



CLIENT NEWS BRIEF

April 2011

Number 15

STATE BOARD OF EDUCATION DELAYS ADOPTION OF FINAL PARENT TRIGGER REGULATIONS

In support of its application for federal Race To The Top funding in 2010, California passed legislation designed to enable parents to effect broad reforms at certain low achieving schools. Often referred to as the “parent empowerment” or “parent trigger” law, the newly-enacted statute requires school districts to take drastic measures – set out in the form of four “intervention models” – to overhaul the educational program at failing schools. One of the four models would require the conversion of a low-performing school to a charter school following receipt of a petition signed by more than 50% of the parents at the targeted school.

As we reported last December (See [Lozano Smith Client News Brief No. 57, Dec. 2010](#)), emergency regulations implementing the “parent trigger” law were adopted last summer, but were slated to expire in March 2011. Despite this looming deadline, at a February 2011 meeting, the State Board of Education (SBE) declined to take action on proposed final regulations governing implementation of the parent trigger law. In explaining the SBE’s decision, officials cited the difficulty of drafting appropriate regulations based on unclear language in the statute itself, and further noted that clean-up legislation was necessary before final regulations could be adopted.

Currently, the SBE is scheduling time to listen to arguments concerning the draft regulations. Key adversaries on the issue, representatives of Parent Revolution, the Association of California School Administrators, the California School Boards Association and the California Charter School Association, met over the past month and resolved many of their differences. The groups intend to request that the SBE incorporate their compromise language in the next version of the regulations. Additionally, Superintendent of Public Instruction Tom Torlakson has created another workgroup to guide the revision of regulations for the SBE.

While regulatory maneuvering continues, the first attempt to enforce the “parent trigger” law is moving forward in the Compton Unified School District (“District”), where parents of students enrolled at McKinley Elementary School presented the District with a petition requesting the conversion of the school to a charter school. Arguing that it was

CLIENT NEWS BRIEF

April 2011

Number 15

entitled to verify the signatures on the petition, District officials requested photographs and other identifying information from the parents who signed the petition. The parents filed a lawsuit alleging that the petition verification process violated their constitutional rights. Shortly thereafter, the Los Angeles County Superior Court issued a temporary restraining order barring the District from collecting identifying information. On February 23, 2011, the Compton School Board voted unanimously to reject the petition, claiming it failed to include certain information required by state law. The rejection of the petition is currently under review by a Los Angeles Superior Court.

Lozano Smith will continue to provide updates regarding the Compton case and the SBE's continuing efforts to finalize "parent trigger" regulations as they become available. If you have any questions, please do not hesitate to contact one of our [eight offices](#) located statewide or consult our [website](#).

Written by:

[Claudia P. Weaver](#)

Associate

Monterey office

cweaver@lozanosmith.com

[Kinna P. Crocker](#)

Associate

Santa Rosa Office

kcrocker@lozanosmith.com



As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.