

YOUNG, MINNEY & CORR, LLP EXPERT CHARTER SCHOOL LEGAL SERVICES

# Youth Policy Institute Charter Schools

# **The Brown Act**

# February 11, 2019

Presented by:

Wayne K. Strumpfer, Esq. wstrumpfer@mycharterlaw.com

YOUNG, MINNEY & CORR, LLP SACRAMENTO - LOS ANGELES - SAN DIEGO - WALNUT CREEK

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# ATTORNEY BIOGRAPHY



## WAYNE K. STRUMPFER <u>wstrumpfer@mycharterlaw.com</u> 916.646.1400 Ext.266 Sacramento Office

Wayne brings a distinguished legal career in public service to Young, Minney & Corr, LLP ("YMC"), having served as the Executive Director of the California Fair Political Practices Commission ("FPPC"), a Deputy Attorney General specializing in public corruption at the California Department of Justice, the Commissioner of the California Department of Corporations, and, immediately prior to joining YMC, Wayne was Chief Counsel for the California State Auditor.

Wayne is also a seasoned appellate advocate having argued several cases before the California Courts of Appeal and in Federal District Court. Wayne also served as lead counsel in over 25 jury trials in

Superior Court, including the prosecution of a sitting Municipal Court judge.

Wayne was also a member of the Governor's Cabinet while serving as the Executive Director at the Office of Criminal Justice Planning, and served as the Chief Counsel and Legislative Director at the Victim Compensation and Government Claims Board.

Wayne has specialized in conflict of interest and other transparency in government laws, employment law, and grand jury investigations regarding public corruption. He has advised California State Boards and Commissions regarding Open Meeting law, governance, ethics, and policy development. As Chief Counsel for the California State Auditor, Wayne provided legal and policy advice to the State Auditor, the Legislature, and audit staff. He also oversaw the investigations unit that reviewed Whistleblower Protection Act complaints and findings of improper governmental activities.

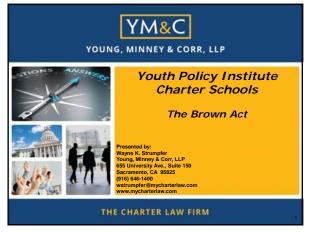
Wayne has been a guest lecturer at the U.C. Berkeley School of Law, Boalt Hall, and has assisted with the moot court and mock trial programs at U.C. Davis School of Law, King Hall. During the last three years, Wayne has also taught and coached High School Mock Trial.

Wayne received his Bachelor of Arts in Social Science from California State University, Sacramento. He earned his Juris Doctorate from the University of Pacific, McGeorge School of Law graduating with distinction and is a member of the Traynor Honor Society.



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# YM&C Firm Overview



YOUNG, MINNEY & CORR, LL

YOUNG, MINNEY & CORR, LLF

- Partners have over 100 years of collective experience working with charter schools
- 35 attorneys working with charter schools throughout the state in all areas of charter school law (e.g., employment/labor, special education, nonprofits, litigation, audits, facilities, etc.)
- · Represent most of California charter schools
- Conduct workshops for charter schools in all areas of legal compliance

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# Goals for Session This is a primer; non-exhaustive overview. Create issue spotters! Charter petition, bylaws etc. might obligate you to different rules – need to ensure charter, bylaws etc. consistent with these transparency laws. Comprehensive board/staff training recommended for each school.

- 5. Limit disruptions and liabilities.
- Disclaimers

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- Real Problems are Fact Specific & Complex
- Only highlighting major issues due to short time period

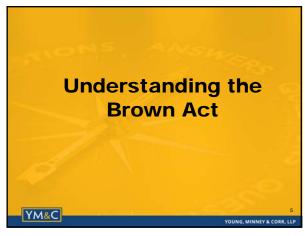




- Potential criminal penalties
- Potential fines
- Potential charter revocation
- Loss of good reputation
- Potential loss of Foundation support and funding

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## Purpose of The Brown Act



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What Is the Purpose of the Brown Act?

To Foster Broad Public Access



"... The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."





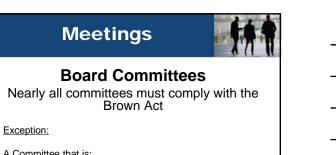
• Enforcement

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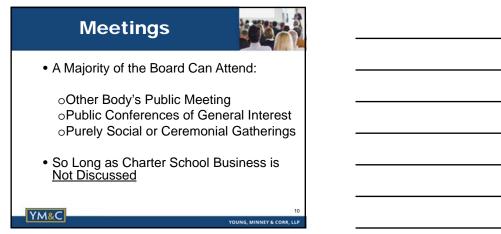


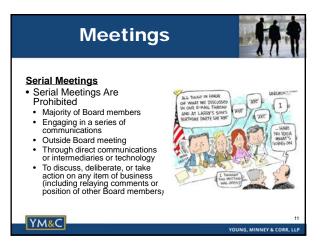
- A Committee that is:
- Advisory (not decision making)
- o Composed of only Board members
- $\circ\,$  Less than a quorum of the Board
- o Must not be a standing committee

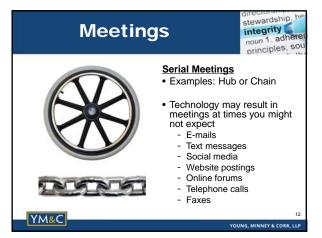
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#### Serial Meetings

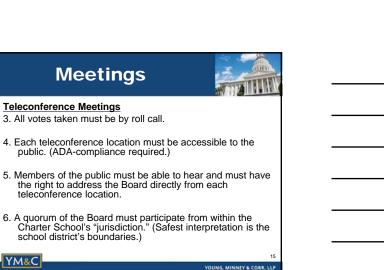
• Limit on One-Way Communications

While an employee or official may engage in separate conversations or communications with other members of the Board in order to answer questions or provide information regarding a matter of Charter School business, that person may not communicate to members of the Board the comments or position of any other member or members of the Board.

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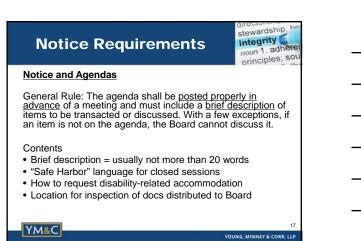


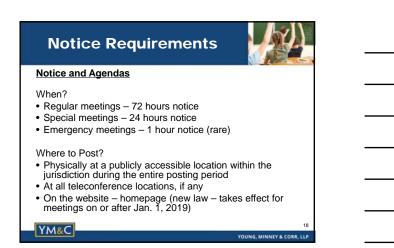
- **Executive Compensation**
- Approval of CEO/Executive Director's compensation must occur at a <u>regular</u> (not special) meeting
- meeting NEW LAW (SB 1436): Prior to final action, Board must orally report a summary of the recommendation for final action, including the salary, salary schedule, and fringe benefits, during the open meeting where final action will be taken.
- Final action in open session



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## Notice Requirements

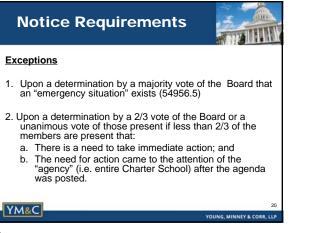


<u>AB 2257</u> "It is in the public interest to ensure that members of the public can easily and quickly find and access meeting agendas of legislative bodies ... on the Internet homepage of those certain local agencies."

- Applies to meetings on or after Jan. 1, 2019
- Prominent, direct link to agenda on homepage
- If agency uses an "integrated agenda management platform," current agenda must be at the top.
- Agenda must be (1) retrievable, downloadable, indexable, and electronically searchable; (2) platform independent and machine readable; and (3) available to the public free of charge.

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## Rights of the Public



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Rights to enable access and participation

- Give oral testimony at meeting
- Addressing disruptive speakers
- Audio record and broadcast
- Limitations on conditions of public attendance
- Non-discriminatory facilities
- (reasonable accommodations under ADA)Copies of agendas and other public writings

NEW LAW (AB 1787): Must provide 2x the time for public testimony to persons utilizing a translator to ensure equal opportunity. (Jan. 1, 2017)

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### **Closed Sessions**

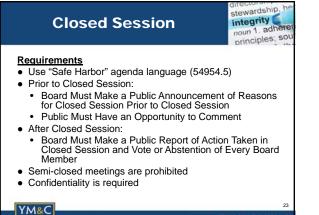


#### What Are the Permissible Closed Sessions?

- 1. Pending/anticipated litigation (conference with legal counsel)
- 2. Pupil discipline (Education Code)
- 3. Personnel (appointment, employment, evaluation, discipline, dismissal)
  - Caveat: 24-hour written notice to employee is required if Board will hear complaints and/or charges
- 4. Real estate negotiations
- 5. Labor negotiations
- 6. Public security

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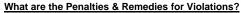
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# Enforcement

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- Civil remedies
  - · Board action may be declared null and void
  - Injunctive relief may be obtained
  - Prevailing plaintiff awarded attorneys' fees
- Criminal penalties apply if one or more Board members intend to deprive the public of information to which the member knows or has reason to know the public is entitled.
- · Potential charter revocation





