

**CLASSIFICATION: Philosophy, Goals, Objectives, and  
Comprehensive Plans****ADOPTED: 9/9/20****SUBJECT: Appeals of District Decisions Regarding  
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The County Board of Education (County Board) shall consider any appeal of a decision made by the governing board of a school district within the County Board's jurisdiction to deny a petition for the establishment of a charter school, deny the renewal of a charter, or revoke a charter that was originally authorized by the district, provided that the request for the appeal meets the requirements described below.

The County Board may request that the county superintendent of schools or designee communicate with charter petitioners and perform a review of the petition on behalf of the County Board and report any findings to the County Board at a public meeting. All meetings of the County Board at which the appeal of a charter petition is to be discussed shall be subject to state open meeting laws.

#### Appeal of District Denial of Charter Authorization or Renewal

If the governing board of a school district denies a petition for the establishment or renewal of a charter school, the petitioners may submit an appeal to the County Board within 30 calendar days of the denial. Any petition submitted to the County Board after this time frame shall be considered denied with no further options for administrative appeal.

A petition to the County Board to establish or renew a charter school that has been denied by a school district governing board shall include:

1. A complete copy of the charter petition as denied, including, but not limited to, the signatures required by Education Code section 47605 and the identification of the proposed site(s) where the charter school will operate
2. Evidence of the school district governing board's action to deny the petition, such as meeting minutes
3. Any written factual findings from the school district governing board setting forth specific facts to support the grounds for denial

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4. A signed certification stating that the petitioner(s) will comply with all applicable laws
  5. A description of any changes to the petition necessary to reflect the County Board as the chartering entity
  6. A flash/thumb drive containing a digital copy of all submitted materials
  7. Five hard copy binders of all materials submitted

If the petition submitted on appeal contains new or different material terms, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition for the establishment of a charter school to the County Board.

Within 60 calendar days of the receipt of the petition, the County Board shall hold a public hearing to review documentation and obtain public input. A petition is deemed received on the day the petitioner submits a petition to the San Diego County Office of Education's (SDCOE) Charter Schools department, along with a signed certification that the petitioner deems the petition to be complete.

In considering the charter petition, the County Board is not limited to a review based solely on the reasons for denial stated by school district. The County Board shall review and approve or deny a petition based on the criteria specified in Education Code section 47605.

As specified in Education Code sections 47607 and 47607.2 and Title 5, Section 11966.5 of the California Code of Regulations, when considering a petition for renewal, the County Board shall also consider the charter school's past performance on academics, finances, and operations, along with any future plans for improvement, in evaluating the school's likelihood of future success. The previously referenced statutes shall also guide the County Board's review of non-renewal appeals.

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Following review of the petition and the public hearing, the County Board shall either grant or deny the charter within 90 calendar days of receipt of the petition, or within 120 calendar days if the petitioner and County Board agree to the extension.

A charter school authorized by the County Board on appeal shall be subject to the same requirements concerning geographic location to which it would otherwise be subject if it received approval from the school district to which it originally submitted its petition.

Any charter petition appealed to and denied by the County Board may be submitted to the State Board of Education (SBE) within 30 calendar days of the denial. Upon request by the petitioner, the County Board shall prepare a documentary record, including transcripts of the public hearing at which the petition was denied, no later than 10 business days of the request. Within 30 calendar days of receipt of the appeal submitted to the SBE, the County Board may submit a written opposition and supporting documentation or evidence that was considered by the County Board in reviewing and denying the petition.

#### Appeal of District Charter School Revocations

If a school district governing board revokes the charter of a school it authorized, the charter school may appeal the revocation by delivering to the SDCOE Charter School department a written Notice of Appeal to the County Board within 30 calendar days of the district's final decision.

The Notice of Appeal shall include all of the following:

1. A copy of the district's Notice of Violation, Notice of Intent to Revoke, and the Final Decision, unless the school district did not provide them to the charter school as required pursuant to Title 5, Section 11968.5.2 of the California Code of Regulation
2. Evidence of the final vote of the school district governing board, if available

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3. All evidence relied upon by the school district in determining whether substantial evidence existed that the charter school failed to remedy one or more violations identified in the Notice(s) of Violation
4. All evidence and correspondence submitted by the charter school's governing body in response to the school district's Notice of Violation and Notice of Intent to Revoke
5. Minutes of any public meeting at which the school district governing board considered or made its decision to revoke the charter, if available
6. A written statement from the charter school explaining why it does not believe that the school district's factual findings are supported by substantial evidence
7. Identification of any procedural omissions or errors the charter school alleges to have occurred in the revocation process
8. A flash/thumb drive containing a digital copy of all submitted materials
9. Five hard copy binders of all materials submitted.

The County Board shall consider the following when determining whether the school district's factual findings are supported by substantial evidence:

1. Whether the school district provided the charter school a Notice of Violation and a reasonable opportunity to remedy the identified violation(s)
2. If the charter school submitted a response to the Notice of Violation, whether the charter school complied with the procedures set forth for that response
3. Whether the school district provided the charter school a Notice of Intent to Revoke, a public hearing, and Final Decision

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4. Whether the school district provided the charter school a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, if applicable
5. Whether an alleged procedural deficiency negatively impacted the charter school's ability to refute or remedy the alleged violation(s) or the school district's ability to comply with its procedural obligations or authorizing duties

The County Board shall provide the California Department of Education and the school district a copy of its written decision within ten calendar days of its action.

The County Board may reverse the school district's decision if it determines the school district's findings are not supported by substantial evidence. If the school district's decision is reversed on appeal, the school district shall continue to be regarded as the chartering authority. The school district may appeal the reversal to the SBE.

If the County Board does not issue a decision within 90 calendar days of receiving the Notice of Appeal, or if the County Board upholds the school district's decision to revoke the charter, the charter school may appeal to the SBE.

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Derivation: Adopted 9/9/20

Board Policy: 0310

Administrative Regulation: 0310.1, 0310.2, 0310.3, 0310.4, 0310.5

Legal Reference: Education Code  
220, 33054, 47600 - 47616.7, 60600 - 60649  
Government Code  
3540 - 3549.3, 54950 - 54963  
California Code of Regulations, Title 5  
11960 - 11969  
United States Code, Title 20  
7223 - 7225  
Code of Federal Regulations, Title 34  
200.1 - 200.78  
Attorney General Opinions  
80 Ops. Cal. Atty. Gen. 52 (1997)  
78 Ops. Cal. Atty. Gen. 297 (1995)

Management Resources:

Websites:

California Charter Schools Association <http://www.calcharters.org>  
California Department of Education, Charter Schools <http://www.cde.ca.gov/sp/cs>  
California School Boards Association <http://www.csba.org>  
National Association of Charter School Authorizers <http://www.charterauthorizers.org>  
United States Department of Education <http://www.ed.gov>