

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes May 11, 2011

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 Canova at 6:00 p.m., at 760 Hillsdale Avenue, Building 400, Room 403, San Jose, California.

All Members present, except when noted "absent:

Frank Biehl	East Side Union High School District
Daniel Bobay	Milpitas Unified 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
Rick Costanzo	Campbell Union High School District Alternate

II. CALL TO ORDER/ROLL CALL REGULAR MEETING

The meeting of the Governing Board of the Metropolitan Education District was called to order by President Canova at 7:05 p.m. in CCOC Room 812 in San Jose, California.

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice President Chang.

IV. ADOPT AGENDA

Superintendent Hay: He noted the agenda was amended to include Item # 16B and the original Item #16 is now 16A. There are two revisions to the posted agenda on Items # 15 and # 17. Copies have been provided to the Governing Board and the public.

MOTION: It was moved to adopt the agenda with the amendment and revisions recommended by staff. M/Chang, S/Garcia; Vote: 6 Ayes, 0 No

V. RECOGNITIONS

A. Acknowledgement of Visitors: None

B. Acknowledgement of Honors and Awards

- Recognition of 10, 20, 30, and 40 Years of Service for Employees

Superintendent Hay recognized 10 Year Employees: Jun Jun Candelario, Jo Ann Van Ballegooijen, and Jennifer Smith; 20 Year Employee Judith Gordon; and 40 Year Employee Santa Delaye.

- Recognition of Individuals/Groups who have "Raised the Bar!"

Superintendent Hay recognized Baking & Catering Instructor Jan Joseph and Culinary Arts Instructor Nancy Joseph for their work on the twelve (12) student conferences held during the school year by providing both breakfast and lunch for the student participants.

Superintendent Hay recognized Sylvia Evans, CCOC Assistant Principal, and John Fox, CCOC Director, for their contributions for the twelve successful student conferences held during the school year. Director Fox was also presented a leadership award for his vision to provide student conferences to the students at CCOC through an SB 70 grant.

Superintendent Hay recognized MAEP ABE Curriculum Coordinator Marti Rao and ESL Curriculum Specialist Kitty Stenson for going above and beyond to provide Metro Center ESL students with the excellent International Day and International Evening celebrations held in March.

VI. STUDENT REPORTS

- A. John Fox, CCOC Director, introduced SkillsUSA Advisor Michael Cortese (Diesel Mechanic Instructor) to introduce the students. He said Mr. Cortese was selected as the SkillsUSA Advisor of the Year for Region 2 last week.

Michael Cortese: He said this year seven students will be representing CCOC at the National competition in Kansas City in June and he asked the Gold Medal recipients to join him and share some information on SkillsUSA and the competition.

Kyle Cox: He is in the Diesel Mechanics class with Mr. Cortese and he will be competing in Kansas City in Diesel Equipment Technology. He received a full-ride scholarship from UTI, \$25,000, and \$8,500 from Wyotech. He also received \$500 worth of Snap On tools.

Keely Jaramillo: She said she competed in Dental Assisting and her instructor at CCOC is Michelle Sugden. Mr. Cortese stated this was the first year Dental Assisting has competed at SkillsUSA and this attests to the excellent program we have here at CCOC.

Matthew Demore: He will be competing in Carpentry at the Kansas City Nationals and his instructor is Kurt Cheetsos. He said he didn't think he would be going on to Nationals without the support and instruction of Mr. Cheetsos. He said he missed the 1,000 point mark by 5 points due to making curves instead of rounds. He said he appreciates everything his instructor has done for him and he is looking forward to competing in June. He said he won about \$300 in carpentry tools.

Daniel Moreno: He competed in HVAC and also received approximately \$500 in tools and he is looking forward to competing in June.

Oscar Munguia: He said he also competed in HVAC and won gold for both regional and state competitions. He also won approximately \$500 in tools.

Diamond Saenesouk: She said she competed in Auto Body Refinishing and she has won a scholarship to UTI for approximately \$30,000 and to Wyotech for \$8,500 as well as tools from Snap On.

Michael Cortese: He said all the students did very well and they do have the chance to represent the United States to the International competition if successful in Kansas City. He shared that Jessica Santiago was unable to attend this evening do to a family emergency. She competed in Medical Assisting and won a gold medal.

President Canova: He congratulated all the students and he said the amount of scholarships was very impressive.

VII. SPECIAL ORDER OF BUSINESS

None

VIII. PUBLIC COMMENTS

President Canova: He noted there was one request from James Walker to speak related to Item # 17 and Mr. Walker asked if he could speak under public comments and his request was granted.

James Walker: He said he developed and teaches the Automotive Careers Program at CCOC and he is being slated to be laid off due to low seniority. He shared pictures of the progress that he has made in the shop over the three years he has been teaching the program which included before and after pictures. He said the program is thriving, the classes are full, and there are students on the waiting list. He thanked the Governing Board for the opportunity to speak.

President Canova: He thanked Mr. Walker for showing the pictures of the shop and asked if there were any comments the superintendent wished to say at this time. Superintendent Hay asked to reserve his comments to when the Governing Board discussed the agenda item later in the meeting.

IX. APPROVAL OF MINUTES

MOTION: It was moved to approve the Minutes of the Regular Board Meeting of April 13, 2011. M/Biehl, S/Chang; Vote: 6 Ayes, 0 No

X. CONSENT CALENDAR

MOTION: It was moved to approve consent items # *2 through # *8. M/Biehl, S/Garcia; Vote: 6 Ayes, 0 No

BUSINESS AND FINANCIAL FUNCTIONS

*2. Consent Item: Approve Monthly Warrant Approval List

The Governing Board approved the following warrant registers: #62009784-#62009816, dated April 4, 2011; #62009817-#62009872, dated April 6, 2011; #62009873-#62009904, dated April 12, 2011; #62009905-#62009933, April 14, 2011; #62009934-#62009946, dated April 18, 2011; #62009947-#629009961, dated April 20, 2011; #62009962, dated April 22, 2011; #62009963-#62009995, dated April 25, 2011; dated #62009996-#62010030, dated April 27, 2011.

*3. Action Item: Architectural Services: MC Annex Portables, Bartos Architecture

The Governing Board approved the Authorization to Proceed for architectural services with Bartos Architecture, Inc. in the amount of \$46,415 for the MC Annex portables project.

*4. Action Item: Surplus Items

The Governing Board approved the items listed in the Board packet for surplus due to the consolidation of adult education programs after the decision of the San Jose Unified School District Governing Board to reduce its funding for adult education.

PERSONNEL FUNCTIONS

*5. Action Item: Approve Revised Hourly Classified Salary Schedule

The Governing Board approved the salary schedule for hourly classified employees to include a Campus Project Labor at \$10.00 per hour for workers who are eighteen or older.

INSTRUCTIONAL AND STUDENT FUNCTIONS

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

The Governing Board approved the agreements to provide on-the-job clinical training to CCOC medical students at the Sleep Well Medical Clinic.

***7. Action Item: 2011-12 School Calendar**

The Governing Board approved the school calendar for the Metropolitan Education District for the 2011-12 school year that had been reviewed by the employee bargaining units.

***8. Action Item: Approve 2011-12 Schedule of Fees**

The Governing Board approved the revised MetroED Schedule of Fees for 2011-12.

XI. INFORMATION ITEMS

9. Action Item: MetroED Vision Statements and Goals for 2011-12

Dan Gilbertson: The MetroED Governing Board was presented the 2011-12 MetroED long term vision statements, goals and objectives for their consideration and review. The District's budget is based on the prioritized goals adopted by the Governing Board. He reviewed the recommended changes to the vision statements for the coming year and an overview of the plans for 2011-12 and provided a PowerPoint presentation.

Member Garcia: He asked if there had been any grants available that we have not had an opportunity to apply for due to not having a grant writer. He said he is involved with a non-profit that pays a percentage of the grant to a grant writer and asked if that had been considered.

MAEP Director Karp: She said over the last four months there have been several grants MAEP has not been able to apply to as there has not been anyone with the time on staff to write the grants due to the preparations to consolidate sites to the Hillsdale campus.

Superintendent Hay: He said the Governing Board has approved two grant writers for one year each in the past; however, they had not been successful in getting grants. He said the last proposal approved was fair and a percentage-based structure. He said there may be several people currently who have been laid off that may be able to do grant writing and staff would continue to pursue this objective.

Vice President Chang: She thanked district staff for working together to generate the mission and goals as it was only May and she asked if the Governing Board would be approving the document at a meeting in June so when the new school year, we are ready to move forward.

Superintendent Hay: He said the process is to bring the goals and objectives to the Governing Board in May as an informational item and to bring them back at the first meeting in June for approval. He said at the same meeting, staff would bring the budget for next year as an informational item and then for budget adoption at the second meeting in June. He said this allows the goals to drive the budget.

Vice President Chang: She said she was impressed with the thoroughness of the document and wanted to thank everyone for a great job.

President Canova: He said he agreed with the comments and it was remarkable with all of the changes taking place and the economic constraints staff was able to put together such a well done plan.

Member Costanzo: He said solar projects had been mentioned and asked if the district had any plans at this time. He said there are options and money available for solar projects at this time.

CBO Gilbertson: He said the district is looking at several options and the financial feasibility is a big factor. He said staff has talked to Chevron and others and will continue to pursue this objective.

XII. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATIVE FUNCTIONS

10. **Action Item: Second Reading & Final Adoption: AR 4040.1; Employee Use of Technology**

MOTION: It was moved that the Governing Board adopt AR 4040.1 regarding Employee Use of Technology. M/Garcia, S/Biehl; Votes: 6 Ayes, 0 No

11. **Action Item: Legislative Update; Approval of Bill Positions**

Superintendent Hay: He provided an update on the assembly and senate bills where MetroED has taken a position for support or watch.

Vice President Chang: She said she had a question regarding AB 160 regarding concurrent enrollment in the community college. She said her local school district is already involved through West Valley College. She asked what this bill would do differently then what is happening currently.

Superintendent Hay: He said he would be happy to do an analysis on the bill and provide information to the Governing Board. He did not know at this time how it would differ from current practice.

Member Bobay: He said his local school district has a similar agreement with Evergreen Community College.

Superintendent Hay: He said there is one bill he is asking the Governing Board to take a position on, AB 18 by Assembly Member Brownley. The bill would take effect after flexibility ends in 2014-2015 and is a major overhaul of the revenue limit for categorical funding. It proposes to take 25 separate categorical programs including adult education and consolidate into the revenue limit. He said ROCP funding is not included in the consolidations. He said if the current bill is not amended and is approved, adult education will end in California. CCAE has taken a position to oppose the bill if not amended and he recommends the Governing Board oppose if not amended as well. He said during the hearing, Assembly Member Eng (author of AB 189) spoke passionately on adult education. He said many on the committee (Republican and Democrat) realized the dilemma regarding adult education; however, they did not want to hold up the bill as they believed it would be a major reform on educational funding. He said as occurred at San Jose Unified School District, board members are going to view they are K-12 districts and do not do adult education. He said the bill was moved out of committee but they made it clear to the author that the adult education funding needed to be reviewed and Assembly Member Brownley agreed to review it.

MOTION: It was moved that the Governing Board support AB 18 if amended with adult education removed and authorized the Superintendent to take any necessary actions. M/Garcia, S/Biehl; Votes: 6 Ayes, 0 No

Member Garcia: He asked if it was the assembly member from Monterey Park who spoke at the assembly committee hearing. The assembly member had talked about a lot of immigrants in his community and the importance of the role of English-as-a-Second Language and other programs that provide a huge service to the community.

Superintendent Hay: He said the hearing was very interesting on AB 18 and it can be viewed on-line and Assembly Member Eng was very serious about his position on adult education.

BUSINESS AND FINANCIAL FUNCTIONS

12. **Action Item: Change Order #001, CCOC Building 200 Health Careers Center; Eternal Construction, Inc, \$86,512.40**

MOTION: It was moved that the Governing Board approve change order #001 in the amount of \$86,512.40 between MetroED and Eternal Construction, Inc. M/Biehl, S/Chang; Votes: 6 Ayes, 0 No

13. **Action Item: Monthly Budget Update**

Keiko Mizuno: She said there were a few changes which included the moving expenses for the consolidation of the adult education programs and the construction of the MC Annex to accommodate students on the Hillsdale campus.

Vice President Chang: She said the Monthly Budget at a Glance spreadsheet is very helpful and the format is very useful. She had a question on the reserves being based on the expenditures which is 10% of the total use of funds.

Keiko Mizuno: She said the reserve is formulated based on the total expenditures.

Superintendent Hay: He said the reserves of 10% are a total of the revolving funds for CCOC as well as the general funds and if you total the two columns, it provides the percentage of total expenditures.

MOTION: It was moved that the Governing Board approve the budget changes included in the Monthly Budget Update for the period ended 4/30/2011. M/Chang, S/Biehl; Vote: 6 Ayes, 0 No

PERSONNEL FUNCTIONS

14. **Action Item: Classified Personnel**

CBO Dan Gilbertson: He shared the next few items are personnel related and are difficult due to the layoffs and bumping that needs to occur. He said there have been recent changes and the revised agenda items have been provided for the Governing Board. He said the first item includes a termination which is a release from employment for none completion of the probationary period.

MOTION: It was moved that the Governing Board approve the one retirement and one termination. M/Garcia, S/Biehl; Vote: 6 Ayes, 0 No

15. **Action Item: Certificated Personnel**

CBO Dan Gilbertson: He said this item has been revised to change from two CTA teachers to one CTA teacher.

Member Biehl: He said for clarification the change on the action item was to rescind the layoff of Richard Henson.

CBO Dan Gilbertson: He said that was correct and it was the one change to this item.

Member Biehl: He said without any joy and to facilitate the meeting, he would move approval of this action item.

Vice President Chang: She said it was her understanding the Governing Board's decision is based on seniority as stated in the Educational Code.

Member Biehl: He asked if the Governing Board was following the collective bargaining agreements or is it a combination of the two.

Superintendent Hay: He said staff was going by the collective bargaining agreement and Education Code.

CBO Dan Gilbertson: He said the collective bargaining agreement is based on the Education Code and we have granted our CTA teachers probationary status and probationary status comes with seniority and seniority implies bumping.

MOTION: It was moved that the Governing Board approve the retirement of two CTA teachers and one AFT teacher, layoff of one CTA teacher and one AFT teacher. M/Biehl, S/Bobay; Vote: 6 Ayes, 0 No

16A. Action Item: Administrative Personnel

CBO Dan Gilbertson: He said this item is related primarily to the reduction in the adult education funding for MAEP based on the decision by San Jose Unified School District.

Member Biehl: He said with regret the Governing Board needs to follow the rules and regulations and they are put in this position to approve layoffs and he would move approval of the staff recommendation.

Vice President Chang: She asked if this was a resolution that required a roll call vote.

Member Biehl: He asked staff to clarify this item.

Althea Polanski: She said that Item # 16A was not a resolution and did not require a roll call vote; however, Item #16B would require a roll call vote.

MOTION: It was moved that the Governing Board approve the one retirement and six layoffs. M/Biehl, S/Bobay; Vote: 6 Ayes, 0 No

16B. Action Item: Accept the Administrative Law Judge's Decision and Approve Resolution #15-05-11-11 Regarding Notice of Non-Reemployment

CBO Dan Gilbertson: He said a hearing was held at MetroED by an administrative law judge last month regarding the issues of layoffs and seniority. The administrative law judge has made a decision that must be either accepted or rejected by the Governing Board. The ruling confirmed the decisions by the District on the layoffs and seniority lists and bumping process were appropriate.

MOTION: It was moved that the Governing Board accept the Administrative Law Judge's Decision and Adopt Resolution #15-05-11-11 regarding Notice of Non-Reemployment and authorize the superintendent to take all necessary actions with a correction of the fourth whereas where the Governing Board is misspelled. M/Biehl, S/Chang; Roll Call Vote: 6 Ayes, 0 No

17. **Action Item: Approve Resolution #14-05-11-11, Notice of Non-Reemployment Because of Reduction or Elimination of Particular Kinds of Services**

CBO Dan Gilbertson: He said this item is a follow-up to the March 15 notices that were done and there is still the opportunity for the District to rescind the layoff notices at a future date; however, if the resolution is not approved, the District would not have that flexibility. He said this is part of the process and staff regrets needing to do this to the employees.

President Canova: He said for clarification, the Governing Board would have the right to rescind any layoffs and he asked if there was any time limit on rescinding the notices.

CBO Dan Gilbertson: He said that was correct and there is no set date to rescind the notices.

MOTION: It was moved that the Governing Board approve resolution #14-05-11-11 to eliminate the equivalent of nineteen (19) certificated teacher/administrative positions. M/Chang, S/Garcia; Roll Call Vote: 6 Ayes, 0 No

Vice President Chang: She requested for the future if there is a revised action item it would be helpful to mark the item with the revised number to allow for the Governing Board to follow the items more clearly.

CBO Dan Gilbertson: He said staff agreed with Vice President Chang's request and he would ensure the item number is included on any revised agenda items. He said he appreciated the patience of the employees for working with the District during this period of uncertainty and are trying to do a fair and appropriate process for employee layoffs.

President Canova: He agreed and said the Governing Board would want to exercise the right to rescind if at all possible.

18. **Action Item: Ratification of the CTA Agreement for 2009-10 and 2010-11**

CBO Dan Gilbertson: He said the CTA team worked with the District management team to make changes for probationary status and to extend the contract through June 30, 2014 and to sign tentative agreements for 2009-10 and 2010-11 and it has been ratified by CTA.

Member Biehl: He thanked the union representatives for being very cooperative in this extremely difficult time.

Vice President Chang: She echoed the comments from Member Biehl.

MOTION: It was moved that the Governing Board approve the CTA tentative agreement for 2009-10 and 2010-11 and extend the contract for three years from July 1, 2010 to June 30, 2014. M/Garcia, S/Biehl; Vote: 6 Ayes, 0 No

XIII. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

CCOC Director John Fox

- Jeff Schmidt, Articulation Coordinator, shared there are no 21 units articulated with West Valley College.
- Three Video Production students are finalists in the Nebraska 90 video contest and of the 11 finalists, three were from CCOC and two of the students began the class this January.
- The National Tooling and Machining Association San Francisco Bay Region will be holding their meeting at CCOC on Thursday.
- Justin Locketz, Computer Technology Instructor, has two students that passed the A+ examination for a total of nine students this year receiving the certification.

- Pat Haney, Metals Technology Instructor, visited Vander-Bend LLC, a large manufacturing operation, and he was impressed with the degree of technology used and he will be taking his class for a field trip in the future.
- Richard Henson, Multimedia Instructor, shared eleven of his students are signed up to attend college in the fall.
- CCOC and Foothill College will be offering an EMT program on campus this summer. This is an opportunity for students who have completed the First Responder program to attend and receive their EMT certification.
- Collette Betters, Health Occupations Instructor, has 46 students doing community assignments at Kaiser Permanente, San Jose Valley Medical Center, and Regional Medical Center of San Jose.
- Seda Otto, Program Representative, said there were 375 students from John Muir Middle School, San Jose USD, on campus today.
- Collette Betters was selected as the Teacher-of-the-Year and will represent MetroED at the Santa Clara County Office of Education ceremony in the fall.
- The Classic Car Show is on Friday, May 13, 2011 through the efforts of Robert McTaggart.
- The Awards Ceremony is on May 20 and the last day of school is May 26.

MAEP Director Sylvia Karp

- There were 79 MAEP students taking the CAHSEE tests on May 10 and May 11 at the Erikson Adult Education Center.
- On Thursday at 5:00 PM, there will be a Thank You BBQ for the 33 tutors who have come from industry to work with the high school independent study program as well as students in Medical Assisting. It will be held at the World Garden at the Erikson Adult Education Center.
- This summer MAEP will be holding an Office Skills class for San Jose Job Corps beginning on May 31 and going through June 30.
- There will be approximately 300 CalWORKs students on campus doing distance learning projects during the summer as they attend classes year round.
- MAEP staff is busy getting ready for moving from the Erikson and San Jose Adult Education Centers to the Metro Center campus on June 8 and 9.
- MAEP will be holding their adult high school graduation on June 7 at 6:00 PM. She said there will be approximately 95 students graduating and she invited the Governing Board.

CBO, Daniel Gilbertson

- He said the programs and staff are working diligently for the transition and consolidations that will be taking place for both MAEP and CCOC. He said there was another group that has been working on the coordination, the Operations Council, which has been working with the programs and departments for several years. He said the logistics and coordination are critical over the next several months and he wanted to express special thanks to Tom Mullin and Althea Polanski who are coordinating a district-wide management projects program to chart and coordinate the efforts.

XIV. BOARD COMMENTS

Alternate Member Rick Costanzo, CUHSD

- He said he was happy to be here this evening and he was very pleased with the campus. He said it had been a few years since he had been here. He said he did bring a group of students from Westmont several years ago and a fight had ensued; however, security came quickly and he said he didn't think that happened very often anymore. He said he was happy to be here and he felt very welcomed.

Member Rich Garcia

- He said board members had commended CTA for the contract agreement and he said as a counselor any successful negotiation involves two parties and he wanted to thank staff as well. He said he had received good reports from some of the other bargaining units and from listening to the reports tonight on how we are collaborating in terms of moving, doing student

conferences, and working together it reflects well on the agency. He said we are working well as a team and he is very proud of how we are doing during these very difficult times.

Clerk Dan Bobay

- He apologized for not being able to attend the last meeting and he said in Milpitas Unified School District they are conducting a superintendent search which has necessitated extra meetings.
- He said MUSD has an interim superintendent, Barbara Young, assisting during the difficult economic times. He said they have rescheduled their budget meeting for June 7 and he will unfortunately be unable to attend the MAEP graduation.

Vice President Cynthia Chang

- She said Los Gatos-Saratoga Joint Union HSD passed a parcel tax for \$49 per parcel per year with a senior exemption. She said it did make history for the City of Saratoga as it was the first parcel tax every passed. She said it passed with 72% and it should generate approximately \$800,000 per year to assist with solving some problems. She said it is important to look for new resources while controlling expenditures.
- She said she would not be able to attend the MAEP graduation as it is the same night as her home board meeting. She said every time she attends the MetroED Board Meeting, it is a place with positive energy and everyone is doing their best to make things better. She said it was difficult to vote to let Mr. Walker go after listening to him and seeing the report over the years on how the class has improved. She said fundamentally, we need to work to do something and invest in education which is the future of our society.

President Jim Canova

- He said Santa Clara USD is also going through the process of finding a superintendent and he said attending these meetings is always a delight. He said it is a group of wonderfully talented people who work so well together and he was very impressed.
- He said it is heart breaking to vote on these issues and see how it affects individuals and unfortunately it is not just here. He said at their home districts the Governing Board Members are making these difficult decisions that affect talented individuals as well. He said as the optimist, he knows things will get better and the best thing to do is to ensure this organization and their home districts are in the best possible position as we move forward and the economy improves to get back on track and get back to the business we are doing. He said this is not an organization that should be losing funding and the state priorities are wrong.

XV. OTHER MEETINGS


The next regular meeting of the Governing Board will be on June 15, 2011 at 7:00 PM at 760 Hillsdale Avenue, Building 400, San Jose, California, and closed session will be held at 6:00 PM if needed.

XVI. Upcoming Events

May 13, 2011	8 th Annual Custom & Classic Car Show, CCOC	5:00 pm
May 19, 2011	Multimedia Festival & Completer Ceremony, The Hub	6:00 pm
May 20, 2011	CCOC Awards Ceremony, CCOC Back Lawn	6:00 pm
June 7, 2011	MAEP High School Graduation, CCOC Back Lawn	6:00 pm

XVII. ADJOURNMENT

President Canova adjourned the meeting at 8:45 PM.


Daniel Bobay, Clerk of the Board