

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes
June 30, 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 Labor Negotiator Pursuant to Government Code: 54957.6(f)
- Layoffs/Leaves of Absence/Resignation
 - CSEA

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 7:00 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/Garcia, S/Grilli, Vote: 6 Ayes

IX. RECOGNITIONS

1. Acknowledgement of Visitors –Cari Vaeth, East Side UHSD Director Adult Education. CUHSD Board Members Pam Parker, Royce Peterson, and Matthew Dean, CUHSD Superintendent Rhonda Farber, CUHSD Deputy Superintendent Pat Gaffney, and CUHSD Director of Adult Education Bob Harper
2. Acknowledgement of Honors and Awards.
None

X. STUDENT REPORTS

- CCOC Student: None
- MAEP Student: None

XI. SPECIAL ORDER OF BUSINESS

None

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 June 9, 2010. M/Garcia, S/Grilli, Vote: 6 Ayes

XIV. CONSENT CALENDAR

MOTION: It was moved to approve Consent Items *2 through *9 with removal of Item # 6 at the request of Board Member Chang. M/Chang, S/Garcia Vote: 6 Ayes

BUSINESS AND FINANCIAL FUNCTIONS

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

The Governing Board approved the following warrant registers: #62006813-#62006814, dated June 1, 2010; #62006815-#62006906, dated June 2, 2010; #62006907-#62006999, dated June 4, 2010; #62007000-#62007016, dated June 7, 2010; #62007017, dated June 9, 2010; #62007018-#62007072, dated June 10, 2010; #6200707-#62007142, dated June 15, 2010; #62007143-#62007243, dated June 17, 2010; #62007244-#62007263, dated June 22, 2010.

***3. Consent Item: Approve Contract for Installation of Acoustic Panels in CCOC Building 300 (Barradan Interiors, \$18,800)**

The Governing Board approved the contract for installation of acoustic panels in CCOC Building 300 between MetroED and Barradan Interiors in the amount of \$18,800.

PERSONNEL FUNCTIONS

***4. Consent Item: Certificated Personnel**

The Governing Board approved hiring two new High School Subjects Credit Recovery teachers for the 2010-2011 summer session, and the return of 37 CTA teachers for the 2010-11 school year.

***5. Consent Item: Classified Personnel**

The Governing Board approved the two maintenance intern replacements, one termination, one classified appointment, and one resignation.

6. Approve Amendment to Metropolitan Education District Section 125 Flexible Benefit Plan

CBO Gilbertson: Contracted employee contracts contain a clause that allow these categories of employees to convert the district's health and welfare contributions to salary, and to then

purchase the benefits through the District's Section 125 Flexible Benefit Plan. The employee would then be responsible for the full cost of health & welfare benefits. In order for contracted employees to implement this option in their contracts, the District's Section 125 Plan must be amended. The administration has worked with American Fidelity to draft the amendment, which is being presented tonight.

Clerk Chang: AT this time there are only employee contracts with the superintendent and Chief Business Officer. There are only two employees covered and the other employees of MetroED are under different bargaining agreements. For this item, she asked if an example of total compensation could be given with calculations.

CBO Gilbertson: For example, if the benefits are worth \$10,000 and the employee's salary was \$90,000; it would be the equivalent of receiving \$100,000 in salary. The District would no longer be responsible for paying for the benefits for this employee, but the employee could purchase benefits from the District through the Section 1125 plan.

President Biehl: He asked if the plan permits these two management employees to buy their benefits through the 125 plan. Gilbertson said this was correct once the amendment is passed by the Board. President Biehl continued the employees would not be receiving benefits through MetroED but the cash equivalent to the value of their benefits. They will now be able to buy benefits through the plan as individuals.

CBO Gilbertson: He said there are some districts that have done this for all administrators

Clerk Chang: She said the advantage of doing this would be for the base salary to be increased for the employees in terms of future retirement. She asked about the cost of higher taxes (Social Security, etc.) for both the employee and employer.

CBO Gilbertson: He said there were advantages and disadvantages to the program.

Superintendent Hay: He said there would be some impact to the employee's state and federal tax withholdings.

President Biehl: He said the question asked by Clerk Chang regarding District costs was a good one.

Member Gordon: She said in understanding the situation, there is a contract with two employees and as part of the contract the board has committed to providing this option through the 125 plan. She said it was important to know what the extra costs would be; however, that information has no bearing on the decision to amend the Section 125 Plan. The District has obligations under the employee contracts that have already been approved.

President Biehl: He asked the administration to provide answers to the questions that were raised this evening as there are different opinions as to the costs to the district.

Clerk Chang: She asked that when administration provided the information electronically, it includes the real numbers and she understands the point raised by Member Gordon; however, she wanted to know if there were any additional costs to the district.

Superintendent Hay: He said that he would provide the board with the information via email.

MOTION: It was moved to approve the amendment to the MetroED Section 125 Flexible Benefit Plan effective July 1, 2010. M/Chang, S/Gordon; Vote: 6 Ayes

INSTRUCTIONAL AND STUDENT FUNCTIONS

***7. Consent Item: Agreement with San Jose Job Corps**

The Governing Board approved the agreement between San Jose Job Corps and MetroED for the 2010-11 school year.

***8. Consent Item: CCOC/P Cosmetology Agreements for 2010-11**

The Governing Board approved the cosmetology agreements with the three named Cosmetology Schools for the 2010-11 school year for high school students to complete the program.

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

The Governing Board reviewed the information regarding the following ROCP courses: Animation, ROP; Computer Applications, ROP; Graphic Design, ROP; and Retail Sales & Merchandising (Co-op) ROP; and approve the courses for ROP recertification.

XV. INFORMATION ITEMS

10. Information Item: Senate Bill 1298

Superintendent Hay: This item was placed on the agenda at the request of Board Member Gordon at the last meeting. He provided a summary of the bill that had been included in a previous Friday Update Letter as well as current considerations and the resolution adopted by the Campbell Union High School District (CUHSD).

CUHSD Superintendent Farber: In April the six participating district superintendents had met with Superintendent Hay and they each said they were opposed to SB 1298. CUHSD and Los Gatos-Saratoga JUHSD both took resolutions to their boards opposing the senate bill.

President Bieh!: East Side UHSD has not discussed the bill at any of their board meetings. He said it would need to go before the ESUHSD board with a resolution prior to any action.

Clerk Chang: All six participating district superintendents wanted to have the flexibility to make local decisions so they were not in support of this particular bill. She said she recalled the MetroED Board had discussions previously regarding the position of MetroED Board and it was a neutral position.

President Bieh!: He said there were two questions, did the MetroED Board take a position or did we just have a position from the superintendent.

Superintendent Hay: He said the District's position was neutral from his as the superintendent because all six of the participating district superintendents did indicate they were opposed to a reduction in flexibility. Whenever there is a bill of this nature it is trying to accomplish something; however, there are numerous ways to try to do that. He did meet with the author of the bill and shared that all six district superintendents in the JPA were opposed to the bill and the reason why. Hay noted that he suggested some alternative language about CTE assessment that could be used if the bill got into trouble. He said assessment of CTE courses in the long-term would be a more effective way of measuring the programs and including the results in the API, etc. He has received positive feedback to the recommendation from various legislators, CDE and the Legislative Analyst's Office. There are additional considerations, such as how the bill fits with the new Multiple Pathways report which came out

in May. Hay noted that in the bill analysis from both the senate and the assembly education committees, there is no opposition registered from any of the MetroED JPA participating districts. Moreover, the resolution passed by CUHSD (as provided by Board Member Gordon at the last meeting), did not state opposition to the bill, but rather to attempted to amend the bill. The Campbell-proposed amendment was that the bill's provisions did not apply to school districts that can prove that a funding inequity exists within the JPA that negatively impacts their district.

Member Gordon: She said there were a number of things that concern CUHSD regarding SB 1298. She said this may need to be put on an agenda for discussion the issue of taking positions on legislation whether it is neutral, opposed, or for, that it should come before the board for discussion and a vote. One of the concerns for CUHSD is the unequal funding model and if one district is paying more of the bills and a district is not allowed to leave a JPA, it is obvious why a district would not be allowed to leave. She said CUHSD has no intention of going anywhere and she wanted to make that very clear. She said when you are being asked to pay more than your fair share and then have someone come in and tell your local community that you cannot leave; what happens when there is a district that cannot afford to continue? In effect, you are wiping out an entire district and affecting every student within that district by forcing them to stay in a JPA to supplement other districts. This is a big concern for basic aid districts and it should be a big concern for any district that has a parcel tax. She said this is a way for state legislators to find a way to pay your local money to support students in other districts. If you can provide the services less expensively, you are told that you have to stay and backfill with your parcel tax money. She said the other issue is that she felt it was very short-term thinking if the purpose was to encourage districts to join JPAs and get more students involved in JPAs. By passing of this legislation you tell districts if things don't go well, you can't get out. She said she felt someone had a problem and they came up with a short-term solution. She asked this item be put on the agenda of the next meeting for a vote on SB 1298.

Clerk Chang: She said in reviewing the information provided, it stated that SB 1298 was scheduled to be heard by the Assembly Education Committee today.

President Biehl: He asked the superintendent if he had a report on what happened today.

Superintendent Hay: He said the bill passed out of the Assembly Education committee. The author took an amendment recommended by committee staff that it be the local County Board of Education that approves withdrawal from a JPA, rather than the State Board of Education. He said the arguments just expressed by Member Gordon were fully articulated by the opposition at the hearing today. It now moves on to the Assembly Appropriations committee.

Member Gordon: She said that she recognized the board would not be able to get anything done in time to stop the legislation; however, the governor vetoed a similar bill last year and she would like to be on the record if it gets to the governor. CUHSD will be on the record in opposition.

President Biehl: He said he would like to see the bill amended that ROP ADA was distributed fairly to districts based on the enrollment of participating districts within their high school districts. He said there is a problem when things are grandfathered in for a variety of reasons which has been unfair as it has been among the districts of this JPA. He has a problem when referring to an unfairness of funds distribution which is based on historical decisions made over the years and disenfranchises a number of students throughout the current JPA. There is an attempt to maintain that level of inequity and then somehow label it as one district subsidizing another. He said he felt it was a product of a very convoluted way of funding a JPA. He said he was all for local control and believed changing this bill with any type of amendment that would change it from the state level to the county level is an improvement. He said he also believed that this board should make decisions on positions on legislation. He said he did not have a problem placing the item back on the agenda for further discussion. He

said this is the crux of the issue the board has been dealing with for the past five years or as long as he has been on the MetroED Board, the issue of inequity. He said this is an issue the board needs to resolve and is aware there are a variety of perspectives on the issue.

Vice President Canova: He said based on what he was hearing this evening, the governor would likely veto the bill.

Superintendent Hay: He said it was not known. He didn't think it would get out of the senate or the Assembly policy committee that met today. He has serious doubts the governor would approve the bill. He was told by Rick Simpson who works for the speaker of the assembly that the bill was probably 'dead' in the assembly. He said that one of the reasons for his "assessment amendment" proposal to the bill's author is the uncertainty of passage, and the same thing could be accomplished through assessment and building accountability into CTE programs

Vice President Canova: He asked the superintendent what direction he envisioned would be the format in going forward with his suggestions.

Superintendent Hay: He said it would be with his recommended amendment to the author as outlined by Dr. David Matuszak (Director, South County ROP) in a document that was distributed regarding model curriculum standards for CTE/ROP courses

Clerk Chang: She said the assessment is only a part of the bill; however, the original bill is to limit the flexibility of JPAs. She did say that she agreed with Member Gordon when a bill with these impacts, it would be better to have the bill included on the board agenda early in the process for the board to discuss the implications before the district moves forward.

Superintendent Hay: He said MetroED works with the District's lobbyist in Sacramento based on the legislative program adopted by the board at the beginning of the calendar year.

President Biehl: He asked if this was within the framework of the legislative program adopted by the board and the superintendent replied affirmatively.

Member Gordon: She said that she found the legislative framework general in nature and to assume something fits into that framework she felt was presumptive. She stated again that legislation that the board takes any position on whether it is neutral, opposed, or supportive, should be brought before the board for a vote.

President Biehl: He said that should be true of all the districts in the JPA and none of the members of the board should vote until the individual district boards have had the opportunity to review each of the pieces of legislation. He said he was not opposed to that; however, he felt that there needed to be some form of framework to work within as legislation moves forward and changes occur. He said he did not believe that any district should be forced to remain a part of a JPA if they are not happy and things should be done equitably. He said he didn't have a problem bringing it back for discussion and did not fault any of the superintendents for discussing a position or that they were operating outside of the framework of how a superintendent might operate.

Member Gordon: She said that she did not intend or imply or state that fact.

President Biehl: He said that he didn't see the difference between 'us' as a board or the superintendent of this board moving forward within a framework and other superintendents in their respective districts moving forward in a framework. He said he felt there needed to be consistency between the two.

Member Gordon: She said it was her understanding the superintendents were advisory and they advised the superintendent of their feelings and no one said it was the position of their

districts or their boards. She said she didn't disagree with what the president said; however, they had a different perception of what transpired.

President Biehl: He said earlier on it was described as these districts had taken this position; however, he agreed with Member Gordon that the superintendents had taken a position and they had a right to take that position.

Member Grilli: She said as the Milpitas USD Board President, she meets with the superintendent on a regular basis and he has never brought this senate bill up in discussions and it has not gone to the board in Milpitas. She said it could not be heard until their August 24th meeting due to the summer break. She said she would not want to take a position at MetroED until her board had the opportunity to discuss the legislation.

Clerk Chang: She said the individual districts could move forward as they felt appropriate; however, the legislation is moving forward in Sacramento. She asked what options were available at this time.

Superintendent Hay: He said the districts that have voted to oppose the bill should communicate their opposition to the bill to the author and the committees. He said it did not do any good to pass resolutions and not communicate the resolutions to Sacramento. He was in Sacramento and they had received the resolution from CUHSD but it was not in opposition of the bill. It was an amendment to exempt a district from withdrawing if the funding model was inequitable from their perspective. He said the argument being put forth by the opposition is a valid argument and he was surprised the bill has progressed. He explained the legislative process the bill will need to go through now that it has been amended. He said there would be opportunities to oppose it in the Assembly Appropriations committee, the Senate Floor, the Assembly Floor as well as the Governor.

Clerk Chang: She asked if the superintendent could provide a legislative timeline for the board as their districts were on their summer schedule.

Superintendent Hay: He said he would provide as much information on the legislative timeline via email.

Vice President Canova: He said the legislation will be going back and forth between committees and questioned when it would make sense to have the respective districts review the legislation that may continue to change.

President Biehl: He said at this point the only thing conveyed from our superintendent is a neutral position which is appropriate when two districts feel very strongly about the legislation. He suggested the individual board members pass a resolution at their home districts and bring the resolution to this board for consideration. As member districts, if a resolution is passed in the individual district, it would be appropriate to bring to this board for discussion.

Clerk Chang: She said that she would request her home district to send a copy of the resolution they passed to Superintendent Hay.

President Biehl: He said it would be for the board's August meeting and if CUHSD had a resolution for consideration, he would be happy to place it on the agenda as well.

CUHSD Superintendent Farber: She said she appreciated the discussion and said at the meeting of the superintendents in April, it was not to have the superintendents go back to their boards. Superintendent Hay provided information for the superintendents and the issue for all the superintendents was the flexibility and how the districts hands would be tied if the legislation was passed. She said all of the superintendents were supportive of the program and the center here at MetroED. She said CUHSD worked with Cory Jaspersen who said they should have some sample language to present. She did go back to the CUHSD board and

passed a resolution opposing SB 1298, and was not aware it had not been received in Sacramento. She said she was aware that Los Gatos-Saratoga JUHSD passed a resolution after her board. She said there was discussion among the superintendents regarding the flexibility. She said as a member of the JPA, she would appreciate the superintendents have the opportunity, outside of this meeting, for discussion of the position of MetroED.

President Biehl: He asked if the meeting with the superintendents was one of the formal JPA Executive Council meetings and what the process of communication would be.

Superintendent Hay: He said the Executive Council is advisory to the MetroED Superintendent and not the board. He said as a matter of course, the discussions and recommendations are brought either directly or indirectly to the board. Information is provided to the board members on the specifics of the EC meetings in the Friday Update letter.

Clerk Chang: She said that her home district supports the programs and center here at MetroED; however, the major concern of her district was the flexibility.

President Biehl: He said this legislation was important to two member districts and it would be worthwhile to bring back for discussion and direction. He said unfortunately when dealing with legislation it can be a moving target and changes as it moves through the system. He said at the August meeting, a series of guidelines should be laid out concerning the issues with the bill, the areas we are opposed to in the bill and any changes we would like to see in the bill. This would allow the superintendent to operate within that framework as the legislation moves forward. He said there is a major issue on local control as well as when a superintendent can take a position on legislation.

Clerk Chang: She said when dealing with legislation it would be important for the board to have discussion on the position to take, whether it is for legislation with amendments or against legislation. She said a neutral position is taking no action.

Superintendent Hay: He said that neutral indicates no position on legislation. He said many of the bills for MetroED are on a 'watch' list which means the lobbyist is tracking the bill to see if there are any changes that might impact MetroED.

Clerk Chang: She asked what direction the lobbyist has received regarding SB 1298.

Superintendent Hay: The lobbyist has been notified to do nothing except watch and track the bill.

Clerk Chang: She said information has been received from all of the superintendents of the participating districts, it has not been conveyed to the lobbyist.

Superintendent Hay: He said the lobbyist has been notified as to the positions of the JPA participating district Superintendents. However, the districts that have passed resolutions need to communicate this with the author of the bill and the committees. He informed the lobbyist of the information provided by Member Gordon that two districts had taken an opposing position, but this was verbal; had not received copies of the opposing resolutions.

Clerk Chang: She said if the board has a discussion and wants to change from a neutral position, it can be done; however, it may be too late by the August meeting. She said the board would be holding a retreat next week and asked if it could be included on the agenda.

President Biehl: He said it would change the format of the retreat and there normally are no action items on the agenda. The meeting will also be held at a time that may not be convenient to receive public input and it would not allow for time for board members to receive instruction from their home districts.

Member Gordon: She said that was the point she was going to make. Member Grilli had indicated she would not be able to get feedback from her district until late August.

President Biehl: He recommended the legislation be placed on the board's August meeting and solicit any resolutions from the member districts that may have passed a resolution to be included for the item. He also requested a recommendation from the superintendent on the framework to be used for legislation.

CUHSD Board Member Matthew Dean: He said he was surprised by some of the discussion after twelve years of elected office, he was not aware of a city manager or superintendent ever supporting legislation without the direction of the city council or school board. He said it was unusual and not customary. He said the superintendent works at the pleasure of the board. He said the lobbyist, in this case, is a lobbyist on behalf of the JPA board. He said if there was an argument to be made that there is equitable funding, he has not seen it and his board has not seen it. He said if there was an argument to be made, he asked the board president to articulate it so reasonable people could say it either made sense or didn't make sense. He said when he runs for office, he tells people the only way they can influence him is if they educate him. He said the legislation was very important and it could be damaging. He suggested to the board, as his board does, there be an item on the agenda and any pending legislation that has an impact to the district could be discussed. He said one of the roles of board members is to influence legislation and to make amendments as well as support or oppose legislation.

President Biehl: He welcomed Board Member Dean to the meeting and explained the board does review legislation and adopts legislative priorities at the beginning of the year. He said he welcomes educating himself as well as the public regarding issues and said there needed to be further discussion on the whole issue of funding and he hoped it could be done with civility. He said since he has been on the MetroED Board there has been continuous discussions on the funding disadvantages for one district and he believes there was a movement several years ago to redistribute additional ADA to the districts that were disenfranchised for not having enough ADA as a mechanism of creating equity of funding. When that additional ADA was no longer available for distribution, there was very little choice but to fall back to the previous funding model. He said he believed the board had been educated on the inequity and the distribution of the ADA and had tried to find an appropriate mechanism for redistribution without damaging anyone that was a beneficiary of the current distribution. He said that he believed this board would need to discuss this further.

CUHSD Board Member Parker: She said she was concerned regarding the suggested amendment to SB 1298. She said if the JPA has taken a neutral position but then suggests an amendment to change the bill; it sounds like you are not willing to change the bill in the way the other superintendents might want to change it. She said it did not seem neutral from her perspective.

Vice President Canova: He said the recommendations for amending the bill were interesting; however, since the legislation is going back and forth through the committee process, he was interested in what impact this would have on the district. He said the district is at the mercy of the legislators and he appreciates the well thought out recommendations; however, the public may be putting too much into these recommendations that the legislators may or may not accept.

Superintendent Hay: He said the recommendations were put out as suggestions if the bill was gutted or if the author was interested in looking at other ways to strengthen CTE. As it turned out, it was very similar to what was proposed by the legislative analyst's office and what is being proposed in the Multiple Pathways Report. He believed it was one of the recommendations from the report. He said it is nothing new and it had been discussed for several years but they had not taken the next step from moving from CTE model curriculum standards and frameworks to the assessment/accountability piece.

Vice President Canova: He said the superintendent had already stated he was surprised the legislation has moved to where it has and the governor will likely veto the bill.

Superintendent Hay: He was surprised because in speaking with the representative from the assembly speaker's office, he (Rick Simpson) said the bill would open the door for the other categorical programs to want the same considerations (removal from flexibility).

Clerk Chang: She asked if the flexibility piece of the legislation had been the center of the discussions regarding the JPA flexibility for a district to withdraw.

Superintendent Hay: He said it had been part of the discussion.

Member Gordon: She said that she received a bulletin from CAROCP that said they did not think the legislation would pass but they have a very strong lobby from CAROCP and business in Sacramento working on getting the legislation passed. She said legislators are very happy when you combine business and education even if it is bad law because they like to see the groups working together. Last time the governor vetoed similar legislation; however, they have learned what changes they needed to make to get the legislation passed.

Clerk Chang: She said that CTA and charter schools support the legislation.

Superintendent Hay: He said there are a number of organizations that support the legislation including the Small School Districts Association, CAROCP, members of the GetREAL Coalition, CFT, business and labor groups.

Vice President Canova: He said it was not often that labor and business are working together on legislation.

President Biehl: He asked the item be placed on the August agenda under action for further discussion and updates and asked for input from the participating districts be directed to the superintendent and the superintendent prepare recommendations for the board. At this time the board's position is neutral as the board has not taken a position on the legislation.

11. Information Item: Campbell Union High School District Resolution #10-2959

Superintendent Hay: He said this item was placed on the agenda at the request of Member Gordon.

Member Gordon: She said many of the points on the resolution had been discussed; however, she asked the board to focus on item number three which deals with communication sent to the community by MetroED. She said this had been brought up once before and she did meet with the superintendent and reviewed the communication CUHSD had taken exception to and he had advised her that it was not intended in the way they took it. She said she had no reason to believe the superintendent was not telling the truth and accepted the explanation. She said what continued to be of concern was that the bulletin comes out and under legislation, for example SB 1298 and it lists who is for and against the legislation and MetroED is neutral. However, there was nothing about CUHSD's position. She said however there was nothing untrue that was put in the bulletin, she did not feel it was particularly correct and it was these types of things that create issues for the CUHSD Board in dealing with their community. She said their community believes we are partners and communication coming from MetroED speaks for CUHSD. She said CUHSD would like the opportunity to look at things and possibly make subtle changes that would assist them in communicating with their community. She said she would hate to see CUHSD sending out bulletins saying that MetroED does not speak for them and oppose these things (whatever they may be) and this is not what they believe and get into a further deterioration of communication between the two entities. She said that CUHSD could not continue to let things that are not wrong but aren't

correct be sent out to the community without responding. She said her request was that there would be some middle ground on this where CUHSD can get what they need without MetroED feeling like CUHSD is looking over their shoulder.

President Bieh! He said that one of the things learned this evening was that for some reason CUHSD's position was not recorded by those in the legislature that are responsible for the bill and he suggested that particular section of the newsletter be corrected. He asked the superintendent if the information on legislation was picked up from another source to add to the newsletter to be published.

Superintendent Hay: He said only the official support/oppose positions as recorded by the latest committee staff analysis were included in the newsletter.

President Bieh! He said administration is picking up the legislative staff analysis and reproducing it and if you became aware something was wrong, it would be corrected. He said that now that we know something is wrong, it will be corrected in the next newsletter. He said information should be correct and this district should make every effort to ensure the information is correct; however, he did not think administration could run everything through a filter before a newsletter is published.

Member Gordon: She said it was not her intent to imply that there was any misstatement regarding this particular issue. She was talking about issues in general. She said she would not assume how other communities operate; however, the CUHSD community that passes parcel taxes by 80% and passed two bonds pays attention to everything they do. She said that is why CUHSD does the due diligence on issues. She said she could assure the board people are reading the newsletters and asking questions. She said she was asking again for some consideration and if that cannot be done, CUHSD will do what they need to do.

President Bieh! He said he did not understand what that meant and felt this involved a lot of residue issues stemming from a couple of months ago. He said he hoped the district would produce as accurate information and there would be no effort by this body to effectively try to lobby one of the member districts. He said that he thought that was the concern that something would be published in such a way in an attempt to mobilize a particular districts community to influence a board's positions. He said that would not be appropriate for this body. He said in the past there was some inference that the reason there were people at the CUHSD meeting dealing with adult education and were concerned about the decision they were about to make was somehow driven by a paragraph included in the newsletter. He said he would suggest that is not what happened. He said what happened was the bargaining units that had a stake in the decision mobilized their community. He said from a district that has had adult education locally for a long time, ESUHSD pulled out almost 20 years ago, they can produce 150 people to come to a board meeting at 4:00 pm in the afternoon with 24 hour notice. He said that is the nature of adult education. He said as CUHSD administers the program, they will find people in adult education want to be there, have a stake in it and want to protect it. He said he had hoped resolution had been reached and the board could move on from this. He said everyone has read the constitution and there are areas that deal with freedom of speech issues and the right to free speech is very important in a democracy. He said he didn't think a network could be set up that each member district would review each document that is sent out by the district. He said that he didn't think this district, the superintendent or the whole board take a position where they attempt to influence the constituency of a member's district to make a decision. It should be through the membership of this board.

Clerk Chang: She said in the same context as legislation.

President Biehl: He said legislative concerns should be brought up to this board for discussion and the board should make a decision. In the board context as with CSBA, there are broad guidelines you work with and after reviewing the guidelines, if you feel they should be changed, you work through them. He said at the August meeting the board will review the basic guidelines and if they need to be changed, change them. If the board needs to take specific positions on specific legislation, the board should do that as well.

Member Gordon: She thanked the board for hearing the item and said CUHSD had their answer.

12. Information Item: First Reading: Board Bylaw 9270

Superintendent Hay: He said this was the board conflict of interest policy and recommendations had been received from Santa Clara County Counsel to make some changes after they had reviewed the policy. He understood other boards in the county had received notification as well to do some clean up language.

President Biehl: He said similar language had been brought to the ESUHSD Board through the same process. There were no further comments and the policy will return for action at the August meeting.

XVI. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATIVE FUNCTIONS

13. Action Item: Second Reading Business Board Policies 3000's

Superintendent Hay: He said administration had received no recommendations for changes.

MOTION: It was moved the Governing Board adopt Business Board Policies 3000's. M/Gordon, S/Chang; Vote: 6 Ayes

14. Action Item: Annual Board Retreat

Superintendent Hay: He said at the last meeting the board had requested a draft agenda for the board retreat scheduled for Tuesday, July 6. He said the recommendation was to focus on the *Multiple Pathways to Student Success* Report that was released by the California Department of Education.

President Biehl: He asked if there were other suggestions from the board members and said the intent of the retreat was to look at broad issues. He noted that Member Gordon would not be able to make the meeting and asked if the alternate from CUHSD would be able to attend.

CUHSD Board Member Dean: He said that he would check his schedule to see if he would be able to make it.

Clerk Chang: She said the format would be to allow for discussion of the board members but also allowing the public to provide input.

President Biehl: He said it is a publicly noticed meeting and there are no items for action on the agenda and there is a suggestion to use a facilitator for the discussion.

Superintendent Hay: He said Mr. Paul Watters has agreed to facilitate. Mr. Watters was the facilitator for the CCOC Program Review Committee that evaluated the ROP programs two years ago and is the Director of ROCP in Butte County. He facilitated the discussion at the CAROCP conference in San Diego on the Multiple Pathways report.

President Biehl: He said the use of a facilitator will be beneficial to ensure the flow of discussion. He said for the record the charge would be \$800 plus expenses and he felt it was a reasonable charge.

Member Garcia: He asked if there would be the opportunity to add an item to the agenda at the meeting. He said as long as there is discussion only and the board will not be taking action, he felt it would fit into the format of the retreat.

President Biehl: He said there should be an area on the agenda to bring up other items on the agenda. He asked administration to add an item to allow for broader discussion.

MOTION: It was moved to adopt the agenda for the Board retreat on July 6, 2010 with the amendments. M/Garcia, S/Chang; Vote: 6 Ayes

15. **Action Item: MOU with Campbell Union High School District for Transfer of the Campbell Adult Education Program**

Superintendent Hay: He said an agreement has been reached and an amended agreement was distributed to the board members this evening. It includes additional language that was agreed to after the MOU was distributed. The highlighted changes are indicated on page three of the MOU regarding the fund balance transfers and the dates of the transfers.

President Biehl: He asked if CUHSD had a position on the MOU. Member Gordon deferred to CUHSD's adult education director.

CUHSD Adult Ed Director Harper: He said the Campbell Adult Education Program will begin next week and he wanted to publicly acknowledge the foundation of the program was the hard work of MAEP teachers and staff over the years. He said that he was pleased the MOU was to this point, but he had concerns regarding the WIA funding and there is wording in the MOU for discussions to continue on this issue. He said they had received two opinions, one from CDE and one from the Office of Adult Education in Washington DC; these funds need to serve the Campbell students and the sites that actually produced the funds through benchmarks. He said he was looking forward to positive meetings with both superintendents and MAEP Director Karp on how best this can happen.

President Biehl: He asked if CUHSD had formally adopted the resolution.

Member Gordon: She said the CUHSD Board adopted the MOU.

Clerk Chang: She wanted to thank the staff of both MetroED and CUHSD for coming to this agreement.

President Biehl: He also thanked the staff of both organizations for working through the MOU under difficult circumstances.

Member Gordon: She said one thing she wanted to ask Member Garcia to thank his administration. She said early on there was a question regarding how adult education was funded because CUHSD had 42.6% of the students but was only allocated 33% of the funds and San Jose USD administration worked with CUHSD administration and through the state were able to go back through the history to figure it out. She said she did appreciate that.

MOTION: It was moved the Governing Board approve the MOU with Campbell Union High School District for Transfer of the Campbell Adult Education Program. M/Garcia, S/Chang; Vote: 6 Ayes

16. **Action Item: Organization of Administrative Staff**

Superintendent Hay: He said it was the responsibility of the superintendent to arrange the administrative and supervisory staff to best support the goals of the district with ratification by the board. He said the board had the proposed chart for the administrative staff with a revised chart with a correction on the hourly administrative staff.

Clerk Chang: She asked how much money would be saved with the new structure.

Superintendent Hay: He said it was over \$250,000.

MOTION: It was moved to approve the new organization of administrative staff for MetroED. M/Grilli, S/Gordon; Vote: 6 Ayes

BUSINESS AND FINANCIAL FUNCTIONS

17. **Action Item: Adopt 2010-11 Budget**

President Biehl: He opened the public hearing on the proposed budget for 2010-11.

MOTION: It was moved the Governing Board close the public hearing on the 2010-11 Budget. M/Gordon, S/Chang; Vote: 6 Ayes

Member Gordon: She said from CUHSD's perspective, recognizing the tremendous cuts being faced by the district, and looking at three years of deficit spending, and understanding the uncertainty of administration of the adult education program for SJUSD, and recognizing the deficit spending, changes need to be made during the year to balance the budget, and CUHSD's standard issue, she would not be supporting the budget.

President Biehl: He said he would be supporting the budget and the purpose of having reserves is when there is a downturn it allows the opportunity to use the reserves to continue the programs. In general, administration has provided prudent trimming of administration. He said he did have a long-term concern regarding deficit spending. He said Member Gordon made a good point and it was something the board should be cautious about continuing to do over the next several years.

MOTION: It was moved the Governing Board adopt the 2010-11 Budget. M/Chang, S/Grilli; Vote: 5 Ayes, 1 No (Gordon)

18. **Action Item: Adopt Resolution #17-06-30-10, Authorizing Designated Management Personnel to Sign Orders Drawn Upon the Funds of the District for the FY 10-11**

MOTION: It was moved the Governing Board approve Resolution #17-06-30-10. M/Garcia, S/Chang; Roll Call Vote: 6 Ayes

19. **Action Item: Adopt Resolution #18-06-30-10, Authorizing Management Personnel to Sign Official Electronic Funds Transfer Forms of the District for FY 10/11**

MOTION: It was moved the Governing Board approve Resolution #18-06-30-10. M/Gordon, S/Grilli; Roll Call Vote: 6 Ayes

20. **Action Item: Adopt Resolution #19-06-30-10, Authorizing District to Purchase off Contracts Awarded by other Public Agencies**

Superintendent Hay: He said this resolution would allow the district to piggy back on bids with larger public agencies.

MOTION: It was moved the Governing Board approve Resolution #19-06-30-10. M/Garcia, S/Chang; Roll Call Vote: 6 Ayes

21. Action Item: Adopt Ground Lease Amendment #3 with Capitol Auto Mall, LLC

Superintendent Hay: He said this is the second year of the request from the Capitol Auto Mall, LLC for a reduction in the rent. Capitol Auto Mall subleases space in their center to smaller businesses and 50% of the small business spaces have been vacant for a year and they continue to have difficulty finding tenants. The County of Santa Clara, which is also a party to the lease amendment, is in concurrence with this Amendment #3.

MOTION: It was moved the Governing Board approve Amendment #3 to the Ground Lease between MetroED and the Capitol Auto Mall Plaza, LLC. M/Garcia, S/Gordon; Vote: 6 Ayes

22. Action Item: Change Orders 005, CCOC Building 300 Building Arts Project (Coulter Construction, Inc., \$34,788.77)

President Biehl: He said the change order was within the framework of the 10% for the project.

MOTION: It was moved the Governing Board approve Change Order 005 in the amount of \$34,788.77 between MetroED and Coulter Construction. M/Chang, S/Gordon; Vote: 6 Ayes

23. Action Item: Adopt Resolution #16-06-30-10, Reduction or Elimination of Service

CBO Gilbertson: He shared the information regarding the personnel changes that have occurred due to the layoff notices. He said approximately 16 employees (10 FTEs) are scheduled for layoff today. He shared that CUHSD has been in the hiring process for certificated employees. He said there was one more layoff to approve due to a reorganization of the workforce in the CalWORKs program for a 1.0 FTE administrative assistant II position. He said the layoff has been reviewed with CSEA.

MOTION: It was moved the Governing Board approve Resolution #16-06-30-10 to eliminate the equivalent of one FTE classified position. M/Grilli, S/Gordon; Roll Call Vote: 6 Ayes

24. Action Item: Disclosure of Financial Implications of Collective Bargaining Agreements with CSEA

President Biehl: He opened the public hearing and asked if there were any members of the public to address the board. Seeing none, he asked for a motion to close the public hearing.

MOTION: It was moved the Governing Board close the public hearing. M/Gordon, S/Garcia; Vote: 6 Ayes

25. Action Item: Ratification of the CSEA Agreements for FY 2008-09 and 2009-10

CBO Gilbertson: He shared this was a tentative agreement with CSEA completed on June 1 and is a zero increase agreement.

MOTION: It was moved the Governing Board approve the CSEA tentative agreements. M/Garcia, S/Gordon; Vote: 6 Ayes

26. Action Item: Approve Extension of Medical/Dental Benefits for Laid Off Employees

CBO Gilbertson: He shared last year the board approved extending benefits last year and is requesting an extension of benefits for employees this year. The employees laid off at the end of June lose their benefits after July 31. It is recommended extending the benefits for a

two-month period. Also if the federal government COBRA option is extended beyond the May 31 deadline and an employee is eligible, benefits would be extended up to five months.

MOTION: It was moved the Governing Board approve the proposed benefits extension. M/Grilli, S/Chang; Vote: 6 Ayes

XII. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

CCOC Director John Fox:

- The facilities department and the summer facilities maintenance class are working to move classes from building 200 to 300 before the beginning of the new school year.
- The construction of the fence began at the south end of building 300 today and the final inspection of fire alarm was tested to allow access.
- The two Job Corps classes are going well on campus this summer; the Law Enforcement and Fire Science/First Responder.
- Dale Poor, Multimedia instructor, and Mark Adams, Probation & Legal Careers instructor, are working on an accountability instrument to support and document time on task and standards for teachers.
- Ed Van Hagen reported four students are currently working as inters this summer; Steven Mosbrucker – Carl Chevrolet, Henry Vong – Capitol Honda, Michael Moreno – and Matthew Fontes – Los Gatos Acura. He also received a donation from Cooks Automotive of an alternator/starter tester.
- Phil Gonzales, Fire Science/First Responder instructor, reported a former CCOC student Gustavo Gonzales will be going to work for the Palo Alto Fire Department.

MAEP Director Sylvia Karp

- She thanked the board members for attending the graduation on June 16.
- Last year at graduation, an 84-year old student graduated, Frank Ganz. He will be recognized this year at the ACSA Adult Education Conference in September as one of their six 'Students Succeed' honorees in California.
- MAEP is busy getting ready for seventeen credit recovery classes for SJUSD to begin on July 6. MAEP expects to be serving 530 students who will have a chance to make up credits for graduation.
- There are two teachers are currently in Sacramento with one of the professional development organizations doing 'Train the Trainer' and will be implementing workforce skills into the ESL and Adult Basic Skills curriculum as well as training other teachers in the region in the coming year. All the costs are being paid for by CalPRO.

Superintendent Paul Hay

- Last week he attended the transition board meeting in San Diego for CAROCP. They completed an RFP process for their lobbyist firm and reappointed SIA (Peter Birdsall) with a two year agreement. He was also asked to co-chair the legislative committee for an additional year. The focus of the meeting was strategic planning on the Multiple Pathways Report.
- CTE Alliance was formed by CAROCP. The purpose is to create a dynamic single voice for CTE with the notion that the CTE Alliance will: define a quality CTE program, seek adequate and equitable funding, and in a coordinated process, create a statewide CTE accountability system to assess student outcomes and recognize success. Membership includes:
 - CAROCP Calif. Assn. of Regional Occ. Centers & Programs
 - CACTE Calif. Assn. of Career & Technical Ed.
 - CALCP Calif. Assn. of Leaders for Career Preparation
 - CATA Calif. Agriculture Teachers Assn.
 - CBEA Calif. Business Education Assn.
 - CITEA Calif. Industrial Technology Education Assn.
 - CCAE Calif. Council for Adult Education
 - CTA Calif. Teachers Assn. (newest member)

- He distributed copies of the 2009-10 SCC Civil Grand Jury Final Report, "Achieving School District Efficiency through Consolidation" and no response is required by MetroED. The report recommends the consolidation of 31 Santa Clara County districts to 16.
- He distributed a copy of the Hillsdale Campus Map for 2010-11 showing building 200 under construction and the temporary placement of classes during the building 200 modernization.
- He updated the board on the last day of bills to be passed out of the opposite house policy committees for the current legislative session:
 - AB 35 (Furutani) which declares the intent of the legislature to enact legislation to develop a strategic plan for workforce preparation and career technical education passed the Senate Education committee.
 - AB 220 (Brownley) adds a \$6.1 billion school facilities bond to the November ballot. Includes \$250k for CTE facilities; includes the same Prop 1D language for JPA ROCPs to qualify for 50-50 funding and passed the Senate Education committee.
 - AB 1223 (Block) defines Linked Learning (was Multiple Pathways) systems and authorizes the CTC to convene a workgroup to develop program standards for the issuance of a recognition of study for linked learning competence for holders of a single subject teaching credential. It was amended to include ROCP participation on the workgroup and passed the Senate Education committee.
 - AB 2446 (Furutani) adds a completion of a course in career technical education as an alternative high school graduation requirement that a pupil complete a course in visual or performing arts or foreign language. They took amendments today to specifically include ROCP courses and passed the Senate Education committee.
 - SB 675 (Steinberg) provides an unspecified amount of funds for construction or reconfiguring facilities that prepare pupils for employment related to clean technology. It funds in the form of grants and passed the Assembly Education committee.
 - SB 974 (Steinberg) provides for tax incentives to encourage California businesses to enter into partnerships with schools to strengthen education and develop career skills was held by the author.
 - SB 1298 (Hancock) restricts the authority of a school district to withdraw from a ROP if the (amended) COE determines that doing so would negatively impact the career technical education services received by high school pupils of other school districts in the region. Also requires funds allocated for career technical education services to be spent in accordance to the regional plan for occupational course sequences. It passed with the minimum number of votes (5) to pass out of the Assembly Education committee.

XIII. BOARD COMMENTS

Member Gordon:

- She said she was contacted by a member of the Budget Advisory Committee and was told they received the budget on the same day they were asked to vote on the budget. She said the BAC member shared some of their perceptions and she assured the person the perceptions were not correct. She suggested the committee be provided the information and then have them provide their suggestions and recommendations as an advisory body and not be asked to vote on the budget. She said the board is aware due to funding the budgets are being worked on until the last minute.
- She requested a report from the lobbyist including what they have been doing since hired and who they have been talking to regarding particular bills, and if the superintendent could provide an update also as he has been in Sacramento as well on the types of things he has been working on.

President Biehl: He suggested putting this as a regular item on the agenda, legislative report. We can make it a standard item and go through that and he asked that it be listed as an Information/Action Item. If the board wished to take action on a particular item, the agenda would allow this to occur.

Clerk Chang: She said the superintendent has two hats; one as superintendent and one as the co-chair of the CAROCP Legislative Committee, and CAROCP was the first organization supporting SB 1298. She said earlier the board reviewed the conflict of interest policy and is confident the superintendent has the integrity to handle both positions properly; however, she asked if this was a sensitive area.

President Biehl: He said that he believed it was an advantage to the district to have the superintendent in that position and be able to use him on the inside on positions this board takes to influence that group. For us to be able to have him in that position and for the board to be able to direct him on what position to take within that position is a value.

Clerk Chang: She said she was not opposed to the superintendent holding the position of co-chair; she was just using SB 1298 as an example.

President Biehl: He said if you think it is to our advantage to have people from our organization involved in a larger organization and be able to influence them. He said that both Clerk Chang and he serve as delegates to CSBA and attempt to influence CSBA legislation. He said they do not always agree with everything CSBA decides; however, because they are in attendance, they are able to influence CSBA and he believed it was the same as with CAROCP.

Clerk Chang: She said she was very happy the superintendent has taken a leadership role with the organization and just wanted to point it out so that the public was aware.

Superintendent Hay: He said, to clarify, there are two co-chairs of the legislative committee and under normal circumstances, he would not be continuing in the position. The normal process is to have a member there for two years and cycle off; however, there was a retirement and the two appointees left at the same time. He said the terms began with two new people; Stephanie Houston (CRYROP) and Paul Hay and both served two years. He said the co-chairs take alternating roles and serve on the CAROCP Board as a voting member. During 2009-10, Stephanie Houston was the lead and represented the Leg. Committee at the CAROCP Board meetings. Hay will be the lead for 2010-11.

Member Grilli: She asked for clarification regarding the budget committee from Member Gordon as the budget had been available for over a month.

Member Gordon: She said that the Budget Advisory Committee met on a given day and that was the day they received the budget, they reviewed the budget and then were asked to vote on the budget. Some members of the committee did not vote as they did not feel comfortable voting as they did not feel they had an opportunity to review it. She said it was just a suggestion to have the committee review the budget and provide their suggestions without voting.

President Biehl: He asked who was on the Budget Advisory Committee and when did they meet.

Superintendent Hay: He shared the committee holds four or five meetings beginning after January and includes the six participating district CBOs, the presidents of the three bargaining units, two representatives of the community, etc. Member Gordon shared the members were listed in the front part of the budget document.

President Biehl: He said Member Gordon made a good point regarding a committee voting on the budget. He knows there are committees that meet in his home district that do not vote on particular items; however, they do provide suggestions and feedback. He said the committee is advisory and can convey to administration their suggestions and concerns and then to the superintendent.

Member Garcia

- He said he may have an issue to bring to the Retreat and feels that when there are people that have perceptions that they are not receiving the total information or information is being withheld from them, or they are not part of the process, it is a big deal. He said he wants to make sure that is not happening.
- He said the MAEP graduation was very nice. As always, the speeches and seeing the accomplishments of the graduates is always uplifting.

Vice President Canova:

- He said he enjoyed the graduation and serving in our respective districts, graduations are the highlight of the school year.
- He said Santa Clara USD became a school district in 1965 and Sacramento was pushing for consolidation of districts in the 1960's. He said it was interesting briefly reviewing the Santa Clara County Grand Jury Report and noting the recommendations for consolidations and the concept of achieving efficiency through consolidation has been tried. He said for instance Los Angeles USD is over 700,000 students.

President Biehl:

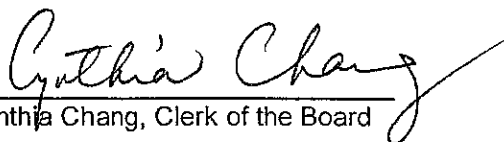
- He thanked everyone for the work that was done this past spring, it was a difficult spring for the district, there was tension and issues and many of this was the result of issues in the state with the legislature and funding. He appreciated the discussions this evening and the opportunity for board members to put the issues on the table and discuss them. He thanked everyone for participating this evening and he was looking forward to the retreat on July 6.

XIV. OTHER MEETINGS

Board Retreat, July 6, 2010, Superintendent's Office, Building 400, 9:00 a.m.

XV. ADJOURNMENT

MOTION: It was moved to adjourn the meeting. M/Gordon, S/Chang, Vote: 6 Ayes President Biehl adjourned the meeting at 9:15 p.m.


Cynthia Chang, Clerk of the Board

