

NAPA COUNTY OFFICE OF EDUCATION
Barbara Nemko, Ph.D., Superintendent

The Napa County Board of Education will hold a Special Meeting on Tuesday, March 15, 2022, at 4:00 p.m. **Members of the public may attend the meeting virtually. Please view Public Participation information below.**

This meeting will be conducted as a Teleconference. Chambers will be closed.

<https://napacoe.zoom.us/j/89949480183>

1. ORGANIZATION

A. Call to Order

B. Flag Salute

C. Public Participation

Members of the public are invited to participate in person or can join by computer, tablet, smartphone, or telephone. Remote access can be achieved by following the instructions below:

Join from PC, Mac, Linux, iOS or Android:

You are invited to a Zoom webinar.

When: March 15, 2022 04:00 PM Pacific Time (US and Canada)

Topic: Mayacamas Middle School Charter Petition

Please click the link below to join the webinar:

<https://napacoe.zoom.us/j/89949480183>

Or One tap mobile :

US: +16699006833,,89949480183# or +13462487799,, 89949480183#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 899 4948 0183

International numbers available: <https://napacoe.zoom.us/j/89949480183>

D. Welcome to Visitors

E. Approval of the Agenda

F. Public Comment

Members of the public wishing to provide public comment must request to be called upon using one of the following options:

- i. using the chat feature on the web conference to send a request to meeting hosts, or
- ii. using the hand raising feature in the participant panel on the web conference, or,
- iii. emailing a request to jschultz@napacoe.org or jhefley@napacoe.org.

Comments by the Public for Items on the Agenda: Anyone may provide public comment to the Board in support of, or in opposition to, any item being presented to the Board for consideration on the agenda during the Board's consideration of the item. Individuals shall be allowed up to three minutes for their presentation.

Comments by the Public for Items NOT on the Agenda: Suggestions, comments, and requests may be presented to the Board at this time, for items not on the agenda, on those subjects over which the Board has jurisdiction. Normally, the Board will take no action on any topic at this time. Individuals shall be allowed up to three minutes for their presentations.

2. PUBLIC HEARING WITH ACTION TO BE TAKEN

- A. Public Hearing with Action: The Board will hold a Public Hearing to Consider Action to Grant or Deny the Mayacamas Charter Petition. (Barbara Nemko, Ph.D., Napa County Superintendent of Schools, and Josh Schultz, Deputy Superintendent)
- i. Staff presentation of findings (15 minutes)
 - ii. Petitioner presentation (15 minutes)
 - iii. Board questions for staff or petitioners
 - iv. Public comment
 - v. Board deliberation and action

3. ACTION ITEMS

- A. Board Approval Resolution 2022-8 Authorizing Use of Remote Teleconferencing Provisions Pursuant to AB 361 and Government Code section 54953. This proposed determination will be evaluated, discussed and reconsidered every 30 days. The Board will be asked to approve Resolution 2022-8 Authorizing Use of Remote Teleconferencing Provisions Pursuant to AB 361 and Government Code section 54953. This proposed determination will be evaluated, discussed and reconsidered every 30 days. (Josh Schultz, Deputy Superintendent)

4. NEXT MEETING OF THE NAPA COUNTY BOARD OF EDUCATION

A regular meeting of the Napa County Board of Education will be on Tuesday, April 5, 2022.

5. ADJOURNMENT

In compliance with the American with Disabilities Act, if special assistance is needed to participate in this meeting, contact the Napa County Office of Education (NCOE) at 253-6810. Notification forty-eight hours prior to the meeting will enable the NCOE to make reasonable arrangements to ensure accessibility to this meeting. I HEREBY CERTIFY THE AGENDA FOR THE STATED MEETING WAS POSTED ON THE NCOE WEBSITE, NCOE'S DISPLAY CASE AT 2121 IMOLA AVENUE, NAPA, CA 94559, and the Napa Preschool site, on Friday, March 11, 2022. Informational material is available for review at the NCOE.

Ellen Sitter, Recording Secretary
NCOE Board of Education

Joshua Schultz

March 15, 2022

Mayacamas Charter Petition

Findings



FACTUAL BACKGROUND AND PROCEDURAL HISTORY

- December 9, 2021 – NVUSD Board denies the petition.
- December 21, 2021 – Petition is submitted to NCOE.¹ https://napacoe.org/wp-content/uploads/2022/01/Binder_Mayacamas-Charter_01242022_v3.pdf
- February 1, 2022 – Napa County BOE held a public hearing.
- February 28, 2022 – NCOE staff publish findings. https://napacoe.org/wp-content/uploads/2022/02/Findings-Mayacamas-Charter-Middle-School_02-28-2022.pdf
- BOE decision to grant or deny the petition on appeal must occur within 90 days of submission.

1. The appeal was not submitted to NVUSD until December 31, 2021.

STANDARD FOR COUNTY BOARD OF ED. REVIEW

- County board of education conducts a de novo review of the petition as if it were the local school district's governing board.
- Sitting in this role, the county board of education does not conduct a review of the school district's process or decision regarding the charter school.

LEGAL REQUIREMENTS

- The law requires that the Board grant the Petition “if it is satisfied that granting the charter is consistent with sound educational practice and with the interests of the community in which the school is proposing to locate.” (Educ. Code § 47605(c).)
- In order to deny the Petition, the Board must make written factual findings to support one of the following legal criteria:

CRITERIA FOR DENIAL (1)

- (1) The charter school presents an unsound educational program for the pupils to be enrolled in the charter school.
- (2) The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- (3) The petition does not contain the number of signatures required by subdivision (a).
- (4) The petition does not contain an affirmation of each of the conditions described in subdivision (e).

CRITERIA FOR DENIAL (2)

(5) The petition does not contain reasonably comprehensive descriptions of all of the elements listed in subdivisions (A) through (O).

(6) The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

CRITERIA FOR DENIAL (3)

(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. 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.

CRITERIA FOR DENIAL (4)

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

NCOE REVIEW TEAM

- Joshua Schultz, Deputy Superintendent / CBO
- Julie McClure, Associate Superintendent for Ed. Services
- Ginny Maiwald, SELPA Director
- Lucy Edwards, Director of Continuous Improvement and Academic Support
- Consultants – Bill McGuire and Francie Heim
- Jennifer E. Nix, Senior Associate General Counsel, School & College Legal Services of California

FACTUAL FINDINGS

- The petition does not meet the criteria for denial under criteria 1 – 6 or criteria 8.
- The Board may consider denial based on criteria 7.

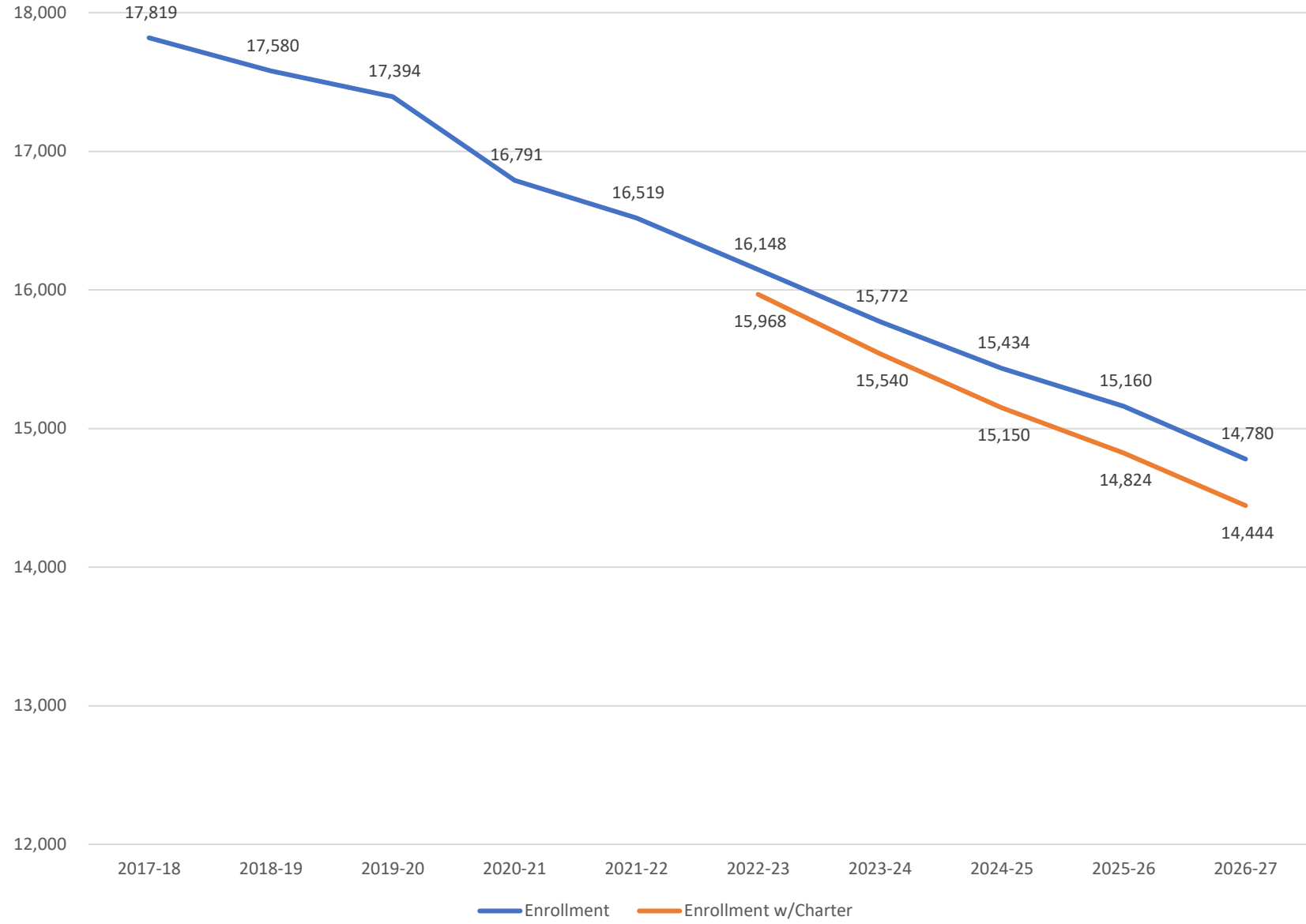
FISCAL IMPACT

NVUSD has declining enrollment that is projected to **reduce its student population by 17.05% over a ten-year period** [through 2026-27] (Exhs. A, B.) This declining enrollment will require significant numbers of layoffs of NVUSD staff over the next few years. With a reduction in students associated with MCMS, this situation becomes worse, with a reduction in student population of almost **19%**.

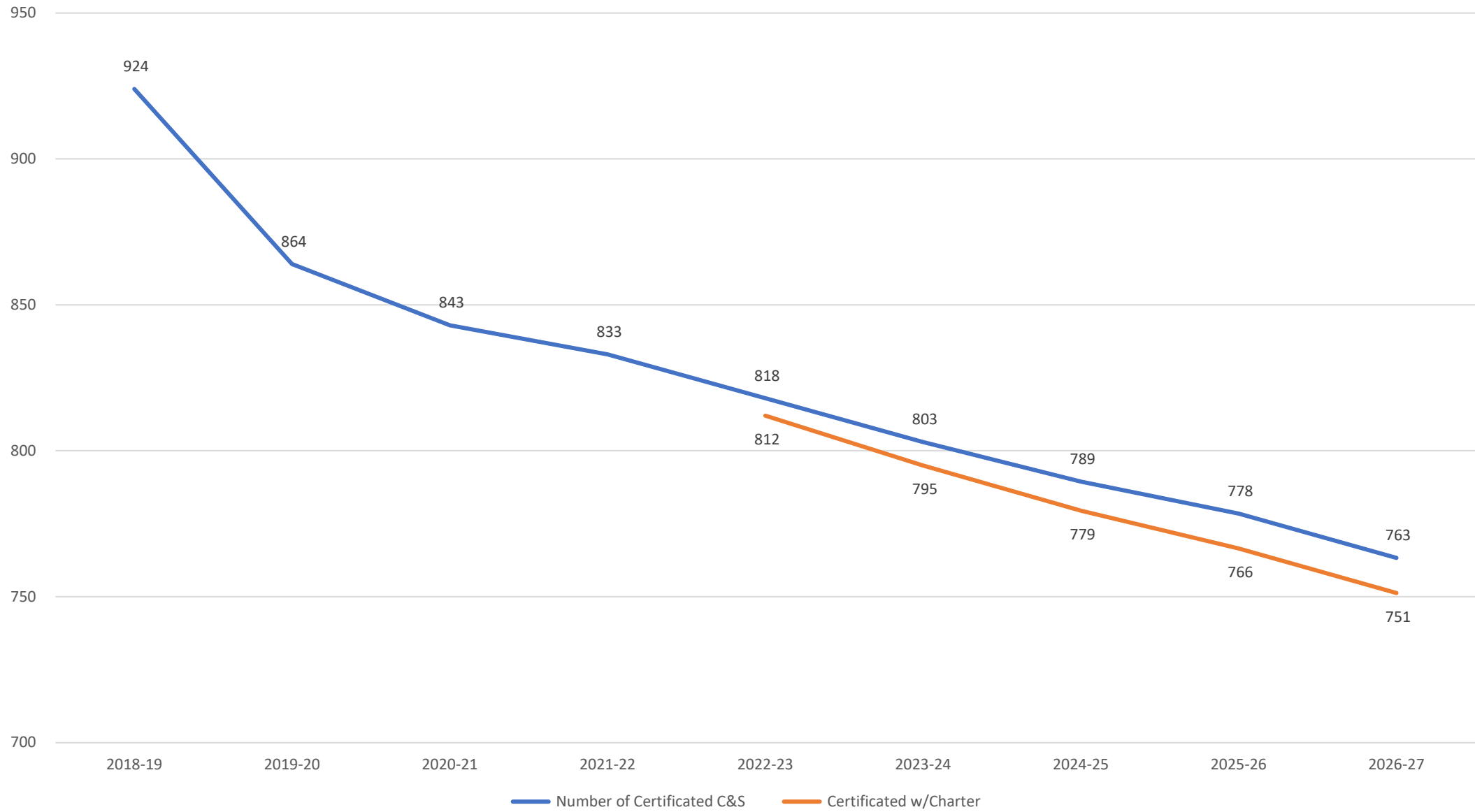
State Department of Finance data project that Napa will continue to face severe declining enrollment through the end of the decade.

https://www.dof.ca.gov/Forecasting/Demographics/Projections/Public_K-12_Graded_Enrollment/

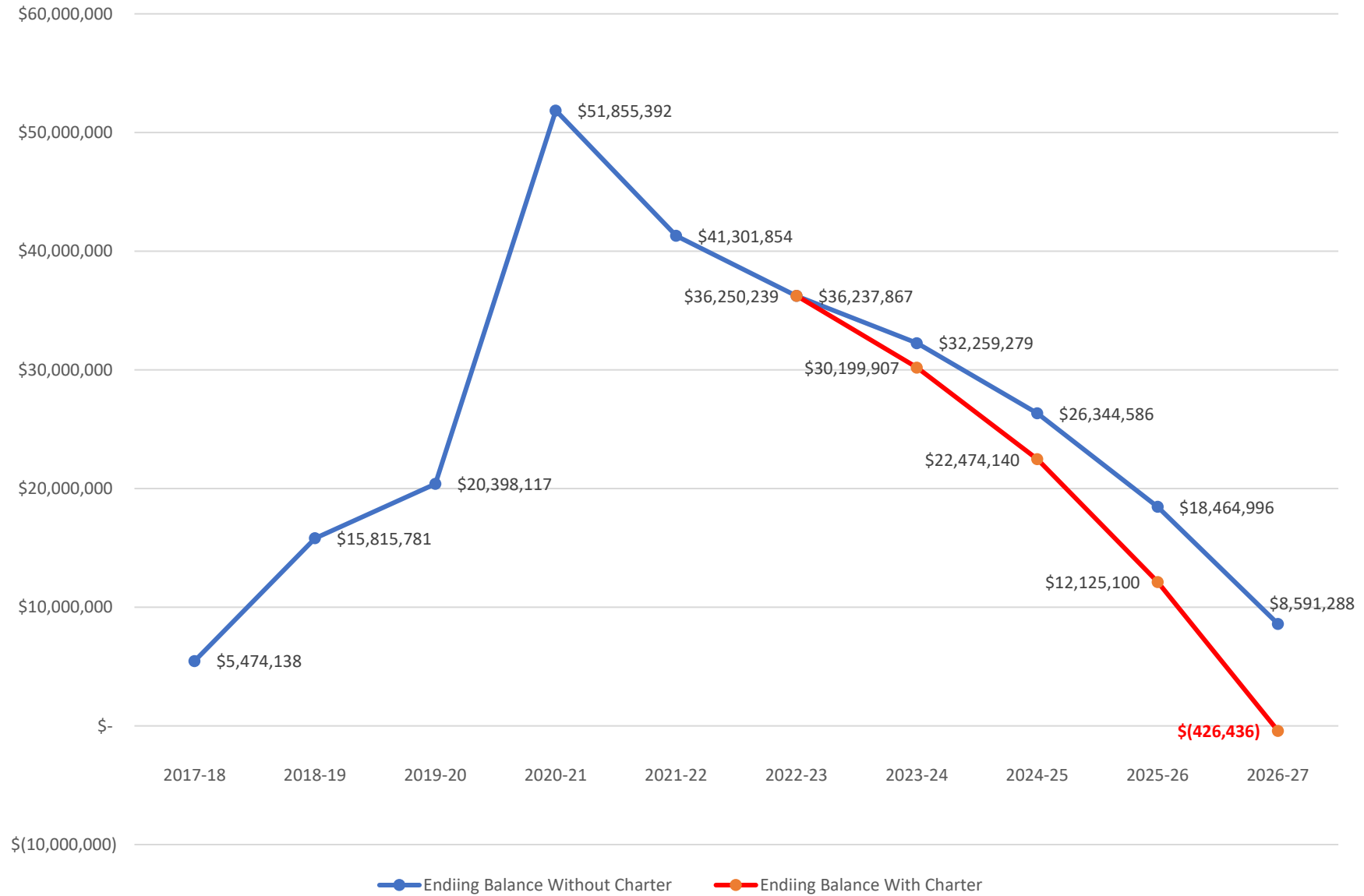
NVUSD Enrollment Without and With Charter




NVUSD Certificated Staff Without and With Charter



Ending Blance with and without Charter





Impact of Declining Enrollment

Impact of ADA Decline

Income Loss	Proportional Layoff
<ul style="list-style-type: none"> 114.05 ADA decline at \$10,595 each—yields revenue loss 	<ul style="list-style-type: none"> 120 students require 5 teachers at 24:1 Five teachers times cost per novice teacher yields savings of: \$383,245 (\$76,649 per teacher, including benefits, x 5 teachers) Miscellaneous savings (\$400 per student) \$48,000
<p>Lost Revenue: \$1,208,360</p>	<p>Total proportional savings: \$431,245</p>

Proportional layoff leaves a \$777,115 deficit. In this example, at least ten more teachers would need to be laid off to cover the decline. Only 35.7% of the costs are cut to the match revenue loss to declining enrollment. Cuts to programs, support staff and other operational costs would be required to make up the difference.

© 2021 School Services of California Inc.

NCOE'S FISCAL OVERSIGHT ROLE

After discussions with District Administrators and the interim financial team, we agree with their recommendations to take action to cut expenses and increase revenues in the following areas:

- Food Services labor cost
- Transportation efficiencies
- Small Schools
- Facility use fees
- Fair charges to charter schools
- 7th Period at American Canyon High School
- Maximizing class size staffing for secondary to the contract limits
- Right sizing district office staffing to correspond to declining enrollment

CONCLUSION

- Assumptions could change, but NVUSD will face declining enrollment and a continuing need to make cuts regardless. Approving the charter petition will exacerbate the loss of ADA and the loss of revenue.
- Based on these findings, the Petition should be granted **unless the Board finds that denial based on criterion (7), emphasized above, is justified.**

NAPA COUNTY BOARD OF EDUCATION

RESOLUTION NO. 22-9

**A RESOLUTION OF THE NAPA COUNTY BOARD OF EDUCATION DENYING
PETITION TO FORM THE MAYACAMAS CHARTER MIDDLE SCHOOL**

WHEREAS, by enacting the Charter Schools Act (Educ. Code §§ 47600 *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils, and existing members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein;

WHEREAS, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools;

WHEREAS, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility, they are accountable for complying with the terms of their charters and applicable law;

WHEREAS, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in Education Code § 47605(c)(5)(A)-(O), as well as the affirmations and other requirements set forth in Education Code § 47605;

WHEREAS, a governing board may deny a petition to form a charter school if it makes written findings to support any of the eight criteria found in subdivision (c) of Education Code § 47605(c);

WHEREAS, on December 21, 2021, the Napa County Board of Education received a Petition to form the Mayacamas Charter Middle School (“Charter School”) via an appeal of the decision of the Napa Valley Unified School District to deny the Charter School’s petition;

WHEREAS, in compliance with Education Code § 47605(b), the Board of Education held a public hearing on February 1, 2022, to determine the level of support for the Petition; and

WHEREAS, in compliance with Education Code § 47605(b), the Board of Education is obligated to take action to grant or deny the Petition within 90 days of its submission.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Napa County Board of Education that the Petition to form the Mayacamas Charter Middle School is hereby DENIED on the following ground:

1. The Charter School is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. (Educ. Code § 47605(c)(7)).

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 regarding

the fiscal impact of the proposed Charter School that details specific facts and circumstances that analyze and consider the extent to which the proposed Charter School would substantially undermine existing services, academic offerings, or programmatic offerings and/or 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. This written analysis must be published no later than March 21, 2022.

PASSED AND ADOPTED on March 15, 2022, by the Napa County Board of Education by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENCES:

I declare under penalty of perjury that the following resolution was duly passed and adopted on the date and by the vote stated.

Don J. Huffman, President

NAPA COUNTY BOARD OF EDUCATION

NAPA COUNTY BOARD OF EDUCATION

RESOLUTION NO. 22-10

**A RESOLUTION OF THE NAPA COUNTY BOARD OF EDUCATION GRANTING
PETITION TO FORM THE MAYACAMAS CHARTER MIDDLE SCHOOL**

WHEREAS, by enacting the Charter Schools Act (Educ. Code §§ 47600 *et seq.*), the Legislature has declared its intent to provide opportunities to teachers, parents, pupils, and existing members to establish and maintain schools that operate independently from the existing school district structure for the purposes specified therein;

WHEREAS, the Legislature has declared its intent that charter schools are and should become an integral part of the California educational system and the establishment of charter schools should be encouraged, and that charter schools are part of and under the jurisdiction of the Public School System and the exclusive control of the officers of the public schools;

WHEREAS, although charter schools are exempt from many of the laws governing school districts, in return for that flexibility, they are accountable for complying with the terms of their charters and applicable law;

WHEREAS, a successful charter petition must contain reasonably comprehensive descriptions of the criteria set forth in Education Code § 47605(c)(5)(A)-(O), as well as the affirmations and other requirements set forth in Education Code § 47605;

WHEREAS, a governing board may deny a petition to form a charter school if it makes written findings to support any of the eight criteria found in subdivision (c) of Education Code § 47605(c);

WHEREAS, on December 21, 2021, the Napa County Board of Education received a Petition to form the Mayacamas Charter Middle School (“Charter School”) via an appeal of the decision of the Napa Valley Unified School District to deny the Charter School’s petition;

WHEREAS, in compliance with Education Code § 47605(b), the Board of Education held a public hearing on February 1, 2022, to determine the level of support for the Petition; and

WHEREAS, in compliance with Education Code § 47605(b), the Board of Education is obligated to take action to grant or deny the Petition within 90 days of its submission.

NOW, THEREFORE, BE IT FURTHER RESOLVED AND ORDERED by the Napa County Board of Education that the Petition to form the Mayacamas Charter Middle School is hereby GRANTED on the following condition:

1. The Charter School and the Napa County Office of Education must enter into an operational Memorandum of Understanding (“MOU”) by May 2, 2022.

PASSED AND ADOPTED on March 15, 2022, by the Napa County Board of Education by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENCES:

I declare under penalty of perjury that the following resolution was duly passed and adopted on the date and by the vote stated.

Don J. Huffman, President

NAPA COUNTY BOARD OF EDUCATION

Napa County Office of Education
Barbara Nemko, Ph.D., Superintendent

Item: 3A
March 15, 2022
Board Meeting

TITLE:

Adoption of Resolution 2022-8 – Brown Act Resolution to Permit Videoconferenced County Board of Education Meetings

HISTORY:

Executive Order N-08-21 issued by Governor Newsom allowed legislative bodies to hold meetings via teleconference and make meetings accessible electronically through September 30, 2021, without violating the Brown Act. Effective October 1, 2021, AB 361 allows local legislative bodies to continue to allow remote meetings during a proclaimed state of emergency, if “state or local officials have imposed or recommended measures to promote social distancing.”

Because the State of California has continued to permit remote attendance at boards and commission meetings, the Napa County Executive Officer and Public Health Officer jointly recommend that this practice be permitted by all boards and commissions that may prefer to continue meeting remotely, in whole or in part, in order to help minimize the spread and transmission of COVID-19.

CURRENT PROPOSAL:

Approve Resolution 2022-8 to Permit Videoconferenced Board of Education Meetings.

FUNDING SOURCE: NA

SPECIFIC RECOMMENDATION: Approve Resolution 2022-8.

PREPARED BY: Joshua Schultz, Deputy Superintendent

Ayes:

Noes:

Abstained: