

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON EDUCATION

Patrick O'Donnell, Chair

AB 709 (Bonta) – As Amended March 19, 2019

SUBJECT: School districts: governing boards: pupil members

SUMMARY: Requires pupil members of a governing board of a school district be appointed to subcommittees in the same manner as other board members, among other requirements.

Specifically, **this bill:**

- 1) Permits the governing board of a school district to 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.
- 2) Requires the governing board of the school district, if the governing board appoints one or more pupils to the governing board, to appoint pupil members to subcommittees in the same manner as other board members.
- 3) Requires that the pupil member be made aware of the time commitment required to participate in subcommittee meetings and work, and that they may decline an appointment to a subcommittee.
- 4) Requires subcommittee meetings to be scheduled in accordance with the availability of all members, including each pupil member.
- 5) Entitles each pupil member to the same mileage allowance to the same extent as regular members.
- 6) Requires pupil members be invited to attend other functions of the school district, including forums, meetings with pupils and parents, and other general assemblies.
- 7) Requires pupil members to receive all materials received by other board members between open meetings, except for materials that pertain to closed session items that would implicate privacy issues involving employees of pupils.
- 8) Specifies that pupil members not be considered members of a legislative body of a local agency for purposes of the Ralph M. Brown Act.
- 9) Permits the governing board of a school district to provide compensation to a pupil member of the governing board, or to award a pupil member elective course credit based on the number of equivalent daily instructional minutes for the pupil member's services provided.

EXISTING LAW:

- 1) Authorizes pupils in a district that maintains one or more high schools to petition the governing board to appoint one or more pupil members to the governing board.
- 2) Requires the petition to be signed by at least 500 high school pupils enrolled in the district or 10% of the number of high school pupils enrolled in the district, whichever is less.

- 3) Requires each pupil member to have the right to attend each and all meetings of the governing board of the school district, except executive sessions.
- 4) Entitles each pupil member to the same mileage allowance to the same extent as regular members, but excludes pupil members from permissive monthly compensation. (Education Code Section 35012)

FISCAL EFFECT: Unknown.

COMMENTS: *Need for the bill.* According to the author, “Students serve as a voice to the Board regarding student issues. This bill would expand the roles and voices of students serving on school boards by allowing them to serve on subcommittees, attend governing board functions, and receive materials that other school board members receive. This will also strengthen the partnership between the student voice and the school board. By giving students more responsibility and demonstrating confidence in their ability to be effective leaders, we can motivate them to grow and serve more.”

Student board members in California. Current law requires the governing board of a school district 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.

Staff recommend that the bill be amended to permit, rather than require, the governing board of a school district, if the governing board appoints one or more pupils to the governing board, subcommittee meetings to be scheduled in accordance with the availability of all members, including the pupil member. Further, staff recommend that the provision permitting the governing board of a school district to provide compensation to a pupil member of the governing board be removed.

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

SB 468 (Leyva) Chapter 283, Statutes of 2017. Modified 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 pupil 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 required appointment of one or more non-voting pupils to the board upon receipt of a pupil 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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