

**Minutes of Meeting of Board of Trustees
El Paso Independent School District
June 13, 2000
5:00 p.m.
Education Center-Boeing**

Present: Dr. Charles Roark, President¹
Mrs. Ada Gonzalez-Peterson, Vice President²
Mr. Richard Telles, Secretary³
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. Telles. Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, gave the Thought for the Day.

Hearing to Consider a Petition Requesting Detachment of Certain Territory from the Canutillo Independent School District and Annexation of Same Territory to the El Paso Independent School District in Accordance with Section 13.051 of the Texas Education Code (Item #1)

Dr. Bill Wachtel, Senior Researcher, Research and Evaluation, provided information on the boundary lines in the Colonia Miramonte subdivision that place specific lots on Pinar del Rio within the boundaries of the Canutillo ISD. He reviewed the boundary lines and advised that specific lots are split by the boundary line.

The following people requested to speak to this item:

1. Ms. Dona Ray, a resident of the Colonia Miramonte subdivision, spoke in support of the petitioned lots being included in the El Paso ISD.

Responding to questions from Mr. Safi, Ms. Ray advised that Lindbergh Elementary School, in the EPISD, is 2 miles from her home and it is 2.9 miles to the nearest Canutillo ISD campus and that the supplemental metes and bounds description she provided at the formal presentation of her petition to the EPISD Board on March 28, 2000, is the same metes and bounds description that was presented to the Canutillo ISD.

Arrival of Board Member

¹ Dr. Roark departed at 11:14 p.m., during the closed meeting on Item #22.

² Mrs. Gonzalez-Peterson arrived at 5:12 p.m., during discussion of Item #1.

³ Mr. Telles departed at 7:45 p.m., during the presentation on Item #11.

Mrs. Gonzalez-Peterson arrived at 5:12 p.m. and was present to vote in any subsequent action by the Board of Trustees.

2. Mr. Humberto Enriquez, a resident of the Colonia Miramonte subdivision, spoke about the prorated property taxes he pays to both the EPISD and the Canutillo ISD and the difficulty he is having selling his house because of the school district boundary issue.

It was moved by Mr. Wever and seconded by Dr. Finke that it be resolved that the Board of Trustees of the El Paso Independent School District (EPISD), after conducting a public hearing on the petition requesting detachment of territory from the Canutillo Independent School District and annexation of same territory to the EPISD, approves the petition requesting the annexation of this territory. The territory is described in the metes and bounds which is attached to the permanent file of these minutes. In considering this request, the EPISD Board of Trustees focused on the students residing in this territory, which is a part of the Colonia Miramonte neighborhood. The vast majority of this neighborhood is already served by the EPISD. As a result, the Board of Trustees finds that the social, economic, and educational interests of these students would be served best by having them attend school with their neighbors. The EPISD Board of Trustees finds that this request will not place a great burden on the resources of the affected schools or the school district. The EPISD Board of Trustees also finds the approval of this request will not adversely affect the other students of the school district.

Concerning the record of the hearing, Mr. Safi referenced the 33 pages of back up material presented to the EPISD Board by the administration. He advised that there had been no change in the proposal by the Canutillo ISD board which proposes that students in a split subdivision will be allowed to choose which school district to attend. He reviewed the procedure that would be followed when a specific lot is split.

Upon the vote, the motion carried with Dr. Roark voting "present."

Mr. Safi clarified that if the Canutillo ISD board votes against the petition, the petitioners can appeal to the Commissioner of Education. If the boundary line is changed, the taxes will go to the receiving district.

Recognition of Four-Year Academic Award Winners (Item #2)

The Board of Trustees recognized the four-year academic award winners who placed among the top five in their classes for four consecutive years. Each of the following recipients received an engraved plaque: DeAnna Fernandez, Andress High School; Katy Guzman and Jessica Mendoza, Austin High School; Jennifer Guerrero, Bowie High School; Nikita E. Pavoggi and Robert J. Knotts, Burges High School; John Focht and Vanessa Lopez, Coronado High School; Kara Falknor, Adrian Skye Fortier and Noel M. Sanchez, El Paso High School; Rebecca L. Napier, Franklin High School; Rebecca Rodriguez, Abby Allen, Lacey Bingham, and Patrice Hill, Irvin High School; Pedro Ortega and Patricia Carreon, Jefferson High School; and Jorge Uribe and Isaiah Aguilar, Silva Health Magnet High School.

Awards to May Employees of the Month (Item #3)

Ms. Diane Johnson, first-grade teacher at Rusk Elementary School, was recognized by the Board of Trustees as May's Certified Employee of the Month; and Mr. Efren Corrales, custodian at Newman Elementary School, was recognized as May's Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$150.00.

Public Forum (Item #4)

No one requested to speak on Open Forum.

Consent Agenda (Item #5)

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

Mr. Wever - Item 5, G., 1., RFP, Bids and Purchase Orders Requiring Board Approval – Discount from Catalog Prices for Trophies, Medals, Plaques RFP #24-00 (approx. \$61,000.00)

Dr. Roark - Item 5, C., Option to Extend Existing Construction Contracts
1., Districtwide Asbestos Abatement, PPFCO (Public Property Finance Contractual Obligations) Phase I, #99.637 (\$500,000.00)
2., Districtwide Asbestos Abatement, PPFCO (Public Property Finance Contractual Obligations) Phase II, #99.667 (\$500,000.00)

Item 5, G., 10., RFP, Bids and Purchase Orders Requiring Board Approval – Reading Materials for the Balanced Literacy Program, Purchase Order Nos. 190093, 190139, 190185, 190362, 190482, 191136, 191418, 191419 and 191559 (\$31,410.38)

Item 5, H., May Personnel Report

It was moved by Mr. Telles, seconded by Mr. Rosales, and carried unanimously that the items on the Consent Agenda which were not removed for discussion be approved as listed including any recommended vendors for any amounts indicated.

A. Approval of Minutes

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

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

B. Request for Waiver from Texas Education Agency

1. Early Release Day at Campuses for Parent-Teacher Conferences for the 2000-01, 2001-02, and 2002-03 School Years
2. Staff Development Days for the 2000-01, 2001-02, and 2002-03 School Years

The Board approved the Early Release and Staff Development waiver requests from the Texas Education Agency for the 2000-01, 2001-02, and 2002-03 school years as presented.

D. Service Contract Award – Districtwide Garbage Removal and Disposal Service, #01.433 (\$450,928.78)

The Board approved the award of Service Contract #01.433, Districtwide Garbage Removal and Disposal, subject to the review and approval of the District's attorney, to El Paso Disposal, L.P., for the removal and disposal of garbage districtwide for the estimated annual amount of \$450,928.78.

E. Construction Contract Award – Heating System Upgrade – Bonham Elementary School, #00.781 (\$320,500.00)

The Board approved the award of Construction Contract #00.781, Heating System Upgrade – Bonham Elementary School, subject to the review and approval of the District's attorney, to D. W. Graham Construction Co., for the installation of new heating systems for all classrooms, the cafeteria, and the administration areas in the amount of \$320,500.00.

F. Approval of Budget Amendments

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

1. Sunland Park Mall Academy Budget Transfer (\$35,000.00). The purpose of this item is to amend the Sunland Park Mall Academy budget in the amount of \$35,000.00. This amendment was requested by Larry Vaslet, Administrator, Sunset High School, in a memo dated May 19, 2000. New library books will be purchased using funds originally budgeted for a part-time teacher at the Sunland Park Mall Academy.
2. Occupational Center Budget Transfer (\$700.00). The purpose of this item is to amend the Occupational Center budget in the amount of \$700.00. This amendment was requested by Frances J. Irvin, Administrator, Occupational Center, in a memo dated April 28, 2000. The amendment transfers funds from Staff Development Travel to Instructional Supplies.
3. IDEA-B Formula Deaf (\$5,992.00). The purpose of this item is to increase the budget for the IDEA-B Formula Deaf grant in the amount of \$5,992.00. Dr. Margaret Johnson, Executive Director, Special Services, requested this amendment in a memo dated April 27, 2000. The Notice of Grant Award was approved by the Texas Education Agency on April 18, 2000.
4. IDEA-B Capacity Building & Improvement Deaf (\$223.00). The purpose of this item is to increase the budget for the IDEA-B Capacity Building & Improvement Deaf grant in the amount of \$223.00. Dr. Margaret Johnson, Executive Director, Special Services, requested this amendment in a memo dated April 27, 2000. The Notice of Grant Award was approved by the Texas Education Agency on April 18, 2000.

5. Community in Schools Budget Transfer (\$28,000.00). The purpose of this item is to amend the Community in Schools program budget in the amount of \$28,000.00. This amendment was requested by Larry Vaslet, Administrator, Sunset High School, in a memo dated April 11, 2000. Money will be transferred from instructional part-time salaries and other professional services to pay for a social work service provider under the terms of an agreement with the Simon Youth Foundation.

G. RFP, Bids, and Purchase Orders Requiring Board Approval

The following bids and purchase orders were approved as follows to the recommended vendors for the amounts indicated.

2. Audio Visual Equipment Bid #17-00 (\$132,496.88) was awarded to the following vendors in the amounts indicated: AVES Audio Visual, Items 5 and 6, \$40,200.00; Dumotion, Items 1, 7, and 13, \$5,259.60; and Troxell, Items 2-4, 8-12, 14, and 15, \$87,035.28, for a total amount of \$132,496.88, with \$56,555.30 of the award being subject to the approval of the 2000-01 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
3. Basketball, Soccer, Wrestling Supplies Bid #27-00 (\$45,031.94) was awarded to the following vendors in the amounts indicated: Athlete's World, Items 5-7, 16, 17, 19, 20, 23, 44, and 45, \$4,469.85; Athletic Supply, Items 34, 35, and 43, \$3,821.00; BSN/Passon Sports, Items 31 and 39, \$649.50; Cannon Sports, Items 18, 28, 30, and 40-42, \$10,256.77; Chamizal Trading, Item 33, \$166.13; Gardenswartz, Items 1-4, 8-13, 25, 29, 32, 36, and 38, \$18,919.44; International Soccer, Items 21 and 26, \$154.00; Soccer Sport Supply, Items 14 and 15, \$698.00; Sports Central/Wrestling Central, Item 37, \$4,952.25; World Soccer, Item 22, \$40.00; and Wrestling Express, Items 24 and 27, \$905.00, for a total amount of \$45,031.94 (copy of bid tabulation attached to the permanent file of these minutes).
4. Tortilla Bid #32-00 (approx. \$69,138.00) was awarded to Intermix Distributors, the low bidder, in the estimated annual amount of \$69,138.00 with net terms, subject to the approval of the 2000-01 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
5. Bakery Products Bid #34-00 (approx. \$305,775.00) was awarded to Earthgrain's Baking Co., the low bidder, for an estimated annual amount of \$305,775.00 with net terms, subject to the approval of the 2000-01 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
6. Dairy/Orange Juice Products Bid #35-00 (approx. \$1,792,579.95) was awarded to Farmers Dairies, the low bidder, for an estimated annual amount of \$1,792,579.95, subject to the approval of the 2000-01 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).

7. Food Service Snack Bar Supplies Bid #38-00 (approx. \$299,024.79) was awarded to the following vendors in the amounts indicated: Border Tobacco Co., Category 1, Salted Snacks "All or None," \$190,485.10, net; El Paso Fairview Foods, Inc., Category 2, Candy Bars "All or None," \$80,717.36, net; and McKee Baking Co., Category 3, Bakery Snacks "All or None," \$27,822.33, net, for an estimated total amount of \$299,024.79, subject to the approval of the 2000-01 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
8. Bond Paper Bid #47-00 (approx. \$33,856.00) was awarded to XPEDX, the low bidder, for an estimated amount of \$33,856.00 with 1 percent-10 terms (copy of bid tabulation attached to the permanent file of these minutes).
9. Additional Expenditure Request for Graphic Calculator, Graphic Link, LCD Panel Bid #97-99, Purchase Order No. 189878 (\$28,494.12), was approved from D & H Wholesale in the amount of \$18,494.12 (copy of purchase order attached to the permanent file of these minutes).
11. Instructional Materials from Delta Education, Inc., Purchase Order No. 191256 (\$28,573.28), was approved for purchase in the amount of \$28,573.28 (copy of purchase order attached to the permanent file of these minutes).
12. Library Furniture for Chapin High School, Purchase Order No. 192309 (\$30,814.33), was approved for purchase from Highsmith, Inc. on Region 19 Bid #4862 in the amount of \$30,814.33 (copy of purchase order attached to the permanent file of these minutes).
13. Additional Expenditure Request for Pre-bound Book Bid #63-98, Purchase Order No. 192491 – Chapin High School (\$49,849.00), was approved from Follett Library Resources in the amount of \$49,849.00 (copy of purchase order attached to the permanent file of these minutes).

RFP, Bids, and Purchase Orders Requiring Board Approval – Discount from Catalog Prices for Trophies, Medals, Plaques RFP #24-00 (approx. \$61,000.00) (Item #5, G., 1.)

Mr. Wever questioned a new RFP being put out for trophies, medals, and plaques instead of the current RFP being extended. He also questioned why the current vendor was not contacted when a proposal was not received from them. Mr. Terry Freiburg, Director of Purchasing, advised that additional items had been added to the RFP and that more vendors were invited to bid. He stated that at the time he was not aware that the current vendor had not submitted a bid.

It was moved by Mr. Wever and seconded by Mr. Telles that the Board postpone action on RFP #24-00 until an investigation on current purchasing practices is completed.

Discussion followed on whether it is the responsibility of the District to contact vendors that do not submit bids and the vendors being responsible for their proposals. Mr. Safi advised that it is inappropriate to allow a particular vendor additional time to submit a bid. However, the Board has the option of rejecting all bids and directing a re-bid.

Discussion continued on the bid process having been followed and the responsibility of the Board to uphold policy.

The following person requested to speak to this item:

1. Mr. Bill Isaac, Roy Lown, Inc., spoke about his company having been the District's major supplier for trophies and awards for the last 27 years, that the bids have traditionally been extended when that option is available and there was no expectation that a new bid would be released this year, and that they did not receive a copy of the bid.

Discussion continued on the normal procedure of contract extensions; changes or product additions requiring a new bid; the time that would be involved if all current vendors are contacted; reviewing the bid process; postponing the item and investigating pricing practices being two separate issues; and the need for legal advice regarding action on this item.

Meeting Closed

The meeting was recessed at 6:00 p.m. to a closed meeting by Dr. Roark under Section 551.071 of the Texas Government Code for advice from legal counsel.

The closed meeting was opened at 6:01 p.m. The closed meeting ended at 6:15 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 6:15 p.m.

Discussion resumed on item no. 5, G., 1.

Following questions from Mrs. Gonzalez-Peterson, Mr. Isaac advised that the new bid was released in March 2000, and he was not aware of the new bid until approximately the third week in May 2000, which was after the closing date.

Mr. Wever withdrew his motion. Mr. Telles accepted.

It was moved by Mr. Wever and seconded by Mr. Rosales that the Board reject all bids and that the RFP #24-00 be re-bid. Upon the vote, the motion carried with Mr. Rosales, Mr. Telles, Miss Garcia, and Mr. Wever voting in favor of the motion and Mrs. Gonzalez-Peterson, Dr. Finke, and Dr. Roark voting against the motion.

Questions on Option to Extend Existing Construction Contracts (Item #5, C.)

1. Districtwide Asbestos Abatement, PPFCO (Public Property Finance Contractual Obligations) Phase I, #99.637 (\$500,000.00)
2. Districtwide Asbestos Abatement, PPFCO (Public Property Finance Contractual Obligations) Phase II, #99.667 (\$500,000.00)

Responding to a question from Dr. Roark, Mr. Hector Martinez, Associate Superintendent of Operations, advised that these items are requests to extend the contract time period for one year in order to expend the balance of the Board-approved \$500,000.00 in each of the two contracts.

Questions on May Personnel Report (Item #5, H.)

Dr. Roark questioned the meaning of “accepted another position” contained in the report. Mr. Joe Ontiveros, Associate Superintendent, Human Resources, advised that these individuals have transferred to one of the neighboring districts. Dr. Anzaldua stated that a summary report will be provided to the Board on the reasons for the teacher resignations.

It was moved by Dr. Finke, seconded by Mr. Wever, and carried unanimously that the items on the Consent Agenda which were removed for discussion and not already acted upon be approved as listed including any recommended vendors for any amounts indicated.

C. Option to Extend Existing Construction Contracts

The Board authorized the administration to execute contract extensions on the following contracts from September 1, 2000, to August 31, 2001, or until the value of the contracts are reached:

1. Districtwide Asbestos Abatement PFFCO (Public Property Finance Contractual Obligations) Phase I, #99.637 (\$500,000.00)
2. Districtwide Asbestos Abatement PFFCO (Public Property Finance Contractual Obligations) Phase II, #99.667 (\$500,000.00)

G. RFP, Bids, and Purchase Orders Requiring Board Approval

10. Reading Materials for the Balanced Literacy Program, Purchase Order Nos. 190093, 190139, 190185, 190362, 190482, 191136, 191418, 191419 and 191559 (\$31,410.39), were approved for purchase from Rigby Education, a sole source vendor, as follows: Hughey Elementary School, Purchase Order No. 190092, \$1,996.62; Rusk Elementary School, Purchase Order Nos. 191139, 190185, and 191136, \$17,850.10; Hawkins Elementary School, Purchase Order No. 190362, \$3,135.48; Douglass Elementary School, Purchase Order No. 190482, \$7,476.18; and Travis Elementary School, Purchase Order Nos. 191418 and 191419, \$952.00, for a total amount of \$31,410.39 (copy of purchase orders attached to the permanent file of these minutes).

H. May Personnel Report

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

Selection of Delegate and Alternate to TASB Delegate Assembly (Item #6)

It was moved by Mr. Rosales, seconded by Mr. Wever, and carried unanimously that Dr. Gene Finke be designated as delegate to the 2000 Texas Association of School Boards Delegate Assembly in Houston, Texas.

It was moved by Mr. Rosales, seconded by Mr. Wever, and carried unanimously that Dr. Charles Roark be designated as alternate to the 2000 Texas Association of School Boards Delegate Assembly in Houston, Texas.

Schedule of Special Board Meeting for Employee Grievances (Item #7)

It was moved by Dr. Finke, seconded by Mr. Wever, and carried unanimously that a special Board meeting be scheduled for July 18, 2000, at 5:00 p.m. in order for the Board to hear employee grievances.

Item Withdrawn

It was announced that item no. 8, A., Approval of Payment of Dues – 2000-01 Equity Center Membership (\$9,500.00), had been withdrawn from the agenda.

Approval of Payment of Dues (Item #8)

B. 2000-01 Council of the Great City Schools Membership (\$30,180.00)

It was moved by Dr. Finke, seconded by Mr. Wever, and carried unanimously that the Board not approve the EPISD's continued membership with the Council of the Great City Schools for 2000-01 for the annual fee of \$30,180.00.

Meeting Closed (Item #22)

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

C. Grievance Hearings

2. Speech Pathologists – Joyce Blackledge, Dowell Elementary School; Pat Brown, Region 3, Special Education Assessment; Tammy Freeman, Crosby Elementary School; Linda Gomez, Burleson Elementary School; and Kathrine McLain, Clendenin Elementary School

The closed meeting was opened at 6:40 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.

Grievance Hearings – Speech Pathologists – Joyce Blackledge, Dowell Elementary School; Pat Brown, Region 3, Special Education Assessment; Tammy Freeman, Crosby Elementary School; Linda Gomez, Burleson Elementary School; and Kathrine McLain, Clendenin Elementary School (Item #22, C., 2.)

It was moved by Miss Garcia, seconded by Mr. Rosales, and carried unanimously that the Board uphold the Superintendent’s recommendation to provide additional compensation to the following EPISD Speech Pathologists at the recommended rates comparable to their peers with the same experience for a total amount of \$19,499.00 and that they work additional days commensurate to the adjustment received as indicated:

Joyce Blackledge, three additional days, \$4,419.65
Pat Brown, three additional days, \$3,668.55
Tammy Freeman, one additional day, \$769.60
Linda Gomez, four additional days, \$6,798.75
Kathrine McLain, three additional days, \$3,842.45

Approval of Revision to Board Policy DGB (Local), Employee Rights and Privileges: Personnel-Management Relations (Item #9)

Dr. Anzaldua reviewed the additional revisions that were made to DGB (Local), based on input from the Board.

It was moved by Mr. Wever and seconded by Miss Garcia that revisions to Board Policy DGB (Local), Employee Rights and Privileges: Personnel-Management Relations, be approved as presented (copy attached to the permanent file of these minutes).

Mr. Safi brought to the Board’s attention the broad wording in item no. 3 of the sub-heading “Campaigning” and recommended proposed language. Dr. Anzaldua commented on the District hiring graduate students from the University of Texas at El Paso (UTEP) to serve as proctors for the election to remove any possibility of undue influence being exerted upon the voting employees.

It was moved by Dr. Finke and seconded by Mr. Telles that revisions to Board Policy DGB (Local), Employee Rights and Privileges: Personnel-Management Relations, be approved as presented with the addition of language under “Election Procedures,” sub-heading “Campaigning,” at the end of paragraph no. 3, reading as follows: “except as required to facilitate the election process as directed by the Superintendent” (copy attached to the permanent file of these minutes). Upon the vote, the motion carried with Mrs. Gonzalez-Peterson voting against the motion.

Approval of Revision to Board Policy DI (Local), Employee Welfare (Item #10)

Dr. Yolanda Rey, Associate Superintendent, Policy and Planning, reviewed the revisions to DI (Local) regarding a drug-free work place. She advised that the revisions are recommended by the Texas Association of School Boards (TASB).

It was moved by Mr. Wever and seconded by Miss Garcia that revisions to Board Policy DI (Local), Employee Welfare, be approved as presented.

Discussion followed on the meaning of “personnel action;” a need for the policy to address an employee assistance program; and DI (Local) dealing with troubled employees, which might or might not relate to the use of drugs. Dr. Anzaldua commented on employee assistance programs being “self-referrals” and the need for confidentiality.

It was moved by Mr. Telles and seconded by Mrs. Gonzalez-Peterson that revisions to Board Policy DI (Local), Employee Welfare, be approved as presented (copy attached to the permanent file of these minutes). Upon the vote, the motion carried with Dr. Roark voting against the motion.

Report on Preliminary Findings from Secondary Education Transition Study (SETS) (Item #11)

Ms. Anna Bone, Researcher, Research and Evaluation, provided a report on the Secondary Education Transition Study (SETS) that was conducted over the last two years in order to find the best ways to meet the needs of transitioning students from military families. She advised that SETS is a joint endeavor between local school districts and the large military installations those school districts support. She stated that the SETS participants are seven major school districts from Texas, Washington State, North Carolina, Tennessee, Oklahoma, and the Department of Defense Schools in Korea and Germany. The EPISD schools with 20 or more transitioning military high school students which were included as part of the study are Andress, Austin, Burges, Coronado, Franklin, Irvin, and the Silva Health Magnet High School.

The categories for the study included five areas: transfer and interpretation of student records, school calendars/schedules, graduation requirements, extracurricular participation, and partnerships/resources. The timeline for the project began in May 1999 and continued through February 2000. The data analysis was conducted and the results of the El Paso ISD data was received at a conference held in Washington, DC. The data from El Paso is to be merged with data from the other six school districts and the overseas schools.

Ms. Bone reviewed the findings from the El Paso data, the conclusions and commendations, considerations for improvement, and actions that can be taken statewide and nationally.

Mr. Aubrey Cherry, Field Researcher, commented that the recommendations will take time and entail expense. He reiterated the activities that will need to be undertaken to help military students transition into or out of a school district.

Interim Report on a Study of the District’s High Schools (Item #12)

Ms. Marsha Lawler, Associate Superintendent, Curriculum, Instruction and Assessment (CI&A), stated that this report is on an Out-of-School Project and that on an on-site study was done at each of the high schools.

Mr. Ken Korn, Districtwide Text Coordinator, provided information on the Out-of-School Project, which works with former students who received all of their required high school credits but did not received a diploma because they did not pass the TAAS Exit Level exam. He reviewed the tutoring sessions provided at five high schools; the findings following the administrations of the February and May 2000 TAAS Exit Level exams; and the recommendations for in-school students.

Ms. Lawler advised that other studies will be conducted on students who began the ninth grade in 1999. This will be a longitudinal study that will track the freshman class over a four- to six-year period and provide a profile on students who repeat the ninth grade multiple times, with the study focusing on the relationship between teacher certification and algebra scores. Ms. Lawler reported on the portion of the high school study that includes scheduling, the use of the Texas Essential Knowledge and Skills (TEKS), the status of instructional technology in the high schools, and the kind of instructional support the faculties are receiving. She advised that the findings show that scheduling configurations are driven by the required the 24-credit graduation plan, an examination is needed on the alignment problems with the TEKS, there is a weak strand in instructional technology, and staff development needs to be examined.

Approval of Site License Agreement with Carnegie Learning, Inc. for Ninth Grade Initiative Math Program – Cognitive Tutor™ Algebra I Software and Print Curriculum and SchoolCare™ Support and Training (\$271,250.00) (Item #13)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board approve the site license agreement with Carnegie Learning, Inc. for the Ninth Grade Initiative Math Program – Cognitive Tutor™ Algebra I software and print curriculum and SchoolCare™ support training for all EPISD high school campuses and the Juvenile Detention Center, School-Age Parent Center, Sunset High School, and Raymond Telles Academy in the amount of \$271,250.00.

Item Withdrawn

It was announced that item no. 14, Approval of Region 19 Education Service Center 2000 Inclusion Institute Mini Grant and Budget Amendment (\$3,000.00), had been withdrawn from the agenda.

Approval of Budget Amendments (Item #15)

It was moved by Mr. Wever, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the amendments to the 1999-2000 fiscal year budget be approved as listed.

- A. Medicaid/Texas Health Steps (\$35,000.00). The purpose of this item is to increase the Medicaid budget in the amount of \$35,000.00. This amendment was requested by Dr. Margaret Johnson, Executive Director, Special Services, in a memo dated May 16, 2000. Reimbursements from Medicaid and Texas Health Steps will be used by Health Services to purchase medical supplies.
- B. Medicaid SHARS (\$200,000.00). The purpose of this item is to increase the Medicaid SHARS budget in the amount of \$200,000.00. This amendment was requested by Dr. Margaret Johnson, Executive Director, Special Services, in a memo dated April 27, 2000. This amendment will allocate to Special Education additional reimbursement funds that have been received from Medicaid.
- C. PPFCO (Public Property Finance Contractual Obligations) Funds Budget Transfer (\$100,000.00). The purpose of this item is to amend the Facilities, Maintenance and Construction budget in the amount of \$100,000.00. This amendment was requested by Edward Sevcik, Executive Director, Facilities, Maintenance and Construction, in a memo dated May 31, 2000. This amendment transfers funds from Facilities Acquisition and Construction to Plant Maintenance and Operations.

- D. Facilities, Maintenance and Construction Budget Transfer (\$400,000.00). The purpose of this item is to amend the Facilities, Maintenance and Construction budget in the amount of \$400,000.00. This amendment was requested by Edward Sevcik, Executive Director, Facilities, Maintenance and Construction, in a memo dated April 25, 2000. This amendment transfers funds from Facilities Acquisition and Construction to Maintenance Supplies and Contracted Services.

Demand Service Contract Award – Districtwide Communication Cable Installation and Repair, #00.490 (\$56,354.00) (Item #16)

It was moved by Mr. Wever, seconded by Miss Garcia, and carried unanimously that the Board approve the award of Demand Service Contract #00.490, Districtwide Communication Cable Installation and Repair, subject to the review and approval of the District's attorney, to Research Analysis & Maintenance, Inc., for an estimated annual amount of \$56,354.00.

Approval of Energy Management Control Systems Cost Containment Agreement for Design & Construction, #00.957 (Item #17)

It was moved by Mr. Wever and seconded by Miss Garcia that the Board approve the Cost Containment Agreement for Design & Construction, #00.957, subject to the review and approval of the District's attorney, to Precision Controls for the design and construction of energy management control systems.

Discussion followed the need to look at other options in energy management besides the single vendor approach and looking at what is most cost effective for the District.

It was moved by Mrs. Gonzalez-Peterson and seconded by Miss Garcia that the Board approve the Cost Containment Agreement for Design & Construction, #00.957, subject to the review and approval of the District's attorney, to Precision Controls for the design and construction of energy management control systems. Upon the vote, the motion carried with Dr. Roark voting against the motion.

Professional Services Contract Award – Districtwide Modular Classrooms, #00.989 (approx. \$45,000.00) (Item #18)

It was moved by Mrs. Gonzalez-Peterson, seconded by Mr. Rosales, and carried unanimously that the Board approve the award of Professional Services Contract #00.989 to Thacker Design, Inc., subject to the review and approval of the District's attorney, for the preparation of plans, specifications, bid documents, and other additional program elements as may be required for the construction and installation of modular classrooms at Bradley, Guerrero, and Nixon Elementary Schools for a Basic Services Fee of 9 percent of the estimated construction cost of \$500,000.00, or \$45,000.00, with additional services listed in the contract to be paid at established hourly rates only if authorized in writing by the owner for services the owner cannot provide.

Approval of Change Orders (Item #19)

A. Change Order No. 2 to PFFCO (Public Property Finance Contractual Obligations) Reroofing Project, Phase 2, #99.533.03 (\$34,250.00)

It was moved by Mr. Rosales, seconded by Mrs. Gonzalez-Peterson, and carried unanimously that the Board approve Change Order No. 2 to Four Star Roofing Co., Construction Contract #99.533.03, PFFCO (Public Property Finance Contractual Obligations) Reroofing Project, Phase 2, subject to the review and approval of the District's attorney, for the reroofing of the cafeteria area at Aoy Elementary School, in lieu of coating the existing roof as originally specified, in the amount of \$34,250.00.

B. Change Order No. 1 to Districtwide Garbage Removal and Disposal Service, #00.433 (\$50,000.00)

It was moved by Mrs. Gonzalez-Peterson, seconded by Miss Garcia, and carried unanimously that the Board approve Change Order No. 1 to SBP Corp. dba El Paso Disposal, Service Contract #00.433, Districtwide Garbage Removal and Disposal, subject to the review and approval of the District's attorney, for additional funding to complete the current contract year in the amount of \$50,000.00.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$25,000.00 (Item #20)

A. Playground Installation Projects – 1999, #00.790

It was moved by Mrs. Gonzalez-Peterson, seconded by Miss Garcia, and carried unanimously that the competitive bid process be utilized for Project #00.790, Playground Installation Projects – 1999, subject to the review and approval of the District's attorney, and that the advertisement and issuance of relevant documents be authorized to prospective bidders/proposers.

B. Districtwide Floor Tile/Covebase Replacements, #00.955

It was moved by Miss Garcia, seconded by Mr. Wever, and carried unanimously that the competitive bid process be utilized for Project #00.955, Districtwide Floor Tile/Covebase Replacements, subject to the review and approval of the District's attorney, and that the advertisement and issuance of relevant documents be authorized to prospective bidders/proposers.

Item Withdrawn

It was announced that item no. 21, D., Annual Food Products Bid #42-00, had been withdrawn from the agenda.

RFP, Bids, and Purchase Orders Requiring Board Approval (Item #21)

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

- A. Additional Expenditure Request for Food Product Bids #36-99, #48-99, #72-99, and #02-00 (\$390,000.00) was approved and expensed proportionately to the following vendors as previously awarded: Ednor Foods, El Paso Fairview Foods, Farmer Brothers, Farmers Dairies, Kalil Bottling, Montana Beverage, Pilgrims Pride, and Professional Food Systems for a total amount of \$390,000.00.
- F. Apple Computers for Region 3 Schools; Clardy, Lamar and Burleson Elementary Schools; Morehead, Bassett, Guillen and Magoffin Middle School; and Franklin and Andress High Schools, Purchase Order Nos. 187603, 187967, 188512, 188184, 188526, 189470, 189472, 189567, 190192, 190330, and 190419 (\$201,965.00) were approved for purchase from Apple Computers, the sole source, for Beall and Roosevelt Elementary Schools and Henderson Middle School in Region 3, Purchase Order No. 187967, \$14,317.00; Clardy Elementary School, Purchase Order No. 188512, \$23,008.00; Lamar Elementary School, Purchase Order No. 189472, \$9,738.00; Burleson Elementary School, Purchase Order No. 190192, \$25,098.00; Morehead Middle School, Purchase Order Nos. 188184 and 189470, \$9,443.00; Bassett Middle School, Purchase Order No. 188526, \$36,062.00; Guillen Middle School, Purchase Order No. 189567, \$14,490.00; Magoffin Middle School, Purchase Order No. 190330, \$41,936.00; Franklin High School, Purchase Order No. 187603, \$12,337.00; and Andress High School, Purchase Order No. 190419, \$5,536.00, for a total amount of \$201,965.00 (copy of purchase orders attached to the permanent file of these minutes).
- G. PC Computers for Chapin High School, Purchase Order Nos. 189356 and 190626 (\$56,828.10) were approved for purchase from Dell Marketing, L.P. for a total amount of \$56,828.10 (copy of purchase order attached to the permanent file of these minutes).
- H. PC Computers for Austin and Jefferson High Schools; Region 2; Cooley Elementary School; and Occupational Center, Purchase Order Nos. 189523, 189767, 189830, 192441, and 192613 (\$61,835.91) were approved for purchase from Dell Marketing, L.P. for Austin High School, Purchase Order No. 189830, \$14,160.00; Jefferson High School, Purchase order No. 189523, \$7,212.00; Region 2, Purchase Order No. 189767, \$7,555.95; Cooley Elementary School, Purchase Order No. 192613, \$24,045.00; and from Hewlett Packard for the Occupational Center, Purchase Order No. 192441, \$8,862.96, for a grand total amount of \$61,835.91 (copy of purchase orders attached to the permanent file of these minutes).
- I. Technology Education Lab Software for Bowie High School, Purchase Order No. 190750 (\$80,658.00) was approved for purchase from Technology Laboratory Systems, Inc. in the amount of \$80,658.00 (copy of purchase order attached to the permanent file of these minutes).
- J. Pre-Engineering/Technology Education Lab Software for Chapin High School, Purchase Order Nos. 190888, 192063, and 192064 (\$128,940.00) was approved for purchase from Technical Laboratory Systems, Purchase Order No. 190888, \$105,948.00; and from Allstar Systems, Purchase Order Nos. 192063 and 192064, \$22,992.00, for a grand total amount of \$128,940.00 (copy of purchase orders attached to the permanent file of these minutes).

RFPs, Bids, and Purchase Orders Requiring Board Approval (Item #21)

B. Computers for Elementary Schools RFP #43-00 (\$2,209,572.00)

The following people requested to speak to this item:

1. Mr. Larry Jones, teacher with EPISD, spoke about concerns regarding the District purchasing IBM computers for elementary schools rather than Macintosh computers.
2. Mr. Charles Mosely, Desert Communications, Inc., spoke about his company's bid package and stated that he was available for any questions the Board may have regarding RFP #43-00.

Discussion followed on the source of funding for the computers; the \$3 million-plus projected year-end fund balance in Title I; concerns with lack of training on the PC platform; computer literacy being interchangeable; and the computers being working tools to provide data or output from each classroom in the elementary schools.

Mr. Yinuo Du, Executive Director, Technology and Information Systems (TIS), advised that training will be focused on one teacher from each grade level from each of 28 elementary schools. These teachers will then train other teachers to use the Windows-based computers.

Discussion continued on possible resistance to using the PC-platform and the need for inservice; the Macintosh-PC dilemma; the Technology Plan calling for computers in the classrooms for the students; the specifications in the RFP; the July 30, 2000, deadline for delivery of equipment; the Technology Plan not committing to a specific type of computer; the need to expose students to computers; and utilizing available funds for computers in the classrooms.

It was moved by Mrs. Gonzalez-Peterson and seconded by Dr. Finke that Computers for Elementary Schools RFP #43-00 be awarded to Desert Communications, Inc. under Option 1 in the amount of \$2,209,572.00. Upon the vote, the motion carried with Dr. Roark voting against the motion (copy of bid tabulation attached to the permanent file of these minutes).

C. Laser Printers RFP #45-00 (\$58,890.85)

Mr. Wever questioned the expense of the cartridge required for the requested printers.

The following person requested to speak to this item:

1. Mr. Joe Duck, Sales Consultant, Lexmark International, spoke about his company's cartridge and the cost per page. He also provided a comparison to other printer manufacturers.

Ms. Sharon Foster, Administrator, Training and Instructional Technology, provided information on the criteria used for the RFP. She advised that the selection of the Xerox printer was deemed to be in the best interest of the District.

It was moved by Mrs. Gonzalez-Peterson, seconded by Mr. Rosales, and carried unanimously that Laser Printers RFP #45-00 be awarded to Checkpoint Services, Item 1, \$38,148.60 and Dell Marketing, L.P., Item 2, \$20,742.25, for a total amount of \$58,890.85 (copy of bid tabulation attached to the permanent file of these minutes).

E. Printers for Irvin and Burges High Schools and Houston Elementary School, Purchase Order Nos. 187024, 188028 and 184637 (\$46,518.03)

Mr. Wever questioned whether the Lexmark OPTRA E310 printer was replaced by the E312 model. Mr. Joe Duck, Sales Consultant, Lexmark International, advised that the E310 model will be obsolete within three months.

Discussion followed on the decision to select the E310 model; the QISV (Qualified Information Systems Vendor) information; and the date when it was announced that the OPTRA E310 printer will be discontinued.

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the recommendation to purchase OPTRA E310 printers be rejected and that the Hewlett-Packard printers be approved for purchase from Desert Communications, Inc. for Irvin High School, Purchase Order No. 193036, \$6,750.00; for Burges High School, Purchase Order No. 188028, \$11,700.00; and for Houston Elementary School, Purchase Order No. 184637, \$24,837.03, for a total amount of \$43,287.03 (copy of purchase orders attached to the permanent file of these minutes).

Items Withdrawn

It was announced that item no. 22, B., 1., II., Superintendent's Personnel Recommendations – Proposed Nonrenewal of Contracts for Noncertified Administrators/Noncertified Professionals, and item no. 22, C., 1., Grievance Hearings – F. David Cordova, Project Engineer, Operations, had been withdrawn from the agenda.

Meeting Closed (Item #22)

The meeting was recessed at 9:57 p.m. to a closed meeting by Dr. Roark under Sections 551.071 and 551.074 of the Texas Government Code as follows:

- A. Appeal of AEP (Alternative Education Program) Placement at Burges High School – E. E. P.
- B. Personnel
 - 1. Superintendent's Personnel Recommendations
 - I. Issuing Contracts for Noncertified Administrators and Other Noncertified Professionals
 - 2. Proposed Termination of Continuing Contract Teacher

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

1. El Paso High School Cafeteria Floor Repairs
2. Leonard Amburn, Plaintiff v. EPISD, Defendants; In the United States District Court, Western District of Texas; Cause No. EP00CA0162
3. Yolanda M. Rey v. El Paso Independent School District; In the United States Court of Appeals for the Fifth Circuit; No. 99-50375
4. Dr. Yolanda M. Rey, Plaintiff vs. Jim Nelson and El Paso Independent School District, Defendants; No. GN001525; 98th District Court, Travis County, Texas

The closed meeting was opened at 10:04 p.m. The closed meeting ended at 10:48 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 10:48 p.m.

Appeal of AEP (Alternative Education Program) Placement at Burges High School – E. E. P. (Item #22, A.)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board reverse the administration's decision to place E. E. P. in the Alternative Education Program at Burges High School through December 19, 2000, and that the student continue in regular classes beginning August 2000.

Meeting Closed

The meeting was again recessed at 10:50 p.m. to a closed meeting by Dr. Roark under the authority previously cited. The closed meeting was opened at 10:55 p.m. The closed meeting ended at 11:52 p.m.

Departure of Board Member

Dr. Roark departed the meeting at 11:14 p.m. and was not present for any subsequent action taken by the Board of Trustees.

Meeting Opened

The meeting was reassembled in Open Session at 11:54 p.m.

In the absence of the Board President, the meeting was opened by Mrs. Gonzalez-Peterson, Board Vice President.

Superintendent's Personnel Recommendations – Issuing Contracts for Noncertified Administrators and Other Noncertified Professionals (Item #22, B., 1., I.)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that professional employees who are not required to be certified by the Texas Education Agency or State Board of Educator Certification under Chapter 21 of the Education Code and who are assigned to professional or administrative positions, be offered a One-Year Contract for Noncertified Administrators and other Noncertified Professionals in accordance with Board Policy DCE (Local), Employment Practices: Semester or Annual Employment.

Superintendent's Personnel Recommendations – Proposed Termination of Continuing Contract Teacher (Item #22, B., 2.)

It was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board approve giving Mr. Bruce Gregory notice of the proposed termination of his continuing contract.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – El Paso High School Cafeteria Floor Repairs (Item #22, D., 1.)

It was moved by Miss Garcia, seconded by Mr. Rosales, and carried unanimously that the Board approve the agreement with the architect and the general contractor whereby they will perform the corrective measures outlined by the consultant at no cost to the District; in exchange the District will provide a release of all claims arising out of the El Paso High School cafeteria floor tile and slab design and construction defects, if such corrective measures prove to correct the problem over a period of one year after the final completion of the corrective work; if the architect and the general contractor will not agree to a one-year warranty period, then the Board authorizes the filing of a lawsuit against the architect, the general contractor, and other potentially culpable contractors or consultants seeking to recover damages resulting from the El Paso High School cafeteria floor design and construction defects.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Leonard Amburn, Plaintiff v. EPISD, Defendant; In the United States District Court, Western District of Texas; Cause No. EP00CA0162 (Item #11, D., 2.)

It was moved by Mr. Rosales, seconded by Dr. Finke, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, P.C., to file an answer and represent the District in this case and to seek an early resolution to be brought back to the Board.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Dr. Yolanda M. Rey, Plaintiff vs. Jim Nelson and El Paso Independent School District, Defendants; No. GN001525; 98th District Court, Travis County, Texas (Item #22, D., 4.)

It was moved by Dr. Finke, seconded by Mr. Rosales, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, P.C., to represent the District in this case after the District has been served with process.

Meeting Adjourned

The meeting was adjourned at 11:59 p.m.

Date Approved: August 8, 2000