

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
February 11, 2003  
5:00 p.m.  
Education Center-Boeing

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

Absent: Mr. Richard Telles

The meeting was called to order at 5:06 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. Tafoya. Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, gave the Thought for the Day.

Public Forum

The following person requested to speak on Open Forum:

1. Mr. Howard Bancroft, CEO/President, NetCamino Corporation, spoke about the separation of Medicaid and SHARS (School Health and Related Services) reimbursements and the District possibly losing funds and requested that the Board place the issue on an upcoming agenda.

Consent Agenda (Item #2)

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

Mr. Wever - Item 2, A., 2., Approval of Budget Amendments - Guidance Services (\$30,042.00)

Questions on Approval of Budget Amendments - Guidance Services (\$30,402.00)  
(Item #2, A., 2.)

In response to a question regarding the delayed payment to Communities in Schools (CIS), Mr. Wever was advised that the paperwork was submitted for payment but was not processed in time to be paid in fiscal year 2001-02. Therefore, payment was made using funds from the 2002-03 Guidance Services budget. The budget amendment is to transfer the roll-over funds from 2001-02 back into the Guidance Services current budget.

Arrival of Board Member

Dr. Finke arrived at 5:14 p.m. and was present to vote in any subsequent action by the Board of Trustees.

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.

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<sup>1</sup> Dr. Finke arrived at 5:14 p.m., during discussion on Item #2, A, 2.

A. Approval of Budget Amendments

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

1. Burges High School (\$4,500.00). The purpose of this item is to amend the Burges High School budget in the amount of \$4,500.00 for the purchase of a wiring system for the library computer lab.
2. Guidance Services (\$30,042.00). The purpose of this item is to amend the Guidance Services budget in the amount of \$30,042.00 to roll funds back out of Fund Balance into the current fiscal year for the reimbursement of a payment to Communities in Schools from fiscal year 2001-02.
3. Schuster Elementary School (\$2,910.00). The purpose of this item is to amend the Schuster Elementary School budget in the amount of \$2,910.00 for the purchase of instructional and office materials.
4. Travis Elementary School (\$5,000.000). The purpose of this item is to amend the Travis Elementary School budget in the amount of \$5,000.00 for the purchase of supplies for students.
5. Bowie High School Dual Diploma Program (\$20,000.00). The purpose of this item is to amend the Bowie High School budget in the amount of \$20,000.00 to transfer funds from the District's contingency fund for the implementation of the first phase of a Dual Diploma High School Program.

B. Construction Contract Award – Morehead Middle School Lockers, #03.554 (\$47,375.00)

The Board approved the award of Construction Contract #03.554, Morehead Middle School Lockers, subject to the review and approval of the District's attorney, to Indeco Sales, Inc. in the amount of \$47,375.00.

C. Professional Services Contract Award – Districtwide LoanStar Program Lighting Renovation - Austin, Bowie, Burges, and El Paso High School, #03.639 (\$29,052.00)

The Board approved the award of Professional Services Contract #03.639 to Energy Systems Associates, 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 Districtwide LoanStar Program Lighting Renovation at Austin, Bowie, Burges, and El Paso High Schools for a Basic Services Fee of 7 percent of the estimated construction cost of \$415,023.00, or \$29,052.00, 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.

D. January 2003 Personnel Report

The January 2003 Personnel Report was approved (copy attached to the permanent file of these minutes).

Certification of Required Hours of Continuing Education for Board Members (Item #3)

Mr. Wever announced that Board members exceeding the continuing education required by 19 Texas Administrative Code 61.1 are Dr. Finke, Miss Garcia, Mr. Mena, Dr. Roark, Mr. Rosales, and Mr. Wever. One Board member is deficient, Mr. Telles, due to medical reasons.

Order Calling Election of Trustees for May 3, 2003 (Item #4)

It was moved by Miss Garcia, seconded by Mr. Mena, and carried unanimously that the Board adopt the "Order Calling Election of Trustees for May 3, 2003," as presented by Mr. Anthony Safi, the District's attorney (copy attached to the permanent file of these minutes). Dr. Roark was not present for the vote.

Approval of Interlocal Governmental Agreement with City of El Paso Regarding Joint Election on May 3, 2003 (Item #5)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board approve the Interlocal Governmental Agreement between the City of El Paso and the EPISD for the May 3, 2003, Board of Trustees election which includes early voting on a consolidated basis and the sharing of expenses. Dr. Roark was not present for the vote.

Approval of Contract for Election Services with the El Paso County Elections Department (Item #6)

It was moved by Miss Garcia, seconded by Mr. Mena, and carried unanimously that the Board approve the Contract for Election Services with the County of El Paso Elections Department for the May 3, 2003, election for the estimated amount of \$27,575.00 (copy attached to the permanent file of these minutes).

Parent/Student Complaint Regarding Course Credits – Mr. and Mrs. G. V. and E. D. (Item #7)

It was moved by Dr. Finke and seconded by Dr. Roark that the parent/student complaint by Mr. and Mrs. G. V. and E. D. be postponed until February 25, 2003. Upon the vote, the motion carried with Miss Garcia voting against the motion.

Item Withdrawn

It was announced that item no. 8, Report by Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent & Co., EPISD Forensic Auditors, on Review of Process and Procedures Related to EPISD EMC/FMC (Energy Management Control/Facility Management Control) Systems Contract, #02.340 and Prior Related Contracts, had been withdrawn from the agenda.

Approval of Purchase of Full Option Science System (FOSS) Science Instructional Materials from Delta Education (approx. \$50,000.00) (Item #9)

There was discussion on the administration anticipating purchases so expenditures can be determined and approved by the Board at the beginning of the fiscal year, purchases exceeding \$25,000.00 in the aggregate during the fiscal year, procurement methods that can be used and the exception of sole source and professional services, and the Board Finance Committee reviewing issues related to sole source purchases.

It was moved by Dr. Roark that the purchase of the Full Option Science System (FOSS™) science instructional materials from Delta Education be postponed until February 25, 2003, in order for specific information to be provided to the Board on which schools need to purchase the materials. The motion died for lack of a second.

It was moved by Dr. Finke and seconded by Mr. Rosales that the Board approve the purchase of the Full Option Science System (FOSS) science instructional materials from Delta Education, the sole source, for elementary and middle schools through August 31, 2002, for the estimated amount of \$50,000.00. Upon the vote, the motion carried with Mr. Wever and Dr. Roark voting against the motion.

Approval of Cuentos Fonéticos (Phonics Readers) and Cuentos de Palabras Frecuentes (High-Frequency Readers) Bilingual Instructional Materials and Training for Scholastic (\$129,429.56) (Item #10)

It was moved by Miss Garcia, seconded by Dr. Finke, and carried unanimously that the Board approve the Cuentos Fonéticos (Phonics Readers) and Cuentos de Palabras Frecuentes (High-Frequency Readers) bilingual instructional materials and training for kindergarten and first grade bilingual teachers, respectively, in the amount of \$129,429.56.

Approval of Change Authorization to Year 2002 (Round 5) E-Rate Statement of Work to IBM for Fiber Network Exclusive Internet Access Services (\$230,100.00) (Item #11)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve Change Authorization #FIA-001 to IBM Year 2002 (Round 5) E-Rate Statement of Work #CFTV56J for fiber network services for the period of January 1, 2003, through March 31, 2003, in the amount of \$230,100.00.

Approval of Instructional Materials and/or Training Costs Requiring Board Approval (Item #12)

Questions on Rosetta Stone Language Program from Killen Management Systems, Inc. and TEKS/TAKS Survival Assessment Software from ACS/KMS, Inc. (approx. \$85,000.00) (Item #12, A.)

Mr. Wever questioned the sole source designation of the vendor and the availability of the items for purchase from another publisher. Mr. Terry Freiburg, Director, Purchasing, advised that he received information that the vendor was the sole source distributor for the state of Texas and that the materials were available for purchase only from the designated distributor.

Questions on Guided Writing Strategies Workshops from Keith Polette, Ph.D. (approx. \$62,000.00) (Item #12, D.)

Mr. Wever inquired about the selection of Dr. Keith Polette for this training and information was provided on his background and positive evaluations that had been received from teachers on previous workshops he had conducted.

It was moved by Mr. Mena and seconded by Miss Garcia that the instructional materials and/or training be approved for purchase from the following vendors for the amounts indicated. Upon the vote, the motion carried with Mr. Wever voting against the motion.

A. Rosetta Stone Language Program from Killen Management Systems, Inc. and TEKS/TAKS Survival Assessment Software from ACS/KMS, Inc. (approx. \$85,000.00)

The Board approved the purchase of Rosetta Stone Language Program from Killen Management Systems, Inc. and TEKS/TAKS Survival Assessment software from ACS/KMS, Inc., the sole sources, for a total estimated amount of \$85,000.00.

B. Connected Workshops™ Training Materials from Classroom Connect, Inc. (approx. \$71,000.00)

The Board approved the purchase of *Connected Workshops™* training materials from Classroom Connect, Inc., the sole source, in the estimated amount of \$71,000.00.

C. TAKS Instructional Materials for Regular and Bilingual Education Programs from KAMICO® Instructional Media, Inc. (approx. \$65,000.00)

The Board approved the purchase of TAKS instructional materials for regular and bilingual education programs from KAMICO® Instructional Media, Inc., the sole source, in the estimated amount of \$65,000.00.

D. Guided Writing Strategies Workshops from Keith Polette, Ph.D. (approx. \$62,000.00)

The Board approved the professional services of Keith Polette, Ph.D., the sole source, for Guided Writing Strategies Workshops in the estimated amount of \$62,000.00.

Purchases Requiring Board Approval (Item #13)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the purchases as listed be approved to the recommended vendors in the amounts indicated.

- A. SuccessMaker® Software for Henderson Middle School, Purchase Order No. 255967 (\$26,930.00), was approved for purchase from NCS Pearson, Inc., the sole source, in the amount of \$26,930.00 (copy of purchase order attached to the permanent file of these minutes).
- B. Computers for Austin High School, Purchase Order No. 257386 (\$25,175.40), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$25,175.40 (copy of purchase order attached to the permanent file of these minutes).
- C. Projectors and Printers for Chapin High School, Purchase Order No. 257608 (\$13,590.00), were approved for purchase from SHI-GS, the lowest quote, in the amount of \$13,590.00 (copy of purchase order attached to the permanent file of these minutes).
- D. Apple Computers for Hawkins Elementary School, Purchase Order No. 257941 (\$12,915.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$12,915.00 (copy of purchase order attached to the permanent file of these minutes).
- E. Apple Computers for Bassett Middle School, Purchase Order No. 258073 (\$33,579.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$33,579.00 (copy of purchase order attached to the permanent file of these minutes).
- F. Computers for Hughey Elementary School, Purchase Order No. 258387 (\$30,200.94), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$30,200.94 (copy of purchase order attached to the permanent file of these minutes).
- G. Computers for JJAEP (Telles) Middle School, Purchase Order No. 258444 (\$13,952.70), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$13,952.70 (copy of purchase order attached to the permanent file of these minutes).
- H. Apple Computers for Jefferson High School, Purchase Order No. 259115 (\$19,100.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$19,100.00 (copy of purchase order attached to the permanent file of these minutes).

Approval of Loan Agreement with Comptroller of Public Accounts, State Energy Conservation Office for LoanSTAR Energy Retrofit Program (Austin, Bowie, Burges, and El Paso High Schools), #03.585 (\$444,075.00) (Item #14)

Mr. Hector Martinez, Associate Superintendent, Operations, advised that this project will replace old, inefficient lighting at El Paso and Bowie High Schools and the stadiums at Burges and Austin High Schools. It will be funded by a loan from the State Energy Conservation Office through the Comptroller of Public Accounts, LoanSTAR Energy Retrofit Program and the loan amount will be paid back through anticipated energy savings.

It was moved by Mr. Rosales, seconded by Mr. Mena, and carried unanimously that the Board authorize the administration to execute the Loan Agreement with the Comptroller of Public Accounts, State Energy Conservation Office, subject to the review and approval of the District's attorney, for the LoanSTAR Energy Retrofit Program at Austin, Bowie, Burges, and El Paso High Schools, Project No. 03.585, in the amount of \$444,075.00.

Approval of Final Payments for Construction Contract Exceeding \$100,000.00 – Tennis Court Improvements - Burges High School, #00.978 (\$16,915.95, total cost \$169,219.00) (Item #15)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the final payment on Construction Contract #00.978, Tennis Court Improvements - Burges High School, subject to the review and approval of the District's attorney, to W. R. Albert Construction, Inc. in the amount of \$16,915.95.

Item Withdrawn

It was announced that item no. 16, A., 2.), Personnel Appointments – Assistant Principal/Student Activities Manager, Henderson Middle School, had been withdrawn from the agenda.

Meeting Closed (Item #16)

The meeting was recessed at 6:52 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 Appointments

1. Associate Superintendent, Human Resources

B. Consultation with School District Attorney

1. Gregg G. b/n/f Joyce G. v. EPISD, No. 093-SE-1001 and No. 119-SE-1201
2. Isia B. b/n/f Della G. v. EPISD; Docket Nos. 059-SE-1102; 114-SE-1202; 136-SE-0103

The closed meeting started at 7:00 p.m. The closed meeting ended at 7:44 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:45 p.m.

Personnel Appointments – Associate Superintendent, Human Resources (Item #16, A., 1.)

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that the administration conduct a broader search for the position of Associate Superintendent, Human Resources.

Gregg G. b/n/f Joyce G. v. EPISD, No. 093-SE-1001 and No. 119-SE-1201 (Item #16, B., 1.)

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that the Board authorize the payment of the petitioner's attorney's fees in the amount of \$17,387.12 as part of the Settlement Agreement for these cases.

Isia B. b/n/f Della G. v. EPISD; Docket Nos. 059-SE-1102; 114-SE-1202; 136-SE-0103 (Item #16, B., 2.)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board authorize the payment of the petitioner's attorney's fees in the amount of \$9,000.00 as part of the Settlement Agreement for these cases.

Approval of Extension of Third Party Medicaid Claims Administration RFP #01-00 to Intlmed Electronic Management from March 1, 2003, through May 15, 2003 (approx. \$24,000.00) (Item #17)

It was moved by Dr. Finke, seconded by Mr. Rosales, and carried unanimously that the Board approve the extension of Third Party Medicaid Claims Administration RFP #01-00 to INTLMED Electronic Management for the period of March 1, 2003, through May 15, 2003, in the estimated amount of \$24,000.00.

Meeting Adjourned

The meeting was adjourned at 7:52 p.m.

Date Approved: May 13, 2003