

Date of Hearing: March 24, 2021

ASSEMBLY COMMITTEE ON EDUCATION  
Patrick O'Donnell, Chair  
AB 824 (Bennett) – As Introduced February 16, 2021

**SUBJECT:** Local educational agencies: county boards of education: governing bodies of charter schools: pupil members

**SUMMARY:** Authorizes a pupil petition requesting that a county board of education or the governing body of a charter school appoint one or more pupil board members to be submitted to a board or body operating one or more high schools. Specifically, **this bill:**

- 1) Authorizes a pupil petition requesting that the county board of education appoint one or more pupil board members to be submitted to a county board of education of a county maintaining one or more high schools.
- 2) Requires the petition to be signed by either, whichever is less:
  - a) Not less than 1,000 pupils regularly enrolled in high schools operated by the county board of education, or
  - b) Not less than 10 percent of the number of pupils regularly enrolled in high schools operated by the county board of education.
- 3) Requires the county board of education, upon receipt of a petition for pupil representation, commencing July 1, 2022, and each year thereafter, to order the inclusion within the membership of the county board of education, in addition to the number of members otherwise prescribed, at least one pupil member. Authorizes the county board of education to 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, requires the county board of education to suspend the prior pupil member's rights and privileges related to service on the county board of education.
- 4) Requires a pupil member of the county board of education to have preferential voting rights.
  - a) Defines "preferential voting," to mean 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 does not serve in determining the final numerical outcome of a vote. No preferential vote must be solicited on matters subject to closed session discussion.
- 5) Authorizes the county board of education to 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.
- 6) Requires that each pupil member have the right to attend each and all meetings of the county board of education, except executive sessions.

- a) Requires that each pupil member be appointed to subcommittees of the county board of education in the same manner as other board members.
  - b) Requires that each pupil member be made aware of the time commitment required to participate in subcommittee meetings and work, and be given the opportunity to decline an appointment to a subcommittee.
  - c) Authorizes subcommittee meetings to be scheduled in accordance with the availability of all members, including each pupil member.
- 7) Requires that any pupil selected to serve as a member of the county board of education be enrolled in a high school within the county, be less than 18 years of age, and be chosen by the pupils enrolled in the high school or high schools of the county in accordance with procedures prescribed by the county board of education. Requires that the term of a pupil member shall be one year, commencing on July 1 of each year.
  - 8) Requires that a pupil member be entitled to the mileage allowance to the same extent as regular members, but is not entitled to the board member compensation provisions.
  - 9) Requires a pupil member to be seated with the members of the county board of education, and 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. Requires a pupil member to also receive all materials received by other board members between open meetings, except for materials that pertain to closed session items.
  - 10) Requires that the pupil member not be included in determining the vote required to carry any measure before the county board of education.
  - 11) Requires that the pupil member not be liable for any acts of the county board of education.
  - 12) Requires a majority vote of all voting board members in order to approve a motion to eliminate the pupil member position from the county board of education. Requires that the motion must be listed as a public agenda item for a meeting of the county board of education before the motion is voted upon.
  - 13) Requires that pupil members of a county board of education not be considered members of a legislative body or a local agency for purposes of the Ralph M. Brown Act.
  - 14) Authorizes a pupil petition requesting the governing body of a charter school attended by high school pupils to appoint one or more pupil board members to be submitted to the governing body of a charter school.
  - 15) Requires that the petition contain the signatures of not less than 10 percent of the number of pupils regularly enrolled in high school within the charter school. 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 must order the inclusion within the membership of the governing body of the charter school, in addition to the number of members otherwise prescribed, at least one pupil member.

- 16) Requires, commencing July 1, 2022, the governing body of a charter school upon receipt of a petition for pupil representation, and each year thereafter, to order the inclusion within the membership of the governing body of the charter school, in addition to the number of members otherwise prescribed, at least one pupil member. The governing body of a charter school may order the inclusion of more than one pupil member. The governing body of a charter school 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 body of a charter school determines the pupil member is not fulfilling their duties. If the governing body of a charter school appoints an alternate pupil member, the governing body of a charter school shall suspend the prior pupil member's rights and privileges related to service on the governing body of a charter school.
- 17) Requires that each pupil member have the right to attend each and all meetings of the governing body of a charter school, except executive sessions.
- 18) Requires that any pupil selected to serve as a member of the governing body of a charter school be enrolled in high school within the charter school, be less than 18 years of age, and be chosen by the pupils enrolled in high school within the charter school in accordance with procedures prescribed by the governing body of the charter school. Requires the term of a pupil member shall be one year, commencing on July 1 of each year.
- 19) Requires that a pupil member be seated with the members of the governing body of a charter school, and be recognized as a full member of the governing body of a charter school 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 governing board of a charter school, such as forums, meetings with pupils and parents, and other general assemblies, and participating in the questioning of witnesses and the discussion of issues. Requires that a pupil member also receive all materials received by other board members between open meetings, except for materials that pertain to closed session items.
- 20) Requires that the pupil member not be liable for any acts of the governing body of a charter school.
- 21) Requires that a majority vote of all voting board members be required to approve a motion to eliminate the pupil member position from the governing body of a charter school.
- 22) Requires that pupil members of the governing body of a charter school not be considered members of a legislative body or a local agency for purposes of the Ralph M. Brown Act.

**EXISTING LAW:**

- 1) Authorizes pupils in a school 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, “County board and charter school governance members should be thoughtful about building trust and mutual respect for one another and the students they serve. School boards are tasked with creating a vision for their schools, and students should play a role in how that vision is shaped. As a former Economics teacher at the Ojai Valley School District, I supported and worked with our student body to promote student voices on school boards. They provide thoughtful and unique insight as to how students think and feel about the education models we use to educate them. With their input, our education system can only improve and better serve our students.”

***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. Current law does not provide for a process to add student board members to a county board of education, or the governing body of a charter school.

***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.

***Arguments in support.*** The California Association of Student Councils writes, “Unfortunately, current law does not explicitly allow for county boards of education and charter school governing boards to have a student seat creating inequity for students among their adult peers. Without a student board member local education agencies will continue to go without adequate student representation. School boards provide educational and financial oversight to schools to ensure students achieved their educational goals. They play a central role in developing the

educational vision for their school districts and county offices of education. AB 824 guarantees students a platform to influence their educational.”

***Recommended Committee Amendments.*** *Staff recommend that the bill be amended* as follows:

- Require that the petition to add a pupil board member to a county board of education contain signatures only from those pupils that attend high schools operated by the COE, rather than students that attend any high school from any local educational agency within the county.
- Require different petition signature requirements for a pupil board member to the governing body of a charter school that operates either: 1) a single school charter high school, or 2) more than one high school operated by an entity managing charter schools.
- Align various provisions of the requirements of a student board member, including requiring that a pupil member of the governing board or body have preferential voting rights in order to align with existing law for school districts.
- Authorize charter schools operating as non-profit corporations to allow non-voting student members to serve on the governing body of a charter school that receives a qualified student petition.
- Require that the governing body of a charter school that receives a successful petition for a pupil board member 1) notify their authorizer, and 2) upon the following charter renewal with the authorizer, disclose the addition of the pupil member as a change to the governing body.

***Related legislation.*** AB 709 (Bonta) Chapter 437, Statutes of 2019 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.

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 pupil 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 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 would have 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**

California Association of Student Councils  
Generation Up

**Opposition**

None on file

**Analysis Prepared by:** Marguerite Ries / ED. / (916) 319-2087