



## **EDUCATION CODE - EDC**

### **TITLE 2. ELEMENTARY AND SECONDARY EDUCATION [33000 - 65001]** ( *Title 2 enacted by Stats. 1976, Ch. 1010.* )

#### **DIVISION 3. LOCAL ADMINISTRATION [35000 - 45500]** ( *Division 3 enacted by Stats. 1976, Ch. 1010.* )

#### **PART 21. LOCAL EDUCATIONAL AGENCIES [35000 - 35787]** ( *Part 21 enacted by Stats. 1976, Ch. 1010.* )

#### **CHAPTER 1. School Districts [35000 - 35046]** ( *Chapter 1 enacted by Stats. 1976, Ch. 1010.* )

#### **ARTICLE 2. General Provisions [35010 - 35012]** ( *Article 2 repealed and added by Stats. 1987, Ch. 1452, Sec. 182.* )

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

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

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

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

(2) The petition shall contain the signatures of either (A) not less than 500 pupils regularly enrolled in high schools of the school district, or (B) not less than 10 percent of the number of pupils regularly

enrolled in high schools of the school district, whichever is less. Each fiscal year, and within 60 days of receipt of a petition for pupil representation, or at its next regularly scheduled meeting if no meeting is held within those 60 days, the governing board of a school district shall order the inclusion within the membership of the governing board, in addition to the number of members otherwise prescribed, at least one pupil member. The governing board of a school district may order the inclusion of more than one pupil member.

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

(4) (A) A pupil member of the governing board of a school district shall have preferential voting rights.

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

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

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

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

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

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

(7) Any pupil selected to serve as a member of the governing board of a school district shall be enrolled in a high school of the school district, may be less than 18 years of age, and shall 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. The term of a pupil member shall be one year commencing on July 1 of each year.

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

(9) (A) A pupil member shall be seated with the members of the governing board of the school district and shall be recognized as a full member of the governing board at the meetings, including receiving all open meeting materials presented to the board members at the same time the materials are presented to the board members, being invited to staff briefings of board members or being provided a separate staff briefing within the same timeframe as the staff briefing of board members, being invited to attend other functions of the governing board of the school district, such as forums, meetings with pupils and parents, and other general assemblies, and participating in the questioning of witnesses and the discussion of issues.

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

(10) The pupil member shall not be included in determining the vote required to carry any measure before the governing board of the school district.

(11) The pupil member shall not be liable for any acts of the governing board of the school district.

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

(e) Pupil members shall not be considered members of a legislative body of a local agency for purposes of the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

*(Amended by Stats. 2019, Ch. 437, Sec. 1. (AB 709) Effective January 1, 2020.)*

