

# METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes  
March 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 6:00 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
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. Conference with Labor Negotiator Pursuant to Government Code: 54957.6(f)  
District Negotiator

### Employee Organizations

- AFT
- CSEA
- CTA
- Unrepresented Employees

- B. Chief Business Officer Contract: Pursuant to Government Code: 54957.

## III. PUBLIC COMMENTS REGARDING CLOSED SESSION ITEMS

None

## IV. ADJOURN TO CLOSED SESSION

President Biehl adjourned to closed session at 6:02 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 7:05 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

President Biehl recommended the resolutions to reduce or eliminate positions be moved up on the agenda to allow those wishing to be heard the opportunity to speak earlier on the agenda. It was recommended to move Items #19, 20, 21 after Item # 8 on the Consent Calendar.

Superintendent Hay made the following changes to the agenda regarding the staff person responsible for the item; Item # 2 from Daniel Gilbertson to Keiko Mizuno, Item # 4 from Keiko Mizuno to Paul Hay, and Item # 23 from Consent Item to Action Item.

**MOTION:** It was moved to adopt the agenda with the change of order for Items #19, 20, 21 and the recommended changes by the Superintendent. M/Chang, S/Garcia, Vote: 6 Ayes

## IX. RECOGNITIONS

1. Acknowledgement of Visitors – Superintendent Hay recognized Campbell Union High School District Board Member Pam Parker, Superintendent Rhonda Farber and Deputy Superintendent Pat Gaffney as well as Stacy Trujillo, CSEA Labor Representative.
2. Acknowledgement of Honors and Awards
  - Superintendent Hay acknowledged Carolyn Richardson, MAEP Assistant Principal for being named ACSA Region 8 Adult Education Administrator of the Year and Board Member Chang for being named the Woman of the Year by Assembly Member Jim Beall, Jr. for Assembly District 24. The recognition for Woman of the Year is done each year by the assembly in observance of Women's History Month.

## X. STUDENT REPORTS

- A. CCOC Student: CCOC Director John Fox introduced Madison Ramirez. Ms. Ramirez is a student in Dale Poor's Multimedia Program and she shared a short video. She did attend Evergreen Valley High School in the East Side and now attends CCOC as an adult student. She moved to Mountain View and is working to get her high school diploma from Mountain View/Los Altos adult education program. She said CCOC was a great program for students her age and it has provided her the opportunity to find her passion and given her the drive to pursue a career and reach her goals. She shared that her instructor, Dale Poor, has provided her with opportunities to excel. She attended the Adobe Film Camp with students from across the state. The film she worked on was with a group of students to develop a film on what issues are currently faced by teenagers. This was her first time working with stop motion. The students worked on the film one day a week for eight hours a day. She would like to get into the field of media arts.
- B. MAEP Student: Assistant Principal Carolyn Richardson introduced two students from Peggy Fitzgerald's High School Diploma/GED class in the Campbell Adult Education Program; Marvin Magat and Jared Gimlan.

Marvin Magat shared his experiences and how he began classes at MAEP. He has learned how to be responsible and respectful and has become a mentor to other students. When he first began classes, he was suspended from attending several times during the first semester due to being late for classes and not understanding the importance of attending each day. He said, "Ms. Fitzgerald once said if you want to join the military, I will treat you like a soldier" and he thought she was kidding. On December 24, 2009, he said a miracle happened to him after he was in a bad traffic accident. This is when he said he knew he had a second chance to stop disappointing his family and making a difference in his life. After he completes high school, he will be joining the United States Marine Corps. He plans to specialize in Improvised Explosive Devices (IED) and last January he took the practice test and scored 35 out of 42. Marvin had attended Willow Glen High School.

Jared Gimlan was a student at Leigh High School. He shared how he had done well during his first two years in high school until he learned during his junior year that his brother Seth, who had been his inspiration, was diagnosed with a deadly form of brain cancer and would only have four years to live. He said his brother was an inspiring movie director in Los Angeles. He shared his personal story of how his life went out of control and he became depressed and dropped out of high school his senior year. He shared how his brother was disappointed Jared did not finish school. He started in Peggy Fitzgerald's class and was beginning to earn credits. He shared

how his brother Seth reminded him that he could accomplish anything he wanted to do prior to his passing. He said he has wonderful memories of his brother and how he told Jared to keep smiling and keep trying hard. Jared has been out of school for three years and is still working towards his diploma. He said that he hoped the adult education schools stay in business and continue to give chances to others to get their lives in order as he has done. He said that it has been a struggle but his brother had shown him that it was something worth fighting for.

President Biehl thanked Jared for having the courage to share such a personal story. Vice President Canova said based on his experiences, Jared's brother was still with him today to inspire him to continue his education in spirit.

Jared said that he hoped to major in Psychology one day so that he can help teenagers that are depressed or feeling that they cannot make it in life. Jared thanked the Board for allowing him the opportunity to speak.

## **XI. SPECIAL ORDER OF BUSINESS**

None

## **XII. PUBLIC COMMENTS**

Landee Lopez with Santa Clara County Census 2010 project shared information regarding the importance of the filling out the census questionnaire that will be mailed out to residents the week of March 15. They are seeking support from educational partners to share with students that completing the census questionnaire is safe with only 10 questions that are held secure for 72 years; it is important because it will determine billions of dollars for funding for the community and representation in congress as the state is at risk of losing a congressional seat; and should take the average household 10 minutes to complete. She requested a district liaison to coordinate dispensing information over the next month to get the word out. If the questionnaire is not completed and returned by mid-April, census walkers will begin the door-to-door campaign. Superintendent Hay asked Ms. Lopez to coordinate with his assistant, Althea Polanski.

Pam Parker, Campbell Union High School District (CUHSD) Board Member, spoke regarding a matter concerning her district. She has served for seven years and has heard since the beginning of her term the inequity of funding for ROP. She shared the former representative from CUHSD, Henry Zander, and others worked for many years to work out an agreement. On April 21, 2008, a briefing was held at the San Jose Unified School District offices. She quoted Superintendent Hay's comments, "There is an inherent unfairness in the level of satellite funding program contributions made by each district to support CCOC and the usage of the CCOC program by each district. Primarily this is an imbalance between the level of satellite ADA and CCOC usage." At that time, the breakdown of funding was East Side UHSD, 18% funding, 82% usage and CUHSD 94% funding and 6% usage. It was also stated at this briefing (Joint JPA Executive Council/MetroED Governing Board meeting) that, "any changes to the MBRA/funding model must have the approval of all seven district governing boards." She shared that this was one of the reasons that the JPA was a model on how six districts could work together to have a successful program. She said in an informational item to the MetroED Governing Board dated March 10, 2010, it stated, "the process has become confrontational," referring to the decision of the CUHSD Board to run its own adult educational program. She shared information from MetroED News that was distributed before her December board meeting. She said the CUHSD has not publicized or distributed anything making any negative comments regarding CCOC or MetroED. She said CUHSD has supported CCOC and MetroED. She shared information that she had researched today on the salaries of teachers, principals and superintendents of the six participating districts of the JPA. Based on her information, she said that CUHSD had the lowest teacher and principal salaries of all of the districts and the second to the lowest superintendent salary. She said the CUHSD Board would not be doing their job if they continue to allow the disparity of funding to continue. She said the treatment of CUHSD was unfair and unjust. She also stated that if you (MetroED Board) think we will go lightly into the night, you are mistaken. She said their students matter to the CUHSD Board and they will do whatever is in the

best interest of their students. She said it would be wonderful if this could be worked out in an amicable matter as does the CUHSD Board.

President Biehl: He shared that he wanted CUHSD to know that at anytime they would like to have an issue placed on the agenda to permit a dialogue in public session he would be happy to do that. As the item was not on the agenda, it would not be appropriate to have a discussion; however, he respected Ms. Parker for sharing the feelings of CUHSD. He said he was more than willing to open a dialogue between CUHSD and MetroED/CCOC and if appropriate East Side UHSD.

Member Chang: She shared that Item # 11 would be an opportunity to discuss the Campbell Adult Education Program.

### **XIII. APPROVAL OF MINUTES**

1. **MOTION**: It was moved to approve the Minutes of Regular Board Meeting on 02/10/10 with two corrections. President Biehl corrected page 5, second paragraph under President Biehl, change "In the past, East Side" to "In the past, the eastside of the county." Member Chang corrected page 8, under Member Chang, change "refused to sign to "refused to sign and she was." M/Garcia, S/Chang, Vote: 6 Ayes

### **XIV. CONSENT CALENDAR**

**MOTION**: It was moved to approve Consent Items \*2 through \*8 with the removal of Consent Item # 4 by Superintendent Hay. M/Grilli, S/Gordon Vote: 6 Ayes

#### **BUSINESS AND FINANCIAL FUNCTIONS**

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

The Governing Board approved the following warrant registers: #62005186-#62005223, dated February 1, 2010; #62005224-#62005275, dated February 4, 2010; #62005276-#62005330, dated February 9, 2010; #62005331-#62005365, dated February 11, 2010; #62005366-#62005386, dated February 16, 2010; #62005387-#62005419, dated February 22, 2010; #62005420-#62005473, dated February 24, 2010; #62005474, dated February 25, 2010; #62005475-#62005523, dated February 26, 2010.

##### **\*3. Consent Item: Surplus Items**

The Governing Board approved the IT Department technology equipment items, Barracuda 300, to be surplus.

#### **PERSONNEL FUNCTIONS**

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

This item was removed from Consent and acted upon by the Governing Board after Action Item # 13.

Superintendent Hay: He shared this was the actual assignment of Mr. Gilbertson following the action the Board took on Item # 13 for the contract for the Chief Business Officer for Mr. Gilbertson.

**MOTION**: It was moved that the Governing Board approve the one appointment. M/Chang, S/Garcia, Vote: 6 Ayes

## **INSTRUCTIONAL AND STUDENT FUNCTIONS**

- \*5. Consent Item: Approve Silicon Valley Education Foundation Field Trip Grant from Target**

The Governing Board approved the acceptance of the \$1,000 Target field trip grant.

- \*6. Consent Item: Community Classroom Agreements**

The Governing Board approved the agreements to provide on-the-job clinical training to CCOC medical students.

- \*7. Consent Item: Accept "CTE Teacher" Teacher Induction Program (TIP) Grant**

The Governing Board accepted the "CTE Teacher" Teacher Induction Program (TIP) Grant in the amount of \$29,950.

- \*8. Consent Item: Approve ROC/P Course Review and Recertification**

The Governing Board approved the information regarding the following ROC/P courses: AC and DC Motors/Controls; AC Measurement; AC Theory; Automatic Control Systems; Automotive Services, Level 1-6; DC Measurement; DC Theory; Electrical Troubleshooting; Electronic Control Devices; National Electric Code; National Electric Code Calculations; Programmable Logic Controllers; Wiring Methods; and approve the courses for ROC/P recertification.

## **XV. INFORMATION ITEMS**

- 9. Information Item: Quarterly Investment Report as of 12/31/09**

Superintendent Hay said the Quarterly Investment Report was included in the packet. The Governing Board reviewed the MetroED Board Investment Report and no questions were noted.

- 10. Information Item: Review of Satellite ROP Funding History**

The Governing Board reviewed the satellite ROP funding history information presented by Superintendent Hay. The superintendent put the chart together after discussions with several districts regarding funding distribution to the JPA participating districts. He reviewed the chart of information regarding funding since equalization discussions began in 2002-2003. The chart reflects the funding by district to provide a bigger picture of the funding and sources to each of the participating districts from 2002-03 through 2009-10. Superintendent Hay shared this was a reference document for the Governing Board.

Member Chang: She shared that she spoke with Superintendent Hay today regarding this item. The item asks the Governing Board to take the information back and share with their individual district boards and she asked for another document with more explanation so it would be easier to share.

Superintendent Hay: He said he would be very happy to provide the document and there were five or six specific occurrences through the process that would explain the reasons for the funding adjustments. He did share that the distribution of excess property taxes was an estimate and is not being brought to the Governing Board for approval and back to the participating districts at this time. He said that when he attended the CUHSD Board Meeting last Thursday, their CBO made a recommendation to the board that the fair share cut to basic aid districts, which was approximately \$1.7 million for CUHSD, be offset by the ROP monies. The ROP is approximately \$1.8 million for CUHSD and in effect what could happen

for MetroED next year is that CUHSD could provide zero funding. This creates a concern for the superintendent and he wants to discuss this with the JPA Executive Council at the meeting to be held on March 26. If this happens, it would have a financial impact on all the participating districts if the CUHSD Board decides to accept the recommendation from the CUHSD CBO.

President Biehl: He asked how this would affect districts that are not basic aid that have already received the 20% cut through their revenue limits. He said that he understood the offset was to ease the impact of the cuts coming down from Sacramento for the districts. He said that at some time, the Governing Board would need to have a discussion on whether or not to continue the programs offered at MetroED. He said the programs were very good and need to be continued; however, if it is not funded, it will be difficult to continue the programs.

Member Chang: She said for the Los Gatos-Saratoga JUHSD Board which is basic aid, they are looking at fair share cuts of approximately \$1.8 million of categorical funds. She shared that the ROP funding has not been discussed as part of the solution to the cuts and they will continue to do the funding as has been done in the past.

Superintendent Hay: He said the MetroED JPA is unique in the state as it is made up of three high school districts, three unified districts, and three are basic aid districts and three are revenue limit districts. He said it is definitely a balancing act in the current economic circumstances.

President Biehl: He shared that he would not be making a presentation at the ESUHSD board meeting; however, he invited Superintendent Hay to come and explain the funding and the superintendent said he would be happy to do that at all the participating district board meetings.

**11. Information Item: Campbell Adult Education Program; Update on CUHSD Program Take-Back**

Superintendent Hay: He shared information that could have an impact on the participating districts as well as MetroED that are areas of concern. He shared there was a demand, in effect, for fund balances that have absolutely nothing to do with adult education including the state Prop 1D monies for the center from the Deputy Superintendent of CUHSD. He said that he wanted to ensure the Governing Board was up-to-date on what is going on with the transition of administration of the adult education program to CUHSD. He shared the email included in the packet came across as confrontational and demanding without allowing for staff to sit down and talk through the issues. He said a number of the areas addressed in the correspondence were reasonable requests; however, the requests for deferred maintenance and the asset management fund were unrelated. The asset management fund was established to provide a revenue stream from the auto dealerships for the center. These funds are not available to the adult education program.

President Biehl: He shared that these issues are always difficult and parties always have the opportunity to make claims and then there is the opportunity to respond. There are percentages that were used and it gives Superintendent Hay the opportunity to respond. Essentially at this point, he believes it is a staff to staff discussion and later it may be done through the JPA Executive Council and eventually to the Governing Board.

Superintendent Hay: He agreed and said that San Jose USD is directly impacted by these discussions and they will be getting involved as well. He shared that Daniel Gilbertson will be meeting with Pat Gaffney and Ray Cutten (CUHSD) next week and staff will be responding to the items referred to in the email from Pat Gaffney.

President Biehl: He shared that there will be some challenging conversations at the staff level and asked if there were any further questions from the Governing Board on Item # 11.

Member Chang: She asked for clarification so everyone understands the structure under the Metropolitan Education District. There are two programs, CCOC and adult education, and some of the funds as were stated earlier have been established specifically under CCOC which has nothing to do with adult education. Superintendent Hay said that was correct. She continued referring to the document in the packet from Mr. Gaffney that she understood that the split was one-third of the adult education program was CUHSD and two-thirds was for SJUSD.

Superintendent Hay: He said that was correct and the ADA CAP is split one-third and two-thirds and the state revenue is one-third and two-thirds.

Member Chang: She shared that in reading the document from CUHSD to MetroED, it made reference to a percentage of 56.16% versus 43.84% which would be a 10% difference between the one-third or 33% claimed in the document. It appears CUHSD was using the high school students for the two districts as the basis to calculate the percentage.

Superintendent Hay: He shared that he did not understand the basis for the percentage as the numbers reflect high school students and except for a small percentage of high school students that attend classes in the various locations for credit recovery, the majority of the students are adults. He shared that approximately 98% of the students in the adult education program are adults.

Member Chang: She asked President Biehl if it would be possible to hear from Mr. Gaffney how he came up with the percentage in the document to assist in helping the Governing Board understand.

Pat Gaffney: He shared that the information was data received from Superintendent Hay. He said it was based on CBEDs information for all of the participating districts.

President Biehl: He said that Mr. Gaffney was not compelled to respond; however, if he wished to continue if he would come to the podium and speak into the microphone.

Pat Gaffney: He introduced himself as Deputy Superintendent of the CUHSD and shared that this would help facilitate a conversation that has been happening. He shared in the transition there are several logistical questions that need to be discussed including actuarial studies, fund balances, etc. He said the CBEDs information is the basis for the percentages. He felt that it was appropriate to understand if the one-third/two-thirds methodology was the appropriate percentage to use as a basis to facilitate the dialogue for the transition. In looking at the CBEDs information for the districts, the percentages referenced that Superintendent Hay provided him, the one-thirds, two-thirds percentages are closer to the information that is presented in this document. He said in looking over the entire population relative to the population in K-12, even with the adult population, there needs to be a discussion regarding one-third, two-thirds, is it the appropriate percentage because it is not just for the split itself but also addresses the on-going funding stream that CUHSD will have and the on-going funding stream that SJUSD will have. He said it was a discussion based on the information CUHSD received and said that he hoped it clarified the item for the Governing Board.

President Biehl: He asked if Mr. Gaffney was suggesting that was the methodology that should be used for distribution of funding throughout the district, the ratio of high school students for CBEDs.

Pat Gaffney: He said this was specifically relative to adult education.

President Biehl: He said this was for adult education and Mr. Gaffney was not applying it to any other funding.

Pat Gaffney: He said that he hadn't commented to other areas.

President Biehl: He said that if it was brought up in the context of adult education it might be applied to all areas.

Pat Gaffney: He said if President Biehl wanted to have a dialogue he would be happy to have that dialogue; however, he was asking a specific question regarding adult education this evening which the correspondence references and that is what he was addressing. He said if President Biehl wanted him to speculate on CBEDs methodology to look at other funding (pause).

President Biehl: He said that it was not an area for discussion; however, he was just suggesting that Mr. Gaffney had introduced a different methodology for dealing with adult education and it may not have been an appropriate question to ask if that methodology should be used in other situations. He said Mr. Gaffney was correct and we are only discussing adult education this evening and he was just pointing out that it could be used in other situations.

Pat Gaffney: He said that President Biehl was exactly right and if you go back to the records in 2003, perhaps 2002, it was something that he and Jerry Matranga from SJUSD discussed with others prior to Superintendent Hay being the CBO at MetroED was the CBEDs methodology to evaluate relative to the funding structure. He said it went back many years. He said it was not a new concept and again, and as there will be a split in adult education, he believes it is something that needs to be evaluated and discussed.

Superintendent Hay: He said that what he thought Mr. Gaffney was referring to when MetroED met with Jerry Matranga back then, staff was looking at CBEDs as a method to allocate ADA for an equalization goal and it was something that CUHSD had specifically indicated they were not interested in doing and as superintendent, he was not interested in using the CBEDs methodology as well. He said it was also something that had occurred in the past.

President Biehl: He said that this does not relate to the issue that is being discussed this evening.

Pat Gaffney: He said that the agenda item is regarding adult education.

President Biehl: He said that he did understand that; however, he was interested and looking for consistency in arguments.

Dr. Rhonda Farber: As Superintendent of CUHSD, she wanted to reiterate that the questions were about the adult education program. The document that Mr. Gaffney sent to Superintendent Hay was to discuss that and she felt they would not be doing their due diligence to not ask questions. She said they were very concerned about the adult education program; however, the question asked by President Biehl had nothing to do with the adult education program.

President Biehl: He did share that it was a correct statement and the question did not have anything to do with the adult education program. He said that he appreciated Mr. Gaffney's willingness to address the question and at a future meeting it would be appropriate to discuss equalization.

Dr. Farber: She said CUHSD looked forward to those discussions.

Member Gordon: She shared that it was an appropriate question to ask especially in light of the MetroED flyer that was sent out to CUHSD which states the Campbell Adult Education



Program represents approximately a third of the state funding that supports MAEP. She said obviously, she does not know what that number is; however, obviously it needs to be looked at and CUHSD needs to figure out what it is for the fairness of both districts (CUHSD/SJUSD). She said she thought it was a reasonable question and she looked forward to the discussion on the issue.

President Biehl: He said for the record, he wanted to make sure that everyone understood that he also believes it was a reasonable question and he looks forward to the response. He believes there needs to be a justification for the division of funds and he does not know what that basis is at this point and he believes it also directly affects SJUSD and they need to be involved in those discussions as well. He said at this point, the appropriate place for those discussions were at the staff level.

## **XVI. ACTION ITEMS AND REPORTS**

### **BOARD AND ADMINISTRATIVE FUNCTIONS**

#### **12. Action Item: Addendum to Superintendent Employment Contract**

Superintendent Hay: He shared this was an addendum to the superintendent's contract to extend it by two years in accordance with the provisions in the contract relating to performance evaluation.

**MOTION**: It was moved to approve the Addendum to the agreement between MetroED and Superintendent Hay. M/Gordon, S/Garcia, Vote: 6 Ayes

President Biehl: He asked the Governing Board Members to remain after the meeting to individually sign the addendum.

#### **13. Action Item: Approve Agreement between Metropolitan Education District and Daniel Gilbertson as Chief Business Officer**

Superintendent Hay: He shared this was an item to approve an agreement between MetroED and Daniel Gilbertson as Chief Business Officer. The terms of the agreement are included in the packet and it has been reviewed by the district's legal counsel and his response and guidance was presented to the Governing Board in closed session.

Kim Fields: She shared that she is a member of CSEA and has been employed at MetroED for over 33 years. She shared she was an employee was brought over from SJUSD and asked the Governing Board to reconsider any further unplanned salary increases, including this position. She said in light of the current financial crisis, the layoffs of employees, and program closures, she felt that an out-of-class stipend should be continued for the additional duties of the CBO position. She did share that Mr. Gilbertson was her supervisor and a great boss; however, she felt approving a salary increase for an administrator at the same time classified employees were being laid off was shameful.

Member Gordon: She asked Superintendent Hay, for the record again, if he could give an explanation on how this came about and the impact it will have on the district.

Superintendent Hay: He shared when the previous CBO left in late June of 2009, administration considered filling the position and after discussions with Mr. Gilbertson on whether he could pick up the duties of the CBO along with his existing duties as HR Director, it was agreed for Mr. Gilbertson to become Interim CBO for a six month period. Then in early January, Mr. Gilbertson and the superintendent evaluated the position and make a determination on how to move forward on a permanent basis. After the six-month evaluation and Mr. Gilbertson attended the CBO Boot Camp in Sacramento, as well as his

background in budget and facility management in the private sector, it was determined that we would move forward with permanent status. Another area that helped motivate the decisions for both gentlemen was an opportunity, given the personnel in the fiscal services department, to save the district considerable funds. In lieu of filling the CBO position and continuing with an HR Director, it was decided to combine the positions and save the district \$154,300 per year. This is a twelve-month contract for a savings this year and next year, and a considerable amount of money to the district at a time when we are laying off employees. The district does not want to have to lay off additional employees in order to hire a CBO if we can combine these positions in-house.

Vice President Canova: He said that he was looking at the district savings of \$154,300 was evenly split between the general fund and the adult education fund and if this was correct.

Superintendent Hay: He said that was correct. The CBO position was split 50/50. The split was 70/30 for the HR Director as more time was involved with the adult education program. The savings would be the HR position.

Member Chang: She said that it was her understanding that when the former CBO left, it was at Step 4 and now with the current position due to the contract, Mr. Gilbertson will not be tied into step and column increases and it will be a fixed amount.

Superintendent Hay: He shared that as a contract position, it would not be tied to step and column as the previous CBO had been at Step 4. In terms of the contract, the only way there would be a change if everyone in the district received a COLA, Mr. Gilbertson would receive a COLA and if everyone received a negative COLA, Mr. Gilbertson would receive a negative COLA as well.

Member Chang: She said that Mr. Gilbertson would not be getting a regular step and column increase as the previous CBO had received. Superintendent Hay said that was correct. She also pointed out that this was not an assistant superintendent position.

Member Gordon: She asked if the superintendent could reiterate what had been discussed at a previous meeting and for consistency, that MetroED has not stopped step and column for employees.

Superintendent Hay: He said that was correct and in reviewing areas where cuts could be made, it was decided not to touch the agreements for step and column as well as the increases for medical benefits. These are increases for employees that move up and across the salary schedule and each year as the cost for medical benefits go up, MetroED is increasing the contribution in that area as well. Also, there was a Maintenance Tech position recently reclassified at a higher salary. Even though it was at a higher salary, the position has already saved the district many times the difference in pay due to the skill level of the individual in not requiring the use of private contractors in some areas.

President Biehl: He said that during the time that Mr. Gilbertson served as Interim Chief Business Officer for the six-month period, did Mr. Gilbertson receive any additional pay during that time.

Superintendent Hay: He shared that Mr. Gilbertson received a 10% out-of-class adjustment.

President Biehl: He asked if the contract for the position will be more than the 10% out-of-class that Mr. Gilbertson had been receiving.

Superintendent Hay: He shared that the new assignment would take Mr. Gilbertson to Step 3 of the CBO salary range which is one step lower than the former CBO and it amounts to a 15% increase over the HR position.

President Bieh! He said the argument regarding an out-of-class pay versus the new position is 5%. He shared that he felt MetroED was very lucky to have Mr. Gilbertson in this particular position and if he was not here, MetroED would need a second position. Mr. Gilbertson happens to have a unique set of skills that enables the Governing Board to combine the positions and for that reason he would be supporting the motion.

Member Garcia: He said he would also be supporting the motion due to several reasons. First, saving \$154,000 to the general fund and he felt confident Mr. Gilbertson was prepared to handle the two positions and he thought it would be irresponsible not to support the superintendent's decision on this recommendation.

President Bieh! He pointed out that it was a one year contract which includes the option of extending the contract with mutual agreement and it contains a 45-day notification period if the Board chooses not to renew the contract. It contains a lot of flexibility for the Board and he thanked Mr. Gilbertson for his concurrence.

Member Chang: She said she believed it was just her and Member Garcia on the Board when they were working to ensure administration was not top heavy and in this case, there is the elimination of one top management position by not having to hire another CBO and she also would support the motion.

Superintendent Hay: He clarified that this action was not eliminating the HR Director position; however, it would not be filled.

MOTION: It was moved to approve the agreement between MetroED and Daniel Gilbertson as Chief Business Officer. M/Garcia, S/Grilli, Vote: 6 Ayes

**14. Action Item: Second Reading Board Policy 2210**

The Governing Board adopted Board Policy 2210.

MOTION: It was moved to adopt Board Policy 2210. M/Gordon, S/Garcia, Vote: 6 Ayes

**15. Action Item: Second Reading: Student Board Policies, 5000's**

The Governing Board adopted Student Board Policies 5000's.

MOTION: It was moved to adopt Student Board Policies 5000's. M/Garcia, S/Chang, Vote: 6 Ayes

**16. Action Item: Second Reading: Instruction Board Policies, 6000's**

The Governing Board adopted Instruction Board Policies 6000's.

MOTION: It was moved to adopt Instruction Board Policies 6000's. M/Grilli, S/Gordon, Vote: 6 Ayes

**17. Action Item: Annual Governing Board Retreat**

Superintendent Hay: He shared that it has been difficult finding a date that could work and Althea Polanski has indicated that a July date may work out better for the Governing Board as we are encountering spring break and other end of year activities in the individual districts.

President Bieh! He felt it was important to have all board members at the retreat for discussions and he believed all board members were feeling pressure regarding budgetary issues which could make it difficult to hold a retreat prior to July 1. He said staff had

attempted to find a date that all members could attend; however, there has not been a date that would work at this time for all six members. He asked if a July date would work for the members.

Member Gordon: She did share that with her work schedule it was very difficult at this time to say what dates would work. She said she is spending a tremendous amount of time traveling along with her school board duties. As she shared with Ms. Polanski, her suggestion was to find a date that would work for the other board members and she will try and make it and if she can't, she will see if Mr. Dean, her alternate, could fill in.

President Biehl: He said that could be a possibility; however, he believes that when there is a retreat that all of the districts are represented. In that context, when serving as the alternate for ESUHSD, he had the opportunity to meet with Superintendent Hay and get a generalized briefing and without objection he would ask Superintendent Hay to contact Mr. Dean to see if he would be interested in such a briefing. He said it appears that it would still be best to have a date in July.

Member Chang: She said that she felt a date in July would work out better.

President Biehl: He suggested that the Board be polled again for dates in July.

Vice President Canova: He shared that he could only speak to dates that he knew he would not be available including Saturday July 10 through July 12. As he has shared previously with some members, he will be participating in the Lance Armstrong Livestrong 100 mile bicycle ride on July 10 to raise money for cancer research.

President Biehl: He suggested that we poll the Board again for dates in July on a Friday or Saturday in July and to look for a date at the beginning of the month.

The Governing Board postponed action on this item until the next meeting.

## **BUSINESS AND FINANCIAL FUNCTIONS**

### **18. Action Item: Approve Second Interim Financial Report, Fiscal year 2009-10**

Daniel Gilbertson: He made a presentation to the Governing Board regarding the Second Interim and shared the budgetary status of the district as of January 31, 2010. He shared the major changes for the year. The excess property taxes have now been received and recorded in the amount of approximately \$1.2 million. As these are one-time funds, the funds are not recorded in the budget until received. There is an accounting change and the district is transferring the Capitol High School accounts from the adult education fund to the general fund. This is somewhat confusing; however, Capitol High is a program for high school students and is a hybrid between CCOC and MAEP where students spend a half day in their career technical education fields in the morning or afternoon and the other half day in regular high school subjects all done at the Hillsdale campus. It is administered by MAEP; however, at the recommendation of the district's Fiscal Services Director, the state accounting manual is clear that if a program is strictly for high school students, which is Capitol High, it needs to be part of the general fund. It will still be managed under the adult education program.

The Budget at a Glance is the overall budget summary for MetroED that contains the balances and reserves for cash flow and uncertainties, it is noted that the Governing Board has decided to maintain a 10% reserve for uncertainties. He also shared a reserve for an automated attendance service for the districts for the Satellite ROP teachers to be able to enter attendance once for their regular class as well as the ROP class. This will save time and allow teachers more time with the students. The \$33,000 will come from the excess property taxes received. It is projected there will be a negative .38% COLA for both the

general and adult education funds. He shared the other major change is the transfer of adult education funds for the Campbell Adult Education Program to CUHSD which had been discussed earlier.

Member Chang: She asked for additional information on the reserves. In the general fund, the total revenue is approximately \$16.7 million and this determines the amount of the reserves at \$607,000 and the numbers are inconsistent with the Power Point summary.

Daniel Gilbertson: He explained there had been a revised executive summary and an updated second interim report had been placed at each member's spot at the dais.

Member Chang: She shared the question that she had was regarding the reserves where there is a 4% general reserve and a 6% reserve for economic uncertainties and the contingency for state deficit is approximately 7%. Superintendent Hay said it was approximately 7%. Member Chang said the general reserve is mandated by the state; however, the other two reserves were set up by the Governing Board to be prepared for unanticipated circumstances.

Superintendent Hay: He explained the reserve for economic uncertainties is required by the state at 5%. The Governing Board has established a policy of 6% and the general reserve which is not mandated by the state has been established per board policy at 4% for total reserves of 10%. The reason for the reserves was due to an evaluation of the cash flow. MetroED was funded when budgets were approved by the state and MetroED did not receive an advance apportionment during the first part of July. This amount provided 58 days of cash flow until the funding was received. The contingency for state deficits is a holding account during budget development and until MetroED finds out what the governor will propose in the May revise. There is a need for the reserve, based on projections at this point in time, as MetroED will be deficit spending for three consecutive years and that reserve is there to deal with this issue in both funds. The reserve for excess property taxes is in the budget until the JPA Executive Council meets to discuss the funds and the original intent was to give it back to the participating districts.

Daniel Gilbertson: He shared that this is an on-going process and the budget will continue to be reviewed as MetroED continues through the budget development process and meeting with the Budget Advisory Committee this month.

**MOTION:** It was moved to accept the Second Interim Report and instructed the Board President and District to submit a positive certification to the County Superintendent of Schools. M/Garcia, S/Gordon, Vote: 6 Ayes

## PERSONNEL FUNCTIONS

### 19. **Action Item: Approve Resolution #05-03-10-10, Resolution to Reduce or Eliminate Certificated Positions MAEP/Job Corps**

Daniel Gilbertson: He shared a Power Point presentation regarding the impacts of the resolutions before the Governing Board that he made to administrators on Monday. The adult education funding for MetroED will decrease by approximately \$2.7 million. \$2.5 million is due to the transition of adult education to CUHSD. He said MetroED is hopeful that CUHSD will employ a number of the teachers and classified employees whose positions are being eliminated; however, it is incumbent upon MetroED to layoff those positions associated with the Campbell Adult Education Program. He shared that reducing adult education by one-third also necessitates reducing services in the district office. Overall the reduction district-wide will be approximately 23% in FTEs for all classifications. He also shared the complicated bumping process that will occur due to the layoffs for AFT and classified. The Campbell Adult Education Program has a high percentage of permanent teachers and all temporary teachers will be laid off. He shared the information is a worst

case scenario based on the layoffs and he continues to be optimistic that CUHSD will employ some of those employees in positions being eliminated.

Member Chang: She asked how the calculations were done to figure the percentage of positions that would be bumped during the layoff process.

Gilbertson: He explained how the percentage was calculated to determine the percentage.

Member Garcia: He said that he had never seen such a high percentage of positions being bumped due to layoffs and elimination of positions. He asked how this will impact the students.

Gilbertson: He said this is one of the reasons that the information was brought to the administrator meeting on Monday. For example, over at the new MC Village here on the Hillsdale campus, they will have a total turnover of teachers due to the permanent teachers from the Campbell Adult Education Program bumping into these positions. There will be a lot of change in the classrooms; however, if a number of teachers are employed by CUHSD, there will be fewer changes. Administration is working on how to mitigate any changes that will be taking place after the transition.

Member Garcia: He said that he has never read or seen any information regarding this high of a percentage of bumping for teachers and classified and asked what are some of the obstacles that will need to be faced for a seamless transition from one year to the next with the total shuffling of staff?

Gilbertson: He said teachers will do a good job. Teachers are use to coming into classrooms with new students and have been making adjustments throughout the school year as new students enter classrooms. He said administration is working on the impact to students as well as teachers as we move through the transition. He shared that the biggest impact will be with classified employees who will be in new positions. Classified employees have been in the classifications before; however, they may be taking on a different position in a different site. MetroED bumps across the agency and not just within programs.

Vice President Canova: As was stated earlier, what about the students. All districts are facing budgetary issues and across the state districts will be dealing with staffing issues. He said that what districts are forced to do during budget crisis is to cut with a blunt instrument and it is not seamless. He said there is a process that occurs that is not the fault of anyone; however, it does leave the students bearing the brunt of the decisions.

Member Garcia: He shared that was his question, what is the impact on the students. Every student that comes before the Governing Board to talk about their successes here at MetroED it is about a teacher. It is someone who has been with the students, supported the students and given the students more than curriculum.

Gilbertson: He reiterated one of the reasons MetroED is working with CUHSD on the transition will be to allow many of these teachers to remain with their students in Campbell and continue to serve them in the same locations they are currently being served. He said this would be a huge benefit to both programs.

Member Chang: She shared that from a teacher's perspective if they are permanent and leave employment at MetroED as a senior employee, they may go to CUHSD and start as a new teacher. Gilbertson said he had not heard from CUHSD if teachers would lose their seniority.

President Biehl: He asked if there was any history in the district or if Mr. Gilbertson was here when East Side UHSD (ESUHSD) withdrew their adult education program and how it was handled.

Gilbertson: He said there were some documents that had been found and shared with the Governing Board when this occurred prior to his employment at MetroED. He also said that there were better economic times when it occurred with ESUHSD. At that time, ESUHSD agreed to take over the entire adult education program along with the employees. ESUHSD hired a staff member from MetroED to be their adult education director.

President Biehl: He said that with the ESUHSD transition, MetroED was not confronted with the bumping process that is occurring now.

Gilbertson: ESUHSD took on the teacher's contract in full at that time because they did not have a union for adult education and with classified employees, they moved them into the contract as close as possible to the positions ESUHSD already had.

President Biehl: He asked if Mr. Gilbertson knew how much time occurred working with ESUHSD to work out the transition. Gilbertson said he did not know. Biehl shared that the basic difference is that there was an agreement reached where the entire contract and program went over to ESUHSD. Currently, MetroED employees do not know if they will be hired by CUHSD and it is CUHSD's decision on what employees may or may not be hired. In the meantime, that will initiate a bumping process at MetroED and it is possible that part way through the process or when it is completed, some of the MetroED employees may be hired by CUHSD or any other district and initiate further bumping.

Gilbertson: To date, CUHSD has not informed MetroED that they will be able to do any hiring prior to starting the bumping process at MetroED. The process will begin within the next three weeks. Employees will need to make decisions based on their seniority at MetroED and if a position opens up with CUHSD or another district and the employee takes the position, it may initiate further bumping.

President Biehl: He asked, in fairness to CUHSD, if they had been apprised prior to today the impact to MetroED employees.

Gilbertson: He shared that MetroED has had conversations with CUHSD in general; however, they have not had this specific of detail shared with them.

President Biehl: He said there is a possibility that CUHSD may not have understood the impacts to MetroED.

Member Gordon: She said that she did not have the exact specifics; however, she wanted to start by saying that first and foremost, organizations without people are just cold buildings. She said CUHSD recognizes that and there is a great advantage for CUHSD to retain as many of the existing teachers and employees as they need. She shared that they have a Director on board and he is going through and looking at the program and determining how he feels it is best to run the program and how many people CUHSD will need to do that. She shared the other problem facing CUHSD is that their union, CHSTA, has the exclusive right as their choice to be the only teacher's union in the CUHSD. CHSTA has chosen that and so now CUHSD is attempting to negotiate and agree with the union on how it will work. She said that CUHSD cannot hire people until they have a contract in place and she said they are moving as quickly as possible; however, they are limited by how fast they can get the union to move. She said that was the most she could say without getting in trouble but a general idea of what is occurring. She said CUHSD recognizes that time is of the essence and they want to retain as many people as they can because a) they are experienced, exceptional people and they would be stupid to want to lose them. However, CUHSD has some legal issues regarding working with CHSTA as well as timeframe issues. She said they were doing the best they could. She could not give a timeframe and she knew that a meeting between Dr. Farber and CHSTA was cancelled by the union for this week. She

said they are working with the union on the importance of getting this done in the near future.

Gilbertson: He said that MetroED is aware of the issues that CUHSD is facing and MetroED has to go forward with the process at this time.

President Biehl: He said that he was glad that the discussion was held today with representatives from CUHSD. He said it reminded him of an issue on the ESUHSD Board where the former superintendent looked at a budget item in terms of special education that was being contracted out to the county office of education. ESUHSD was spending \$1 ½ million and if ESUHSD pulled the funds back inside, they would save a lot of money. He said he didn't think they actually saved all that money. He said all he was suggesting was these issues are complicated, they are difficult, and we need to have patience. He said he thought CUHSD was sincere in what they were saying and they have every right to take the adult education program and to run it as they feel appropriate at whatever level of resources they feel is appropriate. He said these issues are never easy in education.

Superintendent Hay: He commented on the agreement that MetroED had when ESUHSD took back their adult education program. Currently, MetroED has only the one board item regarding personnel that was shared with the board and has found out that there was an agreement and staff is looking for the actual document and he believes it would give MetroED some guidance on what had occurred in the past as we move forward with the transition.

President Biehl: He asked to put it in context, approximately when did ESUHSD take back the adult education program.

Superintendent Hay: He said it was in approximately 1988.

President Biehl: He said this may explain why it is difficult to find the documents. He did say that the process is difficult; however, it is important that everyone does what is in the best interest of the students remaining at MetroED and those transitioning to CUHSD. He said that both organizations are attempting to do that.

Member Chang: She asked the superintendent, based on her recollections, that the teachers would also be involved in a bumping process in terms of classes as MetroED was trying to keep the impact as little as possible to the students.

Gilbertson: He said that administration has been working closely with the union (AFT) on the process of bumping and seniority lists and identifying the classes that will be best matched based on subject area, time of day, etc. Administration is trying to match the permanent hours with the hours and times of day that will be available.

Member Chang: She thanked those teachers who are working during this difficult process. It is a real challenge; however, after listening to the adult education students, it reminded the Governing Board why they are here and the importance of making the best of a difficult situation.

President Biehl: He said that CUHSD Board Member Parker said earlier, that it does tie the two issues together which is that CUHSD feels the adult education program is tied to the belief of inequity of funding in the CCOC program. This was made clear in the remarks stated earlier and it stems back to the issue that the agreement basically gave each of the participating districts in the JPA a veto over the funding mechanism. Later, when that was researched, there was a legal opinion that said no, that was not in fact the case in the JPA agreement that governs MetroED. Currently, there is a situation where one member district of the JPA is not happy with the way things are and he feels it is something that the Governing Board needs to address and find out what can be done so CUHSD can do the



best for their students. This can be within the context of continuing with MetroED or if CUHSD believes it is in the best interest of their students to do something different or it could be to find another mechanism to accommodate their belief there is an injustice. He said that he believed MetroED should agendaize the item for further discussion in open session. He said any resolution was going to require communication and some of the discussions would be difficult. He said he was very appreciative that Ms. Parker came to the meeting this evening as another representative of CUHSD Board, and Member Gordon has been here as a good representative of CUHSD. He said that there is no board member that has any malice and it is a very difficult time for everyone in education. There is a significant reduction in funding and it ramps all the issues up to a higher level. He said he would consult with other board members to find a time to put the item on for discussion or possibly a workshop and ensure CUHSD is duly notified to any meeting date.

Superintendent Hay: He shared there were several people in the audience that have requested to speak on the three items and if they could be allowed to speak on any or all of the items at one time.

President Bieh: He said that would work; however, he asked Mr. Gilbertson to describe the three items.

Gilbertson: He shared there were three resolutions related to the reduction or elimination of certificated employees. The first resolution does include two FTE at Job Corps; however, Job Corps will retain the positions and they will no longer be funded by MetroED. It also includes supervisory and administrative positions as well. The second resolution is the reduction or reassignment of the classified workforce due to the closure of the Campbell Adult Education Program. There is one classified administrative position included in the resolution. The third resolution is the release of certificated administrators from their assignment and these positions will be eliminated or reassigned at a later date.

President Bieh: He said that he wanted to be fair to those who have requested to speak and several have requested to speak on two of the resolutions. He recommended that since the Governing Board would be taking the testimony at the same time, to allow the speakers up to four minutes if they are speaking on two items.

Frieda Caldwell: She is the Program Coordinator and teacher for Distance Learning that is being cut for next year. She said it was a small program; however, it is a unique program that helps students. Students meet with teachers once a week and then do additional studying with workbooks and DVDs. She shared the student gains and how this program assists those students who are unable to attend classes during the day. She said San Jose has the second largest population of foreign-born residents and the Distance Learning program serves mainly English-as-a-Second-Language students. The loss of the program will negatively impact student's ability to learn and become employable. She said there may be no other alternatives; however she said it was a shame the program would be lost.

Gilbertson: He asked if he could share that not all the reductions are for the Campbell Adult Education Program. The adult education program has had to make cuts beyond the loss of one-third of the program. The proposal does include the reduction of the 50+ (Older Adult) Program by half and the elimination of the Distance Learning Program.

Marti Rao: She said she is an ABE Curriculum Specialist; however, she was here representing Kathy Jasper and AFT. She is unable to be here this evening due to a death in her immediate family and asked Ms. Rao to read a statement. "There is a tremendous need in our community for our services. Due to the recession there are more students than ever that want to return to adult education to improve their lives and employability skill. This year we have already reduced the number of classes and there will be more cuts to come next year. MAEP is losing the whole Campbell program and since we do not know the Campbell's hiring plan, all temporary teachers will lose their jobs as permanent teachers

bump into MetroED from Campbell. We are eliminating the Distance Learning Program next year and cutting the Older Adult Program by another 50%. It is so sad to be cutting these services to students when they need them the most but MAEP is also cutting the livelihood of over 60 teachers and 18 classified staff. We have heard that MAEP plans to reassign the laid off Campbell Assistant Principal to MAEP next year. AFT would like to know why the top four MAEP administrators are taking no cuts when there are so many cuts made into other groups. Finally, AFT asks the Board to look at reallocating the funds in the following two funding sources which might provide more money to MAEP to retain more teachers and programs. First, MAEP maintains a 10% general reserve fund which amounts to over a million dollars. AFT is asking the Board to decrease the reserves to 5% and redirect the other 5%. Secondly, the other recommendation is to release some of the deferred maintenance funding which is now unrestricted. In conclusion, AFT is asking the Board to consider our recommendation in order to more directly serve the needs of our students and our community."

President Bieh! He clarified that those representing the bargaining units are given five minutes when they are speaking on behalf of an organization.

Terri Di Salvo: She shared that she is a classified employee at MAEP. She said that she hoped CUHSD embraces adult education as it is an awesome, great program and MAEP really rocks. She said that it was with great sadness she was seeing the programs offered at MAEP shrinking. She shared her feelings regarding the loss of students, teachers and classified workers. She has been with MAEP for 17 years and shared how much she has enjoyed working at MAEP and the students that have thrived in the program. She shared that students repay MAEP by volunteering in their communities, getting jobs, going on to colleges, and opening businesses. She asked the Board to consider what could be done to keep the many programs at MAEP for the students. She also requested the Board to look at deferred maintenance that is unrestricted to allow districts to maintain their core programs.

Annie Nguyen: She shared that she had been with MetroED for over 20 years. She asked the Governing Board to make their decision with compassion and wisdom and to try and save as many jobs and programs as possible. She believes education is the future of the nation.

Superintendent Hay: He shared with Ms. Daugherty that she would be called back up to speak on Item # 13 and she asked to speak to all the requested items at one time.

President Bieh! He shared that Item # 13 was a completely different item and Ms. Daugherty could speak at that time. She asked to speak on all three items (13, 19, and 20) at this time and the Governing Board concurred.

Luz Daugherty: She shared that she is a classified employee and began at MetroED as an ESL student and worked her way up to be part of the staff at MetroED. She shared that she was sad to see the programs being closed and the teachers and staff being laid off due to the budget cut. She asked the Governing Board to reconsider any further expenditure of funds at this time.

Rosalie Ruiz: She shared that she is the CSEA Chapter President. On behalf of CSEA, she asked the Governing Board to probe into any further expenditures for the possibility of funneling those monies into funds that can be saved and protect classified jobs and student services. She said the majority of classified employees are part of the community that MetroED serves. She said it is their children and communities that are affected by class closures and service cuts and layoffs. She said classified layoffs not only negatively impact them but the community as well. CSEA requested that the Governing Board reconsider any salary increases in light of MetroED's current financial crisis and layoffs. With the program closures and layoffs this year, CSEA feels that an out-of-class stipend should continue to be paid for the additional duties of the CBO position. She also requested that any

consideration be given to funding that can be saved and ultimately used to avoid layoffs, protect current classified jobs, student services, and the financial integrity and success of MetroED.

Member Chang: She commented that the reason the Governing Board was going through the resolutions was because MetroED is losing a program that will be revived by CUHSD and hopefully the impact to the community will be kept to a minimum. In listening to the representative from CUHSD, she is confident they will continue the great adult education program which is one of the few in the State of California with WASC accreditation.

Member Garcia: He said that it had been brought up by a couple of the speakers this evening the possible solution by reducing the reserves and using deferred maintenance funds and he has talked with the superintendent and asked if he could share information on these options as a possible solution.

Superintendent Hay: It was suggested to use deferred maintenance to retain some of the positions and most of these positions, if not all, are related to the Campbell program closure and MetroED is losing the revenue but we are also reducing the services. The program is going away and it doesn't make sense to keep employees to run a program that no longer exists. He shared MetroED, as a JPA, did not qualify for deferred maintenance funds. It joined with a ROP in southern California a number of years ago to get legislation passed to allow the two agencies to qualify for deferred maintenance funding for their centers. Those funds, until flexibility, were restricted for use at the Central County Occupational Center. The Governing Board has chosen not to flex and to maintain operation of the agency in accordance with the Education Code in existence at the time of flexibility with very minor exceptions. The dollars that are in the deferred maintenance program are focused specifically for the Central County Occupational Center and is in the general fund and not for the adult education program. He shared the 10% reserves were established a few years ago because of the late budget adoptions by the state. Now, MetroED will be receiving their funding the way regular school districts get their funding; however, many of the apportionments are being deferred which causes a worse cash flow problem for MetroED. The adult education fund for this year is already negative and funds are being borrowed to provide adequate cash to cover payroll. The deferrals that have occurred have caused a problem. To reduce the 10% reserves any further would put MetroED at risk.

Vice President Canova: He shared that in the districts with the budgets they are facing, there is no opportunity to govern. He said years ago, local school districts were allowed to govern and money raised was from their local communities and the state had no say. He said there is very little that they are allowed to govern anymore. He said he would like to have the 1,050 school districts in the state have the same freedom as Sacramento wants to give to charter schools.

MOTION: It was moved to approve resolution #05-03-10-10 to eliminate the equivalent of 28.8 FTE certificated teacher positions and 4.69 administrative positions. M/Chang, S/Garcia, Roll Call Vote: 6 Ayes

20. **Action Item: Approve Resolution #06-03-10-10, Resolution to Reduce or Reassign Classified Workforce**

The Governing Board approved resolution #06-03-10-10 to eliminate the equivalent of 16.20 FTE classified positions.

MOTION: It was moved to approve resolution #06-03-10-10 to eliminate the equivalent of 16.20 FTE classified positions. M/Grilli, S/Garcia, Roll Call Vote: 6 Ayes

21. **Action Item: Approve Resolution #07-03-10-10, Resolution to Release Certificated Administrators from Assignment**

The Governing Board approved resolution #07-03-10-10 to release 4.69 certificated administrators from their assignments.

**MOTION:** It was moved to approve resolution #07-03-10-10 to release 4.69 certificated administrators from their assignments. M/Chang, S/Gordon, Roll Call Vote: 6 Ayes

22. **Action Item: Approve Resolution #08-03-10-10, Adult Education Week**

The Governing Board approved resolution #08-03-10-10 recognizing adult education for its many years of service to adults, and that students, teachers and administrators be recognized during Adult Education Week, March 15 through March 19, 2010.

**MOTION:** It was moved to approve resolution #08-03-10-10 to recognize Adult Education Week, March 15 through 19, 2010. M/Gordon, S/Garcia, Roll Call Vote: 6 Ayes

23. **Action Item: Approve Revised Administrative Job Description: Chief Business Officer**

The Governing Board approved the revised administrative job description for the position of Chief Business Officer.

**MOTION:** It was moved to approve the revised administrative job description for Chief Business Officer. M/Chang, S/Garcia, Vote: 6 Ayes

**XVII. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS**

CCOC Director John Fox

- He shared a timeline of activities that the Fire Science/First Responder class are doing and the instructor, Phil Gonzalez was in the audience.
- He passed out the flyer for the Custom and Classic Car Show to be held on Friday, May 14.
- The California Auto Body Association donated \$500 for the car show.
- There were four students that attended the Enterprise Leadership Conference in Pacific Grove.
- Mike Cortez, Diesel Mechanics had Dominquez Trucks interviewed several students in his class and two were hired last week.
- There were 174 students submitted their FASA, free application for federal student aid.
- There were 127 students attended De Anza/Foothill College presentation.
- Michelle Sugden, Dental Assistant instructor, reported that over the last 14 years, this program has placed students in 200 different dental labs.
- Dale Poor, Multimedia instructor, has been accepted for participation this summer in the merit program at Foothill College.
- The student council will be conducting candy sales in March and will be promoting recycling and purchasing bins with the funds raised. For earth day in April, they will be planting trees. The students will be putting together care packages to go overseas and they have scheduled a car wash in May.
- He invited everyone to the open house on March 26 in the evening.
- Jeff Schmidt, Video Production instruction, shared that Madison Ramirez who spoke earlier was accepted to the Adobe Youth Camp and it was his understanding that only 30 across the state were accepted and there were five students from CCOC. He said the students met for three Saturdays in a row and four students from his class participated. He said it was quite amazing for the students to make a film in three days collaborating with strangers. Jake Garcia was the videographer on the short film on humans he shared with the Governing Board.

- President Biehl asked how long it took to complete the film. Mr. Schmidt said it was done over three Saturdays for eight hours each day and was done with a group of students that had never met before. There were four of his students that worked on this project. President Biehl said those were the skills and communication needed to survive in the twenty-first century and said he was incredibly impressed. He asked Mr. Schmidt to express this to his students as well.
- Superintendent Hay said that this was the third year of the partnership with Adobe. He shared that he met one of their representatives at a San Jose Chamber of Commerce event and invited representatives to tour the campus. Three representatives from Adobe toured the center and the following day they called and said that they wanted to partner with MetroED. They provided \$15,000 in cash and software at that time and it has been building ever since.

**MAEP Director Sylvia Karp**

- She thanked the Governing Board for passing the resolution for Adult Education Week. In a climate where there are so many adult education programs closing, districts are hurting and flexibility has taken away the protected stream of money for adult education. She is aware of the priorities in the K-12 districts; however, adult education is where these students end up if they do not make it in the K-12 system. She shared the adult education system is the one that gives people a second chance.
- She said that she wanted to take the opportunity to acknowledge the teachers and staff in these trying times with a lot of uncertainty and anxiety; however, they come to work every day and work with their students and do a professional job towards the goal of student achievement. She again thanked the Governing Board for passing the resolution and shared her sadness that MAEP would be losing so many teachers and staff.
- She invited the Governing Board to join MAEP on March 19 or March 31 for International Day. It is a celebration of the diversity of the adult education community where students celebrate by wearing costumes, share songs, and dances from their native countries.

**CBO, Daniel Gilbertson**

- No report.

**MetroED Superintendent Paul Hay**

- On Saturday, March 6, CCOC Director John Fox and Superintendent Hay attended the annual San Jose Technical High School Alumni Dinner at Holders Country Inn. There were approximately 60 attendees. The annual dinner raises funds for scholarships for CCOC high school students. Superintendent Hay acknowledged and thanked CCOC Executive Administrative Assistant Pat Campbell for providing support to the association.
- CCOC will be holding their open house on Friday, March 26 and a personal invitation was at the dais for each board member.
- He shared a FCMAT handout, fiscal health risk analysis that was completed today.

**XVIII. BOARD COMMENTS**

Member Gordon: Due to continuing scheduling issues, she shared that her alternate, Mr. Dean, would be attending some of the meetings in the future and there may not be the opportunity to let the board now beforehand. She shared that today she had flown in from travelling for work and Mr. Dean was on standby and she felt it was important to make the meeting. She also shared that she has been working with Santa Clara County Fire and has talked them into providing additional funds for the two scholarships for Fire Science to \$500 each and asked Mr. Gonzalez if he had received the revised scholarship application. Mr. Gonzalez said he had received the documents and was working on it.

Member Grilli: She requested additional invitations to the CCOC Open House as there were others in Milpitas that she would like to invite.

Member Chang: She said that she was honored and humbled by the Woman of the Year award she received and wanted to share the recognition with her fellow board members that she has enjoyed serving with. She shared that CSBA has a policy platform that is on-line as well as in booklet form and she has been appointed as a member of the committee. She said every two years the policy platform is reviewed and serves as the basis for CSBA's position to advocate for education in the State of California. The deadline for review is March 15 and she has received input and she put together a summary and sent in to the CSBA staff. There are three issues that she feels strongly about that she shared with the Governing Board; 1) How to deal with stress and assisting students to deal with stress, 2) Ethics and integrity of students is equally if not more important than the academic standards imposed on the educational system, 3) Academic performance is not necessarily a true indicator of the quality of teaching that happens at schools. She shared the third issue was stimulated by the list of low performing schools in the state and she believed the socio-economic conditions in her home district share a role in that and she knows there are a lot of great teachers and administrators that work at the schools being classified as low performing schools and it is an important issue to bring to the attention of everyone across the state through CSBA. She is concerned that this will discourage teachers and administrators from working at schools designated as low performing schools. She asked for any additional input to be sent to her via email.

Vice President Canova: He shared that when discussing low performing schools that there is a very wealthy candidate running for governor of the state and in listening to her ads on how she wants to cut spending and reduce taxes in the state and somehow she is going to improve education in the state at the same time. He shared in education it is important to know where we have been; however, it is important to be looking at the future. He said during the last economic boom, it was difficult to get quality educators into the schools at that time as the private sector was taking a majority of talented people. When the economic boom for the private sector burst, districts benefited from those leaving the private sector. He said Santa Clara USD definitely benefited by hiring a lot of talented people. He shared that the funding for education lags behind the marketplace and he knows the economy is getting better and jobs will come back before budgets improve in education. He said what was so sad about the process the board went through this evening and individuals are going through in their home districts, there will be incredibly talented people laid off and many will find themselves employed in the private sector in better paying positions and it will be a net loss to public education. He shared his frustration with the funding for education and the losses that will happen throughout the state and how it will take time to recover and he shared he was optimistic those being affected by layoffs now will recover sooner than most school districts. He shared what is happening with layoffs is devastating to employees, to the students and the priorities at the state level are wrong.

President Biehl: He thanked Jan Joseph, Baking & Catering instructor, and his crew for providing the sandwiches for the Governing Board for dinner tonight. He said that he had been on the MetroED Board for a few years now and he couldn't remember having a better meal and hopes the meals are continued to be provided by CCOC. He did want to assure everyone that the cost is charged to the board's budget and they were able to provide a much better dinner at a lower cost than what was being charged by a local establishment.

He shared that today he was invited to Downtown College Prep to attend a KQED live radio broadcast with Michael Krasny's forum. The program was focused on first generation college students that Downtown College Prep believes they produce and he was invited to sit in the audience. He said when Michael De Sousa, Principal of Downtown College Prep, made a comment that greatly offended him which was basically, 'we don't want to send those kids down the career technical tracking path anymore' and 'they deserve something better than a shop class'. He said he immediately raised his hand to speak and conveyed to the audience at CCOC, we are talking about real skills for kids that learn a different way, that provide very important services and need relevance in their education. He went on to share how he explained that a mechanic working on a car today is like working on a computer and Mr. Krasny said like a Toyota. He shared that he did hear from people that heard the broadcast and the Principal of

Downtown College Prep spoke to President Biehl after the session and asked what programs were available and that he had some students that may benefit from the programs at CCOC so he invited him to the open house. He said with every encounter there is an opportunity. He said he hopes there will be a dialogue with other schools that believe they have the only path. He said what Downtown College Prep does is great but it is not the answer for every single student. As a charter school, they start out with the claim that they recruit students from disadvantaged areas which is fine; however, if there are students that do not fit into the path they are sifted out and sent back to the public school system. He said that is in essence the difference between public schools and the charter schools. Public schools are responsible for educating any student that comes through the doors. He said there is room for give and take and we are all here for the students. There will be challenges and we must always keep the dialogue open. He also shared at the forum that all the classes at CCOC are articulated with colleges and the courses here are not shop classes.

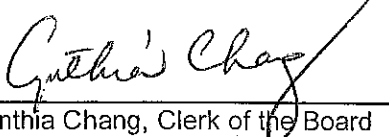
**XIX. OTHER MEETINGS**

Regular Meeting, April 21, 2010	Closed Session	6:00 pm
	Open Session	7:00 pm

**XX. ADJOURNMENT**

**MOTION:** It was moved to adjourn the meeting. M/Gordon, S/Biehl, Vote: 6 Ayes

President Biehl adjourned the meeting at 10:10 p.m.

  
\_\_\_\_\_  
Cynthia Chang, Clerk of the Board