MINUTES OF REGULAR MEETING

MARCH 18, 2015
(Approved April 22, 2015)

I. CALL TO ORDER
The Board of Trustees of the MiraCosta Community College District met in a regular meeting on Wednesday, March 18, 2015, in the John MacDonald Board Room on the Oceanside Campus. President Jeanne Shannon called the meeting to order at 3 p.m.

II. FLAG SALUTE / ROLL CALL
Board members present:
David Broad  Jeanne Shannon
Rick Cassar   Jacqueline Simon
William Fischer  Antoine Stevens-Phillips, Student Trustee
George McNeil

Administrators present:
Sunita V. Cooke, Superintendent/President
Mary Benard, Vice President, Instructional Services
Charlie Ng, Vice President, Business and Administrative Services
Dick Robertson, Vice President, Student Services

III. APPROVE MEETING MINUTES
A. Special Meeting of February 18, 2015
B. Regular Meeting of February 18, 2015
C. Special Meeting of February 28, 2015
D. Regular Meeting/Workshop of February 28, 2015

By motion of Trustee McNeil, seconded by Trustee Broad, the minutes of the Special Meeting of February 18, 2015, Regular Meeting of February 18, 2015, Special Meeting of February 28, 2015, and the Regular Meeting/Workshop of February 28, 2015, were approved.

Vote: 6/0/0
Aye: Broad, Cassar, Fischer, McNeil, Shannon, Simon
Nay: None
Student Trustee: Aye

IV. PUBLIC COMMENTS ON ITEMS ON AND NOT ON THE AGENDA
None.
V. CHANGES IN AGENDA ORDER
None.

VI. PRESENTATIONS
A. 2015 Two-Year Career and Technical Education (CTE) Program Review
Dean Al Taccone provided an overview of the two-year review of all career and technical education programs, which all meet the requirements of California Education Code §78016.

VII. CONSENT ITEMS
A. Ratify Recommendations of Superintendent/President in Approving Academic Personnel Actions
B. Ratify Recommendations of Superintendent/President in Approving Classified Personnel Actions
C. Approve Termination of Classified Employee
D. Approve Reclassification of Existing Position
E. Ratify Contracts and Approve Purchase Orders – February 1 through February 28, 2015
F. Adopt Resolution No. 11–14/15 – Award Contract for Machining Equipment for Technology Career Institute
G. Approve Change Order #2 – Technology Career Institute
H. Approve 2015/16 Instructional Material Fees
I. Approve Request to Destroy Education Records Marked for Destruction
J. Approve Upgrade of San Elijo Campus Network Border Firewalls
K. Approve Renewal of Oracle Software Update License and Technical Support Services Agreement
L. Approve Renewal of Oracle PeopleSoft Applications Software Update License and Technical Support Services Agreement
M. Approve Addendum to Memorandum of Understanding with Carlsbad Unified School District for Use of Sage Creek High School Facilities
N. Ratify Memorandum of Understanding with Point Loma Nazarene University for On-site Baccalaureate Degree Program at MiraCosta College
O. Approve Submission of 2015 California Community College Trustees Board Election Ballot
P. Adopt Resolution No. 12–14/15 – Excuse Board Member Absence

Items M, N, O, and P were pulled for discussion.

By motion of Trustee McNeil, seconded by Trustee Fischer, consent items A through L were approved.

Vote: 6/0/0
Aye: Broad, Cassar, Fischer, McNeil, Shannon, Simon
Nay: None
Student Trustee: Aye
By motion of Trustee McNeil, seconded by Trustee Broad, consent item M was approved.

Vote: 6/0/0
Aye: Broad, Cassar, Fischer, McNeil, Shannon, Simon
Nay: None
Abstain: None
Student Trustee: Aye

By motion of Trustee McNeil, seconded by Trustee Broad, consent item N was approved.

Vote: 6/0/0
Aye: Broad, Cassar, Fischer, McNeil, Shannon, Simon
Nay: None
Abstain: None
Student Trustee: Aye

By motion of Trustee McNeil, seconded by Trustee Fischer, consent item O was approved.

Vote: 6/0/0
Aye: Broad, Cassar, Fischer, McNeil, Shannon, Simon
Nay: None
Abstain: None
Student Trustee: Aye

By motion of Trustee McNeil, seconded by Trustee Broad, consent item P was approved.

Vote: 5/0/1
Aye: Broad, Cassar, Fischer, McNeil, Shannon
Nay: None
Abstain: Simon
Student Trustee: Aye

VIII. ACTION ITEMS

A. Approve Revised 2014/15 Board of Trustees Goals

By motion of Trustee Broad, seconded by Trustee McNeil, the revised 2014/15 Board of Trustees goals were approved.

Vote: 6/0/0
Aye: Broad, Cassar, Fischer, McNeil, Shannon, Simon
Nay: None
Student Trustee: Aye

B. Approve Filling Board of Trustees Area 4 Vacancy by Provisional Appointment

After discussion, by motion of Trustee Broad, seconded by Trustee Simon, the board determined the Trustee Area 4 vacancy would be filled by provisional appointment.

Vote: 6/0/0
Aye: Broad, Cassar, Fischer, McNeil, Shannon, Simon
Nay: None
Student Trustee: Aye
By motion of Trustee Broad, seconded by Trustee Cassar, the board voted to establish a temporary provisional appointment ad hoc committee (Trustees Fischer and McNeil).

Vote: 6/0/0
Aye: Broad, Cassar, Fischer, McNeil, Shannon, Simon
Nay: None
Abstain: None
Student Trustee: Aye

The board charged the temporary provisional appointment ad hoc committee with working out the details of the candidate interview process.

C. Adopt Resolution No. 13–14/15 – Support for Assembly Bill 288 (Holden), College and Career Access Pathways Act

By motion of Trustee McNeil, seconded by Trustee Broad, the board adopted Resolution No. 13–14/15 to support Assembly Bill 288 (Holden), the College and Career Access Pathways Act.

Vote: 6/0/0
Aye: Broad, Cassar, Fischer, McNeil, Shannon, Simon
Nay: None
Student Trustee: Aye

IX. INFORMATION

A. Sunshine the MiraCosta Community College District Initial Proposal the MiraCosta College Faculty Assembly for the Contract to Commence July 1, 2015

The district’s initial proposal was presented for information only.

B. Sunshine the MiraCosta College Faculty Assembly Initial Proposal to MiraCosta Community College District for the Contract to Commence July 1, 2015

The Faculty Assembly initial proposal was presented for information only.

C. Fall 2014 Graduates

The fall 2014 graduates were presented for information, along with a breakdown of the majors and degrees awarded.

X. COLLEGE-RELATED REPORTS

A. Trustees Activities

Trustee McNeil attended the Encuentros Conference, an author’s reading at the Community Learning Center, the Umoja concert, the monthly SDICCCA meeting, a sand volleyball game, the Solano Beach city council meeting, and a recent theater production. Trustee Broad added the recent theater production, The Drowsy Chaperone, and an economic development council meeting. Trustee Cassar attended the Solano Beach City Council meeting, the career and technical education open house, and the Umoja concert.

B. Students

Antoine Stevens-Phillips acknowledged a San Elijo Campus ASG member who was attending the meeting. An ASG member recently visited with Assemblymember Rocky Chavez in Sacramento.

C. Classified Employees

A written report was included in the agenda.
D. Faculty
A written report was included in the agenda. Academic Senate Council President Mike Fino reported the Chancellor's Office gave final approval for the biotechnology pilot baccalaureate program, and noted that community member Hap L'Heureux has established a scholarship for the program.

E. Vice Presidents
1. Instructional Services
A written report was included in the agenda. Vice President Mary Benard noted attending the recent Board of Governors meeting where the twelve pilot baccalaureate programs were approved.

2. Student Services
A written report was included in the agenda. Vice President Dick Robertson reported two Phi Theta Kappa members have been selected for the Phi Theta Kappa All American Honors Program and will be honored in Sacramento in the near future. He attended the recent chief student services officers meeting in Sacramento and reported there is now a national requirement to update policies and procedures relating to sexual harassment. Dean Alketa Wojcik is chairing an advisory committee for the Chancellor's Office Basic Skills Initiative.

3. Business and Administrative Services
A written report was included in the agenda. Vice President Ng noted the district has received the Government Finance Officers Association award for excellence in financial reporting. Work in resolving the instances of encroachment on district property is almost complete.

4. Office of the President
A written report was included in the agenda.

F. Superintendent/President
Superintendent/President Sunny Cooke reported on one of the five town hall meetings held across the state to hear from the business and industry community about how they might better engage with community colleges to support workforce development efforts. This is part of the ongoing work of the Board of Governor's Taskforce on Workforce, chaired by Superintendent/President Cooke.

XI. FUTURE AGENDA ITEMS AND ANNOUNCEMENTS
None.

XII. DECLARE NEED FOR CLOSED SESSION
At 4:38 p.m., the board announced the need to enter closed session to discuss the following:
A. Public Employee Discipline/Dismissal/Release
   (Pursuant to Government Code §54957)
B. Conference with Legal Counsel—Existing Litigation
   (Pursuant to Government Code §549F56.9, Subdivision (a))
   Case #37-2007-00055219-CU-AM-NC
   Case #37-2011-00083862-CU-OE-CTL
XIII. RECONVENE IN OPEN SESSION – REPORT ACTION FROM CLOSED SESSION

A. Public Employee Discipline/Dismissal/Release
(Pursuant to Government Code §54957)
The board unanimously approved the request of employee #2038 to participate in the district early retirement program.

B. Conference with Legal Counsel–Existing Litigation
(Pursuant to Government Code §54956.9, Subdivision (a))
Case #37-2007-00055219-CU-AM-NC
Case #37-2011-00083862-CU-OE-CTL
In closed session, the board gave direction to legal counsel to present a potential settlement in the cases of Richart v. MiraCosta Community College District and Page v. MiraCosta Community College District to the court for approval. The vote was:
Ayes: Broad, Cassar, Fischer, McNeil, Shannon
Absent: Simon

XIV. ADJOURNMENT
The regular meeting adjourned at 6:50 p.m.

MINUTES APPROVAL:

Jeanne Shannon
Board President

Sunita V. Cooke, Ph.D.
Superintendent/President
## Status

1. In accordance with Board Policy V.B-5 and Administrative Procedure V.B-05, the Academic Senate adopted the following resolution to affirm its support of the Equivalency Committee findings that the individuals identified below have provided sufficient evidence of experience and/or education equivalent to the minimum qualifications established by the district to teach in the disciplines listed:

   Geneva Sanchez – Sociology  
   Anthony Blacksher – Sociology  
   Leyenda Jacobson – Sociology  
   Sean Davis – Sociology  
   Amanda Kriebel – Kinesiology  
   Doris Lu-Anderson – Kinesiology  
   Stacy McCarthy – Kinesiology  
   Casey McFarland – Kinesiology  
   Allyson Wheatley – Kinesiology

   WHEREAS Academic Senate is satisfied that the candidates exhibit a unique combination of relevant education and extensive experience that make the candidates unusually well qualified to teach the specific course, and

   WHEREAS Academic Senate is satisfied that the qualifications of the candidates are appropriate for the specific proposed assignment, and

   WHEREAS Academic Senate notes that the candidates exhibit a strong background in general education,

   THEREFORE BE IT RESOLVED that the Academic Senate recommends that the board accept the candidates' qualifications as equivalent for the specific assignment in question.
2. Employment of the following associate faculty members, payable in accordance with the 
   Collective Bargaining Agreement for Academic Associate Faculty:

   Genevieve Yan – Math
   Suzana Potuznik – Chemistry
   Carolyn O’Barr – Media Arts/Tech

3. Catastrophic leave request for Kelly Hagen, English instructor, position 1209, in 
   accordance with Board Policy 7345. Professor Hagen is requesting leave donations as 
   she may exhaust all of her leave entitlements. She will need approximately 60 hours to 
   remain in full-pay status should her leave continue longer during the spring 2015 
   semester.

RECOMMENDATION

Ratify recommendations of the superintendent/president in approving academic personnel 
actions.
Subject: Ratify Recommendations of Superintendent/President in Approving Classified Personnel Actions

Attachment: None

Category: Consent Items

Recommended:
Charlie Ng, Vice President Business and Administrative Services

Type of Board Consideration:
Information Consent Action

Approved for Consideration:
Sunita V. Cooke, Ph.D.
Superintendent/President

STATUS

1. Employment of Rebekah Kennedy, Secretary/Clerk II – Police Dept., position 3556, salary range 12, step 2, $1,730.36 per month, 18 hours per week, 12 months per year, effective March 19, 2015.

2. Permanent change of assignment for Shelley Grayson, Financial Aid Assistant, position 3364. Shelley Grayson will resign from her position to accept the position of Financial Aid Technician, position 3360, salary range 21, step 2, $4,985.75 per month, full-time, 12 months per year, effective March 2, 2015.

3. The following regular classified employees request catastrophic leave donations in accordance with Administrative Procedure 7345 as they will exhaust all of their paid leave entitlements:

   Joanne Gonzales, Administrative Assistant – Instructional Services, position 3288, will need approximately 336 hours to receive full pay during her leave.

   Eric Gallant, HVAC Mechanic, position 4165, will need approximately 160 hours to receive full pay during his leave.

   Lenore Gallucci-Stevenson, Institutional Effectiveness Specialist, position 3490, will need approximately 160 hours to receive full pay during her leave.

4. Leave of absence without pay request for the following regular classified employees in accordance with Board Policy 7340:

   Laura Katie Donahue, ECE Program Specialist – Child Development Center, position 4032, requests to extend her leave effective April 1 – May 31, 2015.

5. Temporary additional assignment for Dana Ledet, Instructional Division Secretary, position 3339. Dana Ledet will provide necessary secretary services for the Community Education Department during the summer session, $39.26 per hour, 16 hours per week, effective June 1 – July 31, 2015.

6. Termination of probationary employee #07236330, position #3454, GEAR UP school site coordinator, effective March 10, 2015.

7. Request approval of the following short-term and substitute employees. These employees meet the Education Code §88003 definition of short-term and substitute employees, and as such, these employees will be employed and paid less than 75 percent of the college year:

<table>
<thead>
<tr>
<th>Employee</th>
<th>Job Title</th>
<th>Asgnmnt.</th>
<th>Dept.</th>
<th>Hourly Rate</th>
<th>Start Date</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farshud Sorourifar</td>
<td>Campus Aide I</td>
<td>Substitute</td>
<td>Honors Scholar</td>
<td>$9/hr.</td>
<td>2/23/15</td>
<td>6/30/15</td>
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<tr>
<td>Ruth Antonizio, Arinda Breen, Omar Canseco, Karen Kohl, Steve Mott, Bene Joyce Raphael, Jennifer Vosburg, Lynn Wetzell</td>
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<td>1/20/15</td>
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<td>6/30/15</td>
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<td>Pamela Martinez Aranda</td>
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<td>Retention Services</td>
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<td>6/30/15</td>
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<tr>
<td>Dakota Lenz</td>
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<td>2/9/15</td>
<td>6/30/15</td>
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<td>Erik Anderson, Gretchen Koch, Michael Drentea</td>
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<td>6/30/15</td>
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<td>Connie Riley</td>
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<td>Admissions/ Records</td>
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<td>Amanda Pifer</td>
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<td>Child Dev Ctr</td>
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<td>5/27/15</td>
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<td>Jessica Amador</td>
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<td>Theatre/Film</td>
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<td>3/19/15</td>
<td>5/4/15</td>
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<td>Travis Barrett</td>
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<td>3/19/15</td>
<td>5/4/15</td>
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<tr>
<td>Jessica Amador</td>
<td>Campus Aide I</td>
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<td>Theatre/Film</td>
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<td>3/5/15</td>
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<td>5/4/15</td>
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<td>5/4/15</td>
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<td>5/4/15</td>
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<td>Department</td>
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<td>Victoria Hernandez</td>
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<td>Ismariceli Antonio, Angelica Zamora</td>
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<td>Madelayne Beauvais</td>
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<td>substitute</td>
<td>Student Activities</td>
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<td>2/17/15</td>
<td>5/20/15</td>
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<td>Krista Warren</td>
<td>Grant Project Coordinator</td>
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<td>Community Education</td>
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<td>Sonia Martinez</td>
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<td>5/16/15</td>
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<td>Bryan Fore</td>
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<td>$25.73/hr</td>
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<td>1/22/15</td>
<td>6/30/15</td>
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</tbody>
</table>

**RECOMMENDATION**

Ratify recommendations of superintendent/president in approving classified personnel actions.
WHEREAS, the MiraCosta Community College District ("District") advertised for bids for machining equipment for the new Technology Career Institute site located in Carlsbad (the "Project") in accordance with Public Contract Code §20651;

WHEREAS, the advertisement for bids for the Project stated all sealed bids would be received and opened on January 23, 2015, but no bids were submitted at that time;

WHEREAS, the District must contract a qualified and capable contractor on the Project as soon as possible to meet the timeline with the moving project;

WHEREAS, competitively bidding the work for the Project again would cause unnecessary delay and would most likely result in the District not receiving bids for the second time;

WHEREAS, it would work an incongruity and not produce any advantage to the District to competitively bid the work for the Project due to the fact that no bids were received during the prior bid, and that it is likely the District will not receive bids if advertised for a second time;

WHEREAS, Meakin v. Steveland (1977) 68 Cal.App.3d 490 and Los Angeles Dredging v. Long Beach (1930) 210 Cal. 348 hold that statutes requiring competitive bidding do not apply when competitive bidding would work an incongruity or not produce any advantage;

WHEREAS, in order to timely complete all necessary work on the Project, the District has utilized a nationwide competitive process known as FedBid to solicit competition and pricing for the required items, and after reviewing all proposals, the District has determined which proposal is in the District’s best interest to perform the Project;

WHEREAS, the Board of Trustees of the District desires by a majority of the vote and pursuant to Education Code §§81655, 81656, and similar statutes, to delegate authority to its District Director of Purchasing and Material Management to execute and deliver contracts and agreements, and otherwise negotiate and contract with a contractor to perform the Project, or to otherwise carry out the intent of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees makes the following findings:

1. That the above recitals are true and correct.

2. That the District must contract a qualified and capable contractor on the Project as soon as possible to meet the timeline with the moving project.

3. That competitively bidding the work for the Project would cause unnecessary delay and would most likely result in the District not receiving bids again.

4. That it would work an incongruity and not produce any advantage to the District to competitively bid the work for the Project.
5. That the District has requested and received pricing utilizing the FedBid platform, and after reviewing all proposals, the District has determined which proposal is in the District’s best interest to construct the Project.

6. That the District Board of Trustees hereby approves the delegation of authority and appoints the Director of Purchasing and Material Management, who is hereby authorized and directed, pursuant to a majority of the vote of the Board of Trustees and Education Code §§81655, 81656, and similar statutes, to execute and deliver contracts and agreements, and otherwise negotiate and contract with a contractor to construct the Project, or to otherwise carry out the intent of this resolution, all subject to ratification of the Board of Trustees.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the MiraCosta Community College District this 18th day of March 2015, by the following vote:

AYES:  

NOES:  

ABSENT:  

ABSTAINED: 

I, Jeanne Shannon, president of the MiraCosta Community College District Board of Trustees, do hereby certify that the foregoing is full, true, and correct copy of the resolution passed and adopted by said board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in the office of said board.

Jeanne Shannon  
President, Board of Trustees

IN WITNESS WHEREOF, I, Sunita V. Cooke, Secretary of the Board of Trustees of the MiraCosta Community College District, do hereby certify that the foregoing resolution was regularly introduced and adopted by the Board of Trustees of the MiraCosta Community College District at a regular meeting thereof held on the 18th day of March 2015, by the above-described vote.

Sunita V. Cooke, Ph.D.  
Secretary, Board of Trustees
WHEREAS, Trustee Jacqueline Simon was absent from the regular meeting on February 18, 2015, due to illness.

NOW, THEREFORE, BE IT RESOLVED by the MiraCosta Community College District Board of Trustees that the above-noted absence of Trustee Simon is excused and that, in accordance with the applicable provisions of the Education Code, no reduction in monthly compensations will be made for the absence.

PASSED AND ADOPTED by the Board of Trustees of the MiraCosta Community College District of San Diego County, California, this 18th day of March 2015, by the following vote, which constitutes a majority of the Board of Trustees:

AYES: Broad, Caesar, Fischer, McNeil, Shannon, Simon

NOES: 

ABSTAINING: 

ABSENT: 

STATE OF CALIFORNIA 

SAN DIEGO 

I, Sunita V. Cooke, Ph.D, secretary of the Board of Trustees of the MiraCosta Community College District, do hereby certify that the foregoing is a full, true, and correct copy of the resolution duly passed and adopted by said board at a regularly called and conducted meeting held on said date.

Sunita V. Cooke, Ph.D. 
Superintendent/President 
Secretary of the Board of Trustees
MIRACOSTA COMMUNITY COLLEGE DISTRICT
RESOLUTION NO. 13-14/15

SUPPORT FOR ASSEMBLY BILL 288 (HOLDEN)
COLLEGE AND CAREER ACCESS PATHWAYS ACT

WHEREAS, the connection between a college degree and economic stability has been effectively documented, making college access and preparation a social and economic justice issue; and

WHEREAS, across the United States there is a growing emphasis on school and community college collaboration to prepare students to be college and career ready; and

WHEREAS, California should do more to help schools and community colleges improve their college readiness and college enrollment rates; and

WHEREAS, the MiraCosta Community College District Board of Trustees supports dual enrollment as a matter of policy and practice as a viable and effective method to prepare any student – even those who may have struggled academically and who may have had no initial interest in pursuing a postsecondary degree or credential – to complete high school and enter college; and

WHEREAS, allowing a greater and more diverse segment of high school students to take community college courses could provide benefits to both students and the state, such as, reducing high school dropouts, increasing the number of community college students who transfer and complete a degree, shortening the time to completion of educational goals, and improving the level of preparation of students to successfully complete for-credit, college level courses; and

WHEREAS, through concurrent enrollment partnerships school districts and community college districts could create clear pathways of aligned, sequenced coursework that would allow students to easily and successfully transition to for-credit, college level coursework leading to an associate degree, transfer to the University of California or the California State University, or a career technical education (CTE) credential or certificate; and

WHEREAS, to facilitate the establishment of concurrent enrollment partnerships, the state should remove fiscal penalties and policy barriers that discourage concurrent enrollment opportunities; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the MiraCosta Community College District supports Assembly Bill 288 (Chris R. Holden) the College and Career Access Pathways (CCAP) Act, which reduces some of the state's key barriers around concurrent enrollment and makes it possible to expand college and career pathway opportunities for all students, thereby saving students and the state valuable time, money and scarce educational resources; and; and

BE IT FURTHER RESOLVED, that the Board of Trustees authorizes the Superintendent/President to provide this resolution to the California Community Colleges Board of Governors, State Chancellor, members of the legislature, community and business organizations and leaders, and others who can assist in implementing this important new direction in California higher education.
APPROVED, PASSED AND ADOPTED by the Board of Trustees of the MiraCosta Community College District this 18th day of March 2015, by the following vote:

AYES:  Broad, Cassaro, Fischer, McNeil, Shannon, Simon

NOES: 

ABSENT: 

ABSTAINED: 

I, Jeanne Shannon, president of the MiraCosta Community College District Board of Trustees, do hereby certify that the foregoing is full, true, and correct copy of the resolution passed and adopted by said board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in the office of said board.

Jeanne Shannon
President, Board of Trustees

IN WITNESS WHEREOF, I, Sunita V. Cooke, Secretary of the Board of Trustees of the MiraCosta Community College District, do hereby certify that the foregoing resolution was regularly introduced and adopted by the Board of Trustees of the MiraCosta Community College District at a regular meeting thereof held on the 18th day of March 2015, by the above-described vote.

Sunita V. Cooke, Ph.D.
Secretary, Board of Trustees