Cecilia A. Massetti, Ed.D.
Superintendent of Schools

8.7

Board of Education Action Item
September 11, 2018

Topic:
Information on changes governing County Board of Education Elections

Background:
AB 2449 School District, County Offices of Education and Community College Districts Governing Boards: elections was approved by the governor on July 20, 2018, and filed with the Secretary of State on July 20, 2018.

1. Change that impacts the County Board of Education, Section 1 Education Code 1007 (a)

   Prior to AB 2449: The elected county board of education members… "shall take office on the last Friday in November subsequent to their election."

   Provision of AB 2449 "The elected county board of education member… "shall take office on the second Friday in December subsequent to their election."

2. The county board of education shall organize at a meeting held in each year by electing one of their members president of the board.

   Section 2 Education Code 1009
   Prior to AB 2449: The meeting at which the organization is conducted shall be either the first meeting on or after the last Friday in November, or the first meeting on or after the first day in July depending upon whether, pursuant to Section 1007, the terms of the office of board members commence on the last Friday in November or the first day in July.

   Provision of AB 2449: The meeting at which the organization is conducted shall be either the first meeting on or after the second Friday in December, or the first meeting on or after the first day in July depending upon whether, pursuant to Section 1007, the terms of the office of board members commence on the second Friday in December or the first day in July.

3. Once a decision has been made, the Board Bylaws will be updated.

Possible Options

1. When setting calendar for future meetings, December meeting needs to be after the second Friday in December for the organizational meeting.

2. Change the date of the monthly board meeting from the second Tuesday of the month to any day in the third week of the month.

Fiscal Impact:
None

Resource:
Cecilia A. Massetti, Ed.D.
Madera County Superintendent of Schools

Recommendation:
Discussion and direction for action in the future

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AB-2449 School districts, county offices of education, and community college districts: governing boards: elections.
(2017-2018)

SECTION 1. Section 1007 of the Education Code is amended to read:

1007. (a) Members of the county board of education shall be elected on the date and in the manner prescribed for the election of members of governing boards of school districts, provided the elections are held throughout the county on the same date; otherwise the election shall be consolidated with the direct primary election. Once established, no subsequent change of circumstances shall require that the time of holding the election be changed. Where the elections for governing board members are held on the same date, then the provisions of Section 5303 shall apply to the election of members of the county board of education. Elections held pursuant to this article shall be conducted by the county board of education. Members elected at the time of the direct primary shall take office on the first day of July, and members elected at the date on which members of school district governing boards are elected shall take office on the ~~last~~ *second* Friday in ~~November~~ *December* subsequent to their election. The county committee on school district organization shall determine the manner in which the county board of education first elected shall effect a staggering of terms.

(b) This section shall govern the election and term of office of members of a county board of education except as provided under ~~Section 5000.5.~~ *Sections 1302 and 10404.5 of the Elections Code.*

SEC. 2. Section 1009 of the Education Code is amended to read:

1009. The county board of education shall organize at a meeting held in each year by electing one of their number president of the board. The meeting at which the organization is conducted shall be either the first meeting on or after the ~~last~~ *second* Friday in ~~November,~~ *December,* or the first meeting on or after the first day in July, depending upon whether, pursuant to Section 1007, the terms of office of board members commence on the ~~last~~ *second* Friday in ~~November~~ *December* or the first day in July.

SEC. 3. Section 5017 of the Education Code is amended to read:

5017. Each person elected at a regular biennial governing board member election shall hold office for a term of four years commencing on the ~~first~~ *second* Friday in December next succeeding his or her election. Any member of the governing board of a school district or community college district whose term has expired shall continue to discharge the duties of the office until his or her successor has qualified. The term of the successor shall begin upon the expiration of the term of his or her predecessor.

SEC. 4. Section 72027 of the Education Code is amended to read:

72027. (a) Upon the formation of a community college district the county superintendent of schools having jurisdiction shall call and set the date of an election for the purpose of electing the governing board of the district. The call shall be issued not later than 30 days after the formation of the district. The election shall be called, held, and conducted as are elections for members of governing boards of elementary school districts.

(b) The first members of the governing board shall take office on the third Monday following their election. The term of office of subsequent members of the board shall begin on the ~~first~~ *second* Friday in December following their election.

(c) Notwithstanding subdivision (a), the county superintendent of schools having jurisdiction may call and set the date for an election for the purpose of electing the governing board of the district on the same date that the election is held for the formation of the community college district. The call for both elections shall be issued at the same time. The election shall be called, held, and conducted the same as elections for members of the governing boards of elementary school districts.

(d) The majority of the members of the first elected board of any newly formed community college district, the members of which majority received the highest number of votes, shall serve until the ~~first~~ *second* Friday in December of the second succeeding odd-numbered year. The terms of the other members shall expire on the ~~first~~ *second* Friday in December of the first succeeding odd-numbered year. Those members shall continue in office until their successors are elected and qualified.

SEC. 5. *If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.*

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AB-2449 School districts, county offices of education, and community college districts: governing boards: elections.
(2017-2018)

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Assembly Bill No. 2449

CHAPTER 146

An act to amend Sections 1007, 1009, 5017, and 72027 of the Education Code, relating to school and college elections.

[Approved by Governor July 20, 2018. Filed with Secretary of State July 20, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2449, Arambula. School districts, county offices of education, and community college districts: governing boards: elections.

Under existing law relating to the election of members of governing boards of school districts and governing boards of community college districts, the terms of office of certain board members commences on the first Friday in December. Under existing law relating to the election of members of county boards of education, the terms of office of certain board members commences on the last Friday in November.

This bill would instead provide for the commencement of those terms of office on the 2nd Friday in December. To the extent the bill would impose additional duties on school districts, county offices of education, and community college districts, the bill would impose a state-mandated local program.

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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1007 of the Education Code is amended to read:

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election. The county committee on school district organization shall determine the manner in which the county board of education first elected shall effect a staggering of terms.

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(c) Notwithstanding subdivision (a), the county superintendent of schools having jurisdiction may call and set the date for an election for the purpose of electing the governing board of the district on the same date that the election is held for the formation of the community college district. The call for both elections shall be issued at the same time. The election shall be called, held, and conducted the same as elections for members of the governing boards of elementary school districts.

(d) The majority of the members of the first elected board of any newly formed community college district, the members of which majority received the highest number of votes, shall serve until the second Friday in December of the second succeeding odd-numbered year. The terms of the other members shall expire on the second Friday in December of the first succeeding odd-numbered year. Those members shall continue in office until their successors are elected and qualified.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.