

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.

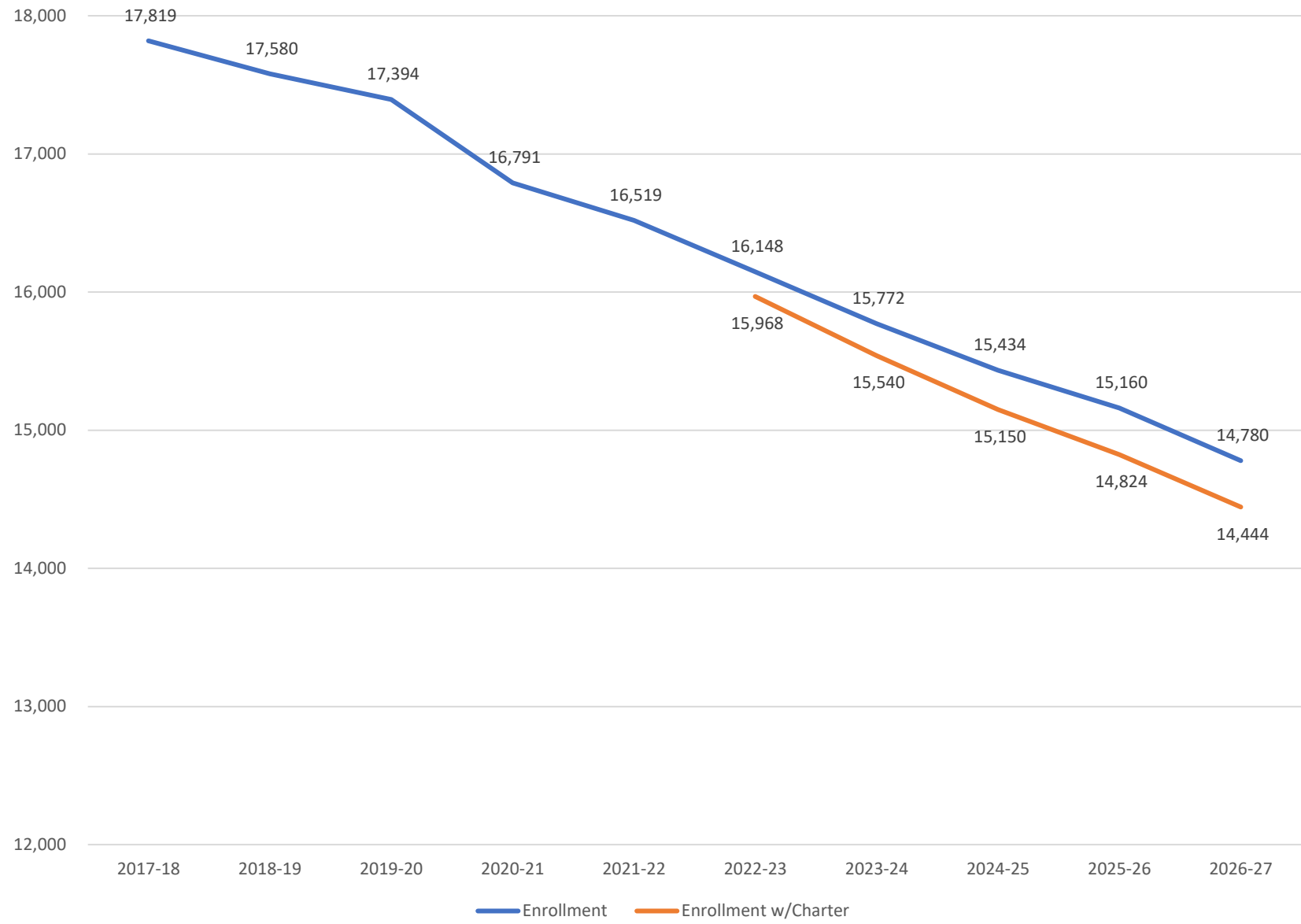
FISCAL IMPACT

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%**.

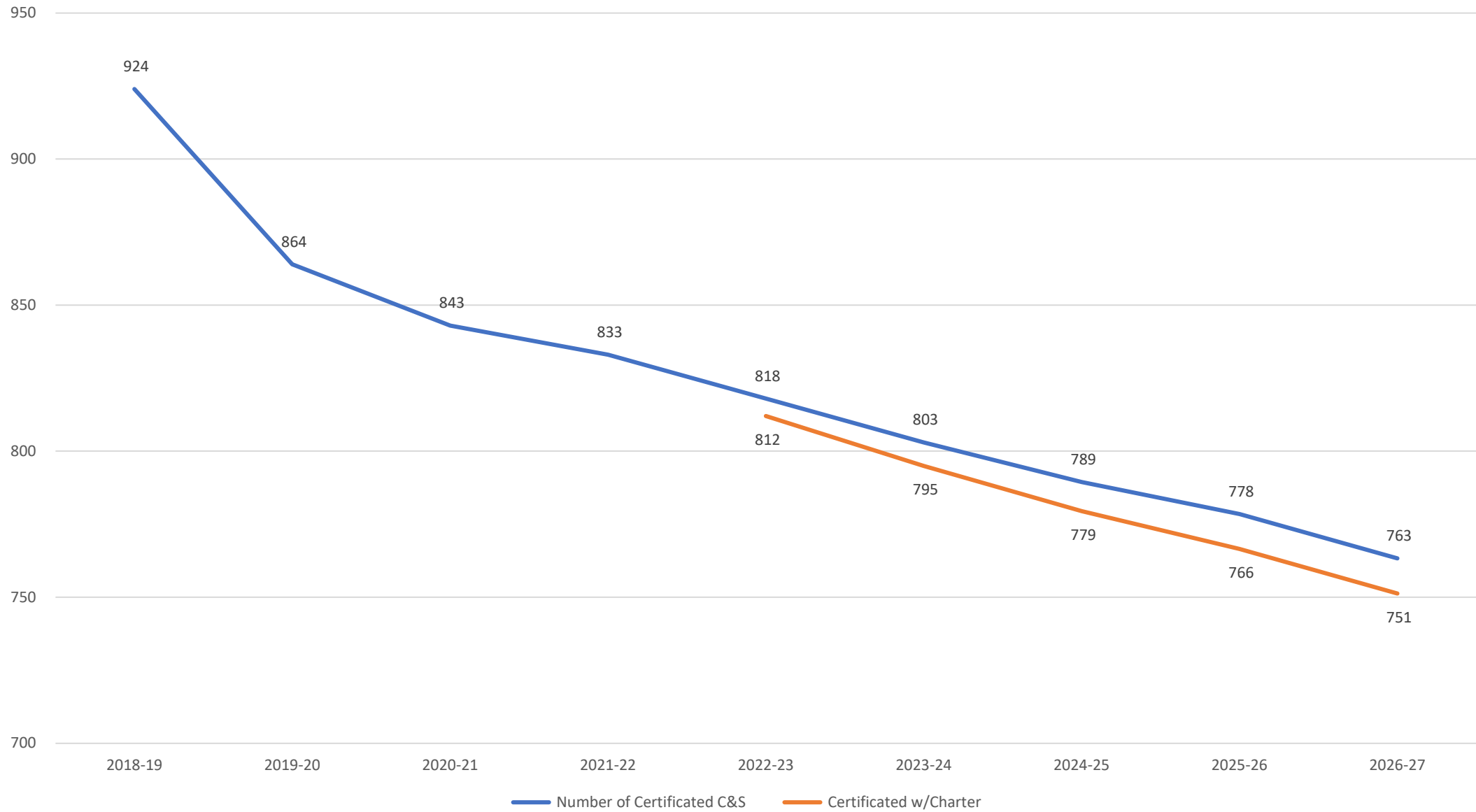
State Department of Finance data project that Napa will continue to face severe declining enrollment through the end of the decade.

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.

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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.**