

Senate Bill 126

Charter School Transparency

Senator Connie M. Leyva (D-Chino)
Assemblymember Patrick O'Donnell (D-Long Beach)

SUMMARY

Senate Bill 126 requires charter school governing boards to comply with the same transparency and accountability laws that traditional school district governing boards currently follow.

BACKGROUND

In 1992, the California Legislature enacted the Charter Schools Act, which allowed the establishment of charter schools in California to provide expanded educational opportunities within the public school system.

Under the Ralph M. Brown Act and the Bagley-Keene Open Meeting Act, all meetings of a state body or a legislative body of a local agency must be open and public, with all persons being permitted to attend. The California Public Records Act requires state and local agencies to make their records publicly available. Government Code Section 1090 prohibits public officials 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.

There has been a longstanding debate over whether charter school board members are subject to the same open meeting, public disclosure, and conflict-of-interest requirements that school district board members already comply with under state law. The state's Attorney General (AG) recently published an opinion stating "yes"—these good government laws apply to charter school governing boards. The AG expressly rejected arguments that charter schools operated as, or by, nonprofit public benefit corporations are entitled to different treatment under these laws.

PROBLEM

The creation of charter schools was intended to catalyze locally-driven experimentation, with a structure that could produce better academic results and then be expanded to all California students. While charter schools are unique, they are publicly funded and yet they lack the same transparency and accountability requirements that govern other publicly funded educational institutions.

While the AG's opinion greatly influences the debate about whether or not these laws apply to charter school governing boards, the opinion is only advisory and not legally binding on courts, agencies, or individuals. Absent legislation codifying the AG's opinion, disputes will continue to happen over how these laws apply to charter schools.

SOLUTION

In response to the AG's opinion and Governor Gavin Newsom's call for swift action to resolve charter school transparency, SB 126 ensures that charter school governing boards are required to comply with the same open meeting, conflict-of-interest, and disclosure laws as traditional public schools. These laws are essential for ensuring that, as public schools, all charter schools are good stewards of the public funds they receive.

STATUS

Introduced—January 10, 2019
Amended—February 14, 2019

SUPPORT

American Federation of State, County and Municipal Employees, Council 57
Association of California School Administrators
California County Superintendents Educational Services Association
California Federation of Teachers
California School Boards Association
California Teachers Association
National Association for the Advancement of Colored People
Public Advocates
Riverside County Office of Education
San Diego Unified School District
School for Integrated Academics and Technologies
Small School Districts Association

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