

Minutes of Meeting of Board of Trustees
El Paso Independent School District
February 24, 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 Dodge¹
Miss Leonor Garcia
Dr. Charles Roark²
Mr. Charles L. Tafoya, Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:18 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Jack Johnston, Executive Director, Technology and Information Systems. Mr. Art Jordan, Executive Director, Research, Evaluation and Planning, gave the Thought for the Day.

Items Withdrawn

It was announced that item no. 2, E., 1., Revisions to Board Policies – DC (Local), Employment Practices; item no. 2, E., 2., Revisions to Board Policies – DK (Local), Assignment and Schedules; and item no. 15, A., 2., Employee Appeals for Coverage Under EPISD Health Care Trust Medical Plan – Prescription Drug Coverage to Include Seasonale #2004-02, had been withdrawn from the agenda.

1. Public Forum

There were no speakers on Open Forum.

9. Extension of CSP (Competitive Seal Proposal) #133-02 for Purchase of Cabling Services and Technical Support and Maintenance of Network for Non E-Rate Goods and Services from Desert Communications and Diversified Technical Services, Inc. (\$325,000.00)

Mr. Jack Johnston, Executive Director, Technology and Information Systems, advised that this item was initially presented to the Board on February 3, 2004, and due to questions from Board members, the item was postponed to allow the administration to bring back additional information on the scope of work to be provided.

Mr. Dodge expressed concern about the decision-making process for the award of the technical services component and inquired about whether there are funds remaining in the current CSP. Mr. Johnston provided information on the expenditures and the upcoming projects.

It was moved by Mr. Cordova and seconded by Dr. Roark that the Board approve the first extension of Internal Connections for E-Rate Year 6 Strategic Plan CSP #133-02 for non-E-Rate goods and services as follows: technical support maintenance of the network from Diversified Technical Services, Inc. in the amount not to exceed \$175,000.00, and cabling services from Desert Communications, Inc. in an amount not to exceed \$150,000.00, for a total amount of \$325,000.00.

¹ Mr. Dodge departed the meeting at 7:32 p.m., following discussions in Closed Session.

² Dr. Roark departed the meeting at 5:45 p.m., following discussion on Item #11.

Mr. Dodge provided a detailed review of his concerns with the vendor selection for the technical services; the initial evaluations being equally awarded to IBM Global Services and Diversified Technical Services, Inc. (DTSI); there being no legal criteria on selecting a vendor because it is "local"; the issue of the implementation of the Help Desk/Call Center during Year 4 E-Rate; and the scoring in the evaluation not reflecting the decision-making process. Mr. Tafoya commented on the Help Desk associated with E-Rate; the departure of IBM Global Services when Year 5 E-Rate funding was denied; and what is now known as opposed to when the evaluation was completed. There was further discussion on the decision on the previous CSP now being based on the experience the District had with IBM, which resulted in unequal evaluations on DTSI and IBM.

Motion Amended

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the motion be amended by adding immediately after "Diversified Technical Services, Inc." the words "this decision is being made because of recent experiences the District has had with other vendors who were equally scored on this proposal."

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

11. Award of Excess Workers' Compensation and Employers' Liability Insurance RFP #20-04 (\$65,110.00)

It was moved by Mr. Mena and seconded by Mr. Cordova that this RFP be awarded to Safety National Casualty Corporation, through Rogers & Belding Insurance Agency, Inc., for coverage with an estimated premium of \$65,110.00, effective March 1, 2004, through March 2, 2005, with a specific excess retention in the amount of \$2,000,000.00.

Mr. Dodge inquired about the exorbitant increase in the premium amount from the prior year's coverage. Mr. Kyle Jeglum, Assistant Director, Risk Management/Workers' Compensation, provided information on the lack of carriers for this type of coverage since September 11, 2001. There was discussion on the District being without catastrophic coverage; how this coverage would protect the District from any major catastrophe; and the District being self-insured to \$2 million and the premium providing coverage for anything over and above that amount.

Upon the vote, the motion carried unanimously.

Departure of Board Member

Dr. Roark departed the meeting at 5:45 p.m. and was not present for any subsequent action taken by the Board of Trustees.

2. Consent Agenda

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

Mr. Dodge - Item D.
Item F., 2.
Items G., 1., b., and G., 2.

Questions on Item D., New Board Policy CVA (Local), Facilities Construction: Competitive Bidding

Mr. Dodge referenced subheading Specifications and recommended that language be added to replace " 'detailed' specifications" with " 'appropriate' specifications."

Questions on Item F., 2., Budget Amendments – ESEA Title I, Part A – Irvin High School (\$45,000.00)

Responding to questions from Mr. Dodge regarding the transfer of funds for travel, Mr. Mark Rupcich, Principal, Irvin High School, advised that the funds were for teacher staff development through attendance at various conferences, with the expectation that information and training would be brought back and shared with other teachers on the campus.

Questions on Item G., 1., b., Purchases Requiring Board Approval – Option to Extend Existing Bids – Periodical Bid #09-03 (approx. \$125,000.00)

Mr. Dodge stated that he had already received the information he required regarding electronic reference materials and the number of actual reference titles needed in the school libraries.

Questions on Item G., 2., Purchases Requiring Board Approval – Lamp Bid #09-04 (\$33,489.58)

Mr. Dodge expressed a concern with mixing different colored fluorescent lights in a classroom and inquired about what fluorescents were being ordered. Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that cool white fluorescent lighting were used in all classrooms.

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. E., 1., Revisions to Board Policies – DC (Local), Employment Practices, and item no. #., 2., Revisions to Board Policies – DK (Local), Assignment and Schedules.

A. December 2003 Minutes

1. December 2, 2003, Board Construction Committee Meeting
2. December 2, 2003, and December 9, 2003, Meetings of the Board of Trustees

B. Interlocal Agreement with County of El Paso for Security Guard Operation of El Paso County Juvenile Justice alternative Education Programs (JJAEP) Pursuant to Chapter 37 of the Texas Education Code for Raymond Telles Academy and LaFarelle Middle School with the County of El Paso to reimburse the District in an amount not to exceed \$10,000.00.

C. Revision to FMC (Local), Student Activities: Organizations and Clubs and Recoding to FNCC (Local), Student Conduct: Prohibited Organizations and Hazing (copy attached to the permanent file of these minutes).

D. New Board Policy CVA (Local), Facilities Construction: Competitive Bidding as revised (copy attached to the permanent file of these minutes).

E. Revisions to Board Policies (copies attached to the permanent file of these minutes).

3. FNF (Local), Student Rights and Responsibilities: Interrogations and Searches
4. GKB (Local), Community Relations: Advertising and Fund Raising in the Schools

F. Budget Amendments

1. Richardson Middle School (\$15,400.00). This item is to allow for a tutoring camp and to purchase instructional materials to benefit at-risk students struggling with TAKS.
2. ESEA Title I, Part A – Irvin High School (\$45,000.00). This item is to allow the increase of out-of-town travel for enhanced staff development opportunities for assistant principals and teachers, the continued upgrade of library book selections and the inclusion of more current and requested novels, adequate funding for more instructional materials related to classroom enhancement, and to ensure adequate funding for reading materials throughout the core curriculum classrooms.

G. Purchases Requiring Board Approval

1. Option to Extend Existing Bids
 - a. Reconditioning and Recertification of Helmets Bid #126-02 (approx. \$42,000.00), first option to extend, to Riddell/All American (copy of bid tabulation attached to the permanent file of these minutes).
 - b. Periodical Bid #09-03 (approx. \$125,000.00), first option to extend, to W. T. Cox Subscriptions, Inc. (copy of bid tabulation attached to the permanent file of these minutes).
 2. Lamp Bid #09-04 (\$33,489.58) was awarded as follows: Dealers Electrical Supply, Items 3 and 20, \$209.88, net 30; Graybar Electric Co., Inc., Item 18, \$160.00, 2 percent 10, net 30; Summit Electric Supply, Items 2, 4-8, 10-12, 19, and 24, \$3,082.20, net 30; Triangle Electric Supply, Items 1, 13, 14, 22, 23, 25, and 26, \$28,222.62, 2 percent 10, net 30; Wesco Distribution, Items 9, 16, 17, and 21, \$1,595.28, net 30; and W. W. Grainger, Item 15, \$219.60, net 30 (copy of bid tabulation attached to the permanent file of these minutes).
- H. 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. Central Northeast Elementary School E-2, #04.826 (approx. \$500,562.35) to Moore Nordell Kroger Architects.
 2. Magoffin Middle School Reconstruction, #04.831 (approx. \$884,720.00) to Mijares Mora Architects, Inc.
- I. Construction Contract Award – Playfield Renovations – White Elementary School, #03.613.01 (\$105,273.00) to Accent Landscaping & Sprinklers, Inc., subject to the review and approval of the District's attorney.
- J. Job Order Contract Award – Districtwide Electrical System Renovation Upgrades, #04.994 (\$96,795.00) to Kendrick Electric Corporation, subject to the review and approval of the District's attorney.
- K. January 2004 Personnel Report (copy attached to the permanent file of these minutes).

3. Certification of Required Hours of Continuing Education for Board Members

Dr. O'Donnell announced that Board members who have completed or exceeded the continuing education required by Texas Administrative Code 61.1 are Mr. Cordova, Mr. Dodge, Miss Garcia, Mr. Mena, Dr. O'Donnell, and Dr. Roark. Ms. Colquitt-Muñoz was appointed to the position of EPISD Board of Trustees, District 1 on November 11, 2003, and has one year in which to complete the continuing education requirements.

4. Certification of State Textbooks for 2004

Ms. Barbara Brown, Assistant Director, Instructional Materials, introduced the members of the Local Textbook Adoption Committee (LTAC) and reviewed the process followed by the LTAC on the selection textbooks.

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board certify the recommendations of the 2003-04 Local Textbook Adoption Committee and authorize the ordering of the specified textbooks, in accordance with Texas Education Code 31.101. Mr. Cordova was not present for the vote.

5. Appointments to Local Textbook Adoption Committee (LTAC) for K-12 Technology Applications

Ms. Barbara Brown, Assistant Director, Instructional Materials, explained the Texas Education Agency's additional textbook adoptions and the need for the Board to approve additional LTAC members.

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve the recommended additional appointments to the Local Textbook Adoption Committee in the areas of K-12 Technology Applications and Career and Technology Education programs and that a reference to the February 24, 2004, minutes be added to the margin of the minutes of the October 28, 2003, Board meeting as a cross reference of this action (copy of list of additional appointments attached to the permanent file of these minutes).

Meeting Recessed

The meeting was recessed at 6:07 p.m. The meeting was reconvened at 6:15 p.m.

13. Contract Awards for Construction Manager At Risk

- A. Central Northeast Elementary School E-2, #04.826
- B. Magoffin Middle School Reconstruction, #04.831

Mr. Hector Martinez, Associate Superintendent, Operations, provided information on the process followed by the Operations Unit to solicit proposals for Construction Manager at Risk services for the projects listed and reviewed the administration's recommendations.

It was moved by Miss Garcia and seconded by Mr. Dodge that the Board authorize the administration to negotiate final contracts for Construction Manager at Risk services for the projects listed to be funded through the 2003 Bond Fund, with the highest ranked firms listed, subject to the review and approval of the District's attorney, and if negotiations are not successful with either of the listed firms, to further authorize the administration to proceed with negotiations with the next ranked firm(s) until successful negotiation is reached, with the final contract terms to be brought to the Board for approval at a future meeting.

Motion Amended

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the motion be amended by adding immediately after “for the projects listed” the words “for Project No. 04.826, Central Northeast Elementary School E-2, to Urban Associates, LP, and Project No. 04.831, Magoffin Middle School Reconstruction, to Vistacon, Inc. General Contractors”

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

6. Report on EPISD’s 2003 Adequate Yearly Progress as Required by No Child Left Behind

Dr. Robert LaGrone, Evaluator, Research, Evaluation, Planning and Accountability, provided a summary of the Adequate Yearly Progress (AYP) for 2003 and a brief overview of the No Child Left Behind (NCLB) Act of 2001. He reviewed the background and major elements for NCLB; the standards and criteria of the federal AYP and the revisions to the Texas accountability system, which is to be released in March 2004; the indicators of the AYP as approved for Texas by the federal government; student groups evaluated; a summary of the final ratings; and schools not meeting AYP in 2003.

7. Consultant Agreements for Mentors/Coaches in Complying with TEA Highly Qualified Mandates for Principal Support

It was moved by Mr. Mena, seconded by Mr. Cordova, and carried unanimously that the Board approve an additional \$10,000.00 per consultant for Vernon Butler, Sandra Whitney, and Dr. Patricia Parkinson for mentor/coach services in support of campus administrators in a total amount of \$30,000.00, which will be allocated from Human Resources Title I funds.

8. Commitment of Undesignated Fund Balance in Support of Year 2003 E-Rate Funding (\$1,465,000.00)

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board reaffirm and ratify the commitment of the EPISD’s estimated matching portion and that this affirmation and commitment by EPISD recognizes that the Board has previously set aside \$540,000.00 out of undesignated Fund Balance for the E-Rate Year 2004 (Year 7) E-Rate application, with the total commitment by EPISD in the amount of \$2,005,810.00. (\$2,005,000.00)

10. Clarification on Amendment #4, Bariatric Surgery, and Amendment #5, Administration of Lifestyle Reimbursement Program, for EPISD Health Care Trust Medical Plan and Authorization to Expand Pharmacy Drug Coverage

It was moved by Mr. Dodge and seconded by Mr. Mena that the Board approve the clarification of the amendments to the EPISD Health Care Trust Medical Plan and authorize an expansion of the pharmacy drug coverage as follows: Amendment #4, Bariatric Surgery, to require that a member must first complete a medically monitored weight reduction program under the supervision of a physician, dietician/nutritionist, mental health provider or physiologist and that the program must have been completed within six months prior to the request for initial evaluation for Bariatric surgery; Amendment #5, Administration of Lifestyle Reimbursement Program, to limit coverage to employees only; and the addition of recently approved new oral erectile dysfunction (ED) medications/agents under the prescription drug coverage benefit design at the same coverage of eight pills per 30-day supply, effective March 1, 2004.

Mr. Dodge referenced Amendment #4 and recommended that the motion be approved with the caveat that the medically monitored weight reduction program be of a predetermined length of time such as six months to one year. Ms. Elizabeth Bulos, Director, Employee Benefits, advised that the administration through the Board's Employee Health/Insurance Committee would come back to the Board with a recommendation on the length of the weight reduction program.

Upon the vote, the motion carried unanimously.

12. Purchase Requiring Board Approval – Air Conditioning Parts Bid #14-04 (\$37,282.80)

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that Air Conditioning Parts Bid #14-04 be awarded as follows, with Item #20 being awarded to Brey Parts and Supply, pursuant to the tie-breaking procedure: Brey Parts and Supply, Items 2-4, 11, 12, 14, 20, 25-27, and 29-31, \$29,325.46, net 30; Contractors Heating & Supply, Item 7, \$106.56, net 30; Lowe's Home Improvement, Items 13, 17, and 19, \$368.76, net 30; Passage Supply Co., Items 1, 5, 6, 8-10, 15, 16, 18, 23, 24, and 33-39, \$1,496.24, net 30; and W. W. Grainger, Items 21, 22, 28, and 32, \$5,985.78, net 30 (copy of bid tabulation attached to the permanent file of these minutes).

14. Procurement/Delivery Methods for Construction Contracts Exceeding \$15,000.00

It was moved by Mr. Dodge, seconded by Miss Garcia, and carried unanimously that the Board approve the competitive bid process 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. HVAC Upgrade to Administration and Library – Alta Vista Elementary School, #03.746
- B. Districtwide Boiler Replacement 2004 (Crockett Elementary School, Lincoln Middle School, and Jefferson High School), #03.749

Meeting Closed

The meeting was recessed at 6:55 p.m. to a closed meeting by Mr. Mena under Sections 551.071, 551.072, and 551.085 of the Texas Government Code as follows:

15. Closed Meeting

- A. Employee Appeals for Coverage Under EPISD Health Care Trust Medical Plan
 - 1. Breast Reduction #2004-01
 - 3. Oral Surgery (Dental Implants) and Orthodontia #2004-03
- B. Proposed Acquisition of Real Property – Coronado High School Area
- C. Consultation with School District Attorney Regarding Pending Litigation – Juan Manuel Balli, Jose R. Sanchez, and Jose A. Viera, Plaintiffs, vs. El Paso Independent School District, Defendant; No. 08-04-0034-CV; In the 8th District Court of Appeals

The closed meeting started at 7:02 p.m. The closed meeting ended at 7:32 p.m.

Departure of Board Member

Mr. Dodge departed the meeting at 7:32 p.m. and was not present for any subsequent action taken by the Board of Trustees.

Meeting Opened

The meeting was reassembled in Open Session at 7:32 p.m.

15. The action taken was as follows:

A. Employee Appeals for Coverage Under EPISD Health Care Trust Medical Plan

1. Breast Reduction #2004-01

It was moved by Dr. O'Donnell, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board uphold the administration's recommendation to deny the employee's appeal for breast reduction.

3. Oral Surgery (Dental Implants) and Orthodontia #2004-03

It was moved by Mr. Mena, seconded by Dr. O'Donnell, and carried unanimously that the Board uphold the administration's recommendation to approve the employee's appeal for oral surgery (dental implants) and deny the appeal for orthodontia.

B. Proposed Acquisition of Real Property – Coronado High School Area

It was moved by Dr. O'Donnell, seconded by Mr. Cordova, and carried unanimously that the Board authorize the Superintendent to finalize the purchase of approximately 1.65 acres of land being more particularly described as a portion of Lot 2, Block 2, Cloudview Place Unit Two, El Paso, El Paso County, Texas, for a final purchase price not to exceed \$395,000.00, subject to the review and approval of the District's attorney.

C. Consultation with School District Attorney Regarding Pending Litigation – Juan Manuel Balli, Jose R. Sanchez, and Jose A. Viera, Plaintiffs, vs. El Paso Independent School District, Defendant; No. 08-04-0034-CV; In the 8th District Court of Appeals

It was moved by Dr. O'Donnell, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board authorize the administration and legal counsel to participate in mediation and to cooperate with the District's insurance carrier to the extent of the remaining amount of the District's self-insured retention under the applicable insurance policy.

Meeting Adjourned

The meeting was adjourned at 7:35 p.m.

Date Approved: April 13, 2004