

METROPOLITAN EDUCATION DISTRICT
Board Meeting
May 10, 2006

MEETING MINUTES

REGULAR MEETING

The open session of the regular meeting of the Governing Board of the Metropolitan Education District was called to order by President Garcia at 6:00 p.m., Room 810 at the Central County Occupational Center, 760 Hillsdale Avenue, San Jose, CA 95136.

CALL TO ORDER

1. ROLL CALL

All Members present, except where noted.

Cynthia Chang, Los Gatos-Saratoga Union High School District
Ernie Dossa, Santa Clara Unified School District
Richard Garcia, San Jose Unified School District
Diane Gordon, Campbell Union High School District
Marsha Grilli, Milpitas Unified School District
Craig Mann, East Side Union High School District
Nicholas Valadao--CCOC Student Board Member (absent)
Minerva Brand--MAEP Student Board Member

2. **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.

2.1 Pursuant to Government Code: 54957.6(f)
Conference with Labor Negotiator

District Negotiator

- Dan Gilbertson

Employee Organizations

- AFT
- CSEA
- CTA

Unrepresented Employees

- Accountability Coordinator
- Assistant Principal
- Assistant Superintendent/Business & Operations
- Assistant Superintendent/Instruction
- Chief Business Official
- Community Program Coordinator
- Confidential Employees
- Dean, CCOC
- Director of Fiscal Services
- Director of Human Resources
- Director of Instruction and Accountability
- Director/Principal
- District Technology Officer
- Executive Administrator
- Facility Manager
- Facility Supervisor

- Human Resources Administrator
- Program Coordinator
- Superintendent

2.2 Pursuant to Government Code: 54957
Proposed Appointment & Contract for Assistant Superintendent

2.3 Pursuant to Government Code: 54957
Discussion of Superintendent's Evaluation

3. ADJOURN TO CLOSED SESSION

Date: May 10, 2006
Time: 6:02 p.m. Central County Occupational Center
RM 810

4. REGULAR MEETING (continued) LOCATION

Date: May 10, 2006
Time: 7:00 p.m. Central County Occupational Center
Auditorium

5. PLEDGE OF ALLEGIANCE

Pledge allegiance was led by Member Gordon

6. REPORT OF CLOSED SESSION ACTIONS

There were no actions taken to report from closed session:

7. ADOPT AGENDA

Superintendent Hallett asked to move board item 13.0.3 to immediately follow the consent calendar.

Motion to adopt the revised agenda: Gordon, second: Grilli, Vote: Unanimous

8. STUDENT BOARD MEMBERS' REPORTS

Nicholas Valadao Absent

Minerva Brand, MAEP Student Board member reported on the May 3 Achievement Recognition ceremony. The ESL International Day will be held on May 26.

9. SPECIAL ORDER OF BUSINESS

9.1 SkillsUSA students

Superintendent Hallett introduced John Tawney, HVAC instructor and advisor for SkillsUSA. He reported that the regional competition resulted in 12 gold and 5 silver medals; statewide resulted in 2 gold, 4 silver and 2 bronze medals. One person and 1 observer will attend the national competition.

Each student introduced themselves and spoke to how the competition made a difference in their life.

9.2 QZAB Commemorative Awards

Paul Hay, CBO, introduced Dave Olson, KNN Public Finance, who presented a commemorative piece to each of the Board members.

10. PUBLIC PRESENTATIONS & REPORTS

10.1 Public Comments

We have two people to make public comments; comments will be made during the 13.0.3 item.

11.0 APROVAL OF MINUTES

11.1 Action Item: Approval of Minutes of Regular Board Meeting, April 12, 2006.
Motion by: Dossa to approve the Board minutes of April 12, 2006; second: Gordon, Vote: unanimous.

12.0 CONSENT CALENDAR

Motion to approve consent calendar items 12.1.1 through 12.3.3 Mann, second: Gordon, vote: unanimous.

12.1 BUSINESS AND FINANCIAL FUNCTIONS

12.1.1 Action Item: Approve April Board Warrant Approval List

12.1.2 Action Item: Approve Memorandum of Understanding with the California Field Ironworkers Apprenticeship Training and Journeyman Retraining Fund to accept donation of a fume extraction system and waive facility rents

12.1.3 Action Item: Call for Bids to print 2006-07 Schedule of Classes

12.1.4 Action Item: Approve Authorization to Proceed for architectural services: CCOC Building 700 reconfiguration

12.1.5 Action Item: Award of lowest responsive bid for reconfiguration and upgrade of CCOC Building 700 (Viton Construction Company-\$1,299,000)

12.1.6 Action Item: Approve contract for reconfiguration and upgrade of CCOC building 700 (Viton Construction Company, Inc, \$1,299,000)

12.2 PERSONNEL

12.2.1 Action Item: Approve New Confidential Job Description
Human Resources System Specialist

12.2.2 Action Item: Approve New Administrative Job Description
Community Program Coordinator

12.2.3 Action Item: Classified Personnel

12.3 INSTRUCTIONAL AND STUDENT FUNCTIONS

12.3.1 Action Item: Community Classroom Agreements

12.3.2 Action Item: Apprenticeship Agreements, 2006-07

12.3.3 Action Item: Cosmetology Agreements, 2006-07

END OF CONSENT ITEMS

13.0 INFORMATION ITEMS

13.0.3 Information Item: ADA Equalization Update
This item was moved out of sequence to accommodate guests.

Hallett began the Executive Council meeting with a definition of what a joint powers is a joining of two or more public entities for consolidation of services common powers or to form a joint-use facility. It is a relationship of joint respect and shared decision-making. MetroED is the caretaker of the JPA. The joint powers is really the six districts which is why we have a Board structured as it is.

Superintendent Hallett did a recap of the Equalization summary of history which brought us up to today when the JPA Superintendents' Executive Council met, as follows:

1. 2002: East Side Board member, Jeff Ota, brought forth the inequity of the ROCP funding model to the MetroED Board.
2. East Side Board member, Jeff Ota, suggested that Districts should pay MetroED the difference to cover the cost per student.
3. The inequity issue was that Campbell received \$394 per ADA and East Side received \$1,272 per ADA. Same inequity issue affected all districts
4. MetroED Board acknowledged the inequity and started process of developing an equitable funding model.
5. Several meetings took place at the JPA Instructional Council with little result
6. March 2004: The JPA Superintendent's Executive Council brought in School Services of California

“Our overall conclusions about the level of efficiency and effectiveness of the support functions were positive. We found evidence of good management practices and prudent use of resources in nearly every area. We did not find evidence of overstaffing or misapplication of resources, nor do we recommend major changes in the organizational structure.”

The report also included a number of recommendations to improve the efficiency of the District's support functions. Virtually all of those recommendations have been implemented. In addition, in response to the 2002-03 state budget crises, MetroED reduced staff by 15.85 FTEs and reduced the budget by more than \$4.4 million (12%) in one-time and on-going costs for the 2002-03 and 2003-04 budget years. The District further reduced on-going costs by nearly \$200,000 by contracting with the County Office for financial system support and bringing on a new Student Attendance System. These two actions allowed us to reduce staffing by one manager and one accountant in Fiscal Services, and one contracted programmer. Via the District's Budget Advisory Committee, we have implemented a systemic process for maximizing revenues and reducing costs where ever possible.

In 2004-05 we also addressed the issue of equitable allocation of overhead costs between the ROC/P and Adult Education programs. Each program contributes its fair share.

7. All Superintendents, CBOs, MetroED Board and all District Boards unanimously approved a three-year plan to equalize the funding rate paid to districts for the ROP ADA.
8. Fall 2004: The JPA Superintendents requested a one-year break before starting on the ADA equalization solution
9. Fall 2005: The JPA Superintendent Executive Council tasked the CBOs with developing a plan to equalize ADA

10. MetroED's CBO developed a draft plan and distributed it to the CBOs for review and met with East Side and Campbell CBOs to get input on the plan.
11. April 5, 2006: CBOs met and agreed on two guidelines: 1) ultimately, districts should pay the cost of their students that attend CCOC; i.e. no district would subsidize the students of another, and 2) Any equalization plan should require no longer than five years to equalize. CBOs agreed that the next step was for CBOs and each district's instructional representative from MetroED, East Side and Campbell meet, to try to agree on an equalization plan.
12. April 26, 2006: MetroED, East Side and Campbell's CBO and instruction people met. The meeting was short, East Side stated that they would be making no adjustments to their program, and would be taking the next year to evaluate their participation in the JPA, including the possibility of withdrawing from the JPA. Letter from East Side Superintendent was presented at the meeting.

Superintendent presented a summary of the JPA Superintendents' Executive Council, May 10, 2006, as follows:

1. Campbell claimed there was an unwritten agreement in 2004-05 to devise a plan for ADA equalization in 2005-06 for implementation in 2006-07.
2. East Side states that their administrative team is all new, and has no history on the issue of equalization. They have chosen to take this next year to do an extensive evaluation of their CTE program, including participation in CCOC. It is their intent to honor all current agreements in place. The East Side Superintendent has not been able to find a copy of the current Master Business Agreement.
3. East Side is committed to live up to the terms of the Master Business Relationship Agreement, which includes equalization of the funding rate, but no more than that until they've completed their evaluation.
4. Since East Side is complying with the JPA and Master Business Agreements, there is no dispute to be resolved.
5. If East Side was to withdraw from the JPA, it would take two full years to do so, given all the notification requirements.
6. Campbell claimed that equalization must start in 2006-07, and that Campbell will then only pay for the students it sends to CCOC.
(Comment: This would negatively impact MetroED and/or the other districts by about \$700,000, and would be a violation of the Master Business Agreement).
7. East Side now understands the concerns of, and financial impacts on Campbell, and will attempt to speed up the process of evaluation.
8. The CBOs will meet again ASAP to adopt an equalization plan, with or without East Side, since equalization impacts all the JPA members and we need to move forward now.
9. MetroED Superintendent will meet with the two other largest JPA members, San Jose and Campbell, to start devising a backup plan should East Side remove itself from the JPA.
10. Campbell distributed to all the superintendents a binder giving the history of the equalization issue.

Discussion:

Member Gordon said that his has been going on for a long time; Campbell has been showing its good faith by paying an excess of \$70,000. She mentioned that it is disappointing and frustrating to continually frame this as a Campbell-East Side issue. There is no incentive to solve the issue as long as it is framed in this way. Campbell wants to make it very clear that we are going to pay for what we use. Therefore, it is up to this board to decide what we are going to do to solve this issue.

Superintendent, East Side Union HSD, Bob Nunez:

Superintendent Hallett presented a good summary of what happened in today's meeting, about the history, I don't know. I would like to refine the summary.

1. The definition of a JPA is meant to get groups together to do something that an individual party cannot do alone. East Side is examining if this is the best way for them. I also understand that there was some kind of an unwritten agreement.
2. I agree that there is no one at East Side that has a history.
3. We will follow through with the written agreement and will continue to examine if this is the best way for providing vocational education to our students.
4. I agree, since we are agreeing with the agreement, that there is no dispute.
5. We also understand that it will take 2 years to pull out of the JPA if that is what we decide to do.
6. As I listened to the Campbell board member it sounds as if they will be violating the Master Business Agreement and I hope that is not what is happening as it will pull us back into a dispute. I understand the impact that Campbell is facing, and I also understand the impact on East Side if we have to pay more dollars. We need time to examine what is best for East Side and this has nothing to do with the quality of programs that exist at MetroED – what is best for the students at East Side. Ultimately we at East Side.
7. I believe that the CBOs do need to move ahead and make plans to meet and I know that there is a process to follow. There needs to be plans put forth and my hope is that at the end of the process there will be a written agreement that we can all agree to.

Superintendent, Campbell Union HSD, Rhonda Farber:

I made a presentation to this board three years ago. Some of you were here at that time some of you were not. I can agree with East Side when he talks about history because we have had a change of all superintendents. I think it was agreed at this board that there was an inequity and we knew that there was not going to be an immediate fix. We are not going to do this any longer to say that there is no history because of the loss of personnel. We have to move this process along. The CBOs agreed that everyone needs to pay their way. We all need to look at our finances because Campbell cannot continue to pay more than their share. I think the dispute arises when Bob said today that he will need to take some time to examine their programs and he was kind in saying that it will not take a year. What that does is that puts everyone out a year later. At the end of 2005-06 we were supposed to put a plan in place to implement in 2006-07. As Bob said, he understands the impact but we have lived the impact and we have paid for the impact. The process needs to move forward.

Member Dossa: This issue has come up several times and nothing happens. Something needs to get things moving. Even if everyone is new, that is not an excuse to hold things up.

Member Garcia: This is frustrating as a board member and to hear the superintendents and CBOs having to visit this issue time after time ad-nauseam. It is important that we look at the programs that we provide to the community and it is not only about dollars.

It concerns me about the morale of MetroED; it must be difficult to continue to hear about this issue and it makes it very difficult to plan. It is important that the administration keep the staff informed about what is happening and to address any questions that staff may have. I will ask that Tim get back to the board with his recommendations.

Member Chang: We have had a good discussion.

13.0.1 Information Item: 2006-07 MetroED Vision Statements and Long Term Goals
Superintendent presented the board with the new five-year long goals, and the new yearly measurable goals for board information and input. In June we will bring the goals at the first meeting to let us know if we are going in the right direction or if there are adjustments that we need to make.

13.0.2 Information Item: First Reading: Board Policies 6000's
Instruction

Superintendent wanted to clarify the process for presenting the board with board policy revisions. Past practice has been that the first reading includes strike-outs and italicized changes and the second reading has been presented without the strike-outs and italicized areas – in the format that was approved by the Board. Is this a format that will work, or do we need to present it in another format?

Member Garcia: I would appreciate if we could be informed of the changes and who has driven the changes: is it education code, CSBA or administration? Superintendent Hallett said that this is a good suggestion and we will do that in the future.

13.0.3 Information Item: ADA Equalization Update
This item was moved to the top of the information items, see above.

END OF INFORMATION ITEMS

14.0 ACTION ITEMS AND REPORTS

14.1 BOARD AND ADMINISTRATIVE FUNCTIONS

14.1.1 Action Item: Third Reading: Adopt Board Policies 1000's
Williams Uniform Complaint Procedures
Motion to approve the adoption of Board Policies 1000s: Garcia second: Mann vote: unanimous.

14.1.2 Action Item: Third Reading: Adopt Board Policies 5000's
Students
Motion to approve the adoption of Board Policies 5000s: Dossa second: Mann vote: unanimous.

Superintendent Hallett explained that these policies were brought back because there was some confusion as to whether they were approved at the last meeting.

14.1.3 Action Item: Adopt Resolution #10-05-10-06,
Classified Employee Week

Motion: That the Governing Board adopt Resolution #10-05-10-06 and proclaim May 15-19, 2006 as Classified Employee Week.

Aye votes: 6, Nay votes: 0 Abstentions: 0, Absent: 0

Superintendent Hallett commented that we at MetroED highly value our classified employees. He asked administration to pass our thanks for their services.

Member Chang: Please extend the Board's appreciation.

14.2 BUSINESS AND FINANCIAL FUNCTIONS

14.2.1 Action Item: Monthly Budget Update

CBO, Paul Hay explained the adjustments that were made to the budget this month.

Motion: That the Governing Board approve the budget changes included in the Monthly Budget Update for the period ended 4/30/06: Mann, Second: Gordon, Vote: unanimous

14.3 PERSONNEL FUNCTIONS

(Paul Hay)

14.3.1 Action Item: **Public Hearing:** Disclosure of Financial Implications of Collective Bargaining Agreements for AFT, CSEA & CTA

PUBLIC HEARING OPEN

Time: 8:10, no public comments

PUBLIC HEARING CLOSED

Time: 8:11

(Dan Gilbertson)

14.3.2 Action Item: Ratification of the AFT Agreement for 2005/06, 2006/07 and 2007/08

Motion: That the Governing Board approve the tentative agreement between AFT and MetroED Garcia, second: Mann, vote: unanimous

14.3.3 Action Item: Ratification of the CSEA Agreement for 2005/06 and 2006/07

Motion: That the Governing Board approve the tentative agreement between CSEA and MetroED: Grilli, second: Mann, vote: unanimous.

14.3.4 Action Item: Ratification of the CTA Agreement for 2005/06 and 2006/07

Motion: That the Governing Board approve the tentative agreement between CTA and MetroED Gordon, second: Mann, vote: unanimous.

14.3.5 Action Item: Discussion and Action on proposed Agreement for Assistant Superintendent

Motion: That the Governing Board approve as proposed the contract and salary for the Assistant Superintendent of Business and Operations position: Mann, second: Garcia, vote: unanimous

14.4 INSTRUCTIONAL AND STUDENT FUNCTIONS

15.0 EXECUTIVE REPORT/ADMINISTRATIVE REPORTS

Oral Report: At this time Assistant Superintendent Jan Dreier reported to the Board on departmental items of significance.

- May 10 is Day of the Teacher and teachers throughout the district have been honored on this day.
- We now have articulation agreements with community colleges for all of our CCOC classes.
- Upcoming dates: 5/12, Custom and Classic Car Show at CCOC benefiting the Skills USA.; 5/19 CCOC Awards ceremony at 6:00; 5/26 is International Diversity Day; 6/13 MAEP Adult High School Diploma graduation

Oral Report: Superintendent Tim Hallett had no report to make this evening.

16.0 BOARD COMMENTS

There were no Board comments.

17.0 Advanced Planning

CCOC Car Show, May 12, 2006, CCOC parking lot	5:00 pm
CCOC Awards Ceremony, May 19, 2006 CCOC back lawn area	6:00 pm
MAEP Graduation, June 13, 2006 CCOC back lawn area	6:30 pm

18.0 Other Meetings

Regular Meeting, June 14, 2006	Closed Session	6:00 pm
	Open Session	7:00 pm
Regular Meeting, June 28, 2006	Closed Session	6:00 pm
	Open Session	7:00 pm
Budget Advisory Committee, May 23, 2006, RM 406		4:00 pm

XXIII. ADJOURNMENT

Meeting adjourned at 8:20 p.m.

Marsha Grilli, Clerk/date