

**Minutes of the Study Session of the Board of Trustees  
San Mateo County Community College District  
September 9, 2009  
San Mateo, CA**

**The meeting was called to order at 5:00 p.m.**

**Board Members Present:** President Karen Schwarz, Trustees Helen Hausman and Dave Mandelkern, and Student Trustee Virginia Medrano Rosales

**Others Present:** Chancellor Ron Galatolo, Executive Vice Chancellor Jim Keller, College of San Mateo President Michael Claire, and Cañada College President Tom Mohr

The Board toured Building 5N at College of San Mateo, which will house the Dental Assisting, Nursing and Cosmetology programs, as well as the new Fitness and Aquatics Centers. The tour was led by President Claire, along with members of the team from McCarthy Builders and Swinerton Management.

Board members then returned to the District Board Room and were joined by Trustee Patricia Miljanich. Also present were Skyline College President Victoria Morrow and District Academic Senate President Patty Dilko. Trustee Richard Holober arrived at 7:00 p.m.

**Pledge of Allegiance**

**DISCUSSION OF THE ORDER OF THE AGENDA**

President Schwarz said there is a request to hear item 09-9-1C, Update and Discussion on the Brown Act, after "Statements from the Public on Non-Agenda Items." There were no objections.

President Schwarz said there is a request to adjourn this meeting in memory of Danny Tanaka, who passed away in July. Mr. Tanaka was project manager for the renovation of Buildings 2, 4, 14 and 16 at College of San Mateo. The Board agreed to the request.

**MINUTES**

It was moved by Vice President Miljanich and seconded by Trustee Hausman to approve the minutes of the August 19, 2009 meeting of the Board. The motion carried, all members voting "Aye."

**STATEMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS**

Chancellor Galatolo said the quick actions of faculty, staff and the San Bruno Police Department prevented the Wednesday, September 2 shooting incident at Skyline College from being more tragic. The outcome is reflective of the time and effort the District has put into emergency preparedness, including the installation of surveillance cameras. Under the leadership of President Morrow and Director of Public Safety Mike Celeste, much went well; the District will learn from those things that did not go as smoothly.

President Morrow presented a recap of the incident. At 1:25 p.m., a group of students was met by another group in Lot 7 and shots were exchanged. Members of one group left the campus while members from the other group ran onto campus. Members of the President's Cabinet formed an instant crisis action team and the San Bruno Police Department became the incident commanders. At 2:00, a lockdown situation was declared and was communicated through emails, text messages and the public address system. All buildings were cleared, police escorted people off campus and a perimeter was set up. The police, including a SWAT team, continued to look for those involved in the incident as well as a weapon, which was located with the assistance of the video surveillance cameras. The decision was made to keep the campus closed the following day to allow a cooling off period and to deal with any possible subsequent interaction between the two groups involved in the incident. Communication continued throughout the day through use of email, text messaging and Skyline's website. San

Bruno Police Chief Neil Telford, Mr. Celeste and Skyline Chief Public Safety Officer Brian Tupper were present on campus during the day. The campus reopened on Friday, September 4, with extra police and public safety officers present and with expanded counseling services for students. Counselors from the Jefferson Unified School District volunteered as well. A campus-wide debriefing was scheduled for Tuesday, September 8.

At the debriefing, people agreed that in general the incident was handled well. Some expressed appreciation for the extra counseling and for the presence of security cameras. There was interest in additional emergency preparedness training. There was concern that communication about the lockdown did not occur as quickly as it should have; text messages were received late; and the public address system does not reach all buildings. However, by using multiple means of communication with staff and students, most on campus were quickly informed about the incident.

Mr. Celeste said that immediately after the incident, the Public Safety Department and the San Bruno Police Department received numerous calls. College of San Mateo and Cañada College immediately sent public safety officers to the scene. Campus public safety officers were taken into buildings with the SWAT team because they know the buildings. Mr. Celeste asked Devitt Hartney, Systems Engineer in the Facilities Planning and Operations Department, to review the video from the security cameras which was then used by the Police Department. The video showed that the shooting victim ran into Building 5 with three others who then scattered. After 40 seconds, two of the suspects ran out of the building, one without the backpack he had upon entering, triggering a search of the building during which the weapon was found. Mr. Celeste said the security cameras were crucial and the Access Control and Alarm Monitoring System (ACAMS) was also helpful in that it allowed automatic lockdown of buildings. At 9:00 p.m., the San Bruno Police Department starting releasing their officers. District public safety officers provided extra patrols which enabled students to feel safer.

Vice President Miljanich asked if faculty and staff inside the classrooms and offices understood what was happening. President Morrow said that once they received the information, they knew how to respond. Student Trustee Medrano Rosales said she was in a classroom in Building 1 and that Vice President Regina Stroud alerted those present; the instructor locked the doors and was very calm. Mr. Celeste said officers went into all buildings not equipped with ACAMS and verbally announced the lockdown. Chancellor Galatolo noted that all new buildings have ACAMS and renovated buildings will have them.

President Schwarz asked if the backpack was recovered along with the weapon. Mr. Celeste said it was; the weapon was in a trash can and the backpack was in another location.

Trustee Mandelkern commended President Morrow, faculty, staff and students on the professional and calm manner in which the incident was handled, as well as on the follow-up activities. President Morrow said that Vice Presidents Regina Stroud and Lori Adrian performed extraordinarily throughout and were responsible for the follow-up activities.

Trustee Hausman commended all involved. She said there is only one way to know if planning works, and in this case it did. Student Trustee Medrano Rosales said students also appreciated the extra counseling services and the opportunity to be heard at the debriefing forum.

ITS Director Eric Raznick said the District had been evaluating the use of a different text messaging system because of the delay in some users receiving messages; the District is currently in contact with AlertU Emergency Message System. Mr. Raznick said the District will follow up on improvements to the public address system as well.

President Schwarz said she heard there had been a bomb threat on the Skyline campus. President Morrow said a call came into the main information line and the caller said "there's a bomb on campus." The Police Department conducted a search and found nothing and the decision was made to not evacuate.

### UPDATE AND DISCUSSION ON THE BROWN ACT (09-9-1C)

Former County Counsel Tom Casey presented a brief background on the Brown Act, the purpose of which is to insure that citizens are given notice of items to be considered by a public agency, that the discussions take place in public and that the public has input.

A change to the Brown Act was triggered when a citizen sued the City of Fremont, alleging that the City Manager consulted with each City Council member to determine where each stood on an issue before bringing the issue before the Council. The Court of Appeals ruled that talking to the Council members was not a violation of the Brown Act but if the City Manager conveyed where other Council members stood on the issue, or conveyed what he heard from other Council members, there would be a violation. Some wording in the decision alarmed legislators who believed it could provide a loophole, and new legislation was passed. The first part of the legislation is not new; it reaffirms that members of a legislative body shall not, outside of a meeting authorized under the Brown Act, use a series of communication of any kind, directly or through intermediaries, to discuss, deliberate or take action on any business item within the subject matter jurisdiction of the agency. New language in the legislation said that this shall not be construed as preventing an employee or official of a local agency from engaging in separate conversations or communications with members of a legislative body in order to answer questions or provide information regarding a matter which is within the jurisdiction of the agency if that person does not communicate to the members of the legislative body the comments or positions of any other member of the body. Mr. Casey noted that the focus of the Brown Act is on communication among Board members and that Board members are still allowed to discuss issues with staff or constituents.

Regarding electronic communication, Mr. Casey said it is clear that members of a public agency cannot create an email thread to seek opinions. It is important to note that emails are public records and Board members should be reflective of their content and message. Mr. Casey noted that public records may also be subpoenaed during litigation. Trustee Mandelkern asked if there are specific things Board members should be aware of concerning email. Mr. Casey said it is wise to limit the number of people copied on an email to those who need to see it, especially on issues in which colleagues are involved. Board members should also avoid asking for responses, i.e. "I'd be interested in hearing what you think."

Trustee Mandelkern asked if it is permissible to present materials in advance on issues that are to be discussed at a public meeting. Mr. Casey said this is permitted. However, collecting and collating group responses into a document and providing it prior to a meeting could be a violation because it might lead to the Board crafting a proposal without according the public the right to hear or participate in the development of a policy. Trustee Mandelkern asked if the rules apply to setting meeting agendas. Mr. Casey said they do. Vice President Miljanich said a staff member might still ask for comments regarding agenda items to come directly to him/her without being shared among all Board members. Mr. Casey agreed.

Vice President Miljanich asked if Board members are allowed to communicate with one another regarding the scheduling of meetings. Mr. Casey said that since scheduling may be crucial in some events, Board members should not reply to each other, but only to a staff member who will then determine the meeting schedule. The staff member should specify that Board members should reply only to him/her.

Trustee Hober noted that many Board members have personal email accounts and asked how to determine what is subject to the Public Records Act. Mr. Casey said if an email account or telephone is provided or paid for by a public entity, then the documents would be considered public documents. If no support is received from the public entity, the documents are not public; however, anything sent to a public officer, such as the Chancellor, is a public document. Records in personal accounts also could be subject to subpoena in litigation.

Trustee Hober asked if email communications regarding matters which are exceptions to open meeting discussion are subject to the same rules. Mr. Casey said they are; exceptions to open meeting items still provide for meetings to discuss the matters and they still must be agendaized. For instance, an attorney drafting a brief in a

case of litigation may distribute the draft to all Board members but Board members can only respond individually.

Vice President Miljanich asked if sending updates to Board members regarding the Skyline shooting incident was acceptable. Mr. Casey said it was permissible as long as the Board did not then discuss it with each other, even if the comments were positive.

President Schwarz asked if, when the entire Board is aware that one or two Board members have met with an outside group and will bring back a report, the report should be presented in open session. Mr. Casey said it would unless it is a topic for closed session, such as collective bargaining. President Schwarz asked if such a report needs to be agendaized. Mr. Casey said it does not and can be presented under Board member comments.

Trustee Mandelkern asked if the student trustee is subject to the Brown Act. Mr. Casey said he/she is not.

Mr. Casey encouraged Board members to feel free to ask questions of him or County Counsel at any time.

### **NEW BUSINESS**

#### **APPROVAL OF PERSONNEL ACTIONS: CHANGES IN ASSIGNMENT, COMPENSATION, PLACEMENT, LEAVES, STAFF ALLOCATIONS AND CLASSIFICATION OF ACADEMIC AND CLASSIFIED PERSONNEL (09-9-1A)**

It was moved by Trustee Mandelkern and seconded by Trustee Hausman to approve the actions in Board Report No. 09-9-1A. The motion carried, all members voting "Aye."

#### **APPROVAL OF CONSENT AGENDA**

The Consent Agenda consists of the following Board Reports:

09-9-1CA Acceptance of Gifts by the District

09-9-2CA Renewal of Agreements with American Institute for Foreign Study (AIFS), 2009-10

It was moved by Vice President Miljanich and seconded by Trustee Hausman to approve the items on the Consent Agenda. The motion carried, all members voting "Aye."

### **Other Recommendations**

#### **ADOPTION OF THE 2009-10 FINAL BUDGET (09-9-100B)**

It was moved by Trustee Holober and seconded by Vice President Miljanich to adopt the budget as presented. The motion carried, all members voting "Aye."

### **INFORMATION REPORTS**

#### **STUDY SESSION**

#### **REPORT ON FINANCIAL AID (09-9-2C)**

Vice Chancellor Jing Luan introduced the presenters: Vice President of Student Services Lori Adrian and Director of Financial Aid Maria Escobar from Skyline College; Vice President of Student Services Jennifer Hughes and Financial Aid Technician Claudia Menjivar from College of San Mateo; and Vice President of Student Services Peter Barbatis and Director of Financial Aid Services Margie Carrington from Cañada College. Carrie Ridge, Development Director and Roxanne Brewer, Development Associate, represented the Foundation.

Copies of the presenters' PowerPoint presentation were distributed and a copy is attached to the official minutes of record. Documents describing common financial aid terms and acronyms and major federal and California financial aid programs were also distributed and are attached. Vice President Barbatis reviewed some of the definitions and programs described in the documents.

Trustee Mandelkern asked for information on veterans' programs. Vice President Barbatis said the programs are increasing as more veterans returning from the Middle East are entering the Colleges. Ms. Escobar said that students who are part of the post-9/11 GI Bill, Chapter 33 are eligible for tuition, housing allowance, books and transportation assistance. Each Financial Aid office works in conjunction with an expert who certifies a student's eligibility, after which the student will receive any additional services required. Any student who is a veteran and who qualifies under any chapter of the GI Bill will receive the same services. Ms. Carrington said there has been a change in the law so that educational benefits are no longer counted as a resource and, therefore, do not offset the ability to receive financial aid.

Vice President Miljanich asked if there is a limit on funding coming into an institution from federal, state or other sources. Vice President Barbatis said some programs use a first-come, first-served basis while others, such as Pell grants, have no limit. Ms. Carrington said there is a maximum allocation for an institution which is based on a fair share formula.

Trustee Mandelkern, noting the complexity of the application and the number of programs, asked if students would be able to determine the proper course of action or if they would need one-on-one assistance mapping out their financial package. Vice President Barbatis said work is being done in the outreach programs in order to affect change; this will be discussed later in the presentation. He also said that the federal government is considering changes to the financial aid application to make it more user-friendly. He added that there is a definite need for one-on-one sessions with students and that staff works very hard to provide this service.

Vice President Adrian said financial aid staffing levels have remained the same from 2005-06 to the present, but the number of students served has increased. She said student ambassadors play a critical role in helping students. College of San Mateo and Skyline College also employ adjunct counselors using State funding.

Vice Chancellor Luan reviewed financial aid data, including rates of applying for and receiving federal and state financial aid, along with the number of recipients and aid amount; the total recipients and amount of all financial aid; and Pell, BOG and loans recipients distribution by gender, age and race. Vice Chancellor Luan recognized Edgar Coronel and Suneetha Pasumarthi of ITS for their help in preparing the data.

Trustee Mandelkern noted that the data shows a 14% application rate for aid rate in the District vs. a 34% State rate and 45% national rate. Vice Chancellor Luan said part of the difference is due to how students are counted; the District counts only students who actually enrolled while other reports use all who applied regardless of whether they subsequently enrolled. Other factors might include pockets of wealth within the District, lessening the need for financial aid; undocumented students who are hampered by disclosure requirements on financial aid applications; and the need to connect with more current and potential students through outreach programs. Trustee Mandelkern said it would be interesting to determine the percentage of students enrolled in the District who would qualify for financial aid and in which categories (federal, state, private, etc.). He said that without knowing what the potential is, it would be hard to know how to attack the problem. Ms. Carrington said there is a lack of awareness of financial aid availability for community college students, but that the only difference in the cost of living between students at community colleges and other institutions is tuition. President Schwarz asked if data is available on neighboring districts. Vice Chancellor Luan said it is, but it is not as detailed as the District's data in terms of demographics.

Trustee Mandelkern asked if State budget cuts have had an impact on financial aid awards. Vice President Adrian said there is no quantitative analysis, but there has been an increase in the number of students applying for financial aid. Vice President Adrian will forward to the Board a report submitted to the legislature which

discusses the impact of the Statewide increase in financial aid participation. Ms. Escobar said there is a possibility that Cal Grants could be cut and categorical programs are being impacted. Trustee Mandelkern asked how disbursement of limited funds is determined, e.g. between a student already receiving aid but needing extra money for books because of a loss of EOPS dollars vs. a student who is receiving no aid. Ms. Carrington said that under the current program with the Foundation, the Colleges fund all of their scholarships in spring for use in the fall and there is no money left for any students who enroll at the semester. Trustee Mandelkern asked if a structural change might be considered to put some funds aside to fill gaps. Vice President Adrian said some other colleges' foundations set up separate funds, such as book funds, that have more flexibility. Ms. Brewer said that scholarship donors often have specific criteria and the Foundation must abide by their wishes.

Vice President Adrian reviewed financial aid outreach programs throughout the District. Trustee Mandelkern asked if data is gathered by activity and by campus, e.g. how many students or potential students attend a particular presentation and how many of those students file financial aid applications. Vice President Adrian said they do collect data. Trustee Mandelkern asked if the Colleges share information with each other about which programs work best. Vice President Adrian said the Colleges work very collaboratively. Trustee Mandelkern asked if students are asked, when meeting with a financial aid counselor, how they heard about the financial aid program. Ms. Carrington said this is not done consistently; Vice President Adrian said the suggestion will be noted. Trustee Mandelkern said it might also be helpful to have the question on the website.

Vice President Adrian reviewed data showing an increase in financial aid participation as a result of the outreach programs. Trustee Mandelkern asked how it is possible to know that the increase is a result of the programs. Vice Chancellor Luan explained the methodologies used to produce the inreach and outreach data and stated that a financial aid recipient is viewed either as someone who is inreached or outreached. Trustee Mandelkern commented that the change in outreach numbers clearly indicated something done at the Colleges proved to be effective. Vice President Hughes said that Trustee Mandelkern's suggestion about trying to ascertain how students heard about financial aid would be helpful in this regard. Chancellor Galatolo said another important factor is how to measure the number of potential students in the community who have not been reached and who might not come to the Colleges because of aid-based determinants. Trustee Mandelkern said his sense is that a large number of people feel college is financially unattainable and he thinks programs advertised in newspapers and on radio, such as Cash for College and Financial Aid Awareness Days, are effective ways to target this audience. He would like to see these and other programs quantified so that spending can be targeted on programs that work. Vice President Adrian said the suggestions presented have been heard and that there will be a concentration on data collection.

Vice President Miljanich said she has seen situations in which youth are enticed to institutions that are not working carefully with them and they end up dropping out and having large loans to repay. Trustee Mandelkern asked if there are students coming to the District with large loans from private vocational colleges, some of which are predatory. Ms. Carrington said there are such students and they require extra counseling about incurring more debt. She said there are maximum amounts of indebtedness that students can have at various levels of their education cycle. Trustee Mandelkern asked if students are deterred from coming to the Colleges because they fear it is expensive and will cause indebtedness. Ms. Escobar said the Colleges dissuade indebtedness and do not automatically package student loans. Vice President Hughes said students may be drawn to private vocational institutions because they can get through the programs faster but might not think about the major debt they will incur. Trustee Holober said there is no comparison between how community colleges and private vocational institutions operate and he said the Obama administration is working to end some of the worst practices.

Vice President Hughes reviewed information on the District's financial aid effective programs and practices, noting that standard processes and procedures are used at all three Colleges. She also noted that the best practices are based on a student-centered philosophy.



Ms. Carrington, Ms. Escobar and Ms. Menjivar summarized data on District and State rates of students receiving BOG and Pell grants; the change in recipients and amount of financial aid for Pell, BOG and loans between 2005-06 and 2008-09; demographic changes in gender, age and race for Pell and BOG from 2005-06 to 2008-09; and degree and certificate completers by aid status in the 2005-06 cohort.

Vice President Hughes said discussions are taking place with financial aid staff on ways to address budget cuts, and she discussed strategies which are under consideration to create improved efficiencies.

Vice President Barbatis discussed areas for improvement, including the need to institutionalize best practices across the three Colleges, adhere to a data-driven decision making model and develop an automated process to provide student financial aid accounts with the Bookstore. Trustee Holober asked if financial aid awards for costs of enrollment go directly to the student or the institution. Ms. Carrington said the Colleges receive the award and deduct fees before the students receive their checks. Students are given one-half of the award at the beginning of the semester and the rest shortly after census.

Trustee Mandelkern thanked the presenters, particularly those who deal with financial aid every day, enabling students to stay in school. Trustee Mandelkern said he often hears from the public that they think they would not qualify for financial aid. He suggested that estimates of family income levels in relation to eligibility be publicized, e.g. if the family income is \$50,000, a student could qualify for particular programs. Trustee Hausman noted that there is a book listing many scholarships, some of which go unused. Vice President Barbatis said this is now available online.

Trustee Holober said that in his work as a consumer advocate, he has lately been focused on problems with proprietary, postsecondary education institutions in the State, which have been unregulated for the past two years. California has been out of compliance with Title IV regulations which require a state regulator. The Bush administration had written a letter stating that although there was a technical violation, aid would continue to flow. The Obama administration has announced that there will be new regulations as early as next month. The Bush letter will likely be rescinded and federal aid funds withheld. Trustee Holober has been involved in the current round of legislation and has opposed a bill by State Assemblyman Warren Furutani because it would establish a regulatory agency but provide no regulation. To help address the problem of institutions falsely promising to place graduates in jobs in their field, the bill was amended on Friday to define "in the field" as at least having to be connected to the student's course of study. Negotiations on the bill are ongoing.

Trustee Mandelkern said he would be interested in understanding what the District does in the field of career planning and job placement. Chancellor Galatolo said this will be a topic for a future study session.

President Schwarz said she was struck by Ms. Carrington's earlier comment that community college students have the same expenses as students attending any other institution except for tuition. She urged the Foundation to emphasize to donors that many students need particular help with purchasing books.

Student Trustee Medrano Rosales thanked the financial aid staff and the Foundation and said that students understand and appreciate all they do.

Vice Chancellor Luan thanked the Board for their concern and their thought-provoking questions. Vice President Adrian also thanked the Board for advancing funds to students when Cal Grants are delayed.

### **RECESS TO CLOSED SESSION**

President Schwarz said that during Closed Session, the Board will consider the personnel items listed on the printed agenda as item 1B. The Board will also conduct public employee performance evaluations for the Chancellor and Presidents of the three Colleges.

The Board recessed to Closed Session at 9:40 p.m.  
The Board reconvened to Open Session at 11:10 p.m.

**CLOSED SESSION ACTIONS TAKEN**

President Schwarz reported that at the Closed Session just concluded, the Board approved the personnel items listed on the printed agenda as 1B and conducted performance evaluations for the Chancellor and College Presidents.

**ADJOURNMENT**

It was moved by Trustee Hausman and seconded by Trustee Mandelkern to adjourn the meeting in memory of Danny Tanaka. The motion carried, all members voting "Aye."

Submitted by



Ron Galatolo  
Secretary

Approved and entered into the proceedings of the September 23, 2009 meeting.



Patricia Miljanich  
Vice President-Clerk