

AMENDED IN ASSEMBLY JUNE 1, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 709

Introduced by Assembly Member Gipson
(Principal coauthor: Assembly Member Medina)

February 25, 2015

An act to add Section 47604.1 to the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 709, as amended, Gipson. Charter schools.

(1) The Ralph M. Brown Act requires that all meetings of a legislative body, as defined, of a local agency be open and public and all persons be permitted to attend unless a closed session is authorized. The Bagley-Keene Open Meeting Act requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend.

This bill would expressly state that a charter school is subject to the Ralph M. Brown Act, unless it is operated by an entity governed by the Bagley-Keene Open Meeting Act, in which case the charter school would be subject to the Bagley-Keene Open Meeting Act.

(2) The California Public Records Act requires state and local agencies to make their records available for public inspection and to make copies available upon request and payment of a fee unless the records are exempt from disclosure.

This bill would expressly state that a charter school is subject to the California Public Records Act.

(3) Existing law prohibits certain public officials, including, but not limited to, state, county, or district officers or employees, from being

financially interested in any contract made by them in their official capacity, or by any body or board of which they are members, except as provided.

This bill would expressly state that a charter school is subject to these provisions, except that the bill would provide that an employee of a charter school is not disqualified from serving as such a member of the governing body of the charter school because of that employment status. The bill also would require such a member of the governing body of a charter school to abstain from voting on, or influencing or attempting to influence another member of that body ~~regarding~~, *concerning*, any matter affecting his or her own employment.

(4) The Political Reform Act of 1974 requires every state agency and local governmental agency to adopt a conflict-of-interest code, formulated at the most decentralized level possible, that requires designated employees of the agency to file statements of economic interest disclosing any investments, business positions, interests in real property, or sources of income that may foreseeably be affected materially by any governmental decision made or participated in by the designated employee by virtue of his or her position.

This bill would expressly state that a charter school is subject to the Political Reform Act of 1974.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. It is the intent of the Legislature in enacting this
2 act to do both of the following:

- 3 (a) Ensure that charter school governance is transparent.
- 4 (b) Ensure that monitoring and oversight of charter schools is
- 5 conducted to protect the public interest.

6 SEC. 2. Section 47604.1 is added to the Education Code, to
7 read:

8 47604.1. (a) A charter school is subject to all of the following:

- 9 (1) The Ralph M. Brown Act (Chapter 9 (commencing with
- 10 Section 54950) of Part 1 of Division 2 of Title 5 of the Government
- 11 Code), except that a charter school operated by an entity governed
- 12 by the Bagley-Keene Open Meeting Act (Article 9 (commencing
- 13 with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title

1 2 of the Government Code) is subject to the Bagley-Keene Open
2 Meeting Act regardless of the authorizing entity.

3 (2) The California Public Records Act (Chapter 3.5
4 (commencing with Section 6250) of Division 7 of Title 1 of the
5 Government Code).

6 (3) Article 4 (commencing with Section 1090) of Chapter 1 of
7 Division 4 of Title 1 of the Government Code.

8 (4) The Political Reform Act of 1974 (Title 9 (commencing
9 with Section 81000) of the Government Code). For purposes of
10 Section 87300 of the Government Code, a charter school shall be
11 considered an agency.

12 (b) Notwithstanding Article 4 (commencing with Section 1090)
13 of Chapter 1 of Division 4 of Title 1 of the Government Code, an
14 employee of a charter school is not disqualified because of that
15 employment status from also serving as a member of the governing
16 body of the charter school. Such a member of the governing body
17 of a charter school shall abstain from voting on, or influencing or
18 attempting to influence another member of the governing body
19 ~~regarding~~, *concerning*, all matters uniquely affecting his or her
20 own employment.