In March 2025, the Garcia Hernández Sawhney LLP (GHS) legal team achieved a significant victory in the Third Circuit California Court of Appeal on behalf of its client Napa Valley Unified School District (NVUSD), for whom GHS founding partner Mary Hernández serves as General Counsel. The Court of Appeal, in a decision certified for publication, affirmed a 2023 ruling by the Sacramento Superior Court, which found that the State Board of Education had wrongfully overturned the denial of a petition to establish a new charter school within NVUSD's jurisdictional boundaries. See, *Napa Valley Unified Sch. Dist. v. State Bd. of Ed.* (no. C099068) / *Cal. School Bds. Assoc. Educ. Legal Alliance v. State Bd. of Ed.* (no. C099069): Opinion filed March 14, 2025 by 3d Dist. Cal. Ct. of Appeal, certified for publication April 10, 2025 (available at https://www4.courts.ca.gov/opinions/documents/C099068.PDF). (A citation to the Official Reports has not yet been generated.)

In late 2022, the NVUSD Board of Education denied the petition for a charter school which failed to meet legal requirements, and which proposed to use scarce public-school funds for the benefit of a select few. The Napa County Board of Education also refused to approve the charter school petition. On administrative appeal, however, the State Board of Education ignored the recommendation of the California Department of Education supporting the decisions made by NVUSD and the Napa County Board, ignored the law, improperly substituted its own judgment, and reversed the denials by NVUSD and the County Board. NVUSD sought judicial review, and the case was joined with a subsequent lawsuit brought by the California School Boards Association's Educational Legal Alliance (CSBA-ELA), which challenged the State Board's decision because of the importance of the legal issues to every public school district and county board of education in the state.

This was the first court case to address the charter petition appeal reforms under 2019's Assembly Bill 1505 ("AB-1505"), which was enacted in large part to emphasize local control over charter school authorization and to restrict the State Board's authority—which had been generously exercised up to that point—to authorize charter schools on administrative appeal. Before AB-1505's enactment, the State Board would review charter appeals "de novo," and could grant an appeal and authorize a school regardless of the soundness of the local agencies' decisions to deny. Under AB-1505, the State Board can now only reverse local agency charter denials upon a finding that both local agencies abused their discretion—*i.e.*, that the denials were arbitrary, capricious, contrary to law, and/or not supported by evidence. Prior to AB-1505's passage, the State Board granted approximately 75% of the appeal petitions that it received.

The GHS team and counsel for CSBA-ELA tried the case, and won a ruling in June 2023 finding that the State Board of Education had abused its discretion under the standard established by AB-1505, and that NVUSD's and the County Board's denial decisions were legally sound and supported by evidence. The charter petitioners appealed the ruling, but the Court of Appeals unanimously affirmed the trial court's decision in full.

This decision is a significant win for local educational agencies throughout California, and its precedent now protects the integrity of their well-considered charter school authorization decisions from arbitrary and capricious reversals on administrative appeal.