



Education Law 101: What Laws Apply to Charter Schools?

Presented by:

James E. Young, Middleton, Young & Minney
7 Parkcenter Drive, Sacramento, CA 95825 (916) 646-1400
jyoung@mymlaw.com

Jerry W. Simmons, Middleton, Young & Minney
7 Parkcenter Drive, Sacramento, CA 95825 (916) 646-1400
jsimmons@mymlaw.com



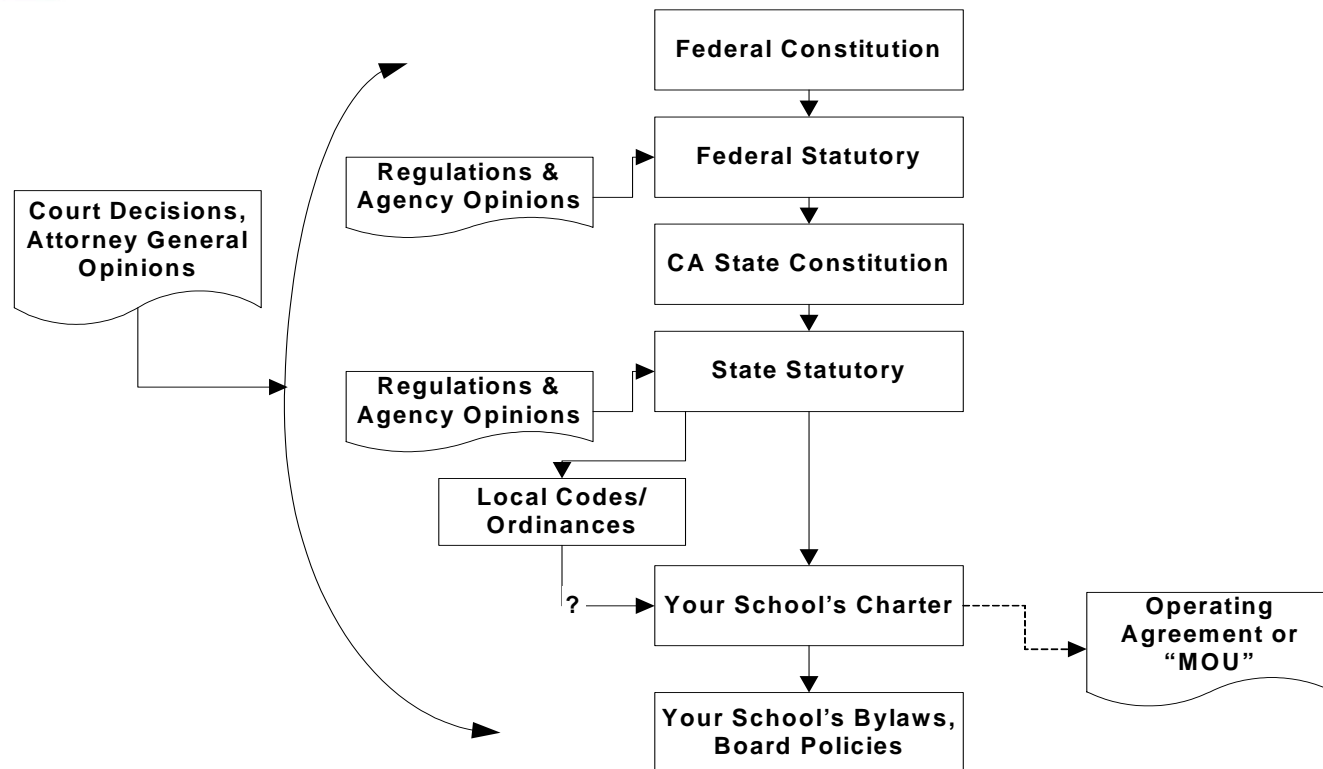
LEADING THE WAY

OVERVIEW

- This is a primer
- Charter schools: Public v. Private??
- What provisions of law apply (Mega Waiver)?
- Application of law often unclear
- Erosion of the Mega Waiver
- An ounce of prevention



LAWS GOVERNING CHARTER SCHOOLS



STATE AND FEDERAL CONSTITUTIONAL LAW

- “Establishment” of religion prohibited
free exercise protected
- Equal protection and due process
- Free speech/expression
- Search & seizure
- Privacy



LEADING THE WAY

**STATE AND FEDERAL CONSTITUTIONAL
LAW** (*cont'd*)

- Free schools guarantee
- Public funding to private/sectarian schools prohibited
- No gift of public funds allowed
- Debt limitation



COMMON EMPLOYMENT LAW ISSUES

- Wage and hour law
- Leave issues
- Discrimination claims
- EERA (Collective Bargaining)



LEADING THE WAY

COMMON EMPLOYMENT LAW ISSUES *(cont'd)*

- Sexual and non-sexual harassment
- Workers compensation
- Personnel records
- Employment status/rights
- Investigation of complaints



COMMON PUPIL RIGHTS ISSUES

- Student discipline process
- Student records (FERPA)
- Special education/Section 504
- Discrimination/harassment free environment
- Admissions/preferences/lottery – CDE grant issues



PUBLIC ACCESS LAWS

- Open meeting law
- Public Records Act
- Political Reform Act



LEADING THE WAY

CHARTER SCHOOLS: PUBLIC V. PRIVATE??

- Joey Wells v. One-2-One Foundation
- Knapp v. Palisades
- Wilson v. SBE
- California Constitution
- FPPC
- Attorney General
- PERB



STATE NONPROFIT CORPORATION LAW

- Duty of care, loyalty, obedience
- Tax exempt status
- Corporate immunity
- Statutory compliance
 - Attorney General oversight
- Corporate formalities
 - Meetings, agendas, minutes



CONFLICTS OF INTEREST

- Political Reform Act
- Government Code Section 1090
- Form 700
- Conflicts of Interest Codes
- Pending SBE regulations



LEADING THE WAY

NEW STATUTES/REGS/OPINIONS/CASES

- SBE closure regulations
- SBE Amended Prop. 39 regulations - litigation
- SBE conflicts regulations
- AB 2030 revocation appeal; court cases
- Co-wide charter school appeals
- SB 319 conversion school funding
- PERB Case: EFC
- CDE Opinion: mandatory parent participation
- Statewide Benefit charter litigation
- CCSA/PUC/Green Dot v. LAUSD (Prop. 39)
- New West v. LAUSD (Prop. 39)
- Gorman EAAP (SB 740 audit appeal)
- Journey Charter School case
- SCO position on CS mandate reimbursement
- MATES v. Conejo Valley USD lawsuit



COMMON SPECIFIC CHARTER LAW ISSUES

- CTC Reporting
- Mandatory child abuse reporting
- Independent study
- Renewal/revocation
- Prop 39 (facilities)
- Employment status/collective bargaining issues
- Layoff issues



COMMON SPECIFIC CHARTER LAW ISSUES *(cont'd)*

- Charter petitioning process
- Charter school renewal process
- Negotiation of MOUs
- Appeal of petition denials
- County Fraud audits/Ed. Code 1245.1
- Building code/zoning compliance



MIDDLETON, YOUNG & MINNEY, LLP

Questions & Responses

