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February 2, 2026

VIA EMAIL AND U.S. MAIL

Palomar College Governing Board
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Re: Unlawful Repeal of BP 3000 – Antiracism

Dear Governing Board Members:

This firm represents Lawrence Hamilton Lawson (“Lawson”), Anel Gonzalez (“Gonzalez”), and Carmelino Cruz (“Cruz”), as well as the Palomar Faculty Federation, Local 6161, CFT/AFT, AFL-CIO (“Federation”) and the Palomar College Council of Classified Employees, Local 4522, CFT/AFT, AFL-CIO (“CCE”). Please direct all communication regarding this matter to the undersigned.

We are writing in connection with the unlawful decision of the Governing Board of the Palomar Community College District (“Governing Board”) to delete Board Policy 3000 – Antiracism (“BP 3000”) unilaterally and without prior notice at its October 14, 2025 Board meeting. This decision was done without following the shared governance process mandated by state law and the Governing Board’s own policies. Further this action was taken in contravention of the District’s obligation to negotiate the impacts of such changes to terms and conditions of employment prior to implementation. By this letter, my clients demand that the Governing Board reinstate BP 3000 immediately and desist from implementing any changes to it until completion of the shared governance process and any bargaining obligation.

Should the Governing Board fail to remedy these violations forthwith, our clients are prepared to take legal action to force compliance, including but not limited to the filing of a complaint with the State Chancellor’s Office, filing a Petition for a Writ of Administrative Mandate with the San Diego Superior Court, and filing Unfair Practice Charges with the Public Employment Relations Board.

THE DISTRICT’S MINISTERIAL DUTY TO FOLLOW ITS OWN POLICIES

As a public entity, the District “has a ministerial duty to comply with its own rules and regulations when they are valid and unambiguous.” (*CV Amalgamated LLC v. City of Chula Vista* (2022) 82 Cal. App. 5th 265, 279.) If the District fails to do so, any individual with a “clear, present and beneficial right in the [District’s performance of that duty]” has standing to file a Petition with the San Diego Superior Court for a Writ of Mandate compelling such compliance (Code of Civ. Proc. § 1085.)

LEGAL FRAMEWORK FOR SHARED GOVERNANCE

Education Code section 70902(b)(7) requires the District’s Governing Board to:

Establish procedures that are consistent with minimum standards established by the [Board of Governors of the California Community Colleges] to ensure faculty, staff, and students the opportunity to express their opinions at the campus level, to ensure that these opinions are given every reasonable consideration, to ensure the right to participate effectively in district and college governance, and to ensure the right of academic senates to assume primary responsibility for making recommendations in the areas of curriculum and academic standards.

(Emphasis supplied)

Consistent with this legislative mandate, the Board of Governors of the California Community Colleges (“Board of Governors”) has adopted regulations setting forth such minimum standards for shared governance to which community college district must abide “when adopting policies and procedures on academic and professional matters.” (5 C.C.R. §53203(a).) The Board of Governors is charged with ensuring that community college district abide by these minimum standards as a condition of receipt of state funds. (Educ. Code § 70901(b)(6).)

Here, the District and its Governing Board have adopted various policies and procedures relating to shared governance. Among them, Board Policy 2510 (“BP 2510”) “affirms [the Governing Board’s] commitment to collegiality and participatory governance” and provides that “[e]xcept for unforeseeable emergency situations, the Board shall not take any action on matters subject to this policy until the appropriate constituent group or groups have been provided the opportunity to participate.” Among the matters subject to BP 2510 are:

- Educational program development;
- Standards or policies regarding student preparation and success; and
- Faculty Hiring Policy, Faculty Hiring Criteria, and Faculty Hiring Procedures.

THE DUTY TO NEGOTIATE THE IMPACTS OF POLICY CHANGES ON TERMS AND CONDITIONS OF EMPLOYMENT PRIOR TO IMPLEMENTATION

The Educational Employment Relations Act, Government Code section 3540, *et seq.* (“EERA”) imposes upon the District a duty to negotiate in good faith with the exclusive representatives of its employees over matters within the scope of representation. As for matters which fall outside the scope of representation, the District is nonetheless required to “provide notice and an opportunity to meet and confer over any reasonably foreseeable effects the decision may have on matters within the scope of representation.” (*Oxnard Union High School District* (2022) PERB Decision No. 2803, p. 49.) The District violates this “effects bargaining obligation” if it “fails to provide [the exclusive representatives with] adequate advance notice” prior to implementing its decision. (*Id.*) If the District fails to provide such advance notice, “the union need not request to bargain effects as a prerequisite to filing an unfair practice charge.” (*Id.*, at p. 50, citing *County of Santa Clara* (2013) PERB Decision No. 23210M, pp. 30-32.)

ANALYSIS

The Governing Board Violated Its Own Policies By Rescinding BP 3000 Without Complying With Its Shared Governance Obligations

BP 2510 required the Governing Board to utilize the shared governance process before deleting BP 3000. First, BP 3000 was subject to BP 2510. Among other things, BP 3000 recognized “that bias ... and micro-aggressions have a detrimental impact on recruiting, retaining, and supporting Black, Indigenous, and People of Color (BIPOC) including faculty, staff and students,” committed the District to “redesign obsolete policies and procedures that oppress historically underrepresented groups,” recognized the District’s obligation to represent “the specific racial and ethnic diversity in staff, faculty and administration that parallels the students and communities the institution serves,” and obligated the District to “work[] to dismantle systems of oppression within district programs and activities.” As such, BP 3000 relates to those “Academic and Professional Matters” that are subject to BP 2510, such as: educational program development; standards or policies regarding student preparation and success; and faculty hiring policy, faculty hiring criteria, and faculty hiring procedures.

Second, because BP 3000 was subject to BP 2510, the Board’s deletion of BP 3000 violated the general rule contained in BP 2510 “that the Board shall not take any action on matters subject to this policy until the appropriate constituent group or groups have been provided the opportunity to participate.” Here, it is undisputed that the proposal to delete BP 3000 never went through the District’s Policies and Procedures Committee, on which Lawson, Gonzalez, and Cruz serve.

Third, the limited exception contained in BP 2510 is inapplicable here. BP 2510, by its own terms, allows the Governing Board to take action without going through the shared governance process in the event of “unforeseeable emergency situations.” However, the Governing Board failed to make any findings at the October 14, 2025 meeting that such “unforeseeable emergency situations” existed, because there was no such emergency.¹

¹ The Board’s action on October 14 cited to Board Policy 2410’s language that, “in unusual circumstances, the Board may change, amend, or add to Board Policies at the same meeting at which they are introduced.” Even if such “unusual circumstances” truly existed here (which my clients vigorously dispute), however, that nevertheless falls short of it being both “unforeseeable” and an “emergency situation” as required by BP 2510.

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As a result, Lawson, Gonzalez, and Cruz, by virtue of their service on the District’s Policies and Procedures Committee, all share a clear, present and beneficial right in ensuring that the Governing Board complies with BP 2510.

The Governing Board Also Violated The Minimum Standards Established By The Board of Governors of the California Community Colleges

By the same conduct described above, the District’s Governing Board violated the “minimum standards” for shared governance described in Education Code section 70902(b)(7) and 5 C.C.R. §53203(a). As such, the Governing Board is placing in jeopardy the District’s ability to continue to receive state funds. (Educ. Code § 70901(b)(6).)

The District Violated Its Bargaining Obligation Under EERA

Finally, the Governing Board’s deletion of BP 3000 without providing the affected unions with notice and an opportunity to negotiate over the impacts of such deletions violates the duty to bargain in good faith. The deletion of BP 3000 impacts numerous negotiable items, such as anti-discrimination policies and procedures, and retention policies for faculty and staff. As a result, the Governing Board’s deletion of BP 3000 without providing the Federation or CCE with any advance notice violates EERA.

CONCLUSION

As detailed above, the Governing Board violated state law, state regulations, and its own policies by deleting BP 3000 without any prior notice to the affected unions and without first going through the shared governance process. **By this letter, my clients demand that, no later than February 19, 2026, the Governing Board reinstate BP 3000 and commit not to repeal or change it without first complying with its shared governance and bargaining obligations.** Should the Governing Board fail to do so, my clients are prepared to take whatever legal action is necessary to ensure compliance.

Sincerely,



Ricardo Ochoa, Esq.

OCHOA|LAW

Cc: Lawrence Hamilton Lawson (via email)
Anel Gonzalez (via email)
Carmelino Cruz (via email)