

Santa Barbara County Education Office

Rules on Review of Petition to Establish a Charter School (Pursuant to Education Code Section 47605[j], [1], and [2])

I. Initiation of Proceedings: Preliminary Procedures

A. Statement of Intent and Responsibility

In dealing with a request to review a denial of a charter school petition, it is the responsibility of the County Superintendent of Schools, by and through a Review Panel established pursuant to EC 47605[j], [1], to determine if (1) the local governing board failed to appropriately consider the charter request, or (2) acted in an arbitrary manner in denying the charter request. If either or both of the above determinations are made, the Review Panel shall request the local governing board to reconsider the charter request.

It is the desire of the County Superintendent of Schools that all requests to review charter petitions, having been denied by a local governing board, be processed in a timely manner.

Questions or inquiries regarding the filing of a request for review may be addressed to the Santa Barbara County Education Office.

B. Request for Review

A request for review is commenced by filing a formal written request with the County Superintendent of Schools. Such notice shall be filed within 30 days following the decision of the local governing board to deny a charter. All timelines for filing shall commence on the day following the local governing board's decision to deny a charter.

Once a formal request for review has been filed, the County Superintendent will select a review panel and set a date for the panel to convene.

C. Filing of Record - Additional Documents

It shall be the responsibility of the petitioner or petitioners (teachers, parents, pupils, or community members) to arrange for the preparation and filing of the following required documents with the County Superintendent of Schools:

1. A copy of the charter petition which contains the proper number of signatures.
2. A copy of the findings of the local governing board.
3. Additional documentation as required to support the contention that the local governing board (1) failed to appropriately consider the charter request, or (2) acted in an arbitrary manner in denying the charter request.

Note: It is insufficient to merely state (1) and (2) above. The appellant(s) must specify the particulars for which they believe the charter petition was denied.

All documents shall be filed by the petitioner no later than 15 working days before the review panel convenes. Failure on the part of the petitioner to file documents in a timely manner may constitute cause for termination of a request for review.

Copies of all documents submitted by the petitioner or petitioners shall be sent to the district of record by the County Superintendent. The district shall respond to county education office no later than five working days before the review panel convenes by submitting any documents constituting a part of the record which were not submitted by the petitioner. In addition, the district shall have the right to submit a written response.

Failure on the part of the district to respond in a timely manner shall constitute cause to limit the written record to those documents submitted by the petitioner or petitioners.

The County Superintendent shall send a complete copy of all documents submitted to be reviewed by the panel, to both petitioner and respondent school district prior to the scheduled meeting to review the charter petition.

D. Scheduling a Review Meeting

Upon receipt from the petitioner or petitioners of a formal request for review, the County Superintendent shall select a Review Panel and schedule a meeting to review the charter petition.

Following the completion of a properly constituted filing as determined by the County Superintendent, the meeting shall be scheduled in a timely fashion taking into account the time required to meet the various deadlines.

E. Convening of Review Panel

A Review Panel shall be selected and convened pursuant to the requirements of Education Code (EC) Section 47605[j] (1) to review the action of the local governing board. The Review Panel shall consist of three governing board members from other school districts in the county, and three teachers from other school districts in the county. The County Superintendent will chair the meeting and, if necessary, cast the tie breaking vote.

II. Scope of Review

The Review Panel will review all documents submitted by both petitioner and respondent.

Based on its review, the panel shall determine the following:

1. If the governing board failed to consider appropriately the charter request; or
2. If the governing board acted in an arbitrary manner in denying the charter request.

Upon determining that the local governing board failed to consider appropriately a charter petition, or acted in an arbitrary manner in denying the charter petition, the Review Panel, by and through the County Superintendent shall send a written request to reconsider the charter petition to the local governing board.

If the Review Panel determines that the local governing board acted properly in denying a charter petition, the Review Panel, by and through the County Superintendent, shall notify both petitioner and respondent of the decision. This ends the appeal process.

A decision by the Review Panel shall be final and binding on all parties. The notice of the final order, including findings, shall be in writing. The order shall become final when rendered.

III. Conduct of Meeting

A. Procedure

1. Prior to the convening of the panel, members will receive and review all documents submitted.
2. The Review Panel meeting shall be chaired by the County Superintendent. The chairperson, in ruling on matters of procedure or issues related to the charter petition, may consult with legal counsel or appropriate consultant staff.

3. If the petitioners and district representatives choose to make a presentation, the usual order of presenting will be:
 - (a) Opening statement and introductions by panel chair.
 - (b) Petitioner or petitioners opening statement (limited to 20 minutes).
 - (c) Respondent district's opening statement (limited to 20 minutes).
 - (d) Petitioner or petitioners response (limited to 10 minutes).
 - (e) Respondent district's response (limited to 10 minutes).
 - (f) Questions by members of the Review Panel (no time limit).
 - (g) Deliberation and decision.
 - (h) Final decision to be rendered within three working days.
4. The review will be conducted in a meeting open to the public.
5. Failure of the petitioner to appear at the review meeting, either in person or through a representative, may constitute grounds for dismissing the request for review.
6. The respondent school district shall have a representative at the review meeting.
7. If either the petitioner or respondent choose to be represented by an attorney at the review hearing, notice of that intent shall be given to the other party at least 10 days prior to the hearing. Failure to provide such notice shall constitute good cause for a continuance.

IV. Possible Dispositions or Terminations of Proceedings

- A. If the Review Panel determines that the governing board failed to appropriately consider the charter request, or acted in an arbitrary manner in denying the request, the Review Panel shall request the governing board to reconsider the charter request. In the case of a tie vote of the panel, the County Superintendent of Schools shall vote to break the tie.
- B. If the Review Panel determines that the local governing board acted in an appropriate and non-arbitrary manner in denying a charter request, the Review Panel shall affirm the local board's decision.

- C. Both parties may agree to terminate proceedings. The parties will be expected to notify the County Superintendent promptly of any such agreement.
- D. The Review Panel shall render a written decision within three working days following completion of the review hearing. The decision shall be final and binding on all parties.
- E. If the local governing board, after receiving a request from the Review Panel to reconsider a charter upon reconsideration, denies the charter, the petitioner or petitioners may request the County Board to hold a public hearing on the matter.