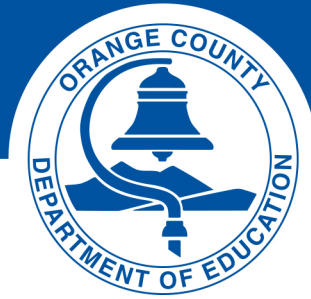


# NEWS RELEASE

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## **Judge rules OC Board of Education properly approved charter school appeal** Orange County Superior Court decision ends lawsuit brought by two local school districts

COSTA MESA, Calif. – An Orange County Superior Court judge has ruled in favor of the Orange County Department of Education (OCDE) in a lawsuit brought by two school districts over the approval of Excellence Performance Innovation Citizenship (EPIC) charter school.

The Anaheim Union High School District and the Anaheim Elementary School District jointly filed suit to challenge the Orange County Board of Education’s decision to authorize EPIC, which began serving students in transitional kindergarten through grade 12 nearly a year ago. In a decision rendered Aug. 7, Superior Court Judge Deborah C. Servino ruled against the districts, finding that the county board exercised proper discretion in conditionally approving the charter.

“While I am personally very disappointed that the Anaheim Union High School District and the Anaheim Elementary School District chose to litigate this matter at the expense of our student programs and the taxpayers of Orange County, I am nevertheless pleased with the outcome,” Orange County Board of Education President Jack Bedell said. “The court has rightly concluded that our board pursued a course of due diligence in thoroughly vetting EPIC’s charter petition, identifying areas that required clarification or enhancement, and granting conditional approval once all concerns were adequately addressed.”

EPIC had appealed to the county board after its petition was first denied by the Anaheim Elementary School District in May 2015. County trustees, overruling a recommendation by OCDE staff, opted to approve the school’s charter with conditions on Nov. 4, 2015, and a formal Agreement and Implementation Plan was adopted the following March.

Citing the staff recommendation and claiming EPIC’s authorization was in violation of the state’s Charter School Act, the Anaheim Union High and Anaheim Elementary school districts filed their lawsuit on Dec. 9, 2016, seeking a writ of mandate that would direct the county board to revoke EPIC’s charter.

“The Board did not abuse its discretion in conditionally approving EPIC’s charter petition,” Judge Servino wrote in her ruling. “The Charter School Act does not prohibit conditional approval of a

charter petition if a board concludes that a charter petition has some deficiencies, but believes the deficiencies can be remedied.”

The judge added that the districts failed to demonstrate the board's action was “arbitrary, capricious or without a rational basis.”

“The OCDE staff prepared a staff report and proposed findings of fact and recommendation regarding the charter petition that was based upon information gathered throughout the entire review process, including a clarification meeting held with EPIC,” Servino wrote.

The ruling noted that EPIC subsequently addressed concerns that were raised in the initial OCDE staff recommendation. For example, EPIC agreed to hire specialists to work with English learners and students with special needs. Moreover, insurance and indemnification issues were addressed, according to the ruling.

“The Orange County Board of Education takes very seriously its duty to evaluate the merits of charter school petitions, both directly and through the appeals process,” said board President Bedell. “Above all, we are committed to providing educational environments that meet the highest standards for the students of Orange County and its taxpayers.”

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