California Department of Education
Charter Schools Division
Revised 5/2018
accs-aug25item02

**ADVISORY COMMISSION ON CHARTER SCHOOLS**AN ADVISORY BODY TO THE STATE BOARD OF EDUCATION

# August 2025 AgendaItem #02

## Subject

Appeal of the Denial of a Petition for the Establishment of a Classroom-Based Charter School Pursuant to California *Education Code* Section 47605(k)(2): Consideration of Evidence to Hear or Summarily Deny the Appeal of Tustin International Charter School, which was denied by the Governing Board of the Tustin Unified School District and the Orange County Board of Education.

## Type of Action

Action, Information, Public Hearing

## Background

Pursuant to California *Education Code* (*EC*) Section 47605(a), Tustin International Charter School (Tustin International) submitted its petition, which proposes to establish a new transitional kindergarten through grade five charter school, to the Tustin Unified School District (TUSD or District). The Governing Board of the TUSD denied the petition on December 19, 2024, by a vote of four to one with one abstention, citing the following findings:

* Petitioners are demonstrably unlikely to successfully implement the program set forth in the petition (*EC* Section 47605[c][2]).
* The petition does not include the required number of signatures of meaningfully interested teachers (*EC* Section 47605[c][3]).
* The charter school presents an unsound educational program for the pupils to be enrolled in the charter school (*EC* Section 47605[c][1]).
* The petition does not contain reasonably comprehensive descriptions of all of the required elements set forth in *EC* (*EC* Section 47605[c][5]).
* The charter school is demonstrably unlikely to serve the interests of the entire community in which the school is proposing to locate (*EC* Section 47605[c][7]).

Tustin International appealed the District’s denial to the Orange County Board of Education (OCBOE or County), pursuant to *EC* Section 47605(k)(1)(A)(i), which states that if the governing board of a school district denies a petition, the petitioner may elect to submit the petition for the establishment of a charter school to the county board of education. The OCBOE voted against Orange County Office of Education staff recommendation and denied the petition on April 2, 2025, by a vote of four to one, citing the following finding:

* The petition does not contain reasonably comprehensive descriptions of all of the required elements (*EC* Section 47605[c][5]).

Pursuant to *EC* Section 47605(k)(2), if the county board of education denies a petition to establish a charter school, the petitioner may appeal that denial to the California State Board of Education (SBE). Tustin International submitted its appeal to the SBE on May 2, 2025.

## Recommendation

The California Department of Education (CDE) recommends that the Advisory Commission on Charter Schools (ACCS) issue a recommendation to the SBE to hear the Tustin International appeal. This recommendation is based upon the CDE’s review of the written appeal submitted by Tustin International and the documentary record, which set out sufficient evidence to hear the appeal.

## Role of the Advisory Commission on Charter Schools

Pursuant to statute, the ACCS’ defined role is to make a recommendation to the SBE whether there is sufficient evidence for the SBE to hear the appeal or summarily deny review of the appeal.

Specifically, *EC* Section 47605(k)(2)(D), states the following:

The state board’s Advisory Commission on Charter Schools shall hold a public hearing to review the appeal and documentary record. Based on its review, the Advisory Commission on Charter Schools shall submit a recommendation to the state board whether there is sufficient evidence to hear the appeal or to summarily deny review of the appeal based on the documentary record. If the Advisory Commission on Charter Schools does not submit a recommendation to the state board, the state board shall consider the appeal, and shall either hear the appeal or summarily deny review of the appeal based on the documentary record at a regular public meeting of the state board.

At its September 10–11, 2025 meeting, the SBE will determine whether to hear Tustin International’s appeal or summarily deny review of the appeal.

## Appeal Submission

Pursuant to *EC* Section 47605(k)(2)(A), Tustin International submitted the following items as a part of its appeal:

* Written submission of Tustin International’s appeal, which includes allegations of abuse of discretion by the governing board of the TUSD and OCBOE (Attachment 1)
* Tustin International’s charter petition, as denied by the governing board of the TUSD and OCBOE (Attachment 2)
* Documentary record from the governing board of the TUSD (Attachment 3)
* Documentary record from the OCBOE (Attachment 4)
* Tustin International Charter School Supporting Documentation, Part I (Attachment 5)
* Tustin International Charter School Supporting Documentation, Part II (Attachment 6)

## Summary of Appeal

Pertaining to the governing board of TUSD’s denial of its petition, Tustin International alleges the following in its written submission (Attachment 1, pp. 1–2):

* “The staff analysis and recommendation submitted by TUSD in opposition to the TICS charter petition demonstrate a pattern of biased reasoning, improper interpretation of law, and disregard for procedural fairness. These factors, when taken together, constitute an abuse of discretion and materially affected the outcome of the District’s decision.” (Attachment 1, p. 2).
* “**Prejudicial Misrepresentation of Charter Revisions:** District staff repeatedly characterized TICS’s second petition as merely a reactionary response to prior findings (see 2024 Resolution of Denial, p. 8), rather than acknowledging that Charter 2 incorporated comprehensive revisions designed to address both the TUSD and Orange County Board of Education's concerns.” (Attachment 1, p. 1).
* “**Unfounded Claims Regarding Enrollment Projections:** TUSD staff discredited TICS’s enrollment projections as ‘unrealistic’ without applying standard demographic modeling or acknowledging regional demand trends. While admitting that no formal interest list was submitted, the District ignored documented public interest and community outreach efforts and instead imposed an evidentiary standard that exceeds legal requirements.” (Attachment 1, p. 1).
* “**Misapplication of Teacher Signature Requirements:** The staff report erroneously invalidated teacher signatures by narrowly interpreting the term ‘meaningfully interested’ to require currently credentialed, bilingual Mandarin educators.” (Attachment 1, p. 1).
* “**Disregard for Procedural Fairness and Transparency:** TICS was notified of the public hearing on November 13, 2024, for a November 18, 2024 hearing, leaving only five days to mobilize public support. This limited window severely restricted community participation and disadvantaged the petitioners.” (Attachment 1, p. 1).
* “**Conflict of Interest in Mandarin Immersion Program Development:** TheDistrict’s development of its own Mandarin immersion program, announced after TICS submitted its petition, presents a direct conflict of interest that was never disclosed or addressed in the staff recommendation.” (Attachment 1, p. 2).

Pertaining to the County’s denial of its petition, Tustin International alleges the following in its written submission (Attachment 1, pp. 3–5):

* “The petition was recommended for approval with conditions by the professional staff of the Orange County Department of Education after careful review. Despite this, the OCBE’s denial was rendered in a manner that was procedurally unfair, factually unsupported, and tainted by personal bias.” (Attachment 1, p. 5).
* “**Arbitrary and Capricious Conduct:** During public hearings held on March 5 and April 2, 2025, OCBE members, particularly Trustee Jorge Valdes and Board President Dr. Ken Williams engaged in a pattern of behavior that deviated from the objective and evidence-based analysis required under California Education Code § 47605.” (Attachment 1, p. 3).
* “**Procedural Unfairness and Personal Disparagement:** Beginning at 3:38:39 on March 5, Dr. Williams used language that was clearly dismissive and derisive, referring to Mr. Chuang’s leadership as ‘dictatorial,’ and attributing IIA’s challenges solely to him. This commentary was offered without formal findings, due process, or fair opportunity for rebuttal, and fell well outside the norms of board conduct. Moreover, the Board’s reliance on defamatory material circulated by Michael Scott, who violated a signed confidentiality agreement and its open endorsement of those claims in decision-making represents procedural impropriety and reliance on prejudicial, extraneous factors.” (Attachment 1, p. 4).
* “**Possible Racial Bias:** At 4:00:42 on April 2, Trustee Valdes stated that TICS’s consultant, Dr. Jennifer Reiter-Cook, was more qualified than Mr. Chuang to lead the proposed school. This assertion was made in disregard of Mr. Chuang’s 24 years of public education experience, including service as a Mandarin immersion teacher and Principal of College Park Elementary School, a nationally recognized dual-language program. Given TICS’s focus on Mandarin-English bilingual education and Mr. Chuang’s Taiwanese-American identity, these comparisons raise serious and legitimate concerns about implicit racial bias and cultural invalidation further compounding the procedural unfairness.” (Attachment 1, p. 4).

## Conclusion

Tustin International has submitted all required documents and met all timelines, pursuant to *EC* Section 47605(k)(2)(A).

Based on the CDE’s review of Tustin International’s written submission, and the findings and documentary record from the governing board of the TUSD and OCBOE, the CDE finds that the appeal presents sufficient evidence for the ACCS to issue a recommendation to the SBE to hear the appeal, pursuant to *EC* Section 47605(k)(2)(D).

## Attachments

* **Attachment 1:** Tustin International Charter School Written Submissions (5 Pages)
* **Attachment 2:** Tustin International Charter School Petition, as denied by the Governing Board of the Tustin Unified School District and Orange County Board of Education (277 Pages)
* **Attachment 3:** Documentary Record from the Governing Board of the Tustin Unified School District (350 Pages)
* **Attachment 4:** Documentary Record from the Orange County Board of Education (406 Pages)
* **Attachment 5:** Tustin International Charter School Supporting Documentation, Part I (8 Pages)
* **Attachment 6:** Tustin International Charter School Supporting Documentation, Part II (29 Pages)
* **Attachment 7:** Written Opposition from the Governing Board of the Tustin Unified School District (78 Pages)
* **Attachment 8:** Written Opposition from Orange County Board of Education (51 Pages)