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Attachment 1

Mayacamas Charter Middle School Written Submission

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**Mayacamas Charter Middle School Cover Letter
for SBE Appeal dated April 14, 2022**

Mayacamas Charter Middle School
Written Submission

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April 14, 2022

VIA ELECTRONIC SUBMISSION (CharterAppeals@cde.ca.gov)

California State Board of Education
1430 N Street, Suite 5111
Sacramento, CA 95814

Advisory Commission on Charter Schools
1430 N Street, Suite 1101
Sacramento, CA 95814

Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814

Re: Appeal of Denied Charter Petition for Mayacamas Charter Middle School

Dear Members of the State Board of Education, Commissioners, and Charter Schools Division:

We hope this letter finds you well. On behalf of hundreds of families in Napa County, we respectfully submit this appeal of charter petition denial for Mayacamas Charter Middle School ("MCMS") to the Advisory Commission on Charter Schools ("ACCS") and the State Board of Education ("SBE") for review and approval pursuant to Education Code section 47605(k)(2).

Enclosed with this letter are all of the documents required for a charter petition appeal and in the format we understand is desired by the California Department of Education ("CDE"), including CDE's Petitioner Checklist, CDE's Written Submission Tables, and the following Exhibits:

EXHIBIT	DOCUMENT
EXHIBIT 1	MCMS Charter Petition, as denied by the Napa Valley Unified School District ("NVUSD") on December 9, 2021 and denied by the Napa County Board of Education ("County Board") on March 15, 2022
A	Appendices and Supporting Materials Submitted with the MCMS Charter Petition, including the MCMS Budget as Submitted in PDF
B	MCMS Budget as Submitted in Excel Format
EXHIBIT 2	NVUSD's Adopted Staff Report and Findings of Fact

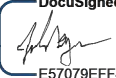
Mayacamas Charter Middle School
Written Submission

DocuSign Envelope ID: A00DADBC-75F9-4DF4-906C-77C71D23CCC8

EXHIBIT	DOCUMENT
EXHIBIT 3	Documentary Record Prepared by NVUSD and Received by Petitioners on March 31, 2022
EXHIBIT 4	County Board's Post-Denial Declaration/Findings
EXHIBIT 5	Documentary Record Prepared by the County Board and Received by Petitioners on April 6, 2022
EXHIBIT 6	Petitioners' Written Submission, with Specific Citations to the Documentary Record, Detailing How NVUSD and the County Board Abused Their Discretion

Thank you very much for your time and consideration. We look forward to answering your questions at the ACCS meeting on August 11, 2022 and the SBE meeting on September 14-15, 2022.

Sincerely,

DocuSigned by:

E57079EFF46040B...

Jolene Yee

DocuSigned by:

4838ECFC7C1C43D...

Lauren Daley

On behalf of Petitioners for Mayacamas Charter
Middle School

**Petitioners' Written Submission
Detailing the Abuses of Discretion
Regarding the Denial of the Charter Petition
for Mayacamas Charter Middle School**



**PETITIONERS' WRITTEN SUBMISSION DETAILING THE ABUSES OF
DISCRETION REGARDING THE DENIAL OF THE CHARTER PETITION FOR
MAYACAMAS CHARTER MIDDLE SCHOOL**

This document provides petitioners' written submission detailing how the Napa County Board of Education ("County Board") and Napa Valley Unified School District ("District or "NVUSD") both abused their discretion when denying the charter petition to establish Mayacamas Charter Middle School ("MCMS"). The State Board of Education ("SBE") reviews charter denials under Education Code section 47605¹ for "abuse of discretion." "Abuse of discretion" is a judicial or quasi-judicial standard of review applied by courts or administrative agencies (here, the SBE) when reviewing an agency's or its governing board's discretionary act. An "abuse of discretion" is found when the agency or its governing board fails to follow a process mandated by law (i.e., a "failure to proceed in a manner required by law"), makes a decision that is not supported by the factual findings, or takes action that is not based upon substantial evidence in light of an entire record of proceedings.

As a preliminary matter, there is an important distinction within section 47605(c) between the eight permissible "statutory" findings for denial (i.e., the grounds under which a petition may be denied) and the written "factual" findings (i.e., "setting forth specific facts") that form the basis and analysis to support one or more of the permissible statutory findings. There are only eight grounds or "statutory findings" that permit charter petition denial, and they are listed under section 47605(c)(1)-(8). A chartering agency "shall not deny" a petition unless it makes written "factual findings" that are specific to the particular petition, and that support one or more of the eight "statutory findings" for denial as part of the governing board's action to deny. The "statutory findings" are essentially the grounds for denial drawn by the agency's governing board, and the "factual findings" are meant to be the governing board's specific, written, reviewable facts and analysis that support one or more of the eight grounds for denial.

As explained in more detail below, there were multiple, substantial, and prejudicial abuses of discretion that occurred during the MCMS petition process meriting reversal of both decisions to deny:

1. Perhaps the most egregious prejudicial abuse of discretion was the County Board's failure to proceed in the manner required by law, by failing to comply with the statutorily-mandated petition approval process. Within 90 days of receiving the MCMS petition on appeal from the District's denial, the County Board was required under section 47605(b)-(c) to either: (1) grant the petition; or (2) adopt written factual findings to deny the petition. That legislative mandate is binary—the County Board must do one or the other. There is no third option, as happened here, for the County Board to fashion

a different process. “Where a statute or ordinance clearly defines the specific duties or course of conduct that a governing body must take, that course of conduct becomes mandatory and eliminates any element of discretion.” (*Carrancho v. Cal. Air Resources Board* (2003) 111 Cal.App.4th 1255, 1267.)

The MCMS petition was submitted to the County Board on December 21, 2021, so the deadline for action was March 21, 2022. The County Board denied the petition on March 15, but without any written factual findings whatsoever. The County Board’s purported factual findings were drafted days later by outside legal counsel *post hoc* in the form of a single Board member’s declaration about his perception concerning the prior week’s County Board action. The County Board’s counsel thereafter sent the “declaration/findings” document to petitioners on March 22, which was thereafter “ratified” by the County Board on April 5. There is no process for a Board member “declaration in-lieu-of factual findings” as occurred here, nor is there any process for the County Board to “ratify” such a declaration weeks after its denial action. The entire process was nonsensical, and contrary to the plain mandate of the statute—approve the petition or make written factual findings for denial. (See Ed. Code, § 47605(c).) The County Board failed to comply with the legally-required process and timeline for charter petition appeals, which is a textbook example of a prejudicial abuse of discretion.

2. Even if the factual findings contained in the County Board member’s declaration were written and adopted by the Board at its meeting on March 15, which they were not, the factual findings to deny the MCMS petition are not supported by substantial evidence in light of the entire record. The declaration “ratified” by the County Board on April 5 merely parrots back the generic language of the statute, without providing the necessary supporting facts and circumstances specific to this petition, as mandated by section 47605(c). It is the conspicuous absence of substantial evidence in the documentary/administrative record prepared by the County Board that demonstrates its prejudicial abuse of discretion in denying the MCMS petition.
3. The factual findings “ratified” by the County Board three weeks after its denial of the petition are not supported by substantial evidence in the record. As recognized by County staff, two of the factors that must be considered as part of the complex analysis under section 47605(c)(7) weigh heavily in favor of approval of the MCMS petition. The County Board misinterpreted the appropriate analysis when considering the “fiscal impact” of the petition, and there is overwhelming evidence in the record that any fiscal impact on the District will be mitigated completely by the expansion of transitional kindergarten (“TK”).

4. Petitioners were not provided with a fair and impartial process because there is ample evidence of bias by the District Board of Education (“District Board”) in its review of the petition, the holding of its own hearings, and its denial of the petition.
5. The factual findings adopted by the District Board on December 9, 2021 are not supported by substantial evidence in the record, as explained in petitioners’ point-by-point response to the District staff report and recommended findings. And except for the statutory finding under section 47605(c)(7), the County Board agreed that there is no substantial evidence that could support denial of the MCMS petition.

Based on the information provided herein, the Advisory Commission on Charter Schools should recommend reversal of, and the SBE should take action to reverse the denial of the MCMS petition.

I. BACKGROUND

The information in this Section I is a summary of various portions of the documentary records prepared by NVUSD and the County Board. Specific citations to the documentary records are contained in the endnotes.

The 100+ petitioners for MCMS include a cross-section of diverse parents, teachers, community leaders, and other stakeholders in Napa and the surrounding communities who desire to help establish a charter school serving grades 6-8 using a highly personalized program that integrates the proven successful New Tech Network (“NTN”) model program and other best-in-class curricular elements. NTN was founded in Napa in the mid-1990’s by a group of community members who observed that graduates of the region’s high schools were woefully underprepared for the contemporary workforce. MCMS will strive to ensure that *all* students are prepared for high school and beyond by using the NTN model that has been proven successful in Napa. There will be no other NTN school within the District serving the middle school grades starting in the 2022-23 school year.²

1. The District’s Denial Of The MCMS Charter Petition Was Prejudicially Biased And Improper

Petitioners submitted the MCMS charter petition to the District on September 15, 2021.³ Petitioners came into this process with positive intentions and one goal—to do what is best for all families and students in our community. However, it quickly became clear that the District did not intend to treat petitioners fairly, or to meaningfully consider the petition. 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. District staff then demanded that the two lead petitioners (two parents who are professionals in the community but have no school management

experience) meet with the District and its lawyers at a “capacity interview” so that the District could assess the parents’ experience in running schools, but without support from any of their consultants, even though multiple District officials and legal counsel would be in attendance on the District’s side. The District refused to disclose who would attend on behalf of the District, refused to inform the petitioners of the questions that would be asked of them, and informed the petitioners that no one other than the two lead petitioners would be allowed to speak at the “capacity interview”.⁴ This felt more like an abusive attempt to disparage the petitioners as incapable and unintelligent, and underscore what we had already stated—the lead petitioner parents have no experience running a school, and will not be running the operations of MCMS. And as it turned out, we were right about the District’s motives. District officials later publicly disparaged and insulted the lead petitioners for those very reasons.

On November 22, 2021, the District published its staff report and recommended findings in accordance with section 47605(b) (“District Staff Report”).⁵ The District Staff Report did not contain a single positive factual finding—or even a single positive comment—about the petition. Rather, it contained numerous misrepresentations and fabrications, so petitioners provided the District with a comprehensive response that refuted each and every proposed factual finding.⁶

But by this time however, the process was already tainted and the damage was already done. As one Napa parent astutely observed during public comment at the District’s December 9, 2021 meeting when the MCMS petition was denied, the review process felt more like a “hit job”:

“I came here expecting to see a balanced report on the merits and otherwise of the Mayacamas petition. I hoped to see what the pros and the cons were so that the Board could make a balanced decision and we as community members could hear what may or may not be the benefits of moving forward. *What we heard instead was, and the best I can think to describe it was, a hit job.*”⁷

The District’s abusive treatment did not end with the District’s review process and District Staff Report. At the District Board meeting on December 9, 2021, elected District officials and the Superintendent spent more than 100 minutes berating and questioning the intelligence and integrity of two dedicated parent community volunteers seeking to establish MCMS.⁸ The District Board even went off-agenda and directed the Superintendent to begin “an investigation” of the petitioners, in what can only be described as retaliatory and meant to impugn their reputation in the community and to discourage any community members from ever disagreeing with or petitioning their local government.⁹ There was no “discussion” amongst District Board members. Each trustee and the Superintendent came to the meeting with prepared remarks intended to embarrass and belittle those who had opposing views about what is best for children in the community. The District Board then voted unanimously to deny the MCMS petition by adopting the District Staff Report as its factual findings in support of denial.¹⁰

2. The County Board Failed To Comply With The Process Required By Law

Petitioners submitted our appeal of the charter petition denial to the County Board on December 21, 2021.¹¹ The District's harassment continued almost immediately. By letter dated December 29, the District demanded that the County Board remand the petition back to the District for baseless reasons.¹² It is clear that the intent of this letter was simply to intimidate the County Superintendent, staff, and Board, and to further delay and obstruct the opening of MCMS. Petitioners responded on January 12, 2022 and explained to the County that there were no grounds under the law to remand the petition back to the District.¹³ The County correctly concluded that remand was not appropriate, and agreed to process our appeal in accordance with the law¹⁴ (a commitment it later broke). The District then began threatening to cut off important revenue streams to the County by re-negotiating or terminating contracts in an effort to pressure the County into denying the MCMS petition. We understand the District Superintendent went so far as to personally lobby her advisory group, and to attend parent club and English Learner meetings at District schools, to advocate against MCMS and rally others in support of the District's opposition, and to threaten to shutter their programs if MCMS was approved.¹⁵

On February 28, 2022, the County published its staff report and recommended findings in accordance with section 47605(b) ("County Staff Report").¹⁶ The County Staff Report was required to be published 15 days prior to County Board action, and must contain "all staff recommendations, including the recommended findings." In the universe of charter authorizer staff reports, the County Staff Report was rather glowing, and (in stark contrast to the District Staff Report) was very supportive of MCMS. The County Staff Report explicitly recognized the merits of the charter and expressed staff's support for the opening of MCMS, and did not make any recommendation at all.¹⁷ Here is a list of relevant excerpts from the County Staff Report:

- "Petitioners have met all legal requirements for establishment of a charter school."
- "Petitioners made themselves available for discussions and questions, and provided any additional information requested."
- "Petitioners were able to answer all questions posed of them..."
- "The petition describes a highly aspirational program and Petitioners showed themselves capable of materially implementing that program."
- "MCMS would provide enrolled students with educational benefit in a program substantially similar to River Middle School, a school that has been operating for more than 20 years within NVUSD..."

- “MCMS, which seeks to continue the work of River Middle School, also has the support of parents and families in Napa County...”
- “River school historically had full enrollment with a wait list every year and consistently strong academic performance.”
- “Petitioners appear capable of implementing the program set forth in the Petition.”
- “MCMS does not appear to duplicate a program that will be in operation in NVUSD next school year... In the 2022-2023 school year, NVUSD will have two New Tech Network schools – one an elementary school, and one a high school. The MCMS program seeks to provide NVUSD students with a New Tech Network middle school option in Napa County.”

(Emphasis added.) According to County staff, the only statutory finding that could potentially support denial of the MCMS petition is under section 47605(c)(7), based solely upon the projected declining financial health of the District over the next five years. But the County Staff Report did not make that recommendation.¹⁸

Petitioners provided a comprehensive response to the County Staff Report on March 13, 2022.¹⁹ In the response, petitioners explained that the statutory finding under section 47605(c)(7) is not so simplistic as presented in the County Staff Report. The basis for this statutory finding requires a comprehensive, meaningful analysis of several factors, as further explained below. Based on the information in the County Staff Report, petitioners explained that the County Board would not be able to make the statutory finding under section 47605(c)(7).

On March 15, 2022, the County Board held a second public hearing on the MCMS petition, and took action on the petition. County’s staff’s presentation was completely and solely focused on the District and its alleged future poor financial health as a result of declining enrollment.²⁰ Staff’s presentation had nothing to do with petitioners, the petition, our proposed educational program, our proposed budget, or anything else related to the charter school. Staff did not even mention the MCMS petition during the substantive portion of the presentation.

Public comment at the March 15 meeting lasted for approximately 3½ hours, and many parents, educators, and other community members spoke passionately in support of MCMS and the need for its unique personalized, small-school environment in the Napa community.²¹ Unfortunately, a portion of the comments seemed to recite verbatim a script the origins of which were derived from some of the baseless criticisms in the District Staff Report about a potential lack of accessibility for certain student groups, such as English learners.²² There was no substantial evidence in the record to support these wildly untrue statements—just unfounded, false allegations. However, these false statements appeared to be treated by the County Board as

true, which unfairly affected the record before the County Board. To be clear, MCMS will be a “diverse-by-design” school that will serve students from all backgrounds. The downtown Napa location was chosen because it is within walking distance of two public elementary schools whose demographics consist of more than eighty-five percent (85%) free and reduced lunch students. Ironically, the intent of the petitioners is to serve all students who want to attend, but especially those who are within walking distance of our proposed location—the very students we were falsely criticized for excluding.

MCMS will admit and serve all students who want to attend, subject only to capacity in accordance with the law. Discrimination in any way, shape, or form will be strictly prohibited. MCMS will be a safe space for a diverse group of students to learn the skills they need in order to be successful in high school and beyond. Instruction at MCMS will be highly personalized so that no student falls behind, no matter their proficiency level upon enrollment. All of this is clearly articulated throughout the MCMS petition.²³

The County Board ultimately denied the MCMS petition on March 15.²⁴ However, the County Board did not adopt written factual findings in support of that action to deny—none whatsoever. The motion that was made, seconded, and voted upon was stated as follows:

“I am ready to make a motion to deny the petition based on Education Code section 47605(c)(7).”²⁵

That’s the entirety of the motion, and therefore the entirety of the County Board action. But that code section on its face says the finding “shall detail specific facts and circumstances that analyze and consider” several complex factors. No facts or circumstances were even mentioned in the motion, and no written factual findings whatsoever were made to support the denial. That, in and of itself, is a textbook example of a failure to proceed in the manner required by law, and therefore an abuse of discretion. “Where a statute or ordinance clearly defines the specific duties or course of conduct that a governing body must take, that course of conduct becomes mandatory and eliminates any element of discretion.” (*Carrancho v. Cal. Air Resources Board, supra.*) After the petition was denied, two County Board members “volunteered” to work with legal counsel to draft the necessary factual findings later and bring them back for “ratification” at a subsequent meeting.²⁶

On March 22, 2022, petitioners received an email from the County’s legal counsel with an attachment titled “2022-03-22 Signed Board Findings” that are purportedly meant to be the County Board’s written factual findings required under section 47605(c) (“County’s Post-Denial Declaration/Findings”).²⁷ The document confirmed that the MCMS petition had been previously denied:

“The Board of Education took action to deny the Petition on March 15, 2022, within 90 days of its submission. (Educ. Code § 47605(b).)”²⁸

In effect, the County’s Post-Denial Declaration/Findings document is simply a declaration from the County Board President purportedly detailing his recollection, with help from legal counsel, as to what was discussed at the previous meeting. As it turns out, a review of the March 15 meeting transcript shows that some of the factual findings were not specifically discussed by County Board members at all. For example, there was no specific discussion amongst County Board members about the District’s alleged “need to eliminate its middle school sport program and elementary school music and physical education programs; counselors, intervention teachers, and electives.” Nor was there any specific discussion about the allegation that “NVUSD anticipates renegotiating and/or ending contracts with NCOE for programs such as afterschool programs, summer school programs, and CTE programs.” This information was drawn and summarized after the March 15 denial from public comments and letters submitted to the County during the petitioning process. The County Board did not make these specific findings at the March 15 meeting—not even orally as part of any discussion.

On April 5, 2022, the County’s Post-Denial Declaration/Findings were placed on the agenda for so-called “ratification.” Again, the County Board here was acting entirely outside the process required by law, which is by definition an abuse of discretion. During staff’s presentation on the item, County staff confirmed, unequivocally (and correctly) that the MCMS petition had already been denied on March 15. County staff stated to the Board that voting in favor of “ratifying” the Post-Denial Declaration/Findings does not mean the Board necessarily agrees with the factual findings. This statement was misleading at best. One Board member replied that staff’s statements do not reflect her understanding of what it means to vote in favor of “ratifying” the findings, and she expressed her opposition. County staff reiterated that the MCMS petition was already denied, and the Board was simply “ratifying” the grounds for that denial.

The circular absurdity of that April 5 position further establishes the magnitude of the County Board’s abuse of discretion—essentially fabricating an after-the-fact, absence-of-findings justification for its abuse of discretion on March 15. The first motion to “ratify” the County’s Post-Denial Declaration/Findings was not even supported by a majority of the seven-member County Board. Staff then stated that approving the findings would allow petitioners to pursue an appeal to the SBE. Based on that comment, the one County Board member who had previously abstained (and who previously voted against the motion to deny the MCMS petition) decided to vote in favor of “ratification.” The County’s Post-Denial Declaration/Findings were then “ratified” by a majority of the Board, in what amounts to a horrendous, unprecedented abuse of discretion.

The documentary record prepared by the County Board does not include the audio, video, or transcript from the April 5 meeting, which is yet another failure to proceed in a manner required by law. That is why we have not cited to the transcript. The County Board’s failure to provide the transcript can mean one of two things: (1) the essential evidence needed to demonstrate the County Board’s abuse has been withheld, which is a prejudicial abuse of discretion that the SBE should correct by reversing the County Board’s denial; or (2) the March 15 denial is the one-and-only action (we agree), unsupported by any written factual findings, which is a prejudicial abuse of discretion that the SBE should correct by reversing the County Board’s denial.

We also note that the transcript of the March 15 meeting was haphazardly prepared by the County, with portions that are relatively unintelligible.²⁹

II. SBE’S STANDARD OF REVIEW FOR CHARTER PETITIONS ON APPEAL

Assembly Bill 1505 (2019) significantly narrowed the SBE’s role in charter authorizing. However, the SBE continues to serve as a critical appellate body to ensure petitioners are afforded the due process set forth by the Legislature and required by law, and as the backstop when the petition review process fails our communities. Under section 47605(k)(2)(E), the SBE may reverse an improper decision to deny a petition for the establishment of a charter school “upon a determination that there was an abuse of discretion.”

“Abuse of discretion is established if the respondent 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.” (Code Civ. Proc., § 1094.5(b); see also *Tran v. County of Los Angeles* (2022) 74 Cal.App.5th 154 [quoting *Lateef v. City of Madera* (2020) 45 Cal.App.5th 245].) In the context of charter petition appeals, the “respondent” is the county office of education, and/or in some instances the school district, and the “findings” are the specific factual findings made by the governing board to support the denial (i.e., not the broad statutory findings under section 47605(c)).

As explained below with specific citations to the documentary records, both the County Board and the District abused their discretion in multiple, substantial ways resulting in the improper denial of the MCMS petition.

III. THE COUNTY BOARD’S ABUSES OF DISCRETION

1. The County Board Failed To Proceed In The Manner Required By Law When It Failed To Either Grant The Charter Petition Or Timely Adopt Specific, Written Factual Findings to Deny

“[C]harter schools are strictly creatures of statute.” (*Wilson v. State Bd. of Educ.* (1999) 75 Cal.App.4th 1125, 1135.) “From how charter schools come into being...to funding, accountability and evaluation—the Legislature has plotted all aspects of their existence.” (*Id.*) The Legislature has “plotted” a clear process for a county board of education to follow when presented with a petition on appeal for the establishment of a charter school. If the governing board of a school district denies a charter petition, the petition may be submitted on appeal to the county board. (Ed. Code, § 47605(k)(1)(A)(i).) The county board “shall review” the appeal *de novo* pursuant to section 47605(b) & (c). (*Id.*) The county board must hold a public hearing within “60 days of receiving a petition” and “shall either grant or deny the charter within 90 days of receipt of the petition,” unless the deadline is extended by mutual agreement of the parties. (Ed. Code, § 47605(b).) The county board “shall not deny a petition for the establishment of a charter school unless it makes written factual findings, specific to the particular petition, setting forth specific facts” to support one of the applicable grounds for denial. (Ed. Code, § 47605(c).)

Here, despite the clear roadmap set by the Legislature, the County Board failed to follow the legally-required process. Petitioners for MCMS submitted their appeal to the County Board on December 21, 2021.³⁰ The parties did not agree to extend the appeal timeline. By law, the County Board was required to make a decision on the MCMS appeal—either grant or adopt written factual findings to deny—by March 21, 2022.³¹ The County Board rejected the County Staff Report and “denied” the MCMS petition on March 15, but did not adopt written factual findings until April 5.³² This means the County Board failed to proceed in the manner required by law, which is an abuse of discretion.

The recent case of *Tran v. County of Los Angeles* is instructive. In the *Tran* case, the county board of supervisors was required by law to either grant or deny a conditional use permit and adopt factual findings within 30 days of the public hearing. (*Id.*) At the public hearing, the county board of supervisors voted to “approve” the permit but did not adopt the required findings. Instead, the board directed legal counsel to draft findings for ratification at a future meeting. The board did not ratify the findings until eight months after the public hearing—well outside the 30-day timeline. The Court held that the county board of supervisors abused its discretion by not complying with the legally-required timeline to make a decision, in the manner required (i.e., adoption of written findings). The Court stated that directing legal counsel to draft the required findings and bring them back for approval after-the-fact is not in compliance with the law. The findings must be actually adopted by the board within the timeline. (See *Austin v. Department of Motor Vehicles* (1988) 203 Cal.App.3d 305 [rendering a final decision beyond the 15-day timeline required by law was an abuse of discretion].)

It is indisputable that the County Board did not adopt the County’s Post-Denial Declaration/Findings at the March 15 meeting, or any factual findings at all.³³ Rather, the County Board voted to deny the petition on March 15 without adopting any written factual

findings—that action, in and of itself, is an abuse of discretion on its face. The County’s Post-Denial Declaration/Findings document did not even exist at the time of the March 15 meeting. Instead, the County Board directed legal counsel and one Board member to draft the written “factual findings” after the meeting and bring them back for ratification.³⁴ This type of *post hoc* rationalization is precisely what was held to be an abuse of discretion in the *Tran* case. If the County’s interpretation of the law is correct, authorizers could vote to deny a charter petition by oral motion within the 90-day timeline but then wait weeks, months, or even longer to adopt the required written factual findings in support of denial. This would be an absurd result that would effectively re-write the appeal process under section 47605.

The County was fully aware of the March 21 deadline. The supporting materials for the March 15 meeting included a draft resolution that was not adopted by the County Board, but it states in relevant part:³⁵

“NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Napa County Board of Education that legal counsel is directed to work with [ASSIGNED BOARD MEMBER] to draft a written analysis consistent with Board of Education discussions... This written analysis must be published no later than March 21, 2022.”

The County Board’s counsel provided MCMS the draft Post-Denial Declaration/Findings on March 22, which were then “ratified” by the County Board on April 5.³⁶ This means the County Board did not even attempt to adopt written factual findings until after the March 21 deadline.³⁷ This is an abuse of discretion for failure to proceed in the manner required by law.

The charter appeal process set by the Legislature is also reflected in County Board Policy 0420.44, which states in relevant part:

“Following review of the petition and the public hearing, the County Board shall either grant or deny the charter within 90 days of receipt of the petition, or within 120 days if the petitioner and County Board agree to the extension.”

A county office of education is required by law to follow the policies it sets for itself. (See Ed. Code, § 1040(a) [county board “shall...adopt rules and regulations not inconsistent with the laws of this state, for their own government”]; see also *Woody’s Group, Inc. v. City of Newport Beach* (2015) 233 Cal.App.4th 1012, 1028 [city council did not proceed in the manner required by law because it “violated the rules laid down in the city’s own municipal code”].) And we know from section 47605(c) that a county board “shall not deny” a charter on appeal unless it adopts written factual findings. Here, the County Board failed to comply with its own policy for charter appeals because it failed to deny the MCMS petition in the manner required by law within 90 days of receipt of the appeal. This is further evidence that the County Board abused its discretion.

2. The County Board's March 15 Decision To Deny The MCMS Petition Is Not Supported By The Purported Factual Findings In The County's Post-Denial Declaration/Findings Ratified On April 5, 2022

In order for findings to be legally sufficient, they must “reveal the line(s) of factual and legal conclusions upon which the board relies.” (*American Funder Concepts v. Board of Funeral Directors & Embalmers* (1982) 136 Cal.App.3d 303, 309 [citing *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506].) If the findings are conclusory, ambiguous, or uncertain to the extent that they do not permit the SBE to review the decision, then the county board of education abused its discretion. (See *e.g., Glendale Mem. Hosp. & Health Ctr. v. State Dep't of Mental Health* (2001) 91 Cal.App.4th 129 [conclusory findings in boilerplate are inadequate]; see also *Los Alamitos Gen. Hosp. v. Lackner* (1978) 86 Cal.App.3d 417 [findings susceptible of two equally possible meanings are inadequate].) Further, a finding that simply recites the language of the statute is an abuse of discretion. (*American Funder Concepts v. Board of Funeral Directors & Embalmers, supra.*)

Importantly, even if the County's Post-Denial Declaration/Findings were adopted as part of the County Board's March 15 motion to deny, which they were not, the County Board still would have abused its discretion because denial of the MCMS petition is not supported by the factual findings contained therein. The County Board denied the MCMS petition based solely on the statutory finding under section 47605(c)(7).³⁸ However, that statutory finding requires a complex analysis, which the County Board failed to conduct, or even mention. Under section 47605(c)(7):

“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.
- (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.”

Here, the County Board simply parroted back the language of the two factors above in the Post-Denial Declaration/Findings, without providing any supporting facts or legal conclusions.³⁹ This is likely because both factors weigh heavily in favor of approval of the MCMS petition, as recognized by County staff and as explained below.⁴⁰ In fact, the Post-Denial Declaration/Findings actually state that “MCMS would not duplicate a program currently offered within the school district.”⁴¹ The County Staff Report also states that “MCMS does not appear

to duplicate a program that will be in operation in NVUSD next school year.”⁴² Because the Post-Denial Declaration/Findings do not contain the requisite facts, circumstances, and conclusions to “bridge the analytical gap between the raw evidence and the ultimate decision or order,” the County Board abused its discretion. (See *Topanga Assn. for a Scenic Community v. County of Los Angeles*, *supra* at p. 515.)

A statutory finding under section 47605(c)(7) also requires “consideration of the fiscal impact of the proposed charter school.” (*Id.*) This appears to be the primary basis for the County Board’s denial of the MCMS charter. However, as explained below, the County’s purported factual findings are not supported by substantial evidence in the documentary record, which means the decision must be reversed.

3. The County Board’s Post-Denial Factual Findings Are Not Supported By The Evidence In The Documentary Record

An agency abuses its discretion “if substantial evidence in the record does not support the agency’s decision.” (*Citizens for Responsible & Open Government v. City of Grand Terrace* (160 Cal.App.4th 1323, 1331.) “Substantial” evidence is not synonymous with “any” evidence. (*Newman v. State Personnel Bd.* (1992) 10 Cal.App.4th 41, 47.) Substantial evidence means relevant, competent evidence that a reasonable mind might accept as adequate to support a conclusion. (*Cal. Youth Authority v. State Personnel Bd.* (2002) 104 Cal.App.4th 575, 584.) Such evidence must be reasonable, credible, and of solid value. (*Id.* at p. 585.) All evidence in the record must be reviewed and considered, including that which fairly detracts from the evidence supporting the decision to deny. (*Id.* at p. 586.) Significant here is the absence of substantial evidence supporting denial.

Here, the County Board’s analysis under section 47605(c)(7)—the only purported statutory finding cited in support of denial—is legally inadequate. Factors #1 and #2 cited above weigh heavily in favor of approval of the MCMS petition. River Middle School is an existing program within NVUSD, albeit in its final year, and the only NTN school serving the middle school grades. The District is closing this popular, high-performing school effective at the end of this 2021-22 school year, despite the tremendous level of support in the community for this program to continue. It is indisputable that the establishment of MCMS will not, and actually cannot undermine services or offerings within NVUSD, let alone to a “substantial” degree as is necessary for a denial finding. To the contrary, MCMS is inspired by, and contains many important curricular elements of, an existing program within the District that has been a staple in this community for years. In that regard, approval of MCMS is akin to maintaining a programmatic status quo. A denial of the petition would deprive the community of the much-loved program. In fact, County staff and its two expert consultants specifically found after conducting its analysis that the District currently needs to close schools and cut programs and

services in order to improve its financial position, even without MCMS.⁴³ As plainly stated in the County Staff Report:

“MCMS does not appear to duplicate a program that will be in operation in NVUSD next school year... In the 2022-2023 school year, NVUSD will have two New Tech Network schools – one an elementary school, and one a high school. The MCMS program seeks to provide NVUSD students with a New Tech Network middle school option in Napa County.”⁴⁴

This is also reflected in the Post-Denial Declaration/Findings:

“MCMS would not duplicate a program currently offered within the school district...”⁴⁵

It is worth noting that the County Staff Report, which was prepared with the help of two expert consultants whom the County engaged to specifically analyze this statutory finding, did not conclude that these two factors weighed in favor of denial of the petition.

As for the consideration of the fiscal impact, the statute does not say that a County Board must consider the fiscal impact solely and only on the local school district. To the contrary, the analysis must instead consider the fiscal impact on the “entire community in which the school is proposing to locate” generally, while prioritizing what is best for students. The very existence of a charter school in a school district will always lead to a redistribution of public education funding. But the crux of the fiscal impact analysis is how that money will be spent in an efficient manner to improve student outcomes. MCMS will serve a relatively small student population⁴⁶ with a proven successful program that is enormously popular in Napa. Petitioners’ budget projections are solid and will result in a surplus each year of the charter term. The District, on the other hand, has shown its inability to operate efficiently or effectively to support popular programs in times of population changes. The District has placed itself in an allegedly precarious financial situation by applying unsound budgetary practices for the better part of a decade. However, this fact alone cannot be the sole basis for denying the MCMS petition and suppressing school and parent options. “Fiscal impact” is only one piece of the complex statutory finding under section 47605(c)(7).⁴⁷ And as recognized in the County Staff Report, the other factors weigh heavily in support of approving the MCMS petition.

The County Board’s analysis focuses solely on how approving the MCMS petition might result in the District’s already declining enrollment to slightly accelerate over a ten year period—going from 17.05% to 19%.⁴⁸ The County Board’s analysis fails to 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.⁴⁹ However, potential loss of enrollment is only one piece of the analysis. For example, the District would also see a reduction in expenses as a result of serving fewer students and employing fewer

staff members. Those reductions should have been factored into the County Board’s analysis but they were not. **But more importantly, any projected loss of enrollment to MCMS would be entirely negated by the expansion of TK and the influx of younger students into NVUSD schools.**⁵⁰ MCMS will only serve the middle school grades, which means every new TK student in the District will attend District schools. NVUSD’s own demographer estimates that the District will add 460 units of ADA for TK students by the 2025-26 school year. That is more than the entire MCMS student population. MCMS is only proposing to serve 336 students at full capacity, so the District is actually projecting to see an increase in ADA over the next five years. This increase in revenue will give NVUSD another opportunity to turn their finances in a positive direction. And the County Staff Report recognizes that the NVUSD projected expansion and influx of TK fully mitigates any adverse finding of fiscal impact related to MCMS. This fact is in the record and must be considered.

Importantly though, the County Board should not be so quick to put the District’s roughly projected finances ahead of what is best for students. As recognized by the Fiscal Crisis & Management Assistance Team: “If an authorizer considers denying a charter based on fiscal impact, the law requires the authorizer to consider the academic needs of students whom the charter school proposes to serve.” (FCMAT Fiscal Alert: “Fiscal Impact of New Charter Evaluation Criteria in AB 1505” August 2020.) Simply put, the County Board’s decision should have considered what is best for students—not just a potential 1% to 2% decrease in District enrollment over a ten year period, which the County recognizes would be fully mitigated by the expansion of TK.⁵¹ The Post-Denial Declaration/Findings do not contain any analysis or conclusions whatsoever about student academic needs, performance, school climate, school safety, or any other indicators related to student success.

Because the factual findings purportedly ratified by the County Board are not supported by substantial evidence in light of the entire record, it was an abuse of discretion to deny the MCMS petition based on those findings. (*Cal. Youth Authority v. State Personnel Bd.*, *supra* at p. 522 [“the substantial evidence standard...requires that all evidence be considered”].)

IV. THE DISTRICT’S ABUSES OF DISCRETION

1. The District Board Failed To Proceed In The Manner Required By Law Because The District Did Not Provide A Fair And Impartial Petitioning Process

When acting in a quasi-adjudicatory capacity, such as reviewing a petition for the establishment of a charter school, the law requires that the decision-maker “must be neutral and unbiased.” (See *Woody’s Group, Inc. v. City of Newport Beach*, *supra* at p. 1021 [city councilmember was biased because he expressed his strong opposition ahead of the decision meeting, and then came to the decision meeting with a long, pre-prepared statement].) A showing of actual bias is not required, but rather an “unacceptable probability of actual bias” on

the part of a decision-maker. (*Id.*) Being an “unbiased” decision-maker means they have no conflict of interest, have not prejudged the specific facts of the case, and are free of prejudice against or in favor of any party. (*Petrovich Development Company, LLC v. City of Sacramento* (2020) 48 Cal.App.5th 963, 973 [city councilmember was biased because he engaged in advocacy against the project leading up to the decision meeting, including preparing talking points for others].)

Here, as explained in Section I above, the entire petitioning process with the District was unfair and biased from the beginning:

- Petitioners were permitted to communicate only with the District’s legal counsel.⁵²
- The District attempted to embarrass the two lead petitioners by demanding that they attend a sham “capacity interview”, which the District first said would be focused solely on the content of the petition, but then was morphed into an inquisition about the two parent lead petitioners’ lack of experience to themselves operate and run the school—which was not at all proposed or suggested in the petition. The meeting never happened, which was cited in the District Staff Report as support for denial even though a capacity interview is not required by law.⁵³
- The District Staff Report is self-serving and one-sided, and was a “hit job”, as one community member called it.⁵⁴
- There was no “discussion” amongst the District Board members at the meeting on December 9, 2021 where the MCMS petition was denied, and the video feed of the virtual meeting went blank for nearly ten minutes during a “break” right in the middle of the Board’s deliberations.⁵⁵
- The Superintendent and each District Board member prejudged the facts before the December 9th meeting, and came prepared with long written statements expressing their staunch opposition to the MCMS petition.⁵⁶

The District’s failure to be neutral and unbiased during the petitioning process is a failure to proceed in the manner required by law and is grounds for reversal.

2. The Factual Findings Adopted By The District Board Are Not Supported By Substantial Evidence In Light of the Entire The Record

Some exercises of discretion “call[] for a more careful review” than do others. (*Bussard v. Department of Motor Vehicles* (2008) 164 Cal.App.4th 858, 863, fn. 1, quoting 7 Witkin, Cal. Procedure (4th ed. 1997) § 10, at p. 36.) As in review of trial court orders, a school district’s position about what is “reasonable” in the charter petition context should be rejected if

it is inconsistent with the “legal principles and policies appropriate to the particular matter at issue.” (See, e.g., *People v. Sandoval* (2007) 41 Cal.4th 825, 847.) Here, the legal principles and policies are those of the Charter Schools Act, which proclaims that public charter schools exist to “[p]rovide vigorous competition within the public school system to stimulate continual improvements in all public schools.” (Ed. Code, § 47601(g).) *Choice* is the principle that makes charter schools a dynamic force in the public school system. As the SBE knows well, charter schools compete directly with school districts for student enrollment.

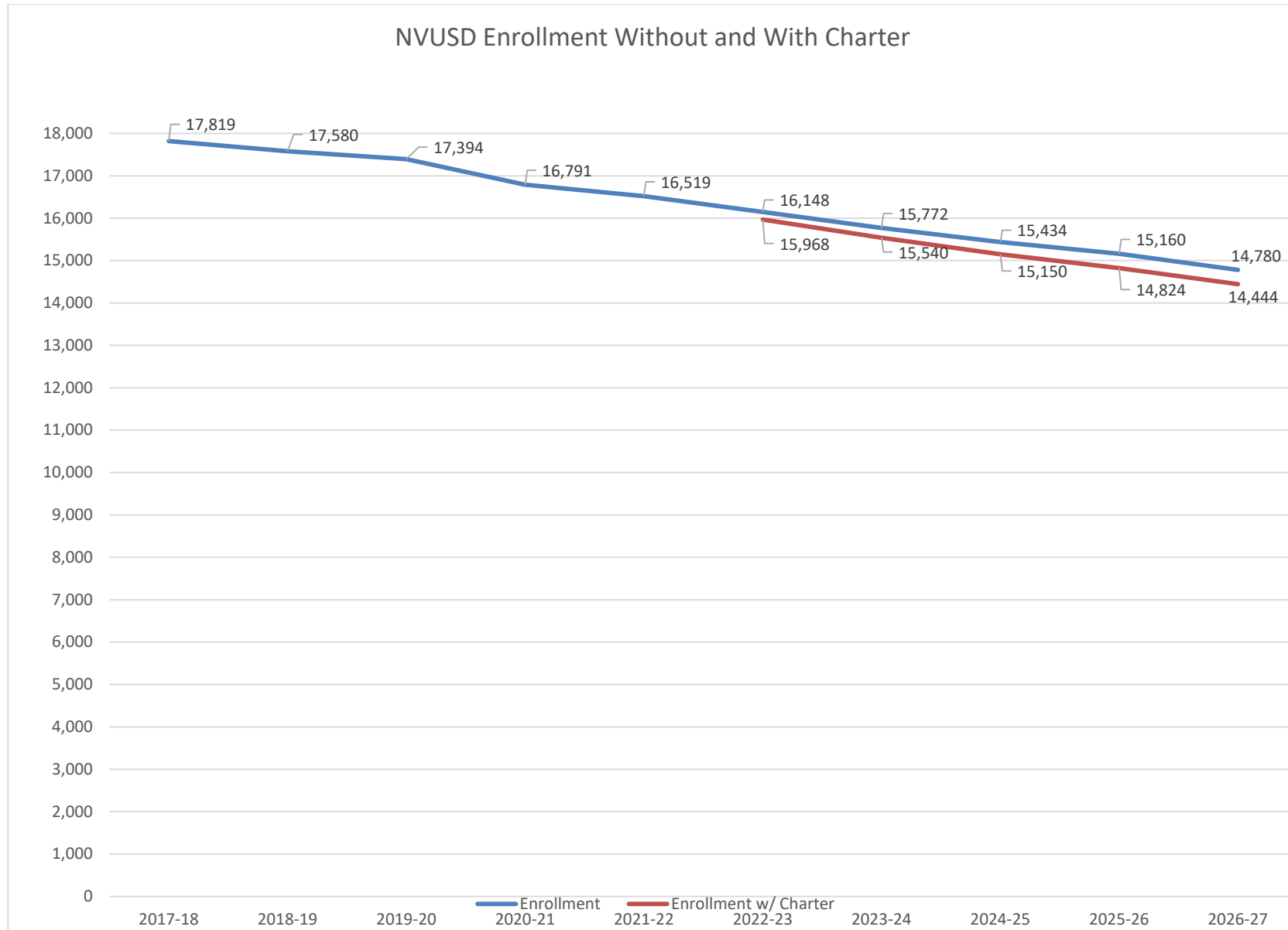
The 27-page District Staff Report is dense but littered with misrepresentations, which undermine the credibility of the entire report. For example, the District Staff Report’s criticism of the MCMS budget is almost entirely predicated on the incorrect assumption that the school cannot meet its Year 1 enrollment target.⁵⁷ That assumption is completely self-serving and wrong. MCMS is projecting to enroll only 180 students in Year 1, yet there will likely be more than 1,100 students enrolling in new schools next year in Napa due to the closures of Harvest and River middle schools.⁵⁸ The District Staff Report also mischaracterizes how funding based on the school’s unduplicated pupil percentage (“UPP”) will impact the budget.⁵⁹ The estimated UPP is reasonable and based on targeted recruitment efforts in certain neighborhoods around the proposed school site. But even if the UPP at MCMS ends up being 50%, which is below the projected 60% and even below the District’s 53%, the difference would be a small reduction of \$26K in LCFF revenue—the budget is still completely viable.⁶⁰

On December 9, 2021, petitioners provided the District with a point-by-point response, setting forth evidence that refuted each and every factual “finding” proposed by District staff.⁶¹ However, the District Board had prejudged the facts before even receiving petitioners’ response.⁶² The pre-rehearsed remarks made by District Board members at the December 9 meeting did not mention any of the points in the response, and the District Board adopted the District Staff Report wholesale as its written factual findings in support of denial of the MCMS petition.⁶³ This was an abuse of discretion.

When reviewing the entire record, including petitioners’ response to the District Staff Report, the District’s factual findings are not supported by sufficient evidence that is reasonable, credible, and of solid value. The entire record indicates that the MCMS petition should have been approved.

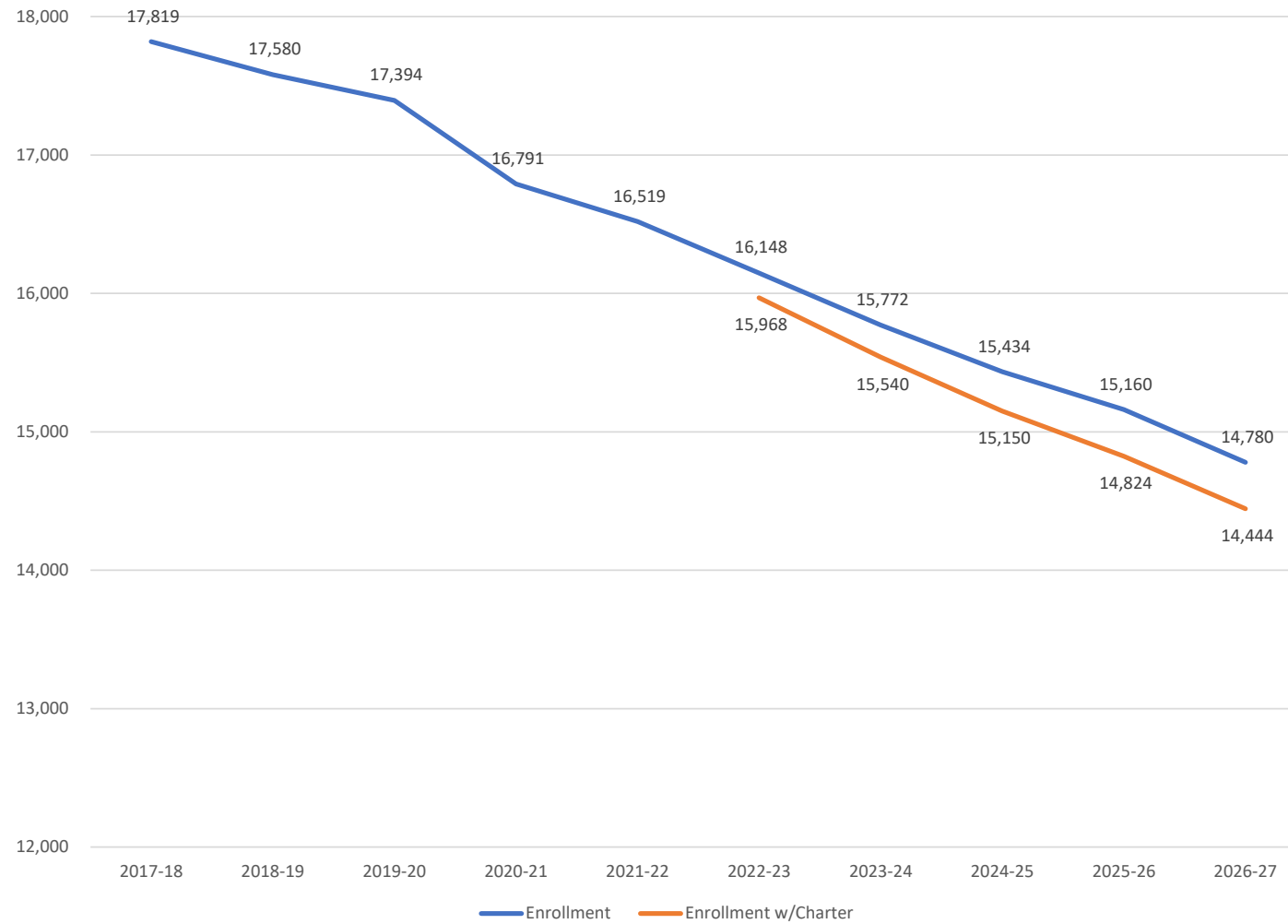
Mayacamas Charter Middle School
Written Submission
ATTACHMENT A

Corrected graph based upon the same data presented by County staff in PowerPoint of March 15. The next page is the County's PowerPoint slide.



Mayacamas Charter Middle School Written Submission

NVUSD Enrollment Without and With Charter



Mayacamas Charter Middle School
Written Submission

¹ All statutory references herein are to the California Education Code, unless otherwise noted.

² NVUSD-MCMS0564 – NVUSD-MCMS0591

³ NVUSD-MCMS0001 – NVUSD-MCMS0003

⁴ NVUSD-MCMS0581 – NVUSD-MCMS0582

⁵ NVUSD-MCMS0522 – NVUSD-MCMS0563

⁶ NVUSD-MCMS0564 – NVUSD-MCMS0591

⁷ Transcript from December 9, 2021 NVUSD Board Meeting, p. 18

⁸ Transcript from December 9, 2021 NVUSD Board Meeting, p. 29 (“At this point, [petitioners’] lack of professionalism, incompetency to operate within the K-12 public school environment is evident, even in simply handling their charter petition.”), p. 31 (“Petitioners have submitted a phony budget.”), & pp. 44-45 (“[The petition] read to me like sort of a hastily thrown-together term paper by like a freshman interested in majoring in education.”)

⁹ Transcript from December 9, 2021 NVUSD Board Meeting, pp. 41-42

¹⁰ NVUSD-MCMS0691 – NVUSD-MCMS0692

¹¹ County Documentary Record, Exhibit 1

¹² County Documentary Record, Exhibit 2, NVUSD Letter to the County Board dated December 29, 2021

¹³ County Documentary Record, Exhibit 2, Petitioners’ Letters to the County dated January 12, 2022 and January 17, 2022

¹⁴ County Documentary Record, Exhibit 2, County Letter to NVUSD dated January 17, 2022

¹⁵ The County Superintendent expressed during the County Board meeting on April 5 that this was the most politically-divisive process that she has ever experienced in her career at the County.

¹⁶ County Documentary Record, Exhibit 4

¹⁷ County Documentary Record, Exhibit 4, pp. 1-2 (“Accordingly, the Superintendent and NCOE staff find that Petitioners have met all legal requirements for establishment of a charter school.”)

¹⁸ County Documentary Record, Exhibit 4, p. 6

¹⁹ County Documentary Record, Exhibit 5

²⁰ County Documentary Record, Exhibit 7, pp. 3-19

²¹ County Documentary Record, Exhibit 10

²² See, *e.g.*, County Documentary Record, Exhibit 9, p. 55

²³ See, *e.g.*, County Documentary Record, Exhibit 1, p. 143 of MCMS Charter Petition (

²⁴ County Documentary Record, Exhibit 8, p. 2

²⁵ County Documentary Record, Exhibit 9, p. 163

²⁶ County Documentary Record, Exhibit 9, pp. 170-171

²⁷ County Documentary Record, Exhibit 11

²⁸ County Documentary Record, Exhibit 11, p. 2

²⁹ County Documentary Record, Exhibit 9 (*e.g.*, “So it really comes down to the core the fiscal impact of the Charter school being approved, and how that would affect the programs for the students deputy mean in net value in science programs so.”)

³⁰ County Documentary Record, Exhibit 1; Exhibit 4, p. 2; Exhibit 7, p. 4; Exhibit 11, pp. 1 & 2

³¹ County Documentary Record, Exhibit 7, p. 21 (“This written analysis must be published no later than March 21, 2022.”)

³² County Documentary Record, Exhibit 9, p. 163-170

³³ County Documentary Record, Exhibit 8, p. 2 (“Attorney Jennifer Nix provided procedural information for the Board and recommended the Board delegate a Board member to work with Ms. Nix on putting their findings regarding denial in writing.”); Exhibit 9, p. 172 (County Board member asking to schedule a “quick call” with legal counsel later in the week to “refine” the analysis that would go into the written factual findings]

³⁴ County Documentary Record, Exhibit 11 (County Board’s “Ratification of Written Findings Regarding Denial of Petition to Form the Mayacamas Charter Middle School” took place on April 5, 2022)

³⁵ County Documentary Record, Exhibit 7, p. 21

³⁶ County Documentary Record, Exhibit 11

³⁷ The title of the document and the metadata located in its “Document Properties” clearly indicate that the document received by petitioners was created on March 22, 2022.

³⁸ County Documentary Record, Exhibit 4, pp. 5-6; Exhibit 7, pp. 3-19; Exhibit 11

³⁹ County Documentary Record, Exhibit 11 (“MCMS is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.” “MCMS would substantially undermine existing services, academic offerings, or programmatic offerings at NVUSD.” “MCMS would not duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonably proximity to where the charter school intends to locate.” “NVUSD likely is going to need to close more schools, with or without MCMS.”)

⁴⁰ County Documentary Record, Exhibit 4 (“MCMS does not appear to duplicate a program that will be in operation in NVUSD next school year... In the 2022-2023 school year, NVUSD will have two New Tech Network schools – one an elementary school, and one a high school. The MCMS program seeks to provide NVUSD students with a New Tech Network middle school option in Napa County.”)

⁴¹ County Documentary Record, Exhibit 11, p. 3

⁴² County Documentary Record, Exhibit 4, p. 2

⁴³ County Documentary Record, Exhibit 11, p. 4 (“Currently, without making additional cuts to staffing or programming, NVUSD will not hold its required reserve in the 2026-27 school year.” “NVUSD likely is going to need to close more schools, with or without MCMS.”)

⁴⁴ County Documentary Record, Exhibit 4, p. 2

⁴⁵ County Documentary Record, Exhibit 11, p. 3

⁴⁶ It is worth noting that the County overdramatized the impact of MCMS on the District’s enrollment. The line graph presented at the County Board’s March 15, 2022 meeting was heavily skewed because the Y axis was manipulated to start at 12,000 students. (County Documentary Record, Exhibit 7, p. 14.) With the Y axis set to 0, the graph shows the extremely small impact of MCMS’ enrollment (projected to be 180 students in 22-23) on the District’s total overall enrollment (projected to be 16,148 students in 22-23). The same information is presented as Attachment A hereto with the Y axis starting at 0. This is not “new” information. Attachment A has the exact same enrollment numbers that were presented to the County Board.

⁴⁷ County Documentary Record, Exhibit 5

⁴⁸ County Documentary Record, Exhibit 11, p. 2

⁴⁹ County Documentary Record, Exhibit 5, p. 6; County Documentary Record, Exhibit 11, p. 31-33

⁵⁰ County Documentary Record, Exhibit 4, p. 4 (“Second, any reduction in ADA based on MCMS would be mitigated by increased ADA due to the expansion of Transitional Kindergarten.”)

⁵¹ County Documentary Record, Exhibit 5

⁵² County Documentary Record, Exhibit 1, Letter from petitioners to the County Board dated December 21, 2021, pp. 2-3

⁵³ NVUSD-MCMS0581 – NVUSD-MCMS0582

⁵⁴ Transcript from December 9, 2021 NVUSD Board Meeting, p. 18

⁵⁵ Transcript from December 9, 2021 NVUSD Board Meeting, pp. 15 & 28-55

⁵⁶ Transcript from December 9, 2021 NVUSD Board Meeting, pp. 28-55

⁵⁷ NVUSD-MCMS0536 – NVUSD-MCMS0537

⁵⁸ NVUSD-MCMS0574 – NVUSD-MCMS0575

⁵⁹ NVUSD-MCMS0537

⁶⁰ NVUSD-MCMS0575 – NVUSD-MCMS0576

⁶¹ NVUSD-MCMS0564 – NVUSD-MCMS0591

⁶² Transcript from December 9, 2021 NVUSD Board Meeting, p. 29 (District Superintendent indicating that petitioners' response was not considered as part of the denial decision)

⁶³ Transcript from December 9, 2021 NVUSD Board Meeting, p. 55

**Appeal to the State Board of Education
Petitioner Checklist for
Mayacamas Charter Middle School**

California Department of Education
Charter Schools Division
Created 05/2020

Appeal to the State Board of Education Petitioner Checklist

Instructions: The State Board of Education (SBE) requests the petitioner or its designee to complete this form when submitting an appeal for the establishment or renewal of a charter school petition to the SBE after district and county denial, pursuant to *Education Code (EC)* sections 47605(k)(2)(A) and 47607.5, respectively.

Note: The process for the review of an appeal of an SBE-authorized charter school and/or a school lacking an independent county board of education is different; this form does not apply.

Petition Information

Charter School Name: Mayacamas Charter Middle School

Street Address: 1370 Trancas St. #180

City: Napa

County: Napa

Zip Code: 94558

Establishment Appeal:

Renewal Appeal, per the following *EC* Section:

47607(c)(2)

47607(c)(7)

47607.2(a)

47607.2(b)

Name of Denying District: Napa Valley Unified School District

Date Denied by District: 12/09/2021

Name of Denying County: Napa County Board of Education

Date Denied by County: 03/15/2022

Petitioner Information

Petitioner Name: Lead Petitioners Jolene Yee and Lauren Daley

Petitioner Email: napawicks@gmail.com

Petitioner Phone: (415) 515-4226

State Board of Education Appeal – Petitioner Checklist
Page 2 of 2

Materials Submitted by the Petitioner

Date Materials Submitted to the SBE: 04/14/2022

Material	Exhibit
<input checked="" type="checkbox"/> Charter petition, as denied	1
<input checked="" type="checkbox"/> Findings by the district	2
<input checked="" type="checkbox"/> Documentary record from the district <i>Renewal Appeals should include the following with the documentary record:</i> <ul style="list-style-type: none"> <input type="checkbox"/> Charter school's state performance <input type="checkbox"/> Verified data 	3
<input checked="" type="checkbox"/> Written submission detailing how the district abused its discretion, identifying each of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Findings by the district to deny the establishment/renewal charter petition <input type="checkbox"/> Description of how the district abused its discretion (for each finding) <input type="checkbox"/> Specific citation to the supporting evidence in the documentary record 	6
<input checked="" type="checkbox"/> Findings by the county	4
<input checked="" type="checkbox"/> Documentary record from the county <i>Renewal Appeals should include the following with the documentary record:</i> <ul style="list-style-type: none"> <input type="checkbox"/> Charter school's state performance <input type="checkbox"/> Verified data 	5
<input checked="" type="checkbox"/> Written submission detailing how the county abused its discretion, identifying each of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Findings by the county to deny the establishment/renewal charter petition <input type="checkbox"/> Description of how the county abused its discretion (for each finding) <input type="checkbox"/> Specific citation to the supporting evidence in the documentary record 	6

California Department of Education
Charter Schools Division
Created 05/2020

Appeal to the State Board of Education

Table 1. Written Submission by the Petitioner Detailing How the Governing Board of the School District Abused its Discretion

Instructions: The State Board of Education (SBE) requests the petitioner or its designee to complete the below table when submitting an appeal for the establishment or renewal of a charter school petition to the SBE after county denial, pursuant to *Education Code* sections 47605(k)(2)(A) and 47607.5, respectively. Additional sheets may be attached. Note, the process for the review of an appeal of an SBE-authorized charter school or a school lacking an independent county board of education is different; this table does not apply.

Charter School Name: Mayacamas Charter Middle School

Denying District Name: Napa Valley Unified School District

Findings by the District to Deny the Establishment/Renewal Charter Petition	Description of How the District Abused its Discretion (For Each Finding)	Specific Citation to the Supporting Evidence in the Record
1. (See Exhibit 6 to the MCMS Appeal Package)	1. (See Exhibit 6 to the MCMS Appeal Package)	1. (See Exhibit 6 to the MCMS Appeal Package)
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.
10.	10.	10.

California Department of Education
Charter Schools Division
Created 05/2020

Appeal to the State Board of Education

Table 2. Written Submission by the Petitioner Detailing How the County Board of Education Abused its Discretion

Instructions: The State Board of Education (SBE) requests the petitioner or its designee to complete the below table when submitting an appeal for the establishment or renewal of a charter school petition to the SBE after county denial, pursuant to *Education Code* sections 47605(k)(2)(A) and 47607.5, respectively. Additional sheets may be attached. Note, the process for the review of an appeal of an SBE-authorized charter school or a school lacking an independent county board of education is different; this table does not apply.

Charter School Name: Mayacamas Charter Middle School

Denying County Name: Napa County Board of Education

Findings by the County to Deny the Establishment/Renewal Charter Petition	Description of How the County Abused its Discretion (For Each Finding)	Specific Citation to the Supporting Evidence in the Record
1. (See Exhibit 6 to the MCMS Appeal Package)	1. (See Exhibit 6 to the MCMS Appeal Package)	1. (See Exhibit 6 to the MCMS Appeal Package)
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.
10.	10.	10.