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Attachment 5

Findings by Napa County Board of Education

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

Item: 5.I.
Date: April 5, 2022

Title: Ratification of Written Findings Regarding Denial of Petition to Form the Mayacamas Charter Middle School.

History:

On December 9, 2021, the Napa Valley Unified School District Board of Trustees denied the Mayacamas Charter Middle School (MCMS) Petition. The petition was submitted to NCOE on appeal on December 21, 2021. On February 1, 2022 the Board held a public hearing on the petition. On February 28, NCOE staff published findings of fact regarding the petition.

On March 15, the Board held a second public hearing on the petition and voted to deny the petition, and delegated to Trustees Biederman and Donaldson the authority to work with legal counsel to draft formal written findings regarding the denial of the MCMS petition. The findings were completed and signed by Board President Huffman, and now await final ratification by the Board.

Current Proposal: Ratify the written findings as presented.

Funding Source: NA.

Recommended By: Joshua Schultz, Deputy Superintendent

Prepared By: Joshua Schultz, Deputy Superintendent

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NAPA COUNTY BOARD OF EDUCATION
WRITTEN FINDINGS REGARDING DENIAL OF PETITION TO FORM THE
MAYACAMAS CHARTER MIDDLE SCHOOL

On March 15, 2022, the Napa County Board of Education voted to deny the petition for formation of the Mayacamas Charter Middle School under Section 47605, subdivision (c)(7) of the Education Code, based on the following findings:

1. On December 21, 2021, the Napa County Board of Education received a Petition to form the Mayacamas Charter Middle School (“Charter School” or “MCMS”) via an appeal of the decision of the Napa Valley Unified School District (“NVUSD”) to deny the Charter School’s petition.
2. The Board of Education held a public hearing on February 1, 2022, to determine the level of support for the Petition. (Educ. Code § 47605(b).)
3. The Board of Education took action to deny the Petition on March 15, 2022, within 90 days of its submission. (Educ. Code § 47605(b).)
4. MCMS is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate. (Educ. Code § 47605(c)(7)).
5. MCMS seeks to locate within the boundaries of the NVUSD and to enroll students who are residents of the NVUSD, which will have a material negative fiscal impact to the NVUSD.
6. NVUSD has declining enrollment that is projected to reduce its student population by 17.05% over a ten-year period. (Napa County Office of Education, *Findings Regarding Mayacamas Charter Middle School* (Feb. 28, 2022) (hereinafter “NCOE Findings”).)
7. NVUSD’s declining enrollment will require significant numbers of layoffs of NVUSD staff over the next few years. (NCOE Findings.)
8. With a reduction in students associated with MCMS enrollment, this situation becomes worse, with a reduction in student population of almost 19% over a ten-year period. (NCOE Findings.)
9. NVUSD’s declining enrollment has been significantly impacting their revenues since at least 2014, although the district has only recently begun cutting expenditures to match declining revenues. (NCOE Findings.)
10. On April 15, 2019, NCOE sent NVUSD’s Board of Trustees a letter indicating significant concerns with NVUSD’s fiscal future. (NCOE Findings, Exh. C.)
11. NVUSD had been deficit spending since 2014, which required reduction of reserves to balance its budget. (NCOE Findings, Exh. C.)
12. At the time of the letter, NVUSD’s reserves were critically low. (NCOE Findings, Exh. C.)
13. NCOE called on NVUSD to end deficit spending, including implementing proposed staffing reductions and closing small schools with low enrollment. (NCOE Findings, Exh. C.)

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14. NVUSD agreed to cut expenses and increase revenues in the following areas: food services; transportation; small schools; facilities use fees; charter schools; extended days; class size; and district office staffing. (NCOE Findings, Exh. C.)
15. NVUSD has, in fact, cut expenses as directed by the NCOE during the 2018-2019 school year.
16. Currently, without making additional cuts to staffing or programming, NVUSD will not hold its required reserve in the 2026-2027 school year. (NCOE Findings, Exh. A.)
17. With the addition of MCMS, and without making additional cuts to staffing or programming, NVUSD will not hold its required reserve in the 2025-2026 school year. (NCOE Findings, Exh. A.)
18. Without the COVID-19 pandemic, NVUSD would be looking at fiscal distress several school years earlier; the influx of one-time pandemic-related funding, coupled with reduced operational costs, created a false – yet significant – increase in balances that will not continue. (NCOE Findings, Exh. D.)
19. NVUSD is going to have to make significant cuts to staffing and programming over the next couple of years if it is going to stay financially solvent, which NVUSD has acknowledged. (NCOE Findings, Exh. E.)
20. NVUSD likely is going to need to close more schools, with or without MCMS, and the additional loss of students to MCMS only exacerbates this need. (NCOE Findings.)
21. MCMS would substantially undermine existing services, academic offerings, or programmatic offerings at NVUSD.
22. Due to funding losses associated with MCMS's student enrollment, NVUSD projects that it would have to reduce its number of teachers by thirty-four over the first five years of MCMS's operation. (NVUSD, *Staff Report: Proposed Findings of Fact and Recommendations Regarding Petition to Establish a New Charter School*, adopted by NVUSD Board of Trustees on December 9, 2021.)
23. NVUSD anticipates having to cut staffing, close additional schools, reduce programs and services to students, and reduce expenditures on contracts in order to mitigate the loss of funding associated with the loss of students to MCMS. (Letter to Board from Rabinder (Rob) Mangelawa, Assistant Superintendent, Business Services, NVUSD (Jan. 28, 2022); Letter to Board from NVUSD Trustee Gracia (Mar. 10, 2022), including NVUSD 2021-2022 Second Interim Financial Report Narrative.)
24. NVUSD potentially would need to eliminate its middle school sport program and elementary school music and physical education programs; counselors, intervention teachers, and electives; and/or close small elementary schools located in the City of Napa. (NVUSD 2021-2022 Second Interim Financial Report Narrative; Letter to Board from NVUSD Trustee Chu (Mar. 14, 2022).)
25. If MCMS were to be approved, NVUSD anticipates renegotiating and/or ending contracts with NCOE for programs such as afterschool programs, summer school programs, and CTE programs. (NVUSD 2021-2022 Second Interim Financial Report Narrative.)
26. MCMS would not duplicate a program currently offered within the school district and the existing program has sufficient capacity for the pupils proposed to be served within reasonable proximity to where the charter school intends to locate.

Findings by Napa County Board of Education

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I declare under penalty of perjury that the above findings reflect the findings of the Napa County Board of Education as made on March 15, 2022.

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Don J. Huffman, Board President

NAPA COUNTY BOARD OF EDUCATION

RATIFIED on April 5, 2022, by the Napa County Board of Education by the following vote:

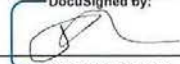
AYES: Jean Donaldson, Janna Waldinger, Gerry Parrott, Sindy Biederman

NOES: Jennifer Kresge

ABSTENTIONS: None

ABSENCES: Ann Cash, Don Huffman

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

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Don J. Huffman, President

NAPA COUNTY BOARD OF EDUCATION