

**Assembly Bill No. 2115**

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Passed the Assembly August 18, 2008

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*Chief Clerk of the Assembly*

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Passed the Senate July 3, 2008

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

CHAPTER \_\_\_\_\_

An act to add Sections 47604.1 and 47610.3 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL’S DIGEST

AB 2115, Mullin. Charter schools: governing boards.

(1) Existing law prohibits certain public officials, including, but not limited to, members of governing boards of school districts and citizens’ oversight committees, from engaging in specified activities that are inconsistent, incompatible, or inimical to their duties as public officials, including, but not limited to, entering into a contract in which the official or the official’s family member has a financial interest, as specified.

The Charter Schools Act of 1992 authorizes the establishment of charter schools to operate independently from the existing school district structure as a method of accomplishing, among other things, improved pupil learning.

This bill would require a charter school to adopt and comply with a conflict-of-interest policy that includes, but is not necessarily limited to, adherence to specified requirements set forth in existing law.

The bill would set forth the qualifications making an individual eligible to be elected or appointed as a member of the governing board of a charter school and would prohibit an employee of a charter school from serving on the governing board of the charter school unless the employee resigns from his or her employment. The governing board of a charter school would be authorized to adopt a proposal to limit or repeal a limit on the number of terms an individual may serve as a member of the governing board. The bill would require a member of the governing board of a charter school to abstain from voting on personnel matters uniquely affecting a relative of the member but authorize voting on matters that affect a class of employees to which the relative belongs.

(2) Existing law requires a charter school to comply with the laws specifically governing charter schools and with its charter, and otherwise exempts charter schools from the laws governing school districts, except as specified.

This bill would require charter schools that are operated by a state agency to comply with the Bagley-Keene Open Meeting Act and the governing board of all other charter schools to comply with the Ralph M. Brown Act.

(3) Because this bill would require charter schools to perform additional duties, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*The people of the State of California do enact as follows:*

SECTION 1. Section 47604.1 is added to the Education Code, to read:

47604.1. (a) It is the intent of this section to establish standards and procedures consistent with the Charter Schools Act of 1992 to avoid conflicts of interest in charter schools.

(b) Notwithstanding any other provision of law, a charter school shall adopt and comply with a conflict-of-interest policy. The policy shall include, but is not necessarily limited to, the requirements that members of the governing board of the charter school abide by Article 4 (commencing with Section 1090) of Chapter 1 of Division 4 of Title 1 of the Government Code, Chapter 7 (commencing with Section 87100) of Title 9 of the Government Code, and subdivision (c).

(c) (1) A person, who meets all of the qualifications set forth in subparagraphs (A) to (E), inclusive, is eligible to be elected or appointed a member of the governing board of a charter school without further qualifications.

(A) The person is 18 years of age or older.

(B) The person is a citizen of the state.

(C) The person is a resident of the area defined by the attendance boundaries of the school district or county board of education that approved the petition establishing the charter school.

(D) The person is a registered voter.

(E) The person is not disqualified by the Constitution or laws of the state from holding a civil office.

(2) (A) An employee of a charter school shall not take office as an elected or appointed member of the governing board of the school unless and until he or she resigns as an employee. If the employee does not resign, the employment shall automatically terminate upon taking office.

(B) With respect to an individual who is before January 1, 2009, both an employee of a charter school and an elected or appointed member of the governing board of the school, this subdivision shall apply when the individual is reelected or reappointed on or after January 1, 2009, as a member of the governing board of the charter school, but not later than January 1, 2011.

(3) Notwithstanding any other law, the governing board of a charter school may adopt a proposal to limit or repeal a limit on the number of terms an individual may serve as a member of the governing board of the school. A proposal to limit the number of terms an individual may serve as a member of the governing board of the school shall apply prospectively only and shall not become operative unless it is approved by the governing board of the charter school at a regularly scheduled meeting.

(4) A member of the governing board of a charter school shall abstain from voting on personnel matters that uniquely affect a relative of the member but may vote on collective bargaining agreements and personnel matters that affect a class of employees to which the relative belongs. For purposes of this section, “relative” means an adult who is related to the person by blood or affinity within the third degree, as determined by the common law, or an individual in an adoptive relationship within the third degree.

SEC. 2. Section 47610.3 is added to the Education Code, to read:

47610.3. (a) Unless otherwise specified in this section, the governing board of a charter school shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(b) A charter school operated by a state agency shall comply with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.





Approved \_\_\_\_\_, 2008

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*Governor*