



LAW OFFICES OF YOUNG, MINNEY & CORR, LLP

SACRAMENTO ■ LOS ANGELES ■ SAN DIEGO

Judge Halts School District's Illegal Efforts to Convert One of its Own Schools to Prevent a Teacher Lead Charter Conversion Effort

In February 2014, twenty-three of the twenty-six permanent status teachers of the Dozier-Libbey Medical High (“DLMHS”) School submitted a charter petition to the Antioch Unified School District (“District”) to convert the high school to a charter school (“Conversion Charter School”). In response to the Conversion Charter School petition the District announced that it was submitting to itself a competing charter petition named the “Dozier-Libbey Medical High School – Dependent Charter School” (“Dependent Charter School”). While the District had 125 signatures on the Dependent Charter School petition, not a single teacher from DLMHS signed the petition. The Dependent Charter School petition used the DLMHS name, logo, and included the exact same curriculum at the existing school.

District staff informed the public that the Dependent Charter School would “enhance and support” the DLMHS and would be located on the same campus. The District Board of Education unanimously denied the Conversion Charter School petition and unanimously approved the Dependent Charter School petition. The teachers immediately appealed their Conversion Charter School petition to the Contra Costa County Board of Education.

Following the approval of its Dependent Charter School, the District began a series of steps which revealed that its intent was to convert the DLMHS to its Dependent Charter School. The District sent letters to the teachers and classified employees of DLMHS indicating that they would have three options for the following year: 1) work at the Dependent Charter School; 2) be reassigned to another high school in the District; or 3) resign or retire from the District. Next, the District sent letters to the existing DLMHS high school students, as well as incoming 9th grade students, indicating that if they wanted to attend DLMHS next year they had to elect to attend the Dependent Charter School or be reassigned on one of the other District high schools. The District also indicated that existing DLMHS students would be granted preference to the Dependent Charter School over other students in the District.

The District moved quickly to put banners on campus, indicating to parents that if they wanted to guarantee their child’s enrollment in DLMHS the following year, they would have to enroll in the Dependent Charter School. The District placed administrators (and sometimes the Superintendent) at a table in front of DLMHS with the Intent to Enroll forms for the Dependent Charter School. The District also took over the existing DLMHS website directing all students that they had to enroll in the Dependent Charter School to ensure future attendance at DLMHS. At no time did the District give an option to teachers or students to return to the existing DLMHS. The only option offered was the Dependent Charter School. The District placed the new principal of the Dependent Charter School on the DLMHS campus and told the existing principal of DLMHS to assist the new principal in a smooth and seamless hand-over of the School in the following year.

On April 4, 2014 our office, with support from the Legal Defense Fund of the California Charter Schools Association, assisted in filing a Petition for a Writ of Mandate and Complaint

for Injunctive and Declaratory Relief with the Contra Costa County Superior Court seeking to prevent the District from unlawfully converting DLMHS into the Dependent Charter School. The Superior Court issued a Preliminary Injunction finding that the District had engaged in a *de facto* conversion of DLMHS. The Court looked at the totality of the circumstances and concluded that the Dependent Charter School was a start-up in name only and that the District had unlawfully converted DLMHS without the necessary teachers signatures as required by Education Code § 47605(a)(2) (not less than 50% of the permanent status teachers of the school to be converted must sign the petition). Further, the Court found that the Petitioners had demonstrated irreparable harm because it would be near to impossible to put DLMHS back together again in the following year if the Court were to find in favor of the Petitioners after the District's actions had effectively dismantled the existing school. The Preliminary Injunction prevents the District from converting anything associated with the DLMHS into the Dependent Charter School, including using the DLMHS facility, the name, logo, website, enrolling students, targeting employees, etc. The Preliminary Injunction will remain in effect until full trial on this matter. The District has already filed a Notice of Appeal from the trial court's decision.

Further updates will be provided as this case progresses.

If you should have any questions regarding this update, please contact Paul Minney or Katie Ebert at the Law Offices of Young, Minney & Corr, LLP at (916) 646-1400. Or find us on the web at: www.mycharterlaw.com.

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