MINUTES
MEETING OF THE BOARD OF TRUSTEES
SANTA BARBARA COMMUNITY COLLEGE DISTRICT
March 11, 2010
SPECIAL MEETING/STUDY SESSION
Room A218C
4:00 pm
MacDougall Administration Center
Santa Barbara City College
721 Cliff Drive

The Office of the Superintendent/President, Room A 110 in the MacDougall Administration Center is the location where documents that are public records relating to any item under discussion on a Board agenda (including documents distributed with the agenda and those distributed to all or a majority of the members of the Board within 72 hours prior to a regular Board meeting or within 24 hours prior to a special or committee meeting) are available for public inspection.

Board agendas and supporting documents are also posted on the College website at http://www.sbcc.edu/boardoftrustees/.

1. GENERAL FUNCTIONS

1.1 CALL TO ORDER

President Dobbs called the meeting to order.

1.2 ROLL CALL

Members present:
Dr. Kathryn Alexander
Dr. Joe Dobbs, President
Mrs. Sally Green, Vice President
Mr. Des O'Neill
Mr. Luis Villegas
Ms. Nicole Ridgell, Student Trustee

Members absent:
Ms. Joan Livingston

Others present for all or some of the meeting:
Dr. Andreea M. Serban, Supt/President and Secretary Clerk to the Board of Trustees
Alarcon, Ignacio, President Academic Senate
Dr. Arellano, Ofelia, VP Cont. Ed
Auchincloss, Liz, President CSEA
Dr. Bishop, Paul, VP IT
Butler, Pricilla, ESL
Croninger, Marsha, Cont. Ed. Student
Ehrlich, Sue, VP HRLA
Else, Robert, Sr. Director Inst'l Research
Dr. Friedlander, Jack, Executive VP Ed Prgrms
Galvan, Joan, PIO
Garfinkel, Atty, AS VP Senate Affairs
Guenther, Pam, Math
Dr. Hersh, Doug, Dean Ed Prgrms
Marschak, Fred, Earth & Planetary Science

Dr. Scharper, Alice, Dean Ed Prgrms
Spaventa, Marilyn, Dean Ed Prgrms
Dr. Stark, Lynn, President IA
Sullivan, Joe, VP Business Services
Vasquez, Laurie, DSPS

1.3 WELCOME

President Dobbs extended a cordial welcome to all.

1.4 MINUTES OF THE SPECIAL MEETING/STUDY SESSION OF FEBRUARY 11, 2010.

Upon motion by Mr. O’Neill, seconded by Mr. Villegas, the Board approved the minutes of the Special Meeting/Study Session of February 11, 2010.

1.5 HEARING OF CITIZENS

Marsha Croninger completed the form Request to Address the Board of Trustees and asked to address the Board on item 2.6 of the agenda. Superintendent/President Serban explained that item 2.6 is an item for Board members input only. Dr. Serban also noted that Vice President Arellano talked with Ms. Croninger about the item she was interested in and Dr. Serban assumed that this answered Ms. Croninger’s questions thus there was no need to put that item on a Board agenda.

Mr. O’Neill asked Ms. Croninger to put her request in writing to the Board. Ms. Croninger responded that she had written to Superintendent/President Serban about having an item placed on the Board agenda. Superintendent/President Serban noted that requests from members of the public for agenda items do not go to the Board directly they go through the Superintendent/President. Dr. Alexander requested that Ms. Croninger call the President of the Board who is responsible for the agenda. Dr. Dobbs requested that Ms. Croninger call him to discuss her request.

During the meeting, Dr. Serban provided to the Board members Board Policy 2340 Agendas which states:

"Members of the public may place matters directly related to the business of the District on an agenda for a Board meeting by submitting a written summary of the item to the Superintendent/President. The written summary must be signed by the initiator. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law."

Upon motion by Mr. Villegas, seconded by Mr. O’Neill, the Board approved adjourning to study session.

2. STUDY SESSION

2.5 Was taken out of order at this time.

2.1 Accreditation
Superintendent/President Serban reported on the actions taken by the Accrediting Commission at their January meeting. It is important to take a moment to recognize that receiving a perfect reaffirmation of accreditation without any progress reports is of great significance and in reviewing the other actions taken by the Commission for other colleges should put into context how significant this achievement is. Superintendent/President Serban noted that accreditation standards are considered minimum standards that an institution must achieve at all times regardless of fiscal crises in order to be re-accredited. It is a quality assurance process and the point is made over and over by the Commission that because we are in a fiscal crisis does not justify a college not meeting the standards. This is why it is imperative that good fiscal management is applied at all times particularly in time of crisis.

2.2 Board Policies and Administrative Procedures

Superintendent/President Serban commented that two of the procedures AP4500 and AP4501 will have minor modifications to reflect changes related to the Professional Development of Full-time faculty. The minor changes will come back as an information item. Vice President Ehrlich noted that there is no new language to these items except for a modest change purposed to AP4500 and that was noted in the Academic Senate minutes. These items have been restructured so that we have a simple general policy statement and then we have related to that policy the cluster of procedures that have a common topic and a common element to them. Vice President Ehrlich expressed her appreciation to the Board Policy and Procedure Committee and Ignacio Alarcon, Karolyn Hannah, and Susan Broderick especially as these are faculty policies. Board policy 4500 will be placed on the March 25 agenda for Board approval.

2.3 Update on the Work of the Statewide Commission on the Future

Superintendent/President Serban provided an update on the work of the statewide taskforce in which she is involved and on its first meeting that took place February 26-27 and provided some information as to where the community college system is going. Data was provided on how many students were lost during the prior two recessions. Students come back to community colleges during recessions and the demand is great, but because funding is cut in conjunction with that, colleges have to cut sections and, unfortunately, the result is that students are turned away. It takes approximately 4-6 years for colleges to rebound from cuts made to sections. This year SBCC did not cut any of its Summer 2009 sessions, there will be an approximate cut in sections of 8% in Summer 2010 and for Fall 2010 there will be a cut made of about 6% compared to 2009. Another area of interest is where students transfer; our students as a system are not transferring as much to UCs or CSUs as they are transferring to in-state private universities and out-of-state institutions. Superintendent/President Serban also noted that system wide the overall course success rate for all courses over the last 16 years has remained the same 66%. The success rate in basic skills courses has declined, however, the reason that the overall percentage has stayed the same is that course success rates in vocational courses has increased about 35%, as a system. Staff will be researching this data to see where our students are transferring and how we compare system-wide and this will be presented at a future study session. Superintendent/President also noted that by 2025, 41% of the California workforce will require a college degree; the newer generation has a lower percentage of bachelor degrees compared to people who are now in their 50-60’s. The baby boomers who are now retiring cannot be replaced with someone with the same degree of education; baby boomers were more highly educated then the generation now.

This group will meet again the second week in April and Superintendent/President Serban has signed up for the work group State Policy and Changing of Fiscal Rules in California. This group will talk about the current rules in California and unless the rules that govern California community colleges are changed and colleges are removed from under the regulations of the Legislature, there will be no fiscal reform available for our system and this is what this workgroup will be advocating for.
2.4 Accountability Reporting for Community Colleges (ARCC) SBCC Assessment and Implications

Dr. Jack Friedlander reviewed the College Level Indicators that are part of the ARCC 2010 report.

Mr. Robert Else, Senior Director of Institutional Assessment, Research & Planning, provided a handout of some of the information that was included in the ARCC report. Noted that there was a sign for concern regarding the shrinking cohorts who are first time students entering the college with at least 12 units or more and who are meeting the criteria for inclusion in the cohorts followed for up to six years. The question that needs to be answered is where did those students go? They didn’t transfer to any school within the system, they didn’t achieve a degree or certificate anywhere in the system, they came to the College, started full-time and then they were gone. This is a trend that will be looked at by staff along with the achievement gap and the trend of students who earn at least 30 units. Our transfer rate to a four year institution keeps going up which is a good trend.

Dr. Ofelia Arellano reported that Continuing Education is now required to provide accountability information in terms of non-credit; this is new to this area. They do have a three year plan setup and a drop was noticed in 2010 and they are working with Robert Else to assess the reason why. It is believed that some of the reasons are the changes in the organization and how they keep track of data. Dr. Arellano will be working with Dr. Friedlander on how they can focus on transitioning students from non-credit to credit and finding a mechanism to track the data. Dr. Arellano is pleased that the vocational certificate program is increasing; they were just approved for the Health Care Interpreter certificate and the new Medical Assistant certificate program already has 50 interested students for 25 openings.

2.5 Overview of Selected Recent College Initiatives and Strategies in Support of Student Success in the Following Areas: Accelerated Mathematics, Foundation ESL, Film Studies, Computer Applications Skills Upgrade Institute, and Clickers for Assessment of Student Learning

Superintendent/President Serban reported that faculty was going to provide an overview of some of the efforts that the College has put in place recently, particularly within the last year, in support of student success. There are many more initiatives than the ones being presented today, and more will be presented at future study sessions and board meetings. This way the Board is aware of the significant efforts that college staff in various areas is investing in student success. Dr. Jack Friedlander reported that these presentations were just some of the many innovations that are taking place on our campus.

Pam Guenther reported on the following: Through a combination of conferences I attended, National Math Conference. I saw statistics from people who are using these accelerated programs that show students were staying in the courses, actually succeeding at a higher rate in those courses and succeeding in subsequent courses at the higher rate. I was aware of these statistics, but couldn’t quite understand “How could they do better in a shorter amount of time?” and then as I began to be involved in the partnership for student success, I got involved in the basic skills initiative, saw other statistics about the percentage of students that come in underprepared, where they start with their college level Math 4 or 100 the percentage that passed that class and then passed the subsequent class and then went on to their college transfer classes, were very dismal. I then attended a student success conference and actually saw some programs in the state that are providing the accelerated math, which was when I could visualize how this could be done. It’s hard because when we think students aren’t doing well in a course, or aren’t doing well in a subject, we intuitively feel that we need to stretch it out for them. But for some reason putting it together the way we did it last Fall works, we took Math 100, Elementary Algebra, Math 107, Intermediate Algebra, Math 100N, which is a math study skills course, so students are specifically learning study skills that have been proven to be successful in mathematic courses worked. We do have a lot of students who come in at Math 100 level, their skills are not that great and it takes time for them to get through Math 100 and then more time to get through Math 107, which puts them behind on their goals and also makes
them less likely to look at careers that have higher level math perquisites because it would take them that much longer to get succeed. These math courses were also coupled with a personal development course “College Success” course and that was 13 units so that they could be full-time focused just on math. So the students are immersed in math and study skills, deemed to be successful in college. We tried it for the first time in the Fall, where we provided a Math 100 for 8 weeks, Math 107 for 8 weeks, some issues that arose with that and then I tell you the success. Some of the issues that arose with this meant that students weren’t actually full-time at any one moment in time because they were in 5 units here and then they were not in the other 4 units until the second half of the semester, so there are certain populations for which it’s not desirable to do it that way, or they’ll have to take another academic course to fill the load and that means that they are not devoting as much time on the math. So this semester we created a new course that puts it all together in 10 units, called Math 104, I’m already feeling a little uncomfortable with this because now it’s all or nothing, so they’ve got to get all the way through 107 material to pass and I’m feeling badly because what if they really do know their math 100 material, but they didn’t do the 107 material, I can’t give them a passing grade, so now they’re going to have to start over. We’ve been exploring some better ways to package this. The good news is there were 38 students enrolled in the Fall, 37 took the first final, 32 passed Math 100 at the end of the 8 weeks. All but one of the 32 enrolled in Math 107, 30 of those took the final, 27 passed, so out of the 38 students that started the program, 27 passed two semesters worth of math at the end. I also think, we’re going to track some of their subsequent courses, as we feel that they really gained a lot of study skills that are going to help them be successful in the subsequent courses. We’re providing these courses again this semester, and there’s a lot of overlap in Math 100 and 107 topics, so Math 107 often takes the topics a little deeper than Math 100. So what I can do now is I can start the topics where they start at Math 100 and then carry it all the way through where that topic stops in Math 107. I just gave the second exam on Monday and it had elementary and intermediate algebra topics on it, so they are already getting a mix of those courses and it wasn’t an easy exam, I had over 60% word problems, out of the 20 that have been graded, 10 got an A. The students are really invested in it, they do their homework, and they come to class, they really see this as an opportunity and that they are lucky that they will get a chance to get ahead.

Dr. Jack Friedlander reported that ESL is structured so that students take separate courses in reading, writing and grammar in levels 1, 2, 3, 4, and 5. So you have to think about how long it would take to get through that whole sequence at the college level courses. So the ESL department conducted an experiment of combining some of those courses, to see if they could get better results.

Pricilla Butler reported on the following: The traditional option for ESL courses would take a student five years to complete. Faculty discussed the trend toward integration of skills rather than separate skills within the field of ESL. For evening students, who most of which work full-time, can only take one class a semester, so you can imagine how long that would take them to complete the course. Faculty wanted to have something that would provide the students with alternatives because we have such a variety of students, part-time and full-time who are transferable, who do not transfer, who want life skills, and who do not want life skills. Over the past two years we have developed an integrated option. In Fall, 2008 we started with Level 1 Foundation which is a 6 unit reading, writing, and grammar course and then a listening, speaking and grammar course combined and this same change was made to Level 1. Level 3 at this time has not been changed; faculty is focusing on the beginning and ending points. Level 4 is a writing and grammar in context combination for 6 units and then to complete the course, students need reading 4, which is 4 units. Level 4 and 5 provides 10 units and the reasoning that there was a need for students to start working with some of their transfer level skills, like integrating reading into writing and learning how to use quotations, how to properly cite sources as an initial exposure before moving on. Students who take level 4 and 5 usually round out their courses by taking another course, for example math. Many of the ESL students are in ESL for a lengthy period of time and they are in a very supported environment as ESL knows how to use the language they understand and they are use to a slightly slower rate of speed and they are presented with information in a way that that they understand and when they go into a content
course it’s a shock for them. Students in this new integrated option get a taste of the content course while they are still in their supported space. ESL now offers all of the courses in the integrated option and for the evening students this is such a great benefit, as it now takes 2 semesters rather than 3 to get through the courses. Students are allowed to move within the two models of the traditional option or integrated option.

Dr. Friedlander: One of the frequent comments made on faculty evaluations from students is not getting timely feedback and comments made by faculty regarding students in lectures is that they are not as engaged as they should be. The challenge is how do you get students engaged and how do you give them timely feedback and make sure that the faculty member knows what the students are gaining or not gaining at the moment the content is delivered, as opposed to waiting for a mid-term or a quiz. Fred Marschak is experimenting with clickers and he will present his outcomes with those.

Doug Hersh provided information regarding the use of clickers and how popular they are with audiences. Higher education started to use this with students and found that it was a great success in academia which is when Fred Marschak decided to try it here at SBCC. Why use clickers? It’s a very efficient and low cost way to increase: student engagement, create frequent feedback, reaffirm key concepts, and it provides tutorials. Pilot data that was noted in our institutional self study about clickers was that courses that used them showed a 7% increase in successful grades. As a result of this data the College plans to implement 10% of the IT supported classes on the main campus with clickers, which are about 16 classrooms.

Fred Marschak reported on the following: When teaching and especially when moving into a larger classroom the challenge was classroom participation, how do we get the students involved? I was stymied when I could not get responses from a lot of the students, when you have a classroom of 100-135; yes the same ones will raise their hand all the time and the same ones will talk to you all the time. I researched this problem and came up with clickers, I wanted to engage the students, but first and foremost I had to research what kind of clickers to use. You may or may not know it but publishers want to sell a student a clicker, $20-$40 for one semester, where student registers the clicker and the publisher activates it and then at the end of the semester they turn it off and then the student has to pay again to have it turned on. [Clickers cost $25-$30, but all of the software is free, all the updates are free, there is no license to buy and so these can be used indefinitely. Mr. Marshak wanted to do something more, he wanted to have the clickers available for the students and wanted them mounted in the class rooms. With the assistance of Bill Harz the clickers are now mounted and this is his fourth year with the clickers and any student who comes into class can use the same clicker. The clickers have been holding up very well, there are between 300-400 students who are using them, they are student friendly and the idea is to have everyone in the class room participating in the class. The instructor can ask a question and once the students answer the question a bar graph can be presented to the class to show whether or not they got it. It also tells the instructor whether or not they understand the lecture. There are also some side benefits, one being that students come to class on time so that they can get their clicker and sign into the class. This was a pilot program that was sponsored through Partnership for Student Success and was a great idea and will be interested to see how long the clickers will last, as they weren’t designed for the abuse they receive.

Superintendent/President Serban reported that she spoke with Barbara Ben-Horin, CEO of the Foundation for SBCC and she found out that there was a foundation – Adams Foundation - that provides the college with one-time funding and they didn’t want it invested in ongoing expenses and Superintendent/President Serban requested that the foundation be presented with the clicker idea to see if that would be something they would be interested in funding and the Adams Foundation was interested and presented the college with $20,000 that will be used to purchase more clickers.

Mr. Marschak also noted that a catalog of questions that can be used with clickers is being put together for faculty members who lecture, as the questions have to be multiple choices.
Students and instructors have found the clickers to be very beneficial. Dr. Friedlander also noted that the clicker responses are also automatically entered into the instructor's grade book which then allows the instructor to see which students are or are not getting the correct answers and can assist those that are having a problem with the class.

Dr. Friedlander reported that faculty is always looking for opportunities for students to produce a product that they can add to a student portfolio that could be used when transferring or looking for a job. With the internet and all of the different opportunities available to students, staff is trying to give students more of an opportunity to engage with people in the profession related to the discipline they are taking, it gives the students more of a motivation and more meaning when they have people who listen to them and evaluate their work which elevates their performance. Nico Maesto, Chair of the Film Study Program is having his students in his film study course/club participate in three different film festivals, Santa Barbara International Film Festival, Los Angeles International Film Festival, and the American Film Institute Festival in Hollywood. The students are invited and they participate in the festival by viewing films, meeting the film makers and journalists, meeting professional organizers and they participate in the Q&A with the film makers. The students are required to write critiques of the films they have seen and they have created a web page called sbccfilmreview.org, where they post their reviews and the site has become very popular. The students are more engaged the students tend to do better work.

Dr. Friedlander noted that Dr. Diane Hollems provided the leadership in obtaining a Work Force Investment grant from the federal stimulus funds. The object of this grant is to get people in Santa Barbara County who are unemployed, receiving welfare or public assistance a skill set so that they can go back to work. The courses being provided are: Customer Services Institute, Computer Skills Upgrade Institute, and Office Management Institute. The 24 students who enrolled in the computer skills upgrade institute completed the course; we only lost one student half way through and that was because they got a job. The names of the graduates are given to the Employment Development Department who is responsible for finding them a job. Santa Barbara County is so pleased with the outcome that they are going to provide more funding for the continuation of this contract.

2.6 Discussion of proposed items for future agendas of Board meetings (regular meetings, study sessions, or committee meetings)

There were not items discussed.

3. ADJOURNMENT

Upon motion by Mr. O'Neill, seconded by Mr. Jurkowitz, the Board approved adjourning the study session.

The next Regular Meeting of the Board of Trustees will be held on Thursday, March 25, 2010 at 4:00 p.m. in A211. A Study Session will be held on April 8, 2010 in A218C.
Santa Barbara City College
Board of Trustees Study Session
April 8, 2010

Update on the Parent Child Workshops (PCWs) Analysis and Proposed Agreement between SBCC and Each PCW

Santa Barbara City College values the Parent Child Workshops and acknowledges the positive contributions that these programs have made to the Santa Barbara community. Santa Barbara City College wants to continue to be a partner with each of the four PCWs in terms of providing the continuing education parenting education classes, in a fiscally responsible manner that complies with current State regulations and laws and consistent with the College mission.

Since January 2009, we have studied, discussed and analyzed the operations of the four PCWs and the relationship between the College and the PCWs. To date, there has been no written agreement that clarifies the relationship between the College and the PCWs. A number of issues have arisen over the years that have brought to light aspects that need to be clarified or changed in order to comply with legal statutes and regulations from the State Chancellor’s Office. Because the core reason for the involvement of the College, providing quality parent education to the Santa Barbara community, has been and continues to be an important element of Adult Education, the College has taken the initiative to clarify and define this relationship and develop a written agreement that protects the respective interests of the parties.

This material covers the following:

- Updated background information and clarifications based on additional meetings and discussions that took place since February 1, 2010, including a March 25, 2010 meeting with the representative from the State Chancellor’s Office responsible for reviewing and approving all non-credit courses and programs offered for apportionment in California Community Colleges
- Factual clarifications of the material provided by the PCWs to the Board of Trustees on February 11, 2010
- Update on the development of a legally compliant and sufficient course outline for the parent education class offered by SBCC Continuing Education at the PCWs
- Update on the status of negotiating an agreement between Santa Barbara City College and each of the four PCWs to clarify, define and formalize the responsibilities of each organization
- Next steps in the process

Mission of California Community Colleges and of SBCC
Santa Barbara City College is a comprehensive two-year community college part of the California Community College System which is comprised of 72 community college districts, with 112 individual community colleges serving 2.9 million students annually. The Santa Barbara Community College District is a single-college district comprised of one college – SBCC.
The mission of California Community Colleges is established by the California Education Code Section 66010.4:

66010.4. The missions and functions of California's public and independent segments, and their respective institutions of higher education shall be differentiated as follows:

(a) (1) The California Community Colleges shall, as a primary mission, offer academic and vocational instruction at the lower division level for both younger and older students, including those persons returning to school. Public community colleges shall offer instruction through but not beyond the second year of college. These institutions may grant the associate in arts and the associate in science degree.

(2) In addition to the primary mission of academic and vocational instruction, the community colleges shall offer instruction and courses to achieve all of the following:

(A) The provision of remedial instruction for those in need of it and, in conjunction with the school districts, instruction in English as a second language, adult noncredit instruction, and support services which help students succeed at the postsecondary level are reaffirmed and supported as essential and important functions of the community colleges.

(B) The provision of adult noncredit education curricula in areas defined as being in the state's interest is an essential and important function of the community colleges.

(C) The provision of community services courses and programs is an authorized function of the community colleges so long as their provision is compatible with an institution's ability to meet its obligations in its primary missions.

(3) A primary mission of the California Community Colleges is to advance California's economic growth and global competitiveness through education, training, and services that contribute to continuous work force improvement.

(4) The community colleges may conduct to the extent that state funding is provided, institutional research concerning student learning and retention as is needed to facilitate their educational missions.

Within the legal mission established by the California Education Code, each community college can develop an individualized mission statement. SBCC’s individualized mission statement is:

Santa Barbara City College is committed to the success of each student, providing a variety of ways for students to access outstanding and affordable higher education programs that foster
lifelong learning. SBCC works to ensure academic success for all students as they earn a degree or certificate, prepare for transfer, or gain the occupational competencies and academic skills needed to advance in their careers.

The College serves all segments of its diverse community by maintaining quality programs, by collaborating with local organizations to identify new educational needs and develop programs to meet those needs, and by continually expanding its efforts to meet the educational needs of traditionally underserved groups. The College responds to the needs of the South Coast community by offering a comprehensive continuing (adult) education program and developing programs that support economic development. As part of that larger community, SBCC is also committed to valuing the dynamic diversity of the community and to adopting sustainable practices and exercising good citizenship.

SBCC promotes student learning and development through the attainment of Institutional Student Learning Outcomes that measure student achievement in critical thinking, problem solving, and creative thinking; communication; quantitative analysis and scientific reasoning; social, cultural, environmental, and aesthetic perspectives; information, technology, and media literacy; personal, academic, and career development.

**Updated Background Information and Clarification on the PCWs**

There are four PCWs:
- San Marcos PCW: this is located in the San Marcos High School facility. Originally, it started as part of the K12 program, with high school students who were enrolled in the Early Childhood Program at the high school using the PCW as a learning lab. Based on information provided by Lea Blackburn, Director/Instructor assigned to the San Marcos PCW, there are currently 36 high school students from the San Marcos High School enrolled in the high school Early Childhood Program coming to use the PCW as a lab on a weekly basis. There is no formal agreement about the high school students being part of the laboratory component of the SBCC Continuing Education parenting class either. This requires follow up and clarification. San Marcos PCW does not pay rent to the Santa Barbara School Districts. We believe this relates to the use of the workshop as a laboratory to the Early Childhood Education program at the San Marcos High School.
- Lou Grant in Carpinteria: SBCC owns the land on which the PCW takes place. The PCW owns the building. The PCW pays a very small rent, well below the market value, to the College for leasing the land.
- Starr King in Santa Barbara: this PCW is located on the property of the Unitarian Church on Santa Barbara Street. In 2008-09, the PCW developed a 50-year lease with the Church.
- Oaks PCW in Santa Barbara: this PCW owns the building in which they are located. The Lou Grant PCW runs an extended day program for children who participate in the morning cooperative program. This extended day program (Monday – Thursday) is totally independent of the college and pays for itself through fees charged for participating children.
The evolution of the PCWs as they relate to the College has developed in an informal manner. There are very few written records describing the various phases of this evolution and the understanding regarding the involvement of the College. As noted, there is no written agreement between the College and the PCW. On February 1, 2010, the College has initiated the process of developing such an agreement and, as of April 5, 2010, we are still in the negotiation process with the PCWs.

The PCWs are 501(c)3 non-profit corporations. They function independently from the College. The College does not own or run these PCWs. Starting in 1990, the PCWs have been licensed by the State as Day Care Centers when licensing requirements for Child Care Centers became mandatory. Each of the four PCWs, the 501(c)3's, is licensed to run its own Day Care Center (see Appendix 1 as an example of the license held by the Oaks Parent Child Workshop to run a Day Care Center). In order to maintain the license, the PCWs need to submit annually required information to the State. While the law allows community colleges to run parent cooperative preschools, if they chose to do so, these four PCWs are not run by SBCC, they are 501(c)3 corporations, independent from the College. The College is not responsible and cannot subsidize the costs, personnel or other costs, related to running the parent cooperative preschools. This item is addressed more fully later in this document. A college run parent child cooperative would be significantly different in character from those operated by the four 501(c)(3)s. Each term, enrollment of parents and children would begin anew. Waiting lists for participating children could not be maintained. Preference for younger siblings of participating children could not be given.

Several situations that happened over the years illustrate the critical need to formalize the relationship of the College with the PCWs.

1. Around March 1998, a parent "volunteer" in the parent cooperative preschool submitted medical bills to the Board of Starr King PCW for injuries allegedly suffered when the lid to a rabbit cage at Starr King failed to remain open during cleaning and came down upon her head, neck and shoulders. The PCW Board accepted these bills up to a point and paid them from the PCW treasury. When the Starr King PCW Board refused to accept more claims from this parent volunteer, the volunteer filed a claim against the College. The total cost to the College to settle this matter (less than the cost of litigation) was approximately $20,000 when this matter settled in 2000. A clear written agreement between the College and the PCWs would have assisted the College in avoiding this claim entirely or provided for indemnification of the College by PCW insurance.

2. The Santa Barbara School District (SBSD) now charges the College rent for spaces the College uses to provide continuing education classes at their schools. During the discussions to establish a MOU with the SBSD to clarify the terms by which the College is charged rent and how much, SBSD asked that the College to pay rent for that space. The SBSD assumed that the College had full responsibility for this workshop. There was no written agreement that the College could offer to define the relationship of the College and the Workshop and no clear and mutual understanding of the parties as to the nature of their relationship. After extensive research, it has become clear that the PCWs are separate entities and that the College has no
responsibility or obligation to pay rent for that space. However, because the College has never developed a MOU with the PCWs and because in the past it seems it was not understood by the College that the status of a 501(c)3 requires fiscal independence from any other organization, the perception in the community is similar to the assumption of the SBSD that the PCWs are part of SBCC, that the College owns and runs these organizations, and that we bear full responsibility for them.

San Marcos PCW also did some alterations to their playground that were not considered by the SBSD to be ADA compliant at the higher standard that the SBSD negotiated as resolution of a litigation. SBSD expected that the College to pay to bring that playground into this higher level of compliance. Again, that is not the obligation of the College. This issue is still not resolved and once the College understood what the status of the PCW is, the College made it clear to SBSD that it is not our responsibility to pay.

3. Parents whose children participate in the PCWs pay fees that are established and collected by the PCW Boards not by the College. The fees are used to pay for some of the operational costs such as facility maintenance and materials for the children. On occasion, some of the parents fall behind paying the fees. Also every so often there are disciplinary problems with parents or children. Because the relationship between the College and the PCW has not been clearly and formally defined, when such problems occurred there has been discussion who should deal with the disciplinary issues: SBCC or the PCW parent boards.

4. Because the College collects FTES for the parent education class, the parent education class taught at the PCWs needs to be opened to anyone who can benefit from it. We are an open access community college. Three of the four PCWs have a long waiting list. While there is a process for children to be placed on the waiting list for the preschool, the issue of true open access to the parenting education class still needs to be fully addressed.

5. There is also the issue of insurance. At this point, SBCC is not clearly covered under the liability insurance of the PCWs. Since accidents can always happen, we need to be clear how we are covered in case something happens with a child or a parent. The agreement will address this aspect.

The parents whose children attend the PCW are organized in a 501(c)3 non-profit corporation, are members of the PCW Board that establishes the rules for running each PCW. The parents are also students in a non-credit parent education class that meets once a week in the evening for two and a half hours to learn parenting skills. During the morning, from 9 am to 12 pm, Monday through Friday, from August to June, the PCWs operate as a mix of child care facility and laboratory. One parent per family is expected to come at least one morning per week and participate in the laboratory component of the class. However, each student should fulfill the laboratory component and expected lab hours for the course in order to meet the objectives of the class. This laboratory component of the continuing education parenting class is not currently described as part of the parenting education class to the parents who are the students of the class. Rather it is described as a responsibility of being a member of the parent cooperative preschool. See the end of this document for the description of the morning program included in the Oaks PCW handbook.
All four PCWs started before SBCC was its own community college district, when the College was still part of the K-12 district. The State regulations and laws governing California Community Colleges have changed significantly since that time.

**The Instructor/Director Paid by the College and Assigned to Each of the PCWs**

This position started as an hourly non credit instructor. According to a memo dated October 23, 2001 (see Appendix 2), written by Tom Garey, who was then President of the Instructors' Association, beginning September 1, 1966, the four positions were transformed from hourly non-credit instructors into regular contract, certificated employees at 60%. In 1968, their contract was increased to 67%. In April 1973, they became 80% which was their status until 2001. However, we were not able to find the documents that support this timeline as described by this memo.

Based on the October 23, 2001 memo from Tom Garey, the contract was changed from 80% to 100% in 2001. However, in reading the justification used in that memo to increase the status from 80% to 100%, it is clear that certain assumptions and arguments were used that assumed that increases in the administrative work that the four directors/instructors were doing and continued to do in support of running the 501(c)3s were the obligation of the College to support and pay for. In addition, the workload calculation used the load rules for credit tenured faculty and assumed the semester calendar used for the credit programs. However, these are faculty teaching a non-credit class within the parameters of a quarter based calendar (the class is taught in three of the four quarters). The memo itself notes that: “need to add an adjustment calculation for this based upon the quarter schedule of Continuing Ed. How many weeks is each Cont Ed quarter, on average?” This adjustment has never been calculated and applied. This calculation also does not take into account Board Policy 1920 (Appendix 3) which defines a full-time assignment for non-credit instruction as 25 hours of lecture or 35 hours of laboratory instruction, or an equivalent combination of lecture and laboratory instruction.

These are the only four non-credit faculty who are tenured at SBCC and paid on the credit tenured faculty salary schedule. At some point, these four faculty positions became part of the Instructors' Association that represents credit faculty. Although these are non-credit positions, probably because they became tenured, they were absorbed by the IA because there was no other existing bargaining unit to which they could belong.

Three of the directors/instructors are currently full time tenured faculty and one is a full-time one-year temporary contract faculty paid entirely by SBCC. It costs the College over $400,000/year in salary and benefits to pay these four positions. Table 1 below shows the annual compensation paid by the College for each of the directors/instructors.
<table>
<thead>
<tr>
<th>Annual Compensation (salary and benefits)</th>
<th>2008-09</th>
<th>2009-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Director/Instructor Assigned to Oaks PCW</td>
<td>$116,045</td>
<td>$81,823</td>
</tr>
<tr>
<td>Director/Instructor Assigned to Lou Grant PCW</td>
<td>$96,784</td>
<td>$96,834</td>
</tr>
<tr>
<td>Director/Instructor Assigned to San Marcos PCW</td>
<td>$107,764</td>
<td>$109,209</td>
</tr>
<tr>
<td>Director/Instructor Assigned to Starr King PCW</td>
<td>$112,345</td>
<td>$113,775</td>
</tr>
<tr>
<td>Total</td>
<td>$432,938</td>
<td>$401,641</td>
</tr>
</tbody>
</table>

The compensation for the director/instructor assigned to the Oaks PCW is lower in 2009-10 than in 2008-09 because a new faculty was hired who did not have the additional compensation as a result of longevity in terms of years of employment at the College and being on the highest step of the salary schedule (regular employees advance one step up on the salary schedule every year until they reach the maximum step).

The four faculty have also been hired at a higher level of minimum qualifications than established by the State for non-credit parenting education. The current faculty were hired with a minimum requirement of a Master’s degree. Faculty assigned to teach the parenting classes must meet minimum qualifications set out in Title 5 of the California Code of Regulations, section 53412(j), which requires that a faculty member possess:

For a noncredit course in parent education, a bachelor’s degree in child development, early childhood education, human development, family and consumer studies with a specialization in child development or early childhood education, educational psychology with a specialization in child development or early childhood education, educational psychology, or family life studies; and two years of professional experience in early childhood programs or parenting education.

These minimum qualifications differ from those required for a faculty member in a credit Child Development/Early Childhood Education Program, which requires a Master’s degree.

Non-credit faculty cannot be counted towards the full-time faculty obligation. To have four tenured faculty that the College cannot count, it is a major fiscal responsibility and challenge for the College. In fall 2008, the director at Oaks announced her retirement effective June 2009, and this has provided an opportunity to work on clarifying these issues.

Over time, these positions have had a dual role. They have been the instructor of record of the parenting education classes taught at the PCWs, but they have also been individuals who performed administrative work in support of running the operation of the PCWs. Their title, when their jobs were advertised, was directors/instructor. Examples of administrative duties include making sure the facilities are running, completing the required paperwork by the State such as the annual paperwork for maintaining the license for the Day Care Center, making sure
that they have all the required paperwork for the children in the preschool including health records, etc. They also attend the Board meetings of the Parent Boards and they work with the parents to prepare and run rummage sales to raise money for the PCWs.

**Hours Eligible for State Apportionment**

The College collects full-time equivalent student (FTES) for the instruction – parent education class - that takes place at the PCWs. The only hours the College is allowed to collect and report for reimbursement are for instruction, either lecture or lab. In talking with the directors and as they stated in the document they provided to the Board on February 1, 2010, they were directed to collect hours for all of the following activities “as long as they were carried out within the presence of the instructor/director: evening class instruction (2.5 hours), morning participation in the cooperative preschool (4 hours), daily contact within the educational setting (1 hour), as well as actual hours for individual guidance and conferences, (parent) board meetings, fundraising activities, construction and ongoing development of the learning environment, committee meetings, and events that create the community of adult learners” (p.6)

**Main Points Made by the State Chancellor’s Office Responsible for Reviewing and Approving Non-credit Courses and Programs for California Community Colleges Regarding the Parenting Class Taught at the PCWs**

The representative from the State Chancellor’s Office responsible for reviewing and approving non-credit courses and programs for California Community Colleges stated during a meeting with College representatives on March 25, 2010 that the College can only claim for apportionment the hours spent in the instructional component of a class, meaning, in the current structure of the parenting class taught at the PCWs, the 2.5 hours of lecture and the 3 lab hours which are currently advertised in the schedule of classes from 9am – 12pm from Monday to Friday for the duration of the term, where there are defined activities and skills for parents to learn. The College cannot claim apportionment for fundraising.

The course needs to be clear regarding the objectives the College wants to teach for any given course, and the instructional activities supporting those objectives. The course needs to include a description of how the instructor is evaluating the learning that is taking place as a result of those activities. These are the claimable activities for a course.

The fact that the Educational Code states that the instructional area of parenting could include activities done in conjunction with a parent cooperative preschool does not mean that all activities in the parent cooperative preschool are allowable to be claimed for apportionment. When a section of the Education Code or Title 5 is cited, one has to understand and look at the relationship and interplay with other Education Code sections and Title 5 sections. While certain instructional activities conducted as parent education in conjunction with the activity of
cooperative preschools are allowable for apportionment, not everything within a cooperative preschool is claimable for apportionment.

It is only those activities that are legitimate activities in support of stated course objectives that make sense in relationship to the course taught. It also would assume that the College is the owner of the cooperative preschool, not an independent entity. An independent entity can have a relationship with the College, for example through an Instructional Service Agreement (ISA), and there are certain things that dictate an ISA that is in play and that is normally just the instructional component.

What this particular section of the Education Code is saying is that if SBCC wanted to create, own and run a cooperative preschool, SBCC could do that and SBCC could have instructional activities within the preschool which could be claimed for apportionment. But, even in that case, the College could not take the preschool and claim that everything that is being done in the preschool is eligible for apportionment.

Besides the class hours themselves, if the College owned and ran a parent cooperative preschool, the College would need to subsidize the rest of the preschool costs. However, the PCWs are not owned by the college and paying for the time the directors/instructors spend in activities that are not eligible for state apportionment represents a subsidization of the PCWs 501(c)3 corporations, which is not appropriate use of College money.

Trying to include activities into the course such as site maintenance, running rummage sales, etc under a new category called “parent/cooperative lab” is not appropriate for a parenting education class. The whole purpose of the parenting sub-section of non-credit education as an allowable funding category by the State is to produce better parents, not to produce careers in running preschools. That would involve a different class under the short term vocational programs set of non-credit. If the College was interested in training a parent to run a day care center or a cooperative preschool, if that is the objective of the course, then the College could consider creating a career technical education short program with the objective that at the end of the program the parent is going to be able to open and operate a cooperative preschool and all of these activities would give them the skills to do that. However, due to the state budget cuts and the needs to reduce FTES as required by the State, the College is not adding new courses until the State funding improves.

Course Outline of Record for the Parenting Education Class Taught at the PCWs

The only course outline that exists for the parenting class taught at the PCWs, dated October 2005, lists that the course meets 10,000 hours per term (see Appendix 4). This is not correct. The faculty were told to put on the course outline the total number of possible maximum hours of attendance for all the students combined in a given term. That is not what the Chancellor’s Office indicated to the field in terms of appropriate course outline information. The course lecture and lab hours needed to accomplish the objectives of the course should have been on the course outline of record. Dr. Ofelia Arellano, VP Continuing Education and Andy Harper,
Director Continuing Education, have worked with the four faculty to develop an appropriate course outline. This course outline needs to be completed very soon and taken for review and approval through the Continuing Education Curriculum Oversight Committee, the College Curriculum Advisory Committee, the Board of Trustees and ultimately the State Chancellor’s Office. The format and information that is required by the State to be provided for a non-credit course outline is attached in Appendix 5.

**Steps taken by the College to Address the Situation and Find a Positive Solution**

Since January 2009, the College has spent an extensive amount of time researching the various aspects of the operations of the PCWs. In February 2009, representatives of the College met with parents from the Oaks Parent Child Workshop Board. During that meeting, the College conveyed that a number of issues came to the attention of the College that require careful consideration and analysis. In order to take the appropriate time to conduct this analysis, the College indicated that the Director/Instruction position assigned to the Oaks PCW, which was to become vacant in June 2009 due a retirement, will be filled with a one-year full-time temporary contract director/faculty. At no time during that meeting has the College committed that in 2010-11 the College will fill a full-time tenure track position for Oaks. On the contrary, the College indicated that once the analysis is conducted and the issues involved are understood, the College will discuss the findings with the PCWs and, after review and approval by the Board of Trustees of the College, will make a decision about how to proceed in terms of the position.

Over the next months, the College met with its legal counsel and researched State regulations and laws and learned about the operations of the PCWs. In fall 2009, the College asked its legal counsel, Mary Dowell, to provide a legal opinion regarding the PCWs (Appendix 6). The College also asked Mary Dowell to prepare a draft of an agreement with each of the PCWs to bring forward for discussion and negotiation with the PCWs (Appendix 7). The College representatives and Mary Dowell met with representatives from the four PCWs parent boards, their legal counsel, Michael Schley, and the four SBCC instructors on February 1, 2010, sharing the legal opinion and the draft agreement and indicating that the desire of the College is to formalize the relationship with each PCW such that we can continue this successful partnership in a manner consistent with State regulations, laws and the College mission.

The College asked that the PCWs and their legal counsel review the draft agreement and provide their feedback such that the parties can negotiate a mutually beneficial agreement. Michael Schley provided the feedback from the PCWs on March 25, 2010. At his request, the follow up meeting with representatives from the four PCWs parent boards, Michael Schley and the four faculty scheduled for March 26 was re-scheduled for March 30, 2010. At that meeting, the College commented on the proposed changes and indicated where it agrees and where it does not with the proposed changes. A third meeting with Michael Schley and representatives from the four PCWs parent boards took place on April 5, 2010, when the College presented its revisions. Currently, the College is waiting for a response to version 3 of the draft agreement. These
meetings have been productive and the College feels we are close to arriving to an agreement mutually acceptable and beneficial.

During February and March 2010, the College administration - including the Superintendent/President in three of these meetings - met with the four faculty over a number of meetings to clarify issues and work on the development of an appropriate course outline for the parent education class taught at the PCWs.

**Factual clarifications of the material provided by the PCWs to the Board of Trustees on February 11, 2010**

A document authored by the four PCWs was provided to the Board of Trustees on February 11, 2010 (referred to as the PCW document for the rest of this section). The College administration met with the four faculty, who contributed to the development of this document, to discuss and clarify some inaccuracies contained in this document. These are important for the Board of Trustees to know as well.

There is a statement in this document that “the curriculum of the parent-child workshops matches the course content in the course outline” is not correct. This issue is being addressed through the work to develop an appropriate course outline.

In the PCW document, the following assertions are made regarding the curriculum:

“"The current student learning outcomes state the following:
At the conclusion of this course students will be able to:
   - Improve parent-child relationships by applying concepts and techniques learned in class.
To accurately reflect the approved course content and the objectives of parent education suggested by California State Board of Education Policy #89-01 the student learning outcomes should state:
   At the conclusion of this course students will be able to:
   - Improve parent-child relationships by applying concepts and techniques learned in class.
   - Demonstrate parenting skills to meet the basic obligations of family life and foster conditions at home which emphasize the importance of education and learning.
   - Communicate about school programs and students’ progress.
   - Participate in instructional and support roles in the schools and in other educational settings.
   - Demonstrate abilities to participate in school governance and child advocacy.
   - Access community and support services for children and families.”

California State Board of Education Policy #89-01 (Appendix 8) is applicable to K-12 school districts not to California Community Colleges. In addition, this policy is intended to allow parents to be involved in their children’s education while in the K-12 system. It has nothing to do
with non-credit parenting education in California Community Colleges. In a follow up communication, the faculty state “State Board Policy #89-01 does specifically apply to K-12. However, because the content of the parent-child workshop curriculum is parent education, and since many of the student/parents have children who will enter the K-12 school districts, it is logical and sensible to consider the educational goals of the K-12 system when planning the curriculum for the parent-child workshops.” This statement is not consistent with the goals for non-credit parenting education.

In this document, there is also reference to the State’s Title 22, Division 12, Chapter 1 of the Manual of Policies and Procedures for Community Care Licensing, Department of Social Services and the California Health Department (Appendix 9). This document describes the requirements for running a child care center. As previously discussed, the College does not own the license for the day care centers, the PCWs do. These requirements are the responsibility of the PCWs not the responsibility of the College.

The document contains numbers on the revenue produced by the FTES generated by the parenting classes taught at the PCWs between 2005-06 and 2008-09. This information is not accurate because the reimbursement rate per non-credit FTES that the College received in 2008-09 was applied to all prior years. This rate has increased over the period. In addition, as discussed earlier, some of the hours that have been claimed in the past, starting in 2009-10 are no longer being claimed as advised by the State Chancellor’s Office. The College is currently in the process of estimating the FTES that can correctly be claimed in 2009-10 and what would be the associated revenue.

The document also incorrectly states that the College exceeds its full-time faculty obligation. The College is exactly meeting its full-time faculty obligation and these four faculty positions cannot be counted, as stated earlier.

Next Steps

As noted earlier, the College looks forward to hearing from the PCWs and their legal counsel on their feedback on version 3 of the draft agreement and hopes that this agreement can be finalized very soon.

The proposed course outline for the parenting class needs to be finalized in accordance with the guidance received from the State Chancellor’s Office very soon in order to proceed through the review and approval process.

The College has scheduled a meeting with the Instructors’ Association to discuss the position at Oaks.
As noted at the outset, the College wants to resolve this matter in a positive and productive way and to continue this successful partnership in a fiscally responsible manner that complies with current State regulations and laws and consistent with the College mission.

**Excerpt from the Oaks PCW Handbook**

*The Morning Program* - The Oaks' Morning Program operates Monday through Friday from 9:00 am until 11:45 am. A parent from each family is required to work one day per week; the workday is known as your Participation Day. Each family is assigned a Participation Day and that Participation Day stays the same throughout the year. Specific details regarding Participation Day responsibilities are included in this handbook.

A parent from each family is required to work at The Oaks one day per week on a scheduled Participation Day. At the start of the school year each family is assigned a Participation Day and that Participation Day will not change throughout the year. Your Participation Day will be a day that your child also attends The Oaks.

If you cannot work on your regular Participation Day you must find another parent to substitute for you. If you know in advance that you will need to be absent on your Participation Day, you may ask at the weekly Wednesday Night Meeting for someone to trade Participation Days with you. Should a last minute emergency occur (such as family illness), call Laura Lyon, the Assistant Director, at 682-3343 between 6:45 a.m. and 7:30 a.m. Laura will give you a list of parents to call so that you may find a substitute parent to work for you. After you find a substitute you will leave a message at The Oaks with the name of the person working for you.

The following describes the Morning Program at The Oaks and your responsibilities on your Participation Day:

**8:45 Check-in**

On your Participation Day you and your child need to be at school no later than 8:45 a.m. After signing your child in, please sign yourself in at the adult bulletin board that is located by the outside sink area. Prior to the 9:00 start of school, you should choose your story table materials, set up your Participation Area and supervise the children in your area as they arrive.

**9:00 -10:00 Free Play**

During this time Your Participation Area should be organized in an inviting manner. All the children are free during this period to choose their own activities from the spectrum offered.

**Be sure not to leave your Participation Area unless Quita, Laura or another parent relieves you. Constant supervision of your area is one of your most important responsibilities at The Oaks.**

Give your full attention to the children. Avoid distractions, such as conversations with other adults. Do not discuss the children in their presence. Allow the children adequate time to solve their own problems, assisting only when necessary. Use positive suggestions to help them reach satisfactory solutions.

If you are working in the Music or the Art rooms, begin cleaning up (encourage the children to help) at 9:50. Red tag story time will begin at 10:00 in these areas.
10:00 - 11:00 Story Time

Story time is divided into two periods to provide children with a full hour to interact exclusively with their own age groups. The younger children, known as "red-taggers" (their name-tags are red), have Story Time from 10:00-10:30 while the older children play outside. The older children, known as "blue-taggers" (their name-tags are blue) have Story Time from 10:30-11:00 while the younger children play outside.

Story Time is so important at The Oaks that the following section of this handbook is devoted to explaining the details of this time and the responsibilities of the parents during Story Time. Please read it carefully.

11:00-11:35 Free Play

After reading at Story Time all parents should return to their Participation Area unless otherwise instructed by Laura. This is a good time to introduce new materials and activities to your Participation Area. The children are free to choose activities that interest them.

11:35-11:45 Circle Time

Quita calls circle time at 11:35. At this time all parents and children promptly gather inside to sing songs led by Quita or Laura. Please do NOT start cleaning up your area until after circle time.

11:45-Noon Clean-up

Encourage the children to assist you in putting away equipment. Leave your area tidy and attractive for play the next morning. You need to stay until noon. If you finish cleaning your Participation Area early, please offer to help other parents clean up their areas” (from http://www.theoakspcw.org/index.php/Handbook, last accessed 4/5/2010).
State of California

Department of Social Services

Facility Number: 421710362
Effective Date: 06/21/95
Total Capacity: 15

In accordance with applicable provisions of the Health and Safety Code of California, and its rules and regulations, the Department of Social Services hereby issues

this License to

OAKS PARENT CHILD WORKSHOP

to operate and maintain a DAY CARE CENTER

Name of Facility

OAKS PARENT CHILD WORKSHOP
605 W. JUNIPERO ST.
SANTA BARBARA, CA 93105

This License is not transferable and is granted solely upon the following:
AMBULATORY ONLY. CHILDREN AGES 2.5 - 5 YEARS OF AGE

Client Groups Served: CHILDREN

Complaints regarding services provided in this facility should be directed to:

CENTRAL COAST-CHILD DISTRICT OFFICE (805) 692-6445

MARTHA LOPEZ
Deputy Director
Community Care Licensing Division

Attachment 1
Appendix 1
4/8/10
MEMORANDUM

DATE: October 23, 2001

TO: Dr. Peter MacDougall, Superintendent/President
    Ms. Linda Fairly, Vice-president, Continuing Education

FROM: Tom Garey
       Instructors' Association

RE: SBCC Parent-Child Workshop Faculty

The faculty directors of SBCC's four Continuing Education Parent-Child Workshops, Bea Hamlin, Yolanda Medina-Garcia, Ellen Stoddard, and Marilyn Statucki, have requested the assistance of the SBCC Instructors' Association in seeking an increase in their respective assignments from 80% full-time to 100% full-time. As these faculty are tenured, regular contract certificated employees of the college, and therefore members of the bargaining unit represented by the Instructors' Association, the Association has the responsibility to respond to their request. Further, upon review of the circumstances surrounding the assignment of these faculty, and their request for an increase to a 100% assignment, the Association has determined that the request has merit, and that based upon college policy, these faculty are each entitled to a full-time assignment.

HISTORY

Until 1966, the faculty directors of the Parent-Child workshops were employed by the college as hourly instructors. Beginning September 1, 1966 they were employed as regular contract, certificated employees at 60% full-time. Two years later, their assigned contract was increased to 67% full-time.

In April, 1973, Dr. Martin Bobgan, then Dean of Continuing Education proposed that the assignment of these faculty directors be increased to 80% full-time. Dr. Bobgan based his recommendation on comparative research he conducted regarding analogous programs in San Francisco and San Diego. Further, his proposal was predicated upon an increase in workload.

"I believe that it would be more appropriate for us to take attendance on three hours each morning instead of two and to count these fifteen hours per week as part of the directors' working load. Also, the 2 1/2 hours in the evening would be the remainder of their working load. This 2 1/2 hours is entirely lecture while the morning hours would count as laboratory." (memo: Martin Bobgan to Dr. Glenn Gooder, 4/10/73)

Dr. Bobgan's proposal was implemented in the 1973-74 school year and has governed the assignment of these faculty ever since.
In November 1993, apparently pursuant to an earlier proposal that the workload assignment for the faculty directors be increased to 100%, Dr. Bobgan reaffirmed the 80% calculation:

- 15 hours/week (5 days @ 3 hours/day) = 43%
- 2.5 hours/week (evening class) = 10%
- Counseling and office hours (approx. 10 hours/week) = 27%
- TOTAL = 80%

(memo: Martin Bobgan to Dan Oroz, 11/2/93)

It is unclear as to the basis of Dr. Bobgan's calculation of the percent workload. The denominator applied to each item appears different. Based on the calculation for the fifteen hours of morning classes, a full-time load would be 34.88 hours. Based on the calculation for the 2.5 hour evening class, a full-time load is 25 hours, while for "Counseling and office hours," full-time would be 37 hours. There is no consistency here, nor is there any evident consideration of lecture versus lab hours.

The Instructors' Association believes that this calculation of workload was flawed in 1993 and is certainly flawed now.

**CURRENT SITUATION**

The faculty directors of the Parent-Child Workshops typically arrive at their respective workshops about 7:45 AM each weekday morning to prepare for each day's three-hour (laboratory) nursery school, typically scheduled between 8:45 and 11:45 AM. The nursery school constitutes a laboratory class, taught by the faculty director for the parent/students of the workshop. Since these parent/students work at the daily preparation and participate in the end of session clean-up, under the supervision of the faculty director, each day's recorded attendance (for FTES purposes) is four (4) hours. Despite this, the faculty director is credited with only three (3) hours daily teaching under the formula created by Dr. Bobgan, as cited above.

Additionally, at each workshop, the faculty director conducts one required 2 ½ hour meeting (lecture class) for the parent/students weekly.

As with all other faculty of the college, the faculty directors prepare lesson plans, plan curriculum, conduct office hours, counsel parent/students, serve as principal executive in the governance of their respective workshop organizations (i.e. departments), etc.

In addition, the unique demands of the Parent-Child workshops demand additional responsibilities unique to this environment. These include administrative duties to ensure compliance with State licensing requirements (including recertification inspections and training), oversight of the business and management affairs of the workshop, and organizing and supervising parent/students in activities related to the maintenance and improvement of the workshop facilities, fundraising, recruitment of parent/student families, training of volunteers, etc. The intricacies of these myriad requirements have been detailed on several occasions in recent years by the faculty involved (see attachments).

Last, but hardly least, in conducting the instructional laboratory for the parent/students, the faculty directors are responsible for the care and well-being of forty to seventy-five nursery school-aged children every day.

The current workload sustained by these faculty directors has significantly increased since the 80% full-time assessment by Dr. Bobgan in 1973. Specifically:

- The number of daily laboratory teaching hours has increased from 3 to 4 (15 to 20 hours
The average number of parent/students has increased from an average of \( \frac{90}{129} \) in 1973 to \( \frac{95}{65} \) today. The number of families served has increased from an average of \( \frac{65}{65} \) to \( \frac{75}{75} \).

The average number of nursery-school aged children being served by each workshop has increased from \( \frac{55}{55} \) to \( \frac{75}{75} \).

Licensing by the State Department of Social Services is now required, creating extensive administrative responsibilities related to record keeping, regular inspections, recertifications, etc.

The changes in the cultural and social environment affecting the families primarily served by the workshops have greatly increased the need for counseling, support, and intervention in support of the parent/students and their families.

To be sure, the job being performed by these faculty directors, typically lasting until late each day, has changed significantly in the past twenty-eight years.

**PROPOSAL**

Quite simply, the Instructors' Association proposes that the faculty directors of the four Parent Child workshops be compensated on the same basis as their other full-time, regular contract, certificated colleagues, at a 100% full-time level. The "Contract Faculty Job Description," pursuant to District Policy #1510, as excerpted in the online 1999-2001 Faculty Manual (p.30) states:

> "The teaching assignment for a full-time faculty member is thirty (30) TLUs (Teacher Load Units) per year, divided between lecture and laboratory classes, as determined by the department. In addition, class preparation time, committee work, departmental meetings and office hours are included in the faculty member's responsibilities. Faculty members are also expected to work with their peers in developing departmental and College-wide policies and to be available to advise students in academic and professional matters."

Clearly, the work assignments of the faculty directors of the Parent-Child workshops is consistent with this description. Their teaching load is not only consistent with a full-time load, but actually represents an overload. Calculating their work loads based on the full four (4) contact hours for the daily lab sessions results in:

- 5 weekly laboratory meetings @ 4 hours/mtg: 20 hours/weekly \( \times \frac{67}{67} \) = \( \frac{134.6}{134.6} \) TLU
- 1 weekly lecture meeting @ 2 ½ hours/meeting 2.5 hours x 1 = 2.5 TLU

**TOTAL PER SEMESTER**

\( \frac{134.6}{134.6} \) TLU

**TOTAL PER YEAR**

\( \frac{318}{318} \) TLU

**NEED TO ADD AN ADJUSTMENT CALCULATION FOR THIS BASED UPON THE QUARTER SCHEDULE OF CONTINUING ED. HOW MANY WEEKS IS EACH CONT. ED. QUARTER, ON AVERAGE?** Also, **DO THE WEEKLY EVENING MEETINGS EXCEED SIXTY STUDENTS, THUS QUALIFYING FOR A LARGE CLASS PREMIUM?**

Additionally, the responsibilities described above under "Current Situation" are clearly consistent with the Policy description of, "class preparation time, committee work, departmental meetings and office hours are included in the faculty member's responsibilities. Faculty members are also expected to work with..."
their peers in developing departmental and College-wide policies and to be available to advise students in academic and professional matters.

On this basis, there can be no justification for continuing to underpay the four women serving as faculty directors of the Parent Child workshops. To do so is inconsistent with District policy, with the Instructors' Association contract, and very likely the Education Code and Federal Fair Labor Practices Act. The Instructors' Association insists that this matter be resolved immediately; that the four faculty affected be granted full-time appointments at their present payroll schedule rate, and that this appointment be made retroactive to the 2000-2001 academic year (the start of their most recent effort to achieve parity with their colleagues.
of augmented sabbaticals that have been approved for the purpose of contract preparation and the amount by which the sabbatical shall be augmented.

h. Alternative Assignments

Underloads may be made up by assignments other than teaching only with the consent of the instructor, department chair, area dean and the Executive Vice President, Educational Programs. Every attempt shall be made to have the alternative assignment relevant to the teaching assignment. All alternative assignments shall be based on a ratio of two (2) hours of work per week being equal to one (1) TLU.

1914.1 Summer Overloads

The maximum summer session teaching load is 1/3 of a maximum regular session teaching load, normally 7 units or two classes (15 TLUs with a maximum overload of 6 TLUs = 21 units). Exceptions must be approved by the appropriate dean, the department chair and the instructor. It is further recommended that no other school-financed project be undertaken during the time an instructor has a full summer session load.

Approved by the Board of Trustees, March 25, 2004

1915 Grievances Concerning Underloads/Overloads

Grievances concerning overload/underload shall be handled through the Faculty Grievance Policy (2500).

1920 Non-Credit Program

a. Full-Time Assignment

A full-time assignment for non-credit instruction is designated as 25 hours of lecture or 35 hours of laboratory instruction, or an equivalent combination of lecture and laboratory instruction.

b. Compensation for Large Classes

For any class that meets at least six times and has an enrollment of 61-96 students, compensation will be at one and one-half times the regular hourly rate. For any class that meets at least six times and has an enrollment of at least 97 students, compensation will be at twice the regular hourly rate.

The determination of class size for establishing the rate of compensation shall be based upon the enrollment figures at the end of the second week.

Teaching large classes is voluntary.

Revised by Board of Trustees, November 14, 1995; August 17, 2000
COURSE DEPARTMENT: Continuing Education

SUBJECT AREA AND COURSE NUMBER: PAR 251003

TOP CODE (six digit number): 1305.00

TITLE OF COURSE (Limit to 50 characters): Parent Child Workshop

MANDATED SUBJECT AREA (Check one of the following):

- [x] 1. Parenting
- [ ] 2. Elementary and Secondary Basic Skills
- [ ] 3. English as a Second Language
- [ ] 4. Citizenship
- [ ] 5. Education Program for Substantially Disabled
- [ ] 6. Short-term Vocational Programs with high employment potential
- [ ] 7. Education Programs for Older Adults
- [ ] 8. Education Programs in Home Economics
- [ ] 9. Health and Safety Education

COURSE LENGTH: number of weeks: ___________ or number of days: 70*

LECTURE HOURS (for entire course): 10.000

LABORATORY HOURS (for entire course): 0

PRE-REQUISITES: NONE

LIMITATION ON ENROLLMENT: NONE

*Each term has a different amount of days. This was calculated on Fall, 2005.

CATALOG COURSE DESCRIPTION/SCOPE:
A parent education program with a nursery school for 2½-to-5 year-olds as a laboratory. Parents must observe and participate in the workshops and attend a weekly evening class in child growth and development and parenting skills. Extra class sessions are required as needed. For further information, visit the workshop and talk with the director. NOTE: Workshops may have waiting lists. It is recommended that you add your name to the desired list before your child is age-eligible. Call the workshop of your choice for registration procedure.

SUMMARY OF COURSE DESCRIPTION:
A nursery school for children ages 2 ½ - 5 that functions also as a parent education program in which parents observe and participate in planned activities, classes and workshops.
STUDENT LEARNING OUTCOMES
At the conclusion of this course students will be able to:
• Improve parent-child relationships by applying concepts and techniques learned in class

STUDENT PERFORMANCE OBJECTIVES
At the conclusion of this course students should be able to:
• Describe stages of child growth and development
• Parent with increased confidence and competence

METHODS OF EVALUATION FOR DETERMINING IF STATED OBJECTIVES HAVE BEEN MET
The evaluation methodology used for this course is:
• Instructor's observation
• Student self-evaluation

COURSE CONTENT
The following are topics or subjects studied in this course:
• Age appropriate behavior and characteristics for children
• Developmentally appropriate activities, materials and curriculum for young children
• Stages of human development, learning theory and family dynamics
• Communication skills
• Participation in a cooperative, diverse group of adult learners/parents
• Development of leadership skills/advocacy for children
• Knowledge of appropriate guidance and discipline options
• Knowledge of community resources

INSTRUCTIONAL METHODOLOGY
Methods used in presenting the topics or subjects:
• Lecture
• Modeling
• Guest speakers
• Interactive learning opportunities

INSTRUCTIONAL MATERIALS
• Written material
• Audio/visual materials

APPROVED: Date________________________

Chair, SBCC Curriculum Advisory Committee                Executive Vice President, Educational Programs
INSTRUCTIONS FOR NONCREDIT COURSE APPLICATION

The noncredit course application consists of two components:
1. Application form CCC-456 and related instructions.
2. An attached course outline approved by the local curriculum committee in accordance with California Code of Regulations (CCR) Title 5, 555002(c)(1) & (2) and 555002(a)(1).

Form CCC-456 consists of three sections:
   a. Type of Application
   b. Contact Information
   c. Course Information

   a) Type of Application: New or Resubmission: Check the appropriate descriptor that indicates the type of noncredit course application you are submitting. The System Office must approve noncredit courses prior to being offered. If approval is given, it is permanent; however, if a course is substantially modified, the course must be resubmitted on Form CCC-456 for approval. Make one selection and fill in submittal date.

   b) Contact Information: Please complete all information pertaining to the college and contact person. The contact person is the individual most able to answer curriculum questions about the course outline.

   c) Course Information: This section provides related and supplemental information on the course outline. The following instructions are numbered through 15 to correspond to the numbers on Form CCC-456. Each item must be completed.

   1. Course Title: The course title should not exceed 75 characters; abbreviate words as needed. The course title should accurately reflect the purpose of the course. In addition, the course title should be the same as that listed in the college catalog, the noncredit course inventory of approved courses and the MIS Data Element Dictionary (#CB022).

   2. Course ID: Enter the course ID for the course you are submitting. The course ID may be a combination of numbers and letters used by the college to identify department name, course number and subject field.

   3. Local Approval Dates: Enter the course approval dates by: (a) the college curriculum committee; and, (b) the governing board of the district. Note: Both the local curriculum committee and the governing board of the district must approve the course outline prior to submission to the System Office.

   4. Start Date: Enter the year and term the college plans to offer the course to students and include the course description in the college catalog or addendum.

   5. Total Hours of Instruction: Enter the total number of regularly scheduled hours of instruction that are normally required for students to achieve the course objectives. Total number of hours should be sufficient to cover the course scope and breadth of topics. If there is a range of hours, indicate a minimum and maximum.

   6. Taxonomy of Programs (TOP) Code: Enter the six-digit code that identifies a discipline and the subclasses within the discipline using the most current edition of the Taxonomy of Programs Manual located at: http://www.cccco.edu/Portals/4/AA/CP%206%20CA3/TopTax6_rev_07.doc. See the following path for future reference http://www.cccco.edu/Click on 'About Us/Division/Academic Affairs/Instructional Programs and Services/Credit Program and Course Approval/Reference Materials. If the course was previously approved under another TOP Code and is now being offered under more than one TOP Code, use 6a to identify the dual TOP Code.

   7. Course-Sam-Priority-Code: Enter the Course-Sam-Priority-Code that identifies the degree of occupation that best describes this course using the Data Element Dictionary located at the following link: http://www.cccco.edu/Portals/4/TRIS/MIS/ded_doc/dedvolii_doc/cb/cb09.pdf. This code is the Course-Sam-Priority-Code used for MIS reporting.

   8. Noncredit Eligibility Category (NEC) Code: Indicate the noncredit category that best describes the purpose of the course. Only the ten noncredit categories listed below are eligible for state apportionment in accordance with California Education Code §84757 and §55151 and reported to MIS as Data Element Dictionary #CB022. If the course was previously approved under another NEC Code and is now being offered under a different NEC Code, or is being offered under more than one NEC Code, use 8a to identify the dual NEC Code.
### DED CODE #CB22: NONCREDIT ELIGIBILITY CATEGORY

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>English as a Second Language (ESL)</td>
</tr>
<tr>
<td>B</td>
<td>Citizenship for Immigrants</td>
</tr>
<tr>
<td>C</td>
<td>Elementary and Secondary Basic Skills</td>
</tr>
<tr>
<td>D</td>
<td>Health and Safety Education</td>
</tr>
<tr>
<td>E</td>
<td>Persons with Substantial Disabilities</td>
</tr>
<tr>
<td>F</td>
<td>Parenting</td>
</tr>
<tr>
<td>G</td>
<td>Family and Consumer Science (Home Economics)</td>
</tr>
<tr>
<td>H</td>
<td>Older Adults</td>
</tr>
<tr>
<td>I</td>
<td>Short-term Vocational Programs with High Employment Potential</td>
</tr>
<tr>
<td>J</td>
<td>Workforce Preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision-making and problem solving, and other classes required for preparation to participate in job-specific technical training</td>
</tr>
</tbody>
</table>

9. **Material Fees:** Enter the dollar amount. Enter -0- if no material fees are required.

10. **Special Characteristics:** This includes unique characteristics about the course such as instructional delivery mode, learning environment or supplemental instruction. Select the appropriate descriptors from the menu.

<table>
<thead>
<tr>
<th>Descriptor</th>
<th>Special Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Learning Assistance</td>
<td>Learning assistance is a form of supplemental instruction. Learning assistance can be a required component of another course for all students in that course; or the learning assistance is optional and is provided through an open entry/open exit course conducted pursuant to CCR, Title 5, 558164, which is intended to strengthen student skills and reinforce student mastery of concepts taught in another course or courses</td>
</tr>
<tr>
<td>Bilingual Instruction</td>
<td>Bilingual instruction is a system of instruction that builds upon the language skills of a pupil whose primary language is not English or derived from English</td>
</tr>
<tr>
<td>Convalescent Setting</td>
<td>The course is taught in a convalescent home, skilled nursing facility, residential care home, day care center or nursing home</td>
</tr>
<tr>
<td>Correctional Facility</td>
<td>Course is taught either at or through a federal, state, or local correctional institution</td>
</tr>
<tr>
<td>Apprenticeship</td>
<td>Related and supplemental instruction for apprenticeship and coordination of instruction with job experiences, upon agreement with program sponsor and Division of Apprenticeship Standards</td>
</tr>
<tr>
<td>Persons with Substantial Disabilities</td>
<td>Course is designed to serve persons with substantial disabilities</td>
</tr>
<tr>
<td>Citizenship for Immigrants</td>
<td>Course is designed to provide instruction and services in Citizenship</td>
</tr>
</tbody>
</table>
11. **Justification:** Briefly describe the primary method used to determine the need for this course. For example, Labor Market Projections from Employment Development Department, employer survey, community or student interest survey, state licensing requirements or mandated certification. (You will be allowed to enter a maximum of 500 characters in this field. Attach additional documentation as necessary.)

12. **Proposed Catalog Description:** Provide the statement used in the college catalog to describe the course. (You will be allowed to enter a maximum of 500 characters in this field. Attach additional documentation as necessary.)

13. **Proposed Class Schedule Description:** Provide statement used in the college's schedule of classes. (You will be allowed to enter a maximum of 500 Characters in this field. Attach additional documentation as necessary.)

14. **Part of a Program/Certificate:** If the course is part of a program/certificate, provide information on program title, program TOP Code, and if applicable, the confirmation number of the program. Programs under CCR §55155 will not have a confirmation number. Under 14c., check all Title 5 regulations that apply to the program.

15. **Signature:** Original signatures are required of the Chief Executive Officer and the Chair of the Curriculum Committee certifying that the course has been approved in accordance with CCR Title 5, §55002(a) and §55002(c)(1) & (2).

Course Outline: Please ensure that two copies of the course outline are attached. The course outline of record shall specify the scope, objectives, contents, instructional methodology, and methods of evaluation for determining whether the stated objectives have been met.

Original signatures are also required of the Chief Executive Officer and, in the case of a multi-campus district by the Superintendent or Chancellor, certifying approval by the college/district local governing board in accordance with Education Code Section 70902.

Send one original and ONE copy of this form (CCC-456) and TWO copies of the course outline of record to:

**Instructional Programs and Services**  
California Community Colleges  
1102 Q Street - Suite 300, Sacramento, CA 95811-6549  
Telephone: (916) 322-4285
NONCREDIT COURSE APPLICATION  
(FORM CCC-456)

DATE: ____________

A. TYPE OF APPLICATION ____________________________

B. CONTACT INFORMATION

<table>
<thead>
<tr>
<th>College:</th>
<th>District:</th>
</tr>
</thead>
<tbody>
<tr>
<td>College Address:</td>
<td></td>
</tr>
<tr>
<td>Contact Person:</td>
<td>Contact Person's Title:</td>
</tr>
<tr>
<td>Phone Number:</td>
<td>Ext.</td>
</tr>
<tr>
<td>Fax Number:</td>
<td></td>
</tr>
</tbody>
</table>

C. COURSE INFORMATION

1. Course Title: ____________________________

2. Course ID: ____________

3. Local Approval Dates:
   a. Date Approved by Curriculum Committee: ____________
   b. Date Approved by Governing Board: ____________

4. Course Start Date: ____________  
   5. Total Hours of Instruction: ____________  
      If variable hours, indicate the range of hours: ____________
      (Minimum to maximum)

6. Taxonomy of Program Code No: ____________
   6a. Dual Taxonomy of Program Code No: ____________

7. Course-Sam-Priority Code: ____________

8. Noncredit Eligibility Category Code: ____________

8a. Dual Noncredit Eligibility Category Code: ____________

9. Material Fees: ____________

10. Special Characteristics Code Descriptor (check all that apply):
    - Learning Assistance
    - Bilingual Instruction
    - Convalescent Setting
    - Correctional Facility
    - Apprenticeship
    - Persons of Substantial Disabilities
    - Citizenship for Immigrants

---

Attachment 1  
Appendix 5  
Page 4 of 5
11. Justification: (What evidence of need for this course exists?) (Attach additional documentation if necessary.)

12. Proposed Catalog Description: (Attach additional documentation if necessary.)

13. Proposed Class Schedule Description: (Attach additional documentation if necessary.)

14. Program/Certificate Title: ____________________________

14a. Program TOP Code: __________  14b. Program Confirmation #: __________, if applicable:

14c. This course complies with, and is part of, the following Title 5 regulations (check all that apply):

☐ §55151 - Certificate of Completion
☐ §55151 - Certificate of Competency
☐ §55152 - Short-term Vocational Program providing 288 hours or more of instruction
☐ §55153 - Other Noncredit Program providing 288 hours or more of instruction
☐ §55154 - Adult High School Diploma Program
☐ §55155 - Non-enhanced funded Noncredit Program providing less than 288 hours
☐ §8150-8156 - Apprenticeship
☐ Not part of a program

15. SIGNATURES  We certify this course meets with the standards of CCR Title 5, Section 55002(c)(1) & (2) and Section 55002 (a) (1) noncredit category, and has been approved through the local curriculum procedure for this college.

________________________________________  ____________________________
Chief Instructional Officer  College Curriculum Chair

________________________________________  ____________________________
Typed Name  Date  Typed Name  Date

________________________________________
Chief Executive Officer

________________________________________
Superintendent or Chancellor (Multi-Campus Districts)

________________________________________  ____________________________
Typed Name  Date  Typed Name  Date

401014
Attachment 1
Appendix 5
Page 5 of 5
January 14, 2010

VIA E-MAIL TO SERBAN@SBCC.EDU

Dr. Andreea Serban
Superintendent/President
Santa Barbara Community College District
721 Cliff Dr.
Santa Barbara, CA 93109

Re: Parent Child Preschool Issues
Client-Matter: SA410-001

Dear Dr. Serban:

You have asked us to provide you with an analysis of various issues which have arisen regarding the four parent child workshops which are operated by the District as part of the District’s Continuing Education program. We have organized this letter in a series of questions and answers addressing the issues as we understand them.

We note at the outset that the foundations which provide support and fundraising assistance to the parent/child workshops have performed a useful function. It is our objective to assist you to find a way to formalize the relationship between the District and these four foundations so that the workshops can continue to provide parent education to the members of the community. Although the analysis contained in this letter finds that there are some irregularities inherent in the current way in which these programs are offered, we understand that the District and the foundations are interested in assuring that the programs themselves be preserved insofar as possible. We conclude this letter with a suggestion how to do so.

Factual Background

There are four Parent-Child Workshops included in the District’s Continuing Education program. They are known, as the San Marcos Workshop, the Lou Grant Workshop, the Starr King Workshop and the Oaks Workshop. They have been in existence in one form or another for many years; at least one is reported to have been in operation for 60 years. They have been offered as a component of adult education since the time prior to the separation of the District from the local school district.
The program is described in the Continuing Education Catalog as follows:

A parent education program with a nursery school for 2 1/2 to 5 year olds as a laboratory. Parents must observe and participate in the workshops and attend a weekly evening class in child growth and development and parenting skills.

Thus, the workshop students are the parents, not the children. The program is not a Child Development program as authorized for community college curriculum by Education Code Section 8360 et seq., nor is it a component of the California State Preschool Program as provided for in Education Code Section 8235 et seq. It is not a community services class as defined by Education Code Section 78300 et seq.

The courses are taught by academic employees who have apparently been referred to historically as faculty “directors.” The term “director” does not denote a supervisory or management position. The four directors are members of the faculty of the District. At some point in time, an agreement was reached between the District and the Instructor’s Association (IA) to place them on the salary schedule for credit program faculty in the District. Their salary is paid by the District. Since 2001, they have been employed in positions considered to be 100% faculty load positions.

Each of the four programs is now supported in part by an independent, privately organized nonprofit foundation. These foundations are not auxiliary organizations of the District and no master agreement between any of them and the District has been executed. The bylaws of at least one of the foundations, the Starr King program, describe its purpose as, “to conduct a parent cooperative nursery school workshop sponsored by the Santa Barbara City College Continuing Education Division.” [emphasis added] At least one of the programs, the Lou Grant workshop, rents its facilities from the District itself.

Questions

1. **Is the Parent-Child Workshop a proper class for the District’s Continuing Education Program?**

   Yes. A parent-child workshop is a proper class to be included in a community college adult continuing education program.

   Education Code Section 8533 defines adult continuing education to include “parent education.” Section 8533 also states that adult education programs can be provided by high school, unified and community college districts by mutual agreement. Education Code Section 78401 grants the governing board of a community college district the power to establish and maintain classes for adults for the purpose of providing “instruction in civic, vocational, literacy, health, homemaking, technical and general education.” Although these sections do not require a community college district to obtain a mutual agreement with a high school district to offer adult education programs (*Orange Unified School District v. Rancho Santiago Community College District* (1997) 62 Cal. Rptr. 2d 778, 54 Cal. 4th 750), we understand that as a practical matter,
the District has always had the consent of the high school district to offer these classes.

2. **What are the requirements for an adult education class in Continuing Education?**

The requirements for an adult education program are contained in Education Code Section 78401. They include the following: 1) the classes must conform to any course of study and graduation requirement otherwise imposed by law; 2) the classes must be open for admission of any adults who, in the judgment of the governing board, are qualified for admission; 3) the classes must meet standards established by the Board of Governors for receipt of apportionment. “Apportionment” means receipt of state funds. The standards established by the Board of Governors include standards for attendance, curriculum, administration and guidance and counseling.

3. **Is the description of the purpose of the foundations contained in the bylaws correct?**

No. The description in the bylaws of the Starr King Parent Child Workshop\(^1\) states that the purpose of the corporation is to “conduct” a parent cooperative nursery school workshop “sponsored” by the Santa Barbara City College Continuing Education Division. This is not legally correct.

The workshops, to be part of the District’s Continuing Education program, must be “conducted” by the District. The District provides the instructor and enrolls the students. It provides the curriculum, administrative support, guidance and counseling. It collects apportionment from the state based on the adult enrollment. It is erroneous and potentially misleading to say that the workshop is “sponsored” by the District. To “sponsor” means “to assume responsibility for another person or a group during a period of instruction, apprenticeship or probation,” or “to finance a project or an event carried out by another.”\(^2\) The District has not assumed responsibility for another entity, nor is it financing a project carried out by another. It is conducting these classes itself.

The bylaws contain further detail regarding the purposes of the Foundation, and these are equally at odds with the true legal relationship between the District and the Foundation. The bylaws state that the Foundation will

> [p]rovide a human relations program involving parent participation in the nursery school and attendance at the weekly, evening discussion meeting: the program is designed to help parents acquire an understanding of the needs of preschool children and of ways to enrich family and community relations...Provide the children with a program conducive to the physical, emotional, social, creative and

\(^1\) We only have the bylaws for the Star King Workshop; we assume for purposes of the discussion here that the bylaws for the San Marcos, Lou Grant and Oaks Workshops are the same.

\(^2\) American Heritage College Dictionary, 3d Ed.
intellectual growth. (Article III, Section 30.01(A) and (B).)

But it is the District, not the Foundation, which provides the instructional program for the workshop. It is the District that develops the curriculum, and calculates the attendance requirements. (Education Code Section 78401).

Even the name of the foundation, “Starr King Parent-Child Workshop” is potentially confusing. The Foundation, by incorporating the words “Parent-Child Workshop” into its own name, suggests that it is offering the workshops itself. It is probable that if the Foundation were an auxiliary organization that required Board of Trustees approval for its articles of incorporation and bylaws, the name would have been more accurate, e.g. “The Foundation for the Starr King Parent-Child Workshop.” This would have made it more clear to donors and parents that it is the Foundation that supports the District’s workshop, and not the other way around.

4. May the Workshops impose requirements or conditions for enrollment?

No. The workshops must be open for the admission of any adults in the community served by the District.

The schedule of classes warns prospective students that, “It is recommended that you add your name to the desired list before you child is age-eligible.” This warning, in and of itself, is not improper. The classes often have more people seeking to enroll than the facility will hold or than the instructor can properly supervise. Accordingly, a waiting list is permissible.

We are informed, however, that the Foundations have apparently permitted families who were previously enrolled to enroll in preference to new families, and have allowed families to stay in the program through several children despite new families applying to attend. This is not consistent with open enrollment required by the Education Code.

The bylaws of the Starr King Parent-Child Workshop foundation contain requirements for enrollment that also do not comply with the Education Code. For example, Article V, Section 5.01 states in pertinent part:

Qualification for Membership. Any person dedicated to the purposes of this corporation and having a child between the ages of two and one-half and kindergarten age (the “family”) shall be eligible for membership on approval of the membership application by the Board and on timely payment of such dues and fees as the Board may fix from time to time. [emphasis added]

Article V, Section 5.03, states in pertinent part:

One parent from every participating family is required to assist with the fundraising and maintenance activities of the Parent-Child Workshop.

These qualifications, payment requirements and fundraising obligations may not be imposed by the District for attendance at a publicly funded class, and by extension they may not
be imposed by the Foundation.

5. **May the Workshops charge parents to enroll?**

No. The only fees that can be charged to any community college students are those specifically permitted by law. Parenting courses as part of a noncredit adult education program are exempt from fees.

The Chancellor’s Office has included the following regarding noncredit courses at Section 2.2 of the Student Fees Handbook:

2.2. **Noncredit Courses:** While the law appears to authorize fees for certain noncredit courses, districts actually have very little authority in this area. Education Code section 76385 authorizes governing boards to require students to pay a fee for noncredit courses that are not eligible for state apportionment. Noncredit courses that are eligible for state apportionment are listed in section 84757 of the Education Code. Before charging a fee for a noncredit course that is not eligible for state apportionment, a district should ensure that the fee is not expressly prohibited by section 76380 of the Education Code. **Section 76380 prohibits fees for adults enrolled in English and citizenship for foreigners, a class in an elementary subject, a class designated by the governing board as a class for which high school credit is granted (when the person taking the class does not have a high school diploma), and any class offered pursuant to sections 8531, 8532, 8533, and 8534 of the Education Code.** Because almost all noncredit courses are offered pursuant to one of the above provisions, districts have very little authority to charge fees for noncredit courses. [emphasis added]

As discussed above, parenting classes are authorized by Education Code Section 8533. Thus, parenting classes are among those for which a community college district may not charge any fees at all. This is why the reference to “dues and fees” in the bylaws of the Starr King Foundation are so troubling.

Article VI, Section 6.01 of the bylaws for the Starr King Foundation defines the fees the Foundation believes it can charge, without quantifying the costs. Fees include, “but are not limited to, tuition, enrollment fees, late enrollment fees, insurance fees, snack fees, and late fees and/or penalties.” But none of these fees are permissible for a community college district to charge students in a continuing education parenting class. Dues and fees required of parents enrolled in the workshop would amount to an improper fee for the course. It is not clear whether these fees are actually being charged. If they are, there could be serious legal ramifications.

---

6. **May the Foundation exclude parents (or children) from the classes?**

No. Decisions regarding exclusion of students must be made by the District after application of the District's own policies and procedures for student discipline and due process. Article V of the Starr King bylaws, Sections 5.08, 5.09 and 5.10, appear to assume that the Foundation can exclude students who have failed to remain in good standing as members of the corporation. But we do not believe this is a decision that can be delegated by the District. Only the District can remove someone from the class.

7. **Must faculty teaching the workshops meet minimum qualifications?**

Yes. Faculty assigned to teach the parenting classes must meet minimum qualifications set out in Title 5 of the California Code of Regulations, section 53412(i), which requires that a faculty member possess:

For a noncredit course in parent education, a bachelor's degree in child development, early childhood education, human development, family and consumer studies with a specialization in child development or early childhood education, educational psychology with a specialization in child development, elementary education, psychology, or family life studies; and two years of professional experience in early childhood programs or parenting education.

These minimum qualifications differ from those required for a faculty member in a Child Development/Early Childhood Education credit program, which requires a Master's degree.

8. **Must the faculty assigned to teach the workshops be included in the faculty unit?**

There is no question that faculty assigned to teach in the continuing education program can be included in the unit of academic employees for which the IA is the certified exclusive representative. This does not mean that they must be included in that unit. That is a matter for the IA and the District to agree upon, or for PERB to determine based on community of interest and other factors prescribed by law.

Since these employees are currently in the unit represented by the IA, they cannot be deleted from the unit unilaterally. The District must reach an agreement with the IA to exclude them, or must ask PERB to modify the unit. Further, as long as they are in the unit any change to their salary, work load, etc. will need to be negotiated with the IA. The District has raised legitimate concerns about whether the salary being paid to the employees is too high, about whether their duties are appropriate, and whether they really need to be assigned a 100% load. All these matters can be changed, but only after negotiation with the IA.
9. Should the faculty assigned to the workshops serve as "Executive Directors" for the Foundations?

No. The faculty assigned to the workshops should be teaching the curriculum on file with the District for the courses.\(^4\) There should be a course outline of record, which should specify the scope, objectives, content, instructional methodology, and methods of evaluation, and include the signature of the Chair of the Curriculum Committee and the Chief Instructional Officer. Title 5, § 55002(c)(2).

It is unclear how the assumption arose that the instructor would also serve essentially as an executive director for the supporting Foundations. By 2001, however, this role was sufficiently common for the LA to use it to urge the then Superintendent/President to agree to compensate the faculty assigned to the workshops at 100% of the compensation of a full time faculty member in the credit instruction program of the District. But these services do not inure to the District itself, and should not be paid for with public funds. If the foundations were auxiliary organizations, these services would be charged to the foundations pursuant to the provisions of Title 5.

Title 5, Section 59257(j) requires that a community college district include in its implementing regulations regarding auxiliary organizations to make

full reimbursement to the district for services performed by district employees under the direction of the auxiliary organization. No more than 50% of the reimbursement by an auxiliary organization may be made in the form of non-monetary benefits that the auxiliary organization provides to a community college district...

This requirement was interpreted by the California Attorney General in Opinion No. 97-1105 issued March 13, 1998. The Attorney General concluded that except in certain circumstances relating to a student body association, an auxiliary organization of a community college district is required to reimburse the district for services district employees perform under the direction or on behalf of the auxiliary organization. The AG also concluded that the Chancellor of the California community colleges does not have the authority to "forgive" an auxiliary organization's reimbursement payment relating to a community college district's provision of district employee services without reimbursement.

There is thus a strong public policy against allowing nonprofit entities organized for the benefit of a community college or its programs to receive services by district employees without reimbursement. The foundations here are not even auxiliary organizations. We believe the Chancellor's office, Attorney General or even a court would be very concerned if the practice of having the faculty perform services for the foundations as their Executive Directors were challenged by a taxpayer.

\(^4\) The District curriculum committee must approve all noncredit courses and programs. Title 5, §55002(c)(1)&(2)
Recommendations

We have considered several ways in which the District and the four Foundations supporting these programs could become better coordinated in their approach. One possibility would be for the Foundations to become auxiliary organizations, subject to the control and direction of the Board of Trustees. A second, perhaps more viable option, is for the District to enter into a contract with each of these independent Foundations that will normalize the program.

Although these are not, strictly speaking, situations where the District has been asked to provide an instructional program within a private entity, such as a police department, there are similarities to both contract education programs and instructional service agreements. Contract education programs are not open to the public because the contracting entity pays the entire cost of the education program and no apportionment is collected. We do not think this model would work here, because the Foundations do not want to pay the District for the cost of instruction; they want the District to be able to continue to collect apportionment.

The Instructional Service Agreement (ISA) model, on the other hand, is a viable possibility. Again, these would not be conventional instructional service agreements, where the contracting entity provides the instructors and shares in the apportionment which the District collects. Here, the District will continue to provide the instructors, and will also collect the entire amount of the apportionment. However, the ISA contract elements serve as a good starting point to develop an agreement between the District and the Foundations. We have included a draft of the Agreement which may serve to begin discussions with the Foundations.

Please do not hesitate to contact me if you wish to have additional questions analyzed or need additional assistance with these issues. Thank you, as always, for the opportunity to be of assistance to you.

Very truly yours,

LIEBERT CASSIDY WHITMORE

Mary L. Dowell

MLD:dlr
Enclosure
cc: Susan Ehrlich (Via E-Mail to EHRLICH@SBCC.EDU)
A Guide to California Community College Noncredit Instruction
Quick Legal Reference Chart on Noncredit Standards and Apportionment

Subject
Standards For Noncredit Courses
And Programs

Legal Advisory
I. Standards for noncredit courses. Courses can only be offered as noncredit courses if they meet the standards of California Code of Regulations, title 5, section 55002(c) and have been properly approved as follows:

A. The college and/or district curriculum committee must recommend the courses and the district governing board must approve them.

(Rationale) This requirement is quite straightforward. Every noncredit course that is offered should have background documentation that demonstrates that the curriculum committee recommends the course and the governing board of the district approves it. The broad requirement is to ensure that the noncredit programs are suitable for the student population.

B. The curriculum committee recommendation must address the subject matter to be taught, use of resource materials, teaching methods, and student attendance and achievement.

C. Each noncredit course must have a course outline of record that states the course scope, objectives, content, and instructional methodology for evaluating when students have met the course objectives.

D. A qualified instructor must teach the course in accordance with the stated objectives and other specifications defined in the course outline of record.

E. The course must be approved by the Chancellor's Office in addition to being approved by the curriculum committee and district board. Course approval can be obtained by applying through Form 1550-458 from www.cccco.ca on under the Academic Affairs and Educational Services Division. Approval (Adult Education)

California Code
Title 5, § 55002(c)
II. Standards for claiming apportionment in noncredit courses. If the above standards for offering a noncredit course are met, attendance in the course may be claimed for apportionment if all the following additional apportionment requirements are satisfied. (Cal. Code Regs., tit. 5, §§ 58050(a)(2), 58160.)

A. The content of the noncredit courses must be eligible for apportionment.

Student attendance in noncredit courses in dancing or recreational physical education is NOT eligible for apportionment. (Cal. Code Regs., tit. 5, § 58130.)

Student attendance in noncredit courses in statutorily defined areas is eligible for apportionment. (Ed. Code, § 84757.) These allowable funding areas are:

a) Parenting, including parent cooperative preschools, classes in child growth and development and parent-child relationships.
b) Elementary and secondary basic skills and other courses and classes such as remedial academic courses or classes in reading, mathematics, and language arts.
c) English as a second language.
d) Classes for immigrants eligible for educational services in citizenship, English as a second language, and work force preparation classes in the basic skills of speaking, listening, reading, writing, mathematics, decision-making and problem solving skills, and other classes required for preparation to participate in job-specific technical training.

e) Educational programs for persons with substantial disabilities.
f) Short-term vocational programs with high employment potential.
g) Education programs for older adults.
h) Education programs for home economics.
i) Health and safety education.

C. The course must be open to all admitted students. Education Code section 78401(c) provides that, "Classes for adults shall be open for the admission of adults and of any minors who, in the judgment of the governing board, may be qualified for admission thereunto."
(Rationale) If a course was established too late to be included in the general catalog, it should be included in any addenda to the catalog and added to the next general catalog. Suitable course descriptions must be included in these public documents as a means of ensuring that courses are open. If the existence of a course is not advertised broadly, it is only available to those students who happen to find out about it and may not be considered an open course.

Districts may not limit their course advertising to "specialized clientele" or give advance notice to individuals or groups so that they receive an advantage over the general public in enrolling. (Cal. Code Regs., tit. 5, §58104.)

A catalog or class schedule entry about a course or program that merely refers students to department representatives is not sufficient to meet the requirements of these sections. Students should not be required to meet individually with district representatives in order to obtain basic course information.

Rules For Claiming Attendance

E. Attendance may only be counted for students who are engaged in educational activities required by the course.

(Rationale) Apportionment is not available where, for the most part, students are just using district equipment or facilities; actual instruction must occur.

With respect to the requirement for actual instruction, there is no authority to offer noncredit courses as independent study except via distance education. (Cal. Code Regs., tit. 5, § 55316.5.) Nor may a district claim apportionment for work experience education in the noncredit mode. (Cal. Code Regs., tit. 5, 58009.5.)

The State Controller stressed the need for mechanisms to monitor or track students' computer usage time to ensure that student hours that were reported for apportionment reflected approved course work and not personal activities. The Controller criticized apportionment claims for periods where computers were left on and unattended after actual student use had ended as well as time when students were pursuing personal activities on computers.

Where students need to use district computers or other equipment for their course work, districts should develop ways to ensure that hours reported for apportionment are limited to approved course work.

This requirement also means that students must knowingly register for a class. If a student does not know he/she is enrolled in a class, the instructional activities are called into question. In the matter reviewed by the State Controller, student hours were automatically recorded when students logged on to computers, regardless of whether students had knowingly enrolled in the noncredit course.
Districts must be prepared to provide documents that reflect each student’s intent to enroll in the noncredit course, such as a registration form.

F. Actual student contact hours must be recorded.

(Rationale) For each class session, the actual attendance of each student whose attendance will be reported must be determined. It is not sufficient for instructors to estimate numbers of hours of student attendance. Thus, if a course is scheduled to meet for four hours and several students leave after two hours, the student attendance reports should reflect that those students did not attend the full number of hours. If a class session is cancelled (and not made up), no student attendance may be reported for that session. The need for a determination of hours of attendance also pertains to noncredit courses offered through distance education such that ‘hours of instruction or programming received shall be independently verified by the instructor within a formula for establishing FTEs.’ (Cal. Code Regs., tit. 5, § 58031(1)(2))

Although there is no nonresident tuition for noncredit courses, districts should make residency determinations for all students, even if they attend only noncredit courses. Nonresident students attending noncredit courses may be claimed for apportionment purposes only if they are living in California during the period of attendance and are otherwise eligible to enroll purposes as provided in this chapter. (Cal. Code Regs., tit. 5, § 58007.)

Backup documents verifying student attendance are required to be maintained. As such, they must be retained at least for three years. After that, they are subject to the audit that follows their creation. (Cal. Code Regs., tit. 5, § 58007.)

Questions may also arise when attendance is available only through a total attendance report with the actual attendance verified. However, if attendance is recorded, documentation is required to verify total attendance. The documentation should reflect total attendance at the school or program in which a student is enrolled. Documentation should verify that attendance is calculated at the school or program level. In addition, there must be backup records that attendance is calculated at the student level.

Where student attendance is verified, the actual attendance must be reported. For any school or program which supports student attendance, the actual number of student attendance hours must be reported. In addition, the actual number of student attendance hours should be reported if the number is determined by calculation. In noncredit instruction, the number of student attendance hours should be reported if the number is determined by calculation. (Cal. Code Regs., tit. 5, § 58184(e))
Districts should have adequate controls in place to be sure that they are reporting actual attendance, that they are not allowing students to exceed the number of hours called for by the course, and to be certain that they do not claim excess hours for apportionment.

Class roll call records or sign-in sheets for each class period are considered appropriate means of verifying student attendance.

G. "All sections of the course are to be taught by a qualified instructor in accordance with the set of objectives and other specifications defined in the course outline of record." (Cal. Code Regs., tit. 5, § 55002(c)(3), and see §§ 58051(a)(1), 58056(a), 58058, and 58060.)

(Rationale) The minimum qualifications for teaching noncredit courses are generally the same as for credit instruction, although some differences may apply. (Cal. Code Regs., tit. 5, § 53412.)

The State Controller criticized the conduct of a noncredit course in computer technology in part because student hours of computer use were reported for apportionment when no person provided instruction or evaluated the students. Additionally, the person who was named as the instructor of the course was not qualified to teach in that area.

H. The instructor must be able to demonstrate that he/she adhered to the requirements of the course outline of record. For example, an instructor must be prepared to demonstrate that students were evaluated as required by the course outline, even though noncredit courses are not graded courses.

I. The instructor must be able, in terms of physical proximity and range of communication, to provide immediate supervision and control.

(Rationale) The purpose of the immediate supervision and control requirement is two-fold: (1) to ensure that students are achieving the student-learning outcomes identified in the course outline and (2) to ensure the health and safety of students. (Cal. Code Regs., tit. 5, §§ 58052, 58056(a)(1) and (2).)

The term "immediate supervision" has been specifically defined for health sciences education programs and for educational programs sponsored by the California Firefighter Joint Apprenticeship Program. (Cal. Code Regs., tit. 5, § 58055(b).)

Board of Governors' regulations recognize that the parameters of "immediate supervision" may vary depending on the course and instructional methods used. (Cal. Code Regs., tit. 5, § 58056(a)(3).) In assessing whether a qualified instructor has exercised immediate supervision and control, districts should ensure that both the above-stated purposes of the requirement are met.
**Instructor Duties**

J. The instructor cannot have any other assigned duty during the instructional activity. (Cal. Code Regs., tit. 5, §58056(a)(3).)

*(Rationale)* This requirement complements the requirement that the instructor provide immediate supervision and control. The instructor would presumably be unable to maintain supervision and control if he/she has other assignments that conflict with the instructional requirements of the course.

**Instructional Service Agreements**

K. If a noncredit course is offered through an Instructional Service Agreement (ISA), additional requirements apply if student attendance is reported for apportionment.

*(Rationale)* If an employee of the entity with whom a district contracts is the instructor of a district course, apportionment eligibility requires districts to have contracts both with the contracting entity and with the contractor's employee who is providing the instruction. Both contracts are required as a condition to claiming apportionment, and specific provisions must be included in the contracts.

In addition, a district may not claim apportionment for a noncredit course offered pursuant to an ISA if the other entity with which the district is contracting has received full compensation for the direct education costs of the course. This is true whether or not the district receives any funding from the other entity under the ISA. Therefore, if a course is offered pursuant to an ISA and apportionment is to be claimed, the district must require the entity with which it has contracted to provide a certification that it did not receive full compensation for the costs of the course. (Cal. Code Regs., tit. 5, §§ 58051.5(a)(2) and 58051.5(b).)

Please see Legal Advisory 04-01.5 (available at http://www.cccco.edu/divisions/legal/notices/notices.htm) for an analysis of instructional service agreements and related contract provisions.

**Instructional Aides and Assistants**

L. Districts may claim apportionment for instruction that occurs using the services of Instructional Assistants if applicable requirements are met.

*(Rationale)* This maintains consistency with instructional aides employed to assist classroom instructors and other noncredit courses in which the aides are classified as instructional or academic employees. Title 5 provisions that require assisted courses and student contact time paid courses apply because the elements of a course, such as the presence of students working under direct supervision, are met.

In addition, instructors may not claim apportionment for instruction that occurs over students only if they are under the direct supervision of an authorized academic employee. (Ed. Code §58212.)
A Guide to California Community College Noncredit Instruction
Quick Legal Reference Chart on Noncredit Standards and Apportionment

Regs., tit. 5, § 58056(c)(1).

If a course would normally be limited in enrollment to a specific number of students, instructional aides cannot be used to increase that number. (Cal. Code Regs., tit. 5, § 58056(c).) The instructional aides must be hired by the governing board as such. (Ed. Code, § 88242.) "Informal" assignments of classified staff as instructional aides do not satisfy the apportionment requirements. Regrouping of students under instructional aides cannot be considered a class for apportionment purposes. To the extent that districts count the services of instructional assistants or aides in claiming apportionment, the assistants or aides should not have other assigned duties during the instructional activity.

M. Districts may not claim apportionment for noncredit courses if they receive full compensation for direct education costs from another source. (Cal. Code Regs., tit. 5, §§ 58050(a)(4), 58051.5(a)(1).)

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<td>Student Fees In Noncredit</td>
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N. Students may only be charged such fees as are expressly authorized by law. (Cal. Code Regs., tit. 5, § 51012.) Education Code section 76380 generally prohibits mandatory fees for enrollment in noncredit courses. Of course, the standard per unit enrollment fee for credit courses does not apply to noncredit courses. (Ed. Code, § 76301(6)(4),) If properly established, instructional materials fees may be charged. (Cal. Code Regs., tit. 5, § 58040(a)(4)). For a review of the scope of allowable student fees, please consult the Student Fee Handbook available at:

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<td>Tutoring And Learning Assistance Activities</td>
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III. Tutoring and Learning Assistance Activities. In addition to the nine categories described in HAA above, colleges may examine other forms of supervised tutoring and for learning assistance under noncredit.

Tutoring activities or classes of special full-time students are eligible for apportionment ONLY if they meet specific standards in addition to those described in SECTION IV.

| A. With respect to course content, students must be enrolled in a noncredit course that is approved by the State Chancellor's Office and properly designated "supervised tutoring." |  |
| B. Students must be assigned to the tutoring course by a counselor or instructor based on an identified learning need. (Cal. Code Regs., tit. 5, § 581170(c).) (Rationale): This means that students cannot voluntarily enroll in tutoring. While HAA does not specify how students are to be assigned, districts should document how the student was referred, why, and by whom. The process should ensure that the student being referred is in the class.

1. The tutoring must be conducted through a designated learning center. (Cal. Code Regs., tit. 5, § 581170(g).)

2. The designated learning center must be supervised by a person meeting minimum qualifications prescribed in title 5, section 58170. (Cal. Code Regs., tit. 5, § 58170(e).)

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### Tutor Involvement

Tutors must be actively involved in the tutoring process. Even though students may be using computer-aided instruction, there must be some level of instructor or student tutor intervention by an individual qualified under the provisions of title 5.

### Tutoring And Categorical Funds

D. Apportionment cannot be claimed for tutoring services for which state categorical funds are being paid. [Title 5, § 58170(h)]

### Tutoring And Distance Education

E. The Chancellor's Office has concluded that apportionment is not available for individual tutoring conducted at a distance. (Legal Opinion E 01-36.) Section 58170 of title 5 specifically requires that individual tutoring be conducted "through a designated learning center." We do not think that requirement can be met through Internet options, and the distance education regulations do not presently authorize this option. [Title 5, § 58170]

### Supplemental Learning Assistance

F. Supplemental learning assistance may also be provided in a noncredit course. However, this must not be confused with individual student tutoring. Attendance for supplemental learning assistance when offered as part of a course may only be reported for state apportionment when either 1) the learning assistance is a required component of another course for which apportionment is available and is provided through an open entry/open exit course conducted pursuant to subdivision (c) of section 58164 which is intended to strengthen student skills and reinforce student mastery of concepts taught in another course or courses. [Title 5, § 58172, 58174]

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2. The Chancellor's Office will approve noncredit courses for older adults or courses for persons with disabilities which incorporate dance or recreational activities as a component of the course. Dancing or recreational physical education activities may be taught in other types of noncredit courses, but student participation in such activities may not be claimed for apportionment.

3. If a district has established additional qualifications for service that go beyond the state-required minimum qualifications, it should also ensure that all instructors meet those qualifications.
AGREEMENT BETWEEN
SANTA BARBARA CITY COLLEGE
AND
THE [Lou Grant, San Marcos, Starr-King, or The Oaks] PARENT/CHILD WORKSHOP
FOR OPERATION OF THE
[Insert name from above] PARENT/CHILD WORKSHOP
THIS AGREEMENT (the “Agreement”) is dated and effective [date] (“Effective Date”) between the Parent/Child Workshop, a California corporation organized and existing under the laws of the State of California, acting by and through its Board of Trustees (the “Workshop”) and Santa Barbara City College, a California community college district and political subdivision of the State of California (the “College”). The Workshop and the College are also referred to collectively as the “Parties” and individually as “Party.”

RECITALS

WHEREAS, the College is an accredited, educational institution authorized to conduct, among other programs, non-credit adult education courses and parent education programs; and

WHEREAS, the Workshop sponsors parent education classes in cooperation with the College; and

WHEREAS, the Workshop desires to continue its affiliation with the College in order to have such education courses developed and operated by the College’s personnel; and

NOW, THEREFORE, in consideration of the promises and the mutual covenants set forth in this Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the Parties’ signatures, the Parties agree as provided in this Agreement.

AGREEMENT

1. RESPONSIBILITIES OF COLLEGE

   A. The College will offer, at the location specified by the Workshop, mutually agreed upon and approved educational courses to meet the needs of the Workshop.

   B. The College will routinely review the qualifications of the training instructors, referred to as “On-Site Directors” and evaluate the quality of instruction and instructional materials to ensure that they meet the needs of the students and the accreditation requirements of the College.

   C. The College will assist the Workshop in student registration procedures, associated paperwork, and other support services to manage the Workshop’s course curriculum.

   D. The College will provide equipment assistance, materials and other support that are provided for students enrolled in a parent-child lecture or laboratory setting approved by the College.
2. RESPONSIBILITIES OF WORKSHOP

A. Except for the assistance discussed in Section 1 above, the Workshop will provide support staff, equipment, materials, day-to-day management support, on-site supervision, and other related services necessary to conduct the educational course offered under the Agreement.

B. The Workshop will provide use of its facilities free of charge, for use by the College.

C. The Workshop will ensure that the facilities made available to the College meet all applicable federal, state, and local health regulations and that the facilities are adequate for the College courses offered and the number of children and parents projected to attend.

3. JOINT RESPONSIBILITIES

A. The Workshop and the College shall each work in good faith to implement this Agreement and shall use their best efforts to resolve any disputes informally.

B. The College and the Workshop must mutually work to assure that the courses contemplated by this Agreement are approved by the College’s curriculum committee as meeting Title 5 course standards for non-credit courses and that the College’s Board of Trustees has approved the courses. The Workshop shall provide the College with the course information not less than thirty (30) days prior to the commencement of the course in order to ensure adequate time to meet the necessary course requirements.

C. The Workshop shall coordinate with the College to ensure that all personnel, equipment, and materials used in carrying out the parties’ responsibilities under this Agreement conform to State of California mandated standards governing non-credit instructional programs for community colleges.

D. The College and the Workshop shall document that as to each course, they have determined: 1) the enrollment period; 2) student enrollment fees, if any; 3) the number of class hours sufficient to meet the stated performance objective; 4) how supervision and evaluation of students will occur; and 5) the process for withdrawal of students prior to course or program completion.

E. The College and the Workshop will insure that the College provides ancillary and support services such as counseling and guidance services to the students.
F. The Workshop and the College shall conduct all aspects of this Agreement in accordance with all applicable sections of the California Education Code and Title 5 of the California Code of Regulations, including but not limited to those relating to open enrollment, minimum qualifications of the instructors, student suspension or expulsion, and collection of state funded apportionment.

4 INDEMNITY

A. Indemnification Obligations. The Workshop shall, to the fullest extent permitted by California law, defend, indemnify, and hold harmless the College and the College’s elected and appointed officers, employees, and agents from and against any claims, suits, or liability relating to this Agreement and arising out of any act or omission of, or caused by the Workshop and/or its elected and appointed officers, employees or agents.

B. Notice of Claim. Where the Workshop is required by this Agreement to indemnify, defend, or hold harmless the College with respect to any claim by a third party, the Workshop shall give prompt and reasonably detailed written notice of the circumstances to the College, including, without limitation, the name of the third party and the amount of the third party’s claim. If the amount of the third party’s claim is not yet liquidated or otherwise determinable, the Workshop shall include in the notice to the College a reasonable, good faith estimate of the amount of the third party’s claim. Any delay by the Workshop in giving notice to the College as required by this section shall not relieve the Workshop of the Workshop’s indemnity, defense, and hold harmless obligations, unless the Workshop’s delay in giving notice results in actual prejudice and then only to the extent of the actual prejudice. The Workshop not make any admission or make or accept any offer of settlement or compromise or consent to entry of any judgment (other than a dismissal on the merits with prejudice without costs) or findings of fact without the College’s prior written consent, which consent shall not be unreasonably withheld, delayed or conditioned.

C. These indemnification, hold harmless and defense obligations shall survive termination of this Agreement for any act, omission, or liability that occurred or is alleged to have occurred during the term but before the termination of the Agreement.

5. INSURANCE REQUIREMENTS OF WORKSHOP

A. The Workshop will obtain all necessary insurance or self-insurance as required herein at the Workshop’s sole cost and expense. The Workshop must maintain the insurance policies in full force and effect throughout the term of this Agreement. Insurance must be provided by an insurer admitted
to do business in the State of California by the California Insurance Commissioner and each insurer must be rated not less than “A-VII” under the current A.M. Best Insurance Rating. Any self insurance must be approved by College prior to the commencement of services.

B. The following insurance policies are to be provided:

1. **Comprehensive or Commercial General Liability Insurance.** This policy shall be written on an “occurrence” basis with limits of not less than $1,000,000 per occurrence. The policy shall provide bodily injury, property damage, personal injury, and advertising injury coverage, as well as products and completed operations, and contractual liability coverage.

2. **Business or Commercial Automobile Liability Insurance.** This policy shall be written on an “occurrence” basis with limits of not less than $1,000,000 per accident. It must cover owned, hired, and non-owned motor vehicles, with a combined single limit for bodily injury and property damage of not less than $_______ as well as provide coverage for uninsured and underinsured motorists.

3. **Professional Liability Insurance.** This policy shall include a limit of not less than $____ per occurrence and $____ general aggregate.

4. **Workers’ Compensation.** This policy shall be in the statutorily established amount as set by the State of California.

5. **Employers Liability Insurance.** Employers liability limits shall be not less than $1,000,000 per accident/injury/disease.

6. **Other Insurance.** College may require other insurance as specified.

B. **Proof of Insurance.** Workshop must provide Certificates of Insurance and the endorsements listed above prior to College’s execution of the Agreement and the beginning of work.

C. **Deductibles.** Any deductibles or self-insured retentions must be declared to and approved by College and are the responsibility and liability of Workshop.

D. **Endorsements.** The Commercial General Liability and Automobile Liability policies and shall include the College, its elected and appointed officers, employees, agents and volunteers as additional insured(s). The endorsements shall also provide that the insurance is primary and any insurance maintained by the College will be excess and will not contribute with coverage provided by the Workshop.
E. **Notice of Cancellation or Coverage Reduction.** The policies shall also be endorsed to state that coverage will not be cancelled or reduced by the carrier or Workshop, except after thirty (30) days prior written notice is provided by the carrier to the College by certified mail.

F. **Procurement by College.** In the event Workshop does not comply with the Insurance Requirements, the College may, at its option, in addition to other remedies it may have, immediately terminate the Agreement, or provide the Insurance coverage. If the College provides the Insurance coverage, the Workshop will reimburse the College for the cost of such Insurance within 10 days of College providing Workshop with an invoice.

6. **TERM OF AGREEMENT, EXTENSIONS, AND TERMINATION**

   A. This Agreement shall commence on the Effective Date and shall continue in effect until and including __________ (“Term”).

   B. Either Party may terminate this Agreement at anytime, with, or without cause, upon written notice given to the other Party at least one hundred twenty (120) days prior to the date specified for the termination. In the event of termination, each Party shall fully pay and discharge all obligations, if any, in favor of the other Party accruing prior to the termination date. Each Party shall be released from all obligations or performance, which would otherwise accrue after the termination date. Neither Party shall incur any liability to the other because of the termination.

   C. In the event of termination, each Party shall fully pay and assign college credit in favor of the other Party accruing prior to the termination date.

7. **WORKSHOP AUTHORITY; DOCUMENTATION REVIEW, AUDIT, AND RETENTION**

   A. Each Party warrants to the other that it has full authority to administer this Agreement including but not limited to, the rights to terminate, amend, extend, modify, or alter specific terms in accordance with the terms of this Agreement.

   B. Each Party is entitled to full access and authority to audit all pertinent records of the other Party concerning this Agreement. Within 48-hours of the receipt of written notice, the Party from whom records are requested shall make those records available to the requesting Party. The Parties agree to cooperate fully to facilitate audits by the other Party.
C. The Parties agree that an audit includes an examination or making an excerpt or transcript from books, records, invoices, materials, payroll, or personnel data related to all matters covered by this Agreement. The Parties agree to maintain books and records in an accessible location and condition for a period of not less than five (5) years after termination of this Agreement.

8. NOTICES

All notices required or permitted to be given under this Agreement shall be deemed duly given and effective if in writing and personally delivered or deposited in the U.S. Mail, postage to be prepaid, sent by a reputable overnight courier service (with package tracking capability), or sent by certified mail, return receipt requested, first class postage prepaid, addressed to the following:

College:

President
Santa Barbara City College
721 Cliff Drive
Santa Barbara, CA 93109-2394

With copies to:

Vice President of Continuing Education
Santa Barbara City College
721 Cliff Drive
Santa Barbara, CA 93109-2394

Workshop:

Board of Trustees
Parent/Child Workshop
Street Address
City, CA, Zip Code

A Party may change its designated representative and/or address for the purpose of receiving notices under this Agreement by notifying the other Party of the change in writing and in the manner described in this section.

9. WAIVER

Any failure by a Party to comply with any covenant, term or condition of this Agreement may be waived only in writing by the Party in whose favor the covenant, term or condition of this Agreement runs.
10. APPLICABLE LAW, VENUE, INTERPRETATION

This Agreement shall be interpreted according to the laws of the State of California and the Parties agree that venue for any action concerning or arising out of this Agreement shall be in Santa Barbara County, California. The provisions of this Agreement shall be construed in all cases as a whole, according to their fair meaning, and not strictly for or against either party.

11. SEVERABILITY

If a court of competent jurisdiction holds any term or provision of this Agreement void, illegal, or unenforceable for any reason, this Agreement shall remain in full force and effect and shall be interpreted as though such term or provision was not a part of this Agreement. The remaining provisions shall be construed to preserve the intent and purpose of this Agreement, and the Parties agree to negotiate in good faith to modify any invalidated provisions to preserve each Party’s anticipated benefits.

12. ASSIGNMENT

Neither Party may assign or transfer any or all of either Parties’ rights, burdens, duties, or obligations under this Agreement without the prior written consent of the other Party.

13. EXECUTION BY FACSIMILE OR IN COUNTERPARTS

The Parties may execute this Agreement in counterparts such that their signatures may appear on separate signature pages. A copy, facsimile, or an original of this Agreement, with all the signature pages appended together, shall be deemed a fully executed Agreement. Signatures transmitted by facsimile or other electronic means shall be deemed original signatures.

14. NO DISCRIMINATION

The Parties shall not discriminate against any person in the provision of services, or employment of persons on the basis of race, religion, medical condition, disability, marital status, sex, age or sexual orientation. The Parties further understand that harassment of any student or employee of the College with regard to race religion, gender, disability, medical condition, marital status, age or sexual orientation is strictly prohibited.

15. APPROVAL

In accordance with Education Code section 81655, this Agreement is valid and an enforceable obligation of the College only after it has been approved or ratified by the
Board of Trustees of the Santa Barbara City College as evidenced by a motion duly passed and adopted by the Board Trustees.

16. AGREEMENT

This writing and any amendments thereto, constitute the entire Agreement between the Parties. This Agreement may not be altered or modified except by the express written consent of both the Workshop and College. Each party acknowledges there are no other provisions or representations that have not been incorporated into this Agreement. The Workshop acknowledges that changes to any provision of this Agreement may only be made by action of the Board of Trustees of the College.

[Signature page follows.]
IN WITNESS WHEREOF, the Board of Trustees of the Santa Barbara City College has caused the Agreement to be subscribed by its Chairperson and the seal of the Board to be hereto affixed and attested by the Executive Officer thereof, and Workshop has caused the same to be subscribed in its behalf by its duly authorized officer.

Workshop

By

Print Name

Title

Date

APPROVED AS TO FORM:

Santa Barbara City College

By

Print Name

Title

Date

APPROVED AS TO FORM:
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A critical dimension of effective schooling is parent involvement. Research has shown conclusively that parent involvement at home in their children's education improves student achievement. Furthermore, when parents are involved at school, their children go farther in school, and they go to better schools.

From research studies to date, we have learned the following important facts:

1. Families provide the primary educational environment.
2. Parent involvement in their children's education improves student achievement.
3. Parent involvement is most effective when it is comprehensive, supportive, long-lasting, and well-planned.
4. The benefits of parent involvement are not limited to early childhood or the elementary level; there are continuing positive effects through high school.
5. Involving parents in supporting their children's education at home is not enough. To ensure the quality of schools as institutions serving the community, parents must be involved at all levels in the schools.
6. Children from low-income and culturally and racially diverse families have the most to gain when schools involve parents. The extent of parent involvement in a child's education is more important to student success than family income or education.
7. We cannot look at the school and the home in isolation from one another; families and schools need to collaborate to help children adjust to the world of school. This is particularly critical for children from families with different cultural and language backgrounds.

Schools that undertake and support strong comprehensive parent involvement efforts are more likely to produce students who perform better than identical schools that do not involve parents. Schools that have strong linkages with and respond to the needs of the communities they serve have students who perform better than schools that don't. Children who have parents who help

* "Parent involvement" refers to the efforts of any caregiver who assumes responsibility for nurturing and caring for children, including parents, grandparents, aunts, uncles, foster parents, stepparents, etc. Many schools are now using the alternative term "family involvement."
them at home and stay in touch with the school do better academically than children of similar aptitude and family background whose parents are not involved. The inescapable fact is that consistent high levels of student success are more likely to occur with long-term comprehensive parent involvement in schools.¹

The California State Board of Education recognizes that a child’s education is a responsibility shared by school and family during the entire period the child spends in school. Although parents come to the schools with diverse cultural backgrounds, primary languages, and needs, they overwhelmingly want their children to be successful in school. School districts and schools, in collaboration with parents, teachers, students, and administrators, must establish and develop efforts that enhance parent involvement and reflect the needs of students and families in the communities which they serve.

To support the mission of California schools to educate all students effectively, schools and parents must work together as knowledgeable partners. All of the grade level reforms, Here They Come: Ready or Not!, It’s Elementary, Caught in the Middle, Second To None, and other major initiatives such as Healthy Start (SB 620) and School Restructuring (SB 1274), emphasize parent and community involvement in school restructuring. The reform efforts support school based shared decisionmaking at the school site that includes all stakeholders, including teachers, administrators, students, parents, and other community members.

The State Board of Education will continue to support, through the California Department of Education, assistance to school districts and schools in developing strong comprehensive parent involvement. Comprehensive means that parents are involved at all grade levels in a variety of roles. The efforts should be designed to:

1. Help parents develop parenting skills to meet the basic obligations of family life and foster conditions at home which emphasize the importance of education and learning.
2. Promote two way (school-to-home and home-to-school) communication about school programs and students’ progress.
3. Involve parents, with appropriate training, in instructional and support roles at the school and in other locations that help the school and students reach stated goals, objectives, and standards.
4. Provide parents with strategies and techniques for assisting their children with learning activities at home that support and extend the school’s instructional program.
5. Prepare parents to actively participate in school decisionmaking and develop their leadership skills in governance and advocacy.
6. Provide parents with skills to access community and support services that strengthen school programs, family practices, and student learning and development.

These six types of parent involvement roles require a coordinated schoolwide effort that has the support of parents, teachers, students, and administrators at each school site. Furthermore, research indicates that home-school collaboration is most likely to happen if schools take the initiative to encourage, guide, and genuinely welcome parents into the partnership. Professional development for teachers and administrators on how to build such a partnership is essential.

The issue of parent involvement in the education of their children is much larger than improving student achievement. It is central to our democracy that parents and citizens participate in the governing of public institutions. Parent involvement is fundamental to a healthy system of public education.
CALIFORNIA
CHILD CARE CENTER
LICENSING REGULATION HIGHLIGHTS
January 2007

The following are highlights of some of the key regulations from Title 22, Division 12, Chapter 1 of the Manual of Policies and Procedures for Community Care Licensing. Applicants and licensees are responsible for reading and understanding the regulations. To access the complete regulations, go to the Community Care Licensing Division’s web site at: http://ccid.ca.gov. Click on “Title 22 Regulations” in the gray area at the left hand side of the screen. Then scroll down to Child Care Centers and click on the blue links.

101152 DEFINITIONS
• Child Care Center means any child care facility of any capacity, other than a Family Child Care Home, in which less than 24-hour per day, non-medical care and supervision are provided to children in a group setting.
• The Department means the California Department of Social Services or agency which is authorized to assume licensing responsibilities.

101156 LICENSE REQUIRED
• Unless a child care arrangement is exempt from licensure (101158), no adult, partnership, corporation, public agency or other governmental entity shall operate, establish, manage, conduct or provide care and supervision without a valid license from the Department.

101160 POSTING OF LICENSE
• The license shall be posted in a prominent, publicly accessible location in the center.

101167 TRANSFER AND SALE
• A license is not transferable.
• The licensee shall provide written notice to the department and to the child’s parent/legal guardian of the intent to sell the day care center at least 20 days prior to the transfer of the property or business.
• The seller shall notify, in writing, a prospective buyer of the necessity to obtain a license.
• The prospective buyer shall submit an application for a license within five days of the acceptance of the offer by the seller.

101169 APPLICATION FOR LICENSE
• The applicant shall attend an orientation prior to filing an application.
  • The orientation will cover how to complete the application process and the scope of Child Care Center operations subject to regulation by the Department.
101170   CRIMINAL RECORD CLEARANCE
   ▪ The Department will conduct a criminal record review of all persons working in a child care facility including:
      ▪ Adults responsible for administration or supervision of staff.
      ▪ Any person, other than a child, residing in the facility.
      ▪ Any person who provides care and supervision to children.
      ▪ Any staff person who has contact with the children.
   ▪ Relatives and legal guardians of a child in the facility are exempt.
   ▪ A volunteer or student who is always directly supervised by a fingerprinted staff, and who spends no more than 16 hours per week at the facility is exempt.
   ▪ Prior to employment, residence or initial presence in the child care facility, all individuals subject to a criminal record review shall obtain a Department of Justice clearance, or request a transfer of a current clearance to be associated with the facility.

101170.2 CHILD ABUSE CENTRAL INDEX
   ▪ A Child Abuse Central Index review shall be conducted on the applicant and all individuals subject to a criminal record review prior to licensure, employment or initial presence in the facility.

101171   FIRE CLEARANCE
   ▪ All Child Care Centers shall secure and maintain a fire clearance.

101173   PLAN OF OPERATION
   ▪ Each licensee shall keep on file a current, written, definitive plan of operation. This document must contain the program methods; goals; admission policies, procedures, and agreement; the administrative organization and staffing plan; a sketch of the building; sample menus and transportation arrangements.

101174   DISASTER AND MASS CASUALTY PLAN
   ▪ Each licensee shall have a disaster plan of action in writing.
   ▪ Disaster drills shall be documented and conducted every six months.

101175   WAIVERS AND EXCEPTIONS FOR PROGRAM FLEXIBILITY
   ▪ The Department has the authority to approve the use of alternate concepts, programs, services, equipment, space, qualifications, ratios and demonstration projects when there is an alternative for safe and adequate services submitted in writing with substantiating evidence to support the request.

101179   CAPACITY DETERMINATION
   ▪ A license is issued for a specific capacity which is the maximum number of children that can be cared for at any given time. The number of children is determined by the fire clearance; the physical features of the Child Care
Center, including available space; and the available staff to meet the care and supervision needs of the children.

101182 ISSUANCE/TERM OF LICENSE
- A separate license is issued for each age component.
- At least one director or teacher at the center shall have 15 hours of training on preventive health practices, including pediatric cardiopulmonary resuscitation and pediatric first aid. A staff member with certification in pediatric CPR and first aid shall be present at all times.

101187 LICENSING FEES
- The licensee shall be charged application and annual fees.

101193 DEFICIENCIES IN COMPLIANCE
- If during a licensing evaluation the evaluator determines that a deficiency exists, a notice of deficiency will be issued in writing, unless the deficiency is corrected during the visit.
- The person in charge of the facility shall meet with the evaluator to discuss any deficiencies noted and to jointly develop a plan of correction.

101200 INSPECTION AUTHORITY
- The Department has inspection authority to enter and inspect a facility without advance notice.
- The Department has the authority to interview children or staff, and to inspect and audit child or Child Care Center records, without prior consent.

101206 REVOCATION OR SUSPENSION OF LICENSE
- The Department has the authority to suspend or revoke a license.

101208 EXCLUSIONS
- The Department may prohibit an individual from being employed or allowed in a licensed facility or from service as an administrator for the facility.

101212 REPORTING REQUIREMENTS
- The licensee shall report to the Department required information about the center director, any intent to make structural changes to the facility, or any change in the plan of operation that would affect services to children.
- The licensee shall report the following incidents to the Department:
  - Any injury to any child that requires medical treatment.
  - Any unusual incident or child absence that threatens safety.
  - Any suspected physical or psychological abuse of any child.
101213 FINANCES
- The licensee must develop a financial plan to meet operating costs and maintain financial records.

101214 ACCOUNTABILITY
- The licensee is accountable for the general supervision of the Child Care Center and for the establishment of policies concerning its operation.

101215.1 CHILD CARE CENTER DIRECTOR QUALIFICATIONS
- All centers shall have a director who is responsible for the operation of the center, including compliance with regulations, and communications with the Department. The director shall be on the premises during the hours of operation and shall not accept outside employment that interferes with the duties specified.
- When the director is absent, a fully qualified teacher can act as substitute.
- Child care center directors shall have completed one of the following prior to employment:
  - High school graduation or GED and 15 semester units at an accredited college in specified early childhood education classes. Three of the required units shall be in administration or staff relations and 12 units shall include courses that cover the area of child growth and development; child, family and community; and program/curriculum and four years of teaching experience in a licensed center or comparable group child care program or
  - Two years of experience are required if the director has an AA degree with a major in child development or
  - A Child Development Site Supervisor Permit or Child Development Program Director permit issued by the California Commission on Teacher Credentialing.

101216 PERSONNEL REQUIREMENTS
- The director shall complete 15 hours of health and safety training, if necessary, pursuant to Health and Safety Code Section 1596.866.
- Personnel shall be competent to provide necessary services to meet the individual needs of children in care and there shall be enough staff to meet those needs.
- Licensees may utilize volunteers provided that volunteers are supervised and are not included in the staffing plan.
- Center personnel shall be at least 18 years old.
- All personnel shall be in good health and physically and mentally capable of performing assigned tasks.
- A health screening, including a tuberculosis test is required.
- Personnel shall provide for the care and safety of children without physical or verbal abuse, exploitation or prejudice.

101216.1 TEACHER QUALIFICATIONS
- A teacher shall have completed with passing grades a least six postsecondary semester units of specified early childhood education classes, or have a valid Child Development Assistant permit issued by the California Commission on Teacher Credentialing. A teacher hired with six units must complete at least two additional units each semester until fully qualified.
- A fully qualified teacher shall have 12 postsecondary semester units in early childhood education from an accredited college and six months of work experience in a licensed Child Care Center or similar program. The units specified shall include courses covering child growth and development; child, family and community; and program/curriculum.
- A teacher shall complete 15 hours of health and safety training, if necessary, pursuant to Health and Safety code, Section 1596.866.

101216.2  TEACHER AIDE QUALIFICATIONS
- An aide in a Child Care Center must be 18 years of age, a high school graduate, or be currently participating in an occupational program at high school.
- An aide shall work only under the direct supervision of a teacher.
- An aide may escort or assist children in going to the bathroom and may supervise napping children without being under the direct supervision of a teacher.

101216.3  TEACHER – CHILD RATIO
- There shall be a ratio of one teacher visually observing and supervising no more than 12 children in attendance. The total number of children shall not exceed licensed capacity.
- The licensee may use teacher aides in a teacher-child ratio of one teacher and one aide for every 15 children.
- A ratio of one fully qualified teacher and one aide for every 18 children is allowed if the aide has six semester units of early childhood education from an accredited college.
- The director may be included in the teacher-child ratio when the director is actually teaching a group of children.
- Licensees shall maintain an up-to-date list of qualified substitutes.
- A teacher should not perform housekeeping or maintenance duties that prevent him/her from performing duties related to providing care and supervision to children.
- Persons employed for clerical, housekeeping and maintenance functions are not included as teachers in the teacher-child ratio.

101216.4  TODDLER COMPONENT
- Licensees serving preschool-age children may create a special program component for children between the ages of 18 months and 30 months.
• A ratio of six children to each teacher shall be maintained for all children in attendance in the toddler program.

• The maximum group size with two teachers, or one fully qualified teacher and one aide shall not exceed 12 toddlers.
• The toddler program must be physically separate.

101218.1 ADMISSION PROCEDURES
• The licensee shall have policies that allow the center to understand the state of the child’s health and development and to assess whether the center can meet the individual needs of the child.
• The child’s authorized representative shall receive written information about the center’s policies including services, activities, hours, fees and procedures to be followed in the case of emergency, illness or injury.
• The licensee shall post the PUB 393, Child Care Center Notification of Parents’ rights Poster, in a prominent accessible area at the center.

101219 ADMISSION AGREEMENTS
• The licensees and the child’s authorized representative shall complete a current individual written admission agreement for the child. This document must specify the basic services, payment provisions, modification conditions, refund conditions, rights of the Department, and termination provisions.

101220 CHILD’S MEDICAL ASSESSMENTS
• Prior to, or within 30 calendar days following enrollment, the licensee will obtain a licensed physician’s written medical assessment of the child. The assessment must be less than one year old.

101220.1 IMMUNIZATIONS
• Prior to admission to a Child Care Center, children shall be immunized against diseases as required by the California Code of Regulations, Title 17.
• The licensee is permitted to exempt a child from this requirement if either a parent provides a written statement that immunizations are contrary to his/her personal or religious beliefs, or a physician provides a written statement that an immunization should not be given to the child and specifies how long this exemption is expected to be needed.
• A child who does not meet any of these requirements shall not be admitted to a Child Care Center.
• The licensee must document and maintain each child’s immunizations records for as long as the child is enrolled.

101221 CHILD’S RECORDS
• A separate, complete and current record for each child must be maintained.
• All information and records obtained from or regarding children are confidential.

7/25/2007
101223 PERSONAL RIGHTS
- The licensee shall ensure that each child is accorded the following personal rights:
  - To be accorded dignity in his/her personal relationships with staff.
  - To receive safe, healthful and comfortable accommodations.
  - To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse or other actions of a punitive nature including interference with functions of daily living such as eating, sleeping or toileting, or withholding of shelter, clothing, medication or aids to physical functioning.
  - To be free to attend religious services or activities of his/her choice.
  - Not to be locked in any room, building or center premises.
  - Not to be placed in any restraining device.
  - The center must inform each child's authorized representative of these rights and provide a copy of the Personal Rights form. This form must also be posted.

101223.2 DISCIPLINE
- Any form of discipline or punishment that violates a child's personal rights is not permitted regardless of authorized representative consent or authorization.

101224 TELEPHONES
- All Child Care Centers shall have working telephone service onsite.

101225 TRANSPORTATION
- Only drivers licensed for the type of vehicle operated shall be permitted to transport children.
- Motor vehicles used to transport children shall be maintained in safe operating condition.
- All vehicle occupants shall be secured in an appropriate restraint system. Children shall not be left in parked vehicles.

101226 HEALTH-RELATED SERVICES
- The licensee shall immediately notify the child's authorized representative if the child becomes ill or sustains an injury more serious than a minor cut or scratch.
- The licensee shall document all minor injuries and notify the child's authorized representative of the nature of the injury when the child is picked up from the center.
- The licensee shall make prompt arrangements for obtaining medical treatment for any child as necessary.
In centers where the licensee chooses to handle medication:
  ▪ Medications must be kept inaccessible to children.
  ▪ Prescription medications must be administered in accordance with the label directions as prescribed by the child's physician and there must be written approval and instructions from the child's authorized representative before giving medication to the child.
  ▪ Nonprescription medications must be administered in accordance with the product label and there must be written approval and instructions from the child's authorized representative before giving medication to the child.

101226.1 DAILY INSPECTION FOR ILLNESS
  ▪ The licensee shall be responsible for ensuring the children with obvious symptoms of illness are not accepted.
  ▪ No child shall be accepted without contact between center staff and the person bringing the child to the center.

101226.2 ISOLATION FOR ILLNESS
  ▪ A center shall be equipped to isolate and care for any child who becomes ill during the day.
  ▪ The child's authorized representative shall be notified immediately when the child becomes ill enough to require isolation, and shall be asked to pick up the child as soon as possible.

101227 FOOD SERVICE
  ▪ Food selection, storage preparation and service shall be safe and healthful and of the quality and quantity necessary to meet the needs of children.
  ▪ Meal services are elective.
  ▪ Between meals, snacks must be available for all children. Snacks will include servings from two or more of the four major food groups.
  ▪ Menus must be in writing and posted at least one week in advance.
  ▪ Pesticides and similar toxic substances must not be stored with food.
  ▪ Soaps and cleaning compounds must be stored separately from food.
  ▪ Kitchens and food areas shall be clean.
  ▪ All food shall be protected against contamination.
  ▪ Necessary equipment includes a sink, refrigeration, hot and cold running water and storage space. This equipment must be well maintained.

101229 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION
  ▪ The licensee shall provide care and supervision as necessary to meet the children's needs. No child shall be left without the supervision of a teacher at any time. Supervision includes visual observation.

101229.1 SIGN IN AND SIGN OUT
The licensee shall develop, maintain and implement a written procedure to sign the child in/out of the center. The person who signs the child in/out shall use his/her full legal signature and shall record the time of day. All sign in/out sheets shall be kept for one month.

101230        ACTIVITIES AND NAPPING

- Each center shall provide for a variety of daily activities including quiet and active play, rest and relaxation, eating, and toileting.
- All children shall be given an opportunity to nap or rest without distraction.
- A napping space and a cot or mat must be available for each child under age 5.
- No child shall be forced to stay awake or stay in the napping area longer than the normal napping period.
- A teacher-child ratio of one teacher or aide supervising 24 napping children is permitted provided that the remaining teachers necessary to meet the overall ratios are immediately available at the center.

101231        SMOKING PROHIBITION

- Smoking is prohibited on the premises of a Child Care Center.

101237        ALTERATIONS TO EXISTING BUILDINGS OR NEW FACILITIES

- Prior to construction or alterations, the licensee shall notify the Department of the proposed change(s).

101238        BUILDINGS AND GROUNDS

- The center shall be clean, safe, sanitary and in good repair at all times.
- All children shall be protected against hazards.
- Licensees shall ensure the inaccessibility of pools and all bodies of water.
- Disinfectants, cleaning solutions, poisons and items that could pose a danger to children shall be stored where inaccessible to children.
- Storage areas for poisons shall be locked.
- Firearms and other weapons are not allowed on the premises.

101238.2        OUTDOOR ACTIVITY SPACE

- There shall be at least 75 square feet per child of outdoor activity space. The outdoor space shall provide a shaded rest area and permit children to reach the activity space safely.
- The surface of the activity space shall be in a safe condition and free of hazards.
- The areas around and under climbing equipment, swings, slides and similar equipment shall be cushioned with material that absorbs falls.
- Sandboxes shall be inspected daily and kept free of foreign materials.
- The playground shall be enclosed by a fence at least four feet high.
- Hazardous equipment such as a fuse box shall be inaccessible.

101238.4        STORAGE SPACE
Each child shall have an individual storage space for personal items.
There must be storage space in the playrooms for materials and equipment.

101239  FIXTURES, FURNITURE, EQUIPMENT, AND SUPPLIES
- A comfortable temperature shall be maintained at all times.
- All window screens shall be in good repair and free of insects and debris.
- Fireplaces and open-faced heaters shall be inaccessible.
- All containers used for storing solid wastes must have a tight-fitting cover.
- There must be one toilet and hand-washing sink for every 15 children.
- Common towels or washcloths are prohibited.
- Tables and chairs scaled to the size of children must be provided.
- All play equipment and materials used by children must be age-appropriate.
- Furniture and equipment must be maintained in good condition.
- A baby walker shall not be allowed on the premises.
- Permanent playground equipment must be securely anchored to the ground.

101239.1  NAPPING EQUIPMENT
- Cots must be maintained in a safe condition.
- Floor mats used for napping must be at least ¾ inch thick, covered with
  vinyl or similar material that can be wiped, and marked to distinguish the
  sleeping side from the floor side.
- Bedding must be individually stored and kept clean.

101239.2  DRINKING WATER
- Drinking water must be readily available both indoors and outdoors.
- Children must be free to drink as they wish.

SCHOOL-AGE CHILD CARE CENTER

101451  GENERAL
- In addition to Child Care Center General Licensing Requirements, school-
  age centers shall be governed by this chapter.

101471  SCHOOL-AGE CHILD CARE CENTER FIRE CLEARANCE
- In addition to Section 101171, School-age centers located on functioning
  school sites may submit verification of the school fire inspection. The
  school fire inspection shall be accepted as sufficient fire clearance for
  licensing purposes.

101482  ISSUANCE OF A SCHOOL-AGE CHILD CARE CENTER LICENSE
- The Department shall issue a license to an applicant according to Health
  and Safety Code Section 1597.21, after a completed application has been
  submitted, and all licensing requirements have been met.
101515  SCHOOL-AGE CHILD CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES

- In addition to Section 101215.1, the following shall apply:
  - All school-age centers shall have a director. In a combination program, the director of the Child Care Center may also direct the school-age component.
  - Units and training may be combined to meet the total educational requirement: 15 units or 300 training hours, or any combination thereof.
  - As an alternative educational requirement, a director may substitute 6 units in early childhood education with 6 units appropriate to school-age children.
  - As an alternative educational requirement, a director of a school-age program that stands alone may substitute 20 training hours for each required unit of education in Section 10125.1(h)(1). Units and training hours may be combined to meet the total educational requirement.
  - In addition to a 3-unit semester administration course, 3 units in early childhood education, child development or school-age courses, the director may substitute 9 core units from the following: recreation, physical education, human services, units earned toward an elementary or middle school teaching credential, early childhood education, child development or school-age child units.
  - A director is required to complete 12 units or 240 training hours prior to employment. The remaining 3 units must be completed within one year of employment.
  - A director may qualify by possessing an Associate of Arts or a Bachelor's Degree from an accredited or approved college provided at least 3 units or 60 training hours are in early childhood education, child development, or school-age child courses; and 3 units in administration or staff relations.
  - Section 1597.21(f) of the Health and Safety code allows a director to use alternative approved sources of education.
  - Verification of education shall be by transcript or certificate with hours completed shown on the certificate.
  - A director needs to have verified experience of at least 3 hours a day for a minimum of 100 days in a calendar year. Health and Safety Code Section 1597.21 allows for alternative types of experience.

101516.2  SCHOOL-AGE CHILD CARE CENTER TEACHER QUALIFICATION AND DUTIES

- In addition to Section 101216.1, the following shall apply:
  - As an alternative education requirement, a school-age teacher may substitute 20 training hours for each required unit. Units and
training hours may be combined to meet the total educational requirements of 12 units or 240 training hours, or any combination thereof.

- School-age teachers may use alternative educational requirements. A teacher may substitute: recreation, physical education, human services, units earned toward an elementary or middle school teaching credential; early childhood education, child development or school-age child units.
- A teacher is required to complete 6 units prior to employment.
- Health and Safety Code, section 1597.21(f), allows a teacher to use alternative approved sources of education.
- Alternative types of experience may also be accepted. To be a fully qualified school-age teacher, experience must be verified showing at least 3 hours a day for a minimum of 50 days in a six-month period.
- In a combination center, a fully qualified teacher shall be designated to work closely with the director planning the daily activities of the school-age center.

101518.5 TEACHER-CHILD RATIO

- In addition to Section 101216.3, the following shall apply:
  - One teacher to supervise no more than 14 children.
  - One teacher and 1 aide can supervise no more than 28 children.
  - Staffing for mixed-aged groups shall be based on the youngest child in the group.
  - Directors may be counted in the ratio when actually working with groups of children.

101520 MEDICAL ASSESSMENTS

- Notwithstanding Section 101216.2, the licensee shall not be required to document medical assessments on school-age children who are enrolled in a public or private school.

101520 IMMUNIZATIONS

- Notwithstanding Section 101220.1, the licensee is not required to document immunizations of children also enrolled in a public or private elementary school.

101521 CHILD’S RECORDS

- In addition to Section 101221, except (b)(8), the following shall apply:
  - The licensee shall obtain from the child’s representative, a health background related to the child’s ability/inability to participate in center activities.

101526.1 DAILY INSPECTION FOR ILLNESS
In addition to Section 101226.1, upon arrival or admittance to the center, school-age children shall be observed for signs of illness. If a child is found to be ill, follow Section 101226.2.

101527 FOOD SERVICE
- In addition to Section 101227, before and after school programs shall offer nutritious snacks to children.

101529.1 SIGN-IN AND SIGN-OUT
- In addition to Section 101229.1:
  - Center staff shall sign in school-age children who arrive at the center on their own.

101538.2 OUTDOOR ACTIVITY SPACE FOR SCHOOL-AGE CHILDREN
- In addition to Section 101238.2:
  - Outdoor activity space for school-age children shall by physically separated from space provided other children at the center.
  - School-age child care programs that are operated on the site of a functioning school ground are exempt from square-footage requirements.

101538.3 INDOOR ACTIVITY SPACE FOR SCHOOL-AGE CHILDREN
- In addition to Section 101238.3, the following applies:
  - Indoor space for school-age children shall be physically separated from space provided other children in the center.
  - School-age child care programs that are operated on the site of a functioning school are exempt from square-footage requirements.

101539 FIXTURES, FURNITURE, EQUIPMENT AND SUPPLIES
- In addition to Section 101239, the following applies:
  - Toilets used by school-age children shall provide individual privacy. Toilet facilities shall not be used simultaneously by children of both sexes.
  - School-age programs that operate on the site of a functioning school are exempt from toilet requirements.

INFANT CARE CENTERS

101351 GENERAL
- Child Care Centers providing infant care shall be governed by the requirements of this subchapter. These centers shall also be governed by the previously listed Child Care Center General Licensing requirements.

101361 LIMITATIONS ON CAPACITY AND AMBULATORY STATUS
- A child, whose developmental needs require continuation in an Infant Care Center, may remain in an Infant Care Center up to the age of three years.
101415 INFANT CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES

- An infant center director must meet the requirements of Section 101215.1, and the following:
  - Experience requirements shall be completed in an Infant Care Center or a comparable group child care program with children less than five years of age.
  - At least 3 semester units completed must be related to infant care.
  - When the infant director is temporarily away from the center, the director shall appoint a substitute director.
  - In centers where an assistant director is required, the assistant director shall act as a substitute.
  - A fully qualified infant care teacher can act as a substitute for the director, or the assistant director.
  - If the director's absence is more than 30 consecutive days, a substitute director shall meet the qualifications of a director.

101415.1 ASSISTANT INFANT CARE CENTER DIRECTOR QUALIFICATIONS AND DUTIES

- An assistant director shall be present if the center has 25 or more infants in attendance. The assistant director has to be a fully qualified infant teacher and have completed, with passing grades, at least three semester units in administration at an approved college. This course work may be completed within one year of employment of the assistant director.
- The assistant director shall work under the direction of the center director.

101416.2 INFANT CARE TEACHER QUALIFICATION S DUTIES

- In addition to Section 101216.1, infant care teachers need to have taken and passed, at least 3 semesters units in early childhood education or child development, and 3 semester units in the care of infants from an approved college.
- After employment, a teacher who has not completed the 12 required semester units shall complete with passing grades, at least 2 units each semester until the 12 semester units are completed.
- To be a fully qualified infant care teacher, he/she shall:
  - Complete 12 semester units, with passing grades, in early childhood education or child development. At least 3 units shall be related to the care of infants.
  - Have a least 6 months experience in a licensed infant care program or comparable program for children under five years old.

101416.3 INFANT CARE AIDE QUALIFICATION AND DUTIES
- An aide must work under the supervision of the director or a fully qualified teacher, except when observing sleeping infants.
- Aides shall participate in an on-the-job training program.
- An aide shall provide direct care and supervision to infants.

101416.5 STAFF-INFANT RATIO
- There shall be a ratio of one teacher to every four infants.
- An aide may be substituted for a teacher if there is a fully qualified teacher directly supervising no more than 12 infants.
- When in activities away from the center there shall be a minimum of one adult to every two infants.
- The director may be counted in the staff-infant ratio when actually working with infants.
- There shall be one staff visually observing no more than 12 sleeping infants, as long as additional staff are available at the center to meet the above ratios when necessary.

101416.8 STAFFING FOR INFANT WATER ACTIVITIES
- A ratio of one adult to two infants shall be required during activities near a swimming pool or any body of water.

101417 TODDLER COMPONENT IN AN INFANT CARE CENTER
- Licensees serving infants may create a special program component for children between 18 and 30 months.
- A ratio of one teacher for every 6 toddlers is required.
- An aide participating in on-the-job training can substitute for a teacher when directly supervised by a fully qualified teacher.
- Maximum group size is two teachers to 12 toddlers.
- The toddler program shall be conducted in areas physically separate from those used by older or younger children.

101419.2 INFANT NEEDS AND SERVICES PLAN
- A plan must be completed and on file for every infant prior to attending the center. This plan must be signed by the authorized representative.
- The plan shall include: an individual feeding plan, individual toilet training plan, and any services needed different from those provided by the program.

101419.3 MODIFICATIONS TO INFANT NEEDS AND SERVICES PLAN
- The plan shall be updated quarterly or as often as necessary.

101423.1 INFANT CARE DISCIPLINE
- In addition to 101223.3, no infant shall be confined to a crib, high chair, playpen, or any other furniture or equipment as a form of discipline.
101425  INFANT CARE TRANSPORTATION

- Driver has to be 18 years old or older to transport infants.
- The vehicle must contain a first-aid kit.
- Children must be secured in a child passenger restraint system, i.e., a car seat.
- Staff/infant ratios must be maintained whether the vehicle is moving or parked.
- Infants in vehicles shall have constant adult supervision and shall not be left unattended.

101426.2  INFANT CARE ISOLATION FOR ILLNESS

- In addition to 101226.2, the isolation area must have a crib, cot, mat or playpen for each ill infant. This isolation area must be under constant visual supervision by staff.

101427  INFANT CARE FOOD SERVICE

- In addition to 101227, the following shall apply:
  - Each infant shall have an individual feeding plan completed prior to the infant's first day at the center. This plan must be developed by the director, infant's representative and/or physician.
  - The plan shall include: instructions for infant's special diet, feeding schedule, breast milk or formula, schedule for introduction to solid/new foods, food consistency, likes and dislikes, allergies, schedule for introduction of cups and utensils.
  - This plan shall be updated as often as necessary.
  - Bottle fed infants shall be fed at least every four hours.
  - Infant care centers shall have appropriate food available for the infants.
  - The center shall provide only commercially prepared formulas that are stored and prepared in accordance with the label.
  - The infant's representative may provide formula or breast/mother's milk. Such formula or milk shall be bottled before being accepted by the center.
  - Bottles shall be labeled.
  - Center may heat formula or breast/mother's milk.
  - Center must keep a supply of nipples. Bottles/nipples can not be shared between infants unless sterilized.
  - Infants unable to hold a bottle shall be held by staff for bottle feeding.
  - Bottles cannot be propped; infants shall not carry a bottle while ambulatory; a bottle given to an infant able to hold his/her own shall be unbreakable.
• High chairs or appropriate seating equipment shall be used for infants during feeding. Infants unable to sit unassisted shall be held by staff for feeding.
• Bottles, dishes and food containers brought from infant's home shall be labeled with infant's name and current date.
• Formula partially consumed in a bottle shall be discarded at end of each day.
• Food shall be discarded if not consumed within 72 hours of date on the container label.
• The infant care center shall not serve honey.
• Commercially prepared baby food in jars shall be transferred to a dish before being fed to the infant. Any food left over in the dish at the end of a meal shall be discarded.
• Mother may make arrangements with center for privacy to nurse infant.
• Bottles and nipples in center shall be sterilized.
• Infants shall not be bathed in, and diapers or clothing shall not be rinsed in, the food preparation area.

101428 INFANT CARE PERSONAL SERVICES
• There shall be a written toilet-training plan for each infant being toilet trained.
• Whenever a potty chair is used, it shall be placed on the floor and promptly emptied, cleaned and disinfected after each use.
• No child shall be left unattended while on a potty chair or seat.
• Each child shall receive instruction and assistance in hand washing after use of the toilet. The infant shall be kept clean and dry at all times.
• Soiled or wet clothing provided by the infant's representative shall be placed in an airtight container and given to the representative at the end of the day.
• When changing an infant's diaper, each infant shall be on a changing table and no infant shall be left unattended while on the changing table.
• Towels and washcloths used for cleaning infants shall not be shared and shall be washed after each use.
• The changing table shall be disinfected after each use.

101429 RESPONSIBILITY FOR PROVIDING CARE AND SUPERVISION FOR INFANTS
• In addition to 101229, each child shall be constantly supervised and under direct visual observation by a staff person at all times. Under no circumstances shall any infant be left unattended.

101430 INFANT CARE ACTIVITIES
• The center shall implement a written plan to ensure the provision of indoor and outdoor activities designed to meet the needs of the infants, including but not limited to, quiet and active play; rest and relaxation; eating; toileting; individual attention; being held by a caregiver.
• All infants shall be given the opportunity to nap/sleep without distraction or disturbances.
• No infant shall be forced to sleep, stay awake, or stay in the napping area.

101438.1 INFANT CARE GENERAL SANITATION
• All items used by pets and animals shall be kept out of the reach of infants.
• Each caregiver shall wash his/her hands with soap and water before feeding and after each diaper change.
• Areas that infants have access to shall be washed, cleared and sanitized as follows: floors shall be vacuumed or swept and mopped daily and as often as necessary. Carpeted floors shall be vacuumed daily and cleaned at least every 6 months. Walls shall be washed with disinfecting solution at least weekly.
• The diaper changing area shall be disinfected including walls and floors. After each diaper change, counter tops, sinks, drawers and cabinets near diaper changing area shall be washed.
• Objects that are used by infants that are mouthed shall be washed and disinfected.
• All disinfectants and other hazardous materials shall be stored inaccessible to infants.
• Only dispenser soap in an appropriate dispenser shall be used.
• Only disposable paper towels in an appropriate holder or dispenser shall be used for hand drying.

101438.2 OUTDOOR ACTIVITY SPACE FOR INFANTS
• In addition to Section 101238.2, the following shall apply:
  • Outdoor space shall be physically separated from space used by children not in the infant center.
  • Outdoor space shall be equipped with age-appropriate toys and equipment

101438.3 INDOOR ACTIVITY SPACE FOR INFANTS
• The sleeping area for infants shall be physically separated from the indoor activity space.
• The indoor activity space shall be equipped with age-appropriate washable toys and equipment.

101439 INFANT CARE CENTER FIXTURES, EQUIPMENT AND SUPPLIES
• In addition to Section 101239, the following shall apply:
  • There shall be appropriate furniture and equipment such as cribs, cots or mats, changing tables and feeding chairs.
  • High chairs or low-wheeled feeding tables or any equipment used for seating an infant shall have broad-base legs.
• No infant shall be permitted to stand up in a high chair.
• All equipment shall be washed/disinfected after each use.
• Infant changing tables shall have a padded surface no less than 1 inch thick; raised sides at least 3 inches high; kept in good repair, within an arm’s reach of a sink and not located in the kitchen or food preparation area.
• There shall be one hand washing sink for every 15 infants and one potty chair for every 5 infants being toilet trained.
• Infants shall not be permitted to play with the potty chair.
• Toy storage containers shall be safe and maintained in good condition.
• Containers shall not be lockable.
• Toys shall be safe and not have any sharp edges, or small parts.
• Fixtures, furniture, equipment or supplies shall not be made of or contain toxic substances.

101439.1 INFANT CARE CENTER NAPPING EQUIPMENT

• In addition to Section 101239.1, the following shall apply:
  • A standard size six-year crib or porta-crib shall be provided for each infant who is unable to climb out of a crib.
  • Cribs shall not limit the ability of staff to see the infant.
  • Cribs shall not limit the infant’s ability to stand upright.
  • Crib mattresses shall be covered with vinyl or similar moisture-resistant material; shall be wiped and disinfected daily and when wet or soiled.
  • Cribs shall be maintained in a safe condition.
  • Each crib shall be occupied by only one infant at a time.
  • Each infant’s bedding shall be used by him/her only, and replaced when wet or soiled.
  • Bedding shall be changed daily or more often if required.
  • Cribs, mats or cots shall be arranged so as to provide a walkway and work space between the cribs, mats or cots sufficient to permit staff to reach each infant without stepping over any other infant.

Effective January 1, 2007 – Assembly Bill 633 (Benoit)

Documents to be Made Accessible to the Public

The licensee, upon receipt, shall make accessible to the public any licensing report, any licensing documents that document noncompliance conference between licensing management and the licensee, and/or a copy of an Accusation that indicates the licensing agency’s intent to revoke the facility’s license.

Documents to be Provided to Parents/Legal Guardians:

7/25/2007
Upon receipt by the licensee, the licensee is to provide to parents/guardians the following:

- Copies of any licensing report that documents a Type A citation. This includes facility visits and substantiated complaint investigations.
- Copies of any licensing documents pertaining to a noncompliance conference between licensing management and licensees.
- Copies of a summary of any accusation indicating the Department's intent to revoke the facility's license.
- Copies of any of the above licensing documents the licensee has received in the prior 12 months should be provided to parents/guardians of newly enrolling children.
- The licensee shall keep verification of receipt in each child's file at the facility.

**Administration of Child Care Programs:**

Within 90 days of employing a new director, a Child Care Center licensee shall secure verification that the newly hired director has completed attendance at an orientation given by Licensing and verification of such shall be kept on file.
Confirmation of process by which members of the Board of Trustees request items to be added to agendas of future Board meetings (regular meetings, special/study sessions, or Board committee meetings)

Below excerpts from the minutes of a study session and a regular board meeting where the Board agreed on a process for Board members to follow in terms of suggesting and discussing proposed items for future Board meetings (regular meetings, special sessions, or committee meetings). This process has been in place since April 2009. Starting with the April 2009 study session, there has been a standing item on every study session agenda to provide the avenue for Board members to suggest items for future Board meetings, whether regular meetings or study sessions or committee meetings. Also attached are two relevant Board policies: BP 2340 Agendas and BP 2430 Delegation of Authority to Superintendent/President. At the March 25, 2010 Regular Board meeting it was requested that this process be discussed and formally confirmed at the April 8, 2010 study session such that we have a predictable and consistent approach moving forward.

**Excerpt from the March 12, 2009 Study Session Minutes**

**2.3 Process for requesting items to be added to agendas of Board meeting (regular meetings, special sessions, or committee meetings)**

Superintendent/President Serban asked for a clarification from all Board members regarding the process for requesting that items be added to Board meeting agendas, including study sessions and committees of the Board. There has been a practice in place that has not been institutionalized in a written format. Superintendent/President Serban wants to make sure that she and all Board members understand and agree on how requests are submitted and wants to make sure that all requests are discussed with her so that she has an opportunity to understand what is being asked, provide her recommendation on whether the items are appropriate or have been already addressed, and involve appropriate staff in preparing the requested items.

Trustee Villegas noted that the way it should be done is that for Board agenda items, the Board member(s) should go to the Board President to add any items to the agenda, either for the next Board or future Board meetings and these should be discussed with the Superintendent/President at which point the decision is made whether to place the item on the Board agenda or the study session agenda. Any requests for the standard committees should be presented to the chair of the committee, who would then discuss the item with the Superintendent/President.

One suggestion was made that there could be a standing agenda item on every study session agenda to have Board discussion on proposed agenda items for either the next
study session or future agendas. This will give the Superintendent/President an opportunity to hear what is being requested and required, whether the other Board members concur or need clarification on the item requested, and this will also give her an opportunity to discuss the requested item in a productive way. Trustees Livingston, Green, O’Neill and Dobbs commented in support of this suggestion and concurred that this would be a better approach given that some of the items that were included in study session agendas because they were requested by the Board President would not have been necessarily agreed upon by the rest of the Board members. One example is the repeated discussion at three different Board meetings about the recruitment for the Dean of Continuing Education. Board members concurred that there should be a standing agenda item added to every study session agenda for discussion of future study session or Board committee agenda items. This will be a practice that will be put into place starting with the April 9 study session. It could be formalized in the future if required.

Excerpt from the March 26, 2009 Regular Board Minutes

f. REPORT FROM BOARD MEMBERS
President Alexander had two memos that she wanted placed on the agenda for the next study session, with reference to Board responsibility and also asked that a third question be added: “Are we exercising Board responsibility by taking academic procedures out of the manual?” President Alexander also asked the Academic Senate President to bring the resolution to the study session. Ignacio Alarcon noted that the resolution is still being discussed and didn’t think bringing the resolution to the study session was appropriate, since this is for internal discussion with the Superintendent/President. Board member Livingston noted that this was something the Board resolved at the last study session, to obtain a consensus from the Board members before adding items to agendas and that discussion about possible items should be discussed at the study session not at the regular Board meeting, as was agreed at the last study session. President Alexander reported that the first memo she would like discussed at the next study session was an analysis of the governance model as presented in response to Standard IV, the second memo contains questions the Board might want to ask regarding planning and budgeting, but didn’t want to ask them until they discuss as a Board. Mr. O’Neill noted that there isn’t an agenda item on today’s agenda to deal with this discussion. Ms Livingston felt that discussion of placement of agenda items should be done at the study session and not at Board meetings.

Superintendent/President Serban noted that the Board had agreed at the last study session that the study sessions would be used to discuss future agenda items and see whether the proposed items are of interest to the Board as a whole. Just glancing at the memo given to her by Dr. Alexander, the questions listed should be discussed at the next study session before they are even placed as agenda items at a future meeting. The content of the questions has implications that are serious, once they are put on the agenda as study session material, the assumption is made that they are correct, so she
wanted to make sure that there is an understanding that just because they may be placed on an agenda and stated in a certain manner, that the point of view stated may or may not be accurate. Dr. Alexander felt that no one can ever assume anything is accurate until it is discussed. Mr. Villegas wanted to clarify Dr. Alexander's request, which is to have an item placed on the agenda and that the questions and memo would serve as an attachment for that agenda item as back up for the Board. Dr. Alexander noted that it would perfectly appropriate after the board members read the memo to state that they do not want to discuss the items.

End excerpts from minutes
BP 2340 AGENDAS

Reference: Government Code Sections 54950, et seq., 6250 et seq.; Education Code Sections 72121, 72121.5

An agenda for the meetings shall be provided by the Superintendent/President. An agenda shall be posted adjacent to the place of meeting at least 72 hours prior to the meeting time for regular meetings. The agenda shall include a brief description of each item of business to be transacted or discussed at the meeting. The regular order of business may be changed by consent of the Board of Trustees. Items may be added to the agenda by the Board of Trustees and/or the Superintendent/President. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.

No business may be acted on or discussed which is not on the agenda, except when one or more of the following apply:

- a majority decides there is an "emergency situation" as defined for emergency meetings;
- two-thirds of the members (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action came to the attention of the Board subsequent to the agenda being posted;
- an item appeared on the agenda of and was continued from a meeting held not more than five days earlier.

The order of business may be changed by consent of the Board.

The Superintendent/President shall establish administrative procedures that provide for public access to agenda information and reasonable annual fees for the service.

Members of the public may place matters directly related to the business of the District on an agenda for a Board meeting by submitting a written summary of the item to the Superintendent/President. The written summary must be signed by the initiator. The Board reserves the right to consider and take action in closed session on items submitted by members of the public as permitted or required by law.
BP 2430  DELEGATION OF AUTHORITY TO SUPERINTENDENT/PRESIDENT

Reference: Education Code Sections 70902(d), 72400; Accreditation Standard IV.B.1.j; IV.B.2

The Board delegates to the Superintendent/President the executive responsibility for administering the policies adopted by the Board and executing all decisions of the Board requiring administrative action.

The Superintendent/President may delegate any powers and duties entrusted to him or her by the Board, but will be specifically responsible to the Board for the execution of such delegated powers and duties.

The Superintendent/President is empowered to reasonably interpret board policy. In situations where there is no board policy direction, the Superintendent/President shall have the power to act, but such decisions shall be subject to review by the Board. It is the duty of the Superintendent/President to inform the Board of such action and to recommend written board policy if one is required.

The Superintendent/President is expected to perform the duties contained in the job description and fulfill other responsibilities as may be determined in annual goal-setting or evaluation sessions. The goals for job performance shall be developed and jointly agreed to by the Board and the Superintendent/President.

The Superintendent/President shall ensure that all relevant laws and regulations are complied with, and that required reports are submitted in timely fashion.

The Superintendent/President shall make available any information or give any report requested by the Board as a whole. Individual trustee requests for information shall be met if, in the opinion of the Superintendent/President, they are not unduly burdensome or disruptive to District operations. Information provided to any trustee shall be available to all trustees.

The Superintendent/President shall act as the professional advisor to the Board in policy formation.