



Instructional Consultation Meeting

MINUTES

May 27, 2021

Agenda Review: June 3, 2021
Board Meeting Date: June 10, 2021

ATTENDEES: Elneita Hutchins-Taylor, General Counsel; Rick Cruz, Chief Strategy and Innovation; James McSwain, Area Superintendent; Jacqueline Birmingham, Director, Health & Medical Services; Mary Kinnett, Director, Sp. Ed. Compliance, Inst. and Services.; Paulette Caston, Director, Chief of Staff; Abigail Taylor, Ex. Director, Talent Dev. & Perf.; Luis Gavito, Charter, Safe Schools Admin.; Jackie Anderson, HFT; Andy Dewey, HFT; Daniel Santos, HFT; James Faber, HFT; Norris Thomas, HFT; Gertrude Hilty, HFT; Sonia Gonzalez, HFT; Claudia Morales, HFT; Jesse Drews, HFT; Steve Antley, CHT;

FACILITATOR: Julia Dimmitt, Chief Human Resources Officer

Items Requiring Consultation: BOE Agenda

D-1	AUTHORITY TO NEGOTIATE AND EXECUTE AGREEMENTS AND/OR INTERLOCAL MEMORANDUMS OF UNDERSTANDING WITH COMMUNITY AGENCIES, RESIDENTIAL FACILITIES, AND EDUCATIONAL SERVICE PROVIDERS FOR APPRAISAL, RELATED, INSTRUCTIONAL, AND/OR CONSULTANT SERVICES FOR STUDENTS WITH DISABILITIES FOR SCHOOL YEAR 2021–2022	ACADEMICS Yolanda Rodriguez Mary Kinnett
<p>Mary Kinnett gave an overview of this item and explained that this is an agreement for students who are placed in residential facilities (RDF) which includes special education services, related services, and evaluation services.</p> <p>Ms. Hilty asked if the RDFs are assigned to HISD or do schools reach out to HISD to provide services to students.</p> <p>Ms. Kinnett said it could work either way. In most cases it is the district reaching out to the facilities letting them know of the placement and that the district would provide services. There are also students who are privately placed, their parents have placed them there and the district periodically reach out or they reach out to us to let us know they have a student who is in the facility that needs services.</p> <p>Ms. Hilty asked how are the HISD staff or schools selected to service the students with disabilities from them.</p> <p>Ms. Kinnett said the students are served at the facility.</p> <p>No further discussion.</p>		
D-2	AUTHORITY TO NEGOTIATE AND EXECUTE AGREEMENT RENEWALS WITH COMMUNITY AGENCIES, ORGANIZATIONS, AND/OR PUBLIC INSTITUTIONS FOR HEALTH AND MEDICAL PROGRAMS	ACADEMICS Yolanda Rodriguez Jacqueline Birmingham

Jackie Birmingham gave an overview of this item and explained that this is our yearly renewal for community agencies, organizations and/or public health institutions for health and medical programs.

Ms. Hilty asked how the partner programs are identified and selected.

Ms. Birmingham said the organizations reach out to HISD for the partnerships.

ADDED INFORMATION:

HMS has forged partnerships that bring preventive health services to the school campus and teach children better ways to handle problems, avoid victimization, develop healthful lifestyles, and improve outcomes for students in areas of physical and mental health. These programs include:

1. Dental Screenings and educational presentations- provide complimentary dental screenings in offices or at school health fairs, bilingual dental education presentations when needed, provide educational presentations on the importance of a First Dental Home and support during parent meetings.
2. Food nutrition and education programs- purpose of this program is to decrease obesity and obesity-related illnesses by providing campus-based education for students and family on health eating habits.
3. Vision screenings- See to Succeed program will provide no cost vision exams and eyewear to students with unresolved vision issues.
4. School-based and Mobile Unit Health Clinics- Full-service health clinic. Health Clinics treat cases of minor acute illness and sexually transmitted diseases and provide gynecological care. Will provide behavioral health counseling services to individuals, groups and/or family.
5. Behavioral Health Counseling Services- Services which may include individual, group and /or family therapy to referred students by duly qualified and licensed clinicians at no cost to the schools and or HISD.

Partnership for nursing/ physical therapy preceptorship programs:

1. BSN nursing students who are in their Community Practice rotation participate and their responsibilities include student assessments, assist with health screenings and other duties with the preceptor. These students are certified in vision and hearing and can support the state mandated screening program.

These services are funded by grants and/or service contracts. HISD has no cost associated with these partnerships.

No further discussion.

E-1	APPROVAL OF 2021–2022 WAIVER REQUESTS FROM SCHOOL GUIDELINES, APPROVAL TO SUBMIT WAIVER REQUESTS FROM STATE POLICY, APPROVAL TO SUBMIT WAIVERS FOR LOW ATTENDANCE AND MISSED SCHOOL DAYS; AND APPROVAL TO SUBMIT WAIVER REQUESTS FOR 2020–2021 COVID-19 STATE WAIVERS	CHIEF OF STAFF Silvia Trinh Paulette Caston
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Paulette Caston gave an overview of this item and explained that the waiver requests include waivers for school guidelines, state policy, and COVID-19 waivers. She added that waivers were vetted by the waiver oversight committee and then forwarded to the interim superintendent for final approval.

Mr. Dewey asked if the waivers listed in the item are recommended for approval by the district.

Ms. Caston said yes, they include the EHAB Policy for Kinder HSPVA for Biology and Art classes, EIA and EIC Local to offer a pass/fail option for high achieving junior and senior advanced placement dual credit for the schools listed, academic calendar waiver for Bellaire High School to host a time-honored UIL competition, and general waivers for state policy.

Ms. Hilty asked the following questions after Ms. Caston left the meeting; however, Ms. Caston did provide written responses below:

- a) What documentation for schools or parents is required for low average daily attendance?
- b) Who determines the inclement weather threshold?
- c) What if parents keep students home because of rain or concerns about flooding even though HISD is open and given that COVID 19 is still a reality and will be in the fall. Should the district request a waiver for a potential rise in the positivity rate?

WRITTEN RESPONSES:

- a) Per Texas Education Agency (TEA), the district must attach supporting documentation of low attendance for the day (including the reason for the low attendance rate) and the prior year's attendance report (showing the average for the year) for the district or applicable campus.
- b) District officials determines inclement weather thresholds. If the district misses additional instructional days (due to weather, safety, or health issues) beyond the two days made up using built-in or additional minutes or day, the district can apply to the TEA for a missed school day waiver.
- c) The district can request a waiver to excuse any instructional days from Average Daily Attendance and Foundation School Program funding calculations that have attendance at least 10 percentage points below the last school year's overall average attendance, for the district or applicable campus due to inclement weather, health, or safety-related issues.

No further discussion.

F-1	APPROVAL OF THE 2021–2022 CODE OF STUDENT CONDUCT	STRATEGY & INNOVATION Rick Cruz Glenda Calloway
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Mr. Gavito gave an overview of this item and explained that there are no significant changes to the Code of Student Conduct. The information is being updated to align with the new statute concerning Title IX requirements, bullying and other types of prohibited conduct including harassment not covered under Title IX. Mr. Gavito added that the appeals process is being refined when students are being sent to DAEP and it is being highlighted in different sections, so it is readily accessible.

Mr. Dewey said every year they hear complaints of parents not knowing what the Code of Student Conduct is and asked if the Code of Student Conduct is only online.

Mr. Gavito said it is both online and schools do receive hard copies for about ten percent of their population who could fill out a form to request a copy.

Mr. Dewey said the procedures makes sense but are not effective. There are issues like the message not getting to parents or parents not knowing where to locate it online. Mr. Dewey suggested that every classroom should have access to a copy of the Code of Student Conduct and allow them to make copies of specific sections to send to parents when necessary.

Mr. Gavito said in trainings for administrators, it is pointed out that it is a requirement of the law that the code be accessible to parents. It is also available in Spanish, Arabic and Vietnamese.

Dr. Cruz said he liked Mr. Dewey's suggestion of every classroom having a copy and would look into what it would take to make that happen. Dr. Cruz thanked Mr. Dewey for the suggestion.

Ms. Hilty asked how and when parents are informed of the appeals process for the Code of Student Conduct.

Mr. Gavito said when the decision is made to remove the student to DAEP, a letter is sent to the parent which includes information on the right to an appeal and refers the parent to that section in the code that talks about the appeals process.

Mr. Thomas said protocol is not being established from campus to campus when students are being dropped off from another school without anyone on the campus being notified and shared a specific instance.

Chief Dimmitt said she would have the appropriate area superintendent review.

No further discussion.

HFT Items

HFT 1	Inconsistent interpretation of Lesson Plan requirements <ul style="list-style-type: none"> • TADS scores that are lowered because lesson plans are “too short.” • PL 3 – Designs Effective Lesson Plans (how robust is the training) 	ACADEMICS Yolanda Rodriguez AREA SUPERINTENDENT James McSwain
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WRITTEN RESPONSE:

All appraisers receive training on TADS with an initial training for new appraisers and periodic update training for certified appraisers. This training includes a specific section focused on the IP portion of the rubric. In addition, school's office, in collaboration with the TDP department, engage in calibration activities in prioritized areas with the campus leadership team and PCIM throughout the school year.

DISCUSSION:

Mr. Dewey said there is a great incongruity between what the state says is required for lesson plans and for what TADS requires for lesson plans. He said they are requesting to review the TADS rubrics to see what adjustments could be made to align with what is currently in state law not only for lesson plans and paperwork but for other areas as well.

Ms. Taylor said she is open to the consideration to review together but to be mindful that the district's expectations may be greater than the minimum expectations from the state.

Ms. Gonzalez said there might be some confusion because it is not the state minimums, it is state law requirements that they can't go beyond that.

Mr. Santos said he brought this up last month and is anxious to hear Ms. Hutchins-Taylor's review of the Ysleta decision and her explanation on how it aligns to local policy.

Ms. Hutchins-Taylor gave a brief overview of the Ysleta decision and said back in 2015 Ysleta ISD appealed a ruling by the Commissioner of Education regarding whether the lesson plan requirements for particular schools in the school district were in violation of the Paperwork Reduction Act. The court decided a split decision. There were some things that were in the Ysleta lesson plans that the court said were appropriate and there were some things that were not.

Ms. Hutchins-Taylor gave other examples of what the court ruled and said for HISD, a specific plan is needed to review to determine what might be in lesson plans and what might not be in lesson plans and offered the Legal Department's support when the Academics Department reviews some of the issues.

Mr. Santos asked if there were any scenarios legally in which local district policy would override the Ysleta decision with respect to lesson planning.

Ms. Hutchins-Taylor answered no, the court decision would override board policy. She added that all school districts are bound by the parameters of number one, what is expressly stated in the statute passed by the legislature, and then secondarily, how the statute may have been interpreted by the court. She explained that we do have some guidance from this 2015 decision about how the court felt what that briefly would include and focused a lot on the definition of what is a lesson, and the intent is to describe in brief terms.

Mr. Santos thanked Ms. Hutchins-Taylor for her insight and said he looked forward to collaborating with HISD and revising the criteria to align with this decision.

Ms. Gonzalez said that some of the issues they have is the decision says that modifications cannot be part of the lesson plans and yet that is part of the work. She added that they need to make sure the rubric is aligned with state law and this decision.

Ms. Hutchins-Taylor said yes, the decision does speak to modifications and this would be looked at what specifically is being asked.

Ms. Taylor said something that needs to be considered is that PL3 is not just about lesson plans, it is also about the larger planning of units and the planning of assessments. She added that she agrees that there are some things to look at to align the language, but this is referring to more than just the lesson plan document itself.

Ms. Gonzalez requested for them to be allowed to attend the TADs Appraisal Certification Training to learn the process as it was allowed in the past.

Ms. Taylor said she would let her supervisor know of the request.

It was agreed upon to have a follow-up check-in.

No further discussion.

HFT 2	Expand current policies to improve job protections for non-contract employees – due process. <ul style="list-style-type: none">• Compensation for “other duties”• Time to complete “assigned tasks”	HUMAN RESOURCES Julia Dimmitt
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WRITTEN RESPONSE:

All at will employees have the opportunity to avail themselves of the grievance process. In addition, non-exempt at will employees are eligible for preapproved overtime pay for working beyond their scheduled hours.

DISCUSSION:

Mr. Thomas said that Special Education teacher assistants that cover classes all day when the teacher is out should be compensated.

Chief Dimmitt said any instances of misuse of teaching assistants or clerks on a campus filling in as regular teacher should be brought forward to the appropriate area superintendent or SSO for review.

Mr. Thomas said this needs to be a continued discussion because something needs to change on the way it is being handled.

Mr. Santos asked how misuse would be quantified before it becomes a matter that should be addressed.

Chief Dimmitt said if this is happening 2, 3 or 4 times a week consistently, it is not appropriate.

Mr. Dewey said he would provide as much information as possible but said these are the most vulnerable employees, who are not on contracts and are scared to come forward because of retaliation. It is understood that the information is helpful, but the district should take initiative to research and poll principals so they would know you are looking into it and paying attention to any excessive use of teaching assistants.

Chief Dimmitt said this could be shared at the next principal's meeting and at the new principals training as a reminder that even though this was a year like no other the expectation is that they call in for an associate teacher.

Mr. Dewey said this is a subject that they would continue to discuss until the issue is alleviated and suggests it be kept on the principal's agenda as well.

No further discussion.

HFT 3	Special Education Teaching Assistants <ul style="list-style-type: none">SpEd T.A.'s work with the same students as SpEd teachers, often do the same duties, cover classes when the teacher is absent or called away from the classroom and do anything else required to make sure the needs of students are met. Teachers receive a stipend for teaching special education but T.A.'s do not. This is a hugely unequal situation and HFT is requesting the Teaching Assistants receive the same stipend as teachers.	ACADEMICS Yolanda Rodriguez Mary Kinnett
WRITTEN RESPONSE: Stipends for special education teaching assistants are not part of the budget proposals.		
HFT 4	Nurses <ul style="list-style-type: none">Nurses are requesting that they be paid a stipend as they are being called upon to work far and above their normal duties.	HUMAN RESOURCES Julia Dimmitt

WRITTEN RESPONSE:

Nurses are eligible for extra duty pay for working beyond their duty scheduled hours. In addition, nurses who have been working COVID vaccine distributions are being paid at a special rate of \$50 an hour.

DISCUSSION:

Ms. Hilty said Special Education and Bilingual teachers receive stipends and they are the bridge to the students in services or language, it is the same for nurses, they are the bridge with students with health and medical disabilities and the parents.

Chief Dimmitt said although this is not in the current upcoming budget, this discussion would continue.

Ms. Gonzalez asked for a copy of the stipends being proposed for the upcoming budget.

Chief Dimmitt said she would provide a copy.

Mr. Dewey said one of their long-range plans is to look at the structure of stipends and what can be done to modernize them.

Chief Dimmitt said the compensation study report would be a good starting point to discuss stipends.

Mr. Dewey asked when will the compensation manual be adopted by the board.

Chief Dimmitt explained that the board adopts the budget and then the compensation manual is adjusted and presented as an information item. Chief Dimmitt added that she would review the Executive Overview of the compensation manual and schedule a time to meet.

Mr. Thomas repeated the issue of Special Education Teaching Assistants needing compensation and recognition for the work they do. They do the diapering, give medication, take care of students that are dropped off at a campus they are not supposed to be at, etc. Mr. Thomas said the ability to change what needs to be changed is there and modifications to the budget for this should be made.

Chief Dimmitt said she would share this concern with Chief Rodriguez, Interim Chief Academic Officer, as Special Education and determination of those stipends falls under her department.

No further discussion.

HFT 5	Too many focus areas on PPA's (Examples provided at meeting) <ul style="list-style-type: none">Teachers are being given an impractical number of focus areas on PPA's. There needs to be limited focus areas so the teacher may concentrate their efforts for real improvement in the most needed areas.	ACADEMICS Yolanda Rodriguez Abigail Taylor AREA SUPERINTENDENT James McSwain
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WRITTEN RESPONSE:

PPA document allows appraisers to check off various focus area boxes as the first step in the development of the assistance plan. The document, however, limits the focus areas to 3.

The original PPA document, created and used in the previous TADS tool, did allow appraisers to assign more than three focus areas. TADS support teams worked with appraisers to migrate the PPA content from the previous document to the one utilized this school year.

DISCUSSION:

Ms. Taylor gave an overview of the written responses.

Mr. Dewey asked if it was possible to have multiple numbers on the PPAs that remained open for more than one year.

Ms. Taylor said a report was pulled for all PPAs that were still open in the old tool and appraisers were contacted to find out if support was needed to recreate the PPA in the new tool or should it be closed because it is no longer valid.

She added that it is possible some could still be open because they have not made contact with the appraiser yet but noted that no one should be using a PPA that was in the old tool that wasn't advanced to the new tool.

No further discussion.

HFT 6	Compensation We understand the problem with funding. We need to find a solution to the problem of establishing a compensation philosophy that makes HISD competitive with surrounding districts. One-time bonuses are a short-term band aid but cannot be considered a compensation philosophy. We need to move forward and find as many dollars as possible to add to the compensation package while at the same time follow these guiding principles: <ul style="list-style-type: none">a. Maintain the integrity of the salary schedule. We need to be rid of the language that states “Initial Compensation Placement Tables change each year. Employees cannot estimate future salaries based on their current step or experience assignments from prior years.”. Teachers need predictability in the salary structure so they may make long-term plans for themselves and their families. We are losing the fight to retain our most experienced teachers because of the unpredictability of their futures.b. Review and rework the stipends that are paid. We need to give special attention to two groups currently not receiving stipends. These include:<ul style="list-style-type: none">• Special Education Teaching Assistants• School Nursesc. Compensation for employees attending HFT Mindfulness and Meditation workshops. (Attachment Provided)d. Prioritize funding distribution that promotes equity in our schools. All HISD students deserve a great education regardless of the zip code they live in. Fighting for equity means recognizing where racial or socioeconomic disparities exist and proactively confronting those disparities.e. No layoffs or cuts of frontline teachers, paraprofessionals, or support staff at any school. HISD should use rainy day funds and smarter budgeting at the school level to ensure no staff loses their jobs.f. Pay raises and health care benefits that retain teachers, paraprofessionals, and staff. The COVID-19 pandemic has led many educators to quit HISD and that harms students. HISD must fund immediate stipends, step movement, and more affordable health by using available state and federal dollars to retain our committed employees. We must remain competitive with other districts.	FINANCE Glenn Reed Human Resources Julia Dimmitt
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WRITTEN RESPONSES FROM CHIEF REED:

- a. While we understand the concern with this language, the district is not able to make commitments to future salary increases without having the same guarantee that the revenues will be there in future years. We have discussed at budget workshops that under HB3 the district does not generate additional revenues any longer from the growth of local property taxes, they are simply sent to the state through excess revenue payments. The district is effectively revenue capped. To do pay increases the district has to cut existing budgets, ask the tax payers for additional taxing authority or increase enrollment. Increasing enrollment does have some offsetting costs like the amount of PUA that goes to the campuses and the benefits for any employees hired.
- b. This has the same funding challenge as the previous question.
- c. While this looks like a really beneficial training, the district providing stipends to attend training offered to one employee group I believe opens up the district having to offer stipends or additional pay (including overtime) for other employee groups and their trainings as well. The pay structure for attending any trainings should be limited to offerings by HISD and part of the district's professional development plan.
- d. We are looking forward to the report that we will get back from the HERC Equity project to help us move this forward.
- e. With declining revenues due to student loss, it isn't possible to completely stay away from staff reductions. Campus Principals have the decision-making authority on how they balance their budgets and tend to try to hold onto staff if at all possible, but it isn't always possible. The district works with those employees to help them find other assignments within the district. As for using rainy day funds the district is proposing using about \$42 million in rainy day funds for 2021-2022 to minimize overall impacts to the district from loss of enrollment, however using savings is not sustainable because once it is spent it is gone. If you can't pay our car payment from your regular income you wouldn't commit to buying a new car and paying it from your savings account, eventually you can't make the car payment.
- f. We can't use federal funds to pay for salary increases and just a reminder that the federal funds run out on September 30, 2024. The more permanent costs we put into the federal funds the larger the district's deficit will be as we build the budget for the 2024-2025. Anything related to permanent pay increases or recurring stipends need to have a sustainable revenue source or budget reduction to be able to continue the cost.

DISCUSSION:

Mr. Santos asked for clarification, if a copy of the compensation study would be available at the end of the week or the next week for board members and the consultation group.

Chief Dimmitt said the timeline for the final version that was shared is the end of June. She added that they are working on getting clarity on some of the findings, adjusting language to district terminology, etc., before releasing.

Ms. Morales asked if ESSER funds could be allocated to compensate teachers for attending the HFT Mindfulness and Meditation Workshop and explained that it is open to all teachers or any employee that works directly with children not just HFT members.

Chief Dimmitt recapped Chief Reed's response (letter c above) and said she would share the question with Chief Reed.

Mr. Dewey said this needs to be looked at again because it seemed like it was interpreted as being offered only to HFT members and said ESSER funds should be eligible to use as this would benefit teachers and students.

ADDITIONAL WRITTEN RESPONSE FROM CHIEF REED:

Response is the same. What this would do is set a precedent for providing compensation for attending training with employee groups. It also opens up the district having to also do the same thing for any other employee groups and any other trainings. Compensation for training should be limited to the HISD professional development plan.

Ms. Morales asked for a copy of the results from the HERC study.

Chief Dimmitt said she would request this from Chief Cruz, Strategy and Innovation.

CHIEF CRUZ'S RESPONSE:

HERC EQUITY STUDIES may be found at <https://www.houstonisd.org/equityproject>.

Mr. Dewey noted that it is their position that the salary schedule is the salary schedule that has already been approved by the board. It is not a pay raise to get a step increase, it is simply acknowledgement that a contract has been offered and experience is appreciated. The language does need to be modified so employees could have some type of predictability for the future. The salary schedule needs to be honored.

Chief Dimmitt noted the statement and would share it with Chief Reed.

ADDITIONAL ITEM:

Nurses-Health Office Anywhere (HOA)

1. HOA is unreliable and does not get the job done.
2. Example: HOA has had issues since it was rolled out last fall.
Monday May the 3rd at 3:57 PM the vision report works.
Tuesday May the 4th at 10:25 it doesn't work.
3. Nurses need additional training on HOA.
4. A hard copy training manual needs to be provided. The current method of searching within the program is not adequate.
5. Nurses should not have to go back and forth between Power School and HOA. All information we need should be in 1 program.

Ms. Hilty said Health Office Anywhere (HOA) does not work and the training was inadequate and in order to get the information they need they need to go back and forth between PowerSchool an HOA.

Ms. Birmingham said she was aware of the issues with HOA and is working with IT to see if the next upgrade would correct the problems.

Chief Dimmitt shared that a restructure of Health and Medical is being made over the summer to better facilitate all services.

Ms. Hilty said she appreciated this and offered to be part of a committee to review topics if needed.

Chief Dimmitt thanked Ms. Hilty and the group and closed out the meeting.

Next Meeting: July 29, 2021