

Minutes of Meeting of Board of Trustees
El Paso Independent School District
November 25, 2003
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 5:17 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. James Damm, EPISD Consultant for Finance. Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, gave the Thought for the Day.

1. Presentation on El Paso Chamber of Commerce Junior Leadership Program

Mr. David Marcus and Mr. Kelly Duke, representatives of Greater El Paso Chamber of Commerce's Leadership El Paso, provided information on the new Junior Leadership Program for high school juniors who have the potential to become the next generation of leaders in the El Paso community. Mr. Duke stated that the program would be piloted in the EPISD for the first semester with the selection of two students from each District high school and then expanded to all area high schools for future semesters. He reviewed the selection process, session schedule, and opportunities that will be available to the participating students.

2. Public Forum

There were no speakers on Open Forum.

3. Consent Agenda

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

Dr. Roark - Item A., 1.
Item C., 1.

Dr. O'Donnell - Items E., 5. and 6.

Mr. Dodge - Item D.

Questions on Item A., 1., Minutes – August 2002 Minutes - August 13, 2002, Board's Employee Health/Insurance Committee Meeting

Dr. Roark expressed a concern with approving a set of minutes that occurred at a time when the majority of the current Board did not have significant input and requested advice on the legality of approving these minutes. Mr. Safi stated that it was permissible for the current Board to approve the minutes of this Board committee meeting.

Questions on Item C., 1., Budget Amendments – State Compensatory Education (SCE) – Clendenin Elementary School (\$7,500.00)

Dr. Roark requested information on the after-school tutoring services at Clendenin, and Ms. Elfida Gutierrez, Associate Superintendent, Elementary/Middle Schools Division I, explained that the tutoring would be provided by the teachers who are able to stay for the sessions.

Questions on Item D., Lease and Maintenance Payments for High Speed/High Volume Optical/Digital Duplicator (Ref. Bid #108-02) (\$162,320.64)

Mr. Dodge inquired about the extension to the lease/maintenance agreement, whether the District is locked into the agreement, and if the Print Shop had a “business” plan with enough flexibility to address future needs. Mr. Juan Sandoval, Executive Director, Auxiliary Services, stated that the District could opt out of the agreement if sufficient funding became unavailable and provided information on the revised charges to be implemented by the Print Shop.

Questions on Item E., 5., Purchases Requiring Board Approval – Consulting Services for Strategic and Project Planning RFP #102-03 (\$86,800.00)

Responding to an inquiry from Dr. O'Donnell, Mr. Tafoya advised that there would be staff development outsourcing and that sufficient Title II funds would be available for training. He reviewed the staff development strategy through content leaders at the schools.

Questions on Item E., 6., Purchases Requiring Board Approval – SASIxp™ and InteGrade®Pro Software Support, Purchase Order No. 280452 (\$254,075.10)

Dr. O'Donnell inquired about the problems with the SASIxp™ program being experienced by the schools. Mr. Jack Johnston, Executive Director, Technology and Information Systems (TIS), reviewed what led to the SASI conversion effort. Mr. Louis Mona, Administrator, Applications Development, provided information on the training that was currently and will be provided to the campuses.

There was discussion on the administration taking legal action against NCS Pearson, Inc. regarding the software not performing as expected; assignment of new equipment to the campus “power user”; an outside vendor assisting TIS in the implementation of a “roll-out” plan to install updated computers at the campuses; capabilities and defects of the SASI software program; and issues that need to be addressed with NCS Pearson.

It was moved by Mr. Cordova, seconded by Dr. O'Donnell, and carried unanimously that the items on the Consent Agenda be approved as listed including any recommended vendors for any amounts indicated.

A. Minutes

1. August 2002 Minutes – August 13, 2002, Board's Employee Health/Insurance Committee Meeting
2. October 2003 Minutes
 - a. October 7, 2003, Board's Employee Health/Insurance Committee Meeting; October 14, 2003, Board Construction Committee Meeting; and October 28, 2003, Board Finance Committee Meeting
 - b. October 7, 2003; October 14, 2003; and October 28, 2003, Meetings of the Board of Trustees

- B. Revisions to Board Policies (copies attached to the permanent file of these minutes).
1. BE (Local), Board Meetings
 2. CPC (Local), Office Management: Records Management Program
 3. FMF (Local), Student Activities: Contests and Competition
 4. FNC (Local), Student Rights and Responsibilities: Student Conduct
 5. FOAB (Local), Placement in Alternative Educational Setting: Alternative Education Programs
- C. Budget Amendments
1. State Compensatory Education (SCE) – Clendenin Elementary School (\$7,500.00). This item is to provide funds for after-school tutoring for at-risk students who need to excel on reading and math skills.
 2. Hughey Elementary School (\$1,100.00). This item is to fund a morning intramural program, which will allow students to participate in sports-related activities.
 3. Dr. Nixon Elementary School (\$1,100.00). This item is to fund an after-school intramural program.
 4. Travis Elementary School (\$1,100.00). This item is to fund a morning intramural program, which will enhance student achievement.
 5. Henderson Middle School #1 (\$1,584.00). This item is to provide training materials that target writing and tower-graphic organizer strategies in support of the “Success for All Students” program.
 6. Henderson Middle School #2 (\$1,500.00). This item is to fund copier expenses that surpassed the budgeted amount.
 7. Terrace Hills Middle School (\$8,500.00). This item is to allow the purchase of instructional materials and provide teacher in-services.
- D. Lease and Maintenance Payments for High Speed/High Volume Optical/Digital Duplicator (Ref. Bid #108-02) (\$162,320.64) to Danka Office Imaging on the second year of a five-year lease/maintenance agreement in the amount of \$90,656.64 and to Xerox Corporation on the second year of a five-year maintenance agreement in the amount of \$71,664.00 (copy of bid tabulation attached to the permanent file of these minutes).
- E. Purchases Requiring Board Approval
1. Extension of Existing CSP – Instructional Materials Request for Catalog Discount CSP #109-02 (approx. \$260,000.00), first option to extend, to the vendors listed on the tabulation (copy of bid tabulation attached to the permanent file of these minutes).
 2. Cooperative Dishmachine Supplies on Region 19 RFP #03-5581 (approx. \$100,000.00) was awarded to Eco Lab, Inc., with the option to extend for two additional years, one year at a time, subject to Region 19 extending the RFP (copy of bid tabulation attached to the permanent file of these minutes).
 3. Risograph Masters & Ink Cartridge Bid #88-03 (\$116,526.40) was awarded to Hunt Imaging, LLC in the amount of \$63,416.40 and Spectrum Imaging Systems in the amount of \$53,110.00 (copy of bid tabulation attached to the permanent file of these minutes).

4. Audio Visual Equipment Bid #100-03 (\$173,254.24) was awarded as follows: Aves Audio Visual Systems, Items 4, 8, and 9, \$32,102.00, net 30; Du Motion Audio Visual and Video, Inc., Item 12, \$7,554.00, net 30; Troxell Communications, Inc., Items 1-3, 5, 6, 10, 11, and 14, \$120,452.24, net 30; and Wholesale Electronic Supply, Item 7, \$13,146.00, net 30 (copy of bid tabulation attached to the permanent file of these minutes).
5. Consulting Services for Strategic and Project Planning RFP #102-03 (\$86,800.00) was awarded to Prestige Consulting Services, the lowest proposal (copy of bid tabulation attached to the permanent file of these minutes).
6. SASIXp™ and InteGrade®Pro Software Support, Purchase Order No. 280452 (\$254,075.10), NCS Pearson, Inc., the sole source (copy of purchase order attached to the permanent file of these minutes).
7. Computers for "Project Lead the Way" at Chapin High School, Purchase Order No. 280829 (\$69,480.00), from Gateway Companies, Inc., the lowest quote (copy of purchase order attached to the permanent file of these minutes).

4. 2003-04 Campus Improvement Plans

Ms. Elfida Gutierrez, Associate Superintendent, Elementary/Middle Schools Division I, and Dr. Linda Holman, Associate Superintendent, Elementary/Middle Schools Division II, reviewed the two-year Campus Improvement Plan (CIP) process, which must be approved annually by the Board. Ms. Gutierrez advised that the CIPs had been adjusted with the additional funds and TAKS (Texas Assessment of Knowledge and Skills) score data for each school. She reported that training was provided by Research, Evaluation, Planning and Accountability to the campuses on the data evaluation process and conducting needs assessments.

There was discussion on the campus mission statements being standardized into a one-sentence format; how individual schools fund the state- or district-mandated goals; how data is provided to the teachers for their current classes; the need to address campuswide discipline problems as a primary goal; allowing campuses to have an approved "stretch" goal; providing the Board members with complete CIPs for the schools within their respective districts; and having CIPs within a vertical unit shared among all those schools.

It was moved by Dr. Roark, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the goals and objectives of the Campus Improvement Plans submitted by each campus for the 2003-04 school year.

5. Academic Excellence Indicator System (AEIS) Report for 2002-03

Mr. Art Jordan, Executive Director, Accountability, provided information on the EPISD 2002-03 AEIS Report from the Texas Education Agency and reviewed AEIS Report requirements.

Dr. Robert LaGrone, Evaluator, Research, Evaluation and Planning, reviewed data quality indicators of the PID (personal identification database) error rate and underreported student leavers; student demographics; and program enrollments. He advised that no accountability ratings for 2003 were given due to the change from TAAS (Texas Assessment of Academic Skills) to TAKS (Texas Assessment of Knowledge and Skills). He provided a comparison of the EPISD to the state on the Spring 2003 TAKS passing rates for all grades tested; information on the Student Success Initiative (SSI) testing and accountability system; percentages of third grade students passing the first administration of the SSI English or Spanish reading tests; Annual Dropout Rate for

grades 7 through 12; four-year rates on completion/student status rates for the class of 2002; attendance rates; college admissions testing; Advanced Placement/IB (International Baccalaureate) results; and TASP performance for 2000-01. He also reviewed the disciplinary placements and violent or criminal incidents at the elementary, middle, and high school levels.

6. Final Report by Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent & Co., P.C., on Implementation of Recommendations Contained in Report on Special Education Review

Mr. David Marcus, representing Marcus, Fairall, Bristol & Co., LLP, and Mr. James Edge, Edge, McLagan, Nugent & Co., P.C., the District's Forensic Auditors, provided a follow-up report on the current status of the EPISD Special Education Division. Mr. Marcus advised that the report was based on oral interviews with Special Education personnel, randomly selected principals with special education students on their campuses, and parents involved in Special Education Task Force. A brief summary was provided on the positive comments and comments expressing concern regarding communication, inclusion, ARDs (admission, review and dismissals), site specialists, the Special Education Task Force, and the recommendations for continued improvement.

There was discussion on specific concerns expressed by interviewees; the need to address issues of concern; anxiety associated with change; and the overall positive attitude within the Special Education program.

Meeting Closed

The meeting was recessed at 7:35 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.072, and 551.074 of the Texas Government Code as follows:

13. Closed Meeting

C. Consultation with School District Attorney Regarding Contemplated or Pending Litigation

2. El Paso Independent School District, Plaintiff vs. The Sambrano Corporation, d/b/a SamCorp General Contractors, et al., Defendant; In the 210th Judicial District Court, El Paso County, Texas; Cause No. 2001-3315

The closed meeting started at 7:41 p.m. The closed meeting ended at 8:30 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 8:33 p.m.

13. The action as a result of items discussed in closed meeting was as follows:

- C., 2. Consultation with School District Attorney Regarding Contemplated or Pending Litigation - El Paso Independent School District, Plaintiff vs. The Sambrano Corporation, d/b/a SamCorp General Contractors, et al., Defendant; In the 210th Judicial District Court, El Paso County, Texas; Cause No. 2001-3315

It was moved by Mr. Dodge, seconded by Mr. Mena, and carried unanimously that the Board reject the settlement offer from The Sambrano Corporation, d/b/a SamCorp General Contractors, et al., and authorize the administration to make a counteroffer in the amount of \$225,000.00 net, to be effective until 4:00 p.m. MST, December 9, 2003.

7. Discussion of Districtwide Technology Issues and Presentation of Interim EPISD Technology Plan

Mr. Jack Johnston, Executive Director, Technology and Information Systems; Mr. Louis Mona, Administrator, Application Development; Mr. Charles Geach, Administrator, Instructional Technology; and Mr. Fred Alvarez, Administrator, Hardware Support, provided information on the interim Technology Plan. Mr. Johnston advised that the draft plan, which follows the state of Texas recommended format, was presented for the Board's review and input. Following needed changes, the plan will be brought back to the Board for approval and then submitted online to the Texas Education Agency. Mr. Johnston stated that a certified technology plan is required in order to apply for E-Rate 2004 (Year 7).

There was discussion on problems, issues, and funding associated with installing cabling to portables; the technology support center/help desk, outsourcing of support services; operational and HVAC issues associated with servers; server farm cluster facility; Technology Advisory Committee; Technology Summit; and the disaster recovery plan. Discussion continued on standardization of software; costs associated with providing District students appropriate technology for home use; measurability of technology goals; defining standards for technology-related purchases of hardware and software; and the financial impact of accessibility to campus libraries and computer labs for the EPISD community.

8. Rescheduling or Cancellation of January 27, 2004, Regular Meeting of the Board of Trustees

It was moved by Miss Garcia, seconded by Mr. Dodge, and carried unanimously that the January 27, 2004, meeting of the Board of Trustees be rescheduled to Tuesday, February 3, 2004.

9. Possible Reconsideration of Award of Frozen Beef Products on Food Products Bid #39-03 and Award of Supplemental Food Products Bid #105-03

Mr. Terry Freiburg, Director, Purchasing, provided information on the request from Professional Food Systems (PFS) for a price increase or re-bid on beef because of the escalating beef prices, which were a result of a case of Mad Cow disease in Canada and a drought in the U.S. He reviewed the bid stipulations related to Price Changes and Force Majeure and stated that a one-time, justified price increase may be allowed, effective January 1 through July 31, 2004.

Mr. Tim Akers, General Manager, and Mr. Richard Ramos, Sales Manager, Professional Food Systems, offered the rationale for their price increase request due to the ban on beef imports, which caused a drastic shortage in the beef industry.

There was discussion on revising the contract language to provide an option to reduce the beef price if the market value goes back down. Mr. Safi provided information on the Canadian beef embargo, prohibition on imported beef, and what constitutes unforeseen supervening circumstances. Mr. Juan Sandoval, Executive Director, Auxiliary Services, stated that the price increase would be for ground beef only and reviewed the price differential and total cost over the life of the current contract.

It was moved by Mr. Dodge and seconded by Dr. O'Donnell that the Board modify the award of item #02-915-ground beef to Professional Food Systems on Annual Food Products Bid #39-03 and that the unit price for item #02-915-ground beef be increased by 22.5¢ per pound in the amount of \$27,000.00, effective December 1, 2003. Upon the vote, the motion failed with Mr. Dodge and Dr. O'Donnell voting in favor of the motion and Mr. Mena, Ms. Colquitt-Muñoz, Mr. Cordova, Dr. Roark, and Miss Garcia voting against the motion.

It was moved by Mr. Dodge and seconded by Miss Garcia that the Board modify the award of item #02-915-ground beef to Professional Food Systems on Annual Food Products Bid #39-03 and that the unit price for item #02-915-ground beef be increased by 44.6¢ per pound for a total increase in the estimated amount of \$54,000.00, effective December 10, 2003, unless the price goes down at which time the price will be reduced accordingly. Upon the vote, the motion carried with Mr. Dodge, Ms. Colquitt-Muñoz, Mr. Cordova, Dr. O'Donnell, and Mr. Mena voting in favor of the motion and Dr. Roark and Miss Garcia voting against the motion.

10. Scheduling of Public Meeting to Discuss EPISD's 2003 State Financial Accountability Rating Under the Schools Financial Integrity Rating System of Texas (FIRST)

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the scheduling of this public meeting on December 9, 2003.

11. Reimbursement Resolution for Technology-Related Capital Improvements Using 2003 Bond Proceeds

It was moved by Dr. O'Donnell, seconded by Miss Garcia, and carried unanimously that the Board approve this resolution to reimburse capital expenditures related to the installation of Cisco System electronics using 2003 Bond proceeds for the amount of \$1,346,995.00.

12. State Energy Conservation Office's Texas Solar For Schools Program (TSSP) at Cordova Middle School (\$12,500.00)

It was moved by Mr. Cordova, seconded by Dr. O'Donnell, and carried unanimously that the Board approve this program.

Meeting Closed

The meeting was recessed at 10:02 p.m. to a closed meeting by Mr. Mena under the authority previously cited as follows:

13. Closed Meeting

- A. Personnel Appointment – Director, Data Quality, Research, Evaluation, Planning and Accountability
- B. 2003-04 Compensation for Contract Employee Reassigned to Lower Pay Level Position
- C. Consultation with School District Attorney Regarding Contemplated or Pending Litigation
 - 1. Chelsea S. bnf Lilia S. v. EPISD; Docket No. 138-SE-0103; Before a Special Education Hearing Officer for the State of Texas

3. Silva's Super Market, Inc., Silva Diversified, Inc. and Silva Investment Partnership, Plaintiffs, and Residentes Unidos del Segundo Barrio, Intervenor vs. El Paso Independent School District, Defendant; In the 120th Judicial District Court, El Paso County, Texas; Cause No. 2003-1388
- D. Proposed Property Acquisition – Northwest Elementary School E-12
- E. Property Acquisition for Site for New South/Central Elementary School
- F. Eminent Domain Proceedings for Acquisition of Properties for New South/Central Elementary School Located Within Blocks 31 and 49, Campbell Addition, City of El Paso
- G. Superintendent's Formative Conference

The closed meeting started at 10:07 p.m. The closed meeting ended at 10:48 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 10:50 p.m.

13. The action as a result of items discussed in closed meeting was as follows:

- A. Personnel Appointment – Director, Data Quality, Research, Evaluation, Planning and Accountability

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Anna Bone, Researcher in Research, Evaluation, Planning and Accountability, to the position of Director, Data Quality, Research, Evaluation, Planning and Accountability.

- B. 2003-04 Compensation for Contract Employee Reassigned to Lower Pay Level Position

It was moved by Mr. Cordova, seconded by Dr. O'Donnell, and carried unanimously that the Board approve an exception to Board Policy DEA (Local), Compensation and Benefits: Salaries, Wages, and Stipends, for the remainder of the 2003-04 school year for Arthur Peralta, a contract employee, and that he receive a rate of pay for the remainder of the 2003-04 school year in accordance with the daily pay level for the position of Principal at Bowie High School, which he occupied prior to his transfer to the position of Director of Pupil Services.

- C., 1. Consultation with School District Attorney Regarding Contemplated or Pending Litigation - Chelsea S. bnf Lilia S. v. EPISD; Docket No. 138-SE-0103; Before a Special Education Hearing Officer for the State of Texas

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the payment of attorney fees to the attorney for the prevailing parents in the negotiated amount of \$9,331.12.

- D. Proposed Property Acquisition – Northwest Elementary School E-12

It was moved by Mr. Dodge, seconded by Mr. Mena, and carried unanimously that the Board authorize the Superintendent to obtain surveys and an appraisal and to proceed with negotiations for the possible purchase of one of the following property parcels for the planned Northwest Elementary School E-12: a portion

of Tract 1A, J. L. Johannsen Survey 185, Abstract 2789, El Paso County, El Paso, Texas, containing approximately 16.3 acres; or a portion of Tract 18 and 19, S. A. & M. G. Survey 266 and a portion of Lot 2, Whitfield Unit Two, El Paso County, El Paso, Texas, containing approximately 19 acres; or a portion of Tract 13A, S. A. & M. G. Survey 266, Abstract 8716, El Paso County, El Paso, Texas, containing approximately 15 acres from the owner(s) of record pursuant to Board Policy CDB (Local), with the final price and terms to be subject to Board approval at a future meeting.

14. Authorization for Filing of Eminent Domain Proceedings for Acquisition of Properties for New South/Central Elementary School Located Within Blocks 31 and 49, Campbell Addition, City of El Paso

It was moved by Mr. Dodge and seconded by Dr. Roark that (1) the Board find and determine that a necessity exists for the construction of a new elementary school facility to serve the students now served by the current Aoy and Roosevelt Schools; (2) the Board find and determine that, all things considered, the best site for such new South/Central Elementary School facility is the area comprised of Blocks 31 and 49, Campbell Addition, City of El Paso, being that area bounded on the north by 8th Avenue, on the east by Campbell Street, on the south by the Border Highway (Loop 375), and on the west by Kansas Street, in conjunction with the current location of Aoy School; (3) the District should proceed with the design and construction of the new elementary school and related facilities ("the Project"), at the site described hereinabove; (4) the District be authorized to acquire by purchase, or through eminent domain proceedings, all necessary real property rights, consisting of fee title, easements, vacations, permits, and other interests in land within the boundaries of such designated site, including without limitation the respective rights of all persons having interests in all real estate within said designated site that have not previously been acquired by the District; (5) the Board find and determine that there is a necessity to acquire such real property rights for public use in connection with the Project, for the purpose of securing a site on which to construct the new elementary school and related facilities in order to fulfill the District's mission of educating its school-age children, pursuant to Section 11.151, and other pertinent provisions, of the Texas Education Code; (6) the Board find and determine that the location and extent of the Project, and the acquisition of such rights, is reasonable and necessary; (7) the Board authorize the District, through legal counsel, to file eminent domain proceedings, if necessary, to acquire all such property rights within the site area designated hereinabove; and (8) the Board ratify any actions heretofore taken to acquire any and all property rights within the site area designated hereinabove.

Motion Amended

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Mena, and carried unanimously that the motion be amended that (9) if the District were to reach an agreement with property owners and/or if the property owners get a second appraisal that leads to an agreement, the Board reserves the right to drop the eminent domain proceedings.

Upon the vote, the motion, as amended, carried unanimously.

Meeting Adjourned

The meeting was adjourned at 11:05 p.m.

Date Approved: February 3, 2004