


## Education Law 101: What Laws Apply to Charter Schools?

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
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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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
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## LAWS GOVERNING CHARTER SCHOOLS

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    FC[Federal Constitution] --> FS[Federal Statutory]
    FC --> CSCA[CA State Constitution]
    FS --> SS[State Statutory]
    CSCA --> SS
    SS --> LCO[Local Charter Ordinances]
    LCO --> YSC[7-Year Charter's Contract]
    YSC --> YSBP[Year Schools' Rules Board Policies]
    YSBP --> OASDU[Operating Agreement of "SDU"]
    CD[Civil Decisions, Attorney General Opinions] --> RA[Regulations & Agency Opinions]
    RA --> FS
    RA --> SS
    RA --> LCO
  
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
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**CHARTER SCHOOLS: PUBLIC V. PRIVATE??**

- Wilson v. SBE/California Constitution
- Joey Wells v. One-2-One Foundation
- Knapp v. Palisades
- State Agencies:
  - FPPC/PERB/AG/STRS/PERS



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
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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



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
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**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



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
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**COMMON EMPLOYMENT LAW ISSUES**

- Wage and hour law
- Leave issues
- Discrimination claims
- EERA (Collective Bargaining)
- Credentialing/reporting to CTC
- Mandatory child abuse reporting
- Finger printing/TB testing



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
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**COMMON EMPLOYMENT LAW ISSUES (cont'd)**

- Sexual and non-sexual harassment
  - Educator sexual misconduct
- Workers compensation
- Personnel records
- Employment status/rights
- Investigation of complaints
- Insurance and tending complaints
- Lay off issues



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
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**COMMON PUPIL RIGHTS ISSUES**

- Student discipline process/disenrollment?
- Student records (FERPA)/directory information
- Special education/Section 504
- Discrimination/harassment free environment
- Admissions/preferences/lottery – CDE grant issues
- Notice to SD when child leaves



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
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**COMMON FACILITIES ISSUES**

- Building code compliance/Field Act
- Zoning/Exemptions
- DOT clearance
- Environmental hazards/AHERA
- Emergency disaster plan
- CEQA
- Insurance



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
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**PUBLIC ACCESS LAWS**

- Open meeting law/Brown Act
- Public Records Act
- FEHA/ADA



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
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**CONFLICTS OF INTEREST**

- Political Reform Act
  - Conflicts Code/Agency approval
  - Form 700 Statements of Economic interest
- Government Code Section 1090
- Nonprofit Corporations Code – anti-self dealing/bylaws



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
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**STATE NONPROFIT CORPORATION LAW**

- Duty of care, loyalty, obedience
- Tax exempt status
- Corporate immunity
- Statutory compliance
  - Attorney General oversight
- Corporate formalities
  - Meetings, agendas, minutes
- Dissolution/AG waiver
- Annual form 990/199



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
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**MISC. COMMON LEGAL ISSUES**

- Independent study compliance
- Charter compliance/policies
- FCMAT/MGT/Extraordinary audits
  - EAAP appeals
- Campus Safety issues
  - Ouster letters/TRO
  - Monitoring student behavior
  - Visitor policies



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
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**MISC. COMMON LEGAL ISSUES (cont'd)**

- Charter petitioning process
- Charter school renewal process
- Negotiation of MOUs
- Appeal of petition denials



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**“NEW” STATUTES/REGS/OPINIONS/CASES**

- AB 2030 revocation appeals; court cases
- Co-wide charter school appeals
- SB 319 conversion school funding/SB 191 (01/01/10)
- PERB Case: EFC
- SBE Amended Prop. 39 regulations – litigation
- Ivy v. LAUSD (Prop. 39)
- New West v. LAUSD (Prop. 39)
- MATES v. Conejo Valley USD lawsuit
- Gorman EAAP (SB 740 audit appeal)
- Journey Charter School case
- SCO position on CS mandate reimbursement
- LAUSD v. UTLA (Locke Appeal)



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
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**Questions & Responses**



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