

- The State Board of Education has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.
- The 15-day text proposed to be added is in "**bold underline**", deleted text is displayed in "**~~bold strikeout~~**".
- The 2<sup>nd</sup> 15-day text proposed to be added is in "**bold double underline**"; deleted text is displayed in "**~~bold double strikethrough~~**".
- The 3<sup>rd</sup> 15-day text proposed to be added is in "underlined and shaded", deleted text is "~~strikeout and shaded~~."

## **Title 5. EDUCATION**

### **Division 1. California Department of Education**

#### **Chapter 11. Special Programs**

#### **Subchapter 19. Charter Schools**

#### **Article 2. General Provisions**

#### **§11960. Regular Average Daily Attendance for Charter Schools.**

...

(c)(1) Beginning in 2004-05, a pupil who is over the age of 19 years may generate attendance for apportionment purposes in a charter school on fewer than 175 calendar days during that fiscal year.

(A) The pupil was enrolled in a public school in pursuit of a high school diploma (or, if a student in special education, an individualized education program (IEP)) or while 19 years of age and, without a break in public school enrollment since that time, is enrolled in the charter school and is making satisfactory progress towards award of a high school diploma (or, if a student in special education, satisfactory progress in keeping with an ~~individualized education program IEP~~ consistent with the definition of satisfactory progress set forth in subdivision ~~(b)~~(h) of ~~S~~section 11965.

...

#### **§ 11965. Definitions.**

For the purposes of this Articles 1, 2 and Article 2.5, the following definitions shall apply:

(a) "Chartering authority" means the entity that grants a school's charter and includes the following:

(1) "County chartering authority" means a county board of education that has

1 granted a school's charter. In making specific the provisions of Education Code section  
2 47607(g)(1), these regulations use the term "county chartering authority" where  
3 Education Code section 47607(g)(1) uses the term "county office of education."

4 (2) "District chartering authority" means the governing board of a school district that  
5 has granted a school's charter. In making specific the provisions of Education Code  
6 section 47607(f)(1), these regulations use the term "district chartering authority" where  
7 Education Code section 47607(f)(1) uses the term "school district."

8 (3) "State chartering authority" is the State Board of Education (SBE) when the SBE  
9 has granted a school's charter. The SBE acts as a state chartering authority when it  
10 approves the operation of a charter school that has been denied by a local educational  
11 agency (LEA) and when it approves the operation of a state charter school pursuant to  
12 Education Code section 47605.8.

13 (b) "Final Decision" means the final written decision of the chartering authority to  
14 either revoke or decline to revoke a school's charter.

15 (c) "Notice of Appeal ~~to the State Board of Education~~" means a written document  
16 notifying the **county board of education or the SBE, as appropriate,** that the **charter**  
17 **school's governing body as described in the school's charter, or the district**  
18 **chartering authority entity noticing the SBE** is appealing the decision to revoke or  
19 reverse the revocation of a school's charter.

20 (d) "Notice of Intent to Revoke" means the written notice of a chartering authority's  
21 decision to pursue revocation of a school's charter due to the charter school's failure to  
22 remedy one or more violations identified in the Notice(s) of Violation. This notice shall  
23 identify all of the following:

24 (1) All evidence relied upon by the chartering authority in determining that the  
25 charter school failed to remedy a violation pursuant to this section;

26 (2) The date and time at which the chartering authority will hold a public hearing  
27 concerning revocation, which shall be held no more than 30 calendar days after the  
28 chartering authority issues this notice.

29 (e) "Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil  
30 Health or Safety" means the written notice of a chartering authority's decision to revoke  
31 a school's charter due to a severe and imminent threat to the health or safety of the  
32 pupils. This notice shall identify all of the following:

1       (1) The location of the facility;

2       (2) The provisions of Education Code section 47607(c) that the charter school has  
3 violated and a description of the emergency or urgent conditions that ~~has~~ have resulted  
4 from this violation;

5       (3) A description of how the condition(s) identified in subdivision (2) severely and  
6 imminently threatens the health or safety of pupils.

7       (4) For purposes of this article, “a severe and imminent threat to pupil health or  
8 safety” occurs when a charter school’s structures, systems or practices are in a  
9 condition that poses a severe and imminent threat to the health or safety of pupils while  
10 at school, and where the charter school has made no reasonable attempt to remedy the  
11 condition or no remedy exists to cure the condition.

12       (5) For purposes of this article, “a severe and imminent threat to pupil health or  
13 safety” does not include any cosmetic or nonessential repairs or severe threats for  
14 which the school has initiated corrective action and has removed the pupils from any  
15 immediate danger.

16       (f) “Notice of Violation” means the written notice of a chartering authority’s  
17 identification of one or more specific alleged violations by the charter school based on  
18 the grounds for revocation specified in Education Code section 47607(c). This notice  
19 shall identify all of the following:

20       (1) The charter school’s alleged specific material violation of a condition, standard,  
21 or procedure set out in the school’s charter pursuant to Education Code section  
22 47607(c)(1); the specific pupil outcome(s) identified in the school’s charter that the  
23 charter school allegedly failed to meet or pursue pursuant to Education Code section  
24 47607(c)(2); the charter school’s alleged fiscal mismanagement or specific failure to  
25 follow generally accepted accounting principles pursuant to Education Code section  
26 47607(c)(3); or the specific provision(s) of law that the charter school allegedly failed to  
27 follow pursuant to Education Code section 47607(c)(4), as appropriate.

28       (2) All evidence relied upon by the chartering authority in determining the charter  
29 school engaged in any of the acts or omissions identified in subdivision(f)(1) **including**  
30 **the date and duration of the alleged violation(s), showing the violation(s) is/are**  
31 **both material and uncured, and that the alleged violation(s) occurred within a**  
32 **reasonable period of time before a notice of violation is issued; and**

1       (3) The period of time that the chartering authority has concluded is a reasonable  
2 period of time for the charter school to remedy **or refute** the identified violation(s). In  
3 identifying the time period that will serve as the charter school's reasonable opportunity  
4 to remedy the identified violation(s), the chartering authority shall consider the amount  
5 of time reasonably necessary to remedy each identified violation, which may include the  
6 charter school's estimation as to the anticipated remediation time.

7       (g)(a) "Private school" as that term is used in Education Code section 47602(b)  
8 means a school that meets the requirement set forth in Education Code sections 48222  
9 and 48223.

10       (h)(b) For each charter school, "satisfactory progress," as that term is used in  
11 Education Code section 47612, means uninterrupted progress (1) towards completion,  
12 with passing grades, of the substance of the course of study that is required for  
13 graduation from a non-charter comprehensive high school of the school district that  
14 authorized the charter school's charter, that the pupil has not yet completed, (2) at a  
15 rate that is at least adequate to allow the pupil to successfully complete, through full-  
16 time attendance, all of that uncompleted coursework within the aggregate amount of  
17 time assigned by the chartering agency for the study of that particular quantity of  
18 coursework within its standard academic schedule. If the chartering agency authority is  
19 not a school district having at least one non-charter comprehensive high school, the  
20 applicable high school graduation requirements and associated time assignments shall  
21 be those for the comprehensive high school(s) of the largest unified school district, as  
22 measured by average daily attendance, in the county or counties in which the charter  
23 school operates.

24       For individuals with exceptional needs, as defined in Education Code section 56026,  
25 "satisfactory progress," as that term is used in Education Code section 47612, means  
26 uninterrupted maintenance of progress towards meeting the goals and benchmarks or  
27 short-term objectives specified in his or her individualized education program made  
28 pursuant to ~~U.S. Code, Title 20 U.S.C.,~~ Section 1414(d) until high school graduation  
29 requirements have been met, or until the pupil reaches an age at which special  
30 education services are no longer required by law.

31       (i) "School's charter" is the document approved by the chartering authority, including  
32 any material revisions that have been approved by the chartering authority.

(j) “Statewide benefit charter” is a charter school authorized by the SBE to operate at multiple sites throughout the state pursuant to Education Code section 47605.8. In making specific the provisions of Education Code section 47605.8, these regulations use the term “statewide benefit charter” where Education Code section 47605.8 uses the term “state charter school.”

NOTE: Authority cited: Sections 33031, 47602(b) and 47612(b), Education Code.  
Reference: Sections 47602(b), 47604.5, 47605.8, 47607 and 47612(b), Education Code; and 20 U.S.C. Section 1414(d), Title 20, U.S. Code.

## **Article 2.5. Establishment and Revocation**

### **§ 11969. 11968.1. Numbering of Charter School Petitions.**

(a) In accordance with subdivision (a) of section 47602 of the Education Code, the California Department of Education (CDE), on behalf of the ~~State Board of Education~~ SBE, shall establish and administer a numbering system to track the total number of charter schools authorized to operate in the state, based on the chronological order of the receipt of a complete charter petition and notification of charter approval by a local educational agency (LEA) or, in the case of a charter petition approved by the ~~State Board of Education~~ SBE, the date and time of the ~~State Board's~~ SBE's approval.

(b) When the ~~State Board of Education~~ SBE approves a charter petition or receives notice that a charter petition has been approved by a ~~local education agency~~ LEA, the ~~State Board of Education~~ SBE shall assign a number to that charter petition in accordance with section 47602(a)(1) of the Education Code.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 47602, Education Code.

### **§ 11968.5.1. Revocation of, or Other Action Related to, a Charter by the State Board of Education Upon Recommendation by the State Superintendent of Public Instruction Pursuant to Education Code sections 47604.5(a) and (b).**

(a) Prior to making a recommendation to the SBE under Education Code sections 47604.5(a) and (b), the SSPI shall deliver a written notice to the charter school's governing body as described in the school's charter board or governing entity, the SBE charter liaison(s) and the SBE Executive Director, as described in the

~~school's charter~~ which identifies one or more specific alleged violations by the charter school based on the grounds specified in Education Code sections 47604.5(a) and (b). This notice shall identify all of the following:

(1) ~~The~~ the charter school's alleged gross financial mismanagement that jeopardizes the financial stability of the charter school pursuant to Education Code section 47604.5(a); or the charter school's alleged illegal or substantially improper use of charter school funds for the personal benefit of any officer, director, or fiduciary of the charter school pursuant to Education Code section 47604.5(b);

(2) ~~All~~ evidence relied upon by the SSPI in determining the charter school engaged in any of the acts or omissions identified in subdivision(a)(1); and

(3) ~~The~~ the period of time that will serve as the opportunity to remedy **or refute** the identified violation(s) by the charter school's **governing body as board or governing entity** described in the school's charter.

(b) Upon receipt of a written notice, the charter school's **governing body as board or governing entity** described in the school's charter, if it chooses to respond, shall take the following actions:

(1) Submit to the SSPI a detailed, written response to each identified violation which shall include the refutation or remedial action taken by the charter school's **governing body as board or governing entity** described in the school's charter, specific to each identified violation. The written response shall be due by the end of the remedy period identified in the written notice.

(2) Attach to its written response, supporting evidence of remedial action, if any, including written reports, statements, and other appropriate documentation.

(c) After conclusion of the remedy period, the SSPI shall evaluate the response of the charter school's ~~board or the governing entity~~ **body as** described in the school's charter, if submitted, and shall take one of the following actions:

(1) Make a recommendation to the SBE to take appropriate action, including but not limited to, revocation of the school's charter, and provide timely written notice of such action within 30 calendar days to the charter school's **governing body as board or governing entity** described in the school's charter; or

(2) Discontinue action and provide written notice of such action to the charter school's **governing body as board or the governing entity** described in the school's

1 charter within 10 calendar days.

2 (d) In making a recommendation to the SBE to take appropriate action, including but  
3 not limited to, revocation of the school's charter, the SSPI shall present written findings  
4 to the SBE at the next regularly scheduled board meeting.

5 NOTE: Authority: Section 33031, Education Code. Reference: Sections 47604.5 and  
6 47607, Education Code.

7  
8 **§ 11969.1. 11968.5.2. Charter Revocation.**

9 This section sequentially sets forth procedures the chartering authority **and the**  
10 **charter school's governing board** body as described in the school's charter shall  
11 complete for the revocation of a school's charter pursuant to Education Code section  
12 47607 **except for charter revocation.**

13 **(a) At least 72 hours prior to any board meeting in which a school board will**  
14 **consider issuing a Notice of Violation, the charter authorizer shall provide the**  
15 **charter school with notice and all relevant documents related to the proposed**  
16 **action.**

17 ~~(b)(a)~~ The chartering authority shall deliver a Notice of Violation to the charter  
18 ~~school's governing body as board or governing entity~~ described in the school's  
19 charter.

20 ~~(c)(b)~~ Upon receipt of a Notice of Violation, the charter school's **governing body**  
21 ~~board or governing entity~~ as described in the school's charter, if it chooses to  
22 respond, shall take the following actions:

23 (1) Submit to the chartering authority a detailed, written response addressing each  
24 identified violation which shall include the refutation, **or** remedial action taken, **or**  
25 **proposed remedial action** by the charter school specific to each alleged violation. The  
26 written response shall be due by the end of the remedy period identified in the Notice of  
27 Violation.

28 (2) Attach to its written response supporting evidence of the refutation, **or** remedial  
29 action, **or proposed remedial action**, if any, including written reports, statements, and  
30 other appropriate documentation.

31 ~~(d)(e)~~ After conclusion of the reasonable opportunity to remedy, the chartering  
32 authority shall evaluate the response of the charter school's **governing body as board**

~~or governing entity~~ described in the school's charter response to the Notice of Violation and any supporting evidence, if submitted, and shall take one of the following actions:

(1) If the chartering authority has substantial evidence that the charter school has failed to refute to the chartering authority's satisfaction, or remedy a violation identified in the Notice of Violation, continue revocation of the school's charter by issuing a Notice of Intent to Revoke to the charter school's **governing body as board or governing entity** described in the school's charter; or

(2) Discontinue revocation of the school's charter and provide timely written notice of such action to the charter school's **governing body as board or governing entity** described in the school's charter.

~~(e)(d)~~ If the chartering authority does not act, as specified in subdivision ~~(d)(e)~~, within 60 calendar days of the conclusion of the remedy period specified in the Notice of Violation, **the revocation process is terminated and** the Notice of Violation is void.

~~(f)(e)~~ On the date and time specified in the Notice of Intent to Revoke, the chartering authority shall hold a public hearing concerning revocation. No more than 30 calendar days after the public hearing (or 60 calendar days by written mutual agreement with the charter school) the chartering authority shall issue a Final Decision. **At any hearing concerning the revocation of a charter school, the charter school shall be allowed equal time to present and rebut prior to the close of the hearing.**

~~(g)(f)~~ The chartering authority shall provide a copy of the Final Decision to the CDE and its county board of education (unless the county board of education is also the chartering authority), within 10 calendar days of issuing the Final Decision.

~~(h)(e)~~ If the chartering authority does not act to issue a Final Decision within the timeframe specified in subdivision ~~(f)(e)~~, **the revocation process is terminated and** the Notice of Intent to Revoke is void.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 47604.32 and 47607, Education Code.

**§ 11968.5.3 11969.2. Charter Revocation When There is a Severe and Imminent Threat to the Health or Safety of Pupils and Appeal of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to a**



**County Board of Education and the State Board of Education.**

This section sets forth procedures the chartering authority shall complete for the revocation of a school's charter when the chartering authority has determined that any violation under Education Code section 47607(c) constitutes a severe and imminent threat to the health or safety of pupils and the procedures that a charter school and county office of education and SBE must follow if the charter school elects to appeal a chartering authority's Final Decision to revoke the school's charter.

(a) If there is a severe and imminent threat to pupil health or safety, the chartering authority is exempt from the requirements of section ~~11969.4~~ 11968.5.2 and may immediately revoke the school's charter by approving and delivering a Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety to the charter school's governing body as ~~board or governing entity~~ described in the school's charter, the county board of education (unless the county board of education is also the chartering authority), and the CDE.

(b) Following the approval and delivery of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety by the chartering authority ~~LEA local educational agency~~, the charter school's governing body as described in the school's charter may appeal to the county board of education or the SBE, as applicable, pursuant to Education Code sections 47607(f) and (g) and sections 11968.5.4, 11968.5.5 ~~11969.3, 11969.4~~ and 11968.5.6 11969.5.

(c) In an appeal to a county board of education, within 30 calendar days of receipt of a Final Decision revoking the school's charter, the charter school's governing body as described in the school's charter shall approve and deliver a written Notice of Appeal to the county board of education that:

(1) includes a copy of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety issued pursuant to this article except that the charter school shall not be responsible for providing these documents if the chartering authority did not provide them to the charter school as required in this section;

(2) includes evidence of the final vote of the chartering authority, if available;

(3) includes all evidence relied upon by the chartering authority in determining that a violation of section 11965(e) existed;

(4) includes minutes of any public meeting at which the chartering authority

1 considers or makes its decision to revoke the school's charter, if available;

2 (5) includes a written statement explaining why the charter school does not believe  
3 the district chartering authority's factual findings are supported by substantial evidence;  
4 and

5 (6) identifies any procedural omissions or errors the charter school alleges to have  
6 occurred in the revocation process.

7 (d) If the county board of education does not issue a written decision that explains  
8 whether, in the county board of education's judgment, the district chartering authority's  
9 factual findings are supported by substantial evidence within 90 calendar days of  
10 receiving a Notice of Appeal that includes the documents listed in subdivision(c) of this  
11 section, the district chartering authority's decision is upheld, pending any further appeal.

12 (e) In determining whether the district chartering authority's factual findings are  
13 supported by substantial evidence, the county board of education shall consider  
14 whether the district chartering authority provided the charter school's governing body as  
15 described in the school's charter a Notice of Revocation by Determination of a Severe  
16 and Imminent Threat to Pupil Health or Safety, a public hearing, and Final Decision  
17 pursuant to Articles 2 and 2.5 and Education Code sections 47607(c) through (e),  
18 inclusive.

19 (f) The county board of education shall also consider whether an alleged procedural  
20 deficiency by the chartering authority negatively impacted the charter school's ability to  
21 refute or remedy the alleged violation.

22 (g) The county board of education shall provide the CDE and the chartering authority  
23 a copy of its written decision within 10 calendar days of its action.

24 (h) If the district chartering authority or the school's governing body as described in  
25 the school's charter elects to appeal to the SBE, the appellant shall approve and deliver  
26 a written Notice of Appeal to the SBE within 30 calendar days following the final  
27 decision by the county board of education, or within 30 calendar days upon the  
28 expiration of 90 calendar days pursuant to section 11968.5.4(b), or within 30 calendar  
29 days of a county chartering authority's Final Decision.

30 (i) The appellant shall, at the same time it delivers a Notice of Appeal to the SBE,  
31 deliver to the SBE the following documents that shall be individually and sequentially  
32 numbered, one number per page, and be delivered to the respondent and the county

board of education, if applicable, within five calendar days of delivery to the SBE:

(1) copies of the Notice of Revocation by Determination of a Severe and Imminent Threat to Pupil Health or Safety, the Final Decision, and the Notice of Appeal delivered to the county board of education, and the county board of education's written decision, as applicable;

(2) evidence of the final vote of the chartering authority, if available;

(3) evidence relied upon by the chartering authority in determining that a violation of section 11965(e) existed; and

(4) minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school's charter, if available.

(j) At the same time the appellant submits its Notice of Appeal to the SBE, the appellant shall also submit to the SBE a written argument in the form of a brief or letter that shall be individually and sequentially numbered, one number per page; be delivered to the respondent within five calendar days of delivery to the SBE; and contain the following:

(1) a summary of the procedural and substantive facts limited to matters in the record;

(2) a summary of the arguments in support of the appellant's position that the chartering authority and/or the county board of education erred in its decision; and

(3) specific citations to the administrative record in support of each argument presented.

(k) If the respondent chooses to submit a written opposition to the SBE, it must do so within 30 calendar days of the delivery of the appellant's written argument to the SBE.

This written argument shall be in the form of a brief or letter that shall be individually and sequentially numbered, one number per page; be delivered to the respondent within five calendar days of delivery to the SBE; and contain the following:

(1) a summary of the procedural and substantive facts limited to matters in the record as submitted to the chartering authority and the county board of education, as appropriate;

(2) a summary of the arguments in support of the respondent's position that the chartering authority and/or the county board of education did not err in its decision; and

(3) specific citations to the administrative record in support of each argument

presented.

(l) Within 15 calendar days of the delivery of the respondent's written argument to the SBE, the appellant may submit to the SBE a written reply to the respondent's written argument in the form of a brief or letter. If submitted, this written argument shall be individually and sequentially numbered, one number per page; be delivered to the respondent within five calendar days of delivery to the SBE; and contain the following:

(1) a summary of the arguments refuting the arguments raised in the respondent's opposition; and

(2) specific citations to the administrative record in support of each argument presented.

(m) If the SBE does not take action within 120 calendar days of receipt of the appellant's written argument, if submitted pursuant to subdivision (j); or within 150 days of receipt of the respondent's written opposition, if submitted pursuant to subdivision (k); or within 165 days of receipt of the appellant's written reply, if submitted pursuant to subdivision (l); whichever is later, the appellant is deemed to have exhausted its administrative remedies.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 47604.32 and 47607, Education Code.

#### **§ 11968.5.4 11969.3. Appeal of a District Charter Revocation to a County Board of Education.**

This section establishes the procedures that a charter school and county office of education must follow if the charter school elects to appeal to a county board of education a district chartering authority's Final Decision to revoke the school's charter.

(a) Within 30 calendar days of receipt of a Final Decision revoking the school's charter, the charter school's governing body as ~~board or governing entity~~ described in the school's charter, shall approve and deliver a written Notice of Appeal to the county board of education that:

(1) Includes a copy of the Notice of Violation, Notice of Intent to Revoke and the Final Decision issued pursuant to this article except that the charter school shall not be responsible for providing these documents if the chartering authority did not provide ~~it~~ them to the charter school as required in section ~~11969.1~~ 11968.5.2;

1 (2) Includes evidence of the final vote of the chartering authority, **if available**;

2 (3) Includes all evidence relied upon by the chartering authority in determining  
3 whether substantial evidence existed that the charter school failed to remedy one or  
4 more violations identified in the Notice(s) of Violation;

5 (4) Includes all evidence and correspondence submitted by the charter school's  
6 **governing body as board or governing entity** described in the school's charter in  
7 response to the chartering authority's Notice of Violation and Notice of Intent to Revoke;

8 (5) Includes minutes of any public meeting at which the chartering authority  
9 considers or makes its decision to revoke the school's charter, **if available**;

10 (6) Includes a written statement explaining why the charter school does not believe  
11 the district chartering authority's factual findings are supported by substantial evidence;  
12 and

13 (7) Identifies any procedural omissions or errors the charter school alleges to have  
14 occurred in the revocation process.

15 (b) If the county board of education does not issue a written decision that explains  
16 whether, in the county board of education's judgment, the district chartering authority's  
17 factual findings are supported by substantial evidence within 90 calendar days of  
18 receiving a ~~complete~~ Notice of Appeal to the county board of education that includes the  
19 documents listed in subdivision(a) of this section, the district chartering authority's  
20 decision is upheld, pending any further appeal.

21 (1) In determining whether the district chartering authority's factual findings are  
22 supported by substantial evidence, the county board of education shall consider  
23 whether the district chartering authority provided the charter school's **governing body**  
24 **as board or governing entity** described in the school's charter a Notice of Violation, a  
25 reasonable opportunity to remedy the identified violation(s), a Notice of Intent to  
26 Revoke, a public hearing, and Final Decision, pursuant to Articles 2 and 2.5 and  
27 Education Code sections 47607(c) through (e), inclusive.

28 (2) If the charter school submits a response to the Notice of Violation pursuant to  
29 ~~section 11969.1~~ **11968.5.2(b)(c)**, the county board of education shall, in determining  
30 whether the district chartering authority's factual findings are supported by substantial  
31 evidence, consider whether the charter school complied with the procedures set forth in  
32 that section.

(3) The county board of education shall also consider whether an alleged procedural deficiency negatively impacted the charter school's ability to refute or remedy the alleged violation or the chartering authority's ability to comply with its procedural obligations or authorizing duties.

(c) The county board of education shall provide the CDE and the chartering authority a copy of its written decision within 10 calendar days of ~~approval~~ **its action**.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 47604.32 and 47607, Education Code.

**§ 11969.4. Appeal of Charter Revocation to the State Board of Education and Submission of the Administrative Record.**

(a) If the district chartering authority or the charter school's **governing body as board or governing entity** described in the school's charter elects to appeal to the SBE, the appellant shall approve and deliver a written Notice of Appeal to the **State Board of Education to the** SBE within 30 calendar days of receiving a written decision by the county board of education, upon the expiration of 90 calendar days pursuant to section ~~11969.3~~ **11968.5.4(b)**, or a county chartering authority's Final Decision.

(b) The appellant shall, at the same time it delivers a Notice of Appeal to the **State Board of Education SBE**, deliver to the SBE the following ~~information~~ documents that shall be individually and sequentially numbered, one number per page, and be delivered to the respondent and the county board of education, if applicable, within five calendar days of delivery to the SBE:

(1) ~~The appellant's Notice of Appeal to the State Board of Education SBE, which shall include~~ copies of the Notice of Violation, Notice of Intent to Revoke, the Final Decision, the Notice of Appeal, and the county board of education's written decision, as applicable;

(2) ~~E~~evidence of the final vote of the chartering authority **if available**;

(3) ~~E~~evidence relied upon by the chartering authority in determining whether substantial evidence existed that the charter school failed to refute to the chartering authority's satisfaction or remedy one or more violations identified in the Notice(s) of Violation;

(4) ~~E~~evidence and correspondence submitted by the charter school's **governing**

body as board or governing entity described in the school's charter in response to the chartering authority's Notice of Violation and Notice of Intent to Revoke; and

(5) Minutes of any public meeting at which the chartering authority considers or makes its decision to revoke the school's charter if available.

(6) These documents should be individually and sequentially numbered, one number per page.

(7) Assurance that all of the preceding documentation will be delivered to the respondent and the county board of education, if applicable, within five calendar days of delivery to the SBE.

(c) Within 30 calendar days of submitting At the same time the appellant submits its Notice of Appeal to the State Board of Education SBE, the appellant shall also submit to the SBE a written argument in the form of a brief or letter that shall be individually and sequentially numbered, one number per page; be delivered to the respondent within five calendar days of delivery to the SBE; and contain the following. This written argument shall:

(1) contain a summary of the procedural and substantive facts limited to matters in the record;

(2) contain a summary of the arguments in support of the appellant's position that the chartering authority and/or the county board of education erred in its decision; and

(3) contain specific citations to the administrative record in support of each argument presented;

(4) be individually and sequentially numbered, one number per page; and

(5) be delivered to the respondent within five calendar days of delivery to the SBE.

(d) If the respondent chooses to submit a written opposition to the SBE, it must do so within 30 calendar days of the delivery of the appellant's written argument to the SBE. This written opposition shall be in the form of a brief or letter and that shall be individually and sequentially numbered, one number per page; be delivered to the appellant within five calendar days of delivery to the SBE; and contain the following:

(1) contain a summary of the procedural and substantive facts limited to matters in the record as submitted to the chartering authority and the county board of education, as appropriate;

(2) contain a summary of the arguments in support of the respondent's position that

1 the chartering authority and/or the county board of education did not err in its decision;  
2 and

3 (3) ~~contain~~ specific citations to the administrative record in support of each argument  
4 presented;

5 ~~4) be individually and sequentially numbered, one number per page; and~~

6 ~~(5) be delivered to the appellant within five calendar days of delivery to the SBE.~~

7 (e) Within 15 calendar days of the delivery of the respondent's written argument to  
8 the SBE, the appellant may submit to the SBE a written reply to the respondent's written  
9 argument in the form of a brief or letter. If submitted, this written argument shall be  
10 individually and sequentially numbered, one number per page; be delivered to the  
11 respondent within five calendar days of delivery to the SBE; and contain the following:

12 (1) ~~contain~~ a summary of the arguments refuting the arguments raised in  
13 respondent's opposition; and

14 (2) ~~contain~~ specific citations to the administrative record in support of each argument  
15 presented;

16 ~~(3) be individually and sequentially numbered, one number per page; and~~

17 ~~(4) be delivered to the appellant within five calendar days of delivery to the SBE.~~

18 (f) If the SBE does not take action within 120 calendar days of following the receipt  
19 of the appellant's written argument, if submitted pursuant to subdivision (c); or within  
20 150 days of following the receipt of the respondent's written opposition, if submitted  
21 pursuant to subdivision (d); or within 165 days of following the receipt of the appellant's  
22 written reply, if submitted pursuant to subdivision (e); whichever is later, the appellant is  
23 deemed to have exhausted its administrative remedies.

24 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections ~~47604.5~~  
25 ~~and~~ 47607, Education Code.

### 27 **Article 3. Facilities for Charter Schools.**

#### 28 **§ 11969.1 11969.10. Purpose and Stipulation.**

29 (a) This article governs provision of facilities by school districts to charter schools  
30 under Education Code section 47614.

31 (b) If a charter school and a school district mutually agree to an alternative to  
32 specific compliance with any of the provisions of this article, nothing in this article shall



1 prohibit implementation of that alternative, including, for example, funding in lieu of  
2 facilities in an amount commensurate with local rental or lease costs for facilities  
3 reasonably equivalent to facilities of the district.

4 NOTE: Authority cited: Sections 33031 and 47614(b), Education Code. Reference:  
5 Section 47614, Education Code.

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