

Minutes of Meeting of Board of Trustees
El Paso Independent School District
February 25, 2003
6:30 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
Mr. Joe Rosales
Mr. Richard Telles¹
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 6:39 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. James Damm, EPISD Consultant/Manager. Ms. Marsha Lawler, Executive Director, External Funding gave the Thought for the Day.

Discuss and Take Appropriate Action of the EPISD Public Facility Corporation (the "Corporation"), Including Organizational Matters, Hiring of Professionals and Approval of Documents Associated with the Acquisition, Construction and Equipping of a New Elementary School, Mary Tippin Elementary School (the "Project") (Item #1)

It was moved by Mr. Rosales and seconded by Mr. Telles that the Board approve the organizational matters and other actions of the Public Facility Corporation, including the hiring of professionals and approval of documents associated with the acquisition, construction and equipping of Mary N. Tippin Elementary School, Project No. 02.602, subject to the review and approval of the District's attorney. Upon the vote, the motion carried with Dr. Roark voting "present."

Discuss and Take Appropriate Action Regarding an Order Authorizing the Execution and Delivery of a Lease with an Option to Purchase and Other Related Documents Regarding the Lease-Purchase of the Project from the Corporation; authorize the Sale of Certain Land to the Corporation for the Project; Consent to and Approve the Execution and Delivery by the Corporation and/or the District of a Mortgage, a Security Agreement, a Trust Agreement, the Bond Purchase Agreement, Assignment of Plans and Specifications, and the Authorization, Sale and Delivery of Approximately \$8,450,000 of Lease Revenue Bonds to be Issued by the Corporation; Approve and Authorize All Other Instruments and Procedures Related Thereto; and Containing Other Provisions Necessary and Incidental to the Purposes Hereof (Item #2)

It was moved by Dr. Finke and seconded by Mr. Rosales that the Board approve an order and approve and authorize the following project elements in connection with the construction of Mary N. Tippin Elementary School, Project No. 02.602, subject to the review and approval of the District's attorney: execution and delivery of a lease with an option to purchase and other related documents regarding the lease-purchase of Mary N. Tippin Elementary School from the Public Facility Corporation; the sale of certain land to the Public Facility Corporation for the project; execution and delivery by the Public Facility Corporation and/or the District of a mortgage, a security agreement, a trust agreement, the bond purchase agreement, assignment of plans and specifications, and the authorization, sale and delivery of approximately \$8,450,000.00 of lease revenue bonds to be issued by the Public Facility Corporation; and all other instruments and procedures related thereto and containing other provisions necessary and incidental to the purposes hereof. Upon the vote, the motion carried with Dr. Roark voting "present."

¹ Mr. Telles departed at 8:24 p.m., during the presentation on Item #9.

Meeting Closed (Item #24)

The meeting was recessed at 6:47 p.m. to a closed meeting by Mr. Wever under Sections 551.071 and 551.074 of the Texas Government Code as follows:

- A. Personnel Appointment - Interim Director, Elementary Personnel, Human Resources
- B. Consultation with School District Attorney Regarding Contemplated Litigation or Threatened Litigation Regarding South Central Elementary School E-5, #03.629
- C. Consultation with School District Attorney Regarding Contemplated Litigation Concerning Site License Agreement with EdVision Corporation

The closed meeting started at 6:48 p.m. The closed meeting ended at 7:05 p.m.

Meeting Opened

The meeting was reassembled in Open session at 7:09 p.m.

Personnel Appointment - Interim Director, Elementary Personnel, Human Resources (Item #24, A.)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Al Quintela to the position of Interim Director, Elementary Personnel, Human Resources, effective March 24, 2003.

Consultation with School District Attorney Regarding Contemplated Litigation Concerning Site License Agreement with EdVision Corporation (Item #24, C.)

It was moved by Mr. Wever, seconded by Dr. Finke, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, PC to accept the offer of \$105,000.00 from EdVision Corporation to settle this case.

Recognition of February 2003 Volunteer of the Month (Item #3)

Ms. Raquel Dominguez, parent volunteer at Roosevelt Elementary School, was recognized as February 2003's Volunteer of the Month. An engraved plaque was presented to Ms. Dominguez from the Board of Trustees.

Awards to February 2003 Employees of the Month (Item #4)

Ms. Susan Cole, teacher at Schuster Elementary School, was recognized by the Board of Trustees as February 2003's Certified Employee of the Month; and Ms. Eileen Geach, paraprofessional at Bradley Elementary School, was recognized as February 2003's Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$200.00.

Recognition of EPISD's First National Board Certified Teacher Offered Through National Board for Professional Teaching Standards (NBPTS) (Item #5)

Ms. Deborah Svedman, teacher at Bowie High School, was recognized as EPISD's first National Board Certified Teacher. Ms. Svedman was presented with an engraved plaque from the Board of Trustees in recognition of her accomplishment.

Recognition of The Texas Elementary Principals and Supervisors Association (TEPSA) District 19 Assistant Principal of the Year (Item #6)

Ms. Nancy Tovar, Assistant Principal, Roosevelt Elementary School, was recognized for being named The Texas Elementary Principals and Supervisors Association (TEPSA) District 19 Assistant Principal of the Year. An engraved plaque was presented to Ms. Tovar from the Board of Trustees in recognition of her accomplishment.

Recognition of Dr. Nixon Elementary School and Hornedo Middle School for Being Named Commissioner's Texas Pathfinder Collaborative Model Schools (Item #7)

Dr. Nixon Elementary School and Hornedo Middle School were recognized by the Board of Trustees for being named the Commissioner of Education's Texas Pathfinder Collaborative model schools. Each school received an engraved plaque from the Board in recognition of their accomplishment.

Presentation by Junior and Senior Community Scholars Interns on Summer 2002 Research Activities (Item #8)

Miss Angela Rodriguez, a senior at Bowie High School, and Mr. Samuel Archuleta, a senior at Burges High School, senior participants in the Community Scholars program, reviewed the focus of the summer student internship program and provided information on the research conducted by the senior interns during the summer 2002 related to home mortgage loans. Board members were provided a copy of the senior interns' Community Scholars 2003 report titled "The American Dream/El Sueño Americano: How Does El Paso, Texas, Fare in the Home Lending Market?" and the junior interns report titled "Facing the Future: Does El Paso, Texas, Receive the Government Investment in Infrastructure for Housing, Higher Education, Trade, and Mental Healthcare That It Needs to Progress?"

Presentation of EPISD Plan for Preventing Grade 3 Retentions (Item #13)

Ms. Elfida Gutierrez, Associate Superintendent, Elementary Schools Division, provided information on the Superintendent's Task Force which was comprised of seven EPISD elementary school principals. The goal of the Task Force was to address the state's Student Success Initiative, which requires the retention of third grade students who fail the reading portion of the Texas Assessment of Knowledge and Skills (TAKS).

Mr. Leon Smith, Principal, Cooley Elementary School; Mr. Sam Forsythe, Principal, Burnet Elementary School; Mrs. Pam Onick, Principal, Johnson Elementary School, representing the Task Force, provided an overview of the TAKS and reported on their ideas to prevent failures; the "current thinking" related to prevention plans, campus provisions, and the provision of campus resources; and strategies of the prevention plan.

Public Forum (Item #9)

The following person requested to speak on Open Forum:

1. Mr. Robert L. Bolden stated that the waiver being requested at no. 12 on the agenda was a request from him personally and not from the Rescue Mission of El Paso.

Progress Report on MENTOR (Making Each New Teacher Our Responsibility) Pilot Program for First-Year Teachers (Item #14)

Ms. Marsha Lawler, Executive Director, External Funding, provided information on the progress of the MENTOR (Making Each New Teacher Our Responsibility) pilot program, which came about as a result of an EPISD teacher leaver study which indicated that teachers leave the profession due to a lack of nurturing and feeling of belonging.

Teachers and mentors Mr. Anthony Tomasheski, Zavala Elementary School, and Ms. Andrea Figueroa, Vilas Elementary School, reported on the program's support of new teachers; and Ms. Katie McGraw, a "mentee" at Lee Elementary School, commented on her experiences as a first-year teacher and the confidence she attained through the MENTOR program.

Item Withdrawn

It was announced that item no. 10, C., Approval of Extension of Building Lease Agreement - Dyer Street Warehouse, #L-003 (\$98,939.40), had been withdrawn from the agenda.

Consent Agenda (Item #10)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the items on the Consent Agenda be approved as listed including any recommended vendors for any amounts indicated. Dr. Roark was not present for the vote.

A. Approval of Budget Amendments

The Board approved the following amendments to the 2002-03 fiscal year budget:

1. ESEA Title I, Part A – Clendenin Elementary School (\$3,000.00). The purpose of this item is to amend the Clendenin Elementary School ESEA Title I, Part A budget in the amount of \$3,000.00 for the purchase of math and reading mobile computer labs.
2. ESEA Title I, Part A – Travis Elementary School (\$6,000.00). The purpose of this item is to amend the Travis Elementary School ESEA Title I, Part A budget in the amount of \$6,000.00 for the purchase of library materials.
3. Newman Elementary School (\$1,500.00). The purpose of this item is to amend the Newman Elementary School budget in the amount of \$1,500.00 for the purchase of instructional supplies.
4. White Elementary School (\$1,250.00). The purpose of this item is to amend the White Elementary School budget in the amount of \$1,250.00 to cover the cost of extra-duty pay for teachers who conduct after-school Spanish classes.
5. Guillen Middle School #1 (\$2,000.00). The purpose of this item is to amend the Guillen Middle School budget in the amount of \$2,000.00 for the purchase of end-of-year student achievement awards.
6. Guillen Middle School #2 (\$3,000.00). The purpose of this item is to amend the Guillen Middle School budget in the amount of \$3,000.00 for the purchase of professional subscriptions, reference books, and other student reading materials.
7. Richardson Middle School (\$2,500.00). The purchase of this item is to amend the Richardson Middle School budget in the amount of \$2,500.00 to enable teachers to attend in-service training and conferences.
8. Legal Expenses for Due Process/Hearings (\$100,000.000). The purpose of this item is to amend the School Health and Related Services (SHARS) budget in the amount of \$100,000.00 for the provision of legal fees for due process hearing cases where the District is obligated to pay the legal fees of the parents.
9. Guidance Services (\$53,000.0). The purpose of this item is to amend the Guidance Services budget in the amount of \$53,000.00 for part-time facilitators and professional counselors to assist in the development of a counseling curriculum and to provide family therapy for children whose parents were deployed to a war zone.

B. Purchases Requiring Board Approval

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

1. Air Conditioning Parts Bid #02-03 (\$36,767.48) was awarded to the following vendors in the amounts indicated: Brey Parts and Supply, Items 2, 3, 14, 23, 26, 27, and 29, \$7,511.28, net 30; Contractors Heating and Supply, Items 5 and 11, \$4,356.00, net 30; Grainger, Inc., Items 1, 12, 28, and 30-32, \$19,665.14, net 30; InSCO Distributing, Inc., Item 16, \$72.60, net 30; Lowe's Home Improvement, Items 7 and 40, \$196.36, net 10; Morrison Supply Co., Items 13, 18, and 21, \$1,362.24, net 30; and Passage Supply Co., Items 4, 6, 8-10, 15, 17, 19, 20, 22, 24, 25, and 33-39, \$3,604.86, net 30, for a total amount of \$36,767.48 (copy of bid tabulation attached to the permanent file of these minutes).

2. CNC (Computerized Numerical Controller) Lathe Bid #03-03 (\$30,417.00) was awarded to Gorman Industrial, the low bidder, in the amount of \$30,417.00, with net terms (copy of bid tabulation attached to the permanent file of these minutes).

D. Construction Contract Awards

The Board approved the award of the following construction contracts, subject to the review and approval of the District's attorney, to the recommended construction contracting firms for the construction/installation of the projects described for the amounts indicated.

1. ADA (Americans With Disabilities Act) Deficiencies, Phase 2 - Crockett Elementary School; Henderson and Ross Middle Schools; and Austin and Jefferson High Schools, #02.371 (\$1,133,600.00), was awarded to Dantex Construction Company in the amount of \$1,133,600.00.
2. Portable Restroom Buildings - Bond Elementary School, #03.578 (\$99,400.00), was awarded to Banes General Contractors, Inc. in the amount of \$99,400.00.

E. Professional Services Contract Award - Computer File Server Cluster Facility - Education Center-Boeing (Server Farm Building), #03.632 (\$33,355.00)

The Board approved the award of Professional Services Contract #03.632 to SMS Architects, 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 of a Computer File Server Cluster Facility - Education Center-Boeing (Server Farm Building) for a Basic Services Fee of \$33,355.00, with additional services listed in the contract to be paid at established hourly rates only if authorized in writing by the owner for services that the owner cannot provide.

Request for Waiver of Board Policy GKD (Local), Community Relations: Community Use of School Facilities - Waiver of Building Use Fees by Rescue Mission of El Paso for Gospel Benefit Concert at Chapin High School (Item #12)

It was moved by Mr. Mena and seconded by Mr. Rosales that the request by the Rescue Mission of El Paso to waive Board Policy GKD (Local), Community Relations: Community Use of School Facilities, and the applicable fees for use of the facilities at Chapin High School for a gospel benefit concert on April 26, 2003, be denied.

There was discussion of the purpose of Board Policy GKD (Local); exceptions being made to the policy and liability concerns; revising the policy if the District's facilities will be opened up for use on a no-charge basis; and postponing the item until a representative from the Rescue Mission of El Paso is available to address the Board.

It was moved by Dr. Finke and seconded by Dr. Roark that the request for a waiver of building use fees by the Rescue Mission of El Paso for a gospel benefit concert at Chapin High School be postponed until March 11, 2003. Upon the vote, the motion carried with Miss Garcia voting against the motion.

Revision to Board Policy DGB (Local), Employee Rights and Privileges: Personnel-Management Relations - Conduct of Employee Representation Election (Item #11)

It was moved by Dr. Finke and seconded by Mr. Rosales that the revision to Board Policy DGB(Local), Employee Rights and Privileges: Personnel-Management Relations, be approved as recommended by the Superintendent and that an employee representation election be held in April 2003 for a two-year term. Upon the vote, the motion carried with Mr. Wever voting "present." (A copy of the policy is attached to the permanent file of these minutes.)

Approval of Consultant Agreement with James Damm for Services as EPISD Consultant/Manager (approx. \$50,000.00) (Item #15)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board approve the Consultant Agreement with James A. Damm to serve as an EPISD Consultant/Manager and provide the services outlined in the Agreement through June 30, 2003, at a cost not to exceed \$50,000.00.

Approval of Community Outdoor Outreach Program Agreement and Community Outdoor Outreach Grant Award from Texas Parks and Wildlife for Henderson Middle School (\$30,000.00) (Item #16)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the Community Outdoor Recreation Education (CORE) Program grant award and the Community Outdoor Outreach Program Agreement with the Texas Parks and Wildlife Department for Henderson Middle School students to participate in a summer recreation and outdoor educational program in the amount of \$30,000.00.

Approval of *Everyday Mathematics* for Elementary Teacher Resource Materials from SRA/McGraw-Hill (\$46,192.67) (Item #17)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board approve the purchase of *Everyday Mathematics* elementary teacher resource materials for Beall, Collins, Kohlberg, Newman, Schuster, and Travis Elementary Schools from SRA/McGraw-Hill, the sole source, in the amount of \$46,192.67.

Approval of Purchase of Cabling Services and Technical Support and Maintenance of Network from CSP (Competitive Sealed Proposal) #133-02 (\$150,000.00) (Item #18)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve purchases from Internal Connections for E-Rate 6 Competitive Sealed Proposal (CSP) #133-02 as follows: cabling services from Desert Communications, Inc. in an amount not to exceed \$50,000.00, and technical support and maintenance of the network from Diversified Technical Services, Inc. in an amount not to exceed \$100,000.00, for a total amount not to exceed \$150,000.00.

Approval of Purchase of Instructional Materials from Curriculum Associates, Inc. (approx. \$64,000.00) (Item #19)

It was moved by Miss Garcia and seconded by Mr. Rosales that the Board approve the purchases of English and Spanish math, reading, and writing instructional materials from Curriculum Associates, Inc., the sole source, in the estimated amount of \$64,000.00.

There was discussion on the materials being available from other companies; issues related to sole source vendors; and developing a Board policy that addresses sole source purchases.

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

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

Purchases Requiring Board Approval (Item #20)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the purchases as listed be approved to the recommended vendors for the amounts indicated, with the exception of item no. 20, C., Client/Server Workstations for Franklin High School and Morehead Middle School, Purchase Order No. 259707 (\$18,900.00), which was postponed to the March 11, 2003, Board meeting.

- A. Apple Digital Media Studio for Newman Elementary School, Purchase Order No. 253933 (\$21,315.00), was approved for purchase from Apple Computer, the sole source, in the amount of \$21,315.00 (copy of purchase order attached to the permanent file of these minutes).
- B. Apple Computers for Coronado High School, Purchase Order No. 259514 (\$11,193.00), were approved for purchase from Apple computer, the sole source, in the amount of \$11,193.00 (copy of purchase order attached to the permanent file of these minutes).

Approval of Change Order No. 3 - Districtwide Fire Alarm System Upgrades, Phase 7 - Cooley Elementary School; Canyon Hills, Lincoln, MacArthur, and Morehead Middle Schools; and Bowie High School, #97.399.01 (\$11,965.00) (Item #21)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board approve Change Order No. 3 to Pyrocom Systems, Inc., Construction Contract #97.399.01, Fire Alarm System Upgrades, Phase 7, subject to the review and approval of the District's attorney, for extra visual alarm systems at Canyon Hills, Lincoln, MacArthur, and Morehead Middle Schools; and Bowie High School as required by the Texas Department of Licensing & Regulation in the amount of \$11,965.00. Mr. Mena was not present for the vote.

Approval of Final Payment for Construction Contracts Exceeding \$100,000.00 (Item #22)

It was moved by Miss Garcia, seconded by Mr. Wever, and carried unanimously that the Board approve the final payment for the construction contracts listed in the amounts indicated as recommended by the administration, subject to the review and approval of the District's attorney. Mr. Mena was not present for the vote.

- A. 2000 Roof Replacement - Charles Middle School, #01.068 (\$42,410.30, total cost \$785,658.00)

The Board approved the final payment on Construction Contract #01.068, 2000 Roof Replacement - Charles Middle School, subject to the review and approval of the District's attorney, to Southwestern Roofing, Inc. in the amount of \$42,410.30.

- B. Josephine F. Barron Elementary School (E-9), #98.832.02 (\$312,129.68, total cost \$6,242,593.63)

The Board approved the final payment on Construction Contract #98.832.02, Josephine F. Barron Elementary School (E-9), subject to the review and approval of the District's attorney, to Dantex Construction Co. in the amount of \$312,129.68.

Parent/Student Complaint Regarding Course Credits - Mr. and Mrs. G. V. and E. D. (Item #23)

It was moved by Mr. Rosales and seconded by Miss Garcia that the Board uphold the administration's decision to require E. D. to take the Credit by Exams for the identified core subjects.

Ms. Teresa Caballero, attorney representing the parent and student, reviewed information on E. D.'s attendance at the Community of Faith Christian School her freshman year of high school and her enrollment at Franklin High School as a sophomore for the 2002-03 school year. She stated that E. D. is now a junior at Franklin, and the accreditation of the Christian School wasn't questioned until after E. D. had completed three semesters of instruction in the EPISD. She stated that the District is now asking E. D. to take examinations for credit for the core subjects taken her freshman year at the Christian School.

There was discussion on the necessity of assessment tests because E. D. has demonstrated by her grades that she has a foundation in the core subjects, and state law and Board policy stipulating that a school district has a variety of methods to verify the credit for courses.

Mr. Rosales withdrew his motion that the Board uphold the administration's decision to require the Credit by Exams.

It was moved by Mr. Wever and seconded by Dr. Finke that E. D. be awarded credit for the identified core subjects.

Discussion continued on evidence indicating that the coursework taken by E. D. at the Community of Faith Christian School meets State Board requirements and standards; documentation that the context of the courses taken was equivalent to that offered in the District; and High Schools Division Administrative Bulletin 6.

It was moved by Mr. Mena and seconded by Mr. Wever that the debate be closed and an immediate vote be taken on the pending question. Upon the vote, the motion carried with Dr. Roark voting against the motion.

Upon the vote on the main motion, the motion carried with Dr. Roark and Miss Garcia voting against the motion.

Meeting Adjourned

The meeting was adjourned at 10:02 p.m.

Date Approved: May 13, 2003