procedures	The school's student discipline philosophy and approach to developing and maintaining a positive school climate and strategies for preventing and mitigating the need for disciplinary measures.	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Includes a written student discipline policy that incorporates a student code of conduct and due process safeguards. - The student code of conduct clearly defines student behavior infractions and provides a tiered system of related consequences. <p>Quality Indicators</p> <ul style="list-style-type: none"> - Describes the school's discipline philosophy and how it aligns with the school's mission and professional development. - Addresses positive behavior support, tiered behavior interventions, and alternatives to suspension. - Addresses how the school will involve the school community (i.e., parents, families, teachers, and staff) in developing the school's discipline procedures. - Specifies when the school will engage parents/families in the discipline process, and maintains discipline documentation materials and communications with the student's parent/guardian. 	Mike M.	Met Evaluation Standard	
2	2	Suspension & Expulsion Procedures	All offenses for which students must be suspended (i.e., non-discretionary suspension), may be suspended (i.e., discretionary suspension), and when in-school vs. out-of-school suspension will be used.	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Describes for all three categories of suspension. - If these lists of offenses are not aligned with the lists of offenses set forth in Education Code § 48900, explains the rationale for the difference(s) and how the lists provide adequate safety for students, staff, and visitors to the school and serve the best interests of students. 	Mike M.	Met Evaluation Standard	
3	3	Suspension & Expulsion Procedures	A process for suspensions, including: oral or written notice of the charges against the pupil; if the pupil denies the charges, an explanation of the evidence that supports the charges; and how an opportunity will be provided for the pupil to present his/her rebuttal to the charges.	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Establishes a clear and lawful process for conducting disciplinary hearings. - Describes a process that addresses all three components. - Requires written communication to the student's parent/guardian after disciplinary hearings that specifies the consequences. 	Mike M.	Met Evaluation Standard	
4	4	Suspension & Expulsion Procedures	All offenses for which students must be expelled (i.e., non-discretionary expulsion), may be expelled (i.e., discretionary expulsion), and when in-school vs. out-of-school expulsion will be used.	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Provides list of offenses for all three categories of suspension. - If these lists of offenses are not aligned with the lists of offenses set forth in Education Code § 48900, explains the rationale for the difference(s) and how the lists provide adequate safety for students, staff, and visitors to the school and serve the best interests of students. 		Met Evaluation Standard	
5	5	Suspension & Expulsion Procedures	A process for expulsions, including: timely, written notice of the charges against the pupil and an explanation of the pupil's basic rights; and a process of hearing adjudicated by a neutral officer within a reasonable number of days, and at which the pupil has the right to bring legal counsel or an advocate.	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Establishes a clear and lawful process for conducting disciplinary hearings. - Describes a process that addresses these components. - Requires written communication to the student's parent/guardian after disciplinary hearings that specifies the consequences. 	Pat and Mike M.	Met Evaluation Standard	
6	6	Suspension & Expulsion Procedures	A clear statement that no pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice and that ensures the written notice shall be in the native language of the pupil or the pupil's parent or guardian.	<p>Assurance</p> <ul style="list-style-type: none"> - No pupil shall be involuntarily removed by the charter school for any reason unless the parent or guardian of the pupil has been provided written notice and that ensures the written notice shall be in the native language of the pupil or the pupil's parent or guardian. There will be a hearing adjudicated by a neutral officer within a reasonable number of days at which the student has a fair opportunity to present testimony, evidence, and witnesses and confront and cross-examine adverse witnesses, and at which the student has the right to bring legal counsel or an advocate. 	Pat and Mike M.	Met Evaluation Standard	

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element J (10): Suspension & Expulsion Procedures

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
7	7	Suspension & Expulsion Procedures	Understanding of relevant laws protecting constitutional rights of students.	<p>Assurance</p> <ul style="list-style-type: none"> - All suspension and expulsion procedures will comply with the provisions in (Education Code § 47605(c)(5)(J)) listed above. <p>Evidence of Compliance</p> <ul style="list-style-type: none"> - Provides for due process for all students. - Demonstrates understanding of the rights of students with disabilities in regard to suspension, expulsion and involuntary dismissal. 	Pat and Miko M.	Met Evaluation Standard	

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element K (11): Employee Retirement Systems

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Employee Retirement Systems	A statement of what retirement options will be offered to employees: - STRS (if STRS, then all teachers must participate); - PERS; or - Social Security.	Evidence of Compliance Identifies the retirement options that will be provided. States whether retirement will be offered with language clearly reflecting one of the following choices for each retirement system: - coverage will be offered to eligible employees; - the charter school retains the option to elect the coverage at a future date; and - the charter school will not offer coverage.	Rob and Jenna	Met Evaluation Standard	163
2	2	Employee Retirement Systems	Position responsible for ensuring that the appropriate arrangements for coverage have been made.	Evidence of Compliance - Provides the title of the position.	Rob and Jenna	Met Evaluation Standard	163

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element L (12): Public School Attendance Alt

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Public School Attendance Alternatives	Attendance alternatives for students residing within the county who choose not to attend the charter school.	Evidence of Compliance - Provides a list of the attendance alternatives for students residing within the county who choose not to attend the charter school.	Chris	Did Not Meet Evaluation Standard	pg 164
2	2	Public School Attendance Alternatives	Addresses how parents and students will be informed of their public school attendance alternatives.	Quality Indicators - Provides a variety of vehicles and strategies for communicating with prospective parents and students. - Includes plan for how to provide communications in languages parents understand.	Chris	Did Not Meet Evaluation Standard	pg 164

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element M (13): Rights of District Employees

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Rights of District Employees	How the charter school will follow the district's policy for employees' right of return, including: - Whether, and how staff may resume employment within the district or authorizer; - The ability to transfer sick/vacation leave to and from charter and another LEA; and - Whether staff will continue to earn service credit (tenure) in district while employed at charter.	Evidence of Compliance - Petition addresses all three criteria.	Dana	Met Evaluation Standard	pg. 165
2	2	Rights of District Employees	States whether collective bargaining contracts of charter authorizer will be a controlling document.	Evidence of Compliance - Petition explains whether collective bargaining contracts of charter authorizer will be a controlling document.	Dana	Part Not Met/Compliance Identified	

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element N (14): Dispute Resolutions Procedures

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Dispute Resolution Procedures	A process for the charter and the authorizer to settle disputes relating to the provisions of the charter	Evidence of Compliance - If the authorizer does have a dispute resolution policy, the petition describes how the school will follow it. - If the authorizer does not have a dispute resolution policy, the petition describes a process for the school and the authorizer to settle disputes relating to the provisions of the charter.	Rob	Met Evaluation Standard	
2	2	Dispute Resolution Procedures	The process by which charter will resolve internal complaints and disputes	Evidence of Compliance - The petition describes the process of resolving internal complaints and disputes. - The petition includes Uniform Complaint procedures and description of how this process is communicated to parents, staff, and the community.	Rob	Not Met/Not Fully Met/Not Met	
3	3	Dispute Resolution Procedures	Acknowledgement that except those disputes between the chartering authority and the charter school, all disputes involving the charter school shall be resolved by the charter school according to the charter school's own internal policies	Assurance - Except those disputes between the chartering authority and the charter school, all disputes involving the charter school shall be resolved by the charter school according to the charter school's own internal policies.	Rob	Met Evaluation Standard	
4	4	Dispute Resolution Procedures	Statement that if any such dispute concerns facts or circumstances that may be cause for revocation of the charter, the authorizer shall not be obligated by the terms of the dispute resolution process as a precondition to revocation.	Assurance - If any such dispute concerns facts or circumstances that may be cause for revocation of the charter, the authorizer shall not be obligated by the terms of the dispute resolution process as a precondition to revocation.	Rob	Met Evaluation Standard	

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element O (15): Closure Procedures

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1	Closure Procedures	The procedures to be used if the charter school closes.	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - If the authorizer does have school closure procedures, includes the following: How the charter school will follow the authorizer school closure policies and who is the responsible entity/person for conducting closure-related activities. - If the authorizer does not have school closure procedures, includes the following: the procedures to be used if the charter school closes, including: Who is the responsible entity/person for conducting closure-related activities? Process for submission of final financial reports, expenditure reports for entitlement grants, and the filing of any required final expenditure and performance reports. - All petitions should include the following: The maintenance plan for pupil records and the manner in which parents/guardians may obtain copies of pupil records if the charter school closes, including how information will be preserved and transferred. A process for ensuring a final audit of the charter school, including the following: the disposition of the charter school's assets, plans for disposing net assets, and the transfer and maintenance of personnel records in accordance with applicable law. 	Rob	Met	
2	2	Closure Procedures	The maintenance plan for pupil records and the manner in which parents/guardians may obtain copies of pupil records if the charter school closes, including how information will be preserved and transferred.	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - The petition includes the maintenance plan for pupil records, the manner in which parents/guardians may obtain copies of pupil records if the charter school closes, and how information will be preserved and transferred. 	Rob	Met Evaluation Standard	
3	3	Closure Procedures	A process of how charter will ensure a final audit of the charter school, including: - the disposition of the charter school's assets - plans for disposing net assets - The transfer and maintenance of personnel records in accordance with applicable law	<p>Evidence of Compliance</p> <ul style="list-style-type: none"> - The petition describes how it will ensure a final audit and addresses all three criteria. 	Rob	Met Evaluation Standard	
4	4	Closure Procedures	An assurance the audit will be conducted within six months of closure.	<p>Assurance</p> <ul style="list-style-type: none"> - The audit will be conducted within six months of closure. 	Rob	Met Evaluation Standard	

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Element P (16): Charter School Location

Original Order	Item Number	Section	Criteria	Indicators (Compliance, Quality, or Assurance)	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Page Number
1	1		The location of each charter school facility.	Evidence of Compliance - Provides location of each charter school facility. - Provides notice to school district where facilities will be located.	Mike P.	Partially Met Evaluation Standard	
		Charter School Location					

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Uncategorized

Item Number	Description	Section	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Included Yes or No	Page Number
1	50% of permanent status teachers currently employed at school to be converted, in the form required by law.	REQUIRED PETITION SIGNATURES IF CONVERSION OF EXISTING PUBLIC SCHOOL (Education Code § 47605 subd. (a).)	N/A			
2	50% of parents/guardians of the number of age-appropriate students expected to enroll for 1st year of operation, in the form required by law.	REQUIRED PETITION SIGNATURES IF NOT CONVERSION OF EXISTING PUBLIC SCHOOL (Education Code § 47605 subd. (a).)				
3	50% of the number of appropriately credentialed teachers expected to be employed during 1st year of operation, in the form required by law (or number 2 above)	REQUIRED PETITION SIGNATURES IF NOT CONVERSION OF EXISTING PUBLIC SCHOOL (Education Code § 47605 subd. (a).)	Dana	Met Evaluation Standard		Appendix
4	Statement that school will be non-sectarian in its programs, admission policies, employment practices, and all other operations, will not charge tuition, and will not discriminate against any pupil on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status.	REQUIRED AFFIRMATIONS	Pat	Met Evaluation Standard		
5	Does the Petition propose to operate a single charter school within the geographic jurisdiction of the school district to which the charter is submitted?	GEOGRAPHIC AND SITE LIMITATIONS	Mike	Met Evaluation Standard		
6	If the Petition proposes to operate at multiple sites within the school district, does the Petition identify each location.	GEOGRAPHIC AND SITE LIMITATIONS	NA			
7	Indicates the petition was denied by a school district pursuant to statute.	JUSTIFICATIONS FOR APPEALS	NOT APPLICABLE		NOT APPLICABLE	NOT APPLICABLE
8	Does the Petition demonstrate that the charter school will commence operation by September 30 of its first year of operation?	EFFECTIVE DATE	Pat	Met Evaluation Standard		
9	The initial review finds that the petition has included information for all 15 required elements (A–P)	REQUIRED ELEMENTS	Alex Sears			
10	Element A (1) Educational Program	REQUIRED ELEMENTS	Alex Sears		Yes	
11	Element B (2) Measurable Student Outcomes	REQUIRED ELEMENTS	Alex Sears		Yes	
12	Element C (3) Student Progress Measurement	REQUIRED ELEMENTS	Alex Sears		Yes	
13	Element D (4) Governance	REQUIRED ELEMENTS	Alex Sears		Yes	
14	Element E (5) Employee Qualifications	REQUIRED ELEMENTS	Alex Sears		Yes	
15	Element F (6) Health and Safety Procedures	REQUIRED ELEMENTS	Alex Sears		Yes	
16	Element G (7) Balanced Enrollment	REQUIRED ELEMENTS	Alex Sears		Yes	

District Exhibit A

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Uncategorized

Item Number	Description	Section	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Included Yes or No	Page Number
17	Element H (8) Admissions Policies and Procedures	REQUIRED ELEMENTS	Alex Sears		Yes	
18	Element I (9) Annual Financial Audits	REQUIRED ELEMENTS	Alex Sears		Yes	
19	Element J (10) Suspension and Expulsion Procedures	REQUIRED ELEMENTS	Alex Sears		Yes	
20	Element K (11) Employee Retirement Systems	REQUIRED ELEMENTS	Alex Sears		Yes	
21	Element L (12) Public School Attendance Alternatives	REQUIRED ELEMENTS	Alex Sears		Yes	
22	Element M (13) Rights of District Employees	REQUIRED ELEMENTS	Alex Sears		Yes	
23	Element N (14) Mandatory Dispute Resolution	REQUIRED ELEMENTS	Alex Sears		Yes	
24	Element O (15) Charter School Closure Procedures	REQUIRED ELEMENTS	Alex Sears		Yes	
25	The petition provides the required budget and financial documents, including the proposed first year operational budget (with budget assumptions), startup cost, and cash flow and financial projections for the first three years of operation.	REQUIRED ELEMENTS	Rob	Did Not Meet Evaluation Standard	NA	Appendix G and Excel Budget
26	The petition provides an administrative plan.	SUPPLEMENTAL CRITERIA	Alex			
27	The petition describes the facilities to be used by the charter school and where the school intends to locate.	REQUIRED ELEMENTS	Alex			
28	If the school is to be operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the governing body of the charter school.	REQUIRED ELEMENTS	Alex			
29	The petition provides a special education plan and indicates how it will comply with the district's special education plan.	SUPPLEMENTAL CRITERIA	Pat			
30	The petition describes its special education structure, relationship to the SELPA, and the responsibilities of each party for service delivery, including referral, assessment, instruction, due process, and agreements describing allocation of costs.	SUPPLEMENTAL CRITERIA	Pat			
31	The petition provides a plan for independent study (if applicable).	SUPPLEMENTAL CRITERIA	Pat			
32	The petition addresses countywide benefit requirements (if applicable).	SUPPLEMENTAL CRITERIA	Alex			
33	The petition addresses alternative education programs (if applicable).	SUPPLEMENTAL CRITERIA	Pat			
34	The school district is positioned to absorb the fiscal impact of the proposed charter school. (Education Code § 47605 subd. (c)(8).)	FISCAL IMPACT AND COMMUNITY INTEREST	Rob	Met Evaluation Standard	NA	We do not have a qualified or negative interim budget
35	Provides discussion of whether the charter school would substantially undermine existing services, academic offerings, or programmatic offerings. (Education Code § 47605 subd. (c)(7)(A).)	FISCAL IMPACT AND COMMUNITY INTEREST	Pat	Did Not Meet Evaluation Standard		

District Exhibit A

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Uncategorized

Item Number	Description	Section	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Included Yes or No	Page Number
36	Provides discussion of whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate. (Education Code § 47605 subd. (c)(7)(B).)	FISCAL IMPACT AND COMMUNITY INTEREST	Rob and Pat	Did Not Meet Evaluation Standard		
37	Program involves activities that would present the likelihood of physical, educational, or psychological harm to the affected pupils?	UNSOUND EDUCATIONAL PROGRAM	Alex and Rob	Did Not Meet Evaluation Standard		
38	Program not likely to be of educational benefit to the pupils who attend?	UNSOUND EDUCATIONAL PROGRAM	Alex and Rob	Did Not Meet Evaluation Standard		
39	Petitioners have past history of involvement in unsuccessful educational programs?	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Alex and Rob	Did Not Meet Evaluation Standard		
40	Petitioners unfamiliar with content of petition or applicable requirements of law?	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Part of Interview			
41	Unrealistic financial and operational plan: structure for providing administrative services, (personnel transactions, accounting and payroll) / reasonable plan and timeline to develop and assemble such practices and expertise (see 5 CCR § 11967.5(c)(3)(A)(1))	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Rob and Jenna	Met Evaluation Standard		
42	Unrealistic financial and operational plan: criteria for selection of contractors that demonstrate necessary expertise and procedure selection of contractors (if applicable) (see 5 CCR § 11967.5(c)(3)(A)(2))	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Jenna	Did Not Meet Evaluation Standard		
43	Unrealistic financial and operational plan: lacks first-year operational budget, start-up costs, and cash flow, and financial projections for the first three years (see 5 CCR § 11967.5(c)(3)(B)(1))	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Jenna	Did Not Meet Evaluation Standard		

Written Opposition from Napa Valley
Unified School District

Mayacamas Charter Review Assignments

Uncategorized

Item Number	Description	Section	Assigned	Met/Partially Met/Did Not Meet Evaluation Standard	Included Yes or No	Page Number
44	Unrealistic financial and operational plan: budget notes clearly describe assumptions on revenue estimates, including, but not limited to, the basis for ADA estimates and staffing levels (see 5 CCR § 11967.5(c)(3)(B)(3))	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Jenna	Did Not Meet Evaluation Standard		
45	Unrealistic financial and operational plan: budget in its totality appears viable and over a period of no less than 2 years of operations provides for amassing a reserve equivalent to that required by law for a school district of similar size to the proposed charter school (see 5 CCR § 11967.5(c)(3)(B)(4))	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Jenna	Did Not Meet Evaluation Standard		
46	Unrealistic financial and operational plan: financial plan demonstrates understanding of timing of the receipt of various revenues and their relative relationship to timing of expenditures that are within reasonable parameters (see 5 CCR § 11967.5(c)(3)(B)(5))	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Jenna	Did Not Meet Evaluation Standard		
47	Unrealistic financial and operational plan: charter & supporting docs don't adequately provide for acquisition of and budgeting for general liability, workers compensations, and other necessary insurance (see 5 CCR § 11967.5(c)(3)(C))	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Jenna	Did Not Meet Evaluation Standard		
48	Unrealistic financial and operational plan: facilities plan doesn't adequately describe types and potential location of facilities needed; evidence of type and projected cost of available facilities; reflect reasonable costs for acquisition or leasing of facilities (see 5 CCR § 11967.5(c)(3)(D))	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Jenna	Did Not Meet Evaluation Standard		
49	Unrealistic financial and operational plan: petitioners personally lack necessary background in curriculum / instruction / assessment; finance / business management (see 5 CCR § 11967.5(c)(4))	LIKELIHOOD OF SUCCESSFUL IMPLEMENTATION	Jenna	Partially Met Evaluation Standard		

District Exhibit A

EXHIBIT

B



December 29, 2021

Napa County Board of Education
Dr. Barbara Nemko, Superintendent
2121 Imola Avenue
Napa, CA 94559

***RE: Petition to Establish Mayacamas Charter Middle School on Appeal from Denial
by Napa Valley Unified School District***

Dear Dr. Nemko and Trustees of the Board of Education:

On December 9, 2021, the Board of Education of the Napa Valley Unified School District (“District”) unanimously voted to deny a petition submitted by Napa Foundation for Options in Education (“Petitioners”) to establish a new charter school within the boundaries of the District, with the proposed name of Mayacamas Charter Middle School.

My office has been informed that according to a press release published by Petitioners the week of December 20, 2021, Petitioners submitted a petition to the Napa County Board of Education, in appeal of the District’s denial (“Petitioners’ Appeal”), on or about December 21, 2021. A copy of Petitioners’ press release (“Press Release”) is attached.

I write to bring the County Board’s attention to certain matters of concern regarding Petitioners’ Appeal and the County Board’s review thereof. First, as of the date of this letter, Petitioners have not yet provided a copy of Petitioners’ Appeal to the District as required by law, which prevents the District from determining whether Petitioners’ Appeal differs materially from the original petition or alerting the County Board to any material differences that may exist. Second, the Press Release indicates that Petitioners’ Appeal contains significant additional material that was not submitted to the District as part of the original charter petition, including additional signatures, which requires that Petitioners’ Appeal be remanded to the District for reconsideration.

The County’s review of Petitioners’ Appeal is governed by California Education Code, section 47605(k)(1), as well as Napa County Office of Education (NCOE) Board Policy 0420.44. The District expects that the County Board will follow all procedures set forth under the Education Code and its own policies in its review of Petitioners’ Appeal.

Education Code section 47605(k)(1)(A)(i) specifies in part that when a charter petition is submitted to a county board of education on appeal from denial by a local school district, “the petitioner shall also provide a copy of the petition to the school district”; and that this copy must

be provided to the school district “[a]t the same time the petition is submitted to the county board of education.” Since the Petitioners have failed to provide a copy of their appeal to the District as required by statute, Petitioners’ Appeal has not yet been validly submitted to the County Board, and the County Board is without jurisdiction to consider Petitioners’ Appeal until Petitioners have complied with this statutory requirement. The 90-day timeline for the County Board’s action on Petitioners’ Appeal should not begin until this requirement is met.

Education Code section 47605(k)(1)(A)(i), as well as NCOE Board Policy 0420.44, provide that where a charter petition is submitted to the county board of education after denial by a local school district, and the appeal petition contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration. For purposes of this provision, “material terms” is defined as “the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h)” of section 47605. (Ed. Code § 47605(k)(1)(A)(iii).)

The Press Release states that Petitioners’ Appeal contains “more than 500 pages of documents supporting the MCMS appeal,” as well as signatures of “[p]arents and guardians of nearly 200 students” and “more than 230 signatures from an additional online petition.” However, the original petition submitted to the District consisted of only 328 pages, including all attachments (except for parent signatures); and contained 108 pages of parent signatures which represented only 111 confirmed District students and 121 total students.

Because Petitioners have not yet provided a copy of their appeal petition to the District, we are unable to determine exactly what additional material is included in Petitioners’ Appeal that was not part of the original petition submitted to the District. However, based on the Press Release, it appears that the parent signatures on Petitioners’ Appeal—at minimum—are new or different than what was originally submitted to the District. (The original petition submitted to the District is available at <https://www.nvUSD.org/charterschools>.) If the parent signatures, or any other portion of Petitioners’ Appeal, contain new or different material terms than what was originally submitted to the District, then the County Board must immediately remand Petitioners’ Appeal to the District for reconsideration.

Further, on December 9, 2021, at 2:38 P.M., Petitioners submitted to the District a 28-page response to the District’s staff report and recommended findings regarding the Mayacamas charter petition (which had been published on November 22, 2021 at <https://www.nvUSD.org/charterschools>). Petitioners’ written response was received less than two hours before the call-to-order of the board’s regular meeting; past the deadline to be placed on the board’s agenda under the Brown Act; and past the District’s deadline for written public comments on meeting agenda items. Although the District’s board members did all receive Petitioners’ written response, Petitioners’ eleventh-hour submission of this document prevented it from becoming part of the official documentary record of the District board’s action. Nonetheless, the District has published Petitioners’ written response at <https://www.nvUSD.org/charterschools>.

NCOE Board Policy 0420.44 requires that charter petitions submitted on appeal from denial by a local school district include “[a]ny written factual findings from the school district governing board setting forth specific facts to support the grounds for denial.” Board Policy 0420.44 does not specify that petitioners submit a response to the school district’s written factual findings. Further, a county board of education considering a charter petition on appeal applies the review

standards set forth under subdivision (c) of Education Code section 47605; and the county board's role in a charter petition appeal is not to review the decision of the local district or the process by which the local district reached its decision. (Ed. Code § 47605(k)(1)(A)(ii).) Therefore, if Petitioners' written response to the District staff's findings and recommendations is part of the documents that Petitioners submitted on appeal to NCOE, it is not relevant to the County Board's review; but to the extent Petitioners' response outlines new or different material terms of the charter petition, it further supports remanding the petition to the District for reconsideration.

Based on the foregoing issues, the following summarizes the District's concerns regarding Petitioners' Appeal and the actions that NCOE should take before it commences its process of reviewing Petitioners' Appeal:

- First, NCOE should inform Petitioners that since the District has not received a copy of Petitioners' Appeal, it may not be considered by the County Board, and the County Board's statutory 90-day review timeline should not begin, until Petitioners have provided the District a copy of Petitioners' Appeal as required by Education Code section 47605(k)(1)(A)(i) and certified to NCOE that they have complied with this requirement.
- Second, if Petitioners' Appeal contains new or different material terms from the original petition that was submitted to the District—including but not limited to additional signatures that were not part of the original petition, or any other documents constituting new or different material terms as defined in Education Code section 47605(k)(1)(A)(iii), then NCOE must immediately remand Petitioners' Appeal to the District, so that the District may reconsider Petitioners' Appeal and take action within 30 days of remand.

Sincerely,



Dr. Rosanna Mucetti, Superintendent
Napa Valley Unified School District

cc: Board of Education
Joshua Schultz, Deputy Superintendent for Business Services

BOARD OF TRUSTEES

Robin Jankiewicz, PRESIDENT
David T. Gracia, VICE PRES DENT
Cindy Watter, CLERK
Lisa Chu

Jason Dooley
Elba Gonzalez-Mares
Eve Ryser
Superintendent Dr. Rosanna Mucetti

2425 Jefferson St., Napa CA 94558
(707) 253-3511
www.nvusd.org

EXHIBIT

C

From: Rosanna Mucetti <rmucetti@nvusd.org>
Sent: Wednesday, January 5, 2022 3:18 PM
To: Jolene Yee
Cc: Lauren Daley; Rob Mangewala
Subject: Re: Courtesy Copy

Hello Ms. Yee,

I am in receipt of your email.

Thank You,

Dr. Mucetti

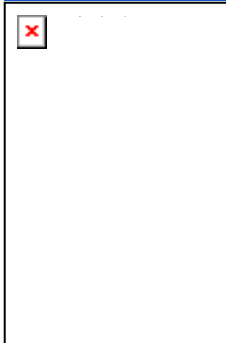
On Wed, Jan 5, 2022 at 3:11 PM Jolene Yee <napawicks@gmail.com> wrote:
Superintendent Mucetti,

As a courtesy, attached is a complete pdf copy of the materials we've submitted with our petition on appeal, which we previously provided to you. Regards,

Jolene A. Yee
Napa Foundation for Options in Education

--

Rosanna Mucetti, Ed.D
Superintendent
Napa Valley Unified School District
2425 Jefferson Street
Napa, CA 94558
[707.253.3511](tel:707.253.3511)
rmucetti@nvusd.org
www.nvusd.org
www.facebook.com/NVUSD



Transforming lives by instilling and inspiring lifelong learning in every student.

EXHIBIT

D



NVUSD

NAPA VALLEY UNIFIED SCHOOL DISTRICT

**MAYACAMAS CHARTER APPEAL: NEW MATERIAL ITEMS
INCLUDED IN APPEAL TO NCOE VIOLATE ED CODE**

January 14, 2022
District Exhibit D

TIMELINE

- NVUSD Board denied the MCMS petition on December 9, 2021.
- MCMS submitted an appeal to NCOE on December 21, 2021, but failed to follow the process outlined in Education Code.
- Upon late receipt of the appeal, District noted several new material terms, requiring the County Board to “immediately remand” to the District for 30 day reconsideration.
- Potential reconsideration date, if remanded today:
2/14/22

District Exhibit D



DISTRICT'S ROLE TODAY

- County has invited District to share its legal position and contrast that with MCMS's talking points.
- Our response is that compliance is not a matter of public debate and the appeal submission speaks for itself.
- The state legislature has spoken on when remand is required, and District's role today will not be to recite justifications for complying with the law or engage in extended legal debates.
- In response to the County's invitation, the District will highlight the Ed. Code's mandatory requirements and provide examples of new "material" terms in the appeal.



**WHEN DOES
ED CODE
REQUIRE
IMMEDIATE
REMAND?**

If the petition submitted on appeal contains new or different material terms, the county board of education shall immediately remand the petition to the governing board of the school district for reconsideration, which shall grant or deny the petition within 30 days.



**HOW DOES
CAL ED CODE
DEFINE
MATERIAL
TERMS?**

- **Material Terms** means:
 - “the signatures, affirmations, disclosures, documents, and descriptions described in subdivisions (a), (b), (c), and (h). . .”
- Subsections (a) through (c) and (h) mentioned here refer to several core requirements of charter petition approval.
- Changes that are not material must be “minor administrative updates . . . ”



EXAMPLE

1. Signatures

- The state legislature defines material terms to include “signatures.”
- Petitioners included new signatures in the appeal submission under subsection (c) of Section 47605.

47605(c)(3) ✓ *The charter petition contains the number of signatures required by law.*

The law requires that a petitioner gather either a certain number of teacher signatures or a certain number of parent signatures, but we were able to get both because there is so much support for the MCMS program. Appendix C to the charter petition contains the required number of signatures of teachers who are meaningfully interested in teaching at MCMS. Appendix D to the charter petition contains the required number of signatures of parents who are meaningfully interested in having their child attend MCMS. We have also collected signatures from 232 parents and other community members who support our program, which are enclosed as Exhibit 9.

Excerpt from Page 6 of MCMS Appeal Submission

District Exhibit D



EXAMPLE

1. Signatures (Continued)

- The Petitioners' cover letter presents new signatures to change a second "material" term: to supplement their budget under subsection (h) of Section 47605.
- Appeal cover letter: "much of the Staff Report's criticism of our budget is almost entirely predicated on the incorrect assumption that we cannot meet our Year 1 enrollment target."
- Appeal cover letter: "We currently have additional parents who have signed up on our website representing a total of 232 students (see Exhibit 9), which exceeds our first year enrollment target."

District Exhibit D



**MORE
EXAMPLES**

**2. Admissions Preference for MCMS Founders'
Children**

- **Exhibit 7:** "Letter Describing Necessary Changes to Reflect the County Board as the Chartering Entity."
- Section 47605 requires these changes to be "minor administrative updates," or else requires immediate remand to the District for reconsideration.
- Admissions policies and procedures are described under subsection (c) of Ed Code § 47605.



**MORE
EXAMPLES**

**3. Material “Technical Amendments” to EL Reclassification
(i.e., English Learners)**

- **Exhibit 7:** Offer “...to bolster the description of our reclassification procedures on pages 94-95 of the charter.”
- **District Finding:** “Petition diverges from the District’s robust EL reclassification standards in multiple ways...”
- **District Finding:** “[English Learner reclassification] not sufficiently thorough to constitute a sound educational program for those students.”

District Exhibit D



SUMMARY

Appeal Includes New/Different Material Terms, Requiring Remand

- Based on the the Petitioners own descriptions in the appeal, Petitioners have included several new and different material terms in this appeal submission.
- Due to Petitioners' violation of the Education Code process, state law requires the County Board "shall immediately remand" the appeal submitted by MCMS.



EXHIBIT

E

Written Opposition from Napa Valley
Unified School District



SCHOOL & COLLEGE LEGAL SERVICES
OF CALIFORNIA

*A Joint Powers Authority
serving school and college
districts throughout the
state.*

January 17, 2022

5350 Skylane Boulevard
Santa Rosa, CA 95403

Tel: (707) 524-2690
Fax: (707) 578-0517
santarosa@sclscal.org
www.sclscal.org

General Counsel
Carl D. Corbin

Attorneys
Jennifer Henry
Nancy L. Klein
Damara L. Moore
Jennifer E. Nix
Steven P. Reiner
Kaitlyn A. Schwendeman
Leah M. Smith
Loren W. Soukup
Erin E. Stagg

Of Counsel
Robert J. Henry
Frank Zotter, Jr.

Dr. Rosanna Mucetti, Superintendent
Napa Valley Unified School District
2425 Jefferson Street
Napa, CA 94558

Via Email Only: rmucetti@nvusd.org

Re: Request to Remand Charter Petition

Dear Dr. Mucetti:

On December 29, 2021, you submitted a letter to Dr. Barbara Nemko, Napa County Superintendent of Schools, and the Napa County Board of Education. My firm represents both entities as to the Mayacamas Charter Middle School matter. In your letter, you demanded that the appeal of the Napa Valley Unified School District's ("NVUSD") denial of the petition for establishment of the Mayacamas Charter Middle School be remanded to NVUSD for reconsideration.

In a meeting on January 10, 2022, NVUSD shared that it believes that portions of Exhibit 7 and the entirety of Exhibit 9 of the charter petitioners' appeal packet were "new and material terms" pursuant to Education Code section 47605(k)(1)(A) and that remand was necessary. Pursuant to that same code section, any decision to remand must come from the Board of Education. Accordingly, an item was added to the agenda for the Board's already scheduled January 14, 2022, meeting, to discuss your concerns.

Unfortunately, as you know, technical issues prohibited the January 14, 2022, meeting from moving forward. That meeting was continued to January 18, 2022.

Today, January 17, 2022, Dr. Nemko and the County Board of Education received from the charter school petitioners a document requesting to strike the portions of the appeal packet that you had identified as in violation of Education Code section 47605(k)(1)(A)'s prohibition against "new or different material terms." That letter is attached.


Accordingly, I consider this issue resolved. Because of the charter petitioners' actions, there will be no information presented to the Board of Education that also was not presented to the NVUSD Board. In other words, the Board of Education will be considering whether to grant or deny the same petition and supporting materials as the NVUSD Board did.

I will direct Dr. Nemko to redact the disputed portions of Exhibit 7 of the appeal packet and to remove Exhibit 9 of the appeal packet. The updated packet will be posted publicly on the Napa County Office of Education website. I will direct the members of the Board of Education to destroy any copies of the prior appeal packet and to reference only the updated packet. I will also direct the Board of Education that they may not rely on the removed materials in making a decision to grant or deny the Mayacamas Charter Middle School petition. The Board of Education will deliberate in open session as required by law regarding the petition, so there will be no question as to what materials they relied on in making their decision.

This matter will be removed from tomorrow's Board of Education agenda.

I am hopeful that we can move forward in a positive manner.

Sincerely,



Jennifer E. Nix, Senior Associate General Counsel
School & College Legal Services of California

Enc.: Letter from Petitioners dated 1/17/2022

cc: Napa County Board of Education
Barbara Nemko, Napa County Superintendent of Schools
Joshua Schultz, Napa County Deputy Superintendent for Business Services
Jolene Yee & Lauren Daley, Petitioners on Behalf of Mayacamas Charter Middle School

EXHIBIT

F

COMMITTEES
CHAIR: EDUCATION
BUDGET
PUBLIC EMPLOYMENT AND RETIREMENT
TRANSPORTATION

SUBCOMMITTEES
BUDGET SUBCOMMITTEE NO. 2 ON
EDUCATION FINANCE

SELECT COMMITTEE
CHAIR: PORTS AND GOODS MOVEMENT

Assembly
California Legislature



PATRICK O'DONNELL
ASSEMBLYMEMBER, SEVENTIETH DISTRICT

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94246-0070
(916) 319-2070
FAX (916) 319-2170

DISTRICT OFFICES
5000 E. SPRING STREET, SUITE 550
LONG BEACH, CA 90815
(562) 429-0470
FAX (562) 420-7871

461 W. SIXTH STREET, SUITE 209
SAN PEDRO, CA 90731
(310) 548-6420
FAX (310) 548-4160

March 10, 2022

Dear President Huffman, Napa County Board of Education Trustees and Superintendent Nemko:

I am contacting you regarding Napa County Board of Education's use of the Charter Schools Act, and the legislative changes made to the Act in 2019 through my bill, AB 1505 (O'Donnell). I would like to clarify the Legislative intent behind the changes the bill made to the charter school authorization and appeal process.

While working on the bill, I heard clearly from school districts and county offices of education that some school districts were struggling with the fiscal and community impact of charter school expansion in their districts. Therefore, we added two new tools for authorizers to use in determining the fiscal impact of a new charter school (or the expansion of an existing charter school) to a school district and its students, as follows:

- Education Code Section 47605(c)(7): The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. Analysis of this finding shall include consideration of the fiscal impact of the proposed charter school, including an analysis of the extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings; as well as whether the proposed charter school would duplicate a program currently offered within the school district.
- Education Code Section 47605(c)(8): The school district is not positioned to absorb the fiscal impact of the proposed charter school. A school district satisfies this paragraph if it has any of the following:
 - A qualified interim certification pursuant to Section 42131 and the county superintendent of schools, in consultation with the County Office Fiscal Crisis and Management Assistance Team, certifies that approving the charter school would result in the school district having a negative interim certification pursuant to Section 42131,
 - Has a negative interim certification pursuant to Section 42131, or
 - Is under state receivership (districts with an outstanding state loan).

Charter schools proposed in a school district satisfying one of these conditions shall be subject to a rebuttable presumption of denial.

While these two additional reasons that a school district or county board of education can deny a new charter school petition (or request to expand) may seem similar because they both address

fiscal impact, they are intentionally different and have differing requirements when they are utilized. 47605(c)(7) applies when the approval of the charter will present a fiscal impact to the school district's programs, and the school district presents an analysis of how the charter school would substantially undermine existing services, academic offerings, or programmatic offerings because of that fiscal impact. When drafting the bill, we used the word "substantial" to indicate that a financial impact of \$1.00 is not enough, but instead it must be substantial to the school district, according to their analysis. The language was left broad intentionally, due to the fact that each school district is different and therefore the financial impact is different in each case.

The main requirement of a denial under 47605(c)(7), is that the school district must present a basic analysis of the financial impact of opening or expanding the charter school on the school district and how that financial impact will substantially undermine existing services to the school district's students. For example, if the charter school opens and the school district loses the projected ADA, the school district may have to adjust their budget accordingly by eliminating the music program, closing a school site, or by requiring two schools to share school facilities. The analysis should lay out the impact on the school district and the impact to the community, including the services or programs that may be impacted by the new or expanding charter school.

Further examples of the Legislative intent in this area can be found in the Bill Analysis presented to the Assembly Floor prior to that body's passage of the bill. As cited in the analysis, my intent was to allow authorizers to, among other things:

"... consider the impact that a charter school would have on school district programs, such as English Learner instruction, hands-on science, music and theater.... Further, school districts may consider the staffing needs of district services and programs that might be impacted by the charter school, and if layoffs of custodial positions, teachers, school resource officers, and other school staff is likely to be exacerbated by the addition of a new or expanding charter schools, school boards must take this into account in order to meet the needs of all their students."

Again, the Legislative intent was to give school district and county boards of education broad discretion to consider what the fiscal and community impacts of a proposed charter school might be, and deny a charter school under 47605(c)(7) if they felt that impact would be substantial for their students, schools, and broader community.

To further clarify the difference between 47605(c)(7) and 47605(c)(8), a denial of a charter school under 47605(c)(8) requires that the school district meet one of the three criteria of financial distress. By meeting one of the three criteria, that school district may deny the charter school without further analysis. Denial under 47605(c)(8) provides a rebuttable presumption of denial, which means the charter petition is presumed to be denied, and may only be rebutted on appeal if the school district does not meet one of the three criteria, based on fact. The Legislature intended for a denial under 47605(c)(8) to be an objective measure, not a subjective measure. If the school district is in fiscal

distress, and meets one of the three criteria, that school district may deny the charter school petition without further analysis.

To deny a charter school petition under Section 47605(c)(7), a school district or county board of education need only find that there will be a fiscal and community impact of the proposed school that will “substantially undermine existing services, academic offerings, or programmatic offerings.” The school district does not need to meet any criteria of fiscal distress, or be in fiscal distress to deny a charter petition under 47605(c)(7).

Further, a charter school petition can be denied for any of the eight reasons established in the Charter Schools Act. School districts may choose to deny a charter school for multiple reasons or any single reason. School districts may deny a charter school petition under 47605(c)(7) alone, or in combination with other reasons for denial. Likewise, a school district may deny a charter school petition under 47605(c)(8) alone, or in combination with other reasons for denial.

The intent of AB 1505 was to provide greater local control to school districts and provide more flexibility to school districts to deny charter school petitions if the proposed charter school (or expansion) would have a substantial impact on the school district’s programs under 47605(c)(7), or if the school district was in financial distress under 47605(c)(8).

My staff, Chelsea Kelley, who assisted me in drafting the language in AB 1505, is available to answer any detailed questions you might have. Chelsea can be reached at chelsea.kelley@asm.ca.gov or by phone at 916-319-2087.

Sincerely,



Patrick O'Donnell
Assemblymember, 70th District

EXHIBIT

G

From: Alex Sears
Sent: Thursday, September 16, 2021 9:49 AM
To: Jolene Yee
Cc: rmucetti@nvsud.org; rmangewala@nvsud.org; jpressey@nvsud.org; Mary Hernandez; vmorales@nvsud.org
Subject: RE: Submission of New Charter Petition

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms. Yee,

This is to confirm that Napa Valley Unified School District has received the new charter petition submission for Mayacamas Charter School.

We will be in touch soon regarding the timeline for Board hearings on the petition and next steps in the review process. For the time being, please direct any inquiries regarding the petition review to me, with a copy to Mary Hernandez. We look forward to working with you.

Thank you,



Alex Sears
Attorney
asears@ghslaw.com | ghslaw.com
T: 510.250.3397 | F: 510.380.7704
Garcia Hernández Sawhney, LLP
2490 Mariner Square Loop, Suite 140 | Alameda, CA 94501

The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

From: Jolene Yee <napawicks@gmail.com>
Sent: Wednesday, September 15, 2021 5:22 PM
To: rmucetti@nvsud.org; rmangewala@nvsud.org; Alex Sears <asears@ghslaw.com>; jpressey@nvsud.org; Mary Hernandez <mhernandez@ghslaw.com>; vmorales@nvsud.org
Cc: Lauren Daley <ljdaley@willdaley.com>; Lemmo, John C. <john.lemmo@procopio.com>
Subject: Fwd: Submission of New Charter Petition

Dear Board of Trustees, Dr. Mucetti, and Staff/Counsel of NVUSD:

Per our previous e-mail, this is the second of two, attaching the remainder of our documents. Thank you for your consideration and we look forward to hearing from you soon. Kind Regards,

Jolene A. Yee, Esq.

EXHIBIT

H

From: Rob Mangewala <rmangewala@nvusd.org>
Sent: Wednesday, November 3, 2021 10:06 AM
To: *Cabinet - Executive
Cc: Alex Sears
Subject: Fwd: In-Person Interview

Dear Executive Cabinet,

The purpose of this email is to confirm that the Mayacamas Charter petitioners have confirmed their interest in participating in an interview on Monday November 15th from 3:30-5. See below.

----- Forwarded message -----

From: Rob Mangewala <rmangewala@nvusd.org>
Date: Wed, Nov 3, 2021 at 10:02 AM
Subject: Re: In-Person Interview
To: Jolene Yee <napawicks@gmail.com>
Cc: Lauren Daley <ljdaley@willdaley.com>, Rob Mangewala <rmangewala@nvusd.org>

Good Morning Ms. Yee,

Thank you for your confirmation regarding the November 15th meeting.

District staff members who have been analyzing the petition will be attending, along with myself. We do not have a final list yet, but there will be multiple members of District staff present. District counsel will also be present to observe the meeting and advise District staff as necessary, but he will not be there to ask questions of your team.

Regarding COVID-19 protocols, all attendees are expected to wear face coverings inside the District offices, and hand sanitizer will be available.

Regarding your request to have your consultant answer questions related to the budget, we have some concerns about this request. Part of the purpose of this meeting is for your intended leadership team to demonstrate its own understanding of the contents of the petition and its capacity to successfully start up, lead, and manage the proposed charter school, including understanding the budget.

While we will not exclude Ms. Norman from the meeting, the purpose of this meeting is to determine the petitioners' knowledge about the petition (including the budget), not a consultant's. As such, our questions will be directed to the petitioners as we expect that a member of your leadership team will be able to discuss fiscal questions that may arise.

Pursuant to your request, we have redacted the address for the Dryer family that is posted on the District's Website.

Please let me know if you have any questions or concerns.

On Tue, Nov 2, 2021 at 3:29 PM Jolene Yee <napawicks@gmail.com> wrote:

Dear Mr. Mangewala,

Pursuant to your request, we will make ourselves available in person on Monday, November 15th, between 3:30 and 5pm. We will make Jessica Norman from ExEd available via Zoom to answer any Budget-related questions. Can you please let us know who will be attending from your end? Also, as I have a child who is not yet eligible to be vaccinated, can you please inform me of the Covid protocols at the District Office?

Last, one of the families who signed the Petition let us know that she is a probation officer and has some safety concerns about her and her child's personal information being available online, on the NVUSD site. As a courtesy, we kindly request that you redact the personal information of Tamara and Kaden Dreyer from the Petition, in light of these safety concerns raised.

We look forward to hearing from you on the above, and to meeting with you on the 15th. Kind Regards,

Jolene Yee
Co-President, Napa Options for Education

--



Dear Ms. Yee,

As part of Napa Valley Unified School District's review of the Mayacamas Charter Middle School petition, District staff would like to meet with the lead petitioners in order to clarify staff questions regarding the petition and give petitioners the opportunity to demonstrate their experience, expertise, and capacity to successfully lead and manage the educational program set forth in the petition. Information learned during this meeting will help guide District staff's findings and recommendations to the governing board.

The District would like to offer one of the two proposed times for an in person interview at the District Office/Ed Center at 2425 Jefferson Street, Napa, CA 94558:

Monday, November 15, 3:30 PM - 5:00 PM
Tuesday, November 16, 9:00 AM - 10:30 AM

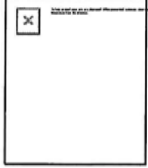
Please advise by November 2 which meeting time you prefer, so that we can finalize scheduling.

Best Regards,

Rabinder Mangewala
Assistant Superintendent, Business Services
Pronouns: he/him/his
Napa Valley Unified School District

2425 Jefferson Street
Napa, CA 94558

rmangewala@nvusd.org
www.nvusd.org



"Transforming lives by instilling and inspiring lifelong learning in every student."

--

Best Regards,

Rabinder Mangewala
Assistant Superintendent, Business Services
Pronouns: he/him/his
Napa Valley Unified School District
2425 Jefferson Street
Napa, CA 94558

rmangewala@nvusd.org
www.nvusd.org



"Transforming lives by instilling and inspiring lifelong learning in every student."

--

Best Regards,

Rabinder Mangewala
Assistant Superintendent, Business Services
Pronouns: he/him/his
Napa Valley Unified School District
2425 Jefferson Street
Napa, CA 94558

rmangewala@nvusd.org
www.nvusd.org

EXHIBIT

I



2490 Mariner Square Loop, Suite 140, Alameda, CA 94501
T 510.695.2802 • F 510.380.7704 • ghsllaw.com

October 6, 2021

Jolene Yee and Lauren Daley
Napa Foundation for Options in Education
1370 Trancas St. #180
Napa, CA 94558

*Via U.S. Mail and E-Mail to
info@napaoptionsforeducation.org,
ljdaley@willdaley.com,
napawicks@gmail.com*

Re: Mayacamas Charter Middle School Petition

Dear Ms. Yee and Ms. Daley,

I have received your October 5, 2021 letter regarding the Mayacamas Charter Middle School petition that was submitted to Napa Valley Unified School District (“District”) on September 15, 2021 (“Petition”), and your inquiry regarding the District’s review process and timeline for the Petition.

The District’s governing board (“Board”) intends to formally announce its receipt of the Petition at its upcoming regular meeting on October 14, 2021, as well as its schedule for the Petition review process. The schedule will also be posted on the District’s Web site around the same time, together with a copy of the Petition so that the public may read it.

Under Education Code section 47605(b), a district’s governing board must hold a public hearing for a proposed charter within 60 days of receipt of the completed petition, and, within 90 days from receipt of the petition, either grant or deny the charter. The Board must publish all staff recommendations, including the recommended findings, regarding the petition at least 15 days before the public hearing at which the Board will take action to either grant or deny the charter. At the public hearing at which the Board will take action to either grant or deny the charter, Petitioners will be allowed equivalent time and procedures to present evidence and testimony to respond to the District staff’s recommendations and findings.

Pursuant to the above statutory timeline, the District’s schedule will be as follows:

- **November 4, 2021:** The Board will hold a public hearing on the provisions of the charter, at which time the Board shall consider the level of support for the Petition by teachers employed by the District, other employees of the District, and parents.
- **November 24, 2021:** The Board will publish staff recommendations and findings regarding the Petition on the District’s Web site.
- **December 9, 2021:** The Board will take action to grant or deny the Petition at its regular meeting.

In response to your question regarding the November 4, 2021 meeting and your request for time for the petitioners to present the petition and answer questions at that time, pursuant to section 47605(b) the public hearing at the November 4 meeting will be focused on comments from teachers, other District employees, and parents. District staff will be reviewing the Petition over



GARCIA HERNÁNDEZ SAWHNEY LLP

the next several weeks: if District staff has questions for the petitioners, those questions will be communicated to you at appropriate time(s) during the course of the review process, and your responses to any such questions will inform the staff recommendations and findings that will be published on or before November 24. Petitioners will also be given an opportunity to address the Board regarding the Petition and the published staff recommendations and findings at the December 9, 2021 meeting at which the Board will take action on the Petition.

I hope that this letter clarifies the District's review process and timeline. Please contact me regarding any further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Sears', written over a light blue horizontal line.

Alex Sears
Senior Counsel

EXHIBIT

J



----- Forwarded message -----

From: Jolene Yee <napawicks@gmail.com>
Date: Fri, Nov 12, 2021 at 3:22 PM
Subject: Nov. 15th Interview Request
To: <rmangewala@nvusd.org>

Dear Mr. Mangewala:

As you may know, Lauren Daley and I have sent emails to all the NVUSD trustees asking for an opportunity to meet with them to discuss the MCMS petition and answer any questions they might have. We thought this an especially important step to take since we asked for and were denied an opportunity to take 12 minutes to present the petition and answer questions at the recent hearing.

Each trustee that has responded has denied this request as well and all of them cited their desire for all the communication regarding the MCMS petition to be open and available to all trustees equally. In addition, your most recent email continues your insistence on conflating our roles as lead petitioners with those of school governance and leadership teams.

In order to facilitate the request from the trustees that all communications be transparent and available to all parties equally, we ask that whatever questions you have of us about the petition be submitted to us in writing and copied to the trustees. Likewise, our responses will also be copied to the trustees so that, per their request, all information is available to all parties concurrently. This also means that there is no need for whomever on NVUSD's staff intended to participate in your proposed private meeting on November 15 to continue to hold that time on their calendars.

We look forward to receiving your questions and providing additional information you may need.

Sincerely,

Jolene Yee
Napa Foundation for Options in Education

--

Rabinder (Rob) Mangewala
Assistant Superintendent, Business Services
Napa Valley Unified School District

[REDACTED]

[REDACTED]

[REDACTED]

----- Forwarded message -----
From: Jolene Yee <napawicks@gmail.com>
Date: Mon, Nov 15, 2021 at 3:02 PM
Subject: No Meeting this Afternoon
To: <rmangewala@nvusd.org>

Dear Mr. Mangewala:

As noted in my previous email, we will not be attending this afternoon's meeting. We are deeply disappointed you would insist on a private conversation versus a more transparent process that would allow all stakeholders - families, students, community members and trustees - to understand what questions you have and what answers we provide.

Sincerely,

Jolene Yee
Napa Foundation for Options in Education

--
Best Regards,

Rabinder Mangewala
Assistant Superintendent, Business Services
Pronouns: he/him/his
Napa Valley Unified School District
2425 Jefferson Street
Napa, CA 94558

rmangewala@nvusd.org
www.nvusd.org



"Transforming lives by instilling and inspiring lifelong learning in every student."

EXHIBIT

K

From: lauren <ljdaley@willdaley.com>
Sent: Thursday, December 9, 2021 2:38 PM
To: rmucetti@nvusd.org
Cc: Jolene Yee (via Google Drive); Alex Sears
Subject: RE: MCMS Staff Report response
Attachments: 12.9.21_FINAL_MCMS_Response to District Staff Report Recommending Denial.pdf

Superintendent Mucetti,

Further to my last email, our response is attached in addition to the staff report. Apologies for the oversight.

Regards,
Lauren

From: [lauren](#)
Sent: Thursday, December 9, 2021 2:18 PM
To: rmucetti@nvusd.org
Cc: [Jolene Yee \(via Google Drive\)](#); [Alex Sears](#)
Subject: MCMS Staff Report response

Superintendent Mucetti,

Attached is the Petitioners' "Response to Staff Report: Proposed Findings of Fact and Recommendations Regarding Petition to Establish a New Charter School (Mayacamas Charter Middle School)". We submit this letter for the record of the charter petition proceedings.

Regards,

Lauren Daley and Jolene Yee