



LAW OFFICES OF MIDDLETON, YOUNG & MINNEY, LLP

**New Rules for Charter Renewal Approved by the State
Effective November 23, 2011;
Expect Streamlined Renewal Process and Shorter Review Timeline**

On October 24, 2011, the California Office of Administrative Law approved new regulations adopted by the State Board of Education in September regarding the charter renewal process and review timelines. The regulations will become effective on November 23, 2011. The following are some highlights of the new regulations:

- Clarifies that a petition for renewal must include: (1) documentation that the charter school met at least one of the renewal criteria in Education Code Section 47607(b); (2) a copy of the renewal petition; and (3) a reasonably comprehensive description of how the charter school has met all new charter school requirements enacted into law after the charter was originally granted or last renewed.
- Clarifies the timeline for final action on charter renewals by the district governing board; a final decision must be made within 60 days of submittal (or 90 days with written mutual agreement by the charter school and chartering authority).
- If the district governing board fails to act on the renewal within 60 days of submission (or or 90 days with written mutual agreement by the charter school and district chartering authority) the petition for renewal shall be deemed to be approved. Note: the default approval provision only applies at the district level (i.e., if a district governing board is your chartering authority.)
- Clarifies that no signatures are required for renewal petitions at any level.
- Requires that the following be considered by the chartering authority in a renewal decision: the past performance of the school's academics, finances, and operation in evaluating the likelihood of future success, along with future plans for improvement if any.
- Affirms standard for non-renewal to include the standards and criteria for denial of an original charter under Education Code Section 47605, plus the requirements for renewal under Education Code Sections 47607(a)(2) and (b).
- The regulations clarify that the State Board of Education deems a charter school that has not met the measurable pupil outcomes as described in the charter, or has not met the standards for renewal pursuant to Education Code Section 47607(b) to be "an unsound educational program" that may be denied renewal.
- A charter school only has 30 calendar days following a denial to appeal to the county board of education – this timeline may be extended by an additional 30 days by written mutual agreement.

- If the county board of education fails to act within 60 days of receipt of the renewal petition the charter school may submit a petition for renewal to the State Board of Education – note it is not deemed approved. This timeline may be extended by an additional 30 days by written mutual agreement.
- Clarifies that there is no appeal from non-renewal of a countywide charter school to the State Board of Education.
- Allows for judicial review of a charter petition (original or renewal) if the State Board of Education does not act within 120 days of submission of the charter appeal (or 150 days with written mutual agreement).

A complete copy of the new regulations may be found at the following web link:
<http://www.cde.ca.gov/re/lr/rr/documents/finalchartrenewalregs.doc>.

The application of these regulations to pending charter renewals is unclear. If you are facing renewal this year we recommend that you seek the advice of counsel regarding, among other things, the timing of submitting your charter renewal petition. Please contact our office to discuss the many benefits provided by the new regulations and how they may impact your charter renewal.

If you should have any questions regarding this update, or would like assistance in your charter renewal, please contact Lisa Corr (lcorr@mymlaw.com) or Michelle Ruskofsky (mruskofsky@mymlaw.com) at the Law Offices of Middleton, Young & Minney, LLP at (916) 646-1400. Or find us on the web at: www.mymcharterlaw.com.

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