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Attachment 1

Vista Legacy Global Academy Written Submission

VISTA CHARTER PUBLIC SCHOOLS

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Dr. Don Wilson, Superintendent



Petitioner’s Written Submission Detailing the Abuses of Discretion Regarding the Denial of the Charter Petition for Vista Legacy Global Academy

This submission serves as Vista Charter Public School’s (“Vista”) appeal of the denial of the establishment charter petition for Vista Legacy Global Academy (“Vista Legacy” or the “Charter School”) by the Los Angeles Unified School District Board of Education (“LAUSD” or the “District”) and the Los Angeles County Board of Education (“LACBOE” or the “County Board”), to the State Board of Education (“SBE”), as provided for in Education Code Section 47605(k)(2)¹ and Title 5, California Code of Regulations Section 11967. This appeal is submitted within 30 days after the County Board denied the Charter School’s charter petition on March 14, 2023, (on appeal from the District’s denial of the charter petition on November 15, 2022) and is thus within the timeline permitted by Section 47605(k)(2)(A).

This document provides Vista’s written submission detailing how the County Board and District both abused their discretion when denying the charter petition to establish the Charter School. The SBE reviews charter denials under Section 47605 for “abuse of discretion.”² As a preliminary matter, there is an important distinction within Section 47605(c) between the eight permissible “statutory findings” for denial (i.e., the grounds under which a petition may be denied) and the written “factual findings” (i.e., “setting forth specific facts”) that form the basis and analysis to support one or more of the permissible statutory findings. There are only eight grounds or “statutory findings” that permit charter petition denial, and they are set forth in Section 47605(c)(1)-(8). A chartering agency “shall not deny” a petition unless it makes written “factual findings” that are specific to the particular petition, and that support one or more of the eight “statutory findings” for denial as part of the governing board’s action to deny. The “statutory findings” are essentially the grounds for denial drawn by the agency’s governing board, and the “factual findings” are meant to be the governing board’s specific, written, reviewable facts and analysis that support one or more of the eight grounds for denial. Inexplicably, LACBOE has created a “ninth” finding category, which goes beyond its authority under Section 47605, and is thus preempted by state law and an abuse of discretion.³

In reviewing this appeal, it is vital to keep the intent of the Legislature as the primary consideration. The Charter Schools Act (“CSA”) is clear that “**charter schools are and should become an integral part of the California educational system and that the establishment of charter schools should be encouraged.**” Further, the legal presumption is that charter petitions should be granted. As provided in Section 47605(c), “the governing board of the [District or County] **shall not deny a petition** for the establishment of a charter school **unless** it makes written factual findings described above.”

As explained in more detail below, there were multiple, substantial, and prejudicial abuses of discretion that occurred during the Vista Legacy petition process meriting reversal of both agencies’ actions to deny.

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I. SYNOPSIS OF THE ABUSES OF DISCRETION AT ISSUE

In alignment with the “abuse of discretion” standard of review articulated by the CDE, and discussed and applied by the SBE in its several actions on post-Assembly Bill (“AB”) 1505 charter petition appeals to date, this appeal presents evidence of abuses of discretion by both LACBOE and the LAUSD Board of Education. Of particular note is the absence of factual evidence in the record, rather than unsupported conjecture and conclusions, that both LACBOE and LAUSD rely upon for denial.

LACBOE abused its discretion in denying Vista Legacy’s charter petition appeal by failing to adopt *de novo*, independent factual findings to support the Board’s statutory findings, and by ignoring facts and law contrary to staff conclusions, especially with regard to Vista Legacy’s ability to implement its program, the proposed budget, and Vista’s familiarity with charter school laws. For example, LACBOE made and relied upon a factual finding that the Charter School was demonstrably unlikely to successfully implement the program because it would be governed by the same five-member board as Vista’s other successful charter schools, allegedly making it an “unrealistic operational plan”.⁴ However, there are no facts whatsoever in the record to support such a finding. In fact, LACBOE and LAUSD have both approved numerous successful charter schools with exactly the same single-board model, as evidenced in the record.⁵ LACBOE also failed to provide Vista Legacy the review and presumption of approval to which it is entitled under Section 47605. LACBOE arbitrarily treated Vista differently from numerous LACBOE-approved and similarly situated charter schools with single boards. Also, LACBOE’s denial of Vista Legacy’s charter was procedurally unfair in that the County Board provided no time, manner, or opportunity for any opposing motion or amendment supporting approval.⁶

LAUSD abused its discretion in denying Vista Legacy’s charter petition appeal by similarly ignoring facts and law contrary to staff conclusions with regard to the likelihood of Vista’s successful implementation of their program. Additionally, LAUSD imposed an undue and unlawful burden on Vista Legacy by requiring a community impact statement and analysis⁷ that is unrealistic, well beyond the legal requirements, and making it virtually impossible for new charter schools to be approved in urban Los Angeles.

As explained in more detail below, there were multiple, substantial abuses of discretion that occurred during the Vista Legacy petition process meriting reversal of both decisions to deny:

1. The County Board erroneously concluded, without substantial evidence, that Vista was unlikely to successfully implement the program. The evidence that the County Board appears to have relied upon was demonstrably incorrect, and/or not contained in or supported by the record, including incorrect conclusions about the board of directors, financial impact to LAUSD, and curriculum. The County Board’s action in that regard was arbitrary and capricious.
2. The County Board acted in an arbitrary manner without evidentiary support when it

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found that the petition did not contain reasonably comprehensive descriptions of required elements.

3. The County Board acted unlawfully in a procedurally unfair manner when it failed to provide a *de novo* review and relied on undue deference to LAUSD with regard to so-called community impact. Further, the County Board acted in an arbitrary and capricious manner by finding without evidence that “LAUSD may be forced to close or consolidate some of its high schools and reduce staffing.”
4. The County Board failed to proceed in a manner required by law when it did not allow a board member to obtain action on her effort to amend a motion.
5. The District Board did not provide a fair and impartial process.
6. The District further abused its discretion by requiring extensive, overreaching “community impact” information and documentation from the Petitioner far above and beyond that contemplated by statute, which is preempted by state law and therefore unlawful. A Superior Court judge recently adjudged that a related LAUSD requirement for petitioners is unlawful, preempted, and void.⁸

Each of these abuses of discretion is described in detail below. Vista appreciates your careful consideration.

II. ABOUT VISTA LEGACY GLOBAL ACADEMY

Vista Legacy presents a unique opportunity to provide the students of Downtown Los Angeles, MacArthur Park, and surrounding areas a high-quality, college preparatory high school option. Vista Legacy’s unique model seeks to allow students to have power in developing their identity within personal, interpersonal and educational realms as they pursue a pathway of study in Health Science, Business, or Climate Change. Instruction is shaped by our Framework for Engagement, developed by Vista’s Superintendent Dr. Donald Wilson, which allows teachers to move away from the “sage on the stage” model to the “guide on the side,” supporting and empowering students through personalized learning (online, in small groups and in each classroom via methods such as project-based learning) and experiences to construct their own knowledge and learning. Daily Advisory/Global Hour offers *daily* personalized data-driven supports and *daily* tutoring is offered. Each student maintains digital portfolios of their work, which is assessed in mastery learning model that enables students to have multiple opportunities and means to demonstrate their mastery of state content standards. Our comprehensive Multi-Tiered Systems of Support model, integrated and designated English Language Development, comprehensive special education program and *constant* differentiation by our hard-working faculty – who participate in an extensive professional development and coaching program on a daily basis in their classrooms - ensure that *every* student each day is working on an individualized program of learning based on myriad data about their proficiency and growth. Students help to track themselves as they work to

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meet their own goals. Further, Vista Legacy will focus on molding students who are prepared to enter the global world through our partnership with the International Study Schools Network (“ISSN”) to assist students in becoming globally competent students with varied experiences and achievements in science, technology, engineering, arts, and math (“STEAM”). Through this lens, they will develop a world-consciousness and ethos that keeps the needs of humanity at the center of our students’ “why” questions.

A priority for Vista Legacy is to close the achievement gap for our target student population, historically underrepresented students. Research that drives the design for our educational program is based on conclusions for how learning best occurs for these at-risk student populations. The population of Vista schools is currently more than 95% socio-economically disadvantaged, with 49.25% English Learners,⁹ and we expect that to continue at Vista Legacy. It is our mission to serve this group and provide them with an excellent education, preparing them for college and career opportunities they might never have dreamed possible.

Finally, as the operator of Vista Charter Middle School successfully operating within LAUSD, we can attest that our families in this community are eager to have the opportunity to continue through high school the “Vista way.”¹⁰ They have wanted a high school option near the middle school for more than a decade, and they enthusiastically seek to continue in our program through the high school years.

III. BACKGROUND ON THE ESTABLISHMENT PETITION

On August 18, 2022, Vista submitted its petition and supporting materials for the establishment of Vista Legacy Global Academy, to be operated by Vista Charter Public Schools, to LAUSD.¹¹ The petition seeks to establish a new charter school within the geographic boundaries of LAUSD to serve 125 students in grade 9 in the first year and up to 500 students in grades 9-12 by the fifth year of the Charter School’s operation.¹² Vista Legacy seeks to serve students in and around ZIP code 90026, which is located in the Downtown Los Angeles area.¹³ The petition proposes a five-year term from July 1, 2023 – June 30, 2028.¹⁴

LAUSD held a public hearing on October 11, 2022¹⁵ and took action on the charter petition on November 15, 2022.¹⁶ LAUSD denied Vista Legacy’s charter petition with five members voting for denial and one voting against denial.¹⁷

Within thirty days of LAUSD’s denial, Vista submitted an appeal to LACBOE.¹⁸ LACBOE held a public hearing to determine support for the proposed charter school on February 7, 2023.¹⁹ On March 14, 2023, the County Board took action on Vista Legacy’s appeal. LACBOE denied the appeal with four members voting for denial and three voting against denial.²⁰

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IV. THE DOCUMENTARY RECORD AND SUPPORTING DOCUMENTATION

The information in this section is a summary of various portions of the “documentary record” prepared by District and the County Board.

Section 47605(k)(2)(A) provides that the “documentary record” for a charter appeal under this subdivision shall be prepared by a school district board of education and a county board of education within ten (10) business days of a request for the same by a charter school. The documentary record (“DR”) prepared by a school district board of education and a county board of education must include a transcript of the board of education meetings during which the charter was denied.²¹ The entirety of the materials provided by the County Board and District as the DR is enclosed herewith.²² Each submission included a written transcript of the board meeting where action to deny was taken, but neither agency provided transcripts of the public hearings prior to board action.

Notably, both failed to include documents that plainly should have been included as part of the DR, such as Vista’s responses to the staff report, and transcripts of the statutorily-required initial public hearings wherein evidence was presented by members of the public and heard by the board members reviewing the petition. In fact, neither LAUSD nor LACBOE provided the complete charter petition as originally presented to the District.²³ Therefore, in most instances herein we will cite to the Supplemental Record (“SR”) for the complete charter petition, as was submitted initially to LAUSD and then to LACBOE on appeal. As the SBE will see, LACBOE’s certified DR contains only a fraction of what they required Vista to submit to LACBOE as part of its appeal. This game-playing with the official record of proceedings underscores the abuses of process at the core of this SBE appeal.

In addition to the DR, a petitioner may also submit “supporting documentation” related to an appeal, in accordance with Section 47605(k)(2)(A). Vista Legacy has included supporting documentation in its Supplemental Record, enclosed herewith, to account for documents that LACBOE and LAUSD excluded from the DR, and documents that otherwise support this appeal.²⁴ For the SBE’s convenience, we have consecutively Bates-numbered all record materials, beginning at SBE – VLGA 00001, and provided it all electronically.²⁵

Additionally, the CDE requires several documents for a charter petition appeal, including a checklist, included as Exhibit 1, and tables attached to this Written Submission.

Pursuant to Section 47605(k)(2)(A), the District Board’s findings for denial are provided in the DR at SBE – VLGA 01120. The County Board’s findings are at DR SBE – VLGA 02268. We also note that an important factor in this appeal is the absence of evidence in the record that would support the factual and statutory findings purportedly made to support denial. Therefore, in those instances, there is nothing to cite in the DR. That failure of the County and District Boards is a textbook abuse of discretion—arbitrary and capricious findings not supported by the record.

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As required by Section 47605(k)(2)(A), a copy of this appeal was provided to the District and County at the same time as this submission to the SBE.

V. THE SBE'S STANDARD OF REVIEW

Assembly Bill 1505 (2019) significantly narrowed the SBE's role in charter authorizing. However, the SBE continues to serve as the final and essential appellate body to ensure petitioners are afforded the due process set forth by the Legislature and required by law, and as the backstop when the petition review process fails at the local level. Under section 47605(k)(2)(E), the SBE may reverse a procedurally unfair or unsupported decision to deny a petition for the establishment of a charter school "upon a determination that there was an abuse of discretion."

As discussed below, the role of the SBE for charter appeals is to ensure that school districts and counties act lawfully and fairly when performing their statutory obligations in reviewing and acting upon charter petitions, and to reverse actions where a school district or county board of education abused its discretion in that regard. Despite changes in law made by AB 1505, the Legislature continues to mandate that new charter petitions should be encouraged, and charter petitions shall be deemed approved "unless" the written factual findings are correctly made.²⁶ This ensures that school district and county boards of education conform with those requirements going forward. Reversal for abuse of discretion is necessary to ensure that the standards and procedures under Section 47605 are applied uniformly, to educate school district and county boards, as well as petitioners, on the legal requirements under the Charter Schools Act ("CSA"), and to minimize the extent that in the future charter petitioners must bring appeals to the SBE to correct procedural and substantive violations of law.

"Abuse of discretion" is a judicial or quasi-judicial standard of review applied by courts or administrative agencies (here, the SBE) when reviewing an agency's or its governing board's discretionary act. An "abuse of discretion" is found when the agency or its governing board fails to follow a process mandated by law (i.e., a "failure to proceed in a manner required by law"), makes a decision that is not supported by the factual findings, or takes action that is not based upon substantial evidence in light of an entire record of proceedings.²⁷ An abuse of discretion is established when an agency "has not proceeded in a manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence."²⁸ The dictates of abuse of discretion act as a safeguard for ensuring that administrative agencies have made careful, reasoned, and equitable decisions.²⁹

The Charter School recognizes that the CDE has set forth a definition of abuse of discretion that is not dissimilar from the "has not proceeded in a manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence" definition set forth in the Code of Civil Procedure for judicial review of agency actions cited immediately above. Instead of the three components that comprise the petitioners' proffered standard, the CDE's standard, articulated in a June 30, 2022 memo, has five components: whether the district governing board's or county board's decision to deny the charter petition "was

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arbitrary, capricious, entirely lacking in evidentiary support, unlawful, or procedurally unfair.”³⁰

In practical terms, and in this context, there is little difference between “arbitrary, capricious, entirely lacking in evidentiary support, unlawful, or procedurally unfair,” on the one hand, and “has not proceeded in a manner required by law, the order or decision is not supported by the findings, or the findings are not supported by the evidence,” on the other. As such, for this appeal, Vista Legacy will generally conform to the CDE’s current definition of the abuse of discretion standard. In that regard, there is greater opportunity under CDE’s broader articulation for the SBE to find an abuse of discretion and overturn the denial of the petition.

Abuse of discretion for failure to proceed in the manner required by law takes broad form; it is even appropriately found when an agency has failed to follow requirements merely *implied* or within the *spirit* of the law.³¹ And an abuse of discretion is clearly present when the explicit dictates of the law are not followed, as here.³² Administrative agencies have no discretion to make erroneous interpretations of law.³³

VI. LACBOE’S ABUSES OF DISCRETION

In this case, the County Board made findings not supported by the evidence, which is arbitrary and capricious, and proceeded in a “procedurally unfair” manner, clearly establishing several abuses of discretion. The County Board did not provide a review of the Vista Legacy charter required by Section 47605(c) but instead gave undue weight to the District’s conclusions, rather than independent review of facts. Specifically, LACBOE’s adopted “findings of fact” begin with a declaration that the District’s findings were legal and could support a denial,³⁴ recycled LAUSD’s overbroad definition of “community,”³⁵ and failed to consider the record regarding community impact.³⁶ County Board acted unlawfully, in that it failed to apply the standard under the CSA requiring a presumption of charter approval. Instead, the findings indicate that the County based its denial on impermissible speculation and opinion about what may or may not occur in the future, not facts or evidence.³⁷

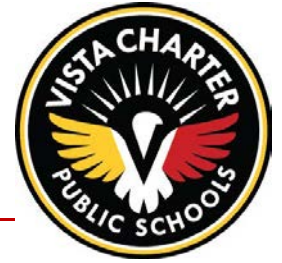
- A. STATUTORY FINDING (C)(2) WAS ARBITRARY AND CAPRICIOUS, IN THAT THE FACTUAL FINDINGS ARE NOT SUPPORTED BY EVIDENCE IN THE RECORD. THE COUNTY BOARD ERRONEOUSLY CONCLUDED, WITHOUT SUBSTANTIAL EVIDENCE, THAT VISTA IS UNLIKELY TO SUCCESSFULLY IMPLEMENT THE PROGRAM. THE EVIDENCE THAT THE COUNTY BOARD APPEARS TO HAVE RELIED UPON WAS DEMONSTRABLY INCORRECT, AND/OR NOT CONTAINED IN OR SUPPORTED BY THE RECORD, INCLUDING INCORRECT CONCLUSIONS ABOUT THE BOARD OF DIRECTORS, FINANCIAL IMPACT TO LAUSD, AND CURRICULUM.

The LACBOE’s findings merely parrot back the generic statutory language of Section 47605, without providing the necessary supporting facts and circumstances specific to this petition, as mandated by section 47605(c).³⁸ It is the conspicuous absence of substantial evidence in the documentary/administrative record prepared by the County Board that demonstrates its

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prejudicial abuse of discretion in denying the Vista Legacy petition. LACBOE required Vista to obtain a complete record from LAUSD and add Bates numbering to each page, yet failed to cite to any of this record when jumping to its broad conclusions supposedly establishing a basis to deny the petition.³⁹ Either LACBOE did not even consider the record provided, or the conspicuous absence of citations is evidence that their speculation lacks any support in the record. Either is an abuse of discretion.

LACBOE Statutory Finding (c)(2) alleges that Vista Legacy is “demonstrably unlikely to successfully implement [its] program.”⁴⁰ Far from being “demonstrably unlikely” to succeed, the evidence actually shows the exact opposite. Vista, a charter school operator for over a decade in LAUSD,⁴¹ is demonstrably likely to succeed in operating its new Vista Legacy school. LACBOE did not just fail to meet its burden of showing that Vista Legacy is “demonstrably unlikely” to succeed, it actively ignored clear evidence to the contrary, as described below.

LACBOE’s first “finding” supporting that Vista Legacy is unlikely to succeed is an attempt to use existing Vista schools’ “failure” of California School Dashboard local indicators as evidence that Vista is “unfamiliar” with requirements of law that apply to charter schools.⁴² LACBOE was aware, prior to consideration of the petition, that Vista had already taken the necessary steps to approve and submit its compliance with all local indicators.⁴³ This was essentially a clerical error that could have been easily remedied with technical amendments or a discussion. To suggest that this clerical error is a reason to deny a charter to an organization currently successfully operating no less than five charter schools is procedurally unfair and completely lacking in evidentiary support.

LACBOE’s second “finding” that Vista Legacy is unlikely to succeed is that the petition and supporting documents present an unrealistic financial and operational plan.⁴⁴ The County staff report then spends the next five pages speculating about ways Vista’s submitted budget *could* be unrealistic. “If Vista selects not to co-locate...” (p. 9),⁴⁵ “If revenues decrease and expenditures increase...”⁴⁶ (9), and “If the projected enrollment and ADA are not achieved...”⁴⁷ (p. 10) then, the County Staff Report speculates, Vista could experience financial strain. Basing a denial on a series of speculative conditions that may never occur is arbitrary and capricious, and “entirely lacking in evidentiary support.” In fact, the record shows that Vista ended the 2021-2022 fiscal year with a positive fund balance of more than nine million dollars, and its Auditors’ Reports resulted in an unmodified opinion with no findings.⁴⁸ Vista Legacy’s submitted financial and operational plans are realistic and in compliance with petition requirements.

Further, the staff discussion of Vista Legacy’s budget mischaracterizes Vista’s governance structure as a detriment to Vista Legacy’s financial viability.⁴⁹ Vista operates its five charter schools with a single Board of Directors and is in compliance with all California charter school laws and financial requirements.⁵⁰ There is nothing illegal or improper about this commonplace structure. Indeed, LACBOE has regularly approved charter petitions for schools operating in multi-school networks with one Board of Directors over the years, without any concern. Green Dot California, Magnolia, Environmental, Aspire, KIPP, and Odyssey are among the many charter

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schools LACBOE has approved with the very same single board structure.⁵¹ In fact, 62% of LACBOE-approved charter schools are so organized. Further, Vista’s other authorizers have actually insisted upon this commonplace structure.⁵² Far from being a detriment, Vista’s structure is an asset and a key to success. Treating similarly situated schools differently is arbitrary and capricious, therefore this error is an abuse of discretion under Section 47605.

Additionally, LACBOE inexplicably “finds” that Vista does not have a “formalized CMO agreement” with its schools.⁵³ This conclusion appears to reflect LACBOE’s fundamental error in law. Vista is a single nonprofit corporation—it cannot contract with itself, just like the LACBOE cannot contract with itself. So, as is the case in every other such situation, there is not a “formal” contract.

Finally, the County staff report claims that the Vista Legacy petitioners lack background critical to the Charter School’s success in developing and offering its dual enrollment Climate Change career pathway, mandarin courses, and special education.⁵⁴ Vista Legacy will offer the first Climate Change Pathway in California when it is able to serve 10th graders (anticipated to be 2025-2026).⁵⁵ Vista applied for and received a grant to fund the development and initial implementation of this program, which is being developed with UC Irvine.⁵⁶ The County’s staff alleges it spoke with an unnamed person at UC Irvine who could not confirm Vista’s program.⁵⁷ If the County staff had made a simple request to Vista, Vista would have been happy to provide contact information for its partners in the Climate Change Literacy Program at UC Irvine or answers to any staff questions. County staff could have asked about this at their “capacity meeting” interviews, but did not. That the County staff made no effort to do so and instead jumped to its own incorrect conclusions against Vista Legacy is an unlawful abuse of discretion because LACBOE clearly grasped for reasons to deny rather than respecting the evidence presented and Section 47605’s presumption for approval. LACBOE completely ignored Vista’s response to staff findings (in response to duplicate findings by LAUSD and County staff) explaining that the first course of the Climate Change pathway is already being implemented at Vista’s Orange County high school.⁵⁸

The County staff report ignores Vista’s successful operation of charter schools in LA and Orange Counties for over a decade. Rather than give Vista credit for the successful special education programs run at five other Vista schools and receive that success as evidence that Vista Legacy would also be successful in this area, the LACOE staff report finds technical flaws in a few paragraphs about serving children with disabilities.⁵⁹ The Vista Legacy petition, specifically Element 1, where a description of a charter school’s plan to serve students with disabilities is required, is replete with examples of ways Vista Legacy will differentiate instruction to each child’s needs, goals, and abilities.⁶⁰ LACBOE’s ignoring the totality of the charter to penalize Vista for omitting the County staff’s preferred keywords in a few select paragraphs is arbitrary and capricious, and an abuse of discretion.

Under an abuse of discretion standard, the SBE must reverse a denial that is not supported by substantial evidence of the kind required for a charter petition to be denied. “Substantial

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evidence means evidence which is ‘of ponderable legal significance. Obviously, the word cannot be deemed synonymous with ‘any’ evidence. It must be reasonable in nature, credible, and of solid value; it must actually be ‘substantial’ proof of the essentials which the law requires in a particular case.’⁶¹ As described above, LACBOE’s denial under (c)(2) is not supported by substantial evidence, and therefore must be reversed.

- B. THE COUNTY BOARD ACTED IN AN ARBITRARY MANNER WITHOUT EVIDENTIARY SUPPORT WHEN IT ADOPTED STATUTORY FINDING (C)(5). EVIDENCE IN THE RECORD SHOWS THAT THE PETITION DOES CONTAIN REASONABLY COMPREHENSIVE DESCRIPTIONS OF ALL REQUIRED ELEMENTS.

LACBOE’s Statutory Finding (c)(5) is similarly arbitrary and without reasonable basis in fact. The finding alleges that the petition does not provide a reasonably comprehensive description of the required elements, specifically Elements 1-3,⁶² which require descriptions of the educational program, measurable pupil outcomes to be used, and the method by which the school will measure pupil outcomes. The petition contains nearly 140 pages of description for these elements, going well above and beyond what is required by law.⁶³ The petition is longer and more detailed than many approved charters around the state and by LACBOE itself. Vista’s response to County staff’s finding cites to the petition itself, unlike the staff findings, to point out several locations where the petition discusses each component that must be discussed in Elements 1-3.⁶⁴

LACBOE completely ignored Vista’s response to LAUSD’s staff report, and the record sent to LACBOE does not reflect any resolution of these factual and legal disputes. Similarly, LACBOE completely ignored Vista’s response to the County staff’s report.⁶⁵ The law provides a petitioner the right to respond to findings and AB1505 specifically requires authorizers to provide these findings fifteen days prior to Board action on the petition because petitioners are entitled to respond to proposed findings.⁶⁶ The purpose of the requirement is to allow deliberation and consideration of a petitioner’s citations to facts and evidence, yet there is no evidence in the record the LACBOE engaged in this required deliberation or consideration of Vista’s response.⁶⁷

- C. THE COUNTY BOARD ACTED UNLAWFULLY WHEN IT FAILED TO PROVIDE A *DE NOVO* REVIEW AND RELIED ON UNDUE DEFERENCE TO LAUSD IN ADOPTING STATUTORY FINDING (C)(7). THE COUNTY BOARD DID NOT ADOPT INDEPENDENT FINDINGS ON COMMUNITY IMPACT AND HAS CERTIFIED A RECORD WITHOUT EVIDENCE SUPPORTING THIS STATUTORY FINDING.

Under Section 47605(k), “[t]he county board of education shall review the appeal petition pursuant to subdivision (c),” which requires that the “chartering authority shall be guided by the intent of the Legislature that charter schools are and should become an integral part of the California education system and that the establishment of charter schools should be encouraged.” Subdivision (c) goes on to describe the manner in which a school district will evaluate a petition and approve or deny the petition. Neither Section 47605, subdivision (c) nor (k) provide that the county board of education gives any deference to the school district’s decision. However, it is

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clear from the record that LACBOE unlawfully preferred LAUSD's findings and decision, abusing its discretion by failing to base its findings on its own facts and analysis.

First, the County staff findings (adopted by the LACBOE) baldly state that "the [LAUSD] findings complied with requirements for denial under the *Charter Schools Act*,"⁶⁸ repeats LAUSD's statutory findings (without factual findings),⁶⁹ then states "**any of the above findings may be cause for denial of a charter under EC section 47605(b).**" (*emphasis original*)⁷⁰— On page two of fourteen pages of findings, County staff has essentially adopted LAUSD's decision prior to any further consideration or explanation.

LACBOE further abused its discretion by arbitrarily accepting and applying the District's overreaching definition of "community" that encompasses a 28-square-mile area, which the County Board acknowledged may not be appropriate. Using the District's "community" definition provides unlawful deference to the District's analysis of community impact under Statutory Finding (c)(7). LACBOE Vice President Chan expressed concern with using LAUSD's overly-broad 28-square-mile definition of "community."⁷¹ County staff argued that using LAUSD's definition of community was appropriate because "it started in the petitioner's words,"⁷² however it is clear from the record that LAUSD unlawfully requires it.⁷³ LACBOE can and should have developed its own definition of community and analyzed this factor independently. Using LAUSD's community definition shows that LACBOE did not provide an independent analysis of Statutory Finding (c)(7) and was prejudicial against Vista. This is unlawful and an abuse of discretion. An additional abuse is the arbitrary finding that LAUSD might have to close schools and reduce staff if LACBOE approved the charter.⁷⁴

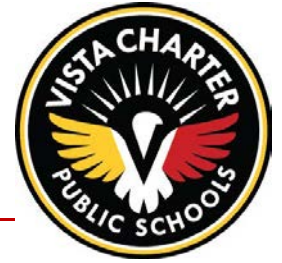
The Los Angeles County Superior Court has recently considered LAUSD's overreach with regard to locally-imposed requirements preempted by state law. In *Equitas Academy Charter School v. LAUSD*, the Court examined whether LAUSD was permitted to reject submission of a charter petition that did not satisfy the District's local requirements for the 28-square mile community impact analysis.⁷⁵ That charter school, like Vista Legacy here, submitted its thousands of pages of supporting documentation—information obtained of course from LAUSD itself—required by the District with regard to "community impact." LAUSD refused to receive the petition "because [the charter] failed to include all the necessary components of the Community Impact Assessment section of the New Independent Charter School Petition Application Intake Checklist."⁷⁶ The Court found LAUSD's arguments unpersuasive and "misdirected given the clear and unambiguous language of the statute."⁷⁷ The Court ordered LAUSD to "receive" the charter as complete.⁷⁸ The Court further found that LAUSD's policy of imposing non-statutory requirements "conflicts with Section 47605(b) and is preempted."⁷⁹ This case acknowledges that LAUSD's community impact assessment requirements are at best superfluous, and at worst unlawfully prejudicial against charter school petitioners.

LACBOE ignored clear evidence that its Statutory Finding (c)(7) was unlawful and unsupported by the evidence. Even the principal of one of the schools the County staff report alleged Vista Legacy would be duplicating, a local charter school, spoke up in support of Vista

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and was ignored by the County Board.

MR. DEFRANZA: Good afternoon. My name is David De Franza and I am the principal at Los Angeles Academy of Arts of Enterprise, one of the schools identified as offering duplicative programming in the LACOE findings.

To the contrary, I believe there are meaningful distinctions between the college and career pathways described in the Vista petition and those offered at my school. Together both programs complement one another to provide unique choices for students and families.

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Vista Legacy provided a comprehensive response to the County staff report.⁸¹ In the response, Vista explained that the statutory finding under Section 47605(c)(7) is not so simplistic as presented in the County Staff Report. The basis for this statutory finding requires a comprehensive, meaningful analysis of several factors, as further explained herein. Because the Findings do not contain the requisite facts, circumstances, and conclusions to “bridge the analytical gap between the raw evidence and the ultimate decision or order,” the County Board abused its discretion.⁸²

Based on the information in the County Staff Report, petitioners explained that the County Board would not be able to make the statutory finding under Section 47605(c)(7). Ultimately, the bar for denial under Section 47605(c)(7) is very high. To deny under this subsection, the board must make a statutory finding, supported by specific factual findings that the school is “demonstrably unlikely” to serve the entire community. The law requires analysis and consideration. It requires the board to “detail specific facts and circumstances” that the proposed charter school would “substantially undermine” existing services or “duplicate” programs. LACBOE simply did not meet the burden of this finding with the detail and specificity required. Instead, it speculated that a great number of students would leave district schools for Vista Legacy and cobbled together programs at several local schools in an effort to assert that Vista Legacy duplicated programs.⁸³ There is no single school in the community where a student can go to receive the holistic and unique services that will be offered by Vista Legacy.⁸⁴ LACBOE’s failure to follow the law as to this finding is an abuse of discretion.

Finally, it is worth noting that LACBOE has certified that its administrative record is contained at DR pages SBE – VLGA 02262-02461. This record does not include a copy of the Vista Legacy charter Petition. Regarding community impact, it includes one chart about community school enrollment and lists three schools with allegedly similar programs, with no citations to the record or any other source.⁸⁵ And yet LACBOE made a Statutory Finding against Vista Legacy on the basis of community impact.⁸⁶ It is an egregious abuse of discretion for LACBOE to deny a charter to a school whose charter petition and community impact data it

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apparently has not even independently reviewed.

D. LACBOE’S HEARING WAS PROCEDURALLY INFIRM AND UNFAIR. THE COUNTY BOARD FAILED TO PROCEED IN A MANNER REQUIRED BY LAW WHEN IT DID NOT ALLOW A BOARD MEMBER TO OBTAIN ACTION ON HER EFFORT TO AMEND THE MOTION TO DENY THE PETITION.

LACBOE further abused its discretion by failing to proceed in a manner required by law at the March 14, 2023 County Board meeting itself. Vice President Chan and Member Johnson both voiced support for an amendment to the motion to adopt staff findings that would have permitted approval of the school. VP Chan stated: “I would like to move to approve the Charter with technical amendment,” and the only response given was “Dr. Chan, we are looking for people at your location who would like to speak...”⁸⁷ Later in the meeting, Dr. Chan again offered “So when it’s appropriate I would like to motion to approve this charter with technical amendment,” and President Cross thanked her, but no response was given to Dr. Chan’s efforts to move for approval.⁸⁸ Mr. Johnson later stated that he shared Dr. Chan’s sentiments and he “would support a motion with technical assistance to support Vista.”⁸⁹

When President Cross called for a vote on denial of the Vista Legacy petition, it was confusing and prohibited Dr. Chan and other supporters of Vista Legacy from fully participating.⁹⁰ Vice President Chan again asked “Is it appropriate to have a substitute or an amended motion...?” and was rejected.⁹¹ Vice President Chan and Mr. Johnson were never given any chance to amend the motion to allow technical amendments or move to approve the Vista Legacy charter. Despite voicing their desire to move for and vote on an amendment in support of Vista at least three times, the motion was never accepted, discussed, or voted upon.⁹² After the County Board voted 4-3 to deny the Vista Legacy charter petition, despite Member Dutton’s statement that amendments couldn’t be heard “until we vote in the motion,”⁹³ the Board still refused to hear any dissent, simply ending any and all consideration of the Vista charter.⁹⁴ Without any opportunity for supporters to be considered, LACBOE has committed an abuse of discretion by using an unfair procedure in denying the petition.

Further, the record demonstrates that LACBOE engaged in unlawful burden-shifting to the Vista Legacy. The law is clear that the reviewing board “shall not deny” a charter petition “*unless*” it can make statutory findings under Section 47605 that are supported by specific, written factual findings from the record. Instead, Board Member Forrester described the Board’s method of assessment as follows:

Everyone who comes before this board has passion.
And they say their school is unique and necessary. I

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think that we as board members have to see beyond that and have to take our responsibility seriously. It's not just what we want to believe, but what they actually prove to us. So my position will be to deny.

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The burden to overcome the presumption for approval under the law is clearly borne by the agency board.⁹⁶ However the LACBOE flipped its finding-making obligation and instead insisted that Vista “prove” the success of its program.

Where the County staff report attempted to find fault in Vista’s petition and recommended findings to support denial, Vista Legacy was able to effectively and conclusively rebut each recommended factual finding with the actual evidence in the record.⁹⁷ LACBOE completely failed to consider that evidence in light of the entire record, ignoring its own record and key relevant facts. LACBOE did not discuss or even mention Vista’s substantive response to the proposed findings at the March 14, 2023 meeting and did not resolve any key disputes between County staff’s erroneous assessment of Vista Legacy’s charter and Vista’s authoritative point-by-point response.⁹⁸ This lack of consideration denies Vista its access to the process as required by law and is an abuse of discretion because it is unlawful and procedurally unfair.

VII. THE DISTRICT’S ABUSES OF DISCRETION

A. THE FACTUAL FINDINGS ADOPTED BY THE DISTRICT BOARD ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE IN LIGHT OF THE ENTIRE RECORD

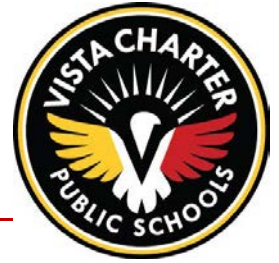
LAUSD’s Statutory Finding (c)(2) ignores contrary and convincing evidence readily available to the District. LAUSD awarded Vista’s existing middle school the highest possible rating during its annual oversight visit, per a June 30, 2022 report.⁹⁹ Far from being “demonstrably unlikely” to succeed, the evidence in the record points only to that Vista Legacy will succeed just as Vista’s five other schools are succeeding.¹⁰⁰ As a charter school operator in Los Angeles and Orange Counties for more than a decade, Vista is well familiar with applicable laws and what it takes to run a successful charter school. Vista provided LAUSD a comprehensive and point-by-point analysis of the errors in fact and law contained in LAUSD’s proposed findings (later adopted), but that information and analysis was entirely ignored.¹⁰¹

“Some exercises of discretion ‘call[] for a more careful review’ than do others.”¹⁰² As in review of trial court orders, a school district’s position about what is “reasonable” in the charter petition context should be rejected if it is inconsistent with the “legal principles and policies appropriate to the particular matter at issue.”¹⁰³ Here, the legal principles and policies are those of the Charter Schools Act, which proclaims that public charter schools exist to “[p]rovide vigorous competition within the public school system to stimulate continual improvements in all public schools.”¹⁰⁴ Choice is the principle that makes charter schools a dynamic force in the public

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school system. As the SBE knows well, charter schools compete directly with school districts for student enrollment. The fifteen page District Staff Report is dense but littered with misrepresentations, which undermine the credibility of the entire report.¹⁰⁵

- B. THE DISTRICT ABUSED ITS DISCRETION BY ACTING UNLAWFULLY AND IN A PROCEDURALLY UNFAIR MANNER, BY USING AN UNLAWFULLY BURDENSOME DEFINITION OF “COMMUNITY IMPACT”, AND BY IMPOSING REQUIREMENTS FOUND NOWHERE IN THE CSA.

EC Section 47605(c)(7) permits denial of a charter if the “charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate.” The authorizer may consider the fiscal impact of the proposed charter school. To deny under this part, the district board must make “a written factual finding...detail[ing] specific facts and circumstances that analyze and consider” whether the charter school would undermine existing educational offerings or whether the charter school would duplicate a program currently offered within the school district.

From this minimal legal requirement, LAUSD has developed a gargantuan and overly burdensome “community impact” process that each charter school wishing to operate in LAUSD must complete.¹⁰⁶ Vista Legacy’s “community impact assessment template” comprises fifty pages of the attached record,¹⁰⁷ without counting the thousands of pages of information and data LAUSD forces applicants to compile regarding all schools within the LAUSD-determined “community.”¹⁰⁸ LAUSD defines an applicant’s “community” as any school serving similar grades within a three-mile radius of the location where the petitioner intends to locate.¹⁰⁹ This amounts to approximately 28 square miles in the heart of Los Angeles County. It is not uncommon for there to be more than a hundred schools within that sized area of Los Angeles. In this case there are no less than thirty-three schools serving high school students within a three mile radius of Legacy Vista’s proposed location.¹¹⁰ Due to LAUSD’s onerous community impact requirement, Petitioner provided detailed and copious evidence of Vista Legacy’s compliance with legal requirements with regard to community impact, including analysis of school programs throughout the LAUSD-defined “community.” Many of these schools are operated by or authorized by the District, which would give the District better access to information about those programs, rather than forcing Vista to compile this information.

Section 47605(c)(7) is clear that the District is responsible for making any factual findings. Here, LAUSD has unlawfully burdened the petitioner with doing work the District is required to do itself, stating in its staff report that “the petitioner is required to assess the duplication of existing programs currently offered.”¹¹¹ The District should examine the impact a school may have on the community. In order to deny a charter petition, the District must prove that the proposed charter school would “substantially undermine” surrounding schools. Instead following the statutory requirements, LAUSD forced Vista to compile thousands of pages of data to prove that the proposed school will not negatively impact the surrounding community schools.¹¹² This is unlawful burden shifting. Further, LAUSD has ready access to all the data it requires regarding

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schools within its prescribed “community.” These are all schools operated or authorized by LAUSD.¹¹³ As operator or authorizer with oversight responsibilities, LAUSD has all the information and tools required for a community impact analysis at its disposal. Instead of doing this analysis itself as required by statute, or even granting access to data already gathered by LAUSD about its own schools, LAUSD puts this burden on Vista. This is unnecessary and unlawful.

As described above, a judge recently found that LAUSD’s refusal to consider petitions that do not include this onerous requirement is preempted by the charter processing mandate of Section 47605(b).¹¹⁴ To deny a charter, the District has the obligation to make a factual finding regarding community impact to demonstrate that the school will “substantially undermine” a district program or school.¹¹⁵ LAUSD’s denial findings are not only in conflict with the letter of the law, it is conflict with the spirit of the CSA, that charter schools should be an integral part of the California education system and that establishment of charter schools should be encouraged.

Despite the abundant evidence Vista provided to the contrary, LAUSD staff determined that Vista Legacy would substantially undermine existing schools and duplicate a program currently offered. LAUSD errs with both conclusions. Vista Legacy will not “substantially undermine” existing schools within the community. First of all, it is clear from Vista surveys that the majority of Vista Legacy’s projected enrollment will come from Vista Charter Middle School students continuing on in the “Vista way” and not from students leaving District schools.¹¹⁶ Secondly, it is unsupportable for the largest school district in the state, which serves nearly 600,000 students,¹¹⁷ to allege that one school, that is anticipated to enroll a maximum of 500 students,¹¹⁸ will “substantially undermine” LAUSD’s existing offerings. Similarly, LAUSD errs in its allegation that Vista Legacy duplicates existing programs within the District. No one school in the community has all the programs that will be available to Vista Legacy students. Some unique hallmarks of the program will be Vista Legacy’s partnership with the International Study Schools Network (“ISSN”) and its Climate Change Pathway.¹¹⁹ LAUSD currently has no schools within 20 miles of Vista Legacy’s planned location operating in the ISSN network (District- or Charter-operated),¹²⁰ and as discussed before, the Climate Change Pathway is the first of its kind anywhere in the state.¹²¹ As Vista stated to the District Board at their November 15, 2023 meeting, “while our framework may have led us to some programs that can be found in other schools, I can assure you , no other LAUSD has used our framework to create a holistic approach where every single program works in harmony to create emotional, behavioral, and cognitive engagement for our students.”¹²²

* * *

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Dr. Don Wilson, Superintendent



We look forward to working with the CDE and the SBE during their consideration of the charter petition appeal. Please feel free to contact me if you have any questions.

Sincerely,



Dr. Donald S. Wilson
Superintendent
Vista Charter Public Schools

(Enclosures consisting of DR from District and County and SR provided by Vista Legacy provided in download link)

- 1 Unless otherwise stated, statutory references to “section” are to the California Education Code.
2 Section 47605(k)(2).
3 SBE – VLGA 02281, 02443.
4 SBE – VLGA 02271, 02274-02275
5 SBE – VLGA 02435
6 See generally SBE – VLGA 02309-02404. Further details below at notes 89-96..
7 SBE – VLGA 02826
8 SBE – VLGA 05660
9 SBE – VLGA 02428
10 SBE – VLGA 02531
11 SBE – VLGA 02557, 03054-04972
12 SBE – VLGA 02566
13 SBE – VLGA 02572-02573
14 SBE – VLGA 02557
15 SBE – VLGA 00005
16 SBE – VLGA 00157
17 SBE – VLGA 01492-01493
18 SBE – VLGA 02537; note that the County Staff report states that the appeal was received on December 14,
2022, when the LACBOE took action to receive the appeal on December 5, 2022.
19 LACBOE has not provided minutes or a transcript for the February 7, 2023 meeting, at which a public
hearing on support for Vista Legacy was held. However, the County Staff report notes the date of the hearing at SBE
– VLGA 02270.
20 SBE – VLGA 02303-02304
21 Section 47605(k)(2)(A).
22 The District Record is at SBE – VLGA 00001-02261. Please note that the District included more than a
thousand superfluous and irrelevant pages from the board packet provided for the November 15, 2022 meeting, yet
omits relevant and necessary attachments to the submitted Vista Legacy charter petition, particularly related to
community impact. The District also failed to include the Charter School’s Response to the District’s Staff Findings
and Recommendations. The County Record is provided at SBE – VLGA 02262-02461. LACBOE did not provide the
charter petition at all, or the several documents the County required as part of the appeal process as part of its
documentary record.
23 It is difficult to cite to the **absence** of a record (i.e., something that does not exist), but please see generally
that the County record does not include the Vista Legacy charter petition in SBE – VLGA 02262-02461, and that the
District record includes the charter petition at SBE – VLGA 01189, but omits several required attachments,
particularly the totality of the LAUSD-required community impact assessment.
24 SBE – VLGA 02462-05661
25 We have used the “bookmark” function of Adobe Acrobat to mark several documents, but have also provided
relevant page numbers here for the SBE’s convenience in tracking the large amount of documentation:
1) Documentary Record Provided by the LAUSD: SBE – VLGA 00001-02261. Please note that a
substantial portion of this record is irrelevant, because LAUSD has chosen to provide entire board
packets from the October 11, 2022 and November 15, 2022 District Board meetings. Pages SBE –
VLGA 00007-00136 and SBE-VLGA 00161-01086 are entirely irrelevant to the matter before the SBE.
a. LAUSD Findings In Support of Denial: SBE – VLGA 01120-01135
b. Transcript of LAUSD November 15, 2022 meeting regarding Vista Legacy: SBE – VLGA
01458-01506
c. LAUSD Policy and Procedures for Charter Schools: SBE – VLGA 01507-01596
2) Documentary Record Provided by the LACBOE: SBE VLGA 02262-02461
a. LACBOE Findings in Support of Denial: SBE VLGA 02268-02281
b. Transcript of LACBOE March 14, 2023 meeting regarding Vista Legacy: SBE – VLGA
02308-02403
c. Vista Legacy Response to County Staff Report and Findings: SBE – VLGA 02427-02445
3) Supplemental Record: SBE – VLGA 02462-05661
a. Vista Legacy Response to LAUSD Staff Report and Findings: SBE – VLGA 02518-02534
b. Vista Legacy Charter As Submitted, Including Appendices: SBE – VLGA 02557-04945

c. Superior Court Judgement in *Equitas Academy Charter School v. LAUSD et al.* – SBE – VLGA 05646-05661

26 Sections 47601 and 47605(c)
27 Code of Civil Procedure section 1094.5(b); *Tran v. County of Los Angeles* (2022) 74 Cal.App.5th 154; *Lateef*
28 *v. City of Madera* (2020) 45 Cal.App.5th 245.
29 Code of Civil Procedure Section 1094.5 (b); *see also, Topanga Assn. for a Scenic Community v. County of*
30 *Los Angeles* (1974) 11 Cal.3d 506, 515; *Manjares v. Newton* (1966) 64 Cal.2d 365, 370.
31 *J. L. Thomas, Inc. v. County of Los Angeles* (1991) 232 Cal.App.3d 916, 927.
32 *www.cde.ca.gov/be/pn/im/documents/jun22memocsd01.docx*
33 *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 79–86 [failure to consider requirements implied in
law prior to approving or disapproving a project constitutes an abuse of discretion]; *Walsh v. Kirby* (1974) 13 Cal.3d
95, 103–106 [failure to follow spirit of law despite literal compliance is an abuse of discretion.] *See also, Boreta*
Enterprises v. Department of Alcoholic Beverage Control (1970) 2 Cal.3d 85, 96, [abuse of discretion in license
revocation when decision was based on policy rather than legal rationale].
34 *People v. Superior Court* (Humberto S.) (2008) 43 Cal.4th 737, 746 [an exercise of discretion based on an error
of law is an abuse of discretion]; *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th
341, 355 [46 Cal. Rptr. 3d 355, 138 P.3d 692] [erroneous application of legal standard constitutes an abuse of
discretion]), and the District failed to meet basic procedural requirements (*Envtl. Prot. Info. Ctr. v. Johnson* (1985)
170 Cal.App.3d 604, 620 [failure to follow appropriate procedures in approval process is an abuse of discretion]).
35 (*Garamendi v. Mission Ins. Co.* (2005) 131 Cal.App.4th 30, 41.)
36 SBE – VLGA 02269
37 SBE – VLGA 02279-02280; SBE VLGA 02336-02337
38 SBE – VLGA 02279-02280. Note that LACBOE made no citations to the thousands of pages regarding
community impact provided to LACBOE on appeal. LACBOE did not include any of this documentation on
community impact as part of the County’s documentary record, despite being included in Vista Legacy’s appeal.
39 SBE – VLGA 02271-02272, 02275
40 SBE – VLGA 02270-02281
41 SBE – VLGA 02270-02281
42 SBE – VLGA 02270
43 SBE – VLGA 02567-02568
44 SBE – VLGA 02270
45 SBE – VLGA 02270
46 SBE – VLGA 02271
47 SBE – VLGA 02271
48 SBE – VLGA 02271
49 SBE – VLGA 02271
50 SBE – VLGA 02272
51 SBE – VLGA 02273
52 SBE – VLGA 02274-02275
53 SBE – VLGA 02435
54 SBE – VLGA 02435
55 SBE – VLGA 02435
56 SBE – VLGA 02272
57 SBE – VLGA 02275-02276
58 SBE – VLGA 02651, 02437-02438
59 SBE – VLGA 02437-02438
60 SBE – VLGA 02275-02276
61 SBE – VLGA 02437-02438; SBE – VLGA 02527
62 SBE – VLGA 02276
63 SBE – VLGA 02439, 02590-02598, 02619-02658, 02669-02672
64 *Hall v. Department of Adoptions* (1975) 47 Cal.App.3d 898, 906.) “Speculation is not substantial evidence.”
65 (*People v. Killebrew* (2002) 103 Cal.App.4th 644, 661; *Banker’s Hill, Hillcrest, Park West Community Preservation*
Group v. City of San Diego (2006) 139 Cal.App.4th 249, 274 [“Unsubstantiated opinions, concerns, and suspicions ...
though sincere and deeply felt, do not rise to the level of substantial evidence.”])
66 SBE – VLGA 02277-02279
67 SBE – VLGA 02562-02701
68 SBE – VLGA 02440-02442
69 SBE – VLGA 02262-02461

66 Section 47605(b)
67 SBE – VLGA 02309-02403
68 SBE – VLGA 02269
69 SBE – VLGA 02269
70 SBE – VLGA 02269
71 SBE – VLGA 02336-02337
72 SBE – VLGA 02337
73 SBE – VLGA 01531
74 SBE – VLGA 02279
75 SBE – VLGA 05650-05653
76 SBE – VLGA 05653
77 SBE – VLGA 05658
78 SBE – VLGA 05660
79 SBE – VLGA 05658
80 SBE – VLGA 02363
81 SBE – VLGA 02427-02445
82 See *Topanga Assn. for a Scenic Community v. County of Los Angeles*, supra at p. 515.
83 SBE – VLGA 02279-02280
84 SBE – VLGA 02442-02443
85 SBE – VLGA 02279-02280
86 SBE – VLGA 02279
87 SBE – VLGA 02348
88 SBE – VLGA 02376
89 SBE – VLGA 02380
90 SBE – VLGA 02381
91 SBE – VLGA 02381
92 SBE – VLGA 02309 - 02384
93 SBE – VLGA 02381
94 SBE – VLGA 02381-02382
95 SBE – VLGA 02379-02380
96 Section 47605(c)
97 SBE – VLGA 02427-02445
98 SBE – VLGA 02427-02445
99 SBE – VLGA 02432
100 SBE – VLGA 02524, 02432-02434
101 SBE – VLGA 02524-02539
102 *Bussard v. Department of Motor Vehicles* (2008) 164 Cal.App.4th 858, 863, fn. 1, quoting 7 Witkin, Cal.
Procedure (4th ed. 1997) § 10, at p. 36.
103 See, e.g., *People v. Sandoval* (2007) 41 Cal.4th 825, 847.
104 Section 47601(g)
105 SBE – VLGA 02518
106 SBE – VLGA 01136-01188, 03107-04945
107 SBE – VLGA 01136-01188
108 SBE – VLGA 03107-04945
109 SBE – VLGA 01531
110 SBE – VLGA 01107-01108, 01117
111 SBE – VLGA 01131
112 SBE – VLGA 01136-01188, 03107-04945
113 SBE – VLGA 01116
114 SBE – VLGA 05658
115 Section 47605(c)(7)
116 SBE – VLGA 01183
117 SBE – VLGA 02531
118 SBE – VLGA 02566
119 SBE – VLGA 02592, 02620, 02651
120 SBE – VLGA 02533
121 SBE – VLGA 02651, 02437-02438

California Department of Education
Charter Schools Division
Created 05/2020

Appeal to the State Board of Education

Table 1. Written Submission by the Petitioner Detailing How the Governing Board of the School District Abused its Discretion

Instructions: The State Board of Education (SBE) requests the petitioner or its designee to complete the below table when submitting an appeal for the establishment or renewal of a charter school petition to the SBE after county denial, pursuant to *Education Code* sections 47605(k)(2)(A) and 47607.5, respectively. Additional sheets may be attached. Note, the process for the review of an appeal of an SBE-authorized charter school or a school lacking an independent county board of education is different; this table does not apply.

Charter School Name:

Denying District Name:

Findings by the District to Deny the Establishment/Renewal Charter Petition	Description of How the District Abused its Discretion (For Each Finding)	Specific Citation to the Supporting Evidence in the Record
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.
10.	10.	10.

California Department of Education
Charter Schools Division
Created 05/2020

Appeal to the State Board of Education

Table 2. Written Submission by the Petitioner Detailing How the County Board of Education Abused its Discretion

Instructions: The State Board of Education (SBE) requests the petitioner or its designee to complete the below table when submitting an appeal for the establishment or renewal of a charter school petition to the SBE after county denial, pursuant to *Education Code* sections 47605(k)(2)(A) and 47607.5, respectively. Additional sheets may be attached. Note, the process for the review of an appeal of an SBE-authorized charter school or a school lacking an independent county board of education is different; this table does not apply.

Charter School Name:

Denying County Name:

Findings by the County to Deny the Establishment/Renewal Charter Petition	Description of How the County Abused its Discretion (For Each Finding)	Specific Citation to the Supporting Evidence in the Record
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.
6.	6.	6.
7.	7.	7.
8.	8.	8.
9.	9.	9.
10.	10.	10.