

Minutes of Meeting of Board of Trustees
El Paso Independent School District
June 25, 2002
5:00 p.m.
Education Center-Boeing

Present: Mr. Dan Wever, President
Dr. Gene Finke, Vice President¹
Miss Leonor Garcia, Secretary
Mr. Sal Mena, Jr.
Dr. Charles Roark
Mr. Joe Rosales
Mr. Richard Telles
Dr. Gilberto Anzaldúa, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:10 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. James Damm, the District's E-Rate consultant. Mr. John Doran, Associate Superintendent, High Schools, gave the Thought for the Day.

Recognition of Four-Year Academic Award Winners (Item #1)

The Board of Trustees recognized the four-year academic award winners who placed among the top five in their classes for four consecutive years. Each of the following recipients received an engraved plaque: Alexis Marshall, Andress High School; Alexis Lauckner and Jill Lybarger, Austin High School; Norma Escudero and Alba R. Ramirez, Bowie High School; Luis Ontiveros, Burges High School; Matthew Sines, Coronado High School; Amber Marie Jacquez, Christopher Neumann, and Ana Marie Pena, El Paso High School; Russell Evans and Qing Wang, Franklin High School; Michelle Marie Hills, Irvin High School; Brenda Machado, Claudia Guerrero, and Marie Rojas, Jefferson High School; and Gisselle Molinar, Silva Health Magnet High School.

Intradistrict Transfer Appeal – A. P. (Item #5)

Ms. Gloria Boyer, Director, Pupil Services, provided information on the Intradistrict transfer request from Mrs. Yonda Parr, who works for the military, for her son, A. P., to attend Chapin High School. Ms. Boyer advised that A. P. lives in the Irvin High School attendance zone and that Chapin's enrollment surpasses capacity and that there is a student waiting list for the Math/Science/Technology Magnet Program. She stated that the after-school program at Ft. Bliss provides transportation to and from Austin and Burges High Schools, which are not overcrowded at this time and which A. P. could be transferred.

Ms. Yonda Parr advised that the reason for the request to have her son attend Chapin High School is that the support system for her son is in the Chapin attendance zone. When she is out of town because of her military duties, her son would have access to this support system. She stated that she has one year left in El Paso and requested that a one-year exception be made for her son to attend Chapin High School.

¹ Dr. Finke arrived at 8:15 p.m., during discussion on Item #12.

It was moved by Dr. Roark and seconded by Mr. Wever that an exception be granted to Ms. Yonda Parr, based on a military request, and that A. P. be allowed an intradistrict transfer to Chapin High School for the 2002-03 school year.

There was discussion on families in similar situations; the overcrowded conditions at Chapin High School; the options for A. P. to attend Austin or Burges High School; and the Board reviewing all appeals on transfers requests to Chapin.

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

Upon the vote on the main motion, the motion failed with Mr. Mena, Mr. Wever, and Dr. Roark voting in favor of the motion and Mr. Rosales, Mr. Telles, and Miss Garcia voting against the motion.

Requiring Warehouse Employees to Wear Uniforms (Item #2)

Dr. Anzaldua advised that issue of uniforms for Warehouse employees was on the agenda of the June 11, 2002, Board meeting and that the Board directed that the item be brought back for further discussion when Warehouse employees could be available to provide input and answer questions from the Board.

Mr. Tim Lunz, Director, Warehouse Services, advised that Warehouse Services personnel were present and available to provide their opinions of the uniform shirts. Mr. Lunz stated that all Warehouse personnel were surveyed to determine their preference on having a uniform and the color and style of the uniform shirt. He reported that local funds were not used to purchase the shirts and that they were funded by Warehouse Services soft drink vending machine funds.

Warehouse Services employees provided their opinions to the Board on the uniform shirts. They advised that the blue colored shirts are worn by supervisors and the gray shirts by all other Warehouse employees.

There was discussion on the shirts being a condition of employment; 90 percent of the Warehouse employees being in favor of the uniform shirts; the process followed on the decision to purchase the shirts; procedures that would be followed if a Warehouse employee failed to wear the uniform shirt; and a possible grievance being filed on the issue.

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that the Board delay any further discussion on Warehouse employees being required to wear uniforms pending the possible filing of a grievance.

Grievance Hearings – Rachel Reynolds, et al., Diagnosticians (Item #23, A., 2.)

It was announced that this item would be heard in Open Session.

Mr. Safi provided information on the grievance filed on behalf of the EPISD diagnosticians. He stated that Mr. Richard Arnett, attorney with Brim, Arnett & Robinett, P.C. and representing the diagnosticians, was present along with Ms. Rachel Reynolds, the lead grievant. Mr. Safi advised that the grievance, which was filed in September 2001, was put on hold pending the TASB (Texas Association of School Boards) compensation study.

Mr. Richard L. Arnett reviewed the history of the diagnosticians' grievance and stated that the initial grievance, filed in 2001, was ruled untimely as to the 2000-01 school year. The grievance was then re-filed as to the 2001-02 school year. He advised that although the grievance was being heard now that action should come during the adoption of salary schedules. Mr. Arnett stated that the grievance was filed due to the diagnosticians' claim of disparity of salary disparity among the diagnosticians.

Mr. Charles Tafoya, Associate Superintendent, Human Resources, advised that he concurred with Mr. Arnett and that diagnosticians fall within the categories that will be recommended for adjustments as part of the 2002-03 compensation package. Mr. Tafoya requested that action on the grievance be postponed.

It was moved by Mr. Telles, seconded by Mr. Wever, and carried unanimously that the Board postpone action on the grievance filed on behalf of EPISD diagnosticians pending its consideration and action on the TASB (Texas Association of School Boards) compensation study.

Item Withdrawn

It was announced that item no. 23, A., 1., Grievance Hearings – Arlene Sonnen, Former Employee, had been withdrawn from the agenda at the request of the grievant

Dr. Anzaldua requested that the Board postpone item no. 23, B., Superintendent's Contract and Compensation, until after salary schedules for all employee groups have been established and the 2002-03 preliminary budget has been approved.

Meeting Closed (Item #23)

The meeting was recessed at 5:55 p.m. to a closed meeting by Mr. Wever under Sections 551.071, 551.072, 551.074, and 551.084 of the Texas Government Code as follows:

B. Superintendent's Contract and Compensation

C. Acquisition of Real Property

1. Central Northeast Elementary School E-2
2. Northwest Elementary School E-7

The closed meeting started at 6:00 p.m. The closed meeting ended at 6:19 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 6:20 p.m.

Superintendent's Contract and Compensation (Item #23, B.)

It was moved by Mr. Wever, seconded by Mr. Telles, and carried unanimously that at the Superintendent's request, item no. 23, B., Superintendent's Contract and Compensation, be postponed until the next Board meeting, unless Dr. Finke arrives before the meeting is adjourned.

Mr. Safi provided information on the life insurance provided in the Superintendent's contract. He stated that the contract provides that the District will provide a \$1 million term life insurance policy on the Superintendent and that if the Superintendent is still employed by the District as of June 30, 2002, the District reserves the right to freeze the premium obligation at an annual amount not to exceed the \$4,640.00 amount paid during the 2001-02 contract year. He stated that the current premium level would remain at the current level for as long as the employment relationship exists. Mr. Safi advised that if the Board takes no action and the policy stays in place, the District's annual expense should not increase for the remaining eight years of the ten-year level term policy.

It was moved by Dr. Roark, seconded by Mr. Wever, and carried unanimously that the premium obligation of the District's term life insurance on the Superintendent be frozen at \$4,640.00, the amount paid in the 2001-02 contract year, for the balance of the contract.

Public Forum (Item #3)

There were no speakers on Open Forum.

Consent Agenda (Item #4)

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

Mr. Mena - Item 4, B., 2, Approval of Budget Amendments – Middle School Division for AVID (Advancement Via Individual Determination) Program (\$60,622.00)

Mr. Wever - Item 4, C., 7., RFP, Bids and Purchase Orders Requiring Board Approval – "Read 180" Software Program for Jefferson High School, Purchase Order No. 244094 (\$27,825.00)

Questions on Approval of Budget Amendments – Middle School Division for AVID (Advancement Via Individual Determination) Program (\$60,622.00) (Item #4, B., 2.)

Dr. Anzaldúa advised that the budget amendment is related to the Board's approval of the AVID (Advancement Via Individual Determination) Program at the June 11, 2002, Board meeting.

Mr. Mena expressed concern about the AVID program being funded from the District's contingency fund and requested information on the balance and uses of the fund. Mr. William Goodman, Associate Superintendent, Finance, advised that the balance of the Superintendent's contingency fund is approximately \$1.6 million and that at year's end, all unspent monies will go back into the General Fund.

There was discussion on budget amendments from the Superintendent's contingency fund being brought to the Board whenever there is a change of function; the \$2.5 million budgeted for the contingency fund for 2001-02; reducing the contingency fund amount for 2002-03; and the contingency fund being under the control of the Superintendent.

Mr. Mena requested that a report be provided to the Board on all contingency fund entries for fiscal years 2001-02 and 2000-01 and whether or not a budget amendment was required.

Questions on RFP, Bids and Purchase Orders Requiring Board Approval – “Read 180” Software Program for Jefferson High School, Purchase Order No. 244094 (\$27,825.00) (Item #4, C., 7.)

Mr. Wever requested information on the “Read 180” software program and whether the software is in use in any other schools. Mr. John Doran, Associate Superintendent, High Schools, advised that on May 28, 2002, the Board approved the program for Bowie High School. Mr. Sam Villarreal, Principal, Jefferson High School, provided information on the “Read 180” software which is a reading intervention program for high school students who read below grade level.

There was discussion on whether any other reading intervention programs were investigated; the “Read 180” software program being a sole source item; the program fitting the needs of the students at Jefferson High School; and other available software being reviewed in order to ascertain that the best product is being purchased.

It was moved by Mr. Mena, seconded by Mr. Rosales, 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 Agreement with Theatre, Inc. for Theatre Arts Productions for EPISD Elementary School Students (\$28,00.00)

The Board approved the agreement with Theatre, Inc. to produce and perform two plays for all EPISD elementary schools in the amount of \$28,000.00, subject to approval of the 2002-03 preliminary budget.

B. Approval of Budget Amendments

The Board approved the following amendments to the 2001-02 fiscal year budget:

1. Lee Elementary School (\$157.00). The purpose of this item is to amend the Lee Elementary School budget in the amount of \$157.00. Jackie Morgan, Principal at Lee, requested this amendment in a memo dated June 7, 2002. This amendment transfers funds that are no long needed in Miscellaneous Operating costs to General Supplies to be used for printing of student planners and handbooks for parents for the 2002-03 school year.
2. Middle School Division for AVID (Advancement Via Individual Determination) Program (\$60,622.00). The purpose of this item is to amend the Middle Schools Division budget in the amount of \$60,622.00. Linda Corral, Associate Superintendent, Middle Schools, requested this amendment in a memo dated June 12, 2002. The Board of Trustees approved the Advancement Via Individual Determination (AVID) Program at the June 11, 2002, Board meeting; however, the amount is a \$66.00 increase due to an increase in the cost of air fare. Funds will be made available from the District’s contingency reserve to support this program.

C. RFP, Bids and Purchase Orders Requiring Board Approval

The Board approved the following RFP, bids, and purchase orders to the recommended vendors for the amounts indicated:

1. Option to Extend Existing Bid – Linen Supply Service Bid #35-01 (\$56,000.00). The Board approved the first option to extend Linen Supply Service Bid #35-01 to Mission Linen Supply for the estimated annual amount of \$56,000.00, subject to the approval of the 2002-03 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
2. Additional Expenditure Request – Discount from Catalog Prices for Science RFP #47-01 (additional \$25,945.49), The Board approved an additional expenditure on Discount from Catalog Prices for Science RFP #47-01 to the vendors listed on the tabulation for the discounts indicated through August 31, 2002, in the estimated amount of \$26,945.49 (copy of bid tabulation attached to the permanent file of these minutes).
3. Food Service Snack Bar Supplies Bid #53-02 (approx. \$354,833.99) was awarded to the following vendors in the estimated amounts indicated: Ednor Food Service, Category #1 – Salted Snack “All or None,” \$281,353.00, and Category #3 – Candy Bars “All or None,” \$780.00, net; and McKee Baking Co., Category #2 – Bakery Snacks “All or None,” \$72,700.00, net, for an estimated total amount of \$354,833.99, subject to the approval of the 2002-03 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
4. 2-Way Mobile Radios Bid #62-02 (\$31,503.00) was awarded to R. T. C., Inc. in the amount of \$31,503.00 (copy of bid tabulation attached to the permanent file of these minutes).
5. Vehicle Bid #67-02 (\$139,783.60) was awarded to Casa Ford, Inc. in the amount of \$139,783.60, with net terms (copy of bid tabulation attached to the permanent file of these minutes).
6. Everyday Mathematics Program for Barron Elementary School, Purchase Order No. 243404 (\$11,298.22), was approved for purchase from SRA/McGraw-Hill, the sole source, in the amount of \$11,298.22 (copy of purchase order attached to the permanent file of these minutes).
7. “Read 180” Software Program for Jefferson High School, Purchase Order No. 244094 (\$27,825.00), was approved for purchase from Scholastic, Inc., the sole source, in the amount of \$27,825.00 (copy of purchase order attached to the permanent file of these minutes).
8. Pinnacle SportsEdit Digital Editing Software for Athletics Office, Purchase Order No. 244354 (\$15,623.00), was approved for purchase from CoachComm, the sole source, in the amount of \$15,623.00 (copy of purchase order attached to the permanent file of these minutes).

D. Construction Contract Award – Districtwide ADA (Americans with Disabilities Act)/504 Compliance Upgrades – Bliss, Cielo Vista, Crosby, Douglass, Fannin, Hawkins, Hillside, Hughey, and Stanton Elementary Schools; and Cordova and Magoffin Middle Schools, #02.924 (\$250,940.00)

The Board approved the award of Construction Contract #02.924, Districtwide ADA (Americans with Disabilities Act)/504 Compliance Upgrades – Bliss, Cielo Vista, Crosby, Douglass, Fannin, Hawkins, Hillside, Hughey, and Stanton Elementary Schools; and Cordova and Magoffin Middle Schools, subject to the review and approval of the District's attorney, to Matyear Construction Co. in the amount of \$250,940.00.

E. Demand Service Contract Award – Districtwide Floor Tile/Covebase Replacement, Phase 2, #02.770 (\$117,036.00)

The Board waived the technicality of JJJ Floor Covering making a transcription and mathematical calculation error on their proposal evaluation, which does not affect the outcome of the bid, and approved the award of Demand Service Contract #02.770, Districtwide Floor Tile/Covebase Replacement, Phase 2, subject to the review and approval of the District's attorney, to JJJ Floor Covering in the amount of \$117,036.00.

F. Maintenance and Service Agreement Contract Extensions

The Board authorized the administration to execute one-year contract extensions on the following Maintenance and Service Agreements for the amounts indicated for the period of September 1, 2002, through August 31, 20023, or until the value of the contract is reached (copy of contract information/fact sheet attached to the permanent file of these minutes).

1. Districtwide Fire Suppression Systems, #01.410.03 (\$34,715.05) to Protech Fire & Safety in the amount of \$34,715.05.
2. Districtwide Sound/Clock/Bell Systems, #02.419.02 (\$95,544.57) to Sound & Signal Systems of Texas, Inc. in the amount of \$95,544.57.
3. Water Softener Systems, #02.421.02 (\$38,022.30) to Culligan Water Conditioning of El Paso in the amount of \$38,022.30.
4. Districtwide Automatic Fire Sprinkler Systems, #02.423.02 (\$28,990.00) to Century Fire Systems, LLC in the amount of \$28,990.00.
5. Districtwide Pest Control Services, #01.425.03 (\$58,000.00) to Orkin Pest Control in the amount of \$58,000.00.
6. Districtwide Hazardous Waste Disposal, #02.435.02 (\$78,370.55) to Rinchem Company, Inc. in the amount of \$78,370.55.
7. Portable Building Relocation, #01.438.03 (\$106,800.00) to “R” Little Enterprises, Inc. in the amount of \$106,800.00.
8. Printing & Reprographics, #01.442.03 (\$34,474.40) to El Paso Reprographics, Inc. in the amount of \$34,474.40.

9. Districtwide Boiler Heating System Repairs, #01.447.03 (\$113,775.00). to Airworks Service Company in the amount of \$113,775.00.
10. Districtwide HVAC System Repairs, #01.448.03 (\$109,300.00) to Airworks Service Company in the amount of \$109,300.00.
11. Districtwide Plumbing System Repairs, #02.452.02 (\$107,800.00) to Action Mechanical, Inc. in the amount of \$107,800.00.
12. Portable Fire Extinguishers, #01.453.03 (\$26,665.80) to Protech Fire & Safety in the amount of \$26,665.80.
13. Districtwide Electrical System Repairs, #00.484.03 (\$89,275.00) to Kendrick Electric Corporation in the amount of \$89,275.00.
14. Garbage Removal and Disposal, #01.433.03 (\$559,123.77) to El Paso Disposal, L.P. in the amount of \$559,123.77.

G. April and May 2002 Report of JJAEP Placements not appealed to the Board of Trustees

The April and May 2002 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.

Presentation of Budget/Funding Options as They Relate to 2002-03 Employee Compensation and Health Plan Proposals (Item #6)

Mr. William Goodman, Associate Superintendent, Finance, provided information on budget and funding options available to the Board. He stated that the goals are to produce a budget within the District's means, consider expenditure reductions that will not harm instruction, provide adequate staffing, reflect a pay scale that is competitive, and ensure that the tax rate remains at or near the 2001-02 level. He advised that no tax increase is anticipated. Mr. Goodman reviewed the funding outlook and the costs associated with various budget elements, including facilities maintenance repairs and construction, health benefits and Workers' Compensation increases, reduced contingency for new teachers and unexpected costs, a freeze on all but direct instructional positions, and reducing overtime by one half.

Mr. Charles Tafoya, Associate Superintendent, Human Resources, provided information on the overstaffing of Instructional Assistants in Special Education, the reallocation of resources within the various programs, and the freezing of new hires until all needed positions are staffed correctly.

There was discussion on the current balance and what is the appropriate level for Health Fund reserves and providing the Board with more information on the staffing changes in Special Education.

Mr. Goodman provided information on the key budget considerations and reviewed the budget development process from June through August 2002.

Discussion continued on health care and requiring employees to contribute to the health care plan; the state-funded \$1,000.00 per employee for health care; the District's contribution level per employee; increased health care costs; and the need for employees to contribute to insurance costs with or without the state-funded \$1,000.00.

It was moved by Mr. Rosales and seconded by Miss Garcia that the District inform the employees that they will be receiving \$1,000.00 from the State and that they will be notified at a future date on the level of employee contributions for health care benefits.

There was further discussion on reconsidering the benefits package; the District's current Fund Balance; and whether to increase or decrease the amount in the health insurance reserves.

Mr. Tafoya provided information on the process followed by Employee Benefits to notify employees about the state-funded \$1,000.00. He advised that certified mailings were mailed to those employees that did not respond to the initial request to fill out the appropriate paperwork to be eligible for the \$1,000.00.

Mr. Safi suggested that rather than the Board making a motion to inform employees about the state-funded \$1,000.00, that the administration provide the Board copies of what has been distributed to the employees and that the Board consider this information at the next Board meeting in conjunction with any other information that might be needed. Mr. Safi also suggested that the second part of the motion related to advising employees of their participation in the health insurance plan could be considered in conjunction with item no. 7 on the agenda, Extension of Resignation Deadline for Contract Employees and Maintaining Current Employees at Current Rates of Pay Until Adoption of New Compensation and Wage Schedules.

Mr. Rosales withdrew his motion and Miss Garcia withdrew her second.

Discussion continued on the requirement that each employee sign and return the TRS Election Form for \$1,000 Supplemental Compensation in order to be eligible for the state-funded \$1,000.00; the District not being liable if the form is not signed and returned; the need for direction from the Board on authorizing employee contributions to health insurance premiums; the amount of contribution to be made by each employee and whether it should be determined by a percentage of salary or wage, on a tiered basis, or a flat amount; and the legality of exempting employees making less than \$10,000.00 annually.

There was further discussion on all employees being treated equally; the possible percentages to be utilized for different pay levels of employees; part-time District employees receiving full benefits; scaling the contributions by setting a limit on the lowest amount contributed and a cap on the highest amount contributed; tailoring a plan that generates \$4 million to positively impact the salary schedule; and bringing back a three-tier contribution plan which exempts employees earning less than \$10,000.00.

The following people requested to speak to this item:

1. Mr. Tommy Davis, Science teacher, Franklin High School, spoke about stipends for Science teachers and urged the Board to keep the stipends.
2. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about a flat fee for employee contributions to the health care plan and suggested offering a variety of plan options from which employees could choose.

Arrival of Board Member

Dr. Finke arrived at 8:15 p.m. and was present to vote in any subsequent action by the Board of Trustees.

Extension of Resignation Deadline for Contract Employees and Maintaining Current Employees at Current Rates of Pay Until Adoption of New Compensation and Wage Schedules (Item #7)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board extend the resignation deadline to July 23, 2002, for all contract employees and that all staff remain at their current wage or compensation rate pending the Board's adoption of an employee compensation plan at a future meeting.

Mr. Safi recommended that the motion be amended to include that the administration be directed to notify all contract employees of the extension of the resignation deadline and that their pay will remain "as is" pending action by the Board at a future meeting.

Dr. Roark also offered an amendment that all employees be notified of the possibility of employee contributions to the health insurance plan and that all notifications be included in one mailing.

Mr. Mena and Mr. Rosales accepted the amendments.

The amended motion reads as follows:

that the Board extend the resignation deadline to July 23, 2002, for all contract employees and that all staff remain at their current wage or compensation rate pending the Board's adoption of an employee compensation plan at a future meeting; that the administration be directed to notify all contract employees of the extension of the resignation deadline and that their pay will remain "as is" pending action by the Board at a future meeting; and that all employees be notified of the possibility of employee contributions to the health insurance plan, with all notifications to be included in one mailing.

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

Discussion and Possible Revisions to Board Policies (Item #8)

- A. DC (Local)/(Regulation), Employment Practices
- B. DK (Local), Assignment and Schedules
- C. DN (Local), Performance Appraisal

The following person requested to speak to item no. 8, A., DC (Local)/(Regulation), Employment Practices:

1. Ms. Michelle Mendez-Dubrule, spoke about Board Policy DC (Local), Employment Practices, and individuals not being able to apply for the promotional positions at a same campus they currently work.

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that item no. 8, Discussion and Possible Revisions to Board Policies, be postponed until the July 23, 2002, Board meeting.

Approval of License Agreement with KLT Internet Educational Solutions, Inc. for Pilot of OASIS (Objective Alignment System in Schools) Program at Schools in the Austin and Chapin Vertical Zones (\$52,800.00) (Item #9)

It was moved by Miss Garcia and seconded by Mr. Rosales that the Board approve the License Agreement with KLT Internet Educational Solutions, Inc., the sole source, for a pilot of the OASIS (Objective Alignment System in Schools) program at schools in the Austin and Chapin High Schools vertical zones in the amount of \$40,000.00.

Responding to a question from Dr. Roark, Mr. Don Smelser, Principal, Logan Elementary School, provided information on the OASIS program and how it will benefit the students in the Austin and Chapin Vertical Zones. He also reviewed his research into the authenticity of the sole source designation. He advised that other programs could be used but the OASIS program documents and teaches the Texas Essential Knowledge and Skills (TEKS) and aligns with the Texas Assessment of Academic Skills (TAAS) and Texas Assessment of Knowledge and Skills (TAKS).

Mr. Mena expressed concerns with the short history of KLT Internet Educational Solutions, Inc. and the company having only worked with small school districts. Dr. Linda Holman, Associate Superintendent, Curriculum and Instruction, advised that she contacted three school districts where the OASIS program is being used and stated that Ms. Margaret Kilgo, Educational Consultant with KLT Internet Educational Solutions, Inc., would be piloting the program in only two of the District's attendance zones. She added that OASIS is designed in Texas for Texas schools.

There was discussion on the link provided in the OASIS program between elementary, middle, and high schools; the evaluation process; and the \$40,000.00 being an on-going annual commitment based on \$2,500.00 per school.

Upon the vote, the motion carried with Mr. Mena and Mr. Telles voting against the motion.

Approval of Agreement with Project Lead the Way, Inc. for the Project Lead The Way (PLTW) High School Pre-Engineering Program at Chapin High School (\$3,500.00) (Item #10)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board approve the Agreement with Project Lead the Way, Inc. for the Project Lead The Way (PLTW) High School pre-engineering curriculum program at Chapin High School in the amount of \$3,500.00.

Reconsideration of Board's Action on July 31, 2001, Regarding Blanket Student/Athletic Accident Insurance, Catastrophic Insurance, and Voluntary Student Accident Insurance (Item #11)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board reconsider the portion of the motion approved on July 31, 2001, regarding the award of Blanket Student/Athletic Accident Insurance coverage and approve the award of Blanket Student/Athletic Insurance Coverage to Student Insurance, Inc., underwritten by Guide One Insurance Company, through local representative Rick Hernandez, for coverage of all interscholastic sports, including football, band, cheerleading, majorettes, gym classes, intramural and all UIL non-sport extracurricular activities for an annual premium of \$213,500.00 and a maximum benefit of \$25,000.00, effective August 1, 2001 through

July 31, 2002, with a reference to the June 25, 2002, minutes being added to the margin of the minutes of the July 31, 2001, Board meeting as a cross reference of this action.

Approval of Renewal of Blanket Student/Athletic Accident Insurance, Catastrophic Insurance, and Voluntary Student Accident Insurance (RFP #57-01) (Item #12)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board accept the renewal quote for Blanket Student Accident Insurance coverage to Student Insurance, Inc., underwritten by Guide One Insurance Co., through local representative Rick Hernandez, 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 \$217,870.00 and a maximum benefit of \$25,000.00, effective August 1, 2002, through July 31, 2003; Voluntary Student Accident Insurance coverage to Student Insurance, Inc., underwritten by Guide One Insurance Co., through local representative Rick Hernandez, for the three options and benefit schedules presented; and Catastrophic Insurance coverage to GM Southwest Inc., underwritten by Life Insurance Company of North America, through local representative Rick Hernandez, for coverage with an annual premium of \$26,269.00, effective August 1, 2002, through July 31, 2003. Dr. Roark and Dr. Finke were not present for the vote.

Approval of Purchase of ProImage Plus PosterPrinter™ Systems and Supplies from Imagery Graphic Systems, Inc., and Purchase Order Nos. 242626 and 243249 for PosterPrinter™ Products for Barron and Polk Elementary Schools (\$27,475.07) (Item #13)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that ProImage Plus PosterPrinter™ products for Barron Elementary School, Purchase Order No. 243249 in the amount of \$5,792.25, and Polk Elementary School, Purchase Order No. 242626 in the amount of \$4,812.50, be approved for purchase from Imagery Graphic Systems, Inc., the sole source, and that any additional purchases from Imagery Graphic Systems, Inc. for these products be approved through August 31, 2002, in the projected amount of \$16,870.32, for a total amount of \$27,475.07. Dr. Finke was not present for the vote.

Bid and Purchase Orders Requiring Board Approval (Item #14)

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

- A. Art Paper Bid #64-02 (approx. \$172,802.20) was awarded to the following vendors in the amounts indicated with Item Nos. 12, 13, 22, 23, and 28 being awarded to Sax Art & Crafts and Item Nos. 21, 24-27, and 29 to Pyramid, pursuant to the tie-breaking procedures, and Item No. 44 being awarded with Item No. 43 to AFT Industries, for the estimated total amount of \$172,802.20, subject to the approval of the 2002-03 preliminary budget: AFP Industries, Items 9-11 and 43-50, \$36,086.16, net; Bye-Mo'r, Inc., Items 1-8, 38, and 51, \$32,233.68, net; Pyramid School Products, Items 21, 24-27, 29, and 52-57, \$34,943.40, net; and Sax Arts & Crafts, Items 12-20,, 22, 23, 28, 30-37, and 39-42, \$73,186.96, net, for the estimated total amount of \$172,802.20, subject to the approval of the 2002-03 preliminary budget.

- B. Essential Learning Systems® Software for Burges High School, Purchase Order No. 238339 (\$46,000.00), was approved for purchase from Creative Education Institute, the sole source, in the amount of \$46,000.00 (copy of purchase order attached to the permanent file of these minutes).
- C. Computers for Franklin High School, Purchase Order No. 236069 (\$6,980.26), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$6,980.26 (copy of purchase order attached to the permanent file of these minutes).
- D. Computers for Center for Career and Technology Education (CCTE) Library, Purchase Order No. 236215 (\$7,569.44), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$7,569.44 (copy of purchase order attached to the permanent file of these minutes).
- E. Computers for Special Services, Purchase Order No. 241629 (\$7,513.44), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$7,513.44 (copy of purchase order attached to the permanent file of these minutes).

Meeting Closed (Item #23)

The meeting was recessed at 8:57 p.m. to a closed meeting by Mr. Wever under Sections 551.071 and 551.074 of the Texas Government Code as follows:

B. Superintendent's Contract and Compensation

The closed meeting started at 9:00 p.m. The closed meeting ended at 9:20 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:20 p.m.

Superintendent's Contract and Compensation (Item #23, B.)

It was moved by Dr. Finke and seconded by Dr. Roark that the Board not increase the Superintendent's annual salary and continue the salary at the rate established in the 2001-02 budget.

Board members provided comments on the Superintendent and other issues related to the duties of the Superintendent and the condition of the District.

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

Dr. Anzaldua commented on the District's accomplishments and discussion followed on issues related to the Board and the Superintendent.

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

Upon the vote on the main motion, the motion carried with Miss Garcia and Mr. Rosales voting against the motion.

Approval of Dyslexia and Related Disorders Pilot Program (Item #15)

- A. ISM Reading and SRD Dyslexia Programs from ISM Teaching Systems, Inc. – Bradley, Clendenin, Cooley, Green, Lee, and Rivera Elementary Schools; and Morehead and Terrace Hills Middle Schools (\$26,025.00)
- B. Wilson Reading System® from Wilson Language Training Corporation – Burnet, Crockett, Guerrero, Park, Polk, and Zavala Elementary Schools; and Cordova and Magoffin Middle Schools (\$20,484.00)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the Board approve the Dyslexia and Related Disorders Pilot Program at the elementary and middle schools indicated in the administration's recommendation and the purchase of the ISM Reading and SRD Dyslexia Programs from ISM Teaching Systems, Inc. in the amount of \$26,025.00 and the Wilson Reading System® from Wilson Language Training Corporation in the amount of \$20,484.00, for a total amount of \$46,509.00, subject to the approval of the 2002-03 fiscal year budget.

Approval of Instructional Materials Costs Exceeding \$25,000.00 Requiring Board Approval (Item #16)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the following instructional materials and/or training exceeding \$25,000.00 be approved to the recommended vendors for the amounts indicated:

- A. Scholastic Transition Program™ from Scholastic for Grade 3 Bilingual Classrooms (\$243,615.62), was approved from Scholastic, the sole source, for the approximate amount of \$243,615.62.
- B. High Point Reading Series, Basic and Levels A – C Sets, from Hampton-Brown for Middle Schools (\$56,030.84), was approved from Hampton-Brown, the sole source, in the amount of \$56,030.84.
- C. Emergency Immigrant Education Program Materials from National Education Systems, Inc. for Immigrant Limited English Proficient (LEP) Students (\$97,919.28), was approved from National Educational Systems, Inc., the sole source, in the amount of \$97,919.28.

Discussion Regarding the Early Start of Year 2002 E-Rate Fiber Internet Access Project (Item #17)

Mr. James Damm, E-Rate Consultant, stated that funding for Year 5 E-Rate Fiber Internet Access will not be known until August or September 2002. He advised that IBM Global Services has proposed to defer billing for July through September 2002 for continued service on the existing connections in the 52 schools that were installed this year. If funding is approved by the Schools and Library Division (SLD) for 2002, the District will pay IBM Global Services the 22 percent for the balance of next year. Mr. Damm stated that if E-Rate funding for the Fiber Internet Access is not approved, it will be the District's obligation to immediately renegotiate the monthly service costs directly with Time Warner or BNI for the service fee only for the balance of the school year.

There was discussion on the District's obligation to IBM Global Services if funding is not approved by the SLD and funding for the fiber Internet access being budgeted as a contingency in the event that this Statement of Work is not approved by the SLD for Year 5.

It was moved by Mr. Rosales and seconded by Dr. Finke that the Board approve the early start of the Year 2002 E-Rate Fiber Internet Access Project.

There was further discussion on the District's percentage being increased from 10 to 22 percent because of the 38 additional schools that were not approved in the Year 4 E-Rate funding and funds not having been budgeted for 2002-03.

Mr. Safi commented that in January 2002, the Board approved IBM Global Services as the service provider for Year 5, subject to finalization of a contract that was to be brought back to the Board for approval. He stated that the Board had not approved the actual contract with IBM Global Services for Year 5. Mr. John Milota, IBM Global Services, advised that there is an addendum to the IBM Customer Agreement currently in place, which will extend the contract from Year 4 to Year 5. He stated that negotiations between IBM Global Services and EPISD lawyers should be resolved within the next couple of weeks.

Mr. Rosales withdrew his motion, and Dr. Finke withdrew his second.

Mr. Damm provided additional information on beginning the fiber Internet installation to the remaining 38 schools prior to receiving Year 5 E-Rate funding. He advised that IBM Global Services has agreed to begin the installation and bill the District at 22 percent when the SLD funding comes through. He cautioned that although it is anticipated that SLD will approve the project, this could be a \$500,000.00 commitment by the Board if E-Rate funding is not provided.

It was the consensus of the Board that the administration develop a detailed plan to be brought back to the Board at a future meeting.

Approval of Submission of Telecommunications Infrastructure Fund Board (TIFB) Non-Competitive Grant for Texas Public School Libraries (Large Districts) LB12 (Item #18)

It was moved by Dr. Finke, seconded by Dr. Roark, and carried unanimously that the Board approve the submission of the Telecommunications Infrastructure Fund Board (TIFB) Non-Competitive Grant for Texas Public School Libraries LB12 for the amount of \$700,000.00 for the development of a web-based library automation system, with the District's obligation being a 10 percent match of the total grant award, or \$70,000.00, which will be subject to the approval of the 2002-03 preliminary budget.

Approval of District's Participation in Telecommunications Infrastructure Fund Board (TIFB): Discovery Grant D15 with El Paso Community College, University of Texas at El Paso, El Paso Public Library, and Region 19 and the District's Matching Funding Expenditure from Title I Funds for Pilot of "The Orion Project" at Bowie, Jefferson, and Chapin High Schools; Wiggs Middle School; and Mesita Elementary School (\$75,000.00) (Item #19)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board approve the District's participation in the Telecommunication Infrastructure Fund Board (TIFB) Discovery Grant D15 with the El Paso Community College, University of Texas at El Paso, El Paso Public Library, and Region 19 for a pilot of "The Orion Project" at Bowie, Jefferson, and Chapin High Schools; Wiggs Middle School; and Mesita Elementary School, with the District's matching

funding obligation being \$75,000.00 for the purchase of Power Play DL equipment proposed to be expended from Title I funds.

Mr. Charles Tafoya, Associate Superintendent, Human Resources, provided information on The Orion Project, a high-speed fiber optic ring implemented by the El Paso Community College (EPCC). Mr. Tafoya stated that the project will deliver concurrent enrollment curriculum developed jointly by the EPCC (El Paso Community College) and EPISD to Bowie, Jefferson and Chapin High Schools; that UTEP (University of Texas at El Pas) will deliver professional development and teacher mentoring to these same three high schools and to Wiggs Middle School and Mesita Elementary School; that the El Paso Public Library will provide access to resource materials; and that EPISD, UTEP, and EPCC will work collaboratively to develop content for current student enrollment, staff development and literacy, and family participation. Mr. Tafoya advised that a program called Families First will also be used as a pilot to place computers in the homes of students throughout the District.

Upon the vote, the motion carried unanimously.

Approval of Budget Amendment – Facilities, Maintenance and Construction (\$750,000.00) (Item #20)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the amendment titled Facilities, Maintenance and Construction be approved to the 2001-02 fiscal year budget in the amount of \$750,000.00.

Construction Contract Award – Districtwide Priority 1 Critical Maintenance, Phase 2, #02.971 (\$696,460.00) (Item #21)

It was moved by Mr. Mena and seconded by Mr. Telles that the Board approve the award of Construction Contract #02.971, Districtwide Priority 1 Critical Maintenance, Phase 2, subject to the review and approval of the District's attorney, to High Point Electric Company in the amount of \$696,460.00. Upon the vote, the motion carried with Dr. Roark voting "present."

Approval of Change Order No. 1 – Districtwide Garbage Removal and Disposal Service, #02.433 (\$25,000.00) (Item #22)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve Change Order No. 1 to El Paso Disposal, L.P. Service Contract #01.433, Garbage Removal and Disposal Service, subject to the review and approval of the District's attorney, to cover the \$2.00 increase in area landfill rates, from \$8.00 to \$10.00 per cubic yard, for solid waste effective October 1, 2001, in the amount of \$50,000.00.

Item Withdrawn

It was announced that item no. 23, A., Grievance Hearings – Arlene Sonnen, Former Employee, had been withdrawn at the request of the grievant.

Acquisition of Real Property – Central Northeast Elementary School E-2 (Item #23, C., 1.)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board authorize the Superintendent to purchase 16.345 acres for an elementary school site, being more particularly described as Tract 26A and Tract 26L, Section 9, Block 81, Township 2, Texas and Pacific Railroad Survey, City of El Paso, El Paso County, Texas, for an amount up to \$400,000.00 plus closing costs.

Acquisition of Real Property – Northwest Elementary School E-7 (Item #23, C., 2.)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board declare and determine that the location and extent of the proposed acquisition of lands constituting a portion of Tract 1A, S. J. Larkin Survey No. 265, City of El Paso, El Paso County, Texas, as described on the exhibit provided by the administration, is proper, that such acquisition should be in fee simple title except to the extent otherwise agreed by the landowners and the administration, that such acquisition is necessary for a school site and other District purposes, and that the administration, with legal counsel, is authorized to institute on behalf of the District, eminent domain proceedings under Section 11.155 of the Texas Education Code against ACRO Developers, 7100 Westwind, El Paso, Texas, being the landowners of the property, and/or any third parties with a legally recognized interest in the property, in order to acquire such property.

Adoption of Resolutions to be Submitted to the TASB Delegate Assembly (Item #24)

It was moved by Dr. Finke, seconded by Dr. Roark, and carried unanimously that the Board adopt the following resolutions to be submitted to the Delegate Assembly of the Texas Association of School Boards (TASB):

- A. Tax Increment Financing urging the support of the repeal of Section 311.013(h) of the Texas Tax Code by the 78th Texas Legislature.
- B. Continuing Funding for Health Care Costs which addresses the state continuing to provide financial assistance for health care for public school employees.
- C. Alternate Licensing for Teachers which requests that the state provide an alternate licensing process, aside from the ExCET exam, for teachers.

Meeting Adjourned

The meeting was adjourned at 10:50 p.m.

Date Approved: October 22, 2002