



Resolution Number: 2019-3

RESOLUTION  
OF THE  
BOARD OF DIRECTORS OF  
YPI CHARTER SCHOOLS, INC.  
A California Nonprofit Public Benefit Corporation

**California Attorney General Declares Charter Schools Subject to Multiple Transparency Laws**

We, the Board of Directors of YPI Charter Schools, Inc., a California nonprofit public benefit corporation, hereby consent to and adopt the following Resolution:

WHEREAS, YPI Charter Schools, Inc., operates the Bert Corona High School, Monseñor Oscar Romero Charter School, and Bert Corona Charter High School); and

WHEREAS, 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.*

NOW THEREFORE BE IT RESOLVED, that the YPI Charter Schools, Inc., Board of Directors hereby will continue to adhere to **the Brown Act and the Public Records Act**. The Ralph M. Brown Act provides public access to meetings of local government agencies. The California Public Records Act requires disclosure of records to the general public upon request. In the



opinion, the Attorney General points out that the Brown Act and the Public Records Act are applicable to a “local agency” and to the “legislative body” of a local agency. Considering the language in both Acts and the State Constitution, the Attorney General writes that “‘school districts’ are subject to the sunshine laws, and charter schools are ‘school districts’ for purposes

of receiving state funding. What charter schools do with the public money that they receive is a matter of legitimate concern to the taxpaying public.” The Attorney General is “convinced that the public has a right to expect transparency from charter schools because they are licensed and paid by the state to participate in the core function of educating California’s children.”

BE IT FURTHER RESOLVED, that the YPI Charter Schools, Inc., Board of Directors hereby continues to adhere to the **Political Reform Act and Government Code Section 1090**. The Political Reform Act of 1974 and Government Code Section 1090 (commonly referred to as conflict of interest laws) serve as the legal bedrocks of governmental ethics in California. The Political Reform Act regulates public official conduct in making, participating in making, or in any way attempting to use the officials’ position to influence a governmental decision in which the official has a financial interest. The Act also requires disclosure of financial interests annually on a Statement of Economic Interest (Form 700). Government Code Section 1090 generally precludes a public governing board from entering into a contract when a member of the board has a financial interest in the contract. A violation of Section 1090 is a felony and voids the contract involved. *For this reason YPI Charter schools will not enter into contracts in which any of its Board members or administrators might financially gain either directly or indirectly without first consulting legal counsel*

I, Sandra Mendoza, certify that the Board of Directors of YPI Charter Schools, Inc. on February 11, 2019, adopted the foregoing resolution, at Los Angeles, California.

By: \_\_\_\_\_ Date: \_\_\_\_\_

Sandra Mendoza, Board Secretary