



Education Law 101: What Laws Apply to Charter Schools?

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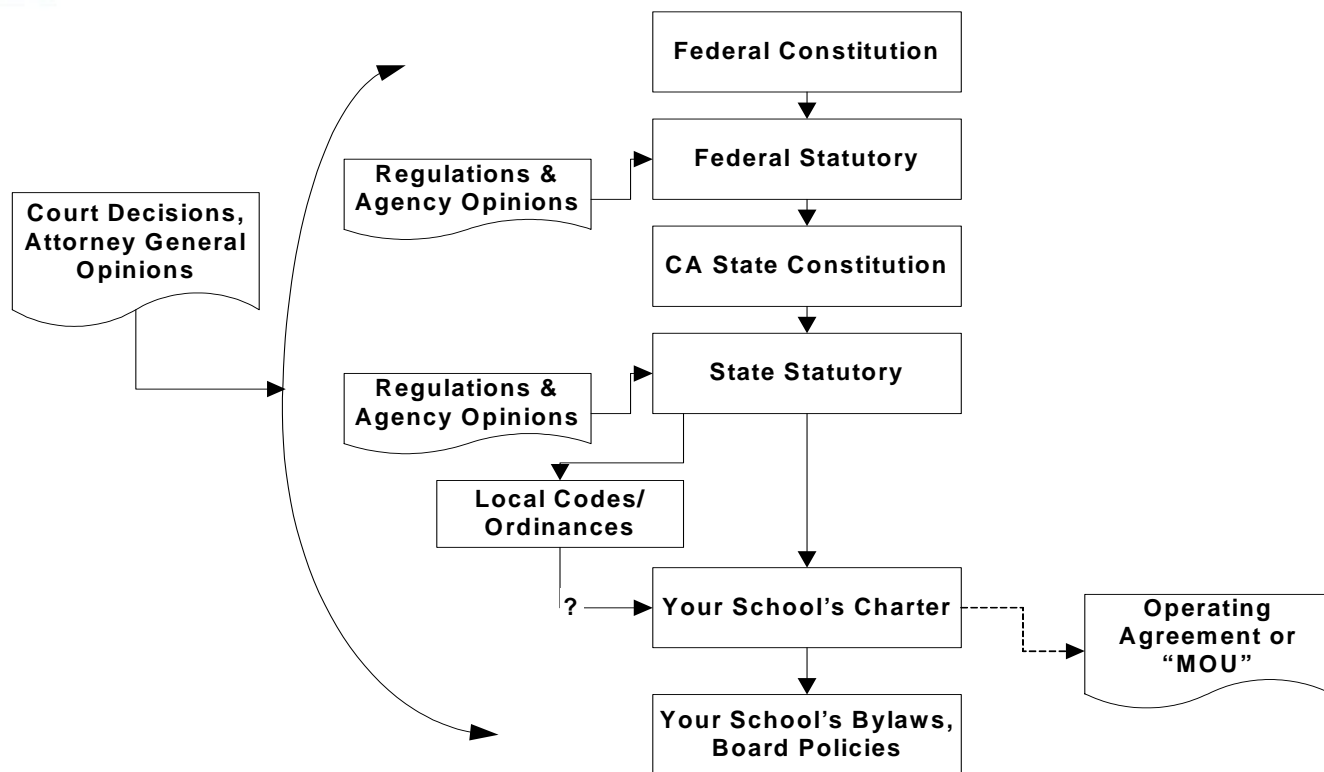
OVERVIEW

- 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



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LAWS GOVERNING CHARTER SCHOOLS



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STATE AND FEDERAL CONSTITUTIONAL LAW

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

**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)

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

PUBLIC ACCESS LAWS

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



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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



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CONFLICTS OF INTEREST

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

NEW STATUTES/REGS/OPINIONS/CASES

- SBE closure regulations
- SBE Prop. 39 regulations
- SBE conflicts regulations
- AB 2030 revocation appeal/AVDMS Case
- 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)

COMMON SPECIFIC CHARTER LAW ISSUES

- Funding/attendance accounting
- Independent study
- Renewal/revocation
- Prop 39 (facilities)
- Employment status/collective bargaining 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



Questions & Responses



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