

AMENDED IN ASSEMBLY JUNE 12, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 532

Introduced by Senator Leyva

February 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 532, as amended, Leyva. Governing boards of school districts: nonvoting and preferential voting pupil members.

(1) Existing law requires the governing board of a school district maintaining one or more high schools to appoint to its membership one or more nonvoting pupil members if pupils petition the governing board to make those appointments.

This bill would require the governing board of a school district to appoint the pupil member or members within 60 days of receiving the petition, or at its next regularly scheduled meeting if no meeting is held within those 60 days, as specified.

The bill would require a unanimous vote of all voting board members to eliminate the nonvoting or preferential voting pupil member position from the governing board of a school district, and would require the decision, and reasons for the decision, to be listed as a public agenda item for a meeting of the governing board of the school district.

Because the bill would require school districts to provide a higher level of service, it 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 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 district. The terms of the members
6 shall, except as otherwise provided, be for four years and staggered
7 so that as nearly as practicable one-half of the members shall be
8 elected in each odd-numbered year.
9 (b) A unified school district may have a governing board of
10 seven members in the event the proposal for unification has
11 specified a governing board of seven members. The members of
12 the governing board shall be elected at large or by trustee areas as
13 designated in the proposal for unification and shall serve four-year
14 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 district. Whenever, in
20 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) (A) There may be submitted to the governing board of
24 a school district maintaining one or more high schools a pupil
25 petition requesting the governing board to appoint one or more
26 nonvoting pupil members to the board pursuant to this section.
27 (B) There may also be submitted to the governing board of a
28 school district maintaining one or more high schools a pupil
29 petition requesting the governing board to allow preferential voting
30 for the pupil member or members of the board. This request may
31 be made in the original petition for pupil representation on the

1 board or in a separate petition after a pupil member or members
2 have been appointed to the board.

3 (2) Whether for pupil representation or for preferential voting
4 for the pupil member or members, the petition shall contain the
5 signatures of either ~~(a)~~ (A) not less than 500 pupils regularly
6 enrolled in high schools of the district, or ~~(b)~~ (B) not less than 10
7 percent of the number of pupils regularly enrolled in high schools
8 of the district, whichever is less. Each fiscal year, and within 60
9 days of receipt of a petition for pupil representation, or at its next
10 regularly scheduled meeting if no meeting is held within those 60
11 days, the governing board of a school district shall order the
12 inclusion within the membership of the governing board, in
13 addition to the number of members otherwise prescribed, at least
14 one nonvoting pupil member. The governing board may order the
15 inclusion of more than one nonvoting pupil member.

16 (3) Upon receipt of a petition for pupil representation, the
17 governing board of a school district shall, commencing July 1,
18 1976, and each year thereafter, order the inclusion within the
19 membership of the governing board, in addition to the number of
20 members otherwise prescribed, at least one nonvoting pupil
21 member. The governing board may order the inclusion of more
22 than one nonvoting pupil member.

23 (4) (A) Upon receipt of a petition for preferential voting for
24 the pupil member or members, the governing board of the school
25 district shall allow preferential voting for the pupil member or
26 members of the governing board.

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

33 (5) The governing board of the school district may adopt a
34 resolution authorizing the nonvoting or preferential voting pupil
35 member or members to make motions that may be acted upon by
36 the governing board, except on matters dealing with
37 employer-employee relations pursuant to Chapter 10.7
38 (commencing with Section 3540) of Division 4 of Title 1 of the
39 Government Code.

1 (6) Each pupil member shall have the right to attend each and
2 all meetings of the governing board of the school district, except
3 executive sessions.

4 (7) Any pupil selected to serve as a nonvoting or preferential
5 voting member of the governing board of a school district shall be
6 enrolled in a high school of the district, may be less than 18 years
7 of age, and shall be chosen by the pupils enrolled in the high school
8 or high schools of the district in accordance with procedures
9 prescribed by the governing board. The term of a pupil member
10 shall be one year commencing on July 1 of each year.

11 (8) A nonvoting or preferential voting pupil member shall be
12 entitled to the mileage allowance to the same extent as regular
13 members, but is not entitled to the compensation prescribed by
14 Section 35120.

15 (9) A nonvoting or preferential voting pupil member shall be
16 seated with the members of the governing board of the school
17 district and shall be recognized as a full member of the board at
18 the meetings, including receiving all materials presented to the
19 board members and participating in the questioning of witnesses
20 and the discussion of issues.

21 (10) The nonvoting or preferential voting pupil member shall
22 not be included in determining the vote required to carry any
23 measure before the governing board of the school district.

24 (11) The nonvoting or preferential voting pupil member shall
25 not be liable for any acts of the governing board of the school
26 district.

27 (12) A unanimous vote of all voting board members shall be
28 required to eliminate the nonvoting or preferential voting pupil
29 member position from the governing board of a school district.
30 This decision, and reasons for the decision, shall be listed as a
31 public agenda item for a meeting of the governing board.

32 SEC. 2. If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.