
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 709 **Hearing Date:** June 12, 2019
Author: Bonta
Version: April 12, 2019
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: School districts: governing boards: pupil members.

NOTE: This bill has been referred to the Committees on Education and Governance and Finance. A "do pass" motion should include referral to the Committee on Governance and Finance.

SUMMARY

This bill authorizes the governing board of a school district to award a student member elective course credit for serving on the board, and prohibits student members from being considered members of the governing board for purposes of the Ralph M. Brown Act.

BACKGROUND

Existing law:

- 1) The Ralph M. Brown Act requires the governing body of local agencies ("legislative body") to conduct business in meetings that are open to the public by prohibiting a majority of the members, outside a meeting, from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the governing board. (Government Code § 54950 et seq.)
- 2) Authorizes the governing board of a school district with at least one high school to receive a student petition requesting the governing board to appoint one or more student members to the governing board. (Education Code § 35012)
- 3) Requires the petition to contain a specified number or percentage of signatures of students who are regularly enrolled in the high schools of the district. (EC § 35012)
- 4) Requires the governing board, each fiscal year and within 60 days of receipt of a petition for student representation, to order the inclusion at least one student member within the membership of the governing board. (EC § 35012)
- 5) Requires the governing board, upon receipt of a petition for student representation to order the inclusion of at least one student member within the membership of the governing board. Existing law authorizes governing boards to order the inclusion of more than one student member. (EC § 35012)

- 6) Provides that each student member has the right to attend each and all meetings of the governing board, except executive sessions. (EC § 35012)
- 7) Requires that a student member be seated with the members of the governing board and be recognized as a full member, including receiving all open meeting materials presented to the board members at the same time the materials are presented to the board members, being invited to staff briefings or being provided a separate staff briefing within the same timeframe as the staff briefing of board members, and participating in the questioning of witnesses and the discussion of issues. (EC § 35012)

ANALYSIS

This bill authorizes the governing board of a school district to award a student member elective course credit for serving on the board, and prohibits student members from being considered members of the governing board for purposes of the Ralph M. Brown Act. Specifically, this bill:

- 1) Prohibits student members from being considered members of a “legislative body” of a local agency for purposes of the Ralph M. Brown Act.
- 2) Authorizes the governing board to award a student member elective course credit based on the number of equivalent daily instructional minutes for the student member’s services provided.
- 3) Requires each student member to be appointed to subcommittees of the governing board in the same manner as other board members.
- 4) Requires each student member to be made aware of the time commitment required to participate in subcommittee meetings and work.
- 5) Authorizes a student member to decline an appointment to a subcommittee.
- 6) Authorizes subcommittee meetings to be scheduled in accordance with the availability of all members, including each student member.
- 7) Authorizes the governing board of a school district to appoint a student to serve as an alternate student member who would fulfill all duties and have the same rights as a student member if the governing board determines the student member is not fulfilling their duties.
- 8) Requires student members to be invited to attend other functions of the governing board, such as forums, meetings with students and parents, and other general assemblies.
- 9) Requires a student board member to receive all materials received by other board members between open meetings, except for materials that pertain to close session items that would implicate privacy issues involving employees or students.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California has recognized the importance of students serving on school boards. Students serve as a voice to the board regarding student issues, but existing law does not fully enable student members to participate in those dynamics. In order for students to have an effective role on school boards, they must have access to be able 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.”
- 2) ***Ralph M. Brown Act.*** This bill prohibits student members of school district governing boards from being considered members of the governing board for purposes of the Ralph M. Brown Act. Student board members have preferential voting rights, which means they cast a vote but their vote does not count toward the final outcome of a vote. Further, statute prohibits student members from being included in determining the vote required to carry a measure before a governing board. Therefore, it appears that the presence of a student member at a governing board meeting currently does not count in the determination of whether the present governing board members constitute a majority for purposes of the Brown Act.
- 3) ***Alternate student member.*** This bill authorizes the governing board of a school district to appoint a student to serve as an alternate student member who would fulfill all duties and have the same rights as a student member if the governing board determines the student member is not fulfilling their duties. **Staff recommends an amendment** to require the governing board of a school district that appoints an alternate student member to suspend the rights and privileges of the original student board member (to avoid situations where the original student member attempts to resume fulfilling their duties, resulting in two active student members).
- 4) ***Elective course credit.*** This bill authorizes a governing board to award a student member elective course credit based on the number of equivalent daily instructional minutes for the student member’s services provided. School districts currently have the authority to award such credit.
- 5) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose minor and absorbable Proposition 98 General Fund costs to school boards to makes changes to a student members’ roles consistent with this bill. If the Commission on State Mandates determines the bill’s requirements to be a reimbursable state mandate, the state would need to reimburse these costs to school districts or provide funding through the K-12 Mandate Block Grant.

SUPPORT

None received

OPPOSITION

None received

-- END --