

**RESOLUTION OF THE GOVERNING BOARD
OF THE SANTA CLARA UNIFIED SCHOOL DISTRICT
Resolution No. 21-01**

**Resolution to Initiate a Transition to a By-Trustee Area Election System Commencing
with the 2022 Governing Board Election and Statement of Intent to Seek a Waiver of the
Election Requirement from the State Board of Education**

WHEREAS, the Santa Clara Unified School District Board of Education (“Board”) is keenly aware of the importance of maintaining a fair election system;

WHEREAS, the Board has always strived to listen to all voices in the community and represent all of our community;

WHEREAS, California Education Code sections 5019(a) & (c)(1) and 5030 authorizes the Santa Clara County Committee on School District Organization (“County Committee”), upon application of a school district’s governing board, to change the method of election of governing board members in a school district under its jurisdiction;

WHEREAS, the California Voting Rights Act (Elections Code §§ 14025 *et seq.*) (“CVRA”) prohibits the use of an “at-large” election system for governing board members of a school district if the “at-large” elections may impair the ability of a protected class to elect candidates of its choice, or its ability to influence the outcome of an election;

WHEREAS, Elections Code section 14026 defines “at-large” elections to include election methods whereby: (1) voters of the entire jurisdiction elect the members to the governing body; (2) candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or (3) at-large elections and district-based elections are combined;

WHEREAS, Governing Board (“Board”) Members of the Santa Clara Unified School District (“District”) are currently elected using an “at-large” election system as defined by Elections Code section 14026;

WHEREAS, it is considered the view of the Board that starting with the 2022 Board elections, and with the benefit of then-updated federal decennial Census data released in 2021, the public interest may be better served by election of its Board members using a “by-trustee area” election system (i.e., elections in which one candidate residing in each trustee area is elected by only the registered voters in that particular trustee area);

WHEREAS, although Education Code section 5020 requires that a County Committee’s resolution approving a change in the method of electing governing board members be submitted to the electorate for its approval at the school district’s next regular election following the District’s formal adoption of the new election system, the Board intends to seek a waiver of the voter approval requirement as permitted by law. Education Code sections 33050-33053 authorize the State Board of Education to waive this voter approval requirement, which could

reduce the costs and risks associated with a school district's transition to a "by-trustee area" election system;

WHEREAS, the Board finds it is appropriate to seek a waiver of the election requirement in Education Code section 5020, and portions of sections 5019, 5021, and 5030, to ensure the timely implementation of the "by-trustee area" election system commencing with the 2022 Governing Board election, to reduce costs for the District associated with placing an item on the ballot and to reduce any potential legal liability or financial risk to the District under the CVRA;

WHEREAS, the adoption of "by-trustee area" elections will not affect the terms of any Board members serving or elected during this transition, each of whom will serve out his or her full term; and

WHEREAS, the Board, cognizant of its need for fiscal responsibility, desires to implement this change in the manner of electing Board members in a cost effective and efficient manner.

NOW, THEREFORE, the Governing Board of the Santa Clara Unified School District does hereby resolve, order and determine as follows:

1. The above recitals are true and correct.
2. The Board hereby determines that the trustee area boundary lines shall be developed based on the most updated federal decennial Census data following its release in 2021 to provide for "by-trustee areas" elections commencing in 2022.
3. By this resolution, and pursuant to Education Code sections 5019(a) and 5030, the Board directs District staff, when timely, to transmit this resolution to the Santa Clara County Committee on School District Organization to apply to have the County Committee adopt a change in the method of electing members of the board from "at-large" elections [Education Code section 5030(a)] to "by-trustee area" elections [Education Code section 5030(b)] commencing with the 2022 Board elections.
4. Before submitting a final proposal to the County Committee for a trustee area plan using the federal Census data, multiple public hearings in accordance with Elections Code section 10010 shall be scheduled to obtain public input on the draft proposals prepared.
5. The Board shall apply to the County Committee for establishment of trustee areas pursuant to Education Code section 5019(a) in a timely manner to have the 2022 elections for the Board conducted within the new trustee areas.
6. The Superintendent, or her designee, shall send a copy of this resolution to the County Committee for action in accordance with law.
7. The Superintendent, or her designee, is hereby directed to prepare an additional Board resolution, and implement the applicable legal requirements in a timely manner, to seek a waiver from the State Board of Education of the election requirement imposed by Education Code section 5020.

8. The Superintendent, or her designee, shall consult with legal counsel to resolve all legal issues necessary to give effect to this resolution.

9. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Board on January 19, 2021, at a duly noticed meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I, Bonnie Lieberman, Clerk of the Governing Board of the Santa Clara Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board at a meeting thereof held on January 19, 2021, by a vote of _____ to _____.

IN WITNESS THEREOF, I have hereto set my hand this ___ day of _____, 2021.

Clerk of the Governing Board