



**EAST SIDE UNION HIGH SCHOOL DISTRICT
RESOLUTION NO. #2025/2026-12**

RE-AUTHORIZING APPLICATION TO CALIFORNIA STATE BOARD OF EDUCATION FOR A ONE-TIME WAIVER OF PORTIONS OF EDUCATION CODE SECTIONS 5017 AND 5009 TO EFFECTUATE THE INTENT OF THE BOARD OF TRUSTEES AS EXPRESSED IN RESOLUTION #2025/2026-10 ADOPTED ON OCTOBER 3, 2025, THAT NEWLY-ADOPTED BOARD TRUSTEE AREA 1 [ALUM ROCK AREA] BE ON THE BALLOT FOR A SHORT 2-YEAR TERM IN 2026, AND THEREAFTER BEGINNING IN 2028 FOR A FOUR-YEAR TERM, CONSISTENT WITH THE PURPOSES OF THE CALIFORNIA VOTING RIGHTS ACT

WHEREAS, on October 3, 2025, the Board of Trustees of the East Side Union High School District ("District") adopted Resolution #2025/2026-10 establishing a By-Trustee Area Election System with Five Single-member Trustee Areas, adopting Trustee Area Map, and a Sequence of Trustee Area Elections for Submission to the Santa Clara County Committee on School District Organization.

WHEREAS, Education Code sections 5009 and 5017 provide that persons elected to the Board shall hold office for a term of four years.

WHEREAS, as part of the sequence of elections and to effectuate the intent of the California Voting Rights Act, Resolution #2025/2026-10 specified the Board's intent that the newly created Trustee Area 1 [Alum Rock Area] would initially be up for election in 2026 for a two-year term (the "short term") through 2028, and thereafter would be up for election every four years.

WHEREAS, Resolution #2025/2026-10 directs the Administration to seek from the California State Board of Education any and all waivers necessary to effectuate the intent of the Board of Trustees to implement a short 2-year term for District 1 [Alum Rock Area] only in 2026, and thereafter for four-year terms in District 1 beginning in 2028.

WHEREAS, Education Code section 33050(a) provides in part that the governing board of a school district, after a public hearing on the matter, may request the state board to waive all or part of the Education Code.

WHEREAS, Education Code 33050 and Board Policy 1431 require that the Board shall hold a properly noticed public hearing on all waiver requests prior to submission to the State Board of Education.

WHEREAS, Education Code section 33050(b) provides that a request for a waiver submitted by the governing board of a school district shall include a written statement as to both of the following:

- (1) Whether the exclusive representative of District employees participated in the development of the waiver.
- (2) The exclusive representative's position regarding the waiver.

WHEREAS, the District solicited input on the proposed waiver and a statement of support, opposition or neutrality on the proposed waiver from: (1) the East Side Teachers Association (ESTA), exclusive representative of the District's certificated non-management employees, (2) the California School Employees Association, East Foothills Chapter #187

("CSEA"), exclusive representative of the District's classified non-management employees, (3) the San Jose Federation Of Teachers, Local 957, AFT, AFL-CIO, the exclusive representative for all certificated employees employed at adult education with the District (SJFT), and (4) the Administrator Collaborative of East Side (ACES) as representative of the District's management and confidential employees.

WHEREAS, ESTA and ACES have informed the District that they each, respectively, support the proposed waiver, CSEA has informed the District it does not oppose the proposed waiver, and SJFT has informed the District that it is neutral on the matter.

WHEREAS, Education Code section 33051(a) provides that the State Board shall approve any and all requests for waivers except in those cases where the board specifically finds that the appropriate district councils or advisory committees did not have an adequate opportunity to review the request and the request did not include a written summary of any objections to the request by the councils or advisory committees.

WHEREAS, the proposed waiver was presented to the School Site Councils at each of the District schools during a noticed and agendized School Site Council meetings for review of the proposed waiver, and none of the School Site Councils or members expressed any opposition to the proposed waiver.

WHEREAS, the District has determined to request from the State Board of Education, pursuant to the provisions of California Education Code Sections 33050 (the "Waiver Law"), a limited one-time waiver of those provisions of the Education Code that provide that an elected member of the Board of Trustees shall serve a term of 4 years so that the elected representative of District 1 [Alum Rock Area] in 2026 shall serve a short term of two years only, and that beginning in 2028 the District 1 representative thereafter would be up for election every four years.

WHEREAS, as required pursuant to the Waiver Law, the District has on this date held a public hearing on the matter of pursuing such a waiver, which public hearing was held following the posting of public notice.

NOW, THEREFORE, the Board of Trustees of the District after consideration of the matter and all public comment and testimony hereby finds, determines, declares and resolves as follows:

Section 1. Findings. All of the above recitals are true and correct and the Board of Trustees so finds.

Section 2. Determination and Re-Authorization to File Waiver Request. The Board of Trustees hereby determines that it is in the best interests of the District to apply to the State Board of Education pursuant to the Waiver Law for a waiver of those portions of the Education Code that provide that an elected trustee shall serve a term of four years as to District 1 [Alum Rock Area] only so that the elected representative from District 1 in 2026 shall serve a short term of 2 years, and that beginning in 2028 the District 1 representative thereafter would be up for election every four years. The Superintendent or such officer's written designee is hereby authorized to complete, execute and file the waiver request such a waiver, and to complete, file and prepare any

other related forms with the State Board of Education in the forms required by the State Board of Education, and to take all necessary actions in connection therewith.

Section 3. Official Actions. The Superintendent is hereby authorized and directed to take such additional actions consistent with the intent of this Resolution in connection with the waiver request described herein, which he deems necessary and desirable to accomplish the purposes hereof.

Section 4. Effective Date of Resolution. This Resolution shall take effect from and after the date of its passage and adoption.

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PASSED AND ADOPTED by the Board of Trustees of the East Side Union High School District, this 20th day of November, 2025, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

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

Superintendent and Secretary of the
Board of Trustees of the East Side
Union High School District