

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
April 11, 2000  
6:00 p.m.  
Education Center-Boeing

Present     Mrs. Ada Gonzalez-Peterson, Vice President  
               Dr. Gene Finke<sup>1</sup>  
               Miss Leonor Garcia  
               Mr. Joe Rosales  
               Mr. Dan Wever  
               Dr. Gilberto Anzaldua, Superintendent  
               Mr. Anthony Safi, School District Attorney

Absent:     Dr. Charles Roark, President  
               Mr. Richard Telles, Secretary

In the absence of the Board President, the meeting was called to order at 6:02 p.m. by Mrs. Gonzalez-Peterson. The Pledge of Allegiance was led by Mr. Rosales. Mr. José Ontiveros, Associate Superintendent, Human Resources, gave the Thought for the Day.

Recognition of All-State Band, Orchestra, and Choir Students (Item #1)

Twenty-five EPISD music students were recognized by the Board of Trustees for having participated in All-State competition at the Texas Music Educators Association convention in San Antonio, Texas, February 12, 1999. Recognition was also extended to the students' instructors. A list of the names of All-State Band, Orchestra, and Choir students is attached to the permanent file of these minutes.

Recognition of 2000 El Paso Student Art Award Winners (Item #2)

Three EPISD high school art students were recognized by the Board of Trustees for receiving awards at the 2000 El Paso Student Art Awards competition. The winners were as follows: Alex Alvarado, Jefferson High School/Center for Career and Technology Education, winner of the Graphic Arts Scholarship Award; Amanda Venable, Franklin High School, winner of the International Association for the Visual Arts Scholarship Award; and Vanessa Michel, Franklin High School, winner of the El Paso Art Association Scholarship Award. Recognition was also extended to the students' art instructors. Each student was presented with an engraved plaque and congratulated individually by Dr. Anzaldua and the Board of Trustees.

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<sup>1</sup> Dr. Finke departed at 7:35 p.m., following discussion of Item #10.

Presentation of McKinney Homeless Education Program Award to EPISD (Item #3)

Dr. James Vasquez, Executive Director, Region 19 Education Service Center, introduced Mr. Tim Stalkey, Program Coordinator for the Homeless Education Project at the Charles A. Dana Center at the University of Texas at Austin. Mr. Stalkey presented an engraved plaque to the EPISD on behalf of the Texas Education Agency, Region 10 Education Service Center, and the Charles A. Dana Center in recognition of the outstanding service provided to students in homeless situations. Ms. Rose Tarin, EPISD's Program Liaison at Region 19 ESC, was also recognized and presented with an engraved plaque.

Awards to March Employees of the Month (Item #4)

Ms. Shaleah Rose, fifth-grade humanities teacher at Guerrero Elementary School, was recognized by the Board of Trustees as March's Certified Employee of the Month; and Ms. Virginia Arellano, senior clerk at Aoy Elementary School, was recognized as March's Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$150.00.

Public Forum (Item #5)

The following people requested to speak on Open Forum:

1. Mr. Vitali Mishkind spoke about the presentation by UTEP (University of Texas at El Paso) representatives at the March 28, 2000, Board meeting regarding the Urban Systemic Program and the teaching of math.
2. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about secretarial and clerical reassignments and referenced Board Policies DC (Regulation) and DK (Regulation), which stipulate the process for the reassignment of personnel.

Presentation and Possible Action Regarding Boundary Lines Between EPISD and Canutillo ISD (Item #6)

Mr. Douglas Schwartz, President, Sierra Hills Joint Venture (SHJV), presented information regarding a requested boundary adjustment for a parcel of land that straddles the common boundary line of the EPISD and Canutillo ISD. Mr. Schwartz stated that the SHJV requests that this entire parcel of land be included in the EPISD.

Mr. Safi explained that the boundary lines can be detached from one school district and annexed by another in one of two ways. If the property in question has no residents, then (1) the two school districts can simply agree to the land being transferred to the EPISD, providing it does not exceed 1/10 of 1 percent of the total value of all property in the Canutillo ISD; and (2) if the Canutillo ISD is not agreeable to the transfer, the landowner must submit a petition to each of the school district's Board of Trustees requesting the adjustment. Once the petition is accepted and the metes and bounds description verified, the school districts need to post the matter for a public hearing.

Mr. Safi advised that it might be feasible for the Board to post one public hearing for this request and the one presented to the Board at the March 28, 2000, meeting. He stated that the EPISD Board can grant both requests and agree to the changes, subject to the agreement of the Canutillo ISD; or it can accept the petitions, subject to the verification of the metes and bounds description. If the Canutillo ISD does not agree to the change by consent, then the public hearing would be scheduled.

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board agree to the changes to the boundary lines between the EPISD and the Canutillo ISD as proposed by Mr. Douglas Schwartz, President of the Sierra Hills Joint Venture, subject to the agreement by the Canutillo ISD Board of Trustees; accept the petitions, subject to the verification of the metes and bounds descriptions; and schedule a public hearing if the Canutillo ISD does not agree to the changes.

Consent Agenda (Item #7)

The following item was pulled from the Consent Agenda for discussion as follows:

Mr. Wever - Item 7, C., 1., Bids Requiring Board Approval - Kitchen Equipment Bid #09-00 (\$145,047.00)

Bids Requiring Board Approval - Kitchen Equipment Bid #09-00 (\$145,047.00)  
(Item #7, C., 1)

The following people requested to speak to this item:

1. Mr. George Veytia, Jr., Vice President, Border Restaurant Supply Company, spoke about his company submitting the low bid on alternate brands on this bid and two other previous kitchen equipment bids and not receiving the awards.
2. Mr. Bruce Gulbas, President, National Restaurant Supply, provided a history of his company and spoke about his company being the low bidder on the items as specified in this bid.

Mr. Hector Martinez, Associate Superintendent of Operations, advised that there is disagreement on the interpretation of the "or equal" clause in this bid, the product "as specified" by staff, and the alternate product submitted by Border Restaurant Supply Company. He stated that after a review of the products submitted by the bid respondents, the Food Services staff concluded that the alternate product submitted by Border Restaurant Supply Company is not equal to the specifications.

Ms. Nancy Nordell, Director of Food Services, stated that the decision on the bid award was based on cost, maintenance, durability, the warranty, and service coverage.

Discussion followed on the maintenance records of existing equipment; the bid specifications; providing additional information on how the specifications were determined; and relying on the expertise of the District's professional staff to determine the needs and products for the schools.

It was moved by Mr. Rosales and seconded by Mr. Wever that the Board postpone action on item no. 7, C., 1., Kitchen Equipment Bid #09-00 (\$145,047.00), until the next Board meeting on April 25, 2000. Upon the vote, the motion carried, with Mr. Rosales, Miss Garcia, and Mr. Wever voting in favor of the motion and Dr. Finke and Mrs. Gonzalez-Peterson voting against the motion.

It was moved by Mr. Wever, 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, with the exception of item no. C, 1.

A. Construction Contract Awards

The Board approved the award of the following construction contracts, subject to the review and approval of the District's attorney, to the recommended construction contracting firms for the construction/installation of the projects described for the amounts indicated:

1. Elevator Addition at Henderson Middle School, #99.712 (\$98,750.00) was awarded to ESA Construction Co. of Texas, Inc. in the amount of \$98,750.00.
2. Band Room Ramp – Magoffin Middle School, #00.739 (\$26,466.00) was awarded to D. W. Graham Construction Co. in the amount of \$26,466.00.
3. Asbestos Abatement, Phase 11.0, #00.816 (\$200,000.00) was awarded to Darla Southwest, Inc. in the amount of \$200,000.00.
4. Districtwide Gas Piping Pressure Testing/Replacement, #00.832 (\$250,000.00) was awarded to Mustang, Inc. in the amount of \$250,000.00, with the technicality of Mustang, Inc. submitting a bid bond with the incorrect company name being waived.

B. Approval of Budget Amendments

The Board approved the following amendments to the 1999-2000 fiscal year budget:

1. Carl D. Perkins Basic Grant Formula for Career and Technology (\$48,823.00). The purpose of this item is to increase the budget for the Carl D. Perkins Grant Formula for Career and Technology Education in the amount of \$48,823.00. Richard Perez, Director of Career and Technology Education, requested this amendment in a memo dated March 6, 2000. This grant was approved by the Texas Education Agency on February 16, 2000.
2. Investment Capital Fund Grant 1999-2001 (\$40,000.00). The purpose of this item is to set up the budget for the Investment Capital Fund Grant 1999-2001 in the amount of \$40,000.00. Bob Mena, Director of External Funding, requested this amendment in a memo dated March 14, 2000. This grant was approved by the Texas Education Agency on March 6, 2000.

3. IDEA-B Formula (\$284,158.00). The purpose of this item is to increase the budget for the IDEA-B Formula grant in the amount of \$284,158.00. Dr. Margaret Johnson, Executive Director of Special Services, requested this amendment in a memo dated March 6, 2000. This grant was approved by the Texas Education Agency on February 24, 2000.
4. IDEA-B Preschool (\$15,644.00). The purpose of this item is to increase the budget for the IDEA-B Preschool grant in the amount of \$15,644.00. Dr. Margaret Johnson, Executive Director of Special Services, requested this amendment in a memo dated March 6, 2000. This grant was approved by the Texas Education Agency on February 24, 2000.
5. IDEA-B Capacity Building & Improvement (\$8,901.00). The purpose of this item is to increase the budget for IDEA-B Capacity Building & Improvement in the amount of \$8,901.00. Dr. Margaret Johnson, Executive Director of Special Services, requested this amendment in a memo dated March 6, 2000. This grant was approved by the Texas Education Agency on February 24, 2000.

C. Bids Requiring Board Approval

2. School Furniture Bid #115-00 (\$90,582.90) was awarded to the following vendors in the amounts indicated: Business Interiors, Items 3, 4, 6, 20 and 22, \$14,550.00, net; Corporate Express, Items 13 and 14, \$6,693.80, net; U. S. Office Products, Item 21, \$4,140.00, net; and Virco, Items 1, 2, 5, 7-12 and 15-19, \$65,199.10, net, for a total amount of \$90,582.90 (copy of bid tabulation attached to the permanent file of these minutes).

D. March Personnel Report

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

Discussion and Possible Action on Revision to Board Policy DFCA (Local), Continuing Contracts: Suspension/Termination (Item #8)

Dr. Yolanda Rey, Associate Superintendent, Policy and Planning, reviewed the proposed revisions to DFCA (Local). She advised that the policy has been revised to include new sections on the reduction in force process.

It was moved by Dr. Finke, seconded by Mr. Wever, and carried unanimously that revisions to Board Policy DFCA (Local), Continuing Contracts: Suspension/Termination, be approved as presented (copy attached to the permanent file of these minutes).

Approval of Grant Proposal Submitted Through Rio Grande Council of Governments for Delta Academy Juvenile Justice Alternative Education Program (Item #9)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board approve the grant proposal submitted through the Rio Grande Council of Governments for funding from the Juvenile Justice Delinquency Prevention Act Fund for the Delta Academy Juvenile Justice Alternative Education Program in the amount of \$10,336.00.

## Work Hours for Elementary Clerical and Paraprofessional Employees (Item #10)

The following person requested to speak to this item:

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about the previous pay scale and the Mercer scale for high school and elementary clerical employees and requested that wage rates be reviewed on an individual basis if inequities still exist.

Mr. Joe Loya, Deputy Superintendent, reviewed the existing practice of paying elementary clerks and paraprofessional for 40 hours per week when they are actually on duty for only 37.5 hours. He advised that this practice arose from a grievance which is costing the District approximately \$540,000.00 annually. He stated that because sick leave is accrued at 8 hours per day, the elementary campuses are also running into bookkeeping problems. Mr. Loya advised that the Department of Labor (DOL) is scheduled for a follow-up audit to check the District's accounting procedures and that the different treatment provided to this classification of employees is a concern.

Mr. Safi provided background information on the context of the grievances and the previous Board's decision to approve the 7.5-hour workday. He stated that the Board, at that time, considered evidence that many of these employees worked through lunch and, therefore, believed this was a fair resolution. Mr. Safi advised that this and every other category of hourly employees should be paid on the basis of hours actually worked.

Discussion followed on the implementation of sign-in sheets for all hourly employees; the rate of pay for elementary clerical and paraprofessional employees when the District moved to the Mercer Scale in 1991-92; paying for work not performed being a gift of public funds; and the administration providing information to the Board on the hourly rates for these employees when switched to the Mercer Scale.

The following person also requested to speak to this item:

2. Ms. Margie LaPuma, President, Education Support Personnel-El Paso/TSTA, spoke against reducing pay for the hours worked by the paraprofessionals.

Discussion continued on the elementary clerks and paraprofessionals being guaranteed a 40-hour work week; July 1, 2000, being the effective date to implement the eight-hour workday for these employees; and conducting an overall study of wages and comparable market values for positions.

It was moved by Dr. Finke and seconded by Mr. Rosales that the prior practice of paying certain employees for eight hours, even though they were on duty for seven and one-half hours, be rescinded and that the Board approve all hourly employees being compensated for time actually worked, effective July 1, 2000. Upon the vote, the motion carried with Mr. Wever voting against the motion.

### Departure of Board Member

Dr. Finke departed the meeting at 7:35 p.m. and was not present for any subsequent action taken by the Board of Trustees.

Proposed Signing Bonuses for New Teachers for 2000-2001 School Year (Item #11)

Mr. Joe Loya, Deputy Superintendent, advised that there is strong competition among school districts for quality teachers graduating from local universities. He reviewed some of the recruiting techniques used by local and state school districts to attract teachers and stated that the District's proposed incentives can be funded from current salary savings.

Dr. Anzaldua provided a comparison of the number of teachers hired by the District and the number of graduates available each year and discussed the competition among local school districts for teachers; the need for the District to work with teacher training institutions to provide formal career training for paraprofessionals; the anticipated teacher retirements over the next three to five years; and providing EPISD interns with incentives to remain with the District.

Mr. Loya advised that the District's teacher demographics are similar to other school districts across the state and recommended that the proposed signing bonus be subject to a teacher committing to remain with the District a minimum of two years. The bonus payment will be made when a teacher actually starts the school year or attends the new teacher orientation session, at which time a lump sum payment will be made.

There was discussion on the shortage of substitutes; centralizing staff development and limiting it to certain days; bringing specific language on the minimum time requirements for the signing bonuses back to the Board; the bonuses being applicable to new teachers already committed to the District for the 2000-2001 school year; and the need for the District to recruit more aggressively.

It was moved by Mr. Rosales, seconded by Mr. Wever, and carried unanimously that the Board approve a one-time signing bonus of \$2,000.00 for newly-hired mathematics and science teachers and a one-time signing bonus of \$1,000.00 for all other newly-hired teachers for the 2000-2001 school year provided payments are made in compliance with legal requirements.

Presentation of Prevailing Wage Rate Survey and Approval of Prevailing Wage Rates for Construction Projects (Item #12)

Mr. Hector Martinez, Associate Superintendent of Operations, advised that this presentation was in response to the Board's request that a wage rate survey be conducted to determine prevailing wage rates for public works construction projects administered by the EPISD. He advised that the District's last wage rate scale was published in March 1994 and that the prevailing wage rates as determined by the U. S. Department of Labor, in accordance with the Davis-Bacon Act, cannot be used because there had been no update within the last three-year period. Therefore, a survey was conducted.

Mr. Martinez reviewed the Texas General Services Commission methodology that was used to determine the proposed prevailing wage rates for EPISD. He advised that the data was forwarded to Research and Evaluation for tabulation and analysis, and the prevailing wage rates were calculated as the weighted-average of all wages reported for each individual job classification. He stated that the proposed wage rate schedule represents an average increase of approximately 17.4 percent for all job classifications combined as compared to the March 1994 rates. Individually, the rate increases vary from zero to 79 percent. Mr. Martinez advised that fringe benefits are calculated into the prevailing wage rates that are recommended for approval.

Discussion followed on the comparative information provided in Tables 2 and 3 of the background information provided to the Board and postponing action on the prevailing wage rates until the information can be shared with the public.

The following people requested to speak to this item:

1. Mr. Ed Anderson, representative of AGC (Associated General Contractors) and President of Diversified Interiors, Inc., commended EPISD staff on the wage rate survey and spoke in favor of adopting the prevailing wage rates as recommended. He also recommended adding language to the contracts regarding an apprenticeship program.
2. Mr. Hector Arellano, representative of the El Paso Building and Construction Trades and Business Manager for Electrical Workers Local 583, spoke in favor of the wage rate survey process but suggested a review of the survey and wage rates.

It was the consensus of the Board that the administration provide detailed information to the public regarding the proposed prevailing wage rates and that the item be brought back to the Board on April 25, 2000.

Construction Contract Awards (Item #13)

A. Mold Remediation HVAC System Improvements – Charles Middle School, #99.715 (\$1,494,685.00)

Mr. Nick Corona, Director, Planning, Engineering and Construction, advised that the apparent low bidder on this construction contract requested the withdrawal of its bid and bid bond. Mr. Safi added that the due to a material error, the bid amount quoted by the apparent low bidder was approximately \$170,000.00 lower than what was intended. He stated that the Texas Government Code stipulates that once a bid has been opened, it may not be changed. Mr. Safi advised that the Board has the authority to reject all bids and to direct that the project be re-bid.

Mr. Hector Martinez, Associate Superintendent of Operations, stated that it is not accepted practice in the industry to put a project out for re-bid without a change in the scope or extent of the work. Once a bid is opened, bidders know all the quoted numbers for that particular scope of work. Mr. Martinez stated that the plans and specifications were prepared in strict accordance with the recommendation of the District's indoor air quality consultants. He advised that if directed by the Board, the scope of work will be revised but a re-bid will delay the completion of the work.

It was moved by Mr. Wever and seconded by Mr. Rosales that the Board reject all bids for Project No. 99.715, Mold Remediation HVAC System Improvements – Charles Middle School, and that the administration be directed to re-bid the project. Upon the vote, the motion carried with Mrs. Gonzalez-Peterson voting against the motion.

B. ADA/504 Compliance 1999, Phase 1 – Fannin, Johnson, Western Hills Elementary Schools and Austin and El Paso High Schools, #00.765 (\$73,400.00)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board approve the award of Construction Contract #00.765, ADA/504 Compliance 1999, Phase 1 – Fannin, Johnson, Western Hills Elementary Schools and Austin and El Paso High Schools, subject to the review and approval of the District's attorney, to JMZ Contractors, Inc. in the amount of \$73,400.00 and waive the technicality of JMZ Contractors, Inc. failing to acknowledge Addendum No. 1 on their bid and not submitting a current copy of the Contractor's Qualification Statement, AIA A305, at least ten days prior to the receipt of bids; and allow the withdrawal of the bid and bid bond submitted by JSE Construction, LLC, due to a material mistake.

Approval of Procurement/Delivery Methods for Contracts Over \$25,000.00 (Item #14)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board approve the procurement/delivery methods recommended for solicitation of projects listed, subject to the review and approval of the District's attorney, and authorize the advertisement and issuance of relevant documents to prospective bidders/proposers.

- A. The competitive bid process was approved for Education Center (Boeing and Downtown) Telephone Moves, Adds & Changes (MACs) and Repairs, #00.429.
- B. The job order contract process was approved for Districtwide Gas Piping Pressure Testing/Replacement, Phase 2, #00.888.

Employee Conflict of Interest Report and Approval of Employees' Disclosure of Interest in a Business Entity Affidavits (Item #15)

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the Board approve the Employees' Disclosure of Interest in a Business Entity affidavits as presented.

Bids and Purchase Orders Requiring Board Approval (Item #16)

- A. Football, Volleyball, & Cross Country Equipment Bid #07-00 (\$113,505.97)

It was moved by Mr. Rosales, seconded by Mr. Wever, and carried unanimously that Football, Volleyball, & Cross Country Equipment Bid #07-00 be awarded to the following vendors in the amounts indicated, with item nos. 12 and 134 being awarded to Athletic Supply and item no. 119 being awarded to Athlete's World, pursuant to the tie-breaking procedure: Alert Services, Items 28, 32-34, 41, 111, and 118, \$2,167.80; Athlete's World, Items 14, 20, 21, 23, 24, 26, 27, 44, 45, 47, 48, 52-54, 76-80, 87, 89, 103, 108, 109, 119, 121, 127-131, and 133, \$21,235.20; Athletic Supply, Items 1-10, 12, 22, 29-31, 35, 38-40, 42, 43, 55, 57-59, 70-72, 74, 75, 81-83, 93-97, 104-107, 112-117, 120, 122-126, 132, and 134, \$81,488.10; Baden Sports, Items 73 and 85, \$403.65; Gardenswartz, Items 11, 36, 37, 46, 50, 51, 66, 84, 88, 98, 100, and 110, \$3,851.64; Healy Mfg., Items 15-17, 67, and 69, \$871.36; Riddell/All American, Items 13, 18, 19, 25, 56, 60, 61, 64, 65, and 102, \$3,200.34; and Sports Supply Group/BSN, Items 62, 63, 86, 99, and 101, \$287.88, for a total amount of \$113,505.97 (copy of bid tabulation attached to the permanent file of these minutes).

**B. Periodical Bid #13-00 (approx. \$125,000.00)**

Mr. Wever commented on only having responses from four librarians regarding the service provided by National Organization Service (NOS), the current periodical supplier, and the lack of information to substantiate the negative claims. Mr. Antonio Muñoz, Librarian, Professional Library, advised that NOS failed to deliver many of the periodicals to the various libraries and stated that the District has done business with and received good service from W. T. Cox Subscriptions, the recommended award.

Mr. Terry Freiburg, Director of Purchasing, explained that the comments provided from the librarians was only four representative responses from 15 that he received from Library Learning Resources (LLR). Following the completion of the bid, Sharon Carr, LLR facilitator, requested written documentation from the librarians to verify NOS's dissatisfactory service and, in turn, provided him the 15. Mr. Wever requested that data be kept on file when vendors do not provide acceptable service.

It was moved by Miss Garcia, seconded by Mr. Rosales, and carried unanimously that Periodical Bid #13-00 be awarded to W. T. Cox Subscriptions for the estimated annual amount of \$125,000.00 with net terms and an option to extend the contract for 24 additional months, 12 months at a time (copy of bid tabulation attached to the permanent file of these minutes).

**C. Pen, Pencil and Visual Aid Pens Bid #14-00 (\$28,689.96)**

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that Pen, Pencil and Visual Aid Pens Bid #14-00 be awarded to the following vendors in the amounts indicated, with item nos. 16 and 19 being awarded to Standard Stationary and item no. 20 being awarded to Pyramid, pursuant to the tie-breaking procedure: Pyramid, Items 1, 2, 4-15 and 20, \$26,086.32, net 30; Standard Stationary, Items 16-19, \$2,433.24, net 30; US Office Products, Item 3, \$170.40, net, for a total amount of \$28,689.96 (copy of bid tabulation attached to the permanent file of these minutes).

**D. Apple Computers for Hillside, Douglass, Whitaker, Fannin, Lamar, Hart, Beall, and Cooley Elementary Schools and Region 3 Secondary Schools, Purchase Order Nos. 184501, 185087, 185307, 185568, 185593, 186021, 186145, 186199 and 185767**

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that purchase orders to Apple Computer, the sole source, be approved for the purchase of Apple computers as follows in the amounts indicated: Hillside Elementary School, Purchase Order No. 184051, \$13,176.00; Douglass Elementary School, Purchase Order No. 185087, \$17,016.00; Whitaker Elementary School, Purchase Order No. 185307, \$14,988.00; Fannin Elementary School, Purchase Order No. 185568, \$12,490.00; Lamar Elementary School, Purchase Order No. 185593, \$21,640.00; Hart Elementary School, Purchase Order No. 186021, \$18,732.00; Beall Elementary School, Purchase Order No. 186145, \$15,184.00; Cooley Elementary School, Purchase Order No. 186199, \$6,643.00; Region 3 Secondary Schools, Purchase Order No. 185767, \$17,836.00, for a total amount of \$137,705.00 (copy of purchase orders attached to the permanent file of these minutes).

Questions on Printers and Equipment for Logan, Collins, and Hart Elementary Schools, Purchase Order Nos. 184221, 185690 and 186023 (\$36,363.00) (Item #16, E.)

Mr. Wever commented on lower prices being available for the printers on the Internet and the need to purchase equipment as a group rather than for each school/unit individually in order to obtain better pricing.

Discussion followed on bidding larger quantities to bring down the prices; bringing a change in the guidelines and philosophy on the purchase of computer equipment and peripherals to the Board; and being 60 days away from standardizing computer equipment purchases for the District.

It was moved by Miss Garcia, seconded by Mr. Rosales, and carried unanimously that the Board approve the remaining purchase orders under Item #16 to the recommended vendors for the amounts indicated:

- E. Printers and Equipment for Logan, Collins, and Hart Elementary Schools, Purchase Order Nos. 184221, 185690 and 186023 (\$36,363.00) were approved for purchase as follows: Logan Elementary School, Purchase Order No. 184221, from MacWarehouse in the amount of \$24,862.00; and Collins and Hart Elementary Schools, Purchase Order Nos. 185690 and 186023, from Desert Communications, in the amount of \$11,501.00, for a total amount of \$36,363.00 (copy of purchase orders attached to the permanent file of these minutes).
- F. Computers for Guillen Middle School, Purchase Order No. 184495 (\$75,518.58) were approved for purchase from Dell Marketing, L.P., the lowest quote, in the amount of \$75,518.58 (copy of purchase order attached to the permanent file of these minutes).
- G. PC Computers for Wiggs Middle School, Center for Career and Technology Education (CCTE), Coronado High School, and Alamo Elementary School, Purchase Order Nos. 185047, 185048, 185590, 186832 and 187049 (\$50,483.02) were approved for purchase as follows: Wiggs Middle School, Center for Career and Technology (CCTE), and Coronado High School, Purchase Order Nos. 185047, 185048, 185590 and 186832, from Dell Marketing, L.P., in the amount of \$39,114.52; and Alamo Elementary School, Purchase Order No. 187049, from IBM Corporation in the amount of \$11,368.50, for a total amount of \$50,483.02 (copy of purchase orders attached to the permanent file of these minutes).
- H. Computers for Crockett Elementary School, Purchase Order No. 186905 (\$47,168.00) were approved for purchase from Dell Marketing, L.P., the lowest quote, in the amount of \$47,168.00 (copy of purchase order attached to the permanent file of these minutes).

Meeting Recessed

The meeting was recessed at 8:41 p.m. The meeting was reconvened at 8:55 p.m.

Grievance Hearing – Cecilia C. Uribe, ESOL Teacher at Lincoln Middle School, on behalf of all EPISD ESOL Teachers (Item #17)

This grievance was heard by the Board on March 28, 2000, and remanded back to the administration in order to obtain additional information. Dr. Anzaldua reviewed the background of the grievance and stated that the Board was being provided new information on ESOL certification, the students being served at the 7 - 12 grade levels, and information on other questions raised on March 28, 2000. Mr. Ralph Yturralde, Executive Director, Employee Relations, reviewed the five additional items of information that had been requested by the Board.

Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, commented on teachers currently in the classroom that are working on their ESOL certification and stated that a shortage of ESOL teachers should not be the deciding factor for awarding a stipend. She stated that the grievance has always claimed that the ESOL teachers should receive a stipend due to the additional college credit and certification requirements for upper level ESOL classes.

Mr. Yturralde stated that the ESOL stipends in the 1996-97 school year were paid in increments of \$220.00 per class taught, up to \$1,100.00 for five classes. He advised that stipends were not paid due to the additional certification requirements but because of the shortage or lack of ESOL teachers at that time.

Ms. Marcia Brown, Director, Personnel Administration, explained a printout which lists all individuals that have applied for ESOL positions, active or inactive, over the past five years. She advised that some smaller school districts have implemented stipends due to the difficulty in attracting ESOL teachers to their district. She added that the EPISD currently has 28 ESOL applicants, and all of the applications for the next school year have not been received.

Dr. Lesa Provenghi, Certification Officer, provided information on the backlog at the State Board for Educator Certification on processing certification applications. No applications received after October 1, 2000, have been processed. She stated that ESOL certifications that are still pending are considered "certified" because the applications have been received. Those with alternative certifications are on probationary certificates, which the state deems as certified. Dr. Provenghi advised that there are 88 active emergency permits in the District, many of which were late hires as sections were added, and that parents were notified of the emergency permits.

Discussion followed on the rationale of a teacher becoming ESOL certified if no stipend is paid; the per-class stipend allotted to the ESOL teachers; the designation given to bilingual/ESOL teachers in other districts; the protocol which determines the number of ESOL classes to which a teacher is assigned; the discontinuance of the ESOL stipend being brought to the Board; and whether prior action by a Board can affect a current/future Board of Trustees.

Mr. Safi advised that the Board needs to determine whether it approved ESOL stipends in the summer 1999. Dr. Anzaldua stated that Human Resources notified the ESOL teachers in a timely manner that the stipends would be discontinued effective the 1999-2000 school year, which was pursuant to Board action taken in 1996-97. He advised that the 1999-00 budget did not include ESOL stipends.

It was moved by Mr. Rosales and seconded by Miss Garcia that the Board compensate the ESOL teachers for year 2000 in the form of a stipend due to the required additional certification in the specific area.

#### Meeting Closed

The meeting was recessed at 9:22 p.m. to a closed meeting by Mrs. Gonzalez-Peterson under Section 551.071 of the Texas Government Code for advice from legal counsel.

The closed meeting was opened at 9:35 p.m. The closed meeting ended at 9:48 p.m.

#### Meeting Opened

The meeting was reassembled in Open Session at 9:48 p.m.

Dr. Anzaldua recommended that the ESOL teacher grievance be denied but that the Board direct the Superintendent to incorporate a stipend of approximately \$2,200.00 for ESOL teachers, which will be considered as part of the budget process.

Mr. Rosales withdrew his motion and Miss Garcia accepted.

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the grievance filed by Cecilia C. Uribe on behalf of all EPISD ESOL teachers be denied and that the Superintendent be directed to incorporate an ESOL stipend for 2000-01 in an approximate amount of \$2,200.00 as part of the budget process.

Mr. Wever clarified that the stipend will be \$240.00 per class and that the teachers should be certified at the beginning of this school year in order to qualify for the stipend and that it be effective for one year.

#### Grievance Hearing – Rosezina Leal, Clerical Assistant 4, Occupational Center (Item #18, A.)

This item was posted for Closed Session, but the grievant requested that the hearing be held in Open Session.

Mr. Ralph Yturralde, Executive Director, Employee Relations, provided background information on the grievance filed by Ms. Rosezina Leal. Ms. Leal petitioned the Position Classification Advisory Committee (PCAC) in the spring 1999 to have her Clerical Assistant 4 position upgraded to a Level 5. The PCAC forwarded the proposed upgrade to the Texas Association of School Boards (TASB) for review, and it was recommended that the position remain at a Level 4. The PCAC reviewed the petition and also recommended that the position remain at Level 4, which was upheld by the (then) Interim Superintendent. It was at this time that Ms. Leal filed a grievance. Mr. Yturralde stated that a substitute clerk is currently assisting Ms. Leal at the Occupational Center and that the campus administrator has requested that the substitute position become permanent.

Ms. Rosezina Leal, Clerical Assistant 4, Occupational Center, provided her rationale for requesting an upgrade and reviewed the process she followed with the PCAC. She stated that when her petition went back to the PCAC, her supervisor, Ms. Francis Irvin, Principal, was not notified, and she did not have the opportunity to defend her position to the committee. Ms. Leal reviewed the duties she performs as the only clerical assistant on the campus.

Discussion followed on the difference between a specific job having a lot of duties and a job evolving into another level due to different work being performed; the review of the position by TASB; the pay level for business agents and secretaries in the high schools and middle schools; the special situation that exists at the Occupational Center; the pay levels of secretaries and business agents at the nine special schools in the District; and the need for additional clerical help at the Occupational Center.

It was moved by Mr. Wever and seconded by Mr. Rosales that the position of Clerical Assistant 4, Occupational Center, be upgraded to a Level 5.

Responding to questions from Mrs. Gonzalez-Peterson, Ms. Irvin provided information on the different tasks performed by Ms. Leal. She stated that the Occupational Center is unique due to its dealings with at-risk, special education, and high school-age students.

Discussion continued on the possibility of other grievances being filed; how campuses with Level 3 clerical assistants handle the job of the business agent; and the composition of the PCAC.

Mr. Wever amended his motion to state that there will be no retroactive pay and that the upgrade be effective as soon as possible. Mr. Rosales accepted the amendment.

The amended motion reads as follows:

that the position of Clerical Assistant 4, Occupational Center, be upgraded to a Level 5 as soon as possible with no retroactive pay.

#### Meeting Closed

The meeting was recessed at 10:15 p.m. to a closed meeting by Mrs. Gonzalez-Peterson under Section 551.071 of the Texas Government Code for advice from legal counsel.

The closed meeting was opened at 10:15 p.m. The closed meeting ended at 10:22 p.m.

#### Meeting Opened

The meeting was reassembled in Open Session at 10:22 p.m.

Mr. Wever further amended his motion to have the upgrade effective with the next pay period and subject to a conforming budget amendment to be brought back to the Board.

The amended motion reads as follows:

that the position of Clerical Assistant 4, Occupational Center, be upgraded to a Level 5, effective with the next pay period with no retroactive pay, subject to a conforming budget amendment to be brought back to the Board.

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

Meeting Closed (Item 18)

The meeting was recessed at 10:25 p.m. to a closed meeting by Mrs. Gonzalez-Peterson under Sections 551.071 of the Texas Government Code as follows:

- B. Consultation with Legal Counsel Regarding Adversary No. 99-3027; Donald S. Leslie, Chapter 7, Trustee, Plaintiff vs. El Paso County Tax Assessor Collector, Account No. S365-999-0110-2700
- C. Consultation with School District Attorney Regarding Pending or Contemplated Litigation
  - 1. Bankruptcy Proceeding and Contemplated Litigation Regarding D. J. Contractors, Inc. and Its Sureties, Capitol Indemnity Corporation, and others, Concerning EPISD PFFCO Projects, Phase 3, and other EPISD Construction Projects where D. J. Contractors is Involved
  - 2. Roshern J. Amie v. El Paso Independent School District, EEOC Charge No. 361 97 1064
  - 3. Joy Baggett, Petitioner vs. El Paso Independent School District, Respondent; Before the State Commissioner of Education, State of Texas

The closed meeting was opened at 10:27 p.m. The closed meeting ended at 11:00 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 11:00 p.m.

Consultation with School District Attorney Regarding Pending or Contemplated Litigation - Joy Baggett, Petitioner vs. El Paso Independent School District, Respondent; Before the State Commissioner of Education, State of Texas (Item #18, C., 3.)

It was moved by Mr. Rosales, seconded by Mr. Wever, and carried unanimously that the Board authorize the law firm, Mounce, Green, Myers, Safi & Galatzan, P.C., to represent the EPISD before the Commission of Education in the appeal by Joy Baggett.

Meeting Adjourned

The meeting was adjourned at 11:02 p.m.

Date Approved: June 13, 2000