

# METROPOLITAN EDUCATION DISTRICT

Governing Board Meeting Minutes  
September 8, 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 7:00 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. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by President Biehl.

## III. ADOPT AGENDA

**MOTION:** It was moved to adopt the agenda. M/Garcia, S/Chang; Vote: Unanimous

## IV. RECOGNITIONS

1. Acknowledgement of Visitors - None
2. Acknowledgement of Honors and Awards – None

## V. STUDENT REPORTS

- CCOC Student: None
- MAEP Student: Jo Ann Van Ballegooijen, San Jose Adult Education Center Assistant Principal, introduced Blanca Cadenas. She shared that she was born in Mexico and was the youngest of 14 children and she moved to the United States at 16 to seek better opportunities. Her goals were to learn English and graduate from high school. Unfortunately, she had to move back to Mexico at 18 and did not graduate. Upon returning at age 20, she had to work to support herself and family. She said her opportunities for getting a good job were limited due to her lack of education. After her daughter was born, Valeria who is now 5 years old, she was faced with deportation procedures and became a single mom. She said that she now has a permanent Visa to work in the United States and she will be able to apply to become a United States Citizen in the next two years. She said in October 2009, she found the Metropolitan Adult Education Program and enrolled in the GED and General Office Clerk classes. She said she will soon begin classes to get her high school diploma. She said adult education allows people to finish their goals like getting a diploma. She said MAEP is an affordable, available to low-income people to better their lives. She said the teachers and staff are very helpful. She said she believes it is never too late to study and prepare and fight for your dreams.

President Biehl: He shared with Blanca that we are very lucky to have her here in this country and it is our privilege and not just hers that she is in the United States.

Clerk Chang: She said that she would like to be invited to Blanca's graduation ceremony when she achieves her goal of getting the high school diploma.

Blanca Cadenas: She said everyone was invited when she graduates as it has always been something she has wanted to accomplish.

**VI. SPECIAL ORDER OF BUSINESS**

None

**VII. PUBLIC COMMENTS**

President Biehl: He asked the record reflect there was no one that wished to speak under the public comments section of the agenda.

**VIII. APPROVAL OF MINUTES**

1. Superintendent Hay: He shared there was a chart of the Multiple Pathways proposals and discussions from the Board Retreat on July 6. President Biehl asked for a correction on page 8 of 12, the fourth paragraph, in the middle under his comments. He said there were two words missing in the sentence, “, if people have a business relationship and it is not working, it doesn’t do either party **any good** to continue the relationship.”

**MOTION**: It was moved to approve the Minutes of Regular Board Meeting of August 18, 2010 with a correction from President Biehl on page 8 of 12 and the July 6 Board Retreat Minutes with the Multiple Pathways chart. M/Garcia, S/Chang, Vote: 5 Ayes, 0 No, 1 Abstain (Grilli)

**XIV. CONSENT CALENDAR**

**MOTION**: It was moved to approve Consent Items \*2 through \*5. M/Grilli, S/Canova; Vote: Unanimous

**BUSINESS AND FINANCIAL FUNCTIONS**

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

The Governing Board approve the following warrant registers: #62007614, dated August 2, 2010; #62007615, dated August 3, 2010; #62007616-#62007640, dated August 5, 2010; #62007641, dated August 6, 2010; #62007642-#620077652, dated August 10, 2010; #62007653-#62007666, dated August 12, 2010; #62007667, dated August 13, 2010; #62007668-#62007694, dated August 17, 2010; #62007695-#62007714, dated August 19, 2010; #62007715-#62007752, dated August 24, 2010; #62007753-#62007792, dated August 27, 2010.

**PERSONNEL FUNCTIONS**

**\*3. Consent Item: Certificated Personnel**

The Governing Board approved hiring four AFT teachers and one CalWORKs representative.

**INSTRUCTIONAL AND STUDENT FUNCTIONS**

**\*4. Consent Item: ROCP Course Review and Recertification**

The Governing Board reviewed the information regarding the ROCP course Electrical Apprenticeship, and approved the course for ROCP recertification.

**\*5. Consent Item: Community Classroom Agreements**

The Governing Board approved the agreement with Dr. Yaminali M. Javid to provide on-the-job clinical training to CCOC medical students.

## X. INFORMATION ITEMS

### 6. Information Item: 2010 Legislative Update

Superintendent Hay: He said as requested by the Governing Board, the legislative updates were included to review and discuss. He said the information provided was also included in the last Friday Update Letter. On four of the bills, he included the analysis of the bill provided by the last legislative committee or house the bill was sent to: AB 827 relating to local public employees; AB 2446 on graduation requirements; SB 675 relating to partnership academies; and SB 1425 relating to final compensation. He said all the bills listed on the first page of the board item have gone to the Governor for signature except for SB 501 which failed and was held in the Senate.

Vice President Canova: He asked the superintendent to elaborate on Senator Simitian's bill, SB 1425, regarding any change in salary, compensation, or remuneration principally for the purpose of pension spiking would be prohibited and what the senator is trying to accomplish with the bill.

Superintendent Hay: He said it is all related to the City of Bell (Southern California) and there were three that went to the Governor for his signature. He said it is an attempt to ensure compensation is more reasonable and not overpaid to the degree in Bell. He said it would set hearings for compensation that would be greater than the COLA.

Vice President Canova: He asked if it was awaiting the Governor's signature and if there was any indication the Governor would be signing the bill.

Superintendent Hay: He said the Governor is expected to sign the bill.

Vice President Canova: He asked if the bill is signed, if it would give tighter guidelines for boards to follow during contract negotiations.

Superintendent Hay: He said that was true and the bill also applies to cities and counties; any public agency that contracts with an individual to run the organization.

Clerk Chang: She asked what impact this will have on the existing contracts MetroED has with the superintendent.

Superintendent Hay: He said there are certain things that will need to be done by a certain date if things occur. He said for the most part, contracts that are currently in place will be grandfathered in.

Clerk Chang: She asked if any new contract or changes would have to abide by the bill if it is signed into law.

Superintendent Hay: He said the bill would apply to any new contracts or renewals. He said AB 827 is an urgency measure which received two-thirds vote and will go into effect immediately upon the Governor's signature. It also creates a reimbursable mandate. In the past, the Governor has not signed bills with mandates; however, there are indications he will sign this one.

President Biehl: He said that it was good to have this information for the board.

### 7. Information Item: Final Attendance (ADA) Report for 2009-10

Superintendent Hay: He said MetroED is not required to record ADA for purposes of state appropriations during the five years of flexibility; however, MetroED continues to take

attendance for internal controls and for the funding models that are based on ADA. He said the information provided is in the same format as previous years to provide a comparative over the years of ADA and what we are doing in terms of goals. He said, for example, the goal for CCOC was 1,600 and there was no ADA reported for the CCOC evening program as it has been converted to fee based. He said attendance is taken internally in case we go back to an ADA based system and drop fee based in the evening. He said that he didn't see that happening in the next three years. He said there was a little carry over from Cosmetology due to the contracts that are being completed for high school students.

Clerk Chang: She said that all the districts were over except Los Gatos-Saratoga JUHSD and she asked how the information is provided to the individual school districts in the Joint Powers Agency (JPA).

Superintendent Hay: He said that CCOC Assistant Principal Sylvia Evans works with the schools and there are issues with credentials. He said he was not sure if that was the issue with Los Gatos-Saratoga; however, ADA can be lost if a teacher does not get the appropriate credential to teach an ROP class.

Sylvia Evans: She said that Los Gatos was trying to build two or three classes a few years ago at Saratoga High School; however, they lost teachers because it requires a Designated Career Technical Subject Credential. She said some of the teachers do not want to get the second credential because they already have a clear credential. She said there was the loss of teachers and then there were teachers who moved.

Clerk Chang: She said in reviewing the actual versus the allocated CAPs, Campbell UHSD is close and Santa Clara USD appears to have 30% more.

Sylvia Evans: She said the districts are not paid for going over their CAPs. She said there are two districts that make sure they have all of their ADA recorded and that has been Milpitas USD and Santa Clara USD. She said East Side UHSD also tried to ensure all of their attendance was recorded and it is usually due to the district coordinator from the individual districts.

Clerk Chang: She asked who the district coordinator for Los Gatos-Saratoga JUHSD was.

Sylvia Evans: She said it is Kevin Mount and she works through the counselor at Saratoga HS.

Superintendent Hay: He said there are some districts that have maintained courses as ROP even though they were over cap because they believe in the programs and the value to the students.

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

### **BOARD AND ADMINISTRATIVE FUNCTIONS**

#### **8. Action Item: CSBA Nomination for Asian/Pacific & Hispanic Directors-at-Large**

Superintendent Hay: He shared the board may nominate an individual for the position and the nomination process is outlined in the agenda item.

Clerk Chang: She nominated Dana Tom, Palo Alto USD Board Member and currently serves as the President of the Santa Clara County School Boards Association (SCCSBA) and the Asian Pacific Islander (API) School Boards Association. She says in working with him, he is extremely intelligent, conscientious and she did speak with him and received his concurrence to be nominated.

President Biehl: He said that he also knows Dana Tom who served as the Vice President of the SCCSBA last year while he served as President. He said Mr. Tom is doing a good job as president and concurred with the nomination.

**MOTION**: The Governing Board nominated Dana Tom to the position of Asian/Pacific Islander Director-at Larger for CSBA. M/Chang, S/Biehl; Vote: Unanimous

Clerk Chang: She said the nomination requires two letters of recommendation and she would write one to include with the nomination and she asked if there was anyone else that would write a letter as well.

President Biehl: He asked if there was another member of the board that would assist in writing a letter of recommendation; however, if Clerk Chang drafted a letter for his signature, he would be happy to sign the nomination letter.

## **BUSINESS AND FINANCIAL FUNCTIONS**

### **9. Action Item: 2009-10 Unaudited Actual Financial Reports**

Fiscal Services Director Keiko Mizuno: She shared a Power Point presentation on the unaudited actual financial reports for all funds for 2009-10. She said the books were closed with a positive fund balance and reserves. However, she shared there are problems with cash flow due to the state deferring appropriation payments to the district. She said the estimated revenues were \$1.2 million higher in the general funds due to the excess property taxes received for 2009-10. She said these funds are treated as one-time revenue and are paid to the district in arrears. In December, the district received the excess property taxes for 2008-09 and prior to closing the books the state notified the district it would get the 2009-10 as well. She also shared the interfund transfers relative to the closing of the books. She shared as of June 30, 2010, MetroED does not have enough cash flow to make payroll or pay vendors. She said the Santa Clara County Office of Education changed the way they did payment of appropriations and there has been difficulty getting the funds.

Clerk Chang: She said the SCC Board of Education should be assisting districts in the county and it appears they are making it more difficult. She asked if the board should be proactive in contacting them regarding the issues of payment.

Keiko Mizuno: She shared the difficulties she had getting information and working with the county over the past year to transfer funds. She said all the districts have been frustrated with the services received from the county. She said there was reorganization at the county including the retirement of their CBO and learning curves for the new personnel. She said she was informed that MetroED couldn't expect to receive the same services as a JPA that a school district in the county receives. She said the county hired a new CBO and Superintendent Hay, CBO Daniel Gilbertson and she will be meeting with him to review the concerns experienced by MetroED.

Clerk Chang: She asked Ms. Mizuno to keep the board informed on the services received from the county.

President Biehl: He thanked Ms. Mizuno for the excellent job in walking the board through the financial information and the challenges dealing with the SCCOE. He said he is aware they have an approximate \$23 million surplus so there should be no reason for them not to be providing services to the districts including MetroED.

**MOTION**: The Governing Board approved all 2009-10 interfund transfers; approved all fund balance designations, and authorized the Superintendent to file the 2009-10 Unaudited Actual Financial Report with the Santa Clara County Superintendent of Schools. M/Chang, S/Garcia; Vote: Unanimous

## XII. EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

### CCOC Director John Fox:

- He recognized the instructors that were in the audience.
- He said it was the third week of school.
- On Tuesday evening, Seda Otto Program Representative and Ed Van Hagen Auto Tune-up & electrical Systems instructor were invited to a local rotary club to do a presentation.
- The Auto Careers program participates with Auto Youth Educational Systems (AutoYES) which is a national organization has taken CCOC off of any probationary status due to the number of internships this past summer.
- The Hub (cafeteria) opened today for services and it was fully functional with mostly first year students due to the work of the instructors, Jan and Nancy Joseph.
- There will be student conferences held this year through SB 70 funding. The first conference will be held all day on September 24 for Media Arts under the direction of Jeff Schmidt. Mr. Schmidt shared information regarding the conference and the keynote speakers that will be in attendance.
- There were two graduates from the Fire Science/First Responder program who were honored by the Los Bomberos of Northern California Latino Firefighters.
- Ray Behvand, CAD instructor, will be attending workshops on Fridays at Foothill College on Geologic Information Systems. Upon completion (8 weeks), he will receive certification from the state to be able to teach the curriculum.
- Sara Crowder Managerial Accounting instructor and Peggy Nutz Small Business Management instructor are working on their sector student conference, Be a Star of the Future, to be held in October.
- Program Representatives Seda Otto and Paul Israel are attending as many back to school nights as they can in the individual districts.
- CCOC's back to school night is Friday, September 10.
- The Breathe Easy Ride for Cystic Fibrosis will be held on Sunday, September 12.

### MAEP Director Sylvia Karp:

- She shared MAEP moved into the new campus here on Hillsdale last November and the open house was held today at the MC Village. It was a good event with many community partners in attendance including CalWORKs, Job Corps, Hope Services, and members of the MetroED Foundation. She said approximately 85% of the staff was new to the center this year. Students did the tours for the visitors. She thanked Jan Joseph and his students for providing the refreshments and thanked President Biehl for attending as well.
- She understood it was difficult for everyone to visit today; however, she invited the board to come whenever they are on campus to visit the classrooms.
- The 41<sup>st</sup> Teacher Recognition event will be held by the Santa Clara County Office of Education on September 29<sup>th</sup> at the Heritage Theatre in Campbell. Leslie Johnson-Tatsuta, English as a Second Language instructor, will be honored for MetroED this year. This year, Dr. Weiss will be sharing the honor of hosting the event with Jessica Aquirre, NBC Bay Area News Anchor.
- On September 30, the ACSA Adult Education Conference will be held in Sacramento and she will be attending with ten other staff members to celebrate Frank Ganz, an MAEP graduate, who is being recognized as one of six 'Student Succeeds' in the state.
- It is the third week of school and adult education is an open-entry, open-exit program and there are over 3,000 students in the classes this year.

### Superintendent Hay:

- He thanked Keiko Mizuno and her staff for doing a good job in closing the books under difficult circumstances.
- He said the student conferences will be held by sector this year and it is the first time the conferences are being held and he encouraged the board members to attend.

**XIII. BOARD COMMENTS**

Clerk Chang

- She said that she would be attending her 40<sup>th</sup> class reunion on September 24<sup>th</sup> and would not be able to attend the first conference; however, she would look forward to hearing the report on the conference.
- She thanked Althea Polanski for assisting her with understanding how a school board should respond to a grand jury report. She said in her home school district, the item is not put on the agenda. She spoke with council members and Ms. Polanski regarding why the report is included on their agendas. She said she received back up information on the legal codes that it could be a violation of the Brown Act on how it was being handled. She shared it with Dana Tom, SCCSBA President, and he asked for an opinion from CSBA legal counsel and the item should be on the agenda. She said she was sharing the information as she understood there were other districts that were not placing the item on the agenda.

Vice President Canova:

- He said Santa Clara USD always places the grand jury report on their agenda and President Biehl said East Side UHSD does as well.
- He said that board members may not always use good judgment in their e-mail responses as was noted in the press by a member of the SCCOE as well as one at Santa Clara USD. He said with technology being so prevalent, it was important to keep this in mind.

**XIV. OTHER MEETINGS**

Regular Meeting, October 13, 2010	Closed Session	6:00 pm
	Open Session	7:00 pm

**XV. UPCOMING METROED EVENTS**

CCOC Back-to-School Night, September 10, 2010	6:00 pm
2 <sup>nd</sup> Annual Breathe Easy Ride, September 12, 2010	9:30 am

**XVI. ADJOURNMENT**

**MOTION:** It was moved to adjourn the meeting. M/Chang, S/Garcia; Vote: Unanimous

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

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Cynthia Chang, Clerk of the Board