

O.K.  
PA/SW

# CSBA Sample Board Bylaw

**Board Bylaws**

BB 9150(a)

## STUDENT BOARD MEMBERS

Note: The following optional Board bylaw is for use by any district maintaining one or more high schools. Pursuant to Education Code 35160, the Governing Board may, on its own authority, elect to include one or more student members on the Board. In districts that do not have a student Board member, the district's high school students may petition the Board, pursuant to Education Code 35012, to include at least one student on the Board. See section on "Petition" below for additional information regarding student petitions.

In order to enhance communication and collaboration between the Governing Board and the student body and to teach students the importance of civic involvement, the Board supports the participation of high school students in district governance.

### Petition

Note: If petitioned by the district's high school students pursuant to Education Code 35012, the Board is required to include at least one student on the Board and, at its discretion, may include more than one student Board member. Districts that have already established student Board member position(s) should delete the following section.

Education Code 35012, as amended AB 261 (Ch. 57, Statutes of 2017) and SB 468 (Ch. 283, Statutes of 2017), grants preferential voting rights to student Board members without requiring students to submit a petition to the Board for such rights. See "Role and Responsibilities of Student Board Members" below for additional information regarding preferential voting.

High school students may submit a petition to the Board requesting the appointment of at least one student Board member. (Education Code 35012)

To qualify for Board consideration, the petition for student representation shall contain the signatures of no less than 500 regularly enrolled high school students or no less than 10 percent of the number of regularly enrolled high school students, whichever is less. (Education Code 35012)

Within 60 days of receiving a student petition, or at the next regularly scheduled Board meeting if no meeting is held within those 60 days, the Board shall order the inclusion of at least one student member on the Board. (Education Code 35012)

### Election of Student Board Member

Note: The following section may be revised to reflect district practice. Pursuant to Education Code 35012, when student representation is established in response to a student petition, student Board members must be elected by the students enrolled in high school(s). It is recommended that the district apply the same process when a student Board member position is established at the Board's discretion. The following paragraph may be revised accordingly.

**STUDENT BOARD MEMBERS** (continued)

Student Board member positions shall be filled by a vote of students enrolled in the high school(s) in accordance with procedures prescribed by the Board. (Education Code 35012)

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 5121 - Grades/Evaluation of Student Achievement)*

*(cf. 6145 - Extracurricular and Cocurricular Activities)*

The term of student Board member(s) shall be one year, commencing on July 1. (Education Code 35012)

**Role and Responsibilities of Student Board Members**

Student Board member(s) shall have the right to attend all Board meetings except closed (executive) sessions. (Education Code 35012)

*(cf. 9321 - Closed Session Purposes and Agendas)*

Note: Education Code 35012, as amended by SB 468 (Ch. 283, Statutes of 2017), requires that student Board members receive meeting materials and staff briefings at the same time as other Board members. Any briefings presented to the Board need to comply with Brown Act requirements.

All materials presented to Board members, except those related to closed sessions, shall be presented to student Board members at the same time they are presented to voting Board members. Student Board member(s) shall also be invited to attend staff briefings or be provided with a separate staff briefing within the same timeframe as the briefing of other Board members. (Education Code 35012)

*(cf. 9322 - Agenda/Meeting Materials)*

Student Board member(s) shall be recognized at Board meetings as full member(s), shall be seated with other members of the Board, and shall be allowed to participate in questioning witnesses and discussing issues. (Education Code 35012)

Note: Education Code 35012, as amended by AB 261 (Ch. 257, Statutes of 2017) and SB 468 (Ch. 283, Statutes of 2017), grants preferential voting rights to student Board members.

Student Board member(s) shall be allowed to cast preferential votes on all matters except those subject to closed session discussion. *Preferential voting* means a formal expression of opinion that is recorded in the minutes and cast before the official vote of the Board. Preferential votes shall not affect the final numerical outcome of a vote. (Education Code 35012)

*(cf. 9324 - Minutes and Recordings)*

**STUDENT BOARD MEMBERS** (continued)

Note: Pursuant to Education Code 35012, the Board may adopt a resolution authorizing its student Board member(s) to make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. The following **optional** paragraph is for use by districts that have adopted a resolution granting such authority.

Student Board member(s) may make motions that may be acted upon by the Board, except on matters dealing with employer-employee relations pursuant to Government Code 3540-3549.3. (Education Code 35012)

A student Board member shall not be liable for any acts of the Board. (Education Code 35012)

*(cf. 9323.2 - Actions by the Board)*

Student Board member(s) shall be entitled to be reimbursed for mileage to the same extent as other members of the Board but shall not receive compensation for attendance at Board meetings. (Education Code 35012)

*(cf. 3350 - Travel Expenses)*

*(cf. 9250 - Remuneration, Reimbursement and Other Benefits)*

**Student Board Member Development**

Note: The following section is **optional**. Trainings for student Board members are available through CSBA's Annual Education Conference and statewide associations such as the California Association of Student Councils and California Association of Student Leaders.

The Superintendent or designee may, at district expense, provide learning opportunities to student Board members through trainings, workshops, and conferences, such as those offered by the California School Boards Association and other organizations, to enhance their knowledge, understanding, and performance of their Board responsibilities.

*(cf. 9240 - Board Training)*

The Superintendent or designee may periodically provide an orientation for student Board member candidates to give them an understanding of the responsibilities and expectations of Board service.

**Elimination of Position**

Note: Education Code 35012 requires a majority vote of all voting members of the Board in order to eliminate a student Board member position that was established in response to a student petition. It is recommended that the district apply the same requirement when the position is established at the Board's discretion. The following paragraph may be revised accordingly.

**STUDENT BOARD MEMBERS** (continued)

Once established, the student Board member position shall continue to exist until the Board, by majority vote of all voting Board members, approves a motion to eliminate the position. Such a motion shall be listed as a public agenda item for a Board meeting prior to the motion being voted upon. (Education Code 35012)

*Legal Reference:*

EDUCATION CODE

33000.5 *Appointment of student member to State Board of Education*

35012 *Board members; number, election and terms; student members*

35160 *Authority of governing boards*

GOVERNMENT CODE

3540-3549.3 *Educational Employment Relations Act*

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>

California Association of Student Councils: <http://www.casc.net>

California Association of Student Leaders: <http://www.castboard.com>

National School Boards Association: <http://www.nsba.org>

Copyright 2017 by California School Boards Association

(7/11 12/15) 12/17