



John R. Yeh

Partner

Silicon Valley

60 South Market Street
Suite 1000
San Jose, CA 95113-2336

✉ jyeh@bwslaw.com

☎ **D:** +1 408.606.6307

☎ **T:** +1 408.606.6300

PRACTICES

Education Law

EDUCATION

J.D., Boston University School of Law, 1991

B.A., Haverford College, 1988

ADMISSION

State Bar of California

United States District Court for
the Central District of California

AFFILIATIONS

Association of California Schools
Administrators Education Legal
Support Fund Advisory Group

California Council of School
Attorneys

Pronouns: he, him, his

John Yeh has been practicing law in California since 1991. A California K-12 public school product and parent, he specializes in representing and advising school districts in charter school oversight, labor and **employment**, and **litigation**. He also has extensive experience in advising school boards and school districts on the Brown Act, conflicts of interest, and the California Public Records Act. He represents and advises other educational agencies, including California Joint Powers Authorities, on their legal obligations and various aspects of their operation.

John is one of the State's most experienced advocates before trial courts, courts of appeal, and the California Supreme Court on charter school and school district matters, having achieved the following results for Burke's school district clients:

- Successful adjudication before the California Supreme Court of the "Between-Term" rule in the Unemployment Insurance Code, and invalidation of appeals board precedent decision (*United Educators of San Francisco AFT/CFT v. California Unemployment Insurance Appeals Board* (2020) 8 Cal.5th 805);
- Dismissal of charter school legal challenge to revocation of its charter (Butte County Superior Court Case No. 156847);
- Successful defense of challenge to school district award of meal service contract (San Francisco Superior Court Case No. CPF-12-512681);
- Summary Adjudication in favor of City against charter school's attempt to exempt itself from local zoning requirements (Santa Clara County Superior Court Case No. 1-13-CV-255504);
- Successful challenge to county board of education's attempt to grant exemption from local zoning to countywide charter school (*San Jose Unified School District v. Santa Clara County Office of Education et al.* (2017) 7 Cal.App.5th 967);
- Successful judgment after trial in nuisance action against

- charter school operating in violation of local zoning ordinances (Santa Clara County Superior Court Case No. 1-13-CV-255504);
- Demurrer sustained without leave to amend as to Petition for Writ of Mandate regarding salary schedule issue (Santa Clara County Superior Court Case No. 16-CV-297270);
 - Favorable court of appeal decision addressing material revision requirement for additional charter school sites (*Today's Fresh Start Charter School v. Inglewood Unified School District* (2018) 20 Cal.App.5th 276);
 - Denial of charter school Writ of Mandate challenging school district facilities allocation under Proposition 39 (Santa Clara County Superior Court Case No. CV340197);
 - Dismissal of charter school Writ of Mandate challenging school district facilities allocation under Proposition 39 (San Francisco County Superior Court Case No. CPF-20-517094);
 - Affirmance of attorneys' fees award on behalf of school district against charter school (Sixth District Court of Appeal, Case No. H045884);
 - Denial of charter school Writ of Mandate under Proposition 39 (Alameda Superior Court Case No. RG21090115);
 - Dismissal of charter school's Constitutional equal protection and due process claims against public school administrators (Northern District Case No. 20-CV-08555-CRB).

Charter School Law

In the area of charter school law, John has extensive experience advising school boards on the granting, denial, oversight, monitoring and revocation of charters. John's experience includes the following:

- Representation of several large urban and rural unified school districts, as well as smaller K-8 districts, on how to deal with charter school issues.
- Advising school boards on a number of high-profile charter revocations, as well as on the review of charter petitions, having reviewed over 200 charter petitions on behalf of school districts.
- Advising school districts on best practices in charter school oversight, proposed charter school legislation and charter school facilities and funding.

John has written widely on cutting-edge issues involving charter school law, including a definitive treatment of "[Understanding Dependent Charters](#)," [Charter Schools and Collective Bargaining: The Unholy Alliance](#), and "[Charter Schools and Collective Bargaining, Implications for Authorizing Agencies](#)," (*California Schools*, Winter 2011) a work that was cited in the *Hastings Law Journal* (Chen, J. "California Charter

School Teachers: Flexibility in the Classroom, Vulnerability as an Employee,” 67 Hastings L.J. 1733 (2016).) He has also written on [“Land Use: The New Arena In The Struggle Between Independence and Accountability For Charter Schools.”](#)

Other Areas

John also practices in the areas of personnel and employment law, with a focus on school district labor relations and personnel, including discrimination claims before the DFEH/Civil Rights Division and EEOC. He has also compiled a successful record representing school districts in arbitration hearings and unfair practice claims before PERB. He also advises school districts and other educational institutions and public entities on contracting issues, student matters, retiree benefits, and accreditation. John has also been certified as an Interest Based Bargaining trainer, and speaks frequently before industry associations on charter school and school district personnel legal issues.

PUBLICATIONS

School District Local Control Accountability Plan Deadline Extended by Governor’s Executive Order

Summary of Major Changes to Petition Review and Appeal Process and Criteria Under AB 1505

Court of Appeal Affirms School District’s Discretion to Locate Charter Schools Under Proposition 39

Charter Schools Must Obtain Approval of Additional School Sites through a Material Revision, Not Renewal, of their Charter

Charter Bill Reveals Potential to Widen Divide with LEA’s

Internal Affairs: Lopsided Time Limits in San Jose Unified’s Charter Debate

Land Use: The New Arena in the Struggle between Independence and Accountability for Charter Schools

Inside Celerity Charter School Network, questionable spending and potential conflicts of interest abound

Courts Reject Attempts to Exempt Charter Schools from Local Zoning Requirements

Courts: Only District Can Zone Charter Schools

Livermore Charter Schools, School District Battle Over Rumors

School Board Talks ROP

Court of Appeal Issues Important Clarification of Summer Unemployment Benefits for School Employees

Sunnyvale: Trial Between City and Alternative School Over Zoning Comes to a Close

California Supreme Court Issues Significant Ruling on School District

Allocation of Classrooms to Charter Schools

Article on California Charter Schools Association v. Los Angeles Unified School District California Supreme Court decision

Unchartered territory: Dueling petitions for Antioch medical high school draws wide attention

REPRESENTATIVE MATTERS

- ***United Educators of San Francisco AFT/CFT v. California Unemployment Insurance Appeals Board*** (2020) 8 Cal.5th 805
- ***San Jose Unified School District v. Rocketship Education et al.*** (2021) 2021 WL 3614411 (Not Officially Published)
- ***Today's Fresh Start Charter School v. Inglewood Unified School District*** (2018) 20 Cal.App.5th 276
- ***San Jose Unified School District v. Santa Clara County Office of Education et al.*** (2017) 7 Cal.App.5th 967
- ***American Indian Model Schools v. Oakland Unified School District*** (2014) 227 Cal.App.4th 258
- ***California Charter Schools Assn. v. Los Angeles Unified School Dist.*** (2015) 60 Cal.4th 1221 (Amici Brief)