

VINCE FONG

MEMBER FOR THE 32ND ASSEMBLY DISTRICT



FACT SHEET

AB 533 – Clarifying the Charter School Application Process

IN BRIEF

When there is a tie vote on a school board to approve a charter school application, it can lead to expensive litigation in order to bring a resolution to the outcome of the charter school application.

Assembly Bill 533 will prevent litigation and save taxpayer dollars by clarifying the appeals process for charter school applications.

Specifically, this bill allows a petition to establish a charter school application to be appealed to a county board of education when it is not otherwise approved nor denied by the governing board of the local school district.

BACKGROUND & ISSUE

A petition seeking to establish a charter school must meet several requirements before being submitted to a governing board of a school district for review. No later than 60 days after receiving a petition, the governing board of the school district must hold a public hearing on the petition.

Following a comprehensive review of the petition and a public hearing, the governing board of the school district holds a vote to approve or deny the petition. If the governing board of a school district denies a petition, the petitioner can appeal the denial to their county board of education.

The governing boards of school districts typically have an odd number of members to prevent tie votes. But if a tie vote occurs because a member is absent or otherwise unable to vote, existing law does not provide for an alternative process when a petition is neither approved nor denied. In these cases, the only way to reach a resolution is through litigation, which is often time-consuming to adjudicate, costly for taxpayers, and reduces judicial efficiency.

SOLUTION

AB 533 prevents needless litigation by allowing a petition to establish a charter school to be referred to a county board of education when a governing board of a school district fails to approve or deny a petition within 90 or 120 days of receiving it.

This bill does not create any new conditions under which a petitioner could appeal a denial and makes no other changes to the charter school petition process and timeline as described in current law.

AB 533 is a good governance bill that brings clarity and transparency to the charter school application process.

SUPPORT

Orange County Board of Education (Sponsor)

CONTACT

Andrew Nickens, Fellow

Andrew.Nickens@asm.ca.gov

916-319-2032