

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
October 26, 2004  
5:00 p.m.  
Education Center-Boeing

Present: Mr. Sal Mena, Jr., President  
Dr. Lorraine O'Donnell, Vice President  
Mr. Carlos Cordova, Secretary  
Ms. Lisa Colquitt-Muñoz  
Miss Leonor Garcia  
Dr. Charles Roark<sup>1</sup>  
Mr. Charles L. Tafoya, Superintendent  
Mr. Anthony Safi, School District Attorney

Absent: Mr. David Dodge

The meeting was called to order at 5:05 p.m. by Mr. Mena. The Pledge of Allegiance was led by Chief Armando Nava, EPISD Police Services. Mr. Art Jordan, Executive Director, Research, Evaluation, Planning and Accountability, gave the Thought for the Day.

Item Withdrawn

It was announced that item no. 2, F., 1., c., Purchases Requiring Board Approval – Option to Extend Existing RFPs – Licensed Specialist in School Psychology (LSSP) RFP #74-03 (\$60,000.00), had been withdrawn from the agenda.

7. Public Forum

1. Ms. Josephine Trejo, Executive Director, EPISD Fund, spoke about her commitment to the success of the Fund.

8. Consent Agenda

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

Dr. O'Donnell - Item C.  
Items E., 3. and 5.  
Item F., 1., a.

Questions on Item C., New Board Policy FNCE (Local), Student Conduct: Telecommunications Devices.

Dr. O'Donnell commented on the language in the first paragraph and inquired whether “participating” conveys the Board Policy Committee’s intent that students be prohibited from using paging devices while actively engaged in school-sponsored or school-related activities and not simply a spectator. Mr. Tafoya expressed his agreement with the language as written.

Questions on Item E., 5., Budget Amendments – State Compensatory Education (SCE) – Lee Elementary School (\$7,500.00).

Responding to an inquiry from Dr. O'Donnell, Mr. Tafoya advised that this budget amendment had gone through the Campus Improvement Team (CIT) at Lee Elementary School.

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<sup>1</sup> Dr. Roark arrived at 5:10 p.m., during speaker on Public Forum.

Questions on Item E., 3., Budget Amendments – ESEA Title I, Part A – Alamo Elementary School (\$18,500.00).

Dr. O'Donnell inquired about the amount for this budget amendment. Mr. Tafoya provided information on a previous budget amendment that corrected an error in the location of a budget entry for Alamo Elementary School, which should not have been brought to the Board. He advised that this amendment would revert funds to the budget to be used for instructional materials and supplies.

Questions on Item F., 1., a., Purchases Requiring Board Approval – Option to Extend Existing RFPs – Discount from Catalog Prices for Science RFP #85-02 (approx. \$345,000.00).

Responding to an inquiry from Dr. O'Donnell, Mr. Terry Freiburg, Director, Purchasing, provided information on the rationale for extending an RFP (request for proposals) or bid rather than issuing a new bid.

It was moved by Mr. Cordova, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the items on the Consent Agenda be approved as listed including any recommended vendors for any amounts indicated, with the exception of item no. F., 1., c., Option to Extend Existing RFPs – Licensed Specialist in School Psychology (LSSP) RFP #74-03 (\$60,000.00).

A. September 2004 Minutes

1. September 14, 2004, Board's Employee Health/Insurance Committee Meeting and September 28, 2004, Board Construction Committee Meeting
2. September 14, 2004, and September 28, 2004, Meetings of the Board of Trustees

B. Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreements Between the EPISD and Anthony, Canutillo, and Socorro Independent School Districts for 2004-05 School Year for the EPISD to accept discretionary expelled students from these area school districts, with the EPISD receiving \$7,500.00 for each discretionary expelled student, pursuant to the terms thereof.

C. New Board Policy FNCE (Local), Student Conduct: Telecommunications Devices (copy attached to the permanent file of these minutes).

D. Authorization for Additional Human Resources Administrator to Sign Teacher Service Records for Vincent Sheffield, Director of Elementary Personnel.

E. Budget Amendments

1. Milam Elementary School (\$3,000.00). This item is to allow the purchase of additional instructional materials to meet the needs of the students.
2. Lincoln Middle School (\$500.00). This item is to provide additional personnel to assist with security during extracurricular activities to ensure a safe and healthy environment for all students, teachers, and employees.
3. ESEA Title I, Part A – Alamo Elementary School (\$18,500.00). This item is to transfer funds for support personnel to various instructional accounts to provide students with reading materials, computers, instructional furniture, supplies, and to allow teachers to laminate students' work.

4. ESEA Title I, Part A – Houston Elementary School (\$3,520.00). This item is to allow the hiring of a playground monitor for five additional hours to provide a safe and orderly environment for students.
5. State Compensatory Education (SCE) – Lee Elementary School (\$7,500.00). This item is to allow the purchase of additional instructional supplies for at-risk students.
6. IDEA-B Formula – Schuster Elementary School (\$4,543.00). This item is to facilitate the purchase of instructional supplies for special education students.

F. Purchases Requiring Board Approval

1. Option to Extend Existing RFPs
  - a. Discount from Catalog Prices for Science RFP #85-02 (approx. \$345,000.00), final option to extend, to the vendors as listed for future purchases on an as-needed basis for the discounts indicated (copy of bid tabulation attached to the permanent file of these minutes).
  - b. Library LAN/WAN Software/Physical Layer Support RFP #116-02 (\$175,000.00), final option to extend, to Desert Communications, Inc. (copy of bid tabulation attached to the permanent file of these minutes).
2. Xerographic Paper Bid #95-04 (approx. \$445,100.00) was awarded to Weyerhaeuser Co., the low bidder on an all-or-none basis, with an escalation clause allowing a price increase to the extent of an industrywide paper price increase but not to exceed a maximum increase of up to \$2.50 per cwt per quarter (copy of bid tabulation attached to the permanent file of these minutes).
3. Cognitive Coaching Services RFP #99-04 (\$61,300.00) was awarded to Mentoring Innovations, LLC, with the option to extend 24 months, 12 months at a time (copy of bid tabulation attached to the permanent file of these minutes).

G. August – September 2004 Report of JJAEP Placements not Appealed to the Board of Trustees. As the information contained in this report is confidential under the Privacy Laws, the report will be filed in the Office of the Superintendent.

H. September 2004 Personnel Report (copy attached to the permanent file of these minutes).

3. Appointments to Local Textbook Adoption Committee (LTAC)

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board approve the recommended appointments to the LTAC for the 2004-05 school year (copy of the list attached to the permanent file of these minutes).

4. Announcement of 2004-05 High School Graduation Dates

5. Report on District's Status on 2004 State Accountability System and Federal Adequate Yearly Progress (AYP) Accountability System

Dr. Robert LaGrone, Evaluator, Research, Evaluation, Planning and Accountability, provided a summary report on the District's evaluation under the state and federal accountability systems and provided an overview of the base indicators, standards, and criteria for the two systems. He reported that under the State Accountability System, the District was rated Academically Acceptable and reviewed the ratings received on the SDAA (State Developed Alternative Assessment), for students with disability whose ARD

committee determined the TAKS was not appropriate; Annual Dropout Rate; Completion Rate; and Exemplary and Recognized campus ratings. Dr. LaGrone advised that AYP (Adequate Yearly Progress) reports were received only on six campuses, which also did not meet AYP for a second year, and that appeals were being prepared. He reviewed how these six schools were evaluated by both systems and the standards change that will be implemented in 2005 through 2014. Dr. LaGrone stated that reports of the preliminary status for all other schools and the District would be released mid-November 2004.

Mr. Art Jordan, Executive Director, Research, Evaluation, Planning and Accountability, provided information on the State Accountability System results for the District and reviewed section results for all demographics.

6. Intensive Reading Instruction Initiative Grant Award – Part II under Rider 51(a) of the 2004-05 Legislative Appropriations Act (House Bill 1) for Grades 4-5 in 18 EPISD Elementary Schools and the Provision of Intensive Reading Intervention Program by Voyager Expanded Learning (\$147,098.70)

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve this grant award and the reading program by the sole source vendor.

7. Contracts Between EPISD and the Upper Rio Grande College Tech-Prep Grant Funding for Center for Career and Technology Education (CCTE), Maxine Silva Health Magnet High School, and Career and Technology Education (\$10,500.00)

It was moved by Mr. Cordova, seconded by Miss Garcia, and carried unanimously that these contracts be approved as follows: Center for Career and Technology Education (CCTE) in the amount of \$3,500.00; Maxine Silva Health Magnet High School in the amount of \$3,500.00; and Career and Technology Education in the amount of \$3,500.00. Dr. Roark was not present for the vote.

8. Amendments to EPISD Health Care Trust Medical Plan

The following person requested to speak to this item:

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about there being no input from the El Paso Consultation Association (EPCA) or District employees on health care issues, the need for alternative health care for employees that work less than 30 hours per week, the option offered by the District being unaffordable, and taking the issue to the EPCA to try to develop other options.

Ms. Elizabeth Bulos, Director, Employee Benefits, provided background information on the proportionate employer contribution (Amendment #6A). She stated that a change to eligibility was moving forward with an October 1, 2004, implementation date, which would be communicated to all employees. She advised that current part-time employees would be grandfathered under the present contribution system and that the amendment would apply to all part-time employees hired after October 1, 2004. Ms. Bulos stated that the remaining amendments were to clarify language in the Health Plan.

There was discussion on involving EPCA in dialogue concerning employee health benefits, the proportionate employer contribution issue initially being part of the budget presentation for the 2003-04 fiscal year but not implemented due to potential HIPAA (Health Insurance Portability and Accountability Act) conflicts, and dialoguing with EPCA on possible alternative solutions for health care coverage.

It was moved by Dr. Roark, seconded by Miss Garcia, and carried unanimously that the Board approve the following amendments to the EPISD Health Care Trust Medical Plan and further approve the Restating of the EPISD Health Care Trust Medical Plan Document incorporating all amendments (1-10) into the Plan with an effective date of January 1, 2005: Amendment #6A, clarifying who is eligible to participate in the Health Plan, who pays for benefits, and definitions of full-time, half-time, and certified

employees; Amendment #7, aligning actual number of days from 30 to 31 as stated to ensure consistency in the application for waiting periods, special enrollment periods, and pre-existing conditions for newborns or adopted children; Amendment #8, clarifying claims review procedure; Amendment #9, moving a portion of eligible expenses from its current placement in the document to the proper placement for clarity and ease of reference; and Amendment #10, amending the definition of Health Care Provider by listing the various licensed professionals considered as Health Care Providers.

9. Award of Portion of Internal Connections for E-Rate Year 2002 (Year 5) Refile CSP #22-04 to ValCom Computer Center for Novell School License Agreement (\$172,160.00)

It was moved by Miss Garcia, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the award of this agreement, subject to the review and approval of the District's attorney.

10. Annual Investment Report and Investment Policy Review Resolution

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board adopt this resolution with no changes being made to the investment policy or the investment strategies.

11. Authorized Sellers of Investments and Providers of Investment Officer Training

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the list of authorized sellers of investments and providers of investment officer training be approved as presented (copy attached to the permanent file of these minutes).

12. Final Payments for Construction Contracts Exceeding \$100,000.00

It was moved by Mr. Cordova, seconded by Miss Garcia, and carried unanimously that the Board approve the final payment for the following construction contracts in the amounts indicated as recommended by the administration, subject to the review and approval of the District's attorney.

- A. Districtwide Roofing Project, Phase 2 (Bliss, Burnet, Crockett, Hughey, Lee, Logan, and Milam Elementary Schools; Bassett, Henderson, and MacArthur Middle Schools; and Jefferson High School), #02.367 (\$128,117.10, total cost \$2,523,609.00), to Southwestern Roofing, Inc.
- B. Districtwide ADA (Americans with Disabilities Act) Deficiencies, Phase 2 (Guillen and Wiggs Middle Schools; and Bowie, Burges, and El Paso High Schools), #02.370 (\$28,481.44, total cost \$569,628.78), to Dantex Construction Co., Inc.
14. Consideration of Rescinding Board's Action on September 28, 2004, in Awarding Construction Contract #01.394 – Building Addition Project #4 – Franklin Field House, to Lloyd Hamilton, LLC

The following person requested to speak to this item:

1. Mr. Lloyd Hamilton, Lloyd Hamilton, LLC, requested that the Board not rescind the contract award to his company and spoke about three subcontractors completing their certification to participate in the apprenticeship program.

Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, reviewed the Instruction to Bidders included in the contract documents, which stipulates when the contract is to be signed and the required performance and payment bonds are to be furnished. He stated that Lloyd Hamilton, LLC had not provided satisfactory proof of compliance with the District's apprenticeship program. Mr. Corona advised that various options available to the Board are rescinding the award of the contract, taking the contractor's bid bond, and re-bidding the project.

It was moved by Miss Garcia that Lloyd Hamilton, LLC be provided additional time to provide proof of compliance with the District's apprenticeship program requirements. The motion died for lack of a second.

Mr. Hector Martinez, Associate Superintendent, Operations, commented on the Board's and administration's commitment that the apprenticeship program be strictly monitored and enforced and that even though Mr. Hamilton had provided copies of letters from the Department of Labor office in Albuquerque that acknowledge receipt of the applications by the subcontractors, there was no indication as to when or if certification of the programs would be received.

There was discussion on postponing possible action on this item for two weeks to allow time for a response from the Department of Labor, all contract provisions and requirements being made available to potential bidders when they pick up the plans and specifications, promotion of the apprenticeship program bringing in subcontractors that participate in the program, and the timeframe for submitting evidence of participation in the apprenticeship program.

Mr. Martinez commented on the current language in the General Conditions of the contract documents regarding the contractor providing proof of compliance with all contract requirements. Discussion continued on "tightening up" the General Conditions language to ensure a clear understanding of when compliance is required.

It was moved by Dr. Roark, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the consideration of rescinding the Board's action on September 28, 2004, in awarding Construction Contract #01.394 – Building Addition Project #4 – Franklin Field House, to Lloyd Hamilton, LLC be postponed for two weeks.

#### Meeting Closed

The meeting was recessed at 6:37 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.074, and 551.082 of the Texas Government Code as follows:

#### 13. Closed Meeting

- A. Grievance Hearing – Robert Olivas, EPISD Police Officer
- B. Personnel Appointments
  - 1. Principal, Richardson Middle School
  - 2. Principal, Burnet Elementary School
  - 3. Administrator, School Age Parent Center
- C. Consultation with School District Attorney Regarding Pending Litigation – Mike B., as next friend of A. B., Plaintiff v. EPISD, Defendant; No. EP04CA0381; U.S. District Court, Western District of Texas, El Paso Division

The closed meeting started at 6:48 p.m. The closed meeting ended at 7:10 p.m.

#### Meeting Opened

The meeting was reassembled in Open Session at 7:10 p.m.

13. The action was as follows:

B. Personnel Appointments

1. Principal, Richardson Middle School

It was moved by Dr. O'Donnell, seconded by Miss Garcia, and carried unanimously that the Board accepted the Superintendent's recommendation to appoint Dianne M. Jones to the position of Principal, Richardson Middle School. Ms. Colquitt-Muñoz was not present for the vote.

2. Principal, Burnet Elementary School

It was moved by Miss Garcia, seconded by Dr. O'Donnell, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Barbara Graham, Assistant Principal at Park Elementary School, to the position of Principal, Burnet Elementary School. Ms. Colquitt-Muñoz was not present for the vote.

3. Administrator, School Age Parent Center

It was moved Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Maria A. (Tonie) Ponce-Kreye, Assistant Principal at Irvin High School, to the position of Administrator, School-Age Parent Center.

C. Consultation with School District Attorney Regarding Pending Litigation – Mike B., as next friend of A. B., Plaintiff v. EPISD, Defendant; No. EP04CA0381; U.S. District Court, Western District of Texas, El Paso Division

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, PC to represent the District in this case and to make an offer of judgment in an amount not to exceed \$10,000.00.

Meeting Closed

The meeting was again recessed at 7:12 p.m. to a closed meeting under the authority previously cited. The closed meeting started at 7:14 p.m. The closed meeting ended at 7:59 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 8:00 p.m.

13, A. Grievance Hearing – Robert Olivas, EPISD Police Officer

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board uphold the Superintendent's decision in the grievance filed by Robert Olivas.

Meeting Adjourned

The meeting was adjourned at 8:00 p.m.

Date Approved: November 23, 2004