

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
November 27, 2001  
5:00 p.m.  
Education Center-Boeing

Present: Mr. Dan Wever, President  
Dr. Gene Finke, Vice President  
Miss Leonor Garcia, Secretary  
Mr. Sal Mena, Jr.  
Dr. Charles Roark  
Mr. Joe Rosales  
Mr. Richard Telles  
Dr. Gilberto Anzaldúa, Superintendent  
Mr. Anthony Safi, School District Attorney

In the absence of the Board President, the meeting was called to order at 5:10 p.m. by Dr. Finke, Vice President. The Pledge of Allegiance was led by Mr. Mena.

Recognition of Texas Alliance for Geographic Education's Geography Action! Poster Contest Winner (Item #1)

Angela Rios, a student from Terrace Hills Middle School, was recognized by the Board of Trustees as the statewide 2001 Texas Alliance for Geographic Action! Poster contest winner in the grades 6-8 division. An engraved plaque was presented to Miss Rios on behalf of the Board.

Recognition of EPISD Student for "Courage for the Badge" Campaign and City Council Proclamation of "Courage of the Badge El Paso City Day of Remembrance" (Item #2)

Nathan Blas, a student from Putnam Elementary School, was recognized by the Board of Trustees for his "Courage for the Badge" campaign. This campaign resulted in the City of El Paso proclaiming the last Sunday in September as "Courage of the Badge El Paso City Day of Remembrance." An engraved plaque was presented to Nathan Blas on behalf of the Board.

Presentation by Community Scholars on Summer Activities (Item #3)

Mr. Geoffrey Hamlyn, a senior at Coronado High School, represented the participants in the Community Scholars program and reviewed the focus of the summer internship program. He provided information on the projects researched this past summer in workforce development, higher education, healthcare, and parks and highway infrastructure. He provided the Board members with a copy of the Community Scholars 2001 report entitled *Pushing for Change: A Comparative Analysis of Government Investment and Its Effect on El Paso, Texas, in Workforce Development, Higher Education, Healthcare, and Parks and Highway Infrastructure*.

Public Forum (Item #4)

There were no speakers on Open Forum.

Consent Agenda (Item #5)

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

- Dr. Finke - Item 5, C., 3., Bids and Purchase Orders Requiring Board Approval – Calculator and Accessory Bid #98-01 (\$682,252.82)
- Item 5, A., Approval of Program Implementation Master Contracts with Success for All Foundation, Inc. for Success for All™ Program at Hillside, Lee, Roberts and Wainwright Elementary Schools; and Magoffin Middle School Utilizing Comprehensive School Reform Grant Funding (\$48,375.00)

Questions on Bids and Purchase Orders Requiring Board Approval – Calculator and Accessory Bid #98-01 (\$682,252.82) (Item #5, C., 3.)

Responding to an inquiry from Dr. Finke, Dr. Linda Holman, Associate Superintendent, Curriculum and Instruction, reported that the calculators being purchased will be used in the administration of the new TAKS (Texas Assessment of Knowledge and Skills) test. Discussion followed on the majority of the calculators being manufactured in the state of Texas and the largest percentage of the bid being awarded to a non-Texas company; the calculators not being available for purchase from the Texas manufacturer, who distributes its products to distributors nationwide; and whether the calculators were included in the statewide bid.

Mr. Terry Freiburg, Director of Purchasing, provided information on the vendor list maintained in the Purchasing Office and reviewed the process followed whenever a bid is released. He advised that a website is in the process of being designed for the Purchasing Office, which should be in place in 2002 and available to vendors nationwide.

Questions on Approval of Program Implementation Master Contracts with Success for All Foundation, Inc. for *Success for All*™ Program at Hillside, Lee, Roberts and Wainwright Elementary Schools; and Magoffin Middle School Utilizing Comprehensive School Reform Grant Funding (\$48,375.00) (Item #5, A.)

Dr. Finke inquired about what is covered by the grant. In response, Ms. Marsha Lawler, Executive Director, External Funding, advised that the funding is continuation money which is tied in with the District's focus on reading. She provided information on the success Lee Elementary School has had with student achievement using the Success for All™ program.

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.

A. Approval of Program Implementation Master Contracts with Success for All Foundation, Inc. for *Success for All*<sup>™</sup> Program at Hillside, Lee, Roberts and Wainwright Elementary Schools; and Magoffin Middle School Utilizing Comprehensive School Reform Grant Funding (\$48,375.00)

The Board approved the Program Implementation Master Contracts with the Success for All Foundation, Inc. for the *Success for All*<sup>™</sup> Program at Hillside Elementary School in the amount of \$6,000.00; Lee Elementary School in the amount of \$7,200.00; Roberts Elementary School in the amount of \$6,525.00; Wainwright Elementary School in the amount of \$22,800.00; and Magoffin Middle School in the amount of \$5,850.00, for the total amount of \$48,375.00.

B. Approval of Budget Amendment – Accelerated Reading Instruction Program (\$1,192,500.00)

The Board approved the budget amendment to the 2001-02 fiscal year to set up the Accelerated Reading Instruction Program budget in the amount of \$1,192,500.00. Marsha Lawler, Executive Director of External Funding, requested this amendment in a memo dated November 13, 2001. The Texas Education Agency notified the District of funding availability in a letter dated October 26, 2001.

C. Bids and Purchase Orders Requiring Board Approval

The Board approved the following bids and purchase orders to the recommended vendors for the amounts indicated:

1. Floor Tile Bid #94-01 (\$32,319.60) was awarded to Ed-Co in the amount of \$3,081.60 and JJJ Floor Covering in the amount of \$29,238.00, for a total amount of \$32,319.60 (copy of bid tabulation attached to the permanent file of these minutes).
2. Ground Equipment Bid #97-01 (\$92,319.60) was awarded to B. E. Implement in the amount of \$66,412.74 and Air Cooled Engine-Kubota in the amount of \$26,540.00, for a total amount of \$92,952.74 (copy of bid tabulation attached to the permanent file of these minutes).
3. Calculator and Accessory Bid #98-01 (\$682,252.82) was awarded to the following vendors in the amounts indicated: D & H Distributing Co., Items 4, 6, and 8-10, \$656,984.42, net; Scantrex Business Systems, Inc., Items 1 and 3, \$7,865.25, net; and Wholesale Electronics Supply, Items 2, 5, and 7, \$17,523.15, net, for a total amount of \$682,372.82, with the option to purchase additional quantities totaling 50 or more, combined, through June 15, 2002, at the prices quoted (copy of bid tabulation attached to the permanent file of these minutes).
4. Vehicle Bid #100-01 (\$218,400.00) was awarded to Casa Ford, Inc., the low bidder, in the amount of \$218,400.00 with net terms (copy of bid tabulation attached to the permanent file of these minutes).
5. Hot Water Storage Tanks & Accessories for Irvin High School, Purchase Order No. 226662 (\$24,988.00), were approved for purchase from Wyler Industrial Works, Inc., the lowest quote, in the amount of \$24,988.00 (copy of purchase order attached to the permanent file of these minutes).

6. Projectors for Irvin High School, Purchase Order No. 227095 (\$10,875.00), were approved for purchase from Macwarehouse, the lowest quote, in the amount of \$10,875.00 (copy of purchase order attached to the permanent file of these minutes).

D. October Report of JJAEP Placements not Appealed to the Board of Trustees

The October Report of JJAEP Placements not Appealed to the Board of Trustees was approved as presented. As the information contained in this report is confidential under the Privacy Laws, the report will be filed in the Office of the Superintendent.

Approval of Final Draft of Summary of EPISD Strategic Plan (Item #6)

Dr. Anzaldua provided an overview of the orientation session held for the Critical Thinkers group in October 2001 and reviewed the establishment of training sites in the critical areas which were identified. He suggested that additional meetings be held at which Mr. Rosales, Mr. Wever, and Dr. Roark should be present and that input from the community be provided before approval is requested by the Board. He also recommended the establishment of an Oversight Committee to oversee implementation, which should include two representatives from each Trustee district, and that reports be provided to the Board on a periodic basis.

Mr. Gilbert Moreno, Prestige Consulting Services, Strategic Planning Consultant, provided a summary by month on the work that was completed at the Master Plan Workshops I-IV. He also reviewed the preliminary draft presentation made to the Board and the two public forums held as part of the program for developing further public awareness. He reviewed the proposed Strategic Planning Accountability Plan, which includes the development of EPISD accountability benchmarks; the commitment to a formal Strategic Plan accountability review process; the establishment of a Strategic Plan "working group"; the establishment of an "Oversight Committee"; and the development of a public relations program on the review. Mr. Moreno added that recommendations for public awareness include the development of a website version of the Strategic Plan.

Mr. Moreno reviewed the database of volunteers/nominees to the Oversight Committee and advised that 29 individuals had been identified. He advised that each Board member needed to provide two additional nominations from his or her district in order to complete the 45-member committee. Mr. Moreno reviewed the 30-60 Day Outlook and recommended that approval of the final draft of the Strategic Plan be postponed in order for the Strategic Planning Committee to meet to work on recommendations to the Board of Trustees in the following areas: (1) approval of proposed changes; (2) approval of a communication plan; (3) finalization of a 45-member Oversight Committee; (4) finalization of seven-member Working Subcommittee (one per Trustee district); (5) recommendation of Chairperson for the Oversight Committee; and (6) recommendation of schedule for Strategic Plan reviews. Mr. Moreno stated that at the December 11, 2001, Board meeting, the Board of Trustees will be asked to approve the recommendations (as previously listed) from the Strategic Planning Committee; the final draft of the plan with recommended changes; and the final Accountability Plan and Team.

Discussion followed on the need to include points under Goal C regarding the establishment of a Districtwide curriculum based on a thorough audit at all grade levels and the creation of a Districtwide program in instruction that will foster academic achievement by all students; including dates and times in all communications on upcoming meetings; and additional names that are needed from each Board member for the Oversight Committee and Working Subcommittee.

Approval of Board Policies (Item #7)

- A. Revision to BBE (Local), Board Members: Authority
- B. Revision to BBF (Local), Board Members: Ethics
- C. Proposed CH (Local), Purchasing and Acquisition
- D. Deletion of CHA (Local), Purchasing and Acquisition: Purchasing Authority
- E. Deletion of CHC (Local), Purchasing and Acquisition: Biding Requirements
- F. Proposed DNB (Local), Performance Appraisal: Evaluation of Other Professional Employees
- G. Revision to EIC (Local), Academic Achievement: Class Ranking
- H. Revision to FFAA (Local), Health Requirements and Services: Physical Examinations
- I. Revisions to FL (Local), Student Records
- J. Revision to FN (Local), Student Rights and Responsibilities

Questions on Revision to FFAA (Local), Health Requirements and Services: Physical Examinations (Item 7, H.)

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, advised that the District's legal counsel recommended a change to FFAA (Local) to delete the word "negative" from second and third lines in the first sentence of the last paragraph of subheading Tuberculosis Testing.

Revision to BBE (Local), Board Members: Authority (Item #7, A.)

Mr. Wever requested that language be revised in the subheadings "Requests for Records" and "Requests for Reports" to indicate that Board inquiries or directives are made to the Superintendent only and not a designee.

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that agenda item No. 7, A., Revision to BBE (Local), Board Members: Authority, be postponed and brought back to the Board after recommended changes have been made to the policy.

Proposed CH (Local), Purchasing and Acquisition (Item #7, C.)

Dr. Roark questioned language in this policy related to the District's practice of negotiating prices after proposals have been opened. Mr. Terry Freiburg, Director of Purchasing, advised that the law allows negotiation in an RFP (request for proposal), and he reviewed the process routinely followed by the Purchasing Office in negotiating for a best and final offer. Mr. Safi provided clarification on the process for proposals and competitive bids and advised that competitive bids are not subject to any further negotiation.

There was discussion on proposals responding to specifications; negotiations possibly bringing down the price; and the law providing for negotiations in proposals.

Dr. Roark also inquired about the language in the policy which states that purchase orders are in the possession and under the control of Technology and Information Systems and why this does not fall under the Purchasing Department. Mr. Terry Freiburg, Director of Purchasing, stated that this language was outdated should be revised.

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that item . 7, C., Proposed CH (Local), Purchasing and Acquisition, be postponed and brought back to the Board after recommended changes have been made to the policy.

Proposed DNB (Local), Performance Appraisal: Evaluation of Other Professional Employees (Item #7, F.)

Dr. Roark questioned the use of “other information” referenced in this policy regarding the evaluation of employees. Mr. Safi clarified that the language addresses information that would lead to decisions affecting the nonrenewal or termination of a contract and not the evaluation of employees, which is addressed in the DN policy series.

Concerns were expressed that this policy is categorized with a title to which it does not apply. It was suggested that language be added to clarify the meaning of the policy.

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that item no. 7, F., Proposed DNB (Local), Performance Appraisal: Evaluation of Other Professional Employees, be postponed and brought back to the Board after recommended changes have been made to the policy.

Revision to FL (Local), Student Records (Item #7, I.)

Dr. Roark questioned the deletion of language in this policy regarding the confidentiality of student medical records and school officials being required to sign a confidentiality statement. He referenced the Health Insurance Portability and Accessibility Act (HIPAA) and inquired if the deleted language requiring a confidentiality statement was being placed elsewhere in Board policy.

It was moved by Dr. Roark, seconded by Mr. Wever, and carried unanimously that item no. 7, I., Revisions to FL (Local), Student Records, be postponed and brought back to the Board after clarification is provided on the requirement of a confidentiality statement related to students' medical records.

Revision to FN (Local), Student Rights and Responsibilities (Item #7, J.)

Dr. Roark requested clarification on language regarding the Board's review of the Student Handbook and not the adoption of the Handbook.

It was moved by Dr. Roark, seconded by Miss Garcia, and carried unanimously that the revisions to Board Policy FN (Local), Student Rights and Responsibilities, be approved as modified (copy attached to the permanent file of these minutes).

Deletion of CHA (Local), Purchasing and Acquisition: Purchasing Authority (Item #7, D.) and Deletion of CHC (Local), Purchasing and Acquisition: Bidding Requirements (Item #7, E.)

Following discussion, it was the consensus of the Board that the deletion of Board Policies CHA (Local) and CHC (Local) be deferred until CH (Local) is brought back to the Board for approval.

It was moved by Dr. Roark, seconded by Mr. Wever, and carried unanimously that revisions to Board Policies BBF (Local), Board Members: Ethics; EIC (Local), Academic Achievement: Class Ranking; FL (Local), Student Records; and FN (Local), Student Rights and Responsibilities be approved (copies attached to the permanent file of these minutes).

Mr. Safi advised that the Board had previously taken action to postpone action on item no. 7, I., Revision to FL (Local), Students Records, until clarification was provided regarding the confidentiality statement related to student medical records.

It was moved by Dr. Roark, seconded by Mr. Wever, and carried unanimously that the Board reconsider item no. 7I, Revision to FL (Local), Student Records.

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that item no. 7, I, Revision to FL (Local), Student Records, be postponed for further clarification.

Mr. Safi advised that no action was taken on item no. 7, H., Revision to FFAA (Local), Health Requirements and Services: Physical Examinations, following the discussion of proposed revisions to that policy.

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that revisions to Board Policy FFAA (Local), Health Requirements and Services: Physical Examinations, be approved as modified (copy attached to the permanent file of these minutes).

#### Approval of 2001-02 EPISD Student Code of Conduct and Student Handbook (Item #8)

It was moved by Mr. Mena, seconded by Dr. Roark, and carried unanimously that the Board approve the 2001-02 Student Code of Conduct and Student Handbook as presented by the administration.

#### Discussion and Possible Action on 3DI Assisting with Work Involving E-Rate Funding (Item #9)

It was moved by Mr. Telles and seconded by Mr. Wever that the Board approve the assistance of 3D International on work involving E-Rate funding.

There was discussion on the consultant hired by the District (IBM Global Services) to oversee the evaluations of work to be done related to the E-Rate funding and 3DI providing the Board a direct contact on the work being done by IBM Global Services on E-Rate.

Mr. Carl Rabenaldt, Senior Vice President, 3DI, commented on his company's involvement with the EPISD's Districtwide Facility Assessment Study and provided background information on 3DI.

Mr. Earl Dedman, 3DI, presented a report on the scope of work his company could provide to manage the E-Rate funding program for the District. He stated that the scope of work would include the identification of non-E-Rate work; the coordination between vendor and schools; design review and value engineering; a communication plan to the public; the communication of achievements to the public; the coordination of permits; and quality, schedule, and cost controls. He reviewed the benefits that the District could gain by contracting with 3DI. Mr. Rabenaldt advised that the cost for the services that would be provided by 3DI would be approximately \$200,000.00 to \$400,000.00.

Discussion continued on the District's need for an advocate; the service that would be provided by 3DI already being provided by IBM Global Services; and whether a decision had been made on the District going with wireless technology or cabling.

Dr. Anzaldua commented on the nine statements of work being developed and assessed by IBM Global Services and advised that the Board authorized the expenditure of funds for this assessment. He added that until the scope of work is determined, it would be premature to make any additional commitments.

Responding to a question from Dr. Roark on how the District will handle the scopes of work identified by 3DI, Mr. James Damm, E-Rate Consultant, advised that the appraisal, scope of work, inventories, and surveys are already underway. He stated that information will be brought back to the Board on the specifics which will include the details, schedules, and a master schedule. He stated that once the evaluation process has been completed and a determination made on whether the services of 3DI fit into the plan, then a recommendation will be brought to the Board.

There was discussion on developing a master schedule prior to the winter break; 3DI's joint venture with Perspectiva on the Districtwide Facility Assessment; developing a dialog between 3DI and the District's E-Rate consultant; whether the District's contract with 3DI for the Facility Assessment stipulated that the company could be hired for additional work after the assessment; IBM Global Services having been hired as the manager of the E-Rate program; Mr. Damm having been hired to oversee IBM Global Services (the manager of the program) and reporting to the Board and the Superintendent; many of the services being proposed by 3DI having already been provided for in the contract with IBM Global Services; and postponing a decision on a role for 3DI until the January 8, 2002, Board meeting.

It was moved by Dr. Finke and seconded by Miss Garcia that the Board postpone the motion that the Board approve the assistance of 3D International on work involving E-Rate funding until the January 8, 2002, Board meeting.

Discussion continued on the duplication of effort of hiring someone to work with IBM Global Services; it being premature to determine whether there is a role for 3DI; and the anticipation that the data needed to make a decision will be available by the winter break.

Mr. Telles withdrew his motion that the Board approve the assistance of 3D International on work involving E-Rate funding, and Mr. Wever withdrew his second.

Dr. Finke withdrew his motion that the Board postpone the motion that the Board approve the assistance of 3D International on work involving E-Rate funding until the January 8, 2002, Board meeting, and Miss Garcia withdrew her second.

Mr. Wever recommended that the administration meet with Mr. Damm and 3DI to determine whether the District requires the services of 3DI and that a copy of the assessment be provided to the Board prior to the winter holiday with specific responses being provided on each of the issues that had been raised.

The following person requested to speak to this item:

1. Mr. Gary Olmstead, Executive Director, Associated General Contractors of America, posed questions regarding the hiring of 3DI to assist with the E-Rate funding and the issuance of an RFP (request for proposal) for the work to be done under E-Rate funding.

Discussion and Possible Action on Providing Local Funds for Direct Services for Special Education Students Attending Private School (Item #10)

This item was placed on the agenda as a follow up to a public complaint filed by Margie A. regarding the District providing speech therapy services for her son, A. A., who attends a private school. The complaint was heard by the Board at its meeting on November 13, 2001.

Sister Elizabeth Ann, Superintendent, Catholic Schools, Diocese of El Paso, reported on special education students who reside within the boundaries of the EPISD and choose to attend Catholic schools. She requested that the Board consider providing special education services for approximately 23 students whose parents are seeking these services through the EPISD.

Mr. William Goodman, Associate Superintendent, Finance, provided information on the approximate \$20,000.00 that is available to serve the needs of students in private schools who require special education services. He advised that 25 students received services from the District last year under the law that was in effect at that time. He further advised that this year approximately 48 children are in need of special education services. He stated that if the District were to provide direct services to all these students, the cost would range from \$100,000.00 to \$250,000.00, depending on the handicapping condition.

There was discussion on speech therapy services being requested for two children; the change in federal law regarding dual-enrollment requirements and the change in the state regulation by the Commissioner of Education effective July 1, 2001; the meetings held with parents and private school officials prior to a decision being made to expend allocated federal funds for staff development for faculty and staff in private schools rather than providing direct services to individual students; and the request that children who were already receiving services being allowed to complete their therapy programs.

Options available to the Board were discussed, including portions of the \$20,000.00 allocation for this purpose being earmarked for individual services; students receiving services on a "grandfather" basis; making exceptions only for speech therapy services; and modifying the staff development that will be provided to faculty and staff in the private schools.

It was moved by Mr. Telles and seconded by Mr. Wever that the Board make an exception for existing cases and allow funding for special education services to students enrolled in private schools up to the amount that is still available from the federal \$20,000.00 allocation and that the funds be divided equally among the students who were provided these special education services last school year.

Discussion continued on other specific situations involving students in need of special education services; the availability of funds to provide the requested individualized services; determining who applied first for special services; and dividing the funding equally among existing children receiving services.

Dr. Finke recommended amending the motion to limit services to children who are in need of speech therapy services. Mr. Telles accepted the amendment.

The amended motion reads as follows:

that the Board make an exception for existing cases and allow funding for speech therapy services only to students enrolled in private schools up to the amount that is still available from the federal \$20,000.00 allocation and that the funds be divided equally among students who were being provided these services last school year.

Ms. Linda Corral, Associate Superintendent, Middle Schools Division, expressed a concern that providing special education services to students enrolled in private schools may no longer be allowed during the school day and that the District may need to find speech therapists who are willing to provide these services after school hours.

Mr. Wever requested that the parents of the students who received special education services last school year be notified by certified mail of the rules related to the continuation of speech therapy services.

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

#### Annual Investment Report and Review of Investment Policy (Item #11)

Mr. William Goodman, Associate Superintendent, Finance, reviewed the Annual Investment Report and Investment Policy. He advised that the District had beaten every index used to measure its investment success but that interest rates are dropping.

#### Approval of Authorized Sellers of Investments and Providers of Investment Officer Training (Item #12)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the list of authorized sellers of investments and providers of investment officer training be approved as presented (copy attached to the permanent file of these minutes). Dr. Roark was not present for the vote.

#### Purchase Orders Requiring Board Approval (Item #13)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the following purchase orders to the recommended vendors for the amounts indicated. Dr. Roark was not present for the vote.

- A. Computers for Andress High School, Purchase Order No. 226134 (\$15,150.00), were approved for purchase from Desert Communications, Inc., the lowest quote, in the amount of \$15,150.00 (copy of purchase order attached to the permanent file of these minutes).
- B. Apple Computers for Bowie High School, Purchase Order No. 226510 (\$8,442.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$8,442.00 (copy of purchase order attached to the permanent file of these minutes).

- C. Apple Computers for Bassett Middle School, Purchase Order No. 226788 (\$34,162.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$34,162.00 (copy of purchase order attached to the permanent file of these minutes).
- D. Computers for Special Services Department, Purchase Order No. 227263 (\$7,540.26), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$7,540.26 (copy of purchase order attached to the permanent file of these minutes).
- E. Laptops for Delta Academy, Purchase Order No. 227668 (\$21,408.00), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$21,408.00 (copy of purchase order attached to the permanent file of these minutes).

Construction Contract Award – Mechanical Renovations Basement – Education Center-Boeing, #01.844 (\$113,000.00) (Item #14)

It was moved by Mr. Mena, seconded by Dr. Finke, and carried unanimously that the Board approve the withdrawal of the bid and bid bond submitted by P. A. Contractors, due to a material mistake; waive the technicality of Funk & Company failing to sign the “Certificate As To Corporate Principal” at the time of the bid; and approve the award of Construction Contract #01.844, Mechanical Renovations Basement – Education Center-Boeing, subject to the review and approval of the District’s attorney, to Funk & Company in the amount of \$113,000.00.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$25,000.00 (Item #15)

It was moved by Mr. Mena and seconded by Miss Garcia that the Board approve the competitive bid method recommended for solicitation of the following construction projects, subject to the review and approval of the District’s attorney, and authorize the advertisement and issuance of relevant documents to prospective bidders/proposers.

Mr. Telles expressed his disapproval of purchasing more portable classrooms (item no. 15, B., Ten Portable Classrooms, #02.925). He suggested investigating the possibility of purchasing used portable classrooms that will be no longer be used in a neighboring school district.

There was discussion on the contract being for the construction of portable classrooms as part of Title VI grant funding and the class size reduction requirement by the Texas Education Agency as part of the grant funding award, and postponing action on the process of acquiring ten portable classrooms to allow the administration to investigate the availability of used portables.

Mr. Mena amended his motion to approve the competitive bid method for the solicitation of the construction projects as listed, with the exception of item no. 15, B., Ten Portable Classrooms, #02.925, which is postponed for two weeks. Miss Garcia agreed with the amendment.

The amended motion reads as follows:

that the Board approve the competitive bid method recommended for solicitation of the following construction projects, subject to the review and approval of the District's attorney, and authorize the advertisement and issuance of relevant documents to prospective bidders/proposers, with the exception of item no. 15, B., Ten Portable Classrooms, #02.925, which is postponed for two weeks:

- A. Districtwide Backflow Preventer Installations, Phase 3, #02.541
- C. Districtwide 2001 Roof Replacement, Phase 1, #02.931
- D. Districtwide 2001 Roof Replacement, Phase 2, #02.964
- E. Districtwide Evaporative Cooler Installation, Phase 3, #02.973
- F. Bowie High School – Cooling Tower Replacement, #02.542

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

Discussion of School District Governance Issues, Including “The Governance Clock” and Board/Superintendent Duties and Responsibilities (Item #16)

It was moved by Dr. Finke and seconded by Mr. Telles that discussion on this item be held after the Closed Session.

Meeting Closed (Item #17)

The meeting was recessed to a closed meeting at 7:38 p.m. by Mr. Wever under Sections 551.071, 551.072, and 551.074 of the Texas Government Code as follows:

- A. Proposed Sale or Exchange of Property Owned by EPISD
  - 1. Lot 1, Block 13, The Willows Unit Four, El Paso, El Paso County, Texas, approximately 6.50 acres
  - 2. Lot 1, Block 2, and Lot 1, Block 3, Mesa Hills Elementary School Subdivision, El Paso, El Paso County, Texas, approximately 1.88 acres
  - 3. Tract 2-J and Tract 2-P-a, A. F. Miller Survey 215, El Paso, El Paso County, Texas, approximately 8.22 acres
- B. 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
- C. Consultation with School District Attorney – Arlene Sonnen, Petitioner v. El Paso ISD, Respondent; Before the State Commissioner of Education, State of Texas; TEA Docket No. 075-R10-601
- D. Superintendent's Evaluation, Contract, and Compensation

Mr. Rosales recused himself from discussion on item no. 17, B., 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 7:45 p.m. The closed meeting ended at 9:43 p.m.

### Meeting Opened

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

### Proposed Sale or Exchange of Property Owned by EPISD (Item #17, A.)

It was moved by Dr. Roark, seconded by Dr. Finke, and carried unanimously that the Board declare the following properties owned by the District as surplus property, which will not be needed for school purposes as identified in the Districtwide Surplus Property Survey Report, and authorize the administration to proceed with the notice and publication of the property offerings for sale, lease, or exchange in accordance with Board policies and procedures, including Board Policy CDB (Legal) and (Local), with any recommendation to accept an offer being brought back to the Board for final approval:

1. Lot 1, Block 13, The Willows Unit Four, El Paso, El Paso County, Texas, approximately 6.50 acres;
2. Lot 1, Block 2, and Lot 1, Block 3, Mesa Hills Elementary School Subdivision, El Paso, El Paso County, Texas, approximately 1.88 acres; and
3. Tract 2-J and Tract 2-P-a, A. F. Miller Survey 215, El Paso, El Paso County, Texas, approximately 8.22 acres.

### Superintendent's Evaluation, Contract, and Compensation (Item #17, D.)

It was moved by Mr. Mena and seconded by Mr. Telles that the Board accept as the summative evaluation of the Superintendent the evaluation as compiled by the Board President at the October 16, 2001, Board meeting. Upon the vote, the motion carried with Dr. Roark, Mr. Telles, Mr. Mena, and Mr. Wever voting in favor of the motion and Miss Garcia, Dr. Finke, and Mr. Rosales voting against the motion.

### Discussion of School District Governance Issues, Including "The Governance Clock" and Board/Superintendent Duties and Responsibilities (Item #16)

Miss Garcia commented on the roles and responsibilities of the Board and referenced "The Governance Clock," provided by the Texas Association of School Boards, which illustrates the division of responsibility between the school board and superintendent. Miss Garcia addressed issues of micromanagement, to include personnel issues and day-to-day activities of the administration and the Superintendent. She asked that Trustees monitor their actions.

Dr. Finke addressed the issue of governance and the cost of micromanagement. He discussed the Texas Education Agency's intervention if it is determined that a school board is found to be micromanaging a school district.

Mr. Rosales commented on Board members moving away from their areas of responsibility and defined the roles of the school board and the superintendent. He stated that the Board should act as a "body corporate" and reviewed the accomplishments of the current EPISD Board.

The following person requested to speak to this item:

1. Mr. Gerald Cheek spoke about Board governance, the need for the Board to monitor itself, accountability, and working together.

Meeting Adjourned

The meeting was adjourned at 10:15 p.m.

Date Approved: February 12, 2002