

**STAFF ANALYSIS AND PROPOSED FINDINGS OF FACT  
for  
MAYACAMAS COUNTYWIDE MIDDLE SCHOOL CHARTER PETITION**

**February 19, 2024**

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 from all areas of the county. MCMS proposes to be located within Napa Valley Unified School District (NVUSD) and to open in August 2024. MCMS plans to start with an enrollment of 150 total students in the three grades and add students to a total enrollment of 324 in year 4 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 San Diego County Office of Education, SDCOE Charter School Review Matrix: Countywide Benefit ED 47605.6 Last updated 5/28/21. 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 conditional on submission of items summarized in pages 20-21.

## **BACKGROUND**

This is the second time the NCBOE has considered a Mayacamas countywide charter petition presented by the Napa Foundation for Options for Education (NFOE) non-profit organization.

The first Mayacamas countywide petition was submitted last summer. The NCOE staff did an analysis of this charter petition, and the NCBOE held a public hearing on that petition. However, the petitioners pulled the petition prior to any action being taken by the NCBOE.

The current NFOE petition, also for the Mayacamas Countywide Charter School, was submitted on January 16, 2024, and was the subject of a hearing to gauge public opinion at the NCBOE meeting on February 13, 2024. The findings of the review of this by the NCOE staff are the subject of this report.

## **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) on December 15 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 held the public hearing on February 13, 2024, 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’s decision on the petition will be on the agenda for the March 5, 2024, Board meeting, and is thus compliant with the 90-day requirement.

The complete petition is available for review on the NCOE homepage is at [www.napacoe.org](http://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 required to be 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; and Jeremy Smith, Director of General Services. 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 submission of those comments to Dr. Nemko for incorporation into this report.
- A visit to the school site by the NCOE General Services staff.

**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 a rigorous program for standards mastery through the New Tech Network’s interdisciplinary project- and problem-based learning model, a highly personalized learning environment, including an Individual Learning Plan for every student; a culture of social-emotional well-being and learning, with Advisory, *Wayfarer*, and monthly one-on-one meetings between student and advisor; and the Mayacamas College & Career Explorers Program.
- Offering these services to economically disadvantaged families countywide, particularly those families served by 4 of the 5 school districts who have only a single option for their middle school age children and who do not have the resources to send them to private schools.
  - Staff finds that the petitioners have established that no other middle school or TK-8 program in Napa County currently offers the enumerated unique, research-based educational opportunities, that families in the up-valley districts have only a single option for middle school/grades 6-8, and that this lack of options disproportionately affects economically disadvantaged families.
- Meeting the data-established needs of middle school age students in the county, particularly the need for increased levels of academic achievement, increased involvement of students in their education, and increased focus on creating a sense of safety and belonging.
  - Staff finds that the petitioners have established that the academic achievement levels of middle school age children in Napa County in math, English language arts, and science are below the statewide average for all students and for the largest sub-group, Hispanic/Latino students, according to California Department of Education data for CAASPP testing in the spring of 2023.

Additionally, petitioners presented evidence that all but one of the county’s middle schools had “high” or “very high” chronic absenteeism, that the CA Healthy Kids survey showed that almost 50% of students found school boring, and that over 40% did not feel safe at school.

- Reaching targeted students countywide. These students cannot be served as well by a charter school that operates in only one school district in the county because operation in only one school district would severely limit or eliminate access by students and families outside that district to the significant unique and beneficial elements of Mayacamas. Additionally, a single district charter school would most likely be required to provide a preference to district students in a lottery, thus denying access to students outside the district.
- Spending tax dollars efficiently to focus those funds on student services. The most efficient and effective use of taxpayer funds would not be achieved by requiring Mayacamas to establish a new charter in additional districts in order to serve students outside of the single district where it is first located. This would create an “inefficient and needless duplication of effort and expense” for no added value. Furthermore, it would fragment the unified school community of students, parents, teachers, staff, and partners into enclaves separated by district lines, thus undermining a pattern of relationships important to building cohesion and trust.
- Creating an inclusive student body that is “diverse by design.” Bringing together students from rural and urban backgrounds, varying economic circumstances, and a range of cultural identities from families with different perspectives and experiences will help the school to build tolerance, empathy, and an understanding of the value of inclusiveness. The zip code preference methodology ensures this diversity, as well as equal access to families throughout the county.
  - 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 has reasonable justification that it could not be established by petition to a school district.

The petitioners represent 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 petitioners state that Mayacamas has “reasonable justification for why it could not be established by petition to a school district pursuant to Section 47605.” In addition to the elements discussed above, petitioners note that NVUSD, where the school will be located, has demonstrated that it will not allow Mayacamas to open as a district authorized charter.

Additionally, the zip code preference for admission would not be functional in a single school district.

- Staff finds that the program could not effectively be established by petition to a school district.

## 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 countywide charter. 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 interdisciplinary projects and the College and Careers Explorers program
- Strong social-emotional learning programs and supports, including the use of the *Wayfarer* curriculum and the Advisory program
- Individualized learning plans, aligned with MTSS, 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.

### Reading

The middle school ELA program is well described in the Petition. However, for students reading significantly below grade level, there is not much information on how the program would provide/instruct for structured literacy and foundational literacy elements. And, while materials and curriculum are woven throughout the petition, there is no mention of how the charter will adopt the materials provided." Staff recommends submission of the plan for reading and a process for materials/curriculum adoption be a **condition for approval**.

### Special Education

(Note: In addition to review by the NCOE Director of Continuous Improvement, the former Director of the Napa SELPA reviewed the special education section as a member of the staff team and is referred to in this document as "staff.")

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 *recommends* that MCMS

- include training in special education elements as part of their monthly professional development calendar, not just the sample summer professional development topics, and
- implement a roadmap for IEP compliance and service provision, training for use of SEIS (Special Education Information System) and timely completion and submission of all CDE reporting, and a plan for development of any required CDE special education plans/reports (e.g., corrective actions, disproportionality, or review activities.)

Staff notes that the budget for special education is below the per pupil average in the county. It is recommended that, as a **condition of approval**, Mayacamas submit a budget revision that shows movement over the five-year charter period toward a per pupil cost reflective of the average of the 5 county districts.

The Petition does not address “a description or plan for providing adaptive technology for Special Education students.” Staff therefore recommends that submission of the plan be a **condition for approval**.

Additionally, staff recommends that, as a **condition for approval**, the petitioners submit the following specific assurances: that the school

- Understands that it is fiscally responsible for fair share of any encroachment on general funds
- Accepts responsibility for any legal fees relating to the application and assurances process
- Affirms the terms of the agreement will be met regarding the organization, implementation, administration, and operation of the SELPA.

Finally, the petitioners state that “The Los Angeles County Charter SELPA has confirmed in writing that the Mayacamas application for membership will be approved as soon as the NCOE Board approves the charter” but did not include the written documentation. Submission of the SELPA’s written acceptance of MCMS as a member is recommended as a **condition of approval**.

## **Independent Study**

The petitioners present an adequate summary of how they will implement required elements for an independent study program that will be legally compliant in relation to California Education Code sections 51744–51749.6. However, they do not provide a written assurance that “the K-12 public school guidelines for independent study will be evident in the annual audit per Education Code 47612.5(b)” or specific acknowledgement that “ independent study will be supervised by an appropriately credentialed teacher per EC 51747.5(a)” and “the charter may claim apportionment credit for independent study only to the extent of the time value of pupil or student work products, as personally judged in each instance by a certified teacher per EC 51747.5(b).” Staff recommends that both the assurance and acknowledgements be submitted as a **condition of approval**.

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 program provided by the school is discussed in detail in element 5, Reasonably comprehensive description of the required elements, below.

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 College and Careers Explorers program
2. The addition of the potential for dual-enrollment
3. The addition of an independent study option
4. The establishment of the zip code preference in the lottery, focusing on up-valley student enrollment
5. The focus on up-valley outreach and support for enrollment
6. The change in the calendar and annual minutes
7. 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 New Tech Network’s 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 and 2 are augmentations of the practical descriptions of implementation. The College and



Careers Explorers program in partnership with area colleges and businesses is particularly innovative.

The addition of the independent study option, item 3, 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.

Items 4 and 5, the focus on providing services to up-valley students, addresses the demonstrated need for improved academic outcomes, lower chronic absenteeism rates, increased sense of safety, and lack of engagement reflected in the data cited. The petitioners have chosen to emphasize provision of services to up-valley families by increasing outreach, providing transportation support, and establishing the zip code preference system. Staff recommends, **as a condition for approval**, that the school submit an assurance that the zip code preference process will be moved up in the preference sequence, so it is behind only currently enrolled students and their siblings. There is also a recommendation for a budget revision, **as a condition for approval**, that increases the line item for transportation for students living more than 10 miles from the school.

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.

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.

### **Administrative Viability**

While the school states that they have a Uniform Complaint Policy and Procedures, these are not included in the Petition. Staff recommends that, **as a condition of approval**, the school be required to submit their Uniform Complaint Policy and Procedures.

Staff recommends that the topic of “processes and policies between charter and authorizer” be addressed in the MOU between NCOE and NFOE

### **Financial Viability**

*Revenue and Expenses.* Staff identified a difference between the budget and the text in relation to unduplicated student count. The text states that the school projects unduplicated students (low income, English Learners, foster children) to be 60% of their population, reflective of the approximate county average. The budget reflects only 43%, but the petitioners state that “we have conservatively budgeted for UPP of 43%.” Conservative budgeting is a sound fiscal approach; however, the budget does not reflect an increase in the percentage over time. Staff recommends, as a

**condition for approval**, that Mayacamas submit a revised budget to reflect reasonable movement over time toward the goal of 60%.

Additionally, as discussed previously, staff recommends, as **a condition of approval**, that Mayacamas submit a budget revision demonstrating movement over the five-year charter period toward a special education per pupil cost reflective of the average of the 5 county districts.

Enrollment in year 1 is listed as 150 on pages 15 and 50 and in the budget, but as 137 on page 23. Staff recommends that the petitioners clarify that the 150 number is current.

Finally, the petitioners state that the targeted population has limited resources; however, the proposed amount for transportation expenses (bus passes or transportation stipend) included in the budget does not realistically address this significant barrier to attendance for SED students who live more than 10 miles from the school. Staff recommends as **a condition of approval**, that Mayacamas submit a budget revision that includes transportation expenses for a minimum of 12% of their projected enrollment each year.

*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 4 years is not realized, the viability of the charter could be impacted.

*Administrative serves and operations.* Staff recommends that the following items be submitted **as a condition of approval**:

- Outline or process for how personnel transactions will be conducted (i.e. hiring, payroll, leaves, and retirement)
- Accounting and payroll processes that reflect an understanding of school business practices and expertise to carry out the necessary functions
- Plan and timeline to develop and assemble school business practices and expertise
- Explanation of how school intends to manage risk, including any policies and procedures.

Subject to the foregoing analyses (elements 1 and 2), 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 6.5 positions projected for year 1.

### **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 submitted as a condition of approval.

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.

Specifics provided include the following: Using the Petition Review Matrix, staff found that the Petition met 29 of the 30 review standards; the last element is addressed through the staff recommendation that submission of the plan for reading support for substantially under-achieving student and a process for materials/curriculum adoption be a **condition for approval**. Additional programmatic recommendations for special education are addressed above.

The petition includes a comprehensive description of the education program to be provided to student attendees if the school meets attendance/budget projections. The proposal is strong in theoretical design, with an educational program focused on the whole child and multiple ways to support the varied needs of diverse learners. The following is a review of the program as submitted.

Overall, the mission and vision of the charter’s educational program are clear and seem designed to meet the educational needs of the targeted populations of students projected to attend. As the petition states, Mayacamas will develop students who are well prepared for success in rigorous high schools, post-secondary education, and meaningful careers. Using recent local academic data, the petition demonstrates a need for another middle school educational program in Napa County. The petition describes the needs of a variety of student groups, including English Learners, students with disabilities, foster youth, students experiencing homelessness, and students experiencing low-socioeconomic status, and how the Mayacamas program will support student academic and social-emotional progress using a whole child approach. The program is to include support for academic mastery and application of California standards through New Tech Network’s interdisciplinary project- and problem-based learning model; a

highly personalized learning environment, including an Individual Learning Plan (ILP) for every student; a culture of social-emotional well-being and learning, with an advisory period and monthly one-on-one meetings to review the ILPs; and college and career awareness through the Mayacamas College and Career Explorers Program.

The petition includes a descriptive overview of the school year, including an academic calendar, number of school days, instructional minutes, a master/daily schedule highlighting the alternating academic blocks with times for advisory and the learning lab, and the proposed bell schedule. According to the petition, Mayacamas will surpass the required 175 days of instruction for students, grades 6-8, and exceed the minimum 54,000 minutes of instruction.

The charter states that staff will engage in intentional recruitment and enrollment of a diverse student body: students of different socio-economic status (SES), race/ethnicity, home language, neurodiversity, special needs status, advanced learners, and students with diverse learning styles from across the county. The charter includes projected enrollment numbers at 108 for each of the three grade levels by 2027-2028.

The petition explains that parents/guardians are responsible for sending their students to school and for providing an explanation for any absences. Support for student attendance will be provided to parents through regular student attendance up-dates, programs encouraging attendance, and truancy reporting to local authorities. The charter seems confident that based on the personalized, student-centered structure of their program, they will meet the ambitious attendance goals of 95% ADA.

The petition includes an in-depth description of goals for students to help them become or remain self-motivated, competent, lifelong learners. The petition states that through innovative and individualized curricula, project-based learning through NTN, partnerships with institutions of higher education, community organization and business partnerships, block scheduling and other engaging strategies, as well as an emphasis on students' social-emotional development, the Mayacamas program will ensure students master state content standards and grow developmentally in an inclusive, welcoming, and supportive school culture. The program will align to the NTN workforce-aligned skills of knowledge and thinking, written and oral communication, collaboration, and agency along with social-emotional learning tenets of self-awareness, adaptability, empathy, and purpose, all skills and dispositions necessary for an educated, successful person in the 21<sup>st</sup> century.

The framework for instructional design is aligned with the reported needs of the targeted student populations. The petition states how the program will continue to identify and generally meet the needs of a wide variety of student groups including students with disabilities, Els, and students achieving substantially above or below grade level expectations. Based on results of interim and formative assessments, the charter plans to provide a highly personalized program that differentiates curriculum and instruction to meet individual students' needs.

The MTSS model/structure for ensuring students receive appropriate levels of instruction is evident throughout the petition. High quality tier one instruction is foundational for all students and student groups. Students needing extra focused and/or intensive support will receive additional, targeted instruction within the classroom or during the learning lab times. The petition includes a detailed description of how the program will meet the needs of English learners and other student group populations.

According to the petition, Mayacamas will provide a comprehensive designated and integrated ELD instructional program to meet the grade-appropriate academic goals and language learning needs of ELs, including newcomers, LTELs, or those close to being reclassified. Mayacamas staff will use the ELA/ELD standards set forth by the California Department of Education to assist in supporting and assessing the progress of ELs. The petition also states that Mayacamas recognizes its responsibility to support students with disabilities who can benefit from its programs and pledges to work in cooperation with the SELPA to ensure that FAPE is provided to all students with exceptional needs.

Curriculum and materials are clearly articulated for each of the content areas and grade levels. As a side note, both Aeries (pp. 118, 134, 156, and 173) and Powerschool (pp. 65, 69, 90, 155) were stated as the program's chosen Student Information System; staff recommends that the petitioners clarify which SIS the school will use.

The petition includes a detailed plan of professional development for staff. Professional learning will be provided during the summer months and during the school year. The learning opportunities will cover a variety of topics central to delivering on the charter's educational program. In addition, staff will participate in two hours a week of professional development and collaborative time to inquire about practice, study individual and group student data, develop best practices, and ensure implementation and accountability for school-wide goals.

According to the petition, technology will be another important instructional tool used in the classroom on a regular basis. Mayacamas students will learn to use technology to learn new concepts, make presentations, communicate, and illustrate their thoughts to a variety of different audiences, including peers, teachers and staff, and the local community. Technology will also be utilized to differentiate lesson plans and pacing guides aimed to help each learner meet his/her own unique needs. The infusion of technology throughout Mayacamas' instructional program will help students master critical 21st century skills while further bolstering engagement in learning.

The program will provide a computer for every student starting in Year One. Mayacamas will train teachers on effective integrations of technology into the classroom to support the instructional program and train students to become literate in computer skills and technology to build the 21st century skills they need. Technology is included throughout the petition but there is no specific reference to providing adaptive technology for students with disabilities; this is addressed in the section on Special Education below.

The charter has set three goals for their LCAP tied to state priorities listed in EC 52060(d).  
GOAL #1: Core academic achievement: Students will demonstrate growth in English

language arts (ELA) and math and mastery of California standards in math, ELA, and science; English Learners (EL) will demonstrate progress in English language mastery and achieve reclassification. This goal is aligned to state priorities 2, 4, and 8. GOAL #2: Student engagement and climate: Positive student engagement and an inclusive school climate will support academic success and be reflected in student outcomes for attendance, chronic absenteeism, suspension, expulsion, and drop-out rates, an awareness of college/career options, and an increasing sense of student connectedness. This goal addresses state priorities 5, 6, and 8. GOAL #3 Infrastructure for student success: Student success will be supported by a sound basic academic and physical infrastructure, a focus on state standards, assignment of appropriately credentialed teachers, an emphasis on family engagement/involvement, and access to a broad array of courses to meet student needs. This goal reflects state priorities 1, 2, 3, and 7.

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).)

The petition meets all Charter Review standards for Element B: Measurable Student Outcomes. The petition outlines how the LCAP goals will be aligned with the mission and vision of the school program. Measurable student outcomes, knowledge, skills, and dispositions are clearly delineated for all pupils and student groups. Student achievement goals include progress on CAASPP scores equal to or exceeding statewide averages for all students and student groups. In addition, for English language learners, the petition describes that the expectation for EL proficiency and EL reclassification rates also meets or exceeds statewide averages for students. Rates for chronic absenteeism, dropout, suspension and expulsion will be equal to or less than the statewide average for grades 6-8; the attendance rate will be higher than 94%, and ratings on feeling connected to and safe at school will be similar or higher than those of similar students in other public schools in the geographical target area.

Pupil outcomes targets are aligned to state content and performance standards in core academic areas, and there is detailed information on how specific classroom-level skills will be developed across each grade level and content area. The petition describes how Mayacamas students will meet CCSS, NGSS, and other learning outcomes through the ILP model that features project- and problem-based learning, integrated with social-emotional learning. The charter states that staff will ensure every ILP is designed to ensure that students are meeting the rigorous expectations for learning. In addition, the

charter expects that more than 75% of students will meet/exceed learning growth fall-to-spring goals on MAP.

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***

The petition meets all Charter Review Standards for Element C: Student Progress Measurement. The petition states that the charter school will use all state-mandated standardized tests such as the CAASPP, CAST, and ELPAC, including use of the alternate assessments for qualifying students with disabilities, for purposes of accountability.

In addition to the annual summative assessments, the charter plans on administering the NWEA MAP assessments three times a year (beginning, middle, and end of year) to measure student growth in reading and math. The Smarter Balanced Interim Assessments will also be used with students to support teaching and learning in preparation for the CAASPP summative assessments. Staff will use these interim assessments to gauge learning throughout the year toward mastery of standards.

Staff will use standards-aligned, curriculum embedded formative assessments and rubrics to identify specific areas of strength and challenge, and where to possibly adjust instruction to better meet students' needs. The outcomes for state priorities is consistent with the school accountability report card.

The chosen assessments are appropriate for the skills the school seeks to measure. To support use of the interim assessments, staff will have student-free days to collaboratively review the results and plan interventions to target instructional supports and curriculum adjustments for students. Staff will also measure progress towards academic, social-emotional learning, and behavior goals included in each student's ILP. The individual learning plans will be monitored and adjusted during advisory periods. Advisors will help students problem-solve when issues arise, determine if additional supports might be needed, understand why issues are occurring, and refer students to the MTSS process as needed.

The Petition includes a solid plan for collecting, analyzing, and using data to improve upon the educational program. The Head of School will report on student data to the Board of Directors at the end of each trimester with informal updates provided at every Board meeting. Staff will share appropriate information on student progress and achievement with the SSC, ELAC, and other parent/community partners to assist with program decision making, goal setting, and resource allocation for the site.

For these reasons, 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 will be located within the jurisdictional boundaries of NVUSD at St. John the Baptist Church, 938 Napa Street in Napa. The current lease agreement allows for additional years for renewal, and the petitioners indicate an intent to continue their tenure at the facility.

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.

The petition includes evidence of incorporation as well as the organizations bylaws. The governance structure is clearly outlined, with Board Members identified and qualifications listed. The names of Board members and their qualifications have been provided. The role of the Board and its interaction with the Head of School is also clearly articulated. Brown Act compliance is addressed as are specific trainings to be provided to Board Members on a regular basis.

Staff recommends that past agendas and board packets be posted on the website to facilitate public access.

Staff recommends that submission of fiscal policies be required as **a condition of approval.**

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.



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

***g. Element Seven: Health and Safety***

The application describes the procedures for developing, implementing, and regularly updating/ training staff on health and safety procedures. The description addresses a plan for meeting all relevant deadlines and areas required. The petition provides assurances that all laws regarding criminal background clearance and TB tests will be followed prior to employment. The petition also outlines the petitioners’ commitment to adopt a suicide prevention policy that is age appropriate. Assurance of ADA compliance is also outlined.

Staff recommends that, **as a condition of approval**, the petitioners submit a comprehensive charter school safety plan.

Staff recommends that the school post health and safety policies on the MCMS web site.

With the safety plan element addressed, staff believes that this section of the Petition includes a reasonably comprehensive description of health and safety,.

***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 throughout the county, which may assist with outreach. The petition also addresses plans for addressing any ongoing deficiencies with additional outreach efforts.

Staff’s concern related to the projection of 60% unduplicated students and the reflection of 43% in the budget is resolved by the previously discussed recommendation that, as a **condition for approval**, Mayacamas submit a revised budget to reflect reasonable movement over time toward the goal of 60%.

Also as discussed previously, staff recommends, as a **condition of approval**, that Mayacamas submit a budget revision demonstrating movement over the five-year charter period toward a special education per pupil cost reflective of the average of the 5 county

districts. This will help ensure balance in relation to enrollment and retention of students with disabilities.

Staff recommends that the types of staff support that will be provided to maintain enrollment balance also be submitted.

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

i. ***Element Nine: Annual Financial Audits***

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.

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

j. ***Element Ten: Student Suspension/Expulsion Procedures***

The grounds and procedures for suspension and expulsion are outlined in detail and follow all legal due process requirements. The suspension process isn’t divided into 10 days or fewer/more than 10 days but meets the more stringent more than 10-day requirement. The policy addresses guidelines specific to foster/homeless and SPED students.

Staff recommends that a description of how NCOE, as the authorizer, may be involved in expulsions/suspensions be included in the MOU between NFOE and NCOE.

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

k. ***Element Eleven: 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.

***l. Element Twelve: Dispute Resolution***

The petition covers all the required elements. However, as previously noted, the petitioners did not submit their Uniform Complaint Policy and Procedure. Staff recommends that submission of these documents be **a condition of approval**.

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

***m. Element Thirteen: Admissions Requirements***

The Petition addresses all the required elements.

These preferences, and their order of priority, must be approved by the NCOE Board at a public hearing, pursuant to Education Code 47605.6(e)(2). Staff will suggest to the NCBOE that this element be included in the March 5, 2024, meeting agenda. Preferences also must comply with federal and state discrimination laws and must not result in limiting enrollment access for underserved subgroups listed in the statute.

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

***n. Element Fourteen: Public School Attendance Alternatives***

This element calls for the charter school to indicate the public school alternatives students have. The Petition meets this standard.

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

***o. Element Fifteen: 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 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.

The Petition does not specifically include discussion of the transfer and maintenance of personnel records in accordance with applicable law. Staff recommends that the submission of this information be required as a **condition of approval**.

With this condition, 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 conditions listed below, 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 submitted by the petitioners as **conditions for approval**:

- a plan for reading instruction for students substantially under-achieving
- a process for materials/curriculum adoption
- confirmation that a SELPA will accept MCMS as a member if NCBOE approves the Petition
- a plan for providing adaptive technology for Special Education students
- independent study assurance and acknowledgements:
  - that “he K-12 public school guidelines for independent study will be evident in the annual audit per Education Code 47612.5(b)
  - that independent study will be supervised by an appropriately credentialed teacher per EC 51747.5(a)”
  - that the charter may claim apportionment credit for independent study only to the extent of the time value of pupil or student work products, as personally judged in each instance by a certified teacher per EC 51747.5(b).
- an assurance that the zip code preference process will be moved up in the preference sequence, so it is behind only currently enrolled students and their siblings.
- Uniform Complaint Policy and Procedures.
- budget revisions that
  - include transportation expenses for a minimum of 12% of their projected enrollment each year
  - demonstrate movement over the five-year charter period toward a special education per pupil cost reflective of the average of the 5 county districts.
  - demonstrate a reasonable movement over time toward the goal of 60% UPP.
- administrative services and operations elements
  - Outline or process for how personnel transactions will be conducted (i.e. hiring, payroll, leaves, and retirement)
  - Accounting and payroll processes that reflect an understanding of school business practices and expertise to carry out the necessary functions
  - Plan and timeline to develop and assemble school business practices and expertise
  - Explanation of how school intends to manage risk, including any policies and procedures
- methodology for transfer and maintenance of personnel records during closure, in accordance with applicable law.
- a School Safety Plan.