

# METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes  
September 9, 2009

## I. CALL TO ORDER/ROLL CALL

The regular meeting of the Governing Board of the Metropolitan Education District was called to order by President Garcia at 7:00 p.m., in the CCOC Auditorium at 760 Hillsdale Avenue, 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. REPORT OF CLOSED SESSION ACTIONS

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

## III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Garcia.

## IV. ADOPT AGENDA

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

## V. RECOGNITIONS

1. Acknowledgement of Visitors - None
2. Acknowledgement of Honors and Awards
  - Recognition of Individuals who have "Raised the Bar!"
    - Martha Larson, Systems Support Specialist, IT Department, was recognized for going above and beyond to provide excellent training and support to staff at the beginning of the new school year on attendance requirements and changes for the adult education program.
  - An Award of Excellence was presented to CCOC Video Production Instructor, Jeff Schmidt and the Video Production Class for the video produced for Senator Torlakson on "What is Career Technical Education at CCOC?" The video was submitted to the California School Public Relations Association (CalSPRA) for the 2009 Excellence in Communication Competition Awards. Mr. Schmidt expressed the award is a testament to the commitment of the students, staff and administration to CTE and reflects positively on everyone at MetroED.

## VI. STUDENT REPORTS

- A. CCOC Student: Director John Fox introduced Fire Science/First Responder Instructor Oscar Tovar to introduce the student. Mr. Tovar team teaches with Phil Gonzalez in the class and is also a San Jose Fire Department Captain at Station 16. Mr. Tovar expressed how much the support of the staff, administration, the Board and the fire department has allowed for the success of the program. He shared other districts have tried to get them to leave CCOC; however, they are loyal and committed to the program here. Mr. Tovar recognized Martin Mora who will be receiving an award from the Hispanic Chamber of Commerce Conference on Friday for volunteering over 80 hours to the CCOC program each year. Mr. Tovar introduced, Kevin Tully, a former student at CCOC.

Kevin Tully shared that it has been 2 years since he completed the program at CCOC. He attended Prospect High School and was scheduled to graduate in 2008; however, his grades were not good and after starting at CCOC discovered how much he wanted to become a fire fighter. Kevin shared how his instructors at CCOC provided guidance and inspiration to do better in school. Kevin received his GED and is working on putting college credits towards a high school diploma. After the Fire Science/First Responder class, he attended Foothill College and received a semester head start on the EMT program with the five credits he had earned at CCOC. Kevin is a Nationally Registered EMT and will begin working as an EMT at football games in a few days. Kevin began an internship a year ago with the San Jose Fire Department. He works next to the Fire Chief and has been working with Captain Jose Chavez on the Heart Save City Project and is helping to get 5,000 AEDs in San Jose over the next 5 years. Kevin shared he has gone from sitting around thinking about what he wanted to do to working on a multi-million dollar project, working in his dream department and doesn't know how else this could have happened without these programs. Kevin announced he has procured a \$1,000 donation courtesy of the San Jose Fire Department for the CCOC program.

President Garcia: Thanked Mr. Tovar for his commitment and loyalty to CCOC and the respect he has instilled in the students as reflected by Kevin and said that Kevin is an ambassador for this school and did a great job.

B. MAEP Student: None

**VII. SPECIAL ORDER OF BUSINESS** None

**VIII. PUBLIC COMMENTS**

Kathy Jasper, AFT President, shared the MAEP back-to-school meetings were well received by employees at the 11 sites with Superintendent Hay in attendance. Ms. Jasper said the employees were notified there is a dress code and there is a board policy regarding dress for employees and expressed concern regarding casual Fridays and was speaking on behalf of the AFT membership and members of CSEA.

Member Chang: Requested information on the board policy and the concern expressed and if there is anything new regarding the policy.

Superintendent Hay: The policy is not new and there is more information than was presented this evening and he will make the information available to the Board. There is a process regarding these types of issues and the process has not been completed and the discussions are with the Director of Human Resources.

**IX. APPROVAL OF MINUTES**

1. **MOTION**: It was moved to approve the Minutes of Regular Board Meeting on 08/19/09. M/Biehl, S/Grilli, Vote: 6 Ayes

**X. CONSENT CALENDAR**

**MOTION**: It was moved to approve Consent Items \*2 through \*10 with the removal of Item # 3 and #4 per the request of Member Gordon. M/Biehl, S/Grilli, Vote: 6 Ayes

**BUSINESS AND FINANCIAL FUNCTIONS**

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

The Governing Board approved the following warrant registers #62003228-#62003268, dated August 4, 2009; #62003269-#62003305, dated August 6, 2009; #62003306, dated August 11, 2009; #62003307-#62003330, dated August 12, 2009; #62003331-

#62003372, dated August 13, 2009; #62003373-#62003393, dated August 17, 2009; #62003394-#62003418, dated August 19, 2009; #62003419-#62003449, dated August 24, 2009; #62003450-#62003492, dated August 27, 2009; #62003493-#62003517, dated August 31, 2009.

3. **Approval of Master Business Relationship Agreement with Los Gatos-Saratoga Joint Union High School District**

**MOTION:** It was moved to approve the 2009-10 Master Business Relationship Agreement (MBRA), including Appendices A and B, and the amendment to the 2008-09 MBRA Appendix B, between the Metropolitan Education District and the Los Gatos-Saratoga Joint Union High School District.

M/Chang, S/Biehl, Vote: 5 Ayes, 1 No – Member Gordon

Member Gordon: Requested the item be removed from consent and that she would not be supporting the motion. As indicated when the MBRA came before this Board for approval, she has significant concerns regarding the agreement and the long-term effects on the JPA.

4. **Architectural services: Proposition 1D Projects**

**MOTION:** It was moved to approve the Authorization to Proceed for architectural services with Bartos Architecture, Inc. for the Proposition 1D Building 700 Model Courtroom (Public Services) project in the amount of \$186,010.83.

M/Chang, S/Biehl, Votes: 5 Ayes, 1 No – Member Gordon

Member Gordon: Requested the item be removed from consent and that she would not be supporting the motion as the project, as she has previously stated, because it is partially supported by general fund monies.

Member Chang: She understands the concerns expressed by Member Gordon and the financial situation for education is unfortunate as there are funds for facilities and there have been cuts to staff; however, with this particular project, there are matching funds from the state and it is for long-term investment for the school district.

President Garcia: It is difficult when you have to make these very tough decisions; however, this is a decision that will be a good investment and we cannot afford not to move forward with the project at this time.

## **PERSONNEL FUNCTIONS**

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

The Governing Board approved the hiring of seven new AFT teachers, and one new CTA teacher for the 2009-10 school year.

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

The Governing Board approved the short term terminations.

## **INSTRUCTIONAL AND STUDENT FUNCTIONS**

\*7. **Consent Item: Approval of 2009-10 MAEP Course Titles**

The Governing Board approved the list of course titles for MAEP for 2009-10.

\*8. **Consent: CCOC Textbooks Approval**

The Governing Board approved the textbook for Managerial Accounting and Medical Assisting.

**\*9. Consent Item: Medical Apprenticeship Agreement**

The Governing Board approved the agreement with Evergreen Pediatrics Associates to provide on-the-job training to MAEP medical students.

**\*10. Consent Item: Approve Amendment to Master Contract Between the County of Santa Clara and the Metropolitan Education District**

The Governing Board approved the First Amendment to the Master Contract Between the County of Santa Clara and MetroED for the period of August 1, 2009 to September 30, 2010.

## **XI. ACTION ITEMS AND REPORTS**

### **BOARD AND ADMINISTRATIVE FUNCTIONS**

**11. Action Item: Second Reading: Board Bylaws 9000's and Administration Policies 2000's**

**MOTION:** It was moved to approve Board Bylaws 9000's and Administration Policies 2000's. Motion was amended to include the removal of Board Bylaw 9010. M/Gordon, S/Chang, Votes: 6 Ayes

Vice President Biehl: The last paragraph on Board Policy 9010, the section that deals with public statements and the sentence that states, "any board member that wishes to criticize or oppose any specified board action should do so only in a board meeting." As a strong proponent for freedom of speech, if someone disagrees with board policy or decisions, whether a board or community member, has the right to criticize a decision and should represent it as a board decision and provide their disagreement in a tactful manner. He requested this particular sentence be struck from the board policy and not be included. Any board member has the right to criticize the rest of the board if they disagree with the position of the rest of the board.

Member Gordon: She is in agreement with the point made by Vice President Biehl.

Member Canova: He supports Vice President Biehl's position as well.

President Garcia: He would prefer different wording having been on the San Jose Unified School District board for many years and experienced one board member that constantly criticized every decision of the board by going to the press, parent groups, etc. Most boards have an agreement that there is a time for discussion and debate for items and once there is approval as a board, you may not like the decision but you do not criticize it after the meeting, after the discussion, after the debate. As a believer of free speech as well, maybe if it was pulled we could deal with both of those issues – freedom of speech and once the board has come to a decision it is important the board support the decisions.

Member Canova: As a member of a board that faces this issue currently at times, If a board member finds themselves in the minority on a position, we would hope the board member in speaking to the media or in another public forum would express their lack of support for the decision in a respectful manner and respect the decision and the process. For those board members that would do it in a way that is negative or counterproductive, the only way to correct that is by a vote of the people.

Member Chang: Is there a way to reword the sentence so it is done in a respectful manner. It is understandable that this sentence is attempting to deal with extreme circumstances but this sentence makes it sound as though a board member can never disagree in a respectful manner with a decision of the board.

Member Gordon: It becomes a semantics issue if someone comes and complains about a decision of the board and the person says it is the decision of the board but she has some concerns. It may be a legitimate way to answer the question where some people may see it as criticizing the action that was taken. She is not sure we could filter board member comments. We should agree to be respectful of each other and each other's opinions. If there is someone that blasts the decisions of the board they are on, this statement will not keep them from continuing to express their opinions.

President Garcia: There is nothing that can be done to legislate that someone cannot do something; however, there may be a way to articulate in the sentence for board members to be respectful and encourages discussions of the issues but allows for a board member to express they did not agree with a vote.

Member Canova: He expressed that he did not have any specific language; however, the language here could encourage the civil respect and dissent that we could agree with. If you have that type of board member, as Member Gordon shared, he is in agreement that there is no way to filter that person.

President Garcia: The discourse can be very destructive when this type of situation occurs and he is surprised that CSBA has not come up with language that could deal with these situations. If we could pull this policy and see if there is language that could be done that would make it clearer that board members should be respectful when disagreeing with decisions of the board in a positive way and not in a way that tells someone that they cannot do something.

Superintendent Hay: This is a recommendation from CSBA and it is not tied to state law or court decisions so it is definitely a question of policy. Staff will pull BP 9010 so it is not part of the vote this evening and will research to see if there is any language after speaking with CSBA that would work for this policy. The policy will come back at the next meeting with a recommendation to delete that section or different wording based on the discussion this evening.

President Garcia: Staff's recommendation is to go forward with the item minus BP 9010.

Member Gordon: Amended her motion to approve the board bylaws absent PB 9010.

Member Chang: BP 9012A refers to board member's electronic communications. She shared a community member in Saratoga requested all the communication of a city council member. The Los Gatos-Saratoga JUHSD now provides each board member with a district e-mail address and the e-mails are forwarded to their personal accounts so there is a record of the communication. This is now standard language in most board policies; however, this might be important for the future for board members to have district e-mail addresses for this purpose.

Superintendent Hay: Staff will look at this issue and will bring back any changes that may be necessary when BP 9010 returns to the board. The policy is in reference to how long electronic communications need to be kept and in what format.

Vice President Biehl: The discussion that the board had at the last meeting was well listened to by staff and he appreciated the effort that staff went to in making changes and he was very comfortable with the changes that were made.

Superintendent Hay: At the last board meeting, there were discussions on how to present the policies to the board. Staff has provided a summary sheet describing the major changes from the current policies and then any change the board has requested from the first reading came back highlighted in red with strikeouts to make it clear what the change was for the second reading and asked if this was a satisfactory process for the review of the policies. There was concurrence from the board in the process.

## **BUSINESS AND FINANCIAL FUNCTIONS**

12. **Action Item: Adopt Resolution #01-09-09; Establishment of a Scholarship Fund**

**MOTION:** It was moved to approve Resolution #01-09-09 authorizing the establishment of Scholarship Fund 730. M/Biehl, S/Chang, Roll Call Vote: 6 Ayes

13. **Action Item: 2008-09 Unaudited Actual Financial Reports**

**MOTION:** It was moved to approve all 2008-09 interfund transfers; approve all fund balance designations, and authorize the Superintendent to file the 2008-09 Unaudited Actual Financial Report with the Santa Clara County Superintendent of Schools. M/Chang, S/Gordon, Vote: 6 Ayes

Superintendent Hay: The superintendent provided a Power Point presentation and overview of the unaudited actual financial reports for 2008-09. Hay noted a correction on page four of the executive summary showing the adult education ending balance is \$1.4 million and not \$2.4 million. A copy of the presentation was provided to the board members and questions were answered during the presentation.

Member Chang: The report is very impressive, especially the executive summary. As an accountant, the report is very precise and the presentation was relatively easy to understand and follow.

Vice President Biehl: Trying to deal with the state funding is incredibly complicated and the administration has done an excellent job in dealing with this very difficult situation and part of that was anticipating the problem early and making decisions early. The pain was still very difficult for everyone and certainly education has been damaged but staff was able to minimize it. This report was very well written, the format and the ability to go back and look at what was estimated versus what actually happened was very good. It is a very good working document and shows staff is on top of the money situation.

Member Chang: In the academic world, we try to learn best practices from each other. Is there a mechanism for sharing through CBO organizations so other school district CBOs could see this report or at least the format of this report?

Superintendent Hay: There are times when the county office of education will do this. In Hayward when the superintendent was CBO, Alameda County Office of Education did send the report he did for the district with a recommendation to follow a similar format on multi-year projections. There is no problem with any district using the format from this report and using it for their district as well as any of the spreadsheets.

Member Chang: Now that Vice President Biehl is President of the Santa Clara County School Boards Association maybe there would be a way to make a presentation like was done in Alameda in this county.

Vice President Biehl: It would be an appropriate presentation at an association of fiscal officers for school districts and it could be through the superintendent's association. He will be sharing the report with the fiscal officer for East Side UHSD. It is done very well.

Superintendent Hay: Thanked Keiko Mizuno, Fiscal Services Director, and her staff. The department has done a yeoman's job of closing the books at a time when the state has changed the whole accounting structure and the resource codes that existed before were collapsed and changed.

President Garcia: This format is very important to assist him in understanding the financials.

## **XII. EXECUTIVE/ADMINISTRATIVE REPORTS**

### CCOC Director Fox:

- The actual enrollment at day ten is 1,722 compared to 1,530 for last year at this time for CCOC. ADA is at 89.78 versus 87.68 last year and 89.16 two years ago. The teaching and support staff are doing an excellent job in retaining students.
- Orientation for students began today and there will be six more sessions tomorrow to share with students what the expectations are for attending classes.
- The Hub will open tomorrow for student breaks.
- The Program Representatives, Seda Otto and Paula Israel, are scheduled to attend 25 back-to-school events at the high schools in the districts.
- Rico Sciaky, Law Enforcement instructor, shared that the third former student from the first Law Enforcement class has become a California Highway Patrol Officer.
- Staff has put together new guidelines for the student council and these will be coming to the board for adoption in October.
- The back-to-school night will be on Friday, September 25 with food being served from 5:30 PM - 6:30 PM and classrooms open for visitation beginning at 6:30 PM.
- Victoria Straubinger, Medical Assisting instructor, provided an overview of the successful CCOC-West Valley College Partnership for the board.

### MAEP Director Sylvia Karp:

- The Campbell Adult Education Center had a concurrent mini-draft on September 1<sup>st</sup> with advisors from the six Campbell UHSD who met together to register over 200 students in concurrent classes. The classes began last night.
- The Assistant Principals of the Campbell and San Jose Adult Education Centers met with administration at Campbell UHSD and San Jose USD and Director Karp to look at ways to add value to the services provided to the districts this year. One way is by adding additional classes for high school students to make up credits.
- In San Jose, MAEP is looking at ways to assist the fifth year high school students to successfully complete the CAHSEE.
- Director Karp thanked the superintendent for attending 11 back-to-school meetings with her. As the board appreciates the clarity in which he presents budget information, the teachers felt the same way and appreciated him attending the meetings. There are many in the adult education programs that do not see their superintendent at these meetings. The teachers were able to ask questions and get answers that they could understand. It helped them to understand the situation we will be facing for the next few years in this budget climate.
- MAEP will be offering the first free World Garden Workshop of September 19 on Growing a Winter Vegetable Garden and starting the third year of the Green Gardener program this month. It is a 10-week program developed by Santa Barbara County to help reduce chemical and pesticide pollution in creeks and bays. It is a partnership with the Santa Clara County Green Gardeners and the Santa Clara County Urban Runoff Pollution Prevention Program.
- Member Chang: She asked for clarification regarding the hiring of a Piano teacher and how to relates to the course approval earlier in the agenda and if this class was part of the Visual and Performing Arts. Karp: Yes, that is correct and these classes are fee-based and are cancelled if there is not sufficient enrollment.

MetroED Superintendent Paul Hay:

- Thanked the MAEP administration for the efforts they have been putting forth in working with both Campbell UHSD and San Jose USD to help stretch the dollars. We now have flexibility in terms of what we can do this year and it has allowed us to provide additional services.
- The Sanitary Sewer Replacement project was completed today for Phase 1. Phase 2 will be going into the buildings. Under Phase 1, the lines throughout the Hillsdale campus up to the City of San Jose sewer line are complete. The impact on classes at CCOC was minimal during the replacement project; however, there were some impacts to parking for the adult education classes at the back of the campus. The lines have been tested and there were zero change orders on the project. There is a misalignment between our line and the city line and it is the responsibility of the city to repair that. Next summer, the sewer lines will be replaced in the buildings and that could go over two years as we try to incorporate the sewer lines with the reconfiguration of some of the buildings with Prop 1D funds.
- The MC Village project is very close to completion. It is scheduled to be completed by October 1<sup>st</sup>.
- The Prop 1D building 300 reconfiguration project tentatively the call for bids will be on September 24<sup>th</sup> and bringing the bids to the board on October 14 for approval. It will be approximately a 7 or 8 month project.
- The Santa Clara County School Boards Association Fall Dinner Meeting will be held on October 28.
- On September 30<sup>th</sup>, Santa Clara County Office of Education will be holding the 40<sup>th</sup> annual teacher of the year event at the Heritage Theatre in Campbell and Sara Crowder, CCOC Managerial Accounting instructor, is MetroED's teacher of the year.

**XIII. BOARD COMMENTS**

- Member Gordon: The school year is off to a good start in Campbell UHSD and they held ribbon cuttings for the three school sites for the performing arts centers.
- Member Chang: The school year is starting out great and she is looking forward to another great year.
- Vice President Biehl: There are a number of construction projects that will begin in East Side UHSD during the next year. There will be a Santa Clara County Office of Education Career Technical Education seminar in November. Hay: The seminar will be held on November 13 and is jointly sponsored by MetroED and the county and he will be on the panel and he encouraged the board members to attend. The conference is about CTE and how it can help reduce the dropout rate and keep students in school. There is a fee and MetroED will reimburse for board members that wish to attend or can register the board members.
- President Garcia: At the retreat for San Jose USD, he requested the superintendent provide the board with a presentation on the concept of multiple learning pathways and the board was very impressed with the presentation. One of the outcomes was to improve the relationship with MetroED and to ensure our students are provided with the opportunities offered here. He was pleased the board agreed that this is a great facility and provides opportunities for students at San Jose USD.

**XIV. OTHER MEETINGS**

Regular Meeting, October 14, 2009

Closed Session 6:00 pm

Open Session 7:00 pm

**XV. ADJOURNMENT**

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

President Garcia adjourned the meeting at 8:26 p.m.

---

Jim Canova, Clerk of the Board