

Minutes of Meeting of Board of Trustees  
El Paso Independent School District  
February 4, 2003  
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. Charles L. Tafoya, Superintendent  
Mr. Anthony Safi, School District Attorney

Absent: Mr. Richard Telles

The meeting was called to order at 5:07 p.m. by Mr. Wever. The Pledge of Allegiance was led by an EPISD student. Ms. Elfida Gutierrez, Associate Superintendent, Elementary Schools Division, gave the Thought for the Day.

Presentation of Education's Flag of Learning and Liberty (Item #1)

Mr. Luis Villalobos, Executive Director, Communications and Business Partnerships, provided information on the "Flag of Learning and Liberty," a new symbol for quality schools. Miss Crystal Corral, student at Austin High School, presented the members of the EPISD Board of Trustees with a "Flag of Learning and Liberty" on behalf of the District

School Board Recognition Month Presentation (Item #2)

In recognition of January being School Board Recognition Month, each individual Board member was presented with a gift from a representative high school in their respective district.

Recognition of Hillside Elementary School for Receiving a Title I, Part A Distinguished Performance Award from Texas Education Agency (Item #3)

Hillside Elementary School was recognized by the Board of Trustees for receiving the Title I, Part A Distinguished Performance Award from the Texas Education Agency. An engraved plaque was presented to Mr. Vincent Sheffield, Principal, in recognition of the school's accomplishment.

Recognition of EPISD Unsung Heroes (Item #4)

Ms. Dolores Hernandez, Parent Involvement Facilitator, and other members of the "Que Sabrosa Vida" program were recognized by the Board of Trustees as the District's Unsung Heroes. Each was presented a framed certificate on behalf of the Board. The names of those recognized are attached to the permanent file of these minutes.

Awards to January 2003 Employees of the Month (item #5)

Mr. Erik Kana, teacher at Charles Middle School, was recognized by the Board of Trustees as January 2003's Certified Employee of the Month; and Mr. Manuel Villagran, head custodian at Polk Elementary School, was recognized as January 2003's Non-Certified Employee of the Month. Each was presented with an engraved plaque and a check in the amount of \$200.00.

Presentation by Francis S. Ainsa, Jr., Ainsa Hutson, LLP, Attorneys at Law, Regarding EPISD Site Acquisition for South Central Elementary School E-5 (Park Town Elementary School) (Item #6)

Mr. Frank Ainsa, Ainsa Hutson, LLP, and Mr. J. Eduardo Cadena, Cadena & Phillips, P.C., attorneys representing Silva's Super Market and their related business entities, made a presentation on the location (Option "B") of the new South Central Elementary School (Park Town Elementary School). Mr. Ainsa questioned the criteria on which the Board's decision was based in selecting Option "B" and the feasibility study that was conducted.

Mr. Ainsa discussed the community meetings that were held; the impact Option "B" will have on residents of the South Side; people who oppose Option "B"; and a request for additional community input. Mr. Ainsa also explained the impact that Option "B" will have on Silva's Super Market and requested that the Board reconsider its decision. Mr. Cadena requested that the Board rescind its action of September 10, 2002.

Public Forum (Item #7)

The following people requested to speak on Open Forum:

1. Mr. Raul Garcia spoke about costs for additional lighting at Jefferson/Silva High School.
2. Ms. Frances Wever, President, El Paso Federation of Teachers and Support Personnel, spoke about obtaining input into decisions and requested open communication and the modification of policies and procedures.
3. Ms. Socorro Rodriguez spoke about a public meeting held in South El Paso regarding the site for the Park Town Elementary School.
4. Mr. Jesus Pichardo spoke a meeting held in South El Paso related to the Park Town Elementary School and requested that the Board consider the recommendation of Mr. Frank Ainsa.
5. Mr. Mark Alvarado, representing Centro de Salud Familiar La Fe, voiced opposition to Option "B" as the site for the Park Town Elementary School and support of Silva's Super Market.
6. Ms. Carmen Zamora presented a petition opposing Option "B" as the site for the Park Town Elementary School.
7. Ms. Magdalena Nañez spoke about the site selection for the Park Town Elementary School dislocating people and its effect on people in that area.
8. Mr. Oscar Venegas, AGC, spoke in support of alternative delivery methods for construction.
9. Mr. Carlos Cordova spoke in support of a proposed bond election for the EPISD.

Consent Agenda (Item #8)

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

- Mr. Mena - Item 8, F., Approval of Subagreement No. 01/02-262-01 with the University of Texas at El Paso (UTEP), Subject to National Science Foundation Cooperative Agreement No. EHR-0227124, for the El Paso "Math & Science Partnership (MSP)"

Mr. Wever - Item 8, H., Purchases Requiring Board Approval

- 1.) Option to Extend Existing Bid - Videos, Videodiscs, CD-ROMs, DVDs, Software Bid #92-00 (approx. \$91,995.48)
- 4.) Grolier Educational Materials for Library Learning Resources, Purchase Order No. 256840 (\$18,236.94)

Questions on Approval of Subagreement No. 01/02-262-01 with the University of Texas at El Paso (UTEP), Subject to National Science Foundation Cooperative Agreement No. EHR-0227124, for the El Paso "Math & Science Partnership (MSP)" (Item #8, F.)

Responding to a question from Mr. Mena, Mr. Tafoya provided information on the Math and Science Partnership (MSP) and explained that the MSP is an extension of the Urban Systemic Program (USP), which is in the fourth year of a five-year grant. Ms. Alicia Torres, Director, MSP, provided additional details on the structure of the MSP model.

Questions on Purchases Requiring Board Approval (Item #8, H.)

Option to Extend Existing Bid - Videos, Videodiscs, CD-ROMs, DVDs, Software Bid #92-00 (approx. \$91,995.48) (Item #8, H., 1.)

Mr. Wever inquired about the selection of the higher bid. Ms. Sharon Carr, Facilitator, Library Learning Resources, advised that School Media Associates was selected because the company had more options and a wider variety of materials. There was discussion on the amount being estimated for the upcoming year and placing a cap of \$92,000.00 on the bid.

Grolier Educational Materials for Library Learning Resources, Purchase Order No. 256840 (\$18,236.94) (Item #8, H., 4.)

Mr. Wever expressed concern about the purchase being categorized as a sole source when the items were available from other sources. Ms. Sharon Carr, Facilitator, Library Learning Resources, stated that the reference materials that the schools purchase from this supplier are the most recent publications and that only Grolier Publishing Co. can sell directly to the schools. There was discussion about postponing this item until additional information could be obtained from the vendor on sources and pricing of its materials.

It was the consensus of the Board that Grolier Educational Materials for Library Learning Resources, Purchase Order No. 256840, be postponed until February 18, 2003.

It was moved by Mr. Mena, seconded by Dr. Finke, 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. September 3, 2002, and September 24, 2002, Board Policy Committee Meetings; September 10, 2002, Board Finance Committee Meeting; and September 17, 2002, Board's Employee Health/Insurance Committee Meeting
2. September 3, 2002; September 10, 2002; and September 24, 2002, Meetings of the Board of Trustees

The Board approved the minutes of the September 3, 2002, and September 24, 2002, Board Policy Committee meetings; the September 10, 2002, Board Finance Committee meeting; the September 17, 2002, Board's Employee Health/Insurance Committee meeting; and the September 3, 2002; September 10, 2002; and September 24, 2002, meetings of the Board of Trustees.

- B. Approval of Amendment No. 1 for Subcontract Agreement with UTEP for Continued Funding from the UTEP/Department of Education Technology Challenge Grant for Job-Embedded Staff Development with Burleson, Clardy, Crosby, and Stanton Elementary Schools; and Henderson Middle School (\$75,000.00)

The Board approved Amendment No. 1 for the Subcontract Agreement with UTEP and continued funding from the UTEP/U. S. Department of Education Technology Challenge Grant for job-embedded staff development at Burleson, Clardy, Crosby, and Stanton Elementary Schools; and Henderson Middle School for the period ending September 30, 2003, for an amount not to exceed \$75,000.00.

- C. Approval of Amended Interlocal Governmental Agreement Between the EPISD and Region 19 Education Service Center for Services Under the McKinney Homeless Assistance Program (additional \$38,175.00, amended allotment \$142,579.00)

The Board approved the amended interlocal agreement between the EPISD and Region 19 Education Service Center for tutoring and other services to be provided for homeless children under the McKinney Homeless Assistance Program effective through August 31, 2003, with the EPISD reimbursing Region 19 for an additional amount of \$38,175.00 or an amended total amount not to exceed \$142,579.00.

- D. Approval of Interlocal Agreement with the County of El Paso for the Security Guard Operation of El Paso County Juvenile Justice Alternative Education (JJAEP) Programs Pursuant to Chapter 37 of the Texas Education Code

The Board approved the Interlocal Agreement with the County of El Paso for the Security Guard Operation of the El Paso County Juvenile Justice Alternative Education Programs (JJAEP) at the Telles Academy and JJAEP (Telles) Middle School pursuant to Chapter 37 of the Texas Education Code with the costs that are incurred by EPISD for the period of August 1, 2002, through June 30, 2003, being invoiced for reimbursement from El Paso County up to the amount of \$5,00.00 for each school for a total reimbursement amount of \$10,000.00.

- E. Approval of Amendment No. 3, Subagreement 98/99-186-2, with the University of Texas at El Paso (UTEP), Subject to National Science Foundation Cooperative Agreement No. ESR-9908105; Amendments Nos. 001 and 002, and Amendment No. 003 to Cooperative Agreement No. ESR-9453664, for the Continuation of the "El Paso Urban Systemic Program (EUSP)"

The Board approved the fourth year of the Urban Systemic Program Grant from the National Science Foundation, through the University of Texas at El Paso/El Paso Collaborative for Academic Excellence (EPCAE), with costs associated with the subagreement that are incurred for the period of September 1, 2002, through August 31, 2003, being invoiced for reimbursement from the EPCAE up to the amount of \$52,250.00, and with the District's cost-sharing level being \$1,945,000.00.

- F. Approval of Subagreement No. 01/02-262-01 with the University of Texas at El Paso (UTEP), Subject to National Science Foundation Cooperative Agreement No. EHR-0227124, for the El Paso "Math & Science Partnership (MSP)"

The Board approved the Math and Science Partnership Grant from the National Science Foundation (NSF), through the University of Texas at El Paso/El Paso Collaborative for Academic Excellence (EPCAE), with cost reimbursements being paid to the EPISD up to the amount of \$83,600.00 for the current budget period of September 1, 2002, through September 30, 2003.

- G. Approval of Budget Amendments

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

1. Address High School (\$2,400.00). The purpose of this item is to amend the Address High School budget in the amount of \$2,400.00 in order to reimburse the campus for office furniture and to purchase custodial equipment, as requested by Principal Curtis Williams.
2. State Compensatory Education (SCE) – Collins Elementary School (\$500.00). The purpose of this item is to amend the Collins Elementary School State Compensatory Education (SCE) budget in the amount of \$500.00 to pay for training for the Kaplan Reading Empowerment Program, as requested by Principal Jim Horan.
3. Stanton Elementary School (\$2,000.00). The purpose of this item is to amend the Stanton Elementary School budget in the amount of \$2,000.00 to pay for a Specific Reading Disorder (SRD) teacher through March 2003, as requested by Principal Vanessa Foreman.
4. Superintendent's Professional Services – Paul Colbert, Legislative Consultant (\$52,000.00). The purpose of this item is to amend the Superintendent's budget in the amount of \$52,000.00 to allow for payment of services by Paul Colbert, the District's legislative representative/consultant, as approved by the Board on January 14, 2003.

H. Purchases Requiring Board Approval

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

1. Option to Extend Existing Bid – Videos, Videodiscs, CD-ROMs, DVDs, Software Bid #92-00. The Board approved the final option to extend Videos, Videodiscs, CD-ROMs, DVDs, Software Bid #92-00 to School Media Associates with a cap of \$92,000.00, with any additional amounts to be brought back to the Board (copy of bid tabulation attached to the permanent file of these minutes).
  2. Commercial Kitchen Equipment Bid #127-02 (\$197,757.23) was awarded to National Restaurant Supply, the low bidder, in the amount of \$197,757.23 with net terms (copy of bid tabulation attached to the permanent file of these minutes).
  3. Offset Paper Bid #130-02 (\$70,531.20) was awarded to Spectrum Paper, the low bidder, in the amount of \$70,531.20 with 1 percent terms and a \$3.00 per cwt. escalation clause, if applicable, with verification of a paper industry price increase, and with the amount of \$21,159.36 for 2003-04 deliveries being subject to the approval of the 2003-04 preliminary budget (copy of bid tabulation attached to the permanent file of these minutes).
  5. Horizon Sunrise Web-Based Library Management Systems, Purchase Order No. 257539 (\$17,961.00), was approved for purchase from Epixtech, the sole source, in the amount of \$17,961.00 (copy of purchase order attached to the permanent file of these minutes).
- I. Construction Contract Award – Parking Lot Improvements – Kohlberg Elementary School, #03.553 (\$118,222.00)

The Board approved the award of Construction Contract #03.553, Parking Lot Improvements – Kohlberg Elementary School, subject to the review and approval of the District's attorney, to F. T. James Construction, Inc. in the amount of \$118,222.00.

J. November and December 2002 Report of JJAEP Placements not Appealed to the Board of Trustees

The November and December 2002 Report of JJAEP Placements not Appealed to the Board of Trustees was approved as presented. As the information contained in this report is confidential under the Privacy Laws, the report will be filed in the Office of the Superintendent.

Interdistrict Transfer Student Tuition Waiver Appeal – E. H. (Item #9)

Ms. Gloria Boyer, Director, Pupil Services, provided information on the interdistrict transfer request for E. H. to attend Burges High School and the request to waive tuition. She stated that E. H. resides in the Ysleta ISD and reviewed the history of his attendance at EPISD schools, without paying tuition, since the 2000-01 school year. She stated that the aunt of E. H. requested a tuition exemption because E. H. is now residing in her home, which is located within the EPISD boundaries. The tuition waiver was denied because evidence from an EPISD truant officer indicates that E. H. does not reside at the address stipulated on the Residency Affidavit.

It was moved by Dr. Roark and seconded by Mr. Mena that the Board uphold the administration's decision to deny the tuition waiver request for the interdistrict transfer of E. H. to Burges High School for the remainder of the 2002-03 school year. Upon the vote, the motion carried with Dr. Finke voting against the motion.

Item Withdrawn

It was announced that item no. 10, Parent/Student Complaint Regarding Course Credits – Mr. and Mrs. G. V. and E. D., had been withdrawn from the agenda.

Consider and Take Appropriate Action Regarding a Resolution Approving and Authorizing the Creation of a Nonprofit Public Facility Corporation to Act on Behalf of the El Paso Independent School District to Finance, Refinance or Provide the Costs of Public Facilities of the District; Approving Articles of Incorporation and Bylaws of Said Corporation; and Resolving Other Matters Related Thereto (Item #11)

It was moved by Mr. Rosales and seconded by Miss Garcia that the Board adopt a resolution authorizing the District to create a nonprofit public facility corporation to act on behalf of the District, that it approve the articles of incorporation and bylaws of said corporation, and that it authorize the District's bond counsel to file the articles of incorporation with the Texas Secretary of State. Upon the vote, the motion carried with Dr. Roark voting "present."

Approval of Resolution Appointment Ad-Hoc Committee for EPISD Bond Election in Fall 2003 (Item #12)

Mr. Tafoya proposed an EPISD bond election in the Fall 2003 and the formation of an Ad Hoc Committee comprised of 2 appointees by each Trustee and the Superintendent. The purpose of the Committee would be to establish timelines and projects associated with the bond election. It was requested that the Trustees submit their nominees to the Superintendent by March 11, 2003, and that approval of the Committee be brought to the Board for approval on March 25, 2003.

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board adopt and approve the Resolution Appointing Ad-Hoc Committee for EPISD Bond Election in Fall 2003 for an EPISD bond election in the Fall 2003 as recommended by the Superintendent.

Approval of Students' Travel to Washington, DC, through Close Up® Foundation Programs (Item #13)

- A. Washington Program – Burges, Chapin, Coronado, and Irvin High Schools (\$45,286.00)
- B. Program for New Americans – Austin, Bowie, Burges, Coronado, and Jefferson High Schools (\$42,097.00)

It was moved by Mr. Mena and seconded by Mr. Rosales that the Board approve students from Burges, Chapin, Coronado, and Irvin High Schools to travel to Washington, D.C. to participate in the Close Up® Foundation's Washington High School Program and students from Austin, Bowie, Burges, Coronado, and Jefferson High Schools to participate in the Close Up® Foundation's Program for New Americans. Upon the vote, the motion carried with Dr. Roark voting "present."

Approval of Resolution Authorizing Participation in (Texas Local Government Investment Pool) TexPool/TexPool *Prime* and Designating Authorized Representatives (Item #14)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board approve the Resolution Authorizing Participation in TexPool/TexPool *Prime* and Designating Authorized Representatives and the list of authorized representatives as represented (copy attached to the permanent file of these minutes). Dr. Roark was not present for the vote.

Approval of Purchase Order No. 257604 to Region 19 Education Service Center for Internet Services from July 1, 2002, through December 31, 2002 (\$57,336.00) (Item #15)

It was moved by Miss Garcia, seconded by Mr. Mena, and carried unanimously that the payment for Internet services, Purchase Order No. 257604, be approved to Region 19 Education Service Center for the period of July 1, 2002, through December 31, 2002, in the amount of \$57,336.00 (copy of purchase order attached to the permanent file of these minutes). Dr. Roark was not present for the vote.

Approval of Interlocal Agreement with Region 19 Education Service Center for Internet Services from January 1, 2003, through August 31, 2003 (\$76,448.00) (Item #16)

It was moved by Miss Garcia, seconded by Mr. Wever, and carried unanimously that the Board approve the Interlocal Agreement with Region 19 Education Service Center for the provision of Internet services for the period of January 1, 2003, through August 31, 2003, in the amount of \$76,448.00. Dr. Roark was not present for the vote.

Approval of Statements of Work and Authorization for EPISD Administration to File FCC Form 471 for Year 6 E-Rate Funding Awards from USAC (Universal Service Administrative Company) Schools and Libraries Division (Item #17)

It was moved by Mr. Mena, seconded by Miss Garcia, and carried unanimously that the Board approve the submission of the Statements of Work for E-Rate Year 6 to the Schools and Libraries Division for the vendors recommended by the administration in the amounts indicated and authorize the EPISD administration to file FCC Form 471 for Year 6 E-Rate funding awards from the USAC (Universal Service Administrative Company) Schools and Libraries Division, with the EPISD's estimated matching portion being \$1,443,029.60 (copy of list of vendors and amounts attached to the permanent file of these minutes).

Approval of Science Lab Probes, Bundles, and Manuals from PASCO Scientific for Middle and High Schools (approx. \$40,000.00) (Item #18)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board approve the purchase of science lab probes, bundles, and manuals for use with the computer-assisted lab bundles at the middle schools and high schools from PASCO Scientific, the sole source, for the approximate amount of \$40,000.00. Mr. Mena was not present for the vote.

Approval of Bilingual Education Instructional Materials (Item #19)

- A. *¡Si Puedo!* Reading Intervention Program from Houghton Mifflin Company for Grades 1 and 2 (\$67,490.00)
- B. Pacemaker Classic Julius Caesar and Carteles De Escritura-Shared Writing Templates and Training from Pearson Education, Inc. for Grades Kindergarten through 2 (\$32,656.25)
- C. Supplemental Reading Materials from National Educational Systems, Inc. for Bilingual/ESL (English as a Second Language) Students (\$307,465.70)

Mr. Wever questioned the sole source designation of the vendors when these items were available from other sources at a lower cost. There was discussion on the items being brought back to the Board on February 18, 2003, with additional information on the sole source status of the vendors.

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that item no. 19, A. - C., Approval of Bilingual Education Instructional Materials, be postponed until February 18, 2003.

#### Item Withdrawn

It was announced that item no. 20, Approval of *Qué Sabrosa Vida* Recipe Kits, English and Spanish Manuals, and Food Models from Lopez Advertising Group, Inc. (\$33,520.00), had been withdrawn from the agenda.

#### Approval of Instructional Materials and/or Training Costs Requiring Board Approval (Item #21)

- A. ETA/Cuisenaire Math, Reading, and Science Materials and Staff Development Workshops from ETA/Cuisenaire (approx. \$130,234.00)
- B. Textbooks and Materials for *Soar for Success: The Reading Intervention Program Grades 3-8* and *Houghton Mifflin Mathematics: Problem Solving for Success Grades 3-5* from Houghton Mifflin Company (approx. \$125,714.44)
- C. English and Spanish Reading and Literacy Books and Instructional Materials from Rigby Education (approx. \$139,855.12)
- D. Reading and Instructional Books for Elementary and Middle Schools from Sundance Publishing (approx. \$74,053.44)
- E. Reading and Writing Staff Development Training for Elementary Teachers from Balanced Literacy Institute (approx. \$94,160.00)
- F. Reading and Instructional Materials for Grades K-12 from Scholastic, Inc. (approx. \$137,585.33)
- G. Linguistic Pattern Series™ Training Materials from ISM Teaching Systems, Inc. (approx. \$97,467.13)

Mr. Wever questioned the sole source designation of the vendors for these items and the projected amounts, with Mr. Terry Freiburg, Director, Purchasing, advising that the vendors provided verification of their copyright and publication of the materials as sole source. He stated that the amount for each item is the total projected through August 31, 2003. There was discussion on the distinction of sole source "distributors" and purchases that exceed the estimated amounts approved by the Board being brought back to the Board.

It was moved by Mr. Mena, seconded by Mr. Rosales, and carried unanimously that item nos. 21, A. - G., Approval of Instructional Materials and/or Training Costs Requiring Board Approval, be postponed until February 18, 2003.

Mr. Freiburg requested that the Board reconsider item nos. 21, A., B., F., and G. There was discussion of potential problems with delaying the approval of these items. The administration indicated that training dates had been scheduled and that the deadline for expending Accelerated Reading Initiative (ARI) funding was quickly approaching.

It was moved by Dr. Finke, seconded by Mr. Mena, and carried unanimously that the Board reconsider the motion to postpone item nos. 21, A., B., F., and G.

It was moved by Dr. Finke, seconded by Mr. Mena, and carried unanimously that the Board approve the instructional materials and/or training as listed (item nos. 21, A., B., F., and G.) to the recommended vendors for the amounts indicated.

- A. ETA/Cuisenaire Math, Reading, and Science Materials and Staff Development Workshops from ETA/Cuisenaire (approx. \$130,234.00)

The Board approved the purchase of ETA/Cuisenaire math, reading, and science materials and staff development workshops from ETA/Cuisenaire, the sole source, in the estimated amount of \$130,234.00.

- B. Textbooks and Materials for *Soar for Success: The Reading Intervention Program* Grades 3-8 and *Houghton Mifflin Mathematics: Problem Solving for Success* Grades 3-5 from Houghton Mifflin Company (approx. \$125,714.44)

The Board approved the purchase of textbooks and materials for *Soar for Success: The Reading Intervention Program* Grades 3 - 8 and *Houghton Mifflin Mathematics: Problem Solving for Success* Grades 3 - 5 from Houghton Mifflin Company, the sole source, in the estimated amount of \$125,714.44.

- F. Reading and Instructional Materials for Grades K-12 from Scholastic, Inc. (approx. \$137,585.33)

The Board approved the purchase of reading and instructional materials to be used across all grade levels in support of the state's reading objectives, from Scholastic, Inc., the sole source, in the estimated amount of \$137,585.33.

- G. Linguistic Pattern Series™ Training Materials from ISM Teaching Systems, Inc. (approx. \$97,467.13)

The Board approved the purchase of Linguistic Pattern Series™ training materials, to be used in conjunction with the Specific Reading Difficulties (SRD) program to help students with dyslexia, from ISM Teaching Systems, Inc., the sole source, in the estimated amount of \$97,864.80.

#### Item Withdrawn

It was announced that item no. 22, A., AlphaSmart® Classroom Bundles Bid #125-02 (\$53,147.18), had been withdrawn from the agenda.

#### Purchases Requiring Board Approval (Item #22)

##### Questions on Computer Equipment for TIF Libraries Grant Bid #129-02 (\$235,665.00) (Item #22, C.)

Mr. Wever inquired about the purchase of additional computers for the libraries. Ms. Sharon Carr, Facilitator, Library Learning Resources, advised that replacement computers are being purchased to upgrade the library web-based system and provide computers for student workstations.

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

- B. Lamp Bid #128-02 (\$27,198.90) was awarded to the following vendors in the amounts indicated with Items #11 and #12 being awarded to Wesco Distribution, Inc., pursuant to the tie-breaking procedures: Border States, Item 16, \$18.84, net; Consolidated Electric, Items 2, 3, 6, 19, and 22, \$368.46, net; Dealers Electric Supply, Item 15, \$154.80, net; Grainger, Item 7, \$62.40, net; Graybar Electric, Items 13 and 14, \$234.00, 2 percent; Summit Electric Supply, Items 1, 5, and 8, \$189.60, net; Triangle Electric, Item 10, \$3,450.00, 2 percent; Voss Lightning, Items 4, 9, 17, 18, 20, and 21, \$20,925.60, net; and Wesco Distribution, Inc., Items 11 and 12, \$1,795.20, net, for a total amount of \$27,198.90 (copy of bid tabulation attached to the permanent file of these minutes).
- C. Computer Equipment for TIF Libraries Grant Bid #129-02 (\$235,665.00) was awarded to Comnet Systems, Items 2 and 3, in the amount of \$69,036.00; Dell Marketing, Item 1, in the amount of \$123,873.00; and Software House Int'l. (SHI-GS), Item 4, in the amount of \$42,756.00, for a total amount of \$235,665.00 (copy of bid tabulation attached to the permanent file of these minutes).
- D. Client/Server Workstations for Lincoln Middle School, Purchase Order No. 254811 (\$27,090.00), were approved for purchase from I-Next, Inc., the lowest quote, in the amount of \$27,090.00 (copy of purchase order attached to the permanent file of these minutes).

- E. Computers for Staff Development, Purchase Order No. 255417 (\$19,217.00), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$19,217.00 (copy of purchase order attached to the permanent file of these minutes).
- F. Apple Computers and Wireless Lab for Collins Elementary School, Purchase Order No. 256229 (\$20,034.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$20,034.00 (copy of purchase order attached to the permanent file of these minutes).
- G. Computers for El Paso High School, Purchase Order No. 256399 (\$30,695.94), were approved for purchase from Dell Marketing LP, the lowest quote, in the amount of \$30,695.94 (copy of purchase order attached to the permanent file of these minutes).
- H. Equipment and Printers for Stanton Elementary School, Purchase Order No. 256500 (\$13,182.97), were approved for purchase from CDW Government Inc., the lowest quote, in the amount of \$13,182.97 (copy of purchase order attached to the permanent file of these minutes).
- I. Apple Computers and Wireless Lab for Douglass Elementary School, Purchase Order No. 256505 (\$33,255.00), were approved for purchase from Apple Computer, the sole source, in the amount of \$33,255.00 (copy of purchase order attached to the permanent file of these minutes).

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

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

- A. HVAC Renovation, Phase 2 - El Paso High School, #02.527.02
- C. Districtwide Boiler Replacement - Alamo, Clendenin, Cooley, Putnam, and Vilas Elementary Schools, #03.612

Approval of Procurement/Delivery/Methods for Construction Contracts Exceeding \$15,000.00 - Mary N. Tippin Elementary School E-7, #02.602 (Item #23, B.)

Mr. Mena expressed concern with the administration's recommendation for the competitive bid method for the Tippin Elementary School project and requested more information on the construction manager-at-risk process. There was discussion on the need to proceed on this project and the administration responding to individual Board members seeking information regarding the construction management-at-risk process.

It was moved by Dr. Roark and seconded by Mr. Wever that the competitive bid process be utilized for Project #02.602, Mary N. Tippin Elementary School E-7, subject to the review and approval of the District's attorney, and that the advertisement and issuance of relevant documents be authorized to prospective bidders/proposers. Upon the vote, the motion carried, with Mr. Mena voting against the motion.

Meeting Closed (Item #24)

The meeting was recessed at 8:28 p.m. to a closed meeting by Mr. Wever under Sections 551.071 and 551.074 of the Texas Government Code as follows:

- A. Personnel Appointment - Assistant Principal, White Elementary School
- B. Proposed Termination of Continuing Contract Employee
- C. Proposed Termination of Term Contract Employee
- D. Consultation with School District Attorney - Contemplated Litigation Concerning Site License Agreement with EdVision Corporation
- E. Consultation with School District Attorney Regarding Contemplated Litigation - EPISD vs. Gregg G. bnf Joyce G.

The closed meeting started at 8:35 p.m. The closed meeting ended at 9:48 p.m.

Meeting Opened

The meeting was reassembled in Open Session at 9:50 p.m.

Personnel Appointment – Assistant Principal, White Elementary School (Item #24, A.)

It was moved by Mr. Rosales, seconded by Miss Garcia, and carried unanimously that the Board accept the Superintendent's recommendation to appoint Alan C. Stephens, private consultant and former teacher with the EPISD, to the position of Assistant Principal, White Elementary School.

Proposed Termination of Continuing Contract Employee (Item #24, B.)

It was moved by Dr. Roark, seconded by Mr. Wever, and carried unanimously that the Board authorize the Superintendent to give Barbara Buck notice of the proposed termination of her continuing contract.

Proposed Termination of Term Contract Employee (Item #24, C.)

It was moved by Dr. Roark and seconded by Miss Garcia that the Board authorize the Superintendent to give Jon Sanders notice of the proposed termination of his term contract. Upon the vote, the motion failed with Dr. Roark, Miss Garcia, and Mr. Rosales voting in favor of the motion, and Dr. Finke, Mr. Wever, and Mr. Mena voting against the motion.

It was moved by Mr. Wever and seconded by Dr. Finke that the proposed termination of Jon Sanders be remanded to the Superintendent to handle as he deems appropriate and brought back to the Board, if necessary. Upon the vote, the motion failed with Mr. Mena, Mr. Wever, and Dr. Finke voting in favor of the motion, and Mr. Rosales, Miss Garcia, and Dr. Roark voting against the motion.

Mr. Safi stated that the action of giving a term contract employee proposed notice of termination, nonrenewal, or suspension without pay can only be authorized by the Board of Trustees. If the Board does not authorize that action, the Superintendent is free to impose alternate discipline as the Superintendent deems fit. The employee's recourse would be to file a grievance if in disagreement with the discipline imposed by the Superintendent.

Consultation with School District Attorney - Contemplated Litigation Concerning Site License Agreement with EdVision Corporation (Item #24, D.)

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that the Board accept the settlement offer from the legal counsel for EdVision Corporation dated January 30, 2003, for a cash payment to the District of \$75,000.00 in three equal installments of \$25,000.00 payable over two years and a credit in the amount of \$60,000.00.

Consultation with School District Attorney Regarding Contemplated Litigation – EPISD vs. Gregg G. bnf Joyce G. (Item #24, E.)

It was moved by Mr. Wever, seconded by Dr. Roark, and carried unanimously that the Board authorize the administration and the law firm of Mounce, Green, Myers, Safi & Galatzan, PC to file a lawsuit on February 5, 2003, seeking a restraining order and injunctive relief with respect to student Gregg G. bnf Joyce G. and the other parent, regarding the placement of this student.

Meeting Adjourned

The meeting was adjourned at 9:59 p.m.

Date Approved: May 13, 2003