

AMENDED IN ASSEMBLY APRIL 19, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1989**

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**Introduced by Assembly Member Mendoza**

February 17, 2010

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An act to amend ~~Section 1000 of~~, *repeal, and add Section 1000 of, and to add Section 1000.1 to*, the Education Code, relating to county boards of education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1989, as amended, Mendoza. County boards of education: election.

(1) Existing law requires that a county board of education consist of 5 or 7 members to be determined by the county committee on school district organization, except in a city and county, and that each member of the board be an elector of the trustee area that he or she represents and be elected by the electors of the trustee area. Existing law provides that in a chartered county the manner of selection of the county board of education is required to be prescribed in the county charter or by the county board of supervisors.

This bill would delete the provision regarding chartered counties; ~~thereby requiring~~ *and require* members of the county board of education in those counties to be elected at the direct primary election held in 2014 by the voters of the trustee area that the member will represent. Four of the 7 seats, or 3 of the 5 seats, on these county boards of education would be open for election to initial 4-year terms and 3 of the 7 seats, or 2 of the 5 seats, would be open for election to initial 2-year terms. The bill would require subsequent elections be held on the date of the direct primary elections and to be for 4-year terms. The

term of office would begin on the first day of July *following a member's election*. The county committee on school district ~~reorganization~~ *organization*, by a  $\frac{2}{3}$  vote of the members and pursuant to existing law, would determine the boundaries of the trustee areas using the most recent decennial federal census. By increasing the duties of local elections officials, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1     SECTION 1. Section 1000 of the Education Code is amended  
2 to read:

3     1000. (a) Except in a city and county, there shall be a county  
4 board of education, which shall consist of five or seven members  
5 to be determined by the county committee on school district  
6 organization. Each member of the board shall be an elector of the  
7 trustee area ~~which~~ *that* he or she represents and shall be elected  
8 by the electors of the trustee area. In chartered counties the manner  
9 of selection of the county board of education shall be prescribed  
10 in the county charter, or by the county board of supervisors. In a  
11 county unified school district or in a unified or elementary school  
12 district ~~which~~ *that* includes all of the territory over which a county  
13 superintendent of schools has jurisdiction, the governing board of  
14 the district shall serve as the county board of education.

15     (b) *This section shall become inoperative on July 1, 2014, and,*  
16 *as of January 1, 2015, is repealed, unless a later enacted statute,*  
17 *that becomes operative on or before January 1, 2015, deletes or*  
18 *extends the dates on which it becomes inoperative and is repealed.*

19     SEC. 2. Section 1000 is added to the Education Code, to read:

20     1000. (a) *Except in a city and county, there shall be a county*  
21 *board of education, which shall consist of five or seven members*

1 to be determined by the county committee on school district  
 2 organization. Each member of the board shall be an elector of the  
 3 trustee area that he or she represents and shall be elected by the  
 4 electors of the trustee area. In a county unified school district or  
 5 in a unified or elementary school district that includes all of the  
 6 territory over which a county superintendent of schools has  
 7 jurisdiction, the governing board of the district shall serve as the  
 8 county board of education.

9 (b) This section shall become operative on July 1, 2014.

10 SECTION 1. Section 1000 of the Education Code is amended  
 11 to read:

12 ~~1000. (a) Except in a city and county, there shall be a county~~  
 13 ~~board of education, which shall consist of five or seven members~~  
 14 ~~to be determined by the county committee on school district~~  
 15 ~~organization. Each member of the board shall be an elector of the~~  
 16 ~~trustee area that he or she represents and shall be elected by the~~  
 17 ~~electors of the trustee area. In a county unified school district or~~  
 18 ~~in a unified or elementary school district that includes all of the~~  
 19 ~~territory over which a county superintendent of schools has~~  
 20 ~~jurisdiction, the governing board of the district shall serve as the~~  
 21 ~~county board of education.~~

22 ~~(b) If,~~

23 SEC. 3. Section 1000.1 is added to the Education Code, to  
 24 read:

25 1000.1. Notwithstanding Section 1007, if, on January 1, 2011,  
 26 a county charter or a county board of supervisors provides for an  
 27 appointed county board of education, the county board of education  
 28 shall thereafter be elected pursuant to the following procedures:

29 (1)

30 (a) At the direct primary election held in 2014, four of the seven  
 31 seats, or three of the five seats, on the county board of education,  
 32 corresponding to the odd-numbered trustee areas, shall be open  
 33 for election to initial four-year terms and the remaining three of  
 34 the seven seats, or two of the five seats, on the county board of  
 35 education shall be open for election to initial two-year terms.  
 36 Subsequent elections shall be held on the date of the direct primary  
 37 elections and shall be for four-year terms.

38 (2)

39 (b) After their election, members shall take office on the first  
 40 day of July.

1     ~~(3)~~  
 2     (c) The county committee on school district ~~reorganization~~  
 3     ~~organization~~, by a two-thirds vote of the members and pursuant  
 4     to Section 1002, shall determine the boundaries of the trustee areas  
 5     using the most recent decennial federal census *and shall assign*  
 6     *successive numbers to those trustee areas.*

7     ~~(4)~~  
 8     (d) The change from an appointed board to an elected board  
 9     shall not change the benefits to which members of the county board  
 10    of education are entitled. Changes in those benefits shall occur  
 11    under existing guidelines and procedures in place within the county.

12    ~~SEC. 2.~~  
 13    SEC. 4. If the Commission on State Mandates determines that  
 14    this act contains costs mandated by the state, reimbursement to  
 15    local agencies and school districts for those costs shall be made  
 16    pursuant to Part 7 (commencing with Section 17500) of Division  
 17    4 of Title 2 of the Government Code.