

Minutes of Meeting of Board of Trustees
El Paso Independent School District
December 18, 2001
5:00 p.m.
Education Center-Boeing

Present: Mr. Dan Wever, President
Dr. Gene Finke, Vice President
Miss Leonor Garcia, Secretary¹
Mr. Sal Mena, Jr.
Dr. Charles Roark
Mr. Joe Rosales
Mr. Charles Tafoya, Associate Superintendent, Human Resources
Mr. Anthony Safi, School District Attorney

Absent: Mr. Richard Telles
Dr. Gilberto Anzaldúa, Superintendent

The meeting was called to order at 5:04 p.m. by Mr. Wever. The Pledge of Allegiance was led by Ms. Linda Corral, Associate Superintendent, Middle Schools Division.

Collins Elementary School Playground Equipment and Installation, #02.706 (Item #1)

It was moved by Mr. Mena, seconded by Dr. Finke, and carried unanimously that the Board approve the issuance of a purchase order for the expenditure of funds for the installation of playground equipment at Collins Elementary School, #02.706, in the amount of \$3,702.00, for a cumulative total of \$24,995.00.

Presentation of E-Rate Program by IBM Global Services (Item #3)

Mr. John Milota, Program Executive, IBM Global Services, provided an update on the status of Year 4 E-Rate projects. He presented the Program Team and introduced key management staff. He reviewed the Project Approach, which includes Phase 1 – Requirements; Phase 2 – Design; Phase 3 – Develop; and Phase 4 – Implement. He also reviewed the Change Management Process and the hypothetical timeline involved with the implementation of the projects and expenditure of funds from October 1, 2001, through September 30, 2002.

Mr. Milota reported on the nine E-Rate Statements of Work (SOWs). The Infrastructure projects include USF Maintenance, Cabling Services, Fiber Network Exclusive Internet Access Services, Network Electronics, and Server Upgrade. The Web Enablement projects include the Web and File Server Project, Video Solution and Installation Services, E-mail, and Web Access for a School Community.

Mr. Jack Johnston, Executive Director, Technology and Information Systems, provided information on the computer hardware evaluation process that will be performed by EPISD Technology and Information Systems staff. He advised that any goods procurement will be brought back to the Board for approval.

¹ Miss Garcia departed the meeting at 9:30 p.m., during discussion on Item No. 6.

Mr. Milota reviewed the "Adopt-A-School" Program, through which IBM provides support and assistance to children, faculty, and staff, and the Learning Exchange & Apply (LEAP) Program, a work-study program where IBM or IBM subcontractors provide direct hands-on involvement with students.

Presentation of Preliminary, Proposed E-Rate Round 5 Projects (Item #4)

Mr. Mike Pratt, IBM Global Services, provided information on E-Rate Round 5 projects. He reviewed the Fiber WAN (wide area network) Internet Access; Cabling; Network Electronics; Wireless Internet Connectivity in the Classroom; Web Server/File Server Project; Web Access: Libraries; Collaborative Environment: Increased Web Access and E-mail Capability; USF Maintenance/Support; and Video. He advised that the final recommendations for Year 5 E-Rate funding will be presented to the Board for consideration in January 2002.

There was discussion on the estimated number of computers that will be needed in order to provide students with access to the Internet and funds that will be needed for training.

Discussion of Districtwide Beverage Contract with Coke® and Pepsi®, and Duties of EPISD Internal Auditor (Item #5)

The following people requested to speak to this item:

1. Mr. Clark McKean, Magnolia Coca-Cola Bottling Company, spoke about the Board reviewing the award of the RFP (request for proposals) and what is in the proposed contract.
2. Mr. Randy Majors, Pepsi® Bottling Company, reviewed the RFP process from his perspective, the monies related to the vending contracts, and the RFP language regarding shared exclusivity. He advised that Pepsi® is ready with its vending equipment.
3. Mr. Gerald Cheek spoke about his concern with the money from beverage sales being centralized and not distributed directly to the campuses.

Mr. Hector Martinez, Associate Superintendent, Operations, advised that the form of the final contract was part of the RFP that was issued to Coke® and Pepsi®.

Mr. Safi provided information on the contract and how it was modified from exclusively to one vendor to shared exclusivity with two vendors. There was discussion on the direction given by the Board regarding the placement of beverage products on the campuses. Dr. Finke summarized the discussion and eventual action taken by the Board on January 9, 2001; April 17, 2001; and October 9, 2001, regarding the award of the Districtwide Beverage RFP.

Discussion continued on whether diet soft drinks were to be allowed on the elementary and middle school campuses; whether the Board's directive was followed by the administration; the 50/50 percent split on vending machine placement; and up-front money being provided by each vendor.

Mr. Martinez provided information on stipulations contained in the RFP related to a 50 percent shared environment with two vendors and a 33 percent shared environment with three vendors. He advised that no questions were raised during the RFP process. He reviewed the status of the vendors' review of the final contract and stated that no vending machines have been moved on or off of the campuses pending the execution of the final contracts.

There was further discussion on vendors advertising their products on school campuses; the recommendation of the establishment of a Principals' Advisory Committee to address the handling of vending machines at the individual campuses; the RFP including a centralized distribution of proceeds back to the schools through the Finance Unit; issuing a survey to provide input from the elementary, middle, and high school levels; whether there was previous discussion on the size of containers to be provided in the vending machines; allowing sufficient time to determine the campuses' preferences for Pepsi® or Coke® products; and the anticipated date of January 1, 2002, for all vending machines and approved products to be in place at the campuses.

Mr. Clyde Pine, School Attorney, provided information on the contract attached to the original RFP and the revised contract attached to the reissued RFP, on which the vendors were requested to provide feedback.

Mr. Charles Tafoya, Associate Superintendent, Human Resources, commented on the urgency of finalizing the contracts and implementing the program so that the schools can benefit from the sale of the beverage products. He recommended that there be an audit over the next two years in order to determine the students' use of the two vendors' products.

Following a brief discussion, Dr. Roark requested that the job description for EPISD Internal Auditor be reviewed.

Presentation on The Process Manager (Item #2)

The following person requested to speak to this item:

1. Mr. Gerald Cheek spoke about his concerns with pending legal questions regarding The Process Manager and questions raised in the *El Paso Times* and recommended that the Board not hear this presentation.

Mr. Rodolfo Hernandez, Principal, Henderson Middle School, assisted by Dr. Carlos Yates, representative from The Process Manager, demonstrated The Process Manager software package, which is a computerized student performance assessment tool, and provided information on how it impacts schools. Mr. Hernandez described the approach used by The Process Manager and what it includes; for example, disaggregating school data at the school's discretion; determining strengths and weaknesses of programs and matching programs to teachers' strengths; and evaluating student performance. Mr. Hernandez stated that information can be retrieved directly by the principals rather than requesting the information from Research and Evaluation.

There was discussion on the information that is available through The Process Manager; predictability indicators on students; limitations of using only TAAS scoring to identify a student's learning capability and educational status; The Process Manager being used in several District schools; how students are targeted for remediation; the training that is provided on The Process Manager software; and security that will prohibit unauthorized access of student data.

Ms. Alicia Ayala, Principal, Zavala Elementary School, commented on the benefits of The Process Manager but that some principals might have more difficulty with the concept. She stated that the program does require intensive training.

Discussion continued on the diagnostic reports provided by The Process Manager versus the reports being provided by Research and Evaluation; the importance of assessing all students in the same manner; and making The Process Manager available to principals who request it.

Mr. Ken Korn, Districtwide Test Coordinator, Testing Center, provided information on reports that are generated by Research and Evaluation which can be used by principals and teachers and how they cover the same information provided by The Process Manager. He stated that the information can be provided almost immediately upon request.

Status Report on City of El Paso's Proposed Creation of Tax Increment Financing Districts Nos. 2 and 3, and Discussion and Possible Action Regarding Same (Item #6)

Mr. Safi provided information on the El Paso City Council meeting held on December 18, 2001, and action taken regarding the creation of Tax Increment Financing (TIF) Districts Nos. 2 and 3. He advised that City Council approved the ordinance creating TIF District No. 2 and postponed the proposed ordinance on TIF District No. 3 until December 24, 2001. Mr. Safi stated that Mayor Caballero and City Council provided assurances that they were ready, through their legal counsel, to discuss, negotiate, and address concerns expressed by the Board. Mr. Safi advised that the City understood that if a satisfactory agreement cannot be reached, the District is prepared to go to court to have the City's effort to force the District into the TIF Districts declared invalid and unconstitutional.

Departure of Board Member

Miss Garcia departed the meeting at 9:30 p.m. and was not present for any subsequent action taken by the Board of Trustees.

There was discussion on whether a date or time had been set for representatives of the District to meet with City Council on this issue; negotiations being handled through the respective attorneys; a meeting with the City's attorney not being possible for at least two weeks; the Board setting the parameters for the negotiations; identifying the District's concerns regarding the loss of state aid, the disproportionate amount of tax revenues that would be coming from the District, and proportionate representation on the TIF Board; and Mr. Charles Tafoya, Associate Superintendent, Human Resources, participating in the negotiations with the City in the absence of the Superintendent.

Meeting Closed (Item #7)

The meeting was recessed at 9:37 p.m. to a closed meeting by Mr. Wever under 551.071 of the Texas Government Code as follows:

- A. Consultation with School District Attorney Regarding Pending or Contemplated Litigation
 - 1. El Paso Independent School District, Petitioner v. Jose Luis Lozoya, Respondent; Before the State Commissioner of Education, State of Texas; TEA Docket No. 022-LH-1101
 - 2. Contemplated Litigation Against the City of El Paso Regarding Proposed Tax Increment Financing Districts Nos. 2 and 3, and confidential Attorney/Client Discussion Regarding Legal Aspects of Protection of EPISD's Tax Base and State Revenue

The closed meeting started at 9:42 p.m. The closed meeting ended at 9:45 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:45 p.m.

El Paso Independent School District, Petitioner v. Jose Luis Lozoya, Respondent; Before the State Commissioner of Education, State of Texas; TEA Docket No. 022-LH-1101 (Item #7, A., 1.)

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board accept the administration's recommendation regarding Jose Luis Lozoya as reflected in a letter dated December 10, 2001, and signed by Mr. Lozoya and his attorney.

Meeting Adjourned

The meeting was adjourned at 9:46 p.m.

Date Approved: March 26, 2002