

Minutes of Meeting of Board of Trustees
El Paso Independent School District
April 22, 2003
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. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

Absent: Mr. Richard Telles

The meeting was called to order at 5:25 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. Mena. Mr. John Doran, Associate Superintendent, High Schools, gave the Thought for the Day.

1. Recognition of EPISD Student Art Award Winners

Ten EPISD high school art students were recognized for receiving awards at the 2003 El Paso Student Art Awards Exhibition. (A list of students and the awards received is attached to the permanent file of these minutes.)

2. Recognition of April 2003 Partner of the Month

Associate Special Agent in Charge Roberto Medina and Senior Special Agent Joe Segovia, Department of Homeland Security, Bureau of Immigration and Customs Enforcement (formerly U.S. Customs Service, Office of Investigations) were recognized.

3. Recognition of April 2003 Volunteer of the Month

Ms. Natalia Patterson, parent volunteer at Cielo Vista Elementary School, was recognized.

4. Recognition of EPISD Unsung Hero

Officer Ralph Nickels, EPISD Police Services, was recognized.

5. Awards to April 2003 Employees of the Month

Ms. Leticia Trejo, school nurse at Putnam Elementary School, was recognized as the Certified Employee, and Ms. Angelica Torrez, parent tutor at Clardy Elementary School, was recognized as the Non-Certified Employee.

6. Child Nutrition Employee Appreciation Week Resolution

After Miss Garcia read the resolution into the record, it was moved by Mr. Wever, seconded by Mr. Rosales, and carried unanimously that the Board adopt this resolution recognizing child nutrition employees for their professional commitment to providing students with healthy food choices.

7. Public Forum

The following people requested to speak on Open Forum:

1. Mr. Gerald Cheek presented a certificate of appreciation to each Board member from the El Paso Council of PTAs and included an invitation to the Annual PTA Installation Luncheon on May 7, 2003.
2. Dr. Gene Finke spoke about his tenure on the Board of Trustees and expressed his appreciation to all present.

Meeting Closed

The meeting was recessed at 6:01 p.m. to a closed meeting by Mr. Wever under Section 551.071 of the Texas Government Code for consultation with legal counsel regarding the contract with Community Scholars, Inc. (Item 8, D., on the agenda).

The closed meeting started at 6:04 p.m. The closed meeting ended at 6:16 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 6:17 p.m.

8. Consent Agenda

- D. Approval of Contract with Community Scholars, Inc. for EPISD Students' Participation in Community Scholars Summer 2003 Internship Program (\$73,200.00)

It was moved by Dr. Roark, seconded by Miss Garcia, and carried unanimously that this item be postponed until the May 6, 2003, special Board meeting.

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

A. Approval of Minutes

1. January 7, 2003, and January 14, 2003, Board Finance Committee Meetings
2. January 7, 2003; January 14, 2003; and January 21, 2003, Meetings of the Board of Trustees

- B. Board Policy BDAA (Local), Officers and Officials: Duties and Requirements of Board Officers – Approval of Recoding of Board Policy BDA (Local), Board Internal Organization: Officers and Officials, to BDAA (Local) and Revision of Same, and Deletion of Board Policies BDAB, BDAC, and BDAD (Local) (copies attached to the permanent file of these minutes).

- C. Revisions to Board Policy BED (Local), Board Meetings: Public Participation (copy attached to the permanent file of these minutes).

- E. Approval of Interlocal Facility Use Agreement with University of Texas at El Paso for Use of Don Haskins Center for EPISD 2002-03 Graduation Ceremonies (Ref. Item No. 8, G., 4.) in the estimated amount of \$30,200.00, subject to the review and approval of the District's attorney.

F. Approval of Budget Amendments

1. Newman Elementary School #1 (\$1,100.00). This item is to purchase instructional supplies for the remainder of the school year.
2. Newman Elementary School #2 (\$1,725.00). This item is to purchase instructional classroom materials.
3. El Paso High School (\$6,000.00). This item is for departmental expenditures and reimbursements at year's end and start-up supplies for 2003-04.
4. Communications and Business Partnerships #1 (\$2,334.00). This item is to roll funds back out of Fund Balance into the current fiscal year for the reimbursement of the payment of a purchase order from fiscal year 2001-02.
5. Communications and Business Partnerships #2 (\$2,376.00). This item is to cover the final payment of a rental lease for Print Shop equipment.
6. Facilities, Maintenance & Construction (\$442,196.00). This item is to permit the priority construction of four critically needed construction projects not budgeted for the 2002-03 fiscal year.

G. Purchases Requiring Board Approval

1. Option to Extend Existing RFPs and Bid
 - a. Award Jackets, Sweaters, and Letters Bid #10-01 (approx. \$64,191.23) on the final extension option to Champion Fashions in the estimated annual amount of \$63,253.15 and Neff Company in the estimated amount of \$935.08 (copy of bid tabulation attached to the permanent file of these minutes).
 - b. Newspaper Advertising & Publication Rates RFP #07-02 (approx. \$25,000.00) on the first extension option to the El Paso Times, Inc. (copy of bid tabulation attached to the permanent file of these minutes).
 - c. Library Materials, Supplies and Accessories Request for Catalog Discount RFP #14-02 (approx. \$378,000.00) on the first extension option to the vendors listed on the tabulation for future purchases on an "as needed" basis (copy of bid tabulation attached to the permanent file of these minutes).
2. Pole Vault Landing System Bid #20-03 (\$24,869.04) was awarded to Sport Supply Group, the low bidder (copy of bid tabulation attached to the permanent file of these minutes).
3. Paper Towel & Toilet Tissue Bid #24-03 (\$209,790.00) was awarded as follows: Baron Chemical, Item 4, \$31,425.00, net 30; Professional Food Systems, Items 1 and 2, \$109,865.00, net 30; and Southwestern Mill, Item 3, \$68,500.00, 1 percent 10/net 30 (copy of bid tabulation attached to the permanent file of these minutes).
4. University of Texas at El Paso (UTEP)/Don Haskins Center for Commencement Ceremonies, Purchase Order No. 265607 (approx. \$30,200.00) (Ref. Item No. 8, E.), was approved to the University of Texas at El Paso/Don Haskins Center (copy of purchase order attached to the permanent file of these minutes).

H. Construction Contract Awards were made as follows, subject to the review and approval of the District's attorney:

1. Districtwide Roofing Projects, Phase 2 – Bliss, Burnet, Crockett, Hughey, Lee, Logan, and Milam Elementary Schools; Bassett, Henderson, and MacArthur Middle Schools; and Jefferson High School, #02.367 (\$2,458,051.00) to Southwestern Roofing, Inc.
2. Districtwide Roofing Projects, Phase 4, Part 1 – Bond, Johnson, Park, Polk, Roberts, and Whitaker Elementary Schools; Canyon Hills, Lincoln, and Morehead Middle Schools; and Coronado High School, #02.369 (\$2,135,416.00) to Four Star Roofing Co., Inc.

I. Professional Service Contract Awards were made as follows, subject to the review and approval of the District's attorney, with additional services listed in the contract to be paid at established hourly rates only if authorized in writing by the Owner for services the Owner cannot provide:

1. Plan Review and Inspection for Texas Department of Licensing and Regulations, #03.701 (approx. \$15,000.00) to ADA Consulting.
2. Plan Review and Inspection for Texas Department of Licensing and Regulations, #03.708 (approx. \$15,000.00) to Julie Ericson Gereda.

J. January and February 2003 Report of JJAEP Placements not Appealed to the Board of Trustees was approved as presented. As the information contained in this report is confidential under the Privacy Laws, the report will be filed in the Office of the Superintendent.

9. Interdistrict Transfer Student Tuition Waiver Appeal – A. E.

Ms. Gloria Boyer, Director, Pupil Services, provided information on the interdistrict transfer request for A. E., a sixth grade special education AIM student attending Lincoln Middle School, and advised that the administration recommended that the parents enroll A. E. in his home school in the Canutillo ISD.

It was moved by Dr. Roark and seconded by Miss Garcia that the Board uphold the administration's decision to deny the tuition waiver request. Upon the vote, the motion carried with Mr. Wever and Dr. Finke voting against the motion.

10. Approval of "Annual Dropout Records Report" from Independent Auditors for 2001-02 School Year as Reported in January 2003 PEIMS Fall Resubmission Report

Mr. Craig Gibson, Dunbar/Broadus/Gibson, LLP (DBG), Certified Public Accountants, provided information on the state mandated "leaver" audit conducted by his firm to evaluate the District's internal controls and compliance with reporting of student records for the 2001-02 school year as required by the Texas Education Agency.

It was moved by Mr. Rosales, seconded by Dr. Roark, and carried unanimously that the Board approve the report as prepared by DBG.

11. Approval of SchoolCare™ Support and Upgrades for Carnegie Learning™, Inc. Cognitive Tutor™ Algebra I Program Materials for EPISD High Schools and Alternative High School Campuses (approx. \$73,000.00)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board approve this sole source purchase.

12. Approval of Additional Final Expenditure for Pilot of Families 1st Learning Community Initiative Proposal from Global Information Gateway (formerly The Strategy Group, Inc.) (\$60,000.00)

It was moved by Mr. Rosales, seconded by Mr. Mena, and carried unanimously that the Board approve an additional final expenditure for the pilot of this initiative, with \$47,000.00 to be paid to Global Information Gateway, the sole source, and \$13,000.00 to reimburse Technology and Information Systems for software and reinstallation charges connected with the initiative.

13. Approval of Purchase of Educational Materials for Summer School Program

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the purchase of the following summer school educational materials from the sole source vendors listed in the amounts indicated:

- A. Supplemental Education Materials from Pearson Learning Group for Prekindergarten and Pre-First Limited-English Proficient (LEP) Students, Purchase Order No. 264252 (\$65,797.50) (copy of purchase order attached to the permanent file of these minutes).
- B. Summer Success Reading and Math Kits from Great Source Education Group for Grades 1-5, Purchase Order Nos. 264256 and 264343 (\$41,718.80) (copy of purchase order attached to the permanent file of these minutes).

14. Approval of New Century Integrated Instructional System Software for Title I Students Attending Private Schools (\$114,000.00) (Ref. Item No. 15, G.)

Mr. Wever inquired about the District expending funds on private schools and was advised that the No Child Left Behind Act requires all public school districts to provide for Title I-eligible children in private and parochial schools.

It was moved by Miss Garcia, seconded by Mr. Mena, and carried unanimously that the Board approve this sole source purchase.

15. Purchase Requiring Board Approval

Questions on Item A., Laptops for Special Services Bid #13-03 (\$112,800.00)

Mr. Wever expressed concerns about the potential maintenance costs associated with the brand of computer submitted by the lowest bidder. Mr. Terry Freiburg, Director, Purchasing, reviewed the parts and labor warranty stipulated in the bid, which was agreed to by the computer manufacturer, and stated that the local service agent will be Amherst Technologies.

Questions on Item F., Laptops for Title I Students Attending Cathedral High School, Purchase Order No. 267352 (\$22,772.57) and Item G., Computers for Title I Students Attending Private Schools, Purchase Order No. 266453 (\$34,235.48) (Ref. Item No. 14)

Responding to a question from Dr. Roark on the Title I funding for these items, Ms. Marsha Lawler, Executive Director, External Funding, advised that these purchases are to be funded through a reallocation of Title I funds.

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the following purchases to the recommended vendors in the amounts indicated:

- A. Laptops for Special Services Bid #13-03 (\$112,800.00) was awarded to En Pointe Technologies, the low bidder, with net terms (copy of bid tabulation attached to the permanent file of these minutes).
- B. Apple Wireless Mobile Lab for Clendenin Elementary School, Purchase Order No. 260275 (\$13,829.00), from Apple Computer, the sole source (copy of purchase order attached to the permanent file of these minutes).
- C. Computers for Career and Technology Education Program at Jefferson High School, Purchase Order No. 263710 (\$26,345.40), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
- D. Wireless Mobile Lab for Irvin High School, Purchase Order No. 264010 (\$42,775.00), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
- E. Computers for ESOL (English for Speakers of Other Languages) Lab at Austin High School, Purchase Order No. 264279 (\$13,952.70), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
- F. Laptops for Title I Students Attending Cathedral High School, Purchase Order No. 267352 (\$22,772.57), from DCW-Government, Inc., the lowest quote, using federal Title I funds (copy of purchase order attached to the permanent file of these minutes).
- G. Computers for Title I Students Attending Private Schools, Purchase Order No. 266453 (\$34,235.48) (Ref. Item No. 14), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
- H. Computers for Andress High School, Purchase Order No. 264487 (\$13,712.70), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
- I. Printers for Burges High School, Purchase Order No. 264833 (\$10,879.00), from SHI-GS, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
- J. Printers for Charles Middle School, Purchase Order No. 264896 (\$15,662.25), from ICHI Corporation, the lowest quote (copy of purchase order attached to the permanent file of these minutes).
- K. Computers for Career and Technology Education Programs at High Schools and Middle Schools, Purchase Order No. 265254 (\$36,567.20), from Dell Marketing LP, the lowest quote (copy of purchase order attached to the permanent file of these minutes).

16. Approval of Procurement/Delivery Methods for Contracts Exceeding \$15,000.00

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the job order contract method for the 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. Districtwide Floor Tile/Covebase Replacement 2003, Phase 1, #03.653
- B. Districtwide Floor Tile/Covebase Replacement 2003, Phase 2, #03.700

Meeting Closed

The meeting was recessed at 6:54 p.m. to a closed meeting by Mr. Wever under Sections 551.071 and 551.074 of the Texas Government Code as follows:

17. Closed Meeting

A. Personnel Appointments

1. Associate Superintendent, Special Populations, State, and Federally Funded Programs
2. Districtwide Test Coordinator, Research, Evaluation & Planning

B. Proposed Termination of Continuing Contract for Certified Teacher

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

1. Silva's Super Market, Inc., Silva Diversified, Inc. and Silva Investment Partnership, Plaintiffs vs. El Paso Independent School District, Defendant; In the 120th Judicial District Court, El Paso County, Texas; Cause No. 2003-1388
2. Roshern Amie, Plaintiff vs. El Paso Independent School District, Defendant; In the County Court at Law No. 7, El Paso County, Texas; Cause No. 2001-1581
3. Eric K., bnf Maria and Greg K. v. EPISD; Docket No. 126-SE-1202; Before a Special Education Hearing Officer for the State of Texas

The closed meeting started at 7:00 p.m. The closed meeting ended at 7:50 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:51 p.m.

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

A. Personnel Appointments

1. Associate Superintendent, Special Populations, State, and Federally Funded Programs

It was moved by Mr. Rosales and seconded by Mr. Mena that the Board accept the Superintendent's recommendation to appoint Tomás Gabaldón, currently a consultant hired by the District for the Special Education Unit, as the Associate Superintendent, Special Populations, State, and Federally Funded Programs. Upon the vote, the motion carried with Dr. Roark voting "present." Dr. Finke was not present for the vote.

2. Districtwide Test Coordinator, Research, Evaluation & Planning

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Mario Acosta, Assistant Principal at Clint High School in the Clint ISD, to the position of Districtwide Test Coordinator, Research, Evaluation & Planning.

B. Proposed Termination of Continuing Contract for Certified Teacher

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board authorize the Superintendent to give Roberto Martinez, a Continuing Contract teacher, notice of the proposed termination of his contract.

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

2. Roshern Amie, Plaintiff v. El Paso Independent School District, Defendant; In the County Court at Law No. 7, El Paso County, Texas; Cause No. 2001-1581

It was moved by Mr. Rosales, seconded by Mr. Mena, and carried unanimously that the Board approve the payment of the balance of the unused self-insured retention under the applicable insurance policy and to restore ten days of sick leave to Roshern Amie's account, with the balance of the settlement of this case to be the responsibility of the insurance company.

3. Eric K., bnf Maria and Greg K. v. EPISD; Docket No. 126-SE-1202; Before a Special Education Hearing Officer for the State of Texas

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the payment of the parents' attorney's fees in the negotiated amount of \$8,750.00.

Meeting Adjourned

The meeting was adjourned at 7:55 p.m.

Date Approved: July 8, 2003