

METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes
March 14, 2012

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 Chang 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
Richard Garcia	San Jose Unified School District
Diane Gordon	Campbell Union High School District
J. Manuel Herrera	East Side Union High School District

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 Chang at 7:10 p.m., in CCOC Room 201, auditorium, San Jose, California.

III. REPORT OF CLOSED SESSION ACTIONS

President Chang reported no action was taken in closed session regarding Conference with Labor Negotiator Pursuant to Govern Code: 54957.6(f) and the Superintendent's Evaluation; Pursuant to Government Code: 54957.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Vice President Bobay.

V. ADOPT AGENDA

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

VI. RECOGNITIONS/VISITORS

Superintendent Hay recognized the following individuals who have "Raised the Bar!"

- CCOC Auto Careers Instructor Charlie Thompson for being selected the March Teacher of the Month.
- The MAEP Program Accountability Team; Accountability Specialist Rosalie Ruiz, Assessment Technician Cielo Cervantes, ESL Curriculum Specialist Leslie Johnson-Tatsuta, and Adult Basic Education and High School Curriculum Specialist Marti Rao.

VII. STUDENT REPORTS

A. CCOC Director John Fox introduced Veterinarian Assistant Instructor Christine Smith.

Superintendent Hay: He shared the Veterinarian Assistant program at CCOC provides the opportunity for the students to work with live animals.

Christine Smith: She introduced herself and the students who would share briefly about their experiences. She distributed a picture of an iguana that visited the classroom on Iguana Day and it was one of the visitors.

Lysha Whitney: She brought her cat, Boyd, and shared how they learn how to be a lab assistance drawing blood, urine analysis, and other testing done in a veterinarian clinic.

Lauren Valderrama: She introduced Bella, her dog, and shared the students learn how to handle animals with restraints and it has assisted her during in internship. She said Bella is one year old and visits the classroom each day.

Karen Kurtz: She introduced her pet rat, Echo, and explained other things they do in class include learning how to measure out and administer medicine for animals as well as giving the animals physicals.

Member Garcia: He asked if there are x-ray facilities for the students to use.

Instructor Smith: She said the classroom does have an x-ray table that functions in every way except shoot radiation. She said they do learn how to use the x-ray table and she has hundreds of sample x-rays for the students to learn from.

Samantha Jordon: She introduced her dog, Prindle, and said if you attended during the first semester, you have the opportunity to go out to a clinic as an intern and get actual hands-on experience in the field. She was fortunate to be able to do that and the training in class was right on target for what is done in the clinics. She was able to do injections.

Member Garcia: He asked where the animals come from or are they your individual pets.

Samantha Jordon: She said Ms. Smith has two dogs she brings in as well as asked for volunteers to bring in their pets.

Ally Martin: She introduced Musho, a bearded dragon, and they are from Australia. She said at Hug-a-Horse Day, the students were able to take the horses temperature, learn to clean their hooves, and the proper shoes and clothes to wear. The next Hug a Horse Day is April 20. The students have had Iguana Day, Bearded Dragon Day, and Chicken Day. She said there were about 20 chickens and the students learned about the different types of chickens.

Member Canova: He asked how big the iguana was in the picture that visited the classroom. Ally said the iguana was about 5 ½ feet long and weighed about 10 pounds.

Ally Martin: She was asked about the internships and she said the students are very confident when they go out to a clinic or hospital. She said Ms. Smith goes out and makes all of the contacts for the internships.

Vice President Bobay: He asked if the students have a debriefing after the internships are completed.

Ally Martin: She goes to the internship on Monday-Wednesday and attends class on Thursday and Friday where the interns share with the other students what they have done and what they are learning at the clinic or hospital.

President Chang: She thanked the students for the wonderful presentation and bringing their pets.

Member Herrera: He asked what the difference was between an externship and an internship.

Instructor Smith: She said in Veterinary Medicine, the terms are different. She said interns would be those who are coming out of college (baby doctor) to go into a practice and students are considered externs; however, in this field to distinguish students, they are on internships.

- B. MAEP Assistant Principal Suzi Glass introduced Humberto Ruiz who is an English-as-a-Second (ESL) student.

Humberto Ruiz: He has been in the United States from Mexico since August. He said his class was visited by West Valley College and they were invited to apply at the college. He said he took the placement test and passed. He said he prefers to finish his classes here and then in the summer go to West Valley to study electrical engineer or computer technician. He said he had been a telephone technician in Mexico and when he applied in the United States last September, he failed due to his limited English skills. He said he was very grateful for all of the opportunities he has received at MetroED.

Member Gordon: She said he came to the United States in August and asked if he spoke any English at that time.

Humberto Ruiz: He said he had learned English as a child more than 40 years ago, but hadn't used it much until he came to the U.S.

Member Gordon: She said he speaks very well and she knew he had to have some experience with the language to do so well since coming to classes.

President Chang: She thanked Mr. Ruiz and congratulated him on going to West Valley College.

VIII. SPECIAL ORDER OF BUSINESS

Superintendent Hay requested Information Item # 10, SkillsUSA Presentation and Action Item # 16, Approve Resolution # 12-03-14-12 to Reduce or Eliminate Certificated Positions at MAEP, be moved to special order of business to accommodate the students and visitors for these two items.

IX. PUBLIC COMMENTS

President Chang: She noted there were no requests to speak.

X. APPROVAL OF MINUTES

1. **Action Item: Approval of Minutes of Regular Board Meeting of February 8, 2012.**

MOTION: It was moved to approve the Minutes of the Board Meeting of February 8, 2012. M/Gordon, S/Herrera; Votes: 6 Ayes, 0 No

XI. CONSENT CALENDAR

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

BUSINESS AND FINANCIAL FUNCTIONS

- *2. **Action Item: Approve Monthly Warrant Approval List**

The Governing Board approved warrant registers : #62012515-#62012521, dated February 1, 2012; #62012522-#62012563, dated February 6, 2012; #62012564, dated February 7, 2012; #62012565-#62012604, dated February 8, 2012; #62012605-#62012632, dated February 13, 2012; #62012633-#62012675, dated February 15, 2012; #62012676-#62012717, dated February

22, 2012; #62012718-#62012754, dated February 27, 2012; #62012755-#62012777, dated February 29, 2012.

***3. Action Item: Approve New Administrative Job Description; Coordinator of Counseling Services**

The Governing Board approved the new administrative job description for Coordinator of Counseling Services.

***4. Action Item: Administrative Personnel**

The Governing Board approved one reclassification/reassignment for Chantu Nguyen.

***5. Action Item: Classified Personnel**

The Governing Board approved three hourly terminations for the 2011-2012 school year.

***6. Action Item: Certificated Personnel (Daniel Gilbertson)**

The Governing Board approved hiring one AFT teacher, Richard Block CCEV Teacher.

INSTRUCTIONAL AND STUDENT FUNCTIONS

***7. Action Item: Approve Out of State Travel (Daniel Gilbertson)**

The Governing Board approved the out of state travel for Joyce Veasley to attend the Council on Occupational Education 2012 Spring Candidate Academy in Atlanta, Georgia.

***8. Action Item: Approval of Overnight Travel (John Fox)**

The Governing Board approved the out of county travel for three CCOC instructors and 32 medal winners to SkillsUSA State competition in San Diego in April.

XII. INFORMATION ITEMS

9. Information Item: CCOC WASC Three-Year Review

Superintendent Hay: He noted the WASC document was distributed in the Board packets and introduced CCOC Director John Fox to give a brief report of the visit held on March 8.

CCOC Director Fox: He shared the WASC Three-Year report was updated from the action plan developed in 2009. He said the stakeholders were all given an opportunity to participate in the report and the visiting team was here on Thursday, March 8. He said the visiting team shared with the leadership team at CCOC that it would be a favorable review and they did not see any major problems. He said CCOC would continue to work on the action plan over the next three years and continue the on-going school improvement issue.

President Chang: She thanked the CCOC administration and staff for a wonderful job.

Superintendent Hay: He said accreditation is important to any organization for sending students on to college or other agencies and CCOC has done a great job and thanked Director Fox for the job he has done for the first three years of the six-year accreditation CCOC received in 2009.

10. Information Item: SkillsUSA Presentation

Superintendent Hay: It was noted this Item was heard at the beginning of the meeting under Special Order of Business.

CCOC Director Fox: He introduced Truck Mechanics instructor and SkillsUSA advisor, Mike Cortese. He said Mr. Cortese has an excellent diesel program at the center and last week he attended a teach-the-teacher training on AutoYES in Ontario, and this program is the only secondary diesel program in the State of California.

Mike Cortese: He said there has been an AutoYES program through the CCOC's auto programs; we are a new pilot program for the diesel program. He said we are the first school in the nation to have all three programs and there are programs throughout the nation looking to see how we were able to do it. He said there are three different companies we are working with; Caterpillar, National Truck, and One Stop Shop that are ready to take interns. He said he brought students that participated in the regional SkillsUSA competitions in February; 23 Gold medals, 12 Silver medals out of 38 students who competed. He said the students competed in four new competitions and all of the student medal winners will be going to the State competition in San Diego in April. He said the students will introduce themselves and invited the Governing Board to the car show, which supports SkillsUSA, on May 11.

Nate Laird: He goes to Oak Grove High School and placed Gold in regionals for Diesel Technology.

Eric Moody: He attends Leigh High School and did the Mobile Audio and placed Gold and is in Truck Mechanics at CCOC.

Taylor Turi: He is a second year student, attends Leigh High School, and placed Gold in Diesel Technology and is in Truck Mechanics at CCOC.

Kurtis Young: He is a student in the HVAC program and placed Gold.

Kristin Romig: She participated in the Health Knowledge Bowl and placed Gold and attends Broadway High School.

Diana Tsang: She attends Health Occupations at CCOC and competed in the Health Knowledge Bowl and placed Gold and attends Westmont High School.

Chirathma Kodikara: She also is in Health Occupations at CCOC and the three of them competed in the Health Knowledge Bowl winning Gold and she attends Westmont High School

The Board Members congratulated the students and wished them well in the state competition. President Chang thanked Mr. Cortese for his leadership as well.

XIII. ACTION ITEMS AND REPORTS

BOARD AND ADMINISTRATION FUNCTIONS

11. Action Item: 2012 CSBA Delegate Assembly Election

President Chang: She said this election is done every two years and we can elect up to five candidates. She said she was a delegate and she shared information about the incumbents who she has worked with and recommended Frank Biehl, Judy Hannemann, and Kathleen Sullivan. She was also recommending Pam Parker who had served as a delegate previously. She was not recommending Mary Noel who was appointed and is serving her first term.

Member Gordon: She said she didn't know many of the candidates and she would highly recommend Pam Parker and she was prepared to make a motion to recommend Cynthia Chang, Frank Biehl, Judy Hannemann, Kathleen Sullivan and Pam Parker.

Member Herrera: He said he knows Esau Ruiz Herrera who has had a record of leadership in the state and is recognized as a leading voice and advocate for public education, and asked the Board to consider him.

Member Garcia: He said he would support the names recommended including Esau Ruiz Herrera.

Member Gordon: She said she would be happy to amend her motion to recommend Esau Ruiz Herrera as well as the other candidates recommended.

MOTION: It was moved the Governing Board to nominate Frank Biehl, East Side UHSD; Cynthia Chang, Los Gatos-Saratoga JUHSD; Judy Hannemann, Mountain View-Los Altos UHSD; Pam Parker, Campbell Union HSD; and Esau Ruiz Herrera, Alum Rock Union SD for the 2012 Delegate Assembly, Region 20. M/Gordon, S/Garcia; Vote: 6 Ayes, 0 No

12. Action Item: Legislative Update: Adopt Resolution #11-03-14-12; Approve Positions on State Legislative Bills

Superintendent Hay: He reviewed the legislative update and the positions on legislative bills he would like the Board to consider supporting. He reviewed briefly the initiatives that are being brought forward on taxes and the Governor has reached agreement with the California Federation of Teachers to merge the bills. He noted the governor's proposal on the weighted pupil funding formula would eliminate ROPs and adult education over a six year period. He said there are many in the legislature agree the funding should be changed in the state; however, it should be discussed through policy committees and not through appropriations. He said he would like the Board to adopt the resolution to oppose the inclusion of ROCP funding in the Governor's school finance reform proposal.

President Chang: She asked for separate motions on the resolution and support of the positions on the state legislative bills.

MOTION: The Governing Board approved Resolution #11-03-14-12 to Oppose Inclusion of ROCP Funding in the Governor's School Finance Reform Proposal. M/Garcia, S/Herrera; Roll Call Vote: 6 Ayes, 0 No

Superintendent Hay: He said MetroED will be using this resolution to let those who support us, including our employer advisory boards and others know the issues we are facing.

Member Gordon: She asked if there was a reason that we did not do a resolution in opposition of the entire weighted pupil funding formula. She said the greatest threat she sees is if the tax reforms are passed and this formula goes through, you will never see a school tax pass again.

Superintendent Hay: He said he will have a resolution for the next meeting. He reviewed the bills that he would like to get a recommended MetroED position on: AB 1618, Technical Education, Watch; AB 2647, Career Technical Education, Watch; SB 776, State WIBs: Funding, Watch; SB 1070, CTE Pathways, Support; SB 1103, CTE Notification Requirements, Watch; SB 1323, CTE: HS/MS Expansion, Approve; and SB 1458, School Accountability: API, Support.

President Chang: She asked the Superintendent to provide the definition of the different positions being recommended.

Superintendent Hay: He said for bills we would support, the lobbyist will go and talk to our local and key legislators to let them know we support the bill. For bills we approve, we let the legislators know once with a letter, and for those that are "watch," our lobbyist will track those bills for us. At some point we could take a position on the "watch" bills if appropriate.

Member Gordon: She asked about the potential impact of SB 1458 and if there will be any money for district to meet these new mandates.

Superintendent Hay: He said the bill includes that it is a state mandated, local program. The Department of Finance will calculate the cost of the mandates, which will be included as the bill goes through the policy and appropriations committees. He said last year, if there were any bills with mandated costs, they were held in committee.

President Chang: She asked the superintendent to speak with the lobbyist to work more actively about our concerns and to keep the Board informed.

Superintendent Hay: He said he will continue to do that as he does each week in the Friday Update.

Member Herrera: He said he didn't understand the need to get the Board this involved in state education policy if we have a lobbyist speaking for organizations, as well as us. He said he didn't know the value of tracking these bills and using the Board and Superintendent's time.

President Chang: She said this has been the policy direction the Board has taken in the past.

Member Garcia: He said there could be a middle ground to the tracking of the bills and he knows the Superintendent provides great information to the Board.

Member Herrera: He said that he believed there were other organizations and forces that will be working on legislative matters that will occur anyway.

Member Gordon: She said in all fairness, if we were going to take a position on legislation, the Board wanted to be aware of it. She thinks Member Herrera is asking why we are getting involved at all at this level as some bills disappear. She said the previous Board did say if we were going to take a position, we wanted to hear about the bills and have a say in providing the support or not and not necessarily at the early stages of a bill.

Member Canova: He said he was part of that Board and we were going through some drastic cuts and this district (MetroED) is more vulnerable at the state level (as a categorical program) than our home districts and the Board providing their opinion would have more value than a paid lobbyist at times.

Member Herrera: He asked if there was no state-wide lobbyist for career technical education.

Superintendent Hay: He said it is a constant battle to keep our voices and issues in front of the legislators. He said we have seen, every year, hundreds of bills dealing with just education. He said he believes MetroED is building a reputation over time. He said CAROCP represents us; however, he believes our lobbyist and advocacy is provides better results when it comes to our specific issues. He said there are 74 ROPs in the state and about 23 are joint powers. He said we have a paid lobbyist who has been very effective in keeping the MetroED name in front of the legislators all the time. He said our legislators and others know who we are; they come down and tour, as do their staff members.

Member Herrera: He said maintaining visibility and credibility is very important in the process. He thinks there can be a network of superintendents and get boards involved when needed without this type of process.

President Chang: She said this Board wanted to be kept informed and the majority of the Board would want to continue this practice.

Superintendent Hay: He said this Board and our legislative program has been very effective in getting legislation passed that has helped us in our programs here. He said that, as a JPA, we

didn't qualify for deferred maintenance or state modernization funding. The six participating districts have told us that facilities maintenance is our responsibility; they will not help us with funding in this regard. Consequently, we have pushed legislation to qualify MetroED for state aid. He said legislation sponsored by MetroED and the Southern California Regional Occupational Center, was passed that qualifies us for state deferred maintenance funding. He said it has brought in over \$4 million for maintenance, which has taken the pressure off our participating districts. He noted that MetroED also sponsored legislation that would qualify MetroED for state modernization funding. We worked on it for 4 years. When we finally got the bill through the legislature, the Governor vetoed it claiming that is double counted ADA. However, staff from the Governor's and Senator Nunez's offices had toured our facility and recognized that we deserved assistance. They committed to include us on the next state facilities bond; Proposition 1D includes a section that says JPA/ROCPs qualify for state career technical education modernization funding. He said it was a direct result of MetroED's lobbyist and the tours we conducted on campus. He said that this Proposition has resulted in over 10 million dollars for CCOC equipment and facilities modernization.

President Chang: She said Member Herrera is not questioning what we are doing.

Superintendent Hay: He said he was not sure that Member Herrera was aware of everything that has been done over the years.

Member Herrera: He said these were areas that he did not take issue with; however, he said he has worked at the national and state levels and he has seen how the system works from inside. He said that he hears the Board sentiment and he appreciated the comments.

President Chang: She said on behalf of the Board she wanted to thank Superintendent Hay for all of his efforts in keeping MetroED in front of the legislators and bringing so much money to the district.

MOTION: The Governing Board approved the positions as recommended by the Superintendent on legislative bills; AB 1618-Watch; AB 2647-Watch; SB 776-Watch; SB 1070-Support; SB 1103-Watch; SB 1323-Approve; and SB 1458-Support. M/Herrera, S/Garcia; Vote: 6 Ayes, 0 No

13. **Action Item: Second Reading: Board Policies: Tri-Annual Update**

Superintendent Hay: He said included in the board policies is overview and there were no comments or requests for revisions since the first reading at the last meeting. He said it includes the administrative regulations (AR) which have been approved by Cabinet. He said the language included in the ARs are exactly as recommended by the California School Boards Association (CSBA) on implementation of new legislation from last year which went into effect on January 1, 2012. He said the recommendation is to adopt the board policies.

Member Garcia: He thanked the Superintendent for providing the guide sheet with the policies. He said it has been very helpful.

MOTION: The Governing Board adopted the board policies and reviewed the administrative regulations approved by Cabinet. M/Gordon, S/Canova; Vote: 6 Ayes, 0 No

BUSINESS AND FINANCIAL FUNCTIONS

14. **Action Item: Approve Second Interim Financial Report, Fiscal Year 2011-12**

CBO Lynn Orong: She provided a PowerPoint presentation on the Second Interim Report and thanked Fiscal Services Director Keiko Mizuno and her staff for all of their preparation in the report to ensure we are fiscally solvent and prudent and Superintendent Hay for his guidance and approval of the presentation. She shared the major multi-year projections are the reduction of \$409,028 between 2011-12 and 2013-14 in adult education funding for MAEP based on projected

reductions to CalWORKs funding; deficit spending for general fund reflected in decreases in fund balance for current and two subsequent years; the reserve for state contingencies will be less than \$45,000 by 2013-14. She said the Budget Advisory Committee will meet next week to continue the process for budget approval in June. She recommended the Governing Board accept the Second Interim Report and submit a positive certification to the County Superintendent of Schools for all funds.

President Chang: She said on page 9 of 15 of the Executive Summary, under adult education fund under, we are deficit spending \$930,000, and the multi-year projections show for next year we are deficit spending \$831,000 and \$407,000 for the following year.

CBO Orong: She said the projections are based on difficult decisions that will need the approval of the Governing Board such as this evening. For the 2012-13 year, MAEP Director Karp is retiring and we will not be filling the MAEP Director position.

MOTION: The Governing Board accepted the Second Interim Report and instructed the Board President and District to submit a positive certification to the County Superintendent of Schools. M/Gordon, S/Canova; Vote: 6 Ayes, 0 No

Member Herrera: He said he was trying to understand a little better the structural deficit we are trying to work out of adult education. He said we are wisely setting aside funds for reserves and for economic uncertainty of \$1.75 million for wise stewardship of times ahead. He said if we had \$1.65 using \$100,000, we could continue services for the developmentally disabled clients; how would that really affect our liability. He said it appears to be a CFOs conservative approach to everything, and he doesn't contest that and it is wise, but when we are balancing factors of services and population you need to go a little closer in projections.

CBO Orong: She said she understands; however, if she could bring the attention to the large book under multi-year projections, page 1 of 11 under 110 (adult education), and just look at the section of expenditures, the certificated wages which does not include benefits or statutory costs, is \$1,997,000. This does not include classified wages, benefits or health and welfare, and it shows the reserves will not cover one payroll for the year. She said she could not recommend reducing the reserves and she understands the benefit of the services at Hope and administration did explore other avenues; however, the March 15 deadline came. She said ultimately we are here for students.

PERSONNEL FUNCTIONS

15. Action Item: Adopt Resolution #10-03-14-12; Notice of Non-Reelection of Probationary Certificated Employees

President Chang: She said a member of the public wished to address the Board.

HR Director Gilbertson: He said the decision to not renew a teacher's contract is a major one; we take the matter seriously, and it is done rarely at MetroED. He said that it has not happened very often and he pointed out that until two years ago, the process was to provide only 90 day notifications to teachers (as temporary employees) that they would not be provided a contract for the fall. He said that when we recognized our CTA teachers as probationary, rather than temporary, the notification of non-renewal must be given prior to March 15. He said this is the first time this has been done as a non-re-election and it takes a formal resolution.

Collette Betters: She introduced herself as a representative of CTA to share concerns relative to the resolution, and how she believes the terms are in conflict in the Education Code for regular instructors and ROP instructors. She said the Board would be voting to remove a colleague and it meant that a first and second year probationary teacher could be dismissed without cause and no reasons need to be given for the termination. She understood this was clear in their home districts but was new to CCOC. She said CCOC teachers were not aware that they were subject

to non-reelection provisions because the Ed Code only describes first and second year teachers on their path to permanency in the third year. She also shared that, according to the Ed Code, CCOC teachers can never become permanent employees and are always considered probationary. She said the teachers have been told there is no Probationary 1 or Probationary 2 designation in the district and there is no trial period and she believed there were no non-reelection provisions. She said CCOC teachers are probationary whether they have worked for two years or twenty years. She said they are repeatedly told by administration that they want to retain the managerial discretion to terminate a teacher even if they have been here for 30 years without giving any reason.

Ms. Betters stated that the situation at CCOC is unique and questioned if there were safeguards in place to ensure that management would have supportive documentation if industry demands indicated there is a need to close a class. She stated that many of the instructors at CCOC have degrees (Bachelor, Masters, and PhDs). She said many classes are on the path to A-G curriculum and she believes that without clarification of their status (as permanent), it leaves all the teachers vulnerable.

She said that even Dan Gilbertson has said this is new to the District and she believed the District was picking pieces of the Ed Code in order to remove a teacher. She said that they have attempted to rectify in their contract the areas of concern regarding probationary employees and she said teachers should be given cause and due process before termination. She said if the Board approves the resolution, she believed it would go to uncharted territory and they will not even be protected by the CTA contract. She asked if the Ed Code cited in the agenda item is intended to classify the teachers as permanent and it was clear that probationary status was intended to be used in terminating an employee. She believed by signing the resolution, termination without cause would become entirely at the discretion of management without any supporting documentation.

She said the average teacher's life-span in the nation is 5 years and in the absence of clarification, management has decided to disregard the life of service the teachers have given to MetroED and she believed it would leave them vulnerable in a way no teacher, full-time or secondary in the state is vulnerable.

Member Canova: He said there is time sensitivity to this item and he said he would think that a majority of the Board would want to hear from our attorney before we proceed. He asked if there was any opportunity for input from legal counsel before we vote on this issue, because of the concerns that had been raised.

Member Gordon: She said she believed that the question would be; has the administration reviewed this with our legal counsel?

Superintendent Hay: He said yes, every word that is on the resolution was prepared by our attorney. He said when we have an item such as this; we do not do it without consultation with our attorney. He said Education Code is clear that ROCP teachers cannot become permanent teachers. He said he understands the ROCP teachers do not like this section of the Education Code and they have told administration they would like permanency, or some sort of guarantee that they can't be terminated after they've been here a long time. He said the section of the Code (EC 44910) was adopted by the legislature for specific reason, and we are required to follow that code section. He said he appreciates the fact that Ms. Betters is not saying that the administration is being arbitrary and capricious in our decision this evening, or that we would do that in the future. He said this specific case was reviewed with the District's attorney and is allowed within the Education Code. He said in the past, we would provide 60 day notice mid-year or 90 day notice at the end of the school year, and that is how other ROCPs in the state operate.

Member Canova: He said at Santa Clara USD, they bring their legal counsel in during these items.

Member Herrera: He said he was actually astounded to hear the comments at the podium and for him it is not only the legalities, it is also a question of the Board's stewardship of relationships, of the organization's well-being and he said he was a little confused at the moment if the attorney is interpreting the Education Code and if we don't have something like permanent, why do we have something called probationary. He asked why was the Board taking action in a framework of releasing someone that had not attained a certain number of years, whether 2, 3, or 5. He said if the Superintendent was aware of this type of concern, he wished he could have seen a report that laid out the issues as opposed to a simple legal solution to take an action because this Board ultimately needs to be responsible for the way we work with our staff and everyone. He said it is important to him that when someone makes statement like we heard this evening, that we try to reach some common ground and get basic needs met on both sides, rather than to ignore issues being raised that have some validity for being raised and he said he had not seen any presentation or analysis of anything, other than a resolution for action.

President Chang: She asked the Superintendent to provide the background of why CCOC now has probationary teachers.

Superintendent Hay: He said he believed the Board was getting into a legal area of what occurred about two years ago and he recommended scheduling a closed session, with the attorney, to go through this with the Board.

Member Herrera: He said he agreed that would be the next step.

Superintendent Hay: He said in the meantime, we have a situation tonight regarding a second year teacher that must be addressed.

Member Herrera: He said the specific teacher is not the issue.

HR Director Gilbertson: He said since he made the initial presentation, he would like to remind the Board that the reason we are all here is for the students, and our program administrator's primary duty is quality control over our educational product to our students. At some point we have to trust the administration's judgment in making the kinds of decisions that impact the quality of education we are providing our students. He said this Board has said previously, they did not want to be involved in all the personnel decisions made by administration. He said overall, in the long term quality of the educational program for our students, we are recommending to non-reelect a second year teacher.

Member Herrera: He said he did not have an issue with the recommendation regarding a specific employee and we are not going to try and go in and do the job of management and administration and administration does need to make decisions of this nature for the quality of the program. He said that is not his issue. He said it was based on what the framework the organization is operating with and does everyone have the same understanding and the relationships with key stakeholders. He said this can be reconciled and not in opposition to the decisions that need to be made, must be made, and will be made on quality control and staff.

HR Director Gilbertson: He apologized if he did not understand the issue.

Member Herrera: He said he did not take lightly hearing from a stakeholder's leader that there are some issues that need clarification and we need to come to a mutual understanding and that is important to him. He said the next step was a meeting with legal counsel.

President Chang: She said we appreciate the relationship we have with the Unions and we are all working as a team to provide the best quality education for our students; however, she said there is background information prior to Member Herrera joining the Board for the reasons the teachers are now classified as probationary. She said there is a timeline tonight that requires action by March 15.

Superintendent Hay: He said there is a deadline; however, there are a couple of Board members that were not here during the time the contract issues was handled and it was in closed session with the Board and the attorney. He said he thought it was more than appropriate to have the attorney here to go through the process with the Board so everyone is on the same page.

Member Gordon: She said she was in agreement; however, she was not just concerned about the Board understanding the issue. She said if we are going to move forward as an organization, we are going to make sure everybody understands. She said the first part may be educating the Board but we need to have a conversation where we try to outline for the parties who have the questions. She said we may have already tried to do that but we need to keep going back to the table; however, at the end, we may have to agree to disagree but at the same time it concerns her that there is a lack of understanding. She said it is her understanding this is a new process for the Board and administration because of the changes that were made. She said it is reasonable that there would be questions about the process and how it is done. She said if there is a meeting in closed session and we understand the process. She said it would seem to be the next step would be to have a discussion on what the Board would like the framework to look like without getting involved in the actual decisions.

Member Garcia: He said his only concern around this particular issue and he was going to vote to approve because he had not heard that it was a random decision done arbitrarily and capriciously. He said he believes the decision was made by administration with a lot of thought. He said one of the concerns he had was that the teachers were not aware of the non-reelect process. He said we may be able to reach a better policy or agreement if we had more dialogue and not appear that we are hiding behind Education Code as a District. He said he hoped there was a way for the teachers to know if they do get a non-reelect, that they are not being blindsided and they understand the process. He said he hoped we could come up with something that would work for the teachers and administration.

HR Director Gilbertson: He said as Chief Bargaining Officer for the District, he said it would be helpful for the CTA teachers to get more clarity and a Board meeting with the attorney may be appropriate.

Vice President Bobay: He said if there is a way to familiarize teachers with the Education Code that applies to them that established them not being permanent. He said non-reelect is nothing new for second year teachers and should not be a surprise.

Member Herrera: He said the March 15 deadline applies on this action (the Superintendent replied yes) and the Board has to take action in order to authorize it or be in the legality of the requirements.

President Chang: She asked for a roll call vote on the resolution.

Member Herrera: He said he did have one other concern. He said the problem he was having was the way it was titled because that is where the misunderstanding is rising, and the Superintendent will be apprising the Board; however, in terms of the "Notice of Non-Reelection of Probationary Certificated Employees, the Board can take action on the employee number as identified in the resolution. He asked the Superintendent if the Board could take action and disregard the titling of this item.

Superintendent Hay: He said he did not think the Board could do that. He said the resolution was specifically written by the attorney to make sure we were in full compliance with the contract and the Education Code.

President Chang: She said the Board was ready for the vote and asked the Superintendent to conduct a roll call vote as it was a resolution.

MOTION: The Governing Board adopted resolution #10-03-14-12 and that the employee identified be given notice of the Board's action in accordance with Education Code section 44929.21(b). M/Herrera, S/Garcia; Roll Call Vote: 6 Ayes, 0 No.

16. Action Item: Adopt Resolution #12-03-14-12 to Reduce or Eliminate Certificated Positions at MAEP

Superintendent Hay: It was noted that this Item was heard directly after Item # 10 under Special Order of Business. Also, a letter was hand-delivered from Monica Sheirich, De Anza College Vocational instructor in support of Shari Sullivan continuing to provide classes at Hope.

HR Director Gilbertson: He noted for the third straight year we are facing reductions in our adult education program. He said notifications must be sent out by March 15 if any positions may be reduced or eliminated. He said at this time it is recommended to reduce an adults with disabilities teacher, 1.0 FTE; English-as-a-Second Language teacher, .2 FTE; and due to the uncertainty of the CalWORKs funding for the site representatives, 7.50 FTE; for a total of 8.7 FTE.

Superintendent Hay: He noted this item would have been heard after the budget, 2nd Interim Report which is the financial projections for the organization and the Governing Board has had the opportunity to review the report with their Board packet. He said there were people who have requested an opportunity to address the Board on this item.

President Chang: She noted the time of 2 minutes for individual speakers and 5 minutes for individuals representing groups.

Jim Hicks: He said he has a brother-in-law at Hope Services and he understands the adult basic skills classes may be eliminated. He spoke on behalf of Sharon Sullivan, the instructor, and shared information about her experience and knowledge.

Marilyn Crandall: She said she was a life-long resident of San Jose and a retired special education teacher and her brother Bill is a client of Hope. She shared information about her brother and the services he received at the San Jose Center through Metropolitan Adult Education Program and Hope. She expressed her support of the classes at Hope and the teacher, Sharon Sullivan.

Dennis Kemper: He said he is the Work Activity Manager at Hope Services Whittier and he was speaking on behalf of Hope. He noted the collaboration with adult education and Hope began in 1969 to meet the needs of disabled community members when residents were moved from the state hospitals. He noted Sharon Sullivan has taught adults with disabilities for 26 years. He noted services are provided by Ms. Sullivan for a 100 of Hope's clients each day.

Michele Ivany: She shared her daughter attends Hope and expressed her support of Sharon Sullivan and shared her daughter has learned sign language and reading.

Sharon Sullivan: She said she has been at the Hope center for over 26 years as the instructor teaching adults with developmental disabilities. She said she currently has five classes of basic education (same as taught here at the MC Center), customer service, and sign language. She said that she teaches the students at Whittier for the world of work. She listed businesses where her former students now have jobs. She said it was important for her to remain at Hope and provide the academic foundation to the adults with developmental disabilities. She noted that De Anza provides the vocational education and the Hope staff provides the hands-on, on-the-job training skills for the clients.

Kathy Jasper: She said she was the co-President for AFT and represents the 31 adult education teachers at MetroED and also represents East Side Union High School district. She shared statistics that she had done between MetroED and East Side comparing the number of students

and staff as well as the budget. She said the program and services are very important to the community and she asked the Board to consider other areas to cut.

President Chang: She asked if there was a motion to approve the resolution and then have discussion. Member Garcia made the motion with a second by Member Gordon.

Member Herrera: He asked if administration had considered other alternatives and what they were. He said he is very persuaded by what he had heard and believes this program deserves more consideration for this vulnerable population than we may provide services for other programs in the system.

Superintendent Hay: He provided a little history for what had occurred regarding adult education. The adult education program is administered for San Jose USD and (last year) MAEP operated three main sites and about 43 outreach programs. When San Jose USD notified MetroED they would be flexing 2/3rds of the adult education state funding, the administration had to close two of the three main sites and terminate all the outreach programs. The only outreach site that was not cut was Hope. Currently, in reviewing the organization for the next three years, we are deficit spending at a rate that is unsustainable. He said if the program was designed to deficit spend for a period to maintain the core services for as long as possible. He said unfortunately, this will be the first of many cuts that will come. This teacher, because of her longevity, will not be laid off and there will be a position for her at the MC Center. The actual cuts will occur with temporary employees. He said administration has looked in other areas for cost reduction opportunities so we can maintain as many programs as we can as we move forward. However, we can no longer deficit spend at the rate of approximately \$800,000 per year.

Member Herrera: He said he appreciated the background information and at his home district they have been going through difficult budget cuts and loss of vital services and programs. He said whenever the East Side USD Board has said something is a higher priority; the administration has come back with a different plan to support a Board priority. He said the teacher is not going to be laid off and he asked if there was another revenue stream that could be reallocated back to find a way to continue to serve this population.

President Chang: She said if the teacher is being reassigned to another class as a permanent teacher, the cost savings would be from the temporary teachers.

MAEP Director Karp: She said the Hope class goes longer than the regular class and there are different costs associated. The class runs 1,330 hours and will be replacing a temporary teacher who teaches 1,050 hours. She said the temporary teacher was hired in December and teaches in the CalWORKs STEPS program where students spend six to ten weeks before going into one of the other core programs.

Superintendent Hay: He said STEPS is grant funded and runs for additional hours in the summer as well.

Member Herrera: He said if the Board feels this is a high priority, we should ask administration to go back and look at the system again and evaluate it together rather than adopt the resolution this evening.

President Chang: She said she took the 1330 hours minus 1050 for the difference of 280 hours times the hourly rate.

MAEP Director Karp: She said there would not be the savings if the teacher was maintained at Hope as the other program is not closing.

Superintendent Hay: He said the temporary position is grant funded and we have to maintain the position as part of the grant. He said the other teachers are permanent and must be notified by

March 15 (tomorrow) and he does not have the option to go back and reevaluate to meet the deadline of notification.

Member Herrera: He said we could go back and look at the program viability without delaying the legal notice. He said the notices do not have to be executed if there are other choices or options that may be a higher priority.

Member Canova: He said he agrees with the comments and recognizes the March 15 deadline. He said administration has said Hope is a high priority and if there is any way to rectify to keep the program they would do that. He said for this evening it is important to know that we are complying with legal deadlines. He said this is a population we want to do everything, not to say administration as not already done this, possible to save the program.

Member Gordon: She said she wants to make sure that she understands the partnership between the two agencies. She would like to know who is paying for what and what Hope's commitment to this program is and will it remain the same as they have done in the past.

Superintendent Hay: He said his understanding is that if MAEP doesn't fund the teacher, the service will not be provided. He said they currently provide the facility and instructional materials.

Member Gordon: She asked if it was Superintendent Hay's understanding that Hope is prepared to fund the service at the same level they are now, if we provide the teacher.

Dennis Kemper: He said Hope provides the facility and Ms. Sullivan provides the materials. He said the classroom space is there and the need is there.

Member Gordon: She said we are paying for this out of the adult education San Jose general funds and there are no grant funds to support this program. Superintendent Hay said that was correct.

Member Garcia: He said in his private practice he has utilized Hope Services and benefited from a partnership with them. He said he did not want anyone to think we don't value the program and services or the teacher who has provided the instruction for many years. He said this is a difficult decision that is based on a number of factors. He said he appreciates the work that is being done.

Superintendent Hay: He said last year as administration went through the process to consolidate, programs were closed. However, San Jose USD asked us to provide the basic core programs (ESL, ABE, GED, HS diploma and CTE). He said it has put us in a difficult position, with two-thirds of the funding flexed, and we will not make payroll in two years if we do not make severe cuts. He said administration felt strongly about the services at Hope and we were able to keep them for an additional year, after our funds were flexed, but we can't continue.

Member Herrera: He said he understood and he hoped that we would take another look at options which may be available, but the action requested tonight needs to be done.

Superintendent Hay: He said if San Jose USD passed through additional adult education funds, we could do additional outreach programs such as 50+ (older adults), fee-based, community interest, parent education, etc. He said there are no options left without additional funding.

Member Gordon: She said we administer the adult education program for San Jose USD and we are providing the services they value. She asked if there had been a discussion with San Jose USD about looking at the situation we are in and what they think provides the best programs for their community.

Superintendent Hay: He said we have not gone back to San Jose USD, but he would look forward to having that discussion with their superintendent and CBO.

Member Gordon: She said each of us has the best perspective on our districts and communities and as stated, we have to take an action this evening; however, we speak to San Jose USD and say these are the dollars we have, these are the programs we offer and we can no longer run all of the programs, what would you like us to do.

President Chang: She said she would like to be clearer on the cost savings.

Superintendent Hay: He said there would be about a \$100,000 savings for the 1.2 FTE.

President Chang: She said there are about 8.7 FTEs; however, this would be for the 1.2 FTE and there will be a clearer picture of the financial position after we hear information on the Second Interim Report.

Vice President Bobay: He said we are talking about reducing services and losing those services and they will go away.

Member Canova: He said we need to recognize the March 15 deadline and he likes the idea of having a conversation with San Jose USD. He asked administration to vigorously pursue conversations with San Jose USD and look at their funding streams. He said from the discussion, he knows Superintendent Hay values these services and he will put forth his best effort to serve this population.

President Chang: She asked if Member Garcia could assist with facilitating the conversations with San Jose USD administration.

MOTION: The Governing Board approved resolution #12-03-14-12 to eliminate the equivalent of 1.41 FTE certificated teacher positions and 7.50 FTE CalWORKs Site Representative positions. M/Garcia, S/Gordon; Roll Call Vote: 5 Ayes, 1 No (Bobay)

XIV. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

MAEP Sylvia Karp:

- She invited the Board to the MAEP International Day to be held on Friday, March 30 at 9:00 am to celebrate with their students to be followed by pot luck. It will be held in the auditorium here at CCOC.

CCOC Director Fox:

- Program Representative Seda Otto organized students for Senator Alquist's recognition of the Women's Health Forum Volunteers and she received a very nice certificate from the senator.
- Angelica Sandoval, student in Collette Betters AM Health Occupations class (Gunderson Plus home school), won the Kiwanis Club Turnaround Scholarship.
- Shynette Brown, student in Collette Betters PM Health Occupations class (Branham HS) and Yesica Venegas-Orozco, student in Peggy Nutz's Small Business class (Prospect HS), are attending the Enterprise Leadership Conference through the San Jose and Los Gatos Rotary Clubs.
- Collette Betters, Health Occupations instructor reported that most of the students in her class are preparing to go out on internships at the Regional Medical Center of San Jose, Santa Clara Valley Medical Center, and Kaiser Permanente in San Jose and Santa Clara.
- As of today, more than 300 students have signed up to participate in the Early Admission Program with the six local community colleges. The Early Admissions Program gives students better chances at getting the classes and times they want, helps them to prepare for their first college semester and complete a 0.5 unit of orientation requirement for free.
- Evergreen Valley College (EVC) kicked off the program last week with 65 students in attendance, and Mission College just came last Tuesday with 47 students in participation

- Mount Pleasant High School visited CCOC on Friday, March 9, and had a breakfast meeting supplied by the Baking & Catering and Culinary Arts programs and instructors Jan Joseph and Nancy Joseph. The entire staff of teachers and administrators attended the meeting where they were provided information about CCOC and then went on a tour of classrooms. The principal has invited Mr. Fox to address their faculty meeting in March and answer more questions about CCOC.
- CCOC and Foothill College are once again planning academies for CCOC students this summer. The academies are free for students as they are funded through a grant. The academies will offer programs in Child Care, Small Business, and EMT. The Small Business class will offer 18 quarter credits for the students that successfully complete the class.
- Open House on Friday, March 23.
- CAROCP Costal Conference, Saturday, March 31.

Superintendent Hay:

- He reported on the CSBA Superintendent's Advisory Council's discussions of the Weighted Pupil Formula (WPF) which re-benches the revenue limit to current level. In effect, it avoids restoring deficits and deferrals to education. This would be a way to avoid repaying Prop 98 education dollars and distracts from the real problem of under-funding of education. He said the Education Coalition has come out in opposition to the WPF.
- He said the Governor's Funding Initiative is competing with three main initiatives on the November ballot. There is a lot of pressure from the Governor to support his initiative only and it is being resisted by the many superintendents and CSBA.
- President Obama is coming to California in April to review green partnership academies. The trip is being coordinated through the California Department of Education. We have thrown CCOC's programs into the hat for a visit.
- He noted at the Dais are the following:
 - Invitation to the Adult Ed International Day, March 30, CCOC Auditorium
 - CAROCP Information brochure
 - CAROCP Invitation to Coastal Spring Conference, Sat, March 31 at CCOC
 - CAROCP Connections Newsletter, published by our very own Michelle Alaimo. This goes out to All 3,600 CAROCP members, including many of our Employer Advisory Board members
 - Copies of the Raising the Bar Superintendent's Awards given out tonight
 - CCOC Open House Invitations, Friday, March 23
 - CSBA comparison of the 3 funding initiatives
 - CSBA summary of outstanding litigation

XV. BOARD COMMENTS

Member Gordon:

- She said since we had animals visiting this evening, she recommended going to the web site and look up Delta Airlines and penguins. The airlines was transporting two penguins in first class and the captain said if the passengers would not touch or disturb them and since they needed exercise, they would wander around the plane.
- She said another animal story involving her seven week old puppy who was attending a beginning class with other long-legged dogs and he is an English Bull Dog. She said after five minutes of the first class, he lay down and would not move for all six weeks of classes. She said on the seventh week when the dogs would be tested to get their certificates, her puppy performed all the tasks required. She said it reminded her of a high school student who didn't study all semester and then crammed for the finals and pass.
- She said Prospect High School has the opportunity for the second time in two years to represent the county at Mock Trial in Sacramento.

- She was pleased to announce her home school Golden Bell award winning program with Cylinks has expanded and they have now partnered with Cylinks and San Jose State University to put a pathway program together at Leigh and Branham where students sign up and be in an engineering pathway program. She said if they successfully complete with a certain GPA, it will guarantee acceptance at the engineering program at San Jose State.

Member Herrera:

- He said he was aware he had spoken quite a bit this evening and he will be mindful of not taking as much time in the future.

Member Canova

- He said Santa Clara USD is working hard on the passage of their parcel tax.

Clerk Garcia:

- He said last Tuesday, San Jose USD Board had their annual retreat and he had asked the President to include on the agenda discussion on career technical education and how it fits into San Jose USD. He said that particular topic took a good part of the evening and basically he walked away with four other board members that really respect and value career technical education. He said when it comes to how it fits into SJUSD's strategic plan they are currently working on and how it fits into their college culture, concepts, and attitudes, it created some interesting discussions. He asked questions regarding who does SJUSD send to CCOC, how do they get to CCOC, and who helps them get to CCOC. He said the superintendent and board agreed to form a committee with their Assistant Superintendent Dane Caldwell and he would ask that there be representation from CCOC and take part in the committee. He said he feels students come to CCOC accidentally and not as a career path.

Vice President Bobay:

- He said there were several good discussions at the meeting this evening.
- He said he is interested in pursuing the legislative end or getting the home districts involved in the positions MetroED takes and he would be interested in seeing a plan to involve the districts.

President Chang

- She said at her home school district, Cheryl has been working closely with MetroED to bring more students to this wonderful program we have here.
- She said she attended the CSBA Linked Learning Taskforce on March 2 and there are committee members coming from districts with ROP background. She said the committee is looking at making the goal of College and Career Ready for students and she will continue to report to the Board.

XVI. OTHER MEETINGS

President Chang: She noted the next special meeting of the Governing Board will be Thursday, March 15 at 1:00 PM with CCOC students. The next regular meeting will be on April 11, 2012 at 7:00 PM with closed session at 6:00 PM.

XVII. ADJOURNMENT

President Chang adjourned the meeting at 10:30 PM.

Richard Garcia, Clerk of the Board