

Date of Hearing: March 22, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 417 (Bennett) – As Introduced February 2, 2023

SUBJECT: County boards of education: pupil members

SUMMARY: Authorizes a student who is enrolled in a high school that is under the jurisdiction of the county board of education to be selected to serve as a member of the county board of education, if no petition is submitted to select a student. Specifically, **this bill:**

- 1) Authorizes that a student 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 member of the county board of education, as specified, if no petition is submitted to select a student who is enrolled in a high school that is under the jurisdiction of the county board of education.

EXISTING LAW:

- 1) Authorizes a student enrolled in a high school of a school district, county office of education, or charter schools to petition the governing board or body to appoint one or more student members to the governing board or body.
- 2) Requires, for school districts, the petition to be signed by at least 500 high school students enrolled in the district or 10% of the number of high school students enrolled in the district, whichever is less. (Education Code (EC) 35012)
- 3) Requires, for county boards of education, the petition to be signed by not less than 500 high school students enrolled in high schools under the jurisdiction of the county board of education or 10% of the number of students regularly enrolled in high schools under the jurisdiction of the county board of education, whichever is less. (EC 1000)
- 4) Requires, for charter schools, the petition to be signed by at least 500 high school students enrolled in the high school of the charter school or 10% of the number of high school students enrolled in the high school of the charter school, whichever is less. (EC 47604.2)
- 5) Requires each student member to have the right to attend each and all meetings of the governing board of the school district, except executive sessions.
- 6) Entitles each student member to the same mileage allowance to the same extent as regular members, but excludes student members from permissive monthly compensation. (EC 1000, 35012, and 47604.2)

FISCAL EFFECT: Unknown

COMMENTS:

Key provisions of the bill. Current law authorizes governing boards of county boards of education to appoint one or more high school student enrolled in a high school that is under the jurisdiction of the county board of education as members in response to a petition from high

school students of the county board requesting the governing board to appoint one or more student members. A student who is enrolled in a high school that is under the jurisdiction of a school district may be selected to serve as a student member of the county board of education if no petition is submitted to select a student who is enrolled in a high school that is under the jurisdiction of the county board of education. This bill would also authorize a student who is enrolled in a high school under the jurisdiction of the county board of education to be selected to serve as a student member of the county board of education, if no petition is submitted to select a student who is enrolled in a high school that is under the jurisdiction of the county board of education.

Need for the bill. According to the author, “AB 417 clarifies and expands on the provisions of my previous bill AB 824, which allowed high school students to petition for a seat on their local County Boards of Education and Charter School Governing Boards. We have since discovered that the language in AB 824 inadvertently left out a population of students which we intended to include in the original bill. This population of students includes programs that are generally overseen by County Boards of Education, such as special education, community schools, juvenile court schools, and in some cases, charter schools and secondary schools.”

Student board members in California. Current law requires the governing board of a school district, governing board of a county board of education, and governing body of a charter school to include a student board member if a petition signed by a specified number of high school students is brought before the governing board. The California School Boards Association estimates approximately half of all school district governing boards include a student board member.

County offices of education are responsible for some alternative education. Current law gives COEs a role in alternative education, which refers to any nontraditional academic program designed for students who require or could benefit from an alternative placement. COEs responsible for ensuring students incarcerated at the county level are provided with an educational program, and COEs receive direct funding for educating students who are on probation, referred by probation departments, or mandatorily expelled. All other at-risk students, including nonmandatorily expelled students, students referred by school attendance review boards, students with significant behavior issues, and students with serious academic deficiencies, are funded through school districts.

Related legislation. AB 824 (Bennett) Chapter 669, Statutes of 2021, authorizes a student petition requesting that a county board of education or the governing body of a charter school appoint one or more student board members to be submitted to a board or body operating one or more high schools.

AB 709 (Bonta) Chapter 437, Statutes of 2019, requires student members of a governing board of a school district be appointed to subcommittees in the same manner as other board members, among other requirements.

SB 126 (Leyva) Chapter 3, Statutes of 2019, requires a charter school and an entity managing a charter school to be subject to the Ralph M. Brown Act or the Bagley-Keene Open Meeting Act, the California Public Records Act, Government Code 1090, and the Political Reform Act.

AB 261 (Thurmond) Chapter 257, Statutes of 2017, provides that a student member of the governing board of a school district shall have preferential voting rights.

SB 468 (Leyva) Chapter 283, Statutes of 2017, modifies the existing requirement that school district governing boards provide the student board member with materials presented to the board members to specify that the student members are to receive all open meeting materials at the same time the materials are presented to the board members, and requires governing boards to invite the student member to staff briefings provided to board members or provide a separate briefing within the same timeframe as the briefing of board members.

SB 532 (Leyva) Chapter 317, Statutes of 2015, requires a majority vote of all voting board members on a motion to eliminate the nonvoting or preferential voting student member position from the governing board of a school district, and requires the motion to be listed as a public agenda item for a meeting of the governing board of the school district prior to the motion being voted upon.

AB 1007 (Carter) of the 2009-10 Session would have required appointment of one or more non-voting students to the board upon receipt of a student petition requesting this, within 30 days of receipt of that petition or at its next regularly scheduled meeting if no meeting was held within those 30 days. AB 1007 was vetoed by the Governor, whose message read, in pertinent part:

I am unaware of any school board intentionally withholding action on a student representation petition. Therefore, I believe this bill is unnecessary.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

None on file

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