



Los Angeles County  
Office of Education

# DISTRICT-DENIED CHARTER PETITIONS to ESTABLISH on APPEAL

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## The Role of an Appellate Body

If the governing board of a school district denies a petition for an initial charter, the petitioner may submit an appeal to the Los Angeles County Board of Education (County Board) within 30 calendar days of the denial. Any petition submitted to the County Board after this timeframe shall be considered denied with no further options for administrative appeal [EC 47605].

The Los Angeles County Board of Education (County Board) has a duty to ensure that initial petitions that have been denied at the district level have an opportunity to be re-assessed by a neutral entity. Los Angeles County Office of Education (LACOE) staff, under the direction of the Los Angeles County Superintendent, performs a *de novo* (anew/afresh/from the beginning) review of petitions on appeal. Staff considers all available evidence and applies state law, federal law, County Board policy and County Board-approved Administrative Regulations in order to generate a staff report that informs a recommendation from the Superintendent as to whether or not a particular petition should be granted.

If the petition submitted on appeal contains new or different material terms, the County Board shall immediately remand the petition to the governing board of the school district for reconsideration. If the governing board of the school district denies a petition after reconsideration, the petitioner may elect to resubmit the petition to the County Board. Statutory timelines will commence once the charter petition and signed certification are submitted to the Charter School Office (CSO).

This guide is meant to be a general resource, and petitioners should contact the CSO for specific questions regarding their individual circumstances should any questions or concerns arise. Further details with links to required forms and submission instructions are located at <https://www.lacoe.edu/services/charter-schools/petitioners> or can be requested via telephone from the CSO at 562-922-8806.

# Overview of LACOE’s Process for Considering a Charter Petition Received on Appeal: Charter Establishment

To assist petitioners in submitting an appeal, the following table provides a glimpse into key actions and timelines. At any point if a question or concern arises, petitioners are urged to communicate directly with the CSO staff members designated as points-of-contact throughout the entire review process.

ACTION STEPS	NOTES	DATES
<p><b>Notice of Submission: Appeal of a Denied Charter Petition to Establish (form with required documents) is received by the LACOE CSO</b></p>	<p>Per BP 0420.4, the petitioner is responsible for certifying that the submission is complete. Each initial petition submitted on appeal must be the same petition as the one denied by the district. Any changes allowed by law should be in a separate file. See Appendix B. Access forms at <a href="https://www.lacoe.edu/services/charter-schools/petitioners">https://www.lacoe.edu/services/charter-schools/petitioners</a>.</p> <p>Per EC 47605 (k)(1)(A), <i>At the same time the petition is submitted to the county board of education, the petitioner shall also provide a copy of the petition to the school district.</i></p>	<p>County Board must receive the petition no later than 30 calendar days after the school district board makes written factual findings.</p> <p>A petition for a denied initial charter not submitted to the County Board within this time shall be considered denied with no further options for administrative appeal.</p>
<p><b>Public Hearing</b></p>	<p>The County Board meets in-person at the LACOE offices in Downey, usually on the first three (3) Tuesdays of each month. The lead petitioner(s) may make a presentation to the County Board to support the initial petition. CSO staff will coordinate with the lead petitioner to provide more detailed information prior to the Public Hearing. County Board meeting materials are available at <a href="https://www.lacoe.edu/about/board/meetings-agendas">https://www.lacoe.edu/about/board/meetings-agendas</a>.</p>	<p>Within <u>60 days</u> of submission</p> <p><i>*Request a disability-related accommodation under the ADA at least 24 hours in advance; request a language interpreter at least 48 hours in advance at 562-922-6128</i></p>
<p><b>Staff Review and Analysis, Capacity Interview</b></p>	<p>LACOE Review Team will analyze the petition to verify its contents and that any new laws enacted since the last charter review are included. A capacity interview will be scheduled with the petitioner and representatives of the charter school’s governing board.</p>	<p>Ongoing (up to 75 days after submission)</p>
<p><b>Staff Report and Superintendent’s Recommendation</b></p>	<p>CSO staff will generate a report summarizing the findings of the LACOE Review Team and other relevant data/information. The Superintendent will make a recommendation for the County Board to take formal action to approve or deny the proposed charter petition.</p>	<p>The Report will be publicly available at least 15 days prior to the County Board meeting when the petition will be recommended for approval/denial.</p>
<p><b>County Board Action</b></p>	<p>The County Board will consider the Report &amp; Recommendation at a public meeting. LACOE staff will make a formal presentation and petitioners will have equivalent time to respond to the recommendations and findings. County Board will vote or take appropriate action.</p>	<p>Within <u>90 days</u> of submission (unless a mutually agreed upon extension of up to 30 more days is requested)</p>
<p><b>Appeal to SBE, as applicable per <a href="#">EC 47605(k)(2)</a></b></p>	<p>Should the County Board vote to deny the establishment of the charter, the school may appeal to the State Board of Education (SBE) under an abuse of discretion standard. <a href="https://www.cde.ca.gov/sp/ch/sbeappeals.asp#estab">https://www.cde.ca.gov/sp/ch/sbeappeals.asp#estab</a>.</p>	<p>Petitioner must submit documentation to CDE within 30 days of denial by County Board</p>

# Requirements for a Petition to Establish a Charter School

The petition is deemed received on the day the petitioner submits a petition to the CSO, accompanied by a signed certification of completeness on LACOE's *Notice of Submission: Appeal of a Denied Charter Petition to Establish* form (Appendix A). The charter submission must include all of the following:

1. The charter petition as denied, including, but not limited to, all supporting documents, including budgets in Excel format with SACS codes (electronic file with unlocked and unplugged cells displaying formulas). The elements of the petition must comply with the applicable section of the Education Code pertinent to the type of charter the school is seeking to establish. ([EC 47605](#) for appeals of district-denied petitions to establish).

**The petitioner is responsible to provide district verification that the petition and supporting documents submitted to the County Board are identical on which the district board based its denial.**

**The petitioner is responsible for notifying the denying district that the petitioner is submitting an appeal to the County Board.**

2. Evidence of the school district board's action to deny the petition (e.g., meeting minutes) and its written factual findings specific to the particular petition, setting forth specific facts to support one or more of the grounds for denial as specified in [EC 47605](#).
3. A separate narrative containing a description of changes to the petition necessary to reflect the County Board as the authorizer (e.g., special education, dispute resolution, closure procedures, fiscal reporting) or minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facility arrangements, or state law. Indicate page numbers and elements of changes. Do not submit as redline or "track-change" petition.
4. Documentation that the school's governing body has approved the petition, proposed budget and submission of the petition to the County Board.
5. Completed and signed forms: (1) *Notice of Submission: Appeal of a Denied Charter Petition to Establish* and (2) *Required Documents: Appeal of a Denied Charter Petition to Establish*

Appeal applications must be submitted no later than 30 calendar days after the school district board denies the charter petition.

*Additional Documents:* If the petitioner elects to submit a rebuttal to the district board's findings, it must be submitted with the petition. Once the petition is submitted to LACOE, no additional documents will be considered unless requested.

## Verification Process

Prior to reviewing a petition, LACOE staff verifies:

1. The appeal was received within the statutory timelines: The appeal of a denied petition to establish a charter must be received within 30 calendar days of the district's denial action.
2. The submitted petition (including budgets and all supporting documents) is the same one acted on by the local district.
3. The submission complies with statutory and regulatory requirements. If LACOE determines the petitioner has not submitted all required documents, the petitioner will be given the option of withdrawing and resubmitting the petition or informing LACOE that it should complete the review based on documents submitted. LACOE shall inform the petitioner of the applicable statutory and regulatory timelines and permissible extensions of those timelines to support the petitioner in making an informed decision. LACOE submits requests for timeline extensions to the County Board for action.

# Analysis and Determination of the Petition

Within 90 days of receipt of the petition to establish, the County Board shall hold a public hearing at which it will either grant or deny the petition, unless an additional 30 days are mutually agreed upon with the petitioner. The County Board may deny the charter petition by making written factual findings. In order to be approved, the petition requirements of [EC 47605](#) must be met. This includes the following components:

- The charter school presents a sound educational program for the pupils to be enrolled in the charter school
- Petitioners are demonstrably likely to successfully implement the program set forth in the petition
- All affirmations and declarations are made pursuant to [EC 47605\(e\)](#)
- Petition must contain a reasonably comprehensive description of all 15 required elements
  1. Educational Program
  2. Measurable Pupil Outcomes
  3. Measuring Pupil Progress
  4. Governance Structure
  5. Employee Qualifications
  6. Health and Safety
  7. Racial, Ethnic, Special Education, and English Learner Balance
  8. Admission Requirements
  9. Financial Audits
  10. Suspension and Expulsion
  11. STRS, PERS, and Social Security
  12. Public School Attendance
  13. Post-Employment Rights
  14. Dispute Resolution
  15. Closure Procedures
- 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.
- 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\(d\)\(1\)](#)).
- Charter schools shall consult with parents, legal guardians, and teachers regarding the school's educational programs on a regular basis ([EC 47605\(d\)\(2\)](#)).
- The charter school must provide information pertaining to the proposed operation and potential effects of the school per [EC 47605\(h\)](#), which include:
  1. Proposed facilities to be used
  2. The manner in which administrative services of the charter school will be provided
  3. Potential civil liability to the charter school and authorizer
  4. Financial statements that include cash flow and financial projections for the next three (3) years of operation
  5. The petitioner shall provide the names and relevant qualifications of all persons on the governing board of the charter school.



## Review Process

LACOE utilizes a review protocol to evaluate petitions. The protocol is based on the model and standards developed by the California Department of Education ([EC 47605](#)). It has been modified to reflect the County Board as the authorizer.

In addition to reviewing the petition and supporting documents, LACOE reviews:

- Publicly available information regarding the school, the petitioners, and other schools with which the petitioners have been associated
  - Information reviewed includes school level data available through the CDE DataQuest website, as well as other publicly available documents such as news articles and financial audits.
- The authenticity of petition signatures:
  - Teacher signatories must have been meaningfully interested in being employed at the school in the first year of operation;
  - Parent signatories have children would be eligible to attend the charter; and
  - Signatories had the opportunity to review the petition

### Capacity Interview

LACOE interviews members of the governing board and leadership team to help determine if the board has the capacity to govern the school and the leadership team has the background necessary to implement and fulfill the educational program outlined in the proposed charter. Information from the interview may be included in the staff report.

### Presentations to the County Board (Board Meeting Dates)

The County Board typically considers a petition at two (2) separate regularly scheduled meetings:



1. Public Hearing – Held within 60 calendar days of receipt of a Submission Package. It is the petitioner's opportunity to demonstrate support for the charter and provide an overview of the school's proposed educational program including the school's mission, the educational design and how the proposed school will fulfill the legislative intent of the *Charter Schools Act*. [EC 47601](#). The petition will be available for view by the public at this time. The petitioner may submit a redacted version of the petition if it contains any sensitive information such as personal addresses or bank account information.

2. Staff Report on Findings of Fact and County Board Action – Held within 90 calendar days of receipt of a Submission Package unless both parties agree to an extension of up to 30 days. (The request for an extension must be made prior to the County Board taking a vote to approve or deny the charter petition.) The petitioner will have equal time as LACOE staff to address the County Board, and the County Board may ask questions of LACOE staff and the petitioner.

The County Board typically meets the first three Tuesdays of the month. The County Board calendar is available at [www.lacoe.edu/about/board](http://www.lacoe.edu/about/board).

### Notification

LACOE staff notifies the petitioner in writing when:

- (1) The Submission Package is received;
- (2) The date/time of the Capacity Interview are set; and
- (3) The dates of the Public Hearing, Report, and Board Action are established.

Please review the documents entitled *Notice of Submission: Appeal of a Denied Charter Petition to Establish* and *Required Documents: Appeal of a Denied Charter Petition to Establish* for further information regarding submitting a petition on appeal.

Petitioners may contact the Charter School Office at 562-922-8806 for additional information.

# APPENDIX A: Notice of Submission: Appeal of a Denied Charter Petition to Establish

Submit form with petition documents

Please print or type

Name of Charter School: \_\_\_\_\_

**Contact Information:**

Name of lead petitioner(s)/relationship to charter school: \_\_\_\_\_

Name of lead contact (if not petitioner): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone number(s): \_\_\_\_\_

FAX number: \_\_\_\_\_

Email: \_\_\_\_\_

**School Information:**

Proposed enrollment: First Year: \_\_\_\_\_ Fully Implemented: \_\_\_\_\_

Proposed grade levels: First Year: \_\_\_\_\_ Fully Implemented: \_\_\_\_\_

Proposed opening date: \_\_\_\_\_

Proposed or actual school location/address: \_\_\_\_\_

*If more than one site, provide main site here & attach a list of additional site addresses*

**Notice of Appeal:**

Signature of lead petitioner(s): \_\_\_\_\_

Date of Charter Petition Appeal Submission: \_\_\_\_\_



Petitioner's certification provides an assurance that the petition submission is complete. Following the charter submission, LACOE staff will notify the lead petitioner in writing of charter submission receipt.

In preparation for a scheduled public hearing, the petitioner shall have no less than five (5) working days to confirm that the submitted files for Sections I through IV do not require redaction and may be published as-is. These documents are made available to the public as well as to the County Board and LACOE staff. It is the petitioner's responsibility to redact sensitive information (i.e., personal contact information, bank account numbers, etc.) 10 days prior to posting of the electronic copy for the public hearing.

LACOE reserves the right to request additional documents and information as necessary to provide the County Board with a complete understanding of the proposed charter.

LACOE may conduct a facilities inspection as part of the petition review process or if a charter is authorized, prior to opening.

### Required Certification

Submission of a petition and this signed document certifies that:

1. The governing board of the charter school has taken action to approve the submittal of the petition, including budgets and supporting documents to the County Board.
2. The governing board members of the charter school and lead petitioner(s) have **read, understand, and intend to adhere to** the requirements outlined in the document, *Appeal of a Denied Charter Petition to Establish* guide, as well as the Los Angeles County Board Policies and Administrative Regulations regarding Charter Schools\*; and the *LACOE Monitoring and Oversight Memorandum of Understanding (MOU)\*\**.
3. The governing board members and lead petitioner(s) certify that this charter petition submission is deemed complete, true, and correct.
4. At the same time the petition is submitted to the county board of education, the petitioner provided a copy of the petition to the denying school district.

Printed name of board signatory: \_\_\_\_\_

Signature of board signatory: \_\_\_\_\_ Date: \_\_\_\_\_

Printed name of lead petitioner(s): \_\_\_\_\_

Signature of lead petitioner(s): \_\_\_\_\_ Date: \_\_\_\_\_

\*Los Angeles County Board Policies and Regulations are available at <https://www.lacoe.edu/about/board/policies>

\*\*The Charter School Monitoring and Oversight MOU is available at

[https://www.lacoe.edu/content/dam/lacoeedu/documents/generalcounsel/charter-school-office/1%20MOU\\_Template.pdf](https://www.lacoe.edu/content/dam/lacoeedu/documents/generalcounsel/charter-school-office/1%20MOU_Template.pdf)

## APPENDIX B: Required Documents: Appeal of a Denied Charter Petition to Establish

### Submission Directions:

- Submit all documents within the submission package noted below
- Continuously paginate the entire submission and ensure the pagination is accurately reflected within the Table of Contents
- Submit via flash drive all items and sections below:
  - Items 1 - 2 may be combined as one file
  - Table of Contents and each section shall be submitted as separate files
  - Submit Section I as six (6) separate files (I.1, I.2, I.3, I.4, I.5, I.6)
  - Submit Section II as nine (9) separate files (II.1, II.2, II.3, II.4, II.5, II.6, II.7, II.8, II.9)
    - *Budgets and projections must be submitted as unlocked spreadsheets in excel format (displaying formulas)*
  - Submit Section III as three (3) separate files (III.1, III.2, III.3)
  - Submit Section IV as four (4) separate files (IV.1, IV.2, IV.3, IV.4)

**Submission Package:** Submit the following required documents to the LACOE Charter School Office:

Check items submitted and submit this form with petition documents.

- 1. Completed and signed *Notice of Submission: Appeal of a Denied Charter Petition to Establish Form*
- 2. Completed and signed *Required Documents: Appeal of a Denied Charter Petition to Establish Form*
- 3. Table of Contents for Sections I through IV (identify page number for each required element)

### Section I

- I.1 Evidence of the school board's action of denial (signed letter and/or stamped board minutes)
- I.2 School District Governing Board's written Findings of Fact specific to the denied petition
- I.3 Petitioner's response to Findings of Fact (optional)
- I.4 A separate narrative containing a description of changes to the petition necessary to reflect the County Board as the authorizer (e.g., special education, dispute resolution, closure procedures, fiscal reporting) or minor administrative updates to the petition or related documents due to changes in circumstances based on the passage of time related to fiscal affairs, facility arrangements, or state law. Indicate page numbers and elements of changes. Do not submit as redline or "track-change" petition.
- I.5 Complete copy of charter petition as denied by local school board and all supporting documents to the petition submitted to the district (verified by the district).
- I.6 Evidence the charter school's governing body approved submission of the appeal petition to the County Board

### Section II

- II.1 Proposed first year operational budget, including start-up costs, cash-flow, budget narratives and assumptions as denied by the local district board

Financial projections for the first five years of operation (multi-year projection) in excel format.

Including:

- (1) Budget Narratives and Assumptions
- (2) LCFF Calculator (i.e., FCMAT LCFF calculator) for three (3) years
- (3) Three-Year Cash Flow projections
- (4) Staffing Salary Schedule with object codes, position, salary, and benefits

- II.2 Organizational Chart including CMO and any related parties (if applicable)
- II.3 Copies of the three (3) most recent Independent Financial Audits of 501(c)(3) (if applicable)
- II.4 Fiscal Policies with evidence that they were approved by the governing board
- II.5 Year-to-date General Ledger for both the non-profit entity holding the charter (CMO) if applicable, and the charter school
- II.6 Debt Schedule including total principal, interest due, and term of debt (if applicable). Include all loans, bonds, lines of credit, inter-company borrowing or transfer agreements including repayment terms and commitment letters (e.g., sale of receivables)
- II.7 All bank statements, including any related foundations such as Parent Teacher Organization (PTO), as well as petty cash accounts with monthly reconciliation for the three (3) months prior to petition submission to the Charter School Office (if applicable)
- II.8 Contracts (if applicable):
  - o Board approved contract and shared allocated costs agreement (i.e., CMO fees, indirect cost, or any fees charged by the non-profit entity holding the charter)
  - o Signed Contracts exceeding \$5,000 annually
- II.9 Public Charter Schools Grant Program (PCSGP) application and budget (if applicable)

### Section III

- III.1 Current board-approved and signed Bylaws of 501(c)(3)
- III.2 Current Approved and Stamped Articles of Incorporation of 501(c)(3)
- III.3 Current list of charter school governing board members and all key individuals (petitioner(s), school leadership, etc.) with resumes with contact information for each

### Section IV

- IV.1 Lease/Rental or Proposition 39 Agreement(s) or similar document(s)
- IV.2 Certificate(s) of Occupancy (if applicable)
- IV.3 Copy of the student/parent handbook, school safety plan, employee handbook, and any procedure the school will follow to ensure the health and safety of students and staff
- IV.4 Copy of the student application (lottery) form and enrollment form