

Minutes of Meeting of Board of Trustees
El Paso Independent School District
February 8, 2000
5:00 p.m.
Education Center-Boeing

Present Dr. Charles Roark, President
 Mrs. Ada Gonzalez-Peterson, Vice President
 Mr. Richard Telles, Secretary¹
 Dr. Gene Finke
 Mr. Joe Rosales
 Mr. Dan Wever
 Dr. Gilberto Anzaldua, Superintendent
 Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:03 p.m. by Dr. Roark. The Pledge of Allegiance was led by Mr. Telles. Mr. Eugenio Hinojosa, Associate Superintendent Region 2, gave the Thought for the Day.

Public Forum (Item #1)

The following person requested to speak on Open Forum:

1. Mr. Carlos Silva, a parent at Mesita Elementary School, spoke about a \$75,000.00 grant and the liability insurance and custodial services that are needed for a project at Wiggs Middle School.

Consent Agenda (Item #2)

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

- A. Construction Contract Award – PPFCO (Public Property Finance Contractual Obligations) Reroofing Project, Phase 1 – Fannin Elementary School, #99.531.04 (\$164,534.00)

The Board approved the award of Construction Contract #99.531.04 (PPFCO Public Property Finance Contractual Obligations) Reroofing Project, Phase 1 – Fannin Elementary School, subject to the review and approval of the District's attorney, to Southwestern Roofing, Inc. in the amount of \$164,534.00.

¹ Mr. Telles departed at 9:33 p.m., prior to the closed meeting on Item #11, B.

B. Approval of Budget Amendments

The Board approved the following amendments to the 1999-2000 fiscal year budget:

1. Increase in School Per Capita Budgets (\$322,486.00). The purpose of this amendment is to increase the fiscal year 1999-2000 per capita budget of each school. The increase is the carry-over of unused funds budgeted in the prior fiscal year. The total amount of \$322,486.00 was designated in the General Fund balance on August 31, 1999.
2. IDEA-B Formula #239 (\$10,000.00). The purpose of this item is to amend the budget for IDEA-B Formula #239 in the amount of \$10,000.00. Dr. Margaret Johnson, Executive Director of Special Services, requested this amendment which is a reallocation of funds for the IDEA-B program. This amendment will adjust the budget for this program and utilize these funds in a more efficient manner.
3. Title IV – Safe and Drug-Free Schools and Communities #419 (\$4,916.00). The purpose of this item is to increase the budget for the Title IV – Safe and Drug-Free Schools and Communities #419 in the amount of \$4,916.00. Bob Mena, Director of External Funding, requested this amendment in a memo dated January 19, 2000. This grant was approved by the Texas Education Agency on December 3, 1999.

C. December 1999/January 2000 Report of JJAEP Placements not Appealed to the Board of Trustees

The December 1999/January 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.

D. January Personnel Report

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

Approval of District Goals (Item #3)

Dr. Anzaldúa advised that the proposed District goals will be discussed tonight and presented to the Board for input at a special meeting scheduled for February 15, 2000. He stated that the goals will be the framework for the District for the next 12-plus months.

Dr. Anzaldúa reviewed the proposed goals. He stated that the topics listed in the goals were those that were brought to his attention most during conversations with staff, the community, and individual Board members.

Discussion followed on reviewing the goals at the next Board meeting. It was suggested that additional thought be given to items that are connected, the methodology in carrying out the goals, evaluation of the goals, and the use of the term “marketing.”

Approval of 2000-2001 School Calendar (Item #4)

Ms. Margie LaPuma and Ms. Alicia Ayala, Co-Chairpersons, Districtwide Educational Improvement Council (DEIC) Calendar Committee, provided a summary on the development of the school calendar. They reviewed the instructional days, the days on duty for teachers, the teacher preparation days, and staff development days. The various concerns submitted to the committee were explained along with the resulting revisions or compromises.

Discussion followed on the combination of staff development and teacher preparation for August 10, 2000; the six staff development days indicated on the proposed calendar; and the issue of religious observances. Dr. Anzaldua explained that a compromise on religious observances has been reached by the Education Leadership Team (ELT). Staff and students that need to take time off for religious purposes will be allowed to do so.

The following people requested to speak to this item:

1. Ms. Andrea Figueroa, Chairperson, El Paso Consultation Association (EPCA), spoke in favor of August 10, 2000, being designated as teacher preparation only.
2. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke in favor of August 10, 2000, being designated as teacher preparation only.

Discussion followed on providing teachers with a full preparation day before the start of school; whether any opposition was expressed to having August 10, 2000, as half staff development and half teacher preparation; whether having one and a half days of teacher preparation at the beginning of the year is necessary; one-half day of staff development being beneficial to principals and content area facilitators; and the mandated three teacher preparation days being provided on the calendar as presented.

It was moved by Mrs. Gonzalez-Peterson and seconded by Mr. Telles that the Board approve the 2000-2001 instructional school calendar as presented. Upon the vote, the motion failed with Mrs. Gonzalez-Peterson and Mr. Telles voting in favor of the motion and Mr. Rosales, Mr. Wever, and Dr. Finke voting against the motion.

Dr. Yolanda Rey, Associate Superintendent, Policy and Planning, and the Board liaison for the DEIC, advised that the calendar, as presented, included incorrect dates for make-up days, which should read December 20, 2000, for students and December 21, 2000, for teachers.

It was moved by Mr. Rosales, seconded by Mr. Telles, and carried unanimously that the Board approve the 2000-2001 instructional school calendar with the stipulation that August 10, 2000, be designated as a full teacher preparation day. (A copy of the approved calendar is attached to the permanent file of these minutes.)

Approval of Software & Peripheral Preferred Maintenance Agreement Between *epixtech, inc.* and the EPISD (Item #5)

Ms. Sharon Carr, Facilitator, Library Learning Resources, provided information on the maintenance agreement with *epixtech, inc.* which provides the on-line catalog for the District's libraries and entitles the District to receive on-line support. She advised that student records are downloaded directly into the District's catalog for use by the librarians.

Dr. Roark expressed a concern that student records could be inappropriately compromised. Ms. Carr advised that that data is password protected, is available only on the administrative computer used by the librarian, and that the circulation computer pulls up only a student's name. Dr. Anzaldúa stated that guidelines can be established to deter anyone from looking for and releasing confidential information.

It was moved by Mr. Wever, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the Board approve the Software & Peripheral Preferred Maintenance Agreement between the EPISD and *epixtech, inc.*, the sole source for *expixtech, inc.* software and support, for the maintenance of library software, CPU hardware, and peripheral devices in the amount of \$45,751.68, with the option to renew for additional one-year terms contingent upon payment of the annual assessed fee.

Report on Regional Maintenance Teams (Item #6)

Mr. Hector Martinez, Associate Superintendent of Operations, advised that the Maintenance, Buildings and Grounds Unit implemented a regionalized pilot program for providing building maintenance services to all campuses. The objective is to reduce the current work order backlog and to achieve a level of delivery of service with minimal response time.

Mr. Ed Sevcik, Executive Director, Facilities, Maintenance and Construction, summarized the history of the regional maintenance teams. He advised that in August 1999, the Superintendent requested that the Operations Unit review the concept of maintenance impact teams, which was then developed by the Director of Maintenance, Buildings and Grounds. In September 1999, the Operations Unit reviewed the concept and proceeded with the pilot program. The goal of the program is to place area inspectors regionally and reduce the backlog of maintenance work orders. The teams will also improve communication between campuses and the Maintenance Unit.

Mr. Frank Hernandez, Director, Maintenance, Buildings and Grounds, reviewed the concept of the maintenance impact teams. Maintenance shop personnel are assigned to one of the regions. The maintenance inspectors review the work orders, examine the problems, and assign the appropriate maintenance shop personnel. The maintenance inspector then follows up to see that the work is finished and completes the work order paperwork.

Mr. Hernandez advised that the implementation of specialized impact teams is also in process. He stated that the specialized impact teams will be comprised of five individuals whose responsibility will be to handle specific, minor repairs such as wall patching and small areas of ceiling replacements. He recommended that these teams also be certified to remove small amounts of asbestos materials such as floor tile, and assist in indoor air quality projects. He advised that the Maintenance Unit is also working with the Center for Career and Technology Education to develop a program where second year students can provide assistance in their desired field.

Mr. Sevcik concluded the presentation and advised that a survey was sent to the campuses to obtain comments on the pilot program. The early results show that 94 percent are positive about the pilot program and 6 percent indicate the need for minor improvements. He stated that the Operations Unit will submit a final survey in early March 2000. Mr. Sevcik advised that if the concept of the specialized impact teams is approved, job descriptions will be developed and salaries budgeted for fiscal year 2000-2001 for permanent implementation.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$25,000 (Item #7)

It was moved by Mr. Rosales, seconded by Mr. Wever, 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 Irrigation Systems Upgrade, #00.829.
- B. The competitive bid process was approved for Districtwide Gas Piping Pressure Testing/Replacement, #00.832.

Approval of Extension of Agreement to Provide Audit Services for 1999-2000 Fiscal Year (approx. \$72,000.00) (Item #8)

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that the Board approve the second year option to extend the agreement with KPMG, LLP, for audit services for fiscal year 1999-2000 for the estimated amount of \$72,000.00.

Approval of Budget Amendments (Item #9)

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that the Board approve the following amendments to the 1999-2000 fiscal year budget:

- A. Optional Extended Year Program (OEYP) #219 (\$1,501,035.00). The purpose of this item is to set up the budget for the Optional Extended Year Program #219 in the amount of \$1,501,035.00. Bob Mena, Director of External Funding, requested this amendment in a memo dated January 19, 2000. This grant was approved by the Texas Education Agency on November 18, 1999.
- B. Evaluation of District Maintenance Needs (\$806,698.00). The purpose of this amendment is to make available funds for the evaluation of District maintenance needs. Contracts in the amount of \$806,698.00 were approved by the Board of Trustees on January 25, 2000, contingent on this funding. Funds in the amount of \$500,000.00 are being reclassified in the General Fund #199 and \$306,698.00 is being provided in the Contractual Obligation Fund #170. Budgeted revenues in fund #170 will be increased due to additional interest revenue.
- C. Title VI Class Reduction Program #379 (\$2,646,307.00). The purpose of this item is to set up the budget for the Title VI Class Size Reduction Program #379 in the amount of \$2,646,307.00. Bob Mena, Director of External Funding, requested this amendment in a memo dated January 19, 2000. This grant was approved by the Texas Education Agency on November 15, 1999.

- D. Title II, Part B – Dwight D. Eisenhower Development Program #409 (\$81,977.00). The purpose of this item is to increase the budget for the Title II, Part B – Dwight D. Eisenhower Development Professional Development Program #409 in the amount of \$81,977.00. Bob Mena, Director of External Funding, requested this amendment in a memo dated January 19, 2000. This grant was approved by the Texas Education Agency on December 15, 1999.
- E. Proposed Budget for Strategic Planning for the District (\$130,000.00). The purpose of this item is to set up the budget for Strategic Planning for the District in the amount of \$130,000.00. Mr. Joe A. Loya, Associate Superintendent of Finance, requested this amendment. A comprehensive strategic planning process was approved by the Board on January 25, 2000.

RFP, Bids and Purchase Orders Requiring Board Approval (Item #10)

It was moved by Mrs. Gonzalez-Peterson, seconded by Mr. Rosales, and carried unanimously that the following RFP, bids, and purchase orders be approved to the recommended vendors for the amounts indicated:

- A. Third Party Medicaid Claims Administration RFP #01-00 (\$56,000.00) was awarded to Intlmed for a fee of 8 percent of Medicaid funds reimbursed to the District, or approximately \$56,000.00 (copy of bid tabulation attached to the permanent file of these minutes).
- B. Supplemental Food Products Bid #02-00 (\$911,043.40) was awarded to the following vendors for the estimated amounts indicated: Ednor Foods, \$28,068.50, net; Fairview Foods, \$4,800.00, net; Kalil Bottling, \$440.00, net; Montana Beverage, \$7,750.00, net; Pilgrims Pride, \$189,366.00, net; and Professional Food Systems, \$680,618.90, net, for a total amount of \$911,043.40 (copy of bid tabulation attached to the permanent file of these minutes).
- C. Police Vehicle Bid #04-00 (\$115,993.55) was awarded to Casa Ford on a three-year lease/purchase contract for a total amount of \$115,993.55, with one third of said amount to be expensed each budget year, subject to the approval of the funding each year, with the amount for 2000-2001 being \$38,662.85 (copy of bid tabulation attached to the permanent file of these minutes).
- D. UTEP Challenge Grant for Technology in Education, Purchase Order Nos. 180724 – 180717 (\$53,638.00) was approved to Gateway Country for a total amount of \$53,638.00 (copies of purchase orders attached to the permanent file of these minutes).

Meeting Closed (Item #11)

The meeting was recessed at 6:52 p.m. to a closed meeting by Dr. Roark under Sections 551.071, 551.074, and 551.082 of the Texas Government Code as follows:

- A. Grievance Hearings
 - 1. David Cortez, Maintenance Heating/Ventilation/Air Conditioner Mechanic
 - 2. Rudy Saenz, Maintenance Energy Management Equipment Technician
 - 3. Hector Salas, Former Employee, Maintenance

4. Richardo Telles, Maintenance Evaporative Cooler/Heater Repairman
5. James Vincent, et. al., TIS (Technology and Information Systems) Campus Technology Coordinators

B. Consultation with School District Attorney Regarding Contemplated Litigation Involving the Estate of Carmen E. Herrera, Deceased

The closed meeting was opened at 7:01 p.m. The closed meeting ended at 8:11 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 8:11 p.m.

Grievance Hearings (Item #11, A.)

1. David Cortez, Maintenance Heating/Ventilation/Air Conditioner Mechanic
2. Rudy Saenz, Maintenance Energy Management Equipment Technician
3. Hector Salas, Former Employee, Maintenance
4. Ricardo Telles, Maintenance Evaporative Cooler/Heater Repairman

It was moved by Mrs. Gonzalez-Peterson and seconded by Dr. Finke that the Board uphold the Superintendent's response to the grievances filed by David Cortez, Rudy Saenz, Hector Salas, and Ricardo Telles, which denies their requests for back pay for the time period they were suspended and terminated. Upon the vote, the motion carried with Mr. Wever voting against the motion.

James Vincent, et. al., TIS (Technology and Information Systems) Campus Technology Coordinators (Item #11, A., 5.)

Mr. Safi recommended that this grievance be heard in Open Session because it involves an entire class of employees.

Mr. Ralph Yturralde, Executive Director, Employee Relations, provided background information on the grievance filed by the Campus Technology Coordinators (CTCs). He advised that a letter was sent to the nine CTCs informing them that they will no longer be paid on the teacher's salary schedule due to the fact they do not meet the definition of a classroom teacher as cited in the Texas Education Code, Chapter 5, Section 5.001. The letter stated that the CTCs' continuing contracts will be replaced with term contracts and that they have the option to be reassigned to the classroom. Beginning with the 1999-2000 school year, they will be placed on pay level 4 of the daily pay schedule, and they will receive the 5 percent compensation increase approved by the Board for those employees on the daily pay schedule.

Mr. Yturralde advised that the grievants are requesting to remain on the continuing contract with compensation under the teacher pay schedule, and they question the decision to reclassify their positions on the allegation that it violates the 45-day rule. Mr. Yturralde stated that the CTCs remained on the continuing contract pending a rule by Commissioner Jim Nelson. The Commissioner's ruling states that a classroom teacher is an educator who teaches an average of at least four hours per day in an academic or career and technology instructional setting. Mr. Yturralde advised that contract employees have the right to resign no later than the 45th day before the first day of instruction of the following school year. In July 1999, the Board

extended that resignation deadline to September 15, 1999. Because the compensation schedule was approved on August 24, 1999, the District is in compliance with the 45-day rule.

Mr. Greg Goga, TSTA representative, spoke on behalf of the grievants and commented on the legal, moral, and fairness issues of the grievance. He requested that the grievants be granted the \$3,000.00 plus step increase that was afforded to teachers.

Mr. Chris Sherman, CTC, Andress High School; Mr. Alan Hodson, CTC, Bowie High School; and Ms. Joy Baggett, CTC, Austin High School, addressed the Board regarding the merits of their grievance. They stated that they signed their continuing contracts in April 1999 and were told when they accepted the CTC positions that they would remain on the teacher pay schedule. The CTCs currently being hired received the \$3,000.00 plus step increase and are now being paid at a higher level than those already in the position. It is the grievants' contention that they have lost their right to teach. Although they were informed that they would be moved to the administrative pay schedule, they have not received a contract other than the continuing contract, which they signed in April 1999.

Meeting Closed

The meeting was recessed at 8:54 p.m. to a closed meeting by Dr. Roark under Section 551.071 of the Texas Government Code for consultation with legal counsel.

The closed meeting was opened at 8:56 p.m. The closed meeting ended at 9:20 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:20 p.m.

It was moved by Mr. Telles and seconded by Mr. Rosales that the Board uphold the Superintendent's response to the grievance filed by James Vincent, et al., which maintains the status of the Campus Technology Coordinators as approved by the Board on August 24, 1999. Upon the vote, the motion carried with Dr. Finke, Mr. Rosales, Mr. Telles, and Mr. Wever voting in favor of the motion and Mrs. Gonzalez-Peterson and Dr. Roark voting against the motion.

Departure of Board Member

Mr. Telles departed the meeting at 9:33 p.m. and was not present to vote in any subsequent action taken by the Board of Trustees.

Meeting Closed

The meeting was recessed at 9:33 p.m. to a closed meeting by Dr. Roark under Section 551.071 of the Texas Government Code as follows:

- B. Consultation with School District Attorney Regarding Contemplated Litigation Involving the Estate of Carmen E. Herrera, Deceased

The closed meeting was opened at 9:37 p.m. The closed meeting ended at 10:02 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 10:02 p.m.

Consultation with School District Attorney Regarding Contemplated Litigation Involving the Estate of Carmen E. Herrera, Deceased (Item #11, B.)

It was moved by Mr. Rosales, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the Board authorize the administration and legal counsel to pursue negotiations with the estate of Carmen E. Herrera and the various parties involved in order to resolve this matter as soon as possible and that a report be brought back to the Board within 30 days.

Meeting Adjourned

The meeting was adjourned at 10:01 p.m.

Date Approved: March 28, 2000