

Minutes of Meeting of Board of Trustees
El Paso Independent School District
May 25, 2004
5:00 p.m.
Education Center-Boeing

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

The meeting was called to order at 5:10 p.m. by Mr. Mena. The Pledge of Allegiance was led by Mr. Michael Devine, EPISD educational diagnostician. Ms. Elfida Gutierrez, Associate Superintendent, Elementary/Middle Schools Division I, gave the Thought for the Day.

1. Recognition of District Student Science Fair Award Winners

Twenty-four students were recognized. (A list of the students is attached to the permanent file of these minutes.)

2. Recognition of EPISD Student Art Award Winners

Three students were recognized. (A list of the students is attached to the permanent file of these minutes.)

3. Recognition of Student Academic Competition Achievements

Eighty-three students were recognized. (A list of the students is attached to the permanent file of these minutes.)

4. Public Forum

There were no speakers on Public Forum.

5. Consent Agenda

The following person requested to speak to Item B., Request to Implement Mandatory Uniform Dress Code – Hawkins Elementary School:

1. Ms. Linda Crowley, teacher at Hawkins Elementary School, spoke in support of the uniform policy at Hawkins.

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

Mr. Dodge - Items G., 2., 3., and 4.
Items I., 2., 3., and 4.

Questions on Item G., 2., Purchases Requiring Board Approval – Discount from Catalog Prices for Computer & Audio Visual Repair Parts CSP #27-04 (approx. \$40,000.00)

In response to a question from Mr. Dodge, Mr. Terry Freiburg, Director, Purchasing, advised that a portion of the as-needed purchases on CSP #27-04 would be funded from the current budget but that the majority would be from the 2004-05 budget.

Questions on G., 3., Purchases Requiring Board Approval - Aluminum Portable Access Ramps CSP #37-04 (\$217,265.00)

In response to an inquiry from Mr. Dodge, Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that the purchases on CSP #37-04 would be funded from the current 2003-04 budget.

Questions on G., 4., Purchases Requiring Board Approval – School Furniture for Tippin Elementary School Bid #44-04 (\$87,797.18)

Mr. Dodge inquired about the source of funds for Bid #44-04, and Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that the school furniture for Tippin Elementary School would be funded from the Lease Revenue Bonds.

Mr. Safi stated that if this purchase was being funded from the Lease Revenue proceeds, any approval by the Board tonight should be subject to approval of the Board of Directors of the Public Facility Corporation (PFC) at a future PFC Board meeting. Mr. Dodge requested that action on this item be taken separately from the Consent Agenda.

Questions on Item I., Professional Services Contract Awards

- 2., Districtwide Multi-Purpose Classrooms #1 (Burleson, Clardy, and Hillside Elementary Schools), #04.834 (approx. \$111,835.00)
- 3., Districtwide Multi-Purpose Classrooms #2 (Bond, Fannin, Crosby, and Lamar Elementary Schools), #04.835 (approx. \$179,400.00)
- 4., Districtwide Multi-Purpose Classrooms #4 (Park, Stanton, Travis, and White Elementary Schools), #04.859 (approx. \$149,358.00)

Mr. Dodge commented on the design of these multi-purpose rooms and the need for them to be functional, cost effective, and assimilated with the schools where they will be built.

Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, advised that the estimated construction cost for item no. I., 3., had been reduced, which lowered the 8.97 percent estimated fee for the project to \$143,520.00. Mr. Mena requested that action on this item be taken separately from the Consent Agenda.

- G., 4. Purchases Requiring Board Approval – School Furniture for Tippin Elementary School Bid #44-04 (\$87,797.18) and
- I., 3. Professional Services Contract Awards – Districtwide Multi-Purpose Classrooms #2 (Bond, Fannin, Crosby, and Lamar Elementary Schools), #04.835 (approx. \$149,358.00)

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that Bid #44-04 be awarded as follows: Business Interiors, Items 3, 4, and 22-24, \$6,823.35, net 30; Indeco Sales, Inc., Items 1, 2, 5, and 6, \$23,936.17, net 30; School Specialty, Item 15, \$1,175.76, net 30; and Virco Mfg. Corp., Items 7-14, 16-21, and 25-27, \$55,861.80, net 30, subject to the future approval of the total amount of \$87,797.18 by the El Paso Independent School District Public Facility Corporation Board of Directors (bid tabulation attached to the permanent file of these minutes); and that the Board approve Professional

Services Contract #04.835 to C. F. Associates, Inc., subject to the review and approval of the District's attorney, for the preparation of plans, specifications, bid documents and other additional program elements as may be required for the construction and installation of Districtwide Multi-Purpose Classrooms #2 at the schools listed for a Basic Services Fee of 8.97 percent of the estimated construction cost of \$2,000,000.00, or approximately \$143,520.00, with additional services listed in the contract to be paid at established hourly rates only if authorized in writing by the owner for services that the owner cannot provide.

It was moved by Mr. Cordova, seconded by Ms. Colquitt-Muñoz, 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. G., 4., Purchases Requiring Board Approval – School Furniture for Tippin Elementary School Bid #44-04 (\$87,797.18, and item no. I., 3., Professional Services Contract Awards – Districtwide Multi-Purpose Classrooms #2 (Bond, Fannin, Crosby, and Lamar Elementary Schools), #04.835 (approx. \$149,358.00).

A. April 2004 Minutes

1. April 13, 2004, and April 27, 2004, Board Finance Committee Meetings; April 20, 2004, Board's Employee Health/Insurance Committee Meeting; and April 20, 2004, Board Construction Committee Meeting
2. April 13, 2004, and April 27, 2004, Meetings of the Board of Trustees

B. Request to Implement Mandatory Uniform Dress Code – Hawkins Elementary School, with an effective date to be 90 days from the date of approval by the Board.

C. Multi-Year Intergovernmental Agreement with the City of El Paso for Transportation Services for City Parks and Recreation Department Summer Programs

D. Interlocal Agreement with El Paso Community College (EPCC) for the Provision of Technical Services Through the EPCC Student Technical Service (STS) Program (\$20,013.00)

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

1. COC (Local), Food Services Management: Vending Machines
2. FL (Local), Student Records

F. Budget Amendments

1. Houston Elementary School (\$447.00). This item is to allow the purchase of additional instructional supplies.
2. IDEA-B Formula – Special Populations and State and Federally Funded Programs (\$63,000.00). This item is to provide funds for the purchase of protocols and newly revised and updated evaluation instruments for the educational diagnosticians to evaluate students with disabilities.
3. Staff Development for Campus Improvement Plan Writing 2004-05 (\$62,972.00). This item is to cover costs to develop and write Campus Improvement Plans.

G. Purchases Requiring Board Approval

1. Mailing Equipment Lease on Texas Building & Procurement Commission Bid #985-A4 (\$41,940.00) on a five-year lease agreement with Pitney Bowes, to be expensed in each budget year subject to the approval of each year's funding, with the 2003-04 fiscal year amount being \$2,097.00 and the 2004-05 fiscal year amount being \$8,388.00, subject to the approval of the 2004-05 preliminary budget (copy of price proposal attached to the permanent file of these minutes).
2. Discount from Catalog Prices for Computer & Audio Visual Repair Parts CSP #27-04 (approx. \$40,000.00) was awarded to the vendors listed for future purchases on an "as-needed" basis, with the option to extend for two additional years, one year at a time (bid tabulation attached to the permanent file of these minutes).
3. Aluminum Portable Access Ramps CSP #37-04 (\$217,265.00) was awarded to Redd Team Mfg., Inc., the low bidder (copy of bid tabulation attached to the permanent file of these minutes).

H. Construction Contract Awards (subject to the review and approval of the District's attorney).

1. Districtwide Kitchen Hood Fire Suppression System Upgrade (Bond, Coldwell, Lee, Mesita, Rivera, Roosevelt, and Stanton Elementary Schools), #04.377 (\$79,394.00), was awarded to Matyear Construction.
2. Waste Line Replacement – Ross Middle School, #04.383 (\$82,500.00), was awarded to Funk and Company.

I. 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. Districtwide LoanStar Program Lighting Renovation, Phase II (Bassett, Henderson, Lincoln, Ross, and Wiggs Middle Schools; and Andress, Austin, Coronado, Irvin, and Jefferson/Silva Magnet High Schools, #04.549 (approx. \$120,000.00)), to Energy Systems Associates, Inc., for a Basic Services Fee of 6 percent of the estimated construction cost.
2. Districtwide Multi-Purpose Classrooms #1 (Burleson, Clardy, and Hillside Elementary Schools), #04.834 (approx. \$111,835.00), to Synthesis Architecture, for a Basic Services Fee of 8.99 percent of the estimated construction cost.
4. Districtwide Multi-Purpose Classrooms #4 (Park, Stanton, Travis, and White Elementary Schools), #04.859 (approx. \$149,358.00), to Parkhill, Smith & Cooper, for a Basic Services Fee of 8.99 percent of the estimated construction cost.

J. April 2004 Report of JJAEP Placements not Appealed to the Board of Trustees. As the information contained in this report is confidential under the Privacy Laws, the report will be filed in the Office of the Superintendent.

K. April 2004 Personnel Report (copy attached to the permanent file of these minutes).

6. Mid-Year Review of 2003-04 Campus Improvement Plans

Dr. Linda Holman, Associate Superintendent, Elementary/Middle Schools Division II, provided information on the process used to conduct the mid-year review of the Campus Improvement Plans (CIPs). Board members commended the staff and campuses on the work accomplished on the CIPs.

7. Proposed Reorganization of Central Office Administrative Services

It was moved by Mr. Cordova and seconded by Mr. Dodge that the Board approve the reorganization of Central Office, as presented by the Superintendent in a proposed organization chart dated May 21, 2004, to include the addition of a Chief Academic Officer; Director of GIS; Executive Director of Financial Services; and a PEIMS Coordinator, Director, and Legal Counsel for Special Education, effective July 1, 2004, and subject to any necessary budget amendments being brought back to the Board at a future meeting.

Mr. Dodge and Dr. Roark commented on the new positions of Chief Business Officer and Chief Academic Officer, the search for candidates for these positions that would bring the experience and abilities needed to move the District forward, and the use of screening tools to ensure that the candidates meet the criteria for the positions. Mr. Tafoya provided information on the search process and the screening tools being utilized on applicants for all the positions.

Upon the vote, the motion carried unanimously.

8. Restated Summary Plan Document for the EPISD Health Care Trust Medical Plan

Ms. Elizabeth Bulos, Director, Employee Benefits, provided a history of amendments to the Plan document and clarified precertification, qualifications for bariatric surgery, and payment of claims.

Dr. Roark expressed concerns about precertification delays and about the need for careful monitoring of special surgeries that have potential risk for the District. Ms. Bulos advised that discussions had been held with SPECTERA, the District's utilization review company, on resolving the precertification issues and that Access Administrators, Inc. had been requested to provide information on the different types of surgeries performed.

Mr. Tafoya commented on a concern with "red lining" or "lasering" employees with high health costs, which causes unease with the umbrella carrier, and requested that the number of "lasered" employees be carefully monitored and reported to the Superintendent and the Board. He requested that Ms. Bulos set up a schedule through the Board's Employee Health/Insurance Committee to bring periodic status reports on precertifications for high-risk surgeries to the Board at least every 45 days.

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the 2004 restated EPISD Health Care Trust Medical Plan document incorporating approved amendments as presented.

E-Rate Goods and Services Under Internal Connections for E-Rate Year 2002 (Year 5)
Re-File CSP #22-04 (\$250,000.00)

Mr. Louis Mona, Interim Executive Director, Technology and Information Systems, stated that this item was to generate purchases for Cisco network electronics.

Mr. Dodge commented on this request being for only one of the variety of services included in the original CSP #22-04 and requested clarification on whether separate procurement process was needed. Mr. Safi advised that the Board could legally approve this purchase; however, it was the Board's prerogative to request a separate procurement if it believed it would result in either a fairer process to other proposers and bidders or a more attractive proposal.

There was discussion on whether El Paso companies would be interested in providing prices on this service, the administration reviewing these alternatives in the future, and the timeframe involved for the work to be completed.

It was moved by Dr. Roark, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve purchases from CSP #22-04 for non-E-Rate goods and services from Diversified Technical Services, Inc. for Cisco network electronics.

10. Award of A/V (Audio Visual) Lamps, Cassettes, and Video Cassettes Bid #36-04 (\$21,984.00)

It was moved by Mr. Dodge, seconded by Dr. O'Donnell, and carried unanimously that this bid be awarded to the vendors listed in the amounts indicated, with Item #2 being awarded to Valiant IMC, pursuant to the tie-breaking procedure: Aves Audio Visual Systems, Item 1, \$196.80, net 30; Du Motion Audio Visual Video, Inc., Items 8 and 10, \$10,810.80, net 30; The Logic Approach, Item 4, \$1,008.00, net 30; Troxell Communications, Inc., Item 7, \$4,536.00, net 30; Valiant IMC, Items 2, 3, 6, and 9, \$5,350.80, net 30; and Wholesale Electric Supply, Item 5, \$81.60, net 30 (copy of bid tabulation attached to the permanent file of these minutes).

9. Non E-Rate Goods and Services Under Internal Connections for E-Rate Year 2002 (Year 5) Re-File CSP #22-04 (\$250,000.00) (reconsideration)

It was moved Dr. Roark, seconded by Mr. Dodge, and carried unanimously that the Board reconsider the motion on the purchase of non-E-Rate goods and services under CSP #22-04 for Cisco network electronics.

Mr. Safi advised that the vendor was incorrectly specified in the motion.

It was moved by Dr. Roark and seconded by Mr. Dodge that the Board approve purchases from CSP #22-04 for non-E-Rate goods and services from Desert Communications, Inc. for Cisco network electronics.

11. Sole Source Instructional Materials, Training, or Software Purchases

A. DRA™/EDL (Developmental Reading Assessment/Evaluation del Desarrollo de la Lectura) Assessment Kits for Texas Reading First Initiative from Pearson Education, Inc. (\$324,297.23)

Dr. Roark commented on the 1999 evaluation provided as part of the background information and inquired if evaluations of these assessment materials had been conducted in the EPISD or elsewhere since then. Ms. Suzanne Madero, Reading First Grant Coordinator, stated that this is one of the diagnostic tools judged to be appropriate by the Texas Education Agency and various Texas universities but that it was unknown whether new research was available.

Mr. Art Jordan, Executive Director, Research, Evaluation, Planning and Accountability, advised that his unit had prepared an evaluation statement on the literature and information provided to them but that no formal evaluation was conducted on the gains and successes of the program within the District.

There was discussion on the Board's desire for evaluations to be conducted on programs used in the District's schools and presented to the Board prior to requests for renewal or expansion of the programs; the unsupportive nature of evaluations prepared by the manufacturer; and the training under way on action research at the campuses to assist in the collection of data.

Mr. Dodge inquired about the reference to ongoing training for teachers and administrators, and Ms. Madero clarified that with the purchase of the materials, training would be negotiated for literacy leaders and reading coaches who then would work with teachers at the campuses. Ms. Elfida Gutierrez, Associate Superintendent, Elementary/Middle Schools Division I, advised that these diagnostic assessment materials are prescribed by the state.

- B. Sharon Wells Consulting, Inc. Mathematics Curriculum and Training Program for Elementary School Teachers – Alamo, Barron, Bliss, Bonham, Burnet, Douglass, Fannin, Hart, Lee, Logan, Newman, Dr. Nixon, Roosevelt, Wainwright, and Whitaker Elementary Schools (\$75,636.00)

Responding to an inquiry from Mr. Dodge, Ms. Elfida Gutierrez, Associate Superintendent, Elementary/Middle Schools Division I, advised that all funding for this program would be from Title I funds.

It was moved by Mr. Mena, seconded by Dr. O'Donnell, and carried unanimously that the Board approve the sole source instructional materials, training, and software purchases as listed to the recommended vendors in the amounts indicated.

12. Award of Energy Management System Module Control Upgrade CSP #01-04 (\$80,00000)

Mr. Nick Corona, Executive Director, Facilities, Maintenance and Construction, provided information on the CSP process and the Board's directive to negotiate the pricing for control modules and for associated programming.

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the award of the negotiated module pricing for CSP #01-04 to PC Automated Controls, Inc., subject to the review and approval of the District's attorney.

13. Final Payment for Construction Contract Exceeding \$100,000.00 – Playfield Renovations – White Elementary School, #03.613.01 (\$10,888.04, total cost \$108,880.40)

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board approve the final payment to Accent Landscaping & Sprinklers, Inc., subject to the review and approval of the District's attorney.

15. Retaining Separate Legal Counsel in Connection with Upcoming Employee Termination Hearings

Mr. Safi provided information on a recommendation that the Board authorize the Board President and the Superintendent to retain legal counsel to advise the Board in connection with upcoming proposed nonrenewal and termination proceedings. He advised that due to his law firm having represented the administration with the presentations to the hearing examiners, it would not be possible to simultaneously counsel with the Board in the follow up to the recommendations received from the hearing examiners.

There was discussion on Mr. Safi being the attorney for the Board, these situations being brought to the Board for consideration prior to Mr. Safi representing the administration, and no Board action having been taken on Mr. Safi remaining the Board's attorney in such instances and outside counsel being hired for the administration.

It was moved by Mr. Mena, seconded by Mr. Dodge, and carried unanimously that the Board President and the Superintendent be authorized to retain separate legal counsel for the Board in connection with upcoming termination and nonrenewal hearings.

Meeting Closed

The meeting was recessed at 7:06 p.m. to a closed meeting by Mr. Mena under Section 551.071 of the Texas Government Code as follows:

14. Closed Meeting

A. Consultation with School District Attorney Regarding Contemplated or Pending Litigation

1. Laura Pabon vs El Paso Independent School District; No. 2003-622; In the 120th District Court, El Paso County, Texas
2. Arturo Bitar v. El Paso Independent School District; Texas Workforce Commission, Civil Rights Division, Complaint No. 1A40126-S
3. El Paso Independent School District vs. Rose Morales, No. 098-LH-404, Before a TEA-Certified Hearing Examiner

The closed meeting started at 7:15 p.m. The closed meeting ended at 7:51 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 7:53 p.m.

14. The action was as follows:

A., 2. Consultation with School District Attorney Regarding Contemplated or Pending Litigation – Arturo Bitar v. El Paso Independent School District; Texas Workforce Commission, Civil Rights Division, Complaint No. 1A40126-S

It was moved by Mr. Dodge, seconded by Ms. Colquitt-Muñoz, and carried unanimously that the Board approve the mediated settlement agreement as described.

A., 3. EPISD vs. Rose Morales, No. 098-LH-404, Before a TEA-Certified Hearing Examiner

It was moved by Mr. Dodge, seconded by Mr. Cordova, and carried unanimously that the Board authorize the dismissal of this nonrenewal proceeding and the issuance of a one-year term contract to Rose Morales.

Meeting Adjourned

The meeting was adjourned at 7:55 p.m.

Date Approved: June 22, 2004