

Communication from Public

Name: Niko Shahbazian

Date Submitted: 06/07/2024 04:00 PM

Council File No: 24-1100-S7

Comments for Public Posting: Good afternoon Councilmembers, On behalf of OUR LA, we are submitting a letter that speaks to the need for active LAUSD student representation on an LAUSD IRC and to demonstrate that existing State law does allow for the participation of students, including those ages 16 and 17, to participate fully as Commissioners. Thank you for your time and consideration.



June 7, 2024

Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

RE: Legality and Value of Student Commissioners on an LAUSD IRC

Dear Council President Krekorian and members of the Los Angeles City Council:

The recently released [May 30 Charter Amendment and Admin Code](#) have outlined the potential for student participation on an LAUSD IRC. The City Attorney's summary of the proposed charter amendment highlights how certain provisions may allow for the inclusion of students ages 16 and 17 "in a manner that comports with existing State law and provides flexibility if State law is amended or clarified to clearly allow youth participation."¹ The purpose of this letter is to make clear the need for active LAUSD student representation on an LAUSD IRC and to demonstrate that existing State law does allow for the participation of students, including those ages 16 and 17, to participate fully as Commissioners. The term "student commissioner" will be used to denote active LAUSD students, including youth ages 16 and 17 and adult education students between the ages of 18-22.

Why Student Commissioners on the LAUSD IRC

The creation of an LAUSD IRC represents a remarkable step towards elevating the voices and needs of LAUSD's diverse student populations. Students are impacted by the redistricting process more directly than any other member of the community. Redistricting lays the groundwork for who wins school board elections and, consequently, what policy direction they will put in place for the next decade. LAUSD students, as well as their parents/caretakers, will ultimately bear the benefits or the brunt of the decisions made by the LAUSD board. These decisions impact whether there will be equitable distribution of funds for necessities like classroom resources, learning materials, and student support services, or whether there will be policies that support the whole child or incorporate innovative solutions to address long-term student disparities in education. Therefore, active LAUSD students must have a say in the redistricting process, both as commissioners with full voting power and as engaged members of the public.

¹ https://clkrep.lacity.org/online/docs/2024/24-1100-S7_rpt_ATT_5-30-24.pdf

Moreover, student commissioners are best positioned to engage and mobilize their peers to meaningfully participate in the redistricting process and, as a result, can be more effective in increasing student civic participation beyond voting and elections. Students are the best messengers to other students. As commissioners, they can effectively connect with the experiences of their peers, identify processes and activities that will galvanize student engagement, and guide the commission's design of public hearings to enhance student voice in the redistricting process.

Therefore, in order to be representative of the populations within the LAUSD boundaries, the LAUSD IRC should include substantive student representation by designating at least 5-7 seats for student commissioners.

It is important to note that while there are 26,220 active LAUSD adult education students 18 years of age or older during the 2023-2024 school year, the majority of the 116,507 LAUSD high school students are youth under 18². Thus, the most direct avenue for guaranteeing meaningful student representation is to allow 16 and 17-year-old students to serve as commissioners on the LAUSD IRC. Moreover, 16 and 17-year-old commissioners will have the unique opportunity to experience the impact of the redistricting process, as well as connect their leadership as commissioners to their leadership in school as they continue to be students in the district. In addition to youth representation on the commission, the commission body, as a whole, should mirror the LAUSD student population, especially of Black, Latinx, multilingual, and low-income communities who make up the majority of the student population for LAUSD, including representation of foster/formerly foster and unhoused/formerly unhoused students. For too long, decisions that impact students have been made on their behalf. It is time that student voices are centered in the LAUSD redistricting process.

Why Can 16 and 17 Year-Old Student Commissioners Legally Serve

State law does not prohibit 16 and 17-year-old youth from serving on an LAUSD IRC

Not only is it important and desirable to have 16 and 17 year-old student representation on the LAUSD IRC, but state law does not prohibit it. In discussions about having 16 and 17 year-old student commissioners, OUR LA has been made aware of three state laws of concern to

²https://www.lausd.org/site/handlers/filedownload.ashx?moduleinstanceid=81764&dataid=135710&FileName=FINGERTIP_FACTS_23-24.pdf

the City Attorney, which are cited in the [City Attorney's May 30, 2024 report to the City Council](#).

Composition of school boards (California Education Code § 35012). In addressing the Council's request to set a minimum age of 16 years to serve on the LAUSD IRC, the City Attorney notes, "The authority of youth members to participate on a board of education is limited under State law." The section of state law that is cited describes the composition and terms of a governing board of a school district, such as LAUSD, including when "pupil members" or high school students may be appointed. Cal Ed Code § 35012. The powers of pupil members differ from regular members in important respects.

This section does not prohibit youth under 18 years old from serving as voting members of an LAUSD IRC because it does not apply to the commission. "Governing board" is defined to mean "board of school trustees, community college board of trustees, and city, and city and county board of education." Cal Ed Code § 78. This definition does not include independent redistricting commissions, making the provision inapplicable to our case.

It is true that pupil members on a school district board have "preferential voting rights," and their votes are not included "in determining the vote required to carry any measure before the governing board of the school district." Cal Ed Code § 35012(d)(4), (10). It could be argued that it would be odd for state law to foreclose a pupil member from voting on LAUSD's decisions while permitting a youth commissioner to vote on maps that determine the districts in which LAUSD board members are elected. However, this would be an inconsistency of policy rather than law - an inconsistency that is legally permissible and justified for important policy reasons. As explained above, there are significant reasons why student representation on the LAUSD IRC is a desirable policy outcome.

Capacity of minors to contract (California Civil Code §§ 1556, 1557): The City Attorney notes, "State law also generally contains restrictions on the ability of individuals under 18 years of age to participate in contracting decisions. (See California Civil Code § 1556.)" These Civil Code sections collectively provide that the capacity of a minor to contract is governed by the state's Family Code, which in turn says that a minor may contract "in the same manner as an adult" subject to certain limitations. Cal Fam Code § 6700. A minor is defined as an individual under 18 years of age. Cal Fam Code § 6500.

These sections do not prohibit 16 and 17-year-olds from serving as voting members of an LAUSD IRC. First, it is not clear that the LAUSD IRC will be the party to any contracts with vendors to carry out its work, versus the City of Los Angeles, the LAUSD, or any of their

agencies or employees. Second, if the LAUSD IRC is the contracting party, it is not clear that this would make any individual commissioner, including the youth commissioners, a party to the contract. Third, if these provisions apply to youth commissioners aged 16 and 17 as parties to an LAUSD IRC's contract, they do not constrain or otherwise impact the work of the LAUSD IRC unless the contract falls in one or more of three statutorily prescribed categories. *See* Cal Fam Code § 6701 (prohibiting minors from giving a delegation of power, making a contract relating to real property, or making a contract relating to personal property not in possession or control). For example, contracts to engage vendors to conduct mapping or provide language interpretation would not fall under these categories.

Disqualifications in appointments (California Government Code § 1020). The City Attorney cites, in a footnote, Government Code § 1020 as “generally providing that a person is eligible to hold an appointed civil office if the person is 18 years of age and a resident of the state.”

It can be persuasively argued that this section does not apply to a member of the LAUSD IRC. We were unable to find a statutory definition for “appointed civil office,” relevant legislative history, or a case elaborating on its meaning.³ Opinions issued by the California Attorney General in the 1970s indicate “a surprising lack of authority as to the definition of the term ‘civil office’,” positing that the term distinguishes a civil office from a military office, is synonymous with “public office,” and may be “one which, for a given period, an individual is vested with power to perform a public function for the public benefit.” 57 Ops. Cal. Atty. Gen. 498; *see also* 61 Ops. Cal. Atty. Gen. 528. Relying on this reasoning we think that a commissioner for the LAUSD IRC is likely a civil office.

However, we would urge the Council to take the position that a commissioner is not an “appointed” civil office. In contrast to the previous LAUSD redistricting commission, in which elected officials appointed all 15 members, the [current proposal](#) for selecting commissioners provides that seven members would be selected randomly from a pool of eligible applicants, and these seven commissioners would select seven additional members. This selection mechanism is not an appointment as it is traditionally understood.

Alternatively, we urge the Council to take the position that this section does not apply to members of a local independent redistricting commission. Specific provisions of state law speak

³ By contrast, the same state code enumerates as “civil *executive* officers” (emphasis added) a list that includes “such other officers as fill offices created by or under the authority of charters or laws for the government of counties and cities” or “persons serving on...commissions created under the laws of the state or established under the State Constitution.” Cal Gov Code § 1001.



to the establishment and composition of these commissions. The state’s Election Code authorizes local jurisdictions to establish independent redistricting commissions “composed of residents of the local jurisdiction.” Cal Elec Code § 23001. It provides several restrictions on who may serve on such a commission, none of which relate to age. Cal Elec Code § 23003. And it empowers a local jurisdiction to “impose additional requirements and restrictions” on members of or applicants to the commission. *Id.* Taken together, they suggest that the state did not intend to prohibit 16 and 17-year-olds from serving on an IRC from the LAUSD; on the contrary, it intended to leave this policy decision to local jurisdictions.

These legal interpretations demonstrate the legality of having 16 and 17-year-old youth commissioners, as well as the necessity of removing any barriers for active LAUSD students 16 and up to serve as student commissioners. Active LAUSD students between the ages of 16-22 will bring needed student representation on an IRC. Their voices will ultimately shape the future for students to come, and it is time these decisions center the input of those who are directly impacted. Please feel free to reach out to Alejandra Ponce de León with Catalyst California at aponcedeleon@catalystcalifornia.org for any questions and additional information.

Thank you,
[OUR LA](#) Steering Committee



Communication from Public

Name: Alejandra Ponce de Leon

Date Submitted: 06/07/2024 11:19 AM

Council File No: 24-1100-S7

Comments for Public Posting: Good morning, council members: On behalf of over a dozen community organizations, I have attached for you a letter where they uplift their support for OUR LA's recommendations to be included in the finalized language for the LAUSD IRC to ensure youth representation and engagement is centered and prioritized. Thank you for taking the time to read and take their input into account, Alejandra Ponce de Leon

June 7, 2024

Los Angeles City Council
200 North Spring Street
Los Angeles, CA 90012

Re: Recommendations for the LAUSD Independent Redistricting Commission

Dear Council President Krekorian and Councilmembers,

We the undersigned, stand with [OUR LA](#) and urge the Ad Hoc Committee on City Governance Reform to establish an LAUSD independent redistricting commission (IRC) that prioritizes engaged youth representation, and is inclusive of input from youth, parents, and caretakers. We support OUR LA's recommendations to center low-income, BIPOC, foster and unhoused/formerly unhoused youth within the commission organization, the design of public hearings and meetings, and the process of hiring staff to support commissioners. These recommendations would better ensure the meaningful participation of our communities and the success of the LAUSD IRC in engaging everyday Angelenos, especially LAUSD youth.

Youth are largely impacted throughout the LAUSD redistricting process. Redistricting can lead to the dilution of political power for low-income and BIPOC communities and further educational inequality, or it can determine an equitable distribution of resources for things like learning materials to support youth that have less access to quality education. We know that more must be done to guarantee the LAUSD IRC engages and empowers youth. As the Committee considers the LAUSD IRC proposal, we urge Councilmembers to adopt the following recommendations:

- 1) Center youth decision-making power by including 1 youth commissioner from each of the 7 LAUSD districts, leading to 7 youth commissioners and at least 7 adult commissioners. We define as youth commissioners any active LAUSD student, including adult education students, between the ages of 16-22.
- 2) Prioritize youth engagement and participation through designing and designating a portion of public hearings tailored to, accessible, inviting, and culturally relevant for youth.
- 3) Support youth commissioners by hiring IRC staff, including the executive director, with strong backgrounds in youth organizing/engagement to ensure they have the skill sets to support youth commissioners and effectively plan outreach with them.

Additionally, we push for the inclusion of:

1. Specific language that calls for the representation of foster youth and unhoused/formerly unhoused youth on the commission.
2. Stronger racial/ethnic representation, especially of Black, Latinx, multilingual-learners, and low-income communities, who make up most of the student population for LAUSD and should be reflected on an IRC.

The [Part II | LAUSD IRC Recommendations](#) document includes a full list of OUR LA's outlined recommendation priorities. We know a new vision of city governance is needed, and that vision must be rooted in and shaped by the perspectives of low-income and BIPOC Angelenos, regardless of their age. It's not enough to have a symbolic youth presence on the commission. **It's about creating *engaged and empowered* youth representation on the LAUSD IRC and in all civic engagement processes.** As such, we respectfully request an integration of these recommendations before any proposal is finalized and voted on by the Committee. Thank you, Councilmembers, for your time and consideration.

In community,

Chrissie Castro
Executive Director
California Native Vote Project

Lucy Herrera
Executive Director
Legacy LA

Estella Owoimaha-Church
Co Executive Director
Empowering Pacific Islander Communities

Henry Perez
Executive Director
InnerCity Struggle

Jesse De La Cruz
Founder and Executive Director
Urbano Strategies

Tony Brown
Executive Director
Heart of Los Angeles (HOLA)

Michael Centeno
Executive Director
Tia Chucha's Centro Cultural & Bookstore

Karen Ramirez
Executive Director
RootDown LA

Alison De Lucca
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Tiana Day
Founder and Executive Director
Youth Advocates for Change

Dr. Tierra T. Ellis
Founder & Executive Director
Psyches of Color, Inc.

Hoang Nguyen
Director of External Affairs
AAPI Equity Alliance

Davina Runkaputi
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