

# METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes  
May 19, 2009

## I. CALL TO ORDER/ROLL CALL

The open session of the special meeting of the Governing Board of the Metropolitan Education District was called to order by President Garcia at 12:00 p.m., in the CCOC Auditorium, 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 - Absent
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. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Garcia.

## III. ADOPT AGENDA

**MOTION:** It was moved to adopt the agenda moving Public Comments after Action Item # 2. M/Grilli, S/Chang, Vote: 5 Ayes, 1 Absent

## IV. PUBLIC COMMENTS

- Letters of support for Ms. Straubinger were submitted into the record from Arcelia Carrillo, Dominique Valdivia, Vanessa Camara, Shelbt Schez, Eslinn Serrano and Cynthia Panuco.

## V. ACTION ITEMS

1. **Approve Resolution #15-05-19-09, Regarding Notice of Non Re-employment because of reduction or elimination of particular kinds of services.**

Superintendent Hay: The administrative law judge's ruling was received on Monday afternoon, May 18, and administration believes the ruling is contrary to the Education Code. The Board can accept the administrative law judge's recommendation or reject that recommendation. The ruling applies to six employees represented by CTA; 5.6 Full Time Equivalent (FTE). The Superintendent shared the current status of the six employees.

Sara Crowder has been reassigned to teach the Managerial Accounting position for next year due to a retirement and her current position of Teacher on Assignment will not be filled for 2009-10. Tom Gholamiour's layoff notice was rescinded prior to the last board meeting. A representative from Job Corps confirmed last Friday that they had received approval from the Department of Labor for additional funding, with conditions, but the conditions are not onerous for MetroED to work with Job Corps. With the verbal commitment, there has been a request to continue the Medical and Dental Assisting programs for Job Corps students for next year. Those are the two duplicate classes. The teachers, Victoria Straubinger and Gina Fleming, administration hopes will be with MetroED next year as well. Regarding Chantu Nguyen, counselor/student advisory, the administration has been reviewing a number of grants to generate the funds to cover her salary for next year, and are currently at 50%. Administration believes there will be sufficient funds to cover the cost of this position for next year. Of the six employees, administration has identified funding for 5 of the teachers (5 ftes).

Ken Schirle, Graphic Design instructor, is currently a .6 FTE. His position will continue if the Board accepts the recommendation of the administrative law judge. Administration is recommending accepting the administrative law judge's recommendation to rescind the notices to these six employees. The Governor's proposed additional cuts to education, with or without the passage of the ballot measures today, are going to be substantial; however, administration has been notified that the cuts are focused on community colleges and district revenue limits at this time. There is no current proposal by the Governor to further cut the 42 categorical programs in Tier 3. ROCP and adult education funding both fall within Tier 3 of the flexibility funding cuts. MetroED still needs to address a 20% cut in funding for next year. However, the legislative process can result in a different outcome and in order to maintain flexibility, procedures will be brought to the Board in June for the August 15 layoff process should it become necessary. Superintendent Hay recommended the Governing Board accept the administrative law judge's decision and read Resolution # 15-05-19-09 into the record.

**MOTION:** It was moved to adopt Resolution # 15-05-19-09. M/Chang, S/Grilli, Roll Call  
Vote: 5 Ayes, 1 Absent

Michelle Grijalva: Adult student in Ms. Straubinger's class at CCOC who shared her experiences attending the class and the support and confidence that she has gained with Ms. Straubinger and that she is an outstanding teacher.

Member Chang: Asked for clarification on the Resolution before the Board that recommends keeping all the teachers.

President Garcia: The recommendation before the Board is to rescind the six layoff notifications and keep all the teachers per the Resolution.

Justin Locketz: CTA President agreed with the recommendation of the Superintendent. There are waiting lists for students to attend CCOC and the students are being served. The cuts appear to be for teachers and classified staff and not to other departments at MetroED. Mr. Locketz asked the Board to consider not only other staff for cuts but cuts to facility projects. When the district is considering teacher layoffs, the district should be in a state of financial hardship. There are reserves and money set aside for future building projects. Those buildings that are falling apart should take precedence.

Victoria Straubinger: Medical Assisting instructor at CCOC proposed to the Board to have a communication workshop with the CTA Executive Board and the Governing Board to improve communication. Communication was stated in the CCOC WASC report as an area for improvement.

Jeff Schmidt: CCOC Video Production instructor asked for clarification on Sara Crowder being laid off. Superintendent Hay said her position as Teacher on Assignment is not being filled next year and she has already been reassigned to the Managerial Accounting class. Mr. Schmidt continued by stating at the last meeting, the Board was asked to vote regarding the May 15 deadline which is for probationary teachers. At times, the CTA teachers are treated like temporary teachers and other times as probationary. He requested the Board change the status of the CTA teachers to probationary.

President Garcia: Requested information from the Superintendent regarding this issue. Superintendent Hay shared it was a legal issue and asked to bring the item back at a later date and he would have the district's attorney address the issue with the Board. It is a very serious issue and MetroED has treated the teachers as probationary for this layoff process only and have not taken a position, nor has the Board taken a position, that these teachers are probationary and the issue remains unresolved.

Christopher Schumb: CTA lawyer who represented the teachers in the layoff hearings. He shared the district has acted as the teachers are probationary and the status of working in an ROP classroom does not require that they be classified as temporary teachers and he stated the default classification is always probationary. By treating them as probationary teachers they have rights to mid-year termination, noticing rights, layoff rights and the courts have held that entitles them to probationary status. He presented a demand letter to the Board on behalf of the CTA teachers to classify the CTA teachers as probationary teachers.

Rico Sciaky: Law Enforcement instructor at CCOC. He thanked Superintendent Hay for all of the work he has been doing in Sacramento on behalf of ROP and ROC and said the Superintendent has gone above and beyond to make things better for MetroED. He expressed that there is no communication taking place in the district and expressed his support for those teachers being considered for layoff. He requested the Board work with the teachers, work with CSEA, work with AFT and everyone to find solutions to problems.

President Garcia: Currently, there are other requests to speak on this item. The Board is prepared to take action on this item to allow teachers to get to their afternoon classes; however, the Board is prepared to listen to everyone that wishes to speak on this item at this time.

Joanne Brewer: Parent of Chris Brewer, a student at CCOC. Ms. Brewer shared the experiences of her son attending classes and how Chantu Nguyen was able to assist Chris this year and supported keeping Ms. Nguyen on staff.

Chris Brewer: Student at CCOC in the Brakes and Alignment program and he shared how Ms. Nguyen has assisted him this year and he is being awarded the Most Improved Student of the Year award. He expressed his support in keeping Ms. Nguyen on staff.

Jaime Kemmer: Program Associate with the Grove Foundation. The Grove Foundation has been partnering with CCOC to do Grove Scholarships for the past four years. Ms. Kemmer expressed her support for Ms. Nguyen who she has been working with to help CCOC students get scholarships. There have been over 75 scholarships presented to CCOC students due to Ms. Nguyen's work. She asked the Board to support Superintendent Hay's recommendation.

Joel Alvarado: As a student at CCOC, he has worked with Ms. Nguyen to get enrolled in college in the fall and has assisted her in the office and he shared his support for keeping Ms. Nguyen.

Sue Hamilton: As an employee of San Jose Unified School District (SJUSD), she expressed her support for the teachers at CCOC and how they assist the students from SJUSD that attend CCOC. She shared that if teachers are laid off in August, it will make it difficult for SJUSD students attend as they enroll approximately 150 students over the summer. She also expressed that almost all of the students from SJUSD attending CCOC will be going to college in the fall due to Chantu Nguyen's assistance and support with placement tests and other activities to access college.

Shawn Casucci: SJUSD counselor working with the students at CCOC and she echoed the comments of Ms. Hamilton regarding support for CCOC teachers and Chantu Nguyen. She expressed support for the recommendation of the Superintendent.

Juliann McMorran: She is a student from Santa Teresa High School and in the Office Assisting class at CCOC and she has interned with Ms. Nguyen. She shared her support for keeping Ms. Nguyen and her experiences in assisting in the office. She understands the economic conditions in the state but expressed that Ms. Nguyen is the building block for students at CCOC.

Erika Soto: She is a student at Independence High School and also here at CCOC. She shared her support for Ms. Nguyen and how she was able to get into Mission College in the fall with her assistance as well as get a scholarship from the Almaden Rotary Club.

**2. Approve Resolution #16-05-19-09, Authorizing Purchase of Relocatable Classrooms under Cooperative Purchase Agreement with Evergreen Elementary School District**

**MOTION**: It was moved to approve Resolution # 16-05-19-09. M/Biehl, S/Chang, Roll Call  
Vote: 5 Ayes, 1 Absent

Superintendent Hay: This item has an addendum with a \$7,500 increase in the costs. The initial amount was based on an older quote. It was recommended to approve the Resolution.

Member Gordon: Asked for clarification on the price increase and if it was due to the increase in the tax rate since the original quote. Superintendent Hay shared this could be the difference from the older quote, but wasn't sure if this is the reason.

Member Chang: Asked if the quote was inclusive of all costs including the sales tax. Superintendent Hay said yes.

**VI. BOARD COMMENTS**

- Member Gordon: She is not upset about retaining the teachers because we are in the business of educating students; however, it does raise concerns about more cuts and where those cuts will be made. It makes the task more difficult as the district moves forward.
- Member Chang: Reported that Vice President Biehl and she went to Sacramento this past weekend to attend the CSBA Delegate Assembly. The number one item on the agenda was the budget. Yesterday, she had the opportunity to meet with five legislators; Joe Simitian, Jim Beall, Fiona Ma, Paul Fong, and Abel Maldonado. She expressed that everyone agreed there needs to be major changes in the budget and she shared with each of them how important the programs at CCOC are to students. She shared it will be important for everyone to work together to get our voices heard at the state level on the importance of the programs at MetroED.
- Vice President Biehl: He requested a copy of the initial CCOC WASC report from the visiting team and he received clarification that the self-study report given to the team expressed concerns regarding communication. He has received feedback from some of the teachers to set-up a mechanism to improve communication. These are stressful and difficult times and it takes a lot of communication to deal with these types of situations. He requested the Superintendent develop a mechanism for formal or informal communication which may include the full Board and the Superintendent. He shared everyone is here to serve the students, it is very difficult and it is very complicated. The Superintendent has a responsibility to make sure MetroED stays on track fiscally. A lot of time has been spent to make sure the teachers that had received layoff notices have other positions. In fact, it did get down to the point that there was only a .6 of one position that was not being placed. He shared he did not want to get in a position where the union and administration were spending a lot of money on attorneys. He shared that he hoped everyone could realize that everyone is on the same side and there needs to be mechanisms to work out issues. Mr. Biehl shared that at the CSBA Delegate Assembly, there was considerable discussion regarding a state constitutional convention to deal with the gridlock and impasse in state government. He has been skeptical and very cautious regarding this approach but after hearing the presentations, he is now open to considering this option. Things have gotten to the point in the state that there need to be other options considered to clean up the mess that has been created with the budget. There will be a meeting on July 17 and 18 in Sacramento, sponsored by CSBA, with representatives from cities and counties present to further explore this as a possible avenue. It would not be a short-term solution, possibly 3-5 years. It has gotten to a point that everyone is angry and upset and no one knows what to do. There is a structural problem with how the state is set up.
- Member Chang: All board members are invited on Friday afternoon, July 17 and all day Saturday, July 18 in Sacramento. It is the hope to bring city council members and members of

the county board of supervisors along with school board members together to discuss the issues. She asked for clarification regarding the issue of communication. As a Board Member she has been receiving notices sent out to employees by either the Human Resources Director or Superintendent and she has been kept informed on the information being shared with employees.

- Superintendent Hay: The Board is copied on all communications that go out to employees. The only area that the Board may not be informed on is any meetings administration may have with employee group representatives, which have been considerable.
- Vice President Biehl: It is his understanding from the communications he has received that employees are interested in discussing which classes are to be continued and which classes will not to continue. These decisions should occur at an administrative not the Board level. Class closures would come to the Board for final approval. It appears there are some who feel there is information that has not been shared or considered in these decisions and recommendations.
- Member Gordon: She has received the same e-mails and believes what is being requested is that the teachers do not feel that they are part of the process in terms of budget development, in terms of decisions regarding classes, and obviously we do not know how things are presented at that level because it is done at the administrative level. If there is that feeling, there is work that needs to be done.
- President Garcia: As a Marriage and Family Counselor, he deals with helping people communicate during difficult times every day and agrees with the comments of the Board Members that communication breaks down when there are difficult situations to deal with. He has never been on the MetroED Board when times were this tough. The Superintendent has heard what the staff and Board have shared to make an extra effort in the area of communications. He shared that the Superintendent has done a good job in getting information out and the SJUSD Board and Superintendent appreciates the efforts made to let them know what is taking place at MetroED. The Superintendent has done a good job historically and the expectation is to continue that. These are very difficult times and people need to know more than ever what is going on. Everyone needs to make an effort to keep the lines of communication open and he will make a commitment to do that as well.
- Member Chang: It is important to realize that when there are personnel related items, the importance of confidentiality when these issues are discussed in closed session.
- President Garcia: It is important for people to realize if we have to make cuts, the Board needs to do that even if it is tough to do. It is not always a matter of miscommunication; however, communication doesn't mean we have to give people what they want when they want it. There needs to be compromises.

## VII. OTHER MEETINGS

Regular Meeting, June 10, 2009	Closed Session	6:00 pm
	Open Session	7:00 pm

## VIII. ADJOURNMENT

**MOTION**: It was moved to adjourn the meeting. M/Biehl, S/Gordon, Vote: 5 Ayes 1 Absent

President Garcia adjourned the meeting at 12:50 p.m.

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Jim Canova, Clerk of the Board