
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

Bill No: AB 261 **Hearing Date:** June 7, 2017
Author: Thurmond
Version: March 23, 2017
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: School districts: governing boards: pupil members: preferential voting

SUMMARY

This bill provides that student members of school district governing boards are to have preferential voting rights.

BACKGROUND

Existing law:

- 1) Authorizes a student petition to be submitted to the governing board of a school district maintaining one or more high schools requesting the governing board to appoint one or more non-voting student members to the board.
- 2) Authorizes a student petition to be submitted to the governing board of a school district maintaining one or more high schools requesting the governing board to allow preferential voting for the student member or members of the board.
- 3) Requires the governing board of a school district, upon receipt of a petition for student representation, to order the inclusion within the membership of the governing board, in addition to the number of members otherwise prescribed, at least one nonvoting pupil member. Existing law authorizes the governing board to order the inclusion of more than one non-voting student member.
- 4) Requires any student selected to serve as a non-voting or preferential voting member of the governing board of a school district to be enrolled in a high school of the district, authorizes the student to be less than 18 years of age, and requires the student to be chosen by the students enrolled in the high school or high schools of the district in accordance with procedures prescribed by the governing board. Existing law provides that the term of a student member is one year, beginning on July 1 of each year.
- 5) Requires a non-voting or preferential voting student member to be seated with the members of the governing board of the school district and to be recognized as a full member of the board at the meetings, including receiving all materials presented to the board members and participating in the questioning of witnesses and the discussion of issues.

- 6) Prohibits the non-voting or preferential voting student member from being included in determining the vote required to carry any measure before the school district governing board. (Education Code § 35012)

ANALYSIS

This bill provides that student members of school district governing boards are to have preferential voting rights. Specifically, this bill:

- 1) Requires a student member of a school district governing board to have preferential voting rights.
- 2) Deletes references to non-voting student members.
- 3) Deletes the authority for the submission of a student petition requesting the board allow preferential voting for the student member of the board.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “Preferential voting rights gives a student board member the ability to clearly show where students stand on issues. Without a preferential vote, a student board member is not only limited by his or her inability to vote but in his or her engagement in the board itself. The student board member represents the largest stakeholder group in the education system, students themselves. Currently, student board members are allowed to listen to conversations about policy and to participate in discussions, but non-voting student board members do not have the ability to definitively take a stance on an issue. The lack of preferential vote limits the powers of the student board member, which ultimately restricts the effectiveness of student voice.”
- 2) ***What is preferential voting?*** Existing law defines “preferential voting” as a formal expression of the opinion that is recorded in the minutes and cast before the official vote of the school district governing board. Existing law prohibits a preferential vote from serving in determining the final numerical outcome of a vote, and from being solicited on matters subject to closed session discussion.

This bill gives student members of school district governing boards a greater voice on issues considered by the governing board, yet does not allow a student’s vote to determine the final outcome of a vote.

- 3) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose minor absorbable Proposition 98 (General Fund) reimbursable state mandated costs should the Commission on State Mandates determine this bill imposes a higher level of service. The additional costs would likely be insufficient to trigger any reimbursement by the state.
- 4) ***Related legislation.*** SB 468 (Leyva) 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 the 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. SB 468 is pending in the Assembly.

SB 596 (Stern) authorizes a high school to hold an election where the student body may vote to nominate a student or students to be considered for appointment as a student member of the State Board of Education. SB 596 is pending in the Assembly Education Committee.

SUPPORT

California Association of Student Councils (sponsor)
Public Advocates

OPPOSITION

None received

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