



EAST SIDE UNION HIGH SCHOOL DISTRICT

Resolution #2025/2026-10

Re: Proposing a By-Trustee Area Election System with Five Single-member Trustee Areas, a Trustee Area Map, and a Sequence of Trustee Area Elections for Submission to the Santa Clara County Committee on School District Organization (Cal. Educ. Code §§ 5019, 5020, 5021 & 5030, and California Elec. Code § 10010)

RECITALS

1. Members of the Board of Trustees of the East Side Union High School District ("School District" or "District") are currently elected in "at-large" elections, i.e., elections in which "each governing board member [is] elected by the registered voters of the entire school district" (Ed. Code § 5030(a)); and
2. On or about February 14, 2025, the District received a letter from the law firm of Shenkman & Hughes on behalf of the Southwest Voter Registration Education Project contending that the District's at-large electoral system violates the California Voting Rights Act ("CVRA"), and threatening litigation if the District declined to adopt a by-trustee area election system; and
3. The Shenkman & Hughes letter did not include any evidence to support the claim of a violation; and
4. The District voters have a long history of electing members of protected classes to its Board of Trustees; and
5. CVRA litigation is very costly to defend and the Board of Trustees believed that, despite its long history of electing members of protected classes to its Board of Trustees, the public interest would be served by avoiding the expense of the threatened litigation that would be a significant drain on District resources, by declaring its intent to institute by-trustee area elections, which would protect the District from litigation under the CVRA, and
6. It is also the considered view of the Board of Trustees ("Board") that the public interest may also be well-served by election of its governing board members in "by-trustee area" elections, i.e., elections in which "one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area[.]" (Educ. Code § 5030(b)); and
7. On April 8, 2025, the Board of Trustees adopted Resolution #2024/2025-28 declaring its intent to initiate a change of district's election system from at-large trustee elections to by-trustee area elections in single-member trustee areas; and

8. The Board of Trustees also declared its intent that this change be implemented for the earliest possible election consistent with Education Code section 5020(a)(2); and
9. Elections Code section 10010 sets forth a process for the transition to single-member trustee areas and requires that the Board of Trustees hold at least five public hearings and meet specified timelines, including completing the process of establishing trustee areas within 90 days of its resolution of intent in order to benefit from a “safe harbor” from litigation contained in Elections Code section 10010(e)(3)(B); and
10. Given the large population and geographic area of the District and the District’s desire to hold a thorough, inclusive, and transparent process, in accordance with Elections Code section 10010(e)(3)(C)(i), the District entered into a written agreement with Mr. Shenkman to extend the 90-day time period for an additional 90 days to and including October 5, 2025, in order to provide additional time to conduct public outreach, encourage public participation, and receive public input; and
11. The Board retained special legal counsel and a demographic consultant to assist in the development of draft single-member trustee area maps in accordance with the applicable provisions of the FAIR MAPS Act (see Elec. Code § 21130); and
12. In accordance with Elections Code section 10010(a)(1), on May 12 and 20, 2025, the Board held two public hearings before any maps were drawn to receive public input on the composition of the trustee areas; and
13. The Board established a website for the districting process and made available to the public an on-line tool called “DistrictR” for drawing draft maps and held community outreach meetings on June 9, 2025 and June 30, 2025, to inform the public about the process of establishing trustee areas, the legal requirements for trustee areas, opportunities to participate in the process, and how to use DistrictR; and
14. Throughout the process, the public submitted 29 unique draft maps, each of which was analyzed by the District’s demographer as to its demographic characteristics and prepared for publication on the District’s trustee area website; and
15. The District’s demographer selected three of the maps submitted by the public, renamed Map A, Map B, and Map C, as candidates for possible adoption by the Board of Trustees as the Trustee Area Map for use in the District’s 2026 board elections
16. In accordance with Elections Code section 10010(a)(2) and (e)(3)(C)(i), the Board held public hearings to consider draft maps on June 26, 2025, July 15, 2025, and September 11, 2025, and
17. Draft maps submitted by the public and Map A, Map B, and Map C including a general proposal for sequencing elections in the trustee areas of the draft maps, were published seven days prior to each of these public hearings; and

18. To enable adequate consideration of maps received after the deadline for consideration at the July 15, 2025, public hearing, the Board of Trustees scheduled and held an additional public hearing for September 18, 2025; and

19. At the public hearing on September 11, 2025, the Board instructed the demographer to make modifications to two additional maps submitted by members of the public, to identify those maps as Maps D and E as candidates for possible adoption by the Board, and scheduled an additional public hearing for September 25, 2025 at which meeting the Board of Trustees planned to adopt a map as the Trustee Area Map for use in the District's 2026 board elections; and

20. On or about September 8 and 15, 2025, the Board received communication from Shenkman & Hughes questioning the accuracy of the data used for the creation of maps and alleging that Maps A, C, D, and E failed to comply with the mandatory and prioritized criteria set forth in the FAIR MAPS Act, Elections Code section 21130; and

21. After the September 18, 2025, public hearing, in consultation with special legal counsel, the District retained a demographer who had not been involved in the process to date to analyze Maps A, B, C, D, and E under the mandatory and prioritized criteria set forth in the FAIR MAPS Act, and to report findings to the Board of Trustees and the public on September 25, 2025; and

22. The Board of Trustees also scheduled an additional public hearing on October 3, 2025, at which meeting the Board of Trustees planned to adopt a map as the Trustee Area Map for use in the District's 2026 board elections; and

23. At the September 25, 2025 public hearing, the neutral demographer gave his report and also demonstrated a map called the "Revised Map" based on elements in other publicly submitted maps and in strict compliance with the requirements of the FAIR MAPS Act; and

24. After lengthy discussion and public input, the Board of Trustees instructed that the Revised Map be published on the District's trustee area website including in a form that would permit the public to make modifications, and invited the public to submit additional maps for publication on September 26, 2025; and

25. At the instruction of the Board of Trustees, and by September 26 2025, the Revised Map and a possible sequence of elections was published on the District's website for the trustee area process and an interactive map was also posted that permitted the public to make modifications to the Revised Map; and

26. Throughout the process, the District engaged in significant public outreach including through:

- Infinite Campus, a student and parent information system, and ParentSquare, a unified communication platform for parents, students and staff

- The District's website with an easily accessible (by one click) and comprehensive webpage here: <https://www.esuhsd.org/By-District-Trustee-Elections/index.html>
- Notices of public hearings published in English, Spanish, and Vietnamese
- Informational meetings in addition to required public hearings
- Multiple public hearings in addition to the minimum required by law
- Email communication and press releases to local media and interested parties
- Published board agendas

27. The District provided numerous opportunities for public participation in the development of draft maps, including:

- Eight (8) Public Hearings for receipt of public comment, with Spanish and Vietnamese translation available
- Ability to comment remotely at public hearings through Zoom
- Written comments read at public hearings
- Ability to view and revise all maps online through the mapping tool
- Publication of all draft maps in an interactive form that allowed all maps to be studied in detail and modified

28. On October 3, 2025, the Board of Trustees held an eighth and final public hearing on draft maps and adopted ~~MAP~~ ^{REVISED}, attached hereto as Exhibit A and incorporated herein by this reference (the "Adopted Map", hereinafter), as the trustee area map to be submitted to the Santa Clara County Committee on School District Organization ("County Committee") for its consideration and adoption pursuant to Education Code section 5019(a) and (c)(1) and section 5020(a)(2); and

29. The proposed trustee areas of the Adopted Map are substantially equal in population, in compliance with legal requirements; and

30. The Equal Protection Clause of the Constitution of the United States prohibits the use of race as the primary consideration in the design of trustee area boundaries and the Adopted Map complies with this requirement; and

31. Section 2 of the Voting Rights Act prohibits the use of any voting qualification, or prerequisite to voting or standard, practice, or procedure, in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, and the Adopted Map complies with Section 2 of the Voting Rights Act; and

32. The Adopted Map provides for a single-member, by-trustee area electoral system and thereby complies with the California Voting Rights Act; and

33. The trustee areas of the Adopted Map comply with every criterion contained in section 21130 of the FAIR MAPS Act, including minimizing the division of feeder elementary school districts as communities of interest, the communities of interest known

as Little Saigon and Seven Trees, the Census Designated Places of Alum Rock, and East Foothills; and

34. The Adopted Map is not designed for the purpose of favoring or discriminating against an incumbent, candidate, or political party; and

35. The Adopted Map was publicly presented on September 25, 2025, and published with a proposed sequence of elections on September 26, 2025, at least seven days before District's October 3, 2025, public hearing; and

36. After voting on October 3, 2025 to finally select the Adopted Map as the trustee area map for District board elections, in accordance with Elections Code §10010(b), the Board held a public hearing on October 3, 2025 on the sequencing of elections in the trustee areas because members of the Board of Trustees are elected at different times to provide for staggered terms of office; and

37. The Board of Trustees gave special consideration to the purposes of the California Voting Rights Act of 2001 in its deliberations about the sequencing of elections in the trustee areas; and

38. The Board of Trustees also considered the requirements of Education Code section 5021 in its deliberations about the sequencing of elections in the trustee areas; and

39. The Board of Trustees has determined that the sequence of elections in the trustee areas of the Adopted Map shall be:

- a. Trustee Area 4 [Berryessa-Orchard Area] and Trustee Area 2 [Oak Grove Area] in 2026, and every four years thereafter;
- b. Trustee Area 1 [Alum Rock Area] in 2026 for a two-year term (the "short term"), which the Board of Trustees finds to be consistent with the purposes of the California Voting Rights Act as set forth in Elections Code § 10010(b) and public input;
- c. Trustee Area 3 [Little Saigon/7 Trees Area], Trustee Area 5 [East Hills Area], and Trustee Area 1 [Alum Rock Area] (after conclusion of the short-term) in 2028 and every four years thereafter;

and;

40. The California Education Code in section 5017 provides for four-year terms for elected trustees, which section can be waived by the State Board of Education regarding the short term for Trustee Area 1 [ALUM ROCK AREA] to facilitate compliance with the purposes of the California Voting Rights Act; and

41. If the State Board of Education fails to grant a waiver, the Board of Trustees has determined that the sequence of elections in the trustee areas of the Adopted Map shall be: Trustee Area 4 [Berryessa-Orchard Area], Trustee Area 2 [Oak Grove Area],

and Trustee Area 1 [Alum Rock Area] in 2026, and every four years thereafter, and Trustee Area 3 [Little Saigon/7 Trees Area], and Trustee Area 5 [East Hills Area] in 2028 and every four years thereafter; and

42. Pursuant to Section 5020(b) of the Education Code, the Board requests that the County Committee order the changes reflected in this Resolution without an election because these changes further the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

NOW, THEREFORE, BE IT RESOLVED as follows:

A. The above recitals are true and correct.

B. The Board of Trustees hereby submits the Adopted Map (copy attached hereto as Exhibit A and incorporated by this reference) to the County Committee and requests that the County Committee consider and adopt the Adopted Map pursuant to Education Code section 5019(a) and (c)(1) and 5020(a)(2) as the single-member by-trustee area electoral plan for East Side Union High School District, along with the election sequence specified above, to wit: (1) Trustee Area 4 [Berryessa-Orchard Area] and Trustee Area 2 [Oak Grove Area] in 2026, and every four years thereafter, (2) Trustee Area 1 [Alum Rock Area] in 2026 for the short 2-year term, and (3) Trustee Area 3 [Little Saigon/7 Trees Area], Trustee Area 5 [East Hills Area], and Trustee Area 1 [Alum Rock Area] (after conclusion of the short term) in 2028, and every four years thereafter.

C. The District's Superintendent and/or designee shall take all action necessary to notify the County Committee of the Board of Trustees' action and this resolution and provide whatever assistance may be required by the County Committee, or by the Santa Clara County Elections Department, to complete the process of establishing by-trustee area elections in single-member trustee areas in a timely fashion to permit implementation of these trustee areas in connection with the election for Board of Trustees to be held on November 3, 2026.

D. The District's Superintendent and/or designee in consultation with legal counsel shall take all action necessary seek from the California State Board of Education any and all waivers necessary to effectuate the intent of the Board of Trustees as expressed in recital 39 above that Trustee Area 1 [Alum Rock Area] be on the ballot for a short 2-year term in 2026, and thereafter for a four-year term in 2028, consistent with the purposes of the California Voting Rights Act.

E. In the event the California State Board of Education does not grant a waiver, the sequence of elections in the new trustee areas shall be: Trustee Area 4 [Berryessa-Orchard Area], Trustee Area 2 [Oak Grove Area], and Trustee Area 1 [Alum Rock Area] in 2026, and every four years thereafter, and Trustee Area 3 [Little Saigon/7 Trees Area] and Trustee Area 5 [East Hills Area] in 2028 and every four years thereafter.

E. Because the new trustee area plan may contain anomalies that do not substantively affect the populations in the trustee areas, the trustee area boundaries, or the intent of this Resolution, which anomalies may not be revealed until the county elections office begins implementing the plan, the Superintendent and/or their designee is authorized to make emendations to the new trustee area plan that do not substantively affect the populations in the trustee areas, the trustee area boundaries, compliance with legal requirements, or the intent of this Resolution, and shall advise the Board of Trustees and the County Committee of any such emendations that are found to be required in plan implementation by the Office of the Santa Clara County Registrar of Voters or other official.

F. The Superintendent shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution.

THE FOREGOING RESOLUTION was adopted upon motion by Trustee Le, seconded by Trustee Herrera at a special meeting held on October 3, 2025, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

DATED: October 3, 2025


Bryan Do
President, Board of Trustees
East Side Union High School District

CERTIFICATION

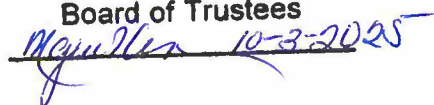
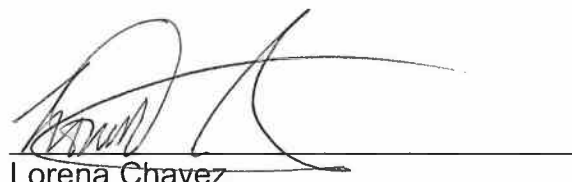
I, Lorena Chavez, Clerk to the Board of Trustees of the East Side Union High School District, certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on October 3, 2025.

DATED: October 3, 2025

East Side Union High School District

ADOPTED

Board of Trustees


10-3-2025
Lorena Chavez
Clerk, Board of Trustees
East Side Union High School District

