



CHARTER SCHOOL SERVICES

Appeal Processes

San Diego County Office of Education

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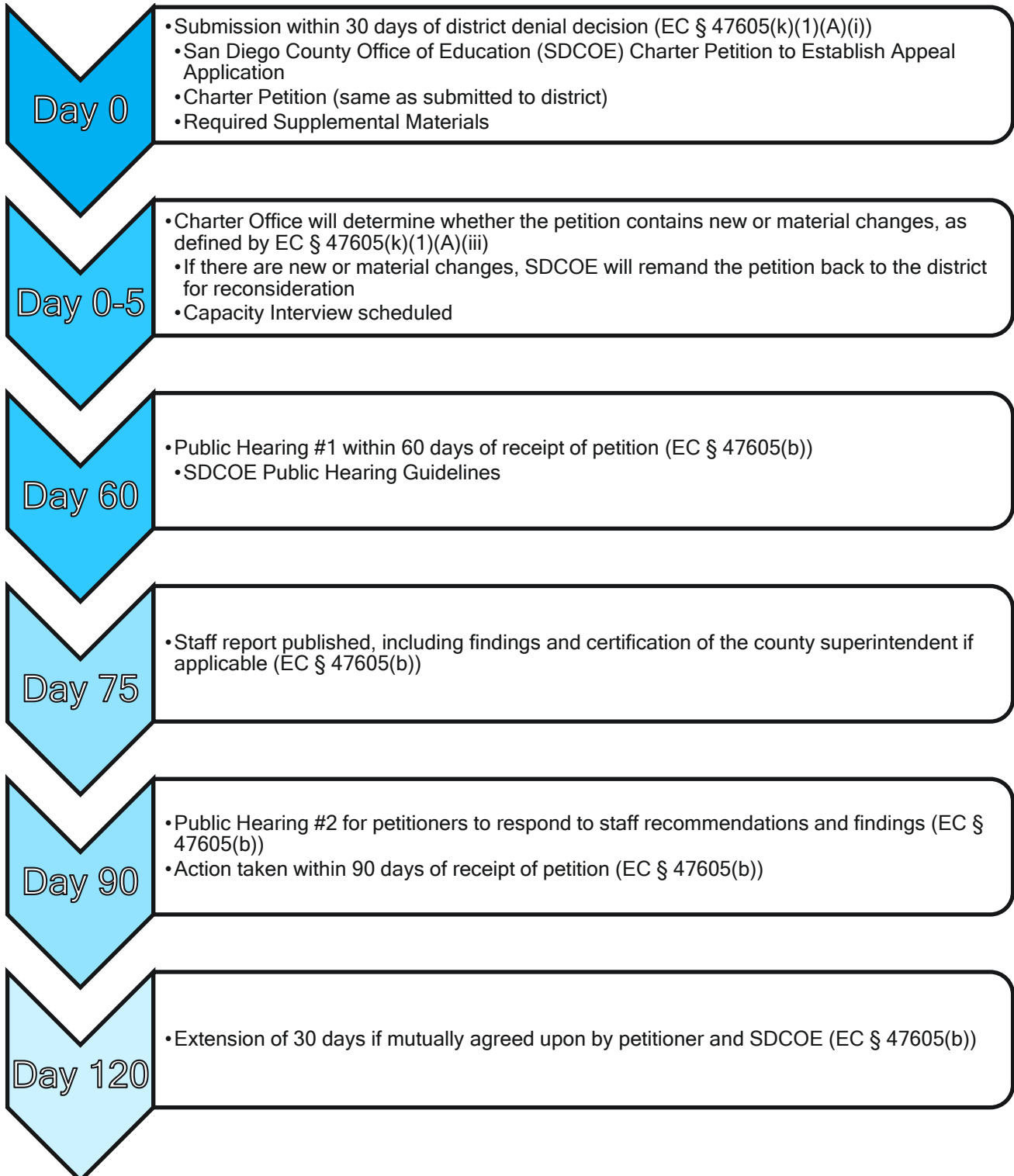
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Appeal of Charter Petition to Establish Submission Process

Appeal of Charter Petition to Establish Timeline



Required Documents to be Submitted to SDCOE

All appeal petitions submitted to the San Diego County Office of Education (SDCOE) should contain the following:

1. ~~10 hard copy binders of all items submitted~~ ****Not required due to COVID-19**
2. ~~1 thumb drive with all submitted documents in PDF format~~ ****Not required due to COVID-19**
3. Google Folder Submission
 - a. When a charter school is ready to submit a petition to SDCOE, contact the SDCOE Charter School Services team at charters@sdcoe.net, to request a Google Drive folder to upload all required petition documents and materials.
 - b. The date of submission will be the latest date that petition documents and materials are submitted.
4. Format of documents
 - a. PDF format
 - b. Please submit a copy of financial documents in Excel format
5. SDCOE Charter Petition to Establish Appeal Application
6. Evidence of the denial action and the written factual findings adopted by the governing board of the school district
 - a. Board meeting minutes
 - b. Resolution
 - c. Written factual findings
7. A cover letter signed by the governing board president or designee authorizing the submission of the charter appeal petition and application.
8. The Charter Petition Review Matrix with Completeness Certification signed, and page numbers included to indicate where the criterion can be located in the petition.
9. The charter petition as submitted to the district
10. All required supplemental materials and documents as requested by the SDCOE.

Charter Petition to Establish Appeal Criteria: 5 CCR § 11967 & EC § 47605

A charter school who has submitted a petition to establish to a local school district, and has been denied by that school district, may appeal the decision. The appeal can be made first to the county board of education within 30-days of the local school district decision ([EC § 47605\(k\)\(1\)\(A\)\(i\)](#)). If a charter school is denied by a local school district and the county lacks an independent county board of education, the petitioner may elect to submit the appeal directly to the state board of education

(EC § 47605(k)(1)(B)). When a petition to establish a charter school is submitted on appeal to the county board of education, the county board of education is required to perform a “de novo” (brand new), review of the charter petition using the same requirements outlined in Education Code § 47605. Below outlines the specific criteria required by both the California Code of Regulations and Education Code for appeals of charter petitions to establish.

California Code of Regulations Title 5 § 11967

A charter school must meet the required criteria outlined below when submitting an appeal for a charter petition to establish:

1. A complete copy of the charter petition as denied, including the signatures required by Education Code § 47605
2. Evidence of the denial action and the written factual findings adopted by the governing board of the school district
 - a. Board meeting minutes
 - b. Resolution
 - c. Written factual findings
3. A signed certification stating that petitioner(s) will comply with all applicable law
4. A description of any changes to the petition necessary to reflect the county board of education as the chartering entity

California Education Code § 47605

A charter school must meet required criteria outlined in EC § 47605 as outlined below:

1. The charter school presents a sound educational program for the pupils to be enrolled in the charter school
2. The petitioners are demonstrably likely to successfully implement the program set forth in the petition
3. The petition has appropriate signatures of either:
 - a. A number of parents or legal guardians of pupils that is equivalent to at least on-half of the number of pupils that the charter school estimates will enroll in the charter school for its first year of operation; or,
 - b. A number of teachers that is equivalent to at least one-half of the number of teachers that the charter school estimates will be employed at the charter school during its first year of operation.
 - c. Conversion Schools ONLY – if the charter school is proposing to convert an existing public school, the petition must contain at least 50 percent of the permanent status teachers currently employed at the public school to be converted
4. All affirmations and declarations pursuant to EC § 47605(e)

5. Charter school must contain a reasonably comprehensive description of all 15 required elements outlined in EC § 47605(c)(5)(A) – (O).
 - a. Educational Program
 - b. Measurable Pupil Outcomes
 - c. Pupil Progress and Outcomes
 - d. Governance
 - e. Employee Qualifications
 - f. Health and Safety of Pupils and Staff
 - g. Racial, Ethnic and Student Subgroup Balance
 - h. Admission Policies and Procedures
 - i. Independent Fiscal Audits
 - j. Pupil Discipline
 - k. Staff Retirement Selection
 - l. Public School Attendance Alternatives
 - m. Rights of the Employee
 - n. Dispute Resolution
 - o. Closure Procedures
6. The petition contains a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school for purposes of Chapter 10.7 (commencing with Section § 3540) of Division 4 of Title 1 of the Government Code (EC § 47605(c)(6)).
7. Demonstrate the charter school is likely to serve the interests of the entire community in which the school is proposing to locate (EC § 47605(c)(7)).
8. The school district is not positioned to absorb the fiscal impact of the proposed charter school (EC § 47605(c)(8)).
9. The charter school shall meet all statewide standards and conduct the pupil assessments required pursuant to [EC § 60605](#) and any other statewide standards authorized in statute or pupil assessments applicable to pupils in non-charter public schools (EC § 47605(d)(1)).
10. Charter schools shall consult with parents, legal guardians, and teachers regarding the school's educational programs on a regular basis (EC § 47605(d)(2)).
11. The charter must contain information regarding the proposed operation and potential effects of the charter school, including, but not limited to (EC § 47605(h)):
 - a. Proposed facilities, including a description of facilities to be used and specify where the charter school intends to locate
 - b. The manner in which administrative services of the charter school will be provided

- c. Potential civil liberty effects upon the charter school and upon the school district (if any)
- d. Financial statements that include the proposed first-year operational budget, startup costs, cashflow and financial projections for the first three years of operation
- e. If the charter school is operated by, or as, a nonprofit public benefit corporation, the petitioner shall provide the names and relevant qualifications of all persons whom the petitioner nominates to serve on the charter school governing board

Other Information, Materials & Documents Used During an Appeal Review

In addition to statutorily required elements to be contained in the charter petition, the SDCOE Charter Review Team will also consider other documentation during the review process, including but not limited to the following:

- 1. Additional documents submitted by the charter school to the district during the district's review process
- 2. Additional documents submitted by the charter school to the county office of education (COE) during the COE's review process (not material)
- 3. The capacity interview conducted by the COE

Action Taken By the Board

The county office of education shall not deny a petition for establishment of a charter school unless it makes written factual findings that support one or more of the following:

- 1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school
- 2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition.
- 3. The petition does not contain the number of signatures required by EC § 47605(a).
- 4. The petition does not contain an affirmation of each of the conditions described in EC § 47605(e).
- 5. The petition does not contain reasonably comprehensive descriptions of all 15 elements in EC § 47605(c)(5)(A)-(O).
- 6. The petition does not contain a declaration of whether or not the charter school shall be deemed the exclusive public employer of the employees of the charter school
- 7. The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.
- 8. The school district is not positioned to absorb the fiscal impact of the proposed charter school.

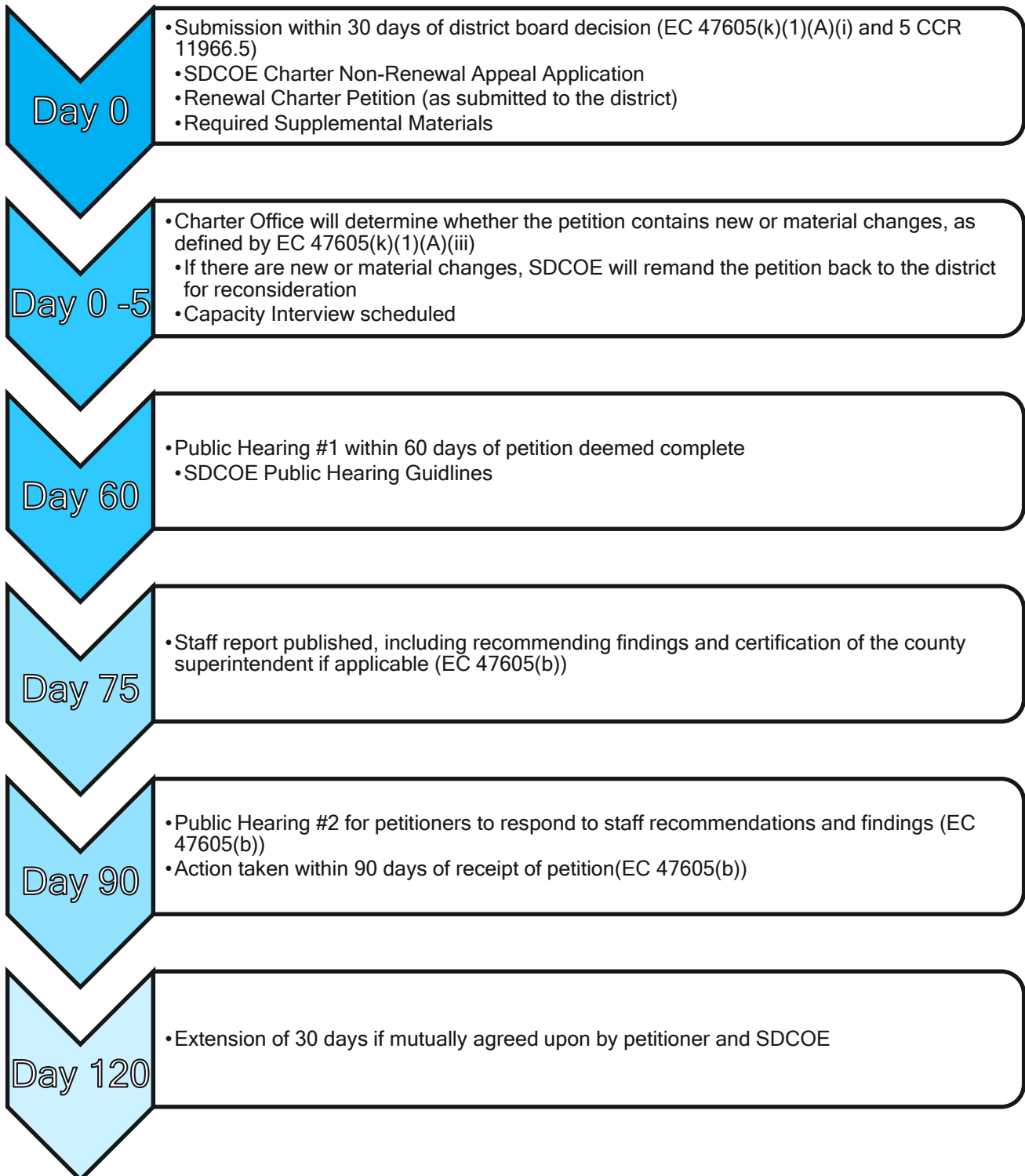
The San Diego County Board of Education has the following action options for an appeal of a charter petition to establish:

- 1. Grant the appeal of the charter school and become the chartering authority

- a. Upon granting the appeal a Memorandum of Understanding (MOU) will be entered into between the charter school and the SDCOE
 - b. Any conditions identified in the action taken by the board or determined by staff, will be brought into compliance, and monitored.
2. Deny the appeal of the charter school and adopt written findings of fact
 - a. A charter school may appeal the decision of the county board of education to the State Board of Education

Appeal of Charter Non-Renewal Submission Process

Appeal of Charter Non-Renewal Timeline



Required Documents to be Submitted to SDCOE

All appeal petitions submitted to the SDCOE should contain the following:

1. ~~10 hard copy binders of all items submitted~~ ****Not required due to COVID-19**
2. ~~1 thumb drive with all submitted documents in PDF format~~ ****Not required due to COVID-19**
3. Google Folder Submission
 - a. When a charter school is ready to submit a petition to SDCOE, contact the Charter School Services Team at charters@sdcoe.net, to request a Google Drive folder to upload all required petition documents and materials.
 - b. The date of submission will be the latest date that petition documents and materials are submitted.
4. Format of documents
 - a. PDF format
 - b. Please submit a copy of financial documents in Excel format
5. SDCOE Charter Nonrenewal Appeal Application
6. Evidence of the denial action and the written factual findings adopted by the governing board of the school district
 - a. Board meeting minutes
 - b. Resolution
 - c. Written factual findings
7. A cover letter signed by the governing board president or designee authorizing the submission of the charter appeal petition and application.
8. A copy of the Charter Petition Review Matrix with page numbers included to indicate where the information can be located in the petition.
9. The charter petition as submitted to the district, including updates to the charter school's operation and all legal or legislative changes to charter schools.
10. All required supplemental materials and documents as requested by the SDCOE.

Renewal Criteria: EC § 47607, 47607.2 & 5 CCR § 11966.5

A charter school's renewal submission is determined by [California Education Code \(EC\) sections \(§\)47607](#), [§ 47607.2](#) and the [California Code of Regulations \(CCR\), Title 5 Section 11966.5](#). The required elements of a charter renewal petition are the same as the elements for the initial charter petition ([EC § 47605](#)), with the exception that renewal petitions do not required signatures outline in EC § 47605(a)(1) – (3). Charter school renewal petitions must also contain a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed. Additionally, the charter school must demonstrate

increases in student academic achievement for all students. If a charter school's renewal petition is denied by the local school district, the charter school may appeal the renewal decision to the county board of education. The county board of education is required to review the appeal of a renewal charter petition in accordance with EC § 47607, EC § 47607.2, EC § 47605 and 5 CCR § 11966.5.

California Code of Regulations, Title 5, Section (§) 11966.5

The charter school must meet the following requirements as outlined in the California Code of Regulations:

1. ~~Documentation that the charter school meets at least one of the criteria in EC § 47607(b)**~~
****EC § 47607(b) no longer applicable with enactment of [Assembly Bill \(AB\) 1505](#)**
2. A copy of the renewal charter petition including a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed
3. A copy of the school district board's denial and supporting written factual findings
4. A description of any changes to the renewal petition necessary to reflect the county board of education as the chartering authority
5. When considering a petition for renewal, the county board of education shall consider the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any

California Education Code § 47607 & § 47607.2 – Renewal criteria

A charter school must meet required renewal criteria outlined in EC §47607 and EC § 47607.2 as outlined below in the chart below. The California Department of Education will annually publish the [Charter School Performance Category Data File](#), which will list all non- Dashboard Alternative School Status (DASS) charter schools and their respective performance category.

High Performing Schools Education Code § 47607(c)	Middle Performing Schools Education Code § 47607.2(b)	Low Performing Schools Education Code § 47607.2(a)
<p>A charter school that for two consecutive years immediately preceding renewal either:</p> <ol style="list-style-type: none"> 1. Scored green or blue schoolwide on all state indicators on the Dashboard <p>OR</p> <ol style="list-style-type: none"> 2. For all measurements of academic performance, received performance levels schoolwide that are the same or higher than the state average, AND for a majority of subgroups performing statewide below the state 	<p>Charter schools not satisfying the "high performing", or "low performing" criteria should be evaluated under this column:</p> <ol style="list-style-type: none"> 1. Shall consider schoolwide performance and performance of all subgroups on the Dashboard and shall provide "greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal." 2. Shall also consider clear and convincing evidence, 	<p>SHALL NOT RENEW a charter that for two consecutive years immediately preceding renewal either:</p> <ol style="list-style-type: none"> 1. Scored red or orange schoolwide on all state indicators on the Dashboard; <p>OR</p> <ol style="list-style-type: none"> 2. For all measures of academic performance, received performance levels schoolwide that are the same or lower than the state average, AND for a majority of subgroups performing

average in each respective year, received levels that are higher than the state average	<p>demonstrated by verified data showing either:</p> <ol style="list-style-type: none"> The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school; <p>OR</p> <ol style="list-style-type: none"> Strong postsecondary outcomes equal to similar peers. <p>MAY DENY ONLY upon making written findings that:</p> <ol style="list-style-type: none"> The charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to pupils of the school; <p>AND</p> <ol style="list-style-type: none"> The closure is in the best interest of the pupils; <p>AND</p> <ol style="list-style-type: none"> The decision provided greater weight to the performance on measurements of academic performance 	<p>statewide below the state average in each respective year, received levels that are lower than the state average.</p> <p>However, MAY RENEW ONLY upon making both of the following written factual findings:</p> <ol style="list-style-type: none"> The charter school is taking meaningful steps to address the underlying cause(s) of low performance, which are or will be written in a plan adopted by the governing body of the charter school; <p>AND</p> <ol style="list-style-type: none"> There is a clear and convincing evidence, demonstrated by verified data, showing either: <ol style="list-style-type: none"> The school achieved measurable increases in academic achievement, as defined by at least one year's progress for each year in school; <p>OR</p> <ol style="list-style-type: none"> Strong postsecondary outcomes equal to similar peers
For charter schools satisfying the criteria in this column:	For charter schools satisfying the criteria in this column:	For charter schools satisfying the criteria in this column:
<ul style="list-style-type: none"> 5 to 7-year renewal term Only required to update petition to include reasonably comprehensive description of any new requirements, and as necessary to reflect the current program offered by the charter school Charter schools eligible for technical assistance not eligible for renewal under this column 	<ul style="list-style-type: none"> 5-year renewal term Verified data considered for the next two subsequent renewals until January 1, 2026 	<ul style="list-style-type: none"> Nonrenewal <p>OR</p> <ul style="list-style-type: none"> 2-year renewal term Verified data considered until 6/30/2025 for a school operating on or before 6/30/2020 for the next two subsequent renewals
Chart provided by Lozano Smith, Attorneys at Law, Charter School Toolkit		

California Education Code § 47605 – Renewal Requirements

The same required components of an initial petition are required in a renewal petition with the exception of the signature requirement (EC § 47605). The signature requirement of students or staff is not required for a renewal petition. As a result of [Assembly Bill \(AB\) 1505](#) (O'Donnell) and [AB 1507](#) (Smith), there are new requirements that may impact a charter school upon renewal. Below is a listing of changes to EC § 47605 that may impact a charter school's renewal:

1. Facility Locations – if a charter school is operating outside of the geographic boundaries of the authorizing district, and the charter wishes to continue to operate the facility, the charter school will need to do either of the following prior to submitting the request for renewal:
 - a. Obtain approval in writing from the school district where the site is operating
 - b. Submit a renewal of the charter petition pursuant to EC § 47607 to the school district in which the charter school is located.

Other Materials & Documents Used to Determine Renewal

In addition to statutorily required elements within the charter petition, the SDCOE Charter Review Team will also consider other documentation during renewal, including but not limited to the following:

1. The School District Site Visit Analysis
2. The School District Annual Charter Reports
3. Student Academic Achievement
 - a. California Assessment of Student Performance and Progress (CAASPP)
 - b. California Dashboard
 - c. Verified Data as approved by the State Board of Education (SBE) ([SBE Item 14](#))
 - d. Other student academic information as requested
4. Financial Reporting
 - a. Annually required financial documents
 - b. Audit Report
 - c. All Applicable "Good Standing" Reports
 - d. Any other financial information
5. Governance Compliance
 - a. Conflict of Interest
 - b. Brown Act
 - c. Any other governance information
6. Special Education Compliance

- a. SELPA letter of good standing
 - b. CDE Correspondence regarding Special Education
 - c. Any violations, corrections or concerns regarding Special Education students, services, or programs.
 - d. Any other information related to the services, program, and operation of Special Education at the charter school.
- 7. Authorizer Notices of Concern, Violations, Notices to Cure
 - 8. Any other correspondence, documentation and materials pertaining to the charter school.

Action Taken by the Board

The county board of education may deny the renewal of a charter petition by making written factual findings to support one or more of the following based on the performance category of the charter school:

High Performing Charter School (EC § 47607(e)):

Allowable Charter Term: 5 to 7 years

- 1. Demonstrably unlikely to successfully implement the program due to substantial fiscal or governance concerns
- 2. The charter school is not serving all pupils who wish to attend, as documented by data provided by CDE.
 - a. Use of either of these denial reasons requires the charter school is provided with a 30-day notice of the violation and a reasonable opportunity to cure the violation. Written findings must be either the following:
 - i. The corrective action proposed by the charter school has been unsuccessful.
 - ii. The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Middle Performing Charter School (EC 47605, EC 47605.6, EC 47607(e)):

Allowable Charter Term: 5 years

- 1. The charter school presents an unsound educational program for the pupils to be enrolled in the charter school
- 2. The petitioners are demonstrably unlikely to successfully implement the program
- 3. The petition does not contain the required affirmations

4. The petition does not contain reasonably comprehensive descriptions of the required elements
5. The petition does not contain a declaration of whether or not the charter school will be the exclusive employer
6. *Demonstrably unlikely to successfully implement the program due to substantial fiscal or governance concerns
7. *The charter school is not serving all pupils who wish to attend, as documented by data provided by CDE.
 - a. *Use of either of these denial reasons requires the charter school is provided with a 30-day notice of the violation and a reasonable opportunity to cure the violation. Written findings must be either of the following:
 - i. The corrective action proposed by the charter school has been unsuccessful.
 - ii. The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

Low Performing Charter School (EC 47607.2(a)(1)):

Allowable Charter Term: *if granted* 2 years

A low performing charter school is a presumptive denial (EC 47607.2(a)(1)). In the case of a low performing charter school, in order to grant a low performing charter school, the governing board must find:

A low performing charter school may only be approved for a two-year term, if the charter school has met both of the below:

1. The charter school has taken meaningful steps to address the low performance, and those steps are reflected, or will be reflected in a written plan adopted by the charter school's board.
2. There is clear and convincing evidence of either measurable increases in academic achievement or strong postsecondary outcomes.

The San Diego County Board of Education has three action options for an appeal of a non-renewal of a high or middle performing charter petition:

1. Grant the petition with a charter term in accordance with Education Code applicable to the charter school's performance category.

2. Grant the petition with a charter term in accordance with Education Code applicable to the charter school's performance category; provided that the Charter School enters into an MOU with SDCOE, prior to July 1, to address, reconcile and resolve the Findings presented in the Staff Report.
3. Deny the petition and adopt written findings of fact
 - a. A charter school may appeal the decision of the county board of education to the State Board of Education

The San Diego County Board of Education has three action options for an appeal of a non-renewal of a low performing charter petition:

1. The Board finds:
 - a. The Charter School has taken, or is taking, meaningful steps to address the underlying cause(s) of the lower performance and the steps are, or will be reflected in a written plan adopted by the governing board, and
 - b. There is clear and convincing evidence as demonstrated by verified data showing either the school achieved at least one year's progress for each school year in academic achievement, or the charter school has strong postsecondary outcomes;

And therefore, GRANTS the Petition in accordance with Education Code Section 47607.2 for a two-year term.

3. The Board finds:
 - a. The Charter School has taken, or is taking, meaningful steps to address the underlying cause(s) of the lower performance and the steps are, or will be reflected in a written plan adopted by the governing board, and
 - b. There is clear and convincing evidence as demonstrated by verified data showing either the school achieved at least one year's progress for each school year in academic achievement, or the charter school has strong postsecondary outcomes;

And therefore, GRANTS the Petition in accordance with Education Code Section (§) 47607.2 for a two-year term provided the Charter School enters into an MOU with SDCOE, prior to July 1, 2021, to address, reconcile and resolve the Findings presented in the Staff Report.

4. DENY the Petition in accordance with Education Code Section (§) 47607.2, and ADOPT the Findings presented in the Staff Report.
 - a. The charter school may appeal the denial to the State Board of Education (SBE).

Appeal of Charter Revocation Submission Process

Appeal of Charter Revocation Timeline

Day 0

- Submission within 30 days of district board action (EC § 47607(i)(1))
- SDCOE Charter School Revocation Appeal Application
- Revocation Documentation
- Required Supplemental Materials
- Charter Review Team begins review and analysis

Day 90

- Action taken within 90 days of appeal of revocation submission to SDCOE (EC § 47607(i)(3))

Required Documents to be Submitted to SDCOE

All appeal petitions submitted to the SDCOE should contain the following:

1. ~~10 hard copy binders of all items submitted~~ ****Not required due to COVID-19**
2. ~~1 thumb drive with all submitted documents in PDF format~~ ****Not required due to COVID-19**
3. Google Folder Submission
 - a. When a charter school is ready to submit a petition to SDCOE, contact the Charter School Services Team at charters@sdcoe.net, to request a Google Drive folder to upload all required petition documents and materials.
 - b. The date of submission will be the latest date that petition documents and materials are submitted.
4. Format of documents
 - a. PDF format
 - b. Please submit a copy of financial documents in Excel format
5. SDCOE Charter School Revocation Appeal Application
6. Written Notice of Appeal as per [5 CCR § 11968.5.3\(a\)](#) or [5 CCE § 11968.5.4\(a\)](#), which includes:
 - a. A copy of the Notice of Violation, Notice of Intent to Revoke and the Final Decision issued pursuant to either:
 - i. 5 CCR § 11968.5.3
 - I. A copy of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety issued pursuant to this article except that the charter school shall not be responsible for providing this document if the chartering authority did not provide it to the charter school as required in this section;
 - II. Evidence of the final vote of the chartering authority, if available;
 - III. All evidence relied upon by the chartering authority in determining that a violation under [5 CCR section § 11965\(e\)](#) existed;
 - IV. Minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school's charter, if available; and
 - V. A written statement explaining why the charter school does not believe the district chartering authority's factual findings are supported by substantial evidence.
 - ii. 5 CCR § 11968.5.4, or
 - I. Evidence of the final vote of the chartering authority

- II. All evidence, relied upon by the chartering authority in determining whether substantial evidence existed that the charter school failed to remedy one or more violations (5 CCR § 11968.5.4)
- III. All evidence and correspondence submitted by the charter school's governing board in response to Notice of Violation and Notice of Intent to Revoke
- IV. Minutes of any public meeting at which the chartering authority considers, or makes its decision to revoke the school's charter
- V. Written statement explaining why the charter school does not believe the district chartering authority's factual findings are supported by substantial evidence
- VI. Identified any procedural omissions or errors the charter school alleges to have occurred in the revocation process

7. All required supplemental materials and documents as requested by the SDCOE.

Revocation Review Criteria

A charter school can be revoked by the authorizing agency under EC § 47607, 5 CCR § 11968.5.2 and 5 CCR § 11968.5.3. The charter school may appeal the decision of revocation. To appeal the decision, the charter school must submit the appeal within 30 days of the local governing board's action. Once a revocation is submitted on appeal, the county board of education will review the submitted revocation documents based on the following California Code of Regulations and Education Code.

California Code of Regulations, Title 5, Section 11968.5.3

When considering an appeal of revocation under 5 CCR § 11968.5.3 the county board of education will consider the following:

1. Determine whether the chartering authority's factual findings are supported by substantial evidence
2. Determine whether the district chartering authority provided the charter school's governing body as described in the school's charter a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety pursuant to EC § 47607(c) and (d).

California Code of Regulations, Title 5, Section 11968.5.4

When considering an appeal of revocation under 5 CCR § 11968.5.4 the county board of education will consider the following:

1. Determining whether the chartering authority's factual findings are supported by substantial evidence

2. Determine whether the district chartering authority provided the charter school's governing body as described in the school's charter a Notice of Violation, a reasonable opportunity to remedy the identified violation(s), a Notice of Intent to Revoke, a public hearing, and Final Decision, pursuant to Articles 2 and 2.5 and Education Code sections (§) 47607(g) - (h), inclusive.
3. If the charter school submits a response to the Notice of Violation pursuant to [5 CCR § 11968.5.2\(c\)](#), will consider whether the charter school complied with the procedures set forth in that section
4. Whether an alleged procedural deficiency negatively impacted the charter school's ability to refute or remedy the alleged violation or the chartering authority's ability to comply with its procedural obligations or authorizing duties

California Education Code § 47607(i)

The county board of education may reverse the revocation decision if the county board of education determines that:

1. The findings made by the chartering authority under EC § 47607(h) are not supported by substantial evidence.

Action Taken By the Board

The San Diego County Board of Education has three action options for an appeal of a charter school revocation:

1. Uphold the decision of the governing board of the school district.
 - a. The charter school may submit an appeal to the state board of education (EC § 47607(i)(3))
2. Overturn the decision of the governing board of the school district.
 - a. The charter school would return to the school district and continue operations (EC § 47607(k))
 - b. The school district may submit an appeal of the county board of education to the state board of education (EC § 47607(i)(2)).
3. No action.
 - a. If no action is taken within 90 days of receipt of the revocation appeal, the charter school may appeal the revocation to the state board (EC 47607(i)(3)).