

Minutes of Meeting of Board of Trustees
El Paso Independent School District
May 9, 2000
5:00 p.m.
Education Center-Boeing

Present: Dr. Charles Roark, President¹
Mrs. Ada Gonzalez-Peterson, Vice President²
Mr. Richard Telles, Secretary³
Dr. Gene Finke
Miss Leonor Garcia
Mr. Joe Rosales
Mr. Dan Wever
Dr. Gilberto Anzaldua, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:00 p.m. by Dr. Roark. The Pledge of Allegiance was led by Mr. Rosales. Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, gave the Thought for the Day.

Presentation of 30-, 35-, 40-, and 45-Year Service Award Pins (Item #1)

District employees who were employed by the EPISD for 30, 35, 40, and 45 years were recognized by the Board of Trustees and presented with service pins for their years of service. The names of the recipients are attached to the permanent file of these minutes.

Arrival of Board Member

Mrs. Gonzalez-Peterson arrived at 5:09 p.m. and was present for any subsequent action by the Board of Trustees.

Recognition of Retiree with Most Years of Service (Item #2)

Ms. Ernestina Garcia, teacher at Hart Elementary School, was recognized by the Board of Trustees for 45 years of service to the El Paso ISD. Ms. Garcia was presented a check in the amount of \$200 in recognition of her years of service to the District.

Public Forum (Item #3)

The following people requested to speak on Open Forum:

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, expressed concerns about people being placed in positions and the positions not being advertised.

¹ Dr. Roark departed at 11:17 p.m. after closing the meeting for discussion of Item #21, D., 3.

² Mrs. Gonzalez-Peterson arrived at 5:09 p.m. during presentation on Item #1.

³ Mr. Telles departed at 7:59 p.m. during discussion of Item #14.

2. Ms. Magdalena Hernandez, representative of the South El Paso community, extended congratulations to the "Teachers of the Year" from the South Side schools and spoke in favor of a former assistant principal being assigned back to Bowie High School.
3. Ms. Linda Romero, representative of the Bowie High School community and students, spoke about a former assistant principal being assigned back to the school.
4. Mr. Gerald Cheek, President, El Paso Council of PTAs, spoke about the District and parents working together for the students.

Consent Agenda (Item #4)

The following items were pulled from the Consent Agenda for discussion as follows:

- Mr. Wever - Item 4, B., Approval of Budget Amendments
- 4., National School Breakfast/Lunch Program (\$800,000.00)
 - 5., Custodial Operations (\$21,000.00)

Questions on Approval of Budget Amendments – National School Breakfast/Lunch Program (\$800,000.00) (Item #4, B., 4.)

Responding to a request from Mr. Wever, Ms. Nancy Nordell, Director of Food Services, provided information on the budget amendment request. She reviewed the increased participation on the campuses in the breakfast and lunch programs and advised that the amendment is needed to cover the anticipated food invoices for the month of May and the start-up costs for August 2000.

Discussion followed on any fund balance remaining in Food Services and the Child Nutrition Program; the number of breakfasts and lunches served per day; the percentage of students qualifying for free and reduced meals; the federal reimbursement received for free/reduced and full-price meals and the state matching funds; and the profit in Food Services for the past three years.

Questions on Approval of Budget Amendments – Custodial Operations (\$21,000.00) (Item #4, B., 5.)

Mr. Wever questioned when the tools that were removed from the campuses would be replaced. Mr. Hector Martinez, Associate Superintendent of Operations, advised that a tool bid was prepared and that campus custodians will be equipped with tools to enable them to handle minor repairs at their facilities.

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

A. Approval of Minutes

1. March 7, 2000, Board Finance Committee Meeting, and March 14, 2000, Board's Legal Services Committee Meeting
2. March 7, 2000; March 14, 2000; and March 28, 2000, Meetings of the Board of Trustees

The Board approved the minutes of the March 7, 2000, Board Finance Committee meeting; the March 14, 2000, Board's Legal Services Committee meeting; and the March 7, 2000; March 14, 2000; and March 28, 2000, meetings of the Board of Trustees.

B. Approval of Budget Amendments

1. Occupational Center Budget Transfer (\$650.00). The purpose of this item is to amend the budget for the Occupational Center in the amount of \$650.00. Frances J. Irvin, Occupational Center Administrator, requested this amendment in a memo dated April 13, 2000. This amendment will transfer funds from Staff Development Travel to Support Salaries.
2. Apprenticeship Training (\$6,606.00). The purpose of this item is to decrease the budget for the Apprenticeship Training Program in the amount of \$6,606.00. Gilberto Gutierrez, Adult Program Administrator, requested this amendment in a memo dated April 19, 2000. This amendment was approved by the Texas Workforce Commission on January 31, 2000.
3. Fine Arts Budget Transfer (\$7,798.00). The purpose of this item is to amend the budget for the Fine Arts Department in the amount of \$7,798.00. Mr. Al Mendez, Director of Fine Arts, requested this amendment in a memo dated April 18, 2000. The amendment transfers funds between budget line items to cover anticipated expenditures.
4. National School Breakfast/Lunch Program (\$800,000.00). The purpose of this item is to increase the budget for the National School Breakfast/Lunch Program in the amount of \$800,000.00. Nancy Nordell, Director of Food Services, requested the amendment in a memo dated April 12, 2000. The increase will be provided by federal Child Nutrition funds on the number of reimbursable meals sold to students.
5. Custodial Operations (\$21,000.00). The purpose of this item is to amend the budget for Custodial Operations in the amount of \$21,000.00. Hector Martinez, Associate Superintendent of Operations, requested this amendment in a memo dated April 17, 2000. These funds will be used to purchase a basic tool/equipment kit for each custodial staff.

C. Bids Requiring Board Approval

1. Pre-Collated Carbonless Paper Bid #28-00 (approx. \$63,450.45) was awarded to Unisource, the lowest bidder, in the estimated amount of \$63,450.45, with net terms (copy of bid tabulation attached to the permanent file of these minutes).

2. Chapin High School Furniture Bid #36-00 (\$132,356.97) was awarded to the following vendors in the amounts indicated: Business Interiors, Items 2, 3, 5, 6, and 15, \$23,817.90, net; Indeco Sales, Item 14, \$18,825.00, net; and Virco, Items 1, 4, 7-13, and 16, \$89,714.07, for a total amount of \$132,356.97 (copy of bid tabulation attached to the permanent file of these minutes).

D. April Personnel Report

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

Discussion and Possible Action on Revisions to Board Policy FNCJ (Local), Student Rights and Responsibilities: Sexual Harassment/Sexual Abuse (Item #5)

Dr. Yolanda Rey, Associate Superintendent, Policy and Planning, provided information on the revisions to FNCJ (Local). Dr. Roark recommended that the policy include information on how the seven-day notice will be provided and when the seven days will begin.

It was moved by Dr. Roark, seconded by Mr. Wever, and carried unanimously that revisions to Board Policy FNCJ (Local), Student Rights and Responsibilities: Sexual Harassment/Sexual Abuse, be approved with revisions (copy attached to the permanent file of these minutes).

Employee Representation 2000 Election Results and Consideration of Board Policy DGB (Local), Employee Rights and Privileges: Personnel-Management Relations (Item #6)

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, reviewed the process followed for the employee representation election held on April 26, 2000. The results of the election for the non-supervisory certified personnel were 1,543 votes for the El Paso Federation of Teachers and Support Personnel and 1,666 for "None of the Above." The results of the election for the hourly personnel were 1,193 votes for the El Paso Federation of Teachers and Support Personnel and 840 for "None of the Above."

Dr. Anzaldua stated that "None of the Above" won the non-supervisory certified personnel election and the El Paso Federation of Teachers and Support Personnel won the hourly personnel election. He advised that non-supervisory certified personnel, specifically teachers, will revert to the existing EPCA (El Paso Consultation Association) policy as was approved by the Board. Dr. Anzaldua requested a meeting with representatives from the various organizations in order to review ways to improve the consultation process; look at the scope of work that is identified in policy, working conditions, wages, etc.; and begin a time line for improving communications on decisions made by the Superintendent and/or the Board with regard to recommendations coming from the EPCA. He also requested that the Board certify the election results.

The following people requested to speak to this item:

1. Ms. Jerry Boyer, President, El Paso Classroom Teachers Association, spoke against the Board revisiting the employee representation election.
2. Mr. Jerry Francisco, attorney for the Texas Classroom Teachers Association, questioned the Board revisiting the election issue.

3. Ms. Rose Bechtel, Region 19 President, Association of Texas Professional Educators, spoke about the Board addressing Board Policy DGB (Local) and that it reflect what the District employees want.
4. Mr. Larry Comer, representative of the Association of Texas Professional Educators, spoke about the Unity Council (a conglomeration of various employee organizations), the need for inclusiveness and collaboration, and the new policy reflecting the outcome of the two elections.
5. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about the election for the hourly employees and the use of school mail to communicate with the employees

(Mr. Safi clarified that the restrictions on school mail relate to federal prohibitions against private competition with the U. S. Postal Service. He stated that the District can utilize its own mail system for distributing official District publications, such as *AdCom*, and suggested that official communications from the elected representative organization could be included with official District publications.)

6. Ms. Margie LaPuma, President, Education Support Personnel-El Paso, requested that the ballot for the hourly employees be invalidated due to the ballot containing the same question asked of the non-supervisory certified employees.

Discussion followed on the frequency of consultation elections; election campaigning; the availability of a mailing list of District employees; the wording in the policy preamble; distributing information to employees who are not members of the elected organization; the need for the District to disseminate information and the responsibility of employees to read the information; and the filling of an El Paso Consultation Association (EPCA) vacancy.

Dr. Roark requested that the meeting be closed in order to obtain advice from legal counsel.

Meeting Closed

The meeting was recessed at 6:27 p.m. to a closed meeting by Dr. Roark under Section 551.071 of the Texas Government Code for advice from legal counsel.

The closed meeting was opened at 6:30 p.m. The closed meeting ended at 6:59 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:01 p.m.

Dr. Roark advised that there may be a problem with the election process with regard to the wording of the ballot for the hourly employees. The question posed on the hourly employees' ballot is the same question that was posed on the ballot for the non-supervisory certified employees, specifically, "Which organization should represent all non-supervisory certified employees in the consultation process." There is a possibility that some hourly employees may have been confused by the language on the ballot.

Discussion followed on campaigning during school hours; complaints about campaigning; ballot boxes that contained more ballots than qualified voters; and the possibility of a flawed election.

It was moved by Mr. Wever and seconded by Mr. Telles that the Board order another employee representation election for both groups of employees and that poll watchers be in place to monitor the voting process.

Discussion continued on elections being held at separate, isolated polling places with strict campaign rules; the difficulty controlling an election held on District property; and the error on the hourly employee ballots. Mr. Safi stated that the Board can adopt rules to regulate campaigning during the days leading up to the election and on the election day itself.

Mr. Telles called for the question.

Discussion continued on the Board not certifying these election results and ordering a new election, possibly in May 2000, and how a new election will differ from the previous one. Dr. Anzaldua stated that proper language can be inserted into the ballots; the District administration can refrain from conducting the election; guidelines can be developed to restrict campaigning; and procedures can be developed for transporting the ballot boxes.

Upon the vote, the motion carried with Dr. Finke, Mr. Rosales, Mr. Telles, Miss Garcia, Mr. Wever and Dr. Roark voting in favor of the motion and Mrs. Gonzalez-Peterson voting against the motion.

It was moved by Dr. Roark and seconded by Mr. Telles that the Board authorize the Superintendent and the Board President to establish a fair employee representation election process to be brought back to the Board on May 16, 2000, with a conforming budget amendment. Upon the vote, the motion carried with Mrs. Gonzalez-Peterson voting against the motion.

Request for Waiver Under Federal Education Flexibility Demonstration Program (Ed-Flex) for Renewal of Application for Title I Schoolwide Campus Designation – Dr. Green, Lindbergh, Dr. Nixon, Rivera, and White Elementary Schools (Item #7)

It was moved by Mr. Telles, seconded by Dr. Finke, and carried unanimously that the Board approve the submission of renewals of the Application for Waiver under the Federal Education Flexibility Demonstration Program (Ed-Flex) for Dr. Green, Lindbergh, Dr. Nixon, Rivera, and White Elementary Schools so Title I funding for these campuses can be designated as Schoolwide rather than Targeted Assistance.

Requests for Waivers from Texas Education Agency (Item #8)

- A. Hillside Elementary School
- B. Dr. Nixon Elementary School

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

EPISD Waiver Request – Hornedo and Morehead Middle Schools (Item #9)

Dr. Charlotte Craig, Associate Superintendent, Region 4, provided information on the waiver request from Hornedo and Morehead Middle Schools to allow the sixth-grade students to report one day early so teachers can alleviate some of the fears of students moving to a middle school setting.

It was moved by Mr. Telles, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the Board approve the request from Hornedo and Morehead Middle Schools to waive the starting and ending dates for students as designated in the 2000-01 School Calendar to allow sixth-grade students at Hornedo and Morehead Middle Schools to begin and end the school year one day earlier.

Approval of Contract Between El Paso County Juvenile Probation Department and the El Paso Independent School District for Alternative School Support Program (\$6,091.67) (Ref. Item No. 12, A.) (Item #10)

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that the Board approve the contract between the El Paso County Juvenile Probation Department and the EPISD for the Alternative School Support Program Grant for the provision of security services at the Telles Academy through August 31, 2000, for an amount not to exceed \$6,091.47.

Report on Ninth Grade Success Initiative Grant Award (\$2,799,229.00) (Ref. Item No. 12, B.) (Item #11) and Approval of Budget Amendment – Ninth Grade Success Initiative Grant (\$2,799,229.00) (Ref. Item No. 11) (Item #12, B.)

Ms. Martha Romero, Grants Coordinator, External Funding, provided information on the Ninth Grade Success Initiative grant award in the amount of \$5,598,457.00. She advised that the grant will be implemented in all ten EPISD high schools including Telles Academy. The grant will enhance existing drop-out prevention activities and focus attention on at-risk ninth-grade students. Ms. Romero reviewed the planned support activities, the additional personnel required, and the preliminary steps that have already been taken.

Responding to questions from Dr. Roark on the grant's relationship to curriculum and the absence of a Districtwide curriculum, Ms. Marsha Lawler, Associate Superintendent, Curriculum, Instruction and Assessment (CI&A), advised that the grant triggered the centralization of the curriculum that will be offered to the targeted at-risk students. There will be collaboration across the regions to work with Language Arts and Math facilitators. She added that reinforcement will be provided which will support the regular curriculum and enable students to attain the skills necessary to succeed.

It was moved by Mr. Telles, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that this budget amendment to the 1999-2000 fiscal year be approved to set up the budget for the Ninth Grade Success Initiative Grant in the amount of \$2,799,229.00 as requested by Bob Mena, Director of External Funding, in a memo dated April 20, 2000. The Texas Education Agency approved this grant on February 28, 2000.

Approval of Budget Amendments (Item #12)

A. Alternative School Support Program (\$6,092.00) (Ref. Item No. 10)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that this budget amendment to the 1999-2000 fiscal year be approved to set up the budget for the alternative School Support Program in the amount of \$6,092.00. Dr. Charlotte Craigo, Associate Superintendent, Region 4, requested this amendment in a memo dated April 14, 2000. This grant was approved by the County of El Paso on March 1, 2000.

Approval of Texas Prekindergarten-12 Learn and Serve America Grant Award and Budget Amendment (\$4,000.00) (Item #13)

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that the Board approve the award of the Texas Prekindergarten-12 Learn and Serve America Grants from Region 19 Education Service Center for Wiggs Middle School and Sunland Park Mall Academy in the amount of \$4,000.00, \$2,000.00 for each school, and that the amendment titled Texas Prekindergarten-12 Learn and Serve America be approved to the 1999-2000 fiscal year budget in the amount of \$4,000.00.

Construction Contract Award – Mold Remediation HVAC System Improvements – Charles Middle School, #99.715 (\$1,399,961.95) (Item #15)

Mr. Nick Corona, Director, Planning, Engineering and Construction, advised that this construction contract was first presented to the Board on April 11, 2000. Due to a material mistake by the apparent low bidder, the Board directed the administration to re-bid the project. He stated that bids were received on the project and the administration recommends that the contract be awarded to Funk and Company.

The following person requested to speak to this item:

1. Mr. John Holland, Control & Equipment Co. of El Paso, spoke about competitive bids not being allowed on energy management projects; multipliers; the need to eliminate sole source purchases; and cost containment contracts.

Mr. Hector Martinez, Associate Superintendent of Operations, provided background information on the District's energy management control system. He reviewed the contracts the District had with Mr. Holland's company, Control & Equipment Co. of El Paso, when it was the local representative for Automated Logic Corporation (ALC), the sole source manufacturer of equipment the District had elected to install at all of the campuses. Mr. Martinez stated that the multipliers to which Mr. Holland referred are specific cost pricing indexes incorporated into the cost containment contract, which specifies the District's cost on all sole-source equipment associated with the energy management system. He said that notification was received last year that Precision Controls was now the local representative of ALC, and a contract with Precision Controls was presented to the Board in January 2000 for the servicing and maintenance of the energy management system installations. He advised that a cost containment contract is currently being negotiated with Precision Controls.

Discussion followed on whether ALC specifies the multiplier and whether the current vendor used the manufacturer's multiplier.

Departure of Board Member

Mr. Telles departed the meeting at 7:59 p.m. and was not present for any subsequent action taken by the Board of Trustee.

Responding to a question from Dr. Finke, Mr. Ed Sevcik, Executive Director, Facilities, Maintenance and Construction, advised that the total bid price for the energy management system is a "not to exceed" amount of \$85,000.00. He stated that once the cost containment contract is finalized, a deductive change order, reflecting the lower multiplier, will be brought to the Board to correct the amount.

Discussion continued on the rationale of continuing with the single source; other systems being available but one system being in place at all District campuses; opening the energy management system to a competitive bid format possibly resulting in multiple systems; the sole source ensuring that the District is getting the product it wants and needs; whether any test cases exist in other school districts on new systems; and investigating whether there is a basis for the allegations voiced by Mr. Holland.

It was moved by Mrs. Gonzalez-Peterson, seconded by Miss Garcia, and carried unanimously that the Board approve the award of Construction Contract #99.715, Mold Remediation HVAC System Improvements - Charles Middle School, subject to the review and approval of the District's attorney, to Funk & Company in the amount of \$1,399,961.95.

Item Withdrawn

It was announced that item no. 14, Development of a Districtwide Compliance Program, had been withdrawn from the agenda and will be brought back to the Board on May 16, 2000.

Questions on Professional Services Contract Awards (Item #16) and Approval of Procurement/Delivery Method for Construction Contract Exceeding \$25,000.00 - Districtwide Asbestos Abatement, Phase 12.0 #00.926 (Item #19)

Mr. Ed Sevcik, Executive Director, Facilities, Maintenance and Construction, explained the law that requires the Board to approve the delivery method for all construction projects. Dr. Roark questioned whether item no. 16 and item no. 19 are for the same work. Mr. Sevcik advised that item no. 16 is for the professional services contracts to design the plans and specifications for the asbestos abatement, and item no. 19 is for the bid on the actual abatement work in the school buildings.

Professional Services Contract Awards (Item #16) and Approval of Procurement/Delivery Method for Contract over \$25,000.00 - Districtwide Asbestos Abatement, Phase 12.0, #00.926 (Item #19)

It was moved by Mr. Wever, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the competitive bid process be utilized for Project No. 99.926, Districtwide Asbestos Abatement, Phase 12.0 (item no. 19), subject to the review and approval of the District's attorney, and that the advertisement and issuance of relevant documents be authorized to prospective bidders/proposers; and that the Board approve the award of the following professional services contracts (item no. 16), subject to the review and approval of the District's attorney, to the recommended consulting firms for the preparation of plans, specifications, bid

documents, and other additional program elements as may be required for the construction and installation for the projects described:

- A. Districtwide Asbestos Management Services, #00.947 (approx. \$100,000.00) was awarded to Law Engineering and Environmental Services, Inc. for a Basic Services Fee in the estimated amount of \$100,000.00, with additional services listed in the contract to be paid at established hourly rates only if authorized in writing by the owner for services that the owner cannot provide.
- B. PPFCO (Public Property Finance Contractual Obligations) Asbestos Management Services, #00.949 (approx. \$100,000.00) was awarded to Raba-Kistner Consultants (SW), Inc., for a Basic Services Fee in the estimated amount of \$100,000.00, with additional services listed in the contract to be paid at established hourly rates only if authorized in writing by the owner for services that the owner cannot provide.

Maintenance and Service Agreement Contract Extension – Districtwide Campus Telephone Equipment Repair, #00.422 (Item #17)

Mr. Nick Corona, Director, Director, Planning, Engineering and Construction, advised that the contractor is requesting a 3 percent adjustment in the hourly rates and markups for the final extension on the contract due to an increase in the Consumer Price Index.

Discussion followed on whether the contractor would be agreeable to an extension without the 3 percent increase and approving the contract without the increase and the administration coming back to the Board if the contractor does not accept. There was also discussion on the bidding of the project possibly bringing in a lower price and making it Board policy to renegotiate contract extensions.

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board authorize the administration to execute the final one-year contract extension, without the 3 percent cost increase, on Maintenance and Service Agreement #00.422, Districtwide Campus Telephone Equipment Repair, to Texas Business Systems in the amount of \$87,471.69.

Approval of Change Orders (Item #18)

- A. Change Order No. 3 to John L. Chapin High School, #93.735 (approx. \$387,000.00)

It was moved by Mrs. Gonzalez-Peterson and seconded by Mr. Rosales that the Board approve change order no. 3 to Banes General Contractors, Inc., Construction Contract No. 93.735, John L. Chapin High School, subject to the review and approval of the District's attorney, for construction modifications as requested by the campus administration for the estimated amount of \$387,000.00.

Responding to questions by Board members regarding the proposed construction modifications, Dr. Carla Gonzalez, Principal at Chapin High School, provided rationale for the requested changes.

Upon the vote, the motion carried unanimously.

B. Change Order No. 1 to Districtwide Telephone System (DPBX) Replacements, #99.507 (\$46,574.11)

It was moved by Mrs. Gonzalez-Peterson, seconded by Mr. Wever, and carried unanimously that the Board approve change order no. 1 to GTE Communications Corp., Construction Contract No. 99.507, Districtwide Telephone System (DPBX) Replacements, subject to the review and approval of the District's attorney, for the installation of a digital telephone system for Chapin High School in the amount of \$46,574.11.

Item Withdrawn

It was announced that item no. 20, A., Bids and Purchase Orders Requiring Board Approval – Kitchen Equipment Bid #09-00 (\$145,047.99), had been withdrawn from the agenda.

Bids and Purchase Orders Requiring Board Approval (Item #20)

It was moved by Mrs. Gonzalez-Peterson, seconded by Miss Garcia, and carried unanimously that the following bid and purchase orders be approved to the recommended vendors for the amounts indicated.

- B. Athletic Training Supplies & Equipment Bid #19-00 (\$26,831.33) was awarded to the following vendors in the amounts indicated, with item no. 36 being awarded to Medco, pursuant to the tie-breaking procedure: A-Athletic & Medical Supply, Items 7, 16, 27, 30, 31, 53, 54, 59, 60, and 70, \$3,397.70, net; Alert Services, Items 1-5, 19-23, 46, 47, 50, 56, 57, 62, 63, 68, 71, 72, and 75, \$6,479.35, net; Darby Drubs, Items 6, 17, 18, 32, 33, 35, 37, 42, 43, 45, 48, and 74, \$1,844.69, net; DXP/Strategic Supply, Item 73, \$1.60, net; Medistat Medical, Item 15, \$74.23, net; Medco, Items 9-13, 25, 26, 28, 29, 34, 36, 39-41, 44, 51, 52, 55, 58, 64, 65, and 69, \$14,396.80, 1 percent; Micro Bio-Medics, Items 14, 24, 38, 66, and 67, \$439.41, net; Moore, Items 49 and 61, \$40.80, net, for a total amount of \$26,831.33 (copy of bid tabulation attached to the permanent file of these minutes).
- C. Comprehensive School Report Grant Recipient Schools – Douglass and Alamo Elementary Schools; Guillen Middle School; and School-Age Parent Center, Purchase Order Nos. 184984, 185270, 187291 and 188310 (\$60,000.00) were approved as follows: Douglass, and Alamo Elementary Schools and Guillen Middle School from the El Paso Collaborative for Academic Excellence/UTEP, Purchase Order Nos. 184984, 197291 and 188310, for a total amount of \$30,000.00; and the School-Age Parent Center from Temple University, Purchase Order No. 185270, in the amount of \$30,000.00, for a grand total amount of \$60,000.00 (copy of purchase orders attached to the permanent file of these minutes).
- D. Math Summer School Program – 15 Elementary Schools and 11 Middle Schools, Purchase Order Nos. 186659, 186600, 187365, 187684, 187685, 188347 and 189408 (\$72,343.60) was approved for purchase for Dr. Nixon, Collins, Crosby Burnet, Coldwell, Bonham, Milam, Dr. Green, Guerrero, Putnam, Clardy, Douglass, Roosevelt, Lamar, and Zavala Elementary Schools; and Terrace Hills, Canyon Hills, Cordova, Hornedo, Lincoln, MacArthur, Morehead, Ross, Henderson, Wiggs, and Guillen Middle Schools for the math summer school program “Moving with Math” from Math Teacher Press, Inc., the sole source, for a total amount of \$72,343.60 (copy of purchase orders attached to the permanent file of these minutes).

- E. Computers for Computer Applications and CAD (Computer Aided Drafting) Lab for Bowie High School, Purchase Order No. 188304 (\$34,468.80) was approved for purchase from Dell Marketing, L.P., the lowest quote, in the amount of \$34,468.80 (copy of purchase order attached to the permanent file of these minutes).

Meeting Closed (Item #21)

The meeting was recessed at 9:00 p.m. to a closed meeting by Dr. Roark under Sections 551.071, 551.074 and 551.082 of the Texas Government Code as follows:

- A. Appeal of JJAEP Placement at Raymond Telles Academy – R. P.
- B. Grievance Hearing – Manuel Rivera, Former Maintenance Worker
- C. El Paso Independent School District, Petitioner v. Eugenio R. Hinojosa, Respondent; Docket No. 072-LH-400
- D. Consultation with School District Attorney
 - 1. Brock M. b/n/f Rose Marie M, Petitioner, vs. El Paso Independent School District, Respondent; Before a Special Education Hearing Officer for the State of Texas; Docket No. 186-SE-200
 - 2. Muntasser Alspini v. El Paso Independent School District; In the 388th Judicial District Court; El Paso County, Texas; Cause No. 2000-1066
 - 3. Consultation with School District Attorney Regarding Contemplated Litigation About Lead-Based Paint

The closed meeting was opened at 9:01 p.m. The closed meeting ended at 9:58 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:58 p.m.

Appeal of JJAEP Placement at Raymond Telles Academy – R. P. (Item #21, A.)

It was moved by Mr. Wever, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the student, R. P., remain in the current placement at Franklin High School in the Alternative Education Program (AEP) through May 24, 2000.

Meeting Closed

The meeting was again recessed at 9:59 p.m. to a closed meeting by Dr. Roark under the authority previously cited. The closed meeting was opened at 10:01 p.m. The closed meeting ended at 10:37 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 10:37 p.m.

Grievance Hearing – Manuel Rivera, Former Maintenance Worker (Item #21, B.)

It was moved by Dr. Finke and seconded by Mr. Rosales that Manuel Rivera be reinstated to an available position; that his reinstatement be under the scrutiny of the Superintendent or the Superintendent's designee; and that if any incidents occur involving Mr. Rivera that are classified as criminal in nature, it will result in his termination. Upon the vote, the motion carried with Mrs. Gonzalez-Peterson voting against the motion

Meeting Closed

The meeting was again recessed at 10:38 p.m. to a closed meeting by Dr. Roark under the authority previously cited. The closed meeting was opened at 10:42 p.m. The closed meeting ended at 11:10 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 11:10 p.m.

El Paso Independent School District, Petitioner v. Eugenio R. Hinojosa, Respondent; Docket No. 072-LH-400 (Item #21, C.)

It was moved by Dr. Finke, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the Board accept the settlement offer for Eugenio Hinojosa for the issuance of a one-year Term Contract for a certified administrator position with no loss in pay or days on duty for the 2000-2001 school year, with an assignment of a position to be determined and execution of suitable settlement documents.

Consultation with School District Attorney – Brock M. b/n/f Rose Marie M, Petitioner, vs. El Paso Independent School District, Respondent; Before a Special Education Hearing Officer for the State of Texas; Docket No. 196-SE-200 (Item #21, D., 1.)

It was moved by Mr. Rosales, seconded by Mr. Wever, and carried unanimously that the Board accept the settlement offer in this case and authorize the payment of legal fees in the amount of \$8,800.00.

Consultation with School District Attorney – Muntasser Alspini v. El Paso Independent School District; In the 388th Judicial District Court; El Paso County, Texas; Cause No. 2000-1066 (Item #21, D., 2.)

It was moved by Mrs. Gonzalez-Peterson, seconded by Miss Garcia, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, P.C., to file an answer to this lawsuit and defend the District in the case.

Meeting Closed

The meeting was again recessed at 11:13 p.m. to a closed meeting by Dr. Roark under Section 551.071 for consultation with the legal counsel. The closed meeting was opened at 11:17 p.m. The closed meeting ended at 11:47 p.m.

Departure of Board Member

Dr. Roark departed the meeting at 11:17 p.m. and was not present for any subsequent action taken by the Board of Trustee.

Meeting Opened

In the absence of the Board President, the meeting was reassembled in Open Session at 11:47 p.m. by Mrs. Gonzalez-Peterson, Vice President.

Consultation with School District Attorney Regarding Contemplated Litigation About Lead-Based Paint (Item #21, D., 3.)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board direct the administration to conduct a study of the implications of staffing, manpower, and timing with regard to responding to requests for information from legal counsel about lead-based paint; and depending on the outcome of the study, pursue a contract with the Provost Umphrey law firm and provide a report to the Board before a final contract is approved.

Meeting Adjourned

The meeting was adjourned at 11:50 p.m.

Date Approved: July 11, 2000