

Minutes of Meeting of Board of Trustees
El Paso Independent School District
October 22, 2002
5:00 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 Telles
Mr. Charles L. Tafoya, Acting Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:07 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. Tafoya. Mr. William Goodman, Associate Superintendent, Finance, gave the Thought for the Day.

Recognition of Semifinalists in 2003 Merit Scholarship Competition (Item #1)

The Board of Trustees recognized six El Paso ISD students who were named semifinalists in the 2003 Merit Scholarship Competition. The following recipients were presented with engraved plaques: Thomas D. Novlan, Andress High School; Alex J. Paul, Austin High School; Megan E. Jeans and Matthew J. Nance, Coronado High School; Cameron Ponsford, Franklin High School; and Carolyn J. Maus, Silva Health Magnet High School.

Awards to October 2002 Employees of the Month (Item #3)

Ms. Karen Foley, teacher at Dr. Nixon Elementary School, was recognized by the Board of Trustees as October 2002's Certified Employee of the Month; and Ms. Barbara Reynolds, senior clerk at San Jacinto Adult Learning Center, was recognized as October 2002's Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$150.00.

Recognition of Kirk and Judy Robison for Donation of Dictionaries to All EPISD Third Grade Students and Teachers (Item #2)

The Board of Trustees recognized Kirk and Janet Robison for their donation of dictionaries to all EPISD third grade students and teachers. An engraved plaque was presented to Mr. and Mrs. Robison on behalf of the Board.

Reconsideration of Employee Cost Sharing Level for Health Benefits Plan Approved by the Board on July 9, 2002, and October 8, 2002, and Consideration of Revisions to Same (Item #12)

The following people requested to speak to this item:

1. Mr. Tommy Davis, teacher at Franklin High School, spoke about requiring employees to cost share for employee health insurance in addition to the District receiving increased funding from the state for health care.
2. Ms. Carolyn Sanchez was not present when called to speak.

Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, reviewed figures on payroll costs related to the teachers that have retired and the new, lower paid teachers that were hired to replace them; teachers and food service workers being paid through federal and state funds; and the purported savings that should be realized by the District. Ms. Wever indicated that if the savings were directed into the health care, the need for employee cost sharing would be eliminated. She requested that the Board reconsider its decision to require employees to cost share for their health insurance coverage.

Mr. Tafoya commented on catastrophic claims reducing the Health Care fund balance to zero and the need to build up the reserves. He recommended that the employee cost sharing be revisited after the first year to determine the actual cost of the plan and any savings that could be returned to the employees. Mr. Tafoya stated employee cost sharing is necessary at this time because the District cannot absorb the full cost of employee health insurance.

Mr. William Goodman, Associate Superintendent, Finance, provided information on the budget and indicated that the balanced budget included projected lapsed salaries and benefits of employee cost sharing into the health benefits plan. He also did not advise using the Fund Balance to fund the District's health plan.

There was discussion on the District's forensic auditors reviewing the disparity in the figures provided by Ms. Wever and by the administration and bringing an item back to the Board on October 29, 2002, directing the District's forensic auditors to review the budget to validate or invalidate the figures presented.

Mr. Mena stated for the record that at a meeting immediately preceding the regular Board meeting, it was the consensus of the Board's Employee Health/Insurance Committee to go forward with the employee cost sharing level approved by the Board on July 9, 2002, and October 8, 2002.

There was further discussion on representatives from all employee organizations participating in a forensic audit of the budget related to the employee cost sharing.

Consent Agenda (Item #3)

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

A. Approval of Minutes

1. June 11, 2002, and June 18, 2002, Board Finance Committee Meetings; June 18, 2002, Board's Employee Health/Insurance Committee Meeting; and June 25, 2002, Board Policy Committee Meeting
2. June 3, 2002; June 11, 2002; and June 25, 2002, Meetings of the Board of Trustees

The Board approved the minutes of the June 11, 2002, and June 18, 2002, Board Finance Committee meetings; June 18, 2002, Board's Employee Health/Insurance Committee meeting; June 25, 2002, Board Policy Committee meeting; and the June 3, 2002; June 11, 2002; and June 25, 2002, meetings of the Board of Trustees.

B. Approval of Juvenile Justice Alternative Education Program (JJAEP) Interlocal Agreement Between the El Paso, Anthony, Canutillo, and Socorro Independent School Districts

The Board approved the JJAEP Interlocal Agreements between the El Paso, Anthony, Canutillo, and Socorro Independent School Districts for the EPISD to accept discretionary expelled students from the Anthony, Canutillo, and Socorro ISDs for the 2002-03 fiscal year with the EPISD receiving \$7,500.00 from each school district for each discretionary expelled student, and with the EPISD receiving \$59.00 per day from the County for each mandatory expelled student from the Anthony and Canutillo ISDs, pursuant to the terms thereof.

C. Approval of Budget Amendments

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

1. Rivera Elementary School (\$3,000.00). The purpose of this item is to amend the Rivera Elementary School budget in the amount of \$3,000.00. Carol Bludworth, Principal at Rivera, requested this amendment in a memo dated October 1, 2002. This amendment transfers funds from various line items to Instructional Part-Time/Temporary to provide funds for tutoring of students who have been identified as dyslexic.
2. Stanton Elementary School (\$2,000.00). The purpose of this item is to amend the Stanton Elementary School budget in the amount of \$2,000.00. Vanessa Foreman, Principal at Stanton, requested this amendment in a memo dated October 2, 2002. This amendment transfers funds from General Supplies to Instructional Part-Time/Temporary to hire a playground monitor to oversee, discipline, and maintain a safe environment for children.
3. ESEA Title 1, Part A - "Families First Learning Community Initiative" (\$80,000.00). The purpose of this item is to amend the ESEA Title 1, Part A budget in the amount of \$80,000.00. Marsha Lawler, Executive Director of External Funding, requested this amendment in a memo dated September 30, 2002. This transfer will help pay for the "Families First Learning Community Initiative," a pilot program approved by the Board on September 24, 2002.

4. ESEA Title 1, Part A – Stanton Elementary School #1 (\$10,000.00). The purpose of this item is to amend the ESEA Title 1, Part A budget in the amount of \$10,000.00. Vanessa Foreman, Principal at Stanton, requested this amendment in a memo dated September 26, 2002. Upon review of the No Child Left Behind Act and staff development needs due to the upcoming TAKS test, the Campus Improvement Team (CIT) determined that additional funds were needed for teacher staff development.
5. ESEA Title 1, Part A – Stanton Elementary School #2 (\$10,000.00). The purpose of this item is to amend the ESEA Title 1, Part A budget in the amount of \$10,000.00. Vanessa Foreman, Principal at Stanton, requested this amendment in a memo dated September 23, 2002. Upon review of the No Child Left Behind Act and staff development needs due to the upcoming TAKS test, the Campus Improvement Team (CIT) determined that additional funds were needed for substitutes to cover teachers participating in high quality staff development.
6. State Compensatory Education (SCE) – Wainwright Elementary School (\$10,000.00). The purpose of this item is to amend the Wainwright Elementary School SCE budget in the amount of \$10,000.00. Donna Jerman, Principal at Wainwright, requested this amendment in memos dated September 11, 2002. This amendment transfers funds from Instructional Professional Salaries to various line items to provide additional funds for the library and to send three teachers to a Success For All conference and in-town workshops.
7. State Compensatory Education (SCE) – Chapin High School (\$15,000.00). The purpose of this item is to amend the Chapin High School SCE budget in the amount of \$15,000.00. This amendment transfers funds from Community Services to School Leadership Support Personnel to correct an account code to hire a liaison clerk to assist at-risk students and other special populations.
8. Raymond Telles Academy (\$28,000.00). The purpose of this item is to amend the Raymond Telles Academy budget in the amount of \$28,000.00. Al Nava, Principal at Telles Academy, requested this amendment in a memo dated October 1, 2002. This amendment transfers funds from the District Fund Balance to Professional Services to hire personnel for the Communities in Schools program.

D. Purchases Requiring Board Approval

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

1. Dishmachine Supplies on Region 19 RFP #00-5085 (approx. \$182,341.17) was awarded to Eco-Lab, Lot #6, for the estimated amount of \$182,341.17 (copy of bid tabulation attached to the permanent file of these minutes).
2. Xerographic Paper Bid #104-02 (approx. \$413,716.00) was awarded to Williamette Industries, the low bidder, for the estimated annual amount of \$413,716.00, 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 percent per carton per quarter (copy of bid tabulation attached to the permanent file of these minutes).

3. Risograph Maintenance and Repair Bid #107-02 (approx. \$91,687.56) was awarded to Spectrum Imaging Systems for the estimated annual amount of \$91,687.56 with net terms and an option to extend for 24 months, 12 months at a time (copy of bid tabulation attached to the permanent file of these minutes).
4. LCD Projectors for Middle School Technology Application Labs and School-Age Parent Center, Purchase Order No. 249065 (\$23,860.35), were approved for purchase from MacWarehouse, the lowest quote, in the amount of \$23,860.35 (copy of purchase order attached to the permanent file of these minutes).
5. LCD Projectors for Business and Technology Education Classrooms at Guillen Middle School and Andress, Austin, Bowie, Burges, El Paso, and Jefferson High Schools, Purchase Order No. 249602 (\$19,649.65), were approved for purchase from MacWarehouse, the lowest quote, in the amount of \$19,649.65 (copy of purchase order attached to the permanent file of these minutes).

E. Approval of Airport Lease Agreements – Education Center Boeing L001 A-C and Professional Development Center L002 (\$109,664.40)

The Board approved the payments for the 12-month Airport Lease Agreements with the City of El Paso (El Paso International Airport) for the Education Center-Boeing, L001 A-C, for the annual amount of \$83,624.28; and the Professional Development Center, L002, for the annual amount of \$26,040.12, for an annual grand total amount of \$109,664.40.

F. Approval of Utility Services for EPISD

The Board approved the award of electricity, natural gas, and water and sewage processing services to the following sole source El Paso utility firms for the estimated annual amounts indicated, subject to the review and approval of the District's attorney:

1. Electricity Services (approx. \$9,000,000.00) to the El Paso Electric Company in the estimated annual amount of \$9,000,000.00.
2. Natural Gas Services (approx. \$1,500,000.00) to Southern Union Gas Company in the estimated annual amount of \$1,500,000.00.
3. Water and Sewage Processing Services (approx. \$2,299,364.00) to El Paso Water Utilities in the estimated annual amount of \$2,299,364.00.

G. Approval of Continuation of TEX-AN 2000 Local Telecommunications Services (approx. \$1,200,000.00)

The Board approved the continuation of TEX-AN (Texas Agency Network) 2000, through the General Services Commission for the state of Texas, for Districtwide local telecommunication utility services provided by Southwestern Bell Telephone Co. for the estimated annual amount of \$1,200,000.00, prior to E-Rate reimbursements, and subject to the review and approval of the District's attorney.

H. Approval of Authorized User Agreement/General Rules and Regulations Contract with El Paso Convention and Performing Arts Center and Contract with Volume Services America for Annual VIPS/PIE (Volunteers in Public Schools/Partners in Education) Luncheon (approx. \$27,426.00)

The Board authorized the annual VIPS/PIE (Volunteers in Public Schools/Partners in Education) luncheon to be held at the El Paso Convention and Performing Arts Center and approved the Authorized User Agreement and General Rules and Regulations Contract #4063 with the El Paso Convention and Performing Arts Center for hall rental in the amount of \$1,230.00, and the contract with Volume Services America for catering services in the estimated amount of \$26,196.00, for a total estimated amount of \$27,426.00.

Meeting Recessed

The meeting was recessed at 6:08 p.m. The meeting was reconvened at 6:27 p.m.

Intradistrict Transfer Appeal – V. R. (Item #6)

Ms. Gloria Boyer, Director, Pupil Services, provided information on events that led to the denied intradistrict transfer for V. R. from her home school, Rivera Elementary School, to Western Hills Elementary School. Ms. Boyer stated that the student's mother, Ms. Norma Aguirre, had been employed as a playground monitor at Western Hills for two years and that V. R. attended Western Hills on an approved "working mother" transfer. Because Ms. Aguirre is no longer employed by the District, the intradistrict transfer was not approved for the 2002-03 school year. When the transfer denial was upheld by the Elementary Schools Division, Ms. Aguirre then requested special education testing for V. R. and paperwork was submitted to Special Services. Ms. Boyer provided information on the separation anxiety exhibited by the mother and child and the progress V. R. was making at Rivera. She stated that the administration believes it is in V. R.'s best interest to attend her home school (Rivera) with her sibling.

There was discussion on the recommendations from the clinical psychologist consulted by Ms. Aguirre; the status of the special education testing for V. R.; and the progress made by V. R. at Rivera. Mr. Mark Berry, attorney representing the parent, commented on V. R.'s grades and absences and stated that Ms. Aguirre believes that her daughter would do better at Western Hills.

It was moved by Mr. Telles and seconded by Mr. Wever that the Board grant the intradistrict transfer appeal of V. R. to Western Hills Elementary School for the 2002-03 school year.

There was additional discussion on the student capacity at Western Hills and whether the school can accommodate V. R.; the possibility of involving a psychiatrist in the evaluation of V. R.; the special education testing of V. R. being made a priority; reviewing V. R.'s progress at Rivera after the fall semester; the timeframe for completing assessment and ARD (admission, review, and dismissal) processes; the rationale for denying the transfer for the 2002-03 school year after it had already been approved; and postponing action until V. R.'s special education evaluation is completed.

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the intradistrict transfer appeal of V. R. be postponed until the Board meeting scheduled for October 29, 2002.

Announcement of 2002-03 High School Graduation Dates (Item #7)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the 2002-03 high school graduation dates as presented.

Approval of 2002-04 Campus Improvement Plans (Item #8)

Ms. Elfida Gutierrez, Associate Superintendent, Elementary Schools Division, reviewed the method in developing a two-year planning process for the Campus Improvement Plans (CIPs). She stated that the language of the goals and objectives has been standardized for all CIPs in order to meet mandates and to facilitate the writing process. Ms. Gutierrez advised that the principals worked with the Campus Improvement Teams (CITs) to develop strategies and activities to meet all state mandates and individual needs identified for each campus.

There was discussion on the standardized language in the CIPs; the possible need for individual goals and objectives based on the specific needs of a campus; and the availability of the complete CIP for each of the 80 campuses for review by individual Board members.

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board approve the goals and objectives of the Campus Improvement Plans submitted by each campus for the 2002-03 school year. Upon the vote, the motion carried with Dr. Roark voting against the motion.

Approval of Revisions to 2002-03 Student Code of Conduct (Item #9)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board approve the revisions to the 2002-03 Student Code of Conduct as presented, with said changes to conform to revisions to Board Policy FNCG (Local), Student Conduct: Weapons, which was approved by the Board on October 8, 2002.

Meeting Closed (Item #26)

The meeting was recessed at 7:16 p.m. to a closed meeting by Mr. Wever under Sections 551.071, 551.072, and 551.074 of the Texas Government Code as follows:

A. Personnel Appointments

1. Assistant Principal, Burges High School
2. Assistant Principal, Morehead Middle School

D. Consultation with Attorney Regarding Pending Litigation – Pete N. Duran, Plaintiff v. El Paso Independent School District, Defendant; In the 171st Judicial District Court, El Paso County, Texas; Cause No. 99-577

Mr. Mena and Mr. Rosales recused themselves from the discussion on item no. 26, D., Consultation with Attorney Regarding Pending Litigation – Pete N. Duran, Plaintiff v. El Paso Independent School District, Defendant; In the 171st Judicial District Court, El Paso County, Texas; Cause No. 99-577.

The closed meeting started at 7:21 p.m. The closed meeting ended at 7:38 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:38 p.m.

Personnel Appointments – Assistant Principal, Burges High School (Item #26, A., 1.)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board accept the Acting Superintendent's recommendation to appoint Lydia Lizarraga, Academic and Vocational Counselor at the Rogelio Sanchez State Jail Facility, to the position of Assistant Principal, Burges High School.

Personnel Appointments – Assistant Principal, Morehead Middle School (Item #26, A., 2.)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board accept the Acting Superintendent's recommendation to appoint Roberta Martinez, special education teacher at Magoffin Middle School, to the position of Assistant Principal, Morehead Middle School.

Approval of EPISD Least Restrictive Environment (LRE) Action Plan for Placement of Students with Disabilities (Item #10)

Ms. Virginia Cardon, Assistant Director, Northeast Special Education Assessment Office, and Ms. Teresa Weisbart, Facilitator, Special Services, provided information on the November 1, 2002, deadline for the submission of the District's Least Restrictive Environment (LRE) Action Plan to the Texas Education Agency (TEA). They advised that the Office of Special Education Programs' (OSEP) first consideration for a placement is the general education classroom with appropriate support and services, which are determined by the ARD (admission, review, and dismissal) committee with participation by the parent(s).

There was discussion on special needs children being placed in general education classrooms as first placement and considering the parents' desires for their children. Ms. Cardon provided information on OSEP requirements regarding student placements, students' abilities and needs, and provisions of the LRE. Mr. Tim Holt, Evaluator, Research, Evaluation and Planning, detailed the ratios allowed by school districts.

Discussion continued on the possibility of EPISD challenging the state on the allowable ratio; pros and cons of special education placement and general education classroom placement; information provided to parents in an ARD committee meeting; the referral process and the need for an exit plan; and scheduling a workshop with the Board to address the LRE action plan

Dr. Roark stated for the record that he disagreed with the statement "Placement decisions should begin with the least restrictive environment, i.e., the general education classroom without, or if necessary, with supplementary aids and services."

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board approve the Least Restrictive Environment (LRE) Action Plan as presented for the placement of students with disabilities which will assist in the maximization of the quality of learning for students with disabilities accessing the general curriculum.

Consideration of Rescinding Board's Action on July 23, 2002, Approving a Moratorium on Offering and Payroll Deduction of All Cancer Plans and Consideration of Reinstating Payroll Deduction for Cancer Plans (Item #11)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board keep the moratorium on the offering and payroll deduction of all cancer plans effective January 1, 2003, as approved by the Board on July 23, 2002.

The following person requested to speak to this item:

1. Ms. Anna Maynard declined the opportunity to speak.

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

Award of Commercial Automobile and Inland Marine Insurance RFP #103-02 (\$262,788.00) (Item #13)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board award Commercial Automobile and Inland Marine Insurance RFP #103-02 to Texas Political Subdivisions Property/Casualty Joint Self-Insurance Fund, Option 1 (minus uninsured motorist coverage), through Rogers & Belding Insurance Agency, Inc., for commercial automobile insurance coverage for an annual premium of \$241,534.00, and to Great American Insurance Company, through Rogers & Belding Insurance Agency, Inc., for commercial inland marine insurance coverage, for an annual premium of \$21,254.00, for a total premium of \$262,788.00, effective November 1, 2002, through October 31, 2003.

Approval of Law Enforcement Liability Policy for Three-Month Premium (\$8,446.72) (Item #14)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve Law Enforcement Liability insurance coverage from Northfield Insurance Company of the Northland Insurance Group, through Rogers & Belding Insurance Agency, Inc., for a three-month minimum earned premium in the amount of \$8,446.72, effective October 25, 2002, through January 25, 2003.

Approval of Registration Fees for EPISD Teachers and Staff to Attend Conference for the Advancement of Science Teaching (CAST) Conference on November 7-9, 2002 (\$75,000.00) (Item #15)

It was moved by Mr. Rosales, seconded by Mr. Mena, and carried unanimously that the Board approve the registration fees for EPISD teachers and staff to attend the Conference for the Advancement of Science Teaching (CAST) to be held in El Paso, Texas, on November 7 - 9, 2002, in the approximate amount of \$75,000.00.

Approval of Contracts Between El Paso Independent School District and Communities in Schools-El Paso, Inc. for Austin High School and Delta Academy for 2002-03 School Year (\$30,000.00) (Item #16)

It was moved by Mr. Telles, seconded by Mr. Rosales, and carried unanimously that the Board approve the contracts between EPISD and Communities in Schools-El Paso, Inc. for the provision of a professional social worker at Austin High School at no cost and at the Delta Academy in the amount of \$30,000.00.

Approval of Consultant Contract with Frank Ciriza as External Evaluator of Elementary M.E.N.T.O.R. (Making Each New Teacher Our Responsibility) Program and Secondary Support Teachers Program (\$40,000.00) (Item #17)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the consultant contracts with Frank Ciriza to serve as an external evaluator of the elementary M.E.N.T.O.R. (Making Each New Teacher Our Responsibility) Program and Secondary Support Teachers Program in the amount of \$40,000.00.

Approval of Bilingual Education Training Sessions by Region 19 Education Service Center (approx. \$80,000.00) (Item #18)

- A. Esperanza “Lenguaje y Lectura” for Prekindergarten – Grade 3 Teachers
- B. Thinking Maps for Middle and High School Teachers
- C. Cooperative Learning Structures for Multiple Intelligences for Grades 2 – 8 Teachers
- D. New Teacher Seminar for Secondary Teachers

It was moved by Mr. Telles and seconded by Mr. Rosales that the Board approve the bilingual education training sessions offered by Region 19 Education Service Center for the 2002-03 school year as follows: Esperanza “Lenguaje y Lectura” for prekindergarten - grade 3 teachers; Thinking Maps for middle and high school teachers; Cooperative Learning Structures for Multiple Intelligences for grades 2 – 8 teachers; and New Teacher Seminar for secondary teachers for the estimated amount of \$80,000.00.

There was discussion on the training being open to all bilingual education teachers; the District providing its own training and the associated cost; the length of the training sessions; tracking teachers who attend the “trainer-of-trainer” sessions and train other teachers; and requiring accountability.

Dr. Roark recommended amending the motion to include an accountability component with the Board being provided an update on a quarterly basis. Mr. Telles and Mr. Rosales accepted the amendment.

The amended motion reads as follows:

that the Board approve the bilingual education training sessions offered by Region 19 Education Service Center for the 2002-03 school year as follows: Esperanza “Lenguaje y Lectura” for prekindergarten - grade 3 teachers; Thinking Maps for middle and high School teachers; Cooperative Learning Structures for Multiple Intelligences for grades 2 – 8 teachers; and New Teacher Seminar for secondary teachers for the estimated amount of \$80,000.00, with the inclusion of an accountability component and the Board being provided an update on a quarterly basis.

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

Approval of Interagency Cooperative Agreement with Region 19 Education Service Center-Head Start for Educationally-Related Services for Children with Disabilities (Item #19)

It was moved by Mr. Rosales, seconded by Mr. Mena, and carried unanimously that the Board approve the Interagency Cooperative Agreement with Region 19 Education Service Center-Head Start for educationally-related services for children with disabilities. Dr. Roark was not present for the vote.

Approval of Letter of Agreement with Region 19 Education Service Center and Interlocal Agreement with El Paso Community Mental Health & Mental Retardation Center for Non-Educational Community-Based Support Services and Purchase Order No. 250163 (approx. \$30,000.00) (Item #20)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the Letter of Agreement with Region 19 Education Service Center and the Interlocal Agreement with the El Paso Community Mental Health & Mental Retardation (MHMR) Center for non-educational community-based services for students and Purchase Order No. 250163 to the El Paso Community Mental Health & Mental Retardation (MHMR) Center in the amount of \$30,000.00. Dr. Roark was not present for the vote.

Purchases Requiring Board Approval (Item #21)

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

- A. Music Instruments Bid #97-02 (\$139,205.50) was awarded to the following vendors in the amounts indicated with Item #26 being awarded to Brook Mays Music, pursuant to the tie-breaking procedure: Brook Mays Music, Items 20, 21, 26, and 27, \$35,480.00, net; Interstate Music Supply, Items 29-33, \$1,860.00, net; Kurland-Salzman Music, Items 1-10, 13, 17, 19, 23-25, and 34, \$68,422.50, net; Midwest Musical Imports, Items 14 and 15, \$6,177.00, net; Northeast Music, Inc., Item 22, \$5,360.00, net; Star Music, Items 12 and 18, \$11,580.00, net; and West Manor Music, Items 11, 16, and 28, \$10,326.00, net, for a total amount of \$139,205.50 (copy of bid tabulation attached to the permanent file of these minutes).
- B. Computers for TIF Special Projects Grant Bid #102-02 (\$653,251.00) was awarded to Dell Marketing LP in the amount of \$653,251.00 (copy of bid tabulation attached to the permanent file of these minutes).
- C. Apple Computers for Schools Receiving TIFB (Telecommunications Infrastructure Fund Board) Grants, Purchase Order Nos. 247284, 247297, and 247407 (\$114,476.00), were approved for purchase from Apple Computer, the sole source, in the total amount of \$114,476.00 (copy of purchase orders attached to the permanent file of these minutes).
- D. Wireless Mobile Lab for Lamar Elementary School, Purchase Order No. 247406 (\$38,439.00), was approved for purchase from Apple Computer, the sole source, in the amount of \$38,439.00 (copy of purchase order attached to the permanent file of these minutes).

- E. Apple Wireless Mobile Lab for Newman Elementary School, Purchase Order No. 247900 (\$22,427.00), was approved for purchase from Apple Computer, the sole source, in the amount of \$22,427.00 (copy of purchase order attached to the permanent file of these minutes).
- F. Computers for Burges High School, Purchase Order No. 249609 (\$6,672.26), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$6,672.26 (copy of purchase order attached to the permanent file of these minutes).
- G. Apple and PC Computers for Middle School Gifted and Talented Program, Purchase Order Nos. 249888 and 249889 (\$71,145.38), were approved for purchase from Apple Computer, the sole source, Purchase Order No. 249888, in the amount of \$32,967.00; and from Dell Marketing LP, the lowest quote, Purchase Order No. 249889, in the amount of \$38,178.38, for a total amount of \$71,145.38 (copies of purchase orders attached to the permanent file of these minutes).
- H. Apple Computers for Barron Elementary School, Purchase Order No. 251296 (\$47,450.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$47,450.00 (copy of purchase order attached to the permanent file of these minutes).
- I. Computers for Putnam Elementary School, Purchase Order No. 250251 (\$17,157.24), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$17,157.24 (copy of purchase order attached to the permanent file of these minutes).
- J. Computers for Center for Career and Technology Education, Purchase Order No. 250508 (\$37,872.00), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$37,872.00 (copy of purchase order attached to the permanent file of these minutes).
- K. Apple Laptops for Curriculum and Instruction, Purchase Order No. 250779 (\$61,544.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$61,544.00 (copy of purchase order attached to the permanent file of these minutes).

Approval of Instructional Materials and/or Training Using Accelerated Reading Instruction (ARI)/Title I Funding (Item #22)

It was moved by Mr. Mena and seconded by Mr. Rosales that the instructional materials and/or training that will exceed the aggregate cost of \$25,000.00 be approved for purchase as listed to the recommended vendors for the amounts indicated.

- A. Harcourt School Publishers – Harcourt Core System Decodable Book Sets (Take Home Version and Classroom Sets) for Grade 3 (\$149,036.37) from Harcourt School Publishers, the sole source, in the amount of \$149,036.37.
- B. Pacific Learning, Inc. – Comprehensive Literacy in a Balanced Approach Professional Development for Grade 3 Teachers (\$117,600.00) from Pacific Learning, Inc., the sole source, in the amount of \$117,600.00.
- C. Scholastic – Guided Reading Blue Program for Grade 3 (\$181,899.20) from Scholastic, the sole source, in the amount of \$181,899.20.

- D. Triple C Books, Ltd. – *Big Books, by George!* for Kindergarten through Grade 3 (\$156,665.60) from Triple C Books, Ltd., the sole source, in the amount of \$156,665.60.

Dr. Roark inquired about whether the new books being purchased had been compared to the old books they were replacing to determine if they are better and if they meet the TAKS criteria. Dr. Linda Holman, Associate Superintendent, Curriculum and Instruction, advised that the books are supplements to the current textbooks and not replacement textbooks.

It was moved by Dr. Roark that the debate be closed and an immediate vote be taken on the pending question. Dr. Roark withdrew his motion that debate be closed.

Responding to a question from Mr. Wever, Dr. Holman advised that Pacific Learning, the sole source for the Comprehensive Literacy in a Balanced Approach Professional Development for Grade 3 Teachers (item no. 22, B.), had been recommended by the Austin and Amarillo ISDs due to the company's unique ability to design presentations specifically to the needs of a school district's teachers.

It was moved by Mr. Wever that item no. 22, B., Pacific Learning, Inc. – Comprehensive Literacy in a Balanced Approach Professional Development for Grade 3 Teachers (\$17,600.00), be omitted from the motion. The motion died for lack of a second.

There was discussion on reading being a critical component in the new TAKS test; the need for intervention to assist students that fail the TAKS; standardizing a pathway for teachers to guide the students; Comprehensive Literacy in a Balanced Approach professional development supporting the Balanced Literacy model adopted by the Board two years ago; the campuses having requested assistance from Curriculum and Instruction to locate effective professional development.

It was moved by Dr. Roark that the debate be closed and an immediate vote be taken on the pending question.

Mr. Mena amended his motion to remove item no. 22, B., Pacific Learning, Inc. – Comprehensive Literacy in a Balanced Approach Professional Development for Grade 3 Teachers (\$17,600.00), from the motion.

The amended motion reads as follows:

that the instructional materials and/or training that will exceed the aggregate cost of \$25,000.00 be approved for purchase as listed to the recommended vendors for the amounts indicated.

- A. Harcourt School Publishers – Harcourt Core System Decodable Book Sets (Take Home Version and Classroom Sets) for Grade 3 (\$149,036.37) from Harcourt School Publishers, the sole source, in the amount of \$149,036.37.
- C. Scholastic – *Guided Reading Blue Program* for Grade 3 (\$181,899.20) from Scholastic, the sole source, in the amount of \$181,899.20.
- D. Triple C Books, Ltd. – *Big Books, by George!* for Kindergarten through Grade 3 (\$156,665.60) from Triple C Books, Ltd., the sole source, in the amount of \$156,665.60.

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

Pacific Learning, Inc. – Comprehensive Literacy in a Balanced Approach Professional Development for Grade 3 Teachers (\$17,600.00) (Item #22, B.)

It was moved by Dr. Roark and seconded by Dr. Finke that Comprehensive Literacy in a Balanced Approach professional development for grade 3 teachers be approved from Pacific Learning, Inc., the sole source, in the amount of \$17,600.00. Upon the vote, the motion failed with Dr. Roark, Miss Garcia, and Dr. Finke voting in favor of the motion and Mr. Wever, Mr. Telles, Mr. Rosales, and Mr. Mena voting against the motion.

Approval of Change Order No. 1 – Districtwide 2001 Roof Replacement, Phase 2 (Cooley Elementary School), #02.964 (\$44,440.00) (Item #23)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve Change Order No. 1 to Southwestern Roofing, Inc., Construction Contract #02.964, Districtwide 2001 Roof Replacement, Phase 2, subject to the review and approval of the District's attorney, for the replacement of the existing roof at Cooley Elementary School in the amount of \$44,440.00.

Approval of Final Payment for Construction Contracts Exceeding \$100,000.00 (Item #24)

It was moved by Mr. Mena, seconded by Mr. Rosales, 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.

- A. San Jacinto Adult Learning Center Restroom Renovation, #99.630 (\$11,277.24, total cost \$165,892.00), to Matyear Construction Co., Inc., in the amount of \$11,277.24.
- B. Ten Portable Classrooms, #02.925 (\$34,315.30, total cost \$427,000.00), to Banes General Contractors, Inc., in the amount of \$34,315.30.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$15,000.00) (Item #25)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board approve the competitive bid method recommended for solicitation of the following construction projects, subject to the review and approval of the District's attorney, and authorize the advertisement and issuance of relevant documents to prospective bidders/proposers.

- A. IAQ (Indoor Air Quality) Improvements – Education Center-Boeing, Second Floor, #03.549
- B. HVAC Renovation, Phase 1 – El Paso High School, #02.527.01

Meeting Closed (Item #26)

The meeting was again recessed at 9:24 p.m. to a closed meeting by Mr. Wever under the authority previously cited as follows:

- B. Proposed Sale of Real Property – Education Center-Downtown/Blue Flame Building and EPISD Interest in Parking Garage, Project #02.315
- C. Proposed Acquisition of Real Property – Northwest Elementary School E-7 (Franklin Attendance Zone)
- E. Consultation with School District Attorney
 - 1. Taylor P. bnf Christopher P. v. EPISD; Docket No. 420-SE-0802; Before a Special Education Hearing Officer for the State of Texas
 - 2. Michael M. bnf Elizabeth M. v. EPISD; Docket No. 139-SE-0102; Before a Special Education Hearing Officer for the State of Texas
 - 3. El Paso Independent School District, Plaintiff vs. The Sambrano Corporation, d/b/a SamCorp General Contractors, et al., Defendants; In the 210th Judicial District Court, El Paso County, Texas; Cause No. 2001-3315
 - 4. El Paso Independent School District, Plaintiff vs. The Lead Industries Association, Inc., et al., Defendants; In the 120th District Court, El Paso County, Texas; Cause No. 2002-2675
 - 5. El Paso Independent School District, Plaintiff vs. Garland & Hilles Architects, Inc., Defendant; In the 120th District Court, El Paso County, Texas; Cause No. 202-3380
 - 6. United States of America ex rel. Ramesh Gudur v. Texas Department of Health, et al.; In the United States District Court, Texas; Houston Division; Case No. C.A. No. H-00-1169

The closed meeting started at 9:31 p.m. The closed meeting ended at 10:12 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 10:13 p.m.

Proposed Acquisition of Real Property – Northwest Elementary School E-7 (Franklin Attendance Zone) (Item #26, C.)

It was moved by Mr. Mena, seconded by Dr. Finke, and carried unanimously that the Board authorize the Acting Superintendent to finalize the purchase of approximately 11.8542 acres out of Tract 1A, S. J. Larkin Survey No. 256, El Paso, El Paso County, Texas, at a unit price of \$79,000.00 per acre, or an approximate total of \$936,150.00, from Larkin Developers I and any other current owners, for the new Mary N. Tippin Elementary School site, with said purchase price to include all raw land and development costs and with purchase of the site to be contingent upon acceptance of a final agreement on critical milestones pertaining to the development process to be met by Larkin Developers I and any other current owners, subject to the review and approval of the District's attorneys and financial advisors.

Proposed Sale of Real Property – Education Center-Downtown/Blue Flame Building and EPISD Interest in Parking Garage, Project #02.315 (Item #26, B.)

It was moved by Dr. Finke, seconded by Dr. Roark, and carried unanimously that the Board reject the proposed purchase options for the Education Center-Downtown/Blue Flame Building and the EPISD's interest in the Parking Garage, Project #02.315.

Consultation with School District Attorney - Taylor P. bnf Christopher P. v. EPISD; Docket No. 420-SE-0802; Before a Special Education Hearing Officer for the State of Texas (Item #26, E., 1.)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board approve the settlement of the parent's attorney's fees in this case for the negotiated amount of \$10,000.00. Upon the vote, the motion carried with Mr. Wever voting against the motion.

Consultation with School District Attorney - Michael M. bnf Elizabeth M. v. EPISD; Docket No. 139-SE-0102; Before a Special Education Hearing Officer for the State of Texas (Item #26, E., 2.)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the settlement of the parent's attorney's fees in this case for the negotiated amount of \$12,000.00.

Meeting Adjourned

The meeting was adjourned at 10:17 p.m.

Date Approved: March 11, 2003