



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-824 Local educational agencies: county boards of education: governing boards of school districts: governing bodies of charter schools: pupil members. (2021-2022)**

SHARE THIS:  

Date Published: 10/11/2021 02:00 PM

**Assembly Bill No. 824**

**CHAPTER 669**

An act to amend Sections 1000 and 35012 of, and to add Section 47604.2 to, the Education Code, relating to local educational agencies.

[ Approved by Governor October 08, 2021. Filed with Secretary of State October 08, 2021. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 824, Bennett. Local educational agencies: county boards of education: governing boards of school districts: governing bodies of charter schools: pupil members.

(1) Existing law establishes a system of public elementary and secondary education in this state under which local educational agencies, such as school districts, county offices of education, and charter schools provide instruction to pupils in kindergarten and grades 1 to 12, inclusive. Existing law establishes governing bodies for these local educational agencies. Existing law authorizes school district governing boards to appoint one or more high school pupils as members in response to a petition from high school pupils of the school district requesting the governing board to appoint one or more pupil members.

This bill would authorize county boards of education and charter schools to also appoint one or more high school pupils as members of their governing bodies in response to petitions from high school pupils enrolled in their county, as specified, or in their charter school, as appropriate. The bill would require policies and procedures for the selection of pupils to serve on a county board of education to ensure and protect the privacy of each pupil, and of the parents or guardians of each pupil, involved in proceedings before the county board of education acting in its capacity as an appellate body. Because the bill would add to the duties of county boards of education and governing bodies of charter schools to respond to petitions from high school pupils, it would constitute a state-mandated local program.

The bill would authorize the terms of pupil members of the governing boards of school districts, county boards of education, and governing bodies of charter schools to be adjusted only in cases where a vacancy occurs or to provide more pupils with an opportunity to serve on that governing board or body. The bill would add provisions so that specified requirements relating to the selection and service of pupil members of these governing boards or bodies would conform to one another.

(2) 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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 1000 of the Education Code is amended to read:

**1000.** (a) Except in a city and county, there shall be a county board of education, which shall, except as provided in subdivision (b), consist of five or seven members to be determined by the county committee on school district organization. Each member of the board shall be an elector of the trustee area that the member represents, and shall be elected by the electors of the trustee area. In chartered counties, the manner of selection of the county board of education shall be prescribed in the county charter, or by the county board of supervisors. In a county unified school district or in a unified or elementary school district that includes all of the territory over which a county superintendent of schools has jurisdiction, the governing board of the district shall serve as the county board of education.

(b) (1) There may be submitted to the county board of education of a county maintaining one or more high schools a pupil petition requesting the county board of education to appoint one or more pupil members to the county board of education pursuant to this section.

(2) The petition shall contain the signatures of either (A) not less than 500 pupils regularly enrolled in high schools that are under the jurisdiction of the county board of education, or (B) not less than 10 percent of the number of pupils regularly enrolled in high schools that are under the jurisdiction of the county board of education, whichever is less. Each fiscal year, and within 60 days of receipt of a petition for pupil representation, or at its next regularly scheduled meeting if no meeting is held within those 60 days, the county board of education shall order the inclusion within the membership of the county board of education, in addition to the number of members otherwise prescribed, of at least one pupil member. The county board of education may order the inclusion of more than one pupil member.

(3) Upon receipt of a petition for pupil representation, the county board of education shall, commencing July 1, 2023, and each year thereafter, order the inclusion within the membership of the county board of education, in addition to the number of members otherwise prescribed, of at least one pupil member. The county board of education may order the inclusion of more than one pupil member. The county board of education may appoint a pupil to serve as an alternate pupil member who would fulfill all duties and have the same rights as a pupil member if the county board of education determines the pupil member is not fulfilling their duties. If the county board of education appoints an alternate pupil member, the county board of education shall suspend the prior pupil member's rights and privileges related to service on the county board of education.

(4) (A) A pupil member of the county board of education shall have preferential voting rights.

(B) Preferential voting, as used in this section, means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the county board of education. A preferential vote shall not serve in determining the final numerical outcome of a vote. No preferential vote shall be solicited on matters subject to closed session discussion.

(5) The county board of education may adopt a resolution authorizing the pupil member or members to make motions that may be acted upon by the county board of education, except on matters dealing with employer-employee relations pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(6) (A) Each pupil member shall have the right to attend each and all meetings of the county board of education, except closed sessions.

(B) (i) Each pupil member shall be appointed to subcommittees of the county board of education in the same manner as other board members.

(ii) Each pupil member shall be made aware of the time commitment required to participate in subcommittee meetings and work, and may decline an appointment to a subcommittee.

(iii) Subcommittee meetings may be scheduled in accordance with the availability of all members, including each pupil member.

(7) (A) Except as provided in subparagraph (B), a pupil selected to serve as a member of the county board of education shall be enrolled in a high school that is under the jurisdiction of the county board of education, may be less than 18 years of age, and shall be chosen by the pupils enrolled in the high school or high schools of the county in accordance with policies and procedures prescribed by the county board of education. The term of a pupil member shall be one year, commencing on July 1 of each year, except that the term of a pupil member may be adjusted only in cases where a vacancy occurs or to provide more pupils with an opportunity to serve on the county board of education.

(B) A pupil who is enrolled in a high school that is under the jurisdiction of a school district, and who may be less than 18 years of age, may be selected to serve as a member of the county board of education as specified in subparagraph (A) if no

petition is submitted to select a pupil who is enrolled in a high school that is under the jurisdiction of the county board of education.

(8) A pupil member shall be entitled to the mileage allowance to the same extent as regular members, but is not entitled to the compensation prescribed in Section 35120, except as specified in subdivision (f) of Section 35120.

(9) (A) A pupil member shall be seated with the members of the county board of education, and shall be recognized as a full member of the county board of education at the meetings, including receiving all open meeting materials presented to the board members at the same time the materials are presented to the other board members, being invited to staff briefings of board members, or being provided a separate staff briefing within the same timeframe as the staff briefing of other board members, being invited to attend other functions of the county board of education, such as forums, meetings with pupils and parents, and other general assemblies, and participating in the questioning of witnesses and the discussion of issues.

(B) A pupil member shall also receive all materials received by other board members between open meetings, except for materials that pertain to closed session items.

(10) A pupil member shall not be included in determining the vote required to carry any measure before the county board of education.

(11) A pupil member shall not be liable for any acts of the county board of education.

(12) A majority vote of all voting board members shall be required to approve a motion to eliminate a pupil member position from the county board of education. The motion shall be listed as a public agenda item for a meeting of the county board of education before the motion is voted upon.

(13) The policies and procedures for the selection of pupils to serve on the county board of education shall ensure and protect the privacy of each pupil, and of the parents or guardians of each pupil, involved in proceedings before the county board of education acting in its capacity as an appellate body.

(c) Pupil members of a county board of education shall not be considered members of a legislative body or a local agency for purposes of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

**SEC. 2.** Section 35012 of the Education Code is amended to read:

**35012.** (a) Except as otherwise provided, the governing board of a school district shall consist of five members elected at large by the qualified voters of the school district. The terms of the members shall, except as otherwise provided, be for four years and staggered so that as nearly as practicable one-half of the members shall be elected in each odd-numbered year.

(b) A unified school district may have a governing board of seven members if the proposal for unification has specified a governing board of seven members. The members of the governing board of a unified school district shall be elected at large or by trustee areas as designated in the proposal for unification and shall serve four-year terms of office.

(c) Notwithstanding subdivision (a), and except as provided in this subdivision and Section 5018, the governing board of an elementary school district other than a union or joint union elementary school district shall consist of three members selected at large from the territory comprising the school district. Whenever, in any such elementary school district, the average daily attendance during the preceding fiscal year is 300 or more, the procedures prescribed by Section 5018 shall be undertaken.

(d) (1) There may be submitted to the governing board of a school district maintaining one or more high schools a pupil petition requesting the governing board to appoint one or more pupil members to the governing board pursuant to this section.

(2) The petition shall contain the signatures of either (A) not less than 500 pupils regularly enrolled in high schools of the school district, or (B) not less than 10 percent of the number of pupils regularly enrolled in high schools of the school district, whichever is less. Each fiscal year, and within 60 days of receipt of a petition for pupil representation, or at its next regularly scheduled meeting if no meeting is held within those 60 days, the governing board of a school district shall order the inclusion within the membership of the governing board, in addition to the number of members otherwise prescribed, at least one pupil member. The governing board of a school district may order the inclusion of more than one pupil member.

(3) Upon receipt of a petition for pupil representation, the governing board of a school district shall, commencing July 1, 1976, and each year thereafter, order the inclusion within the membership of the governing board, in addition to the number of members otherwise prescribed, at least one pupil member. The governing board of a school district may order the inclusion of more than one pupil member. The governing board of a school district may appoint a pupil to serve as an alternate pupil member who would fulfill all duties and have the same rights as a pupil member if the governing board of a school district determines the pupil member is not fulfilling their duties. If the governing board of a school district appoints an alternate pupil

member, the governing board shall suspend the prior pupil member's rights and privileges related to service on the governing board.

(4) (A) A pupil member of the governing board of a school district shall have preferential voting rights.

(B) Preferential voting, as used in this section, means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the governing board of the school district. A preferential vote shall not serve in determining the final numerical outcome of a vote. No preferential vote shall be solicited on matters subject to closed session discussion.

(5) The governing board of the school district may adopt a resolution authorizing the pupil member or members to make motions that may be acted upon by the governing board, except on matters dealing with employer-employee relations pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(6) (A) Each pupil member shall have the right to attend each and all meetings of the governing board of the school district, except closed sessions.

(B) (i) Each pupil member shall be appointed to subcommittees of the governing board in the same manner as other board members.

(ii) Each pupil member shall be made aware of the time commitment required to participate in subcommittee meetings and work, and may decline an appointment to a subcommittee.

(iii) Subcommittee meetings may be scheduled in accordance with the availability of all members, including each pupil member.

(7) Any pupil selected to serve as a member of the governing board of a school district shall be enrolled in a high school of the school district, may be less than 18 years of age, and shall be chosen by the pupils enrolled in the high school or high schools of the school district in accordance with policies and procedures prescribed by the governing board. The term of a pupil member shall be one year, commencing on July 1 of each year, except that the term of a pupil member may be adjusted only in cases where a vacancy occurs or to provide more pupils with an opportunity to serve on the governing board.

(8) A pupil member shall be entitled to the mileage allowance to the same extent as regular members, but is not entitled to the compensation prescribed in Section 35120, except as specified in subdivision (f) of Section 35120.

(9) (A) A pupil member shall be seated with the members of the governing board of the school district, and shall be recognized as a full member of the governing board at the meetings, including receiving all open meeting materials presented to the board members at the same time the materials are presented to the board members, being invited to staff briefings of board members or being provided a separate staff briefing within the same timeframe as the staff briefing of board members, being invited to attend other functions of the governing board of the school district, such as forums, meetings with pupils and parents, and other general assemblies, and participating in the questioning of witnesses and the discussion of issues.

(B) A pupil member shall also receive all materials received by other board members between open meetings, except for materials that pertain to closed session items.

(10) The pupil member shall not be included in determining the vote required to carry any measure before the governing board of the school district.

(11) The pupil member shall not be liable for any acts of the governing board of the school district.

(12) A majority vote of all voting board members shall be required to approve a motion to eliminate the pupil member position from the governing board of a school district. The motion shall be listed as a public agenda item for a meeting of the governing board before the motion being voted upon.

(e) Pupil members shall not be considered members of a legislative body of a local agency for purposes of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

**SEC. 3.** Section 47604.2 is added to the Education Code, to read:

**47604.2.** (a) For purposes of this section, "entity managing a charter school" has the same meaning as described in subdivision (a) of Section 47604.1.

(b) (1) There may be submitted to the governing body of a charter school attended by high school pupils, or to the governing body of an entity managing multiple charter schools including a charter school attended by high school pupils, a pupil petition requesting the governing body of the charter school or the governing body of the entity managing multiple charter schools, as appropriate, to appoint one or more pupil members to the appropriate governing body pursuant to this section.

(2) The petition shall contain the signatures of either (A) not less than 500 pupils regularly enrolled in the high school of the charter school, or (B) not less than 10 percent of the number of pupils regularly enrolled in the high school of the charter school. If a charter school attended by high school pupils is operated by an entity managing a charter school or managing multiple charter schools, then the petition shall contain the signatures of either (A) not less than 500 pupils regularly enrolled in any of the high schools operated by the entity managing a charter school or multiple charter schools, or (B) not less than 10 percent of the number of pupils regularly enrolled in high schools operated by the entity managing a charter school or multiple charter schools. Each fiscal year, and within 60 days of receipt of a petition for pupil representation, or at its next regularly scheduled meeting if no meeting is held within those 60 days, the governing body of the charter school or of the entity managing multiple charter schools shall order the inclusion within the membership of that governing body, in addition to the number of members otherwise prescribed, of at least one pupil member. The governing body of the charter school or of the entity managing multiple charter schools may order the inclusion of more than one pupil member.

(3) Upon receipt of a petition for pupil representation, the governing body of a charter school or of an entity managing multiple charter schools shall, commencing July 1, 2023, and each year thereafter, order the inclusion within the membership of that governing body, in addition to the number of members otherwise prescribed, of at least one pupil member. The governing body of a charter school or of an entity managing multiple charter schools may order the inclusion of more than one pupil member. The governing body of a charter school or of an entity managing multiple charter schools may appoint a pupil to serve as an alternate pupil member who would fulfill all duties and have the same rights as a pupil member if that governing body determines the pupil member is not fulfilling their duties. If the governing body of a charter school or of an entity managing multiple charter schools appoints an alternate pupil member, that governing body shall suspend the prior pupil member's rights and privileges related to service on that governing body.

(4) (A) A pupil member of the governing body of a charter school or of an entity managing multiple charter schools shall have preferential voting rights.

(B) Preferential voting, as used in this section, means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the governing body of the charter school or of an entity managing multiple charter schools. A preferential vote shall not serve in determining the final numerical outcome of a vote. No preferential vote shall be solicited on matters subject to closed session discussion.

(5) The governing body of a charter school or of an entity managing multiple charter schools may adopt a resolution authorizing the pupil member or members to make motions that may be acted upon by that governing body, except on matters dealing with employer-employee relations pursuant to Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

(6) (A) Each pupil member shall have the right to attend each and all meetings of the governing body of a charter school or of an entity managing multiple charter schools, except closed sessions.

(B) (i) Each pupil member shall be appointed to subcommittees of the governing body in the same manner as other governing body members.

(ii) Each pupil member shall be made aware of the time commitment required to participate in subcommittee meetings and work, and may decline an appointment to a subcommittee.

(iii) Subcommittee meetings may be scheduled in accordance with the availability of all members of the governing body, including each pupil member.

(7) Any pupil selected to serve as a member of the governing body of a charter school or of an entity managing multiple charter schools shall be enrolled in high school within the charter school, may be less than 18 years of age, and shall be chosen by the pupils enrolled in high school within the charter school in accordance with policies and procedures prescribed by that governing body. The term of a pupil member shall be one year, commencing on July 1 of each year, except that the term of a pupil member may be adjusted only in cases where a vacancy occurs or to provide more pupils with an opportunity to serve on the governing body.

(8) A pupil member shall be entitled to the mileage allowance to the same extent as regular governing body members but is not entitled to the compensation prescribed in Section 35120, except as specified in subdivision (f) of Section 35120.

(9) (A) A pupil member shall be seated with the members of the governing body of a charter school or of an entity managing multiple charter schools, and shall be recognized as a full member of that governing body at the meetings, including receiving all open meeting materials presented to the governing body members at the same time the materials are presented to the other governing body members, being invited to staff briefings of governing body members, or being provided a separate staff briefing within the same timeframe as the staff briefing of other governing body members, being invited to attend other

functions of that governing body, such as forums, meetings with pupils and parents, and other general assemblies, and participating in the questioning of witnesses and the discussion of issues.

(B) A pupil member shall also receive all materials received by other governing body members between open meetings, except for materials that pertain to closed session items.

(10) A pupil member shall not be included in determining the vote required to carry any measure before the governing body of a charter school or of an entity managing multiple charter schools.

(11) The pupil member shall not be liable for any acts of the governing body of a charter school or of an entity managing multiple charter schools.

(12) A majority vote of all voting governing body members shall be required to approve a motion to eliminate the pupil member position from the governing body of a charter school or of an entity managing multiple charter schools. The motion shall be listed as a public agenda item for a meeting of the governing body before the motion being voted upon.

(c) A pupil member of the governing body of a charter school or of an entity managing multiple charter schools shall not be considered a member of a legislative body or a local agency for purposes of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) or the Bagley-Keene Open Meeting Act.

(d) The governing body of a charter school or of an entity managing multiple charter schools that orders the inclusion of a pupil member within its governing body membership pursuant to paragraph (2) of subdivision (b) shall do both of the following:

(1) (A) Notify the chartering authority of the charter school within 30 days of either of the following:

(i) The inclusion of the pupil member.

(ii) Any subsequent change in the pupil membership.

(B) The notification shall be in writing, include the name of the pupil member, the duration of the term of the pupil, and a copy of the approved pupil petition described in subdivision (b).

(2) Include at the next charter renewal with the chartering authority, the inclusion of the pupil member as a change to the governing body of the charter school or of an entity managing multiple charter schools.

(e) This section shall prevail over any contrary provision in the Nonprofit Public Benefit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code), or between this section and a nonprofit public benefit corporation's articles of incorporation or bylaws, relating to pupil members on the governing body of the charter school or of an entity managing multiple charter schools. Nothing in this section otherwise alters, amends, or impairs the rights, duties, and obligations of a nonprofit public benefit corporation relating to the operation of a charter school.

(f) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

**SEC. 4.** 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.