

**FREMONT UNION HIGH SCHOOL DISTRICT
RESOLUTION #2324-18**

**RESOLUTION ADOPTING TRUSTEE AREA BOUNDARY MAP AND
ELECTION SEQUENCE FOR ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES;
AND SUBMITTING PROPOSAL TO THE COUNTY COMMITTEE ON SCHOOL DISTRICT
ORGANIZATION TO ESTABLISH BY-TRUSTEE AREA ELECTIONS**

WHEREAS, the Fremont Union High School District (the "District") is governed by a five-member Board of Trustees (the "Board") that has been elected by the community to provide leadership and citizen oversight of the District, and ensure that the District is responsive to the values, beliefs, and priorities of the community; and

WHEREAS, the Board believes that its primary responsibility is to act in the best interests of every student in the District and also has major commitments to parents and guardians and all members of the community and District employees;

WHEREAS, the District is committed to structures that most effectively involve all community members in the democratic process of elections;

WHEREAS, the next election for members of the Board is scheduled for November 2024;

WHEREAS, members of the Board are currently elected "at-large," in which each member of the Board is elected by the registered voters of the entire District;

WHEREAS, the California Voting Rights Act (Elec. Code, §§ 14025 et seq.) ("CVRA") prohibits the use of "at-large" elections where their use impairs the ability of a protected class to elect candidates of its choice, or its ability to influence the outcome of elections;

WHEREAS, many school districts and other local agencies in Santa Clara County and across the State have recently changed, or are in the process of changing, their elections to by-trustee area elections;

WHEREAS, proactively making the transition from at-large to by-trustee area elections avoids the potential for the District to have to pay attorneys' fees if it received a letter alleging a violation of the CVRA;

WHEREAS, a by-trustee area election system, where each Board member residing in each trustee area is elected by the registered voters of that particular trustee area, is not vulnerable to challenge under the CVRA;

WHEREAS, upon application to and approval of the Santa Clara County Committee on School District Organization (the "County Committee"), the election of Board members may be transitioned from "at large" to "by-trustee area" elections;

WHEREAS, where the resolution of the County Committee approving a proposal to transition the election of board members from "at large" to "by-trustee area" elections contains a declaration that the change is being made in furtherance of the purposes of the CVRA, the transition may be implemented without an election pursuant to section 5020, subdivision (a)(2) of the Education Code;

WHEREAS, in 2019, the District began discussions with stakeholders about the potential to transition from at-large to by-trustee area elections;

WHEREAS, following additional discussion of the CVRA and the District's current at-large elections, on March 7, 2023, the Board adopted Resolution #2223-19 which indicated that the Board intended to make the transition from at-large to by-trustee area elections;

WHEREAS, the District retained an experienced demography consultant, Cooperative Strategies (currently known as Woolpert), to work with its legal counsel and staff to guide the district through the process;

WHEREAS, after a short delay related to the passing of a Board member and the summer recess, the Board re-engaged in the transition process at its August 22, 2023 meeting, holding its first pre-map public hearing;

WHEREAS, the Board held its second pre-map public hearing at its September 19, 2023 Board meeting;

WHEREAS, the Board directed the creation of a Community Trustee Area Districting (CTAD) Committee, consisting of 16 volunteer community members;

WHEREAS, CTAD held over 40 outreach events and six public meetings during which it discussed outreach efforts, potential communities of interest to be considered in map development, reviewed draft maps submitted by the community, and ultimately recommended scenarios to the Board for its consideration;

WHEREAS, the Board held two additional map hearings on February 27, 2024, and March 20, 2024, to receive updates on the process, CTAD's progress, and the draft scenarios being considered;

WHEREAS, since March of 2023, the District has made substantial and comprehensive efforts to provide information to, and gather input, from its community, including:

- Five public Board meetings, with up to two hours of public comment at each, on this topic
- Six public CTAD meetings, totaling close to 25 hours
- 105,000 postcards mailed to all residences within the District at the beginning of the process
- Communication with the community through all standard District communication channels
- A constantly updated dedicated webpage with information, important documents, and scheduled dates linked from the District's home page
- A dedicated District email account for comments or questions about this process
- District participation at over a dozen pop-up events (i.e., Back-To-School Nights)
- Translation of materials into Chinese and Spanish and providing requested Spanish translation at CTAD and Board meetings
- An online mapping tool allowing community members to draw and submit their own maps
- CTAD members presenting at over 35 community outreach events including in-person workshops, webinars, and small group meetings

- Sharing information with Sunnyvale School District and Cupertino Union School District which they provided to their families
- Press coverage of the process, including in the San Jose Mercury News

WHEREAS, over 30 proposed trustee area boundary maps were submitted, developed, and reviewed during the process;

WHEREAS, based on the work of the Board, CTAD, and community input, seven "scenarios" (trustee areas with associated election sequencing options) were posted for public review on or before April 17, 2024;

WHEREAS, all seven scenarios incorporate the use of a single-member by-trustee area election system;

WHEREAS, the populations of the trustee areas in the seven scenarios are substantially equal in population and the scenarios otherwise comply with the requirements of the federal Voting Rights Act and Elections Code section 21130.

NOW THEREFORE, the Board of Trustees of the Fremont Union High School District hereby resolves, determines, and finds the following:

Section 1. That the foregoing recitals are true and correct.

Section 2. That the Board (i) finds that, pursuant to section 5020, subdivision (a)(2) of the Education Code, the change in the method of electing members of the District's governing body is being made in furtherance of the purposes of the CVRA; and (ii) adopts the trustee area boundary map and sequencing attached hereto as "Exhibit A" (also known as "Scenario 5R") and believes that its adoption would serve the public interest of the District's residents and voters.

Section 3. That each Board member shall continue to serve their current terms.

Section 4. That the trustee areas from which Board members shall be elected in November 2024, and every four years thereafter, are Areas 2 and 5.

Section 5. That the trustee areas from which Board members shall be elected in November 2026, and every four years thereafter, are Areas 1, 3, and 4.

Section 6. That this resolution shall serve as the District's proposal to the County Committee. The Board hereby requests that the County Committee approve the establishment of the trustee area boundaries indicated on Exhibit A pursuant to Education Code section 5020, subdivision (a)(2) and establish by-trustee area elections for election of members of the Board pursuant to Education Code section 5030, subdivision (b).

Section 7. That the Superintendent and/or his designee are hereby directed to take all necessary steps to:

- (1) submit this resolution to the County Committee for its approval pursuant to Education Code section 5020, subdivision (a)(2);
- (2) notify the responsible county officials of the Board's determination and provide whatever assistance may be required to implement the Board's direction for future election of Board members; and

- (3) take any action and/or execute any documents which are necessary to carry out, give effect to, and comply with the terms and intent of this resolution.

PASSED AND ADOPTED by the Board of Trustees of the Fremont Union High School District, this 24th day of April, 2024, by the following vote:

AYES: 5

NOES: 0

ABSTAIN: 0

ABSENT: 0

FREMONT UNION HIGH SCHOOL DISTRICT

By: 
Jeff Moe
Board President

ATTEST:

By: 
Stanley Kou
Board Clerk

EXHIBIT A

ADOPTED BY-TRUSTEE AREA MAP

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SEE NEXT PAGE

SCENARIO 5 REVISED (5R)

