

Minutes of Meeting of Board of Trustees
El Paso Independent School District
August 14, 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
Dr. Gilberto Anzaldua, Superintendent
Mr. Anthony Safi, School District Attorney

Absent: Mr. Richard Telles

The meeting was called to order at 5:00 p.m. by Mr. Wever. The Pledge of Allegiance was led by Dr. Finke. Mr. Enrique Gallegos, Associate Superintendent, Elementary Schools Division, gave the Thought for the Day.

Presentation of Blue Ribbons to Board of Trustees by Hillside Elementary School (Item #1)

Dr. Linda Holman, former principal at Hillside Elementary School, and Mr. Don Martinez, PTA President at Hillside, presented the Board members and the Superintendent with blue ribbons as a special thank you for their support of Hillside Elementary School, which was recently named a Blue Ribbon School by the U. S. Department of Education.

Recognition of El Paso Sam's Club 2001 Teacher of the Year (Item #2)

Mr. Donald King, teacher at the Center for Career and Technology and former teacher at Bowie High School, was recognized for having been selected as the El Paso Sam's Club 2001 Teacher of the Year. Ms. Abigail Davis, Cielo Vista Sam's Club, presented a Sam's vest, a certificate on behalf of Sam's Club and WalMart, Inc., and a check from the Sam's Club Foundation in the amount of \$500.00 to Mr. King in recognition of his award.

Recognition of The El Paso Community Foundation (EPCF) for Renewal of Grant and Presentation of \$10,000 Check by EPCF to EPISD (Item #3)

Mr. Dave McIntyre, Facilitator for Visual Arts, announced that The El Paso Community Foundation had renewed an arts grant to the EPISD which will fund transportation of District students to the El Paso Museum of Art during the 2001-02 school year.

Mr. Gary Williams, EPCF, presented a check in the amount of \$10,000.00 to the District on behalf of the Board of Directors and staff of The El Paso Community Foundation. An engraved plaque was presented to The El Paso Community Foundation on behalf of the EPISD Board of Trustees.

Meeting Closed (Item #18)

The meeting was recessed at 5:15 p.m. to a closed meeting by Mr. Wever under Section 551.071 of the Texas Government Code as follows:

- F. Consultation with Attorney Regarding Proposed Retention Agreement with Special Counsel Establishing Terms of Representation Regarding Potential Litigation Against ASARCO, Inc., Arising from Possible Environmental Contamination of Certain District Properties

The closed meeting started at 5:20 p.m. The closed meeting ended at 5:35 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 5:36 p.m.

Approval of Retention Agreement with Enrique Moreno; Mithoff & Jacks, L.L.P., and Gary Weiser as Legal Counsel to Represent the District in Potential Litigation Arising Out of Possible Environmental Contamination of Certain District Properties by ASARCO, Inc. (Item #19)

It was moved by Dr. Finke and seconded by Mr. Rosales that the Board approve the Retention Agreement for Attorney Services with Enrique Moreno; Mithoff & Jacks, L.L.P.; and Gary Weiser as legal counsel to represent the District in connection with potential litigation arising out of possible environmental contamination of certain District properties by ASARCO, Inc. Upon the vote, the motion carried with Dr. Roark voting against the motion.

Naming of Bowie High School Baseball Field (Item #4)

Mr. Mena reviewed Board Policy CW (Local) and the rules followed by the Board School Name Committee in selecting a name for the Bowie High School baseball field. He stated that nominations were received for William Carson "Nemo" Herrera, a deceased former coach at Bowie High School, and Alfred Silva, currently a coach at Bowie High School. Mr. Mena announced that Alfred Silva is a current employee of the EPISD and policy states that the name of a nominated individual shall not be a current employee. Therefore, it was the consensus of the Board School Name Committee that the Bowie High School baseball field be named after William Carson "Nemo" Herrera.

It was moved by Mr. Wever and seconded by Dr. Roark that the Bowie High School baseball field be named for Coach William Carson "Nemo" Herrera.

The following people requested to speak to this item:

1. Ms. Endie Silva, daughter of Alfred Silva, spoke in support of naming the Bowie High School baseball field after Alfred Silva.
2. Mr. Chuck Silva spoke in support of Alfred Silva as the name for the Bowie High School baseball field and requested that the baseball field remain unnamed if Board policy cannot be rescinded.

3. Mr. Jack Harris, teacher at Bowie High School, spoke in support of naming the Bowie baseball field after Alfred Silva.

Upon the vote, the motion carried with Dr. Roark voting against the motion.

Public Forum (Item #5)

The following people requested to speak on Open Forum:

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about EPISD police officers receiving double time pay on holidays.
2. Ms. Maria Kennedy, El Paso Coaches Association, spoke about the pay for coaches and requested an increased stipend for coaches.

Consent Agenda (Item #6)

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

Mr. Safi - Item 6, G., Approval of Agreement to Participate in Cooperative Purchasing Program with Region 19 Education Service Center, Purchase Order No. 220377 (\$400.00)

Dr. Roark - Item 6, H., 1., a., RFPs and Bids Requiring Board Approval – Option to Extend Existing RFPs and Bid – Excess Workers' Compensation Insurance RFP #83-99 (approx. \$26,266.00)

Item 6, I., July Personnel Report

Mr. Wever - Item 6, C., Demand Service Contract Award – Districtwide Sound/Clock/Bell Systems, #02.419 (\$95,544.57)

Item 6, H., 2., RFPs and Bids Requiring Board Approval – Discount from Catalog Prices for Science RFP #47-01 (approx. \$183,014.51)

Questions on Demand Service Contract Award – Districtwide Sound/Clock/Bell Systems, #02.419 (\$95,544.57) (Item #6, C.)

Mr. Wever inquired about sound system replacements being put out for bid. Mr. Nicholas Corona, Executive Director, Facilities, Maintenance and Construction, advised that items over \$2,000.00 are bid and major replacements in excess of \$500.00 are usually contracted separately.

Questions on Approval of Agreement to Participate in Cooperative Purchasing Program with Region 19 Education Service Center, Purchase Order No. 220377 (\$400.00) (Item #6, G.)

Mr. Safi advised that revisions were made to the indemnity provision language in the Region 19 Interlocal Agreement and that Region 19 was agreeable to the new language. He recommended that the agreement be approved with the suggested modifications by legal counsel and as approved by Region 19.

Questions on RFPs and Bids Requiring Board Approval – Option to Extend Existing RFPs and Bid – Excess Workers' Compensation Insurance RFP #83-99 (approx. \$26,266.00) (Item #6, H., 1., a.)

Dr. Roark inquired about claims against the Excess Workers' Compensation Insurance and suggested that approval be postponed until the August 28, 2001, Board meeting. Mr. Charles Tafoya, Associate Superintendent, Human Resources, stated that information on Workers' Compensation claims was in the process of being assembled.

Mr. Randy McGraw, G. P. Graham & Associates, advised that the renewal date for the Excess Workers' Compensation Insurance is September 1, 2001. He provided information on the \$500,000.00 deductible and stated that the District is liable for any claims under \$500,000.00. He reported that none of the claims exceeded the deductible amount.

Questions on RFPs and Bids Requiring Board Approval – Discount from Catalog Prices for Science RFP #47-01 (approx. \$183,014.51) (Item #6, H., 2.)

Mr. Wever inquired about the schools having copies of the various catalogs, the schools obtaining the required quotes, and the role of the Purchasing Department. Mr. Terry Freiburg, Director of Purchasing, advised that a vendor list is provided to the schools and catalogs are requested from vendors from whom they want to purchase. He stated that the Purchasing Office is in the process of hiring a person to handle quotes.

Questions on July Personnel Report (Item #6, I.)

Dr. Roark expressed concern with what he feels is the lack of information provided on the reasons employees leave the District and asked about exit interviews being held with teachers and administrators. Mr. Charles Tafoya, Associate Superintendent, Human Resources, advised that exit interviews are held with employees and that additional information was available to the Board on the reasons people have left the District.

It was moved by Mr. Wever, seconded by Dr. Finke, and carried unanimously that the items on the Consent Agenda be approved as listed, with the exception of item no. 6, H., 1., a., Option to Extend Existing RFPs and Bid – Excess Workers' Compensation Insurance RFP #83-99, including any recommended vendors for any amounts indicated.

A. Approval of Minutes

1. June 12, 2001, Board's Employee Health/Insurance Committee Meeting; June 14, 2001, and June 28, 2001, Board Finance Committee Meetings; June 19, 2001, Board Investigative Services Committee Meeting; June 26, 2001, Board Strategic Planning Committee Meeting; and June 28, 2001, Board Compensation Committee Meeting
2. June 12, 2001; June 19, 2001; and June 26, 2001, Meetings of the Board of Trustees

The Board approved the minutes of the June 12, 2001, Board's Employee Health/Insurance Committee meeting; June 14, 2001, and June 28, 2001, Board Finance Committee meetings; June 19, 2001, Board Investigative Services Committee meeting; June 26, 2001, Board Strategic Planning Committee meeting; June 28, 2001, Board Compensation Committee meeting; and the June 12, 2001; June 19, 2001; and June 26, 2001, meetings of the Board of Trustees.

B. Approval of ISM (Integrated Skills Methods, Inc.) Contracts for the Specific Reading Difficulties (SRD) Program (\$52,000.00)

The Board approved the contracts with ISM Teaching Systems, Inc. for the period of August 15, 2001, through August 15, 2002, to provide services for students in the Specific Reading Difficulties (SRD) Program for the maximum cumulative amounts as follows: bilingual students, \$4,000.00; elementary schools, \$33,000.00; and middle schools, \$15,000.00.

C. Demand Service Contract Award – Districtwide Sound/Clock/Bell Systems, #02.419 (\$95,544.57)

The Board approved the award of Demand Service Contract #02.419, Districtwide Sound/Clock/Bell Systems, to Sound & Signal Systems of Texas, Inc. for an estimated annual amount of \$95,544.57, subject to the review and approval of the District's attorney and approval of the 2001-02 preliminary budget.

D. Maintenance & Service Contract Awards

The following Maintenance and Service Contracts were approved as listed, subject to the review and approval of the District's attorney and approval of the 2001-02 preliminary budget, to the recommended firms for the projects/services described in the amounts indicated:

1. Stadium & Gymnasium Scoreboards, #02.413 (\$20,420.00) to Nu-Con Safety and Sound in the amount of \$20,420.00.
2. Districtwide Automatic Fire Sprinkler Systems, #02.423 (\$28,990.00) to Century Fire, LLC in the amount of \$28,990.00.

E. Approval of Electric Company Easement – Portion of Lot 1, Block 20, North Hills Unit 7 (Dr. Nixon Elementary School)

The Board President was authorized to execute an El Paso Electric Company Easement, subject to the review and approval of the District's attorney, for a portion of Lot 1, Block 20, North Hills Unit 7 (Dr. Nixon Elementary School) as shown on the documents presented.

F. Approval of Budget Amendments

The Board approved the following amendments to the 2000-01 fiscal year budget:

1. Budget Amendment for Purchase of AS/400 System (\$380,000.00). The purpose of this item is to amend the Technology and Information Systems budget in the amount of \$380,000.00. James Damm, Consultant for Finance, requested this amendment in a memo dated July 30, 2001. The amendment will allow the District to proceed with the purchase of a new AS/400 system and upgrade of the current system as directed by the Board on July 24, 2001.

2. Capital Project Funds – Chapin High School (\$100,000.00). The purpose of this item is to increase the Capital Project Funds in the amount of \$100,000.00. James Damm, Consultant for Finance, requested this amendment in a memo dated July 31, 2001. The amendment will provide furniture and equipment for Chapin High School with funds made available by a surplus of investment income above the amount budgeted.

G. Approval of Agreement to Participate in Cooperative Purchasing Program with Region 19 Education Service Center, Purchase Order No. 220377 (\$400.00)

The Board approved the District's continued participation in the Cooperative Purchasing Program with Region 19 Education Service Center, with the agreement as revised by legal counsel and approved by Region 19, for the period of September 1, 2001, through August 31, 2002, and Purchase Order No. 220377 in the amount of \$400.00 to cover administrative costs incurred in processing the general purpose bids.

H. RFPs and Bids Requiring Board Approval

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

1. Option to Extend Existing RFPs and Bid
 - b. Propane Fuel for School Buses Bid #68-00 (approx. \$720,600.00). The first option to extend was approved to Supro Energy Company for the period of September 1, 2001, through August 31, 2002, for the estimated annual amount of \$720,600.00, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
2. Discount from Catalog Prices for Science RFP #47-01 (approx. \$183,014.51) was awarded to the vendors listed for future purchases on an "as needed" basis for the 2001-02 fiscal year in an estimated annual amount of \$183,014.51, subject to the approval of the 2001-02 preliminary budget (copy of vendor list attached to the permanent file of these minutes).
3. Athletic/Physical Education Supplies Request for Catalog Discount RFP #48-01 (approx. \$395,824.36) was awarded to the vendors listed for future purchases on an "as needed" basis for the 2001-02 fiscal year in an estimated annual amount of \$395,824.36, subject to the approval of the 2001-02 preliminary budget (copy of vendor list attached to the permanent file of these minutes).
4. Discount from Catalog Prices for Trophies, Medals, and Plaques RFP #73-01 (approx. \$61,000.00) was awarded to Gulf Coast Specialties, Meza Trophies & Plaques, and Roy Lown, Inc. based on the discounts and services offered, with an option to extend for 24 months, 12 months at a time, for an estimated annual amount of \$61,000.00, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).

5. Art Supply Bid #61-01 (\$86,372.92) was awarded to the following vendors in the amounts indicated: Diamond Art, Items 3 and 17, \$435.84; Dick Blick, Items 5, 18, 31, 32, and 35, \$2,195.80; Elgin School Supply, Items 29, 30, 38, 49, 51, 54, and 70, \$10,792.32; Kirschner Brush Mfg., Item 8, \$140.00; Marsel Company, Item 28, \$530.40; Pyramid School Products, Items 2, 4, 7, 9, 12, 13, 20, 23, 24, 26, 34, 36, 39, 41, 43, 44, 47, 48, 55, and 58-69, \$15,430.10; S & S Arts, Item 33, \$172.80; Sax Arts & Crafts, Items 1, 11, 14-16, 19, 21, 22, 25, 27, 42, 45, 52, 53, and 71-73, \$42,011.24; and Standard Stationery, Items 6, 10, 40, 50, 56, and 57, \$13,917.42, for a total amount of \$86,372.92, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
6. Art Paint Bid #63-01 (\$33,491.60) was awarded to the following vendors in the amounts indicated: Office Depot, Group I, \$21,667.76, net; Pyramid School Products, Group V, \$477.00, net; Sax Arts & Crafts, Groups II, III, VI, and VII, \$10,164.24, net; and Standard Stationery Supply, Group IV, \$1,182.60, net, for a total amount of \$33,491.60, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
7. Supplemental Food Products Bid #67-01 (approx. \$84,964.56) was awarded to Pilgrims Pride, the lowest bidder, in the estimated annual amount of \$84,964.56 with net terms, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
8. Office/School Paper Bid #68-01 (\$57,101.14) was awarded to the following vendors in the amounts indicated: AFP Industries, Group III, \$30,995.20, net 30; Pyramid School Products, Group II and IV, \$11,159.94, net 30; and Xpedx, Group I, \$14,946.00, 1 percent 10, for a total amount of \$57,101.14, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
9. Art Paper Bid #69-01 (\$172,298.48) was awarded to AFP Industries, Groups II, III, V, and VII, in the amount of \$140,734.44 and Pyramid School Products, Groups I, IV, VI, VIII, and IX, in the amount of \$31,564.04, for a total amount of \$172,298.48, subject to the approval of the 2001-02 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).

I. July Personnel Report

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

Update on Strategic Planning And Appointment of Strategic Planning Committee (Item #7)

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, provided information on the status of the strategic planning process.

Mr. Gilbert Moreno, Prestige Consulting Services, EPISD Strategic Planning Consultant, reviewed Key Project highlights, which included the DEIC (Districtwide Educational Improvement Counsel) and PTA Council as two additional focus groups and the completion of the Assembly Process at Moreno Elementary School. He reviewed the progress on the Key Project Phase as compared with current activity in the Key Information Phase; the 30-60 day outlook of scheduled meetings and workshops; the August 2001 Campus Summary; and

information in the document "What is Strategic Planning?" which will be distributed to the campuses in an effort to maximize awareness and input. Mr. Moreno compared the "Cross-Cutting Issues" summary, the input and index that was built from the focus groups that identified five top issues; and the Assembly Process, which included the identification of critical success factors to be used by the strategic planning team. He advised that the same five issues were identified by each group but with different priorities.

There was discussion on the difference between the "Cross-Cutting Issues" and the "Assembly Process;" whether one order of issues takes precedence over the other; all issues being tied together; and the development of a definition for each of the key areas in order for all participants in the planning process to have the same understanding of each one.

Mr. Moreno provided information on the participant database and reviewed the EPISD ST/SP Project Strategic Thinkers Profile and the participant percentages assigned to the primary group and the secondary group. He advised that the primary group should be comprised of 45-50 individuals with the remaining nominees acting as honorary members or alternates.

It was recommended by the Board Strategic Planning Committee and it was the unanimous decision of the Board that the appointments to the Strategic Planning Committee be approved as presented (copy attached to the permanent file of the minutes).

Request for Waiver from Texas Education Agency – Center for Career and Technology Education (CCTE), Extension of Class Time and Credit Allowed for TEA-Approved Innovative Course Fundamentals of the Internet (Item #8)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board approve the request from the Center for Career and Technology to request a waiver from the Texas Education Agency for the extension of class time and credit allowed for the TEA-approved innovative course *Fundamentals of the Internet* from one hour to three hours.

Approval of Memorandum of Agreement with The Process Manager for Elementary and Middle Schools for 2001 TAAS and Item Analysis Updates for Participating Schools, 2001-02 Initial Enrollment and Item Analysis Fees and 2001 TAAS Updates for New Campuses, and TAAS 2002 Updates for Process Manager EMS and 2002 Item Analysis Module (\$69,195.11) (Item #9)

It was moved by Mr. Mena and seconded by Dr. Roark that approval of the Memorandum of Agreement with The Process Manager be postponed until September 11, 2001, in order for an in-depth investigation to be conducted by Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent & Co., P.C., the District's forensic auditors, for the following reasons (1) the vendor has some improprieties which were previously questioned in Closed Session and cannot be discussed at this time in Open Session and should be further reviewed in Closed Session; (2) there are other vendor sources that offer similar products, plus our own, which are currently being used by other schools in the District that have not been allowed the opportunity to bid and come before the Board; (3) school personnel have been instructed that this item is not negotiable and must be acquired from this vendor; and (4) due to a possible in-depth investigation include that the vendor, employees or anyone associated with the product distribution cease any further activity at all levels until this item is approved by the Board of Trustees.

Dr. Anzaldúa advised that because no funds were budgeted for an investigation, a budget amendment would need to be brought back to the Board for approval prior to an investigation taking place, unless it is included as part of the current investigation of purchasing procedures.

Meeting Closed

The meeting was recessed at 7:07 p.m. to a closed meeting by Mr. Wever under Section 551.071 of the Texas Government Code for legal advice related to this item.

The closed meeting started at 7:10 p.m. The closed meeting ended at 7:15 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:15 p.m.

Continuation of Approval of Memorandum of Agreement with The Process Manager for Elementary and Middle Schools for 2001 TAAS and Item Analysis Updates for Participating Schools, 2001-02 Initial Enrollment and Item Analysis Fees and 2001 TAAS Updates for New Campuses, and TAAS 2002 Updates for Process Manager EMS and 2002 Item Analysis Module (\$69,195.11)

Upon the vote, the motion carried unanimously.

EPISD Employee and Student Travel Guidelines (Item #10)

Dr. Roark expressed concerns about the low per diem amounts in the travel guidelines and inquired about whether consideration was given to increasing the amounts. Mr. John Doran, Associate Superintendent, High School Division, stated that Mr. Fred Herrera, Director for Auditing, advised that the per diem amounts had been reduced due to IRS (Internal Revenue Service) regulations which stipulate that per diem amounts above federal guidelines should be considered taxable income to the employees. Mr. Herrera was not present at the meeting to respond to the question.

When asked, Mr. Safi advised that he had not conducted an independent review of the IRS regulations in question and recommended that the Board postpone consideration of the item until Mr. Herrera was available to respond to questions.

It was moved by Mr. Rosales and seconded by Dr. Finke that the EPISD Employee and Student Travel Guidelines be postponed until Mr. Fred Herrera, Director for Auditing, is available to respond to questions.

Dr. Roark recommended amending the motion to include the presence of an attorney to advise the Board on the tax issues. Mr. Rosales accepted the amendment.

The amended motion reads as follows:

that the EPISD Employee and Student Travel Guidelines be postponed until Mr. Fred Herrera, Director for Auditing, is available and that an attorney be present to advise the Board on the tax issues.

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

Revisions to Board Policies (Item #11)

- A. BBG (Local), Board Members: Compensation and Expenses
- B. DBB (Local), Employment Requirements and Restrictions: Medical Examinations and Communicable Diseases
- C. DEE (Local), Compensation and Benefits: Expense Reimbursement
- D. DMD (Local), Professional Development: Professional Meetings and Visitations
- E. FMG (Local), Student Activities: Travel

Mr. Wever inquired about the policies being postponed and referred to the Board Policy Committee. Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, advised that Board Policy DBB (Local) includes the formulation of a Bloodborne Pathogens Exposure Control Plan that is required of the District by state law.

Mr. Safi provided information on the state requirement that each school district adopt a Bloodborne Pathogens Exposure Control Plan and advised that a detailed minimum plan developed by the Texas Department of Health (TDH) had been implemented by the District as an Administrative Regulation.

It was move by Mr. Wever, seconded by Dr. Roark, and carried unanimously that Board Policies BBG (Local), Board Members: Compensation and Expenses; DEE (Local), Compensation and Benefits: Expense Reimbursement; DMD (Local), Professional Development: Professional Meetings and Visitations; and FMG (Local), Student Activities: Travel, be postponed and referred to the Board Policy Committee and that Board Policy DBB (Local), Employment Requirements and Restrictions: Medical Examinations and Communicable Diseases, be approved as presented (copy attached to the permanent file of these minutes).

Approval of Board Policy BBFA (Local), Ethics: Conflict of Interest (Item #12)

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that Board Policy BBFA (Local), Ethics: Conflict of Interest, be postponed and referred to the Board Policy Committee.

Approval of Change Order No. 1 – PPFCO (Public Property Finance Contractual Obligations) Asbestos Abatement, Phase 2, (Houston Elementary School), #99.667 (\$35,000.00) (Item #13)

It was moved by Dr. Roark, seconded by Mr. Wever, and carried unanimously that the Board approve Change Order No. 1 to Keers Environmental, Inc., Construction Contract #99.667, PPFCO (Public Property Finance Contractual Obligations) Asbestos Abatement, Phase 2 (Houston Elementary School), subject to the review and approval of the District's attorney, for the completion of an asbestos decontamination project at Houston Elementary School in the amount of \$35,000.00.

Approval of IBM Customer Agreement and Addendum to Customer Agreement for January 2001 Statements of Work (SOWs) Between the EPISD and International Business Machines Corporation, Individually and on Behalf of IBM Global Services (Item #14)

It was moved by Mr. Wever and seconded by Dr. Roark that approval of the IBM Customer Agreement and Addendum to Customer Agreement for January 2001 Statements of Work (SOWs) be postponed.

Mr. Jack Johnston, Executive Director, Technology and Information Systems, provided information on IBM Global Services, the application process for E-rate funding, and the individual SOWs. He advised that the District was eligible to receive a considerable sum of money and that approval of the agreement will allow the administration to set up the procedures, policies, and practices to move forward once E-rate funding is announced.

Mr. Wever withdrew his motion and Mr. Rosales withdrew his second.

Discussion followed on the District having no liability to IBM if E-rate funding is not awarded to the District. Mr. Clyde Pine, attorney, Mounce, Green, Myers, Safi & Galatzan, PC, advised that the Board can approve the contract and addendum at this time.

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board approve the IBM Customer Service Agreement and the Addendum to Customer Agreement for January 2001 Statements of Work (SOWs) between the EPISD and International Business Machines Corporation, individually and on behalf of IBM Global Services, for the provision of technology solution services for E-rate funded projects, with each individual Statement of Work to be brought back to the Board for approval.

Approval of EPISD's Participation in Texas Association of School Boards BuyBoard™ (\$200.00) (Ref. Item No. 16J) (Item #15)

- A. Organizational Interlocal Agreement of the Texas Local Government Statewide Purchasing Cooperative
- B. Interlocal Participation Agreement for the Texas Local Government Purchasing Cooperative
- C. Board Resolution to Become a Member of the Cooperative

Mr. Safi reviewed some recommended revisions to the Agreement which would clarify the language regarding litigation.

It was moved by Mr. Mena, seconded by Dr. Roark, and carried unanimously that the Board approve the Organizational Interlocal Agreement of the Texas Local Government Statewide Purchasing Cooperative and the Interlocal Participation Agreement for the Texas Local Government Purchasing Cooperative, with revisions being made to language in the Agreement as recommended by legal counsel; adopt the Board Resolution to Become a Member of the Cooperative; and approve Purchase Order No. 220493 to the Texas Association of School Boards in the amount of \$200.00 to cover the annual membership fees.

Purchase Orders Requiring Board Approval (Item 16)

- A. The Academy of Reading Software for Moreno Elementary School, Purchase Order No. 219835 (\$13,089.25)

It was moved by Mr. Mena, seconded by Dr. Roark, and carried unanimously that action on The Academy of Reading Software for Moreno Elementary School, Purchase Order No. 219835, be postponed until the September 11, 2001, Board meeting.

It was moved by Mr. Rosales, seconded by Mr. Wever, and carried unanimously that the Board approve the following purchase orders to the recommended vendors for the amounts indicated:

- B. Computers for School Libraries, Purchase Order No. 219746 (\$21,600.00) were approved for purchase from Desert Communications, Inc., the lowest quote, in the amount of \$21,600.00 (copy of purchase order attached to the permanent file of these minutes).
- C. Student Nutrition Accountability Program (SNAP) Terminal Upgrades, Purchase Order No. 219975 (\$8,330.00) was approved for purchase from SNAP Systems, Inc., the sole source, in the amount of \$8,330.00, bringing the total annual purchase to \$24,674.00 (copy of purchase order attached to the permanent file of these minutes).
- D. Laptops for Elementary Education, Purchase Order Nos. 219838 and 220084 (\$7,017.00) were approved for purchase from Apple Computer, the sole source, in the total amount of \$7,017.00 (copy of purchase orders attached to the permanent file of these minutes).
- E. Laptops for Hillside Elementary School, Purchase Order No. 220013 (\$27,980.00) were approved for purchase from Apple Computer, the sole source, in the amount of \$27,980.00 (copy of purchase order attached to the permanent file of these minutes).
- F. Computers for Lindbergh Elementary School, Purchase Order No. 220122 (\$31,558.00) were approved for purchase from Apple Computer, the sole source, in the amount of \$31,558.00 (copy of purchase order attached to the permanent file of these minutes).
- G. Computer Hardware for Franklin High School, Purchase Order No. 220123 (\$6,471.00) was approved for purchase from Apple Computer, the sole source, in the amount of \$6,471.00 (copy of purchase order attached to the permanent file of these minutes).
- H. Computers for Chapin High School, Purchase Order No. 220206 (\$25,925.00) were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$25,925.00 (copy of purchase order attached to the permanent file of these minutes).
- I. Computers for Human Resources Department, Purchase Order No. 220371 (\$11,231.80) were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$11,231.80 (copy of purchase order attached to the permanent file of these minutes).
- J. Delivery Truck for Warehouse Services, Purchase Order No. 220483 (\$31,815.00) (*Ref. Item No. 15*) was approved for purchase from Lawrence Marshall, on TASB's BuyBoard™ Bid #00-01-8F000 in the amount of \$31,815.00 (copy of purchase order attached to the permanent file of these minutes).

Interdistrict Transfer Student Tuition Waiver Appeals (Item #17)

A. M. M.

Mr. Al Valles, Assistant Director, Pupil Services, provided information on the request that M. M. be allowed to attend Logan Elementary School and that tuition fees be waived. He advised that the family resides in the Socorro ISD boundary and that the tuition waiver request was denied.

There was discussion on the occupancy level of Logan Elementary School and the need to follow Board policy regarding transfer and tuition waiver requests.

It was moved by Mr. Rosales and seconded by Miss Garcia that the Board uphold the administration's decision to deny the tuition waiver requested for M. M.

Discussion continued on this type of situation not being addressed in the Secondary Education Transition Study (SETS) agreement, which addresses issues of transitioning military-connected students; the difficulty that parents in the military experience transporting their children to school; the District making accommodations for military parents, whenever possible; and the need for M. M.'s parent to find housing in the Logan School attendance area.

Mr. Mena called for the question.

Ms. Charlotte Martinez, parent of M. M. and a staff sergeant in the U. S. Army, provided information on her request to transfer her son to Logan Elementary School and the tuition she had paid to date.

Discussion continued on the possibility of tuition being waived for a specified amount of time allowing Ms. Martinez the opportunity to seek housing accommodations close to the school; Board Policy FDA (Local), Admissions and Attendance: Interdistrict Transfers, being referred to the Board Policy Committee for review and possible revision; and the Board considering waivers of policy in special circumstances.

It was moved by Dr. Roark that the administration's decision be overruled. There being no second, the motion died.

Mr. Mena stated that he had called for the question on the motion that the Board uphold the administration's decision to deny the tuition waiver requested for M. M. The vote to call for the question carried unanimously.

Upon the vote, the motion failed with Mr. Mena, Mr. Rosales, and Miss Garcia voting in favor of the motion, and Dr. Finke, Dr. Roark, and Mr. Wever voting against the motion.

It was moved by Dr. Roark and seconded by Dr. Finke that the Board approve a tuition waiver for M. M. and that this action not set a precedent. Upon the vote, the motion failed with Dr. Roark, Dr. Finke, and Mr. Wever voting in favor of the motion, and Mr. Mena, Mr. Rosales, and Miss Garcia voting against the motion.

It was moved by Mr. Wever, seconded by Dr. Finke, and carried unanimously that the Board grant a six-month tuition exemption for M.M.

It was moved by Mr. Mena, seconded by Dr. Finke, and carried unanimously that tuition in the amount of \$308.00 which had been paid by the parent of M. M. be refunded; that the administration meet with the parent in four months and bring information back to the Board on M. M.'s residential situation; that Ms. Pam Brown, the District's military liaison, work with the parent on her housing situation; and that Board Policy FDA (Local) be referred to the Board Policy Committee for review.

B. B. G. and T. G.

Mr. Al Valles, Assistant Director, Pupil Services, provided information on the request that B. G. and T. G. be allowed to attend Logan Elementary School and that tuition fees be waived. He advised that the family resides in the Socorro ISD and that the request had been denied. Mr. Valles stated that the circumstances involved in this item were identical to those in the previous item.

It was moved by Dr. Roark, seconded by Dr. Finke, and carried unanimously that the Board grant a six-month tuition exemption for B. G. and T. G.; that the administration meet with the parent in four months and bring information back to the Board on B. G.'s and T. G.'s residential situation; and that Ms. Pam Brown, the District's military liaison, work with the parent on their housing situation.

Meeting Closed (Item #18)

The meeting was recessed at 8:07 p.m. to a closed meeting by Mr. Wever under Sections 551.071, 551.072, 551.074, and 551.082 of the Texas Government Code as follows:

- A. Grievance Hearing – Mickey Rogers, Coach/Teacher, Austin High School
- B. Personnel Appointments
 - 1. Associate Superintendent, Finance
 - 2. Director, Budget
 - 3. Director, Employee Relations
 - 4. Principal, Ross Middle School
- C. Issuing Contract for Professional Employee in Position not Requiring SBEC Certification (Facilitator, Planetarium)
- D. Supplemental Agreement No. 1 to Department of the Army, Lease No. DACA63-1-97-050 – Captain John L. Chapin High School Property Lease
- E. Contractual Disputes Regarding the Completion of Moreno Elementary School, #93.734

The closed meeting started at 8:18 p.m. The closed meeting ended at 9:43 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:43 p.m.

Grievance Hearing – Mickey Rogers, Coach/Teacher, Austin High School (Item #18, A.)

It was moved by Dr. Finke, seconded by Mr. Wever, and carried unanimously that the Board not uphold the Superintendent's Step 4 and Supplemental Responses to deny the request by Mickey Rogers to continue to receive the stipend for a head football coach.

It was moved by Mr. Wever, seconded by Mr. Mena, and carried unanimously that Mickey Rogers receive a \$2,000.00 stipend for the 2001-02 school year in settlement of his grievance, which will reflect the same total stipend amount that he would have received as a head football coach, and that he receive an additional \$2,000.00 for the summer of 2002 subject to his earning that amount working for the Athletic Department, with his duties to be determined by the Director of Athletics.

Personnel Appointments – Associate Superintendent, Finance (item #18, B., 1.)

It was moved by Dr. Finke and seconded by Mr. Mena that the Board accept the Superintendent's recommendation to appoint Carol J. Walters, Interim Associate Superintendent of Business and Administrative Services with the Ysleta ISD, to the position of Associate Superintendent, Finance. Upon the vote, the motion carried with Dr. Roark voting against the motion.

Personnel Appointments – Director, Budget (Item #18, B., 2.)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Richard Romero, Chief Financial Officer with Southwest Engineering Associates, to the position of Director, Budget.

Personnel Appointments – Director, Employee Relations (Item #18, B., 3.)

It was moved by Mr. Rosales, seconded by Mr. Wever, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Daniel Martinez, Coordinator of Employee Relations with the Ysleta ISD, to the position of Director, Employee Relations.

Personnel Appointments – Principal, Ross Middle School (Item #18, B., 4.)

It was moved by Mr. Rosales, seconded by Mr. Mena, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Karla Onick, Assistant Principal at Terrace Hills Middle School, to the position of Principal, Ross Middle School.

Issuing Contract for Professional Employee in Position not Requiring SBEC Certification (Facilitator, Planetarium) (Item #18, C.)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board approve issuing a One-Year Term Contract to John Peterson, Facilitator in the Planetarium, in accordance with Board Policy DCB (Legal), Employment Practices: Term Contracts.

Supplemental Agreement No. 1 to Department of the Army, Lease No. DACA63-1-97-050 – Captain John L. Chapin High School Property Lease (Item #18, D.)

It was moved by Dr. Roark, seconded by Mr. Wever, and carried unanimously that the Board President be authorized to execute Supplemental Agreement No. 1 to Department of the Army Lease No. DACA63-1-97-050 – Captain John L. Chapin High School, subject to the review and approval of the District's attorney.

Discussion and Possible Action Regarding Employee Appeal of Denial of Benefits Under EPISD Employee Health Plan (Item #20)

It was moved by Mr. Wever, seconded by Dr. Finke, and carried unanimously that item no. 20, Discussion and Possible Action Regarding Employee Appeal of Denial of Benefits Under EPISD Employee Health Plan, be postponed and be brought back to the Board in order for the employee to be notified so said employee can be present to address the Board.

Meeting Adjourned

The meeting was adjourned at 9:55 p.m.

Date Approved: October 23, 2001