



Instructional Consultation Meeting
September 3rd, 2015
4:45-6:30 PM
Agenda
2 E 02

G-1 SUBJECT: APPROVAL OF SIGN-ON AND RETENTION BONUSES FOR TEACHERS OF SUBJECTS INCLUDED IN STATE OF TEXAS ASSESSMENTS OF ACADEMIC READINESS AND END OF COURSE TESTING AT IMPROVEMENT-REQUIRED SCHOOLS. Aligned to the district's initiative to have an effective teacher in every classroom, the administration recommends offering sign-on and retention bonuses at selected Improvement-Required (IR) schools for teachers of subjects tested in the State of Texas Assessments of Academic Readiness (STAAR) in grades 3–8 and teachers of End-of-Course (EOC)-tested subjects in high school.

Response: Office of Human Resources Gloria Cavazos, Chief Human Resources Officer

J-2 SUBJECT: CONSIDERATION AND APPROVAL OF ADDENDUM TO TERM CONTRACTS FOR JUNIOR RESERVE OFFICER TRAINING CORPS INSTRUCTORS.

Currently, Navy and Air Force Junior Reserve Officer Training Corps (JROTC) instructors in the Houston Independent School District (HISD) are issued standard, non-certified term contracts of employment. The agreements with the Navy JROTC and Air Force JROTC require that instructors be on contracts that specify the period of employment must be for a minimum of 300 days from start date to end date, and must include the amount of salary each instructor will receive.

Response: Office of Legal Services Elainea Hutchins-Taylor, General Counsel

K-1 SUBJECT: PROPOSED REVISIONS TO BOARD POLICY EK(LOCAL), TESTING PROGRAMS—FIRST READING

In response to requests from concerned parents not to have their students tested on state-mandated assessments, the Houston Independent School District (HISD) is amending the local policy on testing. Criterion-referenced assessments are required in Texas public schools as outlined in Texas Education Code Chapter 39 and 19 Texas Administrative Code Chapter 101. (See attachments).

Response: Chief Academic Officer, Andrew Houlihan

CONGRESS OF HOUSTON TEACHERS ITEMS:

1. Online Training: What are the deadlines for completion of the five mandatory online courses that are being provided on the Hub (e.g. Bullying)? Are administrators able to run compliance reports in place of employees having to print papers certificates or transcripts documenting course completion?

Response: Ethics and Compliance Officer, Richard Patton

2. Network/Hub Status: What is the functionality status of the new employee portal, Hub, and single-sign-on? Teachers are still encountering a number of technical glitches in using it.

Response: Chief Technology Officer, Lenny Schad / Senior Manager for Design, Media & Online Learning

3. Middle School Social Studies Textbooks: Is the publisher going to provide teachers with resource kits and will there be online access to digital content?

Response: Chief Academic Officer, Andrew Houlihan / Annie Wolf Secondary Curriculum and Instruction

4. TRS Final Year Salary Issue: Are district staff members aware that HISD's pay advances given in August are not being counted by TRS as part of the final-year salary for a teacher who retires in June? Has the district made an effort to educate its employees about this important matter that could have a significant financial impact on an individual? Does the recently passed HB 2974 offer a solution?

Response: Benefits General Manager, Brad Bailey

Employee File: What happens to a memo giving a directive to an employee regarding a relatively minor incident? Does it remain on campus and for how long under the district's retention schedule?

Response: Chief Human Resources Office, Gloria Cavazos,

Moderated Peer Review (MPR): Is the second phase still on schedule?

Response: Chief Academic Officer, Andrew Houlihan

HOUSTON FEDERATION OF TEACHERS ITEMS:

1. **Benchmark Testing**

Can schools create their own benchmarks in the first 4 weeks of school?

Response: Chief Academic Officer, Andrew Houlihan / Office of School Support

2. **Employee dress**

Can principals arbitrarily impose an employee dress code or are they required to get input from the SDMC? Employee dress is part of TADS (PR-4) and there needs to be some consistency across the district regarding any item that is part of the district-wide assessment.

Response: Office of School Support

3. **Nurses**

We have a list of nurses' issues on the attached page.

Response: Health and Medical Services, Gwendolyn Johnson

4. **Lesson Plans**

We are pleased that the HISD legal opinion regarding *Ysleta ISD v. Porter, et al.* so closely aligns with the legal opinion of HFT. We do however have a couple of concerns:

- The final paragraph of the HISD opinion seems to open the door for items on the lesson plan the ruling does not provide for. There must be clarity on this issue or each building principal will feel free to include items that are not required. This will gain nothing as we will continue to have to bring lesson plan templates into consultation to clear up vagueness that this paragraph seems to invite.

Response: Office of School Support

- Principals don't seem to be aware of the ruling. The most common questions and complaints we have received this year concern the length of lesson plans. We will bring some examples into the meeting.

Response: Office of Legal Services, Elneita Hutchins-Taylor, General Counsel

5. **School closure policy**

Does the district have a specific policy on school closures? If so, where can we find the policy?

Response: Chief Student Support Officer, Mark Smith

6. **Student performance measures for TADS**

How do we move forward together with quality SLO (Student Learning Objectives) training for teachers?

Response: Chief Academic Officer, Andrew Houlihan

7. **Opening of School**

We appreciate the letter sent by the school chiefs concerning school procedures. We feel it will clear up a great deal of confusion, shorten the consultation meetings, and reduce the number of disputes that are followed.

Response: Office of School Support

Attachment 1 - Nurses: September 3, 2015

1. **Immunizations** - In May, during Consultation, we asked that the district hold the Principals accountable for their campus immunization compliance with a letter from Dr. Grier giving them a directive to follow the law and exclude students who are delinquent with their immunizations. This did not occur. A memo went from Academic Services to Principals during the summer; however, this is the same memo which goes out every year and which Principals have ignored. This is against the law and a serious health threat. Nurses are also being held accountable for a 95% immunization compliance rate, which is an item on their 3rd party evaluation "checklist". This is impossible and unreasonable for nurses if they do not have Principals who exclude delinquent students, and if Principals continue to direct their Registrars to enroll students without a shot record or with delinquent immunizations.
 - We are requesting (again) that a directive be sent **immediately** from Dr. Grier to all Principals directing them to follow the law and exclude students who have delinquent immunizations and for Principals to follow the law and direct their campus Registrars not to enroll students who are not compliant with state immunization regulations.
 - We are also suggesting that Health and Medical Services give training to Registrars on how to read an immunization record if the nurse is off campus or there is not a nurse on campus.
 - We are also requesting indemnity for nurses in the event of an epidemic if the immunization law is not being followed by Principals.
2. **Part-Time Nurses at Schools** - More schools are choosing to hire a nurse part time, instead of full time. Many of those part time nurses are working at two schools with double the accountable work duties and half the time to complete the work. Also, Principals want a part time nurse and still expect full time duties.
 - **We are requesting a realistic job description for a part time nurse.**
3. **Mentor Nurses** - There seems to be a large turnover of nurses on a yearly basis. New nurses are being assigned a mentor nurse.
 - Mentor nurses do not receive any compensation or stipend for being a mentor which does take time from their assigned duties. **We are requesting that they receive the same stipend that a teacher receives for any mentoring duties.**

LESSON PLAN REQUIREMENTS UNDER THE PAPERWORK REDUCTION ACT

GENERAL STANDARDS

A classroom teacher may be required to prepare “a unit or weekly lesson plan that outlines, in a brief and general manner, the information to be presented during each period at the secondary level or in each subject or topic at the elementary level.” The Paperwork Reduction Act, Tex. Educ. Code Section 11.164(a)(6).

“The phrase, ‘information to be presented,’ is intended to prohibit school districts from requiring lesson plans that contain anything other than an outline, which is brief and general, of the information that a teacher plans to teach during a particular class period and the activities the students will do in order to learn the subject matter.” *Ysleta ISD and Commissioner of Education v. Porter, et al.*, 2015 WL 1735542 at *4.

A school district may not require information in a lesson plan “that is neither taught to students nor describes the activities that will be used to teach the subject matter.” *Ysleta ISD and Commissioner of Education v. Porter, et al.*, 2015 WL 1735542 at *4.

SPECIFIC REQUIREMENTS

| FEATURE/ELEMENT | PERMISSIBLE | NOT PERMISSIBLE |
|--|-------------|-----------------|
| Lesson plan template | X | |
| TEKS or TAKS objectives* | X | |
| Resources students will use | X | |
| Assessments | | X |
| Cognitive levels | | X |
| Differentiated Activities/ Modifications | | X |

*Just referenced, **not** written out

Source: *Ysleta ISD and Commissioner of Education v. Porter, et al.*, __S.W.3d ____, 2015 WL 1735542 (Tex. App. – Corpus Christi 2015, no pet.).

Attachment 3 - HISD Legal Opinion re Ysleta ISD v. Porter, et al. – (Guidelines re Lesson Plans)

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HISD Legal Services has reviewed and analyzed the *Ysleta ISD v. Porter, et al.* case. The *Ysleta* ruling is very limited to the facts of that case, but does give school districts guidance on what can and cannot be required in lesson plans. The *Ysleta* case in no way absolves teachers of their duty to prepare lesson plans and/or follow a lesson plan template required by their individual principals/campuses.

Generally, in order to avoid violation of Texas Education Code (TEC), §11.164, the district has to ensure that required lesson plans contain an outline, which is brief and general, of information that the teacher plans to teach during a particular class period and the activities the students will do in order to learn the subject matter. Based on the facts in *Ysleta*,

Districts **can require** the following:

- Lesson plan template
- Reference to TEKS and/or TAKS objectives (STAAR)
- Resources

Districts **cannot require** teachers to include the following in lesson plans:

- Assessments
- Cognitive skills
- “Differentiated activities/modifications for special populations” – based on the ruling in *Ysleta* this section can be an **optional** part of the lesson plan template, meaning teachers are not required to include it, or included in a separate document that could be attached to the lesson plan (or kept separately).

As for other possible lesson plan sections or items not at issue and/or not specifically addressed in *Ysleta*, it appears that the district could still require those sections without violating section TEC §11.164, as long as those sections require information the teacher plans to teach/present to students and/or the activities the students will do in order to learn the subject matter.