

# METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes  
December 10, 2008

## 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 Gordon 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, Alternate
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

Items to be discussed in closed session are disclosed on the Board meeting agenda.

## 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)

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

## VI. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Gordon

## VII. REPORT OF CLOSED SESSION ACTIONS

President Gordon announced the Governing Board reviewed information on a public employee and no action was taken. The Superintendent's Evaluation was completed for 2008. No other action was taken in closed session.

## VIII. ADOPT AGENDA

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

## IX. RECOGNITIONS

### 1. Acknowledgement of Visitors

- Alan Garofalo, Associate Superintendent of Student Services and Facilities, East Side Union High School District was introduced.

### 2. Acknowledgement of Honors and Awards

- Recognition of Individuals and Groups who have "Raised the Bar:"
  - Althea Polanski, Senior Executive Assistant, was recognized for her initiative and perseverance in publishing MetroED's first annual report in six years. Board Member Garcia shared it was one of the best that the annual report has been well received by the community.

**X. STUDENT REPORTS**

A. CCOC Students: None.

B. MAEP Student: MAEP Director Sylvia Karp introduced ESL instructor Kathy Jasper, who introduced Maria Elena Lujano, a student in her ESL program at the Metro Center. Ms. Lujano shared she came from Mexico 30 years ago, has four children, supervises 300 sales people in her current position and travels to many of the states in America. In November 2007, Maria wanted to become a citizen and started classes at MAEP on citizenship. On October 14, 2008, Maria passed the citizenship test and will take the oath to be a citizen on December 12, 2008. Lujano expressed her thanks to the program and instructors that assisted her in fulfilling her goal.

**XI. SPECIAL ORDER OF BUSINESS**

None

**XII. PUBLIC COMMENTS**

Superintendent Hay announced there was one request to speak on Agenda Item 14, First Interim Report.

**XIII. APPROVAL OF MINUTES**

1. MOTION: Approve Minutes of the Board Meeting of November 12, 2008.  
M/Biehl, S/Chang, Vote: 6 Ayes

**XIV. CONSENT CALENDAR**

MOTION: Approve Consent Items \*2 through \*11. M/Biehl, S/Chang, Vote: 6 Ayes

**BUSINESS AND FINANCIAL FUNCTIONS**

**\*2. Consent Item: Approve November Warrant Approval List**

The Governing Board approved the following warrant registers: #62000001-#62000062, dated November 3, 2008; #62000063-#62000126, dated November 6, 2008; #62000127-#62000190, dated November 12, 2008; #62000191-#62000229, dated November 14, 2008; #62000230-#62000267, dated November 18, 2008; #62000268-#62000347, dated November 21, 2008; #62000348, dated November 24, 2008; #62000349-#62000394, dated November 25, 2008.

**\*3. Consent Item: Approve Contract with School Services of California, Inc. for Legislative Advocacy, CY 2009 (\$27,958 plus expenses)**

The Governing Board approved the contract with School Services of California, Inc. for Legislative Advocacy from January 1, 2009 to December 31, 2009.

**PERSONNEL FUNCTIONS**

**\*4. Consent Item: Classified Personnel**

The Governing Board approved the one full-time CTA teacher being recommended.

**\*5. Consent Item: Certificated Personnel**

The Governing Board accepted the one resignation.

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

The Board approved the one resignation.



- \*7. Consent Item: Approve Core Values for Negotiations**  
The Governing Board approved the Core Values for Negotiations for the 2008-09.

#### **INSTRUCTIONAL AND STUDENT FUNCTIONS**

- \*8. Consent Item: Electrical Certification Program Agreement with CET**  
The Governing Board approved the agreement with the Center for Employment Training (CET).
- \*9. Consent Item: Community Classroom Agreement**  
The Governing Board approved the agreement to provide on-the-job clinical training for CCOC medical students with Forest Surgery Center.
- \*10. Consent Item: ROCP Course Review and Certification**  
The Governing Board approved the following ROCP courses for ROCP recertification: Carpentry, Year One and Two, Dental Assisting, and Veterinary Assistant.
- \*11. Consent Item: Approve Agreement with Catholic Charities of Santa Clara County for the Use of the John XXIII Facility**  
The Governing Board approved the agreement with Catholic Charities of Santa Clara County for the period July 1, 2008 to June 5, 2009.

#### **XV. INFORMATION ITEMS**

**12. Information Item: CCOC Funding Equalization; Renewal of the Master Business Relationship Agreements (MBRA)**

Superintendent Hay provided an update on equalization and renewal of the MBRAs. In April 2008, the Governing Board and the JPA Executive Council met in a joint meeting to discuss what the next steps would be when the state announced there would be negative ADA growth for ROCPs. It was agreed to freeze the amount paid for satellite ADA to the participating districts at 46% for the current year. This was the same amount paid last year. At the meeting, it was unanimously agreed to appoint two committees to review the CCOC Programs and Funding options and complete the review during the first semester of the 2008-09 school year. The committees completed their task and provided recommendations for the JPA Executive Council. The Executive Council met on Monday, December 8 to review the committee's recommendations at the request of ESUHSD Superintendent Bob Nunez who requested to meet sooner than January 2009. Hay provided members of the Governing Board copies of the final recommendations from the committees, biographies of the facilitators, roster of committee members, and a summary memorandum from Hay to the Governing Board.

The Program Review Committee was facilitated by Paul Watters and met three times. This committee provided four recommendations. The committee was comprised of instruction/curriculum representatives from each of the participating districts appointed by their superintendents as well as MetroED/CCOC staff.

The Funding Review Committee was facilitated by Al Tweltridge and met three times. A number of funding options were provided to the Funding Review Committee by MetroED staff as requested by the committee. There were proposals submitted by Patrick Gaffney, CUHSD CBO, and Jerry Kurr, ESUHSD CBO. The committee was comprised of the Chief Business Officials of the six participating districts. The final recommendation from the committee was five participating district CBOs in support and one against (Campbell) to abandon the cost payment model and equalize satellite ROP ADA based on each district's proportion of 11<sup>th</sup> & 12<sup>th</sup> grade CBEDS enrollment and redistribute ROP ADA over this year and next by converting CCOC evening program to fee-based to generate 160-200 ADA for districts under their CBEDS proportion. It would also increase the payment from MetroED to the participating districts from \$934 per ADA to



31% of the ROCP revenue limit and provide an annual review. The committee also recommended 5-1 against doing a facilities bond for CCOC at this time.

The Executive Council was at a stalemate on the funding model and requested a legal review of the current MBRA and funding (Appendix B) to determine if they all expire as of 6/30/09; what governs funding if it expires; are all six districts required to agree for a funding model to be adopted; is it a requirement to have an MBRA, and more. The Executive Council agreed unanimously to recommend the District not pursue a facilities bond at this time. The Executive Council will meet again on January 9, 2009 after the superintendents have had the opportunity to have more discussions with their representatives to the two committees. Superintendent Hay stated his intent to have the attorney's responses as well.

Member Garcia asked about the reasoning for not pursuing a facilities bond at this time. Hay shared there were concerns regarding the size of the area to go out for a bond, the political climate in Milpitas was not conducive at this time and MUSD may go out to a bond in 2010. Jerry Kurr from ESUHSD shared they had looked at the costs of a special election to fill a board vacancy and the cost would be \$2 million. Concerns included the economy, the state budget and impacts to districts throughout the state and the conflict within the organization on equalization that has been ongoing for 10 years. There is declining enrollment of high school students coming to CCOC from East Side and Campbell. Across the state, there is declining enrollment for 11<sup>th</sup> and 12<sup>th</sup> grade students that is anticipated to continue for the next 4 to 5 years. Until there is resolution of the funding model, it is difficult to go forward with a facility bond when the student population is declining.

Member Chang asked if all six participating districts would need to pass a facility bond by the voters to do a bond. Hay said each district could do this separately or include CCOC facilities in a bond that they would put on the ballot.

Member Biehl said it is his understanding the Executive Council will be reviewing two funding models after getting clarification from the attorney and the superintendents have the opportunity to meet with their representatives and the Executive Council had concerns regarding unanimous versus consensus recommendations. The concerns expressed prior to the committee meetings have not changed. If there is a disincentive to send students to CCOC based on "pay for what you use", the districts will send fewer students to the center over time. It affects the overall health of the entire organization when there is no incentive to sending students to the center.

President Gordon shared that Campbell continues to support the current funding model in place, "pay as you go" and the bond issue came from the CUHSD CBO and the thought process was to do a bond in lieu of taking money out of the general fund of MetroED to fund capital improvements projects. It is important to talk with someone to see if a bond is viable for MetroED. We need a long-term capital improvement plan. The needs are greater than what we can do out of general funds. The renewal bond for Campbell during the last election passed with almost 80% and Gordon does not agree that it is not possible to do one at this time for MetroED. It was accomplished with the board and superintendent getting to know labor unions, business and the community and working with them to understand the value of the educational programs.

Member Biehl said he would like to look at information regarding the possibility of a facility bond for MetroED; however, the short term financial issues need to be faced now and he is not certain this will work. There are legal issues on who would need to approve a bond. Using bond money for capital projects, you have to have a plan and know what you are going to do with the facilities. We may like to look at it long-term. At this time, Biehl does not understand the basis for the allocation of ROP ADA and how it has been approved. We don't have a disincentive and the ROP ADA is part of MetroED and then it has been allocated back to the participating districts. It is not the district's money but MetroED's money. Even though it is allocated, it belongs here at MetroED.



## XVI. ACTION ITEMS AND REPORTS

### BOARD AND ADMINISTRATIVE FUNCTIONS

- 13. Action Item: Final Adoption: Sexual Harassment & Nondiscrimination Policies; BP 4030, AR 4030; BP 4119.11, 4219.11, 4319.11; AR 4119.11, 4219.11, 4319.11**

**MOTION:** The Governing Board adopted the Sexual Harassment & Nondiscrimination Policies. M/Garcia, S/Chang, Vote: 6 Ayes

- 14. Action Item: First Interim Report, Fiscal Year 208-09**

**MOTION:** It was moved to approve the First Interim Report and submit a positive certification to the County Superintendent of Schools. M/Chang, S/Garcia, Vote: 6 Ayes

Jing-Jing Wang, CBO, shared there were not a lot of changes from the report given as of October 31, 2008. The first interim includes the actual expenditures through October 31 and budget adjustments through November. Wang referred the Governing Board to the section "Budget at a Glance" to get an overview of the report. Superintendent Hay said Fund 35 the Governing Board had approved for Prop 1D money is not in the report. Wang applied for the fund with the COE; however, it was not activated until after the report was completed.

President Gordon acknowledged Kathy Jasper who had requested to speak on this item.

Kathy Jasper, AFT President, represents approximately 200 hourly employees working at MetroED. Jasper expressed concerns regarding the Governor proposing districts can have the flexibility to take categorical funds from adult education and put in their general funds if there are mid-year cuts. Jasper urged the Governing Board Members to advocate for adult and vocational education at the state level. Adult education programs are getting additional students due to the economy and so many people losing their jobs. Jasper shared locally that East Side and Santa Clara may look at adult education categorical funds.

## XVII. EXECUTIVE/ADMINISTRATIVE REPORTS

### CCOC Director Fox:

- School will close for the holidays on December 19 and re-open January 5.
- Student Council is undertaking a clothing and food drive with Second Harvest.
- P1 ADA is at 1748.74 which is actually higher than the P1 Report from last year which was 1731.59.
- The WASC team is editing Chapter 4, and will have Chapter 5 drafted before the Holiday break.
- 46 CCOC students applied for Grove Scholarships today.
- Last week De Anza Community College had representatives in the CCOC cafeteria, and this week San Jose City College and Mission College are sending representatives to meet with students.
- H&R Block interviewed 18 students at CCOC, they have stated that they will hire 7, and recommend 3 for employment in the Santa Clara area.
- Fire Science/First Responder students are collecting toys for Toys for Tots with local Fire Departments.
- Fire Science/First Responder students will be training on December 12 at Santa Teresa County Park with local Fire Departments in the county.
- CCOC had 15 students work on the Presidential Election and worked at various polling sites.

- A video was presented showing the students working on making decorations for the trees at Christmas in the Park in downtown San Jose. Mrs. Yegge's Interior Design class and MAEP Bridge and CalWORKs students have an excellent display this year at this annual event.
- Member Biehl asked Director Fox how the 10<sup>th</sup> grade East Side pilot program is working at CCOC. Fox said there are about 20 students and it has been successful for the students that are here all day. There has not been a full-time teacher for the classroom. Currently there is a substitute. These students take CCOC classes in the afternoon and, for the most part, they are doing well.

MAEP Director Sylvia Karp:

- On Tuesday, December 9<sup>th</sup> at the SCC Board of Supervisors chambers, the 18<sup>th</sup> Annual CalWORKs Client Achievement Awards ceremony was held recognizing clients that were nominated by various individuals and groups in the county. There were 10 honored and Supervisor Ken Yeager read the story of MAEP's nominee, Pam Keo. Keo completed the GED preparation classes and passed the tests in 8 months and then enrolled in the adult dental program at CCOC. She was hired by the dentist where she did her externship. At 16, she was addicted to drugs, spent several years in jail before turning her life around. Another nominee that was a former MAEP student, Katrina Gomez, was nominated by her employer, County Social Services. Gomez went through the GED and Office Skills program and then hired by the county.
- MAEP provides services to 58% of the Calworks clients in Santa Clara County.
- The MAEP tree at Christmas in the Park has a prime location on Market Street.
- On December 11<sup>th</sup>, the Green Gardner class will be honoring students who completed the class at 5:00 pm at the Erikson Center. This year there were two different classes taught; one in English and one in Spanish.
- The Campbell administrative offices and one classroom will be moving to their new facility over the holiday shutdown.

MetroED Superintendent Paul Hay:

- Hay thanked the Directors for the slide show on the activities of the students for Christmas in the Park.
- Today, the State Allocation Board approved funding for all 8 of MetroED's Cycle II Prop 1D grant applications. Cycle II includes:
  - \$4,184,269 for building modernization & program configuration,
  - \$1,344,015 in new equipment, for a total of \$5,528,284.
- The SAB funding approval is for:
  - \$2,764,141 in grants
  - \$2,092,134 in loans, for a total of \$4,856,275.
  - MetroED must come up with \$672,009 in matching funds.
- The deferred maintenance extreme hardship application for \$666,450 was not on the list of projects from OPSC for their December 10<sup>th</sup> meeting. They said we should look to see it on the SAB calendar in January. OPSC is waiting to hear from the legislature regarding the budget for Extreme Hardship projects.
- Four members of the SCC Civil Grand Jury toured CCOC on Tuesday. They were treated to lunch by the Baking & Catering class, toured the center for nearly 2 hours and then met with the MetroED CBO regarding equipment inventory procedures.
- Los Gatos-Saratoga UHSD has reappointed Cynthia Chang to a 2-year term on the MetroED Board and Rosemary Rossi as alternate.
- Milpitas USD reappointed Marsha Grilli to a 2-year term on the MetroED Board and Bill Foulk as alternate.
- San Jose Unified School District has their organizational meeting later this week to make their appointments/reappointments to the MetroED Board.



- To date, only Milpitas USD and East Side UHSD have approved the amendment to the JPA for a temporary second alternate. There has been no response from Campbell UHSD, Los Gatos-Saratoga UHSD, Santa Clara USD, and San Jose USD.
- Capitol High School enrollment has 53 students from San Jose USD, 8 students from Campbell UHSD and one from East Side UHSD.
- Board Member Frank Biehl earned his CSBA Masters in Governance Program as well as Board Member Cynthia Chang and President Diane Gordon.
- Hay invited the Board to join the MetroED staff for the annual holiday open house on Friday between 11:00 am and 1:00 pm.

**XVIII. BOARD COMMENTS**

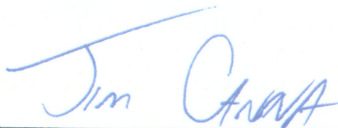
- Member Canova thanked CCOC Director John Fox for the tour of the beautiful facility and he is hopeful that the Santa Clara USD will appoint him tomorrow evening to be the representative to MetroED. Canova had not been on campus for several years and there have been some great changes. His son was in the Computer Animation class here last year and is now off to Mission Community College.
- Member Biehl said it has been a privilege to serve on the MetroED Board and plans to complete the remainder of his term at MetroED.
- Member Chang reported that President Gordon, CBO Wang, and herself had the audit committee meeting this afternoon and reviewed the draft for the year ending 6/30/08. It was an unqualified report, no significant issues and she was very impressed. It will be presented to the Governing Board at the January meeting.
- Member Garcia reported on attending the CAROCP Conference and attending workshops on budget, legislation and ROP programs. There was a lot of enthusiasm for what ROPs are doing in the career technical education programs. There was a video presentation from a southern California ROP and Garcia said the video produced by CCOC students was much better and would like to see us present next year.
- President Gordon reported that Campbell UHSD received a Golden Bell award at the CSBA Conference for their business partnership with Sylvania. The company has adopted schools and is providing resources at the elementary level to assisting in locating resources that match a need at the schools as they do not give money. Gordon shared she recently found out that one of her neighbors, a graduate of Lincoln High School, attended CCOC in the Welding program and is now a consulting engineer and shared with her husband how the welding class had inspired him to be an engineer. Gordon asked for information on a facilities bond at an upcoming meeting. The MetroED Board needs to start talking about the needs and how to go about it as well as providing the Board with the information from before.

**XIX. OTHER MEETINGS**

Organizational Meeting, January 21, 2009	Closed Session	6:00 pm
	Open Session	7:00 pm

**XX. ADJOURNMENT**

President Gordon adjourned the meeting at 8:07 p.m.



Richard Garcia, Clerk of the Board



