

Minutes of Meeting of Board of Trustees
El Paso Independent School District
April 17, 2001
6:00 p.m.
Education Center-Boeing

Present: Dr. Charles Roark, President
Ms. Ada Gonzalez, Vice President¹
Mr. Richard Telles, Secretary
Dr. Gene Finke
Miss Leonor Garcia
Mr. Joe Rosales
Mr. Dan Weaver
Dr. Gilberto Anzaldua, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 6:02 p.m. by Dr. Roark. The Pledge of Allegiance was led by Mr. Gary Borsch, Greater El Paso Chamber of Commerce. Ms. Marsha Lawler, Associate Superintendent, Curriculum, Instruction and Assessment (CI&A), gave the Thought for the Day.

Recognition of Regional Day School Program for the Deaf's Community Partners (Item #1)

Due to the absence of the presenters, the recognition was not conducted.

Public Forum (Item #2)

The following people requested to speak on Open Forum:

1. Ms. Laura Melotta, EPISD employee but speaking as President of the Region 19 Texas Association of School Nurses and on behalf of several school nurses countywide in Region 19, voiced her support of the Assistant Director of Nursing Services for the El Paso Independent School District.
2. Mr. Raul Garcia apologized for discrepancies he had provided to a Board member and the Superintendent.
3. Mr. Gerald Cheek, outgoing president of the El Paso Council of PTAs, spoke about involving the parents in solving disturbances on the campuses and thanked the Board for working with him during his tenure as PTA Council President.

Consent Agenda (Item #3)

It was moved by Mr. Telles, seconded by Mr. Rosales, and carried unanimously that the items on the Consent Agenda be approved as listed including any recommended vendors for any amounts indicated.

¹ Ms. Gonzalez arrived at 6:18 p.m., after approval of the Consent Agenda.

A. Approval of Budget Amendment – Increase of 2000-01 Budget to Pay Accrued Overtime in Federal Programs (\$8,025.00)

The Board approved the budget amendment to the 2000-01 fiscal year to increase the 2000-01 budget to pay the accrued overtime due to hourly personnel in federal programs as of August 31, 2000, in the amount of \$8,025.00, designated in the General Fund balance at August 31, 2000.

B. Bid Requiring Board Approval – Printer Ribbon & Toner Cartridge Bid #1-01 (\$47,414.66)

Printer Ribbon & Toner Cartridge Bid #1-01 was awarded to the following vendors in the amounts indicated: Dallas Distribution, Items 1, 20, and 22, \$17,795.20, net; Ichi Corporation, Items 18 and 25, \$2,126.16, net; Laser Tech, Items 4-8, and 10, \$14,282.00, net; Office Depot, Items 2 and 21, \$582.24, net; Professional Document Systems, Item 9, \$1,674.00, net; SHI, Item 15, \$105.66, net; Tree House, Items 3, 11-14, 16, 17, 19, 23, 24, and 26-28, \$10,849.40, net, for a total amount of \$47,414.66 (copy of bid tabulation attached to the permanent file of these minutes).

C. Construction Contract Award – Improvement Design - Irvin High School Running Track, #00.997 (\$219,437.00)

The Board waived the technicality of Silverton Construction Co. failing to acknowledge two addendas issued during the advertisement of Project #00.997 and approved the award of Construction Contract #00.997, Improvement Design - Irvin High School Running Track, subject to the review and approval of the District's attorney, to Silverton Construction Co., Inc., in the amount of \$219,437.00.

D. March Personnel Report

The March Personnel Report was approved (copy attached to the permanent file of these minutes).

Arrival of Board Member

Ms. Gonzalez arrived at 6:18 p.m., and was present to vote in any subsequent action by the Board of Trustees.

Request for Waiver from Texas Education Agency – Hillside Elementary School (Item #4)

It was moved by Mr. Telles, seconded by Miss Garcia, and carried unanimously that the Board approve the request from Hillside Elementary School to request a waiver from the Texas Education Agency for an exemption of the seven-hour day every Wednesday for the purpose of staff development and teacher collaboration.

Approval of Interlocal Agreement with El Paso Community College District (EPCC) for Articulated LVN (Licensed Vocational Nursing) Program for Students Attending Silva Health Magnet High School (approx. \$32,000.00) (Item #5)

Ms. Rosa Gandara, Director, Career and Technology Education, advised that the students participating in the articulated LVN (Licensed Vocational Nursing) program will enroll in the El Paso Community College (EPCC) and attend classes and earn EPCC credits during the summer months. In the fall and spring, the students will attend high school classes at the Silva Health Magnet High School.

There was discussion on the credits earned at the Silva Health Magnet High School; the original purpose of Silva High School being to provide a college-preparation course of curriculum; the LVN program providing working skills for graduating students to enter the workforce and either not pursue a higher education or continue with their post secondary education and earn money to fund their continued education; and whether there is data supporting the theory that students will pursue a higher education.

Dr. Paula Mitchell, Dean of Health Occupations, Math and Science, El Paso Community College, provided information on a similar EPCC program at the Academy of Science and Technology in the Ysleta ISD. She advised that students will be eligible to take the state exam and become licensed vocational nurses within three months of graduating from high school. She advised that most students either continue towards the registered nurse associate's degree and ultimately the bachelor's degree or they continue their education in other programs. Dr. Mitchell stated that statistics are not currently available since the program at the Ysleta ISD has not been in place long enough for students to graduate from a bachelor's program.

There was further discussion on the LVN license allowing students to work while attending college; the LVN program not being for all students at Silva; and the Silva Health Magnet High School providing students an opportunity to work in the medical field.

It was moved by Mr. Wever and seconded by Mr. Rosales that the Board approve the Interlocal Agreement with the El Paso Community College District (EPCC) for an Articulated LVN (Licensed Vocational Nursing) Program allowing students who attend the Silva Health Magnet High School to earn college credit at the EPCC through an early-enrollment procedure. Upon the vote, the motion carried with Ms. Gonzalez voting against the motion.

Approval of Agreements/Contracts for Programs for Campuses Receiving Comprehensive School Reform Grant Funding (\$139,989.00) (Item #6)

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that the Board approve the following agreements and contract from the sources as listed for programs at the campuses in the amounts indicated for a total amount of \$139,989.00, with the funding source for the programs being Comprehensive School Reform Grant funding.

- A. Agreement with UTEP El Paso Collaborative for Academic Excellence for El Paso Collaborative's Program at Alamo and Douglass Elementary Schools and Guillen Middle School in the amount of \$5,000.00 for each school for a total amount of \$15,000.00.

- B. Program Participation Agreement with Temple University – Of The Commonwealth System of High Education, for its Center for Research in Human Development and Education (CRDHE), for the *Community for Learning* Program at the School-Age Parent Center in the amount of \$24,447.00.
- C. Program Contract with Success for All Foundation, Inc. for *Success for All*™ Program at Lee, Roberts, and Wainwright Elementary Schools and *Success for All*™ Cooperative Integrated Reading and Composition Program at Magoffin Middle School at Lee Elementary School in the amount of \$18,939.00; Roberts Elementary School in the amount of \$25,088.00; Wainwright Elementary School in the amount of \$29,055.00; and Magoffin Middle School in the amount of \$27,460.00, for a total amount of \$100,542.00.

Item Withdrawn

It was announced that item no. 7, Discussion and Possible Action on Financial Exigency and Preliminary Budget Forecast for 2001-02, had been withdrawn from the agenda.

Funding Agreement with the Greater El Paso Chamber of Commerce Foundation for Contracted Services with the National Center for Education and the Economy (NCEE) (Item #8)

Dr. Anzaldua provided information on a study that will be conducted by the National Center for Education and the Economy (NCEE) on emerging work patterns and the composition of the labor market in El Paso, the skill requirements that will be needed, and the level of education that is provided to all students in El Paso County. He reviewed the information on the process of the study and the various aspects to be identified and stated that there will be a \$25,000.00 fee charged over a two-year period for the District's participation.

Mr. Gary Borsch, Volunteer Chairman of NCEE Committee at Greater El Paso Chamber of Commerce, provided information on the NCEE Committee, which will include representatives from a diverse group of businesses and educators. He reviewed the participants that have already agreed to fund the study and encouraged the District's participation. In addition, Mr. Wes Jurey, President, Greater El Paso Chamber of Commerce, provided information on the composition of the NCEE. He stated that NCEE believes it is important that educational and business leaders work together on influencing education.

It was moved by Dr. Roark and seconded by Dr. Finke that the Board approve the funding of the agreement with the Greater El Paso Chamber of Commerce Foundation to participate with the El Paso Chamber of Commerce and the National Center for Education and the Economy (NCEE) on an initiative to implement education and workforce development strategies in the El Paso community for the commitment of \$25,000.00.

There was further discussion on the NCEE's unique program; a consensus of the NCEE Committee on what should be done; how the impact of the two-year study will be measured; not duplicating work that has already been done; demonstration projects being developed in the areas of healthcare and technology; and determining a timeline for reports to the Board.

Dr. Anzaldua advised that if the local educational infrastructure will provide career paths in the professions that result in high-end jobs and young people staying in El Paso, he would support the District's participation in the study.

Mr. Safi clarified that the agreement is for a total of \$25,000.00 over two years and suggested that the motion be subject to a conforming budget amendment being approved by the Board, and that if \$12,500.00 is to be paid this fiscal year and \$12,500.00 the next fiscal year, the motion should stipulate that the second amount be subject to approval of the 2001-02 budget.

Dr. Roark amended his motion to include Mr. Safi's recommendation.

The amended motion reads as follows:

that the Board approve the funding agreement with the Greater El Paso Chamber of Commerce Foundation to participate with the El Paso Chamber of Commerce and the National Center for Education and the Economy (NCEE) on an initiative to implement education and workforce development strategies in the El Paso community and the commitment of \$25,000.00 over the initiative's projected two-year duration, subject to a conforming budget amendment being brought back to the Board at a subsequent meeting, with \$12,500.00 of the amount being contingent upon approval of the 2001-02 budget.

Upon the vote, the motion as amended, carried unanimously.

Update on EPISD Legislative Agenda (Item #9)

Dr. Anzaldua provided information on a Texas School Alliance (TSA) meeting held in Austin, Texas, on April 17, 2001, and discussed the Statewide Health Insurance Network. He reviewed the differences between House Bill 3343 and the Senate Bill and compared them to the TSA's position on the issue. He stated that the health plan is comparable to the current state plan, and he reviewed the various funding scenarios that would be offered to school districts.

Discussion and Possible Action on *Big Brothers Big Sisters School-Based Mentoring Program* (Item #10)

Ms. Beth Senger-Shaw, Big Brothers Big Sisters of El Paso (BBBSEP), provided information on the history of the organization and the federal funding received from the Office of Juvenile Justice and Delinquency Prevention to provide mentors in the schools in El Paso. She reviewed data on the success of children involved in the Big Brothers Big Sisters program. Ms. Senger-Shaw stated that some of the District's schools currently participate in the program and requested that all of the District's schools be encouraged to participate. She also requested that an EPISD Board member serve on the BBBSEP Board of Directors.

It was the consensus of the Board that the Superintendent follow up on implementing the *Big Brothers Big Sisters School-Based Mentoring* program in EPISD schools.

Discussion and Possible Action on Amendment to Board Policy DC (Local), Employment Practices, Permitting Promotion of Teacher, Counselor, or Administrator Within a Particular School to a Higher Administrative Position Within That School When Circumstances are Exceptional (Item #11)

The following person requested to speak to this item:

1. Ms. Lori Gaman, parent at Kohlberg Elementary School, voiced concerns about the District's policy on filling vacancies and not allowing the promotion of individuals from within a school. She reviewed the exceptional circumstances she feels exist at Kohlberg and requested that the policy be amended to allow an exception to the policy which would allow the current assistant principal to be interviewed and considered for the principal position at the school.

It was moved by Dr. Finke and seconded by Mr. Wever that an amendment be made to Board Policy DC (Local) to permit the promotion of teachers, counselors, or administrators within a particular school to a higher administrative position within that school when circumstances are exceptional.

There was discussion on the positive effects of DC (Local) as currently written; the rationale for revising the policy to not allow promotion from within a school; the policy removing the perception of favoritism or bias and providing the opportunity for all employees to apply for vacant positions; keeping the current policy in place for a certain amount of time and then evaluating its effectiveness; and postponing any action to allow the criteria for exceptions to be developed for the policy.

Dr. Finke offered a substitution motion.

It was moved by Dr. Finke that the Board postpone action for four weeks on the motion that an amendment be made to Board Policy DC (Local) to permit the promotion of teachers, counselors, or administrators within a particular school to a higher administrative position within that school when circumstances are exceptional and that the Superintendent develop exception clauses to be considered by the Board. The motion died for lack of a second.

It was again moved by Dr. Finke and seconded by Ms. Gonzalez that the Board postpone action for four weeks on the motion that an amendment be made to Board Policy DC (Local) to permit the promotion of teachers, counselors, or administrators within a particular school to a higher administrative position within that school when circumstances are exceptional and that the Superintendent develop exception clauses to be considered by the Board.

Discussion continued on the lack of data to support the effects of DC (Local) and whether Dr. Finke's motion was a substitute motion or a request to postpone action on the main motion. Dr. Finke clarified that his motion was to postpone action on his main motion.

Upon the vote, the motion that the Board postpone action for four weeks on the motion that an amendment be made to Board Policy DC (Local) failed with Ms. Gonzalez and Dr. Finke voting in favor of the motion and Mr. Wever, Miss Garcia, Dr. Roark, and Mr. Rosales voting against the motion. Mr. Telles voted "present."

Upon the vote, the motion that an amendment be made to Board Policy DC (Local) to permit the promotion of teachers, counselors, or administrators within a particular school to a higher administrative position within that school when circumstances are exceptional and that the Superintendent develop exception clauses to be considered by the Board failed with Dr. Finke and Ms. Gonzalez voting in favor of the motion and Mr. Rosales, Mr. Telles, Dr. Roark, Miss Garcia, and Mr. Wever voting against the motion.

Approval of Revisions to Board Policies (Item #12)

- A. DK (Local), Assignment and Schedules
- B. FDB (Local), Admissions and Attendance: Intradistrict Transfer
- C. FL (Local), Student Records

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, advised that the revisions to DK (Local) provide clarification on supplemental duties. The revisions to FDB (Local) deal with the addition of language from FE (Local) that affects special education students.

Dr. Roark questioned the additional language added to FDB (Local) that addresses special education students being placed in a program designated by the ARD (admission, review, and dismissal) committee and expressed concern about the District moving students without the agreement of the parents.

Dr. Anzaldúa advised that a parent has to be involved in every ARD and provide informed consent and that the requirement is codified in special education regulations which the District must follow. Ms. Marsha Lawler, Associate Superintendent, Curriculum, Instruction and Assessment (CI&A), advised that FDB (Local) stipulates that the appropriate associate superintendent will notify Pupil Services if a special education student is transferred.

Discussion followed on parents not having correct information; providing information on Board policy that addresses parental consent to special education placements as determined by ARD committees; bringing the proposed revision to FDB (Local) back to the Board; and providing information to parents regarding parent advocates.

Mr. Villalobos advised that the revisions to FL (Local) provide alignment with FL (Legal).

Dr. Roark commented on the revised language dealing with an administrator, nurse, or teacher viewing a student's medical records and questioned whether a confidentiality statement requirement was contemplated for this policy.

Mr. Safi advised the administrator, nurse, and teacher positions mentioned in the policy are obligated by their respective codes of ethics to maintain the confidentiality of a student's medical records. He stated that placing this language in Board policy imposes the obligation by the Board of Trustees in addition to the licensing boards.

Ms. Gonzalez and Dr. Roark recommended that the Superintendent and legal counsel develop language to be included in FL (Local) that relates to a confidentiality statement.

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that the revisions to Board Policies DK (Local), Assignment and Schedules; FDB (Local), Admissions and Attendance: Intradistrict Transfers; and FL (Local), Student Records, be approved as presented (copy attached to the permanent file of these minutes), with language regarding the signing of a student information confidentiality statement being added to FL (Local) and information being brought back to the Board on parental consent being required before a special education student's placement is changed.

Re-Coding of Board Policy EMC (Local), Miscellaneous Instructional Policies: Graduation Exercises to EIG (Local), Academic Achievement: Commencement (Item #13)

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, advised that EMC (Local) is being recommended for recoding to EIG (Local) as suggested by the Texas Association of School Boards. He stated that the language in the policy has been the practice utilized at District high schools commencement exercises over the last few years.

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that Board Policy EMC (Local), Miscellaneous Instructional Policies: Graduation Exercises, be recoded to EIG (Local), Academic Achievement: Commencement (copy attached to the permanent file of these minutes). Ms. Gonzalez was not present for the vote.

Purchase Orders for Computer Equipment Requiring Board Approval (Item #14)

Questions on PC Computers for Irvin High School, Purchase Order No. 210214 (\$28,776.00) (Item #14, H.)

Mr. Wever commented that the quotes received from Amherst Computer Products and Dell Marketing LLP are for different products. It was his opinion that the Dell computers from Dell Marketing LLP would be a better buy for the District than the Compaq computers from Amherst Computer Products.

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the following purchase orders be approved to the recommended vendors in the amounts indicated:

- A. Apple Computers for Canyon Hills Middle School, Purchase Order No. 209502 (\$17,760.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$17,760.00 (copy of purchase order attached to the permanent file of these minutes).
- B. Apple Computers for Franklin High School, Purchase Order No. 209617 (\$7,992.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$7,992.00 (copy of purchase order attached to the permanent file of these minutes).
- C. Apple Computers for Austin High School, Purchase Order No. 210163 (\$12,544.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$12,544.00 (copy of purchase order attached to the permanent file of these minutes).
- D. Apple Computers for Logan Elementary School, Purchase Order No. 210317 (\$8,880.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$8,880.00 (copy of purchase order attached to the permanent file of these minutes).
- E. Apple Computers for Wiggs and Charles Middle Schools, Purchase Order No. 210398 (\$24,864.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$24,864.00 (copy of purchase order attached to the permanent file of these minutes).

- F. Apple Computers for Silva Health Magnet High School, Purchase Order No. 210459 (\$7,104.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$7,104.00 (copy of purchase order attached to the permanent file of these minutes).
- G. PC Computers for Coronado High School, Purchase Order No. 209765 (\$14,666.16), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$14,666.16 (copy of purchase order attached to the permanent file of these minutes).
- H. PC Computers for Irvin High School, Purchase Order No. 210214 (\$28,776.00), subsequently assigned Purchase Order No. 214331, which replaces Purchase Order No. 210214 to Amherst Computer Products, were approved for purchase from Dell Marketing LP, in the amount of \$29,412.06 (copy of purchase order attached to the permanent file of these minutes).
- I. Printers for Irvin High School, Purchase Order No. 210215 (\$5,987.92), were approved for purchase from ICHI Corporation, the lowest quote, in the amount of \$5,987.92 (copy of purchase order attached to the permanent file of these minutes).

Discussion and Possible Action on EPISD School Bus Advertising Program (Item #15)

Mr. Hector Martinez, Associate Superintendent of Operations, stated that the School Bus Advertising Program is a revenue generating proposal which, if it meets expectations and the past performance at other school districts, will augment the Transportation budget or other budgets within the Operations Unit. He presented three options regarding a proposed advertising program for the EPISD. The Board can reject the proposal, direct the District to manage an in-house program, or hire a marketing firm to manage an advertising program for the District. Mr. Hector Machorro, Director of Transportation, recommended that a competent marketing firm be hired to manage the program due to the District not having the marketing expertise necessary to manage a national advertising program nor the funds to provide for a full-time employee dedicated to a marketing effort. He advised that the potential revenue that might be generated in a typical advertising cycle is \$490,941.00.

Mr. Martinez advised that with the Board's authorization, an RFP (request for proposal) will be issued for marketing firms. After responses are evaluated, a recommended contract award will then be brought back to the Board for approval.

It was moved by Mr. Telles and seconded by Mr. Rosales that the administration be authorized to issue an RFP (request for proposal) for the services of a marketing firm to manage a school bus advertising program for the El Paso Independent School District and that a recommendation be brought back to the Board at a future meeting.

Responding to a concern expressed by Dr. Finke, Mr. Safi provided information on prohibiting certain types of advertising. He stated that the District could possibly regulate the advertising in a manner similar to current language in Board Policy GKB (Local), which deals with advertising in schools.

There was discussion on the motion only authorizing the issuance of an RFP and reporting back to the Board; the District only being allotted 30 percent of the advertising revenue; and negotiating a higher percentage of revenue for the District.

Mr. Wever called for the question. Upon the vote, the motion carried with Ms. Gonzalez and Dr. Roark voting against the motion.

Status Report on Exclusive Beverage Services Contract (Item #16)

Dr. Anzaldua commented on the January 9, 2001, Board meeting, and the Board directing the administration to meet with representatives of the vending companies and various health-related groups and coming back to the Board with recommendations on product choices to be made available to students. Dr. Anzaldua stated that a compromise had been reached by all parties.

Mr. Hector Martinez, Associate Superintendent of Operations, provided information on meetings that he; Dr. Anzaldua; and Ms. Nancy Nordell, Director, Food Services, had with representatives of the El Paso Diabetes Association, the Paso del Norte Health Foundation, and the Coordinated Approach to a Child Health (CATCH) Program to discuss health-related issues associated with the District's campus vending program. Mr. Martinez advised that after considering all input, the administration recommends that the following criteria be established as minimum guidelines for the District's campus vending program and any possible beverage contract that the Board might consider: (1) the vending machine sales to students at the kindergarten through eighth grade level be confined to after-school hours; (2) carbonated soft drinks be eliminated from all vending machines available to students at the kindergarten through eighth grade level, with the menu being limited to fruit drinks, water, and similar products; (3) vending machines in teacher faculty lounges contain a full complement of vendor offerings and be properly secured against student access; and (4) vending machines at the high school level contain the full complement of vendor offerings.

Mr. Martinez stated that subject to the above guidelines, the responding vendors will be contacted to confirm their previous proposals and, if still valid, will be resubmitted to the Board for consideration. If the proposals are not valid, the vendors will be given the revised criteria and the RFP (request for proposal) will be revised and re-advertised, if directed by the Board. He added that rather than having a ten-year exclusive contract, the administration recommends that the Board consider a five-year contract. In addition, Mr. Martinez recommended the establishment of advisory committees and involving students, parents, educators, and the community at large in an educational program to promote healthy nutritional habits.

There was discussion on the rationale for not including middle school grades for carbonated drinks; the differences between exclusive contract periods of two, five, or ten years; the sugar content of fruit drinks; and addressing the nutritional value of beverages.

Responding to a question from Ms. Gonzalez, Ms. Nordell provided information on the need for the District to develop a nutrition policy and work towards a healthy school nutrition environment. She advised against a long-term contract, which would limit the District's ability to make changes and promote healthy beverage choices.

It was moved by Ms. Gonzalez and seconded by Miss Garcia that the Board approve a nonexclusive beverage contract not to exceed two years, that vending machines in elementary, middle, and high schools be restricted to water, 100 percent fruit juices, or 1 percent or skim milk products; that vending machines with a full complement of products be restricted to teacher lounges; and that an advisory committee be established in order to continue dialog on the promotion of a healthy nutritional environment.

The following people requested to speak to this item:

1. Ms. Muriel Hall, Executive Director, El Paso Diabetes Association, spoke about health issues and difficult decisions that need to be made to resolve nutritional options for children.
2. Mr. Randy Majors, Pepsi™, spoke about the guaranteed funding that was proposed with a ten-year exclusive contract and the guarantee that carbonated soft drinks will be restricted from elementary schools.
3. Mr. John Chavarria, Magnolia Coca Cola™ Bottling Co., spoke in favor of a shared environment for soft drink vending machines at the campuses and the funding to be realized.
4. Mr. Raul Garcia was not present when called to speak.
5. Mr. Gene Gaona, Gatorade™ Company, spoke about Gatorade™ currently being available at all District schools, it being USDA/FDA approved, and allowing the product to be included in the drink menu for the schools.

There was further discussion on the status quo (relating to vending machines) being unacceptable; the funds derived from a long-term exclusive contract being earmarked for the EPISD Fund; the greater cost in the future due to the health issues related to carbonated beverages; eliminating vending machines from elementary and middle school only; eliminating vending machines from all campuses; determining the product line for children; and working both exclusivity and a shared environment into the RFP to determine the earnings to be gained through each.

Dr. Roark offered as an amendment to the motion that an advisory committee be established in order to continue the dialog on promoting a healthy nutritional environment, which would include a recommendation on whether there should be another RFP and whether exclusivity or a shared environment should be considered.

Ms. Gonzalez did not accept the amendment, but Mr. Telles seconded the amendment.

Upon the vote, the amendment carried with Dr. Finke, Mr. Rosales, Mr. Telles, and Dr. Roark voting in favor of the amendment and Ms. Gonzalez, Miss Garcia, and Mr. Wever voting against the amendment.

The amended motion reads as follows:

that the Board approve a nonexclusive beverage contract not to exceed two years; that vending in elementary, middle, and high schools be restricted to water, 100 percent fruit juices, and 1 percent or skim milk products; that vending machines with a full complement of products be restricted to teacher lounges; and that an advisory committee be established in order to continue dialog on promoting a healthy nutritional environment, which would include a recommendation on whether there should be an additional RFP and whether exclusivity or a shared environment should be considered.

Upon the vote, the motion, as amended, failed with Dr. Roark, Mr. Telles, and Mr. Rosales voting in favor of the motion and Mr. Wever, Miss Garcia, Ms. Gonzalez, and Dr. Finke voting against the motion.

It was moved by Mr. Wever that the Board direct the administration to issue an RFP (request for proposal) that will limit carbonated drinks to high schools only and request responses on exclusive and shared environments for three-, five-, and ten-year periods. The motion died for a lack of a second.

It was moved by Ms. Gonzalez and seconded by Miss Garcia that the Board codify a new Board policy to be brought back to the Board in two weeks, with strict language regarding a beverage contract that will be non-exclusive; that will not exceed two years; that will provide water, 100 percent fruit juices, and 1 percent or skim milk products to be available to students in elementary, middle, and high schools; that will provide a full complement of products in teacher lounges at all grade levels, with restricted access to students; and that dialog be continued through an advisory committee on changes and additions to the product menu. Upon the vote, the motion failed with Ms. Gonzalez voting in favor of the motion.

It was moved by Dr. Finke and seconded by Miss Garcia that the Board codify a new Board policy to be brought back to the Board in two weeks, with strict language regarding a beverage contract that will be non-exclusive; that will not exceed two years; that will provide water, 100 percent fruit juices, and 1 percent or skim milk products to be available to students in elementary and middle schools; that will provide a full complement of products to students in the high schools and in teacher lounges at all grade levels, with restricted access to students in elementary and middle schools; and that dialog be continued through an advisory committee on changes and additions to the product menu. Upon the vote, the motion carried with Dr. Finke, Mr. Rosales, Dr. Roark, Ms. Gonzalez, and Miss Garcia voting in favor of the motion and Mr. Telles and Mr. Wever voting against the motion.

Reconsideration of Vote Regarding EPISD School Bus Advertising Program (Item #15)

It was moved by Dr. Finke, seconded by Miss Garcia, and carried unanimously that the Board reconsider the vote that the administration be authorized to issue an RFP (request for proposal) for the services of a marketing firm to manage a school bus advertising program for the El Paso Independent School District and that a recommendation be brought back to the Board at a future meeting.

Ms. Gonzalez requested that the Board consider beginning a dialog about what is acceptable advertising for school buses.

It was moved by Ms. Gonzalez, seconded by Dr. Finke, and carried unanimously that the Board direct the administration to develop a Board policy on what is appropriate advertising for school buses that is respectful and within the mission of the District.

Mr. Safi clarified that the intent of the motion is not to disturb the prior action regarding the development of an RFP (request for proposal).

Item Withdrawn

It was announced that item no. 17, A., Grievance Hearing – John Carpenter and Robert Smith, Teachers, Coronado High School, had been withdrawn from the agenda.

Meeting Closed (Item #17)

The meeting was recessed at 10:37 p.m. to a closed meeting by Dr. Roark under Sections 551.071 and 551.074 of the Texas Government Code as follows:

B. Personnel Appointment – Principal, Clendenin Elementary School

C. Consultation with Attorney Regarding Pending Litigation – Cecilia M. Chavez, Nora Montez, and Jose Rosales v. El Paso Independent School District; Cause No. 98-3002; County Court at Law No. 3, El Paso County, Texas

The closed meeting started at 10:45 p.m. The closed meeting ended at 11:17 p.m.

Meeting Opened

The meeting was reassembled at 11:17 p.m. in Open Session.

Personnel Appointment – Principal, Clendenin Elementary School (Item #17, B.)

It was moved by Mr. Telles, seconded by Mr. Wever, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Ruben Acosta, Assistant Principal at Johnson Elementary School, to the position of Principal at Clendenin Elementary School. Dr. Finke was not present for the vote.

Consultation with Attorney Regarding Pending Litigation – Cecilia M. Chavez, Nora Montez, and José Rosales v. El Paso Independent School District; Cause No; 98-3002; County Court at Law No. 3, El Paso County, Texas (Item #17, C.)

It was moved by Mr. Telles, seconded by Ms. Gonzalez, and carried unanimously that the Board authorize Ms. Rosemary Marin and the law firm of Robles, Bracken, Coffman & Hughes, LLP to mediate the Cecilia M. Chavez, Nora Montez, and José Rosales case and that the results of the mediation be brought back to the Board for final approval. Dr. Finke was not present for the vote. Mr. Rosales recused himself from the vote.

Meeting Adjourned

The meeting was adjourned at 11:20 p.m.

Date Approved: June 26, 2001