TO: Members of the Board of Trustees
FROM: Adriana D. Barrera, Interim Chancellor
DATE: February 5, 2014
SUBJECT: BOARD LETTER FOR FEBRUARY 12, 2014 MEETING

Board Meeting Location
Next week’s Board meeting will be held at West Los Angeles College. The meeting times and locations are as follows:

<table>
<thead>
<tr>
<th>Meetings</th>
<th>Time</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislative &amp; Public Affairs Committee Meeting</td>
<td>1:00 p.m. to 2:00 p.m.</td>
<td>Fine Arts Gallery</td>
</tr>
<tr>
<td>Break</td>
<td>2:00 p.m. to 2:15 p.m.</td>
<td></td>
</tr>
<tr>
<td>Budget &amp; Finance Committee Meeting</td>
<td>2:15 p.m. to 3:15 p.m.</td>
<td>Fine Arts Gallery</td>
</tr>
<tr>
<td>Break</td>
<td>3:15 p.m. to 3:30 p.m.</td>
<td></td>
</tr>
<tr>
<td>Convene for Public Session</td>
<td>3:30 p.m.</td>
<td>Fine Arts Theater, Room 100</td>
</tr>
<tr>
<td>Recess to Closed Session</td>
<td>Immediately Following</td>
<td>Winlock Lounge, Health and Learning Center/Library 2, 2nd Floor</td>
</tr>
</tbody>
</table>

Legislative & Public Affairs Committee Meeting (Eng Chair, Pearlman, Santiago)
The committee will meet from 1:00 p.m. to 2:00 p.m. in the Fine Arts Gallery. For the committee’s agenda refer to Attachment A.

Budget & Finance Committee Meeting (Svonkin Chair, Moreno, Eng)
The committee will meet from 2:15 p.m. to 3:15 p.m. in the Fine Arts Gallery. For the committee’s agenda refer to Attachment B.

Parking
Parking for Board Members and Chancellor will be located in South Parking Structure. A campus map has been included for your convenience.

Agenda Format
Under Reports from the Chancellor, the following will take place:

- Reports from the Chancellor regarding District activities or pending issues
  - Presentation on West Los Angeles College’s Voices of Career Technical Education Students and Alumni
Confidential Matters
The attached correspondence is confidential and should not be shared with other persons.

- **Office of General Counsel**
  - Enclosed for your review is background information pertaining to District-related litigation matters. *(Refer to Attachment C)*
  - Enclosed for your review is an update pertaining to the status on personnel actions. *(Refer to Attachment D)*
  - Enclosed for your review is an update pertaining to complaints of discrimination/harassment. *(Refer to Attachment E)*
  - Enclosed for your information is a memo from General Counsel. *(Refer to Attachment F)*

- **Human Resources**
  - Enclosed for your review is information pertaining to a personnel matter. *Due to its size, this document will be sent via U.S. mail.*
  - Enclosed for your review is information pertaining to March 15 Materials. *Due to its size, this document will be sent via U.S. mail.*

Other Matters
- **Personnel Commission** – Enclosed for your information is a memo from Karen Martin, Personnel Director, Personnel Commission regarding the recruitment, testing, assignment, and retention of interpreters for the deaf. *(Refer to Attachment G)*

Please let me know should you have any questions regarding the meeting.
LACCD Board of Trustees Meeting
West LA College
Wednesday, February 12, 2014

Meeting locations:
- Closed session: Winlock Lounge, HLRC/Library, 2nd Floor.
- Committee meeting: Fine Arts (FA) Gallery
- Public Session: Fine Arts Theater/(FA) 100

Parking – South Parking Structure
- From Overland Ave: Turn right on Albert Vera Drive.
- From College Blvd: Turn left on Sophomore Dr., right on C Street, and right into the parking structure.
I. ROLL CALL

II. PUBLIC SPEAKERS*

III. REPORTS/RECOMMENDATIONS

A. Opening Comments ................................................................. Mike Eng

B. AB 1271 (Bonta and Jones-Sawyer) Inmate Education Programs: Computation of Apportionments

This bill would require the open course provisions in statute or regulations of the California Community Colleges (CCC) Board of Governors to be waived by a governing board of a community college district that provides classes for inmates and would authorize the CCC Board of Governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments. This bill would make revisions to the current method of computing apportionments for purposes of these inmate programs.

C. SB 850 (Block) Public Postsecondary Education: Community College Districts: Baccalaureate Degree Pilot Program

This bill would authorize the Chancellor of the California Community Colleges to authorize the establishment of a baccalaureate degree pilot program. The bill would require a participating district to meet specified requirements including, but not limited to, offering baccalaureate degrees in a limited number of fields of study and submitting a report to the Legislature at least one year prior to the expiration of the pilot program.

D. Update on Dual Enrollment Proposal

E. Preliminary Planning for March 2014 Sacramento Visit
IV. NEW BUSINESS

V. DISCUSSION ........................................................................................................................................... Committee

VI. SUMMARY – NEXT MEETING......................................................................................................................... Mike Eng

VII. ADJOURNMENT

*Members of the public are allotted five minutes time to address the agenda issues.

If requested, the agenda shall be made available in appropriate alternate formats to persons with a disability, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, for whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

To make such a request, please contact the Executive Secretary to the Board of Trustees at 213/891-2044 no later than 12 p.m. (noon) on the Tuesday prior to the Board meeting.
AB 1271 (Bonta and Jones-Sawyer): Community colleges: inmate education programs: computation of apportionments.

01/23/14

Bill Version:

Location:

History: Read second time. Ordered to third reading. (01/27/14) [full history]

- 01/28/14 - ASSEMBLY FLOOR ANALYSIS [opens in Word]

Analysis:  
- 01/21/14 - APPROPRIATIONS [opens in Word]
- 01/13/14 - HIGHER EDUCATION [opens in Word]

Summary

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as a segment of public postsecondary education in the state.

Existing law, notwithstanding open course provisions in statute or regulations of the board of governors, authorizes the governing board of a community college district that provides classes for inmates of certain facilities, including a federal correctional facility, to include the units of full-time equivalent students generated in those classes for purposes of state apportionments.

This bill would instead require the open course provisions in statute or regulations of the board of governors to be waived for a governing board of a community college district that provides those classes for inmates, including inmates of state correctional facilities, and would authorize the board of governors to include the units of full-time equivalent students generated in those classes for purposes of state apportionments.

(2) Existing law provides for the method of computing apportionments for purposes of these inmate education programs.

This bill would make revisions to that method of computation.
The bill would prohibit a community college district from claiming, under the bill, for purposes of apportionments, a class for which a district receives full compensation for its direct education costs for the conduct of the class from a public or private agency, individual, or group of individuals, and a class offered pursuant to a contract or instructional agreement entered into between the district and a public or private agency, individual, or group of individuals that has received from another source full compensation for the costs the district incurs under that contract or instructional agreement, as prescribed.
Summary

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law requires the board to appoint a chief executive officer, to be known as the Chancellor of the California Community Colleges. Existing law establishes community college districts, administered by governing boards, throughout the state, and authorizes these districts to provide instruction to students at the community college campuses maintained by the districts.

Existing law requires community colleges to offer instruction through, but not beyond, the 2nd year of college and authorizes community colleges to grant associate degrees in arts and science.

This bill would authorize the Chancellor of the California Community Colleges to authorize the establishment of one baccalaureate degree pilot program per campus per district. The bill would provide that the baccalaureate degree pilot program shall consist of a limited number of campuses, to be determined by the Chancellor. The bill would require a baccalaureate degree pilot program to expire 8 years after the establishment of the program. The bill would require a participating district to meet specified requirements, including, but not limited to, offering baccalaureate degrees in a limited number of fields of study, and submitting a report to the Legislature at least one year prior to the expiration of the baccalaureate degree pilot program that would evaluate specified factors.

This bill would also require the governing board of a participating district to perform certain functions and would authorize the governing board to charge
baccalaureate degree-seeking students a fee for enrollment in specified courses, which would be required to be expended for the purpose of providing a pilot program. The bill would authorize the governing board of the district to enter into agreements with local businesses and agencies to provide educational services to students participating in a baccalaureate degree pilot program.
AGENDA

LOS ANGELES COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
BUDGET & FINANCE COMMITTEE
West Los Angeles College
Fine Arts (FA) Gallery
9000 Overland Avenue
Culver City, CA 90230
Wednesday, February 12, 2014
2:15 p.m. – 3:15 p.m.

Committee Members
Scott J. Svonkin, Chair
Ernest H. Moreno, Vice Chair
Mike Eng, Member
Jeanette Gordon, Staff Liaison
Kathleen F. Burke, College President Liaison

Agenda
(Items may be taken out of order)

I. ROLL CALL

II. PUBLIC SPEAKERS*

III. REPORTS/RECOMMENDATIONS/ACTION

A. Redevelopment Agency (RDA) Update
   Disposition:

B. FON Subsidy
   Disposition:

C. District Office Positions
   Disposition:

D. Bond Financing
   Disposition:

IV. FUTURE DISCUSSION/AGENDA ITEMS

A. Budget Allocation/Growth Proposal
B. Update on Cost Savings from Master Agreements (Chancellor's Directive #142)
C. Schedule for Districtwide Bids on Major Items
D. Retirement Incentives

ATTACHMENT "B"
V. FUTURE BUDGET & FINANCE COMMITTEE MEETING DATES
   ● March 12, 2014

VI. NEW BUSINESS

VII. SUMMARY – NEXT MEETING.......................................................... Scott J. Svonkin

VIII. ADJOURNMENT

   *Members of the public are allotted five minutes time to address the agenda issues.

If requested, the agenda shall be made available in appropriate alternate formats to persons with a disability, as required by Section 202 of the American with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, for whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

To make such a request, please contact the Executive Secretary to the Board of Trustees at 213/891-2044 no later than 12 p.m. (noon) on the Tuesday prior to the Board meeting.
AGENDA FOR THE BUDGET AND FINANCE COMMITTEE MEETING

February 12, 2014

I. Roll Call

II. Public Speakers

III. Reports/Recommendations/Action

   A. RDA Update
   B. FON Subsidy
   C. District Office Positions
   D. Bond Financing

IV. Future Discussion/Agenda Items

   - Budget Allocation/Growth Proposal
   - Update on Cost Savings from Master Agreements (Chancellor’s Directive #142)
   - Schedule for District-wide Bids on Major Items
   - Retirement Incentives

V. Future Budget and Finance Meeting Dates

   - March 12, 2014

VI. New Business

VII. Adjourn
Subject: 2013-2014 BUDGET ADJUSTMENT FOR FON SUBSIDY

In the General Fund, transfer $910,000 from the Contingency Reserve account to account 100000 at East Los Angeles College, Los Angeles Harbor College, Pierce College, Los Angeles Trade-Technical College, and West Los Angeles College. (eBTA: D-0421)

Background: In order to meet the Full-Time/Part-Time faculty obligations for the 2013 Fall Semester at each college, the District is committed to provide a subsidy for 26 new full-time filled faculty positions (see Attachment A). Colleges shall be reimbursed for the difference between the salary and benefit costs paid for a contract faculty position and the adjunct (hourly) faculty position over three-year period. This is the first reimbursement provided by the District at $35,000 per position.

FISCAL IMPLICATIONS: This action increases the college budgets by $910,000 and reduces the Contingency Reserve by the same amount, leaving a balance of $13,598,036 (2.64%).

Amounts will be transferred to each college as follows: East Los Angeles College ($245,000); Los Angeles Harbor College ($175,000); Pierce College ($140,000); Los Angeles Trade-Technical College ($70,000); West Los Angeles College ($280,000).

REQUIRES FIVE (5) AFFIRMATIVE VOTES
### 2013-14 FON Subsidy Year 1

**Subsidized Funding for Full-Time Faculty Filled Positions for Fall 13**

<table>
<thead>
<tr>
<th>Institution</th>
<th>Filled</th>
<th>Amount per position</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>City College</td>
<td>0</td>
<td>$35,000</td>
<td>-</td>
</tr>
<tr>
<td>East Los Angeles College</td>
<td>7</td>
<td>$35,000</td>
<td>245,000</td>
</tr>
<tr>
<td>Harbor College</td>
<td>5</td>
<td>$35,000</td>
<td>175,000</td>
</tr>
<tr>
<td>Mission College</td>
<td>0</td>
<td>$35,000</td>
<td>-</td>
</tr>
<tr>
<td>Pierce College</td>
<td>4</td>
<td>$35,000</td>
<td>140,000</td>
</tr>
<tr>
<td>Southwest College</td>
<td>0</td>
<td>$35,000</td>
<td>-</td>
</tr>
<tr>
<td>Trade-Technical College</td>
<td>2</td>
<td>$35,000</td>
<td>70,000</td>
</tr>
<tr>
<td>Valley College</td>
<td>0</td>
<td>$35,000</td>
<td>-</td>
</tr>
<tr>
<td>West Los Angeles College</td>
<td>8</td>
<td>$35,000</td>
<td>280,000</td>
</tr>
</tbody>
</table>

|                  | 26     | $35,000             | 910,000|

*Three year subsidy. First year reimbursement $35,000. Second year reimbursement $25,000. Third year reimbursement $15,000.*
Subject: **2013-2014 BUDGET ADJUSTMENTS**

In the General Fund, transfer $288,047 from the Contingency Reserve to account 200000 to provide funding for seven positions in the Educational Services Center. Funding for future years will be provided from an ongoing reduction to the General Reserve. (eBTA: D-0361).

The positions approved for funding are the following:

- Maintenance and Operating Standards Coordinator
- Energy Program Manager
- Facilities Project Managers (2 positions)
- Research Analyst
- Auditor
- Data Communications Specialist

**Background:** As requested by the Chancellor, on November 13, 2013, the District Budget Committee (DBC) approved funding for an additional seven essential positions in the Educational Services Center. Funding for Fiscal Year 2013-2014 will be from the Contingency Reserve and prorated for the remainder of the fiscal year. *(Attachment I)* For future years, funding for these positions will be provided from an ongoing reduction to the General Reserve. The estimated amount for fiscal year 2014-2015 is $864,145.

**FISCAL IMPLICATIONS:** This action increases the Educational Services Center's budget by $288,047 and reduces the Contingency Reserve by the same amount, leaving a balance in the Contingency Reserve of $13,309,989.

**REQUIRES FIVE (5) AFFIRMATIVE VOTES**

Recommended and Approved by: Adriana D. Barrera, Interim Chancellor

By ____________________________ Date ____________

Chancellor and Secretary of the Board of Trustees

Eng ____________ Santiago ____________
Field ____________ Svonkin ____________
Moreno ____________ Veres ____________
Pearlman ____________ Griggs ____________

Student Trustee Advisory Vote

Page 1 of 1 Pages Com. No. BF4 Div. BUSINESS AND FINANCE Date 2-12-2014
EDUCATIONAL SERVICES CENTER
Positions approved for Funding by District Budget Committee on November 13, 2013

<table>
<thead>
<tr>
<th>Office/Position Title</th>
<th>#FTE</th>
<th>Estimated Annual Salary</th>
<th>Approved (Y/N)</th>
<th>Funded Amount (4 months)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Educational Programs and Institutional Effectiveness</td>
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<td></td>
<td></td>
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<tr>
<td>Senior Research Analyst</td>
<td>4</td>
<td>89,088</td>
<td>¥</td>
<td>29,696</td>
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<tr>
<td>Research Analyst</td>
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<td>71,914</td>
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<td>23,971</td>
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<td><strong>Total Institutional Effectiveness</strong></td>
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<td>71,914</td>
<td>1.0</td>
<td>23,971</td>
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<td>Internal Audit</td>
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<tr>
<td>Auditor</td>
<td>1</td>
<td>71,914</td>
<td>¥</td>
<td>23,971</td>
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<tr>
<td><strong>Total Internal Audit</strong></td>
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<td>71,914</td>
<td>1.0</td>
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<tr>
<td>Facilities</td>
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<tr>
<td>Administrator of Maintenance</td>
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<td>112,200</td>
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<td>Maintenance and Operating Standards Coordinator</td>
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<td>34,000</td>
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<td>Energy Program Manager</td>
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<td>Facilities Project Manager</td>
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<td><strong>Total Facilities</strong></td>
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<td>125,812</td>
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<tr>
<td>Information Technology</td>
<td></td>
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<tr>
<td>Data Communications Specialist</td>
<td>1</td>
<td>79,504</td>
<td>¥</td>
<td>26,501</td>
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<tr>
<td><strong>Total Information Technology</strong></td>
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<td>1.0</td>
<td>26,501</td>
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<td><strong>TOTAL SALARIES</strong></td>
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<td>Added Benefits</td>
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<td></td>
<td>263,377</td>
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<td>87,792</td>
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<td><strong>TOTAL</strong></td>
<td>864,145</td>
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<td>288,047</td>
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</table>
Summary Statement on Additional 7 Positions
(revised 12-19-13)

Senior Research Analyst, Office of Research and Institutional Effectiveness:

The position is a critical position in the Office of Research and Institutional Effectiveness. It is the primary position responsible for formulating methodologies to address complex educational and public policy issues, strategic planning, accreditation, institutional accountability and effectiveness, and student success, and make recommendations for policies and procedures based on the results.

The senior research analyst also develops, implements, and directs the maintenance of the specialized data systems used for institutional research and planning activities. These systems contain District-wide information on student demographic, assessment, enrollment, achievement, and financial aid and information on college section and course offerings, FTES, and weekly contact hours as well as staffing information and are utilized in research by both colleges and the District Office of Research and Institutional Effectiveness.

This position assists with data-driven decision making and District strategic planning by preparing external and internal scan data (both quantitative and qualitative), constructing data measures corresponding to objectives in the District Strategic Plan, determining methodology for measuring and evaluating progress towards the goals/objectives. The Senior Research Analyst position became vacant and defunded when the incumbent accepted a promotional opportunity at a college. The position was previously that of Senior Research Analyst and has been reclassified to Research Analyst.

Auditor, Internal Audit: IAD approved annual audit plan for 2013/2014 was executed with a budgeted hour that engaged a total of four auditors, a senior auditor, and a director. At the current time, the department is staffed with three auditors and the director. The workload of the department has increased because of the implementation of the whistleblower hotlines and requests from the colleges.
The audit plan includes the completion of one audit area which is below the normal completion rate of an audit department. However, in consideration of the current budget constraints IAD has adjusted its goal to one audit area per year. With the current staff, IAD is unable to complete 39% of its required plan. Additionally, of the 71% completion, IAD is unable to complete 85% of these requests in a timely manner. Our turnaround time for an assignment has increased tremendously. For example, the turnaround time for an investigation has increased from an average of 30 days to 90 days and an audit from an average of 90 days to 150 days.

Please note that budgeted hours are more than available hours with three auditors and one Director. The addition of an auditor will help the Department meets 99% of the scheduled audit plan (a completion of only one audit area “Procurement” for the fiscal year 2013-14).

**Administrator of Maintenance-Maintenance and Operating Standards Coordinator, Facilities:** The District is implementing the Computerized Maintenance Management System (CMMS) module of the SAP software. The District has owned this module since the purchase of the SAP software but has not implemented this module yet. There has been a concentrated effort through the Bond Program to capture all the information about the District’s fixed assets. The information about these assets is housed in the CMMS module and includes things such as warranty information, ongoing maintenance requirements, and records of work performed. This position is responsible for the continued management of the CMMS database.

In addition, this position is responsible for coordinating and tracking of specialized facilities training. The need for specialized facilities training has increased as a result of new and different facility systems being added through the construction and renovation of buildings and infrastructure improvements.

The impact to the District if this position is not filled are:

1. Increased expected maintenance costs
2. Increased equipment downtime
3. Increased level of outsourcing of repairs
4. Inadequate trained facilities staff
5. Increased safety risks

**Energy Program Manager, Facilities:** In June of 2013 the Personnel Commission changed the title of this position to Utility Program Manager.

The District through the Bond Program has engaged in several energy initiatives which include the development of solar arrays, the building of energy storage systems, the
installation of metering and monitoring systems, and the construction of central plants, as well as, several other energy savings retrofits. In addition, the District has entered into several solar purchase and lease agreements, energy savings company (ESCOs) agreements, and applied for many energy incentives and grants. This position is instrumental in the review and follow-up to ensure the District is receiving what was promised. This position will also review utility usages throughout the district looking for abnormalities and investigate any discrepancies while making operational recommendations for improvements. The goal is to maintain a comfortable learning environment while achieving a reduction in utility consumption and expenditures.

The risks to the District if this position is not filled are:

1. Utilities are not managed and the District spends considerably more than necessary
2. Energy agreements are not monitored and the District spends considerably more than necessary
3. Energy incentives are not managed and the District does not receive eligible funds
4. Excessive downtime in energy production and load shifting increasing the amount the District will spend in utilities
5. Harder to maintain a comfortable learning environment

**Facilities Project Manager, Facilities:** The District has over 500 buildings and the Bond Program is only touching about 200 of these buildings. The District’s Facilities Planning and Development department has the responsibility of managing all of the district projects over $125,000. LACCD employs project managers that handle all projects above $125,000 that are non-bond fundable.

Five years ago the District had six project managers. Since then four of these project managers have retired. The Facilities Planning and Development department had chosen not to fill the four open project manager positions because of a lack of non-bond construction funding. The current need is to increase the level of LACCD project managers by two.

This need is a result of the Board making the decision to set aside funding to address deferred maintenance issues throughout the district. In addition, the State has indicated there will be additional funding coming to the Districts to help address scheduled maintenance projects. Filling these two existing positions will allow the Facilities Planning and Development department to manage these additional projects.

The risk to the District if these positions are not filled is:
1. A majority of the projects that fall within the price range in which these projects will fall are labor intensive. External company overheads usually charged on projects this size are usually very high. Outsourcing this work would be very costly to the district and considerably more than doing the work using internal staff.

Without augmenting the Facilities Planning and Development department with the addition of the project managers, the deferred maintenance and scheduled maintenance projects will not be accomplished within this fiscal year.

**Data Communications Specialist, IT:** This position is responsible for network infrastructure changes and support. If this position is not filled, there will be an increased risk to all of our technology services. Also technology projects will take longer to complete. This position was already in the existing organizational chart.
To: Board of Trustees

From: Karen Martin, Personnel Director
Personnel Commission

Subject: Recruitment, Testing, Assignment, and Retention of Interpreters for the Deaf

During the Board Meeting of December 11, 2013, the topic of interpreting services for hearing impaired students arose in the context of difficulties within the DSPS Office at Los Angeles Trade-Technical College. The following information is intended to provide more comprehensive answers to questions which arose during that meeting and to provide greater insight into the border challenges associated with the recruitment, testing, assignment, and retention of interpreters for the deaf.

BACKGROUND INFORMATION

Deaf Students and Staffing

<table>
<thead>
<tr>
<th></th>
<th>C</th>
<th>E</th>
<th>H</th>
<th>M</th>
<th>P</th>
<th>S</th>
<th>T</th>
<th>V</th>
<th>W</th>
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<td>21</td>
<td>25</td>
<td>9</td>
<td>4</td>
<td>48</td>
<td>10</td>
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<td>21</td>
<td>8</td>
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<td><strong>Spring 2013</strong></td>
<td>24</td>
<td>15</td>
<td>8</td>
<td>4</td>
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<td>8</td>
<td>33</td>
<td>19</td>
<td>9</td>
<td>158</td>
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<tr>
<td><strong>Summer 2013</strong></td>
<td>12</td>
<td>8</td>
<td>1</td>
<td>3</td>
<td>12</td>
<td>4</td>
<td>4</td>
<td>6</td>
<td>1</td>
<td>51</td>
</tr>
</tbody>
</table>

* Source: State Chancellor’s Website; Fall 2013-14 data not yet available.

INTERPRETER TESTING

Recruitment: Recruitment is conducted on a continuous basis.

Testing Frequency: As soon as a sufficient number of applications are received, a testing process is initiated and an eligibility list established.

Testing Process: A performance test is used for both levels of interpreter. The overall test includes four segments. Two segments test the candidate’s ability to sign using transliteration. Transliteratorators listen to the spoken message and sign it in a way that closely approximates English. Two additional segments test the candidate’s ability to listen to spoken English and
interpret it into American Sign Language (ASL) which has its own grammar and syntax. Each part starts with a warm-up. Each part is scored independently using a set of factors specified on an evaluation form. The four scores are averaged for a final score.

**Raters:** The current raters in the examination process all have:

- Long term employment at the National Center on Deafness
- Certification by the Registry for Interpreters for the Deaf
- Are local test administrators for Registry of Interpreters for the Deaf certification
- Have work experience as an interpreter in various settings, i.e. educational, medical, community, and civic
- Have college degrees in deaf studies and linguistics

**Recent Changes:** As a regular part of the classified selection process, the testing approach and content are reviewed to insure appropriateness and currency and to generally improve the process on an ongoing basis.

We recently had the interpreter examination reviewed by representatives from the National Center on Deafness at California State University, Northridge. The National Center on Deafness was established in 1964 and has been a pioneer in demonstrating best practices and providing full and meaningful access to university programs for students who are deaf and hard of hearing. Representatives from the Center on Deafness as well as from other educational institutions with prominent programs for the deaf have been important resources for us when we developed our interpreter job classifications in 1976 and each time we have made modifications in the job classifications and testing process over the years.

We initiated the review of the examination to validate content appropriateness and because of concerns regarding the quality, consistency, and independence of the raters who we had been using, all of which were internal to the District. Based on the review process we made only one small change to the examination content, but did decide to shift away from internal raters to using raters from the National Center on Deafness. As a result of this change there were four people who had worked for the District in the past in temporary status that did not re-qualify for employment. Noticing this, we specifically reviewed their history of examination results and found that their performance in our testing process had always been marginal (scores in the low 70’s).

**ASSIGNMENT PROCESSES**

In October of 2011 the Personnel Commission changed the process for hiring/assigning interpreters to enhance speed and efficiency. Hiring authorities use the following tools in the order specified in making hires/assignments.

1. **One-Call System** – This is an automated system not unlike those used to employ substitute teachers. The hiring authority creates an email which outlines the nature and duration of an interpreting job/assignment. The interpreters electronically respond back whether or not they are available for the assignment. The hiring authority selects from among those indicating their availability.
2. **Internal Candidates** – Since the District employs interpreters at several colleges, if a response is not received from the One Call system, the hiring authority is required to contact sister colleges for assistance, if available.

3. **Contracts** - If qualified interpreters are not available through the above means, the hiring authority can contact any of three interpreting services which are on contract with the District to provide an interpreter.

This three level approach is an attempt to balance the legal requirements of the ADA, Education Code Provisions related to employment, and contractual agreements the District has with the AFT Staff Guild.

**BROADER ISSUES RELATED TO THE RECRUITMENT, ASSIGNMENT, AND RETENTION OF INTERPRETERS**

What may appear to be a simple task, hiring an interpreter for a deaf student, is complicated by many factors including legal requirements, matching of interpreter to student and content, funding, and operational considerations.

- **Workforce Shortage of Qualified Interpreters** - The supply of qualified interpreters is not keeping up with demand. Many interpreters freelance making their schedules erratic and not conducive to regular employment. Jobs for sign language and other types of interpreters and translators in the United States are expected to increase 42 percent by 2020, to 58,400, according to the 2012-2013 U.S. Occupational Outlook Handbook.

- **Legal Requirement** - Title II of the Americans with Disabilities Act of 1990. (29 U.S.C. § 794, 42 U.S.C. § 12101) requires that a public entity, such as a community college, take appropriate steps to ensure that communications with persons with disabilities are as effective as communication with others. Adding clarity to the meaning of “effective communication,” the Office of Civil Rights has held that the three basic components of effective communication are: “timeliness of delivery, accuracy of the translation, and provision in a manner and medium appropriate to the significance of the message and the abilities of the individual with a disability” (OCR Docket No. 09-97-2145, January 9, 1998). This suggests that an approach of “any interpreter is better than no interpreter” would be contrary to the intent of the law.

- **Range of Communication Needs** - Deaf students bring a variety of communication and educational backgrounds and experiences to the college setting.
  - Nature of earlier education, i.e., mainstream with or without services, schools for the deaf, no formal education
  - Prior use of interpreters, i.e., not all students have used interpreters in the past or are sophisticated users of interpreting services

- **Subject Matter Knowledge** – The law requires effective communication. Interpreters can be much more effective when they’re placed in classes in which they have a basic understanding of the subject.
Team Interpreting - The repetitive motion injury rate among interpreters is estimated as high as 30% which requires a “team interpreting approach” i.e., two or more interpreters assigned to the student(s) depending on the length of the individual interpreting assignment.

Contract Provisions – The District’s interpreters are represented by the AFT Staff Guild and are therefore covered by the terms and conditions of the bargaining agreement. The nature and unique working conditions of interpreting work and provisions of the contract do not always come together in a workable way.

Enrollment/Drop Fluctuation – The number of students requiring service in a semester is frequently unknown until the semester begins making planning difficult. As noted in the Trade-Tech situation there was an unanticipated increase in deaf students from 17 last semester to 40 this semester. Additionally, deaf and hard of hearing students also often drop classes impacting the ability of management to effectively manage the employment of interpreters who may be permanent employees or hired with an expectation of work for a specified period of time.

Funding - The law uses an “undue burden” standard in looking at whether or not an employer can afford to provide services. It is the resources of the institution as a whole which are considered. In essence, if an institution has money for athletics, it has money for deaf and hard of hearing students. As noted during the December Board Meeting the cost to our colleges of providing interpreting services is significant. Reimbursement from DHH for those expenditures is limited. The difference between what DHH funding and actual expenditures is covered by general funds of the District.

Overview of Expenditures for Interpreting Services

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Employment Laws – The provisions of the Education Code related to the employment of temporary employees do not anticipate employment conditions such as those related to the employment of interpreters.

Disparate Service Levels – There is concern that the expense of providing interpreting services for the deaf can have the unintended effect of reducing the service level to students with other disabilities.

POSSIBLE SOLUTIONS

The following are/or have been discussed:
• Centralized or Regionalized Approach to Interpreter Employment and Assignment – It may be possible to better utilize interpreters by coordinating their employment and assignment among multiple locations.

• Increased Use of Technology - New technology exists which could be used to supplement the use of interpreters. Examples include: Clockworks, SAM, and Video Remote Interpreting.

• Use of Layoff Provisions - The peaks and valleys associated with the need for interpreting services could be better managed if this tool was available.