

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
December 11, 2001  
5:00 p.m.  
Education Center-Boeing

Present: Mr. Dan Wever, President  
Dr. Gene Finke, Vice President  
Miss Leonor Garcia, Secretary  
Mr. Sal Mena, Jr.  
Dr. Charles Roark<sup>1</sup>  
Mr. Joe Rosales  
Mr. Richard Telles<sup>2</sup>  
Dr. Gilberto Anzaldua, Superintendent  
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:21 p.m. by Mr. Wever. The Pledge of Allegiance was led by Dr. Finke. The Thought for the Day was given by Ms. Linda Corral, Associate Superintendent, Middle Schools Division.

Holiday Performance by the El Paso High School Choir (Item #1)

In anticipation of the holiday season, a musical performance was provided by the El Paso High School choir, under the direction of Ms. Wanda Richardson.

Presentation of High School Diplomas to Honorably Discharged World War II Veterans (Item #2)

Honorably discharged World War II Veterans who were scheduled to graduate after 1940 and before 1951 but who withdrew to join the military, were recognized by the Board of Trustees and presented high school diplomas as follows: Mr. Francisco Garcia Acosta, Mr. Mike Almanza, Mr. Gilberto Lorenzo Caro (posthumously), Mr. Roberto Garcia, Mr. Lorenzo V. Luna, Mr. Moises Ramirez, and Mr. Eligio Rangel from Bowie High School; Mr. Ysidro Cervantes and Mr. Luigi Pellicano from El Paso Technical High School; and Mr. David Wright from El Paso High School. The graduates were congratulated individually by Dr. Anzaldua and the Board of Trustees.

Recognition of EPISD Patriotic Poster Winner (Item #3)

Miss Shelly Gahan, art student at Charles Middle School, was recognized by the Board of Trustees for her artwork "Honor Our Heroes" having been selected to be displayed at the El Paso Fund program and distributed Districtwide. An engraved plaque was presented on behalf of the Board in recognition of her accomplishment.

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<sup>1</sup> Dr. Roark departed the meeting at 11:10 p.m., after action taken on Item #29, A.

<sup>2</sup> Mr. Telles departed the meeting at 10:50 p.m., during discussion on Item #29, A.

Awards to District's November Unsung Heroes (Item #5)

Ms. Maria Porras, Ms. Myrtle Fykes, and Ms. Leslie Guest, staff members of the Safe & Drug Free Schools Program, were recognized by the Board of Trustees as the November Unsung Heroes. Each was presented an engraved pen set on behalf of the Board.

Awards to November Employees of the Month (Item #6)

Ms. Penny Shenk, teacher at Fannin Elementary School, was recognized by the Board of Trustees as the November Certified Employee of the Month; and Ms. Maria Teresa Suarez, bus driver in the Northeast Bus Depot, was recognized as the November Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$150.00.

Presentation of "Golden Apple Award" to EPISD Board of Trustees and Superintendent by El Paso Diabetes Association (Item #7)

Ms. Muriel Hall, Executive Director, El Paso Diabetes Association, presented the "Golden Apple Award" to the Superintendent and the Board of Trustees in recognition of the policy change regarding beverage vending in elementary and middle schools and the initiation of a nutrition advisory committee to support chronic disease prevention and promote good health. An engraved plaque and basket of apples was presented to the Superintendent and each member of the Board of Trustees.

Recognition of EPISD Four- and Five-Star Campuses as Designated by the "Just for the Kids" Foundation (Item #4)

The Board recognized the EPISD four- and five-star campuses, as designated by the "Just for the Kids" Foundation in the November 2001 issue of *Texas Monthly*. These schools ranked in the top 20 percent of schools of comparable characteristics for proficiency in the TAAS, successful performance of students who are economically disadvantaged, and a reduced achievement gap among disadvantaged students. An engraved plaque was presented to representatives from each school in recognition of their accomplishment. A list of the schools recognized is attached to the permanent file of these minutes.

Meeting Recessed

The meeting was recessed at 6:10 p.m. The meeting reconvened at 6:22 p.m.

Meeting Closed (Item #29)

The meeting was recessed at 6:22 p.m. to a closed meeting by Mr. Wever under Section 551.071 of the Texas Government Code as follows:

- D. Consultation with Attorney Regarding Pending Litigation – Cecilia M. Chavez, Nora Montez, and Jose Rosales v. El Paso Independent School District; Cause No. 98-3002; County Court at Law No. 3, El Paso County, Texas

The closed meeting started at 6:24 p.m. The closed meeting ended at 6:39 p.m.

### Meeting Opened

The meeting was reassembled in Open Session at 6:40 p.m.

### Public Forum (item #9)

The following people requested to speak on Open Forum:

1. Mr. Gerald Cheek declined the opportunity to speak.
2. Dr. Joseph A. Kincaid, Jr., D.V.M., M.D., Anthony, New Mexico, spoke about Applied Scholastics, Inc. books being available in the school libraries and requested a letter of recommendation from the Board of Trustees endorsing the books.

### Presentation by Pat Wright, Realworld Schools, on the Fresno/Clovis (California) Center for Advanced Research and Technology (CART) (Item #10)

Mr. David "Pat" Wright, Founder/CEO, Realworld Schools Inc., provided information on the Center for Advanced Research and Technology (CART), which is a collaborative initiative between the Fresno and Clovis Unified School Districts in California and Realworld Schools. He advised that the curriculum is project-based and collaboratively designed with business and industry. He provided an overview of the ADA (average daily attendance) percentage; benchmarks for curriculum standards, which are targeted to students with average abilities; academic gains for CART students; a preference of designating a specific campus for the program; curriculum being customized to a local community's needs; and the goal of immersing students and faculty in a businesslike environment that is technologically advanced. He reviewed the Realworld organization and accountability; the assistance provided in developing community partnerships; the value to school districts and the community; and the Realworld Schools' partners.

There was discussion on the cost of CART in the Fresno and Clovis USDs and the out-of-pocket costs for the two school districts; funding obtained through QZAB, E-Rate, and state and federal grants; differences between magnet programs and CART and what currently exists in the school district; the definition of "average performing" students; the implementation analysis that would address state curriculum requirements; anticipated costs for the implementation analysis, facility, and program operation; faculty recruitment; investigating programs similar to Realworld Schools; and charter school formats.

Mr. Wright recommended that Realworld Schools, Inc. continue meeting with key stakeholders in the community to develop collaboration and that a report be brought back to the Board with a more concrete recommendation on the participants and the shared cost factor.

### Presentation by Representatives from the City of El Paso, and Discussion and Possible Action on Creation of Tax Increment Financing Districts Nos. 2 and 3 (Item #11)

Mr. Norman Gordon, attorney with Diamond Rash Gordon & Jackson, PC and legal counsel representing the City of El Paso, advised that a public hearing and adoption by the El Paso City Council on the proposed Tax Increment Financing (TIF) Districts Nos. 2 and 3 will take place on December 18, 2001. Mr. Gordon described the areas encompassed by the two proposed TIF districts and explained the difference between the powers of urban renewal and the powers of eminent domain.

Ms. Patricia Adaauto, City Planner, City of El Paso, reviewed the criteria required under the statute of TIF in order to establish the TIF Districts. She provided information on the proposed TIF Districts and the establishment of a TIF Board that would make recommendations to the City Council.

There was discussion on the TIF Districts' impact on school taxes; TIF contributions by school districts being determined by increases in valuation; time limits on TIF Districts; and whether the City of El Paso can impose a TIF District on EPISD without the District's consent.

Mr. Safi provided information on Chapter 311 of the Tax Increment Financing Act and clarified §311.013(f), which relates to a taxing entity not being required to pay into the tax increment fund, and §311.013(h), which stipulates that opting out does not apply to a city with a population of more than 230,000 that borders México. He advised that El Paso is the only city in the state of Texas that can force a school district into a TIF District and questioned whether the legislature posted the special notices required before a local and special law can be adopted. Mr. Safi reviewed action taken by the EPISD when a TIF District was originally established in the early 1980's and commented on the impact of the District's future state aid if the State Comptroller certifies to the Commissioner of Education that the EPISD has a higher tax value than the value upon which it can actually collect the taxes. Mr. Safi referenced §311.013(k) and advised that a school district can opt out of paying into the TIF District any of its taxes that are produced from the City adding property to the reinvestment zone.

Mr. William Goodman, Associate Superintendent, Finance, provided information on the impact the proposed TIF Districts will have on the EPISD's state funds and the District's ability to tax locally.

There was further discussion on obtaining an incentive from the City in connection with the District agreeing to the TIF project; the Board authorizing a delegation to meet with other taxing entities that will be impacted by the proposed TIF Districts; opening a line of communication with the City Council; and the Board obtaining legal advice to determine the District's options.

Mr. Safi posed questions to Mr. Gordon related to the EPISD and the City of El Paso agreeing by contract on what portion of the tax increments would be paid into the TIF Districts and what portion could come back to the District; whether a contract would need to be entered into at or before the time the ordinance is finally adopted by the City Council; and the likelihood that the City Council will postpone its scheduled December 18, 2001, adoption of the ordinances until the EPISD Board of Trustees has had another opportunity to meet. It was requested that the Board provide direction on designating a representative to appear before City Council to propose delaying action on the TIF Districts to allow time for additional information to be brought back to the Board at its meeting scheduled for December 18, 2001.

Discussion continued on the EPISD requesting an Attorney General's opinion not having the effect of delaying or deferring action by the City Council; whether no immediate intervention is needed because there will be no affect on tax collections until 2002-03; the TIF statute being discriminatory against taxing entities in El Paso; and a state constitutional issue being involved if no notice was posted or publicized by the Legislature at the time this local and special law was adopted.

It was moved by Dr. Roark , seconded by Miss Garcia, and carried unanimously that the Board authorize the Board President, the Superintendent, and the District's attorney to meet with City Council, the Mayor, and their representatives at the earliest convenient time to discuss the issues and concerns involving Tax Increment Financing Districts Nos. 2 and 3.

Mr. Wever appointed Dr. Gene Finke to represent the Board President.

It was moved by Dr. Roark and seconded by Mr. Rosales that the Board request that its representatives inform the City that the Board is concerned about the loss of revenues which would affect the EPISD's ability to educate its students and request that the tax revenues of the EPISD not be affected by the Tax Increment Financing Districts.

Dr. Finke offered an amendment that the City representatives also be informed that the Board would consider an incentive; for example, tax revenues forfeited by the EPISD being allocated to school construction.

Dr. Roark did not accept the amendment.

Discussion continued on the composition of the TIF Boards for TIF Districts Nos. 2 and 3 and one of the EPISD's negotiating positions being the membership on these Boards.

It was moved by Mr. Mena and seconded by Miss Garcia that the debate be closed and an immediate vote be taken on the pending question.

Upon the vote, the motion that the Board request that its representatives inform the City of El Paso that the Board is concerned about the loss of revenues which would affect the EPISD's ability to educate its students and request that the tax revenues of the EPISD not be affected by the Tax Increment Financing Districts carried unanimously.

#### Consent Agenda (Item #12)

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

- Dr. Roark - Item 12, B., Approval of Agreement with Theatre, Inc. for Theatre Arts Productions for EPISD Elementary and Middle School Campuses (\$42,000.00)
- Mr. Mena - Item 12, G., 6., Approval of Budget Amendments - Urban Systemic Program (USP) (\$700,330.00)
- Dr. Finke - Item 12, A., Approval of Payment of 2002 TASB Annual Membership Dues (\$11,000.00)  
Item 12, G., 7., Approval of Budget Amendments - Athletics Budget Amendment (\$30,000.00)

#### Approval of Payment of 2002 TASB Annual Membership Dues (\$11,000.00) (Item #12, A.)

Dr. Anzaldua advised the this item is for the payment of the annual TASB membership dues. Dr. Finke commented on the many services provided by TASB.

It was moved by Dr. Finke, seconded by Dr. Roark, and carried unanimously that the Board approve the District's continued membership with the Texas Association of School Boards (TASB) and payment of the 2002 TASB annual membership dues in the amount of \$11,000.00.

Approval of Agreement with Theatre, Inc. for Theatre Arts Productions for EPISD Elementary and Middle School Campuses (\$42,000.00) (Item #12, B.)

Dr. Roark requested information on the services provided by Theatre Arts, Inc. Dr. Linda Holman, Associate Superintendent, Curriculum and Instruction, provided information on the people involved with Theatre Arts, Inc. and the theatre productions they facilitate in the District's elementary and middle schools. She advised that the program had been budgeted annually for several years.

It was moved by Dr. Finke, seconded by Mr. Rosales, and carried unanimously that the Board approve the agreement with Theatre, Inc. to produce and perform three plays for all EPISD elementary and middle schools in the amount of \$42,000.00.

Questions on Approval of Budget Amendments – Urban Systemic Program (USP) (\$700,330.00) (Item #12, G., 6.)

Responding to a question from Mr. Mena, Dr. Anzaldua provided information on the appropriated funds for this program.

Questions on Approval of Budget Amendments – Athletics Budget Amendment (\$30,000.00) (Item #12, G., 7.)

Dr. Finke questioned whether the budget amendment amount includes funding for additional golf coaches. Ms. Elsie Partridge, Director, Athletics, advised that the funding is for coaches for the schools with high numbers of students enrolled in golf and tennis for the spring semester.

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

C. Approval of Subcontractual Agreement with El Paso Center for Children, Inc. for the Family Preservation Council's "El Paso Families: Together & Safe" Project at Alta Vista Elementary School (\$59,062.00)

The Board approved the subcontractual agreement between the El Paso Center of Children, Inc. and the EPISD for the Family Preservation Council's "El Paso Families Together & Safe" project at Alta Vista Elementary School for the provision of a six-week summer enrichment program and family field trips, arts and crafts classes, aerobics classes, and computer classes for the 2001-02 fiscal year for a total amount of \$59,062.00, with \$44,296.50 being reimbursable funds and \$14,765.50 being the EPISD's in-kind contribution.

D. Approval of Extension of Software & Peripheral Preferred Maintenance Agreement Between epixtech, inc. and the EPISD (\$65,597.36)

The Board approved the final extension of the Software & Peripheral Preferred Maintenance Agreement between EPISD and *epixtech, inc.*, the sole source for *epixtech, inc.* software and support, for the maintenance of library software, CPU hardware, and peripheral devices in the amount of \$65,597.36.

E. Approval of Revision to Board Policy FNCG (Local), Student Conduct: Weapons

The revisions to Board Policy FNCG (Local), Student Conduct: Weapons, were approved as presented (copy attached to the permanent file of these minutes).

F. Construction Contract Award – Northeast Regional Tennis Center Parking Lot, #02.727 (\$129,000.00)

The Board approved the award of Construction Contract #02.727, Northeast Regional Tennis Center Parking Lot, subject to the review and approval of the District's attorney, to Camino Contracting, Inc. in the amount of \$129,000.00.

G. Approval of Budget Amendments

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

1. Moreno (Highland Annex) Budget Amendment (\$18,974.00). The purpose of this item is to amend the Highland Annex budget in the amount of \$18,974.00. Irma Ortega, Principal at Moreno Elementary School and Highland Annex, requested this amendment in a memo dated November 26, 2001. Due to a clerical error at the campus level, these funds were not entered in the budget. These funds are necessary as they provide the daily instructional needs for the Special Education students. These funds will be made available from unexpended carry-over funds through the District's fund balance account.
2. Hughey Elementary School Budget Amendment (\$3,200.00). The purpose of this item is to amend the Hughey Elementary School budget in the amount of \$3,200.00. Jamey Wiggs, Principal at Hughey Elementary School, requested this amendment in a memo dated November 19, 2001. Due to a clerical entry error at the campus level, the amount was posted in the incorrect function. The amendment will transfer funds from Instruction to Media Services for Reading Materials.
3. Upper Rio Grande Tech Prep Grant (\$5,000.00). The purpose of this item is to set up the Upper Rio Grande Tech Prep Grant budget in the amount of \$5,000.00. The Board of Trustees approved this agreement at the October 23, 2001, Board meeting. Rosa Gandara, Director, Career and Technology Education, requested this amendment in a memo dated October 31, 2001. Career and Technology Education will use the funds to address the integration of academic and career and technology subject areas through the writing of curriculum, to provide staff development for teachers, and to support the LVN (licensed vocational nursing) Program at the Silva Health Magnet High School.

4. Upper Rio Grande Tech Prep School-to-Careers Consortium (\$35,000.00). The purpose of this item is to set up the budget for the Upper Rio Grande Tech Prep School-to-Careers Consortium in the amount of \$35,000.00. The Board of Trustees approved this agreement at the November 13, 2001, Board meeting. Rosa Gandara, Director, Career and Technology Education, requested this amendment in a memo dated November 16, 2001.
5. Focus on First Graders – Community Development Block Grant (\$26,222.00). The purpose of this item is to set up the budget for the Focus on First Graders – Community Development Block Grant in the amount of \$26,222.00. The Board of Trustees approved this grant at the September 25, 2001, Board meeting. Dr. Linda Holman, Associate Superintendent, Curriculum and Instruction, requested this amendment in a memo dated November 13, 2001. Focus on First Graders will use the funds to provide an integrated system of social and educational services to at-risk first graders and their families with a variety of services in the campuses.
6. Urban Systemic Program (USP) (\$700,330.00). The purpose of this item is to set up the budget for the Urban Systemic Program (USP) in the amount of \$700,330.00. Martha Muela, Director, Staff Development/USP, requested this amendment in a memo dated November 21, 2001. The University of Texas at El Paso (UTEP) approved this agreement on October 25, 2001.
7. Athletics Budget Amendment (\$30,200.00). The purpose of this item is to amend the Athletics budget in the amount of \$30,200.00. This amendment is pursuant to a directive issued by the Board of Trustees at the November 13, 2001, Board meeting and will provide additional golf and tennis coaches at seven high schools based on participation levels. The additional coaches for other sports will be addressed during the budget process for next school year.

#### H. Bids Requiring Board Approval

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

1. Option to Extend Existing Bid – Videos, Videodiscs, CD-ROMs, DVDs & Software Bid #92-00 (approx. \$91,995.48). The Board approved the first option to extend Videos, Videodiscs, CD-ROMs, DVDs & Software Bid #92-00 to School Media Associates in the estimated annual amount of \$91,995.48 (copy of bid tabulation attached to the permanent file of these minutes).
2. Evaporative Air Conditioning Units Bid #99-01 (\$107,805.48) was awarded to Contractors Heating Supply, the lowest overall bidder, in the amount of \$107,805.48 (copy of bid tabulation attached to the permanent file of these minutes).

#### I. November Personnel Report

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



Appointment of EPISD Trustees to 2002-03 El Paso Central Appraisal District Board of Directors (2 positions) (Item #13)

It was moved by Mr. Mena, seconded by Dr. Finke, and carried unanimously that Mr. Richard Telles and Mr. Joe Rosales be appointed to the 2002-03 El Paso Central Appraisal District Board of Directors for the term of January 1, 2002, through December 31, 2003.

Approval of Final Draft of Summary of EPISD Strategic Plan (Item #14)

Dr. Roark commended Mr. Gilbert Moreno, Prestige Consulting Services, Strategic Planning Consultant, and District staff for their efforts on developing the Strategic Plan. He commented on the community meetings that were held and changes that were made to make it a workable Strategic Plan.

Mr. Moreno reviewed the changes recommended by the Strategic Planning Committee at its meeting on November 27, 2001, which included approving the final draft with all the recommended changes. At this meeting, the Strategic Plan Accountability Working Team was appointed and a Chairperson was elected, in addition to developing a recommended schedule for the Working Team.

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that the Board approve the final draft of "Bold Vision," EPISD 5-Year Strategic Plan, Districtwide Strategic Planning Project as revised and presented by the administration.

Proposed Redistricting of the EPISD Board of Trustees Districts (Item #15)

Dr. William Wachtel, Senior Researcher, Finance, advised that based on the 2000 census, it would be necessary to redraw the single-member districts for the Board of Trustees. He reviewed the process followed after the 1990 census and recommended that a seven-member committee be appointed by the Board to serve on the Redistricting Committee. He requested that each Board member recommend a name and that a follow-up report be made at the second Board meeting in January 2002.

It was moved by Dr. Roark and seconded by Dr. Finke that the Board appoint a seven-member citizen committee to conduct public hearings, design redistricting plans with staff and the assistance of legal counsel, and recommend a redistricting plan to be approved by the Board of Trustees no later than May 2002, with the administration and legal counsel being authorized to provide any necessary technical support.

Dr. Finke commented on having some at-large members serve on the Board. Mr. Safi provided information on single-member and at-large school boards and reviewed the court-ordered, seven single-member districts on the EPISD Board of Trustees and the legal issues that would have to be addressed in order to deviate from that court order.

Upon the vote, the motion carried unanimously.

Approval of Innovative Course, *Sports and Entertainment Marketing*, at Center for Career and Technology Education (CCTE) (Item #17)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the innovative course, *Sports and Entertainment Marketing*, which will be available at EPISD high schools for the 2002-03 through 2005-06 school years and provide students with the fundamental principles and concepts identified with sports and entertainment marketing and allow the development of critical thinking and decision-making skills through the application of marketing principles in these industries.

Approval of ISM (Integrated Skills Methods, Inc.) Materials for the Specific Reading Difficulties (SRD) Program (\$79,500.00) (Item #18)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board approve the purchase of instructional materials from Integrated Skills Methods (ISM) Teaching Systems, Inc. to support students in the Specific Reading Difficulties (SRD) Program for a total amount of \$79,500.00.

Approval of Proposal to Utilize Title VI Funds to Provide Professional Development for K-2 Teachers in a Reading Early Intervention Institute (\$780,300.00) (Item #19)

It was moved by Mr. Mena and seconded by Dr. Roark to postpone discussion and action on item no. 19, Approval of Proposal to Utilize Title VI Funds to Provide Professional Development for K-2 Teachers in a Reading Early Intervention Institute (\$780,300.00), until further information can be provided to the Board.

Dr. Anzaldúa advised that this program is part of Title VI, Class Size Reduction, and that these funds can be used for staff development purposes. He stated that this has been in place for some time and that delaying action until January 2002 will be problematic.

Dr. Roark withdrew his second. The motion died for lack of a second.

Dr. Linda Holman, Associate Superintendent, Curriculum and Instruction, and Ms. Barbara Gibson, Director, Elementary Education, responded to questions from the Board regarding the \$150.00 stipend for the teachers participating in the Reading Early Intervention Institute; stipend amounts being addressed in Bulletin rather than Board policy; items covered in the proposed budget for the institute; the University of Texas at El Paso (UTEP) being part of the Title VI entitlement because it requires collaboration with an institute of higher education; and the high price being the result of the initial development of the institute.

Ms. Gibson provided an explanation of what the program involves, including the collaboration with UTEP. Discussion continued on who will be providing the training, the teacher outcomes, having the involvement be nonexclusive, and who will conduct the external evaluation. Dr. Roark requested that the Board be provided periodic reports in order to evaluate the success of the program.

It was moved by Dr. Roark, seconded by Dr. Finke, and carried unanimously that the Board approve the use of Title VI funds in the amount of \$780,300.00 to provide teacher professional development through an Early Intervention Institute designed by the Professional and Continuing Education Department of the University of Texas at El Paso (UTEP), with the EPISD maintaining control of the program, to assist teachers in grades K-2 to teach reading to diverse student populations.

Discussion and Possible Action on Proposal from MiraSol Energy Services, Inc., a Subsidiary of El Paso Electric Co., on Energy Cost Saving Opportunities for EPISD (Bowie and El Paso High Schools) (Item #16)

Mr. Mike Ramos, MiraSol Energy Services, Inc., subsidiary of El Paso Electric Co., provided information on a “one-stop” energy service solution to the District if his company is awarded a performance contract for the design, engineering, construction, and maintenance of such a program. He reviewed the goals supporting the EPISD’s five-year strategic plan; a proposed lighting system; and a lighting analysis and project economics for El Paso and Bowie High Schools.

It was moved by Mr. Telles and seconded by Mr. Mena that the Board approve the issuance of an RFQ (request for qualifications) and that a report be brought back to the Board.

Mr. Hector Martinez, Associate Superintendent, Operations, reviewed possible state funding for the program and advised that there is merit to the program being offered by MiraSol. He stated that the primary issue that needs to be resolved is the exact procurement procedure to secure these services. He added that there has been discussion with Mr. Ramos on the possibility of extending the scope of work to include some HVAC improvements at some of the other schools.

There was discussion on the expansion of the program and whether an RFQ will be required for every school; whether an RFQ is needed for these professional services; and action required by the Board of Trustees to secure Lone Star funding from the state.

Mr. Telles amended his motion to include the administration being directed to pursue Lone Star funding from the state of Texas. Mr. Mena accepted the amendment.

The amended motion reads as follows:

that the Board approve the issuance of an RFQ (request for qualifications); that a report be brought back to the Board; and that the administration be directed to pursue Lone Star funding from the state of Texas.

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

Approval of Criminal Justice Division (CJD) Grant Award for DARE/GREAT Programs (\$7,040.00) (Ref. Item No. 26, A.) (Item #20)

It was moved by Mr. Mena, seconded by Dr. Finke, and carried unanimously that the Board approve the award of a Criminal Justice Division (CJD) grant in the amount of \$7,040.00 for DARE/GREAT Programs on EPISD campuses, which promote the prevention and reduction of drug, alcohol, and tobacco abuse and violence incidents with adequate prevention programs.

Approval of Local Plan on Hiring of Educational Aides Interested in Becoming Certified Teachers as Required by House Bill 1130 (Item #21)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the EPISD teacher preparation partnership plan with the University of Texas at El Paso (UTEP) and the El Paso Community College (EPCC) on the hiring of educational aides who are interested in becoming certified teachers, as required by House Bill 1130.

Approval of Renewals of Contracts for EPISD Health Care Trust Medical Plan and Other Voluntary Employee Benefit Plans (Item #22)

Ms. Elizabeth Bulos, Director, Employee Benefits, provided information on the renewal of contracts for the EPISD Health Care Trust Medical Plan and other voluntary employee benefit plans. She reviewed items that were discussed at the Board's Employee Health/Insurance Committee which was held on December 11, 2001.

It was moved by Dr. Roark and seconded by Mr. Telles that an RFQ (request for qualifications) be issued for the EPISD Health Plan, and all associated parts of the plan, and the other employee benefit plans. Upon the vote, the motion failed with Mr. Telles, Miss Garcia, and Dr. Roark voting in favor of the motion, and Mr. Mena, Mr. Rosales, Dr. Finke, and Mr. Wever voting against the motion.

It was moved by Mr. Mena and seconded by Mr. Wever that the Board approve the renewal of the contracts for the EPISD Health Care Trust Medical Plan and other voluntary employee benefit plans as presented by the administration for the plan periods and amounts indicated. Upon the vote, the motion carried with Dr. Roark voting against the motion.

A. Central States of Omaha (Cancer and Intensive Care Plans)

The Board approved the renewal of the cancer and intensive care plans with Central States of Omaha with no increase to the current premium rates for the period of January 1, 2002, through December 31, 2002.

B. Washington National Income Replacement/Disability

The Board approved the renewal of the income replacement and disability plans with Washington National with no increase to the current premium rates for the period of January 1, 2002, through December 31, 2002.

C. UNUM/Provident Life Insurance

The Board approved the renewal of the life insurance plan with UNUM/Provident Life Insurance with no increase in current premium rates for the period of January 1, 2002, through December 31, 2002.

D. AmeriBens Solutions Medical Plan (Third Party Administrator Services) Including Amended Exhibit E, Annual Performance Guarantees

The Board approved the renewal of the Health Plan Services Agreement with AmeriBens Solutions, the District's third party administration services contractor, for the period of January 1, 2002, through December 31, 2002, with a 5 percent increase in the per-person medical administrative fee and the removal of bonus payments previously included in the Performance Guarantees.

E. Texas True Choice (Medical Network)

The Board approved the renewal of the Health Plan Services Agreement (Provider Network) with Texas True Choice (TTC), the District's medical provider network, for the period of January 1, 2002, through December 31, 2002, with no fee increase.

F. SPECTERA (Utilization Review/Utilization Management)

The Board approved the renewal of the contract with SPECTERA, acting as the Utilization Management/Utilization Review Company, for the period of January 1, 2002, through December 31, 2002, with no change in fee.

G. Express Scripts (Pharmacy Benefit Management)

The Board approved the renewal of the Client Agreement with ExpressScripts, the District's Managed Prescription Drug Provider, for the period of January 1, 2002, through December 31, 2002, with no change in fees or discounts.

Award of Individual Stop Loss Coverage and Aggregate Excess Loss Insurance for the EPISD Health Care Trust Medical Plan (Item #23)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board approve the renewal of Individual Stop Loss Coverage and Aggregate Excess Loss Insurance for the EPISD Health Care Trust Medical Plan with ING Employee Benefits for the period of January 1, 2002, through December 31, 2002, for an estimated annual premium of \$890,358.00.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$25,000.00 (Item #24)

A. Districtwide Electrical System Renovations & Upgrades, #02.994

B. Districtwide Asbestos Abatement, Phase 14, #02.711

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board approve the competitive bid method for the solicitation of the construction projects as listed, subject to the review and approval of the District's attorney, and authorize the advertisement and issuance of relevant documents to prospective bidders/proposers.

Approval of the Annual Financial Report with Independent Auditors' Reports Thereon for the 2000-01 Fiscal Year (Item #25)

Mr. Carl Gilbert, KPMG Peat Marwick, the District's external auditors, provided a report on the December 3, 2001, meeting with the Board Finance Committee, at which time the District's Annual Financial Report was reviewed.

It was moved by Dr. Finke, seconded by Miss Garcia, and carried unanimously that the Board approve the Annual Financial Report prepared by KPMG Peat Marwick, Certified Public Accountants, and as presented to the Board Finance Committee, for the year ending August 31, 2001.

Approval of Budget Amendments (Item #26)

A. Criminal Justice Division DARE/GREAT (\$6,373.00) (Ref. Item No. 20).

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board approved the budget amendment to the 2001-02 fiscal year to set up the Criminal Justice Division DARE/GREAT budget in the amount of \$6,373.00. Police Services has agreed to provide \$540.00 in matching funds from an existing Supplies and Materials budget. Marsha Lawler, Executive Director, External Funding, requested this amendment in a memo dated November 19, 2001. The DARE/GREAT project is a drug prevention program targeting the District's K-12 students. The goal is to prevent and reduce drug, alcohol, tobacco, and violence incidents on all El Paso Independent School District campuses by reaching out to students with adequate drug and violence prevention programs equipped with necessary tools and certified instructors.

C. E-Rate Projects Contingency Fund

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the budget amendment to the 2001-02 fiscal year to establish a \$300,000.00 contingency budget for emergency spending on E-Rate Projects. This amendment is pursuant to a request from James Damm, the District's E-Rate Consultant, and the Board Finance Committee on December 4, 2001.

B. Secondary Education Budget Amendment (\$61,011.00)

It was moved by Mr. Mena and seconded by Mr. Telles that the Board not approve the budget amendment to amend the Secondary Education budget in the amount of \$61,011.00 because the amendment is moving funds for the position of Director for Guidance and Counseling, which is a needed position, and that funds be found elsewhere to fund the position of Director for Secondary Education.

Dr. Linda Holman, Associate Superintendent, Curriculum and Instruction, provided information on the rationale for the budget amendment request and the need for both positions to be filled. Discussion followed on the difficulty of filling the vacancy for the Director for Guidance and Counseling; the need to locate funds for both positions; and making every attempt to fill the administrative position in Guidance and Counseling.

Upon the vote, the motion carried unanimously.

Award of RFP #102-01, Consulting Services for Comprehensive Compensation Study (Item #27)

It was moved by Dr. Roark and seconded by Miss Garcia that Consulting Services for Comprehensive Compensation Study RFP #102-01 be awarded to the Texas Association of School Boards (TASB) in the amount of \$108,500.00.

Responding to questions from the Board, Mr. Charles Tafoya, Associate Superintendent, Human Resources, advised that the updating of job descriptions was not included in the RFP and that postponing the award of the RFP would cause delays in the deadlines set by the Board. There was discussion on determining the cost for TASB to assist with updating job descriptions; the cost for TASB to review/development job descriptions; and the updating of job descriptions being handled in-house by the administration.

It was moved by Dr. Finke and seconded by Miss Garcia that the debate be closed and an immediate vote be taken on the pending question.

Upon the vote, the motion carried with Mr. Wever voting against the motion.

Purchase Orders Requiring Board Approval (Item #28)

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

- A. Computers for Franklin and Irvin High Schools, Purchase Order No. 228358 (\$58,626.66), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$58,626.66 (copy of purchase order attached to the permanent file of these minutes).
- B. Computers for Food Services, Purchase Order No. 228365 (\$69,849.33), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$69,849.33 (copy of purchase order attached to the permanent file of these minutes).

Retaining Legal Counsel to Advise the Board of Trustees in Connection with Upcoming Employee Termination Hearings (Item #30)

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board President and Superintendent be authorized to determine and retain legal counsel to represent the Board in connection with the termination hearings for Jose Luis Lozoya and possibly Bruce Boeck.

Grievance Hearing – Judith Weiser, Teacher, Franklin High School (Item #29, A.)

At the request of the grievant, this grievance was heard in Open Session.

It was determined that the grievant, Ms. Judith Weiser, and the administration would have a maximum of ten minutes each to present their cases.

Ms. Weiser expressed her concern about the EPISD's policy on employee absences for religious holy days, which burdens those of the Jewish faith who must take those religious days as "Personal Business" days. She stated that the truly observant can miss up to 13 days in a school year and only 5 "Personal Business" days are allotted to employees. She added that employees will be forced to be untruthful about their absences or be charged days without pay. She suggested that the employees be allowed to make up the days, perhaps during the summer months. Ms. Weiser stated that employees are paid for unused absences upon retirement, and consequently, in the end, the observance of those holy days will cost those of the Jewish faith because they are forced to use personal days. It was her contention that the District is in violation of Title VII of the Civil Rights Act of 1964 in that she will be deprived of income at the time of retirement as a result of the District's policy.

#### Departure of Board Member

Mr. Telles departed the meeting at 10:50 p.m. and was not present for any subsequent action taken by the Board of Trustees.

Mr. Danny Martinez, Director, Employee Relations, reviewed Board Policy DEC (Legal) Compensation and Benefits: Leaves and Absences. He stated that the District is not allowed to pay employees for time not worked. He stated that in order to allow days off for other religious holidays, the District will need to review other holidays that are already given to the employees. He recommended that the Board uphold the administration in its denial of the grievance and to allow the administration to determine a remedy for next school year.

Mr. Safi provided clarification on the language in Board Policy DEC (Legal) as it relates to this grievance. There was discussion on other school districts providing days off for the entire district during Jewish holiday observances; the EPISD looking at a special holiday for the Jewish high holy days; and that the administration be allowed time to develop a solution.

It was moved by Dr. Roark and seconded by Mr. Mena that the Board uphold the Superintendent's Step 4 Response by the Superintendent's designee to deny the request to change absence designations from "Personal Business" to another category or allow for make-up time to recover days for religious observances.

Responding to Mr. Safi's request for clarification on whether the absence for religious observances can be charged to either state personal leave or to local sick leave, Mr. Martinez advised that the absence can be charged to either but the internal procedure is to charge the absence against local sick leave first unless it is specifically designated as "Personal Business."

Dr. Roark amended his motion that absences for religious observances be charged as outlined by the administration, which permits the use of local leave days first and then state leave days. Mr. Mena accepted the amendment.

The amended motion reads as follows:

that the Board uphold the Superintendent's Step 4 Response by the Superintendent's designee to deny the request to change absence designations from "Personal Business" to another category or allow for make-up time to recover days for religious observances and that absences for religious observances be charged as outlined by the administration, which permits the use of local leave days first and then state leave days.

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



#### Departure of Board Member

Dr. Roark departed the meeting at 11:06 p.m. and was not present for any subsequent action taken by the Board of Trustees.

#### Meeting Closed (Item #29)

The meeting was recessed at 11:06 p.m. to a closed meeting by Mr. Wever under Sections 551.071, 551.074, and 551.082 of the Texas Government code as follows:

- B. Personnel Appointment – Director, Accounting Services
- C. Consultation with School District Attorney – Bruce Boeck, Petitioner v. El Paso ISD, Respondent; Before the State Commissioner of Education, State of Texas; TEA Docket No. 129-LH-701

The closed meeting started at 11:12 p.m. The closed meeting ended at 11:26 p.m.

#### Meeting Opened

The meeting was reassembled in Open Session at 11:27 p.m.

#### Personnel Appointment – Director, Accounting Services (Item #29, B.)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Sylvia Nieser, Vice President and Chief Financial Officer with Gail Darling, Inc., to the position of Director, Accounting Services.

#### Consultation with School District Attorney – Bruce Boeck, Petitioner v. El Paso ISD, Respondent; Before the State of Texas; TEA Docket No. 129-LH-701 (Item #29, C.)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve a 90-day placement of Bruce Boeck for 4 hours per day (20 hours a week) at one half of what his full-time teacher rate of pay would be if he were teaching, with the temporary assignment to be made by the Superintendent and to be effective January 7, 2002, subject to the review and approval by the District's legal counsel and the Superintendent of documents settling the pending employment termination proceedings, with an additional amount to be equivalent to any documented amount Mr. Boeck alleges he has been underpaid in the past to be paid to him at the conclusion of the 90-day period provided that there are no documented complaints about his work performance and provided that he signs an updated release and settlement agreement at that time, up to a maximum of \$2,000.00.

#### Meeting Adjourned

The meeting was adjourned at 11:30 p.m.

Date Approved: March 26, 2002