

Minutes of Meeting of Board of Trustees
El Paso Independent School District
January 11, 2005
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
Mr. David Dodge¹
Miss Leonor Garcia
Dr. Charles Roark
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:05 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Luis Villalobos, Executive Director, Accountability and Administrative Relations. Ms. Elizabeth Montes, Executive Director, K-12 Curriculum gave the Thought for the Day.

Item Withdrawn

It was announced that item no. 1, Recognition of 2004 EPISD Holiday Greeting Card Designer, had been withdrawn from the agenda.

2. Recognition of William Harden, Irvin High School Student, for Act of Good Citizenship

William Harden was recognized for returning a lost wallet to its rightful owner.

3. Recognition of Robert Corral, Student at Austin High School

Robert Corral was recognized for initiating a letter to Sandra Day O'Connor, Associate Justice of the U.S. Supreme Court, requesting the use of her name for the new Criminal Justice Public Service Academy.

4. Recognition of January 2005 Partner of the Month

Hoy Fox Automotive Market was recognized.

5. Recognition of December 2004 Volunteer of the Month and Youth Volunteer of the Month

Mr. Inocencio Zamorano, a volunteer at Lamar Elementary School, and Robert Corral, a student at Austin High School, were recognized.

6. Awards to December 2004 Employees of the Month

Ms. Johanna M. Daniels-Sherman, Journalism teacher, Chapin High School, was recognized as the Certified Employee and Mr. Alfredo Martinez, Head Custodian, Rusk Elementary School, was recognized as the Non-Certified Employee.

¹ Mr. Dodge arrived at 5:16 p.m., during the recognition on Item #3.

7. Recognition of EPISD High School Athletes for Qualifying for State Cross Country Competition

Nine EPISD high school student athletes were recognized. (A list of the students is attached to the permanent file of these minutes.)

8. Recognition of EPISD Middle School All-Region Choir Winners

Twenty-seven EPISD middle school students were recognized. (A list of the students is attached to the permanent file of these minutes.)

9. School Board Recognition Proclamation

Ms. Margaret Gallardo, Director, Communications, read the proclamation designating January 2005 as School Board Recognition Month to increase awareness of the vital role school boards play in public education (copy attached to the permanent file of these minutes).

10. Proposed Resolution for the Reconstruction of Alamo Elementary School in Support of the City of El Paso Housing Authority Area Revitalization Project

Ms. Colquitt-Muñoz provided the rationale for bringing the proposed resolution to the Board. She stated that the resolution for Alamo Elementary School would support the El Paso Housing Authority's application for a \$20 million HOPE VI grant for the Alamito Project in south El Paso.

It was moved by Mr. Cordova and seconded by Dr. Roark that the Board adopt a Resolution for the reconstruction of Alamo Elementary School supporting the City of El Paso Housing Authority's area revitalization project, contingent upon the Housing Authority receiving a \$20 million HOPE VI Revitalization grant from the U. S. Department of Housing and Urban Development (HUD) for the redevelopment of the Alamito Complex.

Mr. Vincent Dodds, Interim President, El Paso Housing Authority, provided information on the HOPE VI grant and EPISD's role in the revitalization grant. He advised that the goal is to upgrade the entire community and not just the Alamito property. He reviewed the intent of the resolution to have the District identify Alamo School as a high priority for capital improvements. Mr. Tafoya commented on the resolution not obligating the District to something that will not be voted on by the constituents in the community.

Upon the vote, the motion carried, with Miss Garcia abstaining from the vote.

11. Public Forum

There were no speakers on Public Forum.

12. Consent Agenda

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

Ms. Colquitt-Muñoz - Items E., 1. and 5.

Questions on Item E., 1., Purchases Requiring Board Approval – Laminating Machine Maintenance Service and Supplies CSP #100-04 (approx. \$45,000.00).

Ms. Colquitt-Muñoz commented on the repair service response time by the two recommended vendors, the difference in the two prices, and the urgency associated with laminating machines. Mr. Terry Freiburg, Director, Purchasing, reviewed the response times by the two vendors which provide the campuses and departments an option

depending on the expediency needed for the repair. He stated that he would notify the schools about the laminating center at Region 19 Education Service Center as another option.

Questions on Item E., 5., Purchases Requiring Board Approval – Audio Visual Equipment Bid #112-04 (\$173,897.50)

Ms. Colquitt-Muñoz requested information on an inventory of the District's existing audio visual equipment. Mr. Tafoya advised that implementation of a fixed assets program was in the process of completion.

It was moved by Mr. Cordova, 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.

- A. Revisions to Board Policies (copies attached to the permanent file of these minutes).
 - 1. DBD (Local), Employment Requirements and Restrictions: Conflict of Interest
 - 2. EIE (Local), Academic Achievement: Retention and Promotion
- B. Identification of Acute Areas of Teacher Shortage in the EPISD for the 2004-05 School Year in the subjects of Secondary Mathematics, grades 6-12; Secondary Science, grades 6-12; Special Education, all levels; Secondary Foreign Language (other than English), grades 6-12; Bilingual/English as a Second Language, all levels; and Secondary Technology Applications, grades 6-12.
- C. Memorandum of Agreement Between Texas Tech University of Health Sciences Center, University of Texas Health Science Center at Houston, University of Texas at Austin College of Pharmacy, UTEP, EPCC, Southwest Association of Hispanic American Physicians, and EPISD (the El Paso Health Careers Opportunity Program [HCOP]) for Implementation of Health Career Pipeline for Under-Represented Minority (URM) or Disadvantaged Students, contingent upon the receipt of grant funding.
- D. Budget Amendments
 - 1. Moreno Elementary School (\$1,801.00). This item is to allow the purchase of student incentives.
 - 2. Bassett Middle School (\$4,000.00). This item is to allow the payment of custodial overtime for the 2003-04 school year.
 - 3. Sunset High School (\$7,586.00). This item is to reimburse the Communities in Schools (CIS) for services rendered by the social worker.
 - 4. Center for Career Technology Education (\$13,000.00). This item is to allow the transfer of funds to cover extra pay for the Cosmetology and AYES Automotive Technology teachers
 - 5. State Compensatory Education (SCE) – Lincoln Middle School (\$40,658.00). This item is to allow enhancement of various areas of student achievement.
- E. Purchases Requiring Board Approval
 - 1. Laminating Machine Maintenance Service and Supplies CSP #100-04 (approx. \$45,000.00) was awarded to Absolute Sales & Service and Spiral Binding Co., with net terms and the option to extend for 24 months, 12 months at a time (copy of bid tabulation attached to the permanent file of these minutes).

2. Charter Bus Service RFP #104-04 (approx. \$300,000.00) was awarded to El Paso-Los Angeles Limousine Express, Southwest Charter Lines, and TNM&O (copy of bid tabulation attached to the permanent file of these minutes).
 3. Offset Paper Bid #110-04 (\$46,569.60) was awarded to Spectrum Paper, the low bidder, 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 \$3.00 per cwt per quarter (copy of bid tabulation attached to the permanent file of these minutes).
 4. Pre-Collated Carbonless Paper Bid #111-04 (\$46,999.38) was awarded to Xpedx Paper & Graphics, the low bidder (copy of bid tabulation attached to the permanent file of these minutes).
 5. Audio Visual Equipment Bid #112-04 (\$173,897.50) was awarded as follows: Aves Audio Visual, Items 5, 6, 8, 11, and 14, \$79,310.00, net 30; Checkpoint Services, Items 1 and 15, \$29,350.76, net 30; SHI-Government Sales, Item 9, \$2,880.00, net 30; Sony Electronics, Item 2, \$28,880.00, net 30; Troxell Communications, Items 3, 7, and 10, \$26,949.54, net 30; and Valiant, Inc., Items 4 and 13, \$6,607.20, net 30 (copy of bid tabulation attached to the permanent file of these minutes).
 6. Kitchen Oven Bid #113-04 (\$27,240.00) was awarded to Strategic Equipment and Supply, with net 30 terms (copy of bid tabulation attached to the permanent file of these minutes).
 7. Computers for Chapin High School Engineering Magnet Program, Purchase Order No. 308588 (\$40,550.00), from Gateway Companies, Inc., the lowest quote (copy of purchase order attached to the permanent file of these minutes).
 8. Pre-Engineering Manufacturing System Lab for Center for Career and Technology Education, Purchase Order No. 309093 (\$65,705.00), from Technical Laboratory Systems, the sole source (copy of purchase order attached to the permanent file of these minutes).
 9. 3-D Printer for Chapin High School, Purchase Order No. 310161 (\$28,145.00), from Technical Laboratory Systems, the sole source (copy of purchase order attached to the permanent file of these minutes).
- F. State Energy Conservation Office Loan Agreement for LoanSTAR Program Lighting Retrofit, #04.549 (\$1,742,549.00).

The Board authorized the administration to execute this loan agreement through the Texas Comptroller of Public Accounts, subject to the review and approval of the District's attorney, for the replacement of existing lighting fixtures at Bassett, Henderson, Lincoln, Ross, and Wiggs Middle Schools; and Andress, Austin, Coronado, Irvin, and Jefferson/Silva High Schools.

- G. Job Order Contract Award – 2003 Bond Program-Printing and Reprographics, #05.862.32 (\$107,974.00) to El Paso Reprographics, Inc., subject to the review and approval of the District's attorney.

13. Presentation by Dr. Darlene N. Brown on UTEP Alternative Teacher Certification Program

Dr. Darlene N. Brown, Director of the Alternative Teacher Certification Program (ATCP), University of Texas at El Paso (UTEP), provided information on the new online ATCP which is funded by a \$1 million grant. She reviewed how the El Paso area residents could receive certification in any of the 24 certification areas. Dr. Brown presented a framed certificate to Mr. Tafoya; Miss Carolyn Grantham, Associate Superintendent, Human Resources; and Ms. Nancy Evans, Director, Secondary Personnel, in recognition of the District's involvement in alternative certification.

14. Presentation of EPISD Texas English Language Proficiency Assessment System (TELPAS) Results

Ms. Antonia Tapia, Director, Department of English Language Acquisition, provided information on TELPAS, the new accountability system for limited-English proficient (LEP) students. She reviewed the annual measurable achievement objectives (AMAO); the Reading Proficiency Test in English (RPTE) rates for students in grades 3 through 12 and the Texas Observation Protocol (TOP) rates for students in kindergarten through grade 12; the number of LEP students in grades 3 through 12 that are progressing one level of English per year and the percentages compared to the state of Texas; the LEP students reaching advanced-high and exiting the bilingual program; and a comparison to the state on English-proficiency levels for LEP students in grades 3 through 12 for spring 2004.

Mr. Mario Acosta, Districtwide Test Coordinator, Research, Evaluation, Planning and Accountability, responded to inquiries regarding students taking the RPTE, the protocol for the test, and the rigorousness of the test.

There was discussion on the need for students to advance in English proficiency each year they are in the bilingual program; students sheltered for too long in the bilingual program; and the need to exit students while in the elementary grades.

15. Sole Source Instructional Materials Purchases

A. *Differentiated Instruction Theme Sets Nonfiction Readers from National Geographic Society (\$88,849.21)*

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the purchase from this sole source vendor be approved.

B. *History Alive! from Teachers' Curriculum Institute (TCI) (\$57,298.50)*

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the purchase from this sole source vendor be approved. Ms. Colquitt-Muñoz was not present for the vote.

16. Purchase Requiring Board Approval – Athletic Training Supplies Bid #109-04 (\$39,646.67)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that this bid be awarded as follows, with Item #60 being awarded to Alert Services and Item #61 being awarded to Medco Supply, pursuant to the tie-breaking procedures: A-Athletic & Medical Supply, Items 2, 4, 6-14, 16-19, 23, 24, 26-29, 31, 33, 34, 36, 44, 45, 47, 51, 54-56, 58, 59, 63, 67, 69, 72, 77, 78, 82-85, 87, 90, 93, 96, 98, and 101a-c, \$14,545.14, net 30; Alert Services, Items 1, 30, 37, 48, 50, 60, 64, 65, 70, 95, and 97, \$1,595.70, net 30; Medco Supply, Items 15, 20-22, 25, 32, 35, 38-43, 46, 49, 52, 53, 57, 61, 62, 68, 73-76, 80, 81, 86, 88, 89, 91, 92, 94, and 100, \$22,525.95, net 30; Medistat Medical, Items 3 and 5, \$135.15, net 30; School Health, Item 99, \$101.52, net 30; Sport Supply Group, Item 79, \$27.41, net 30; Sportmaster, Item 66, \$195.80, net 30; and Vonco Medical Products, Item 71, \$510.00, net 30 (copy of bid tabulation attached to the permanent file of these minutes).

17. Complaint Regarding Payment of Prevailing Wage Rates by Subcontractor and Reconsideration of Approval of Final Payment – Tippin Elementary School, #02.602

Mr. Safi provided details of the complaint by former employees of Beltran Electrical Contractors, a subcontractor to Banes General Contractor, on the construction of Tippin Elementary School who allege that they worked as electricians doing electrician work but were paid the prevailing wage for skilled laborers at approximately half the hourly rate for electricians. Mr. Safi stated that administration requested C. F. Jordan L.P. act as its consultant to investigate this matter and that the report concluded there may have been violations. He advised that the Board is to make an initial determination of whether there is good cause to believe that a violation occurred. Then if the issue cannot be solved by agreement, the dispute is to be submitted to arbitration. Mr. Safi advised that a tentative agreement had been reached whereby the District would withhold \$12,000.00, which includes the amounts to be paid to the employees and the penalty amount that would be paid to the District.

Mr. Angel Rivera, Electrical Workers union, representing Mr. Juan Garcia and Mr. Roberto Rodriguez, provided information on Beltran's certified payroll reports and the number of electricians, apprentices, and laborers employed to wire Tippin. He stated that the two employees were not paid appropriately for the work they performed.

Mr. William Derrick, attorney representing Beltran Electrical Contractors and Banes General Contractor, stated that a distorted picture was given on the number of electricians and laborers employed on the Tippin project. He reviewed how the complaints were submitted and advised that Beltran maintains the two employees only pulled wire but never worked as electricians. He commented on the investigation performed by C. F. Jordan and stated that the investigation was not complete. Mr. Ishmael Banes, President, Banes General Contractors, provided information on certified payroll reports.

Mr. Victor Rueda, Director of Human Resources, C. F. Jordan L.P., stated that his investigation determined that there was a dispute between the two employees and the contractors. He stated that the U. S. Department of Labor's dictionary of occupational titles considers pulling wire as electrician work and that the employees should be paid as electricians. Mr. Rueda stated that if an employee does multiple things, there must be detailed records on the hours spent at each job or they must be paid the highest rate.

Meeting Closed

The meeting was recessed at 7:31 p.m. to a closed meeting by Mr. Mena under Section 551.071 of the Texas Government Code for consultation with legal counsel.

The closed meeting started at 7:33 p.m. The closed meeting ended at 7:48 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:49 p.m.

17. Complaint Regarding Payment of Prevailing Wage Rates by Subcontractor and Reconsideration of Approval of Final Payment – Tippin Elementary School, #02.602
(continued)

It was moved by Mr. Dodge and seconded by Mr. Cordova that (1) the Board make an initial determination that there is good cause to believe that violations of the Prevailing Wage Rate law have occurred regarding Juan Garcia and Roberto Rodriguez, employees of Beltran Electrical Contractors, Inc. during the construction of Tippin Elementary School, Project No. 02.602, as per the investigation and conclusion of the District's consultant; (2) that the Board direct the administration to retain such amounts as necessary from the

prime contractor, Banes General Contractors, Inc., pending a final determination of any violations; (3) that the Board authorize the Superintendent to execute an agreement with all other parties addressing the funds to be retained and their ultimate disposition; (4) that the Board's prior action authorizing final payment to the prime contractor be rescinded to the extent superseded by this motion; and (5) that the minutes of the Board meeting when such final payment was authorized include a cross reference to this action taken at this meeting. Upon the vote, the motion carried with Dr. Roark voting against the motion.

Meeting Closed

The following people requested to speak to item no. 18, E., Acquisition of Property for Reconstruction of Mesita Elementary School:

1. Andrea and Sean Sweetnam spoke about their concerns with the offer for their home, the appraisal being too low, and there being discrepancies in the appraisal. They requested that the Board take their concerns into consideration.

The meeting was recessed at 8:05 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.072, 551.074, 551.082, and 551.0821 of the Texas Government Code as follows:

18. Closed Meeting

- A. Parent Complaint – SFC and Mrs. M. M., Parents, Bassett Middle School
- B. Grievance Hearing – Jorge Artalejo, Former Substitute Teacher
- C. Proposed Termination of Continuing Contract Teacher
- D. Consultation with School District Attorney – Robert Olivas, Plaintiff vs. El Paso Independent School District, Defendant; In the 327th Judicial District Court, El Paso County, Texas; Cause No. CA-2004-5121
- E. Acquisition of Property for Reconstruction of Mesita Elementary School

The closed meeting started at 8:10 p.m. The closed meeting ended at 9:36 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:40 p.m.

18. The action was as follows:

- A. Parent Complaint – SFC and Mrs. M. M., Parents, Bassett Middle School

It was moved by Mr. Dodge and seconded by Ms. Colquitt-Muñoz that the Board uphold the administration's recommendation that the Assistant Principal at Bassett Middle School apologize for her unprofessional behavior and that the Superintendent be directed to work with the assistant principal on a growth plan to ensure that future actions of this kind are handled appropriately. Upon the vote, the motion carried with Dr. O'Donnell voting against the motion.

- B. Grievance Hearing – Jorge Artalejo, Former Substitute Teacher

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board uphold the Superintendent's designees and deny this grievance as being untimely and not grievable.

C. Proposed Termination of Continuing Contract Teacher

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board authorize the Superintendent to give Robert Parker, a teacher at Guillen Middle School, notice of the proposed termination of his continuing contract of employment.

D. Consultation with School District Attorney – Robert Olivas, Plaintiff vs. El Paso Independent School District, Defendant; In the 327th Judicial District Court, El Paso County, Texas; Cause No. CA-2004-5121

It was moved by Mr. Dodge, seconded by Dr. Roark, and carried unanimously that the Board authorize the law firm Mounce, Green, Myers, Safi & Galatzan, PC to represent the District in this case.

E. Acquisition of Property for Reconstruction of Mesita Elementary School

It was moved by Mr. Cordova, seconded by Miss Garcia, and carried unanimously that the Board reject the counter proposal by a property owner and that the administration bring this matter back to the Board with a recommendation that the Board authorize eminent domain proceedings at the first Board meeting in February 2005.

Meeting Adjourned

The meeting was adjourned at 9:45 p.m.

Date Approved: February 22, 2005