



December 9, 2021

VIA EMAIL

Members of the Board of Trustees
Rosanna Mucetti Ed.D., Superintendent
Napa Valley Unified School District
2425 Jefferson Street
Napa, CA 94558

Re: Response to Staff Report: Proposed Findings of Fact and Recommendations
Regarding Petition to Establish a New Charter School (*Mayacamas Charter
Middle School*)

Dear Members of the Board of Trustees and Dr. Mucetti:

Petitioners for Mayacamas Charter Middle School (“MCMS”) have carefully reviewed the “Staff Report: Proposed Findings of Fact and Recommendations Regarding Petition to Establish a New Charter School (*Mayacamas Charter Middle School*)” dated November 22, 2021 (“Staff Report”). We appreciate the time that Napa Valley Unified School District (“District”) staff has spent reviewing our charter and supporting materials. However, we respectfully disagree with staff’s proposed recommendation. The MCMS charter petition meets or exceeds the legal standard and requirements for approval, and it contains program element descriptions that are much more than just reasonably comprehensive—it is highly comprehensive when viewed in the context of other petitions the District has approved. Further, the school is likely to be successful. We very much look forward to the opportunity to speak directly to the District Board at its meeting on December 9, 2021 to resolve many of the inaccurate statements in the Staff Report, upon which the proposed findings rely.

Petitioners for MCMS represent parents, teachers, community leaders, and other stakeholders in Napa who are seeking to establish a charter school serving grades 6-8 using a highly personalized program that integrates the proven successful New Tech Network (“NTN”) program and other best-in-class curricular elements. NTN was founded in Napa in the mid-1990’s by a group of community members who observed that graduates of the region’s high schools were woefully underprepared for the contemporary workforce. By providing 1-to-1 technology access, creating a strong culture of empowerment and focus on students’ social-emotional development, and using project-based learning instruction, all with individual learning plans for *every* student in our highly personalized approach, MCMS will be focused on preparing students academically and with essential skills, and helping them learn to collaborate,

innovate, and communicate ideas to solve complex problems. For the 2022-23 school year, there will be no other program like MCMS available for middle school students in the District. There is enormous demand and a need in our community for this unique atmosphere of learning, and petitioners stand ready to partner with the District to provide it.

We respectfully request that the District Board of Trustees approve the MCMS charter so that middle school students in Napa can access the NTN program that has proven to be successful in our community, and to enjoy and benefit from the many other aspects of the school as described in the petition.

Below is an issue-by-issue response to the proposed findings in the Staff Report:

RESPONSE TO DISTRICT STAFF'S PROPOSED FINDINGS

The Staff Report fails to acknowledge and address the underlying framework for all decisions under the Charter Schools Act, which has not changed in decades. Under the Act, the District “shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged.” (Ed. Code, § 47605(c).) The very purpose of the Charter Schools Act is to “provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system” to “improve pupil learning,” “increase learning opportunities,” and “provide vigorous competition within the public school system.” (Ed. Code, § 47601.) These legal underpinnings are as much a part of the Education Code as the narrow, cherry-picked provisions cited by the District in the Staff Report. But in any event, the MCMS petition fully meets the letter and intent of every provision in the Charter Schools Act. Simply put—ours is a strong petition deserving of the Trustees’ support.

The Staff Report contentions are presented below in bold text, followed by petitioners’ responses to each.

A. “The Petition Presents an Unsound Educational Program (Ed. Code, § 47605(c)(1))”

The State Board of Education (“SBE”) has promulgated regulations establishing criteria for evaluating a charter under 5 C.C.R. section 11967.5.1.¹ What is considered to be an “unsound educational program” is narrowly defined. The Staff Report cites to the regulations but fails to correctly apply them. A program is considered “unsound” only if it is likely to cause physical, educational, or psychological harm to students or if it is likely to be of no educational benefit to the students who attend. (5 C.C.R. § 11967.5.1(b)(1)-(2).) None of those factors are relevant to the MCMS charter, and none are mentioned in the Staff Report.

1. “The Program for English Learner Students Is Inadequate”

¹ As recognized in the Staff Report, the SBE’s regulations do not apply to the District’s independent review of a charter petition. But since the District nonetheless utilized them in its review of the MCMS charter, we have included them in our analysis for reference.

This section of the Staff Report is an opinion about the brevity of the description of our proposed English Learner (“EL”) program. The criticism is unfair because our 14+ pages of description is much longer and more detailed than those in at least two charter petitions that have been approved by the District in prior years, including as recently as last year for Stone Bridge—which is an excellent charter school which without doubt provided a “reasonably comprehensive” description of its program. The law requires that a charter petition include a “reasonably comprehensive description” of certain elements, and the MCMS charter does that and more. The law does not require that we describe each and every aspect of the school’s operations and academic program in exhaustive detail. If that were the case, every charter petition in the state would be thousands of pages long. Please see our response to proposed finding C below for a further discussion about what is considered to be a “reasonably comprehensive” charter petition.

The law does not require that a charter include a list of qualifications for every possible employee that might be hired during the school’s existence. The specific qualifications for the EL Coordinator were not included in the charter because that position likely won’t exist until Year 3. As described in the charter, all employees will “possess the personal characteristics, knowledge base and/or relevant experiences in the responsibilities and qualifications identified in the posted job description as determined by MCMS.” (See charter, p. 121.) A job description for the EL Coordinator will be developed once there is a need to fill that position. (*Id.* [“General job descriptions will be developed for the administrative staff, teachers, other certificated staff, office personnel, and classified staff”].)

The list of “primary roles and responsibilities” for the Head of School was not intended to be exhaustive. (See p. 122 [“the primary roles and responsibilities of the Head of School shall include/but are not limited to”].) The Head of School job description does include several points related to ELs and other subgroups:

- Develop and implement a plan that ensures high levels of student achievement for all students and includes: benchmarks, assessments, classroom data, parent and student feedback.
- Develop and implement a plan to address students who are struggling through an MTSS model.
- Collaborate with others to use appropriate data to establish rigorous, concrete goals in the context of student achievement and instructional programs.
- Provide individual student support by designing and evaluating ILPs, student intervention plans, attending IEP’s, and designing a process for measuring and monitoring individual student growth both individually (including the MTSS process) and schoolwide/subgroup.
(Charter, p. 122.)

As the Staff Report highlights, the EL program will be overseen in Years 1 and 2 by either the Head of School “or a qualified teacher-designee.” The minimum qualifications for the Head of School position require “evidence of successful administrative experience in a school serving a diverse student body, including ELs” and “demonstrated experience raising student achievement among...non-native English speakers.” (See p. 124.) The law does not require that

a charter school administrator hold a CLAD or BCLAD authorization, but we will of course seek a qualified candidate with all appropriate authorizations. If a teacher is designated to oversee the EL program and provide direct instruction, then that individual will of course hold the appropriate authorizations (See p. 89 [MCMS will hire “CLAD and BCLAD-certified teachers to serve ELs”].)

The Staff Report cherry picks language and erroneously contends that faculty will not be appropriately trained on strategies for EL students. This is incorrect. On p. 89, two sentences before the detailed section on GLAD strategies, the charter petition states, “Faculty will receive intensive PD and coaching in working with ELs to meet the CA ELD Standards.” (p. 89; see also, e.g., p. 50: “Through ongoing professional development our teachers will be challenged to examine the three elements of effective pedagogy: Instructional Strategies, Management Techniques, and Curriculum Design.”) In the PD section regarding the 10 days of Summer PD, the petition includes the following topics:

- Start Strong Conference (content-specific best practices, student engagement, data-driven instruction, classroom management, and CRT)
- Student Support and Progress Team “SSPT” training/MTSS
- Designated and Integrated ELD

(See p. 83.)

The “Start Strong Conference” includes “content-specific best practices,” data-driven instruction and Culturally Responsive Teaching, all of which relate to EL students and best practices such as GLAD and SDAIE. The MTSS and SSPT program are integral to our support of ELs; “Designated and Integrated ELD” inherently includes training on GLAD and SDAIE strategies for ELs.

Further, the professional development (“PD”) description in the charter of the 190+ hours of PD that we will offer annually is just an overview/sampling—it was not intended to be an exact list of every topic that will be covered. (Several sections throughout Element I note extensive PD that will be offered, see, e.g., the paragraphs on p. 57 under the section about Marzano that explain how teachers and administrators will use data to both determine PD needs and drive PD, and that teachers will be trained explicitly on how to use the data (individual, sub-group, whole class) to assess specific teaching strategies and the impact on students. (See p. 57-58.)) Indeed, the charter says that “our PD calendar for the school year will be based on specific teacher needs and data.” (See p. 83.) Several other references throughout the petition note that PD will be determined by specific actual needs. (See, e.g., p. 57: “All PD will be driven by data that is regularly gathered from student results on testing (gradebook, benchmarks, online assessments), leadership observations of teachers (formal observations and walkthroughs), and teacher surveys. School leaders will use the results to determine the focus of the upcoming PD; when a new strategy is introduced in classrooms, teachers will analyze student test results and student work samples in the upcoming PDs to determine continued next steps. Teachers will be trained in analyzing student data during summer PD when they create learning targets and assessments aligned to those learning targets. Teachers will be taught how to determine levels of understanding on learning targets through the use of rubrics that help teachers identify content

and skills needed by students to show mastery.”) Our PD calendar will include summer trainings, in-service days throughout the school year, weekly PD events, new teacher support meetings, and professional learning communities. (*Id.*) We also note that our budget includes \$5,000 for external PD consultants and \$250 per teacher for outside conferences.

The description of our reclassification procedures on pages 94-95 of the charter is more detailed than many approved and operating charters around the state, including those approved in this community by the District. The description is also consistent with state law and SBE guidance. The law does not require that a charter school’s procedures precisely “match” those of the authorizer. The Staff Report even recognizes that LEAs have discretion when it comes to reclassification procedures. The “alternate assessment for English language proficiency” referenced under criterion #1 is the Alternate ELPAC for students with significant cognitive disabilities, once it is launched in July 2022. For criterion #2, this is about English language acquisition so students would need a C or better in their English course. We believe that was clear but we apologize for any lack of clarity. For criterion #3, school officials will meet with the parent(s) to gather feedback to use in the final determination. This is the same process followed by public schools all over California. The law does not require that we describe “talking points” for these meetings in the charter. For criterion #4, the school will use the CAASPP in ELA and NWEA MAP reading assessment, which have both been recognized by the SBE as verifiable sources of academic achievement data.² To summarize our process, the EL Coordinator (or the Head of School or designated teacher in Years 1 and 2) will monitor classroom instruction, update ELD levels in the student information system, review EL monitoring rosters to ensure ELs are advancing a minimum of one ELD level per year, review ELD grades to ensure that students and parents receive updated information of ELD progress at each reporting period, and check readiness for promotion, reclassification, or need for intervention. The Head of School will also share the progress and performance of ELs with the teachers and work with them to make the final decision regarding reclassification.

The Staff Report mischaracterizes our process for monitoring ELs described on page 95 of the charter. All instruction at MCMS will be individualized, with every child having an Individual Learning Plan (“ILP”), “with personal goals and information about how they best learn and areas in need of strengthening, based on a variety of assessment data. Advisors will review students’ ILPs with them at least once monthly.” (Charter, p. 2.) While we intend to hold all students to the same high academic standards generally, the charter states that ELs “will have specific short term goals in their ILPs relating to their progress toward classification.” (Ibid, p. 95.) The goals will be reviewed and updated monthly. If an EL student is not progressing toward English language proficiency at an expected rate, the EL Coordinator (or the Head of School or designated teacher in Years 1 and 2) will come together with teachers to determine the best individualized support for that student.

The Staff Report also mischaracterizes the regular review of our EL program described on page 96. MCMS will use continuous data-driven instruction for all students, and the charter explains in multiple places how we will disaggregate data based on subgroups. (See, e.g., pp. 56, 59, 85, 105, 107, 120.) MCMS will annually conduct a holistic review of the EL program to

² <https://www.cde.ca.gov/be/ag/ag/yr20/documents/nov20item13.docx>

ensure it is meeting student needs, and will make necessary adjustments based upon various sources of academic achievement data.

2. “The Petition Lacks an Adequate Plan to Meet the Needs of Students with Disabilities”

The description of our plan to serve students with disabilities on pages 97-103 is more detailed than charters that have been approved by the District in the past.

The Staff Report is simply wrong about the perceived lack of an opportunity for specialized academic instruction. As described in multiple places in the charter, all students will have a 45-minute Learning Lab on four days of the week for personalized intervention and support. This allocated time in the schedule for all students will enable the provision of designated ELD and IEP services as needed, as well as personalized practice, support and intervention, and an opportunity for advanced learning for accelerated learners. All students will have the opportunity to engage in small group instruction, online learning, tutoring, or individualized intervention as appropriate for each student. (See, e.g., pp. 2, 15, 54.)

The Staff Report also incorrectly states that “180 minutes weekly are set aside for all intervention services—including services identified within a student’s Individual Education Plan and required services for English Learners. (Petition, p. viii.),” suggesting that there is some cap on the amount of time that services may be provided. This is totally inaccurate. While all students will benefit from Learning Lab time four days each week, additional classroom time will be used (as well as before-and after-school) for small group and one-on-one instruction. ELs and SWDs will receive extensive supports within each classroom, including “pull-in” services with our Special Education Teacher and/or EL Coordinator, or “pull-out” services as needed. The charter explicitly notes, “This allocated [Learning Lab] time in the schedule for all students will enable provision of services such as designated ELD (30-45 minute mini-classes based on student needs) and IEP services avoiding the need to “pull out” students from other core learning, *as much as feasible* (p. 54.)

We apologize if our plans to become an LEA member of a SELPA were not clear enough for your staff. As stated on page 97 of the charter, “MCMS shall be its own local educational agency (LEA) and shall apply directly for membership in a SELPA in conformity with Education Code section 47641(a).” We have inquired about SELPA membership with LACOE Charter SELPA and are in contact with them about the timing of our petition process and their approval process. We are simply waiting for approval before submitting our formal application.

The charter affirms in multiple places that MCMS and its school facility will comply with all applicable laws, including the Americans with Disabilities Act. (See, e.g., pp. 97, 132.) The law does not require that a charter describe “how” a school will make its proposed facility accessible to students with disabilities. Once our charter is approved and our facility plans are finalized, we will complete any necessary improvements before the first day of school. The projected costs of those improvements were included in the budget for start-up expenses as “Facility Consultants & TI.”

3. “Annual Goals and Strategies to Achieve Those Goals”

This section of the Staff Report is based on District staff’s opinion that the charter descriptions are not “cohesive” enough. That is not a permissible or appropriate basis to deny a charter. The description of the educational program is more than reasonably comprehensive and meets or surpasses the legal standard for approval.

The Staff Report asserts vague conclusions that our annual goals, which can be found on pages 31-34 of the charter, are “not cohesive” and “do not appear reasonable” without providing any actual evidence. As required by law, the charter includes our annual goals for students that are tied to the applicable state priorities, and specific actions to them. Our goals are rigorous and designed to ensure that students at MCMS are meeting grade level standards and prepared to succeed in high school and beyond. The school does not exist yet so our students do not have baseline data, but our goals will be updated annually as we accumulate data as part of the LCAP process in accordance with applicable law.

As for the District’s unfounded conclusion that the charter is “unclear how the comprehensive model will be integrated with the other methodologies (Understanding By Design, Marzano’s Classroom Assessment and Grading That Work, GLAD, Culturally Responsive Teaching (CRT), and blended learning) in a cohesive manner to support students (Petition, pp. 46-53),”

- Regarding Understanding by Design: The Staff Report is incorrect that “backwards planning” all curricula, aligned to state standards, is unclear or not “cohesive” with the NTN model. To the contrary, backwards planning and Universal Design for Learning (UDL) are both instrumental structures and processes in which teachers plan curricula and assessments, with a particular focus on students’ specific needs and current proficiency (data-driven), including incorporating strategies for ELs, low-achieving students or SWD into the lessons.
- Regarding Marzano: these strategies are in direct alignment with our highly personalized model, and work to “ensure that all students are able to access the curriculum and demonstrate their learning via multiple methods of instruction and assessment.” (p. 49.) Marzano strategies such as Reinforcing Effort and Providing Recognition (help develop student confidence and agency), Nonlinguistic Representations (help ELs, SWD and others who may learn more visually), Cooperative Learning (i.e., PBL at MCMS), Setting Objectives and Providing Feedback (i.e., Students ILPs, teacher lesson and unit plans, where objectives are clearly communicated to students, etc.), and Generating and Testing Hypotheses (i.e., PBL and Problem-Based Learning and MCMS) all directly align with our model and help breakdown how specific aspects of the model will be deployed. Similarly, Marzano’s strategies like Summarizing and Note Taking and Cues, Questions and Advance Organizers, are critical learning tools that teachers will incorporate into unit and lesson plans.
- Regarding GLAD³: Again, the specific strategies that form the GLAD approach are directly aligned with our model, such as Guided Interaction (cooperative learning) – i.e.,

³ The Staff Report inexplicably and significantly omits reference to SDAIE strategies, which are noted on equally footing with GLAD in the charter. (Charter, p.

PBL at MCMS; Metacognition and Authentic Assessment – i.e., Student ILPs and self-reflection on learning, with varied activities for teachers to monitor student learning; Explicit Instruction – whether whole class, small group or one-on-one, teachers (and supporting educational staff) will regularly employ direct instruction to ensure student mastery of content, and Meaning-Based Context and Universal Themes – i.e., CRT, PBL/thematic and interdisciplinary learning, and ILPs. Strategies such as Modeling, Graphic Organizers and Visuals, while proven beneficial for ELs, also are known to be effective strategies for *all* learners.

- Regarding CRT: “At MCMS, teachers will draw upon the framing principles and goals of CRT to guide the design of thematic units of study and PBL projects and activities. Through structured professional development during the summer before the school opens and throughout the school year and extensive collaborative planning time built into the weekly bell schedule, teachers will learn best practices from the New Tech Network and others as they collaboratively design PBL.” (p. 46).

Teachers will work collaboratively to develop their unit and lesson plans (including PBL work and thematic learning), through extensive time dedicated in the weekly schedule for formal PD and collaboration (two hours of weekly early-release), PLCs weekly by grade level and subject area. (See, e.g., charter p. 83.) As noted in the charter, “MCMS’ teachers will receive focused professional development on each of these teaching strategies and coaching on the best usage of the different strategies in different contexts. Teacher Professional Learning Communities will collaborate together to plan curriculum implementation and strategize interventions for students in need of additional supports. Teachers will use data from formative and summative assessments (collaboratively reviewed during common planning time and teacher professional development sessions) to determine which strategies are most effective for which students, and will expose them to a mix of strategies to develop their strengths in other areas.” (Charter, p. 53.)

The description of how we will use individualized learning plans or “ILPs” can be found throughout the charter, including on pages vii-viii, 2, 47, 53, 55, 56, 95, etc. This will be a cornerstone of our program. As noted above, every student at MCMS will have an ILP with personal goals and information about the student’s learning style and needs, based on data, including a selection of initial diagnostic and benchmark assessments that will be administered upon enrollment. (See pp. 43-44.) The ILP will be developed in collaboration with the student and parent and based on various sources of data, including assessments, grades, attendance, long-term and short-term goals, papers and quizzes, and many other data points. The ILP will be reviewed with the student at least monthly and formally with the parents during student-led conferences at least twice annually. The ILP will be updated as necessary as the student progresses. The Staff Report questions how the Learning Lab will work as well, despite numerous details throughout the charter, such as pages viii, 2, 15, 54, and many others. As detailed in the charter, NTN’s Echo online learning management system will facilitate online work in the Learning Lab and each classroom and much more, including teachers and administrators’ real-time access to student achievement data from online programs and in-class assessments. The statement that there is a “lack of professional development articulated for core curriculum in the professional development model” (Staff Report, p. 13), is simply untrue. As discussed above, Summer PD will include a “Start Strong Conference (content-specific best

practices)” and a review of the charter petition. (Charter, p. 83.) We are not sure what more information District staff expected to see in the charter.

4. “Implementation of Core Curriculum”

The description of the proposed educational program in the MCMS charter is thorough, detailed, and spans 107 pages of the charter. Element I alone of the MCMS charter is longer and more detailed than the entire charter petition for the only other charter school in the District, which was renewed by the District Board last year. District staff’s opinion that a section of our charter is too “ambiguous” is not a valid basis for denial.

The ways in which the curricula will be integrated across subject lines is detailed far more than the single example given for the NTN program’s “Integrated Curriculum”—a nine word parenthetical example. The information came directly from NTN. MCMS does not intend to serve the high school grades. Rather, we note for example that “In collaboration with NTN experts, MCMS faculty will collaboratively plan interdisciplinary projects that cross subject lines. In our alternating block schedule, Math and Science will be on the same day, and ELA and History/Social Science will be on the same day, allowing for natural flow between these classes.” (p. 36.) The section on Co-Teaching and Looping (a component of our model that is completely ignored in the Staff Report) notes that 6th graders will be co-taught by two teachers, who will “work together to plan integrated projects, collaborate, review data and address individual student needs, . . . reinforce each other’s curriculum . . .” (p. 37.) Students in 7th and 8th grades will have four core subject teachers who will collaborate intensively, and loop with their students for two years. (p. 37.) Similarly, the Staff Report’s statement about Amplify and NTN strangely suggests that while PBL will be the “core instructional model” that the charter is “inconsistent” because we later state “that the NTN project-based work will be supplemental to the core curriculum in science (Amplify) (p. 68).” (Staff Report, p. 13.) The charter plainly details how these two programs are aligned: “Amplify will be supplemented with NTN project-based work. NTN’s PBL expertise will provide the framework through which teachers will collaboratively develop engaging PBL across the curricula, including an intense focus on interdisciplinary learning and the connectedness of subject matter. Teachers will also be able to access a robust resource bank of NTN-structured PBL learning lessons to use in their classrooms. Both Amplify and NTN’s PBL offer an inquiry-based approach to science that allows students to conceptualize questions and work to find a possible explanation that responds to that question.” (Charter, p. 68.)

The proposed finding about our assessment plan is plainly incorrect. On page 33, as part of the chart detailing the school’s goals as of the petition submission pursuant to California Education Code § 52052, the charter includes the following:

State Priority #8: All students will engage in comprehensive social-emotional learning and development of MCMS’ 21 st	School and New Tech Network-designed rubrics for	Ongoing, tied to curriculum pacing and grade	100% of students will develop critical 21 st century learner outcomes	100% of students will demonstrate mastery and annual growth
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century learner outcomes (Knowledge & Thinking, Collaboration, Oral Communication, Written Communication and Agency) as detailed in the charter petition.	each grade level.	level goals.		on school-designed rubrics measuring 21 st century learner outcomes.
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This is a clear plan and intent to measure student progress on NTN’s desired learner outcomes, which we have adopted as our own.

Page 36 of the charter says that assessments of the NTN outcomes will be embedded throughout the curriculum, and page 111 reflects that students will be regularly assessed with internally-created tests and performance tasks (presentations, papers, experiments, etc.) and publisher-designed assessments, including NTN. Moreover, under Grading, we note “portfolio assessments will allow for the assessment of more complex learning skills such as critical thinking, problem solving, communication, and agency, in alignment with the rubric for that course.” (p. 112). There is no inconsistency. It is also unclear why District staff suggests our grading and assessment plan does not “appear” to be aligned with the five NTN learning outcomes. That is simply untrue, as evidenced by the quote about portfolios above. As described on pages 113-114 of the charter, grades will be based on in-class performance tasks (e.g., assessments, projects, assignments, and classroom participation), homework, responsibility, and other discretionary components. Report cards will also contain narrative sections where teachers detail examples of a student’s level of development and mastery based upon observations, student-work, portfolio submissions, project rubrics, and/or various classroom-based and school-wide assessments. In addition to other assessments, the portfolios are meant to represent a sample of the student’s accomplishments, academic progress, interests, and reflections over the trimester.

We will provide PD and other support to teachers for implementing the core curriculum as necessary, and our charter reflects that. (See, e.g., p. 83 (e.g., charter petition review and Start Strong Conference).) While not included in the charter narrative (this level of detail is not required), we have budgeted money for PD consultants (in addition to our NTN partnership) starting in Y1, as well as outside travel and conferences, to support in-house PD on core curricula and other areas. We plan to have experts lead PD for our teachers in-house, which will be determined once we have hired our instructional staff and determine their levels of experience and needs regarding PD. We also note that virtually all of the published curricula we plan to use includes extensive support for teachers from each publisher, with online and print teacher guides and much more available. Please see above for more detail responding to the finding about our PD description.

All instruction and assessments at MCMS will be aligned to the state standards, which is affirmed in multiple places throughout the charter. (See, e.g., pp. 14, 15, 31, 48, 55, etc.) This is true for the Honors Math 7 and Honors Math 8 courses, even though we may not have repeatedly “articulated” that fact in each and every course description.

As for the Staff Report’s comments about the insufficiency of the model, while District staff may have trouble understanding how such a student-focused model can be effectively implemented, dozens of charter schools across the state are using similar models to achieve strong student outcomes. We already have addressed above how the model is cohesive and how PD will include GLAD (and SDAIE) strategies as well as core and supplemental curricula; we address below the Staff Report’s specious claim that the charter does not address how we will serve students with IEPs. (Staff Report, p. 13.) It is hard to see how District Staff does not understand our planned use of PBL and PrBL will be accomplished through NTN or the stated instructional design. The NTN model explicitly incorporates both PBL and PrBL, for example, in describing the NTN model, the last bullet point states, “**Problem-Based-learning** is often preferentially used in courses like math and foreign language. PrBL utilizes similar inquiry practices as PBL, but on a smaller time scale, which allows students to see the content in multiple contexts and with frequent opportunities to model and make sense of the content.”⁴ (Charter, pp. 36-37; see also pp. 35-38 (discussing PBL and PrBL), and p. 64, confirming that our math curriculum, CPM, “focuses less on direct instruction and more on problem-based learning.” The published curricula and assessments we have chosen were selected specifically for their compatibility with our model. (p. 77.))

B. “Petitioners are demonstrably unlikely to successfully implement the program set forth in the Petition (Ed. Code § 47605(c)(2))”

Under the SBE’s regulations, whether a petitioner is “demonstrably unlikely to successfully implement the program” refers to a charter operator’s patent, evidenced inability to run a successful school; *i.e.*, whether the operator has a history of running charters that have been revoked, whether the operator is unfamiliar with the charter or charter law, whether the operator’s financial and operational plan is realistically able to be implemented, and whether the operators have an adequate educational background. (See 5 C.C.R. § 11967.5.1(c).) There are several egregious errors in the Staff Report that make this finding inapplicable.

1. “Financial and Operational Plan: The Proposed Budget Is Unclear, Reflects Dubious Assumptions, and Demonstrates that the Financial and Operational Plan is Not Viable”

This section of the Staff Report is based on District staff’s opinion that MCMS will “potentially” not be able to attract as many students as projected in the charter, which could negatively impact the budget. That is not an appropriate basis to deny a charter. If a school cannot meet its enrollment projections, then of course it will need to make budget cuts to make up for the lost revenue. A budget submitted with a charter petition is simply a multi-year projection prepared at one moment in time. We are confident that our unique program, the desire in the Napa community for an NTN middle school, and closing of the District-operated River Middle School and Harvest Middle School will result in steady enrollment from Year 1. In addition, we have been able to attract wide support and families signing up on our website with little more than

⁴ University of Illinois Urbana-Champaign. [Teaching & Learning: Problem-Based Learning.] Accessed on August 28, 2021. [https://citl.illinois.edu/citl-101/teaching-learning/resources/teaching-strategies/problem-based-learning-\(pbl\)#:~:text=Problem%2DBased%20Learning%20\(PBL\)%20is%20a%20teaching%20method%20in,presentation%20of%20facts%20and%20concepts.&text=The%20main%20thread%20connecting%20these,is%20the%20real%2Dworld%20problem](https://citl.illinois.edu/citl-101/teaching-learning/resources/teaching-strategies/problem-based-learning-(pbl)#:~:text=Problem%2DBased%20Learning%20(PBL)%20is%20a%20teaching%20method%20in,presentation%20of%20facts%20and%20concepts.&text=The%20main%20thread%20connecting%20these,is%20the%20real%2Dworld%20problem)

word-of-mouth recruitment efforts over a very short period of time, almost a full year before the school is scheduled to open. We put very little time and resources towards outreach prior to submitting the petition, but have accomplished much more already in the two months since the petition was submitted, and, in accordance with the details provided in Element VII, will continue to engage in broad and targeted outreach activities in the community. After the petition was submitted, many more families have indicated their intent to enroll with Mayacamas. It is unfair for District staff to base its entire recommendation on their self-serving, incorrect personal assumption that we cannot achieve a certain level of enrollment.

As for reserves, there is no deficiency—the Staff Report is just plain wrong in that regard. The MCMS budget assumptions narrative confirms that we are projecting to end both Year 1 and Year 2 with a 5% reserve. These reserve levels are appropriate for school districts with similar ADA, as referenced in the Staff Report. However, more importantly, charter schools are not required by law to maintain a specific budget reserve at all, despite the incorrect assertions in the Staff Report to the contrary.

The law requires that a petitioner collect signatures from parents that is equivalent to at least one-half the number of students that the school estimates it will enroll in its first year. (Ed. Code, § 47605(a)(1)(A).) The Staff Report recognizes that we met this requirement. We could have continued to collect additional signatures but that was not required by law. The number of signatures on a charter petition does not correlate to the school's Year 1 enrollment. We understand that overall enrollment has been declining in the District. However, both Harvest Middle School (current enrollment of 685 students⁵) and River Middle School are both closing at the end of the 21-22 school year. While the River MS site will host a new dual-language school starting in 2022-23, many River families have indicated they are not interested in the dual-language program. With the two middle school closures, several hundred students in our community (including those newly matriculating to middle grades) will be enrolled in a new middle school during our first year of operation. Our Year 1 enrollment projection (180) and year 5 enrollment projection (336) are both a fraction of that number.

Harvest Middle School currently serves 187 6th grade students. Our projected 6th grade enrollment in Year 1 (60) and Year 2 (112) are well below that number. Similarly, with 60 students each in grades 7 and 8 in Year 1, we will not be able to serve all of the displaced students from Harvest and River and anticipate demand will exceed capacity. Given our planned location, we also expect to draw significant enrollment from the nearest elementary schools (*e.g.*, Shearer Elementary), (and while at a distance, families from the District's sole NTN elementary school, Napa Junction ES, will want their children to benefit from a full K-12 NTN span and thus enroll in what would be the only NTN middle school in the District).

It is nonsensical for District staff to estimate our unduplicated pupil percentage (“UPP”) based on the petition signatures. If we have more students interested in attending than we have space, we are required by law to conduct a lottery to determine the student population. The fact that someone signed our petition does not guarantee them a spot in the school. The estimated 60% UPP in our budget is based on recruitment efforts that will target the neighborhoods

⁵ According to CDE's DataQuest website: <https://dq.cde.ca.gov/dataquest/>

immediately surrounding the school site, including Shearer ES (the “resident” elementary school for the neighborhood that includes our proposed school site), which has 90% SED, 62% EL and 2% Foster Youth (Charter, p. 139.)

Moreover, it appears that District staff does not understand how the UPP impacts funding for charter schools, and has misunderstood the projected concentration grant funding in our budget. The conclusions in the Staff Report on that piece are wrong. (Staff Report, p. 16.) For a charter school like MCMS that will be physically located within a single school district, only the concentration grant portion of the LCFF funding is capped at the local district’s UPP. (Ed. Code, § 42238.02(f)(2)(A).) The District’s UPP is currently 53% (the 3-year average). Our 60% projection is only marginally higher, and is realistic based on our proposed recruitment plans and school location. The District’s 53% UPP is reflected in the “School Factors” section on Schedule A of our budget. And as reflected in the “LCFF Calculation” section on Schedule A, MCMS is not projecting to collect any concentration grant funding during the initial charter term due to the cap from the District’s UPP.

As for food services revenue, all students must be provided at least two free meals beginning in the 2022-23 school year, regardless of their economic status. (Ed. Code, § 49501.5(a)(2).) The State of California is planning to reimburse charter schools for all non-reimbursed expenses in providing the free meals, subject to appropriations from the Legislature. (Ed. Code, § 49501.5(a)(4).) This means that MCMS and other charter schools will likely be reimbursed for 100% of qualifying meals served to students, which is correctly reflected in our budget.

As for our projected facilities costs, the Staff Report incorrectly overstates what information a new charter school must provide regarding its facilities. All that is required by law is for a charter to “provide information regarding...the facilities to be used by the school” and “specify where the school intends to locate.” (Ed. Code, § 47605(h).) The MCMS charter satisfies this legal requirement on page 171. MCMS intends to utilize the former St. John the Baptist Catholic School’s facility located at 983 Napa Street, Napa, CA 94559. The budgeted costs are within a market range of lease costs. In any event, we have a letter of intent, consistent with the budgeted amount. The costs in our budget are reasonable for the budget projection.

The \$250,000 in start-up funds reflected in our budget is currently cash on hand. The Staff Report’s statement about “school-related organizations” and the baseless, left-field allegation that there was a “failure” to follow some inapplicable process is completely inappropriate, and unrelated to this finding as defined by the SBE under 5 C.C.R. section 11967.5.1(c).

The proposed finding about lottery funding is wrong. New charter schools can in fact accrue lottery funding for Year 1, which is received during the second year of operations. Independent audit firms, as well as many authorizing districts around the state, have confirmed that the funding can be accrued in Year 1, while the receipt of funding is recognized in the cash flow for Year 2. This is properly reflected in our budget and cash flow forecasts.

The supervisor and administrator positions during start-up are reflected in the budget as consultants for the first couple of months, which is why the budget does not reflect any costs for benefits. If the school ends up hiring them as employees during this period prior to the new school opening, then an additional \$2,400 would be added to the budget per position for a total of \$24,000, which would be a marginal additional expense that the budget can absorb.

As for substitute teacher costs, many charter schools contract with third party consulting companies to provide substitute teacher services, such as Teachers on Reserve or Kelly Education. These are consultants and not employees, so the expenses are accurately classified in the budget as such per CSAM and do not include any benefits.

Lease and utility expenses are included in the Excel version of the budget in row 145 of the Year 2 cash flow. That row and a few others were mistakenly minimized so they are hard to see upon first glance. You can expand those rows on the left-hand side of the spreadsheet. We apologize for any lack of clarity, but those expenses are in fact accounted for in the submitted budget.

Our budget was developed in collaboration with ExED, which is one of the leading back office accounting and school service providers for charter schools in the state, and which currently has more than 100 charter school clients across California. While we cannot speak to how much the District paid for Amplify Science, the curriculum costs in our budget were estimated based on information available at the time and are based on authorizer-approved start-up budgets for several similar charter schools that use the same or similar curricula. As noted in the charter, the budget does not include planned additional fundraising, including the state-administered Public Charter Schools Grant Program (PCSGP), which provides funding for one-time start-up costs such as books, curricula, FF&E and more. We plan to apply for this grant in the spring, along with foundation and other private funding support. We also note that we will employ several *free* curricular resources such as CPM and Quill.

The law requires that a petitioner submit a first-year operational budget, including startup costs, and cashflow and financial projections for the first three years of operation. (Ed. Code, § 47605(h).) MCMS submitted all of this information and an additional two years of operations. The law does not require that a petitioner submit a balance sheet. However, the budget assumptions narrative confirms that we are projecting to end both Year 1 and Year 2 with a 5% reserve.

The insurance estimates in our budget are based on costs from CharterSAFE, which is a joint powers authority that provides competitive and comprehensive insurance to hundreds of charter schools. The budget estimate is aligned with actual costs common for charters throughout the state. The charter also explicitly states that “insurance amounts will be determined by recommendation of the District and MCMS’s insurance company for schools of similar size, location, and student population” (Charter, p. 172) and “MCMS shall acquire and finance general liability, workers compensation, and other necessary insurance of the types and in the amounts required for an enterprise of similar purpose and circumstance. Coverage amounts will be based on recommendations provided by the District and MCMS’s insurer.” (p. 173.) Nothing about this is deficient. MCMS will obtain all required and comprehensive insurance to

protect our interests once our charter is approved, including student accident insurance and others.

The law does not require that a charter school's budget submitted with the petition contain a description of restricted and unrestricted funds. The format of our budget, which was developed by ExED, has been accepted by numerous district and county charter authorizers across the state for years. We will of course use the appropriate restricted/unrestricted accounting format for all financial reports once the charter is approved, including the preliminary budget, interim reports, unaudited actuals, and others, but that is not required for a start-up charter petition budget.

2. "Petitioners Are Unfamiliar with the Content of the Petition and the Requirements of Law That Would Apply to the Proposed Charter School"

As explained above, the District staff have misinterpreted our budget and may not understand the laws that apply to charter schools. For example, the District's UPP only affects a charter school's concentration grant portion of its LCFF funding, and charter schools often do in fact accrue lottery funding in Year 1.

We apologize for any confusion about the description of the admissions preference for our Founding Team. The law expressly permits a preference for the charter school founders who are identified in the charter. (Ed. Code, § 47605(e)(2)(B).) Our intent is to provide a preference to our Founding Team who have committed significant time to developing the charter and plans for the school, many of whom have already volunteered for more than 75 hours for a school that doesn't yet exist. These individuals are identified on pages ix-x of the charter under the heading "Founding Team" (mistakenly called "Founding Parents" under Element 8). In practical terms, this preference affects no more than just three (3) potential students, simply because only three (3) members of the Founding Team have children that are or will be the appropriate age for middle school. If our charter is approved, we are amenable to making a technical amendment to the charter to clarify that the preference is for children of the "Founding Team" who are identified in the charter. To be clear, there is no requirement whatsoever that parents volunteer at the school in order to be eligible for admission or to stay enrolled, or to enjoy an enrollment preference. (See Charter, pp. viii, 3, 59 all noting that volunteering is not required.) The Staff Report is flat out wrong about that.

3. "Petitioners Lack Necessary Background in Areas Critical to the Charter School's Success and Do Not have a Viable Plan to Secure the Services of Individuals with the Necessary Background"

The law does not require that all charter school board members have experience in school finance or any other specific area. We are not aware that anyone on the District Board of Trustees possessed any "highly-specialized" background in school finance before joining that Board—which is the bar the Staff Report has fabricated for our petition. Our board members are volunteers and representatives from the community with relevant background and experience in

accounting, business, financial planning, nonprofit governance, law, mental health services and insurance, among other fields.

We were very disappointed to read this section of the Staff Report, which attempts to discredit the charter because the two lead petitioners are parents—not school administrators. We were surprised that the District actually stated: “Lead Petitioners have admitted that they are parents”—which suggests that being an interested parent is somehow a mark against us. Many members of this community may be offended by the District’s statement in that regard. In any event, one of the key, explicit purposes of the Charter Schools Act is to provide opportunities for parents to establish and maintain schools independent from the existing district structure. (Ed. Code, § 47601.) There is nothing improper about a group of parents and other community members coming together to develop a charter petition to establish a new public school that will offer a proven successful educational program to young students. To the contrary—it is encouraged. This is precisely what the Charter Schools Act was intended to do, and the establishment of such schools “should be encouraged” by law. (Ed. Code, § 47605(c).)

Without knowing if our charter is authorized, it would be irresponsible of us to hire any staff yet, including the Head of School. Charter petitioners often do not have funds to hire employees until after the charter is approved, which is why this is neither required by the law nor common practice with start-up charters across the state. The school doesn’t exist yet. The best candidates would likely not be interested in the position because of the uncertainty. There is no guarantee that the job will continue to exist unless and until the District actually approves the charter. The law requires that our charter describe the various qualifications for the key positions that the charter school proposes to hire, and our charter does so. (See pp. 121-130.) A description of a hiring plan for the school leader is not required by law, but the MCMS charter actually does in fact include one on page 4. The MCMS board will convene an ad-hoc search committee headed by Council of Supporters member Alan Little, who has extensive experience in leading teams and building school culture. He also has valuable knowledge in what it takes to lead a middle school. Once the charter is approved, the committee will quickly develop a search plan, including a timeline and milestones, which will be submitted to the full board for review and then implemented by the committee. This is the same timeline by which many new charter schools have found their school leader in the past. We are confident that we will have enough time to locate and attract a high-quality candidate.

The law requires that a charter describe the manner in which administrative services will be provided, and the MCMS charter does. (See pp. 171-172.) The law does not require that a charter articulate goals for administrative services or a “clear plan” for “how” it will achieve those goals. MCMS intends to contract with a qualified and experienced back-office provider during the term of the charter. Our current provider, ExED, is a reputable nonprofit backoffice provider that currently works with more than 100 charter schools in California. MCMS plans to adopt ExEd’s model fiscal policies and procedures (customized for MCMS), which include provisions regarding the selection of contractors. For special education, MCMS could provide some services in-house, but will likely seek resources and services (*e.g.*, speech, occupational therapy, adapted P.E., nursing, and transportation) from the SELPA or qualified private agencies

or independent contractors. (See p. 97.) Those decisions will be finalized once the charter is approved.

The fact that we did not have a credentialed math or special education teacher sign the petition does not make our charter deficient. The District staff's contention in that regard is nonsensical. We will secure all of the necessary staff and services once our charter is approved. Again, the law does not require that a charter include a detailed recruitment or hiring plan for all employees. In any event, we have developed the following teacher recruiting plan:

We will work to recruit teachers through various communication channels, including local newspapers, education networking websites (CCSA, EdJoin, etc.), LinkedIn, the school website, career fairs, local universities and word of mouth referrals. We will engage in a thorough review of the qualifications of candidates that apply for employment at the school. The Head of School will review resumes, letters of recommendation, statements of teaching philosophies, and portfolios to determine which candidates will be interviewed for positions. The Head of School bears primary responsibility for all teacher hiring. Teachers and students will be asked to participate in interviewing candidates, where feasible. Candidates for teaching positions will be interviewed, and in most cases asked to teach a lesson to a classroom of students. In some cases, the Head of School may observe candidates teaching a lesson in their current positions. Following interviews, the Head of School (or his/her designee) will contact references, review letters of recommendation, and notify each person of their status once a decision is made. Candidates who are offered employment will receive a written offer of employment. In addition, we will verify the teaching credentials of candidates with the California Commission on Teacher Credentialing, ensuring that each teacher possesses credential subject authorization that meets state and federal requirements to teach the subject(s) that he/she is being hired to teach. Before any teacher is permitted to work, all appropriate background, health (e.g., TB testing) and other requirements must be met.

MCMS will make every effort to recruit teachers who are committed to the vision and mission of the school. Job postings for teachers will clearly state the education philosophy and teaching pedagogy that are supported by the school so that teachers who are ultimately selected for employment possess the desire, capacity and dedication to work successfully at the school. To attract and retain outstanding teachers, MCMS will provide: competitive salaries; a challenging, rewarding and professional work environment; support and collaboration from colleagues and administration; and, the opportunity to participate in innovation, creativity and research within a model school program.

Due to the profound impact that teachers have on students, only the most effective teachers will be hired for the school. Performance measures will be used to evaluate teacher effectiveness, to recognize superior performance, to provide targeted assistance in instances when performance is less than satisfactory, to determine the appropriateness of pay incentives, and to make informed decisions regarding continued employment at the school.

As for salaries and benefits, contrary to the District staff's assertions, MCMS's budget includes a competitive salary and benefits package that is higher than most new start-up charter schools across the state, in recognition of the need to entice qualified candidates to our community. Our starting salary for entry-level teachers is approximately \$10k more than District entry-level. Each teachers' salary will be determined in an individual contract and not subject to a lock-step salary schedule – for many teachers, this is a tremendous benefit. Charter schools across the state are routinely not electing to participate in STRS or PERS, and yet have been able to fully staff their schools. While the current STRS rate (18%) is higher than what we propose (6% social security and 3.3% for a 403b), for teachers who are many years from retirement, our benefits plan may be more appealing. In addition, for many teachers, the opportunity to help develop a new school from the ground-up, the benefits of a small, locally-controlled school with its autonomies and flexibilities, the intensive PD and coaching MCMS will offer to help teachers continuously improve their practice and our intensive peer collaboration are major plusses for countless teachers. We are confident that the many positive aspects of our school, including but not limited to the small size, unique program, and engaged parents, will help us attract high quality candidates.

4. “Lead Petitioners’ Refusal of the District’s Capacity Interview Supports an Inference that They Are Unfamiliar with the Petition”

The proposed findings about the “capacity interview” are irrelevant and distracting. To be clear, the lead petitioners did not refuse to meet. The lead petitioners have been very transparent that we are not going to be the day-to-day leaders of MCMS. The leadership team will be hired once the charter is approved, and we will keep the District apprised of our recruitment process.

When District staff first requested a meeting with the lead petitioners to clarify information in the charter, we were excited to meet and discuss our plans for the school. However, we found it odd that District staff did not want to allow our ExED charter finance consultant to speak in the meeting (the professional who prepared the projected budget), and refused to send us questions in writing so that we could be well prepared. Later, the District changed their stated intent for the meeting and said that “multiple members of District staff” would be present at the meeting in addition to “District counsel,” and that our lead petitioners (two parents with no school management experience) would be expected to demonstrate those two parents’ “capacity to successfully start up, lead, and manage the proposed charter school, including understanding the budget.” This “capacity interview” felt more like an abusive attempt to underscore what we had already stated—the lead petitioners have no experience running a school, and will not be running the operations of MCMS.

The MCMS charter is thorough and provides a robust description of how the school will operate from an academic and operational perspective. It meets and exceeds all of the necessary legal requirements and is much more detailed than charters that have been approved by the District in the past. We requested time at the public hearing to formally present our charter to the District and answer questions from the Board of Trustees, but our request was inexplicably denied. We later individually asked each Trustee to meet with us so we could describe MCMS and answer any questions, but we were denied by six of the seven, and one did not respond to the

request at all. Now, it appears we are being penalized for not providing enough information or answering enough questions. While we understand the desire to meet with school leadership to discuss the intricacies of the program, the MCMS leadership team has not been hired yet. There is nothing illegal, improper, or even unusual about that.

We further note that so-called “capacity” interviews are not required or even mentioned in the statute or regulations. Some authorizers use them in a good faith attempt to learn more about the petitioners and the program. Others, sadly, use them to improperly intimidate and interrogate parent or community board members, seeking a “gotcha” moment to discredit petitioners of an otherwise qualified charter petition. We very much look forward to answering any questions from the District Board of Trustees at the meeting on December 9th.

5. “Lead Petitioners’ Refusal of the District’s Capacity Interview Raises Concerns Regarding an Effective Charter Oversight Relationship if the Petition is Granted”

Again, the lead petitioners did not “refuse” to meet. The “concerns” in this section of the Staff Report are unwarranted. We want to partner and collaborate with the District to provide a high quality educational alternative to students in Napa. We understand the District’s rights as authorizer once our charter is approved, and we affirm our commitment to working in good faith with our charter authorizer.

C. “The Petition Does Not Contain Reasonably Comprehensive Descriptions of Elements (A) through (O) of Section 47605(c)(5)”

The SBE’s regulations describe what it means for a charter to be “reasonably comprehensive,” and the 173+ page MCMS charter narrative (plus eight Appendices) goes above and beyond what is required by law. (See 5 C.C.R. § 11967.5.1(f).) In fact, the charter petition for River School that was approved by the District Board in 2015 (63 pages) and the charter petition for Stone Bridge that was approved by the District Board in 2020 (80 pages) both provide just a fraction of the comprehensiveness of the MCMS charter—yet they are of course complete, comprehensive petitions. Because there is no precise formula to determine whether a charter element is “comprehensive” enough, in practice content varies among different petitions and districts. Here, District staff are clearly considering “comprehensiveness” in an inconsistent and unfair manner with regard to MCMS. The Stone Bridge and River petitions both contained reasonably comprehensive descriptions of all elements—and the District Board agreed and approved them both. The MCMS petition irrefutably surpasses them both with regard to reasonable comprehensiveness.

1. “Educational Program (Section 47605(c)(5)(A))”

In this section of the Staff Report, District staff recites many of the same concerns as earlier in the report. Please see our responses to finding A above regarding our proposed PD plan, annual goals and actions to achieve those goals, EL program, and special education program. We note that – contrary to the Staff Report’s claim that “no specific descriptions of professional development needed to support the various curricula proposed—for example, the Petition does

not describe professional development in the tiered interventions” is just plain wrong: summer PD explicitly references MTSS, supporting SWD and ELs, and data-driven instruction, along with review of this charter (p. 83.).

(a) Students Identified as English Learners

We apologize for the single typo referencing designated ELD three times per week – this was changed during the planning process to four days per week but this one reference was missed. To be clear, all students -- including ELs -- will participate in a learning lab for 45 minutes four days per week. (See, e.g., pp. viii, 2, 15, 54.) During these 45-minute blocks, EL students will receive designated ELD instruction for a number of minutes based on individual student need. (See pp. 54, 89.) This is reflected on the sample daily schedule on page 81 of the charter.

The Staff Report claims that “The Petition does not explain how students will be assigned to Learning Lab classes (for example, whether EL students will be clustered by proficiency level in order to facilitate designated ELD instruction at their proficiency level).”

This is not true. The charter states, “Students will be grouped according to proficiency levels in English (See the EL section below for classification criteria)” (p. 63) and goes on to describe ELD 1, ELD 2 and ELD 3 in detail. (Ibid.)

Similarly, the Staff Report cites a reference to homogeneous groupings for ELD instruction, but ignores the full page description of this grouping process and the three ELD levels that will be used to group students during Learning Lab ELD lessons. (“The second tier of our ELD approach is explicit/designated ELD, which will be offered during the Learning Lab block four days per week.” Charter, p. 63.)

The Staff Report claims that the charter “does not describe the specific content of designated ELD instruction,” yet, the charter states, “The National Geographic Hampton-Brown *Inside: Language, Literacy and Content* will serve as the primary source material for MCMS’ designated ELD. The *Inside* curriculum’s overlapping levels make it possible to meet students at their appropriate ability and proficiency levels and rapidly move ahead. The curriculum and instruction, driven by the CCSS, provides multiple points of entry for correct placement and is designed to return students to grade-level instruction within two years. Achieve 3000 and Duolingo will be used as supplemental curriculum as needed.” (Charter, p. 63.)

Finally, the Staff Report erroneously suggests the grouping of students in ELD 1, 2 and 3 may be outdated, because the ELPAC includes four EL tiers. (Staff Report, p. 22.) This is a strange claim. As clearly indicated in the charter, level 4 under the ELPAC means students simply do not require as much EL support and are potentially ready for reclassification. As defined by the CDE:

English learners at this level have **well developed** oral (listening and speaking) and written (reading and writing) skills. They can use English to learn and communicate in meaningful ways that are appropriate to different tasks, purposes, and audiences in a

variety of social and academic contexts. *They may need occasional linguistic support to engage in familiar social and academic contexts; they may need light support to communicate on less familiar tasks and topics.* This test performance level corresponds to the upper range of the “Bridging” proficiency level as described in the 2012 California English Language Development Standards, Kindergarten Through Grade 12 (CA ELD Standards). (Charter, p. 93, quoting CDE; emphasis in italics added here.)

In fact, on the CDE page cited in the charter, the CDE notes, “These Summative general PLDs take into account the categories of Emerging, Expanding, and Bridging” (<https://www.cde.ca.gov/ta/tg/ep/elpacgpld.asp>) and – as clearly stated in the charter – “EL student classification will use the 2012 California English Language Development Standards’ three Proficiency Level Descriptors -- Emerging, Expanding, and Bridging -- in conjunction with the more recently approved (2016) ELPAC four Performance Level Descriptors (Levels 1-4) included above.⁶ The three levels represent the stages of English language development, describing expectations for how well students can understand and use the English language at each level – knowledge, skills, and abilities across a continuum -- as they continue to build on existing language skills and knowledge” (Charter, p. 94.)

Any EL students who also require special education will receive the appropriate services in accordance with their IEP. Nowhere does the charter state that *all* services for ELs or SWDs would be provided during Learning Lab. To the contrary, as noted above, the charter states that Learning Lab will facilitate provision of these services without the need to “pull out” students from core classes, “where feasible.” (p. 54.) The section on MTSS includes details about small group, one-on-one and online learning being used in classrooms to meet student needs (including those of ELs – all of the curricula we have selected have been chosen, in part, for their success with ELs and other differentiation for student needs). (p. 84.) The charter also notes that students may be referred to before- or after-school support (pp. 84-85), and parents will be offered training to support their child’s learning at home. (p. 85.) The specific interventions and supports described within each of the MTSS tiers include numerous references to students’ linguistic and language needs (pp. 86-88). Furthermore, the detailed descriptions of instructional strategies such as Marzano, GLAD, SDAIE and others all detail targeted supports that benefit all learners, including SWD and ELs.

Please also see our responses to finding A.1 above.

(b) Students with Disabilities

The charter’s description of how we will comply with the applicable special education laws can be found on pages 97-103. The Staff Report unfairly nitpicks our charter and recommends denial for not including a level of granular detail that is not required by law. To summarize, MCMS will be its own LEA for special education purposes and will obtain membership in an approved SELPA, most likely operated by the Los Angeles County Office of

⁶ California Department of Education. [Summative ELPAC General PLDs.] Accessed on August 29, 2021. <http://www.cde.ca.gov/ta/tg/ep/elpacgpld.asp>

Education. See attached letter regarding application. The school will work in collaboration with the SELPA to ensure all students with disabilities are provided a free appropriate public education. MCMS will follow the SELPA's child-find procedures to identify students with disabilities, in addition to our own MTSS model and other available data (*e.g.*, teacher observations, grades, parent, input, etc.). Students will be assessed as appropriate based on their suspected disability in accordance with applicable law, and with parent consent. Upon completion of the assessment, an IEP team will be assembled to review the results and determine the student's eligibility for special education. The IEP team will oversee the development and implementation of the IEP. All students, including those with low-incidence disabilities, will be served in accordance with their IEP. Students will be served in the least restrictive environment, and the student's progress will be regularly reported to parents. MCMS will be solely responsible for providing the services described in the IEP, whether they are provided by school employees, independent contractors, vendors, or the SELPA. Each student's IEP will be reviewed at the intervals required by law and adjusted as necessary to best serve the student. In the event of any dispute related to special education or related services, MCMS will be solely responsible for defending itself. All of this is described in the charter.

The projections for special education costs in our budget are reasonable, were developed in collaboration with ExED, and are based on sound practice and experience around the state. It is impossible to predict with precision exactly how many students with disabilities we will have, which disabilities and to what extent, and the level of services they will require. As for special education resources, we note that we have budgeted in Year 1 for a full-time experienced Special Education teacher (salary of \$80K), a full-time Counselor, and \$41K of outsourced specialized Special Ed services as needed (speech therapy, OT, or others) -- nearly \$1,000 per student (*all* pupils) which is a substantial amount of special education services. Additional staff will be added as the school grows, and will be based directly on students' needs.

Again, any EL students who also require special education will receive the appropriate services in accordance with their IEP. The charter clearly anticipates that we will enroll students who are classified both as EL and SWD (see, *e.g.*, pp. 88 ("We also recognize that many of our ELs will have complex needs and may be dually-designated as SWD, or foster youth or homeless or other status.", 93, 95). Curiously, the Staff Report fails to even mention that *every* student at MCMS will have an ILP, which will include data about their proficiency levels and growth to date as well as specific long-term, trimester and short-term goals and objectives (Charter, p. 47.) EL students and SWD's ILPs will of course include information that is customized to their specific needs and abilities, including references to any MTSS tiered supports/interventions or a student's IEP.

It is true that the charter does not specifically address how MCMS would provide for students who are hard of hearing, or have one or more of a number of specific disabilities. That simply is well beyond the scope of the legal requirements for a charter petition. Again, the Staff Report repeatedly ignores the highly personalized nature of MCMS' entire program. We are building our school from the ground up based on students' and families' needs, not the needs of our teachers, staff, Board or other stakeholders – at MCMS, children really do come first.

Similarly, our staffing will ensure that the needs of these students are met, whether through our in-house Special Education teachers, or via SELPA or contracted services providers. As needed, staffing will be modified to address specific needs. For example, if there is a greater need for psychological counseling than we currently anticipate, as a small charter school we will be able to refine our staffing plan and reallocate resources to meet this need. The Staff Report oddly and imprudently calls out the need to hire a “Data Manager” for special education data. (Staff Report, p. 24.) This indicates a misunderstanding of what is required for charter schools. If MCMS has 16% SWD at full enrollment capacity, that will mean 53 students. This hardly would support the need for a full-time Data Manager. Further, the claim that “[th]ere is also no designation in the Staff Qualifications portion of the Petition for administrative oversight of special education.” (Staff Report, p. 24.) is untrue. The Head of School’s job description is not exhaustive “shall include but are not limited to” (Charter, p. 122), and includes numerous provisions that broadly encompass monitoring services for SWD, such as “Monitor instructional and administrative processes to ensure that program activities are related to program outcomes and use findings to take corrective actions.” and a specific reference to IEPs (Ibid.)

We note once again that the language included in this charter has been approved by multiple charter authorizers up and down the state.

Please also see our responses to finding A.2 above.

2. “Means to Achieve a Balance of Student Population Reflective of District General Population (Section 47605(c)(5)(G))”

This section of the Staff Report has no basis in the law and should be disregarded. As mentioned in the Staff Report, this element is normally presumed by the SBE to be reasonably comprehensive, and the description in our charter more than meets the legal standard. Charter schools are schools of choice and must admit all students who wish to attend, subject to capacity. The only way to achieve a matched student population with the District would be selective enrollment based on student demographics, which is discrimination. The demographic makeup of our student population will be determined by interest from families. The signatures on our charter petition are not indicative of the student population that will eventually enroll. Our program is designed to help and serve all students: low achieving students, high achieving students, English learners, students with disabilities, students from all racial and ethnic backgrounds, and all others. Notably, the Staff Report ignores entirely the fact that we are dedicated to creating a “diverse by design” school, embracing Horace Mann’s concept of the “common school.” (Charter, pp. 4-7.) We fully embrace the value in a diverse student body and we will work hard to attract students from all walks of life.

The description of how we will attract families to our program is on pages 139-142, and it includes various strategies to target the different demographic groups in our community. Our recruitment materials are distributed in Spanish and English; we have lawn signs and brochures at the proposed school site, and we already have met numerous times with service organizations such as Puertas Abiertas to discuss how we might work together to serve their target community and to bring their families into our school. We have also ensured that our posters are included in

places like grocery stores in underserved neighborhoods. We provide fliers about MCMS to the La Morenita market to distribute in their grocery bags, and Puertas Abiertas also requested that we provide them with Spanish-language fliers to include in “Covid Care Packages” for their constituency. Our website is available in both English and Spanish and we have a Spanish-language testimonial on our website. Additionally, as we progress through the process, we plan to run tours and information sessions in English and Spanish, and to conduct specific outreach to the underserved communities in Napa in a similar fashion. We will continue to meet with potential partners and supporters such as Mentis Napa, Napa Food Bank, Cope Family Center, Community Resources for Children, On the Move and others. We plan to reach students with disabilities by holding community outreach events and open houses where we can describe the program and available services directly to families and answer questions.

3. “Measurable Student Outcomes (Section 47605(c)(5)(B))”

We understand that the law requires a charter to include measurable student outcomes that address increases in academic achievement schoolwide and for all groups of students served by the school. Our charter meets this requirement on pages 31-34. Our outcomes are aligned with the applicable state priorities and cover all groups of students that may attend MCMS. The law does not require that a charter include different outcomes for each student group. In our view, setting different standards for students based on their race, ethnicity, disability status, English language acquisition status, or any other factor – before we even open -- is not beneficial to them. We expect the same high standards for all students, and we will treat all students fairly and equitably. We will have high expectations for all of our students, and through our personalized model, we anticipate seeing little, if any, achievement gap. Once we establish baseline academic data in Year 1, if we do see any achievement gaps between different groups, we will make the necessary adjustments to our outcomes during the development of our LCAP, which is the appropriate and legally required process for such adjustments.

D. “The Proposed Charter School is Demonstrably Unlikely to Serve the Interests of the Entire Community in which the School is Proposing to Locate”

The District may only deny a charter with this finding if the charter is unlikely to serve the interests of the entire community when viewing the totality of the circumstances. The Staff Report does not meet the legal standard under Education Code section 47605(c)(7). This finding is multi-faceted and “shall” detail specific facts and circumstances that analyze and consider all of the following factors:

1. The fiscal impact of the proposed charter school.
2. The extent to which the proposed charter school would substantially undermine existing services, academic offerings, or programmatic offerings in the community.
3. Whether the proposed charter school would duplicate a program currently offered within the school district and the existing program has sufficient capacity for the

students proposed to be served within reasonable proximity to where the charter school intends to locate.

A charter cannot be denied for superficial reasons such as the District's own declining enrollment, or because the District decides that the charter school's program is not unique enough, or that the District plans to offer a similar program in future years. It cannot be denied simply because the charter school's program could theoretically be replicated, and it cannot be denied simply because there are other schools in the community with capacity for more students. If this were the law, it would allow a school district to arbitrarily and unilaterally shortchange parents by denying them quality schools of choice in every instance. The District's view turns the letter and intent of the law on its head.

As for the fiscal impact prong, the District's cursory analysis is woefully inadequate. In considering whether and how to factor fiscal impact into decision-making, all school districts must advance the state's fundamental constitutional, statutory, and administrative policy on public education: to prioritize and advance student learning and academic achievement, particularly for traditionally underserved students. This is also the express direction of FCMAT in the context of using fiscal impact to deny a charter: "If an authorizer considers denying a charter based on fiscal impact, the law requires the authorizer to consider the academic needs of students whom the charter school proposes to serve." (FCMAT Fiscal Alert: "Fiscal Impact of New Charter Evaluation Criteria in AB 1505" August 2020.) Simply put, all decisions must consider what is best for students; not just the District's own financial bottom line.

The fiscal impact analysis in the Staff Report relies solely on lost revenue and staff. The District failed to consider other factors too, such as its own reduction in expenses as a result of serving fewer students and the fact that MCMS will need to hire its own teachers from the community. California education funding follows the student. This fact alone means that the very existence of a charter school in a school district will lead to the redistribution of public education funding. If a student chooses to leave a district school and enroll at a successful charter school, that student's funding that once flowed to the district will flow to the charter school. The key is that such funding is tied to the student, and not the district. Quality charter schools do not "take" funds from school districts. Public education dollars do not belong to school districts—they belong to students.

The MCMS charter cannot be denied simply because some students will choose to attend the charter school, which could lower the District's revenue. The District's disturbing misinterpretation of the law would reward school districts for inefficient and academically unsuccessful practices, and result in the denial of efficient, high-performing charter schools. This is not the intent of the Charter Schools Act, and it is not permitted by law. A loss of revenue to the District does not provide a legal basis for denial of the MCMS charter.

The second prong of the analysis is about whether a charter would "substantially undermine" already-existing services or programs in the community. Again, for context, this finding is not a tool for a school district to preserve all of its programs and administrative arrangements just for the sake of the school district's status quo. Lost or downsized district programs do not justify the denial of a charter unless they would also have a substantial negative

impact on students. The Staff Report does not provide any evidence of a negative impact on students.

As for the third prong of the analysis, the statements in the Staff Report about MCMS potentially duplicating District programs are factually incorrect. (Staff Report, p. 26.) For example, the Staff Report states that the District already offers NTN programs, but fails to address the fact that there will be no middle school NTN program available next year. River Middle School—which was formerly an NTN program serving grades 6-8 in the District and the only middle school that could be construed as similar to the Mayacamas NTN program—is being repurposed to a dual immersion/ language academy next year.⁷ If our charter is approved, MCMS will be the only NTN program serving the middle school grades available in the District. While NVUSD schools may use MTSS in varying degrees and with varying rates of success, we are confident our program, which will personalize and differentiate instruction for *all* students based on data both on their proficiency and progress and also on the ways in which they learn, is qualitatively different from NVUSD. The Staff Report further claims that MCMS will “duplicate” NVUSD offerings simply because it, too, offers some blended learning for students! That’s like saying “we teach science too.” In 2021, and particularly through the impact of the Covid-19 pandemic, virtually every public school in California is adopting some form of blended/online learning. The programs NVUSD offers (other than Amplify Science) are not the same programs as MCMS will use. Finally, at MCMS, PBIS will not be a “separate tool” on a “parallel track” with our MTSS tiered interventions, but rather fully incorporated into the MTSS model (as is recommended by CDE’s very design of MTSS, to include both academic and behavioral interventions in the same structure).

The statement about a perceived lack of support for our charter school in the community is also misleading. There is strong support and demand for our program in Napa. The District currently serves approximately 16,600 students, yet only 23 individuals spoke against our charter at the public hearing. The majority of the speakers against the school utilized talking points created by the teachers’ union, reiterating the same untrue and poorly-researched points and objections; some of the speakers against the school were calling from elsewhere in the state and had no direct ties to the Napa community. For our part, we had nearly as many supporters, and all were from Napa with a vested interest in education locally. We collected the legally required number of signatures on our charter and many of those individuals spoke in support of the charter at the public hearing. In addition, while we submitted the Petition with 111 signatures representing 123 students, thereafter even more families continue to demonstrate interest in MCMS; as of December 8, 2021, we have 196 students interested in attending the school -- more students than we planned for our first year of enrollment. And we have barely begun to conduct comprehensive recruitment. Based on the experiences of other charter schools across California, we know that once our charter is authorized, and we can finalize the facilities plan and hire a Head of School, enrollment demand will increase exponentially. These factors are understandably very important to families, and we look forward to informing the community that the charter is officially approved, the facility is officially secured, and offer sessions for families to meet our Founding Head of School.

⁷ District Board Resolution No. 21-23 adopted on April 22, 2021.

To date, student outreach for MCMS has been mostly by word of mouth. We have an active Facebook Group, and we have hosted an information booth at the Farmers Market on Saturdays for the last few months in order to talk to members of the community interested in our school, or in supporting our school. We have also handed out more than 200 lawn signs, which you can see all over town. There are MCMS posters and flyers in different businesses across the District, including the neighborhood that surrounds the intended school site. Mayacamas supporters marched in the Christmas Parade and handed out approximately 600 treat bags containing Mayacamas bookmarks and stickers to parade attendees. The Lead Petitioners have also been interviewed on local radio programming talking about the school, and our proposed charter school was featured on the front page of the Napa Register; we have plans to have one of our intended teachers interviewed on a local Spanish Radio station.

In addition, it was highly inappropriate for District staff to make intimidating “signature validation calls” to parents. We have heard that a few districts have previously made similar calls in an attempt to bully families, and convince them to “retract” their signature and keep their child in district-run schools. Even if you assume that only 76% of the 96 parents NVUSD was able to reach who initially signed our petition are still interested in attending (which we do not believe is true), between the 74 parents who did confirm their interest to the District and the other 25 parents who were not reached, we have still met the petition signature requirement (80 students, or 50% of anticipated Y1 enrollment). This means that by law, there is sufficient interest in the community for the establishment of MCMS.

In this section of the Staff Report, the District also alleges that because sections of the MCMS charter appear to be similar to another charter approved in Los Angeles County, the descriptions were not prepared “with the NVUSD community in mind.” This is false and not a valid reason to deny a charter. We worked with an educational consultant that has worked with well over 100 charter schools in California and is familiar with key components of other programs that serve large numbers of English Learners and socioeconomically disadvantaged students. In developing our charter, we carefully and thoughtfully selected successful facets of other programs that we believe will be successful for our own students at MCMS, and we inserted those descriptions into our comprehensive charter. There is nothing wrong with trying to bring successful strategies from other parts of California to students in Napa. The District can’t have it both ways: it can’t say that the charter is not customized to the Napa community enough, and then also claim it is duplicative of what NVUSD already is offering.

Similarly, as a final note, in the same section of the Staff Report where the District concludes that there is not enough interest in MCMS, the District also inexplicably concludes that MCMS will take too many students from District schools and result in decreased revenue. These conclusions do not legally support a finding for charter denial.

CONCLUSION: THE MCMS CHARTER SHOULD BE APPROVED

We look forward to discussing these and any other issues, questions, or concerns with the District Board at its meeting on December 9, 2021. We are willing to take every possible step to

partner with the District to keep the popular NTN program available for middle school students.
Thank you very much for your consideration.

Sincerely,

DocuSigned by:
Jolene A. Yee
74FEF710ABDA463...

Jolene Yee

DocuSigned by:
Lauren Daley
F811B7F6077F48C...

Lauren Daley

On behalf of Petitioners for Mayacamas Charter
Middle School