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AB-417 County boards of education: pupil members. (2023-2024)

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Assembly Bill No. 417

CHAPTER 437

An act to amend Section 1000 of the Education Code, relating to school governance.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 417, Bennett. County boards of education: pupil members.

Existing law authorizes governing boards of county boards of education to appoint one or more high school pupils enrolled in a school that is under the jurisdiction of the county board of education as members in response to a petition from high school pupils of the county board requesting the governing board to appoint one or more pupil members. Existing law authorizes 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, to be selected to serve as a pupil member of the county board of education, 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.

This bill would additionally authorize 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, to be selected to serve as a pupil member of the county board of education, 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.

This bill would incorporate additional changes to Section 1000 of the Education Code proposed by AB 275 to be operative only if this bill and AB 275 are enacted and this bill is enacted last.

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

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, 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 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. 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 1.5 of this bill incorporates amendments to Section 1000 of the Education Code proposed by this bill and Assembly Bill 275. 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 275, in which case Section 1 of this bill shall not become operative.