

El Paso Independent School District Resolution

Whereas, Pursuant to 12A.001 and 12A.007 of the Texas Education Code the El Paso Independent School District (EPISD or the District) Board of Trustees wishes to begin the process for EPISD to amend the District's current District of Innovation Plan

Whereas, Texas Education Code 12A.007 provides that a local innovation plan may be amended if the action is approved by a vote of the district-level committee established under Texas Education Code 11.251, or comparable committee if the district is exempt from that section, and the Board of Trustees in the same manner as required for initial adoption of a local innovation plan under Texas Education Code 12A.005;

Whereas, The Board of Trustees is requesting that the District-Level Committee review a possible amendment of the District's current Local Innovation Plan to include exemption from Texas Education Code 22.004 (i) and to consider other possible amendments necessary to carry out the purpose of this Resolution;

Whereas, a local innovation plan must provide for a comprehensive educational program for the district, which program may include:

- innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;
- modifications to the school day or year;
- provisions regarding the district budget and sustainable program funding;
- accountability and assessment measures that exceed the requirements of state and federal law; and
- any other innovations prescribed by the board of trustees; and
- identify requirements imposed by this code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Section 12A.004.

Whereas, Texas Education Code 12A.004 provides that a local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:

- a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;
- (2) Subchapters A, C, D, and E, Chapter 11, except that a district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;
- (3) state curriculum and graduation requirements adopted under Chapter 28; and
- (4) academic and financial accountability and sanctions under Chapters 39 and 39A.

Whereas, Texas Education Code 12A.004 provides that the commissioner shall: maintain a list of provisions of this title from which school districts designated as districts of innovation are exempt under this chapter; and notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

Whereas, Texas Administrative Code Title 19 Chapter 102 Subchapter JJ Section 102.1309 provides an innovation district may not be exempted from the following sections of the Texas Education Code (TEC) and the rules adopted thereunder:

- a state or federal requirement, imposed by statute or rule, applicable to an open-enrollment charter school operating under the TEC, Chapter 12, Subchapter D, including, but not limited to, the requirements listed in the TEC, §12.104(b), and:
- TEC, Chapter 22, Subchapter B;
- TEC, Chapter 25, Subchapter A, §§25.001, 25.002, 25.0021, 25.0031, and 25.004;
- TEC, Chapter 28, §§28.002, 28.0021, 28.0023, 28.005, 28.0051, 28.006, 28.016, 28.0211, 28.0213, 28.0217, 28.025, 28.0254, 28.02541, 28.0255, 28.0258, 28.0259, and 28.026;
- TEC, Chapter 29, Subchapter G;
- TEC, Chapter 30, Subchapter A;
- TEC, §30.104;
- TEC, Chapter 34;
- TEC, Chapter 37, §§37.006(l), 37.007(e), 37.011, 37.012, 37.013, and 37.020; and
- TEC, Chapter 39;
- TEC, Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from the TEC, §11.1511(b)(5) and (14) and §11.162;
- TEC, Chapter 13;
- TEC, Chapter 41;
- TEC, Chapter 42;
- TEC, Chapter 44, §§44.0011, 44.002, 44.003, 44.004, 44.0041, 44.005, 44.0051, 44.006, 44.007, 44.0071, 44.008, 44.009, 44.011, 44.0312, 44.032, 44.051, 44.052, 44.053, and 44.054;
- TEC, Chapter 45, §§45.003, 45.0031, 45.005, 45.105, 45.106, 45.202, 45.203; and
- TEC, Chapter 46.

Whereas, in addition to the prohibited exemptions specified above of this Resolution, an innovation district may not be exempted from:

- a requirement of a grant or other state program in which the district voluntarily participates;
- duties that the statute applies to the execution of that power if a district chooses to implement an authorized power that is optional under the terms of the statute; and
- requirements imposed by provisions outside the TEC, including requirements under the Texas Government Code, Chapter 822.

Whereas, Texas Insurance Code Section 1579.152 provides that effective September 1, 2005, a school district with more than 500 employees may elect to participate in the program. A school district that elects to participate under this section shall apply for participation in the manner prescribed by the trustee by rule.

Whereas, EPISD elected to participate in the program in 2011.

Whereas, Texas Education Code 22.004 (i) provides notwithstanding any other provision of this section, a district participating in the uniform group coverage program established under Chapter 1579, Insurance Code, may not make group health coverage available to its employees under this section after the date on which the program of coverages provided under Chapter 1579, Insurance Code, is implemented;

Whereas, Texas Education 22.004 (i) precludes the EPISD from providing alternative group health coverage available to its employees under this section after the date on which the program

of coverages provided under Chapter 1579, Insurance Code, is implemented “program” (TRS ActiveCare) established by 1579 of the Insurance Code.

Whereas, Texas Education Code 22.004 is not in any of the prohibited exemptions that can be included in a District’s local innovation plan pursuant to Texas Education Code 12A.004 and the list of the Commissioner’s prohibited exemptions in Texas Administrative Code Title 19, Chapter 102, subchapter JJ, Section 102.1309.

Whereas, if an exemption to Texas Education Code 22.004(i) is adopted by the District Level Committee and subsequently the Board of Trustees pursuant to Texas Education Code 12A.005, EPISD may be able to provide alternative group health coverage to its employees in addition to the health coverage made available by TRS ActiveCare without opting out of the “program” as described in 34 Texas Administrative Code § 41.30(a)(4), thus, possibly giving itself the ability to provide better and cheaper health coverage to its employees without violating any State statute or regulation;

Now, Therefore, Be It Resolved that the Board of Trustees of the El Paso Independent School District, by adoption of this resolution, finds all of the above to be true.

Be It Further Resolved that after this resolution is signed by the Board, the appropriate committee appointed shall develop amendments to the current District Local Innovation Plan consistent with the findings contained in this resolution and with all statutes, regulations, and local board policies.

ADOPTED THE _____ DAY OF _____, BY THE BOARD OF TRUSTEES

TRENT HATCH
SCHOOL BOARD PRESIDENT
EL PASO INDEPENDENT SCHOOL DISTRICT

AL VELARDE
SCHOOL BOARD SECRETARY
EL PASO INDEPENDENT SCHOOL DISTRICT