



---

## Charter School Timelines – Are You Ready?

This NewsFlash provides a brief overview of some of the statutory timelines school districts and county offices of education need to follow in order to efficiently and legally manage charter schools under their jurisdiction. Districts and county offices should have protocols in place to comply with these timelines/deadlines. Below is a summary of key deadlines related to the charter petition granting/denial process (Ed. Code § 47605), Proposition 39 facilities request process (Title 5, Cal. Code Regs. §§ 11969.9), and the charter revocation process (Ed. Code § 47607):

### Charter Petition Granting/Denying Timelines:

- **Public Hearing Deadline:** Once a complete petition to establish a charter school is received, a public hearing to consider the level of support for the petition must be held within 30 calendar days.
- **Grant/Deny Deadline:** The district/county office must grant or deny the charter within 60 calendar days from receipt of the petition, unless the parties mutually agree to extend the deadline for an additional 30 calendar days. The petition must be approved unless the district/county office makes written factual findings that support one or more of the following legally permitted grounds to deny the charter petition.
  - 1.) The petition does not contain the required number of signatures;
  - 2.) The petition does not contain an affirmation of each of the conditions;
  - 3.) The charter school presents an unsound educational program;
  - 4.) The petitioners are demonstrably unlikely to successfully implement the program; or
  - 5.) The petition does not contain reasonably comprehensive descriptions of the 16 required elements.

### Proposition 39 Facilities Request Timelines:

- **November 1:** Charter school (existing or new) must submit its request to receive facilities for the 2010-2011 school year.
- **December 1:** District/county office receiving the request must object to the charter school's projected ADA or the charter school's projections or else waive the right to challenge the charter school's projections.
- **February 1:** District's/county office's preliminary facilities proposal is due to the charter school.
- **April 1:** Final facilities offer is due to the charter school.

## **Charter Revocation Process:**

- 1.) Prior to revocation, a charter school must be notified of the violation(s) and given a reasonable opportunity to remedy the violation(s), unless the district/county office determines in writing that the violation constitutes a severe and imminent threat to the health or safety of the students.
- 2.) After expiration of the opportunity to remedy the violation, the district/county office must provide written notice of intent to revoke and notice of facts in support of revocation to the charter school.
- 3.) Within 30 days of providing the notice of intent to revoke a charter, the district/county office must hold a public hearing regarding whether evidence exists to revoke the charter.
- 4.) Within 30 days of the public hearing, the district/county office must issue a final decision to revoke or decline to revoke the charter, unless the parties agree to extend the decision-making period.

A charter may not be revoked, unless written factual findings are made supported by substantial evidence that support one or more of the following findings:

- 1.) The charter school committed a material violation of any of the conditions, standards, or procedures set forth in the charter;
- 2.) The charter school failed to meet or pursue any of the pupil outcomes identified in the charter;
- 3.) The charter school failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement; or
- 4.) The charter school violated any provision of law.

Please feel free to contact one of our four offices if you have question about any stage of the above-discussed charter school related processes.

*F3 NewsFlash prepared by Melanie Petersen, Susan Park, and William Schuetz.  
Melanie is a partner in the F3 San Marcos office.  
Susan is an associate in the F3 San Marcos office.  
William is an associate in the F3 Sacramento office.*

**This F3 NewsFlash is a summary only and not legal advice. We recommend that you consult with legal counsel to determine how this case may apply to your specific facts and circumstances. Information on a free NewsFlash subscription can be found at [www.fagenfriedman.com](http://www.fagenfriedman.com).**

153359

---

6300 Wilshire Blvd., Suite 1700, Los Angeles, California 90048 Tel. 323.330.6300 Fax 323.330.6311  
70 Washington St., Suite 205, Oakland, California 94607 Tel. 510.550.8200 Fax 510.550.8211  
520 Capitol Mall, Suite 400, Sacramento, California 95814 Tel. 916.443.0030 Fax 916.443.0030  
I Civic Center Dr., Suite 300, San Marcos, California 92069 Tel. 760.304.6000 Fax 760.304.6011

© 2009 Fagen Friedman & Fulfroost, LLP

All rights reserved, except that the Managing Partner of Fagen Friedman & Fulfroost, LLP hereby grants permission to any client of Fagen Friedman & Fulfroost, LLP to use, reproduce and distribute this NewsFlash intact and solely for the internal, noncommercial purposes of such client.