

New Laws Affect County Offices of Education: County Superintendent Oversight Duties and Student Board Members

November 5, 2021
Number 39

Written by:

Ryan P. Tung
Partner
Los Angeles and Walnut
Creek

Daniel Findley
Law Clerk
Fresno

On October 8, 2021, the Governor signed Assembly Bills (AB) 559 and 824 into law. AB 559 provides a new process for identifying schools that county superintendents are required to inspect each year. AB 824 authorizes county boards of education and charter schools to appoint high school pupils as members of their governing boards in response to a student petition.

AB 559

Previously, Education Code section 1240 required a county superintendent of schools to annually inspect schools that were ranked in deciles 1 to 3 of the Academic Performance Index. The county superintendent was then required to prepare and submit a report to the governing board of each school district under their jurisdiction, the county board of education, and the county board of supervisors, detailing the state of those schools.

AB 599 will change Education Code section 1240 to create a new method of determining which schools the county superintendent must inspect each year. Specifically, commencing with the 2021-22 fiscal year, the Superintendent of Public Instruction (SPI) must create a list of schools (including charter schools) that each county superintendent is required to inspect annually. The SPI's list must include all of the following:

- (1) All schools identified for comprehensive support and improvement and additional targeted support and improvement under the federal Every Student Succeeds Act;
- (2) All schools identified as low performing under the Federal Elementary and Secondary Education Act; and
- (3) All schools where 15 percent or more of the teachers hold something less than a preliminary or clear California teaching credential.

The SPI must create the initial list of schools during the 2021-2022 fiscal year and create a second list during the 2022-2023 fiscal year. Additional lists of schools must be established every three fiscal years after the 2022-2023 fiscal year.

County superintendents must use the SPI's most recent list of schools for inspections during the following fiscal year. This means that for fiscal year 2022-2023, county superintendents must inspect all schools within their jurisdiction that are listed on the SPI's 2021-2022 list.

Following their inspections, county superintendents must prepare an annual report detailing various aspects of the inspected schools' performance and submit that report in November to the governing board of every school district within the county office of education's jurisdiction, the county board of education, and the county board of supervisors.

AB 824

AB 824 authorizes county boards of education and charter schools to appoint high school pupils as members of their governing boards, if petitioned by high school pupils enrolled in their county or charter school. The new law will function similarly to existing laws governing appointment of student trustees to school district governing boards.

As of July 1, 2023, a county board of education or charter school must add a pupil member to the board if it receives a petition signed by at least:

- 500 or more pupils regularly enrolled in high schools operated by the county board/charter school, or
- 10 percent or more of the number of pupils regularly enrolled in a high school operated by the county board/charter school.

The term of each pupil member will be one year, commencing on July 1st of each year. The appointed pupil will have the right to attend all board meetings, except closed sessions. The appointed pupil will also have a preferential (non-determinative) voting right.

If you have any questions about AB 599 or AB 824 or county office of education issues in general, please contact the authors of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcasts](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.