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January 17, 2022

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,

A handwritten signature in black ink that reads "Jennifer E. Nix". The signature is written in a cursive style.

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