

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

Present: Mr. Sal Mena, Jr., President
Dr. Lorraine O'Donnell, Vice President
Mr. Carlos Cordova, Secretary
Ms. Lisa Colquitt-Muñoz
Mr. David Dodge
Miss Leonor Garcia
Dr. Charles Roark¹
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:12 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Hector Martinez, Associate Superintendent, Operations. Dr. Linda Holman, Associate Superintendent, Elementary/Middle Schools Division II, gave the Thought for the Day.

1. Public Forum

The following people requested to speak on Open Forum:

1. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about poor teacher working conditions and unprofessional treatment of teachers.
2. Mr. Keith Pannell spoke about the proposed termination of continuing contract teacher (agenda item no. 6, A.) and requested the Board consider all issues and records related to this teacher prior to taking any action to terminate the contract.

2. Resolution of Commitment to Equal Educational Opportunities

Mr. Dodge read the resolution into the record.

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board adopt this resolution commemorating the 50th anniversary of the **Brown vs Board of Education** case and reaffirming the Board's commitment to equal educational opportunities for all students.

8. Consent Agenda

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

- Mr. Dodge - Item C.
Item E., 2.
Items F., 12. and 13.
- Miss Garcia - Items E., 1., 4., and 5.
Item F.
- Ms. Colquitt-Muñoz - Item G.

¹ Dr. Roark arrived at 5:47 p.m., during presentation on Item #4.

Questions on Item E., 1., Purchases Requiring Board Approval – Additional Expenditure Request on Existing Bid – Library Book Bid #56-01 (\$75,000.00).

Miss Garcia inquired about the need for additional funds in addition to the amount needed to equip Tippin Elementary School with its initial purchase of library books. Ms. Sharon Carr, Facilitator, Library Learning Resources, explained that the initial bid amount was an estimate based on the previous year's expenditure, and due to purchases on the bid being made by K-12 Instruction and individual campuses, this year's estimated amount would be exceeded.

Questions on Item C., Extension of Families 1st Learning Community Initiative from Global Information Gateway (\$80,000.00)

Mr. Dodge inquired about the total annual amount dedicated to this program, the number of students involved, and the existence of a plan to track the academic benefit of the program. Mr. Art Jordan, Executive Director, Research, Evaluation, Planning and Accountability, advised that the annual expenditure would be \$240,000.00; approximately three students in each of the 45 families participating would be involved; and a full plan would be presented when the program renewal is brought back to the Board for approval.

Questions on Item E., 2., Purchases Requiring Board Approval – Option to Extend Existing RFP – Office Supplies and Accessories Request for Catalog Discount RFP #15-02 (approx. \$225,000.00)

Responding to an inquiry from Miss Garcia regarding the feasibility of purchasing these supplies from a single vendor, Mr. Terry Freiburg, Director, Purchasing, advised that approving all three vendors would provide the schools with greater access to supplies.

Mr. Dodge inquired about how the amount was determined on this RFP extension. Mr. Freiburg reviewed the process used to calculate the estimated RFP amount.

Questions on Item E., 4., Purchases Requiring Board Approval – Fertilizer and Grass Seed Bid #28-04 (\$61,816.50)

Miss Garcia inquired about the source of the funds for this bid, and Mr. Terry Freiburg, Director, Purchasing, advised that local funds would be used.

Questions on Item E., 5., Purchases Requiring Board Approval – Calculator Bid #29-04 (\$258,741.59)

Miss Garcia inquired about the NAS (not as specified) bid submitted by a vendor on Item #9. Mr. Terry Freiburg, Director, Purchasing, advised that Items #8 and #9 were awarded on an "all-or-none" basis and if the vendor did not submit a bid on one of the items, it was disqualified on the other.

Questions on Item F., 12., Budget Amendments – Maintenance, Buildings & Grounds (\$150,000.00)

Responding to an inquiry from Mr. Dodge on whether any of these funds were for Ross Middle School, Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that the funds were for additional plumbing work Districtwide, and the plumbing at Ross Middle School was being designed under a separate contract.

Questions on Item F., 13., Budget Amendments – Amendment of General Fund Budget to Include Campus Activity Funds for 2003-04 (\$1,300,000.00)

Mr. James Damm, EPISD Consultant for Finance, advised that when the 2003-04 budget was adopted, the expenditure side of the Campus Activity Funds was inadvertently omitted.

Questions on Item G., Construction Contract Award – 2004 Portable Classrooms, #04.433 (additional \$64,779.00)

Ms. Colquitt-Muñoz inquired about the average cost of the 12 new portables and the lifespan of a portable building. Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that the cost for each additional portable was \$48,125.00 with an anticipated lifespan of 50 years.

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

- A. Revision to and Recoding of Board Policy EEJD (Local), Individualized Learning: Advanced Placement Examinations to EEJB (Local), Individualized Learning: Credit by Examination Without Prior Instruction
- B. Revision to Interlocal Agreement for the Provision of General Educational Development (GED) Hours Program for Probationers at the El Paso County Juvenile Probation Department (Delta Academy)

The Board approved the revision to this Interlocal Agreement with the County of El Paso, on behalf of the El Paso County Juvenile Probation Department, effective through December 24, 2004, in an amount to be paid to the District not to exceed \$38,000.00.

- C. Extension of Families 1st Learning Community Initiative from Global Information Gateway (\$80,000.00)

The Board approved the extension of this sole source initiative to allow for the continuation of services to Title I students using Title I funds to ensure equity and continued skills reinforcement.

- D. Interlocal Facility Use Agreement with University of Texas at El Paso for Use of Don Haskins Center for EPISD 2003-04 Graduation Ceremonies and Purchase Order No. 291701 (approx. 35,400.00) ((copy of purchase order attached to the permanent file of these minutes).

E. Purchases Requiring Board Approval

- 1. Additional Expenditure Request on Existing Bid – Library Book Bid #56-01 (\$75,000.00) from Follett Library Resources in the amount of \$125,000.00 (copy of bid tabulation attached to the permanent file of these minutes).
- 2. Option to Extend Existing RFP – Office Supplies and Accessories Request for Catalog Discount RFP #15-02 (approx. \$225,000.00), final option to extend to the vendors listed for future purchases on an “as-needed” basis (copy of bid tabulation attached to the permanent file of these minutes).
- 3. Hearing Impaired Communication Equipment Bid #21-04 (\$36,756.00) was awarded to Phonic Ear (copy of bid tabulation attached to the permanent file of these minutes).

4. Fertilizer and Grass Seed Bid #28-04 (\$61,816.50) was awarded to Ewing Irrigation in the amount of \$40,664.00 and Helena Chemical Co. in the amount of \$21,152.50 (copy of bid tabulation attached to the permanent file of these minutes).
5. Calculator Bid #29-04 (\$258,741.59) was awarded to D & H Distributing Co. in the amount of \$154,157.94 and Wholesale Electronic Supply in the amount of \$104,583.65, with the option to purchase additional incremental quantities upon request as specified in the bid (copy of bid tabulation attached to the permanent file of these minutes).
6. Testing Materials for Special Education, Purchase Order No. 292300 (\$52,438.85), from American Guidance Service, Inc., the sole source (copy of purchase order attached to the permanent file of these minutes).

F. Budget Amendments

1. Bonham Elementary School #1 (\$2,037.00). This item will allow the purchase of software for students to use in the technology lab and individual classrooms.
2. Bonham Elementary School #2 (\$700.00). This item is to allow the purchase of software for students to use in the technology lab and individual classrooms.
3. Clardy Elementary School (\$2,386.00). This item is to allocate funds for general supplies, buses for student field trips, and end-of-year student awards for honor roll and perfect attendance.
4. State Compensatory Education (SCE) – Burnet Elementary School (\$10,600.00). This item will allow the hiring of additional teachers for the “Summer Attaks” program to tutor at-risk students in second through fifth grades who are struggling academically and to prepare them for next school year.
5. State Compensatory Education (SCE) – Summer School (\$13,200.00). This item is to fund a summer school coordinator and a clerical position to assist Human Resources in coordinating and staffing summer school services.
6. Title I – Alta Vista Elementary School (\$7,000.00). This item is to provide funds for after-school tutoring for students at risk of failing TAKS or not being promoted.
7. IDEA-B Formula – Houston Elementary School (\$1,470.00). This item is to allow the purchase of instructional materials and equipment that will support the Frog reading program.
8. IDEA-B – Houston Elementary School (\$1,470.00). This item is to provide funds to impact student academic performance.
9. IDEA-B Formula – Dr. Nixon Elementary School (\$1,500.00). This item is to provide funds for the purchase of general supplies to fulfill student IEPs (individual education plans).
10. IDEA-B Formula – Vilas Elementary School (\$3,079.00). This item is to provide funds to retain a paraprofessional substitute to assist a student for the last two weeks of schools.

11. IDEA-B Formula – White Elementary School (\$2,420.00). This item is to provide funds for the purchase of instructional supplies in reading, math, science, and social studies.
 12. Maintenance, Buildings & Grounds (\$150,000.00). This item is to allow additional funds for Districtwide plumbing work to complete the remainder of the school year.
 13. Amendment of General Fund Budget to Include Campus Activity Funds for 2003-04 (\$1,200,000.00). This item is to increase the Campus Activity Funds budget for expenditures, which were inadvertently omitted from the approved budget.
- G. Construction Contract Award – 2004 Portable Classrooms, #04.392 (\$577,500.00), to Banes General Contractors, Inc., subject to the review and approval of the District's attorney.
- H. Funding Correction to Maintenance and Service Contract for Garbage Removal and Disposal, #04.433 (additional \$64,779.00), to El Paso Disposal, LP, subject to the review and approval of the District's attorney.
- I. Maintenance and Service Contract Award – Hazardous Waste Disposal, #04.435 (\$78,130.55), to Rinchem Company, Inc., subject to the review and approval of the District's attorney.
- J. March 2004 Report of JJAEP Placements not Appealed to the Board of Trustees. As the information contained in this report is confidential under the Privacy laws, the report will be filed in the Office of the Superintendent.
- K. March 2004 Personnel Report (copy attached to the permanent file of these minutes).

Arrival of Board Member

Dr. Roark arrived at 5:47 p.m. and was present for any subsequent action by the Board of Trustees.

4. Presentation on Sun City Youth Baseball Complex and Approval of Joint Use Agreement with the El Paso Border Youth Athletic Association for the Construction and Use of Proposed Baseball/Softball Facilities

Mr. Hector Martinez, Associate Superintendent, Operations, provided information on the proposed baseball facility complex, which was included in the 2003 Bond referendum. He advised that the administration recommended partially funding the construction of new baseball/softball fields in an amount not to exceed the 2003 Bond allotment for this project.

It was moved by Miss Garcia and seconded by Mr. Cordova that the Board authorize the administration and legal counsel to negotiate a 30-year Joint Use Agreement between the EPISD and the El Paso Border Youth Athletic Association for the use of baseball, softball, and support facilities to be constructed on land in the lower Tom Lea Park for a funding commitment not to exceed \$676,000.00; and a Consent Agreement between the EPISD, the City of El Paso, and the El Paso Border Youth Athletic Association, both subject to the review and approval of the District's attorney, with final proposed agreements to be brought to the Board for approval at a future meeting.

Dr. Dwayne Aboud, Executive Director, El Paso Border Youth Athletic Association, presented an overview of the proposed Sun City Baseball Complex, the benefits for the El Paso youth, and the various aspects to be included in the facility. Dr. Aboud provided information on donations of gifts and time from community partners, project sponsors, and grants in progress.

There was discussion on activity supervision, custodial services, and field maintenance; weight room staffing; availability of the complex to the community; use of softball field by the El Paso High School softball program for practices and games; and the timeline of construction.

Upon the vote, the motion carried unanimously.

5. Agreement with Scientific Learning™ for Perpetual Mobile Lab Licenses for Fast ForWord® Products and Services (\$76,843.00)

It was moved by Miss Garcia, seconded by Mr. Cordova, and carried unanimously that the Board approve this agreement, including training, consultation, and project management in a ten-workstation mobile lab.

Meeting Closed

The meeting was recessed at 5:55 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.074, 551.082, and 551.0821 of the Texas Government Code as follows:

6. Closed Meeting

- A. Proposed Termination of Continuing Contract Teacher
- B. Consultation with School District Attorney Regarding Pending Litigation
 - 1. Norma Aguirre and Juana Barba v. El Paso Independent School District; In the United States District Court, Western District of Texas, El Paso Division; Cause No. EP03CA0192
 - 2. Dianne Jones, Plaintiff vs. El Paso Independent School District, Defendant; In the United States District Court for the Western District of Texas, El Paso Division; Cause No. EP03CA0431-KC
 - 3. Lillian W. Crouch, Plaintiff, v. El Paso Independent School District, Defendant; In the 327th Judicial District Court, El Paso County, Texas; Cause No. 2002-5419
- C. Parent/Student Complaint – Andress High School
- D. Consultation with School District Attorney Regarding Contemplated Litigation – Student T. D.

The closed meeting started at 6:01 p.m. The closed meeting ended at 7:35 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:37 p.m.

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

A. Proposed Termination of Continuing Contract Teacher

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board authorize the Superintendent to give Ms. Angelina Buttz notice of the proposed termination of her continuing contract of employment.

B. Consultation with School District Attorney Regarding Pending Litigation

1. Norma Aguirre and Juana Barba v. El Paso Independent School District; In the United States District Court, Western District of Texas, El Paso Division; Cause No. EP03CA0192

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve the settlement of this case in accordance with the court ordered mediation. Ms. Colquitt-Muñoz was not present for the vote.

2. Dianne Jones, Plaintiff vs. El Paso Independent School District, Defendant; In the United states District Court for the Western District of Texas, El Paso Division; Cause No. EP03CA0431-KC

It was moved by Mr. Cordova and seconded by Miss Garcia that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, PC to negotiate a settlement to this case at the lower figure suggested by the attorney for the plaintiff. Upon the vote, the motion carried with Dr. Roark voting "present." Ms. Colquitt-Muñoz was not present for the vote.

3. Lillian W. Crouch, Plaintiff, v. El Paso Independent School District, Defendant; In the 327th Judicial District Court, El Paso County, Texas; Cause No. 2002-5419

It was moved by Dr. O'Donnell, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve taking an interlocutory appeal in this case.

C. Parent/Student Complaint – Andress High School

It was moved by Dr. Roark and seconded by Mr. Cordova that the Board uphold the administration's position and authorize the District to seek clarification and/or a ruling from Court, if needed, to the effect that the student T. D. should not participate in the regular Andress High School graduation exercises.

Dr. Roark requested that the Board ask the Superintendent to work with the parent on a private graduation ceremony for this student in an appropriate location.

Upon the vote, the motion carried unanimously.

Meeting Adjourned

The meeting was adjourned at 8:41 p.m.

Date Approved: May 25, 2004