

Minutes of Meeting of Board of Trustees
El Paso Independent School District
December 10, 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 Telles²
Mr. Charles L. Tafoya, Acting Superintendent
Mr. Anthony Safi, School District Attorney

The meeting was called to order at 5:06 p.m. by Mr. Wever. The Pledge of Allegiance was led by Miss Garcia. Ms. Linda Corral, Associate Superintendent, Middle Schools, gave the Thought for the Day.

Holiday Performance by Mesita Elementary School Choir (Item #1)

In anticipation of the holiday season, a musical performance was provided by the Mesita Elementary School choir, under the direction of Ms. Leslie Blanchard.

Arrival of Board Member

Dr. Finke arrived at 5:17 p.m. and was present for any subsequent action by the Board of Trustees.

Recognition of 2002 EPISD Holiday Greeting Card Designer (Item #2)

Dasanj Aberdeen, a senior at El Paso High School, was recognized by the Board of Trustees as the winner of the 2002 EPISD Holiday Greeting Card Contest. She was presented with a framed replica of the card, an engraved plaque, and a \$100.00 gift certificate from The Art Center.

Recognition of 2002 Texas Alliance for Geographic Education Poster Contest Winner (Item #3)

Angela Rios, a seventh grade student from Terrace Hills Middle School, was recognized by the Board of Trustees as the winner of the 2002 Texas Alliance for Geographic Education poster contest. A copy of *Oh The Places You Will Go* by Dr. Seuss was presented to Angela in recognition of her accomplishment.

¹ Dr. Finke arrived at 5:17 p.m., during the holiday presentation on Item #1.

² Mr. Telles departed at 9:11 p.m., before Closed Session.

Recognition of Texas Education Agency 2002 Texas Migrant Education Award Winners (Item #4)

Alamo, Burleson, Douglass, Hart, and Vilas Elementary Schools were recognized by the Board of Trustees for having received the 2002 Texas Education Agency Recognized Campus Award for Outstanding Performance of Migrant Students. Each school received a framed certificate from the Board in recognition of their accomplishment.

Presentation by Representatives from National Board for Professional Teaching Standards on National Teacher Certification Program (Item #4)

Ms. Nancy Evans, Director, Secondary Personnel, provided information on her attendance at a conference sponsored by the National Board for Professional Teaching Standards™ (NBPTS). She advised that the NBPTS provides opportunities for all educators to acquire professional development. Ms. Esther Natera, Director, Staff Development, reviewed Staff Development's efforts to distribute information on the National Board Certification® program to teachers in the District.

Mr. Al Summers, Vice President, Outreach and Professional Development, NBPTS, reported on the National Board Certification program. He advised that the NBPTS is bringing the National Board Certification program into areas with low participation through a grant from the U. S. Department of Education. He stated that because the EPISD has been a resource center in the past, a portion of the grant funds from the Department of Education are being dedicated to the District to support teachers that go through the National Board Certification process. He also advised that the State (Texas) Board of Educator Certification is now accepting National Board Certification for license portability and will automatically give any National Board Certified Teacher a Texas license and waive on the state's testing requirements. A representative from State Farm Insurance Company announced that State Farm has allocated \$25,000.00 to El Paso for any teacher interested in participating in the National Board Certification process.

Ms. Deborah Svedman, teacher at Bowie High School and the first EPISD teacher to become a National Board Certified Teacher (NBCT), commented on her experience with the National Board Certification program and encouraged teachers to explore an application to the program.

Report by Marcus, Fairall, Bristol & Co., LLP and Edge, McLagan, Nugent & Co., P.C. on Review of Financial Issues Related to Employee Cost Sharing Level for the Health Benefits Plan (Item #9)

Mr. David Marcus, Marcus, Fairall, Bristol & Co., L.L.P., the District's forensic auditor, provided information on the Board's directive to determine whether funds were available in the budget to pay for employee health insurance so the employees would not be required to cost share into the healthcare plan. He reviewed the agreed-upon procedures, which included talking with appropriate departments; obtaining information on current projected costs for salaries for the remainder of the fiscal year; and meeting/talking with the El Paso Federation of Teachers and Support Personnel, the Unity Council, the Texas Education Agency, and any other individuals who wanted to provide input.

Mr. Marcus reviewed the conclusions that the District has insufficient amounts in “lapsed” salaries to cover the projected costs for healthcare coverage; the deficit becoming greater if funding of the employee health care continues at 100 percent; and the possibility that the District will need to go into its reserves if the actual cost for salaries exceeds the projected amount. He recommended that in the future the District calculate “real” salaries. Mr. Marcus advised that no material errors were found, but it was determined that the average person could be confused by the budget preparation methods and terminology that is used.

There was discussion on the projected deficit and the condition of the operating reserve; the Board having received accurate information from the administration; the estimated \$3.1 million for the District to pay the entire cost for health insurance premiums for its employees; employees having reduced cost sharing amounts in the future if anticipated savings are realized at the end of the healthcare plan year; determining if funds can be found to offset a portion of the cost sharing amount; bringing information back to the Board Finance Committee on December 17, 2002; and setting a parameter that no school-based funds will be compromised.

The following people requested to speak to this item:

1. Ms. Jerry Boyer was not present when called to speak.
2. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about the budget and its development and projections.
3. Mr. Tommy Davis, teacher, Franklin High School, spoke about the Board’s contribution to employee health care.

Meeting Recessed

The meeting was recessed at 6:44 p.m. The meeting was reconvened at 6:56 p.m.

Public Forum (Item #6)

The following people requested to speak on Open Forum:

1. Mr. Richard Arnett, attorney representing diagnosticians, spoke about a grievance filed by the diagnosticians being resolved through negotiations with the administration.
2. Mr. Pete Euzárraga, math teacher and football coach at Jefferson High School, spoke in support of Charles Tafoya as superintendent.
3. Mr. Gary Olmstead, Associated General Contractors (AGC), spoke about the AGC’s support of the EPISD and encouraged the Board to appoint a superintendent quickly.
4. Mr. Manny Aguilar, Magnolia Coca-Cola Bottling Company, spoke in support of Charles Tafoya as superintendent.
5. Mr. Homero Galicia, parent, spoke in support of Charles Tafoya as a finalist for superintendent.
6. Mr. Gerald Cheek, parent, spoke in support of Charles Tafoya as superintendent.

7. Mr. James Perales, President, Unity Council, spoke about the Unity Council's support of Charles Tafoya as superintendent.
8. Mr. Raul Garcia was not present when called to speak.

Consent Agenda (Item #7)

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

- Dr. Roark - Item 7, D., Purchases Requiring Board Approval
- 2.) Delivery Truck for Warehouse Services on Texas Association of School Boards BuyBoard™ Quote #154-02 (\$43,243.00)
 - 6.) "Read 180" Program for Hornedo Middle School, Purchase Order No. 253338 (\$27,825.00)

Questions on Purchases Requiring Board Approval – Delivery Truck for Warehouse Services on Texas Association of School Boards BuyBoard™ Quote #154-02 (\$43,243.00) (Item #7, D., 2.)

Responding to a question from Dr. Roark, Mr. Terry Freiburg, Director of Purchasing, advised that all local dealerships were contacted but none could supply a truck that met the required specifications. He stated that it was necessary to purchase the truck off the TASB BuyBoard™.

Questions on Purchases Requiring Board Approval – "Read 180" Program for Hornedo Middle School, Purchase Order No. 253338 (\$27,825.00) (item #7, D., 6.)

Dr. Roark, referencing item no. 13, Approval of SuccessMaker® and Training for Grades Kindergarten – 2 at Dowell Elementary School (\$34,856.56), expressed a concern with the District purchasing different curriculum programs. Ms. Linda Corral, Associate Superintendent, Middle Schools, advised that the purchase of the "Read 180" program was a site-based decision by the middle school.

There was discussion on the same reading programs being purchased districtwide for each instructional level; the "Read 180" program having been previously approved by the Board for Bowie and Jefferson High Schools; and Research, Evaluation and Planning evaluating the progress of the two high schools using the program.

It was moved by Mr. Mena seconded by Dr. Roark, 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 Minutes

1. August 6, 2002; August 13, 2002; and August 27, 2002, Board Investigative Services Committee Meetings; August 8, 2002, Board's Employee Health/Insurance Committee Meeting; and August 13, 2002, and August 26, 2002, Board Finance Committee Meetings

2. August 6, 2002; August 13, 2002; August 20, 2002; and August 27, 2002, Meetings of the Board of Trustees

The Board approved the minutes of the August 6, 2002; August 13, 2002; and August 27, 2002, Board Investigative Services Committee meetings; August 8, 2002, Board's Employee Health/Insurance Committee meeting; August 13, 2002, and August 26, 2002, Board Finance Committee meetings; and the August 6, 2002; August 13, 2002; August 20, 2002; and August 27, 2002, meetings of the Board of Trustees.

B. Revision to Board Policy EMDB (Local), Ceremonies and Observances

The Board approved the recoding of Board Policy EMDB (Local), Ceremonies and Observances, to CLE (Local), Buildings, Grounds, and Equipment Management: Flag Displays (copy attached to the permanent file of these minutes).

C. Approval of Budget Amendments

The Board approved the following amendments to the 2002-03 fiscal year budget:

1. State Compensatory Education (SCE) – Bond Elementary School (\$5,000.00). The purpose of this item is to amend the Bond Elementary School State Compensatory Education (SCE) budget in the amount of \$5,000.00. Haidi Appel, Principal at Bond, requested this amendment in a memo dated October 28, 2002. This amendment transfers funds from Instructional Salaries to various line items to allow teachers to attend Staff Development activities that will increase the likelihood of at-risk students passing TAKS (Texas Assessment of Knowledge and Skills) and allow the purchase of appropriate library books to meet the needs of struggling readers.
2. Chapin High School (\$3,500.00). The purpose of this item is to amend the Chapin High School budget in the amount of \$3,500.00. Dr. Carla Gonzales, Principal at Chapin, requested this amendment in a memo dated November 19, 2002. This amendment transfers funds from budgeted line items to correct the original budget submitted by Chapin.
3. Special Services (\$27,579.00). The purpose of this item is to amend the Special Services budget in the amount of \$27,579.00. Linda Corral, Associate Superintendent, Middle Schools Division, requested this amendment in a memo dated November 18, 2002. This amendment transfers funds from Staff Development to Guidance and Counseling, Miscellaneous Contracted Services, to provide evaluations for potential students who could qualify for special education services.

D. Purchases Requiring Board Approval

The Board approved the following purchases to the recommended vendors for the amounts indicated:

1. Option to Extend Existing Bids

- a. Cleaning Supplies and Dispensing Services on Region 19 Education Service Center RFP #01-5113 (approx. \$140,000.00). The Board approved the second option to extend Cleaning Supplies and Dispensing Services on Region 19 Education Service Center RFP #01-5113 to Diversey Lever Inc. d/b/a Diversey Lever for the estimated annual amount of \$140,000.00 (copy of bid tabulation attached to the permanent file of these minutes).
 - b. Floor Care Products Bid #113-01 (approx. \$75,000.00). The Board approved the first option to extend Floor Care Products Bid #113-01 to Baron Chemical Co., Inc. for the estimated annual amount of \$75,000.00 with 2 percent terms (copy of bid tabulation attached to the permanent file of these minutes).
2. Delivery Truck for Warehouse Services on Texas Association of School Boards BuyBoard™ Quote #154-02 (\$43,243.00) was approved for purchase from Lawrence Marshall Dealerships on Texas Association of School Boards (TASB) BuyBoard™ Quote #154-02 in the amount of \$43,243.00, which includes a \$400.00 transaction fee to TASB (copy of BuyBoard™ quote attached to the permanent file of these minutes).
 3. Band Uniform Bid #114-02 (El Paso High School) (\$71,638.63) was awarded to Fruhauf Uniforms, Inc., the low bidder, for the estimated amount of \$71,638.63 (copy of bid tabulation attached to the permanent file of these minutes).
 4. Band Uniform Bid #115-02 (Irvin High School) (\$60,619.75) was awarded to Fruhauf Uniforms, Inc., the low bidder, for the estimated amount of \$60,619.75 (copy of bid tabulation attached to the permanent file of these minutes).
 5. Audio Visual Equipment Bid #120-02 (\$177,409.80) was awarded to the following vendors in the amounts indicated: Aves Audio Visual, Items 7, 8, and 12, \$40,060.00; Du Motion, Item 1, \$2,454.00; Q. A. Systems, Item 2, \$6,940.00; Troxell Communications, Inc., Items 4-6, 9-11, and 13-15, \$101,447.80; and Wholesale Electronic Systems Supply, Item 3, \$26,508.00, for a total amount of \$177,409.80 (copy of bid tabulation attached to the permanent file of these minutes).
 6. “Read 180” Program for Hornedo Middle School, Purchase Order No. 253338 (\$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).

E. Construction Contract Awards

The Board approved the award of the following construction contracts, subject to the review and approval of the District's attorney, to the recommended construction contracting firms for the construction/installation of the projects described for the amounts indicated.

1. HVAC Renovation, Phase 1 – El Paso High School, #02.527.01 (\$524,000.00), was awarded to P. A. Contractors, Inc. in the amount of \$524,000.00.

2. Indoor Air Quality (IAQ) Improvements – Education Center-Boeing, #03.549 (\$173,500.00), was awarded to Funk and Company in the amount of \$173,500.00.

F. November 2002 Personnel Report

The November 2002 Personnel Report was approved (copy attached to the permanent file of these minutes).

Discussion and Possible Action Regarding Announcement of Finalist for Superintendent Position (Item #8)

Dr. Finke commented on the District not needing to conduct a formal Superintendent search because the District already has an employee who can perform the job of Superintendent. He also commented on the last Superintendent search process undertaken by the District and stated that the District is in need of a full-time regular Superintendent as soon as possible. He reviewed the challenges to be faced by the Texas State Legislature and by the District over the next several months and stated that the Acting Superintendent, Mr. Charles Tafoya, was qualified to assume the position of Superintendent.

It was moved by Dr. Finke and seconded by Dr. Roark that the Board name Charles Tafoya as the finalist being considered for the EPISD Superintendent position, that the Board President be authorized to negotiate proposed contract terms with Mr. Tafoya, and that the proposed employment of Mr. Tafoya as Superintendent and his contract and compensation as such be posted on the agenda as action items for the first regular or special Board of Trustees meeting to be held in January 2003. Upon the vote, the motion carried with Dr. Finke, Mr. Mena, Dr. Roark, Mr. Rosales, Mr. Telles, and Mr. Wever voting in favor of the motion and Miss Garcia voting against the motion.

Procurement of Lobbyist Services for Texas Legislative Session (Item #10)

It was moved by Dr. Roark and seconded by Mr. Mena that the EPISD establish an RFQ (request for quotations) process for a lobbyist to represent the District in matters before the Texas Legislature in the 2003 session; that proposals be received only from lobbyists who will be representing the EPISD and other Chapter 42 districts; that the lobbyist have extensive experience working with the Legislature in the area of public school finance; and that the lobbyist have a proven record of success in obtaining funding for Chapter 42 districts.

Dr. Finke suggested amending the motion that the RFQ be for a lobbyist/consultant. Dr. Roark accepted the amendment.

The amended motion reads as follows:

that the EPISD establish an RFQ (request for quotations) process for a lobbyist/consultant to represent the District in matters before the Texas Legislature in the 2003 session; that proposals be received only from lobbyists/consultants who will be representing the EPISD and other Chapter 42 districts; that the lobbyist/consultant have extensive experience working with the Legislature in the area of public school finance; and that the lobbyist/consultant have a proven record of success in obtaining funding for Chapter 42 districts.

There was discussion on the duties of the lobbyist/consultant during the off-session period; a biennium term for the lobbyist/consultant with options to extend; and reports to the Board being provided on a scheduled basis.

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

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

Approval of Bowie High School French III and IV Classes to Travel to France and Spain (Item #11)

It was moved by Mr. Telles, seconded by Mr. Rosales, and carried unanimously that the Board approve the request for Bowie High School French III and IV students to travel to France and Spain on March 15 – 25, 2003.

Approval of *Kaplan Reading Empowerment* Program for Collins, Crosby, Dowell, Fannin, Lee, Newman, Dr. Nixon, Park, Rivera, Roosevelt, Schuster, Stanton, and Wainwright Elementary Schools (approx. \$207,500.00) (Item #12)

It was moved by Miss Garcia and seconded by Mr. Wever that the Board approve the purchase of the *Kaplan Reading Empowerment* Program, a reading intervention program for struggling readers, for Collins, Crosby, Dowell, Fannin, Lee, Newman, Dr. Nixon, Park, Rivera, Roosevelt, Schuster, Stanton, and Wainwright Elementary Schools from Kaplan, Inc., the sole source, in the estimated amount of \$207,500.00. Upon the vote, the motion carried with Mr. Mena voting against the motion and Dr. Roark voting “present.”

Approval of SuccessMaker® Courseware and Training for Grades Kindergarten – 2 at Dowell Elementary School (\$34,856.56) (Item #13)

It was moved by Dr. Roark, seconded by Miss Garcia, and carried unanimously that the Board approve SuccessMaker® courseware and training for struggling readers in grades kindergarten through 2 at Dowell Elementary School from NCS Pearson, Inc., the sole source, in the amount of \$34,856.56 and that the Trustees be included in the discussion of these special programs when they are being discussed for purchase by the District.

Request for Waiver from Texas Education Agency – *Connecting Worlds/Mundos Unidos* Gifted and Talented 50/50 Dual Language Immersion Program at El Paso High School for 2003-04, 2004-05, and 2005-06 School Years (Item #14)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the request for a waiver from the Texas Education Agency for the implementation of the *Connecting Worlds/Mundos Unidos* Gifted and Talented 50/50 dual language immersion program at El Paso High School for the 2003-04, 2004-05, and 2005-06 school years.

Approval of Innovative Courses for Career and Technology Education (Item #15)

Responding to a question from Dr. Roark on whether these innovative programs are being used for both the EPISD students and students from out of the District, Mr. Eric Winkleman, Principal, Center for Career and Technology Education (CCTE), advised that the District receives tuition reimbursement from other school districts for their students who participate in EPISD programs.

There was discussion on the compensation amount; historically, the funds having gone directly to the campus; and the funds now being placed in the General Fund.

Mr. Tafoya stated that funds coming into the District must be placed into the General Fund in order to be able to account for all money that comes in or flows out of the District. He added that the funds could go into a specified account for the CCTE but that they must first be encumbered into the General Fund.

It was moved by Dr. Roark and seconded by Mr. Rosales that the Board approve the Category I and II innovative courses for Career and Technology Education as follows, enabling students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum; that revenue from neighboring school districts for their students that participate in courses be returned to the school to enhance the program and that the amount not be reduced from other portions of the school's budget, subject to a corresponding budget amendment, if required, being brought to the Board at a future meeting.

Mr. Rosales amended the motion to include the development of an accountability plan for the use of the funds. Dr. Roark accepted the amendment.

The amended motion reads as follows:

that the Board approve the Category I and II innovative courses for Career and Technology Education as follows, enabling students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum; that revenue from neighboring school districts for their students that participate in courses be returned to the school to enhance the program and the amount not be reduced from other portions of the school's budget, subject to a corresponding budget amendment, if required, being brought to the Board at a future meeting and an accountability plan being developed for the use of the funds.

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

A. Category I – New Courses

1. Tex PREP I for high school students entering the ninth grade for the 2003-04 through 2005-06 school years, which will be offered during the summer months at UTEP (University of Texas at El Paso) for elective credit to encourage the exploration of careers in engineering.
2. Tex PREP II for high school students entering the tenth grade for the 2003-04 through 2005-06 school years, which will be offered during the summer months at UTEP (University of Texas at El Paso) for elective credit to encourage the exploration of careers in engineering.
3. Tex PREP III for high school students entering the eleventh grade for the 2003-04 through 2005-06 school years, which will be offered during the summer months at UTEP (University of Texas at El Paso) for elective credit to encourage the exploration of careers in engineering.

4. Pre-Engineering Manufacturing for eleventh- and twelfth-grade students at the Center for Career and Technology Education for the 2003-04 through 2005-06 school years, which will provide students knowledge and skills in manufacturing through modular lessons and product design.
5. Introduction to Biotechnology/Forensics for elective science credit for students at the Silva Magnet High School for Health Care Professions for the 2003-04 through 2007-08 school years, which will integrate the health science-related course of biotechnology and forensics to case study investigation.
6. Nail Technology for cosmetology students at the Highland Annex for the 2003-04 through 2005-06 school years, which will prepare students for the Texas Cosmetology Commission's Manicurist License.

B. Category II – Continued Courses

1. Fire Science Technology for students at Burges and El Paso High Schools, and possible expansion to other District high schools, for the 2003-04 through 2005-06 school years, which provides students with a broad overview of public and private fire protection.
2. Parenting I and
3. Parenting II for students at the School-Age Parent Center for the 2004-05 through 2009-10 school years, which meet the needs of pregnant and parenting adolescents in grades 7 through 12.
4. Diversified Career Preparation for students at Sunset High School for the 2003-04 through 2007-08 school years, which provides career preparation by developing essential knowledge and skills through classroom technical instruction in multiple areas.

Employee Appeal of Denial of Benefits Under EPISD Employee Health Plan (Item #16)

It was moved by Mr. Mena that the Board uphold the administration's recommendation to deny the appeal by employee U. R. for dermatology claims to be considered at the in-network payment level under the EPISD Employee Health Plan. The motion died for lack of a second.

Responding to questions from Dr. Roark regarding the basis of the appeal by U. R., Ms. Elizabeth Bulos, Director, Employee Benefits, provided information on the circumstances that led to a shortage of dermatologists available to EPISD employees. Ms. Bulos stated that U. R. requested in-network payment for her out-of-network claim because of her belief that she had a medical emergency which required immediate care by a dermatologist.

It was moved by Dr. Roark, seconded by Mr. Rosales, and carried unanimously that the Board pay the claim for U. R. as in-network in the amount of \$307.55.

Approval of Contract Renewals Under EPISD Health Care Trust Medical Plan (Item #17)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the contract renewals under the EPISD Health Care Trust Medical Plan as follows:

A. Express Scripts (Pharmacy Benefit Management)

The Board approved the renewal terms with Express Scripts, for Pharmacy Benefit Management, for the period of January 1, 2003, through December 31, 2003, as presented by the administration, for an additional 10 percent share of rebates for an estimated \$15,000.00 annual savings and the waiver of the \$.40 Administrative Fee at retail and mail for an estimated \$62,400.00 savings, for an estimated average annual cost of \$300,500.00.

B. SPECTERA (Utilization Review/Utilization Management)

The Board approved the renewal terms with SPECTERA, acting as the Utilization Review/Utilization Management Company for the period of January 1, 2003, through December 31, 2003, as presented by the administration, with renewal terms of the SPECTERA Agreement remaining unchanged and the addition of an Individual Review Organization amendment, for an estimated average annual cost of \$285,120.00.

C. ReliaStar/ING (Individual and Aggregate Stop Loss Coverage)

The Board approved the renewal terms with ReliaStar/ING for Individual and Aggregate Stop Loss coverage for the period of January 1, 2003, through December 31, 2003, as presented by the administration, for an estimated 34 percent increase from the previous plan year or an estimated average annual cost of \$1,273,494.40.

Discussion and Possible Action Regarding EPISD's Year 2002 (Round 5) E-Rate Funding and EPISD's Year 2003 (Round 6) E-Rate Application (Item #18)

Mr. Jack Johnston, Executive Director, Technology and Information Systems, provided information on Year 2002 (Round 5) E-Rate funding and the Schools and Libraries Division announcing potential problems with procuring an E-Rate service provider, which the District had identified as IBM Global Services. He advised the Board that there was a possibility that the District might be denied Round 5 funding. He also advised that the continuation of services with IBM Global Services for the USF Maintenance and the Fiber Internet Access will expire on December 31, 2002, and that extensions on the Letters of Agreement will be brought back to the Board at the first meeting in January 2003.

Discussion followed on issues involving the Help Desk and whether the District should continue the services from IBM Global Services, whether or not funding is continued, or if the District should handle the Help Desk or secure the services of another vendor.

Mr. Johnston advised that the filing deadline for Round 6 was extended to allow school districts designating IBM Global Services as their service provider to be able to reevaluate their process for 2003. He stated that SLD had ruled that school districts should have an E-Rate consultant with no vendor ties and requested that the Board approve hiring an E-Rate consultant to assist the District with the Round 6 application.

It was requested that the Board preauthorize an appeal of a denial of E-Rate funding and grant discretion to the Acting Superintendent to appeal any denial of funding that is less than the total request and pre-approve the administration using an acceptable legal procurement method for any of the Statements of Work for the Round 6 application, if necessary.

It was moved by Dr. Finke, seconded by Mr. Mena, and carried unanimously that the Board authorize the administration, with the assistance of legal counsel and IBM Global Services as appropriate, to appeal those points that the administration and legal counsel believe merit appeal in the event of a denial of the District's Round 5 E-Rate application and to take any action for an RFP (request for proposals) or other legally acceptable procurement method to select a service provider for Round 6 if it is the administration's opinion, in conjunction with legal counsel, that it is necessary for the Round 6 E-Rate application.

High Speed/High Volume Optical/Digital Duplicator (Item #19)

The following person requested to speak to this item:

1. Mr. Bill Smith, Branch Sales Manager, Ikon Office Solutions, spoke about issues involving a competitor's bid for High Speed/High Volume Optical/Digital Duplicator Bid #108-02 and requested that there be a rebid.

A. Approval of Buy-Out of High Speed/High Volume Optical/Digital Duplicator Bid #74-96 (\$16,200.00)

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board approve the purchase option to buy out High Speed/High Volume Optical/Digital Duplicator Bid #74-96 from Xerox Corporation in the amount of \$16,200.00 (copy of buy-out quote attached to the permanent file of these minutes).

B. Award of High Speed/High Volume Optical/Digital Duplicator Bid #108-02 (\$75,889.52, five-year lease/maintenance total \$749,033.28)

It was moved by Dr. Roark, seconded by Mr. Wever, and carried unanimously that the Board approve the five-year maintenance and supply costs with Xerox Corporation for the District-owned Docutech DT135 in the amount of \$358,320.00.

The following person requested to speak to this item:

1. Ms. Michelle Limke, representative of Danka Office Imaging, spoke about the monthly volume capacity of the machine they bid and the charges for copies.

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that High Speed/High Volume Optical/Digital Duplicator Bid #08-02 be awarded to Danka Office Imaging on a five-year lease/maintenance agreement and Xerox Corporation on a five-year maintenance agreement for a five-year total amount of \$824,922.80 to be expensed in each budget year subject to the approval of each year's funding, with the 2002-03 fiscal year amount to be in the amount of \$75,889.52, and with a guarantee to be provided in writing that there will be no charges for copies not made (copy of bid tabulation attached to the permanent file of these minutes).

Purchases Requiring Board Approval (Item #20)

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

- A. Computers for Dr. Nixon Elementary School, Purchase Order No. 250894 (\$15,138.88), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$15,138.88 (copy of purchase order attached to the permanent file of these minutes).
- B. Balanced Literacy Training for Teachers at Beall and White Elementary Schools, Purchase Order Nos. 251504, 254531, and 255910 (\$14,242.80), was approved from Balanced Literacy Institute, the sole source, for teachers at Beall Elementary School, Purchase Order Nos. 251504 and 254531, in the total amount of \$9,242.80, and White Elementary School, Purchase Order No. 255910, in the amount of \$5,000.00, for a grand total amount of \$14,242.80 (copy of purchase orders attached to the permanent file of these minutes).
- C. Computers for Bowie High School, Purchase Order No. 254127 (\$23,079.50), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$23,079.50 (copy of purchase order attached to the permanent file of these minutes).
- D. Computers for Douglass Elementary School, Purchase Order No. 254599 (\$61,756.24), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$61,756.24 (copy of purchase order attached to the permanent file of these minutes).
- E. Wireless Mobile Lab for Crockett Elementary School, Purchase Order No. 254809 (\$24,065.00), was approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$24,065.00 (copy of purchase order attached to the permanent file of these minutes).

Construction Contract Exceeding \$15,000.00 – Replace Compressor to Chiller – Lincoln Middle School, Purchase Order No. 254755 (\$19,995.00) (Item #21)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board approve the construction contract for the replacement of a chiller compressor at Lincoln Middle School, Purchase Order No. 254755, to York International Corporation in the amount of \$19,995.00 (copy of purchase order attached to the permanent file of these minutes).

Approval of Final Payment for Construction Contract Exceeding \$100,000.00 – Districtwide Drainage Improvements, #02.922.01 (\$10,396.00, total cost \$141,401.00) (Item #22)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the final payment on Construction Contract #02.922.01, Districtwide Drainage Improvements, subject to the review and approval of the District's attorney, to Silverton Construction Co., Inc. in the amount of \$10,396.00.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$15,000.00 (Item #23)

It was moved by Mr. Mena, seconded by Dr. Roark, and carried unanimously that the Board approve the competitive bid method for the solicitation of the construction projects as listed, subject to the review and approval of the District's attorney, and authorize the advertisement and issuance of relevant documents to prospective bidders/proposers.

- A. Districtwide Roofing Projects, Phase 2 – Bliss, Burnet, Crockett, Hughey, Lee, Logan, and Milam Elementary Schools; Bassett, Henderson, and MacArthur Middle Schools; and Jefferson High School, #02.367

- B. Districtwide Roofing Projects, Phase 4 – Bond, Johnson, Park, Polk, Roberts, and Whitaker Elementary Schools; Canyon Hills, Lincoln, and Morehead Middle Schools; and Coronado High School, #02.369
- C. Districtwide ADA (Americans with Disabilities Act) Deficiencies, Phase 2 – Crockett Elementary School; Henderson and Ross Middle Schools; and Austin and Jefferson High Schools, #02.371
- D. Districtwide ADA (Americans with Disabilities Act) Deficiencies, Phase 4 – Canyon Hills, Lincoln, Morehead, and Terrace Hills Middle Schools; and Coronado High School, #02.373
- E. HVAC Upgrade – Morehead Middle School Locker Rooms, #02.526

Grievance Hearing – Rachel Reynolds, et al., Diagnosticians (Item #24)

Mr. Danny Martinez, Director, Employee Relations, advised that the administration; the diagnosticians; and their representatives, the El Paso Federation of Teachers and Support Personnel and the Association of Texas Professional Educators, had negotiated a settlement and reached an equitable resolution to this grievance.

It was moved by Mr. Rosales, seconded by Dr. Roark, and carried unanimously that the Board accept the administration's recommendation that the diagnosticians' teaching experience be counted at 100 percent; that the addition of these two figures create a ranking within the Total Credit Experience category, which will be compared to the Texas Association of School Boards (TASB) Table 102; that using TASB's Table 102, a daily stipend amount of \$9.85 be added to the calculated rate of pay for the 2002-03 school year; that the rate of pay be capped at 20 years of experience; and that the resulting pay adjustment be retroactive to the beginning of the 2002-03 contract year.

Departure of Board Member

Mr. Telles departed the meeting at 9:11 p.m. and was not present for any subsequent action taken by the Board of Trustees.

Meeting Closed (Item #25)

The meeting was recessed at 9:11 p.m. to a closed meeting by Mr. Wever under Sections 551.071 and 551.074 of the Texas Government Code as follows:

- A. Proposed Termination of Employment of Term Contract Administrator – Executive Director, Special Services
- B. Consultation with School District Attorney Regarding Contemplated or Pending Litigation
 - 1. James Thomas Bond, Beneficiary (Mitzi Bond, Deceased) v. El Paso Independent School District (Self-Insured); Docket No. EP-02129485-01
 - 2. Potential Claims Against Steve Young, Young Insurance Agency n/k/a Access Administrators and Advantage Care Network
 - 3. El Paso Independent School District, Plaintiff vs. The Sambrano Corporation, d/b/a SamCorp General Contractors, et al., Defendants; In the 210th Judicial District Court, El Paso County, Texas; Cause No. 2001-3315

The closed meeting started at 9:20 p.m. The closed meeting ended at 9:58 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 10:00 p.m.

Proposed Termination of Employment of Term Contract Administrator – Executive Director, Special Services (Item #25, A.)

It was moved by Dr. Roark, seconded by Miss Garcia, and carried unanimously that the Board accept the resignation of Dr. J. Michael Kelly, a term contract administrator, with an effective date of December 20, 2002, and with Dr. Kelly to be on administrative leave through December 20, 2002.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – James Thomas Bond, Beneficiary (Mitzi Bond, Deceased) v. El Paso Independent School District (Self-Insured); Docket No. EP-02129485-01 (Item #25, B., 1.)

It was moved by Dr. Roark and seconded by Dr. Finke that the Board authorize the filing of suit in court in El Paso County to attempt to overturn the decision of the Appeals Panel of the Workers' Compensation Commission. Upon the vote, the motion carried with Mr. Wever voting against the motion.

Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Potential Claims Against Steve Young, Young Insurance Agency n/k/a Access Administrators and Advantage Care Network (Item #25, B., 2.)

It was moved by Mr. Wever, seconded by Mr. Mena, and carried unanimously that the Board direct legal counsel and the administration to take no further action in this case.

Meeting Adjourned

The meeting was adjourned at 10:07 p.m.

Date Approved: April 8, 2003