

STAFF ANALYSIS AND PROPOSED FINDINGS OF FACT REGARDING REVIEW OF MAYACAMAS COUNTYWIDE MIDDLE SCHOOL CHARTER PETITION

August 15, 2023

Mayacamas Countywide Middle School (MCMS) is seeking approval for a Napa County Board of Education (Board or NCBOE) authorized countywide charter. The proposed school intends to serve students in grades 6-8. MCMS proposes to be located within Napa Valley Unified School District (NVUSD) and Howell Mountain Elementary School District (HMESD) boundaries and to open in September 2023. By the beginning of the fourth year of operation, MCMS plans to open a second campus in Angwin. MCMS plans to start with an enrollment of 90 total students in the three grades and add students to a final total enrollment of 414 in year 5 of the charter term.

The Napa County Office of Education (NCOE) staff reviewed the Charter Petition (Petition) for MCMS utilizing the standards and criteria for countywide charter approval set forth in Education Code Section 47605.6 and protocols recommended by the California Charter Authorizers Support Initiative (CASI). Through this report, staff provide the NCBOE with an assessment of the sufficiency of the Petition with respect to the legal criteria for approval.

Staff recommends that the Board review this analysis and take action for approval or denial. Staff recommends that any action for approval include all items discussed in this analysis as being a part of the MOU between MCMS and NCOE. These actions are summarized in the conclusion.

BACKGROUND

This is the first Mayacamas Countywide Middle School (MCMS) petition submitted to the NCBOE. The NCBOE did previously review and act upon an appeal filed by the same petitioners for a different school, the Mayacamas Charter Middle School. The result of that review was the NCBOE's action to deny the appeal based on their determination of the facts available at that time that the establishment of the charter.

PROCEDURAL STATUS

- 1) At least 30 days prior to the Board of the COE deciding to approve or deny a countywide charter petition, the petitioner(s) must notify the districts where the countywide charter school proposes to locate of their intent to submit the petition (47605.6(a)(3)).
 - The petitioners for the Mayacamas Countywide Charter School sent this notification to the Napa Valley Unified School District (NVUSD) and the Howell Mountain Elementary School District (HMESD) on July, 11, 2023, and included a copy of that notification and proof of transmission in the charter petition package.
- 2) Within 60 days of receipt of the petition, in compliance with Education Code 47605.6(b), the County Office must hold a public hearing to “consider the level of support for the petition by teachers employed by the district, other employees of the district, and parents.”
 - The NCBOE is scheduled to meet on August 30, 2023, to hold the public hearing, thus meeting the 60-day requirement.

- 3) Within 90 days of receipt of the petition, in compliance with Education Code 47605.6(b) the County Office must render its decision on the charter petition unless “both parties agree to an extension.”
 - The NCBOE is scheduled to meet on August 30, 2023, to render its decision on the charter petition, thus meeting the 90-day requirement.

Staff is recommending that the Board’s public hearing and the decision action be agendized on the same day, at a NCBOE meeting on August 30, 2023, due to the timeline for the opening of school and the considerable awareness on the part of the community of the pending application, the nature of the school being proposed, and the history of the current Mayacamas Charter Middle School.

The complete petition is available for review on the NCOE homepage is at www.napacoe.org.

CRITERIA FOR APPROVAL OF A COUNTYWIDE CHARTER PETITION

The California Education Code (EC) requires that a countywide charter petition meet all the requirements of a regular charter petition and two additional requirements, specifically:

EC [47605.6 \(a\) \(1\)](#) specifies that the “county board of education may only approve a countywide charter if it finds, in addition to the other requirements of this section that the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.”

EC [47605.6 \(b\)](#) specifies that, “A county board of education may grant a charter for the operation of a school under this part only if the board is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district....”

The law requires NCOE to “review the petition pursuant to” the Education Code cited above which makes clear that governing boards are to be aware of “the intent of the legislature that charter schools are and should become an integral part of the California educational system and that establishment of charter schools should be encouraged.”

Grounds for denial of a countywide charter petition. Grounds for denial of a countywide charter petition are also set in the Education Code. EC [47605.6 \(b\)](#) specifies that “the county board of education shall deny a petition for the establishment of a countywide charter school if the board finds one or more of the following:

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 EC [47605 \(a\)](#).
4. The petition does not contain an affirmation of each of the conditions described in EC Section [47605\(d\)](#).
5. The petition does not contain reasonably comprehensive descriptions of all of the 16 required elements of the petition.

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.
7. Any other basis that the county board of education finds justifies the denial of the petition.”

Differences between district-authorized charter grounds for denial and countywide charter grounds for denial.

- 1) A district-authorized charter can be denied if it is found to be “demonstrably unlikely to serve the interests of the entire community,” including “substantially undermin[ing] existing services, academic offerings, or programmatic offerings,” “duplicat[ing] a program currently offered within the school district...that has sufficient capacity,” or if the district has a fiscal “qualified interim certification” and the County Office “certifies that approving the charter school would result in the school district having a negative interim certification.” Education Code 47605(c)(7).
 - A proposed countywide benefit charter is not evaluated under those provisions.
- 2) A countywide charter can be denied on “Any other basis that the county board of education finds justifies the denial of the petition.”
 - A district-authorized charter cannot be denied on any basis but those elements delineated in Education Code 47605(c).

Staff protocols for the analysis of the Mayacamas Countywide Middle School petition in relation to the criteria for approval and denial. The staff analysis presented below is based on the following actions:

- An individual review of the submitted charter petition by members of the NCOE staff, including Barbara Nemko, Superintendent; Josh Schultz, Deputy Superintendent; Julie McClure, Associate Superintendent; Aaron Johnson, Assistant Director of Business Services; Lucy Edwards, Director of Continuous Improvement and Academic Support; Ginny Maiwald, SELPA Director (retired); John Zikmund, Human Resources Administrator; Jeremy Smith, Director of General Services; and the NCOE contractor for charter oversight, Lynne Vaughan. This review team utilized the countywide petition review checklist provided as an example by the California Charter Authorizers Support Initiative (CASI) and used by a variety of county offices of education across the state.
- A meeting of those staff members and contractor to come to consensus on the findings and recommendations.
- An interview with the charter petitioners.
- A visit to the school site by the NCOE General Services staff.
- A meeting of the NCOE administrative cabinet to review and finalize the staff analysis.
- A review of the staff analysis by legal counsel.

CONDITIONS REQUIRED FOR APPROVAL OF A COUNTYWIDE CHARTER

As noted above, there are two conditions required for approval of a countywide charter petition.

The first, EC 47605.6 (a) (1), specifies that the “county board of education may only approve a countywide charter if it finds, in addition to the other requirements of this section that the educational services to be provided by the charter school will offer services to a pupil population

that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.”

The two requirements to meet this condition are:

- 1) That the educational services to be provided by the charter school will offer services to a pupil population that will benefit from those services; and
- 2) That the students cannot be served as well by a charter school that operates in only one school district in the county.

The petitioners state that they plan to offer an array of educational services that will benefit the students they intend to serve by

- Offering research-based educational approaches and services not available to students in the county, among them the New Tech Network project-based learning for middle school students, a partnership with Pacific Union College for a “residency” program to allow students to experience college life and complete projects in the arts, and an Individual Learning Plan providing a personalized approach to meeting individual student academic and social-emotional needs.
 - Staff finds that the petitioners have established that no other middle school in Napa County currently offers these unique, research-based educational opportunities.
- Meeting the data-established needs of middle school age students in the county, particularly the need for increased levels of academic achievement.
 - Staff finds that the petitioners have established that the academic achievement levels of middle school age children in Napa County are below the statewide average for all students and for the following sub-groups: Hispanic/Latino, White, Students with Disabilities, English Learners, Economically Disadvantaged, according to California Department of Education data for CAASPP testing in the spring of 2022.

Furthermore, NVUSD, which serves 88% of students in the county, scored below the state average for all middle school students in both math and English Language Arts (ELA) and had no sub-groups that performed at or above the state average in math or ELA, except for English Learners in ELA. The petitioner notes that the only NVUSD middle school on the California Department of Education Dataquest site with scores above the state average in both ELA and math were the Stone Bridge charter and the former River School.

The petitioners state that the students cannot be served as well by a charter school that operates in only one school district in the county for several reasons, among others, that:

- 1) The nature of the school’s partnership with Pacific Union College requires the location of the school to be part-time at the PUC site in Angwin during phase 1 of charter growth over the 5-year term.
- 2) The school plans to provide full-time educational services at the Angwin site in phase 2, beginning in year 4.
- 3) Having charters in each of the two districts would be awkward, inefficient, and duplicative of effort.

- Staff finds that the arguments are valid.

The second condition required for approval of a countywide petition is that the county board “is satisfied that granting the charter is consistent with sound educational practice and that the charter school has reasonable justification for why it could not be established by petition to a school district...”

The two requirements to meet this condition are:

- 1) That the charter presents sound educational practice; and
- 2) That the school could not be established by petition to a school district.

The petitioner represents the elements of sound educational practice in the description of the 16 elements and the additional financial and governance information provided.

- Staff finds those elements and items to be consistent with sound educational practice, as detailed in the analysis below.

The petitioner states that the school could not be established by petition to a school district because the program is designed to have a minimum of two sites in two different districts.

- Staff finds that the program is planned for two sites.

REVIEW OF THE PETITION

Staff reviewed the MCMS Petition utilizing the criteria for charter approval set forth in California Education Code Section 47605.6. Staff’s assessment of the MCMS Petition as presented to the NCOE, with respect to each criterion in Education Code Section 47605.6, is set forth below.

1. Sound Educational Program

The Petition provides well-articulated research and theory and adequately describes how that research and theory is actualized in its instructional model for the proposed MCMS. That model was found by staff to be reflective of some of the best educational strategies available and includes the following elements, among others:

- Small school size, to allow for individual attention and a sense of belonging
- Active learning, as embodied in the New Tech Network use of project- and problem-based learning in all courses
- Real-world experience, including the “residency” experience at PUC and real-world elements in the interdisciplinary projects
- Strong social-emotional learning programs and supports, including the use of the Wayfarer curriculum and the Advisory program
- Individualized learning plans addressing both academic achievement/progress and social-emotional growth, with strong student agency in the development of the plans and monitoring of progress through monthly one-on-one meetings with the Advisor and semi-annual student-led conferences with the parent, student, and Advisor.

Staffing

The Petition identifies staffing for a typical year but not, in all cases, for year 1 with the lower enrollment. In the interview, the petitioners clarified staffing elements related to a variety of questions, including the following:

- Structure for team-teaching in year 1
- Staffing for honors math
- Provisions for tutoring
- Independent study staffing.

Staff recommends that the clarifications on the above elements be included in the MOU between NCOE and MCMS.

Professional Development

The Petition includes an extensive list of professional development (PD) topics and provides PD time before school opens, on early release Wednesdays, during non-student days within the school year, and after school ends. However, it does not include training for staff when working with students struggling with reading or training in CCSS-aligned adopted instructional materials. This was clarified in the interview by the Petitioners' statement that PD for the instructional materials will be provided on Wednesdays and that training for strategies to deal with struggling readers will be scheduled on PD days during the year.

Staff recommends that the enumerated clarifications be included in the MOU between NCOE and MCMS, along with the recommendation that MCMS join the NCOE Literacy for All project, beginning in year 1, to ensure staff training in Structured Reading.

Reading

The middle school ELA program is well described in the Petition. However, there is no specific discussion of how students struggling with reading will be supported in MTSS Tier 2 and 3 actions. The Petitioners responded in the interview with information on the program that includes assessments and escalating Tier 2 and 3 responses using guided computer programming.

Staff recommends that the clarifications for addressing reading support in Tiers 2 and 3 be included in the MOU between NCOE and MCMS. Also see recommendation directly above.

Special Education

The NCOE Special Education Department reviewed the special education program described in the Petition.

The program of special education services is adequately described. The primary methodology proposed in the MCMS Petition for providing services to students with disabilities is the inclusive model, in which students with disabilities are provided academic supports primarily in the classroom, and all additional necessary services through Learning Lab, which is scheduled for 45 minutes/day, four days/week, with

additional time provided during the elective period, if needed. Services during that time might include a resource specialist, speech pathologist, and/or occupational therapists. This model allows students to be served in the least restrictive environment and for services benefiting from privacy to be provided through pull-out. Student needs that cannot be addressed through this model are accounted for through two options—contracting out or provision in-house.

Staff expressed a need for more information about how local services would be delivered in year 1, given that the number of staff had been reduced to reflect the lower number of students anticipated. In the interview, petitioners responded that that staffing will depend on the number of special education students admitted, but, at this point, they will probably contract with a certified non-public agency for staff and services.

Staff recommends that these clarifications be included in the MOU between NCOE and MCMS.

Staff also expressed particular concern about the status of the charter school in relation to a SELPA. There are only two ways in which a charter school can legally operate for special education purposes:

1. The charter school selects to be its own Local Educational Agency (LEA) and secures membership in a SELPA. In this option, the charter school has ultimate control, responsibility and primary liabilities for these services.
2. The charter school selects to be a school of the District/County which will serve as the LEA and which has membership in a SELPA. In this option, the District/County has ultimate control, responsibility and primary liabilities for these services.

MCMS is in discussions with the LACOE Charter SELPA but has not yet had a definitive acceptance. Staff recommends that, if the Board approves the petition, a requirement for confirmation that a SELPA will accept MCMS be included in the MOU between MCMS and NCOE.

English Learners (EL)

MCMS makes assurances that it will uphold legal requirements for identification of English Language Learners (EL), accounts for both designated and integrated instruction, and describes communication with EL families and annual assessments.

Staff noted that the LCFF Priorities are covered in the chart on page 39, but the chart does not include how the school will meet part of Priority 2: how programs and services will enable English learners to access the Common Core State Standards and the English Language Development standards. This was addressed in the interview.

Staff recommends the inclusion of the item for Priority 2 be included in the MOU between NCOE and MCMS.

The Petition states that ELs will receive their ELD services during Learning Lab, which will provide the state-mandated number of minutes of ELD designated

instruction. The number of days/minutes cited for Learning Lab is not consistent. During the interview, petitioners clarified that the Learning Lab is 45 minutes, 4 days per week and that, for EL students with an IEP, the required designated ELD instruction minutes will be completed in the Learning Lab, with IEP services provided during the remaining time augmented by pull-out time during the elective class, if needed.

Staff recommends that the MOU between NCOE and MCMS include the clarifications enumerated above.

Subject to the foregoing, staff found that the MCMS Petition proposes a sound educational program.

2. Ability to successfully implement the program set forth in the Petition

Programmatic viability.

MCMS is proposed by the same board currently operating the Mayacamas Charter Middle School under NCOE, as the state-appointed authorizer.

The ability of the petitioners to successfully implement a countywide charter is found in their Justification for a Countywide Charter and in the significant, substantive, and important differences between the original Mayacamas Charter Middle School petition and the current Mayacamas Countywide Middle School petition. Staff directed particular attention to differences *in program* identified in these areas:

1. The addition of the “residency” program in Angwin
2. The addition of the potential for dual-enrollment
3. The addition of college/career awareness activities
4. The addition of a short-term independent study option
5. The establishment of two locations, one in each target district
6. The change in the calendar and annual minutes
7. The addition of community partners, including PUC as a primary partner
8. The addition of a mid-year review of progress on the LCAP.

Descriptions in the Petition must be substantive, and specific to the program proposed, not to charter schools or charter petitions generally. (Cal. Code of Regs., tit. 5, § 11967.5.1(g).) The basic descriptions of foundation curricular elements, such as project-based learning and SEL, use theory and research to describe the intended program and practical descriptions of how they will be implemented. The curricular additions noted above in items 1-3 are augmentations of the practical descriptions of implementation. The “residency” program in partnership with Pacific Union College is particularly innovative, but the letter of agreement from PUC was indicated in the package to be in process. Staff determined that receipt of the letter confirming PUC’s partnership should be included in the MOU between MCMS and NCOE.

The addition of the short-term independent study option, item 4, contains assurances that NCOE will follow the independent study law and exhibits understanding of those requirements. It aligns with the description of the use of independent study schoolwide if an emergency is declared. However, the description of the short-term independent study programs lacks some detail about how the school will operate the

program. Staff determined that this detail should be included in the MOU between MCMS and NCOE.

Item 5, the establishment of two locations for the school—one in Napa and one in Angwin—is aligned with the description of facilities in phase 1 (years 1-3) and phase 2 (years 4 and 5) and with the curricular augmentation for the “residency” program in all years. This is key to the definition of a countywide school as one providing “services to a pupil population that will benefit from those services and that cannot be served as well by a charter school that operates in only one school district in the county.” The “residency” program also contributes to the “reasonable justification for why it could not be established by petition to a school district...” The provision of the facilities at PUC will apparently be without cost to MCMS, but again, as noted above, staff is recommending that the letter of agreement from PUC be required in the MOU between MCMS and NCOE.

The change in the calendar and instructional minutes, item 6, was determined to have little bearing on the ability of the school to implement the program described in the petition, although there will be slightly fewer instructional minutes in year one than in the “typical year” described.

Item 7, the addition of community partners, is aligned with the second location in Angwin and reflects Pacific Union College as a primary partner and other Angwin and up-valley community groups, such as the Angwin Food Pantry, as potential partners.

The final item, addition of a mid-year review of progress on the LCAP by MCMS staff and board appears to be a simple reflection of the change in the law requiring this action.

Financial Viability

Revenue and Expenses. Staff identified the following items:

- Estimates for the balance of state aid and in-lieu that make up the LCFF entitlement are inconsistent with a countywide charter.
- The donation of \$250,000 from the Silicon Valley Community Foundation in year 1 is required to maintain a positive balance.
- SB 740 is projected to be fully funded with no contingency if the program is over-subscribed to the point of impacting the 75% rent/lease reimbursement, though this has happened rarely in the years that the law has been in effect.
- Transportation costs for the “residency” program do not appear independently in the budget.

In the interview, the petitioners stated that the components of state aid vs. in-lieu will have no material impact on the budget, as the total LCFF entitlement is unchanged.. Petitioners’ external back-office provider also contends that their experience with other countywide charters has been that the sponsoring district is the district of residence, regardless of basic aid status and provided examples of LAUSD in LA County and Oakland Unified in Alameda County. Petitioners also acknowledged the donation of \$250,000 is currently being processed and committed to providing

evidence of the intent to pay from the community foundation. Petitioners further noted that they will eliminate field trips and allocate that transportation funding to the “residency” program; they also indicated that they will do targeted fundraising for the program transportation.

Staff recommends that the following be included in the MOU between MCMS and NCOE:

- Revenue estimates of state aid vs. in-lieu funds that are prepared consistent the definition of a sponsoring local education agency pursuant to Education Code 47632(i).
- A requirement to provide evidence of the donation of \$250,000 from Silicon Valley Schools.

Cash Flow. Staff noted that some items cited above may impact cash flow. However, MCMS has a sufficient line of credit documented to mitigate any projected negative impacts.

Enrollment and Average Daily Attendance (ADA.) Enrollment and ADA are in line with reasonable projections. However, if the rapid enrollment growth projected in the first 3 years is not realized, the viability of the charter could be impacted.

Teacher-to-Student Ratio. The Petition indicates a 20:1 ratio in year 1.

Instructional Minutes. Instructional minutes meet state requirements for middle school.

Staffing/External Contractor. Staff identified the following items:

- The reduced staff in year 1 may be insufficient to implement the program, and budgeting is inconsistent with descriptions in the Petition. For example, there is lack of clarity in the roles of Head of School and Executive Director.
- It is unclear how internal controls will be handled at the school.
- There is a need for clarity in the roles of the third party “back office” provider and the MCMS staff in fiscal operations.
- MCMS needs to affirm that the external provider will provide timely submissions of calendar of due date items in the MOU, as well as request for information items.

In the interview, the petitioners acknowledged the inconsistency and clarified that the Executive Director role, while included in the year 1 budget, is not anticipated to be hired. Instead, the Head of School, in tandem with the Operations Manager, is expected to be sufficient for any and all administrative tasks. Petitioners committed to providing revised fiscal policies consistent with expected staff in year 1, including delineation of roles and how internal controls will be maintained. Petitioners further committed to providing a copy of its agreement with ExED, its current “back office” provider for review.

The roles of ExED and MCMS were also clarified, as follows:

ExED manages the accounting system including cutting and sending checks, bank reconciliations, preparing financial statements and analysis, tracking grant and restricted funds, recommending fiscal policies, training staff; ExED completes the budget template and presents to the Board and submits to authorizer, with projected enrollment and expenses from school; ExED monitors cash flow, alerts school of issues and creates monthly and weekly (if needed) cash flow, and completes loan applications; ExED provides and trains staff on required HR and payroll forms, trains staff on how to set up personnel files and on payroll system, processes payroll in the 3rd party payroll system, and completes quarterly and annual tax forms; ExED trains staff on attendance and completes required attendance reports, completes funding applications and any required fiscal reports, and provides financial data for SARC, LCAP and others.

MCMS approves and makes purchases, makes deposits, maintains backup, reviews financials and general ledger, and implements fiscal policies and internal controls; MCMS projects students enrollment, estimates expenses and works collaboratively with ExED on the budget; MCMS solves cash flow problems with ExED's assistance and maintains and establishing bank relationships; MCMS hires and terminates employees, requires employees to fill out all HR forms and submits to ExED/payroll system, verifies credentials and reviews livescan, completes all other necessary payroll/HR paperwork, sets up personnel files and offer letters and adopt employee handbook; MCMS ensures teachers take daily attendance, maintains and keeps SIS/PowerSchool updated, and completes the SARC, LCAP and other plans as required.

Staff recommends that the following items be included in the MOU between MCMS and NCOE:

Programmatic elements:

- Documentation of the Pacific Union College partnership
- Clarification of how services will be provided for English learners to access the Common Core and ELD standards
- Clarification of how special education local services will be delivered in year 1
- Clarifications of staffing elements related to team teaching, Honors Math, VAPA & PE, tutoring, learning lab, and independent studies
- Clarifications on when PD is provided for instructional strategies
- Clarifications on providing reading support in MTSS Tiers 2 and 3
- Clarifications of local services special ed staffing
- Clarifications days/minutes of EL designated ELD in the Learning Lab
- MCMS becoming a member of the NCOE Literacy for All project.

Fiscal elements:

- Revenue estimates of state aid vs. in-lieu funds that are prepared consistent the definition of a sponsoring local education agency pursuant to Education Code 47632(i)
- A requirement to provide evidence of the donation of \$250,000 from Silicon Valley Schools
- Revised fiscal policies consistent with expected staff in year 1, including delineation of roles and how internal controls will be maintained
- A copy of its agreement with ExED, its current "back office" provider
- Affirmation that the CMO/back-office provider will provide timely submissions of calendar of due date items and request for information items.

Subject to the foregoing analyses, staff found that the Petitioners are likely to successfully implement the program set forth in the Petition.

3. Required signatures

The signature requirement set forth in Education Code Section 47605(a)(1)(B) requires that the Petition is signed by a number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the school during its first year of operation. Staff found that the Petition contains the required signatures, listing 6 teacher signatures for 4.5 FTE projected in year 1, as some positions will be part-time.

4. Affirmation of each of the conditions required by statute 47605(b)(4)

Staff found that the Petition contains the required affirmations and declaration.

5. Reasonably comprehensive description of the required elements

For the description of each element to be considered “reasonably comprehensive,” it is not enough that the Petition include a description, but rather the description should be acceptable to NCOE and be consistent with and not contrary to NCOE’s standards and expectations for charter schools under its oversight.

NCOE notes that staff’s indication that it believes the description of an element is “reasonably comprehensive” should not be interpreted to mean that staff does not believe that additional or different terms relative to that element would need to be agreed to by the Petitioner through the Memorandum of Understanding (MOU) or addendum to the MOU process. Further, while Staff may make recommendations for remediation in an area, this does not mean that other areas may not need additional correction to be included in the MOU or in an addendum to the MOU.

Subject to the cited conditions, staff found that the Petition provides a sufficiently comprehensive description of the required elements as discussed below.

a. Element One: Description of the Educational Program/Plan for Student Academic Achievement

The discussion above relative to NCOE’s finding that MCMS proposes a sound educational program establishes that the charter Petition includes a reasonably comprehensive description of the educational program.

Staff believes that this section of the Petition includes a reasonably comprehensive description of the educational program/plan for student achievement, subject to the foregoing discussions.

b. Element Two: Measurable Student Outcomes

A reasonably comprehensive description of this element includes specification of the “objective means that are frequent and sufficiently detailed enough to

determine whether pupils are making satisfactory progress.” (See Cal. Code of Regs., tit. 5, § 11967.5.1(f)(2).)

MCMS’ Petition includes a Local Control Accountability Plan (LCAP) which addresses all eight required elements and includes all required data indicators for all students, adding one optional indicator reflecting the school’s focus on social-emotional well-being. The part of state priority #2 not addressed in the LCAP referenced in the “sound educational programming” section above does not relate to the data indicators.

Sub-groups are addressed by the statement that the sub-group identifying information is not yet available. While one would expect specificity from an operational school regarding the sub-group outcomes, staff found that this was a reasonable argument, given that the school does not, at this time, know even which sub-groups they will have in representative numbers.

As noted in Element 1, staff recommended that the one part of the state priority 2 not cited in the Petition be added to the MOU between MCMS and NCOE.

Staff believes that this section of the Petition includes a reasonably comprehensive description.

c. Element Three: Method by Which Pupil Progress in Meeting Outcomes Will Be Measured

MCMS’s assessment plan utilizes multiple measures that include baseline, formative, interim, and summative assessments, including all state-required tests. Baseline assessments and formative assessments provide individual and classroom feedback to inform instruction for students and staff. The Petition also includes utilizing Northwest Evaluation Association (NWEA) Measures of Academic Performance (MAP) testing at three intervals during the year to generate growth data. State summative testing—CAASPP (ELA, math), CAST (science), and ELPAC (English language proficiency) provide academic assessment, while the Fitnessgram provides physical fitness data. References to these assessments are also liberally included in Elements 1 and 2.

The petition presents the process for data analysis, reporting, and adjustments made as a result, using the MTSS model. Within the process, roles are defined for the Head of School, teachers, and advisors.

Staff believes that this section of the Petition includes a reasonably comprehensive description.

d. Element Four: Facilities Location

This element is specific to countywide charter school petitions.

MCMS facilities plan is presented in two phases. In phase 1 (years 1 through 3), MCMS will locate within the jurisdictional boundaries of NVUSD at St. John the Baptist Church, 938 Napa Street in Napa, with the campus for the “residency”

located at Pacific Union College, 1 Angwin Ave in Angwin. In phase 2 (years 4 and 5), MCMS intends to maintain its Napa location and the “residency” program and locate its second charter school facility within the jurisdictional boundaries of HMESD, at Pacific Union College.

Staff believes that this section of the Petition includes a reasonably comprehensive description.

e. Element Five: Governance Structure

MCMS will be operated by the Napa Foundation for Options in Education (NFOE), a California Nonprofit Public Benefit Corporation with 501 (c)(3) status. All staff will be employees of NFOE.

NFOE is governed by a Board of Directors consisting of five to nine members who serve two-year terms; the current board has six members. The Petition specifies that MCMS will comply with the Brown Act and will provide annual Brown Act and bi-annual ethics training. The Petition includes a Conflict of Interest Code and states that its board will “revise its bylaws accordingly to reflect the statements in Element 5 and all laws applicable to Board governance,” including the Brown Act. MCMS will also comply with the Public Records Act and conflict of interest laws, including those in the Education Code and Corporations Code.

The Petition also includes the role of School Site Council and English Learner Advisory Committee in school governance.

The protocols for conducting board meetings and the Board’s decision-making process are delineated; clear roles for the Board and Head of School are defined.

Staff believes that this section of the Petition includes a reasonably comprehensive description.

f. Element Six: Employee Qualifications

A reasonably comprehensive description of employee qualifications at minimum includes assurances that the qualifications “be sufficient to ensure the health, and safety of the school’s faculty, staff, and pupils”; and that the legal requirements for employment will be met. (CA Code of Regulations, tit. 5, § 11967.5.1(f)(4).)

The Petition provides complete job descriptions for the head of school, teachers, special education teachers, counselor, parent liaison, instructional aide, and operations manager. When roles are mentioned in other elements (e.g., occupational therapist, speech therapist) they are generally identified as contractors. In item 2 above, staff recommends that the clarifications of job descriptions provided during the interview be incorporated into the MOU between NCOE and MCMS.

Given the shortage of certificated personnel in the state, MCMS is offering a competitive salary and benefit package, combined with elements related to the

“personalized education” approach: a lower-than-average class size, lower-than-average total number of students in core classes, and fewer-than-average periods taught compared to most traditional public school.

Staff raised the need for

- a final list of staff, their credentials, and their assignments to ensure the closest possible alignment of credentials to assignment. This was provided during the interview.
- closer communication in the future between MCMS and NCOE regarding potential teacher hiring.

Staff recommends that the following items be included in the MOU between MCMS and NCOE:

- The list of year 1 staff and their credentials
- An agreement that MCMS will contact NCOE prior to hiring to check credentialing to avoid mis-assignments.

Staff believes that, subject to the foregoing, this section of the Petition includes a reasonably comprehensive description.

g. Element Seven: Health and Safety

MCMS provided a detailed description of some of the required Health and Safety Policies, including TB testing and fingerprinting and background checks, and a commitment to more fully develop other policies and plans, such as a suicide prevention policy, sexual harassment policy, and an emergency preparedness plan. ADA compliance is addressed. NCOE staff have toured the facility and found that it meets standards.

While MCMS states that it “will develop its comprehensive school safety plan” pursuant to all state requirements and “review and update the plan annually by March 1,” it does not provide a date by which the plan will be developed for year 1. Given the timeline for opening, staff recommends that the MOU between MCMS and NCOE require that MCMS submit to NCOE a Health and Safety Plan a minimum of 5 calendar days prior opening. In this way, NCOE staff will have an opportunity to provide feedback on the Plan, and the Plan will be in effect prior to school opening. Staff additionally recommends that the MOU include the dates for submission of any of the required health and safety policies that are not included in the Health and Safety Plan.

Staff believes that this section of the Petition includes a reasonably comprehensive description of health and safety, subject to the inclusion of the cited elements in the MOU.

h. Element Eight: Racial and Ethnic Balance

MCMS expects to enroll a student population reflective of the racial and ethnic makeup of the County, including 60% Hispanic/Latino, 24% English learner, and 12% students with disabilities. The Petition describes outreach activities for the

general population and focused and intentional recruitment efforts for families who are low income, Spanish speaking, or have a child with special needs. The petition includes a list of potential community partners in both locations, Napa and Angwin, which may assist with outreach. In the interview, petitioners also noted that they are currently working with community partners to bring Adult ESL classes to the school in the evenings.

Staff's concern is in how the school will annually adjust outreach efforts to diminish any significant gaps between the existing student body and the major groups in the county demographic. Staff recommends that the process be included in the MOU between MCMS and NCOE, along with a report by the end of the calendar year on actions planned to adjust the outreach effort for the next enrollment period.

Given enactment of the recommendations, staff believes that this section of the Petition includes a reasonably comprehensive description.

i. Element Nine: Admissions Policies and Procedures Consistent with Education Code Section 47605(d)

The Petition repeatedly states that MCMS is planned as a consciously, intentionally diverse school, and that the school will take the steps necessary to realize that vision, with the caveat that the lottery system does not allow for students to be chosen on the basis of their ability to demographically match the county's student population.

The Petition sets forth its requirements for a public random drawing should the number of applicants exceed the number of available spaces. A zip code methodology is discussed, which may be subject to legal interpretation. The Petition also specifically ensures that families will not be required to provide information related to protected characteristics prior to being granted admission to MCMS to protect against discrimination. The Charter proposes admission preferences in the following order:

- Students residing in Napa County
- Siblings of admitted students
- Children of Founding Board members, teachers, and staff (capped at 10% of the total school population)
- Foster youth
- Homeless youth
- Students who are currently enrolled in or reside in the attendance area of Shearer Elementary School (phase 1) or Shearer Elementary or Howell Mountain Elementary (phase 2.)

The Petition sets forth the processes and procedures for the lottery should there be more applicants than spots available. The Petition also provides for a wait list and indicates that the wait list does not carry over from year-to-year. The application and enrollment processes are detailed. Staff raised the question of the applicability of the lottery and the application process in year 1. Petitioners responded that they do not anticipate a need for a lottery in the first year of operation since they will be opening after local schools have already started. Prospective students will

submit a Mayacamas Countywide Middle School 2023-2024 New Student Registration Form prior to the start of instruction. Students will also be required to submit vaccination records (or approved exemption) and proof of residence prior to start of instruction.

Staff believes that this section of the Petition includes a reasonably comprehensive description.

j. Element Ten: Financial Audit

MCMS states in the Petition that the audit will be conducted in accordance with Education Code Sections 47605(b)(5)(I) and 47605(m), generally accepted accounting principles (GAAP), and with applicable provisions within the California Code of Regulations (CCR) governing audits of charter schools as published in the State Controller's K-12 Audit Guide. The Petition delineates MCMS's financial audit procedure, which includes how the independent auditor will be selected and retained, the timing of the audit, how any deficiencies will be resolved, and how this will be communicated to the necessary outside parties.

The following elements are not currently included in the process the school will follow to address any audit findings and/or resolve audit exceptions:

- a timeline for that process
- the indications of qualifications used in selection of the auditor.

Staff recommends that these elements be included in the MOU between MCMS and NCOE.

Given the inclusion of these items in the MOU, staff believes that this section of the Petition includes a reasonably comprehensive description.

k. Element Eleven: Student Suspension/Expulsion Procedures

MCMS clearly sets forth procedures by which students can be suspended or expelled (Ed. Code 47605(b)(5)(j)), which are consistent with NCOE's usual practices and are consistent with the Charter Schools Act. This includes a discussion of the involuntary removal of a student, due process for all students and specifics addressing the process for students with disabilities, foster, and homeless students. The Petition also includes the statement that NCOE will be notified of the initiation of expulsion procedures, provided access to disciplinary records when requested, and included in meetings related to the expulsion of students with disabilities.

Staff believes that this section of the Petition includes a reasonably comprehensive description.

l. Element Twelve: Employee Retirement System

At minimum, this element of the Petition must describe how MCMS staff will be covered by STRS, PERS, or federal social security; and the staff who will be

responsible for ensuring that appropriate arrangements for that coverage have been made. (See Ed. Code 47605(b); Cal. Code of Regs., tit. 5, § 11967.5.1(f).)

The Petition specifies that “All MCMS full-time employees (certificated and classified) may elect to participate in a qualified 403b retirement contribution plan, with a matching contribution from MCMS (up to 3%). Social Security payments will be contributed for all qualifying employees.” The responsible staff are named.

The Petition states that the NFOE Board of Directors retain the option to consider any other public or private retirement plans. It is important to note that a change in retirement plans cannot be implemented or finalized without a material revision after approval of the Charter.

Staff believes that this section of the Petition includes a reasonably comprehensive description.

m. Element Thirteen: Public School Attendance Alternatives

This element calls for the charter school to indicate the public school alternatives students have. The Petition states that “MCMS will be a school of choice; no student will be required to attend MCMS. Students who choose not to attend MCMS may choose to attend other public schools in their attendance area or pursue intra- or inter-district transfers in accordance with existing enrollment and transfer policies.”

Staff believes that this section of the Petition includes a reasonably comprehensive description.

n. Element Fourteen: Description of the Rights of An Employee of the County Office of Education, Upon Leaving the Employment of the County Office of Education, to be Employed by the Charter School

The Petition addresses the rights of employees of the Napa County Office of Education (NCOE) who may or may not choose to leave the employment of the NCOE to work at the Mayacamas Countywide Middle School, and any rights of return to the NCOE employment after employment at MCMS. This element states that employees who leave NCOE employment to work at MCMS have no automatic rights of return and that employment at MCMS does not provide any rights of employment at any other entity.

Staff recommends that, for extra clarity, the following be included in the MOU between MCMS and NCOE:

- That MCMS staff will not continue to earn service credit (tenure) in NCOE while employed at charter
- That NCOE’s collective bargaining contracts of charter authorizer will not be a controlling document for MCMS employees.

With these elements included in the MOU, staff believes that this section of the Petition includes a reasonably comprehensive description.

o. Element Fifteen: Dispute Resolution

MCMS' Petition includes a proposed dispute resolution procedure. The verbiage notes that MCMS cannot bind NCOE to any dispute resolution process to which it did not agree and that final language will be negotiated as part of the Memorandum of Understanding.

Staff recommends that the adoption of a Uniform Complaint Procedure be included in the MOU between MCMS and NCOE.

Subject to the foregoing, staff believes that this section of the Petition includes a reasonably comprehensive description.

p. Element Sixteen: Closure Protocol

MCMS outlines a proposed process to be used if the Charter School closes. Once documented as official action by the MCMS Board, the closure process addresses notification of all entities and a smooth transition of students/records to suitable alternative programs.

NFOE will provide a Final Audit and plans for disposition of assets and liabilities and transfer of public records. The Petition specifies that all assets, remain the sole property of MCMS, except that all assets or property acquired from NCOE will be returned, and any grant funds and restricted categorical funds will be returned to their source in accordance with the terms of the grant or state and federal law, as appropriate. (EC 47605(b); CA Code of Regulations., tit. 5, § 11962(g).) If the NFOE is closed, assets will be distributed to another California public educational entity or non-profit, as required by statute.

Staff believes that this section of the Petition includes a reasonably comprehensive description.

Conclusion

Staff reviewed the Petition utilizing the criteria for approval set forth in Education Code Section 47605.6. Based on these findings, the Petition should be granted, on the condition that the elements cited below are incorporated into the MOU prior to MCMS opening, unless the Board finds that denial based on criterion 7 (“Any other basis that the county board of education finds justifies the denial of the petition” is justified.”)

Staff has recommended that the following items be included in the MOU between NCOE and MCMS, in the event that the Board approves the charter:

Programmatic elements:

- Documentation of the Pacific Union College partnership
- Confirmation that a SELPA will accept MCMS as a member if the Napa Board approves the Petition
- Submission of a Uniform Complaint Procedure

- Submission of finalized year 1 staff and credentials
- Submission of the Health and Safety Plan at least 5 days before opening
- Clarification of the dates on which health and safety policies not included in the Health and Safety Plan will be adopted by the MCMS Board and sent to NCOE
- Clarification of how services will be provided for English learners to access the Common Core and ELD standards
- Clarifications of staffing elements related to team teaching, Honors Math, VAPA & PE, tutoring, learning lab, and independent studies
- Clarification of how special education local services will be delivered in year 1
- Clarifications on when PD is provided for instructional strategies
- Clarifications on providing reading support in MTSS Tiers 2 and 3
- Clarifications of local services special ed staffing
- Clarifications days/minutes of EL designated ELD in the Learning Lab
- Clarification on the process for adjusting outreach efforts to achieve ethnic/racial balance
- MCMS becoming a member of the NCOE Literacy for All project.
- MCMS agreeing to communication with NCOE regarding credentials prior to hiring
- MCMS agreeing to provide a end-of-calendar-year report on actions planned to adjust the outreach effort for the next enrollment period.

Fiscal elements:

- Revenue estimates of state aid vs. in-lieu funds that are prepared consistent the definition of a sponsoring local education agency pursuant to Education Code 47632(i).
- A requirement to provide evidence of the donation of \$250,000 from Silicon Valley Schools
- Revised fiscal policies consistent with expected staff in year 1, including delineation of roles and how internal controls will be maintained
- A copy of its agreement with ExED, its current “back office” provider
- Affirmation that the CMO/back office provider will provide timely submissions of calendar of due date items and request for information items
- A timeline for the process of address any audit findings and/or resolve any audit exceptions
- The qualifications used in selection of the auditor.