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**AB-275 School governance: governing boards: pupil members: compensation.** (2023-2024)

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Date Published: 10/09/2023 02:00 PM

**Assembly Bill No. 275**

**CHAPTER 321**

An act to amend Sections 1000, 1090, 35012, 35120, and 47604.2 of the Education Code, relating to school governance.

[ Approved by Governor October 07, 2023. Filed with Secretary of State October 07, 2023. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 275, Ward. School governance: governing boards: pupil members: compensation.

Existing law establishes a system of public elementary and secondary schools in this state, and provides for their governance. Existing law establishes county boards of education and school districts throughout the state to administer the public elementary and secondary schools within their respective jurisdictions. Existing law requires county boards of education and the governing board of each school district to prescribe and enforce rules not inconsistent with state law for their own government. Existing law requires a petition to establish a charter school to include, among other things, a reasonably comprehensive description of the governance structure of the charter school. Existing law requires county boards of education, school district governing boards, and, commencing July 1, 2023, the governing body of a charter school or of an entity managing multiple charter schools to appoint at least one high school pupil as a pupil member of the board or body, as applicable, in response to a petition from high school pupils requesting the appointment of one or more pupil members.

Existing law authorizes the members of city or county boards of education or the governing boards of school districts to receive compensation, as provided. Existing law, on an annual basis, authorizes the county board of education or school district governing board to increase the compensation of individual board members beyond these limits in an amount not to exceed 5% based on the present monthly rate of compensation. Existing law authorizes any member who does not attend all meetings held in any month to receive, as compensation for their services, an amount not greater than the maximum amount allowed by law divided by the number of meetings held, and multiplied by the number of meetings actually attended. Existing law also authorizes an absent member to be paid for any meeting if the county board of education or school district governing board, by resolution, makes specified findings. Existing law does not entitle a pupil member of a county board of education, school district governing board, or governing body of a charter school or of an entity managing multiple charter schools to compensation pursuant to these provisions, except that the county board of education, the school district governing board, or the governing body of a charter school or of an entity managing multiple charter schools may award a pupil member elective course credit, as provided.

This bill would revise and recast provisions related to the compensation of regular members and pupil members, as defined, of county boards of education, school district governing boards, and governing bodies of charter schools and of entities managing multiple charter schools. The bill would authorize the county board of education, the governing board of a school district, and the governing body of a charter school or of an entity managing multiple charter schools to award a pupil member elective course credit or monthly financial compensation, or both, as provided. For county boards of education and school district governing boards, the bill would authorize a pupil member to also receive partial monthly compensation, as described above, and would

authorize an absent pupil member or an absent regular member to be paid for any meeting if the county board of education or school district governing board, by resolution, makes specified findings.

This bill would incorporate additional changes to Section 1000 of the Education Code proposed by AB 417 to be operative only if this bill and AB 417 are enacted and this bill is enacted last.

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

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## 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 regular members to be determined by the county committee on school district organization. Each regular member of the board shall be an elector of the trustee area that the regular 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 regular 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 regular 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 regular 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 pupil 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 pupil 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, and may receive compensation as specified in subdivision (h) of Section 1090.

(9) (A) A pupil member shall be seated with the regular 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 regular members at the same time the materials are presented to the regular members, being invited to staff briefings of regular members, or being provided a separate staff briefing within the same timeframe as the staff briefing of regular 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 regular 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 regular 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).

(d) As used in this section, the following definitions apply:

(1) "Pupil member" means a pupil board member appointed pursuant to subdivision (b).

(2) "Regular member" means a board member elected or selected pursuant to subdivision (a).

**SEC. 1.5.** 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 regular members to be determined by the county committee on school district organization. Each regular member of the board shall be an elector of the trustee area that the regular 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 regular 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 regular 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 regular 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 pupil 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, or a pupil who is enrolled in a high school that is under the jurisdiction of the county board of education, and who may be less than 18 years of age, may be selected to serve as a pupil 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, and may receive compensation as specified in subdivision (h) of Section 1090.

(9) (A) A pupil member shall be seated with the regular 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 regular members at the same time the materials are presented to the regular members, being invited to staff briefings of regular members, or being provided a separate staff briefing within the same timeframe as the staff briefing of regular 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 regular 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 regular 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).

(d) As used in this section, the following definitions apply:

(1) "Pupil member" means a pupil board member appointed pursuant to subdivision (b).

(2) "Regular member" means a board member elected or selected pursuant to subdivision (a).

**SEC. 2.** Section 1090 of the Education Code is amended to read:

**1090.** (a) The board of supervisors may allow, as compensation, to each regular member of the county board of education a sum not to exceed the following amounts:

(1) In any class one county, each regular member of the county board of education who actually attends all meetings held may receive as compensation for the regular member's services a sum not to exceed six hundred dollars (\$600) per month.

(2) In any class two county, each regular member of the county board of education who actually attends all meetings held may receive as compensation for the regular member's services a sum not to exceed four hundred dollars (\$400) per month.

(3) In any class three county, each regular member of the county board of education who actually attends all meetings held may receive as compensation for the regular member's services a sum not to exceed three hundred dollars (\$300) per month.

(4) In any class four county, each regular member of the county board of education who actually attends all meetings held may receive as compensation for the regular member's services a sum not to exceed two hundred dollars (\$200) per month.

(5) In any class five, class six, class seven, or class eight county, each regular member of the county board of education who actually attends all meetings held may receive as compensation for the regular member's services a sum not to exceed one hundred sixty dollars (\$160) per month.

(b) Any regular member or pupil member who does not attend all meetings held in any month may receive as compensation for the regular member's or pupil member's services, an amount not greater than the maximum amount allowed by subdivision (a) or paragraph (2) of subdivision (h), as applicable, divided by the number of meetings held, and multiplied by the number of meetings actually attended.

(c) The amount of compensation shall be determined by the county board of supervisors, or, in a county having a fiscally independent county board of education, by the county board of education.

(d) A pupil member or regular member of a county board of education may be paid for any meeting for which the member is absent if the board by resolution duly adopted and included within its minutes finds that at the time of the meeting the member was performing services outside the meeting on behalf of the board, the member was ill or on jury duty, or the absence was due to a hardship deemed acceptable by the board.

(e) There may also be allowed to each regular member who uses a privately owned automobile in the discharge of necessary official duties as a member of the county board of education, the same amount as allowed by any county official in the performance of the county official's duties. The mileage rate allowed in this section shall be based on the total mileage claimed in a calendar month.

(f) For purposes of this section, the classification of counties shall be determined pursuant to Section 1205.

(g) On an annual basis, the county board of education may increase the compensation of individual regular members of the board beyond the limits delineated in this section, in an amount not to exceed 5 percent based on the present monthly rate of compensation. Any increase made pursuant to this section shall be effective upon approval by the county board of education. This action may be rejected by a majority of the voters in that county voting in a referendum established for that purpose, as prescribed by Chapter 2 (commencing with Section 9100) of Division 9 of the Elections Code.

(h) The county board of education may award a pupil member either or both of the following:

(1) Elective course credit based on the number of equivalent daily instructional minutes for the pupil member's services provided.

(2) Monthly financial compensation as determined by the county board of education.

(i) As used in this section, the following definitions apply:

(1) "Pupil member" means a pupil board member appointed pursuant to subdivision (b) of Section 1000.

(2) "Regular member" means a board member elected or selected pursuant to subdivision (a) of Section 1000.

**SEC. 3.** 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 regular members elected at large by the qualified voters of the school district. The terms of the regular members shall, except as otherwise provided, be for four years and staggered so that as nearly as practicable one-half of the regular members shall be elected in each odd-numbered year.

(b) A unified school district may have a governing board of seven regular members if the proposal for unification has specified a governing board of seven regular members. The regular 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 regular 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 regular 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 regular 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 regular 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 pupil 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, and may receive compensation as specified in subdivision (f) of Section 35120.

(9) (A) A pupil member shall be seated with the regular 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 regular members at the same time the materials are presented to the regular members, being invited to staff briefings of regular members or being provided a separate staff briefing within the same timeframe as the staff briefing of regular 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 regular 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 regular 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).

(f) As used in this section, the following definitions apply:

(1) "Pupil member" means a pupil board member appointed pursuant to subdivision (d).

(2) "Regular member" means a board member elected or selected pursuant to subdivisions (a) to (c), inclusive.

**SEC. 4.** Section 35120 of the Education Code is amended to read:

**35120.** (a) (1) In a school district in which the average daily attendance for the prior school year exceeded 250,000, each regular member of the governing board of the school district who attends all meetings held may receive as compensation for the regular member's services a salary as set forth by the local city charter law or applicable rules and regulations and as determined by a local compensation review committee.

(2) In a school district that is not located in a city and county, and in which the average daily attendance for the prior school year exceeded 60,000, the governing board may prescribe, as compensation for the services of each regular member of the board who attends all meetings held, a sum not to exceed one thousand five hundred dollars (\$1,500) in any month.

(3) In a school district in which the average daily attendance for the prior school year was 60,000 or less, but more than 25,000, each regular member of the city board of education or the governing board of the school district who attends all meetings held may receive as compensation for the regular member's services a sum not to exceed seven hundred fifty dollars (\$750) in any month.

(4) In a school district in which the average daily attendance for the prior school year was 25,000 or less, but more than 10,000, each regular member of the city board of education or the governing board of the school district who attends all meetings held may receive as compensation for the regular member's services a sum not to exceed four hundred dollars (\$400) in any month.

(5) In a school district in which the average daily attendance for the prior school year was 10,000 or less, but more than 1,000, each regular member of the city board of education or the governing board of the school district who attends all meetings held may receive as compensation for the regular member's services a sum not to exceed two hundred forty dollars (\$240) in any month.

(6) In a school district in which the average daily attendance for the prior school year was 1,000 or less, but more than 150, each regular member of the city board of education or the governing board of the school district who attends all meetings held may receive as compensation for the regular member's services a sum not to exceed one hundred twenty dollars (\$120) in any month.

(7) In a school district in which the average daily attendance for the prior school year was less than 150, each regular member of the city board of education or the governing board of the school district who attends all meetings held may receive as compensation for the regular member's services a sum not to exceed sixty dollars (\$60) per month.

(8) A regular member or pupil member who does not attend all meetings held in any month may receive, as compensation for the regular member's or pupil member's services, an amount not greater than the maximum amount allowed by this subdivision or paragraph (2) of subdivision (f), as applicable, divided by the number of meetings held and multiplied by the number of meetings attended.

(9) For purposes of providing compensation pursuant to paragraphs (1) to (7), inclusive, average daily attendance for the prior school year may be increased by a school district's percentage of excused absences reported for the 1996–97 fiscal year.

(b) The compensation of regular members of the governing board of a school district newly organized or reorganized shall be governed by subdivision (a). For this purpose, the total average daily attendance in all of the schools of the school district in the school year in which the organization or reorganization became effective shall be considered the average daily attendance in the school district for the prior school year.

(c) A pupil member or regular member may be paid for any meeting when absent if the board, by resolution duly adopted and included in its minutes, finds that at the time of the meeting the member is performing services outside the meeting for the school district or districts, the member was ill or on jury duty, or the absence was due to a hardship considered acceptable by the board.

(d) Compensation provided pursuant to this section shall be a charge against the funds of the school district. If the city board of education or the governing board of the school district is the governing board of more than one school district, the compensation shall be charged against and paid by the respective school districts in the same proportion as the salary of the city superintendent of schools is charged against them. Compensation shall be reduced by an amount equal to any salary or compensation paid to the members of the city board of education from any funds of the city.

(e) On an annual basis, the governing board may increase the compensation of regular members beyond the limits delineated in this section, in an amount not to exceed 5 percent based on the present monthly rate of compensation. An increase made pursuant to this subdivision shall be effective upon approval by the governing board.

(f) The governing board of a school district may award a pupil member either or both of the following:

(1) Elective course credit based on the number of equivalent daily instructional minutes for the pupil member's services provided.

(2) Monthly financial compensation as determined by the governing board.

(g) As used in this section, the following definitions apply:

(1) "Pupil member" means a pupil board member appointed pursuant to subdivision (d) of Section 35012.

(2) "Regular member" means a board member elected or selected pursuant to subdivisions (a) to (c), inclusive, of Section 35012.

**SEC. 5.** Section 47604.2 of the Education Code is amended 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 regular 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 regular 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 regular 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) A pupil member shall be entitled to the mileage allowance to the same extent as regular governing body members, and may receive compensation, as specified pursuant to subparagraph (B).

(B) The governing body of a charter school or of an entity managing multiple charter schools may award a pupil member either or both of the following:

(1) Elective course credit based on the number of equivalent daily instructional minutes for the pupil member's services provided.

(2) Monthly financial compensation as determined by the governing body.

(9) (A) A pupil member shall be seated with the regular 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 regular members at the same time the materials are presented to the other governing body regular members, being invited to staff briefings of governing body regular members, or

being provided a separate staff briefing within the same timeframe as the staff briefing of other governing body regular 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 regular 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 regular 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) As used in this section, the following definitions apply:

(1) "Pupil member" means a pupil member appointed pursuant to subdivision (b).

(2) "Regular member" means a governing body member nominated or appointed to the governing body of the charter school or of an entity managing multiple charter schools, consistent with Section 47605 or 47605.6, as applicable.

(f) 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.

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

**SEC. 6.** Section 1.5 of this bill incorporates amendments to Section 1000 of the Education Code proposed by both this bill and Assembly Bill 417. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 1000 of the Education Code, and (3) this bill is enacted after Assembly Bill 417, in which case Section 1 of this bill shall not become operative.