

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes
June 9, 2010

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 6:00 p.m., in CCOC Room 810, San Jose, California.

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
Marsha Grilli	Milpitas Unified School District

II. DISCLOSURE OF CLOSED SESSION DISCUSSION ITEMS

All meetings of the Governing Board are open to the general public, with the exception of those items which are specifically exempt under the Ralph M. Brown Act.

- A. Conference with Legal Counsel – Potential Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 case)
- B. Conference with Labor Negotiator Pursuant to Government Code: 54957.6(f)
 - Layoffs/Leaves of Absence/Resignation
 - AFT

III. PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS

None

IV. ADJOURN TO CLOSED SESSION

President Biehl adjourned to closed session at 6:02 p.m.

V. CALL TO ORDER/ROLL CALL

The meeting of the Governing Board of the Metropolitan Education District was called to order by President Biehl at 7:02 p.m., in CCOC Auditorium, San Jose, California.

VI. REPORT OF CLOSED SESSION ACTIONS

President Biehl reported there was no action taken in closed session.

VII. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Biehl.

VIII. ADOPT AGENDA

MOTION: It was moved to adopt the agenda. M/Chang, S/Grill, Vote: 6 Ayes

IX. RECOGNITIONS

1. Acknowledgement of Visitors –Cari Vaeth, East Side UHSD Director Adult Education.
2. Acknowledgement of Honors and Awards
 - Superintendent Paul Hay requested CCOC Director John Fox to assist in the presentation. Terri Guida, CCOC Site Registrar, as the 2010 MetroED Classified Employee of the Year. She was presented with a gift as well as received a plaque from the Santa Clara County

Board of Education. Ms. Guida was nominated in the category of Office and Technical Support by the Santa County Office of Education to the California Department of Education for the 2010 Classified Employee of the Year Program.

X. STUDENT REPORTS

- CCOC Student: None
- MAEP Student: None

XI. SPECIAL ORDER OF BUSINESS

Superintendent Hay requested that Action Item # 19: Public Hearing: Disclosure of Financial Implications of Collective Bargaining Agreements with AFT employees be heard at this time. It was published for 7:00 PM and requested it be moved up.

President Biehl: He opened the public hearing and asked if there were any public comments on this item.

CBO Daniel Gilbertson: An agreement was reached with AFT and the financial impact is related to the accountability stipend paid to teachers for activities outside of their regular classroom assignments. The agreement reached included paying the teachers half of the stipend and the other half to be compensated through release time. The financial impact is approximately \$17,000.

President Biehl: He asked if there were any members of the public that wished to speak on this item.

MOTION: It was moved to close the public hearing. M/Garcia, S/Chang Vote: 6 Ayes

President Biehl: He closed the public hearing and asked the superintendent if Action Item # 20 should be approved at this time. The superintendent indicated it could be handled during the normal course of business. There was no objection from the Governing Board.

XII. PUBLIC COMMENTS

President Biehl: He asked the record reflect there was no one that wished to speak under the public comments section of the agenda.

XIII. APPROVAL OF MINUTES

1. **MOTION**: It was moved to approve the Minutes of Regular Board Meeting of May 12, 2010. M/Chang, S/Gordon, Vote: 6 Ayes

XIV. CONSENT CALENDAR

MOTION: It was moved to approve Consent Items *2 through *10 with removal of Item # 6 at the request of Board Member Garcia. M/Garcia, S/Gordon Vote: 6 Ayes

BUSINESS AND FINANCIAL FUNCTIONS

*2. **Consent Item: Approve Monthly Warrant Approval List**

The Governing Board approved the following warrant registers: : # 62006299-#62006330, dated May 4, 2010; 62006331-#62006337, dated May 5, 2010; #62006338-#62006391, dated May 7, 2010; #62006392-#62006418, dated May 11, 2010; #62006419-#62006459, dated May 13, 2010; #62006460-#62006618, dated May 14, 2010; #62006619-#62006650, dated May 17, 2010; #62006651-#62006670, dated May 18, 2010; #62006671-#62006703, dated May 19, 2010; #62006704-#62006715, dated May 20, 2010; #62006716-#62006742, dated May 24, 2010; #62006743-#62006806, dated May 26, 2010; #62006807-#62006812, dated May 28, 2010.

***3. Consent Item: Approve Agreement for Fiscal Budget Services (School Services of California; \$2,220)**

The Governing Board approved the agreement with School Services of California, Inc. in the amount of \$2,220 plus actual services.

PERSONNEL FUNCTIONS

***4. Consent Item: Classified Personnel**

The Governing Board approved the four maintenance interns and the two resignations.

INSTRUCTIONAL AND STUDENT FUNCTIONS

***5. Consent Item: ROCP Course Review and Recertification**

The Governing Board reviewed the information regarding the following ROCP courses: Basic Precision Machining and Introduction to CNC Machining, and approve the courses for ROCP recertification.

6. Community Classroom Agreements

Member Garcia: He said on the contracts provided in the packet that there were no effective dates of service or name of the responsible party for the contract or signature.

Superintendent Hay: He said the contracts were for this fiscal year and there are three contracts being presented. It is the same contract for three different providers and CCOC Director Fox is the signer for MetroED.

Member Garcia: He said that he was inquiring about the responsible party from the clinics. He said that a signature is usually provided prior to the Governing Board's approval.

Superintendent Hay: He said the signatures would be obtained upon approval by the board. This is a standard contract for community classroom contracts and all three vendors have agreed to provide on-the-job clinical training.

Member Garcia: He asked if the Governing Board was approving the contracts without effective dates and signatures from the clinics. He asked if this was the customary procedure.

President Biehl: He said the Governing Board wanted to know who they were approving the contracts with.

Member Garcia: He said the Governing Board needed to know who the responsible party from the clinic would be to sign the contract and what the effective date of the contract would be.

Superintendent Hay: He said the responsible party from the clinic would be the owner of the business.

Clerk Chang: She said the contract in the packet was for Genesis Clinica De La Mujer and there would be separate contracts for The Human Engine Clinic and Dr. Christopher Hien Vu.

Superintendent Hay: He said that was correct. There were three different clinics.

Clerk Chang: She asked that in the future the item would indicate that only one contract is included in the packet and it covers multiple contracts listed in the item.

President Biehl: He said the item was to approve all three contracts and the list of vendors was included in the packet and the period of time is for the next fiscal year.

Member Garcia: He asked if it was acceptable for the Governing Board to approve a contract with a clinic without knowing who the responsible signer from the clinic will be.

Superintendent Hay: He said that it would be acceptable for this type of contracts for clinical internships.

Member Garcia: He shared the students participating in the internships would be involved with areas that could involve liability issues and it was important to have the agreements in place and approved by a responsible party from the clinics.

President Biehl: He said the action by the Governing Board was to authorize administration to sign the contracts.

Superintendent Hay: He said CCOC Director Fox is authorized to sign these contracts per Governing Board action.

Clerk Chang: She suggested the superintendent send via e-mail to the Governing Board the authorized person from the three clinics that would be signing the contracts and their capacity within the clinics. She had a question regarding the term of the agreement on page 8 of the contract as being effective a certain date indefinitely.

Superintendent Hay: When new vendors or clinics are brought on for these contracts, it is an on-going relationship with the organizations.

Clerk Chang: She noted that there was a 30-day notice to terminate the contract.

Vice President Canova: He said the question regarding liability that was brought up earlier, clause 10 of the contract goes into great detail regarding insurance and prior to that item 9 has a strong hold harmless clause included.

President Biehl: He said the primary request from Member Garcia was to make sure the Governing Board knows the responsible party for each of the organizations and the information will be sent via e-mail to the Governing Board. The item is to approve administration to enter into the contracts and the Governing Board has already granted the signatures on contracts to various members of the administration in the past by board action.

MOTION: The Governing Board approved the contracts to provide on-the-job clinical training to CCOC medical students. M/Garcia, S/Chang Vote: 6 Ayes

***7. Consent Item: Application for Perkins 132 Grant for Fiscal Year 2010-11**

The Governing Board approved submission of an application for Perkins 132 disadvantaged adult funding and authorized the Superintendent to take any necessary actions.

***8. Consent Item: Approve Out of State Travel**

The Governing Board approved the out of state travel for two CCOC instructors and five Gold medal winners to SkillsUSA National competition in Kansas City.

***9. Consent Item: Approve MAEP Course Titles for 2010-2011**

The Governing Board approved the list of course titles for MAEP.

***10. Consent Item: Approve Agreement with County of Santa Clara CalWORKs/STEPS Contract**

The Governing Board approved the Agreement with the County of Santa Clara CalWORKs for the period of July 1, 2010 to June 30, 2011.

XV. INFORMATION ITEMS

11. Information Item: First Reading: Business Board Policies, 3000's

Superintendent Hay: The policies were included in the packet including a listing of major changes to the policies.

Clerk Chang: She referred the Governing Board to BB 3300(b) regarding credit cards and requested an understanding of the credit card procedures, who has credit cards and the limits on the credit cards for MetroED employees. She is aware districts have different policies.

President Biehl: He asked how many credit cards are issued to employees at MetroED. He said for East Side UHSD, there are only two credit cards issued.

Superintendent Hay: He said he did not have that information available at this time; however, he would provide the requested information to the Governing Board via e-mail. He shared the packet included both the board policy and administrative regulations.

President Biehl: He shared this was the first reading of the 3000 series of Board Policies and if any member of the board had additional questions or issues, to bring them up with administration or the superintendent before the next meeting. This will allow the administration time to make adjustments and bring the policies back for approval.

Clerk Chang: She said that included was an energy and water management section and asked if MetroED had every undertaken an energy audit.

Superintendent Hay: He shared an energy audit was conducted approximately four years ago by PG&E. He said it was helpful and many of their recommendations were implemented. A major part of the recommendations are being implemented as part of the Prop 1D renovations.

Clerk Chang: She said as a member of the Delegate Assembly, she had received from the President of CSBA a program they now have where they are working with a company they recommend and she would send the information to the superintendent via e-mail regarding energy audits and possible rebate programs.

President Biehl: The Governing Board reviewed Business Board Policies 3000's and recommend that they go to the Board for a second reading and adoption at the next meeting.

12. Information Item: Draft of Proposed 2010-2011 MetroED Budgets

CBO Daniel Gilbertson: He provided a brief overview of the state budget to date and the budget assumptions and major changes to the 2010-2011 programs and budgets for the coming fiscal year. It will come back to the Governing Board on June 30 for a public hearing and final adoption.

Clerk Chang: She thanked Mr. Gilbertson and staff for the comprehensive budget document. She said it was very informational and easy to understand. On slides 14 and 17 of the PowerPoint presentation, she said in reviewing the total reserves on these pages, one page did not include the contingency for state deficit in the total fund balance.

Superintendent Hay: He said the line Clerk Chang is referring to is the total reserves and there is a clerical error on the slide.

Member Garcia: He said it is stated there is a \$2.5 million loss to the adult education budget due to the transition of one-third of the program back to Campbell UHSD; however, the transition process continues. He asked what the expectation was for this to be resolved by the end of June and if there will be any significant changes other than the \$2.5 million indicated.

CBO Gilbertson: He said the \$2.5 million would not change; however, the other funding indicated that was put aside for the Campbell Adult Education Program transition and fund balances that continue to be up for discussion. The next discussion is tentatively scheduled for Thursday and it is administration's hope it will be resolved soon.

President Bieh: He shared that Item # 14 includes an update on the Campbell Adult Education Program transition for a more detailed report. He thanked Mr. Gilbertson for the report and the budget will come back for final adoption on June 30.

13. Information Item: Metropolitan Adult Education Program Reorganization

Superintendent Hay: He said the final reorganization for the entire agency would be brought back to the Governing Board at their June 30 meeting. It was at the request of members of the Governing Board to receive a more detailed plan for the adult education program at the last meeting.

Director Karp: She explained at the last meeting there was discussion on the impacts on the adult education program with the return of the administration of the Campbell Adult Education Program back to CUHSD. Even though this transition is occurring, the same services and programs will continue to be provided for the San Jose USD. The San Jose Adult Education Program is approximately two-thirds of the current adult education program at MetroED and serves 9,000 students. The reorganization reassigns the administrative positions and balances the program areas and site administration at a budget savings of approximately \$132,000. The restructuring will provide stronger administrative oversight at the three main centers that run from 7:30 AM to 10:00 PM. Due to the budget issues at some of the outreach sites requiring rent charges through the City of San Jose Parks and Recreation Department, the majority of classes will be moved to the three administrative centers. It will provide maximum use of facilities throughout the day. There are over \$2 million in grants that require accountability requirements and with the loss of the accountability coordinator in the district the oversight of the grants will be absorbed with the new reorganization. MAEP has decreased some of the classes in the 50+ Program and as well as Distance Learning to increase instructional hours in other program areas. One area is to provide credit recovery classes this summer for approximately 530 San Jose USD students. She said the reorganization will maximize the efficiency and effectiveness of the adult education program for the students served.

AFT President Kathy Jasper: She said on behalf of the bargaining unit as she has expressed previously, the concern remains the laying off of teachers while the top four administrators for MAEP remain the same. She did suggest looking at other districts to do a comparison with similar districts on administrators to students prior to the item returning for approval on June 30. She shared that CBO Gilbertson went out to the Campbell sites to provide interview and resume in-services for teachers being laid off and then held a workshop at the district office that she was unable to attend. However, he did offer booklets with sample resumes, interview questions, etc. She said that she was a temporary teacher being laid off and didn't know if she would be returning. She thanked the Governing Board for their dedication and hard work on behalf of the students and staff. She said the board did a wonderful job in the community for MetroED and how much she personally appreciated the dedicated service.

Member Grilli: She asked if the savings to the budget included two positions; the one FTE program coordinator. She asked if these were positions that were not being filled.

Superintendent Hay: He said there was a total of 3.3 FTE administrator positions that are not being filled or laid off.

Member Garcia: He asked about the administration of the three sites and it was suggested the Governing Board look at the number of administrators to staff. He said that he understood it was not as much about numbers as it was a need for these administrators on these three sites and he asked if administration could elaborate on this.

Superintendent Hay: He said a number of the outreach sites where we had classes are being closed due to the rent charges and those classes are being brought back onto the campuses and they are growing. There has been a need for an administrator at both the Erikson and MC sites and it has been clear that has been a weakness in the organization in terms of providing administration. Assistant Principal Suzi Glass has had supervision of both centers as well as outreach sites; however, with more responsibility coming back into the centers and the responsibilities of the 3.3 FTEs being absorbed by the assistant principals, it strengthens the administration of the sites and will allow for a better program overall.

President Biehl: He said how he would judge the reorganization would be how effective will it be in administering the program. In looking at it from a marketing perspective, he wants to make sure San Jose USD is satisfied with the program being offered and whatever organization is being utilized is to augment and grow the program wherever possible within the limitations of the revenue. The counter argument would be that the program ran for a long time one-third as many students without the position being filled, why is it being asked for now. A counter argument would be that administration believes they will be able to do it better now and be able to grow the program.

Superintendent Hay: He concurred with President Biehl's comments and said one of the positions not being filled is that of a site supervisor position which was not an assistant principal level position. The site supervision position will also be absorbed by the assistant principal.

President Biehl: He asked how the administration ratio to staff with the reorganization compared to what MAEP had with Campbell as part of the program. There are some positions that have been lost.

Superintendent Hay: He said he couldn't answer that without knowing if it was a ratio of administration to FTE's or just to the assistant principal positions. He said there was mention of comparing to other districts earlier, and he pointed out that two years ago when School Services did an administration evaluation, they recommended the position be filled for MAEP.

President Biehl: He said the administrative reorganization would be presented in context with the adoption of the budget for 2010-11 at the June 30 meeting. He said as a board member, he did not want to micro-manage how administration puts forward a program; however, he did want to review the parameters and the general amount of expenditures. He said he wanted to make sure the program stays and if it is no longer a part of MetroED, there is administrative overhead of approximately 25% against this program. If this program leaves, the administrative overhead will be accounted for against all the other programs at MetroED. He said that is the trade off that whatever reorganization is adopted makes the program work and makes for a healthy program that continues and the Governing Board is not faced with a similar situation next year. He said it was not that the Campbell UHSD decision came from dissatisfaction with the level of service but for other reasons which was their prerogative.

Clerk Chang: She said there was significant benefit to the community for a great adult education program and it takes a long time to rebuild the great program we have here.

14. **Information Item: Update on Adult Education Program Transfer to CUHSD**

Superintendent Hay: He updated the Governing Board on the meetings and exchange of letters between the attorney representing MetroED and the attorney representing CUHSD regarding the transition and a draft MOU. Our attorney provided CUHSD an amended draft MOU a few days ago incorporating additional requests from both parties. He did share without cost, Martha Larson and Althea Polanski agreed to assist in setting up their master schedule in Schoolhouse through the attorney but have not received a response to that offer to date. Also, there is space available in the class schedule and Althea Polanski has offered to CUHSD to provide a page in the schedule but have not received a response to that offer to date as well.

President Biehl: He said it was his sense the attorneys are working diligently together to work out the issues and he wanted to convey as President of the Board that he wanted the process to go as smoothly as possible. He said that he did not believe there was any intent on either side to make the process difficult and both sides were working very hard to work out the details and a final agreement will be done by June 30.

Clerk Chang: She said she was glad to hear that MetroED was making an effort to accommodate whatever is possible to ensure the transition with extra staff assistance and possible space in the class schedule. The JPA is an extended family and we are all here to provide the best education to high school students and adults in the area.

President Biehl: He said the draft MOU provided in the packet was not done unilaterally. It was done in conversation with CUHSD's attorney and put together to facilitate the conversation on the transition. He said he believed progress was being made.

XVI. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATIVE FUNCTIONS

15. **Action Item: Approve MetroED Vision Statements, Long Term Goals and Objectives for 2010-11**

MOTION: It was moved the Governing Board approve the MetroED Vision Statements, Long Term Goals and Objectives for 2010-11. M/Garcia, S/Gordon Vote: 6 Ayes

BUSINESS AND FINANCIAL FUNCTIONS

16. **Action Item: Affirmation of the Bid Award for Printing Services: 2010-2011 Schedule of Classes**

MOTION: It was moved the Governing Board affirm award of the bid to Fricke-Parks Press Inc. for \$68,429 for the printing services of the 2010-2011 class schedules with the escalation clause of 0% for 2011-2012 and 2% for 2012-2013. M/Gordon, S/Garcia Vote: 6 Ayes

Clerk Chang: She asked if it was possible to include a page for people to opt out of receiving the schedules via mail. She receives the schedule and would go on-line to receive the schedule.

Althea Polanski: She said the class schedule is sent out bulk mail and goes to residence. There is no way to opt in or out when mailing through the post office. There are people who will call to be put on the mailing list; however, this is not something that can be done and staff refers them to the web site to view the schedule.

President Biehl: He shared that he has done direct mail in the past and it is very time consuming for staff to maintain a mailing list and it becomes more expensive than mailing a few extra copies.

17. **Action Item: Adopt Resolution #15-06-09-10 Authorizing (1) Budget Transfers and (2) Use of Unbudgeted Income for Fiscal Year 2010-11**

MOTION: It was moved the Governing Board adopt resolution #15-06-09-10 authorizing budget transfers and use of unbudgeted income for fiscal year 2010-11. M/Garcia, S/Gordon Roll Call Vote: 6 Ayes

18. **Action Item: Approve Group Agreement with Kaiser Foundation Health Plan, Inc., July 1, 2010 through June 30, 2011**

CBO Gilbertson: He shared MetroED had been under the umbrella of San Jose USD for Kaiser Insurance; however, MetroED was notified they were considered a separate group and it required a separate agreement with Kaiser. MetroED will continue with San Jose USD under the Foundation insurance plan.

President Biehl: He said based on MetroED having a separate tax identification number, MetroED has no choice other than to have a separate group agreement with Kaiser.

MOTION: It was moved the Governing Board approve the Group Agreement with the Kaiser Foundation Health Plan, Inc for the 2010-2011 fiscal year and authorized the Superintendent to implement the program. M/Garcia, S/Gordon Vote: 6 Ayes

19. **Action Item: Public Hearing: Disclosure of Financial Implications of Collective Bargaining Agreements with CTA Employees (Continued from April 21, 2010 meeting)**

President Biehl: He stated this item was heard under Special Order of Business.

20. **Action Item: Ratification of the AFT Agreement for 2009-10**

CBO Gilbertson: He shared an agreement was reached with AFT for 2009-10 and the agreement has been ratified by the bargaining unit.

MOTION: It was moved to approve the AFT Agreement for 2009-10. M/Garcia, S/Gordon Vote: 6 Ayes

XII. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

CCOC Director John Fox:

- None

MAEP Director Sylvia Karp

- She invited everyone to graduation. There will be approximately 85 students receiving their high school diploma. The achievement ceremony will be held the same day at 12:30 PM for GED completers as well as students from the Medical Assisting and Office Skills classes. Graduation is on June 16.
- She shared the Campbell USD students have earned 1,145 credits and San Jose USD students have earned 2,400 credits and the students in Capitol High have earned 1,800 credits and 25 of these students will be graduating with their classes at the participating district high schools. There were 76 students who passed the GED tests.

XIII. BOARD COMMENTS

Member Gordon: She asked for future planning to have discussion on the agenda on SB 1298. She said it was her understanding if not all, a majority of the CBOs and superintendents of the participating districts have issues with SB 1298 and two of the districts have passed resolutions opposing SB 1298 and she would like a discussion as MetroED is listed as being neutral on the bill. The second item she would like to request be placed on the agenda is CUHSD Resolution that was previously forwarded to Superintendent Hay. She said it has some issues that are related to SB 1298 and other concerns of the Board of CUHSD.

President Biehl: He asked if Member Gordon would like these items on the June 30 agenda and she replied that would be fine and she would provide a copy of the resolution to the superintendent at the conclusion of the meeting.

Clerk Chang:

- She said she attended, along with President Biehl, attended the CSBA Delegate Assembly on May 22 and 23 in Sacramento. She stayed to attend the legislative action day on Monday. She met with legislators and she heard a presentation from the Chief Legislative Analyst for the state and he said the budget will look worse than anticipated. She said MetroED has been proactive and we need to continue to proceed with caution.
- She thanked Superintendent Hay and Mark Bartos for the tour of building 300 prior to the meeting this evening. It clearly shows the competence of the staff, architect, and contractors delivering a project that will be ready in time for the new school year.
- She asked if the presentation on the budget could be forwarded to all the board members with the correction pointed out earlier. She said this is very clear and understandable for everyone.

Vice President Canova:

- He said with all the money spent in the June election, there appears to be a lot of money in the state and the economy appears to be improving. He said the Santa Clara USD Board had their initial discussions today regarding solar power and he wanted to recognize President Biehl for the strides his home district has done in this area. They met with Chevron and they kept showcasing everything that had gone on in the East Side Union HSD. The savings for the first year is \$1.7 million.

President Biehl:

- He extended his thanks to San Jose USD and Milpitas USD because he learned about going to solar energy through the work that they had done. He said it is good that each member of the board can learn from the others and grow from that. He said he had made one mistake on the agenda when reviewing with Superintendent Hay to receive a recommendation on how to handle the board retreat scheduled for July 6. He asked that it be put on the agenda for June 30 with a more specific agenda.

XIV. OTHER MEETINGS

Regular Meeting, June 30, 2010, Closed Session: 6:00 pm, Open Session: 7:00 pm

XV. ADJOURNMENT

MOTION: It was moved to adjourn the meeting. M/Garcia, S/Chang, Vote: 6 Ayes President Biehl adjourned the meeting at 8:35 p.m.

Cynthia Chang, Clerk of the Board