



Submitting a Charter School Appeal to SDCOE

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Contents

Background.....4

SDCOE Charter School Services Contacts4

Appeal of a Charter Petition to Establish5

 Appeal Timeline.....5

 SDCOE Submission Requirements6

 Document Formats6

 Documents to Submit.....6

 Charter Petition to Establish Appeal Criteria (5 CCR 11967, EC 47605).....7

 California Code of Regulations Title 5 Section 119677

 California Education Code 47605.....7

 Other Information, Materials and Documents Used During an Appeal Review9

 Board Action.....9

 Reasons for Denial9

 After Action.....10

 Granting the Petition10

 Denying the Petition.....10

Appeal of a Renewal Charter Petition.....11

 Appeal Timeline.....11

 SDCOE Submission Requirements12

 Document Formats12

 Documents to Submit.....12

 Charter Renewal Petition Appeal Criteria13

 California Code of Regulations (5 CCR 11966.5).....13

 Education Code Renewal Criteria (EC 47607, 47607.2).....13

 California Education Code 47605: Renewal Requirements.....15

 Other Information, Materials and Documents Used During a Non-Renewal Appeal Review
 16

 Board Action.....17

 High Performance Category Charter School (EC 47607(e)):.....17

 Middle Performing Charter School (EC 47605, EC 47605.6, EC 47607(e)):.....17

 Low Performing Charter School (EC 47607.2(a)(1)):.....18

 After Action.....19

 Granting the Petition19

 Denying the Petition.....20

Appeal of a Charter School Revocation	21
Appeal Timeline.....	21
SDCOE Submission Requirements	21
Document Formats	21
Documents to Submit.....	21
Charter Revocation Appeal Criteria	22
California Code of Regulations (5 CCR 11968.5.3).....	23
California Code of Regulations (5 CCR 11968.5.4).....	23
California Education Code (EC 47607(i))	23
Board Action.....	23
After Action.....	24
Overturning the Revocation	24
Upholding the Revocation	24

Background

The approval, renewal, or continued operation of a charter school that submitted a petition to a local school district, is subject to decisions made at the local school district level. These decisions may result in the denial of a new charter petition, the non-renewal of an existing charter, or the revocation of a charter school's authorization. In such cases, the California Education Code provides an avenue for appeal, allowing petitioners to seek reconsideration through the county office of education (COE) — and, under certain circumstances, the State Board of Education (SBE).

There are three primary types of appeals that may be submitted to the county office of education:

1. **Denial of an Initial Charter Petition** (Education Code Section (§) 47605)
When a local school district denies a petition to establish a new charter school.
2. **Non-Renewal of an Existing Charter** (Education Code §§ 47607 and 47607.2)
When a charter school seeks to renew its charter, but the local governing board denies the request.
3. **Revocation of a Charter** (Education Code § 47607)
When the authorizing district decides to revoke an active charter due to violations of law, fiscal mismanagement, or failure to meet pupil outcomes.

This document is intended to serve as a comprehensive guide for submitting any of the above appeals to the San Diego County Office of Education (SDCOE). It outlines the procedural steps, documentation requirements, and relevant timelines necessary to ensure that appeals are submitted in accordance with applicable legal and administrative guidelines.

SDCOE Charter School Services Contacts

The individuals listed below will serve as primary contacts throughout the charter school appeals process. Charter schools seeking to file an appeal with SDCOE should direct all inquiries and communications to these contacts.

Charter School Services (CSS) strongly encourages early communication from charter schools or petitioners considering an appeal. Timely notification helps ensure compliance with statutory deadlines and allows CSS to better anticipate and support the required timelines and procedural steps.

Kristin Armatis
Executive Director
SDCOE Charter School Services
858-295-6665
charters@sdcoe.net

Tara Molina
Administrative Assistant III
SDCOE Charter School Services
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Appeal of a Charter Petition to Establish

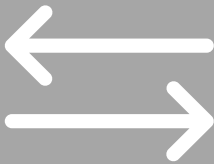
Education Code (EC) § 47605 outlines the requirements of an initial charter petition, as well as the process for submitting the petition for establishment to a local school district, and an appeal, if necessary. The appeals process can be a two-tiered appeal, the COE and the SBE.

Appeal Timeline



Day 0

- **Petitioner submits appeal** within 30 days of district denial decision (EC 47605(k)(1)(A)(i))



Day 0-5

- CSS will determine whether the petition **contains new or material changes** (EC 47605(k)(1)(A)(iii))
- If there are new or material changes, SDCOE will remand the petition back to the district for reconsideration
- **Capacity Interview Scheduled**



Day 60

- **Public Hearing #1** within 60 days of receipt of complete petition (EC 47605(b))



Day 75

- SDCOE **staff report published**, including findings and certification of the county superintendent if applicable (EC 47605(b))



Day 90

- **Public Hearing #2** for petitioners to respond to staff recommendations and findings (EC 47605(b))
- **Board action taken** (EC 47605(b))



Day 120 (*optional / alternative*)

- **Extension of 30 days**, if mutually agreed upon by petitioner and SDCOE (EC 47605(b))

SDCOE Submission Requirements

All documents submitted to SDCOE will be electronic through an upload to a Google Folder. When a charter school is ready to submit an appeal package to SDCOE, they should contact Kristin Armatis or Tara Molina to request a Google Drive folder to upload all required documentation and materials. Please note that if the submission is not complete, or there are multiple submission dates, the latest date and timestamp of submission(s) will be used as the submission date.

Document Formats

Please ensure your documents are received in the following format:

1. Petition: PDF
2. Financial Documents: Excel
3. District Documentation: PDF
4. SDCOE Forms: PDF
5. Electronic signatures are permitted

Documents to Submit

Appeal petitions require the following items to be submitted to CSS:

1. SDCOE Charter Appeal Form: Establishment [\[link\]](#)
2. Charter Petition, as submitted to district
3. Any additional documentation provided to the district with the petition submission
4. Evidence of the district denial action and the written factual findings adopted by the governing board of the school district
 - a. Board meeting minutes (a draft copy is allowable until the official minutes can be provided)
 - b. Resolution
 - c. Written factual findings
5. A cover letter signed by the governing board president or designee authorizing the submission of the charter petition appeal
6. The [Charter Petition Review Matrix](#)
 - a. Ensure the Completeness Certification is signed
 - b. Indicate the page numbers where each of the criterion can be located in the petition
7. Any additional required supplementary materials and documents as requested by SDCOE

Charter Petition to Establish Appeal Criteria (5 CCR 11967, EC 47605)

A charter school that has submitted a petition to establish a new school to a local school district—and has subsequently been denied—has the right to appeal that decision. In accordance with Education Code § 47605(k)(1)(A)(i), an appeal may be filed with the county board of education within 30 days of the local district's denial.

Upon receiving a complete petition on appeal, the COE is required to conduct a de novo review—meaning a brand-new, independent evaluation of the petition. If a school district has used denial reason eight (8) as stated in Education Code § 47605(c)(8), the COE is required to also review the findings the district made under this statute. This review must adhere to the same standards and criteria set forth in Education Code § 47605.

The following section outlines the specific legal and regulatory criteria, as established by the California Education Code and the California Code of Regulations, that apply to appeals of petitions to establish a charter school.

California Code of Regulations Title 5 Section 11967

A charter school is required to meet the following requirements when submitting an appeal for a charter petition to establish:

1. Complete copy of the charter petition as denied, including the signatures required by Education Code Section 47605
2. Evidence of the denial action and the written factual findings adopted by the governing board of the school district (e.g. board meeting minutes, resolution, etc.)
3. 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, as applicable

California Education Code 47605

A charter school must meet required criteria outlined in Education Code Section 47605 as outlined below:

1. The charter school presents a sound educational program
2. The petitioners are demonstrably likely to successfully implement the program set forth in the petition
3. The petition has the appropriate signatures of either:
 - a. A number of parents/guardians equal to at least half the charter school's projected enrollment
 - b. A number of teachers equal to at least half the number of teachers 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% 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 and 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. The capacity interview conducted by the COE

Board Action

The county board of education is required to take formal action on an appeal petition within 90 days of receiving it. If the county board of education grants the charter petition, the COE becomes the authorizing agency responsible for oversight of the charter school. If the county board of education denies the charter petition, the petitioners may appeal that decision to the SBE (EC 47605(k)(2)).

Reasons for Denial

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 (EC 47605(c)(1))
2. The petitioners are demonstrably unlikely to successfully implement the program set forth in the petition (EC 47605(c)(2))
3. The petition does not contain the number of signatures required (EC 47605(c)(3))
4. The petition does not contain an affirmation of each of the conditions described in EC § 47605(e) (EC 47605(c)(4))
5. The petition does not contain reasonably comprehensive descriptions of all 15 elements (EC 47605(c)(5))
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 (EC 47605(c)(6))
7. The charter school is demonstrably unlikely 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))

After Action

Depending on the action taken by the county board of education, different processes may begin. Below outlines contact information and next steps for either granting or denying a petition.

Granting the Petition

If the county board of education grants the petition to establish a charter school, the SDCOE CSS will promptly initiate contact with the petitioners to begin the onboarding process. This process includes, but is not limited to:

- Assigning SDCOE staff to support the school
- Registering the charter with the California Department of Education (CDE)
- Executing a Memorandum of Understanding (MOU)
- Integrating the school into SDCOE's charter oversight systems
- Outlining expectations and requirements for ongoing charter oversight

Below are the primary points of contact as the onboarding process begins:

Kristin Armatis

Executive Director
SDCOE Charter School Services
858-295-6665
charterschools@sdcoe.net

Tara Molina

Administrative Assistant III
SDCOE Charter School Services
858-295-6670
charterschools@sdcoe.net

Denying the Petition

If the county board of education denies the petition to establish a charter school, petitioners may choose to appeal the decision to the SBE. If specific documentation from SDCOE is required for your appeal, please contact:

Kristin Armatis

Executive Director
SDCOE Charter School Services
858-295-6665
charters@sdcoe.net

Tara Molina

Administrative Assistant III
SDCOE Charter School Services
858-295-6670
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Appeal of a Renewal Charter Petition

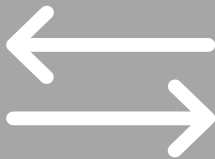
The criteria for charter school renewal are outlined in Education Code Sections 47607 and 47607.2, while the appeal process for a non-renewal is governed by Education Code Section 47605. In addition, California Code of Regulations, Title 5, Section 11966.5 provides detailed procedures for how a charter school may appeal a local school district's decision not to renew a charter petition, to a county office of education. The renewal appeals process may involve two levels of review: first by the County Office of Education (COE) and, if denied, subsequently by the State Board of Education (SBE).

Appeal Timeline



Day 0

- **Petitioner submits appeal** within 30 days of district denial decision (EC 47605(k)(1)(A)(i)).



Day 0-5

- CSS will determine whether the petition **contains new or material changes** (EC 47605(k)(1)(A)(iii))
- If there are new or material changes, SDCOE will remand the petition back to the district for reconsideration
- **Capacity Interview Scheduled**



Day 60

- **Public Hearing #1** within 60 days of receipt of complete petition (EC 47605(b))



Day 75

- SDCOE **staff report published**, including findings and certification of the county superintendent if applicable (EC 47605(b))



Day 90

- **Public Hearing #2** for petitioners to respond to staff recommendations and findings (EC 47605(b))
- **Action taken** (EC 47605(b))



Day 120 (*optional / alternative*)

- **Extension of 30 days**, if mutually agreed upon by petitioner and SDCOE (EC 47605(b))

SDCOE Submission Requirements

All documents submitted to SDCOE will be electronic through an upload to a Google Folder. When a charter school is ready to submit an appeal package to SDCOE, they should contact Kristin Armatis or Tara Molina to request a Google Drive folder to upload all required documentation and materials. Please note that if the submission is not complete, or there are multiple submission dates, the latest date and timestamp of submission(s) will be used as the submission date.

Document Formats

Please ensure your documents are received in the following format:

1. Petition: PDF
2. Financial Documents: Excel
3. Student Data: please provide PDF reports, in addition to raw data files (Excel or CSV)
4. District Documentation: PDF
5. SDCOE Forms: PDF

Documents to Submit

Appeal petitions require the following items to be submitted to CSS:

1. SDCOE Appeal Form: Non-Renewal [\[link\]](#)
2. Renewal Petition as submitted to district
3. Any additional documentation provided to the district with the renewal petition submission.
4. If the charter school has Dashboard Alternative School Status (DASS), submit any mutually agreed upon renewal metrics between the school district and charter school.
5. If the charter school is or was a low performance category school in either the current charter term or previous, please provide any verified data that was provided to the school district, if applicable.
6. Evidence of the district's denial action and the written factual findings adopted by the governing board of the school district
 - a. Board meeting minutes (a draft copy is allowable until the official minutes can be provided)
 - b. Resolution
 - c. Written factual findings
7. A cover letter signed by the governing board president or designee authorizing the submission of the charter petition appeal.
8. The [Charter Petition Review Matrix](#)
 - a. Ensure the Completeness Certification is signed
 - b. Indicate the page numbers where each of the criterion can be located in the petition.
9. Any additional required supplementary materials and documents as requested by SDCOE.

Charter Renewal Petition Appeal Criteria

A charter school's renewal petition submission is governed by California Education Code (EC) §§ 47607 and 47607.2, as well as California Code of Regulations (CCR), Title 5, § 11966.5. The required elements of a renewal petition are largely the same as those for an establishment charter petition under EC § 47605, with one key exception: renewal petitions are not required to include the signature requirements outlined in EC § 47605(a)(1)–(3). In addition to the standard petition elements, a renewal petition must:

- Provide a reasonably comprehensive description of any new legal requirements enacted since the charter was originally granted or last renewed, and
- Demonstrate measurable increases in pupil academic achievement for all student groups served by the school.

If a local school district denies a charter school's renewal petition, the school may file an appeal with the county board of education. The county board must review the appeal in accordance with EC §§ 47607, 47607.2, and 47605, as well as 5 CCR § 11966.5.

California Code of Regulations (5 CCR 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 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 any future plans for improvement

Education Code Renewal Criteria (EC 47607, 47607.2)

A charter school must meet the renewal criteria outlined in Education Code sections 47607 and 47607.2, as summarized in the chart below.

CDE annually publishes the [Charter School Performance Category Data File](#), which includes all charter schools not designated as Dashboard Alternative School Status (DASS) and assigns each a corresponding performance category.

High Performance Category Schools Education Code § 47607(c)	Middle Performance Category Schools Education Code § 47607.2(b)	Low Performance Category 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 average in each respective year, received levels that are higher than the state average 	<p>Charter schools not satisfying the “high performance” or “low performance” 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 demonstrated by verified data showing either: <ol style="list-style-type: none"> a. 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"> b. Strong postsecondary outcomes equal to similar peers. <p>MAY DENY ONLY upon making written findings that:</p> <ol style="list-style-type: none"> 1. 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>	<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 statewide below the state average in each respective year, received levels that are lower than the state average. <p>However, MAY RENEW ONLY upon making both of the following written factual findings:</p> <ol style="list-style-type: none"> 1. 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"> 2. There is clear and convincing evidence, demonstrated by verified data, showing either: <ol style="list-style-type: none"> a. 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>

	<p>2. The closure is in the best interest of the pupils;</p> <p>AND</p> <p>3. The decision provided greater weight to the performance on measurements of academic performance</p>	<p>b. Strong postsecondary outcomes equal to similar peers</p>
<p>For charter schools satisfying the criteria in this column:</p>	<p>For charter schools satisfying the criteria in this column:</p>	<p>For charter schools satisfying the criteria in this column:</p>
<ul style="list-style-type: none"> • 5-7 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

Renewal petitions must include the same components required in an initial charter petition under Education Code § 47605, with the exception of the signature requirement—signatures from staff or parents/guardians are not required for renewal petitions.

As a result of Assembly Bills 1505 (O'Donnell) and 1507 (Smith), several changes to EC § 47605 may affect charter schools at the time of renewal. One key area impacted is facility location:

1. Facility Locations Outside the Authorizing District

If a charter school operates a facility outside the geographic boundaries of its authorizing district and wishes to continue operating that site, the school must, **prior** to submitting the renewal petition, do one of the following:

 - a. Obtain written approval from the school district where the out-of-district facility is located, **or**
 - b. Submit the renewal petition pursuant to EC § 47607 to the school district in which the facility is located.

Other Information, Materials and Documents Used During a Non-Renewal Appeal Review

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. DASS renewal criteria as agreed upon between the district and charter school.
4. Student Academic Achievement
 - a. 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
5. Financial Reporting
 - a. Annually required financial documents
 - b. Audit Reports
 - c. Any other financial information
6. Governance Compliance
 - a. Conflict of Interest
 - b. Brown Act
 - c. Any other governance information
7. Special Education Compliance
 - a. Special Education Local Plan Area (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.
8. Authorizer Notices of Concern, Violations, Notices to Cure
9. Any other correspondence, documentation and materials pertaining to the charter school.

**Verified data for use with low performance charter schools expired June 30, 2025, and for use with middle performance charter schools expires January 1, 2026.

Board Action

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 Performance Category Charter School (EC 47607(e)):

Renewal 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 that 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, **or**
 - ii. The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

The San Diego County Board of Education has three action options for an appeal of a non-renewal of a high performance category 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 memorandum of understanding (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

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

Renewal 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, **or**
 - ii. The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

The San Diego County Board of Education has three action options for an appeal of a non-renewal of a middle performance category 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 denial decision of the county board of education to the State Board of Education

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

Renewal Charter Term: *if granted*, 2 years

A low performance category 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 renewal, the governing board must find:

A low performance category 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, **and**
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 low performance category 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 therefore, grants the petition in accordance with Education Code Section 47607.2 for a two-year term.

2. 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 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, to address, reconcile, and resolve the findings presented in the staff report.

3. Deny the petition in accordance with Education Code Section 47607.2, and adopt the findings presented in the staff report.

A charter school may appeal the denial decision of the county board of education to the State Board of Education

After Action

Depending on the action taken by the County Board of Education, different processes may begin. Below outlines contact information and next steps for either granting or denying a petition.

Granting the Petition

If the County Board of Education grants the petition to renew a charter school, the SDCOE CSS team will promptly initiate contact with the petitioners to begin the onboarding process. This process includes, but is not limited to:

- Assigning SDCOE staff to support the school
- Registering the charter with the California Department of Education (CDE)
- Executing a Memorandum of Understanding (MOU)
- Integrating the school into SDCOE's charter school oversight systems
- Outlining expectations and requirements for ongoing charter oversight

Below are the primary points of contact as the onboarding process begins:

Kristin Armatis
Executive Director
SDCOE Charter School Services
858-295-6665
charterschools@sdcoe.net

Tara Molina
Administrative Assistant III
SDCOE Charter School Services
858-295-6670
charterschools@sdcoe.net

Denying the Petition

If the county board of education denies the petition to renew a charter school, petitioners may choose to appeal the decision to the State Board of Education (SBE). If specific documentation from SDCOE is required for your appeal, please contact:

Kristin Armatis

Executive Director
SDCOE Charter School Services
858-295-6665
charters@sdcoe.net

Tara Molina

Administrative Assistant III
SDCOE Charter School Services
858-295-6670
charters@sdcoe.net

Appeal of a Charter School Revocation

Charter school revocation is guided by the process outlined in Education Code Section 47605(f)-(n). Additionally, revocation for a charter school may also be initiated for circumstances outlined in the California Code of Regulations. The revocation appeals process may involve two levels of review: first by the County Office of Education (COE) and, if denied, subsequently by the State Board of Education (SBE).

Appeal Timeline



Day 0

- **Petitioner submits appeal** within 30 days of district board action (EC 47607(i)(1)).
- Review and Analysis begins



Day 90

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

SDCOE Submission Requirements

All documents submitted to SDCOE will be electronic through an upload to a Google Folder. When a charter school is ready to submit an appeal package to SDCOE, they should contact Kristin Armatis or Tara Molina to request a Google Drive folder to upload all required documentation and materials. Please note that if the submission is not complete, or there are multiple submission dates, the latest date and timestamp of submission(s) will be used as the submission date.

Document Formats

Please ensure your documents are received in the following format:

1. Petition: PDF
2. Financial Documents: Excel
3. Student Data: Please provide PDF reports, in addition to raw data files (Excel or CSV)
4. District Documentation: PDF
5. SDCOE Forms: PDF

Documents to Submit

Appeal petitions require the following items to be submitted to SDCOE CSS:

1. SDCOE Appeal Form: Revocation [\[link\]](#)
2. Written Notice of Appeal as per 5 CCR § 11968.5.3(a) or 5 CCR § 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
 - 1. 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;
 - 2. Evidence of the final vote of the chartering authority, if available;
 - 3. All evidence relied upon by the chartering authority in determining that a violation under section 11965(e) existed;
 - 4. Minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school's charter, if available; and
 - 5. 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
 - 1. Evidence of the final vote of the chartering authority
 - 2. 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)
 - 3. All evidence and correspondence submitted by the charter school's governing board in response to Notice of Violation and Notice of Intent to Revoke
 - 4. Minutes of any public meeting at which the chartering authority considers, or makes its decision to revoke the school's charter
 - 5. Written statement explaining why the charter school does not believe the district chartering authority's factual findings are supported by substantial evidence
 - 6. Identified any procedural omissions or errors the charter school alleges to have occurred in the revocation process
- 3. All required supplemental materials and documents as requested by SDCOE.

Charter Revocation Appeal Criteria

A charter school may be revoked by its authorizing agency in accordance with Education Code § 47607, California Code of Regulations (CCR), Title 5 §§ 11968.5.2 and 11968.5.3. If a charter school's petition is revoked, it has the right to appeal the revocation decision. To initiate an appeal, the charter school must submit the appeal within 30 days of the local governing board's action. Upon receipt of the appeal, the County Board of Education will review the revocation documents in accordance with the applicable provisions of the Education Code and the California Code of Regulations outlined above.

California Code of Regulations (5 CCR 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 (5 CCR 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 (EC 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

Board Action

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)).

After Action

Depending on the action taken by the County Board of Education, different processes may begin. Below outlines contact information and next steps for either overturning or upholding a revocation.

Overturning the Revocation

If the County Board of Education overturns the revocation, the charter school will return to the local school district and continue operating. The school district may file an appeal of the COE decision to the SBE. If specific documentation from SDCOE is required for your appeal, please contact:

Kristin Armatis
Executive Director
SDCOE Charter School Services
858-295-6665
charters@sdcoe.net

Tara Molina
Administrative Assistant III
SDCOE Charter School Services
858-295-6670
charters@sdcoe.net

Upholding the Revocation

If the County Board of Education upholds the revocation, the charter school may choose to appeal the decision to the State Board of Education. If specific documentation from SDCOE is required for your appeal, please contact:

Kristin Armatis
Executive Director
SDCOE Charter School Services
858-295-6665
charters@sdcoe.net

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