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Superior Court of California
County Of Los Angeles

JUL 03 2014

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Exempt from Filing Fees
Gov. Code § 6103

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

11 MAGNOLIA EDUCATIONAL & RESEARCH
12 FOUNDATION, dba, MAGNOLIA PUBLIC
13 SCHOOLS,

CASE NO. **BS149626**

13 Petitioners and Plaintiffs,

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

14 v.

16 LOS ANGELES UNIFIED SCHOOL DISTRICT;
17 and DOES 1 through 10, inclusive,

18 Respondents and Defendants.

20 Petitioner and Plaintiff, MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION, dba,
21 MAGNOLIA PUBLIC SCHOOLS, (hereinafter, "Magnolia") brings this action for a writ of mandate
22 under Code of Civil Procedure Sections 1085 and/or 1094.5, declaratory relief, and injunctive relief
23 against the LOS ANGELES UNIFIED SCHOOL DISTRICT ("LAUSD" or the "District"),
24 compelling the District to recognize the automatic renewal of Magnolia Science Academy #6 ("MSA
25 6") and Magnolia Science Academy #7 ("MSA 7") that occurred by operation of law on February 6,
26 2014 pursuant to Education Code Section 47605(b) and Title 5 California Code of Regulations
27 ("CCR") Section 11966.4(c), to set aside the unlawful conditional approvals of MSA 6 and MSA 7 by
28 the District on March 4, 2014, to retract the unlawful June 27, 2014 denial of MSA 6 and MSA 7's

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23 Petitioner and Plaintiff, MAGNOLIA EDUCATIONAL & RESEARCH FOUNDATION, dba,
24 MAGNOLIA PUBLIC SCHOOLS, (hereinafter, "Magnolia") brings this action for a writ of mandate
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26 against the LOS ANGELES UNIFIED SCHOOL DISTRICT ("LAUSD" or the "District"),
27 compelling the District to recognize the automatic renewal of Magnolia Science Academy #6 ("MSA
28 6") and Magnolia Science Academy #7 ("MSA 7") that occurred by operation of law on February 6,
2014 pursuant to Education Code Section 47605(b) and Title 5 California Code of Regulations
("CCR") Section 11966.4(c), to set aside the unlawful conditional approvals of MSA 6 and MSA 7 by
the District on March 4, 2014, to retract the unlawful June 27, 2014 denial of MSA 6 and MSA 7's

1 renewal petitions, and to take any and all actions necessary to fund and oversee MSA 6 and 7 as
2 operative charter schools. Petitioner further seeks preliminary and permanent injunctive relief.

3 By the Petition and Complaint, Petitioner alleges as follows:

4 **THE PARTIES**

5 1. Petitioner Magnolia is a non-profit public benefit corporation organized under the laws
6 of the State of California dedicated to establishing and operating public charter schools. Magnolia
7 operates a total of eleven (11) California public charter schools, eight (8) of which are authorized by
8 the District. MSA 6 and MSA 7 are both charter schools operated by Magnolia and authorized by
9 District. MSA 6 and MSA 7 serve approximately 450 students. In addition to suing on its own
10 behalf, Magnolia is suing in a representative capacity on behalf of these 450 students and their
11 families.

12 2. Respondent District is, and at all times mentioned in this petition, a unified school
13 district whose principal place of business is 333 S. Beaudry Ave., Los Angeles, California. The
14 District is, and at all times mentioned here, a public entity duly existing under the laws of the State of
15 California, operating as a public school district providing educational services in the County of
16 Los Angeles, California.

17 3. Petitioner is ignorant of the true names and capacities of defendants sued herein as Does
18 1-10, inclusive, and therefore sues these defendants by these fictitious names. Petitioner will amend
19 this petition to allege their true names and capacities when ascertained. Petitioner is are informed and
20 believes, and thereon alleges, that each of the fictitiously named defendants is responsible in some
21 manner for the occurrences herein alleged, and that Petitioners' injuries, as herein alleged were
22 proximately caused by the wrongful conduct of these fictitiously named defendants.

23 **JURISDICTION AND VENUE**

24 4. This Court has jurisdiction to issue writs of mandate pursuant to Code of Civil
25 Procedure Sections 1085 and 1094.5, to render judicial determinations pursuant to Code of Civil
26 Procedure Section 1060, and to order injunctive relief under Code of Civil Procedure Section 526.
27 Petitioner alleges that Respondents have proceeded without jurisdiction and intentionally failed to
28 comply with their ministerial duties to comply with Education Code Section 47605(b) and 5 CCR

1 Section 11966.4(c) in failing to recognize the automatic renewals of the charter petitions for MSA 6
2 and MSA 7, in “conditionally approving” the charter petitions for MSA 6 and MSA 7, and belatedly
3 denying the charter petition renewals on June 27, 2014 based on inaccurate findings of fact.

4 5. This action is properly filed in the Superior Court of California, County of Los Angeles
5 County, as Los Angeles County is the principal place of business for the District and the acts and the
6 location where the conduct at issue took place.

7 **GENERAL ALLEGATIONS**

8 **Charter Schools Act**

9 6. In 1992, the California State Legislature enacted the Charter Schools Act of 1992 (“the
10 Act”) to allow teachers, parents, or community members, to circulate a petition to establish and
11 maintain public charter schools that operate independently from the existing school district structure.
12 (Ed. Code § 47600, *et. seq.*) The Act sought to promote the development of innovative alternatives to
13 the traditional public school system within the single system of public schools maintained by the
14 State. The goals of the Act include improving student learning, increasing learning opportunities for
15 academically low achievers, encouraging different and innovative teaching methods, providing
16 parents with expanded educational opportunities from which to choose, providing accountability for
17 performance, and providing vigorous competition within the public school system to stimulate
18 continued improvement in all public schools. (Ed. Code § 47601.)

19 **Charter Petitions and Renewal**

20 7. The charter petition is the central document to establishing a charter school. The
21 charter petition outlines the key information on the proposed educational program, student outcomes
22 and assessments, operations, governance, policies, and how the charter school will meet legal
23 requirements. The specific requirements for the petition are outlined in Education Code Section
24 47605.

25 8. The standards and criteria in Education Code Section 47605 also govern the renewals of
26 charters. (Education Code § 47607(a)(2).) A charter may be granted for a period not to exceed five
27 (5) years, meaning that a charter school must seek renewal from its authorizer approximately every
28 five (5) years. (*Ibid.*) Education Code Section 47605(b) and Title 5 California Code of Regulations

1 (“CCR”) Section 11966.4(c) identify the time period in which the governing board of a school district,
2 as the chartering authority, must act on a petition for renewal before the petition is considered
3 automatically approved. These sections provide as follows:

4 Education Code Section 47605(b):

5 “No later than 30 days after receiving a petition, in accordance with
6 subdivision (a), the governing board of the school district shall hold a
7 public hearing on the provisions of the charter, at which time the
8 governing board of the school district shall consider the level of support
9 for the petition by teachers employed by the district, other employees of
10 the district, and parents. Following review of the petition and the public
11 hearing, the governing board of *the school district shall either grant or*
12 *deny the charter within 60 days of receipt of the petition, provided,*
13 *however, that the date may be extended by an additional 30 days if both*
14 *parties agree to the extension.* In reviewing petitions for the establishment
of charter schools pursuant to this section, 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 educational system and that
establishment of charter schools should be encouraged. The governing
board of the school district shall grant a charter for the operation of a
school under this part if it is satisfied that granting the charter is consistent
with sound educational practice. The governing board of the school
district shall not deny a petition for the establishment of a charter school
unless it makes written factual findings...” (Emphasis added.)

15 CCR Section 11966.4(c) mirrors the timeline in Education Code Section 47605(b), and provides
16 for automatic approval of the petition for renewal if the school district fails to make written factual
17 findings within the specified timelines.

18 5 CCR Section 11966.4(c):

19 “If within 60 days of its receipt of a petition for renewal, a district
20 governing board has not made a written factual finding as mandated by
21 Education Code section 47605(b), *the absence of written factual findings*
22 *shall be deemed an approval of the petition for renewal....* (1) The district
governing board and charter petitioner may extend this date by an
additional 30 days only by written mutual agreement.” (Emphasis added.)

23 9. Prior to the adoption of the time period in which the governing board of a school district
24 must act on a petition for renewal, charter renewals could take a significant amount of time causing a
25 district’s inaction to result in the lapse of a charter petition resulting in a default denial and/or
26 precluding a charter school from exercising its right to appeal the denial of it petition in accordance
27 with 5 CCR Section 11966.5 to the county office of education and then on to the State Board of
28

1 Education. Generally these appeals must be achieved before the charter petition expires.

2 **MSA 6 and MSA 7 Charter Renewal Petitions**

3 10. MSA 6 and MSA 7 are public charter schools that began serving students in Fall 2009.
4 The charter petitions for MSA 6 and MSA 7 were first approved by the District in 2009. The
5 approved charters for MSA 6 and MSA 7 were set to expire on June 30, 2014. Magnolia therefore
6 submitted charters for the renewal of MSA 6 and MSA 7 to the District on November 6, 2013 – more
7 than 8 months before the charter terms were set to expire.

8 11. Education Code Section 47605(b) and 5 CCR Section 11966.4(c) provides for
9 automatic renewal of a charter petition if the governing board of the District (the District Board) has
10 not adopted written factual findings to support a lawful denial within sixty (60) days of receipt of the
11 renewal petition. The law allows for a single thirty (30) day extension of that deadline upon mutual
12 agreement by the parties, but *only* for a thirty day extension. The law does not provide for a waiver of
13 that timeline. The charter renewals were submitted on November 6, 2013. Accordingly, even
14 considering the legally allowable thirty (30) day extension, the District Board action to deny the
15 charters was required no later than February 6, 2014. The District Board did not take action to deny
16 the charters by February 6, 2014. Accordingly, the renewal petitions were automatically renewed in
17 accordance with 5 CCR 11966.4(c).

18 12. On or about March 4, 2014, the District Board held a public hearing to consider the
19 renewal petitions of MSA 6 and MSA 7. On that date, the District Board “conditionally approved”
20 renewal petitions of MSA 6 and MSA 7. The renewals were conditioned upon "further review of the
21 schools' fiscal processes and operations that does not result in any material findings." Petitioner never
22 agreed to the “conditional renewal” nor the conditions placed upon it for renewal.

23 13. For a charter renewal, the law requires either (1) approval or (2) denial of the charter
24 through the adoption of written findings of fact to support the denial the charter petition. The law does not
25 allow a school district to “conditionally approve” a charter school nor does it allow for a school district to
26 superimpose conditions on the renewal of a charter – the only options for the District Board were to
27 approve or deny (with the required findings) within the required timeframe. But the District Board never
28 adopted written factual findings to support a denial of the charter in accordance with Education Code

1 Section 47605(b). As explained above, the absence of the adoption of written findings of fact to deny the
2 charters within 60 days, or within 90 days based on mutual agreement, leads to the automatic approval of
3 the renewal petitions without conditions.

4 14. On December 3, 2013, the District forced MSA 6 and MSA 7 to sign documents
5 entitled Waiver of Charter Petition Review Timeline. While the Education Code allows the parties to
6 extend the timeline for review by thirty (30) days, the Waiver of Charter Petition Review Timeline
7 sought to extend the timeline beyond the total ninety (90) days allowed under law. Further, any
8 waiver of the automatic renewal provision is unlawful as the provisions are mandatory.

9 **Notice of Denial of Renewal Charter Petitions**

10 15. On Friday, June 27, 2014 at 4:50 p.m., Magnolia received a letter from the District
11 claiming that MSA 6 and MSA 7 failed to meet the conditions of its renewal and that the District
12 rescinded the conditional approval of the renewal petitions, rendering the petitions inoperative for the
13 charter term beginning July 1, 2014. The District delayed in notifying Magnolia of its findings,
14 electing to wait one business day until the end of the charter term and fiscal year, suddenly disclosing
15 that the high performing charter schools have to be closed down in two business days.

16 16. The District deemed the renewals denied as of March 4, 2014, the date the LAUSD
17 Board acted on the charter petitions. But again, the absence of the adoption of written findings of fact
18 by the LAUSD Board to deny the charters within 60 days of submission of the petitions, or within 90
19 days based on mutual agreement, leads to the automatic approval of the renewal petitions. The June
20 27, 2014 letter was sent from District staff, and during the March 4, 2014 board meeting, the District
21 did not make any findings for denial of the renewal petition in accordance with Education Code
22 Section 47605(b).

23 17. Further, the purported failure of Magnolia to meet the unlawful conditions for renewal
24 was based on an accounting review of Magnolia, MSA 6, and MSA 7. Based on alleged material
25 findings of the review, the District concluded that MSA 6 and MSA 7 did not meet the conditions of
26 its renewals. However, Magnolia was not provided an opportunity to respond to the audit, and indeed
27 the allegations in the audit report are incorrect and can easily be refuted. Magnolia is fiscally viable
28 as an organization, and so are its charter schools.

1 18. The District’s actions with respect to MSA 6 and MSA 7 have effectively precluded the
2 charter schools from exercising their right to appeal the denied renewals. Under 5 CCR Section
3 11966.5(a), when a governing board of a district denies a charter renewal, the charter school must
4 submit a petition for renewal to the county board of education within thirty (30) days after the district
5 makes its written factual findings.

6 **The District’s Action Amounts to a *De Facto* Revocation**

7 19. The non-renewal of two high-performing charter schools without proper action by the
8 District Board, in practical effect, is a charter revocation. However, the District staff and the District
9 Board have not followed the legal procedures for a charter revocation. The process for revocation of
10 a charter school is detailed in the Education Code and multiple provisions of the California Code of
11 Regulations. The District Board has not taken any action to revoke these charters in accordance with
12 these provisions of law. The District Board has not issued a Notice of Violation and has not provided
13 a reasonable opportunity to cure, nor has it followed any of the other procedures required by
14 Education Code Section 47607(e) or 5 CCR 11968.5.2.

15 **LAUSD Board Failed to Consider Increases in Pupil Academic Achievement**

16 20. Education Code Section 47607(a)(3) states: “[t]he authority that granted the charter shall
17 consider increases in pupil academic achievement for all groups of pupils served by the charter school as
18 *the most important factor in determining whether to grant a charter renewal.*” (Emphasis added.) The
19 District Board, which is the authority that granted the charter, has given no indication, and has presented
20 no evidence, that it considered increases in pupil academic achievement “as the most important factor for
21 renewal.”

22 21. MSA 6 has an Academic Performance Index (“API”) statewide rank of 7 and similar
23 schools rank of 8. Its 3-year weighted API is 829, exceeding the states recommended API score of 800 for
24 all public schools. Further, MSA 6 is significantly outperforming the District’s local schools. MSA 6
25 serves a student population of 48% Free and Reduced Price Meal students, 50% Hispanic or Latino
26 students, and 15% African American students.

27 22. MSA 7 has an API statewide rank of 9 and similar schools rank of 10. Its 3-year weighted
28 API is 893, exceeding the states recommended API score of 800 for all public schools. Further, MSA 7 is

1 significantly outperforming the District's local schools. MSA 7 serves a student population of 73% Free
2 and Reduced Price Meal students and 61% Hispanic or Latino students.

3 23. The failure of a school district to consider increases in pupil academic achievement as the
4 most important factor in has recently led to the issuance of a temporary restraining order and
5 preliminary injunction by the trial court preventing the closure of three charter schools in Oakland; the
6 trial court's decision was recently affirmed by California Court of Appeal. (*See American Indian*
7 *Model Schools v. Oakland Unified School Dist.* (2014) 2014 Cal. App. LEXIS 547, 36-37.)

8 FIRST CAUSE OF ACTION

9 **Writ of Mandate Pursuant to Code of Civ. Proc. § 1085**

10 24. Petitioner realleges and incorporates every allegation contained in paragraphs 1 through
11 23 above as though set forth in full.

12 25. A traditional writ of mandate under Code of Civil Procedure section 1085 is the method
13 of compelling the performance of a legal, ministerial duty. (*Pomona Police Officers' Assn. v. City of*
14 *Pomona* (1997) 58 Cal.App.4th 578,583-584.) A petition for traditional mandamus is appropriate in
15 all actions "to compel the performance of an act which the law specially enjoins as a duty resulting
16 from an office, trust, or station...." (Code Civ. Proc. § 1085.) "Generally, a writ will lie when there is
17 no plain, speedy, and adequate alternative remedy; the respondent has a duty to perform; and the
18 petitioner has a clear and beneficial right to performance. (*Pomona Police Officers' Assn., supra*, 58
19 Cal.App.4th at 584 (internal citations omitted).)

20 26. Under Education Code Section 47605(b) and 5 CCR Section 11966.4(c), a school
21 district must adopt written factual findings to support a lawful denial within sixty (60) days of receipt
22 of the renewal petition, or within ninety (90) days if the parties agree to a thirty (30) day extension.
23 The law does not provide for a waiver or extension of these timelines. Accordingly, even considering
24 the allowable thirty (30) day extension, the District Board action to deny the charters was required by
25 February 6, 2014. The District Board did not take action to deny the charters by February 6, 2014.
26 Thus, the renewal petitions were automatically renewed pursuant to 5 CCR Section 11966.4(c). The
27 District has a mandatory, nondiscretionary, ministerial duty, pursuant to Education Code Section
28 47605(b) and 5 CCR Section 11966.4(c) to follow the procedures for the review of a renewal charter

1 and to recognize the automatic renewal of MSA 6 and MSA 7.

2 27. Under Education Code Section 47607(e) and 5 CCR 11968.5.2, a school district is
3 required to follow certain procedures in the revocation of a charter. The non-renewal of two high-
4 performing charter schools without proper action by the District Board, in practical effect, is a charter
5 revocation. However, the District staff and the District Board have not followed the legal procedures
6 for a charter revocation. The District has a mandatory, nondiscretionary, ministerial duty, pursuant to
7 5 CCR Section 11968.5.2 to follow the proper procedures for charter revocation, and may not effect a
8 *de facto* revocation through an unlawful conditional renewal.

9 28. Under Education Code Section 47607(a)(3), a school district must consider increases in
10 pupil academic achievement as the most important factor in determining whether to grant a charter
11 renewal. The District Board has given no indication, and has presented no evidence, that it considered
12 increases in pupil academic achievement as the most important factor for renewal. The District has a
13 mandatory, nondiscretionary, ministerial duty, pursuant to Education Code Section 47607(a)(3) to
14 consider increases in pupil academic achievement as the most important factor in determining whether
15 to renew the petitions.

16 29. Petitioner has performed any and all conditions precedent to filing this action.

17 30. Petitioner lacks a plain, speedy and adequate remedy at law, except by way of writ of
18 mandate. Given the District's delay in acting on the renewal petitions, MSA 6 and MSA 7 lack the
19 administrative remedy of appealing the denial of the charter petitions.

20 31. Petitioner has a clear, present and beneficial interest in the issuance of a writ of
21 mandate, as set forth above. Unless this Court issues a writ of mandate, MSA 6 and MSA 7 will be
22 unable to operate in the future, and most if not all of the approximately 450 students that attend the
23 schools will have no choice but to enroll in District-operated schools, with inferior learning
24 environments and academic performance results.

25 32. Pursuant to Code of Civ. Proc. Section 1085, this Court is authorized to issue a writ of
26 mandate to the District to compel them to perform an act the law specifically enjoins. As such, the
27 Court should issue a writ of mandate compelling the District to refrain from taking any action to
28 implement its unlawful "conditional renewal" non-renewal of MSA 6 and MSA 7, including taking

1 any action to interrupt the funding or property of the charter schools. This Court should further issue
2 a writ of mandate compelling the District to recognize that MSA 6 and MSA 7 are deemed
3 automatically renewed by operation of law and are fully operative charter schools pending the
4 outcome of this litigation.

5 SECOND CAUSE OF ACTION

6 **Writ of Mandate Pursuant to Code of Civ. Proc. § 1094.5**

7 33. Petitioner realleges and incorporates every allegation contained in paragraphs 1 through
8 32 above as though set forth in full.

9 34. The writ of administrative mandamus authorized by Code Civ. Proc. Section 1094.5
10 applies to claims challenging administrative orders or decisions made as the result of a proceeding in
11 which a hearing is required to be given, evidence is required to be taken, and discretion in the
12 determination of facts is vested in the administrative tribunal.

13 35. The process by which the District reviewed and subsequently denied the renewal
14 petitions for MSA 6 and MSA 7 was an administrative, quasi-judicial process involving the
15 determination and application of facts. Education Code Section 47605(b)¹ requires that, prior to
16 denying a renewal petition, a chartering authority “shall hold a public hearing on the provisions of the
17 charter....The governing board of the school district shall not deny a petition...unless it makes written
18 factual findings, specific to the particular petition, setting forth specific facts....”

19 36. Under Code Civ. Proc. Section 1094.5(b), “[t]he inquiry in such a case shall extend to
20 the questions whether the respondent has proceeded without, or in excess of, jurisdiction; whether
21 there was a fair trial; and whether there was any prejudicial abuse of discretion. Abuse of discretion is
22 established if the respondent has not proceeded in the manner required by law, the order or decision is
23 not supported by the findings, or the findings are not supported by the evidence.”

24 37. Here, MSA 6 and MSA 7 were denied a fair trial as the “conditional approval”
25 established a vague and unlawful standard for nonrenewal, Magnolia was not provided an opportunity
26 to respond to the audit, and indeed the allegations in the audit report are incorrect and can easily be
27 refuted. The District used the audit report as a basis for its denial of the renewal petitions, denying the
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¹ Education Code Section 47605 is applicable to renewal petitions. (Ed. Code § 47607.)

1 schools an opportunity to address and correct the false allegations made against it. The District
2 further abused its discretion as its decision to deny the renewal petitions is not supported by the
3 evidence and its final action was taken by staff, not the Board of Education, as required by law.

4 38. In addition, the District abused its discretion in the review of the renewal petitions for
5 MSA 6 and MSA 7 by not proceeding in the manner required by law. The District failed to take
6 action within the timeframes required by Education Code Section 47605(b) and 5 CCR Section
7 11966.4(c), resulting in the automatic renewal of the charters. Moreover, in its belated denial of the
8 renewal petitions for MSA 6 and MSA 7, the District failed to consider increases in pupil academic
9 achievement as the most important factor in determining whether to grant a charter renewal under
10 Education Code Section 47607(a)(3).

11 39. Finally, the District's non-renewal of MSA 6 and MSA 7 amounted to a *de facto*
12 revocation of these two charters. However, the District did not follow the procedures required under
13 Education Code Section 47607(e) and 5 CCR 11968.5.2, which require extensive levels of due
14 process including, but not limited to notice of violation supported by substantial evidence with an
15 opportunity to remedy, a public hearing on the proposed remedy, a subsequent issue of notice
16 revocation and a further public hearing.

17 40. Pursuant to Code of Civ. Proc. Section 1094.5, this Court is authorized to issue a writ of
18 mandate to the District to compel them to perform an act the law specifically enjoins. As such, the
19 Court should issue a writ of mandate compelling the District to refrain from taking any action to
20 implement its unlawful non-renewal of MSA 6 and MSA 7, including taking any action to interrupt
21 the funding or property of the charter schools. This Court should further issue a writ of mandate
22 compelling the District to recognize that MSA 6 and MSA 7 are deemed automatically renewed and
23 fully operative charter schools pending the outcome of this litigation.

24 **THIRD CAUSE OF ACTION**

25 **Declaratory Relief pursuant to Code of Civil Procedure § 1060**

26 41. Petitioner realleges and incorporates every allegation contained in paragraphs 1 through
27 40 above as though set forth in full.

28 42. An actual controversy has arisen and now exists between Petitioner and the District.

1 Petitioner alleges that the District failed to comply with the timelines and requirements under
2 Education Code Section 47605(b) and 5 CCR Section 11966.4(c), resulting in the automatic renewal
3 of the charters. The District, on the other hand, has purported to deny the charter petitions following
4 its unlawful conditional approval. There is an actual controversy as to whether the charters for MSA
5 6 and MSA 7 are operative as of July 1, 2014.

6 43. Further, there is an actual controversy as to the lawfulness of the Waiver of Charter
7 Petition Review Timeline that the District forced the charter schools to sign.

8 44. Petitioner seeks a judicial determination of their legal rights and the District's legal
9 duties, and a declaration stating that the charters were automatically renewed pursuant to 5 CCR
10 Section 11966.4(c), that the District's actions purporting to deny the renewal petitions is unlawful,
11 and that the purported waiver of the charter renewal timelines is unlawful. Such declaration is
12 necessary and appropriate at this time to ensure that the District complies with its statutory duties, and
13 is necessary to protect the rights of Petitioner.

14 **PRAAYER FOR RELIEF**

15 WHEREFORE, Petitioner prays for judgment on its Petition and Complaint as follows:

16 1. For a writ of mandate compelling the District to refrain from taking any action to
17 implement its unlawful non-renewal of MSA 6 and MSA 7, including taking any action to interrupt
18 the funding or property of the charter schools.

19 2. For a writ of mandate compelling the District to recognize that MSA 6 and MSA 7 are
20 deemed automatically renewed and fully operative charter schools pending the outcome of this
21 litigation.

22 3. For a temporary restraining order, preliminary injunction, and a permanent injunction
23 compelling the District to refrain from taking any action to implement its unlawful non-renewal of
24 MSA 6 and MSA 7, including taking any action to interrupt the funding or property of the charter
25 schools, and recognizing the lawful operation of MSA #6 and #7 that were automatically renewed, by
26 operation of law.

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4. For a judicial declaration stating that the charters for MSA 6 and MSA 7 were automatically renewed pursuant to 5 CCR Section 11966.4(c), and that the District's actions purporting to deny the renewal petitions was unlawful.

5. For attorney's fees in accordance with Code of Civil Procedure section 1021.5;


6. For costs of suit herein; and

7. For such other and further relief as the court may deem proper.

Respectfully Submitted,

Dated: July 3, 2014

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LISA A. CORR

By: 

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Attorneys for Plaintiff
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