

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
April 25, 2000  
5:00 p.m.  
Education Center-Boeing

Present      Dr. Charles Roark, President  
                 Mrs. Ada Gonzalez-Peterson, Vice President  
                 Mr. Richard Telles, Secretary<sup>1</sup>  
                 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 5:06 p.m. by Dr. Roark. The Pledge of Allegiance was led by Mr. Telles.

Public Forum (Item #1)

The following person requested to speak on Open Forum:

1. Mr. Raul Garcia spoke about attending the Jefferson High School graduation ceremony and, due to his disability, being allowed to sit up front.

Ms. Alicia Loya, Associate Superintendent, Region 3, advised that the Jefferson High School graduation will be held at the Don Haskins Center, which provides an area for handicapped seating.

Consent Agenda (Item #2)

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

Mr. Wever    -    Item 2, A., 1. Approval of Budget Amendments – Fannin Elementary School Per Capita Budget Transfer (\$7,905.00)

Questions on Approval of Budget Amendments – Fannin Elementary School Per Capita Budget Transfer (\$7,905.00) (Item #2, A., 1.)

Mr. Wever questioned the decreases proposed for the Overtime, Salaries-Support Personnel, and Library Books accounts. Mr. Rodney Wiggs, Principal, Fannin Elementary School, advised that because the school librarian missed the deadline for a purchase order to go through Library Learning Resources, the funds are being transferred so the books can be purchased from another account. He stated that the transfer of the other funds will be used to pay stipends for a school writing program task force.

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<sup>1</sup> Mr. Telles departed at 7:30 p.m., following the presentation on Item #10.

It was moved by Mrs. Gonzalez-Peterson, seconded by Miss Garcia, 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 Budget Amendments**

1. Fannin Elementary School Per Capita Budget Transfer (\$7,905.00). The purpose of this item is to amend the per capita budget for Fannin Elementary School. Rod Wiggs, Principal at Fannin Elementary School, requested this amendment in a memo dated March 17, 2000. The transfer is to fully utilize Fannin School's per capita budgets.
2. School-to-Careers Grant (\$55,000.00). The purpose of this item is to increase the budget for the School-to-Careers Grant in the amount of \$55,000.00. Jane Berrier, Facilitator, Career and Technology Education, requested this amendment in a memo dated April 5, 2000. This grant was approved by the Upper Rio Grande Tech Prep School-to-Careers Consortium.

**B. Bid and Purchase Order Requiring Board Approval**

1. Fertilizer and Grass Seed Bid #22-00 (\$49,140.00) was awarded to the following vendors in the amounts indicated: Ewing Irrigation, Item 5, \$7,860.00; Helena Chemical Co., Items 1, 2, 4, and 6, \$39,530.00; and Ionate Corp. of America, Item 3, \$1,750.00, for a total amount of \$49,140.00 (copy of bid tabulation attached to the permanent file of these minutes).
2. UTEP/Don Haskins Center for Commencement Ceremonies, Purchase Order No. 187196 (approx. \$28,000.00) was approved to the University of Texas at El Paso for services provided in the estimated amount of \$28,000.00 (copy of purchase order attached to the permanent file of these minutes).

**C. Approval of Electric Company Easement – Portion of Block 6, Lot 5, Castner Range Subdivision (Transmountain Road and Kenworthy Drive)**

The Board President was authorized to execute El Paso Electric Company Easement No. 4433-3268 for a portion of Block 6, Lot 5, Castner Range Subdivision, as shown on the attached documents, which is located on EPISD property at Transmountain Road and Kenworthy Drive.

**D. Construction Contract Award – PPFCO (Public Property Finance Contractual Obligations) Maintenance Items – Burges High School, Charles Middle School, and Crosby and Park Elementary Schools, #99.528.02 (\$285,550.00)**

The Board approved the award of Construction Contract #99.528.02, PPFCO (Public Property Finance Contractual Obligations) Maintenance Items – Burges High School, Charles Middle School, and Crosby and Park Elementary Schools, subject to the review and approval of the District's attorney, to ESA Construction Co. of Texas, Inc. in the amount of \$285,550.00.

**E. April 2000 Report of JJAEP Placements not Appealed to the Board of Trustees**

The April 2000 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.

**Discussion and Possible Action on Conducting Board Meetings in the Community (Item #3)**

Dr. Anzaldúa stated that the Board Finance Committee had requested that Board meetings periodically be held at a District campus with the intent of incorporating information on special services or programs in that particular school or region into the meetings. He stated that it might be necessary to have video and sound equipment provided by Region 19 Education Service Center. Dr. Anzaldúa reviewed possible schedules and recommended that the meeting agendas be restructured to allow the Board members to learn more about instructional programs.

Discussion followed on having four meetings annually that will rotate among combined Board member districts, namely, Dr. Finke's and Mr. Wever's districts (Districts 6 and 7), Mr. Rosales' and Mr. Telles' districts (Districts 1 and 2), Mrs. Gonzalez-Peterson's and Miss Garcia's districts (Districts 3 and 4), and Dr. Roark's district (District 5). There was additional discussion on limiting the number of agenda items for these meetings and the District purchasing the necessary sound and video equipment for use at these community meetings.

It was moved by Dr. Finke, seconded by Mr. Rosales, and carried unanimously that the Board conduct meetings at District campuses with the Superintendent developing a schedule which will be provided to the Board.

**Mid-Year Review of 1999-2000 Campus Improvement Plans (Item #4)**

Mr. Eugenio Hinojosa, Associate Superintendent, Region 2, and Dr. Charlotte Craig, Associate Superintendent, Region 4, presented the process followed by each of the campuses for the mid-year review of their 1999-2000 Campus Improvement Plans (CIPs). They advised that because the schools continuously adjust their CIPs, the mid-year reviews could be brought to the Board earlier in the school year.

Discussion followed on CIP mid-year reviews being brought to the Board in December or January; adjustments to the CIPs being made by the schools throughout the year; evaluating the effectiveness of the CIPs; developing indicators to provide qualitative information on the impact of the CIPs; disseminating information to the parents and community; verbalizing the techniques and activities to realize a specific goal or objective; a presentation on the strategies used in the schools; and the administration's review of CIPs.

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

Mr. Joe Ontiveros, Associate Superintendent, Human Resources, provided information on revisions to Board Policy FNCJ (Local). He stated that two new sections, Sexual Harassment/Abuse by Employees and Reports to Lawful Authorities, were added based on recommendations from the Texas Association of School Boards. The calendar in the complaint process has also been modified.

Dr. Roark requested clarification and questioned many of the proposed revisions. He also made some suggestions on language that would clarify several areas of the policy.

It was the consensus of the Board that Board Policy FNCJ (Local) be brought back on May 9, 2000, after administration modifies the language as recommended by the Board.

Proposed Board Policy CZ (Local), EPISD Police Department and/or Modifications to Board Policy CKE (Local), Safety Program/Risk Management, Security Personnel/Peace Officers (Item #6)

This item was placed on the agenda at the request of Dr. Roark for discussion.

The following people requested to speak to this item:

1. Officer N. Nuñez was not present when called to speak. In his stead, someone from the El Paso Community College spoke in support of the duties currently in place for the EPISD police.
2. Mr. Ron Guthrie was not present when called to speak.
3. Sgt. William Araiza, EPISD police officer, spoke in support of the duties currently in place for the EPISD police.
4. Officer Phillip Deal, Jr., EPISD police officer, spoke in support of the duties currently in place for the EPISD police.
5. Officer Jose Sierra, EPISD police officer, spoke about the EPISD police being allowed to perform their duties.

Mr. Safi recommended that, if the Board desired to adopt the language in CZ (Local), that it be incorporated into the District's existing Board Policy CKE (Local) to avoid having two different policies address the same issue. He stated that the revised CKE (Local) can then be brought to the Board for approval.

Dr. Roark commented on calls and complaints he has received on the responsibilities of the school police officers and how they are meeting the needs of the students and addressing safety issues around the schools. He stated that the policy in the Austin ISD is more specific about the duties and responsibilities of its police officers. He stated that it was his opinion that EPISD police officers should spend their time in the schools and school zones working with the principals and parents to ensure a safe environment. He requested that the Board specify in policy that District officers are to be engaged in the activities outlined and that any non-district, off-duty law enforcement activities be approved by the Superintendent and EPISD Chief of the Police.

Discussion followed on EPISD police officer performing duties outside of the District; the possibility of revising exiting policy CKE (Local); CZ (Local) clearly defining the role of school district police officers; curtailing the law enforcement duties of the police officers; advising the administration on the Board's expectations from the District police officers; how the reorganization will affect the EPISD police department; having the policy specifically delineate the priorities of the District police officers; and the focus of the police officers' duties being to protect the children, staff, and school property.

Dr. Anzaldúa recommended that the existing policy CKE (Local) be modified and stated that based on the direction provided by the Board, CKE (Local) will be brought back for approval.

Approval of Amending Date for Setting EPISD Health Plan Rates (Item #7)

Mr. Joe Ontiveros, Associate Superintendent, Human Resources, recommended changing the date when the Board sets the EPISD health plan rates. He stated that last year the Board changed the plan year from October 1 through September 30 to January 1 through December 31. Mr. Ontiveros stated that during a meeting with the Board's Employee Health/Insurance Committee, the administration recommended that the plan rates be adopted by the Board some time in late October or early November, even though the rates may change mid-year.

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the Board approve health plan rates for the following plan year in the months of October or November of the preceding year with a clause being added to the employment contracts beginning with 2000-01 whereby the Board retains the right to modify the employee health plan at any time, with or without notice to employees.

Approval of Prevailing Wage Rates for Construction Projects (Item #10)

Mr. Hector Martinez, Associate Superintendent of Operations, reviewed information that was provided to the Board at the April 11, 2000, Board meeting regarding the Prevailing Wage Rate survey. He stated that copies of the survey results were provided to Mr. Hector Arellano of the Building Trade Council, and to Mr. Ed Anderson and Mr. Tim Counts of AGC (Associated General Contractors). Mr. Martinez advised that there are around 35 individual trade classifications, and approximately 200 questionnaires were mailed to area contractors. No response to the survey was received from eight trade classifications. The responses from the remainder of the trade classifications indicate an increase anywhere from 3 to 79 percent, with an overall average increase for all trade classifications at 17.4 percent over the Prevailing Wage Rate survey conducted in 1994. Mr. Martinez stated that the construction cost index nationwide has increased 15.4 percent from March 1994 to March 2000.

Discussion followed on the rates applying to contractors working for the District; the rates being required minimums; how the prevailing wage rates apply to EPISD employees doing the same work; evaluating the District wages; and the possibility of the District adopting the prevailing wage rates recently adopted by the City of El Paso and the El Paso Community College.

Mr. Safi advised that political subdivisions have only two options in determining the prevailing wage rate. Option 1 is to conduct a survey. Option 2 is the adoption of the prevailing wage rates as determined by the Department of Labor (DOL) in accordance with the Davis Bacon Act, if the survey used to determine that rate was conducted within a three-year period. Mr. Martinez determined that the federal surveys were more than three years old.

Mr. Wever questioned whether the prevailing wage rate could be raised to 15 percent for everything that came back with less than 15 percent and for those trade classifications that did not respond to the survey. Mr. Safi advised that the Board could order a re-survey of the trade classifications that did not respond or could consider the increase in the national average or the average from the actual survey conducted by EPISD.

It was moved by Mr. Telles and seconded by Mr. Rosales that the Board approve the Prevailing Wage Rates, as recommended by the administration, effective for all public works construction projects administered by the EPISD that are put out to bid after April 25, 2000, provided, however, that the wage rates for apprentices employed pursuant to approved apprenticeship programs shall be determined according to U. S. Department of Labor program requirements.

Mr. Wever recommended amending the motion to state that those listed for no increase be provided a 15 percent increase and those who are listed below 15 percent be raised to 15 percent. Mr. Telles accepted the amendment.

The amended motion reads as follows:

that the Board approve the Prevailing Wage Rates, as recommended by the administration, with those listed for no increase being provided a 15 percent increase and those listed below 15 percent being raised to 15 percent, effective for all public works construction projects administered by the EPISD that are put out to bid after April 25, 2000, provided, however, that the wage rates for apprentices employed pursuant to approved apprenticeship programs shall be determined according to U. S. Department of Labor program requirements.

Mr. Wever clarified the trade classifications that average a percentage higher than 15 percent will receive the higher percent increase.

The following person requested to speak to this item:

1. Mr. Ed Anderson spoke in support of the wage rates recommended as a result of the Prevailing Wage Rate survey.

Discussion continued on enforcing the wage rates that should be paid; including wage rate language in the construction contracts; assurances that contractors hire qualified and experienced; project managers and design consultants conducting periodic site visits to inspect and review work; increases being provided for private industries but not for District employees; whether increasing the wage rates will guarantee better qualified employees; and evaluating internally the impact this action will have on the budget planning process.

Mr. Wever called for the question.

Upon the vote, the motion carried with Mrs. Gonzalez-Peterson voting against the motion and Dr. Roark voting "present."

#### Departure of Board Member

Mr. Telles departed the meeting at 7:30 p.m. and was not present for any subsequent action taken by the Board of Trustees.

#### Meeting Recessed

The meeting was recessed at 7:30 p.m. The meeting reconvened at 7:50 p.m.

Approval of Budget Amendment – Custodial Overtime for Building Usage (\$50,000.00)  
(Item #8)

It was moved by Mrs. Gonzalez-Peterson, seconded by Mr. Wever, and carried unanimously that the Board approve the budget amendment to the 1999-2000 fiscal year to set up a custodial overtime account in the amount of \$50,000.00 for custodial overtime related to building usage. This item was requested by Kevin Allred, Treasury Manager, in a memo dated April 5, 2000.

Purchase Orders Requiring Board Approval (Item #9)

Questions on Item Nos. 9, A., B., and C.

Referring to item no. 9, A., Apple Computers for Crosby, Zavala and Mesita Elementary Schools and Chapin High School/Special Services, Mr. Wever questioned why some schools are purchasing computers with higher megs of RAM and why Apple computers are being purchased for a new school in lieu of IBM-format computers.

Mr. Terry Freiburg, Director of Purchasing, advised that Dr. Margaret Johnson, Executive Director, Special Services, had selected the Apple computers for the special education students at Chapin High School.

Discussion followed on the reallocation of Title 1 funds, the purchase of computer hardware and software being related to the Campus Improvement Plans, and the platform selected being a campus-based decision. Ms. Laila Ferris, Principal, Mesita Elementary School, provided information on the school's rationale for selecting Apple computers. She stated that Mesita School is expanding on what currently is in place to support the math and reading programs.

Discussion continued on the technology plan currently in place not addressing computer purchases; the effectiveness of the Technology Review Committee; the decision-making process followed by the Campus Improvement Teams (CITs); the development of a more efficient and effective technology plan; and placing an item on a future Board agenda to discuss the perimeters of the District's technology situation.

Referring to item no. 9, B., Computer Equipment for Lee Elementary School, Mr. Wever questioned the use of the 22 computers and the need for 20 network-capable printers. Ms. Jackie Morgan, Principal, Lee Elementary School, advised that the school is attempting to provide technology equity across the grade levels. She stated that the printers will be placed in different classrooms, and it is hoped that the school will be networked soon.

Discussion followed on approving the purchase orders but purchasing fewer network-capable printers and the savings being used to purchase additional printers or computers.

Referring to item no. 9, C., Educational Software for Henderson Middle School, Mr. Wever questioned the purchase of software support. Discussion followed on this software expanding on what is in place at the school; the vendor being a sole source; and the other materials and benefits of the software.

It was moved by Mrs. Gonzalez-Peterson, seconded by Mr. Wever, and carried unanimously that the purchase orders as listed be approved to the recommended vendors for the amounts indicated.

- A. Apple Computers for Crosby, Zavala and Mesita Elementary Schools and Chapin High School/Special Services, Purchase Order Nos. 183551, 186691, 188056, 188057, and 186799 (\$58,623.00), was approved for purchase from Apple Computer, the sole source, as follows: Crosby Elementary School, Purchase Order No. 183551, \$8,694.00; Zavala Elementary School, Purchase Order No. 186691, \$18,463.00; Mesita Elementary School, Purchase Order Nos. 188056 and 188057, \$22,776.00; and Chapin High School/Special Services, Purchase Order No. 186799, \$8,672.00, for a total amount of \$58,623.00 (copy of purchase orders attached to the permanent file of these minutes).
- B. Computer Equipment for Lee Elementary School, Purchase Order Nos. 185523 and 185551 (\$44,253.00), was approved for the purchase of computers from Apple Computer, Purchase Order No. 185523, in the amount of \$31,878.00, and for the purchase of printers from MacWarehouse, Purchase Order No. 185551, in the amount of \$12,375.00, for a total amount of \$44,253.00 (copy of purchase orders attached to the permanent file of these minutes).
- C. Educational Software for Henderson Middle School, Purchase Order No. 185717 (\$26,350.00), was approved for purchase from Computer Curriculum Corporation, the sole source, in the amount of \$26,350.00 (copy of purchase order attached to the permanent file of these minutes).

Approval of Change Order No. 1 to Demand Service Contract for Districtwide HVAC Systems Repairs, #00.448 (\$25,000.00) (Item #11)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board approve Change Order No. 1 to Thermal Control, Inc., Demand Service Contract #00.448, subject to the review and approval of the District's attorney, for Districtwide heating, ventilation, and air conditioning system repairs in the amount of \$25,000.00.

Meeting Closed (Item #12)

The meeting was recessed at 8:35 p.m. by Dr. Roark to a closed meeting under Sections 551.071 and 551.074 of the Texas Government Code as follows:

- A. Consultation with School District Attorney Regarding Contemplated or Pending Litigation
  - 1. El Paso High School Cafeteria Floor Repairs
  - 2. Recovery of Overpayments to Quest Diagnostics and Unilab Corporation, Group No. GUSI-XA80
  - 3. U. S. Department of Education, Office of Civil Rights, Case No. 06991250 – El Paso Independent School District
- B. Personnel
  - 1. Personnel Appointment – Director of Athletics
  - 2. Action Regarding Proposed Nonrenewal of Term Contracts for Certified Professional Administrators Who Have Not Requested Hearings

The closed meeting was opened at 8:40 p.m. The closed meeting ended at 9:38 p.m.



### Meeting Opened

The meeting was reassembled in Open Session at 9:38 p.m.

### El Paso High School Cafeteria Floor Repairs (Item #12, A., 1.)

It was moved by Dr. Roark, seconded by Dr. Finke, and carried unanimously that the Board direct the administration to inform the architect and the contractor for the El Paso High School cafeteria floor that the District will not participate in any of the construction costs associated with repairs, that the architect and the contractor are to make the repairs at their cost, and that they are not released from further liability.

### Recovery of Overpayments to Quest Diagnostics and Unilab Corporation, Group No. GUSI-XA80 (Item #12, A., 2.)

It was moved by Mr. Wever and seconded by Mr. Rosales that the Board accept the settlement offer of \$4,275.42 from Quest Diagnostics and Unilab Corporation for alleged improper billing practices on claims submitted to Mutual of Omaha Insurance Companies while insuring the EPISD for health care services. Upon the vote, the motion carried with Dr. Roark voting against the motion.

### U. S. Department of Education, Office of Civil Rights, Case No. 06991250 – El Paso Independent School District (Item #12, A., 3.)

It was moved by Mrs. Gonzalez-Peterson, seconded by Mr. Rosales, and carried unanimously that the Board authorize the Superintendent to sign, on behalf of the District, the Office of Civil Rights' proposed Voluntary Commitment to Resolve involving a Title IX complaint regarding the athletic program.

### Personnel Appointment – Director of Athletics (Item #12, B., 1.)

It was moved by Mrs. Gonzalez-Peterson, seconded by Mr. Wever, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Ms. Elsie Partridge, Assistant Director of Athletics, to the position of Director of Athletics.

### Action Regarding Proposed Nonrenewal of Term Contracts for Certified Professional Administrators Who Have Not Requested Hearings (Item #12, B., 2.)

It was moved by Mr. Rosales, seconded by Mr. Wever, and carried unanimously that the Board approve the nonrenewal of term contracts for those professional administrators who have been notified of their proposed nonrenewal and who have not timely requested a hearing, and that they be notified that their term employment contracts will not be renewed effective June 30, 2000, unless selected for a professional administrative position and subsequently issued a term contract; and that said employees be encouraged to apply for available teaching positions.

Obtaining Legal Counsel to Advise the Board of Trustees in Connection with Upcoming Proposed Employment Nonrenewal and Termination Hearings, and to Represent the Administration and the Board of Trustees in Upcoming Grievance Hearings (Item #13)

Mr. Safi provided information to the Board on seven requests for a hearing examiner made by teachers and administrators as a result of the actions taken by the Board at its March 28, 2000, meeting. He advised that his law firm, Mounce, Green, Myers, Safi & Galatzan, P.C., has been representing the administration in preparing these cases for presentation to the hearing examiners. He stated that the Board needs to consider hiring a different attorney to advise the Board in connection with these issues when they come before the Board in the form of recommendations from the hearing examiners.

Mr. Safi advised that there are also grievances that will be presented to the Board where the grievants have retained legal counsel. He stated that the administration is requesting the administration and the Board have separate legal counsel when the grievances are presented to the Board. Discussion followed on the Board authorizing the Superintendent and the Board President to make the decision on legal counsel.

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board authorize the Superintendent and the Board President to retain legal counsel to represent the Board in connection with the upcoming nonrenewal and termination hearing process.

It was moved by Mrs. Gonzalez-Peterson, seconded by Mr. Rosales, and carried unanimously that the Superintendent and the Board President determine the legal representation for the Board in upcoming grievances.

Mr. Safi clarified that the Board President and the Superintendent will select legal counsel to represent the Board and that he, Mr. Safi, will represent the administration.

Meeting Adjourned

The meeting was adjourned at 9:50 p.m.

Date Approved: June 13, 2000