

# METROPOLITAN EDUCATION DISTRICT

## Governing Board Meeting Minutes August 19, 2009

### I. CALL TO ORDER/ROLL CALL

The open session of the regular meeting of the Governing Board of the Metropolitan Education District was called to order by President Garcia at 6:00 p.m., Room 810 at the Central County Occupational Center, 760 Hillsdale Avenue, San Jose, CA 95136.

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

The following items were discussed in closed session per the posted agenda for the meeting:

- A. Conference with Legal Counsel—Real Property Negotiators Pursuant to Government Code Section 54956.8
  - Capitol Expressway Auto Dealers
- B. Conference with Legal Counsel—Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 case)
- C. Conference with Labor Negotiator Pursuant to Government Code: 54957.6(f)  
District Negotiator: Daniel Gilbertson
  - AFT

### III. PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS

None

### IV. ADJOURN TO CLOSED SESSION

Board adjourned to closed session in Room 810 at 6:02 p.m.

### V. REGULAR MEETING (continued)

President Garcia reconvened the regular session of the Board meeting in the CCOC Auditorium at 7:00 p.m.

### VI. REPORT OF CLOSED SESSION ACTIONS

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

### VII. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Garcia.

### VIII. ADOPT AGENDA

**MOTION:** It was moved to adopt the agenda as submitted. M/Chang, S/Biehl, Vote: 6 Ayes

### IX. RECOGNITIONS

1. Acknowledgement of Visitors - None
2. Acknowledgement of Honors and Awards - None
  - Recognition of Individuals who have "Raised the Bar!"

**X. STUDENT REPORTS**

- A. CCOC Student: None
- B. MAEP Student: None

**XI. SPECIAL ORDER OF BUSINESS None**

**XII. PUBLIC COMMENTS None**

**XIII. APPROVAL OF MINUTES**

- 1. **MOTION:** It was moved to approve the Minutes of Regular Board Meeting on 06/24/09. M/Biehl, S/Chang, Vote: 6 Ayes

**XIV. CONSENT CALENDAR**

**MOTION:** It was moved to approve Consent Items \*2 through \*16 with the removal of Item # 7 per the request of Member Gordon. M/Grilli, S/Biehl, Vote: 6 Ayes

**BUSINESS AND FINANCIAL FUNCTIONS**

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

The Governing Board approved the following warrant registers: #62003017, dated July 8, 2009; #62003018-#62003039, dated July 9, 2009; #62003040-#62003053, dated July 13, 2009; #62003054-#62003086, dated July 15, 2009; #62003089-#62003094, dated July 20, 2009; #62003095-#62003134, dated July 21, 2009; #62003135-#62003176, dated July 23, 2009; #62003177-#62003227, dated July 29, 2009..

**\*3. Consent Item: Architectural Services: Sewer Replacement Project (Bartos Architecture)**

The Governing Board approved the Authorization to Proceed for architectural services with Bartos Architecture, Inc., for the sewer replacement project in the amount of \$78,101.

**\*4. Consent Item: Renew Legal Services Agreement with Lozano Smith**

The Governing Board approved the Agreement for Legal Services with Lozano Smith.

**\*5. Consent Item: Approve Change Order #001 to Contract for MC Village (Guerra Construction Group - \$9,475)**

The Governing Board approved Change Order #001 between MetroED and Guerra Construction Group in the amount of \$9,475.

**PERSONNEL FUNCTIONS**

**\*6. Consent Item: Certificated Personnel**

The Governing Board approved the return of 159 AFT teachers and 35 CTA teachers for the 2009-10 school year.

**7. Approve Administrative Personnel**

**MOTION:** It was moved the Governing Board approve the one layoff and one resignation election. M/Chang, S/Gordon, Vote: 6 Ayes

Member Gordon: Requested this item be removed from the consent because it included a layoff and the perception that we would consider it routine bothered her and the Board

needed to acknowledge again the accomplishments and contributions of people who work for MetroED and also acknowledge they are a member of a team and this is not a routine matter and it is not taken lightly by the Board.

President Garcia: It was well put and the Board does not see this as a light issue and asked if there were any other comments and seeing none called for the vote.

**\*8. Approve Classified Personnel**

The Governing Board approved the six short term elections.

**INSTRUCTIONAL AND STUDENT FUNCTIONS.**

**\*9. 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, 2009 to June 30, 2010.

**\*10. Consent Item: Agreement with Moreland School District for ESL Classes**

The Governing Board approved the Memorandum of Understanding with the Moreland School District.

**\*11. Consent Item: Williams Uniform Complaint Procedures Report**

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

**\*12. Consent Item: Master Vendor Training Agreement with City of San Jose (Work2Future)**

The Governing Board approved the Master Vendor Training Agreement between MetroED and the City of San Jose for the period July 1, 2009 to June 30, 2011.

**\*13. Consent Item: Master Vendor Training Agreement with City of Sunnyvale (NOVA)**

The Governing Board approved the Master Agreement for Training Services between MetroED and the City of Sunnyvale commencing July 1, 2009.

**\*14. Consent Item: Agreement with Catholic Charities for Use of John XXII Facility**

The Governing Board approved the Memorandum of Understanding with Catholic Charities of Santa Clara County.

**\*15. Consent Item: Addendum to 2009-10 Schedule of Fees**

The Governing Board approved the Schedule of Fees applicable to WIB training contracts.

**\*16. Consent Item: Approve Agreement with San Jose Job Corps**

The Governing Board approved the Agreement between San Jose Job Corps and MetroED for the 2009-10 school year.

**XV. INFORMATION ITEMS**

17. **Information Item: WASC Accreditation for CCOC/P and MAEP**

President Garcia: The letters received from the Accrediting Commission for Schools for both programs was wonderful news for MetroED and thanked staff for receiving a six year accreditation with a three-year review. This was the best accreditation a district can receive. Hay: It is the best review they are giving at this time due to the budget. Garcia: Thanked staff for all of the work that went into the process and the binders that were put together. The binders are incredible and when he needs information on the agency or the programs it is contained in the binders.

18. **Information Item: Final Attendance (ADA) Report for 2008-09**

President Garcia: There were no questions regarding the final attendance report for 2008-09.

19. **Information Item: First Reading: Board Bylaws 9000's and Administration Policies 2000's**

President Garcia: The Board Bylaws 9000's and Board Policies 2000's are included for review and discussion and will go the next meeting for the second reading and adoption and asked if there were any questions.

Member Chang: Under **BB 2121A**, Administration Superintendent's Contract, the second paragraph reads the Board shall designate a representative to negotiate with the superintendent and the Board has never designated a representative to negotiate with the superintendent on its behalf. Is this section relevant to this Board?

Superintendent Hay: This was the existing policy and comes right out of the CSBA recommended policies. It hasn't been the current practice and may have been in the past.

Member Gordon: It may not be an official designation, the Board as a whole negotiates with the superintendent and that is a reasonable approach.

President Garcia: The Board President reports to the superintendent the decision of the Board and does not sit down to negotiate a contract.

Member Grilli: The Board President brings back information after he meets with the superintendent and then discusses this with the Board.

Vice President Biehl: Asked if Member Chang was recommending a change in language to BB 2121A and asked what procedure is followed for reviewing policies at MetroED. The procedure followed in East Side for reviewing policies after the first reading each board member that has an issue on a policy can meet separately with administration and point out potential changes. The administration considers the changes and brings back the changes they consider to the second reading for adoption. If a member is not happy with what the administration brings back, it is discussed and the board moves forward. We could do that or go through the policies this evening.

Superintendent Hay: Under procedures, if something is changed and it is brought in to the second meeting, does the East Side board consider that the first reading for those changes and then move on to a second reading for the changes.

Vice President Biehl: We usually don't do that. Changes are going to be made between the first and second reading. That is the purpose of the first reading to get any input and any changes, typically they are minor such as a paragraph should be taken out as it is

not the practice of the district, or the date should be changed or there may be a typo. We have time tonight and could go through the policies presented.

President Garcia: That is the way we it is done in San Jose as well with discussions at the first reading and then the changes are discussed at the second meeting and approved at that point. If there is a problem at the second reading it would come back at another meeting for adoption.

Member Chang: If there are not a lot of changes, we could proceed tonight.

President Garcia: If it is the pleasure of the board we could move forward this evening and Vice President Biehl is asking if that is the choice for this board.

Vice President Biehl: How do we want to proceed? Member Chang brought up an issue on BB 2121A and do we want to make a change to that paragraph at this point?

Member Chang: Not at this point, administration can bring back the language that reflects the understanding the Board has expressed this evening.

Vice President Biehl: We are asking administration to come back with a change in language to reflect our practice. Chang: Yes, that is correct.

Superintendent Hay: Administration will bring back language that is consistent with CSBA and address the Board's needs for flexibility.

Member Grilli: When you are talking about these policies, how do they fall in line with what MetroED currently has?

Superintendent Hay: MetroED has gone through a long, drawn out process of trying to update the policies and were trying to take the existing policies and show what the changes are. The changes are happening so fast that we have not been able to keep up with it. Staff came to the Board with a proposal to bring in CSBA to have them go through with our staff all of the policies. CSBA is doing all the work and providing a package that doesn't include what we had and what are the changes. These are the recommendations from CSBA. This is the first package.

Member Chang: So basically, we start from scratch rather than try to go back and look at the old policies. Hay: Yes, however, CSBA does go through and spend a good deal of time reviewing differences between this organization and their recommendations. There are a number of areas where there are differences because we are a JPA. There are both government and education codes that are unique to the JPA which were not consistent with their recommendations.

Vice President Biehl: When East Side reviewed policies, the same model was used and the differences from boiler plate policies were shown (it may not have been CSBA). Wherever there was a change from their boiler plate, the additions or strike outs were shown. The question we have as board members, what is different, what is the change, or what is different from CSBA's recommendations? That level of detail may not be needed. It is my understanding that CSBA reviewed the policies and made recommendations based on the law. Hay: Yes. Biehl: If the Board is comfortable with continuing with this process, there are questions on several policies to review.

Member Gordon: In moving forward, if CSBA could provide the board policies in a format where we can see the changes, it would be preferable. In this particular instance, I am not going to advocate for it and I am prepared, once the changes are made and they are agreeable to the board, to move forward. In Campbell when updating the board policies

the board members were there with CSBA reviewing them and providing input on important changes. There is a concern giving CSBA cart Blanche on the board policies.

Vice President Biehl: As we move forward with additional board policies, a slightly different procedure would be used that provides us with what the changes are from what CSBA boiler plate is?

Member Gordon: That is correct.

President Garcia: It is my understanding we have a contract with CSBA. Is there something that we can do at this point?

Superintendent Hay: If it is showing what the changes are from their boiler plate, it should be doable.

Executive Assistant Polanski: CSBA did come down to the superintendent's office and met with Sandy Smith and Michelle Alaimo and spent three days reviewing the current MetroED policies, new government codes, new education code requirements and tried to reconcile the policies. CSBA took all the policies back with them and they have been adding government code and send it back down to our office for review before the final document is submitted to the Board. CSBA did say it would be difficult for them to do the strike outs because of the magnitude of changes due to the amount of time that has passed for updating the policies. Staff can speak with CSBA to see if there is a possibility to do the strikeouts for future policy revisions,

Member Chang: It is fine to move forward with the new versions according to education code and current practices. The policies were reviewed to ensure the current practices were in place. As was stated, the Los Gatos board did the strike outs, however, it was not a comprehensive review as MetroED is currently doing. If a majority of the board wants to move forward with comparing the old policies, that is also acceptable.

Vice President Biehl: It is not the intent to create extra work and we can work with what we have been presented going forward. If there was something major that was involved; it should be pointed out to the Board. The policies read very well and I have a few questions.

Member Grilli: There is discomfort in not having a history. In Milpitas, many policies are very unique to the community and not having a history and losing valuable information that has been there for a reason is not acceptable.

Member Canova: Santa Clara used the strike out procedure when going through the process and understands the concerns of not going strictly with the boiler plate. Each district has its own unique situations and circumstances where a particular policy reflects the historical nature of the way the district has dealt with various issues. It is definitely an on-going process. However, it is important to go about the process in a way that is time efficient.

President Garcia: There is a contract with CSBA and it is easier for the Board members to review policies when there are strike outs and but given that we didn't ask them to do that unless there are no additional costs, we should proceed as we are doing it now.

Superintendent Hay: The discomfort is understandable; however, the magnitude of the changes using a strike out process would be cumbersome and time-consuming. The changes for the business policies alone was enormous, a stack about 9 inches high and we were going to provide them on a CD to save the cost of copying. There is an apparent discomfort with areas where there might be a change from what is

recommended by CSBA. It should be possible to work with CSBA in the areas where MetroED's uniqueness differs from their recommended policies.

Vice President Biehl:

**BB 9100** – Annual Organizational Meeting, Item # 1 – this comes from the boiler plate and needs to be corrected to reflect our practice. Currently it says to elect a president and a clerk and/or vice president from its members and currently our practice is to elect a president, a vice president and a clerk.

**BB 9124B** – The last paragraph states individual board members other than the president may not seek advice from the MetroED legal counsel on matters of MetroED business unless so authorized by a majority of the board. Is it the Board's practice? It is a good policy. Hay: That is the board's practice. Biehl: On the East Side board, it is a little different and exceptions are made and board members are allowed to talk with the attorneys and often there are reasons for doing that. It seems to be working at MetroED and wanted to confirm it is practice at MetroED. Chang: Preference would be a majority of the board do that. Biehl: Actually, it is a good policy.

**BB 9140A** – Do we elect a member to the county school organization board as a JPA? The individual districts do that. In the third paragraph from the bottom, it states at its annual meeting the board shall designate one board member of its representatives to elect one member to the County Committee on School District Organization. Chang: We represent our local school districts so don't know if this is done here. Biehl: It is a strange thing; you elect a representative who then elects to be on the county committee. Does this JPA do that? It is a question to ask and if it should be included in this policy. Hay: This has an education code reference and staff will review this and come back at the next meeting and either delete it or provide governing code to back it up.

**BB 9250A** – Board Stipend – It lists the \$240 a month for board members, and indicates we are only paid in the months we actually have a meeting and only do that 11 months of the year. There is a provision here that if a board member misses during the month a percentage is accessed, etc. When the East Side board reviewed this, we found out it was all permissive and removed it from the policy. Staff should review this provision. In terms of practice, if a representative misses, is their pay docked? Hay: Our current policy states if you leave a meeting early, the pay is docked. If you arrive at closed session late, a percentage is docked. That has been changed in this policy. Biehl: We need to know what the change has been regarding this policy. Hay: This is more consistent with CSBA's recommendation when a trustee is unable to attend for a reason, the board may authorize an excused absence. That was not in the policy and that is the recommendation in this policy. Chang: How does it work if we just look at the percentage? Normally, we just have one meeting a month but there are exceptions if we have special board meetings. There is \$240 a month and if you are supposed to attend two meetings for the month and only attend one; then you will get 50% of the \$240. Hay: Yes. Biehl: My question would be is it mandatory in the education code or is it permissive. When East Side looked into this, we were told at that time it was permissive and rather than having a big discussion it was removed from the policy. Often, there are special meetings and how do you deal with a month where there is a special meeting you attend and then you miss the regular meeting. How is the percentage determined? The East Side board determined that board members have a responsibility during the entire month to attend a variety of activities that go beyond just attending the meetings. I am willing to go along with the decision of the MetroED board on this issue. Chang: I don't think it is that difficult because we are talking about board meetings only. It is very clear from an accounting practice whether it is one meeting for \$240 or two meetings for \$240. Biehl: If you missed a half of a meeting in a two meeting month then there would be a 25% dock in pay for that month. Canova: In Santa Clara, if a governing board member can't attend a meeting on the following meeting we agendize to allow the individual to receive their stipend for the meeting they missed if it is for a reason that the board agrees

with. Stipends are not taken away from the board members under any situation. If this board wants to do this, I am certainly willing to support it. Grilli: Does this really fit the MetroED board? We all send alternates if we cannot make a meeting so the alternate is the one receiving the stipend. Biehl: Does the alternate get the pay? Hay: Absolutely. Biehl: Then that takes care of the issue. This should be looked into and the language corrected to reflect the practice within legal boundaries. The East Side board after consulting with their attorney determined this was permissive and did not include it in the policy. He requested staff review the language in the policy and bring back a recommendation for the next meeting. Hay: The particular piece you are concerned with is the percentage for docking pay for board members. I understand the debate and the board's point of view from the individual districts but where you have a circumstance where you have a board member and an alternate and there are two meetings, the alternate could attend one and the regular board member the other meeting. The alternate is in fact a voting board member for that particular meeting and this allows you to make those types of adjustments. Canova: Here it becomes a little more complicated because here we can have board meetings and special board meetings and alternates attending. It is rather complicated. Biehl: I do not have a problem paying the alternate in lieu of the regular member if they attend the meeting but I think the policy should state that is what is being done. The policy should reflect the practice. Hay: There is another section in here that refers to the alternate and the alternate is the board member. The policy is not inconsistent with that. Staff will review this and bring it back. Biehl: You may have a convincing argument that the policy should stay the way it is written.

**BB 9320A** – The last paragraph on regular meetings - It states the Board shall hold one regular meeting each month and that is not our practice. We hold 11 regular meetings during the year and don't hold a regular meeting in July. We may hold a special meeting as required but it is not our practice hold a meeting in July because we don't get paid in July. Hay: That is a good point and staff will make the correction.

**BB 9324A** – Minutes and Recording – The fourth paragraph states in order to ensure that the minutes are focused on board action, the minutes shall include only a summary of the board discussion and shall not include a verbatim record of the board meeting or discussion on each topic on the agenda or the names of board members who make specific points during the discussion. That is not our practice and I like the way our minutes are done now. Chang: Yes, I agree. Biehl: I think that should be struck. Hay: We will either eliminate or fix the policy. Biehl: I like the way the minutes are taken and I think they are excellent minutes but this says to do them differently than the way they are being done and I would prefer to have them done the way they are. Chang: I just want to make a comment to that point, I missed the last meeting and I had great pleasure reading the minutes. I felt like I was at the meeting and I want to thank Althea for her work. Biehl: The minutes for this organization are excellent.

Member Grilli: **BB 9110A** – Alternate Members – We had a long discussion last year or the year before about alternate members and it is not reflected in the policy. Hay: No, it was not. There was a recommendation by this board and it was unanimous that it go back to the districts and ask the districts if they would agree to this change to the JPA and we sent the information out multiple times and followed up with multiple phone calls and e-mails and we only received responses from two districts. Without a commitment of agreement by all six districts it was not brought forward. Biehl: Was it East Side and Campbell that brought it back? Hay: East Side and Campbell. (**Correction** – It was Milpitas not Campbell after review of records.) Biehl: Didn't we follow that procedure at one point this past year. Chang: No, actually, if we want to make that part of the policy, then we individually, have to follow up with our superintendent to make sure it is approved at the home district. In the case of Los Gatos, the alternate could not make the meeting so a board agenda item was approved by Los Gatos to appoint a one-time alternate to attend the June meeting. Hay: That was consistent with the Joint Powers Agreement and board policy.



President Garcia: If there are no further requests, this is the end of the information items.

## XVI. ACTION ITEMS AND REPORTS

### BOARD AND ADMINISTRATIVE FUNCTIONS

20. **Action Item: Response to Grand Jury Report: "Santa Clara County Schools, Inventory Practices..."**

**MOTION:** It was moved to approve 1) the Response to Grand Jury Findings and Recommendations dated August 19, 2009, and 2) a new procedure for Superintendent credit card purchases to be approved by the Board President. M/Gordon, S/Chang, Vote: 6 Ayes

Superintendent Hay: The response was drafted for the board and it is a response from the board not the superintendent. If you feel there needs to be any changes, then we need to make sure we discuss that.

Vice President Biehl: The response is well written and I am comfortable with the response.

Superintendent Hay: In response to the Grand Jury, we have provided a detailed summary and receipts of all the superintendent's credit card charges for the past eight months and the commitment is to bring that forth for the Board President's review. Any other Board members are welcome to review the statements if they want.

Vice President Biehl: Are they ultimately approved by the Board after they are reviewed by the Board President and then a separate agenda item for Board approval. Hay: Yes, but not as a separate agenda item. The approval is included under the monthly warrant approval list presented to the Board for approval. Chang: This policy change would have you provide the information in a more detailed level than provided with the warrant list.

President Garcia: The credit card information presented by the Superintendent includes a summary of the eight months, a copy of each statement and a copy of every receipt. It is very detailed.

Superintendent Hay: The point the Grand Jury makes is that in some cases the credit card bills for the superintendent are reviewed/approved by a subordinate. In my case, Daniel Gilbertson was reviewing and then it went to the Chief Business Official for review and approval or the Fiscal Director who makes sure the charges are consistent with district policies. However, the Grand Jury's point is well taken. We will continue with our current internal control practices, with the addition of review/approval by the Board President.

Vice President Biehl: It is a very wise thing to do. We certainly have a little experience with this in East Side and the only problem is that during my conversation with the Santa Clara County Superintendent was that his recommendation is that you approve these separately for superintendents. It would be a separate board item for approval so they will appear in the public record if anyone wants to review them. That was just his opinion and may not be the standard recommended when FCMAT makes its final report to East Side. At this point, I am quite comfortable with the procedure you have set up and comfortable with the documentation you have provided. This is an area that is somewhat undefined in terms of what the Santa Clara County Office of Education feels is appropriate. I am not saying I agree with their suggestion. Do we need to take action on the procedure? If an auditor comes through, will there be a board policy with the new procedure so they could point out the specific board policy that states the board president

approves the superintendent's credit card statements and they go on the warrant list for full board approval. Hay: It will be included in the board policy and procedures when they come back to the Board for adoption. It is my intent to include this in the 3000 series which are the business policies. Chang: What the Board President is doing is ratifying after the fact because of when the statements are received to ensure the grace period for payment is not missed. Hay: In fact, our general policy requires that each individual that has a credit card, that credit card bill has to be reviewed and approved by that person's supervisor. Due to the turnaround time and to avoid late charges, the supervisor approval may occur after the payment is made. The internal control is still in place. Biehl: If for some reason there was a charge that was questionable and not approved, the individual would need to reimburse the amount. Hay: Yes, that is our practice.

21. **Action Item: Response to Grand Jury Report: "Who Really Benefits..."**

**MOTION**: It was moved to approve the Response to Grand Jury Findings and Recommendations dated August 19, 2009. M/Gordon, S/Biehl, Vote: 6 Ayes

**BUSINESS AND FINANCIAL FUNCTIONS**

22. **Action Item: CCOC Sanitary Sewer Line Replacement; Affirm Award of Bid and Approve Contract (KJ Woods Construction Co., Inc. - \$164,000)**

**MOTION**: It was moved to affirm award of the bid to KJ Woods Construction Co., Inc. and approve the construction contract with KJ Woods Construction Co., Inc. in the amount of \$164,000 for repair/replacement of sanitary sewer lines on the MetroED Hillsdale campus. M/Gordon, S/Chang, Vote: 6 Ayes

Vice President Biehl: There is a statement here that says the savings, assuming the interior part of the work does not cost more, is due to the creative strategy of using pipe bursting. Is the contract fixed at \$164,000 or is there a provision if they find something different it may cost more than the \$164,000? Hay: If they run into something different that is not included in the "as-built" plans and would require them to do something that was unknown to them, there would be a change order with an additional cost. So far, that has not occurred and we do not anticipate any change orders at the present time. Biehl: This would be part of any other contract awarded. The provision would be the same if they are the lowest bidder even though there is a contingency and things may cost a little more. Hay: That is correct. Chang: Staff has checked out this creative method of pipe bursting and it has been used successfully in other projects. Hay: Yes, it has and is being used successfully here and it saves the organization from having the grounds dug up. The contractor only needs to dig up on each end and then pull the new pipe through the old cast iron pipe, which bursts as the new pipe is pulled from one end to the other. I think most of you have seen the display of corroded cast iron piping that helped us get the extreme hardship grant. We will be bringing in a display, hopefully at the next meeting, to visually show you the both the old and new piping.

23. **Action Item: Transportation Contract: First Student, Inc.**

**MOTION**: The Governing Board approved the three year transportation services contract between MetroED and First Student, Inc. M/Grilli, S/Biehl, Votes: 6 Ayes

**XV. EXECUTIVE/ADMINISTRATIVE REPORTS**

CCOC Director Fox:

- The WASC accreditation was excellent news and a lot of people contributed including Pat Campbell, Sara Crowder, all the Focus Group Leaders and instructors. The final document they put together was excellent.

- Santa Clara Middle School held a summer camp of approximately 60 students for technology. Dale Poor and Jeff Schmidt from CCOC and a person from West Valley were the instructors.
- Women in Construction (MAGIC) held a week-long camp with Kurt Cheetsos, Pat Haney and Scott Hall, the carpentry, welding and electrical maintenance instructors, working with a group of young ladies.
- Program representatives are busy working with the California Opportunity and Access Program, University of Santa Cruz, working with East Side and San Jose right now.
- The program representatives are setting up schedules to attend the back to school nights in all the participating districts.
- CCOC will be holding their back to school night on Friday, September 25.
- Teachers will return on Thursday, August 20. Collette Betters and Jan Joseph are here this evening. Mr. Joseph is the new CTA President and John is looking forward to working with him.
- Mr. Hay will be addressing the faculty meeting on Thursday and then the teachers will work in their classrooms. There will be staff development on Friday and this will be continued through the school year.
- On Monday, August 24, school begins for the day students. There will be a full campus. There are approximately 2,100 students starting on Monday. Everyone has worked very hard this summer to prepare the campus.
- There was an intern program here this summer that assisted with many projects and Mr. Hay and Mr. Gilbertson have approved paid short term laborers to work next week to assist with completing projects.

MAEP Director Sylvia Karp:

- Over the summer, the GED testing center continued and the five year average of students we served in the center was 638. This year we served 885 students. There was a 38% increase in the number of students served. It provides a very important service to the community.
- Classes begin on August 24 and as of today, there are 3,432 students registered for class. The registration has been successful. Classes are open entry and students enter throughout the year so this is a small percentage of the number of students that will be served.
- Back to school meetings for MAEP will be held during the first two weeks of school at the five main sites due to the number of sites served by the adult education program. Superintendent Hay and Sylvia Karp will be attending each of the meetings, day and evening at the five sites.

MetroED Superintendent Paul Hay:

- The MC Village is on schedule and the site work is nearly complete, the buildings have arrived and are being put on their foundations. A transformer is in transit and should be here by the end of the week or early next week.
- The sewer line replacement is on schedule. Most of the work between at CCOC will be completed by Saturday. It should not impact the students.
- The Culinary Arts classroom has been expanded.
- Building 300 is being cleared out so that construction can begin. We are expecting the bid for the project to go out in September with construction to begin in October. Veterinary Assistant class has been moved to building 100, carpentry has been moved to building 700, managerial accounting to building 200, and health occupations to building 600. Capitol High will be moved over to the MC Village when the building is ready. Also, CalWORKs will be moved out of building 300 when the MC Village offices are ready.
- Other projects in the planning stages include asphaltting the area behind building 400 to replace some of the lost parking and storage for grounds keeping equipment. Asphaltting in front of building 700 will be done (or reconfigured) to accommodate a new fire training tower and provide secure parking for the emergency vehicles that have been donated to us.
- Administrators retreat hosted by Cisco Systems in their Executive Conference Center. It was at no cost to MetroED. Bob Beaulieu was very helpful in getting that for us. At the retreat, we did discuss how to improve communication within the district, the goals for this coming year, managing in an uncertain environment, and reviewed procedures and internal controls.

- At the last June meeting, we talked about the Federal stimulus funds and the areas that MetroED was looking at were a pass through of the apprenticeship program money. San Jose Unified has declined to pass through the money to us for the apprenticeship programs. On the other hand, Milpitas Unified has agreed to pass through the stimulus money that is related to the ROP adult ADA that we report through them. That is about 23% of our ROP ADA in the base year of 2007-08. It means about \$528,000 to the general fund from the first apportionment. The second apportionment amount has not been determined. We will be bringing more detail and other budget adjustments at the September meeting.
- The county has approved the MetroED budget and a copy of the approval letter was distributed to the board members.
- Los Gatos approved the Master Business Agreement at their meeting last evening, San Jose is scheduled for tomorrow night, it will be going to the Milpitas board in September, East Side is scheduled for September 17, and we do not have a date for Santa Clara. Campbell has initiated the dispute resolution process relating to the funding agreement.
- MetroED Facebook, I was told today, that was put up in March is getting 250 to 350 hits per week. There is a link to our web page on Facebook.

#### XVI. BOARD COMMENTS

- Member Grilli: Welcomed everyone back to the new school year.
- Member Chang: Concurred with Member Grilli.
- Vice President Biehl: Enjoys being on this board and being associated with MetroED, it is a very well run organization.
- President Garcia: Attended the Adobe International Film Festival in San Francisco at the Moscone Center. It was put on by Adobe Youth Voices which is an international program done around the world for students to do a public service announcement regarding an issue. MetroED had a student, Kyle Ames, whose public service announcement, "Don't spread the hate", was chosen. It was presented at a board meeting this last year. Students from around the world presented in their own language on topics from terrorism, child abuse, hate, teen pregnancy. Dale Poor was there as well representing MetroED.

Last week, the San Jose Unified Board held their retreat and President Garcia asked that the SJUSD superintendent prepare a comprehensive report to the board on multiple pathways and the whole concept of what that is about and how that might help students. After the report was presented, the board was very impressed with the opportunities. President Garcia shared the opportunities available at MetroED as well. The San Jose USD board agreed to make it a priority this year for the superintendent to improve the multiple pathways for the students. It is one of four items at the top of the list for the coming year for SJUSD.

Today, President Garcia met with a student that attends Gunderson who is very bright, scores very high, but is not doing well because he cannot sit still in school. He gave him a DVD of the program and the student is very excited about coming here and learning more about the program. It is a great opportunity for students that need a different way to learn.

#### XVII. OTHER MEETINGS

Regular Meeting, September 9, 2009

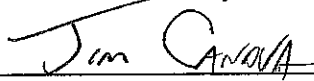
Closed Session 6:00 pm

Open Session 7:00 pm

#### XVIII. ADJOURNMENT

**MOTION:** It was moved to adjourn the meeting. M/Chang, S/Biehl, Vote: 6 Ayes

President Garcia adjourned the meeting at 8:10 p.m.

  
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 Jim Canova, Clerk of the Board