

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes
September 11, 2013

I. CALL TO ORDER/ROLL CALL CLOSED SESSION

The meeting of the Governing Board of the Metropolitan Education District was called to order by President Garcia at 6:00 p.m., in CCOC Room 819, San Jose, California, for closed session.

All Members present, except when noted "absent:

Daniel Bobay	Milpitas Unified School District
Jim Canova	Santa Clara Unified School District
Cynthia Chang	Los Gatos-Saratoga Union High School District
Matthew Dean	Campbell Union High School District
Richard Garcia	San Jose Unified School District
J. Manuel Herrera	East Side Union High School District

II. CALL TO ORDER/ROLL CALL REGULAR MEETING

The regular meeting of the Governing Board of the Metropolitan Education District was called to order by President Garcia at 7:03 p.m., in CCOC Room 201, auditorium, San Jose, California.

III. REPORT OF CLOSED SESSION ACTIONS

President Garcia reported the Governing Board took no action in closed session.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice President Bobay as we remember September 11, 2001.

V. ADOPT AGENDA

MOTION: It was moved to adopt the agenda. M/Bobay, S/Dean; Vote: 6 Ayes, 0 No

VI. STUDENT REPORTS

A. CCOC Student – None

B. MAEP Student – MAEP Principal Glass introduced Amanda Sferrazzo.

Amanda Sferrazzo: She thanked everyone, especially the teachers and staff at MAEP, for the opportunity to attend classes at MAEP. She is attending the evening High School Diploma class with Sam Ajam. She said she is only 15 credits away from earning her High School Diploma. She started with the Adult Basic Education (ABE) class at the Erikson Center three years ago. She said her sister attended as well and graduated last year. She said this gave her the goal to continue her education as her sister has children and was still able to get her diploma. She has plans to continue her education either in Culinary Arts or architectural design and become a head chef. She said she has already designed her own restaurant and she is currently working at McDonald's to help her family financially. She said she has received help from her teachers and staff to help her get financial aid to continue her education.

VII. PUBLIC COMMENTS

President Garcia noted there were no requests to speak.

VIII. APPROVAL OF MINUTES

1. Action Item: Approval of Minutes from the Regular Board Meeting of August 21, 2013.

MOTION: It was moved to approve the regular board meeting minutes of August 21, 2013. M/Canova, S/Chang; Vote: 6 Ayes, 0 No

IX. CONSENT CALENDAR

Member Dean: He requested to remove items 2, 7, 8, and 10 from the consent calendar.

Member Chang: She requested to remove item 6 from the consent calendar.

MOTION: It was moved to approve consent items # 2 through # 13 with the removal of items 2, 6, 7, 8, and 10. M/Dean, S/Herrera; Vote: 6 Ayes, 0 No

BUSINESS AND FINANCIAL FUNCTIONS

2. **Action Item: Approve August Warrants Approval List**

Member Dean: He said on page 8 of the warrant list for the San Jose Water Company that he is aware of urinals for bathrooms that are oil based and low flow which could help with the water bill and the water company has programs to assist in converting the urinals. He said on page 9 and throughout the warrant list, there are expenditures to Nationwide Publications and he asked staff to provide information on these expenditures.

CBO Fry: She said she would need to look up the expenditure for Nationwide Publications and she would provide the information to the Board.

President Garcia: He asked if it would be sufficient to have the information sent to the board member and he concurred and he asked for a vote to approve.

MOTION: It was moved to approve the August Warrants. M/Chang, S/Bobay; Vote: 6 Ayes, 0 No

- *3. **Action Item: Donations Offered to the District**

The Governing Board approved the donation from Capitol Expressway Ford.

- *4. **Action Item: Monthly Budget Update**

The Governing Board approved the budget changes included in the Monthly Budget Update for the period ending 8/31/2013.

- *5. **Action Item: Master Vendor Training Agreement with City of San Jose, Eligible Provider List-ETPL**

The Governing Board approved the Master Vendor Training Agreement with the City of San Jose, Eligible Provider List (ETPL).

6. **Action Item: Master Vendor Training Agreement with City of San Jose, work2future**

Member Chang: She asked what the anticipated number of clients and income would be.

CBO Fry: She said she did not know the number of clients; however, the amount is the maximum that could be received.

MOTION: It was moved to approve the Master Vendor Training Agreement with the City of San Jose, work2future. M/Chang, S/Canova; Vote: 6 Ayes, 0 No

7. Action Item: Change Order #003, Bldg 100, Swenson & Associates, \$15,873

Member Dean: He asked why the change order included seismic bracing when this should have been part of the original contract.

HR Director Mullin: He explained there was a request to upgrade the projector which resulted in the relocation of the installed project mount and it required additional seismic bracing for the conduit racks and cable trays to ensure it was secure.

MOTION: It was moved to approve change order #003 for building 100 with Swenson & Associates for \$15,873. M/Dean, S/Chang; Vote: 6 Ayes, 0 No

PERSONNEL FUNCTIONS

8. Action Item: Administrative Personnel

Member Dean: He asked if there was an exit interview process in place to understand the reasons an employee has resigned from MetroED and if the information is aggregated so the Board and staff understand the reasons.

MOTION: It was moved to approve the two resignations and one new hire. M/Dean, S/Chang; Vote: 6 Ayes, 0 No

***9. Action Item: Certificated Personnel**

The Governing Board approved 17 MAEP Permanent teachers; two MAEP 2nd year probationary teachers; two MAEP Temporary hourly teachers; four MAEP Curriculum Specialists; two MAEP Counselors; eight CCOC evening teachers; and two CCOC/MAEP Teacher Stipends for duties outside of the classroom for the 2013-14 school year.

10. Action Item: Revised Administrative Job Descriptions: Assistant Principal/CCOC/P (Revised); and Program Coordinator/CCOC/P (Revised)

Member Dean: He said he wanted to understand some of the physical requirements included in the job descriptions, for example, the ability to stand for extended periods of time. He said it means that anyone that is a paraplegic is excluded from consideration for the job.

HR Director Mullin: He said part of the application process is to ask candidates if they are able to perform the basic functions of the job with or without accommodations. He said it is not something that rules out a candidate.

Member Dean: He said that was great and what he was hoping to hear; however, he asked where that is stated in the job description.

Member Chang: She said when reading the requirement, the ability to stand for extended periods of time, it excludes a person. She said at Los Gatos High school they did hire a person in a wheelchair.

President Garcia: He said a person might not apply for the position after reading the physical requirements.

HR Director Mullin: He said in the postings for the positions, it states that accommodations will be made. He said the intent is not to exclude anyone.

Member Chang: She said if the Board is approving the job description it appears the Board is endorsing the requirements.

Member Canova: He said another requirement includes the ability bend and twist, stoop, and kneel.

HR Director Mullin: He said a person performs these functions throughout the day.

Member Chang: She asked if this was a standard description for all job descriptions and with the American Disability Act and other laws there may be changes.

HR Director Mullin: He said these are current descriptions and reflect ADA requirements and standards within other school districts as they are redoing their job descriptions.

Member Dean: He asked if this item could be tabled until the next meeting.

President Garcia: He asked if the specific requirements could be removed so we could move forward with the approval of the job descriptions since we will accommodate individuals that may need special accommodations.

Member Herrera: He said instead of doing it here at the Board meeting the job descriptions should be taken and thoroughly evaluated.

HR Director Mullin: He said we could add a statement that would say that reasonable accommodations will be made.

Member Dean: He said he was fine with that as long as it met federal and state ADA requirements.

Vice President Bobay: He said in certain instances you can make accommodations but in some instances you cannot. He said if there is an emergency on the campus such as a building collapse, a fire, or a car flies off the freeway into a building.

Superintendent Lynch: She said staff would like approval of the positions as one of them represents one of the two assistant principal positions to become the CCOC Program Coordinator.

Member Herrera: He asked if the process cannot continue with the approval of the job description.

Superintendent Lynch: She said when a position is posted, it is pending Board approval.

Member Chang: She asked if the physical requirements are listed on the posting.

Superintendent Lynch: She said the job description is included in the posting for the positions.

Member Chang: She said she understands the timeline and asks if there can be revisions.

Superintendent Lynch: She said staff is working on updating all of the job descriptions and these are the first of many that will be coming to the Board over the next two years.

President Garcia: He said he thinks there needs to be something on the posting or job description explaining the District will assist in accommodations. He said if this doesn't happen, he thinks people may not apply based on the physical requirements and people may not apply.

Member Canova: He said he has full confidence in the superintendent and staff to make the revisions and add a disclaimer to the job descriptions.

Member Chang: She said she would like to see the two requirements removed.

Member Herrera: He said we can either do the changes this evening or allow staff to make the necessary changes and bring it back to the Board.

President Garcia: He said staff is asking for approval this evening.

Member Herrera: He said he didn't want to try and make changes this evening as things will be missed during the discussions. He said he would rather send it back to staff and trust them to modify the language in the spirit of the discussions this evening.

Vice President Bobay: He said staff should run the wording by a lawyer.

President Garcia: He said he thinks the wording is going beyond even what a lawyer would say. He said at least two board members are saying that we are trying to eliminate any kind of wording that would cause someone with a disability even to apply.

Member Dean: He said at his home district board meeting a few weeks ago, he didn't recall this level of detail in the job descriptions they reviewed and approved.

Member Chang: She recommended checking with the six participating school districts on the language used for job descriptions.

HR Director Mullin: He said he could take out the language on physical requirements as requested by the Board to move the posting of the position and then review the physical requirements with the attorney and then bring it back to the Board at a later date.

Member Chang: She said it did not need to be brought back to the Board as they trust staff to make the appropriate changes.

Member Dean: He said to move forward with posting the job.

MOTION: It was moved to direct staff to ensure that this is compliant with the appropriate laws and modify the wording as needed to that end and approve the job descriptions. M/Dean, S/Canova; Vote: 6 Ayes, 0 No

INSTRUCTIONAL AND STUDENT FUNCTIONS

***11. Action Item: MOU for CTE Teach Site Grant, \$6,500**

The Governing Board approved the MOU between MetroED and Colton-Redlands-Yucaipa Regional Occupational Program (CRYROP).

***12. Action Item: ROCP Course Review**

The Governing Board approved and recertified the ROCP courses listed in the agenda packet.

***13. Action Item: Approval of Annual Agreement with Pearson VUE for GED Computer Based Testing**

The Governing Board approved the agreement with Pearson VUE for GED Computer Based testing.

X. INFORMATION ITEMS

14. Information Item: Quarterly Investment Report as of 6/30/13

President Garcia: He noted the quarterly investment report was included in the agenda packet and there were no questions from the Governing Board.

15. Information Item: Career Technical UC “a-g” Courses

President Garcia: He noted the information was included in the agenda packet.

Superintendent Lynch: She said career technical education has changed over the last ten years. She said the information in the agenda packet is a summary and in 2003-2004 there were about 3,400 CTE “a-g” classes and now there is 11,844. She said this is to introduce the Board to the information to share back in their home districts. She said there are 415 classes in Santa Clara County that are CTE and staff would be working to get as many classes as possible to meet the UC “a-g” requirements.

XI. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATIVE FUNCTIONS

16. Action Item: Annual CALCP/CAROCP Conference

MOTION: It was moved to authorize reimbursement of expenses as noted in the District’s Travel & Conference procedures for as many MetroED Governing Board members who attend the annual CALCP/CAROCP conference on November 20-22, 2013. M/Dean, S/Canova; Roll Call Vote: 6 Ayes, 0 No

17. Action Item: 2012-2013 Unaudited Actuals Financial Reports

CBO Debbie Fry: She provided a brief PowerPoint of the unaudited actuals for 2012-2013. She said there were a lot of transitions in MetroED during the year with two different CBOs, two different superintendents, and two different fiscal directors. She said these are real numbers and it provides her with a starting point to move forward. She said the bottom line when closing the books after subtracting expenses from revenues provides either a surplus or a deficit. She said the general fund (ROP) had a surplus of \$488,422 and adult education had a deficit of \$579,733. She said this was not a surprise but it is a concern for adult education. She said it is her understanding there was an agreement with San Jose USD to start spending down the reserves in adult education which would be a planned deficit spending. She said the money is not being spent on one-time expenditures but on programs which is a concern. She shared a graph for Fund 010 and Fund 110 showing how the gaps between revenues and expenditures. She said there is a big difference between a budget crisis and cash flow. She said a budget crisis can be solved; however, districts get into trouble if there is not enough cash to pay bills and employee salaries and benefits. She said MetroED has agreements with the bargaining units with a 5% escalator for benefits and we do not receive COLAs or increases in funding from the state. She shared information by the Fiscal Crisis and Management Assistance Team (FCMAT) that are predictors of school agencies needing intervention. She said MetroED will not be receiving any of the \$19 million that is being provided to our participating districts or any of the Proposition 39 energy grants. She said the community colleges will be receiving grants to partner with adult education and we are currently working with a local coalition. She said the district ended the fiscal year with adequate reserves for the short-term. She said MetroED will be using the Budget Advisory Committee to assist with the Common Core and Local Control Accountability Plan (LCAP) that will need to be in place as well as a high-demand for quality, job-relevant staff development.

Member Chang: She asked if she could receive the FCMAT predictors electronically. She asked if there was any budget for staff development and if there is a plan on how to do this since MetroED will not receive funds to implement the Common Core Standards.

CBO Fry: She said she is reviewing the budget to see where there is funding to pay for staff development as well as using some one-time funds for staff development.

Member Herrera: He asked if there were any plans legislatively for MetroED to be included in the funds for implementation of Common Core and Proposition 39 as it must have been an oversight by the legislators.

CBO Fry: She said she understands there was an effort to get this fixed; however, because the funding is based on a student count and our students are your students that would be double counting the students.

Member Herrera: He said he thinks it should still be remedied because of the programs and separate facilities and the staff at MetroED that will need to be trained and it should be addressed. He asked if there could be a report at the next meeting on what is taking place at the state level.

Vice President Bobay: He asked if there had been any discussions with the member districts and superintendents regarding the funds.

Superintendent Lynch: She said it is on her agenda to discuss with the superintendents at the meeting on September 27 and she would like to ask them for \$10,000 each to provide three years of staff development for MetroED for \$60,000. She said the amount could be on a pro-rated scale. She said there is a \$250 million grant that we can apply for; however, it is not the answer to why we were not included. She said she will be talking to the superintendents about how we can be a regional center and do things in a different way.

Member Dean: He said there may be a way to participate in the staff development being done at the participating districts. He said it would expand the cohorts and it could be a way to work together that doesn't ask the districts for cash but accomplishes some of the professional development. He said when he looks at the adult education fund and surpluses from 2001-02 on, there are four different years where there was a deficit, he asked where did the surpluses go that are indicated on the graph?

CBO Fry: She said the surpluses are what we are currently expending.

Member Dean: He asked what the amount for adult education is for the reserves as it appears to be zero.

CBO Fry: She said we are not allowed to have zero in the fund and at the end of the fiscal year, adult education had \$1.5 million.

Member Dean: He said the Board needs to look at what amount the reserve cannot go below at a particular point so we can meet the obligations at the end of the year until the state sends the deferral payments.

CBO Fry: She said the recommendation for stabilization funds is four months of obligations for a district as this is the amount of time that you may go without receiving cash from the state. She said there has been information that the state may eliminate deferrals to the districts and start providing the funding in a timely manner.

President Garcia: He asked what the potential amounts of grants could be available for adult education through partnering with the community colleges.

CBO Fry: She said it is too early to be discussing amounts as we are just beginning to have discussions on what our role is for traditional adult education versus some transition to community colleges. She said it is good that there are discussions taking place.

President Garcia: He said there may be discussions about who controls the dollars versus the amounts.

CBO Fry: She said we do know the community colleges control the grants and the dollars.

MOTION: It was moved to approve the ending fund designations and authorize the superintendent to file the 2012-13 Unaudited Actuals Financial Reports with the Santa Clara County Superintendent. M/Chang, S/Dean; Roll Call Vote: 6 Ayes, 0 No

XII. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

MAEP Principal Glass

- Through a Digital Literacy Grant, a Twitter class was held by Curriculum Specialist Sam Ajam so the ESL teachers now have a Gmail account and know how to use Twitter and they will teach their students how to communicate using that venue.
- The GED Computer Online testing center will go live on Thursday, September 12, 2013. She said all of the requirements have been completed by GED Examiner Karen Enzensperger with Pearson VUE. She said the tests will only be available online beginning in January 2014; however, by starting now, we will be able to work out any issues and it gives test takers two opportunities to complete prior to the end of the year. She said we are the only online testing center in Santa Clara County.

Questions:

- Member Dean asked if the time allotted was extended for test takers to complete the test and Principal Glass said no. She did say in other states those taking the online test have a higher success rate than using the paper version.
- Member Dean asked if the testing room is set up ergonomically and the chairs can be used by those who may be different heights. Principal Glass said she is sure this has been accounted for based on the specifications from Pearson VUE.
- Member Dean asked if there could be a survey done after the person has tested so we can capture feedback on issues or problems they had taking the tests.
- Vice President Bobay asked if we had someone who specializes in ergonomics for employees and others. Principal Glass said we contract with a company to assist in this area.

CCOC Director Cartan

- Back to school night was very successful with 852 in attendance. The Hub is the Culinary Lab and there were over 500 light dinners served prior to the classroom visits.
- On Friday, September 6, Nathan Chukes, Student Council Advisor, held the first meeting for interested students with over 50 students in attendance in both a morning and afternoon meeting. The election for student council officers will take place this week.
- The Operating Committee met last Thursday and there were counselors and others from the participating districts. She said she wants to increase the number of participants to ensure CCOC is meeting the needs of the districts and the students.
- Foothill College will be holding their staff meeting at CCOC on Friday, September 13.
- The next Peer Court will be on September 17 at 5:00 PM and if a member of the Board wishes to attend, they would need to arrive a few minutes before to take an oath of confidentiality. She understands Santa Clara County Supervisor Dave Cortese will be attending as well. She said it was a great experience and the students were very professional.
- Collette Betters, Health Occupations instructor, and her class will be holding their 4th annual blood drive on October 8.
- She said that we are the experts on CTE and she would like to see teachers from the participating districts come to CCOC to participate with staff development training for Common Core.

- She said she would be attending the CAROCP Board Meeting next week on behalf of Superintendent Lynch.

Superintendent Lynch:

- She said the meeting with the district superintendents will be held on September 27 and she has had the opportunity to attend the board meetings at East Side, Campbell, and Los Gatos Saratoga. She will be attending Santa Clara's board meeting on Thursday, September 12 and she has dates to attend Milpitas and San Jose.
- She will be holding CTE Steering Committee meetings here at MetroED four times this year so we can become the hub of CTE information throughout Santa Clara County and she provided a flyer with upcoming dates.
- She said she attended the 2013 Education Summit on Wednesday, September 4 and President Garcia and Member Herrera were also in attendance. She said MetroED had a table with information to share with attendees.
- She said Member Chang and Los Gatos Saratoga Board Member Katherine Tseng accompanied a delegation of principals from New Taipei on Tuesday for a tour of the center.

XIII. BOARD COMMENTS

Member Canova:

- He thanked everyone for their support of AB 503 regarding the property in Santa Clara (old Agnew's site) and especially Vice President Bobay. He said the assembly committee received a lot of calls from Milpitas. He said the bill is on hold until January.

Member Chang:

- She said the Santa Clara County School Boards Association will be holding their fall dinner meeting here at MetroED on October 30 and she encouraged all of the board members to come.
- She thanked Superintendent Lynch and CCOC Program Representative Seda Otto for providing the tour for the New Taipei delegation. She said the delegates spend the day at her home district.

XIV. OTHER MEETINGS

President Garcia: He noted the next regular meeting will be on October 9, 2013 at 7:00 PM with closed session at 6:00 PM if necessary.

XV. ADJOURNMENT

MOTION: It was moved to adjourn the meeting. M/Dean, S/Bobay; Votes: 6 Ayes, 0 No

President Garcia adjourned the meeting at 8:17 PM.

Matthew Dean, Clerk of the Board