

Minutes of Meeting of Board of Trustees
El Paso Independent School District
May 14, 2002
5:00 p.m.
Education Center-Boeing

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

The meeting was called to order at 5:25 p.m. by Mr. Wever. The Pledge of Allegiance was led by Mr. Jack Johnston, Executive Director, Technology and Information Systems. The Thought for the Day was given by Mr. Johnston.

Recognition of Beall Elementary School for Receiving HOSTS (Help One Student To Succeed) Award for Quality Assurance (Item #1)

Beall Elementary School was recognized by the HOSTS (Help One Student To Succeed) Corporation for being selected as a National Exemplary HOSTS site for the outstanding efforts in mentoring at-risk students. The HOSTS Quality Assurance National Recognition Award for exemplary status in the area of language arts was presented to Beall Elementary School, represented by Ms. Gloria Vega, Principal, and Ms. Anne Dufour, HOSTS teacher. An engraved plaque was presented to Ms. Vega and Ms. Dufour on their accomplishments.

Approval of First Amendment to Local Management Agreement Between Communities in Schools – El Paso, Inc.; Simon Youth Foundation, Inc.; and the EPISD for the Expansion of the Education Resource Center at Sunland Park Mall (Item #14)

Mr. Larry Vaslet, Principal, Sunset High School, advised that Sunland Park Mall will be donating another 1,280 square feet in order to expand the Education Resource Center. The expansion will allow the facility to accommodate an additional 15 to 20 students.

Ms. Connie Warner, Manager, Sunland Park Mall, commented on the additional square footage that will be provided to the Education Resource Center, which will provide more students an opportunity to attain their high school diploma. She advised that the additional space should be ready for occupancy by fall 2002.

It was moved by Dr. Roark, seconded by Mr. Mena, and carried unanimously that the Board approve the First Amendment to the Local Management Agreement between Communities in Schools – El Paso, Inc.; Simon Youth Foundation, Inc.; and the EPISD for the expansion of the Education Resource Center located at Sunland Park Mall.

Approval of Addition of TexSTAR Investment Pool to List of Authorized Sellers of Investments (Item #15)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board approve the addition of TexSTAR Investment Pool to the list of authorized sellers of investments for the EPISD.

Mr. William Goodman, Associate Superintendent, Finance, advised that the state of Texas recently executed a new contract for TexPool investment management, marketing, and participant services and under a joint proposal, Lehman Brothers and Federated Investors, Inc. were selected over the previous management team of First Southwest Asset Management, Inc. and JP Morgan Chase Bank. Mr. Goodman stated that First Southwest and JP Morgan Chase Bank subsequently opened a new investment pool, TexSTAR, which has been organized in full compliance with the Texas Public Funds Investment Act. He advised that because of the proven investment performance and customer service record of their management team, the Finance Department was requesting the Board's approval to add TexSTAR to the list of authorized sellers of investments.

Ms. Nikki Smith, First Southwest Asset Management, provided information on her company's investment strategies, which are similar to those used in their management of TexPool. She advised that they formed their own investment pool after losing the contract with the state.

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

Upon the vote, the main motion carried unanimously.

Public Forum (Item #2)

The following people requested to speak on Open Forum:

1. Mr. Kevin Lovell, General Manager, KVIA-TV Channel 7 (ABC), expressed the station's appreciation of the District's cooperation and assistance with the teacher survey that was conducted in conjunction with the *El Paso Times*.
2. Mr. Allan Sepkowitz, coach at Andress High School and representing the El Paso Coaches Association, spoke about compensation for coaches and requested that the Board review the compensation package that was developed by the Coaches Association.
3. Mr. Don Brooks, coach at Coronado High School, spoke about a stipend increase for coaches and the comparison provided on coaches' pay in the TASB (Texas Association School Boards) Compensation Study and requested that all coaches receive an increase.
4. Ms. Debbie Buckaloo, coach at Charles Middle School, spoke about stipends for middle and high school coaches.

Consent Agenda (Item #3)

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

Mr. Wever - Item 3, E., 1., Construction Contract Awards – Districtwide Dishwasher Replacement-2002 – Bonham, Lindbergh, Park, and Stanton Elementary Schools, and Terrace Hills Middle School, #02.313 (\$82,255.75)

Item 3, F., Approval of Budget Amendment

(4) State Compensatory Education (SCE) – Additional Portable Classrooms (\$1,000,000.00)

(5) State Compensatory Education (SCE) – Summer Strengthening Program (\$250,000.00)

(7) Planning, Engineering and Construction (\$1,749,151.00)

Item 3, G., Bids and Purchase Orders Requiring Board Approval

(6) Everyday Mathematics Program for Barron, Johnson, Roberts, and Whitaker Elementary Schools; and MacArthur Middle School, Purchase Order Nos. 239286, 139291, 139293, 239294, 240350, and 240355 (\$66,398.05)

(7) Summer Success Math and Summer Success Reading for Summer School Program, Purchase Order Nos. 240408, 240410, and 240413 (\$97,569.90)

(10) Cognitive Tutor™ Geometry Program for Irvin High School, Purchase Order No. 240949 (\$27,545.60)

Questions on Construction Contract Awards – Districtwide Dishwasher Replacement-2002 – Bonham, Lindbergh, Park, and Stanton Elementary Schools, and Terrace Hills Middle School, #02.313 (\$82,255.75) (Item #3, E., 1.)

Mr. Wever inquired about only one bid being submitted for the dishwasher replacement. Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, provided information on the vendors that requested a bidders packet and attended the pre-bid meeting and the one vendor that submitted a bid.

There was discussion on the District aggressively soliciting bidders, the responsibility of responding to bids resting with the individual vendors, and the process used to publicize bids.

Mr. Hector Martinez, Associate Superintendent, Operations, advised that Board policy and the Texas Education Code are very specific regarding bid solicitations, and he reviewed the solicitation process used by the District.

Questions on Approval of Budget Amendments (Item #3, F.)

State Compensatory Education (SCE) – Additional Portable Classrooms (\$1,000,000.00) (Item #3, F., 4.) and

State Compensatory Education (SCE) – Summer Strengthening Program (\$250,000.00) (Item #3, F., 5.)

Responding to a question from Mr. Wever, Ms. Marsha Lawler, Executive Director, External Funding, advised that these two items had been budgeted.

Planning, Engineering and Construction (\$2,749,151.00) (Item #3, F., 7.)

Mr. Wever inquired about the reason for this budget amendment. Mr. William Goodman, Associate Superintendent, Finance, advised that these funds are left over from last year and have been specifically designated for projects that were not completed at the end of last year.

Questions on Bids and Purchase Orders Requiring Board Approval (Item #3, G.)

Everyday Mathematics Program for Barron, Johnson, Roberts, and Whitaker Elementary Schools; and MacArthur Middle School, Purchase Order Nos. 239286, 239291, 239293, 239294, 240350, and 240355 (\$66,398.05) (Item #3, G., 6.) and Summer Success Math and Summer Success Reading for Summer School Program, Purchase Order Nos. 2240408, 240410, and 240413 (\$97,569.90) (Item #3, G., 7.)

Mr. Wever inquired about budgeting for these programs, determining the worth of the programs, and why all school are not using the programs. Dr. Linda Holman, Associate Superintendent, Curriculum and Instruction, advised that Curriculum and Instruction supports programs that are selected by individual schools, as long as the programs have a good research base and fit with the District's and school's curriculum.

There was discussion on a Districtwide curriculum, each school not having its own curriculum, and the District having a standard curriculum but site-based management providing the schools the option of complementing that curriculum with programs that meet the individual needs of the schools.

Cognitive Tutor™ Geometry Program for Irvin High School, Purchase Order No. 240949 (\$27,545.60) (Item #3, G., 10.)

Mr. Wever questioned the school funding this program. Dr. Linda Holman, Associate Superintendent, Curriculum and Instruction, advised that site-based management allows each school to determine its needs and to purchase programs that meet the needs of the school.

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 Affiliation Agreement for Health Science Technology Students – Agreement with Walgreens Drug Stores for Pharmacy Experimental Learning Program at Silva Magnet High School for Health Care Professions

The Board approved the agreement of affiliation with Walgreens Drug Stores to provide health science students at the Maxine L. Silva Magnet High School for Health Care Professions and the Health Science Technology Program/Center for Career and Technology Education the opportunity to obtain practical pharmacy experience.

B. Request to Implement Mandatory Uniform Dress Code – Roosevelt Elementary School

The Board approved a mandatory uniform dress code for Roosevelt Elementary School with an effective date to be 90 days from the date of approval by the Board.

C. Approval of Revisions to Board Policy FO (Local), Student Discipline

The Board approved the revisions to Board Policy FO (Local), Student Discipline, as presented (copy attached to the permanent file of these minutes).

D. Extension of Construction Contracts

The Board authorized the extension of the following construction contracts:

1. Districtwide Gas Piping Pressure Testing Replacement, #00.832, with Mustang, Inc. for the period of June 1, 2002, through May 31, 2003, or until the value of the contract is reached, subject to the approval of the 2002-03 preliminary budget for the period after August 31, 2002.
2. Districtwide Gas Piping Pressure Testing Replacement, Phase 2, #00.888, with Thermodyn Contractors for the period of July 11, 2002, through July 10, 2003, or until the value of the contract is reached, subject to the approval of the 2002-03 preliminary budget for the period after August 31, 2002.

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. Districtwide Dishwasher Replacement-2002 – Bonham, Lindbergh, Park, and Stanton Elementary Schools, and Terrace Hills Middle School, #02.313 (\$82,255.75), was awarded to National Restaurant Supply Company in the amount of \$82,255.75.
2. Boiler Replacement – Burges High School, #02.320 (\$65,700.00), was awarded to Wyler Industrial Works, Inc. in the amount of \$65,700.00.
3. Districtwide Backflow Preventer Installation, Phase 3 – Lamar, Moreno, and White Elementary Schools; Hornedo, Magoffin, Morehead, and Wiggs Middle Schools; Franklin and Silva Health Magnet High Schools; Raymond Telles Academy; Center for Career and Technology Education; Northeast Transportation Annex; and James Gamble Warehouse Facility, #02.541 (\$150,967.00), was awarded to Mustang Mechanical, Inc. in the amount of \$150,967.00.

F. Approval of Budget Amendments

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

1. Alta Vista Elementary School (\$180.00). The purpose of this item is to amend the Alta Vista Elementary School budget in the amount of \$180.00. Wilfredo Tolentino, Principal at Alta Vista, requested this amendment in a memo dated April 15, 2002. This amendment transfers funds from various budgeted accounts to Instructional Supplies to purchase materials for students.

2. MacArthur Middle School (\$845.00). The purpose of this item is to amend the MacArthur Middle School budget in the amount of \$845.00. Fernando Carrasco, Principal at MacArthur, requested this amendment in a memo dated April 15, 2002. This amendment transfers funds from Contracted Maintenance and Repair to Instructional Supplies to purchase leveled, self-paced readers for 58 second-grade students who are struggling with their reading.
3. White Elementary School (\$1,437.00). The purpose of this item is to amend the White Elementary School budget in the amount of \$1,437.00. Margaret Frederick, Principal at White, requested this amendment in a memo dated March 28, 2002. This amendment transfers funds from Professional Services to Instructional Supplies for academic materials and writing journals for students.
4. State Compensatory Education (SCE) – Additional Portable Classrooms (\$1,000,000.00). The purpose of this item is to amend the State Compensatory Education budget in the amount of \$1,000,000.00. Marsha Lawler, Executive Director of External Funding, requested this amendment in a memo dated April 15, 2002. This amendment transfers projected unspent funds to the Facilities budget for the purchase of 20 additional portable classrooms. Additional classroom space is needed Districtwide due to class-size reduction, recovery of science labs, and the addition of computer labs.
5. State Compensatory Education (SCE) – Summer Strengthening Program (\$250,000.00). The purpose of this item is to amend the State Compensatory Education budget in the amount of \$250,000.00. Marsha Lawler, Executive Director of External Funding, requested this amendment in a memo dated April 5, 2002. This amendment transfers funds to allow the use of custodial help and to reimburse the District for additional bus drivers needed for the Summer Strengthening Program. These were items inadvertently left off the original budget. These funds will be used at summer elementary and middle school sites.
6. School Health and Related Services (SHARS) (\$16,065.00). The purpose of this item is to amend the School Health and Related Services (SHARS) budget in the amount of \$16,065.00. Dr. Michael Kelly, Executive Director of Special Services, requested this amendment in a memo dated April 10, 2002. This amendment transfers funds to pay for INTELMEDE Electronic Management (the vendor used by the District to process claims) contracted agreement of 8 percent that was approved for renewal by the Board of Trustees at the February 12, 2002, Board meeting. Funds for this purpose will be available because of higher-than-expected revenues generated by Medicaid payments to the District.
7. Planning, Engineering and Construction (\$2,749,150.00). The purpose of this item is to amend the Planning, Engineering and Construction budget in the amount of \$2,749,150.00. Hector Martinez, Associate Superintendent of Operations, requested this amendment in a memo dated May 2, 2002. The budgeted expenditures for Building Construction and Improvement and Fees will be increased by \$2,392,985.00 and \$356,165.00 respectively. Other Sources of Funds will be increased by \$2,749,150.00 using the fund balance designated for construction. The fund balance designated for construction represents commitments made by the District for construction projects that will be funded from the General Fund; i.e., the carryover of unused construction funds.

G. Bids and Purchase Orders Requiring Board Approval

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

1. Additional Expenditure Requests on Existing Bids
 - a. Pre-Bound Book Bid \$55-01 (additional \$100,000.00). The Board approved an additional expenditure on Pre-Bound Book Bid #55-01 to the following vendors for the discounts indicated: Bound to Stay Bound, 30 percent discount; Follett Library Resources, 45 percent discount; Permabound, 25 percent discount; and Perfection Learning, 28 percent discount, in the estimated amount of \$100,000.00 (copy of bid tabulation attached to the permanent file of these minutes).
 - b. Library Book Bid #56-01 (additional \$125,000.00). The Board approved an additional expenditure on Library Book Bid #56-01 to Follett Library Resources on an as-needed basis through July 2002 in the estimated amount of \$125,000.00 (copy of bid tabulation attached to the permanent file of these minutes).
 - c. Calculator and Accessory Bid #98-01 (additional \$129,390.00). The Board approved an additional expenditure on Calculator and Accessory Bid #98-01 to D & H Distributing Company in the amount of \$129,390.00 (copy of bid tabulation attached to the permanent file of these minutes).
2. Annual Food Service Paper/Supply Bid #30-02 (\$733,092.90) was awarded to the following vendors in the amounts indicated: Baron Chemical, Items 2, 4-6, 31, 32, 37, and 38, \$79,778.25, 2 percent terms; Shamrock Foods, Items 7, 26, 27, and 29, \$8,150.40, 1/2 percent terms; Southwestern Mills Dist., Items 1, 3, 9-25, 28, 30, 39-43, and 45, \$584,066.62, 1 percent terms; XPEDX, Items 8, 33-36, and 44, \$61,097.63, 1 percent terms, for a total amount of \$733,092.90 (copy of bid tabulation attached to the permanent file of these minutes).
3. 2002-03 School Individual Pictures Bid #35-02 was awarded to Campos School Portraits, Happy Pictures, Lifetouch, and Stewart Photography to provide individual school pictures for the elementary, middle, and high schools with the selection of vendor to be made by each school principal.
4. Bond Paper Bid #38-02 (\$41,200.00) was awarded to XPEDX, the low bidder based on an "all or none" basis, in the amount of \$41,200.00 with 1 percent terms (copy of bid tabulation attached to the permanent file of these minutes).
5. Full Option Science System (FOSS™) Program for Burleson Elementary School, Purchase Order No. 239025 (\$29,786.99), was approved for purchase from Delta Education, the sole source, in the amount of \$29,786.99 (copy of purchase order attached to the permanent file of these minutes).

6. Everyday Mathematics Program for Barron, Johnson, Roberts, and Whitaker Elementary Schools; and MacArthur Middle School, Purchase Order Nos. 239286, 239291, 239293, 239294, 240350, and 240355 (\$66,398.05), were approved for purchase from McGraw-Hill School Division, the sole source, as follows: Roberts Elementary School, Purchase Order Nos. 239286, 239291, 239293, 239294, and 240355 in the total amount of \$36,841.45; and Barron, Johnson, and Whitaker Elementary Schools and MacArthur Middle School, Purchase Order No. 240350, in the amount of \$29,556.60, for a grand total amount of \$66,398.05 (copy of purchase orders attached to the permanent file of these minutes).
7. Summer Success Math and Summer Success Reading for Summer School Program, Purchase Order Nos. 240408, 240410, and 240413 (\$97,569.90), was approved for purchase from Great Source Education Group, the sole source, in the total amount of \$97,569.90 (copy of purchase orders attached to the permanent file of these minutes).
8. Instructional Materials for Summer School Program, Purchase Order No. 240412 (\$13,106.47), were approved for purchase from Houghton Mifflin Company, the sole source, in the amount of \$13,106.47 (copy of purchase order attached to the permanent file of these minutes).
9. University of Texas at El Paso (UTEP)/Don Haskins Center for Commencement Ceremonies, Purchase Order No. 240906 (approx. \$30,000.00), was approved to the University of Texas at El Paso (UTEP)/Don Haskins Center for the estimated amount of \$30,000.00 (copy of purchase order attached to the permanent file of these minutes).
10. Cognitive Tutor™ Geometry Program for Irvin High School, Purchase Order No. 240949 (\$27,545.60), was approved for purchase from Carnegie Learning, Inc., the sole source, in the amount of \$27,545.60 (copy of purchase order attached to the permanent file of these minutes).

H. April 2002 Personnel Report

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

Approval of Coronado High School Band to Travel to Russia in Summer 2003 for 300th Anniversary Celebration of Founding of St. Petersburg, Russia (Item #4)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board approve the request for students in the Coronado High School band to travel to Russia on May 25 through June 3, 2003, to perform at the 300th anniversary celebration of the founding of St. Petersburg, Russia, with the approximate cost of \$400,000.00 for the trip to be funded through fundraising and private donations.

Mr. Nick Cobos, Principal, Coronado High School, stated that all necessary funds for the trip will be raised through fundraising activities. Mr. Greg Hartley, Chairperson, Coronado Band Boosters Ways and Means Committee, provided information on details of the trip. Mr. Kenneth Capshaw, Director, Coronado High School Band, advised that the invitation was extended from the Ministry of Culture of Russian Federation and that, at this time, the Coronado High School band is the only band in the United States invited to the 300th anniversary celebration.

Upon the vote, the motion carried unanimously.

Approval of Implementation of The Academy of International Business and Public Affairs at Bowie High School the 2003-04 School Year (Item #5)

Dr. Anzaldua advised that the initial presentation on The Academy of International Business and Public Affairs at Bowie High School was presented to the Board on November 13, 2001, and that additional information was being provided on the proposed program.

It was moved by Mr. Rosales and seconded by Miss Garcia that the Board approve the implementation of The Academy of International Business and Public Affairs at Bowie High School beginning the 2003-04 school year, which will enhance student achievement and performance in the areas of business, technology, second language, cross-cultural communications, and public service and affairs, for the approximate amount of \$50,000.00, with the program to be open to all students in the EPISD and surrounding county school districts, subject to the approval of a corresponding budget amendment being brought back to the Board for approval at a subsequent meeting.

Mr. Art Peralta, Principal, Bowie High School, responding to questions from the Board regarding The Academy, advised that a needs assessment was conducted, that the program will be classified as a school-within-a-school, that the guidelines for the program are the same as for any magnet school, and that the current infrastructure at Bowie High School will support the students and curriculum of The Academy.

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

Upon the vote, the motion carried unanimously.

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 #6)

It was moved by Mr. Mena and seconded by Mr. Telles that item no. 6, 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), be postponed until the second Board meeting in June 2002. Upon the vote, the motion carried with Miss Garcia voting against the motion.

Compensation for Teachers and Counselors at Raymond Telles Academy (Item #7)

Mr. Charles Tafoya, Associate Superintendent, Human Resources, provided information on the additional compensation being provided for the teachers and counselors at Telles Academy. He reported that a teacher will receive \$1,500.00 per semester for each additional class taught and counselors will receive \$1,500.00 per semester for working an additional hour per day, if required. The \$1,500.00 will replace the 20 percent of salary currently being provided. Paying the 20 percent had been necessary because of the high case loads due to the middle- and high-school students being housed together. Mr. Tafoya stated that the middle school section had been relocated to a separate facility and that there will now only be an occasional need for additional class coverage--either during the early hours or immediately after school. He advised that this recommendation aligns the compensation for teachers and counselors at the Telles Academy to the \$1,500.00 that was approved by the Board in October 2001 for all other teachers and counselors in the District.

It was moved by Mr. Telles and seconded by Mr. Rosales that the Board approve the administration's recommendation to discontinue the 20 percent additional compensation for teachers assigned to teach additional classes at the Raymond Telles Academy, effective with the 2002-03 school year, and that teachers receive additional compensation at a fixed rate of \$1,500.00 per additional class, per semester; and the administration's recommendation to discontinue the 20 percent additional compensation for counselors at the Raymond Telles Academy for working an extra hour per day, effective with the 2002-03 school year, and that the counselors receive additional compensation at a fixed rate of \$1,500.00 per semester for working an additional hour per day for the entire semester, if required and approved by Human Resources; and that the administration notify all affected employees on a timely basis.

There was discussion on whether the \$1,500.00 was a sufficient amount and the amount being consistent with the rate of pay per extra class for every other teacher in the District.

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

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

Request for Waiver of Board Policy GKD (Local), Community Relations: Community Use of School Facilities – Waiver of Building Use Fees for Kindergarten Graduation Ceremony at Coronado High School (Item #8)

It was moved by Dr. Roark and seconded by Dr. Finke that the Board waive Board Policy GKD (Local), Community Relations: Community use of School Facilities, and the building use fees for Flying Colors Learning Center to hold its kindergarten graduation in the speech auditorium at Coronado High School on May 21, 2002. Upon the vote, the motion carried. Dr. Roark was not present for the vote.

Award of Future Graduates Program RFP #46-02 (Item #9)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the award of Future Graduates Program RFP #46-02 to New Beginnings, Inc. subject to the Superintendent negotiating a contract and the details of the services to be provided, the review and approval of the District's attorney, and a conforming budget amendment being brought back to the Board for approval.

Purchase Orders Requiring Board Approval (Item #10)

Questions on Apple Computers for Jefferson High School, Purchase Order No. 234352 (\$76,455.00) (Item #10, B.)

Mr. Wever inquired why top-of-the-line Apple computers were being purchased instead of PC-type computers, which cost less. Mr. Sam Villarreal, Principal, Jefferson High School, provided the rationale for purchasing these particular iMac computers. He stated that space is at a premium at his school and that he wanted the best computers for the Social Studies and Science computer labs. Jefferson's Technology Coordinator provided information on how the computers will be used and stated that it was his belief that this equipment will fulfill the needs at Jefferson High School.

Mr. Jack Johnston, Executive Director, Technology and Information Systems, commented on concerns he had expressed to Mr. Villarreal and stated that the purchase of these computers was the site-based decision of the school principal.

It was moved by Mr. Mena and seconded by Mr. Rosales that the following bids and purchase orders be approved to the recommended vendors for the amounts indicated. Upon the vote, the motion carried with Mr. Wever and Dr. Finke voting against the motion and Dr. Roark voting "present."

- A. Computers for Coronado High School, Purchase Order No. 233836 (\$16,561.06), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$16,561.06 (copy of purchase order attached to the permanent file of these minutes).
- B. Apple Computers for Jefferson High School, Purchase Order No. 234352 (\$76,455.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$76,455.00 (copy of purchase order attached to the permanent file of these minutes).
- C. Apple Computers for the School-Age Parent Center, Purchase Order No. 235328 (\$9,931.35), were approved for purchase from Apple Computer, the sole source, in the amount of \$9,931.35 (copy of purchase order attached to the permanent file of these minutes).
- D. Apple Computers and Laptops for Canyon Hills Middle School, Purchase Order No. 235834 (\$13,083.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$13,083.00 (copy of purchase order attached to the permanent file of these minutes).
- E. Computers for Magoffin Middle School, Purchase Order No. 235907 (\$10,021.80), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$10,021.80 (copy of purchase order attached to the permanent file of these minutes).
- F. Computers for Austin High School, Purchase Order No. 235947 (\$23,629.50), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$23,629.50 (copy of purchase order attached to the permanent file of these minutes).
- G. Computers for Ross Middle School, Purchase Order No. 236051 (\$14,192.70), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$14,192.70 (copy of purchase order attached to the permanent file of these minutes).

- H. Apple Wireless Mobile Lab for Wainwright Elementary School, Purchase Order No. 236539 (\$16,012.00), was approved for purchase from Apple Computer, the sole source, in the amount of \$16,012.00 (copy of purchase order attached to the permanent file of these minutes).
- I. Apple Computers for External Funding, Purchase Order No. 236690 (\$10,942.85), were approved for purchase from Apple Computer, the sole source, in the amount of \$10,942.85 (copy of purchase order attached to the permanent file of these minutes).
- J. Computers for Stanton Elementary School, Purchase Order No. 237542 (\$17,913.24), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$17,913.24 (copy of purchase order attached to the permanent file of these minutes).
- K. Apple Wireless Mobile Lab for Bassett Middle School, Purchase Order No. 237802 (\$23,849.00), was approved for purchase from Apple Computer, the sole source, in the amount of \$23,849.00 (copy of purchase order attached to the permanent file of these minutes).
- L. Apple Computers for External Funding, Purchase Order No. 238140 (\$22,822.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$22,822.00 (copy of purchase order attached to the permanent file of these minutes).
- M. Apple Computers for Curriculum and Instruction, Purchase Order No. 239651 (\$5,397.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$5,397.00 (copy of purchase order attached to the permanent file of these minutes).
- N. Wireless Mobile Lab for Irvin High School, Purchase Order No. 241845 (\$50,450.00), was approved for purchase from Desert Communications, Inc., the lowest quote, in the amount of \$50,450.00 (copy of purchase order attached to the permanent file of these minutes).

Approval of Instructional Materials/Training Costs Exceeding \$25,000.00 Requiring Board Approval – Reading Training Materials from The Wright Group for Grade 5 Teachers (\$47,706.40) (Item #11)

It was moved by Mr. Mena, seconded by Mr. Telles, and carried unanimously that the Board approve the purchase of the Book 2 Web "Earth & Physical Science" and "Culture Set" reading training materials from The Wright Group, the sole source, in the amount of \$47,706.40.

Appointment of School Health Education Advisory Council (Item #12)

Dr. Anzaldúa stated that Board Policy EHAA (Legal), Basic Instructional Program, requires that the Board establish a local Health Education Advisory Council. He advised that the individuals currently serving have not been approved by the Board and that the Board has the option of approving the current membership, modifying the membership, or making a complete reappointment.

Dr. Roark requested that the Board be provided a brief résumé on each member currently serving on the Health Education Advisory Council and that this item be brought back to the Board for approval at a future meeting. He added that the number of the membership needs to be determined and requested that each Board member be allowed the opportunity to appoint at least two people to serve on the Council.

It was moved by Dr. Roark and seconded by Mr. Telles that item no. 12, Appointment of School Health Education Advisory Council, be postponed for two weeks, that the Board be provided a brief résumé on each current Health Education Advisory Council member, that the Board determine the number of members that will serve on the Council, and that each Board member be allowed to appoint two people to serve on the Council.

Mr. Safi advised that the majority of the Council members must be non-EPISD employees and parents of students currently enrolled in the District.

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

Upon the vote, the main motion carried unanimously.

Approval of Proposed School Attendance Zone Boundary Changes for Charles and Richardson Middle Schools (Item #13)

Dr. Anzaldua advised that additional information and cost estimates had been prepared in response to the Board's request for the information and that proposed changes to the Charles and Richardson Middle Schools' attendance zones be brought back for approval.

Mr. William Goodman, Associate Superintendent, Finance, provided information on the current enrollments and capacities at Charles, Richardson, and Terrace Hills Middle Schools and the number of portables in use at the three campuses and the recommended changes to the boundaries. Mr. Goodman reviewed Option A, which has the boundary for Charles encompassing all the area south of Highway 54, and advised that this option would cause the enrollment at Charles to exceed capacity by 298 students and require 17 portable classrooms, while the enrollment at Richardson would be 438 below capacity. Mr. Goodman stated that the enrollment at Terrace Hills would not change and advised that the additional portable classrooms are cost prohibitive at this time.

It was moved by Mr. Rosales and seconded by Mr. Mena that the attendance zone boundaries for Charles and Richardson Middle Schools be approved effective the 2002-03 school year as recommended and presented by the Boundary Review committee and the administration. Upon the vote, the motion failed with Miss Garcia, Mr. Telles, and Mr. Rosales voting in favor of the motion and Dr. Roark, Mr. Wever, Dr. Finke, and Mr. Mena voting against the motion.

Dr. Roark requested that the administration review the boundaries between Charles, Terrace Hills, and Richardson Middle Schools again to determine if there was a way to keep the students that live south of Highway 54 on the south side (at Charles). Dr. Finke requested that the administration provide the funding requirements for each proposed boundary change plan.

Approval of Contract with PC Automated Controls, Inc. for EMC (Energy Management Control) Systems/FMC (Facility Management Control) Systems, #02.340 (\$300,000.00) (Item #16)

Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that this contract is the sole source for maintenance on the District's existing EMC (Energy Management Control) Systems and FMC (Facility Management Control) Systems.

There was discussion on the profit the dealer, PC Automated Controls, Inc., is making on the \$300,000.00; the vendor applying a multiplier of .45 to the manufacturer's list price; the manufacturer, Automated Logic Corporation (ACL), confirming their price to the dealer; and any local control contractor being able to purchase the ACL equipment from the dealer.

It was moved by Dr. Roark that the Board reject the contract for EMC (Energy Management Control) Systems/FMC (Facility Management Control) Systems, #02.340, with PC Automated Controls, Inc. and that it be investigated in more detail. The motion died for lack of a second.

Discussion continued on modules being installed by the District and not the dealer; the dealer providing assistance only for emergency situations and when the District's technician is on vacation; and the dealer being the only vendor authorized by the manufacturer to do any necessary programming.

Mr. Hector Martinez, Associate Superintendent, Operations, reviewed the survey that was conducted of five local control contractors and their interest in servicing the District's current EMC/FMC system and whether they sold products that could be networked into the existing ALC network. He advised that four of the surveys were returned with negative responses and only PC Automated Controls, Inc. responded affirmatively.

There was further discussion on any module working in the District's ACL network; the manufacturer's copyrights and pending patent applications which establishes that the software and hardware is sole source; whether the District's systems will operate with other equipment; the District's \$6 million investment in the existing ACL systems; establishing a limit on the amount of profit to be made by the dealer on the equipment purchased and installed by the District; the .45 mark-up having been lowered from a .5 mark-up at the District's request; over 900 ACL modules currently installed in the District's facilities; approximately \$13,000.00 remaining from the \$200,000.00 contract approved by the Board in February 2000; the proposed contract being for replacements and upgrades as well as repairs on a scheduled basis; information on various work orders completed over the last two years; putting out a bid for the next school with a competitive factor for its energy management program to ascertain whether other systems will work; and the administration being requested to look at alternative systems.

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that item no. 16, Approval of Contract with PC Automated Controls, Inc. for EMC (Energy Management Control) System/FMC (Facility Management Control) Systems, #02.340 (\$300,000.00), be postponed for two weeks.

Approval of Procurement/Delivery Methods for Construction Contracts Exceeding \$25,000.00 (Item #17)

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that the Board approve the competitive bid method 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. Franklin High School Drainage Improvements, #02.311
- B. Crockett Elementary School – Drop-Off Zone, #02.321
- C. San Juan Park Project – Hawkins Elementary School, #02.532
- D. Districtwide Asbestos Abatement, Phase 14, #02.711
- E. Districtwide Priority 1 Critical Maintenance, Phase 2, #02.971

Item Withdrawn

It was announced that item no. 18, A., 2., Grievance Hearing – Ernesto Chacon, Bus Driver, Transportation, had been withdrawn from the agenda.

Meeting Closed (Item #18)

The meeting was recessed at 8:12 p.m. to a closed meeting by Mr. Wever under Sections 551.071, 551.074, and 551.082 of the Texas Government Code as follows:

- A. Grievance Hearings
 - 1. Norma Cadena, Secretary 4, Facilities, Construction
- B. Consultation with Attorney Regarding Pending Litigation – Pete N. Duran, Plaintiff, v. El Paso Independent School District, Defendant; In the 171st Judicial District Court, El Paso County, Texas; Cause No. 99-577
- C. Consultation with School District Attorney Regarding Pending Litigation – Richard Bowen, Plaintiff v. El Paso Independent School District, et al, Defendants; in the United States District Court, Western District of Texas, EP Division; Cause No. El Paso-02-CA-0177

Meeting Opened

The meeting was reassembled in Open Session at 8:20 p.m.

Public Forum (Item #2)

The following person requested to speak on Open Forum:

- 5. Dr. Jan Morgan, KLT Internet Educational Solutions, Inc., provided information on the OASIS (Objective Alignment System in Schools) program, which is an Internet instructional management system for documenting and monitoring teaching the TEKS (Texas Essential Knowledge and Skills) and aligning with the TAAS (Texas Assessment of Academic Skills) and TAKS (Texas Assessment of Knowledge and Skills).

Meeting Closed (Item #18)

The meeting was again recessed at 8:35 p.m. to a closed meeting under the authority previously cited.

Mr. Rosales recused himself from the discussion on item no. 18, A., 1., Grievance Hearings – Norma Cadena, Secretary 4, Facilities, Construction; and item no. 18, B., Consultation with Attorney Regarding Pending Litigation – Pete N. Duran, Plaintiff v. El Paso Independent School District, Defendant; In the 171st Judicial District Court, El Paso County, Texas; Cause No. 99-577.

The closed meeting started at 8:37 p.m. The closed meeting ended at 9:32 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:34 p.m.

Grievance Hearings – Norma Cadena, Secretary 4, Facilities, Construction (Item #18, A., 1.)

It was moved by Mr. Mena and seconded by Mr. Telles that Norma Cadena be paid at a Level 5, including all raises, and that the administration attempt to find Ms. Cadena a Level 5 position. Upon the vote, the motion carried with Dr. Roark voting against the motion. Mr. Rosales recused himself from the vote.

Consultation with Attorney Regarding Pending Litigation – Pete N. Duran, Plaintiff v. El Paso Independent School District, Defendant; In the 171st Judicial District Court, El Paso County, Texas; Cause No. 99-577 (Item #18, B.)

It was moved by Mr. Mena, seconded by Mr. Wever, and carried unanimously that the administration hire an expert psychiatrist to review the records and possibly perform an examination of the Plaintiff in order to provide an opinion regarding the Plaintiff's claim for mental anguish, for purposes of trial after summary judgment. Mr. Rosales recused himself from the vote.

Consultation with School District Attorney Regarding Pending Litigation – Richard Bowen, Plaintiff v. El Paso Independent School District, et al, Defendants; In the United States District Court, Western District of Texas, El Paso Division; Cause No. EP-02-CA-0177 (Item #18, C.)

It was moved by Mr. Wever, seconded by Mr. Mena, and carried unanimously that the Board authorize the law firm of Mounce, Green, Myers, Safi & Galatzan, PC to represent the District and the Superintendent in this case.

Meeting Adjourned

The meeting was adjourned at 9:37 p.m.

Date Approved: August 27, 2002