

**RESOLUTION OF THE GOVERNING BOARD
OF THE SANTA CLARA UNIFIED SCHOOL DISTRICT
Resolution No. 21-22**

**Resolution Authorizing the Submission of a General Waiver Request to be Approved by
the State Board of Education Concerning the District's Transition to a By-Trustee Area
Election System**

A. On January 19, 2021, the Santa Clara Unified School District Governing Board ("Board") passed Resolution No. 21-01 initiating the process for the Santa Clara Unified School District ("District") to transition from an "at-large" election system to a "by-trustee area" election system commencing with the 2022 Board elections.

B. The Board believes that a transition to a by-trustee area election system will reduce the District's risk of costly litigation, especially since a successful plaintiff under the California Voting Rights Act ("CVRA") is entitled to reasonable attorneys' fees and experts' fees, creating great financial risk to any jurisdiction sued.

C. Although Education Code section 5020 normally requires a resolution approved by the local county committee on school district organization authorizing a change in the method of electing governing board members be submitted to the electorate for its approval at the District's next regular election, the State Board of Education is authorized to waive section 5020(a) and portions of sections 5019, 5021, and 5030 of the Education Code related to such election requirement.

D. Further, in passing Resolution No. 21-01, the Board expressed its intention to seek a waiver of the ballot requirement from the State Board of Education as permitted under Education Code sections 33050-33053. By seeking a waiver from the election requirement, the District will make sure the new by-trustee area election system is implemented by the 2022 Governing Board election, thereby reducing the risk of any potential liability to the District under the CVRA, in addition to reducing costs for the District associated with placing an item on the ballot.

E. In order to obtain a waiver from the State Board of Education, the District must comply with Education Code sections 33050 and 33051 and State Board of Education and California Department of Education regulations and requirements. Such requirements include conducting a noticed public hearing whereby the public may testify on the merits of obtaining a waiver from the State Board of Education and submitting a completed General Waiver Request form to the California Department of Education to be approved by the State Board of Education. Such requirements further include contacting the District bargaining units, advisory committees and councils.

F. On May 13, 2021, during a meeting of the Board, the Board convened a duly-noticed public hearing to solicit public testimony on the merits of obtaining a waiver of the election requirement from the State Board of Education.

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. That after receiving and considering public testimony at a duly-noticed public hearing, the Board hereby approves the application of a General Waiver Request, to be approved by the State Board of Education, seeking waiver of Education Code Section 5020 and portions of Sections 5019, 5021, and 5030, pertaining to the requirement that a change in the District's election system from an "at large" election system to a "by-trustee area" election system be presented to the electorate of the District.

3. That the District has consulted all collective bargaining units and shall note the collective bargaining units' positions regarding the waiver in the District's General Waiver Request.

4. That the District has consulted with all applicable advisory committees and councils regarding the waiver and shall note such consultation in the District's General Waiver Request.

5. The Board hereby authorizes and directs the Superintendent, or her designee, to submit a General Waiver Request to the California Department of Education, to be approved by the State Board of Education, seeking a waiver from the election requirement imposed by the Education Code sections noted herein, so as to ensure the timely implementation of the District's by-trustee area election system for the 2022 Governing Board elections, and to take all actions necessary to effect the intent of this resolution.

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

PASSED AND ADOPTED by the Board on May 27, 2021, at a duly noticed meeting by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I, _____, 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 May 27, 2021, by a vote of _____ to _____
IN WITNESS THEREOF, I have hereto set my hand this ___ day of _____, 2021.

Clerk of the Governing Board