

Opposition to the Private Commercial Development on Evergreen Valley College Land: An Ethical Perspective

EvergreenFriends.org
November 25, 2015

San Jose Evergreen Community College District (SJECCD) Trustees have been leasing a portion of Evergreen Valley College public school lands for retail and residential housing development. On April 21, 2015, the Trustees voted to lease most of the flat college land for retail commercial and private housing.

Given the lack of comparable public community college education service and associated school facilities being provided to residents in the San Jose region, leasing EVC public land for commercial profits is a particularly egregious act against the San Jose regional community and the principles of equal State public education. Some ethical issues are:

1. Violation of Equal Education Rights

The basic principle of the State public school system is that public education service must be provided to everyone on equal terms. In other words, the government is required to assure that public community college service and facilities within one school district should be basically equivalent to another district proportional to the population being served. Funding or budget issues are not a lawful basis for any local education agency to deny equitable public education service¹.

Residents living in the San Jose region are not receiving basic equal public education service. Based on amount of residents served, the public community college service within San Jose Evergreen Community College District (SJECCD) boundary is far less as compared to the neighboring western Santa Clara valley De-Anza Foothill Community College District².

Level of Public Education Service Comparison 2015²

School District	Number of residents	Number of Degree Programs	Number of Sports Teams	Swimming Pools	School Land
San Jose Evergreen (SJECCD)	920K (approx)	76	11	None	182 Acres
Foothill De-Anza (FHDA)	500K (approx)	136	32	2 (Olympic size)	237 Acres

Given the amount of residents living within the San Jose Evergreen Community College District boundary compared to the Foothill-De Anza Community College District, more facilities and programs are needed in San Jose region to attain public education equality.

The local education agency administering SJECCD appears not to be operating within State law. The key components to planning within the agency do not contain the goal of providing residents with basic equal public education comparable to being provided in other school districts³.



Proposed commercial development on EVC land

Until comparable public school facilities and programs are provided in SJECCD, long term leasing of the remaining SJECCD public school lands for private commercial development violates the fundamentals of State equal public education.

San Jose region residents traveling to other School Districts

Students living in the San Jose region (SJECCD) are now traveling to the Foothill-De Anza Community College District (FHDA) because of the lack comparative educational and extracurricular offerings. The inequity is of such magnitude that there are more students commuting from the San Jose region to Foothill and De Anza community colleges than the students who live within the Foothill or De Anza community college district. Traveling great distances daily is a barrier of equal public education.

Attendance to Foothill-De Anza Community College District 2015⁴:

Living in SJECCD	: 9081
Living in FHDA	: 8458

2. Violation of Agency purpose

The local education agency administering SJECCD is an agency of the State and responsible to provide public community college education service and facilities. The agency operating as a revenue agency or landlord of local commercial real estate violates the purpose for which the agency exists.

3. Violation of Public Intent

The land of Evergreen Valley College (EVC) was purchased using public education funds intended to provide equitable public community college service. Moreover, the land appears to have been purchased with voter approved State education bonds. Using public school funds and/or public school bonds for private commercial and housing development is a violation of public intent.

4. Misuse of public education funds

Evergreen Valley College is the public community college serving communities of the eastern Santa Clara valley. The responsible State agency has been engaging in practices that deprive the regional residents of basic equal public education programs and school facilities.

The agency has not been maintaining basic accounting records on bond assets to assure that the funds are being used as the voters approved. The records of the EVC land purchase funding and associated use conditions have been lost⁵. Voter approved bonds at the time of the land purchase specified that the funds were intended for education facilities. Commercial retail shopping centers and private housing are not public community college education facilities.

Using Federal, State or local public education funds for private commercial development on needed public school lands is a misuse of public funds.

Please join EvergreenFriends.org to add your voice to the opposition of private development on Evergreen Valley College land.

References

1.

"In sum, the California Constitution guarantees "basic" equality in public education, regardless of district residence. Because education is a fundamental interest in California, denials of basic educational equality on the basis of district residence are subject to strict scrutiny." [Butt v. State of California](#), 842 P. 2d 1240 - Cal: Supreme Court 1992.

"[M]anagement and control of the public schools [is] a matter of state[, not local,] care and supervision...." [Butt v. State of California](#), 842 P. 2d 1240 - Cal: Supreme Court 1992. (ref)

2.

San Jose Evergreen Community College District (SJECCD)

Residents served: **920K (approx)**

College lands : 53 (SJCC) + 129AC (Evergreen) = **182AC**

Evergreen Valley College (East San Jose)

29 Degree programs

2 sports programs

SJCC (San Jose)

47 Degree programs

9 sports program

Total Degree programs : **76**

Total Sports teams : **11**

Foothill De-Anza Community College District (FHDA)

Residents served: **500K (approx)**

College lands: 136AC (foothill) 101AC (De-Anza) = **237AC**

De-Anza College (West Santa Clara Valley)

54 Degree programs

19 sports programs

1 Olympic size pool

Foothill College (West Santa Clara Valley)

82 Degree programs

13 sports programs

1 Olympic size pool

Total Degree programs : **136**

Total Sports teams : **32**

Reference:

<http://www.evc.edu/AcademicAffairs/Documents/degrees-certificates.pdf>

<http://www.sjcc.edu/academics/degrees-certificates-and-employment/degrees-certificates>

<http://www.deanza.edu/counseling/pdf/degrees/degreechart.pdf>

<http://www.foothill.edu/programs/programs.php>

<http://www.evchawks.com/index.html>

<http://www.sjcc.edu/athletics>

<https://www.deanza.edu/athletics/>

<http://www.foothill.edu/ath/index.php>

<http://www.foothill.edu/facilityrentals/athletics-po.php>

<http://www.deanza.edu/athletics/waterpolow/facilities.html>

3. SJECCD Educational Master Plan for Evergreen Valley College

http://cboc.sjebond.com/wp-content/uploads/2013/02/EVC_Ed_MP.pdf

4. Students by District Residency attending Foothill-De Anza community colleges

http://evergreenfriends.org/info/FHDA_District_of_Residency_2014-2004.pdf

5. Contact Glen Wetzel at gxw1@austinrae.com for a copy of a Public Records Act response by SJECCD.