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CHARTER SCHOOLS - CALIFORNIA

Oxford Preparatory Academy v. Chino Valley Unified School District

Court of Appeal, Fourth District, Division 1, California - July 11, 2019 - Cal.Rptr.3d - 2019 WL 3024753 - 19 Cal. Daily Op. Serv. 6761 - 2019 Daily Journal D.A.R. 6543

Charter school petitioned for writ of mandate, challenging school district's denial of its petition to renew its charter.

The Superior Court denied the writ petition. Charter school appealed.

The Court of Appeal held that:

- The Court of Appeal would exercise its discretion to decide arguably moot issues;
- As a matter of first impression, district was performing quasi-judicial, rather than quasi-legislative, action, which determined standard of review; and
- District's decision substantially affected fundamental vested right, precluding the Court of Appeal from reaching merits.

Court of Appeal would exercise its discretion to decide issue of proper standard for judicial review of a school district decision denying a charter school renewal petition, even if case was rendered moot by charter school not opening for new school year and beginning closure process, where issues raised in appeal were of broad public interest and likely to recur, and, if a charter school's judicial action challenging denial of its charter renewal petition became moot as soon as new school year started, such controversies were likely to evade normal appellate review.

School district was performing quasi-judicial action, rather than quasi-legislative action, when it denied charter school's petition for renewal of its charter, and therefore trial court was required to consider charter school's petition for writ of mandate pursuant to procedures and standards applicable to administrative mandamus proceedings, rather than reviewing whether decision was arbitrary or capricious; even though district was required to consider overarching public policy goals, district applied standards set by existing state law and regulations to facts presented, district held public hearing, and district passed 62-page resolution detailing specific evidence supporting each of its factual findings.

School district's decision to deny charter school's petition for renewal substantially affected a fundamental vested right, and therefore Court of Appeal could not directly reach merits of district's decision, but was required to reverse and remand to trial court to apply independent judicial review; charter school's right to continue operating vested upon school district's approval of its initial charter petition, and fact that review of charter occurred every five years through statutory requirement did not render it a temporary right, as district could revoke or decline to renew charter only after holding hearing, considering the evidence, and making specific factual findings.

