

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
October 9, 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 Anzaldua, Superintendent  
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:12 p.m. by Mr. Wever. The Pledge of Allegiance was led by Officer Mike Sanchez, EPISD Police Services. Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, gave the Thought for the Day.

Recognition of 2001 Kermezaar Student Art Show Award Winners (Item #1)

Two high school students were recognized by the Board of Trustees for awards received in the annual Kermezaar Student Art Show. Graciela Ruiz, sophomore at Jefferson High School, and Ingrid Decker, junior at Coronado High School, received \$150.00 each for the Grand Prize Purchase Awards. Each student was presented with an engraved plaque and congratulated individually by Dr. Anzaldua and the Board of Trustees. The students' instructors and families were also recognized.

Public Forum (Item #2)

There were no speakers on Open Forum.

Consent Agenda (Item #3)

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

- Mr. Telles - Item 3, C., Approval of Interlocal Governmental Agreement Between the EPISD and Region 19 Education Service Center for Services under the McKinney Homeless Assistance Program (\$104,404.00) (Ref. Item No. 3F, 2.)
- Item 3, D., Approval of SchoolCare™ Support and Upgrades for Carnegie Learning™, Inc. Cognitive Tutor™ Algebra I Program Materials for EPISD High Schools and Alternative High School Campuses (approx. \$73,000.00)
- Item 3, E., Approval of Subcontract Agreement and Amended subcontract Agreement Between EPISD and Reading is Fundamental, Inc. (\$29,317.00)

Questions on Approval of Interlocal Governmental Agreement Between the EPISD and Region 19 Education Service Center for Services under the McKinney Homeless Assistance Program (\$104,404.00) (Ref. Item No. 3F, 2.) (Item #3, C.)

Responding to Mr. Telles' and Mr. Wever's requests for additional information, Ms. Marsha Lawler, Executive Director, External Funding, advised that this program provides tutoring and guidance services for EPISD students that are homeless and reviewed the number of children being served by the program.

Questions on Approval of SchoolCare™ Support and Upgrades for Carnegie Learning™, Inc. Cognitive Tutor™ Algebra I Program Materials for EPISD High Schools and Alternative High School Campuses (approx. \$73,000.00) (Item #3, D.)

Mr. Telles inquired about a contract for the provision of these materials. Ms. Alicia Torres, Facilitator, Secondary Education, advised that the District has a contract with Carnegie Learning™, Inc. for a special software program that is used with students in Algebra I, which provides a different approach to algebra for students who need remediation. She added that the Cognitive Tutor™ Algebra I program is not available locally.

Questions on Approval of Subcontract Agreement and Amended subcontract Agreement Between EPISD and Reading is Fundamental, Inc. (\$29,317.00) (Item #3, E.)

Mr. Telles questioned whether a contract was needed for the Reading is Fundamental (RIF) program. Ms. Alicia Torres, Facilitator, Secondary Education, advised that the RIF program has been used in the District for many years. She stated that books are provided to students at no cost to them or their families with federal matching funds.

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

A. Approval of Minutes

1. July 10, 2001, and July 17, 2001, Board Compensation Committee Meetings; July 12, 2001, and July 31, 2001, Board Finance Committee Meetings; and July 17, 2001, and July 31, 2001, Board's Employee Health/Insurance Committee Meetings
2. July 10, 2001; July 24, 2001; and July 31, 2001, Meetings of the Board of Trustees

The Board approved the minutes of the July 10, 2001, and July 17, 2001, Board Compensation Committee meetings; the July 12, 2001, and July 31, 2001, Board Finance Committee meetings; the July 17, 2001, and July 31, 2001, Board's Employee Health/Insurance Committee meetings; and the July 10, 2001; July 24, 2001; and July 31, 2001, meetings of the Board of Trustees.

B. Approval of Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreement Between the El Paso and Anthony Independent School Districts

The Board approved the JJAEP Interlocal Agreement between the El Paso and Anthony Independent School Districts for the EPISD to accept discretionary expelled students from the Anthony ISD for the 2001-02 fiscal year, with the EPISD receiving \$7,500.00 from the Anthony ISD for each discretionary expelled student.

C. Approval of Interlocal Governmental Agreement Between the EPISD and Region 19 Education Service Center for Services under the McKinney Homeless Assistance Program (\$104,404.00) (Ref. Item No. 3F, 2.)

The Board approved the interlocal agreement between the EPISD and Region 19 Education Service Center for tutoring and other services to be provided for homeless children under the McKinney Homeless Assistance Program effective through August 31, 2002, with the EPISD reimbursing Region 19 for an amount not to exceed \$104,404.00.

D. Approval of SchoolCare™ Support and Upgrades for Carnegie Learning™, Inc. Cognitive Tutor™ Algebra I Program Materials for EPISD High Schools and Alternative High School Campuses (approx. \$73,000.00)

The Board approved the annual SchoolCare™ support and upgrade for the Carnegie Learning™, Inc. Cognitive Tutor™ Algebra I program materials for all EPISD high schools, including the Delta Academy, the School-Age Parent Center, Sunset High School, and the Telles Academy, for the period through June 30, 2002, in the amount of \$73,000.00.

E. Approval of Subcontract Agreement and Amended Subcontract Agreement Between EPISD and Reading is Fundamental, Inc. (\$29,317.00)

The Board approved the Subcontract Agreement and Amended Subcontract Agreement between the EPISD and Reading is Fundamental, Inc. for the purchase of books at 25 percent of the actual cost and for the purchase of additional books at discounted prices, for an approximate total amount of \$29,317.00.

F. Approval of Budget Amendments

The Board approved the following amendments to the 2001-02 fiscal year budget:

1. After-School Initiative for Middle Schools (\$63,946.00). The purpose of this item is to increase the After-School Initiative for Middle Schools in the amount of \$63,946.00. Marsha Lawler, Executive Director, External Funding, requested this amendment in a memo dated September 12, 2001. The Texas Education Agency approved this grant on August 20, 2001.
2. McKinney Homeless Assistance Grant (\$104,404.00) (Ref. Item No. 3C). The purpose of this item is to set up the budget for the McKinney Homeless Children Program in the amount of \$104,404.00. Marsha Lawler, Executive Director, External Funding, requested this amendment in a memo dated September 18, 2001. The Region 10 Education Service Center approved this grant on August 8, 2001.
3. Model Reading Intervention Program (\$378,818.00). The purpose of this item is to set up the budget for the Model Reading Intervention Program in the amount of \$378,818.00. Marsha Lawler, Executive Director, External Funding, requested this amendment in a memo dated September 25, 2001. The Texas Education Agency approved this grant on August 22, 2001.

G. Approval of Airport Lease Agreements – Education Center Boeing L001 A-C and Professional Development Center L002 (\$99,807.12)

The Board approved the payments for the 12-month Airport Lease Agreements with the City of El Paso (El Paso International Airport) for the Education Center-Boeing, L001 A-C, for the annual amount of \$76,929.12; and the Professional Development Center, L002, for the annual amount of \$22,878.00, for an annual grand total amount of \$99,807.12.

H. Approval of Utility Services for EPISD

The Board approved the award of electricity, natural gas, and water and sewage processing services to the following sole source El Paso utility firms for the estimated annual amounts indicated, subject to the review and approval of the District's attorney:

1. Electricity Services (approx. \$7,882,374.00) to the El Paso Electric Company in the estimated annual amount of \$7,882,374.00.
2. Natural Gas Services (approx. \$2,782,286.00) to Southern Union Gas Company in the estimated annual amount of \$2,782,286.00.
3. Water and Sewage Processing Services (approx. \$1,822,262.00) to the El Paso Water Utilities in the estimated annual amount of \$1,822,262.00.

I. Approval of Continuation of TEX-AN 2000 Local Telecommunications Services (approx. \$1,240,000.00)

The Board approved the continuation of TEX-AN (Texas Agency Network) 2000, through the General Services Commission for the state of Texas, for districtwide local telecommunication utility services provided by Southwestern Bell Telephone Co. for the estimated annual amount of \$1,240,000.00, prior to E-rate reimbursements, and subject to the review and approval of the District's attorney.

J. RFPs, Bids and Purchase Orders Requiring Board Approval

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

1. Dishmachine Supplies on Region 19 RFP #00-5085 (approx. \$152,917.86) was approved for purchase from Eco-Lab, Lot #6, for the estimated annual amount of \$152,917.86 with the option to extend for one additional year (copy of bid tabulation attached to the permanent file of these minutes).
2. Music Instruments Bid #86-01 (\$112,890.00) was awarded to the following vendors in the amounts indicated: Brook Mays Music, Items 11, 14, 16, 18-22, and 24-16, \$69,484.00, net; Capshaw Olivas Music Center, Items 17 and 23, \$4,756.00, net; Family Music Center, Items 6-8, \$7,416.00, net; Integrated Midi Systems, Items 1-3, \$7,740.00, net; Interstate Music Supply, Items 4 and 5, \$1,820.00, net; Kurland-Salzman Music, Items 9 and 10, \$3,590.00, net; Midwest Musical Imports, Items 13 and 15, \$11,900.00, net; and Star Music, Item 12, \$6,184.0, net, for a total amount of \$112,890.00 (copy of bid tabulation attached to the permanent file of these minutes).

3. Commercial Kitchen Equipment Bid #88-01 (\$35,094.26) was awarded to National Restaurant Supply, the lowest bidder, in the amount of \$35,094.26 with net terms (copy of bid tabulation attached to the permanent file of these minutes).
4. Credit By Exam (CBE) Tests, Purchase Order No. 223322 (\$65,000.00), were approved for purchase from Texas Tech University in the amount of \$65,000.00 (copy of purchase order attached to the permanent file of these minutes).
5. TAAS & End-of-Course Exams Reports, Purchase Order No. 223325 (\$25,000.00), were approved for purchase from National Computer Systems in the amount of \$25,000.00 (copy of purchase order attached to the permanent file of these minutes).

K. September Personnel Report

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

Approval of Research Participation Agreement for Expansion Beta Testing of Waterford Early Math & Science Program (Level One) – Alamo and Cooley Elementary Schools (\$25,326.00) (Item #4)

Dr. Roark inquired about the meaning of “beta” testing. Ms. Vodene Schultz, Facilitator, Elementary Education, provided information on “alpha” testing, which is when a school participates in the development of an instructional software, program, or textbook from the beginning. She stated that at that point, the instructional material is put through “beta” testing, which is when someone not involved in the development of the material uses it and provides feedback. She reviewed the support that will be available to Alamo and Cooley Elementary Schools during the “beta” testing process and stated that the vendor will also provide support for the hardware used in the testing. Dr. Anzaldua advised that a report on the success of the program can be brought back to the Board at mid-year and at the end of the year.

There was discussion on the selection process for teachers that will participate in the program; the students selected to participate being students in those teachers’ classrooms; checking the validity of the instrument; providing a category of students whose native language is non-English; and “beta” testing the instructional materials not obligating the District to purchase the tested materials.

It was moved by Mr. Telles, seconded by Mr. Mena, and carried unanimously that the Board approve the Research Participation Agreement with the Waterford Institute for Expansion Beta Testing of the Waterford Early Math & Science Program (Level One) at Alamo and Cooley Elementary Schools for the period through August 30, 2002, in the amount of \$25,326.00.

Approval of Memorandum of Agreement with Center for Leadership in Science, Mathematics and Technology for the CATS (Comprehensive Assessment Training in Science) Institute for EPISD K-12 Teachers and Administrators (\$24,000.00) (Item #5)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the Memorandum of Agreement with the Center for Leadership in Science, Mathematics and Technology for the CATS (Comprehensive Assessment Training in Science) Institute for EPISD K-12 teachers and administrators for a total amount of \$24,000.00.

Approval of Interlocal Governmental Agreement Between EPISD and City of El Paso for the Joint Use of Property for Public Recreational Facility (San Juan Park/Hawkins Elementary School Project) (Item #6)

Dr. Anzaldua advised that the Board had previously approved the Interlocal Governmental Agreement between the District and the City of El Paso for the joint use of property for a public recreational facility at Hawkins Elementary School and that the Board is required to approve the agreement in its final form.

Dr. Roark expressed concern about possible “strings” that could be attached to the forgivable loan associated with the project. He questioned the requirements of the CDBG (Community Development Block Grant) related to grant reporting and how the District will compile the required information.

Mr. Enrique Gallegos, Associate Superintendent, Elementary Schools Division, advised that the District will be able to provide all necessary information and that the forgivable loan is in connection with the expenditures associated with the design of the project.

There was discussion on the demographics of the community and the children to be served by the project; the initiation of the project; and the administration confirming with the City of El Paso on what reports will be required and the timeframe for those reports.

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board approve the Interlocal Governmental Agreement between the EPISD and the City of El Paso for the joint use of property for a public recreational facility – San Juan Park/Hawkins Elementary School Project, subject to the review and approval of the District's attorney.

San Juan Park/Hawkins Elementary School Project – Approval of Forgivable Loan Agreement (\$82,064.00) (Item #7)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the Forgivable Loan Agreement with the City of El Paso for funding for the design of the San Juan Park/Hawkins Elementary School Project in the amount of \$82,064.00, subject to the review and approval of the District's attorney and the approval of a corresponding budget amendment to be brought back to the Board.

Purchase Orders Requiring Board Approval (Item #8)

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

- A. Apple Computers for Burlson Elementary School, Purchase Order No. 221062 (\$5,058.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$5,058.00 (copy of purchase order attached to the permanent file of these minutes).
- B. Computers for Morehead Middle School, Purchase Order No. 222822 (\$21,503.60), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$21,503.60 (copy of purchase order attached to the permanent file of these minutes).

Approval of Employee Dental/Vision Benefit RFP #70-01 (Item #9)

It was moved by Mr. Telles and seconded by Mr. Rosales that Employee Dental/Vision Benefit RFP #70-01 be awarded as follows: that the vision Plan be awarded to Vision Service Plan (VSP) for coverage effective January 1, 2002, and that the District accept the rate cap of 10 percent for Plan Year 2003; that the Dental HMO ADC-3 Plan be awarded to SafeGuard Health Plan, Inc. for coverage effective January 1, 2002, and that the District accept the rate guarantee for Plan Year 2003; that the Dental Indemnity Plan be awarded to SafeGuard Health Plan, Inc. for coverage effective January 1, 2002, and that the District accept the rate guarantee for Plan Year 2003; and that the Dental Scheduled Plan (SR32) be awarded to SafeGuard Health Plan, Inc. for coverage effective January 1, 2002, and that the District accept the rate guarantee for Plan Year 2003.

Mr. Wever expressed his disappointment that the information on the dental and vision plans had not been provided to the Board's Employee Health/Insurance Committee for proper review. He expressed concerns with the evaluation of the proposals and requested information on the recommended awards.

Ms. Elizabeth Bulos, Director, Employee Benefits, stated that there was specific evaluation criteria included with the RFP (request for proposal) which was used in the evaluation of the proposals. She stated that a Vision Provider Survey was conducted with providers in which the best-and-final companies were rated for administrative support, service, and compensation to the provider.

There was discussion on the surveys; the availability of laser/lasik surgery; and the need for future RFPs to be submitted to the Board's Employee Health/Insurance Committee prior to being brought to the Board for approval.

Dr. Roark questioned the awarding of the RFP to a company with previous problems in providing proper service to the employees and in keeping dentists in the network. Ms. Bulos reviewed the three plans being proposed by SafeGuard Health Plan, Inc.

Discussion continued on the difficulty of keeping dentists in a dental network; the shortage of dentists in El Paso; dental services that are available in Juárez, México; information being provided to employees enrolled in the discount dental plan on the difficulty of keeping providers in the network and the new options that are available; employees having the choice of options provided by the District.

It was moved by Mr. Telles and seconded by Dr. Finke that the debate be closed and an immediate vote be taken on the pending motion before the Board. Upon the vote, the motion carried with Dr. Roark and Mr. Wever voting against the motion.

Upon the vote on the award of Employee Dental/Vision Benefit RFP #70-01, the motion carried with Dr. Roark, Mr. Wever, and Miss Garcia voting against the motion.

Approval of Districtwide Beverage Service Contract RFP #83-01 (Item #10)

Dr. Anzaldua commented on Board Policies CO (Local), Food Services Management, and COC (Local), Food Services Management – Vending Machines, which had previously been adopted by the Board. He advised that an analysis of the RFP by the administration was completed and the administration had provided two options for the Board's consideration. The RFP can be awarded as an exclusive contract to one company or as a shared contract to both Pepsi Cola Bottling Group and Magnolia Coca Cola Bottling Co. Dr. Anzaldua stated that the District will abide by the provisions that no soft drinks are to be accessed by elementary or middle school students; that soft drinks will be provided only at the high schools and in the teachers' lounges in schools with grades kindergarten through 8; and that the District will have an ongoing wellness and nutrition program.

The following people requested to speak to this item:

1. Mr. Raul Garcia spoke about keeping vending machines at the schools as they bring in revenue for the students.
2. Mr. John Chavarria, Magnolia Coca Cola Bottling Co., spoke about providing diet drinks in the middle schools.

It was moved by Mr. Telles, seconded by Mr. Wever, and carried unanimously that the Board award Districtwide Beverage Services Contract RFP #83-01 on a shared exclusivity basis with Pepsi Cola Bottling Group and Magnolia Coca Cola Bottling Co., that monies be kept by the schools, and that any surplus be distributed to the elementary schools.

Dr. Roark commented on providing diet drinks at the middle schools and recommended that the administration talk with community groups regarding the issue and that it be brought back to the Board at a future meeting.

Mr. Hector Martinez, Associate Superintendent of Operations, stated that one of the appended documents to the RFP was Board Policy COC (Local), which stipulates that beverage machines accessible to students and the general visiting public at the middle schools are to dispense only potable water, 100 percent fruit juices, and 1 percent or skim milk products. He advised that if diet drinks are to be considered, the policy will need to be revised and brought back to the Board.

There was discussion on providing a nutritional evaluation of diet drinks; how funds would be distributed to the elementary schools; and the current enrollment figures at the schools.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$25,000.00 (Item #11)

It was moved by Dr. Roark, seconded by Mr. Telles, and carried unanimously that the Board approve the procurement/delivery 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.

- A. The competitive bid process was approved for Education Center-Boeing Mechanical Renovations – Basement, #01.844.
- B. The competitive bid process was approved for Northeast Regional Tennis Center Parking Lot, #02.727.

Approval of RFP (Request for Proposal) for a Comprehensive Compensation Study and Compensation Study Calendar (Item #13)

Mr. Charles Tafoya, Associate Superintendent, Human Resources, advised that the Board Compensation Committee had met and discussed the urgency of moving forward with the Comprehensive Compensation Study. He stated that the Finance Division was proposing a new calendar that compresses the timeline for the compensation study which will allow the Board ample opportunity to review any recommendations that could impact salaries during the 2002-03 budget process.

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve (1) the language in the RFP (request for proposal) for a comprehensive compensation study as discussed and presented and (2) the Compensation Study Calendar as revised and dated October 5, 2001. Dr. Roark was not present for the vote.

Item Withdrawn

It was announced that item no. 12, B., Grievance Hearings – Muntasser Alspini, Bus Driver, Transportation (3 grievances), had been withdrawn from the agenda.

Meeting Closed (Item #12)

The meeting was recessed 6:23 p.m. to a closed meeting by Mr. Wever under Sections 551.071, 551.074, and 551.082 of the Texas Government Code as follows:

- A. Personnel Appointment – Director, Bilingual Education
- C. Consultation with School District Attorney Regarding Pending Litigation
  - 1. Muntasser Alspini, Plaintiff v. El Paso Independent School District, Defendant; County Court at Law No. Three, El Paso County, Texas; Cause No. 2000-1006
  - 2. Dianne Jones, Manuel Mendoza, Mark Mendoza, and Efren Yturralde, Plaintiffs v. El Paso Independent School District, Defendant; In the 41<sup>st</sup> Judicial District Court of El Paso County, Texas; Cause No. 2000-2704
  - 3. Dianne Jones, Charging Party, vs. El Paso Independent School District, Respondent; EEOC Charge No. 361A10408

The closed meeting started at 6:35 p.m. The closed meeting ended at 6:45 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 6:45 p.m.

Personnel Appointment – Director, Bilingual Education (Item #12, A.)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Antonia Tapia, Coordinator for Bilingual Education/ESL in the Ysleta ISD, to the position of Director, Bilingual Education.

Meeting Closed

The meeting was again recessed to a closed meeting at 6:55 p.m. under Section 551.071 of the Texas Government Code for consultation with the school district attorney as previously cited.

Mr. Rosales recused himself from discussion on item no. 12, C., 2., Dianne Jones, Manuel Mendoza, Mark Mendoza, and Efren Yturralde, Plaintiffs v. El Paso Independent School District, Defendant; In the 41<sup>st</sup> Judicial District Court of El Paso County, Texas; Cause No. 2000-2704, and item no. 12, C., 3., Dianne Jones, Charging Party, vs. El Paso Independent School District, Respondent; EEOC Charge No. 361A10408.

The closed meeting started at 6:57 p.m. The closed meeting ended at 7:27 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:27 p.m.

Consultation with School District Attorney Regarding Pending Litigation – Muntasser Alspini, Plaintiff v. El Paso Independent School District, Defendant; County Court at Law No. Three, El Paso County, Texas; Cause No. 2000-1066 (Item #12, C., 1.)

It was moved by Dr. Roark, seconded by Dr. Finke, and carried unanimously that the Board authorize a counter offer in this case in an amount equivalent to the number of hours Muntasser Alspini claims he was denied the opportunity to work, with any additional settlement amounts not to exceed the balance remaining in the District's self-insured retention under the applicable insurance policy and any overage to be covered by the insurance company at its election. Mr. Rosales was not present for the vote.

Consultation with School District Attorney Regarding Pending Litigation – Dianne Jones, Manuel Mendoza, and Efren Yturralde, Plaintiffs v. El Paso Independent School District, Defendant; In the 41<sup>st</sup> Judicial District Court of El Paso County, Texas; Cause No. 2000-2704 (Item #12, C., 2.)

It was moved by Mr. Mena, seconded by Dr. Roark, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, PC to file an answer and represent the District in this case. Mr. Rosales recused himself from the vote.

Consultation with School District Attorney Regarding Pending Litigation – Dianne Jones, Charging Party, vs. El Paso Independent School District, Respondent; EEOC Charge No. 361A10408 (Item #12, C., 3.)

It was moved by Mr. Telles, seconded by Mr. Mena, and carried unanimously that the Board take no action in this matter and that legal counsel report back to the EEOC that there is no interest in the settlement offer. Mr. Rosales recused himself from the vote.

Meeting Adjourned

The meeting was adjourned at 7:29 p.m.

Date Approved: January 22, 2002