



Date: January 31, 2020

To: Navigator Schools Board

From: Sean Martin

Subject: Board Training: Transparency Laws

Wayne Strumpfer, of Young, Minney & Corr, LLP, will provide the NS Board with training focusing on recent legislation applicable to charter schools, including Senate Bill 126, Form 700, and conflict of interest. This 45-minute training will occur at the NS Board meeting on February 4th, 2020.

Listed below is an outline prepared by S. Martin, Executive Assistant to the CEO and Special Projects Coordinator at Navigator Schools. It includes key points relating to recent legislation, and a review of important compliance issues featured in the Brown Act.

This outline was presented to the NS Governance Committee on January 28, 2020. It is not an element of or an addition to Mr. Strumpfer's training materials; rather, it is offered as separate resource, and it informed the Governance Committee's planning of NS Board training.

A. Senate Bill 126

In short, certain transparency and conflict of interest laws apply to charter schools and those who operate them.

Figure 1. SB 126 Summary

| | <i>Law</i> | <i>Focus</i> |
|--------|-------------------------------|----------------------|
| SB 126 | Brown Act | open meetings |
| | California Public Records Act | open records |
| | Political Reform Act of 1974 | conflict of interest |
| | Government Code 1090 | conflict of interest |

B. Brown Act Reminders

1. Agendas must be published 72 hours in advance.
2. Agendas must be placed at the meeting site and at all teleconferencing locations.

3. The public must have free and open access to the locations of posted agendas.
4. The board may only discuss items listed on the agenda.
5. Public speakers shall have an opportunity to comment on non-agenda items.
6. Public speakers shall have an opportunity to comment on each agenda item.

C. SB 126 Meeting Locations

For charter schools that operate in more than one county, meetings must be held within the physical boundaries of the county in which the greatest number of pupils enrolled in those charter schools managed by that entity reside.

D. Teleconferencing Rules

1. Teleconferencing locations must be listed on the meeting agenda.
2. Teleconferencing locations must comply with the Americans with Disabilities Act.
3. Agendas for regular meetings must be posted at teleconferencing locations 72 hours in advance.
4. The public must have free and open access to view agendas posted at all teleconferencing sites.
5. The public has the right to attend meetings at teleconferencing sites.
6. Charter schools must establish two-way teleconferencing at the location of each school and each resource center (if applicable) in addition to the physical meeting location.
7. The majority of the board members must be physically within the jurisdiction of the charter school.

E. New Video Recording Requirement

The governing body of the entity managing the charter schools shall audio record, video record, or both, all the governing board meetings and post the recordings on each charter school's internet website.

F. Political Reform Act of 1974 (Form 700)

1. Formal process that requires public comment
2. Identifies who must disclose their financial interests
3. Describes the financial interests those individuals must disclose
4. Must be reviewed by the appropriate code reviewing body - the county board of supervisors where the school is located or where the greatest number of students attending the school reside

G. Government Code 1090

1. Prohibits a public official from participating in a contract or purchase in which the official has a financial interest

2. Absolute prohibition on the entire board from entering into the contract or making the purchase
3. Differs from the Political Reform Act in that recusal is not enough

H. California Public Records Act

This act focuses on public access to documents. NS staff is prepared to fulfill public information requests per state legislation.

Please contact Sean Martin for more information about transparency laws. Mr. Strumpfer will provide his contact information at the NS Board Meeting. Thank you for participating in this valuable board training,