
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 532
Author: Leyva
Version: April 6, 2015
Urgency: No
Consultant: Kathleen Chavira
Hearing Date: April 15, 2015
Fiscal: Yes

Subject: Governing boards of school districts: nonvoting and preferential voting pupil Members

SUMMARY

This bill requires that a school district governing board act on a request for pupil representation on the board within 60 days of receipt of the request, and requires a unanimous vote of all voting members of the board in order to eliminate a student representative from the board, subject to such action being noticed as a public item on the board's agenda.

BACKGROUND

Existing law authorizes the submission of a pupil petition to a school district governing board requesting the appointment of one or more nonvoting pupil members to the board or requesting the board to allow preferential voting for the pupil member(s) of the board. The petition is required to contain signature of either 500 or more pupils who are regularly enrolled in high schools of the district, or (b) not less than 10 percent of the number of pupils regularly enrolled in high schools of the district, whichever is less.

Existing law requires the governing board to annually order the inclusion of the non-voting pupil member(s), and preferential voting for the pupil member(s) upon receipt of a petition for pupil representation.

Existing law requires that students selected for this purpose be enrolled in a high school of the district, authorizes that they can be less than 18 years of age, and requires they be chosen by the pupils enrolled in the high school (s) of the district in accordance with procedures prescribed by the governing board, and serve a one year term beginning July 1 of each year. (Education Code § 35012)

ANALYSIS

This bill:

1. Requires that each fiscal year, and within 60 days of a receipt of a petition for pupil representation, or at the next regularly scheduled board meeting, that the governing board order the inclusion of at least one non-voting pupil member.
2. Requires a unanimous vote of all voting board members in order to eliminate a non-voting or preferential voting pupil member position from the school district governing board.

3. Requires that a decision to eliminate a non-voting or preferential voting pupil member position, and the reasons for this action, be listed as a public agenda item for a meeting of the governing board.

STAFF COMMENTS

1. ***Need for the bill.*** According to the author, in the fall of 2013 the student board member position was eliminated from the Beverly Hills Unified School District board of education without any public record or official vote. As a result the student board member position was nonexistent for one semester. Through the efforts of one student, the board members eventually reinstated the position, but the elimination of the position still remains a threat. In addition, students from the Los Angeles Unified School district petitioned their school board with the necessary 500 signatures to create a student board member position in the spring of 2014. According to the author, a year later the board has yet to respond. According to the author, this bill would protect the voice of students by ensuring a formal and transparent process for both the establishment and removal of a student school board member position.
2. ***Related Informational Hearing.*** On February 25, 2015 this Committee held an informational hearing on the California Association of Student Councils (CASC). CASC presented a number of legislative proposals for the committee's consideration. Among their 6 proposals was one that recommended the amending of existing law to require a formal elimination process for the student board member position and a 60 day response limit to a petition to add a student board member. This bill proposes legislation to implement that proposal.
3. ***Prior legislation.*** AB 1007 (Carter, 2009) required appointment of one or more non-voting pupils to the board upon receipt of a pupil petition requesting this, within 30 days of receipt of that petition or at its next regularly scheduled meeting if no meeting was held within those 30 days. AB 1007 was ultimately vetoed by the Governor, whose message read, in pertinent part:

I am unaware of any school board intentionally withholding action on a student representation petition. Therefore, I believe this bill is unnecessary.

SUPPORT

California Association of Student Councils

OPPOSITION

None received.

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