

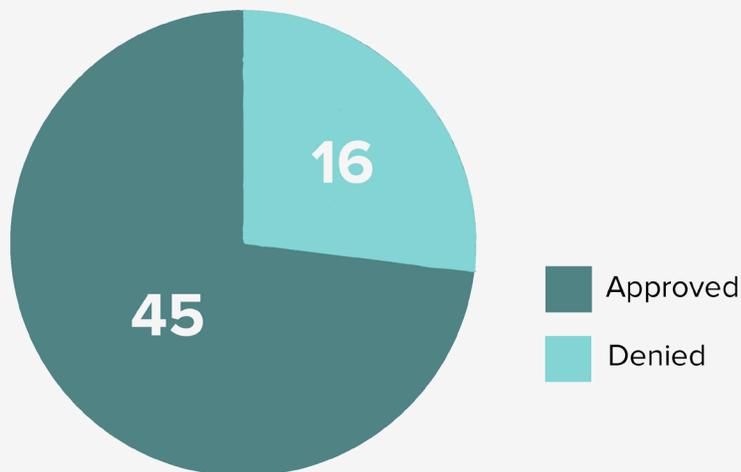
# Local Charter School Oversight in California

A pointless conversation unless locally elected officials have authority

In the Public Interest • August 2016

**Concern:** The State Board of Education (SBE) has a troubling practice of approving deficient local charter school petitions that have been rejected by the school districts and counties in which they are expected to operate. State law expresses a preference for local oversight of charter schools. The SBE’s routine disregard for rejections of charter petitions at the district and county level is especially troubling because the Charter Schools Act (CSA) expresses a preference for local control and supervision of charter schools. This is because schools operating remotely from their chartering authority are difficult to track. The SBE’s routine approval of rejected charter petitions has left the SBE saddled with oversight responsibilities for many local charter schools—exactly the situation that the CSA was designed to avoid. See *California School Boards Assoc. v. State Board of Educ. (2010) 186 Cal. App. 4th 1298, 1320*: “[T]his statutory scheme [of the CSA] ... reflects an intent to promote district-chartered schools and local oversight”

**Since 2002:** the SBE has heard **61** appeals of charter petitions rejected by districts and counties. **75%** have been approved.



**What this means:** Locally elected officials who make decisions in the interest of their communities are routinely ignored at the state level. Charter petitioners may ignore oversight by local officials, believing that the SBE is the only authority they must respect.

**Recommendations:** 1.) The granting of charters should only be through school districts with democratically elected school boards for schools within the boundaries of the school district. 2.) Appeals to the school district’s denial of a petition should be allowed for due process reasons only.

## Example

### International Studies Language Academy

#### Charter Petition Approved by SBE on May 12, 2016

**Summary:** The SBE approved a petition by the International Studies Language Academy (ISLA) to establish a charter school within Glendale Unified School District (GUSD) on May 12, 2016. The petition had previously been rejected by both GUSD and the Los Angeles County Office of Education (LACOE), and the SBE was considering the petition on appeal.

**Concerns:** The SBE's approval of this obviously deficient charter petition is inappropriate, because neither the Education Code nor regulations implementing it give SBE the authority to act as it did, which is as follows:

- **The petition was clearly deficient.** GUSD and LACOE rejected the petition because of significant deficiencies with the charter's financial plan, governance structure, and educational program (including its plan for serving English learners and students with disabilities), among other deficiencies. The California Department of Education noted numerous statutory deficiencies in the petition. (See [cde.ca.gov/be/cc/cs/documents/accs-apr16item03a1.doc](http://cde.ca.gov/be/cc/cs/documents/accs-apr16item03a1.doc))
- **The SBE is not authorized to consider a petition on appeal that is different from the petition that was rejected below.** ISLA submitted over 100 pages of supplemental information to the SBE that was not part of the petition presented to the district and county. Under state regulations, the SBE is only authorized to review and make a determination on an appeal of a charter petition "as denied by the local district." If ISLA wanted to amend its petition, it should have resubmitted it to GUSD for approval in the first instance. (See *5 C.C.R. § 11967(b)(1)*.)
- **The SBE's conditional approval of the petition was inappropriate.** The SBE approved the petition, but because of the deficiencies in the petition, it required ISLA to make at least twelve significant changes as a condition of approval. The SBE called some of these changes "technical amendments," though nothing in the statute or regulations defines the term. But the extensive changes recommended by the SBE effectively constitute a rewrite of ISLA's governance structure, bylaws, plan for enrollment, admissions preferences, educational program for English learner students, and more, and clearly cannot be considered merely technical. In any event, the regulations are clear that the SBE may only consider the same petition "as denied" by the local district, not a different petition altered by significant post-hoc changes.

## About In the Public Interest



**In the Public Interest** is a research and policy center committed to promoting the values, vision, and agenda for the common good and democratic control of public goods and services. For more information, please visit [inthepublicinterest.org](http://inthepublicinterest.org).