

Bond Case Briefs

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CHARTER SCHOOLS - CALIFORNIA

Alliance Marc & Eva Stern Math and Science High School v. Public Employment Relations Board

Court of Appeal, Second District, Division 2, California - December 26, 2024 - Cal.Rptr.3d - 2024 WL 5231678

Eleven public charter schools filed a petition for writ of extraordinary relief from order issued by Public Employment Relations Board (PERB) finding that schools violated Prohibition on Public Employers Deterring or Discouraging Union Membership (PEDD) statute and ordering schools to cease and desist from doing so.

After the Court of Appeal denied the petition, schools filed a petition for review in the Supreme Court, which granted the petition and transferred the matter back to the Court of Appeal.

The Court of Appeal held that:

- PERB interpretation of PEDD was not clearly erroneous;
- Schools were not barred from asserting their free speech challenge under the federal and California Constitutions;
- PEDD statute was not a facially unconstitutionally overbroad form of viewpoint discrimination;
- PEDD statute was not an unconstitutionally restriction of speech as applied to public charter schools, principals and assistant principals, or private management organization;
- Substantial evidence supported PERB's finding that private management organization and school administrators who sent e-mails critical of labor organization were schools' actual agents such that schools could be held accountable for the communications; and
- Substantial evidence supported PERB's finding that private management organization and school administrators acted within the scope of their actual and apparent authority when sending e-mail communications critical of union organizing efforts, such that schools could be held accountable under PEDD.