

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes
January 19, 2011

I. CALL TO ORDER/ROLL CALL

The meeting of the Governing Board of the Metropolitan Education District was called to order by President Biehl at 7:00 p.m., in the CCOC Auditorium, San Jose, California and he introduced the new board member for Milpitas Unified School District, Daniel Bobay. Board Member Bobay shared he was looking forward to working with everyone at MetroED.

All Members present, except when noted "absent":

Frank Biehl	East Side Union High School District
Jim Canova	Santa Clara Unified School District
Cynthia Chang	Los Gatos-Saratoga Union High School District
Richard Garcia	San Jose Unified School District
Diane Gordon	Campbell Union High School District
Daniel Bobay	Milpitas Unified School District

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Biehl.

III. ADOPT AGENDA

MOTION: It was moved to adopt the agenda. M/Garcia, S/Chang; Vote: Unanimous

President Biehl turned the gavel over to Superintendent Paul Hay to conduct the organizational portion of the meeting.

IV. ORGANIZATIONAL MEETING

1A. Election of Officers: President, Vice President, and Clerk

Superintendent Hay asked for nominations for the office of President.

MOTION: Member Biehl nominated Jim Canova for the office of President of the Governing Board and there were no other nominations. M/Biehl, S/Garcia, Vote: 6 Ayes

Superintendent Hay opened the nominations for the office of Vice President.

MOTION: President Canova nominated Cynthia Chang for Vice President and there were no other nominations. M/Canova, S/Biehl, Vote: 6 Ayes

Superintendent Hay opened the nominations for the office of Clerk of the Board.

MOTION: Member Biehl nominated Daniel Bobay and there were no other nominations. M/Biehl, S/Chang, Vote: 6 Ayes

1B. Choose a representative to the Santa Clara County School Boards Association.

Member Biehl shared he is the Past President of the Association and is already a member as well as Cynthia Chang. He asked if there was anyone who wished to serve in that capacity.

Member Bobay shared he had served in that capacity for Milpitas Unified; however, it conflicted with another meeting and was not able to attend.

Vice President Chang said each school district needed to have a representative and she nominated Member Biehl who said he would be willing to do that for MetroED.

MOTION: Vice President Chang nominated Member Biehl to be the representative for MetroED.
M/Chang, S/Garcia, Vote: 6 Ayes

1C. Appoint Superintendent as Secretary of the Board.

MOTION: Member Biehl moved to appoint the Superintendent as Secretary of the Board. M/Biehl, S/Garcia, Vote: 6 Ayes

1D. Approval of Calendar of Regular Board Meetings for February 2011 through January 2012.

MOTION: It was moved to approve the calendar of board meetings. M/Chang, S/Biehl, Vote: 6 Ayes

Superintendent Hay congratulated the members on their election to the respective offices and turned the gavel over to President Canova to conduct the remainder of the meeting.

Vice President Chang: She thanked Member Frank Biehl for his leadership as president and said she is looking forward to continuing to work with him this coming year.

Member Biehl: He said it had been his pleasure to serve as president and to work with the members of the board, superintendent, and staff for this organization.

President Canova: He also thanked Member Biehl for his leadership as president and his professionalism and precision in running the board meetings.

Member Garcia: He also thanked Member Biehl for his leadership and said there had been good discussions this past year under his guidance.

V. RECOGNITIONS

A. Acknowledgement of Visitors

Superintendent Hay acknowledged Cari Vaeth, East Side Union High School District.

B. Recognition of Individuals who have "Raised the Bar!"

Superintendent Hay recognized the Auto Body & Paint Repair Student Conference instructors, Nathan Chukes (Auto Body Painting) and Bob McTaggart (Auto Body Repair) for the excellent conference held for their students on December 8, 2010.

Superintendent Hay recognized CCOC Teachers-of-the-Month, Justin Locketz for December 2010, and Michelle Sugden for January 2011. Mr. Locketz was unable to attend the meeting; however, Ms. Sugden was recognized especially for her use of technology in the classroom.

VI. STUDENT REPORTS

- CCOC Student: Assistant Principal Sylvia Evans introduced Nathan Chukes, CCOC Student Council Advisor for 2010-2011. Mr. Chukes shared he took on the responsibility of advisor this year and he has the opportunity to work with students from all the programs. He introduced his two Event Coordinators, Molina Sagor and Sean Wright. Molina is home schooled and Sean attends Pioneer. Molina shared they had a successful car wash in September and raised \$800 and used some of the funds for a Halloween costume contest and a pumpkin carving contest in

October. Sean said they will be holding another car wash in the spring and they are planning to hold an ice cream social at the end of the year as well as a talent show. He said they are planning a field trip and planning events around Valentine's Day.

President Canova: He asked how many cars the students washed to raise the funds.

Nathan Chukes: He said it was a two-day event and there were a number of cars washed on campus including Superintendent Hay's car. He said it was an excellent event and the students worked very hard to accomplish the results.

Superintendent Hay: He introduced Sylvia Evans, Assistant Principal for the participating districts satellite programs at the high school campuses.

- MAEP Student: Jo Ann Van Ballegooijen, Assistant Principal for the San Jose Adult Education Center introduced Maria Ramirez who attends the Advanced ESL class at the San Jose Adult Education Center.

Maria Ramirez: She came to the United States eleven years ago and began ESL classes in 2009. She has two daughters in school and she wanted to help them with their homework and also needed to learn English to assist with her job as Assistant Manager at Burger King in Milpitas. She wants to get a college degree and become a nurse assistant. She said her daughter, Betsy, is in middle school and has a kidney problem and she needs to understand her doctors. She also mentioned that she recognized Member Bobay from Milpitas.

Kathy Jasper: She introduced Norma Gomez who attends her Adult Basic Education (ABE) class in the morning at the San Jose Adult Education Center. Norma has also attended ESL classes.

Norma Gomez: She came from Mexico 15 years ago and this is only the third year she has taken classes at MAEP. She said the ABE class has helped her with her grammar, reading, and English. She said she is attending classes to prepare for the future and provide her children with a better life. She said one of her goals is to get her high school diploma and become a Medical Assistant. She has two children and she wants to be able to help them with their homework. She said education is the key to success.

President Canova: He thanked the students for their inspiring stories and in this economy it is an advantage to be able to speak two languages.

VII. SPECIAL ORDER OF BUSINESS

None

VIII. PUBLIC COMMENTS

President Canova: He noted there were no requests to speak.

IX. APPROVAL OF MINUTES

2. Approval of Minutes of Regular Board Meeting on December 8, 2010.

MOTION: It was moved to approve the Minutes of Regular Board Meeting of December 8, 2010. M/Biehl, S/Garcia; Vote: Unanimous

XIII. CONSENT CALENDAR

MOTION: It was moved to approve Consent Items *3 through *12. M/Biehl, S/Chang; Vote: Unanimous

BUSINESS AND FINANCIAL FUNCTIONS

***3. Action Item: Approve Monthly Warrant Approval List**

The Governing Board approved the following warrant registers: #62008686-#62008699, dated December 1, 2010; #62008700, dated December 2, 2010; #62008701-#62008749, dated December 6, 2010; #62008750-#62008778, dated December 8, 2010; #62008779-#62008839, dated December 13, 2010; #62008840, dated December 14, 2010; #62008841-#62008845, dated December 15, 2010; #62008846-#62008856, dated December 16, 2010.

***4. Action Item: Accept Donations**

The Governing Board accepted the donation on behalf of the district.

***5. Action Item: Approve Contract for 2011 Legislative Advocacy (School Services of California; \$27,958 plus expenses)**

The Governing Board approved a contract for legislative advocacy with School Services of California from January 1, 2011 through December 31, 2011 for an annual fee for \$27,958, plus expenses.

***6. Action Item: Approve Contract Renewal for Mandated Cost Claims Processing (School Innovations & Advocacy; \$4,000 per year)**

The Governing Board approved the three year contract renewal.

***7. Action Item: MOU for Financial System & Network Support Services (Regional Technology Center, Santa Clara County Office of Education)**

The Governing Board approved the Memorandum of Understanding with the Santa Clara County Office of Education for annual services provided by the SCC Regional Technology Center.

PERSONNEL FUNCTIONS

***8. Action Item: Certificated Personnel**

The Governing Board approved the four CTA SB70 grant teacher stipends, the two Tech Prep grant teacher stipends and the four General Fund teacher stipends.

***9. Action Item: Classified Personnel**

The Governing Board approved one promotion.

INSTRUCTIONAL AND STUDENT FUNCTIONS

***10. Action Item: Williams Uniform Complaint Procedures Report**

The Governing Board approved the quarterly report on the Williams Uniform Complaint Procedures.

***11. Action Item: Community Classroom Agreements**

The Governing Board approved the agreement with Dr. Nayyara Dawood to provide on-the-job clinical training to CCOC medical students.

***12. Action Item: Medical Apprenticeship Agreement**

The Governing Board approved the agreement with UA Health Works Medical Group for on-the-job clinical training to MAEP medical students.

XIV. INFORMATION ITEMS

13. Information Item: Policy and Procedure Review: Travel & Conferences/Donations

Dan Gilbertson: He said at the last board meeting, it was requested to review Board Policies 3290, 3350, and the Travel and Conferences procedures and Donations procedures. He said the donation procedures and form are being reviewed and they will be going to Cabinet for approval on January 25. He said Sandy Smith in the superintendent's office serves as the coordinator for receiving donations. He said, for example, if it is a vehicle, it is checked out by facilities, and if it is a computer, it is checked out by the IT Department. He said donations are accepted by the Board and then appropriate notification is made to the donor.

He said one of the controls for the Travel and Conferences procedures is they are approved by him. He said the district has been very conscientious regarding requests for the previous few years due to the cuts to budgets. He said out-of-county requests are reviewed and approved by Cabinet and no out-of-state conferences have been approved in the past year except those related to students attending the Skills USA national competition with their instructors.

Vice President Chang: She said under the Travel and Conference Procedures in the second section, item # 3, it refers to approval by the Assistant Superintendent for Instruction and she did not believe there was that position in the district. She also asked if the procedures would be revised if this was the case.

Dan Gilbertson: He said this position was no longer in the district and the Program Directors review and approve instructional-related conferences and this will be updated in the procedures and reviewed by Cabinet.

14. Information Item: Proposition 1D Projects Update

Dan Gilbertson: He shared a summary of the Proposition 1D projects as outlined in the board packet. He said there will be several projects under way this year and summer and staff is working to ensure there is coordination with the architects. The financial summary for each of the projects was included in the packet as well.

15. Information Item: Update on Adult Education

Superintendent Hay: He shared there was not much additional information from the item in the packet; however, there was an editorial in the San Jose Mercury News on Monday (January 17) which was quite extensive and recommended the San Jose USD Board take the \$3.5 million from adult education. He said the final hearing will be held on Thursday evening (January 20) where San Jose USD will make a decision on whether to take (flex) the funds.

President Canova: He asked if there was any indication on what the decision would be at the San Jose USD meeting.

Superintendent Hay: He said after the editorial in the San Jose Mercury News, he felt the decision would be to take the funds. He said one of the issues is whether they need the money and this is dependent on what happens with the state budget and a special election in June. He said if the taxes are extended, it would generate about \$12 million for SJUSD due to mandated costs and class size reduction (CSR) flex for an additional two years. He said if that

occurs in the beginning of June, a question is whether SJUSD would consider returning funds to adult education if the decision is to flex \$3.5 million. He said if the decision is made to flex the funds, the Erikson and San Jose Adult Education Centers will be closed and there will be a tight timeline between the end of classes on May 24 and the end of June to close the sites and move the equipment and furniture. He said there are layoff notices that will need to be done in February and March.

Member Garcia: He said he has been discussing with Superintendent Hay to get some clarification from SJUSD administration if the Board approves the recommendation to flex the adult education funds. He said in talking with members of the SJUSD Board, it is not an issue that they do not value the work that the adult education program does for the community. He said if things do turnaround, he did not know if there would be consideration to restore some of the funds for adult education. He said he has not spoken to his fellow SJUSD board members on the issue; however, he has heard discussions of the importance of providing education to students the first time around to graduate and be successful.

Member Gordon: She said she didn't attend the board meetings at SJUSD; however, she did take the opportunity to listen to the links provided and she wanted to compliment the superintendent on the tone of the discussions. She said she thought it had been focused correctly by talking about our program and what it provides to students in the community. She said she thought that was what needed to be done. She said at the last board meeting there was an appeal for us to get involved; however, for someone who does not live in San Jose to get involved in a district that she does not know their culture and not well versed in their values, would be misplaced. She said she could not tell Member Garcia what to do because his home district is different than her home district. She said she thought we had positioned ourselves, if they do decide to flex the funds, to get the program back when the state ends flexibility of these funds. She said she felt what we needed to do was make our case, let people know what the program has brought to the community, and it has been done in a manner that we recognize they are our customer and also a partner in the other programs in this organization in going forward. She said she just wanted to let the superintendent and those who have been out making our case for adult education she heard that and recognized the restraint used. She said she spoke with Member Garcia after the last board meeting and told him she recognized the SJUSD Board had a difficult decision and we are in a tough spot with education in the state and she felt his board would make the best decision for their community and she would support him in going forward.

Member Garcia: He said he had really appreciated the respect the Board has shown him on this issue. He said he has served on the MetroED Board for sixteen years and he has been a strong proponent of adult education and this is very difficult for him. He said he agreed regarding the conversations he has heard on the radio and in the media. It has clearly gotten the message out about adult education and the value of the programs we have. He has heard from people that didn't know about the program and he said it is unfortunate there are people hearing about the program for the first time when we are making cuts. He said there has been a lot of positive discussion and it is recognized that it is a wonderful program. He said it is a shame that we have to be in this financial situation to make these kinds of decisions.

Vice President Chang: She said she has always been very impressed with the adult education program offered here at MetroED and we are one of the very few that have received WASC accreditation in the state. She asked how many others are accredited in the state.

Superintendent Hay: He said he didn't know the number of adult education programs accredited; however, there are many others as well.

Vice President Chang: She said the program here received high praises from the WASC visiting committee when the program received their accreditation renewal. She said in listening to the MAEP student speakers this evening, it was clear they want to be role models for their children and to be able to do homework with them and assist in their studies. She

said in reading the San Jose Mercury News Editorial, it is really a shame to pit educational programs and people against each other and still respect the decision of the SJUSD Board to do what they believe is best for their district. She said it is so easy to destroy a program; however, it is hard to rebuild it. She said she hopes the measures Governor Brown is proposing will be passed in June. She did thank the staff and students who have shown great support for adult education.

Member Biehl: He said he did want to show his respect to Member Garcia and his home board on the difficult decision they will have to make and recognized the comments made by Member Gordon. He said it was a tough decision and not one that could be made by the MetroED Board. He said he had questions about what would be left if the decision is made to flex the \$3.5 Million. He asked if the ESL program would continue and if services for new immigrants would be available.

Superintendent Hay: He said services would continue; however, there would be a reduction by 2/3rds for ESL and other core programs and some of the other classes would no longer be available (50+ and Community Interest Programs). He said the program would be consolidated on the Hillside campus. He said rent is paid to SJUSD for the other two main sites (Erikson and San Jose). He said classes would continue at outreach sites where there are no rent costs. He said staff is reviewing the older portable buildings here on Hillside and looking at replacing four of these classrooms and use approximately seven other classrooms with some renovation and upgrades.

Vice President Chang: She asked if the adult education program that may be left would still be under SJUSD. The superintendent said yes.

Member Biehl: He said he has a good idea of what would close; however, he doesn't have a good idea of what will remain and it will be a challenge on how that is all put back together to provide the services for the students. He said once the MetroED Board knows what the decision is by SJUSD there will need to be additional discussions as we move forward. He asked if San Jose, in their motion, would be able to indicate what may occur if the Governor's proposal passes. He said it has been clear in the discussions and information he has received, the SJUSD Superintendent has been clear on his recommendation and the direction he wants to go as they move forward. He said it would be important for this board and administration to have some idea on what SJUSD's long-term outlook and vision would be for adult education for different scenarios. He said the other districts could be faced with the same decisions in the future and he recognized the difficult decision Member Garcia and his board would be making.

Superintendent Hay: He said he appreciated the comments by all of the board members. He said San Jose has a big adult education program and it is a big district in the state. He said the proposal to take 2/3rds of the funds is being heard in Sacramento and it needs to be heard there by the policy makers. He said if they do not do something, this is what will happen throughout the state. He said if the voters do not approve the Governor's proposal, what will happen. He said CBO Gilbertson will be going into more detail on the next item; however, education would be looking at a \$4-8 Billion cut without the extension of the taxes. He said there was one request to speak under this item.

President Canova: He asked Peter Mac Donald to come to the podium and state his name for the record.

Peter Mac Donald: He said at the last meeting, he was not asking the Board to tell SJUSD what to do but to come and support your line staff. He thanked Member Biehl for attending the SJUSD Board Meeting as an individual and taking time from his busy schedule. He said it meant a lot to him and other staff members. He asked what will be Plan B and what is Plan B+? He said there are a number of employees asking what will happen next. He said he hoped there was going to be a timeline and some transition and information so the employees

are aware of what will happen. He said he was prepared to assist and he didn't know if there was a Plan B because it had not been shared with employees.

Superintendent Hay: He thanked Mr. Mac Donald for his comments and said that seven updates had been sent out to the adult education employees and partners. He said on Friday, there will be another advisory sent out on the decision of the SJUSD Board and the next steps.

Member Biehl: He said he did not attend the SJUSD Board meeting as an individual. He was there as the President of the MetroED Board to represent the Board and show support of our staff and students and not to directly testify at their meeting.

President Canova: He thanked the superintendent for the information on getting the information out to employees as complete as possible. He said all the board members are nervous about what may happen with action in the future here at MetroED and at their home districts.

Member Garcia: He said he wanted to remind the speaker he was at the meeting as well and he hoped staff heard that he is concerned and he has shared with the SJUSD Board the need to slow down and get as much information as possible as well as keep the dialogue open between administrations of the two districts.

16. Information Item: Governor Jerry Brown's State Budget for 2011-12

Dan Gilbertson: He summarized a PowerPoint presentation on Governor Brown's State Budget for 2011-12 presented at a workshop today at the Santa Clara County Office of Education. He shared the budget proposal will require two ballot measures which would include an extension of existing temporary taxes for five years and a measure that would authorize use of \$1 billion in Proposition 10 funds to fund Medi-Cal services for children through age five. The budget proposal impacts for MetroED will be that funding will continue at the base year of 2007-2008 less the 20% cuts already in place as well as a two-year extension of categorical flexibility funding for both adult education and career-technical education.

President Canova: He said it was reported this week that the Governor plans to eliminate Redevelopment Agencies (RDA) and he asked how this will impact education across the state.

Dan Gilbertson: He said he was not sure what those impacts would be for education or for cities and counties.

President Canova: He said he has heard one of the arguments for the elimination of RDAs is that it would pour additional money into schools. He said for his home district, Santa Clara Unified, this would be true.

Vice President Chang: She said in the packet of information, it indicated the measure would gain support from both sides and she asked if there was any information from the district's lobbyist at this time on the tone in Sacramento.

Superintendent Hay: He said the tone has not changed at this time in Sacramento. The republicans continue to state no taxes and there is a great deal of angst upon democrats to cut social services and that is where the \$12 billion in cuts proposed in the Governor's budget are targeted. The goal appears to have the issue of the ballot measures resolved by the first week of March. There is an analysis currently being done to see if there needs to be a two-thirds vote of the legislature to put the measures on a June election. The Governor has stated he wants a bi-partisan approach and the two-thirds vote.

Member Gordon: She said there were two issues regarding the redevelopment funds. The first places the property taxes go are to the RDAs, a portion to pay for the bonds and the balance to public education. She said she finds it difficult to understand how those who say they support public education are finding ways to spend the redevelopment funds as fast as they can right now. The second issue is the law that was just passed that prevents the state from taking local money and there will be major hurdles to overcome. However, she said there is a budget now that makes sense and she feels the Governor is off to a good start in leading the way and he is serious about making cuts. She said she was not surprised he went after cell phones for state workers. She said there has been talk about making deals to get two or three republicans to cross party lines to support his proposal and this is not a budget that either party likes; however, if something is not done the state will be in big trouble. It will mean fewer jobs; fewer income taxes collected, and increased unemployment. She said this is at least a starting point that makes sense.

Member Bieh: He said he feels better than he has in the last couple of years even though this is still a very difficult problem. He said he attended the briefing today with Superintendent Hay and there were two points he would like to make from what he heard. The first is that it will take two-thirds to put the measures on the ballot, there is a possibility to do it some other way; however, it only requires a majority vote of the people to pass it once it is on the ballot. He said he believed that was good news. The campaign will need to be framed on education because if there are other cuts to be made if the measures do not pass, education will be the area that stands to lose the most. He said of the 18 parcel tax elections that were conducted in school districts around the state; only two passed last year by two-thirds vote and 14 received a majority vote but did not pass. He said he believes there is a lot of support for K-12 education and if the election is framed properly, it has a good chance of passing. He said there are some major challenges including many of the cuts the Governor is requesting ironically are cuts the republicans have been requesting for years and he feels it will be difficult for democrats to vote for those cuts without the republicans being willing to give a little something on the revenue side. He said he likes the Governor's proposal and thinks it is reasonable. He said the decisions that will need to be made by the citizens and the legislature will be difficult; however, a decision needs to be made now. He also shared there has been a change in the political landscape with the decisions made by voters in the last election. He said reapportionment will be done this year by an independent commission which hopefully will make legislative districts that make more sense than they currently are drawn. He said in the primary elections, it will be the top two candidates that will be voted on in the general election and not just the top republican and the top democrat. He said the theory is for more people to move towards the middle in their political leaning to be able to get elected. He said it will reduce the power of taxpayer groups that had republicans sign the pledge that said if you violate the no tax pledge, they would go after them in the primary election. He said with this uncertainty, he hopes it will bring legislators more to the middle to solve the problems facing the state. He said it is difficult to say when we are facing these drastic cuts to adult education; however, there is optimism as President Canova has said at the board meetings.

President Canova: He said that he has the same hope things will get better and he noted during the campaign Governor Brown kept going back to local control. He said he appreciated Member Gordon's comments regarding the municipalities with RDAs. Municipalities are quickly trying to secure money before any changes take place. He said he really believes the change to RDA is a mechanism to get money back to the local communities and schools and not Sacramento. He said in his home district they have faced a tremendous hit on revenues ever since there has been an RDA. He said if the change doesn't occur, it will continue to have an impact until approximately 2026. He said the idea of an RDA was to take a blighted area and make improvements; however, the area that was included in the RDA in 1970 was a fruit orchard. He said he really believes Governor Brown believes in the notion of giving local control, money control, (autonomy) back to the local school districts which he has believed in ever since he became a school board member.

Member Gordon: She said bringing the monies back locally does have the counties petrified because what the Governor is basically saying is they are bringing a lot of the inmates back to the county which they came from and it doesn't necessarily mean the money will come with them. She said there is going to be some pain here and like it was said we will see how it sorts out.

Member Bobay: He said there is a \$25 billion elephant in the room which will determine how the state redistributes the money. He said local education in light of everything else that is going on may have to take some cuts as well. He said it would be difficult to do away with RDAs, he said there is a healthy one in Milpitas and unfortunately they could use it in his home school district. He said since joining the Milpitas USD Board, all they have done is make cuts to education, \$20 million plus, and it would be nice to get some of the programs back. He said he thought it would be a difficult decision for legislators to make to spread that money out over all the areas that are hurting. He said the issue is jobs and he doesn't see anything in anyone's plan to bring the jobs back which is an area of concern for him.

President Canova: He said prior to hearing the Governor's proposal, he was considering sending a letter to the Governor where people could trigger a sunset of an RDA.

17. Information Item: First Reading: Personnel Board Policies 4000's

Dan Gilbertson: He presented Board Policies 4000's and recommended that they go to the Board for a second reading and adoption if there were no questions at this time.

Member Garcia: He said he was reviewing the section under employee safety and security and after the tragedy that happened in Arizona, he said there has been discussion regarding the safety of our students and he said there were some strategies; however, he didn't remember the Board discussing the issue and talking about what could be done in this area. He asked if staff ever discussed issues concerning security and safety.

Dan Gilbertson: He said the district's Safety Committee meets each year and discusses the key issues regarding safety and they work with the police officers here on campus. He said there is a plan to increase the security cameras on campus. He said cameras have been shown to have an impact on deterring certain activities.

Member Garcia: He said one of the things he has heard frequently is why no one had identified the student being problematic and if as a district we are prepared to deal with issues of this nature.

Dan Gilbertson: He said staff is open to meeting with members of the Board to discuss guidelines that would be appropriate for issues of this nature if that is the direction of the Board.

Member Garcia: He said given there is a Law Enforcement class at CCOC, it might be an interesting dialogue for students on how to secure a campus, business, etc.

Superintendent Hay: He said while Board Members continue to review the policies, if they have any questions, thoughts, or ideas prior to the next meeting, to let staff know as we continue to go through the process of policy review.

XVI. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATIVE FUNCTIONS

18. Action Item: Superintendent's Employment Contract; One-Year Extension

Superintendent Hay: He said after an evaluation of the superintendent by the Board, if he receives a satisfactory or better evaluation, the contract may be extended for one year. He said he appreciated the Board's review and satisfactory evaluation of his services.

Member Gordon: She asked the record to reflect the last paragraph of the Addendum extends the Superintendent's contract for one additional year, through December 31, 2013, and all other provisions of the contract with the Superintendent remain the same.

MOTION: It was moved to approve the Addendum to the agreement between MetroED and Superintendent Paul Hay. M/Garcia, S/Biehl; Vote: Unanimous

Vice President Chang: She said during this time of challenges, the superintendent has shown leadership. She wanted to thank Superintendent Hay for his leadership during these difficult times and she is hoping there will be a brighter future for education.

19. Action Item: Request for Proposals for Audit Services

Keiko Mizuno: She said the last time MetroED went out for proposals for audit services was in 2005 and last year a member of the board shared per Education Code the audit firm or a partner in the firm should be changed every six years. The current audit firm's partner has been providing the audit services for the past four years; however, she said it was good practice to go out for proposals. She also requested direction if the current Audit Committee members could assist staff on the evaluation panel after the proposals were received.

Vice President Chang: She shared her home school district uses the same firm as MetroED and the firm is very reputable for the services provided. She said she understood it was good practice to go out for proposals; however, she believed the services would have to be comparable or better to what MetroED is currently receiving. She asked what other firms are available to provide audit services.

Keiko Mizuno: She said an auditing firm needs to be selected to notify the Santa Clara County Office of Education by April 15. She said the county has a list of firms that do K-14 educational audits.

Vice President Chang: She said she wanted to make sure going out for requests for proposals was not just for changing audit firms without getting comparable or better services.

Keiko Mizuno: She said the current audit firm, VTD, is very reputable and their market niche is K-14 education audits. She said it was a good practice to go out for an RFP and VTD could do a proposal as well.

Vice President Chang: She said VTD could do a proposal and be competitive as well with other proposals.

Keiko Mizuno: She said districts that did the same procedures last year received better offers from other firms and VTD became more competitive in tight budget years for districts.

Vice President Chang: She asked if MetroED would need to take the lowest bid.

Keiko Mizuno: She said auditing services were considered professional services and MetroED is not required to go out for a formal bid and the agency can make a decision based on their policies and procedures and is not required to take the lowest bid.

Member Gordon: She said it is considered the best practices by Masters in Governance through the California School Boards Association (CSBA) to periodically evaluate audit firms and she would agree with the recommendation to invite the existing auditor to put in a bid for a couple of reasons; their services have been excellent and she would be surprised if they were

not very competitive because they know the organization. She said when a new firm is brought in for auditing services they will need to spend more time and hours to learn the organization and a new firm probably would be higher.

Member Biehl: He said he would support the proposal and he said it was a good practice. He agreed and said the presenter at the Masters in Governance session he attended several years ago was familiar with the situation in Oakland where they used the same auditor for a long period of time and some of the procedures and errors that caused them problems would have been picked up by different auditors. He said the process should not preclude the current auditors to submit a proposal. He would like to vote on the motion and he would strongly encourage the two people on the current Audit Committee serve on the evaluation panel. He said they have been doing an excellent job, Vice President Chang and Member Gordon, and he hoped they would be willing to continue.

MOTION: It was moved to authorize staff to solicit proposals for independent audit services for the FY 2010-11, 2011-12, and 2012-13. M/Chang, S/Garcia; Vote: Unanimous

President Canova: He said he agreed with Member Biehl and asked Members Chang and Gordon if they were willing to continue to serve.

Vice President Chang: She asked what the timeline and commitment of time would be for the evaluation process and proposals.

Keiko Mizuno: She said the time commitment would be one day in late February for two to three hours to go through the interview process.

Superintendent Hay: He said it usually takes approximately a half a day to go through the proposals and the interview process. He said it is usually done on the same day.

Vice President Chang: She said she would need ample notification to ensure she would be able to schedule the date.

Member Gordon: She said with the constraints of time, she would agree to serve for one more year; however, she felt it would be appropriate to have new opinions on the audit committee just as the agency would be looking at audit firms.

MOTION: It was moved to appoint Vice President Chang and Member Gordon to serve on an auditor evaluation panel and the Audit Committee with Clerk Bobay as the alternate. M/Biehl, S/Bobay; Vote: Unanimous

BUSINESS AND FINANCIAL FUNCTIONS

20. Action Item: Monthly Budget Update

MOTION: It was moved to approve the budget changes included in the Monthly Budget Update for the period ended 12/31/10. M/Biehl, S/Garcia; Vote: Unanimous

21. Action Item: Affirmation of the Bid Award: Purchase Peterbilt PX-8 Truck

MOTION: It was moved to affirm the bid award to Coast Counties Truck & Equipment Company for \$82,750 for the procurement of one Peterbilt PX-8 Truck. M/Gordon, S/Garcia; Vote: Unanimous

22. Action Item: Affirmation of the Bid Award: Purchase of Automatic Transmission Dynamometer

MOTION: It was moved to affirm the bid award to Mustang Dynamometer for \$78,500 for the procurement of one 40-hp automatic transmission dynamometer. M/Garcia, S/Bobay; Vote: Unanimous

23. **Action Item: Call for Bids: CCOC Gas Line Replacement**

MOTION: It was moved to authorize the Superintendent to Call for Bids for the replacement of the gas supply lines to CCOC buildings 100, 200, 300, 500, 600, 700, 800, and administrative building 400, award the bid and enter into a construction contract with the lowest responsible bidder, subject to ratification by the Governing Board. M/Chang, S/Bieh; Vote: Unanimous

24. **Action Item: Call For Bids Refurbish or Replace Portables at MC Center**

Dan Gilbertson: He said the item was placed on the agenda due to timing issues dependent on the decision of the San Jose USD Board at their meeting on Thursday, January 20. He said this would allow for additional classroom space at the Hillsdale campus if it became necessary to consolidate the three adult education centers into one location.

Member Bieh: He said this item just means we are authorizing administration to go out for bids and we are not authorizing the acceptance of any bid or pre-authorizing anything and the Board will have the opportunity for discussion in February.

Superintendent Hay: He said the item does provide administration the ability to award the bid to the low bidder due to the timing involved. He said the intent if timing allows is to bring contract approval to the Board; however, if there is a timing issue, for affirmation of the bid and to allow staff to award the bid.

Member Bieh: He said he believed there needed to be a thorough discussion this evening if we are going to pre-authorize administration to award the bid. He said he understood so far it would be a consolidation and there would only be one site and there would not be satellite sites per se.

Superintendent Hay: He said there would not be any satellite centers. He said we do have programs in other facilities; however, we do not pay rent and they have asked us to provide the services in their locations.

Member Bieh: He said the administration would be consolidated at one site. The Superintendent said yes. He asked where the funds would come from in order to do this and asked if they were coming from operations.

Superintendent Hay: He said there are two sources of funds and the funds specifically for the replacement or refurbishing of the four portables was designated in the adult education fund balance and approved by the Board.

Member Bieh: He said the funds are coming from the adult education funds and not from any other funds. The Superintendent said yes. He said administration is not sure if they need to replace or just refurbish the portables until you go through the bid process.

Superintendent Hay: He said administration is in the process of getting quotes on both options.

Member Bieh: He said administration will bring the bid award back to the Board if possible; however, you may need to move forward depending on the decision at tomorrow evening's meeting at SJUSD. He said it becomes tricky if the San Jose Board gets money back from the state and then decides to reinstate the funding or if they need to take additional funds, it puts administration in a very difficult situation. He said his question, or there needed to be discussion, "What would you do with the portables if in fact you didn't need them later or if the

worst case came up and you lost adult education altogether?" He asked if there had been any strategic thinking about how these facilities would be utilized.

Superintendent Hay: He said administration has been looking at all options. He said with the modernization of the CCOC buildings, there is a need for swing space for classes. He said there has been a request for use of one of the portable classrooms for CCOC. He said there is a timing problem with the model courtroom in building 700 and when it will be available for use. He said we may need to find another spot for a class. He said currently, Capitol High School is displacing adult education facilities, not the adult education classes, because they were moved into the older facilities; however, Capitol High School was moved into the newer facility because they were DSA approved. He said high school students must be in DSA approved facilities. He said if we replace the four portables rather than renovate them, they will be DSA approved facilities and provide flexibility if San Jose USD does continue to fund adult education as in the past. It would allow us to shift those Capitol High School students into the new facilities and expand the program if needed.

Member Biehl: He said he was bringing up these questions to ensure administration was considering all those options and he was comfortable with the answers and he would be supporting the motion.

Member Gordon: She said in light of the environment that we need to make sure that we visibly as possible go through and show them that we did our due diligence as far as the best price on the portables. She said she understands that we are in the process of getting costs for repairs of the existing portables and compare the costs to purchasing used or new DSA approved portables. She said she wanted to make sure that we were very open to letting SJUSD know we are spending the money appropriately and cost effective as possible.

MOTION: It was moved to authorize the Superintendent to Call for Bids for the refurbishing or replacement of MC portable classrooms H, I, J, and K; award the bid and enter into a contract with the lowest responsible bidder, subject to ratification by the Governing Board. M/Biehl, S/Gordon; Vote: Unanimous

25. Action Item: Call For Bids: CCOC Building 700 Public Services Center

Superintendent Hay: He said this is an area where timing is an issue and administration needs to be in a position to bid and award the contract to ensure the moving of classrooms, etc. takes place as quickly and efficiently as possible. He said if timing allows, administration would bring it back to the Board for approval.

Member Gordon: She said that she recognizes that her position on spending general fund money for these purposes is in the minority and she recognizes the Board has already approved to move forward with the scope and as a board member she will support the motion; however, the issue she has a problem with has already been approved by this Board. She just wanted for the record to show that she still has grave concerns about the funds being used from the general fund.

MOTION: It was moved to authorize the Superintendent to Call for Bids for the CCOC building 700 reconfiguration and modernization project 9512, award the bid and enter into a construction contract with the lowest responsible bidder, subject to ratification by the Governing Board. M/Garcia, S/Chang; Vote: Unanimous

26. Action Item: Award Bid, Approve Construction Contract: CCOC Building 200

Superintendent Hay: He said there is an addendum to Item 26 at the dais for each board member. He said the Board authorized the Superintendent to award the bid; however, the timing worked to bring the item for approval this evening. He said the bids were opened on January 13 and he was bringing it to the Board for award of the bid and to bring back the

construction contract for affirmation at the next regularly scheduled Board meeting. He said the contractor would like to begin the project on January 24 and the project needs to be completed in sufficient time for moving classrooms back for the start of school in mid-August. He said 16 bids were received and S&H Construction was the low bid; however, they withdrew their bid because they left out a major section. The review committee opened the bids and reviewed the bids and checked off various areas and it was clear the bid was not complete. He said D&L Falk Construction's bid was incomplete as well. He said Eternal Construction was the next lowest bid and there was a protest from Trident Builders. Trident said they reviewed Eternal's bid and said the subcontractors did not provide correct contractor license numbers. He said Eternal did do that; however, there was some name changes and DBAs that were addressed. He said Cheri Love, an attorney specializing in construction law, reviewed the information and said there was no issue. He said the next step was to check the references and this was done. He said Eternal has done work for San Francisco Unified School District and San Francisco State University and we received excellent references from them. He said there are three parts to the project; the Veterinary Arts Application, the Health Careers Application, and the Extreme Hardship Deferred Maintenance (Sewers). He said there were two phases for the sewer line replacement. The first phase was for all external sewer line replacement and the project has been completed. He said the second part includes the lines that connect to the buildings and are contained within the buildings and it was decided to do those as the buildings were modernized. He said the project includes the two Prop 1D applications and the deferred maintenance for building 200 only at this time. He said the low bid was \$2,125,866 and did include two alternatives and we have accepted alternative one which is the replacement of all the door hardware.

MOTION: It was moved to authorize the Superintendent to award the bid to Eternal Construction as the lowest responsible bidder and to authorize the Superintendent to enter into a construction contract between MetroED and Eternal Construction in the amount of \$2,089,866 for the CCOC building 200 modernization projects and to authorize the Superintendent to take any necessary actions. M/Biehl, S/Garcia; Vote: Unanimous

27. **Action Item: Call For Bids: Building 800 Culinary Arts Center**

Superintendent Hay: He said this may be bid with building 700 or with building 600 which has not been brought to the Board. He said it was the intent to move forward with the projects to get it completed this summer.

MOTION: It was moved to authorize the Superintendent to Call for Bids for the Proposition 1D CCOC building 800 modernization and reconfiguration project, award the bid and enter into a construction contract with the lowest responsible bidder, subject to ratification by the Governing Board. M/Garcia, S/Gordon; Vote: Unanimous

XVI. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

CCOC Assistant Principal Sylvia Evans:

- Justin Locketz, Computer Technology Careers instructor, had five students pass their A+ Exam this past month.
- CCOC took fourth place in a mini-competition with nine other high schools at the CISCO academy.
- Computer Technology students were invited to job shadow at Google and IBM next month.
- Health Occupations will be hosting their first annual blood drive on Friday, February 11 with Blood Centers of the Pacific bloodmobile.
- We now have 13 signed articulations with West Valley College. Jeff Schmidt, Video Production instructor, has been working diligently on this project.

- Eight students who completed their classes last year are now enrolled at Mission College and taking advantage of the articulations in place. The college credits are provided to A and B students at no charge to the student.
- Oscar Tovar and Phil Gonzales, Fire Science/First Responder instructors, received approval to teach "Confined Space Rescue Awareness".
- Last week, the Construction Student Conference was held and the Manufacturing Student Conference will be held on January 26.
- As of December 31, 2010, CCOC no longer has any students attending contracted cosmetology schools therefore ending the obligation of allowing students to complete the program at no charge to them. CCOC plans to offer Cosmetology in the future in Building 100 and the class will not be contracted out.
- She welcomed the new board member from Milpitas and commented she was at a meeting yesterday in Milpitas for Santa Clara County school administrators and it was a fantastic program put on by Milpitas, Leticia Villa-Gascon Principal of Rancho Middle School and Assistant Principal Mr. Tony Frascone.

MAEP Director Sylvia Karp:

- She said she was teaching in New York City and moved to California in 1971 due to the student/teacher ratio and the educational opportunities here. She said in listening to Mr. Gilbertson's report earlier, it has come full circle and is unfortunate for education in California.
- She thanked the board members for their discussion this evening about adult education. She said it was unfortunate for adult education in the state and here at MAEP. She said the students, teachers, and staff are affected at MAEP. She said if there are any funds that can be used for adult education next year, they are planning to offer a reduced number of core program classes that can leverage grant funds so there are additional dollars to use for the core programs which include ESL, Adult Basic Skills, Adult High School Diploma, GED, and Career Technical Education programs. She said it will be a reduced program; however, MAEP hopes to serve about 2,000 students.
- She said there are students who are trying to finish up this year due to the uncertainty of next year. She said graduation will be held in June and hopefully there will be a larger number of graduates with those who are trying to complete this year.
- She said there are 80 students who have signed up to take the CAHSEE exams at the Erikson Adult Education Center on February 1 and 2. The volunteer tutors have been working very hard to get them ready to be successful in their exams, especially Math.
- She thanked the Board for the courtesy, respect, and consideration for the adult education program. She said she has had the opportunity to speak at every board meeting to share information on the students, staff, and activities in the program and many of you have your own adult education program in your home districts. MAEP is not your adult education program and in spite of that the students come up and tell their stories and she knows your interest in them is real and it is appreciated.
- She shared a former employee of MAEP, Carmen Yniguez, who recently lost her battle to cancer. She worked for MAEP for 40 years and she was very loyal to MetroED and retired in June of 2009. She began her time at MAEP as an Office Skills student and she did so well she was hired as an employee. She was the kind of employee who was willing to continue to increase her skills, to continue learning throughout those 40 years, never thought anything was outside her job description, and people felt very at home with Carmen. She trained new employees and we are going to miss her very much. She said 40 years in one job is amazing.

President Canova: He said 40 years, we are so fortunate in public education to have such dedicated people and when we think of public service and the role of public service, we see it here, we see it in our respective districts and in the adult education program. He said he didn't think anything came to his mind more readily than service for education and what he sees in education all the time, everyday. He said it is horrible to see a budget have such devastating

impact to such a wonderful program; however, he knows this group of incredibly talented and intelligent people will navigate their way through this.

Superintendent Hay:

- He said the JPA Executive Council which is made up of the six participating district superintendents has tentatively scheduled a meeting on January 31. The preliminary agenda includes a review of bond language as proposed by bond counsel, a methodology for distribution of \$887,604 of Excess Property Taxes (currently reserved in the General Fund balance, Satellite ROP Funding model for 2011-12, and Review of the Satellite ROP attendance & enrollment data automation program
- There's been some public discourse about East Side adopting the UC A-G curriculum as the default curriculum. A copy of their Board resolution is at the dais which is consistent with the requirements of the Ed Code: College and Career Readiness for All.
- Also, at the dais is the 2010 issue of "The State of Education" in Santa Clara County, published by the County Office of Education for 2010.
- He provided an updated Board By-Laws Handbook including the revised and/or new policies as they've been approved by the Board.
- He provided a copy of the 12/21/10 Letter from the Santa Clara County Office of Education stating that, in accordance with Ed Code requirements, they have reviewed the audit report for 2009-10 and found no areas that require correction or a plan for correction.
- He said commencing with the February board meeting, Governing Board meetings will be held in The HUB (cafeteria) as building 200 undergoes modernization.
- He said February is National CTE Month!

XVII. BOARD COMMENTS

Member Gordon

- She said she would hope going forward, regardless of what happens with the decision of the SJUSD Board, we continue to advocate for adult education in the state. She said they are not the first district to flex adult education funds and for those districts that still have adult education programs, we need to continue to advocate for adult education.
- She said the in her home district, they would be holding ribbon-cuttings on their five performing arts centers at five comprehensive high schools in February.

Member Biehl:

- He said he has enjoyed working in his capacity on the Board.

Vice President Chang:

- She said her home district is considering putting a mail-in voting ballot for a parcel tax for \$49 per year per parcel and the Board will decide by February 1st. It is anticipated it will raise approximately \$800,000 per year.
- She said she would not be able to attend the February MetroED Board Meeting due to a family commitment; however, Doug Ramezane, newly elected board member and former principal of Los Gatos High School will attend as her alternate. He did meet with Superintendent Hay today and he had the opportunity to tour the center again.

President Canova:

- He said Steve Stavis, their superintendent at Santa Clara USD, will be retiring in June so their big focus will be to find a replacement. He thanked Member Biehl for his service as Board President.

XVIII. OTHER MEETINGS

Regular Board Meeting, February 16, 2011 to be held in The Hub (cafeteria), CCOC Building 800, Room 812 at 7:00 PM, Closed Session at 6:00 PM in Room 810.

XIX. ADJOURNMENT

President Canova adjourned the meeting at 9:30 p.m.


Daniel Bobay, Clerk of the Board