

# METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes  
February 10, 2010

## I. CALL TO ORDER/ROLL CALL

The meeting of the Governing Board of the Metropolitan Education District was called to order by President Biehl at 6:08 p.m., in CCOC Room 810, San Jose, California.

### All Members present, except when noted "absent":

Frank Biehl	East Side Union High 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 (Arrived at 6:10 p.m.)
Diane Gordon	Campbell Union High School District
Marsha Grilli	Milpitas Unified School District

## II. DISCLOSURE OF CLOSED SESSION DISCUSSION ITEMS

All meetings of the Governing Board are open to the general public, with the exception of those items which are specifically exempt under the Ralph M. Brown Act.

- A. Superintendent's Evaluation: Pursuant to Government Code: 54957.
- B. Conference with Labor Negotiators. Government Code section 54957.6. District Designated Representative: Attorney Adam Fiss. Unrepresented employee: Superintendent
- C. Public Employee Appointment: Assistant Superintendent/Chief Business Official; Pursuant to Government Code: 54957.
- D. Conference with Labor Negotiator Pursuant to Government Code: 54957.6(f)  
District Negotiator
  - Dan Gilbertson

### Employee Organizations

- AFT
- CSEA
- CTA
- Unrepresented Employees

## III. PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS

President Biehl acknowledged CTA President Jan Joseph who requested to speak.

Joseph: He said he was representing CTA and at a recent union meeting there was a unanimous vote of those in attendance concerning the appointment of the Assistant Superintendent/Chief Business Official. He asked the board to consider the qualifications of the person under consideration and with the Campbell Adult Education program leaving, take some time to plan reorganization in the district office. He shared the governor has proposed in his budget a 10% cut to district offices for administrators. They were also concerned they had not seen a job description and what the responsibilities would be. He asked the board to give careful consideration before moving forward and again to consider an interview process. He expressed CTA would prefer an interim position and not a permanent appointment.

**IV. ADJOURN TO CLOSED SESSION**

President Biehl thanked Mr. Joseph for his comments and noted the arrival of Member Garcia. The board adjourned to closed session at 6:10 p.m.

**V. REGULAR MEETING**

The regular meeting of the Governing Board of the Metropolitan Education District was called to order by President Biehl at 7:14 p.m., in the CCOC Auditorium at 760 Hillsdale Avenue, San Jose, California.

**VI. REPORT OF CLOSED SESSION ACTIONS**

President Biehl reported there was no action taken in closed session.

**VII. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by President Biehl.

**VIII. ADOPT AGENDA**

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

**IX. RECOGNITIONS**

1. Acknowledgement of Visitors - Dan Gilbertson introduced new employee Debby Muller, HR Administrator.
2. Acknowledgement of Honors and Awards
  - Superintendent Hay shared a short video of 2009 MAEP High School graduate Frank Ganz. He was presented with a state award for the student's succeed project for students who have reached their life goals as a result of participating in adult education programs from the Outreach and Technical Assistance Network (OTAN). Mr. Ganz thanked those in attendance including his instructor Susan Andersen, Independent Study Coordinator Martha Burns, and his tutor Tom Ryan. He said that without his tutor, he would have never succeeded. He said that he knew that when MetroED and MAEP started, they did not have an 84 year old great grandfather in mind to graduate. He said this may prove to others that it doesn't make any difference what age you are, it's never too late. MAEP Director Sylvia Karp shared that he was in a room filled with teachers and she has been a teacher for 42 years. She stated that it was students such as Frank that give teachers the desire to continue teaching.

**X. STUDENT REPORTS**

- A. **CCOC Student:** CCOC Director John Fox introduced Eric Whitman, Animation instructor. Mr. Whitman shared he has been teaching at CCOC for three years and introduced two students from his afternoon class, Grace Aiello and Chase Gray to share work they have been doing in class. Grace presented an animated video that she had done involving lip synchronization. She recorded her voice and made an animated character to do the voice. Chase shared several of his animations. He made a crab walk by making eight different legs. The screen will show the background moving slower than the crab walking that incorporated depth perception as well as an interactive animation. Mr. Whitman shared that the students worked on this project for approximately a week. Chase also shared an animation with customized buttons; when the cursor is moved over an image it will do an animation including sound. Mr. Whitman showed a banner that was done by a student last year for Carl's Jr. as well as other professional projects including an iPod commercial and an interactive Christmas card.

President Biehl thanked the students and instructor for the very inspiring presentation.

- B. **MAEP Student:** Frank Ganz, 2009 MAEP Graduate spoke under recognitions.

**XI. SPECIAL ORDER OF BUSINESS**

None

**XII. PUBLIC COMMENTS**

None

**XIII. APPROVAL OF MINUTES**

1. **MOTION:** It was moved to approve the Minutes of Regular Board Meeting on 01/20/10 with two corrections; page 7 - correct CSEA Chapter 222 to 227 and page 12, Item 16 - add 'sarcastic statement' in parenthesis after President Biehl's comment regarding the governor not cutting education being good news. M/Garcia, S/Chang, Vote: 6 Ayes

**XIV. CONSENT CALENDAR**

**MOTION:** It was moved to approve Consent Items \*2 through \*7. M/Grilli, S/Garcia Vote: 6 Ayes

**BUSINESS AND FINANCIAL FUNCTIONS**

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

The Governing Board approved the following warrant registers: #62004900-#62004917, dated January 5, 2010; #62004918-#62004968, dated January 7, 2010; #62004969-#62005000, dated January 12, 2010; #62005001, dated January 13, 2010; #62005002-#62005051, dated January 14, 2010; #62005052-#62005092, dated January 20, 2010; #62005093-#62005126, dated January 22, 2010; #62005127-#62005180, dated January 27, 2010; #62005181-#62005185, dated January 29, 2010.

**\*3. Consent Item: Change Order #001, Sewer Line Replacement Project (K.J. Woods Construction, Inc-\$11,522.15)**

The Governing Board approved Change Order #001 between MetroED and K.J. Woods Construction, Inc in the amount of \$11,522.15.

**\*4. Consent Item: Grant Writer**

The Governing Board approved the Independent Contractor Agreement with Shelby Spain.

**PERSONNEL FUNCTIONS**

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

The Governing Board approved the one appointment; Joyce Veasley, Credential Coordinator.

**INSTRUCTIONAL AND STUDENT FUNCTIONS**

**\*6. Consent Item: Medical Apprenticeship Agreement**

The Governing Board approved the agreement with First Health Clinic for on-the-job training to MAEP medical students.

**\*7. Consent Item: Community Classroom Agreements**

The Governing Board approved the agreements with Arthritis & Orthopedic Medical Center and Dr. Michael Viscarra to provide on-the-job clinical training to CCOC medical students.

## XV. INFORMATION ITEMS

### 8. Information Item: First Reading Board Policy 2210

Superintendent Hay: He shared this item was sent by CSBA. The board has already approved the 2000's; however, this is a new policy being recommended regarding Tier 3 categorical programs and flexibility.

The Governing Board reviewed Board Policy 2210 and recommended that it go to the Board for a second reading and adoption.

### 9. Information Item: First Reading: Student Board Policies, 5000's

Superintendent Hay: He shared there is a summary of the major changes as requested with the board item.

President Biehl: He had a suggestion under AR 5113(a) regarding Excused Absences. He had experience at East Side Union High School District the Board had agreed to include college visitations for students in their junior and senior years. The problem at East Side UHSD was that if it was not in the policy, the students were not excused. He felt it was a legitimate reason for not being in school for one day. Without objection, the President requested the Superintendent to include College and Trade School visitations to AR 5113(a).

The Governing Board reviewed Student Board Policies 5000's and recommended that they go to the Board for a second reading and adoption with one addition to AR 5113(a), Excused Absences, Item # 7.

### 10. Information Item: First Reading: Instruction Board Policies, 6000's

Superintendent Hay: He shared there was a summary sheet of the major changes included regarding the instructional policies.

The Governing Board reviewed Student Board Policies 6000's and recommended that they go to the Board for a second reading and adoption.

## XVI. ACTION ITEMS AND REPORTS

### BOARD AND ADMINISTRATIVE FUNCTIONS

#### 11. Action Item: 2010 Delegate Assembly Election

Superintendent Hay: He shared this was the nomination for the CSBA Delegate Assembly and there are currently six vacancies for Santa Clara County. Each elected delegate will serve two year terms beginning April 1, 2010 through March 31, 2012. There are eleven candidates on the ballot.

Member Garcia: He asked the Board to include all the incumbents and include Buu Thai (Franklin McKinley SD).

Member Chang: She shared that she and President Biehl have been serving their first term on the CSBA Delegate Assembly and the group has been working well together. She said in light of the budget crisis and the situation in Sacramento to have the continuity of the delegate leadership. She concurred with voting for the five incumbents and recommended Michael Gipe (Saratoga Union SD).

Member Grilli: She agreed with voting for the five incumbents; however, she would not be supporting Buu Thai as Franklin McKinley SD has a representative on the delegate assembly and she would like the representation spread out through the county. She has been impressed with Ellen Wheeler (Mountain View Whisman SD) and she would recommend including her.

President Biehl: He said there was a good group of incumbents and he had enjoyed working with them. He recommended Esau Herrera (Alum Rock Union ESD) who has been working with the Santa Clara County Schools Board Association as the Hoffman Dinner Co-chair. He was instrumental in raising \$5,000 this year for the Hoffman awards and it will be the first time this is done. In the past, the eastside of the county had two additional representatives that left last year due to leaving the school board. He said to facilitate the process; if the Board was comfortable with the five incumbents we would put in nomination the recommended names for the sixth vacancy: Ellen Wheeler, Esau Herrera, Buu Thai, and Michael Gipe.

Member Garcia: He withdrew his recommendation of Buu Thai.

President Biehl: He asked for a show of hands for the remaining nominations. There were three votes for Esau Herrera, two votes for Michael Gipe, and one vote for Ellen Wheeler. There was not a majority. There was a vote for the remaining two; three for Esau Herrera and three for Michael Gipe. There was a tie and it was recommended to only vote for five candidates or break the tie.

MOTION: It was moved that the Governing Board vote for the five incumbent candidates for the 2010 CSBA Delegate Assembly. M/Chang, S/Grilli, Vote: 6 Ayes

12. **Action Item: Approve MetroED Legislative Priorities for 2010**

Superintendent Hay: He shared that each year the current legislative session is reviewed, a legislative advocate is selected, and priorities are recommended for the legislative session. In working with School Services, a draft of legislative priorities for 2010 to allow for flexibility in dealing with legislation that may come up this year and allows MetroED to support legislation that fits with the priorities established. In addition this year, included is a priority to support legislation to allow JPA ROCPs to issue G.O. Bonds. Jones Hall (bond counsel) and Lozano Smith (attorneys) came to the same conclusion that MetroED as a JPA ROCP cannot legally issue bonds. The opinions did not cost the District any funds. There has been agreement that a one sentence clarification in the code would allow MetroED to do a bond without changing the constitution.

Member Chang: She said that after discussions with the superintendent earlier this week, she would like to find out the bonding capacity for each of the participating school districts; however, in principle she supports the legislative priority to allow MetroED to issue bonds.

Superintendent Hay: He shared that this was a request by the JPA Executive Council and has a request into both Jones Hall and Straddling Yocca Carlson & Rauth to review the bonding capacity. The request is for them to review, if the code is changed, the bonding capacity and if it belongs to the individual districts or to MetroED or if it would be using some of the individual districts bonding capacity.

Member Chang: She said the Los Gatos/Saratoga JUHSD does not have that high of a bonding capacity and others have substantially more. She said they were here representing MetroED; however, at the same time they need to look out for the interests of their individual school districts in the JPA.

President Biehl: He shared this was an excellent question and he believed the bonding capacity for a school district was 5% of the assessed valuation for unified districts and 2.5%

for non-unified districts such as a high school district. The question is if this would be on top of the bonding capacity or in addition to that.

Member Chang: She said it would be possible to ask the lobbyist to put a hold on the priority of changing legislation for bonding if the answer for bonding capacity would be part of an individual's district.

Superintendent Hay: He said the current code says that the bonding capacity for JPA ROPs is no more than one-half of one percent. As Straddling had concluded, that is not valid due to the change in the constitution in the early 1980's. If a JPA ROP is considered a school district for the purposes of issuing a bond and the code is changed, the bonding capacity would be one-half of one percent unless it is changed in the code as well. The answer is not clear at this time; however, it was very clear in the code there was a finite amount of bonding capacity for JPA ROPs.

Member Chang: She said that if there is a legislative change, we should keep in mind a change that would not impair the bonding capacity of any of the individual school districts.

Superintendent Hay: He said that was the question that has been asked of bond counsel and it was not the intention of MetroED in any way to subvert the bonding capacity of any of the participating school districts.

President Biehl: He said administration will get back to us with the information and the Board can adjust the legislative priorities at that time if needed or direct them to pursue legislative priorities that take into account whatever direction the Board decides.

**MOTION:** It was moved that the Governing Board approve the MetroED Legislative Priorities for 2010 with the understanding the priority to support a legislative change to allow Regional Occupational Center and Program Joint Power Agencies (JPAs) to issue general obligation bonds may be reconsidered based on bonding capacity. M/Chang, S/Garcia, Vote: 6 Ayes

### 13. Action Item: Annual Board Retreat

President Biehl: He shared the Board had done a retreat last year that consisted of meeting here at MetroED on a Saturday morning. It is a public meeting and allows the Board to do long-term planning. People are welcome to attend. He asked the Board if they wished to do that again this year and if so when. Then we will do some polling to see what dates will work. There was consensus it was a good idea and the month of April or May would work from 9:00 a.m. to noon.

Member Chang: She shared that there was only one Saturday in April that she was available, April 3.

Superintendent Hay: He said administration would poll for dates and asked if it should include agenda items.

President Biehl: He asked if there were any recommendations of items to discuss. One item would be long-term planning and asked the Board if they had other items.

Member Garcia: He said that he would like the Board to review the use of technology and review their role as board members as advocates for Career Technical Education at MetroED.

President Biehl: He said this gave three good topics for discussion and if other board members had topics to please send it to administration for inclusion. He would like to determine a date at the March board meeting and the basic subject areas.

## **BUSINESS AND FINANCIAL FUNCTIONS**

### **14. Action Item: Monthly Budget Update**

Superintendent Hay: He shared that Keiko Mizuno, Fiscal Services Director would be happy to answer any questions on the budget update.

Member Garcia: He asked about the Job Corps adjustment for a reduction of \$82,000.

Mizuno: She shared that the budget is a great management tool to be monitored as often as possible. She said the Interim CBO, Superintendent, and MAEP Director were reviewing the adult education budget with her; it came to their attention that last year there was a contract for \$82,000 with the San Jose Job Corps. It was carried over; however, there is no contract for the current year and necessitates the adjustment which is a savings.

**MOTION**: It was moved that the Governing Board approve the budget changes included in the Monthly Budget Update for the period ended 1/31/2010. M/Garcia, S/Grilli, Vote: 6 Ayes

## **XVII. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS**

### CCOC Director John Fox

- The college fair was held today with over 30 schools, apprenticeships and military offering a variety of opportunities to the students. He thanked Chantu Nguyen for organizing the event and logistics and a thank you to Jan Joseph and Nancy Joseph for providing breakfast for the exhibitors. They had arrived around 5:00 a.m. this morning to begin preparations for preparing breakfast and then served lunch for 70 people. He said many of those who were here came up to him and came to his office to let him know that they had never had a layout like for a college fair like was done here. They said the presentation of the food was outstanding and they almost did not want to eat it. There were a number of people that will be working closer with a number of the classes and it will assist with many of the articulations with the colleges. It was also a very good opportunity for the staff to network. He said the school sells itself.
- Jeff Schmidt, Video Production instruction, has four students that been accepted to participate in the Adobe Youth Voices (AYV) film camp. Two students in the film category: one in stop motion, and one in the documentary category. The students will also have their films shown in the Cinequest Film Festival and will be shown in 76 premieres in 46 countries. Also, another student has been selected for the Enterprise Leadership Camp and four of his students applied for the Green Light Film Festival. Two students are participating in the Spotlight Film Festival with a science fiction contribution. The students have to make a time machine and with the assistance of Ray Behvand, Auto CAD instructor, they are doing the mock up and the sketches. Part of it will be built in the Precision Machining class. He also had two students that won the Santa Clara County Public Health Department H1N1 public safety video and it is on their county's web site.
- There are 34 participants that will go to the state competition in San Diego for SkillsUSA. Thirty-five students won medals at the recent SkillsUSA Regional competitions. It is definitely a record. There were a number of instructors with their students in Salinas this past Saturday and the week before here and at Hayward competing in the regional competitions.
- The CCOC Open House is scheduled for March 26. There will be tours throughout the day for parents and school officials. In the evening, from 5 to 6 p.m., there will be a dinner. Last year, approximately 1,000 people were served.

### MAEP Director Sylvia Karp

- MAEP has an English Language participation grant to help adult students understand and utilize community resources. This quarter, the students at the MC Village are studying the Department of Motor Vehicles. The objective says that the student will be able to describe and access services at DMV, read and interpret regulations, road signs, and traffic signals.

One of the assessments involves students responding appropriately to police officers when they are stopped for speeding. Fortunately, MetroED has a Law Enforcement class and MAEP took advantage of working collaboratively with CCOC. Rico Sciaky, Law Enforcement instructor, assigned one of his best students to do a role play of a student being stopped by a police officer. It was a very good example of MetroED being able to combine academics and career technical education programs to better serve our students. We are in a unique position to do that and hope to be able to do it more often. The student was Officer Ken Needham and he asked the MAEP students questions while they were seated in a car. They had to provide a mock license, registration and proof of insurance. They also had to keep their hands on the steering wheel, keep a pleasant tone of voice and listen to answer the questions correctly. This was a lot for second language students to be able to do everything. The assessor of the exercise was Assistant Principal Suzi Glass who was seated in the back seat of the vehicle. Officer Needham also showed each student a citation and explained that by signing the citation, it meant the ticket was received and not that the person was guilty.

- San Jose Branch Librarian Kay Moore and Ms. Karp wrote a grant that would allow outreach for students from the Erikson Adult Education Center and the MC Village. It was a \$5,000 grant devoted to having the Pearl Avenue Branch Library purchase resources that would help the GED students study in the summer time and have extra materials available to them. Now students who may not be comfortable going to a neighborhood library can now go to the library and see a reference collection devoted to their learning needs.
- She also asked the board members to save the dates of March 19 in the morning and March 17 in the evening for the students on the Hillsdale campus to participate in their annual International Day or Evening (for the first time). The invitations will be presented at the March meeting. It is a wonderful celebration of different cultures where students do songs and dance. Last year, there were ESL students from 97 countries that participated.

Member Chang: She said she really appreciated the exercise teaching new immigrants on how to deal with the citation issue. She had read recently in the news that a new immigrant from China now living in Cupertino who received a citation and refused to sign and she was handcuffed and taken to jail. She said this was great exercise.

Interim CBO, Daniel Gilbertson

- He shared that all of the teachers at MetroED are required to have a designated subject credential whether in career technical studies or adult education. One of the things that we pride ourselves here at MetroED is the ability to help teachers obtain the credentials. For many years, we have provided a program for the teachers and community members to obtain the credential. Last year, there were a number of challenges to the program as well as the announcement by a competitor in the field, Lee Clark, announcing his retirement. The community has been concerned about where they could go and asked MetroED if we would expand the program to take on additional students and help teachers throughout the area. This was in conjunction with losing the Director of Instruction and Accountability due to layoffs as well as the Credential Program Administrator. Administration asked Sylvia Evans, CCOC Assistant Principal, to assist in the program. The career technical credential is changing from a five-year credential to a three-year credential. All of the programs have to do a new plan to get approved for the new regulations. The approval process requires an accreditation such as a WASC to get their program reaccredited. We were pleased to find Joyce Veasley, who was approved on the agenda this evening, to work part-time to get the program up and running. It is our plan that the program breaks even with the fees associated; however, it will take some time due to the requirements. It is an important program for the teachers and community. The initial report was completed on time and submitted January 15 and she is in the process of trying to obtain a grant to assist with teacher preparation.

MetroED Superintendent Paul Hay

- The CDE approved the Cycle 3 application for Prop 1D funds. MetroED's competitive score was 152.5 out of 170 points possible. MetroED was ranked #11 out of 172 applications filed. There is \$15 million out of \$80 million available to fund these 11 projects. There are two more steps to go; however, it looks promising that the application will be funded. The application



is for \$444,000 in manufacturing equipment for the Precision Machining and Metals Technology programs. The grant will be about \$222,000. The match will come from some Federal Carl Perkins grant funds and the Asset management funds.

- A notification was received from County Superintendent Chuck Weis that the Santa Clara County Civil Grand Jury has requested the expense budgets for all school districts and the enrollment for each district for FY 2008-09 and FY 2009-10. The County will provide that information to the Grand Jury.
- The CCOC High School Advisors' Handbook for 2010-11: "Find your Future" is completed and copies were provided for the board members.
- The rose at the dais is a Valentines gift from an anonymous donor. It was made by the CCOC Small Business Management class as one of the products they have been marketing for Valentine's Day. No district funds were expended on this gift.
- As a member of the CAROCP Legislative Committee, last year CAROCP presented their first Legislator of the Year Award to Senator Elaine Alquist. This year, Senator Alquist will receive the 2010 Career Recognition Award and Senator Loni Hancock and Assembly Member Wilmer Amina Carter were selected as the 2010 Legislators of the Year. He will be presenting the awards in early March at the CAROCP conference in Sacramento.

#### XVIII. BOARD COMMENTS

Member Chang: She wished everyone a Happy Chinese New Year that happens on Valentine's Day. It is the Year of the Tiger and she hopes the New Year will bring everyone happiness, health, and prosperity.

Vice President Canova: He wished everyone a Happy Valentine's as well.

President Biehl: He thanked everyone for the evening's meeting. He said he touts the success of MetroED to everyone that he meets and he is a member of the League of Women Voters Education Committee and he has talked so much about the programs at the meetings they have asked to set up a tour of CCOC and to have one of their monthly luncheons here. Superintendent Hay is working with them to set it up for a fourth Monday in the next couple of months. The Santa Clara County School Boards Association has a legislative brunch taking place on March 27 at Michael's Shoreline due to the facility at Mission College undergoing renovations.

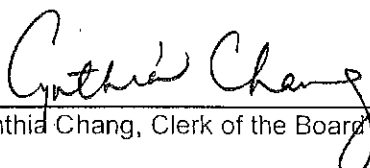
#### XIX. OTHER MEETINGS

Regular Meeting, March 10, 2010	Closed Session	6:00 pm
	Open Session	7:00 pm

#### XX. ADJOURNMENT

MOTION: It was moved to adjourn the meeting. M/Grilli, S/Garcia, Vote: 6 Ayes

President Biehl adjourned the meeting at 8:25 p.m.

  
Cynthia Chang, Clerk of the Board