

Minutes of Meeting of Board of Trustees
El Paso Independent School District
July 27, 2004
5:00 p.m.
Education Center-Boeing

Present: Mr. Sal Mena, Jr., President¹
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 5:23 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Hector Martinez, Associate Superintendent, Operations. Mr. Juan Sandoval, Executive Director, Auxiliary Services, gave the Thought for the Day.

1. Revision to District Organization to Retain Separate Legal Counsel for Special Education rather than Hiring an "In House" Attorney

It was moved by Mr. Mena and seconded by Mr. Cordova that the Board approve an amendment to the Central Office organization to delete the position of staff legal counsel for Special Education. Upon the vote, the motion carried with Miss Garcia voting against the motion.

2. Retain Separate Legal Counsel for Special Education Services

It was moved by Mr. Dodge and seconded by Mr. Mena that the Board authorize the Superintendent to retain Luther Jones as separate outside legal counsel for Special Education. Upon the vote, the motion carried with Miss Garcia voting against the motion.

3. Presentation by President of Strategic Governmental Solutions, Inc. Regarding Services Provided to the EPISD

Mr. Joseph O'Hara, President, Strategic Governmental Solutions (SGS), Inc., provided information on the Medicaid reimbursement services his company has provided to the District and the work that has been completed to date. He reviewed the current claims compared to the amounts claimed previously and the \$3 million projected for 2003-04. Mr. O'Hara described the development of the automated IEP (individual education plan) into the Student Tracking and Reporting System (STARS); formatting the District's existing forms into the system; the problems with extracting duplicative and out-of-date forms; and the Texas Education Agency entirely restructuring the IEP, which required a second revision to the forms. He discussed the training provided to District personnel on STARS, possible additional training on the new forms, and the need to resolve the disparate data in the District's various systems. Mr. O'Hara advised that he would be able to provide the Board with a detailed analysis of the program in three months.

¹ Mr. Mena departed the meeting at 7:10 p.m., during discussion on Item #9.

There was discussion on alleged problems with the automated system, the number of participants in the training program, payments to SGS, ownership of the system software, the absence of an employment or contractual relationship between SGS and any EPISD employee, the ownership history of the company, and control of the software and whether the District would be entitled to royalties on its use by other entities. Responding to inquiries from Mr. Safi, Mr. O'Hara advised that SGS was staying within all federal and state requirements for Medicaid- and SHARS (School Health and Related Services)-related reimbursements.

Discussion continued on contingency versus fixed fees for administrative cost claiming, the procedure used by the government in federal audits on Medicaid reimbursements, and the contract with SGS specifying that the District would be indemnified for any negligence by SGS.

4. Consideration of "Invest in Schools, Invest in Kids Resolution" as Presented by El Paso ACORN

Mr. Jose Manuel Escobedo, Head Organizer, El Paso ACORN, interpreted for a member of El Paso ACORN who requested the Board's approval of the resolution. Dr. O'Donnell read the resolution into the record.

It was moved by Mr. Cordova and seconded by Ms. Colquitt-Muñoz that the Board approve the resolution.

Dr. Roark expressed his support for the resolution's intent but stated that he could not support some of the wording in the resolution.

Upon the vote, the motion carried with Dr. Roark voting against the motion.

5. Public Forum

The following person requested to speak on Public Form:

1. Mr. K. L. Meiser spoke about the District's budget and staff accountability.

6. Consent Agenda

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

Mr. Dodge - Items F., 1. and 2.

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

Miss Garcia - Item J.

Questions on Item F., 1., Purchase Requiring Board Approval – Additional Expenditure Request on Existing CSP – District Computers CSP #18-04 (approx. \$2,000,000.00)

In response to an inquiry from Dr. Roark, Mr. Louis Mona, Director, Administrative Services, Technology and Information Systems, advised that the additional expenditure would come from local, state, and federal funds. Mr. Tafoya reviewed the history of the CSP, the need to increase the expenditure up to \$2 million, and the control process for computer purchases.

There was discussion on this type of expenditure being in response to a Board request to be proactive in projecting what would be needed prior to the start of school and this specific purchase amount being subject to the approval of the 2004-05 preliminary budget.

Questions on Item F., 3., Purchase Requiring Board Approval – Facsimile Machine Maintenance Services RFP #65-04 (approx. \$55,000.00)

Dr. O'Donnell requested that an individual vote be taken on this item.

Questions on Item F., 6., Purchase Requiring Board Approval – Student Nutrition Accountability Program (SNAP) Service and Maintenance, Purchase Order No. 299608 (\$35,687.45)

In response to an inquiry from Mr. Dodge, Ms. Nancy Nordell, Director, Food Services, advised that the SNAP software was used primarily for tracking meals.

Questions on Item J., Job Order Contract Extension – Districtwide Plumbing System Repairs, #05.452 (\$107,800.00)

Miss Garcia requested clarification on the selection criteria used on this contract. Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, reviewed the selection criteria and explained that the purchase price was the determining factor in the recommended award to Border Electrical/Mechanical Co.

Questions on Item K., Construction Contract Award – Parking Lot Addition – Clardy Elementary School, #04.547 (\$82,971.00)

Dr. Roark inquired about whether the recommended vendor was a local El Paso company and expressed a concern with waiving the submission of the EPISD Bid Bond Form. Mr. Dodge provided information on the legitimacy of the AIA Document A310 Bid Bond Form that was submitted in lieu of the District's form, and Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, stated that administration believed that the contractor's bid security had been provided through the AIA document. Mr. Hector Martinez, Associate Superintendent, Operations, commented on the general conditions stipulated in the bids that provide the Board with the flexibility to consider bids on a case-by-case basis.

It was moved by Mr. Dodge, 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. F., 3., Purchases Requiring Board Approval – Facsimile Machine Maintenance Services RFP #65-04 (approx. \$55,000.00).

A. Minutes

1. June 2004

- a. June 8, 2004, Board's Employee Health/Insurance Committee Meeting; June 8, 2004, Board's Investigative Services Committee Meeting; and June 22, 2004, Board Finance Committee Meeting
- b. June 8, 2004, and June 22, 2004, Meeting of the Board of Trustees

2. July 20, 2004, Board Policy Committee Meeting

B. Award of Consulting and Actuarial Services RFP #53-04 (\$115,000.00)

The Board approved RFP #53-04 to Crest Benefits Consulting, Inc. for a three-year term beginning August 1, 2004, through July 31, 2007, in the annual amount of \$115,000.00, subject to the availability of funding, with the option for a one-year renewal at the same annual rate, which includes annual actuarial reviews for the Health Care Trust Medical Plan and Workers' Compensation and \$2,000.00 funding for travel, lodging, and tuition expenses for training of EPISD Employee Benefits personnel.

C. Award of Blanket Student Accident Insurance and Voluntary Student Accident Insurance RFP #60-04 (\$203,970.00)

The Board awarded Blanket Student Accident Insurance coverage to Student Insurance, Inc., underwritten by Fairmont Insurance Co., through local representative Rick Hernandez Agency, for coverage of all interscholastic sports, including football, band, cheerleading, gym classes, intramural activities, field trips, ROTC activities, and the child development lab coverage for an annual premium of \$203,970.00 and a maximum benefit of \$25,000.00, effective August 1, 2004, through July 31, 2005; and Voluntary Student Accident Insurance coverage to Student Insurance, Inc., underwritten by Fairmont Insurance Co., through local representative Rick Hernandez Agency, for the three options and benefit schedules presented.

D. Renewal of Student Accident Insurance/Catastrophic Cash Benefit and Catastrophic Medical Benefit RFP #61-03 (\$25,772.00)

The Board approved RFP #61-03 to National Union & Fire Insurance Company of Pittsburgh, PA, an AIG Company, through local representative Maynard & Associates, effective August 1, 2004, through July 31, 2005.

E. Budget Amendments

1. Food Services (\$8,923.00). This item is to cover the cost of the holiday to observe the President Reagan Day of Mourning given to Food Services personnel by the District on June 11, 2004.
2. Budget Amendment to Adjust the Facilities Construction Budget to Reflect the Receipt of Funds from the White Elementary School PTA (Parent Teacher Association) (\$5,000.00). This item is to increase the Facilities construction budget and the General Fund revenue budget.
3. Budget Amendment to Increase the Facilities Construction Budget (\$522,076.00). This item is to increase the Facilities construction budget and the General Fund revenue budget for the purchase of land and the construction of a parking lot across from Coronado High School.

F. Purchase Requiring Board Approval

1. Additional Expenditure Request on Existing CSP – District Computers CSP #18-04 (approx. \$2,000,000.00) from Checkpoint Services, Inc., subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).

2. Program for Pregnancy, Education & Parenting RFP #62-04 (\$199,005.00) was awarded to the YWCA (Young Women's Christian Association), with an option to extend for 24 months, 12 months at a time, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
4. Annual Cleaning Products Bid #67-04 (\$95,187.60) was awarded as follows: Baron Chemical Co., Inc., Items 4, 6, 9-13, and 15, \$31,316.04, 2 percent 10, net 30; D. Gilmore Distributing Co., Inc., Items 3, 16, and 17, \$5,654.40, net 30; Laun-Dry Supply Co., Inc., Items 1, 2, 5, 7, 8, and 14, \$21,842.16, 2 percent 10, net 30; and Springtime Janitorial Supply, Item 21, \$37,375.00, 2 percent 10, net 30, subject to the approval of the 2004-05 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
5. Yearbook Bid #68-04 was awarded to Friesens Yearbooks, Herff Jones Yearbook, Jostens, Inc., Taylor Publishing Co., and Walsworth Publishing Co. to publish yearbooks for the high schools for the 2004-05 school year, with the selection of the vendor to be made by each school (copy of bid tabulation attached to the permanent file of these minutes).
6. Student Nutrition Accountability Program (SNAP) Service and Maintenance, Purchase Order No. 299608 (\$35,687.45) was approved from School-Link Technologies, Inc., the sole source (copy of purchase order attached to the permanent file of these minutes).
- G. Texas Department of Human Resources (TDHS) Commodity Storage and Delivery Service through West Texas Food Service Cooperative (approx. \$320,000.00) to Professional Food Systems.
- H. Assignment Delegation to Denman Propane, Ltd. On Previous Award of Propane Fuel for School Buses Bid #75-03

The Board approved the assignment delegation to Denman Propane, Lt. on items previously awarded to SUPRO Energy Company (now ONEOK Propane Company) on Propane Fuel for School Buses Bid #75-03 and that a reference to the July 27, 2004, minutes be added to the margin of the minutes of the August 26, 2003, Board meeting as a cross reference of this action.
- I. Job Order Contract Extension – Administration Centers Telephone Moves, Adds, Changes (MACs) & Repairs, #04.429.02 (\$75,000.00), was approved to Innovative Phone Services (IP) for the period of September 1, 2004, through August 31, 2005, or until the value of the contract is reached, subject, in part, on the approval of the 2004-05 preliminary budget.
- J. Job Order Contract Award – Districtwide Plumbing System Repairs, #05.452 (\$107,800.00)

The Board waives the technicalities of Border Electric/Mechanical Co. for submitting its bid in a single form instead of duplicate, altering the bid form without initialing alterations, and a mathematical error on the bid evaluation form, and approved the award of Job Order Contract #05.452, subject to the review and approval of the District's attorney, to Border Electric/Mechanical Co.

- K. Construction Contract Award – Parking Lot Addition – Clardy Elementary School, #04.547 (\$82,971.00)

The Board waived the technicality of J. A. R. Concrete, Inc. for submitting an AIA Document A310 Bid Bond Form in lieu of an EPISD Bid Bond Form for bid security, and approved the award of Construction Contract #04.547, subject to the review and approval of the District's attorney, to J. A. R. Concrete, Inc.

- L. Professional Services 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. Building Addition Project #5 (Irvin and Jefferson High Schools), #04.847 (approx. \$263,824.90), to BPLW Architects Engineers.
2. Building Addition Project #6 (Lincoln Middle School), #04.848 (approx. \$118,029.71), to ASA Architects.

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

6. Consent Agenda

- F., 3. Facsimile Machine Maintenance Services RFP #65-04 (approx. \$55,000.00)

It was moved by Mr. Dodge and seconded by Ms. Colquitt-Muñoz that this RFP be awarded to Copy Machines Inc., El Paso Triad, and Spectrum Imaging Systems, with the option to extend for 24 months, 12 months at a time, subject to the approval of the 2004-05 preliminary budget. Upon the vote, the motion carried, with Dr. O'Donnell abstaining.

7. Selection of Delegate and Alternate to TASB Delegate Assembly

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Dodge, and carried unanimously that Dr. Charles Roark be designated as delegate and Mr. Sal Mena, Jr. as the alternate to the 2004 Texas Association of Schools Boards Delegate Assembly in Dallas, Texas.

8. Scheduling of Public Meeting to Discuss Budget and Proposed Tax Rate

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board approve the scheduling of a public meeting on August 10, 2004, to discuss the 2004-05 budget and the proposed tax rates for maintenance and operation and for debt service.

9. Report on Results of Texas Assessment of Knowledge and Skills (TAKS) – Spring 2004

Mr. Mario Acosta, Districtwide Test Coordinator, Research, Evaluation, Planning and Accountability, provided a report on the results of the Spring 2004 administration of the TAKS. An overview was provided on the percent-met-standard of TAKS scores in Reading, Writing, Math, Science, and Social Studies across the District, and the percent-met-standard per grade level reached by the District as compared to the state test results in Reading, Writing, Math, and Science in English and Spanish; English Language Arts; and Social Studies in English; and the District's 2004 results per grade level as compared with the 2003 results. Mr. Acosta reviewed the number of students still needing to meet standard and the areas scoring below 50 percent and above 70 percent.

There was discussion on the test results, the standardization of instructional methodologies and the on-site resources that contribute to the strengthening of teaching, vertical alignment, implementation of academic mandates, summer school participation by students that did not pass the TAKS, availability of the disaggregated data, and comparison of EPISD to other school districts of comparable size.

Departure of Board Member

Mr. Mena departed the meeting at 7:10 p.m. and was not present to vote in any subsequent action taken by the Board of Trustees. Dr. O'Donnell served as the presiding officer in the absence of the Board President.

Discussion continued on accessing available databases for similar demographics; requesting comparative information from the El Paso Collaborative; and showing the comparative difference between the District's middle schools.

Dr. Robert LaGrone, Evaluator, Research, Evaluation, Planning and Accountability, provided information on the two accountability systems in the state of Texas, the state TAKS (Texas Assessment of Knowledge and Skills) and the federal AYP (Adequate Yearly Progress). He compared the requirements and ratings for each system.

10. Coordinated Approach to Child Health (CATCH) Program

- A. CATCH Grant Awards from the Paso Del Norte Health Foundation through Region 19 Education Service Center for 28 Elementary Schools (\$59,600.00)
- B. Memoranda of Agreement with Region 19 Education Service Center for CATCH Program at 28 Elementary Schools

Responding to inquiries from Mr. Dodge and Mr. Cordova, Ms. Norma Aros, Region 19 Education Service Center, reviewed the guidelines of the grant, the reporting requirements, and the qualifications to participate in the program.

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve the grant awards and the Memoranda of Agreement. (A list of recipient schools and grant amounts is attached to the permanent file of these minutes.)

11. Service Learning Grant from the Texas Center for Service-Learning through Region 14 Education Service Center for LaFarelle Middle School (\$7,001.00)

It was moved by Mr. Cordova and seconded by Ms. Colquitt-Muñoz that the Board approve the grant award.

Responding to inquiries from Mr. Dodge and Miss Garcia, Mr. Richard Chavez, Principal, LaFarelle Middle School, provided information on the development of program standards that will measure the impact of the program and the estimated number of students that will be impacted.

Upon the vote, the motion carried unanimously.

12. Agreement with Region 19 Education Service Center for Region 19 Migrant Education Shared Services 2004-05 (\$1,088,209.00)

In response to Mr. Dodge and Dr. Roark, Ms. Marta Rivera, Director, Migrant Education, Region 19 Education Service Center, provided information on the estimated number of migrant students to be served and reviewed the new rules and guidelines that will be used to identify the students.

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board approve this agreement for the provision of migrant education services for eligible students in the EPISD for the period of August 1, 2004, through July 31, 2005.

13. Award of E-Rate Consulting Services RFP #56-04 (78,000.00)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve the award of RFP #56-04 to Funds for Learning, subject to the approval of the 2004-05 preliminary budget, and the execution of a one-year consulting agreement through June 20, 2005, subject to the review and approval of the District's attorney.

14. Sole Source Instructional Materials and Training Purchases

- A. iOpeners Nonfiction Leveled Readers for Grades 3 and 4 from Pearson Learning Group (\$75,051.90)
- B. Windows on Literacy Fluent Plus Nonfiction Leveled Readers for Grades 2 and 3 from National Geographic Society (\$58,368.00)
- C. iSaludos!, Rigby InfoQuest, and Rigby Informazing Fiction Big Books for Grades 3 and 4 from Harcourt Achieve (\$49,476.00)
- D. Explorations Complete Classroom Set Levels 1 – 11 Nonfiction Big Books and Leveled Readers for Grades K – 2 from Okapi Educational Materials (\$81,372.06)

It was moved by Miss Garcia and seconded by Mr. Cordova that the instructional materials and training as listed be approved to the recommended sole source vendors in the amounts indicated.

Responding to Miss Garcia, Ms. Elfida Gutierrez, Associate Superintendent, Elementary Schools Supervision and Instruction, stated that the District does write textbooks but that the requested books are supplemental materials, which were requested by the teachers. Ms. Meg Birk, Program Coordinator, Accelerated Reading Instruction, provided information on the reading materials to be purchased.

Upon the vote, the motion carried unanimously.

15. Lost Textbook Reimbursement Payments and/or Replacements from Texas Education Agency or Publishers/Depositories (approx. \$220,000.00)

There was discussion on the number of lost textbooks and the resulting cost to the District; conducting periodic book checks at the campuses; and the possibility of unscheduled audits taking place throughout the year.

It was moved by Mr. Dodge seconded by Mr. Cordova, and carried unanimously that the Board approve the reimbursement payments and/or replacement orders for textbooks as presented and as dictated by the results of the annual textbook inventory (list of depositories attached to the permanent file of these minutes).

16. Additional Expenditure Request on Purchase Order No. 275092 for TAKS (Texas Assessment of Knowledge and Skills), SDAA (State-Developed Alternative Assessment), and RPTE (Reading Proficiency Tests in English) Reports and Data Tapes (\$25,000.00)

It was moved by Miss Garcia, seconded by Mr. Dodge, and carried unanimously that the Board approve this sole source purchase from NCS Pearson, Inc.

Meeting Closed

The meeting was recessed at 7:59 p.m. to a closed meeting by Dr. O'Donnell under Sections 551.071, 551.072, 551.074, 551.082, and 551.0821 of the Texas Government Code as follows:

17. Closed Meeting

- A. Parent/Student Complaint – El Paso High School
- B. Personnel Appointments
 - 1. Principal, El Paso High School
 - 2. Executive Director, Financial Services
 - 3. Director, Geographic Information Systems, Research, Evaluation, Planning & Accountability
- C. Proposed Acquisition of Real Property
 - 1. Central Northwest Elementary School E-12
 - 2. Northwest Middle School MS-5

The closed meeting started at 8:09 p.m. The closed meeting ended at 9:37 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:38 p.m.

17. The action was as follows:

A. Parent/Student Complaint – El Paso High School

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board uphold the administration's decision and direct the Superintendent to work with the family and the Ysleta Independent School District in completing the student's education.

B. Personnel Appointments

1. Principal, El Paso High School

It was moved by Ms. Colquitt-Muñoz, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation to appoint John T. Roskosky, Assistant Principal at Irvin High School, to the position of Principal, El Paso High School.

2. Executive Director, Financial Services

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Martha Piekarski, Director of Accounting Services, to the position of Executive Director, Financial Services.

3. Director, Geographic Information Systems, Research, Evaluation, Planning & Accountability

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Yinuo Du, Evaluator, to the position of Director, Geographic Information Systems in Research, Evaluation, Planning and Accountability.

C. Proposed Acquisition of Real Property

1. Central Northwest Elementary School E-12

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board authorize the administration to finalize the purchase of Tract 18, S. A. & M. G. Survey #266, El Paso County, Texas, containing approximately 11.549 acres, from the owners of record for the final purchase price of \$250,000.00, subject to the review and approval of the District's attorney.

2. Northwest Middle School MS-5

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board authorize the Superintendent to proceed with negotiations for the purchase of a 23.29 acre site in northwest El Paso, more particularly described as Lot 1 and Portion of Lots 2 and 3, Block 2, Plexxar South Unit 2, and a portion of Tract 6E, W. H. Lenox Survey No. 432, City of El Paso, El Paso County, Texas, and further authorize the Superintendent to proceed with the filing of eminent domain proceedings for acquisition of the property, if required, with the final purchase price and terms of the acquisition to be presented to the Board for approval at a future meeting.

Meeting Adjourned

The meeting was adjourned at 9:40 p.m.

Date Approved: September 14, 2004