



## YPI CHARTER SCHOOLS

February 11, 2019

**TO:** YPI Charter Schools  
Board of Directors

**FROM:** Yvette King-Berg  
Executive Director

**SUBJECT: Recommendation to approve YPICS Board Resolution 2019-3  
Multiple Transparency Laws**

### BACKGROUND

California Attorney General Xavier Becerra published a long-awaited opinion on December 26, 2018, declaring California charter schools are subject to the Public Records Act, Brown Act, Government Code Section 1090, and the Political Reform Act. The opinion also states that books and records of California charter schools authorized by a school district or county board of education are subject to review and inspection by a grand jury. *Violations of some of these laws can lead to criminal penalties and fines and violations of any of these laws can lead to revocation of a charter school's charter if the violations are not cured in a timely fashion.*

The Attorney General Opinion (No. 11-201), although not legally binding, is entitled to "great deference by the courts[.]" *Stribling's Nurseries, Inc. v. County of Merced*, 232 Cal.App.2d 759, 763 [43 Cal.Rptr. 211]. Thus, the opinion is likely to be adopted by the courts in future criminal and civil proceedings. The Fair Political Practices Commission has also previously opined that the Political Reform Act applied to charter schools. Some local District Attorneys had already filed charges or were considering filing charges against charter school board members and administrators under these statutes prior to the Attorney General opinion, and we believe that the opinion is likely to lead to more such actions being filed. *Case law also concludes that conflict of interest laws extend to independent contractors doing work on behalf of charter schools in some cases.*

### ANALYSIS

The Attorney General Opinion is predicated upon the holding that charter schools are a class of public schools, as they are funded by state taxes, required to meet statewide educational standards, and required to conduct pupil assessments just like non-charter public schools. The opinion also cites the Education Code in noting that a charter school

is under “the exclusive control of the officers of the public schools” and is a “school district” for the purposes of the allocation of education funds. The Attorney General quoted *Wilson v. State Bd. Of Education* (1999) 75 Cal.App.4th 1125, 1129, in stating that “[g]overnment officials of a charter school are themselves ‘officers of public schools to the same extent as members of other boards of education of public school districts.’” Thus, the Attorney General opined that these laws also apply to charter schools operated by nonprofits.

**RECOMMENDATION**

It is recommended that the Board approve the YPICS Board Resolution 2019-3 Multiple Transparency Laws