

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
March 23, 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  
Mr. David Dodge  
Miss Leonor Garcia  
Dr. Charles Roark  
Mr. Charles L. Tafoya, Superintendent  
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:15 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Juan Sandoval, Executive Director, Auxiliary Services, who also gave the Thought for the Day.

1. Appointment of New Members of Board of Directors for the El Paso Independent School District Public Facility Corporation

It was moved by Mr. Mena, seconded by Ms. Colquitt-Muñoz, and carried unanimously that Carlos Cordova, David Dodge, Dr. Lorraine O'Donnell, and Lisa Colquitt-Munoz be appointed to the vacant positions on the EPISD Public Facility Corporation Board of Directors, which were previously held by Joe Rosales, Dr. Gene Finke, Dan Wever, and Richard Telles.

Meeting Recessed

The meeting was recessed at 5:20 p.m. for a meeting of the EPISD Public Facility Corporation Board of Directors. The meeting was reconvened at 5:36 p.m.

2. Public Forum

The following people requested to speak on Open Forum:

1. Ms. Maria Tetrina Salazar, teacher at Roberts Elementary School, spoke about employment contracts for teachers on visas and concerns about contracts not being renewed and appealed to the Board for support.
2. Mr. Francisco Ricón, teacher at Andress High School, spoke in support of Filipino teachers and requested the assistance of the Board of Trustees.

3. Consent Agenda

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

Dr. Roark - Item E., 2.  
Item F.

Mr. Dodge - Item B.  
Item C.  
Item E., 1.

Mr. Tafoya - Item G.

Questions on Item B., Grant Award and Subcontract 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 (\$41,999.00).

Mr. Dodge inquired about the role of the El Paso Community College (EPCC) in this grant. Ms. Peggy Gustafson, Specialist, External Funding, reviewed the subcontractor and service activities for the grant and advised that Alta Vista would benefit from services from a social worker and the EPCC.

Questions Item C., Renewal of Property Insurance RFP #28-02 (\$779,043.00)

Mr. Dodge inquired about the need for the \$16,000.00 premium for terrorism coverage. Mr. Kyle Jeglum, Assistant Director, Risk Management/Workers' Compensation, stated that the administration believes this coverage is warranted due to the District's close proximity to the Mexican border. Mr. Jim Brundage, Rogers & Belding Insurance Agency, Inc., advised that without this coverage, the District would not be covered for damage as a result of a direct or indirect act of terrorism committed by a foreigner.

Questions on Item E., 1., Purchases Requiring Board Approval – Football Equipment Bid #14-04 (\$86,770.18)

Mr. Dodge inquired about whether this was the total football purchase for next year or if there would be additional purchases and requested historical data on the total purchases for football equipment, uniforms, etc. Mr. Ken Own, Director, Athletics, advised that there would be additional purchase orders for specific items from individual campuses.

Questions on Item E., 2., Purchases Requiring Board Approval – District Computers CSP #18-04 (approx. \$2,000,000.00)

Dr. Roark inquired about a local vendor submitting a lower price on a Dell computer than the price submitted by Dell Computers and whether the two bids were for the same computer model. Mr. Fred Alvarez, Administrator, Hardware Support, advised that identical computers were bid and speculated that Dell Computers provided the vendor a lower price to allow for local representation.

Questions on Item F., Extension of Lease Agreement with KASCO Industrial Capital, Inc. for Butterfield Plaza Warehouse Facility (\$66,240.00)

Responding to Dr. Roark, Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, reviewed the records, materials, and equipment stored at this facility. Mr. Jesse Bulos, Coordinator, Records Management, advised that an attempt was underway to scan records for electronic storage but that the majority of records were currently in hard copy.

It was moved by Miss Garcia, seconded by Mr. Cordova, 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. 3, C., Renewal of Property Insurance RFP #28-02 (\$779,043.00), and item no. 3, G., Job Order Contract Award – Districtwide Asbestos-Management Services (Maintenance Tax Notes) Projects, #03.739 (\$179,567.00).

- A. Correction to Minutes of December 9, 2003, Meeting of the Board of Trustees
- B. Grant Award and Subcontract 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 (\$41,999.00)

The Board approved this grant award and subcontract agreement for the provision of a summer enrichment program and family field trips, arts and crafts classes, aerobics classes, and computer classes for the 2003-04 fiscal year, with \$31,499.25 being reimbursable funds and \$10,499.75 being the EPISD's in-kind contribution.

D. Budget Amendments

- 1. Tobacco Compliance Grant – Police Services (\$204.00). This item is to purchase additional instructional materials for the grant activities.
- 2. Facilities Construction – Recreational Field at White Elementary School (\$53,000.00). This item is to increase the Facilities construction budget and increase the general fund revenue budget.

E. Purchases Requiring Board Approval

- 1. Football Equipment Bid #15-04 (\$86,912.96) was awarded as follows: Athlete's World, Items 3, 4, 14, 15, 24, 30, 47, 50, 62, 68, 85, 87, 99, and 106, \$15,118.75, net 30; Athletic Supply, Inc., Items 1, 5-7, 19-22, 28, 37, 39-42, 51, 58, 60, 64, 67, 70-76, 80, 83, 92, 93a, 93b, 95, 96, 100-102, 107a-107c, and 113, \$29,996.88, net 30; Cannon Sports, Inc. Items 2, 49, 109, 110, and 112, \$952.88, net 30; Chamizal Trading Corp., Item 86, \$525.00, net 30; Gardenswartz Team Sales, Items 27, 29, 31, 32, 38, 43, 61, 88, 90, 97a, 97b, and 104, \$9,165.51, net 30; Gregg Larson Sports, Items 12, 16, 35, 59, and 108, \$1,301.38, net 30; Riddell/All American, Items 8-11, 13, 17, 18, 26, 33, 34, 36, 48, 52-56, 69, 77-79, 81, 82, 89, 91, 94a-c, 98a-98d, and 103, \$30,180.90, 1 percent 10, net 30; Rogers Athletic Company, Items 63 and 66, \$730.60, 2 percent 10, net 30; BSN Sports Supply Group, Items 23, 25, 45, 46, 57, 65, 84, and 111, \$1,201.06, net 30; and World Sporting Goods, Inc., Item 44, \$740.00, net 30 (copy of bid tabulation attached to the permanent file of these minutes).
- 2. District Computers CSP #18-04 (approx. \$2,000,000.00) was awarded to Checkpoint Services, Inc., the lowest bidder, for future purchases based on the unit prices listed, contingent, in part, on the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).

F. Extension of Lease Agreement with KASCO Industrial Capital, Inc. for Butterfield Plaza Warehouse Facility (\$66,240.00)

The Board approved a 12-month extension to the current Lease Agreement, subject to the review and approval of the District's attorney, for the lease of a 19,200 square foot structure located at 9-E Butterfield Trail, Unit #205, contingent, in part, on the approval of the 2004-05 preliminary budget.

- H. February 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.

- I. February 2004 Personnel Report (copy attached to the permanent file of these minutes).

3. Consent Agenda

- C. Renewal of Property Insurance RFP #28-02 (\$779,043.00)

It was moved by Mr. Dodge and seconded by Ms. Colquitt-Muñoz that the Board approve the renewal of Property Insurance RFP #28-02 to Chubb Group of Insurance Companies underwritten through Federal Insurance Co., through Rogers & Belding Insurance Agency, Inc. as broker, for the EPISD's property insurance coverage, which excludes coverage for terrorism and mold, for an annual premium of \$763,043.00, effective April 16, 2004, through April 16, 2005.

The following person requested to speak to this item:

1. Mr. Bill Hart, Jr., retired military, spoke about the need to consider relativity when considering security for schools and the resources that are available.

Upon the vote, the motion carried with Miss Garcia and Mr. Cordova voting against the motion.

- G. Job Order Contract Award - Districtwide Asbestos-Management Services (Maintenance Tax Notes) Projects, #03.739 (\$179,567.00)

Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, provided information on the administration's revised recommendation for this award.

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the award of this job order contract, subject to the review and approval of the District's attorney, to Nickolas Environmental, Inc. in the amount of \$183,755.00.

4. Sole Source Instructional Materials and Training Purchases

- A. Supplemental Resource Materials for Limited-English Proficient (LEP) Students from National Educational Systems, Inc. (\$131,628.51)

Mr. Tomás Gabaldón, Associate Superintendent, Special Populations, State and Federally Funded Programs, provided information on the supplemental materials and how they would be used to support the current bilingual programs in the classrooms.

Responding to Mr. Dodge, Ms. Antonia Tapia, Director, Bilingual Education, advised that these resource materials have been used with the Head Start program in Texas but that no evaluation data was available because they are supplemental materials.

It was moved by Mr. Cordova, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the purchase of these sole source supplemental bilingual reference materials.

B. Thinking Maps® Trainer of Trainers Sessions from Innovative Learning Group® (\$21,600.00)

Dr. Roark inquired about prior use of this program. Ms. Susan Schneider, Facilitator, Language Arts, advised that the program has been used in EPISD elementary schools, Ysleta ISD districtwide, and school districts across the state. Responding to Dr. O'Donnell, Ms. Schneider and Ms. Elizabeth Montes, Executive Director, K-12 Instruction, provided information on graphic organizers and reviewed research studies that have been conducted.

It was moved by Miss Garcia, seconded by Mr. Mena, and carried unanimously that the Board approve these sole source trainer-of-trainers sessions.

C. Standout Textbook, Levels 1 – 4 and Grammar Challenge Workbooks from Thomson Learning (approx. \$24,760.00)

Responding to Mr. Dodge, Ms. Blanca Andrade, Administrator, San Jacinto Adult Learning Center, advised that these were additional copies of material selected by the teachers the previous summer.

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve the purchase of these sole source instructional materials.

5. Proposed Change Order No. 2 – Tippin Elementary School E-7, #02.602 (\$41,363.00)

It was moved by Mr. Dodge and seconded by Mr. Cordova that the Board ratify the approval of this change order by the EPISD Public Facility Corporation to Baner General Contractors, Inc. to deduct the cost of custodial quarters and instead construct a two-classroom addition to the third grade classroom wing.

The following person requested to speak to this item:

1. Mr. Dale Denney, Vice President, Baner General Contractors, Inc., provided clarification on issues discussed at the Public Facility Corporation Board of Directors meeting related to its approval of this item by explaining how the proposed changes to this construction contract warrant the increased costs that have been proposed.

Upon the vote, the motion carried unanimously.

6. Final Payment for Construction Contracts Exceeding \$100,000.00

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board ratify 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 Asphalt Playcourt Surfaces, Phase 2 – Burnet, Collins, Park, Polk, Rivera, Schuster, and White Elementary Schools, #02.364 (\$23,400.00, total cost \$349,811.00)
- B. Districtwide Priority 1 Critical Maintenance, Phase 3, #02.972 (\$55,244.39, total cost \$1,034,977.32)

### Item Withdrawn

It was announced that item no. 7, B., VIII., Superintendent's Personnel Recommendations – Termination of Probationary Contract for Certified Administrator(s), had been withdrawn from the agenda.

### Meeting Closed

The meeting was recessed at 6:37 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.072, 551.074, and 551.082 of the Texas Government Code as follows:

#### 7. Closed Meeting

- A. Grievance Hearing - Harold Wagner, Teacher, Morehead Middle School
- B. Superintendent's Personnel Recommendations
  - I. Issuing Probationary Contracts for Teachers and Librarians
  - II. Termination of Probationary Contracts for Certified Teachers
  - III. Issuing Continuing Contracts
  - IV. Proposed Termination of Continuing Contracts for Certified Teachers
  - V. Issuing Probationary Contracts for Certified Administrator(s)
  - VI. Issuing Term Contracts for Certified Administrator(s)
  - VII. Proposed Non-Renewal of Term Contract for Certified Administrator(s)
- C. Superintendent's Summative Evaluation Conference, Contract, and Compensation
- D. Consultation with School District Attorney – El Paso Independent School District (Self-Insured), Plaintiff vs. James Thomas Bond (Beneficiary), Defendant; In the County Court at Law No. Five, El Paso County, Texas; Case No. 2002-5718

The closed meeting started at 6:48 p.m. The closed meeting ended at 8:52 p.m.

### Meeting Opened

The meeting was reassembled in Open Session at 8:55 p.m.

#### 7. The action was as follows:

##### A. Grievance Hearing – Harold Wagner, Teacher, Morehead Middle School

It was moved by Mr. Cordova, seconded by Mr. Dodge, and carried unanimously that the Board uphold the decision of the Superintendent's designee. Miss Garcia recused herself from the vote.

##### B. Superintendent's Personnel Recommendations

###### I. Issuing Probationary Contracts for Teachers and Librarians

It was moved by Dr. O'Donnell, seconded by Mr. Dodge, and carried unanimously that the Board accept the Superintendent's recommendation that classroom teachers and librarians who have been employed for less than three successive school years and who have not been employed as teachers or librarians in public education for at least five of the last eight years prior to their current employment with the District, with the exception of those persons identified in item II, be issued the next regular Probationary

Contract in accordance with Board Policy DCA (Legal), Employment Practices: Probationary Contracts, with such addenda and conditions as the Superintendent may deem appropriate under the circumstances.

II. Termination of Probationary Contracts for Certified Teachers

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation that Daniel Castillo, who is employed under a Probationary Contract, be given notice of the termination of his probationary employment contract at the end of the current contract term. This termination is deemed to be in the best interest of the school district.

III. Issuing Continuing Contracts

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation that teachers and librarians who have not retired under TRS and who have been employed for three consecutive years under Probationary Contracts or who have been employed as teachers in public education for at least five of the last eight years prior to their current employment with the District and who have completed all requirements for certification in their teaching fields be issued Continuing Contracts in accordance with Board Policy DCC (Legal) Employment Practices: Continuing Contracts, with the exception of those persons identified in items II and IV.

IV. Proposed Termination of Continuing Contracts for Certified Teachers

It was moved by Mr. Cordova, seconded by Mr. Dodge, and carried unanimously that the Board accept the Superintendent's recommendation that Abdallah E. Daudaissy, who is employed under a Continuing Contract, be given notice of the proposed termination of his continuing employment contract.

V. Issuing Probationary Contracts for Certified Administrator(s)

It was moved by Dr. O'Donnell, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board accept the Superintendent's recommendation that full-time administrators who are required to hold a valid certificate or permit issued by the Texas Education Agency or the State Board for Educator Certification for their assignment, and nurses, and who have been employed for less than three successive school years with the District and have not been employed in public education for at least five of the last eight years, prior to their current employment with the District, be offered the next appropriate One-Year Probationary Contract in accordance with Board Policy DCB (Legal), Employment Practices: Term Contracts, with the exception of the person being proposed for termination at a Board meeting on March 30, 2004.

VI. Issuing Term Contracts for Certified Administrator(s)

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Dodge, and carried unanimously that the Board accept the Superintendent's recommendation that full-time professional employees, including teachers and librarians who have retired under TRS, but not other classroom teachers and librarians, who are required to hold a valid certificate or permit issued by the Texas

Education Agency or the State Board for Educator Certification for their assignment, and nurses, and who have been employed for three consecutive years with the District, or who have been employed in public education for at least five of the last eight years prior to their current employment with the District, or who are currently employed by the District under a Term Contract, be offered the appropriate One-Year Term Contract in accordance with Board Policy DCB (Legal), Employment Practices: Term Contracts.

VII. Proposed Non-Renewal of Term Contract for Certified Administrator(s)

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that the Board accept the Superintendent's recommendation that Kevin Munson, who is employed under a One-Year Term Contract, be given notice of the proposed nonrenewal of his contract at the end of the 2003-04 school year. This recommendation is deemed to be in the best interest of the District for the reasons as stated in Board Policy DFBB (Local), Term Contracts: Nonrenewal.

D. Consultation with School District Attorney – El Paso Independent School District (Self-Insured), Plaintiff vs. James Thomas Bond (Beneficiary), Defendant; In the County Court at Law No. Five, El Paso County, Texas; Cause No., 2002-5718

It was moved by Mr. Dodge and seconded by Dr. O'Donnell that the Board authorize the Superintendent and District legal counsel to negotiate a settlement under the parameters discussed. Upon the vote, the motion carried with Dr. Roark voting against the motion.

Meeting Closed

The meeting was recessed at 9:03 p.m. to a closed meeting by Mr. Mena under the authority previously cited. The closed meeting started at 9:04 p.m. The closed meeting ended at 10:59 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 11:00 p.m.

7. The action was as follows:

C. Superintendent's Summative Evaluation Conference, Contract, and Compensation

It was moved by Dr. O'Donnell, seconded by Mr. Dodge, and carried unanimously that the Board accept the Superintendent's evaluation as compiled.

Meeting Adjourned

The meeting was adjourned at 11:00 p.m.

Date Approved: May 11, 2004