

**Introduced by Senator Glazer
(Coauthor: Senator Ochoa Bogh)**

February 17, 2022

An act to amend Section 35012 of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1236, as introduced, Glazer. School districts: governing boards: pupil members.

Existing law, except as otherwise provided, requires the governing board of a school district to consist of 5 members elected at large by the qualified voters of the school district. Existing law sets the terms of the 5 members at 4 years and staggered so that, as nearly as practicable, $\frac{1}{2}$ of the members are elected in each odd-numbered year. Existing law requires the governing board of a school district maintaining one or more high schools to include within its membership one or more pupil members if pupils submit a petition for pupil representation to the governing board, as provided. Existing law requires the pupil member to be chosen by the pupils enrolled in the high school or high schools of the school district in accordance with procedures prescribed by the governing board of the school district. Existing law requires the pupil member to have preferential voting rights. Existing law prohibits a pupil member from being included in determining the vote required to carry any measure before the governing board.

This bill would authorize the governing board of a school district to approve a motion to make a preferential voting pupil member a full voting pupil member of the governing board, and would specify certain rights and obligations of a full voting pupil member.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 35012 of the Education Code is amended
2 to read:

3 35012. (a) Except as otherwise provided, the governing board
4 of a school district shall consist of five members elected at large
5 by the qualified voters of the school district. The terms of the
6 members shall, except as otherwise provided, be for four years
7 and staggered so that as nearly as practicable one-half of the
8 members shall be elected in each odd-numbered year.

9 (b) A unified school district may have a governing board of
10 seven members if the proposal for unification has specified a
11 governing board of seven members. The members of the governing
12 board of a unified school district shall be elected at large or by
13 trustee areas as designated in the proposal for unification and shall
14 serve four-year terms of office.

15 (c) Notwithstanding subdivision (a), and except as provided in
16 this subdivision and Section 5018, the governing board of an
17 elementary school district other than a union or joint union
18 elementary school district shall consist of three members selected
19 at large from the territory comprising the school district. Whenever,
20 in any such elementary school district, the average daily attendance
21 during the preceding fiscal year is 300 or more, the procedures
22 prescribed by Section 5018 shall be undertaken.

23 (d) (1) There may be submitted to the governing board of a
24 school district maintaining one or more high schools a pupil
25 petition requesting the governing board to appoint one or more
26 pupil members to the governing board pursuant to this section.

27 (2) The petition shall contain the signatures of either (A) not
28 less than 500 pupils regularly enrolled in high schools of the school
29 district, or (B) not less than 10 percent of the number of pupils
30 regularly enrolled in high schools of the school district, whichever
31 is less. Each fiscal year, and within 60 days of receipt of a petition
32 for pupil representation, or at its next regularly scheduled meeting
33 if no meeting is held within those 60 days, the governing board of
34 a school district shall order the inclusion within the membership
35 of the governing board, in addition to the number of members

1 otherwise prescribed, at least one pupil member. The governing
2 board of a school district may order the inclusion of more than one
3 pupil member.

4 (3) Upon receipt of a petition for pupil representation, the
5 governing board of a school district shall, commencing July 1,
6 1976, and each year thereafter, order the inclusion within the
7 membership of the governing board, in addition to the number of
8 members otherwise prescribed, at least one pupil member. The
9 governing board of a school district may order the inclusion of
10 more than one pupil member. The governing board of a school
11 district may appoint a pupil to serve as an alternate pupil member
12 who would fulfill all duties and have the same rights as a pupil
13 member if the governing board of a school district determines the
14 pupil member is not fulfilling their duties. If the governing board
15 of a school district appoints an alternate pupil member, the
16 governing board shall suspend the prior pupil member's rights and
17 privileges related to service on the governing board.

18 (4) (A) ~~(i)~~ *Except as provided in clause (ii), a pupil member*
19 *of the governing board of a school district shall have preferential*
20 *voting rights.*

21 *(ii) The governing board of a school district may approve a*
22 *motion to make a preferential voting pupil member a full voting*
23 *pupil member of the governing board.*

24 (B) Preferential voting, as used in this section, means a formal
25 expression of opinion that is recorded in the minutes and cast
26 before the official vote of the governing board of the school district.
27 A preferential vote shall not serve in determining the final
28 numerical outcome of a vote. No preferential vote shall be solicited
29 on matters subject to closed session discussion.

30 (C) (i) *A pupil member shall not vote on any of the following*
31 *matters:*

32 *(I) Pupil disciplinary matters if the pupil member attends the*
33 *same school as the pupil under consideration or shares a direct*
34 *association to the pupil in some capacity.*

35 *(II) Negative personnel matters if the pupil member shares a*
36 *direct association to a classified or certificated employee under*
37 *consideration in the matter.*

38 *(ii) The pupil member may abstain from discussion or voting*
39 *on any item if there is a perceived conflict of interest that is not*
40 *explicitly listed in clause (i).*

1 (5) The governing board of the school district may adopt a
2 resolution authorizing the pupil member or members to make
3 motions that may be acted upon by the governing board, except
4 on matters dealing with employer-employee relations pursuant to
5 Chapter 10.7 (commencing with Section 3540) of Division 4 of
6 Title 1 of the Government Code.

7 (6) (A) Each pupil member shall have the right to attend each
8 and all meetings of the governing board of the school district,
9 except closed sessions.

10 (B) (i) Each pupil member shall be appointed to subcommittees
11 of the governing board in the same manner as other board members.

12 (ii) Each pupil member shall be made aware of the time
13 commitment required to participate in subcommittee meetings and
14 work, and may decline an appointment to a subcommittee.

15 (iii) Subcommittee meetings may be scheduled in accordance
16 with the availability of all members, including each pupil member.

17 (7) Any pupil selected to serve as a member of the governing
18 board of a school district shall be enrolled in a high school of the
19 school district, may be less than 18 years of age, and shall be
20 chosen by the pupils enrolled in the high school or high schools
21 of the school district in accordance with policies and procedures
22 prescribed by the governing board. The term of a pupil member
23 shall be one year, commencing on July 1 of each year, except that
24 the term of a pupil member may be adjusted only in cases where
25 a vacancy occurs or to provide more pupils with an opportunity
26 to serve on the governing board.

27 (8) A pupil member shall be entitled to the mileage allowance
28 to the same extent as regular members, but is not entitled to the
29 compensation prescribed in Section 35120, except as specified in
30 subdivision (f) of Section 35120.

31 (9) (A) A pupil member shall be seated with the members of
32 the governing board of the school district, and shall be recognized
33 as a full member of the governing board at the meetings, including
34 receiving all open meeting materials presented to the board
35 members at the same time the materials are presented to the board
36 members, being invited to staff briefings of board members or
37 being provided a separate staff briefing within the same timeframe
38 as the staff briefing of board members, being invited to attend
39 other functions of the governing board of the school district, such
40 as forums, meetings with pupils and parents, and other general

1 assemblies, and participating in the questioning of witnesses and
2 the discussion of issues.

3 (B) A pupil member shall also receive all materials received by
4 other board members between open meetings, except for materials
5 that pertain to closed session items.

6 (10) ~~The~~(A) *A preferential voting pupil member shall not be*
7 *included in determining the vote required to carry any measure*
8 *before the governing board of the school district.*

9 (B) *A full voting pupil member shall be included in determining*
10 *the vote required to carry any measure before the governing board*
11 *of the school district.*

12 (11) ~~The~~(A) *A preferential voting pupil member shall not be*
13 *liable for any acts of the governing board of the school district.*

14 (B) *A full voting pupil member may be liable for acts of the*
15 *governing board of the school district.*

16 (12) A majority vote of all voting board members shall be
17 required to approve a motion to eliminate the pupil member
18 position from the governing board of a school district. The motion
19 shall be listed as a public agenda item for a meeting of the
20 governing board before the motion being voted upon.

21 (e) ~~Pupil members~~(1) *A preferential voting pupil member shall*
22 *not be considered*~~members~~*a member of a legislative body of a*
23 *local agency for purposes of the Ralph M. Brown Act (Chapter 9*
24 *(commencing with Section 54950) of Part 1 of Division 2 of Title*
25 *5 of the Government Code).*

26 (2) *A full voting pupil member shall be considered a member*
27 *of a legislative body of a local agency for purposes of the Ralph*
28 *M. Brown Act (Chapter 9 (commencing with Section 54950) of*
29 *Part 1 of Division 2 of Title 5 of the Government Code).*