

APRIL 04, 2014

Charters seek compromise on governance transparency

by Tom Chorneau

<https://cabinetreport.com/politics-education/charters-seek-compromise-on-governance-transparency>

(Calif.) Charter schools, which often operate as both a private non-profit and a publicly-funded agency, reside in a sort of legal no-man's land as it relates to the state's open meeting and good governance laws.

Efforts to simply extend the Brown Act, the Public Records Act and the Political Reform Act to charters has failed in the past – largely because the rigid requirements don't mesh well with fundamental tenants of the charter movement that give the schools freedom and flexibility.

But there are signs that a pivotal confrontation may be nearing, as lawmakers consider once again whether to attempt to unilaterally impose existing requirements or embrace alternative legislation that charter advocates say will provide needed transparency but protect their cherished autonomous status.

"There's been a lot of conversation over the past several legislative cycles around which conflict of interest laws apply to public charter schools – which are funded with taxpayer dollars," explained Myrna Castrejon, senior vice president over government affairs at the California Charter Schools Association.

"We are now in an environment where there is little predictability about the local context in which charters operate," she said. "We really feel like it is time to clearly define those parameters and settle the conversations in the Capitol, once and for all."

An accountability package negotiated between charter representatives and former Assemblywoman Julia Brownley was set aside two years ago by Gov. Jerry Brown, who was concerned the requirements would undermine charter autonomy.

Last summer, Assemblyman Ed Chau, D-Monterey Park, introduced a bill to clarify that charter schools are indeed covered by the three good governance laws while expressly prohibiting charter employees from participating in board decisions that might affect them financially.

That bill remains on suspense in the state Senate while an Assembly policy committee is expected to consider companion legislation from Chau next week that would give school districts authorizing new charters a seat on the new entity's board.

Hoping to strike a compromise, the Charter Schools Association is working with state Sen. Bob Huff, R-Diamond Bar, on an alternative bill that would satisfy most of the concerns surrounding charter operational transparency while still keeping core flexibility.

Huff's bill, which remains only in draft form and has not yet been publicly released, would make the Brown Act, the Public Record Act and the Political Reform Act applicable to charter schools but with some notable "carve outs," Castrejon said.

Brown Act requirements, for instance, have been interpreted to call on charter operators to hold their board meetings in each jurisdiction where they have schools – posing a logistical nightmare for large operators with schools scattered statewide.

Conflict of interest laws are also problematic for charters because they can, among other things, prohibit school employees from participating in decisions that impact them financially. That's a big issue because charters are often established by a group of teachers that later serve as board members.

"We view teachers as having a critical role in the governance of charters," said Colin Miller, vice president of policy for the Charter Association. "That's one of the reasons charters were started in the first place, to give teachers a larger say in the operations of schools."

Chau's AB 913 is co-sponsored by the California School Boards Association and the California Teachers Association. Supporters of the bill have argued its mandates are needed to ensure the protection of public funding.

"Recent news reports of charter schools engaging in financial mismanagement have demonstrated the need for more transparency and integrity in California's charter schools," Chau said. "Both traditional public school governing boards and charter school boards manage state taxpayer dollars to run educational programs for children, so the laws governing those boards, as it relates to open meeting, public records disclosure, and conflict of interest, should be the same."

The bill would require charter schools to comply with either the Brown Act or the Bagley-Keene Act as well as the Political Reform Act and California Public Records Act, and also with existing "conflict-of-interest laws that prohibit specified government officers or employees from having a financial interest in contracts made by them in their official capacity," according to a legislative analysis.

This bill prohibits board members of charter schools who are also employees from "voting on employment matters affecting them or their relatives, and specifies rules and procedures board members must follow if they extend a loan to or sign a guarantor agreement relative to the lease of property that will be occupied by a charter school."

AB 913 also outlines allowable meeting locations for charter school governing bodies.