



EL PASO INDEPENDENT
SCHOOL DISTRICT

Legal & Legislative Affairs Office

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May 14, 2021

**VIA CERTIFIED MAIL RRR
and ELECTRONIC MAIL**

No. 70161370000161361661
Honorable Mike Morath
Commissioner of Education
Texas Education Agency
1701 North Congress Avenue
Austin, Texas 78701
commissioner@tea.texas.gov

RE: Notice to the Commissioner of Education of El Paso Independent School District Board of Trustees
Adoption/Renewal of Local Innovation Plan

Dear Commissioner Morath:

On May 11, 2021, at its regularly scheduled meeting, the EPISD Board adopted and renewed its Local Innovation Plan. At the meeting, six of the seven Trustees were present. Trustee Diane Dye moved that the Board adopt/renew the final Local Innovation Plan to achieve designation as a district of innovation. Trustee Al Velarde seconded the motion. The motion passed unanimously 6-0. Enclosed is a copy of the final Plan. Also enclosed is the completed form from TEA's website identifying the requirements imposed by the Education Code that inhibit the goals of the Plan from which the district should be exempted. The Plan is posted on the District's website, <https://www.episd.org/Page/542>.

If you have any questions, please contact me directly at (915) 230-2561.

Sincerely,


Jeanne C. Collins
General Counsel

cc: accred@tea.texas.gov
Vince Sheffield, Interim Superintendent

Enclosures:

Local Innovation Plan (April 8, 2021) Adopted/Renewed May 11, 2021
TEA Form with Exemptions

**EL PASO INDEPENDENT SCHOOL DISTRICT
LOCAL INNOVATION PLAN**

April 8, 2021

I. INTRODUCTION

Chapter 12A of the Texas Education Code permits Texas public school districts to become Districts of Innovation and to obtain exemption from certain provisions of the Texas Education Code. On December 8, 2020, the El Paso Independent School District's Board of Trustees ("Board") unanimously passed a Resolution to Consider Renewal of Designation as a District of Innovation in order to increase local control over District operations and to support innovation and local initiatives to improve educational outcomes for the benefit of students and the community. In its Resolution, the Board clarified that it did not desire the District to be exempted from any existing laws relating to teacher contracts or teacher benefits, except to the extent that the Texas Education Code 22.004 (i) precludes the District from providing alternative group health coverage.

On December 8, 2020, the Board delegated the authority to the Interim Superintendent to appoint a Local Innovation Committee comprised of two members appointed by each Board member and seven members appointed by the Interim Superintendent. The Interim Superintendent reported the names of the members of the Committee at the January 2021 Board Meeting. One vacancy remained on the Committee due to the appointee's inability to serve. The Committee is comprised of the following members:

<u>Committee Member</u>	<u>Appointment</u>
Patricia Cortez Assistant Superintendent of Human Resources	Interim Superintendent Vince Sheffield
Dr. Tamekia Brown Chief Academic Officer	Interim Superintendent Vince Sheffield
Nancy Tovar Assistant Superintendent of Elementary Schools	Interim Superintendent Vince Sheffield
Norma De La Rosa President, El Paso Teachers Association	Interim Superintendent Vince Sheffield
Ross Moore President, El Paso American Federation of Teachers	Interim Superintendent Vince Sheffield
Laura Strelzin Bagley Teacher, Franklin High School	Interim Superintendent Vince Sheffield
Martha Aguirre Executive Director Budget & External Financial Management	Interim Superintendent Vince Sheffield

As Adopted/Renewed by the Board of Trustees May 11, 2021

Gustavo Arriaga
Lead Program Manager, Southwest Region
Microsoft Philanthropies TEALS Program

Trustee Freddy Khlayel-Avalos

Michael Martinez
City Manager, Sunland Park, NM

Trustee Freddy Khlayel-Avalos

Dr. Sarah Chavez-Gibson
Principal, Stanton Elementary School

Trustee Diane Dye

Nancy Hanson
Principal, Logan Elementary School

Trustee Diane Dye

Ray Aduino
El Paso Association of Builders

Board President Bob Geske

Dow Farley
Retired Teacher

Board President Bob Geske

Jessica Silva
Librarian, El Paso High School

Trustee Joshua Acevedo

Richard Gutierrez
UTEP Professor

Trustee Joshua Acevedo

Mari Vanpelt
Community Member

Trustee Daniel Call

Jonathan Childress
Community Engagement Manager
Microsoft TechSpark Program

Trustee Daniel Call

Mica Short
Vice President of Development
Paso Del Norte Community Foundation

Board Vice President Al Velarde

Dr. Deborah Fetzer
Youth Education Support Services Director
Fort Bliss Liaison

Trustee Charles Taylor

Dr. Elena Izquierdo
UTEP Professor

Trustee Charles Taylor

The Committee met on February 10, 17, 24, and March 10, 24, 31, and April 7, 2021, to discuss and draft this Local Innovation Plan ("Plan"). In the process the Committee reviewed the District's current exemptions and various exemptions enjoyed by other districts of the same size and with B or A ratings. The Committee sought and considered input on the Plan through community meeting(s). Based on direction provided by the Board and input from various District stakeholders, the Committee proposes this Plan.

II. TERM

The term of the Plan is for five years, beginning at the start of the 2021-2022 school year and ending at the end of the 2025-2026 school year, unless terminated or amended earlier by the Board in accordance with the law.

III. A COMPREHENSIVE EDUCATIONAL PROGRAM

The Plan's comprehensive educational program is guided by and aligned with the District's Vision, Mission, Strategic Priorities, and Strategic Plan for the District.

A. Vision

El Paso Independent School District will be a premier educational institution, source of pride and innovation, and the cornerstone of emerging economic opportunities producing a twenty-first century workforce.

B. Mission

The El Paso Independent School District graduates every student prepared for higher learning and careers to empower them as knowledgeable and engaged citizens, innovators, and drivers of a robust, bicultural economy.

C. Strategic Plan

The Strategic Plan recognizes and acts upon a belief that, in order for students to be equipped for their lives and futures, they need a system that puts learners at the center. The development of the Strategic Plan began with two guiding questions; "What should El Paso Independent School District students know and be able to do?" and "How can we create a system that will get them there?"

The Strategic Plan includes strategic priorities, focus areas, and initiatives pointing toward a broader set of outcomes that focus on powerful learning experiences and continual forward-looking growth for every student.

The Strategic Plan signals a transition from test preparation as the primary focus to meaningful, student-centered learning as a core design principle. The Strategic Plan emphasizes a commitment not only to established student priorities such as active learning, but also to offering quality options for every family and providing development opportunities to staff so that they can best support students.

The Strategic Plan has the following strategic priorities:

1. Active Learning
2. Great Community Schools
3. Community Partnerships
4. Lead with Character and Ethics

The Strategic Plan has the following three focus areas:

1. Providing Engaging & Challenging Learning
2. Building Strong Supports for Students, Schools, and the Community
3. Modernizing Facilities to Create Great Learning Environments

In addition, the Strategic Plan has five student learning goals:

1. Critical, Knowledgeable & Creative Thinkers
2. Informed Problem Solvers
3. Effective Bilingual Communicators
4. Responsible Leaders & Productive Citizens
5. Socially & Emotionally Intelligent Individuals

IV. REQUIREMENTS OF THE EDUCATION CODE THAT INHIBIT THE GOALS OF THE PLAN FROM WHICH THE DISTRICT WILL BE EXEMPT UPON ADOPTION OF THE PLAN

A. Minimum Attendance for Class Credit or Final Grade

Texas Education Code Section 25.092 “Minimum Attendance for Class Credit or Final Grade” currently requires students to attend class 90% of the time a class is offered in order to earn credit or a final grade, placing value on “seat time” rather than content mastery. An exemption from this requirement would mean that the District would not be required to penalize students who miss class due to extra/co-curricular activities, academic activities, or other extenuating circumstances. This exemption will allow the District to promote student engagement, as well as social and emotional development, by encouraging more students to participate in such activities and allow credit to be awarded based on content mastery instead.

Relief from Section 25.092 does not in any way impact or alter existing compulsory attendance requirements or University Interscholastic League (“UIL”) rules. Moreover, opting out of Section 25.092 in no way limits or modifies a teacher’s right to determine the finality of a grade in accordance with Texas Education Code Section 28.0214, nor does it restrict or alter a teacher’s right to assign grades in accordance with Texas Education Code Section 28.0216.

B. First Day of Instruction

Texas Education Code Section 25.0811 prohibits the District from beginning instruction before the fourth Monday in August. Flexibility to begin instruction earlier in the calendar year enables the District to improve active learning by balancing the amount of instructional time in the semesters, which allows teachers to better pace and deliver instruction before and after the winter break. In addition, by having the flexibility to start and end the school year earlier, students can

enroll in college courses that start in early June, thereby increasing college and career readiness. Finally, starting the school year earlier for students transitioning from elementary school to middle school and from middle school to high school promotes social and emotional learning by giving those students additional time and support to enable them to adjust socially and emotionally to their new campus environments.

C. Teacher Certification for Dual Credit and Career and Technical Education Instructors

Texas Education Code Sections 21.003, 21.053, 21.044 limit the District's ability to hire noncertified teachers to teach hard-to fill, high demand dual credit and career and technical/STEAM (Science, Technology, Engineering, Arts & Mathematics) courses when high quality certified teachers are not available. By obtaining exemption from existing teacher certification requirements for dual credit and career and technical/STEAM teachers, the District will have the flexibility to hire credentialed community college instructors or university professors in specific content areas to afford more students the opportunity to take dual credit courses if certified teachers are not available to teach those courses. In addition, this exemption will afford the District the flexibility to hire professionals in certain trades and vocations to teach the crafts of those trades and vocations (such as welding, fine arts, etc.) in career and technical/STEAM courses if certified teachers are not available to teach those courses. In order to enable more students to obtain the educational benefit of such dual credit and career and technical/STEAM course offerings, the District seeks to establish its own local qualification requirements for such courses in lieu of the requirements set forth in law.

D. Designation of Campus Behavior Coordinator

Texas Education Code Section 37.0012 requires one person at each campus to be designated to serve as the campus behavior coordinator. This requirement restricts the District's ability to promote a more collaborative discipline program, including allowing the District to determine how to delegate or distribute disciplinary responsibilities and authority at its schools. By obtaining exemption from Section 37.0012, the District will be better able to focus on establishing classroom protocols and utilizing school culture to foster the development of individual responsibility, positive behavioral interventions and supports while encouraging the social and emotional development of each student and his or her responsibility toward the community.

E. Teacher and Administrator Appraisals

Texas Education Code Sections 21.351, 21.352, 21.354, 21.3541 that govern teacher and administrator appraisals require that state standardized test scores be used as one of the evaluation measures for teachers and administrators. Limited exemption from these laws is sought to the extent they require state standardized test scores be used as one of the evaluation measures for teachers and administrators. In order to promote professional development that focuses on individual growth, the District needs to maintain local flexibility to continue its current practice of using various measures, including multiple observations, goal setting and tracking, and student growth progress toward learning objectives, as evaluation measures on teacher and administrator appraisals.

F. Alternative Group Health Coverage

Texas Education Code Section 22.004 (i) prohibits a school district from making alternative group health coverage available to its employees after the date a district enters the TRS Active Care Plan. The current process allows no flexibility in the design of group health insurance benefits to fit the needs of all District employees. This Section also prohibits the District from procuring group health insurance benefits that may provide better coverages for its employees and at a lower cost. Exemption from this Section will give the District increased local control of the group health benefits plan to allow the District to be responsive to employee and community needs.

G. Visits to Accredited Institutions of Higher Education

Texas Education Code Section 25.087 (b-2) provides that a district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that: (1) the district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year. The Committee recognizes that visits to institutions of higher education can be pivotal in a student's decision to apply to school or institution. The Committee believes that increasing the number of days a junior and/or senior are excused from school for the purpose of institutions of higher education visits may increase the College, Career, and/or Military readiness rate for the District. In addition, the flexibility of an additional day would provide students additional travel time for long-distance/out of state visits. Exemption from this Section is sought to allow for the flexibility to allow up to three (3) days for institutions of higher education visits during the student's junior year and three (3) days during the student's senior year, with administrator approval. The Committee understands that exemption from this Section cannot alter the State's funding provisions aligned with this Section and that excusing students for additional days will affect funding. The District, however, is not seeking exemption from adopting a policy under 25.087 (b-2) (2) (A) to determine when an absence will be excused for this purpose. Nor is the District seeking exemption from creating a procedure to verify the student's visit at the institution of higher education under 25.087 (b-2) (2) (B).

El Paso Independent School District -- May 14, 2021

Term of Plan: Beginning 2021-2022 School Year - to end of 2025-2026 School Year

Plan applies to: Entire District

Campus (list) _____

Other (please describe) _____

Chapter 11 – School Districts

Subchapter D. Powers and Duties of Board of Trustees of Independent School Districts

§11.1511 (b)(5), (14) Specific Powers and Duties of Board

§11.162 School Uniforms

Subchapter F. District-Level and Site Based Decision-Making

§11.251 Planning and Decision-Making Process

§11.252 District-Level Planning and Decision-Making

§11.253 Campus Planning and Site-Based Decision-Making

§11.255 Dropout Prevention Review

Chapter 21 – Educators

Subchapter A – General Provisions

§21.002 Teacher Employment Contracts

§21.003 Certification Required*

§21.0031 Failure to Obtain Certification; Contract Void

Subchapter B – Certification of Educators

§21.051 Rules Regarding Field-Based Experience and Options for Field Experience and Internships.

§21.053 Presentation and Recording of Certificates*

§21.057 Parental Notification

Subchapter C – Probationary Contracts

Subchapter D – Continuing Contracts

Subchapter E – Term Contracts

Subchapter H – Appraisals and Incentives

§21.352 Local Role **

§21.353 Appraisal on Basis of Classroom Teaching Performance

§21.354 Appraisal of Certain Administrators **

§21.3541 Appraisal and Professional Development System for Principals **

Subchapter I – Duties and Benefits

§21.401 Minimum Service Required

§21.402 Minimum Salary Schedule for Certain Professional Staff

§21.4021 Furloughs

El Paso Independent School District -- May 14, 2021

- §21.4022 Required Process for Development of Furlough Program or Other Salary Reduction Proposal
 - §21.403 Placement on Minimum Salary Schedule
 - §21.4031 Professional Staff Service Records
 - §21.4032 Reductions in Salaries of Classroom Teachers and Administrators
 - §21.404 Planning and Preparation Time
 - §21.405 Duty-Free Lunch
 - §21.406 Denial of Compensation Based On Absence for Religious Observance Prohibited
 - §21.407 Requiring or Coercing Teachers to Join Groups, Clubs, Committees, or Organizations: Political Affairs
 - §21.408 Right To Join or Not To Join Professional Association
 - §21.409 Leave Of Absence for Temporary Disability
 - §21.415 Employment Contracts
- Subchapter J – Staff Development**
- §21.451 Staff Development Requirements
 - §21.452 Developmental Leaves of Absence
 - §21.458 Mentors

Chapter 22 – School District Employees and Volunteers

Subchapter A – Rights, Duties, and Benefits

- §22.001 Salary Deductions for Professional Dues
- §22.002 Assignment, Transfer, or Pledge of Compensation
- §22.003 Minimum Personal Leave Program
- §22.006 Discrimination Based on Jury Service Prohibited
- §22.007 Incentives for Early Retirement
- §22.011 Requiring or Coercing Employees to Make Charitable Contributions

Chapter 25 – Admission, Transfer, and Attendance

Subchapter C – Operation of Schools and School Attendance

- §25.0811 First Day of Instruction
- §25.0812 Last Day of School
- §25.083 School Day Interruptions
- §25.092 Minimum Attendance for Class Credit or Final Grade

Subchapter D – Student/Teacher Ratios; Class Size

- §25.111 Student/Teacher Ratios
- §25.112 Class Size
- §25.113 Notice of Class Size
- §25.114 Student/Teacher Ratios in Physical Education Classes; Class Size

Chapter 37 – Discipline; Law and Order

Subchapter A – Alternative Setting for Behavior Management

- §37.0012 Designation of Campus Behavior Coordinator
- §37.002 Removal by Teacher

Chapter 44 –Fiscal Management

Subchapter B – Purchases; Contracts

- §44.031 Purchasing Contracts
- §44.0331 Management Fees Under Certain Cooperative Purchasing Contracts
- §44.0352 Competitive Sealed Proposals
- §44.042 Preference to Texas and United States Products
- §44.043 Right To Work
- §44.047 Purchase or Lease of Automated External Defibrillator

Subchapter Z – Miscellaneous Provisions

- §44.901 Energy Savings Performance Contracts
- §44.902 Long-Range Energy Plan to Reduce Consumption of Electric Energy
- §44.903 Energy-Efficient Light Bulbs in Instructional Facilities
- §44.908 Expenditure of Local Funds

Chapter 45 – School District Funds

Subchapter G – School District Depositories

- §45.205 Term of Contract
- §45.206 Bid Or Request for Proposal Notices; Bid and Proposal Forms
- §45.207 Award of Contract
- §45.208 Depository Contract; Bond
- §45.209 Investment of District Funds

Other

Please list any additional exemption required for your Innovation District Plan:

*Texas Education Code Sections 21.003, 21.053, 21.044 to the extent these laws limit the District's ability to hire teachers to teach hard-to-fill, high demand dual credit and career and technical/STEAM (Science, Technology, Engineering, Arts & Mathematics) courses when high quality certified teachers are not available.

**Texas Education Code Sections 21.351, 21.352, 21.354, 21.3541 to the extent these laws require that state standardized test scores be used as one of the evaluation measures for teachers and administrators.

Texas Education Code Section 22.004(i)

Texas Education Code Section 25.087(b-2)(1) to excuse students up to 3 days to visit Accredited Institutions of Higher Education