

Charter Schools Must Obtain Approval of Additional School Sites through a Material Revision, Not Renewal, of their Charter

Charter schools seeking approval of additional school sites must do so through a material revision of their charter, and not through the charter renewal process, a California Court of Appeal has ruled.

The Court, in *Today's Fresh Start Charter School v. Inglewood Unified School District* (2018 WL 739700), ruled that a request for a renewal of an existing charter term is a separate and distinct process from a request to make a material revision to a charter. The Charter School had submitted a request for material revision and renewal of its charter to the District. The renewal was deemed approved after 60 days under California Code of Regulations, title 5, section 11966.4, subdivision (c), because the District did not deny the renewal and issue findings. However, the District did adopt a resolution denying a request for material revision for an additional site. The Charter School then contended that its request for material revision for the additional school site, outside of District boundaries, should also have been automatically granted as part of the renewal.

Both the trial court and the Court of Appeal disagreed with the Charter School, citing Education Code section 47605(a)(4), which states that "[a]fter receiving approval of its petition, a charter school that proposes to establish operations at one or more additional sites shall request material revision to its charter and shall notify the authority that granted its charter of those additional locations."

The Court of Appeal ruled that the request for an additional site must be pursued through a request for material revision, and not through renewal of the charter:

[A]s we have explained, the regulatory scheme specifically distinguishes between the procedure for a petition for renewal and the procedure for approval of an additional school site after an initial charter petition has been granted … The process for adding an additional location is separately described as a "material revision." There is no time frame for consideration of such a request, no written findings required for denial, and no provision for the request to be deemed approved in the absence of timely action. We see no basis for ignoring the distinct process set out for these two different types of approval.

RELATED PRACTICES

Education Law

RELATED PEOPLE

John R. Yeh

© 2025 Burke, Williams & Sorensen, LLP. All rights reserved.

The Court concluded that "[w]e agree with [the District] and with the trial court that the deemed approval applies to the petition to renew the charter, but not to the request for a material revision to add the [school] location."

School districts overseeing charter schools that have added sites since the initial granting of the charter should check to see whether the charter schools have complied with the material revision requirement for any additional sites added after initial charter approval.

John R. Yeh is a partner practicing in Burke, Williams & Sorensen's Education Law practice group. He represented Inglewood Unified School District in this matter.

© 2025 Burke, Williams & Sorensen, LLP. All rights reserved.