California Charter Schools Association

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Assembly Bill 1478 (Jones-Sawyer)

Authored by Assemblymember Reggie Jones-Sawyer, AB 1478 would impose unworkable applications of the Brown Act, Political Reform Act, and Government Code 1090 on charter schools in California. The central argument behind AB 1478 is that self-dealing, misappropriation of public funds, and secrecy are endemic characteristics of California's charter sector and must be addressed by imposing a raft of new regulations.

While the vast majority of charter schools in California follow the state's open meetings and public records rules, and manage the affairs of their governing boards in accordance with the nonprofit corporations code, proponents of AB 1478 are uninterested in the facts and aren't truly invested in achieving greater transparency as evidenced by their opposition to CCSA's sponsored legislation, SB 806 (Glazer).

AB 1478 represents a calculated effort under the *guise* of ethics and transparency by powerful special interests to dismantle charter school governing boards, starve charters of the few financial tools they have, prevent teachers from serving on charter school boards, and impose sweeping new requirements on related organizations that support charters but do not directly operate charters.

AB 1478 OVERVIEW

- Dismantles charter school governing boards
- Starves charters of the few financial tools they have
- Prevents teachers from serving on charter school boards
- Imposes sweeping new requirements on related organizations that support charters

Why Is AB 1478's Brown Act Requirement So Insidious?

The proponents of AB 1478 have refused to include flexibilities for multi-site and multi-jurisdictional charter organizations to comply with the Brown Act through teleconference or telephonic means. If AB 1478 were to become law, multi-site and multi-jurisdictional charter organizations would be required to either a) hold serial meetings whereby the same agenda is adopted by a quorum of board members who travel from location to location for each board meeting or b) these organizations would be forced to dismantle their existing governance structures and disintegrate into separate organizations based on jurisdiction.

Why is GC 1090 So Problematic?

GC 1090 is designed to create special protections for school district boards which are entrusted with extraordinary powers that nonprofit charter public school boards do not have including taxing, eminent domain, zoning waiver authority, tort claims protection, obligating the state in the case of fiscal insolvency, and others. It would be inappropriate to impose GC 1090 restrictions on charter school boards without also conferring these extraordinary powers on charter school boards as well. GC 1090 provisions are so open to interpretation and the penalties so severe that school district authorizers cannot be trusted to fairly enforce them over charter school boards. Further, under a strict application of GC 1090 on charters, board members would be prohibited from offering pro bono services, or enter into loan or lease agreements with the charter for which they serve on the board.

How Would Managing, Related & Support Organizations Be Impacted?

The language in AB 1478 related to multi-entity charters is so vague that the consequences are unknown. The implications could be so sweeping that they subject back office vendors, related foundations, and support organizations to an unprecedented intrusion by the state in their business and governance affairs.