

Minutes of Meeting of Board of Trustees
El Paso Independent School District
September 12, 2000
5:00 p.m.
Education Center-Boeing

Present: Dr. Charles Roark, President
Mrs. Ada Gonzalez-Peterson, Vice President
Mr. Richard Telles, Secretary
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 5:02 p.m. by Dr. Roark. The Pledge of Allegiance was led by Mr. Rosales. Ms. Marsha Lawler, Associate Superintendent, Curriculum, Instruction and Assessment, gave the Thought for the Day.

Recognition of Douglas Jackson, Teacher at Hillside Elementary School, for Being Selected as a Disney American Teacher Awards Honoree for 2000 (Item #1)

Mr. Douglas Jackson, teacher at Hillside Elementary School, was recognized by the Board of Trustees for having been selected as a Disney American Teacher Awards Honoree for 2000. Mr. Jackson is one of 33 teachers selected by a National Selection Committee comprised of distinguished educators from more than 70,000 nominations. A special, engraved "Mickey" plaque was presented to Mr. Jackson on behalf of the Board. Sen. Eliot Shapleigh joined the Board and Dr. Anzaldua in recognizing Mr. Jackson.

Children's Health Insurance Program (CHIP) (Item #2)

Sen. Eliot Shapleigh provided a brief overview of the Children's Health Insurance Program (CHIP). He reviewed the efforts in El Paso and statewide to get children enrolled in the program. He announced that October 2 - 8, 2000, will be CHIP Week in El Paso, with the kick off to be September 30, 2000, at Alamo Elementary School. Sen. Shapleigh advised that the target is 20,000 enrollments by the end of CHIP Week.

Discussion followed on the plans after obtaining the initial 20,000 enrollments; immigration enforcement and CHIP's impact on a legal permanent residency application; El Paso having a lower Medicaid and CHIP reimbursement rate than other large cities in the state; and the Board of Trustees adopting a resolution supporting changes in the reimbursement rate system.

It was the consensus of the Board that the Superintendent and legal counsel should draft a resolution on Medicaid and CHIP reimbursement rates from the state and that it be brought back to the Board at the next regularly scheduled Board meeting.

Public Forum (Item #3)

The following people requested to speak on Open Forum:

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about communication problems regarding the sign up process for the newly approved Sick Leave Bank, problems with Worker's Compensation, and developing a Board policy to override DGA (Regulation), Employee Rights and Privileges: Association and Participation.
2. Mr. Cesar Viramontes, Co-chair, Bond 2000 Committee, spoke about the committee's actions and advised that the date of December 12, 2000, is being recommended to the Board as the date to conduct the bond election. He added that the bond amount will be discussed at a meeting scheduled for September 14, 2000, and that the District's needs have been identified, with the no. 1 priority being the upgrading of schools.
3. Mr. Jorge De la Vega, parent at Stanton Elementary School, spoke about a petition supporting a change in District policy to allow a teacher at Stanton to be appointed to the position of assistant principal.

Consent Agenda (Item #4)

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

A. Approval of Minutes

1. July 18, 2000, Board Finance Committee Meeting; July 21, 2000, Board's Employee Health/Insurance Committee Meeting; and July 25, 2000, Board Finance Committee Meeting
2. July 11, 2000; July 18, 2000; and July 25, 2000, Meetings of the Board of Trustees

The Board approved the minutes of the July 18, 2000, and July 25, 2000, Board Finance Committee meetings; and the July 21, 2000, Board's Employee Health/Insurance Committee meeting; and the July 11, 2000; July 18, 2000; and July 25, 2000, meetings of the Board of Trustees.

B. Approval of Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreements

1. Between the El Paso, Anthony and Canutillo Independent School Districts and El Paso County
2. Between the El Paso and Anthony Independent School Districts
3. Between the El Paso and Canutillo Independent School Districts
4. Between the El Paso and Socorro Independent School Districts

The Board approved the JJAEP Interlocal Agreement between the El Paso, Anthony, and Canutillo Independent School Districts and the County of El Paso for the establishment and operation of a juvenile justice alternative education program for the 2000-01 fiscal

year, with the EPISD receiving \$59.00 per day from the County for each mandatory expelled student; and the interlocal agreements between the El Paso Independent School District and the Anthony, Canutillo, and Socorro Independent School Districts for the EPISD to accept discretionary expelled students from the Anthony, Canutillo and Socorro ISDs for the 2000-01 fiscal year, with the EPISD receiving \$7,500.00 from the Anthony, Canutillo, and Socorro ISDs 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. 4, D., 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 September 1, 2000, through August 31, 2001, with the EPISD reimbursing Region 19 for an amount not to exceed \$104,404.00.

D. Approval of Budget Amendments

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

1. Investment Capital Fund (\$10,000.00). The purpose of this item is to increase the Investment Capital Fund budget in the amount of \$10,000.00. Bob Mena, Director of External Funding, requested this amendment in a memo dated August 14, 2000. The Texas Education Agency approved the increase to the Notice of Grant Award on July 19, 2000.
2. McKinney Homeless Assistance Grant (\$104,404.00) (Ref. Item No. 4, C.). The purpose of this item is to set up the budget for the McKinney Homeless Assistance Grant in an amount of \$104,404.00. Bob Mena, Director of External Funding, requested this amendment in a memo dated August 4, 2000. The District received notification from Region 10 Education Service Center on May 31, 2000.

E. Bids and Purchase Orders Requiring Board Approval

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

1. Evaporative Air Conditioning Units Bid #56-00 (\$91,120.00) was awarded to Ferguson Enterprises in the amount of \$91,120.00, with net terms (copy of bid tabulation attached to the permanent file of these minutes).
2. Annual Cleaning Products Bid #64-00 (\$86,801.00) was awarded to the following vendors in the amounts indicated, with the option to extend for an additional 24 months, 12 months at a time: American Spectrum, Item 5, \$7,452.00; D. Gilmore, Items 4, 11-13, and 19, \$6,477.24; Ecolab, Items 7, 14, and 17, \$23,468.40; Laundry Supply, Items 1, 6, and 16, \$18,661.56; Regal Supply, Items 2 and 15, \$16,320.00; Springtime Janitorial Supply, Items 3, 8, and 9, \$5,287.40; and Unisource, Items 10 and 18, \$9,134.40, for a total amount of \$86,801.00 (copy of bid tabulation attached to the permanent file of these minutes).

3. Commodity Food Processing, Purchase Order Nos. 195882 and 195883 (\$33,788.41) was approved for purchase from Schwans Food Service, Purchase Order No. 195882, in the amount of \$20,588.41, and from Schreiber Foods, Inc., Purchase Order No. 195883, in the amount of \$13,200.00, for a total amount of \$33,788.41 (copy of purchase orders attached to the permanent file of these minutes).
4. Office Furniture for Chapin High School, Purchase Order No. 196205 (\$42,533.02) was approved for purchase from Business Interiors on Region 19 RFP #4862 in the amount of \$42,533.02 (copy of purchase order attached to the permanent file of these minutes).

F. Construction Contract Award – Playground Installation Projects-1999 – Bradley, Bonham, Johnson, and Alamo Elementary Schools, #00.790 (\$101,100.00)

The Board approved the award of Construction Contract #00.790, Playground Installation Projects-1999 – Bradley, Bonham, Johnson, and Alamo Elementary Schools, subject to the review and approval of the District's attorney, to Dantex Construction Co. in the amount of \$101,100.00.

G. August Personnel Report

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

H. Purchase of Table at El Paso Holocaust Museum 2000 Dinner on October 30, 2000

The Board approved the purchase of a table at the El Paso Holocaust Museum 2000 Dinner on October 30, 2000, in the amount of \$1,000.00.

Cancellation or Rescheduling of September 26, 2000, Regular Meeting of the Board of Trustees (Item #5)

It was moved by Mr. Telles, seconded by Dr. Finke, and carried unanimously that the September 26, 2000, Regular meeting of the Board of Trustees be rescheduled to September 19, 2000.

Appointment of Board Designee to Meet with the Districtwide Educational Improvement Council (DEIC) (Item #6)

It was moved by Mr. Telles, seconded by Mr. Rosales, and carried unanimously that the Board appoint Dr. Charles Roark as the Board's designee to the Districtwide Educational Improvement Council (DEIC).

Discussion and Possible Action on TASB 2000-01 Proposed Resolutions (Item #7)

As the Board's designee to the TASB (Texas Association of School Boards) Delegate Assembly, Dr. Finke discussed the voting procedures for approving TASB resolutions, which will be approved by the TASB Delegate Assembly at a meeting on September 23, 2000, during the TASB Annual Convention. He reviewed the TASB 2000 Delegate Assembly Handbook and advised that TASB recommends the non-adoption of EPISD's Resolution N.11, "Repairing and Improving Existing Facilities" and recommends expansion of the state's Industrial Facilities Allotment (IFA), which is covered in Resolution A.17, "Instructional Facilities Allotment." Dr. Finke also reviewed the resolutions that he will and will not support.

As a Trustee on the TASB Board of Directors, Mrs. Gonzalez-Peterson provided information on the TASB Board's position on Resolution A.44, "Student Prayer." She advised that both she and Dr. Finke will vote against adopting this resolution and that she concurs with Dr. Finke's other recommendations.

Discussion followed on the support to be given to the resolution pertaining to increased funding, each Board member providing input to Dr. Finke on the resolutions, pertinent issues facing the Board that could be used as potential resolutions, and lobbying services.

Approval of Optometry, Dental, and Medical Services for Title I Qualified Recipients (\$79,600.00) (Item #8)

It was moved by Mr. Telles, seconded by Mr. Wever, and carried unanimously that the Board approve the initiation of purchase orders to the list of optometrists, dentists, and physicians in the amounts as presented for the provision of student vision, hearing, dental, and spinal screenings for a total amount of \$79,600.00 (copy of list and amounts attached to the permanent file of these minutes).

Items Withdrawn

It was announced that item no. 9, A., Computers for Library Learning Resources RFP #54-00 (\$232,250.00), and item no. 9, D., PC Computers/Printers for Chapin High School and Moreno Elementary School, Purchase Order No. 196132 (\$32,659.00), had been withdrawn from the agenda.

RFP, Bids, and Purchase Order Requiring Board Approval (Item #9)

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that the following bids be approved to the recommended vendors for the amounts indicated. Mrs. Gonzalez-Peterson was not present for the vote.

- B. Annual Janitorial Equipment Bid #65-00 (\$80,624.04) was awarded to the following vendors in the amounts indicated, with Item #53 being awarded to D. Gilmore pursuant to the tie-breaking procedure, with the option to extend for an additional 24 months, 12 months at a time: Baron Chemical, Items 1, 10, 22-24, 28-32, 37, 38-40, 49, 55, and 56, \$24,351.00, 2 percent; D. Gilmore, Items 11-17, 19-21, 25-27, 35, 41-46, 48, 50, 52, and 53, \$38,796.72, net; Grainger, Items 36 and 37, \$301.68, net; Regal Supply, Items 33, 34, 51, and 54, \$3,608.40, net; Springtime, Item 18, \$195.84, net; and Unisource, Items 2-9, \$13,370.40, net, for a total amount of \$80,624.04 (copy of bid tabulation attached to the permanent file of these minutes).

- C. Medical Supplies Bid #71-00 (\$38,176.75) was awarded to the following vendors in the amounts indicated, with Item #24 being awarded to Medco, pursuant to the tie-breaking procedure: Bayer Group, Item 16, \$1,451.52, 2 percent 30; Border Health Care, Items 6 and 23, \$345.60, 3 percent 10; Darby Group, Item 27, \$246.00, Net 30; Medco, Items 3, 15, 20, 24, and 38, \$4,258.56, 1 percent 20; Micro Bio-Medics, Items 1, 5, 9, 10, 18, 25, 26, 29-33, 39, 40, and 41, \$19,935.60, Net 30; Moore Medical, Items 2, 4, 8, 12-14, 21, 22, and 37, \$5,696.28, Net 30; School Health, Items 11, 17, 19, and 36, \$1,331.19, Net 30; and Terramarr, Items 34 and 35, \$4,912.00, Net 30, for a total amount of \$38,176.75 (copy of bid tabulation attached to the permanent file of these minutes).

Approval of Intergovernmental Agreement with City of El Paso for EPISD to Provide Transportation for Children in Connection with City Parks and Recreation Department Programs (Item #10)

Mr. Hector Machorro, Director of Transportation, provided information on the Intergovernmental Agreement that will provide bus transportation allowing EPISD students to participate in city-sponsored summer recreational activities. He advised that the District will be reimbursed for all costs associated with the services and that the services are covered by the District's current motor fleet insurance policy.

It was moved by Mr. Telles, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the Board authorize the superintendent to execute the Intergovernmental Agreement with the City of El Paso, subject to the review and approval of the District's attorney, for the provision of transportation services by the EPISD for children in connection with the City Parks and Recreation Department programs.

Item Withdrawn

It was announced that item no. 11, B., Public Complaint – Dr. Samuel Schmidt, had been withdrawn from the agenda.

Meeting Closed (Item #11)

The meeting was recessed at 6:35 p.m. to a closed meeting by Dr. Roark under Sections 551.071, 551.072, 551.074, and 551.082 of the Texas Government Code as follows:

- A. Grievance Hearing – F. David Cordova, Project Engineer, Facilities
- C. Personnel Appointments
 - 1. Associate Superintendent, Human Resources
 - 2. Director, Custodial Operations
 - 3. Principal, Moreno Elementary School
- D. State Board for Educator Certification Proceeding Regarding Former Associate Superintendent, Region 3 – Request for Legal Representation
- E. Acquisition of Real Property – Northeast Area, Patriot Village Subdivision (Josephine F. Barron Elementary School (E-9))

F. Consultation with School District Attorney Regarding Contemplated or Pending Litigation

1. Leonard Amburn, Plaintiff v. EPISD, Defendant; In the United States District Court, Western District of Texas; Cause No. EP00CA0162
2. Elco Ramos, Petitioner, vs. El Paso Independent School District, Respondent; Before the State Commissioner of Education, State of Texas
3. Efren Yturralde, Petitioner, vs. El Paso Independent School District, Respondent; Before the State Commissioner of Education, State of Texas
4. US Department of Education, Office of Civil Rights, Case No. 06991250 – El Paso Independent School District
5. Cecilia Copado, El Paso Independent School District, Texas Workers' Compensation Commission No. 00017775, Claim No. ES100226
6. Michael T. bnf Oralee T. v. El Paso Independent School District; Cause No. EP-00-CA-0252; United States District Court for the Western District of Texas, El Paso Division

The closed meeting was opened at 6:45 p.m. The closed meeting ended at 7:28 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:28 p.m.

Grievance Hearing – F. David Cordova, Project Engineer, Facilities (Item #11, A.)

It was moved by Mr. Telles and seconded by Mr. Wever that the Board approve the payment of \$14,600.00 in back pay to F. David Cordova for the period of October 6, 1999, through February 6, 2000. Upon the vote, the motion carried with Mrs. Gonzalez-Peterson and Dr. Roark voting against the motion.

Personnel Appointment – Associate Superintendent, Human Resources (Item #11, C., 1.)

It was moved by Mr. Telles and seconded by Mr. Rosales that the Board accept the Superintendent's recommendation to appoint Robert Ortega, Principal at Andress High School, to the position of Associate Superintendent, Human Resources.

Mrs. Gonzalez-Peterson stated for the record that she believed the District should be hiring someone with a substantial amount of experience and knowledge of human resources and that a search for qualified candidates should have been made outside the District.

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

Personnel Appointment – Director, Custodial Operations (Item #11, C., 2.)

It was moved by Mr. Telles, seconded by Dr. Finke, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Javier Navarro to the position of Director of Custodial Operations.

Personnel Appointment – Principal, Moreno Elementary School (Item #11, C., 3.)

It was moved by Mr. Telles, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Irma Ortega, Assistant Principal at Douglass Elementary School, to the position of Principal at Moreno Elementary School.

Meeting Closed

The meeting was again recessed at 7:33 p.m. to a closed meeting under the authority previously cited. The closed meeting was opened at 7:35 p.m. The closed meeting ended at 9:13 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:13 p.m.

Acquisition of Real Property – Northeast Area, Patriot Village Subdivision (Josephine F. Barron Elementary School (E-9)) (Item #11, E.)

It was moved by Mrs. Gonzalez-Peterson, seconded by Miss Garcia, and carried unanimously that the Board authorize the Superintendent to complete the purchase of approximately 14.405 acres of real property for Barron Elementary School (E-9) from the Public Service Board of the El Paso Water Utilities, with said property being described as a portion of Section 21, Block 81, Township 1, Texas and Pacific Railroad Company Surveys, El Paso, El Paso County, Texas, in the amount of \$312,158.45.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – US Department of Education, Office of Civil Rights, Case No. 06991250 – El Paso Independent School District (Item #11, F., 4.)

It was moved by Mrs. Gonzalez-Peterson, seconded by Miss Garcia, and carried unanimously that the Board approve the list of work to be performed in connection with the plan delineating actions to be taken relative to facilities provided for the girls' softball programs, and the financial plan for financing of same to be included in the report to be submitted to the U.S. Department of Education, Office of Civil Rights, as required by the Voluntary Commitment to Resolve dated April 26, 2000.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Elco Ramos, Petitioner, vs. El Paso Independent School District, Respondent; Before the State Commissioner of Education, State of Texas (Item #11, F., 2.) and Efren Yturralde, Petitioner, vs. El Paso Independent School District, Respondent; Before the State Commissioner of Education, State of Texas (Item #11, F., 3.)

It was moved by Mr. Telles, seconded by Mr. Rosales, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, PC, to represent the District in the Elco Ramos and Efren Yturralde cases.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation - Cecilia Copado, El Paso Independent School District, Texas Workers' Compensation Commission No. 00017775, Claim No. ES100226 (Item #11, F., 5.)

It was moved by Mr. Telles, seconded by Miss Garcia, and carried unanimously that the Board authorize the administration to appeal the decision of the Texas Workers' Compensation Commission Appeals Panel to reverse the Hearing Officer's decision in the matter of Cecilia Copado, deceased, as recommended by the administration and Ward North America, the Third Party Administrator for the District's Workers' Compensation Program, and to seek an early resolution and report back to the Board.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation - Michael T. bnf Oralee T. v. El Paso Independent School District; Cause No. EP-00-CA-0252; United States District Court for the Western District of Texas, El Paso Division (Item #11, F., 6.)

It was moved by Mr. Telles, seconded by Dr. Finke, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, PC, to represent the District in the Michael T. bnf Oralee T. case.

Meeting Adjourned

The meeting was adjourned at 9:17 p.m.

Date Approved: November 14, 2000