

# Appeals



In 2019, the Legislature enacted the most substantial changes to California's charter school laws since passage of the original California Charter Schools Act in 1992. These changes resulted from increased demands from district *and* charter parents, educators, administrators, and school board members, as communities throughout California faced the significant impacts of unregulated charter school growth, as well as increasing concerns that charter schools do not serve all students.

Included in the new laws are significant changes to the appeals process for charter school petitions and renewals that are denied by districts and counties, including:

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## Appeals to the County Board of Education

*(Effective July 1, 2020)*

Under AB 1505, charter schools may still appeal school district denials of a new petition or a renewal to the county board of education within 30 days of the denial. As with school districts, county boards of education may consider the community and fiscal impact of a new petition, or a petition from a school seeking to add locations and/or grades.

AB 1505 gives counties additional time to do their due diligence on charter school petitions and renewals by allowing 60 days (previously 30 days) from receiving a petition until a public hearing is held, and allowing 90 days (previously 60 days) from receiving a petition until a vote is taken. The law continues to allow a 30-day extension of this timeline (up to 120 days total) by mutual agreement.

If the school district denied the petition due to fiscal distress, the county board of education *must* consider the school district's fiscal distress findings on appeal, with a presumption of denial unless the district's finding is proven inaccurate.

If the county board of education fails to act on the appealed petition within 180 days of receipt (previously 120 days), the decision of the school district to deny the petition is subject to judicial review, as before.

## Limited Appeals to the State Board of Education

Under AB 1505, the State Board of Education (SBE) will be allowed to reverse the determination of a county board of

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*(Effective July 1, 2020)*

### **Limited Appeals to the State Board of Education (cont'd)**

education *only* upon determining that there was an abuse of discretion by the school district or county board of education.

If a charter school appeals to the SBE within 30 days of being denied by a county board of education, the Advisory Commission on Charter Schools (ACCS) will hold a public hearing on the appeal to determine whether there was an abuse of discretion by the lower board(s), and then submit a recommendation to the SBE. The SBE can then either hear the appeal or summarily deny review of the appeal based on the documentary record. If the SBE elects to hear the appeal, it can then affirm the decision of the lower boards, or may reverse the lower boards' decisions, but *only* upon a determination that there was an abuse of discretion.

If the SBE fails to act on the appealed petition within 180 days of receipt (previously 120 days), the decision of the school district to deny the petition is subject to judicial review, as before.

Under AB 1505, the SBE will no longer be a charter school authorizer. So, if the SBE reverses denial by the school district and county board of education on appeal, it is required to designate either the school district or the county board of education for oversight and authorization. Subsequent renewals and all oversight will be subject to the same requirements as other charter schools authorized by that chartering authority.

### **Material Revisions in Appeals**

*(Effective July 1, 2020)*

AB 1505 requires charter petitions stay the same at each step of the appeals process. If a petition contains new or different material terms, it must be immediately remanded back to the school district for reconsideration, ensuring that throughout the appeals process the same petition is being evaluated and that each appellate body has access to the same information.

If a petition with material revisions is remanded back to the school district, it has 30 days to grant or deny the petition. If the petition is denied again, the charter petitioner may resubmit the petition to the appellate body.

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These changes represent a significant overhaul of existing laws, and it is important that they are implemented correctly from the start. Use our new rapid response hotline for **questions** or to **report new charter school petitions or requests to expand** in your district:



(650) 525-4362



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[www.cta.org/charters](http://www.cta.org/charters)