

United States Constitution and by failing to submit a desegregation plan. The District Court held a trial and found in favor of Plaintiff and Plaintiff-Intervenor.

On March 27, 1984, this Court adopted the present plan ("the 1984 Plan") in order for Defendants to desegregate their school system. *See* Complete Plan for Desegregation of Ector County I.S.D.

On June 30, 2005, the Court ordered the parties to brief two issues: 1) whether the school district has eliminated the vestiges of past discrimination to the extent practicable; and 2) whether the school district has complied in good faith with the desegregation order. *See* Order for Briefing and Order Setting Schedule, Dkt. No. 258. Thereafter, Defendants submitted their Motion for Unitary Status and Brief in Support on September 28, 2005. Plaintiff United States filed its response on October 28, 2005 and Plaintiff-Intervenors, CRUCIAL, filed their Response Brief in Opposition to Defendants' Motion for Unitary Status on November 4, 2005.

At the suggestion of the Court, the Parties engaged in good faith negotiations through mediation. In lieu of litigating the issues, except for the items identified in Section XII of this Order, the Parties voluntarily agreed, to enter into this Consent Order and Settlement Agreement ("Consent Order"), as indicated by their counsels' signatures below and subject to the Court's approval. The Parties agree that this Consent Order shall modify and replace the 1984 Plan.

After reviewing the terms of this Consent Order and Settlement Agreement, the Court finds that the provisions of this Consent Order are fair, just, and reasonable. The Court concludes that its entry is consistent with the Fourteenth Amendment to the United States Constitution, and that it shall further the orderly desegregation of the District.

It is therefore ORDERED, ADJUDGED and DECREED that the District, the Ector County I.S.D., by and through its school board members, agents, officers, employees, successors, and all those in active concert or participation with them, are hereby directed to fully implement the provisions of the Consent Order herein.

I. TRANSPORTATION

All parties are in agreement that with regard to the area of Transportation, the District has complied with the Court's desegregation orders and that all vestiges of the prior dual system in this area have been eliminated to the extent practicable. Plaintiff-Intervenor hereby withdraws its objection to the termination of this Court's supervision over transportation in the District.

II. FACILITIES

All parties are in agreement that with regard to the area of facilities (with the exception of CRUCIAL requesting the re-opening of Ector High School, which request the District opposes), the District has complied with the Court's desegregation orders and that all vestiges of the prior dual system in this area have been eliminated to the extent practicable. Plaintiff-Intervenor herewith withdraws its objection to the termination of this Court's supervision over facilities in the District, with the exception as noted in the prior sentence.

III. EXTRA-CURRICULAR ACTIVITIES

All parties are in agreement that with regard to the area of extra-curricular activities, the District has complied with the Court's desegregation orders and that all vestiges of the prior dual system in this area have been eliminated to the extent practicable. Plaintiff-Intervenor herewith withdraws its objection to the termination of this Court's supervision over extra-curricular activities in the District.

IV. NON-FACULTY STAFF

All parties are in agreement that with regard to the area of non-faculty staff, the District has complied with the Court's desegregation orders and that all vestiges of the prior dual system in this area have been eliminated to the extent practicable. Plaintiff-Intervenor herewith withdraws its objection to the termination of this Court's supervision over non-faculty staff in the District.

V. LIMITED ENGLISH PROFICIENCY ("LEP") PROGRAM

By August 15, 2006, ECISD shall do the following:

A. Establish, implement, and maintain a Host Program at Sam Houston Elementary for recent immigrants who require LEP services. "Recent immigrants" are defined as those students who have been within a United States school system for less than two years. The District shall ensure that students placed in the program are provided with equal educational opportunities.

The purpose of the program is to assist bilingual teachers in the other schools in meeting the educational needs of non-recent immigrant LEP students more effectively. One unit of the Host Program shall serve students in grades K-3 and another unit shall serve students in grades 4-6. The District shall integrate the students with non-LEP students for non-core curriculum classes such as art, music, physical education and computers, as well as lunch and other non-core curriculum programs and school activities.

The students shall spend one to two years in the Host Program at Sam Houston as decided by the staff. However, they shall return to their respective campus when they reach a language proficiency level that is appropriately identified and approved by the Language Proficiency Assessment Committee (which includes the parents, teacher, administrator, and Bilingual Department representative). This will enable them to follow along with the rest of the students who have greater oral English language proficiency.

The District shall ensure that the students' parents are educated on the benefits and features of the recent immigrant host program. The District shall commit efforts to monitoring the progress of recent immigrant students and involving the students' parents in their students' education by utilizing the existing Bilingual Improvement Team to provide oversight for the program, and to assist the campus in creating goals for student achievement in the areas of language proficiency and literacy development. The District shall further allow recent immigrant students the opportunity to opt out of the Host Program.

B. Establish, implement, and maintain a program of Host and Partner schools for the purpose of offering LEP students continuous bilingual programs in elementary schools and providing LEP students access to a certified bilingual education teacher. The Host and Partner schools are outlined on a chart which is attached hereto as "Exhibit A."

C. Limit the number of exceptions filed with the Texas Education Agency for the LEP programs. The only exception for the bilingual education program that ECISD will file for the 2006-2007 school year for elementary schools will be for Jordan Elementary School ("Jordan"). ECISD shall offer self-contained bilingual classrooms at Jordan in grades K-3 but will still have bilingual resources teachers for students in grades 4-6. Each year thereafter, ECISD shall add another certified bilingual teacher at Jordan, starting with grade 4 until ECISD is in compliance with state mandates. The District shall further offer the LEP children attending Jordan opportunities to enroll at one of the other host schools identified in Exhibit "A".

D. Communicate the benefits and features of the LEP programs to parents who have indicated a desire to have LEP-identified children not participate in the LEP program in English or Spanish, whichever is the language of the parent(s). The decision to opt out of the LEP programs

shall remain with the parent(s), but the District shall provide a written description of the benefits of the program to each family at the initial stage of identifying a child as LEP.

E. Initiate a Bilingual Gifted and Talented Program at Reagan Elementary School for LEP children. The program will begin with a kindergarten program beginning in the 2006-2007 school year. A Bilingual Gifted and Talented Instructional Coordinator shall assess LEP children at the District's Early Education Centers. The assessment for qualification shall be standardized, normed assessment, appropriate for primary-aged LEP children. Each year, the program shall expand to include the next grade level.

F. Implement and maintain appropriate language services for all LEP children of the District that are consistent with state and federal law.

G. The District shall achieve the following benchmarks:

- Reduce the number of exceptions and waivers filed to one (1), by August 2006.
- Open a bilingual kindergarten gifted and talented class at Reagan elementary by August 2006.
- Expand the bilingual gifted and talented program at Reagan Elementary for the next grade level each school year thereafter.

VI. GIFTED AND TALENTED PROGRAM

By July 1, 2006, ECISD shall do the following:

A. The District shall achieve the following benchmarks:

- Increase the percentage of gifted and talented minority students served at Reagan Elementary school by a minimum of 2% yearly.
- Increase the percentage of gifted and talented minority students throughout the District by at least three percentage points in 2006-2007 and at least four percentage

points in 2007-2008. The District will present reasonable benchmarks for the 2008-2009 school year in accordance with Section XIII of this Consent Order. These percentages are all calculated using the 2005-2006 school year as the baseline.

B. Expand the District's definition of "Giftedness" in order to include the following gifted and talented characteristics:

- Gifted children are fluent thinkers, able to generate possibilities, consequences, or related ideas.
- They are flexible thinkers, able to use many different alternatives and approaches to problem solving.
- They are original thinkers, seeking new, unusual, or unconventional associations and combinations among items of information.
- They can also see relationships among seemingly unrelated objects, ideas, or facts.
- They are elaborate thinkers, producing new steps, ideas, responses, or other embellishments to a basic idea, situation, or problems.
- They are willing to entertain complexity and seem to thrive on problem solving.
- They are good guessers and can readily construct hypotheses or "what if" questions.
- They often are aware of their own impulsiveness and irrationality, and they show emotional sensitivity.
- They are extremely curious about objects, ideas, situations, or events.
- They often display intellectual playfulness and like to fantasize and imagine.
- They can be less intellectually inhibited than their peers are in expressing opinions and ideas, and they often disagree spiritedly with others' statements.
- They are sensitive to beauty and are attracted to aesthetic values.

C. Create and maintain a position for a Bilingual Gifted and Talented Instructional Coordinator as described in Section V(E).

VII. QUALITY OF EDUCATION

By July 1, 2006, ECISD shall do the following:

A. College and Career Readiness for Minority Students. The District, through its Family Learning Institute, shall participate in:

- The Intercultural Development and Research Association's Coca Cola Valued Youth Partnership program, which is aimed at further reducing the dropout rate of minority students;
- Increase the participation of minority students in the National Hispanic Institute;
- Partner with local colleges and universities to increase the number of minority student's matriculation into higher education;
- Utilize the Bilingual Gifted and Talented Coordinator (see above), as the catalyst to involve greater numbers of minority students in pre-advanced placement, advanced placement, and concurrent enrollment courses.

B. Interventionists/Student Advocates. The Ector County Independent School District shall hire and maintain three K-12 Interventionists to work as a team together with the Department of Guidance and Counseling. The purpose of the Interventionists/Advocates will be to address the social and academic needs of identified minority students and to remove cultural barriers to learning. The Interventionists/Advocates will receive specialized training to address the needs of minority students. In particular, this will include training directly related to reducing cultural gaps for African-American students and reducing discipline referrals of African-American students and Interventionists/Advocates will specifically address those needs. The Interventionists/Advocates will support minority students at the elementary, junior high, and high school levels to ensure that students have every opportunity to be successful in school with the short-term goal of helping students complete graduation requirements.

C. Equity and Effectiveness Work Group ("Workgroup"). The District shall establish and maintain a work group whose charge is to focus on the equity and effectiveness of programs

throughout the District and make written best practices recommendations to the Superintendent within four weeks of each meeting. A copy of these recommendations shall also be delivered without delay to the Tri-Ethnic Committee and a designated member of CRUCIAL or their counsel of record.

The Superintendent's designee shall develop a plan for this committee and select (with input from the Superintendent's Cabinet) the members of the Workgroup. The Workgroup shall consist of an ethnically diverse group of principals representing all grade levels and representatives from central office, as well as a liaison representing the Tri-Ethnic Committee. The Workgroup shall meet bi-annually, at a minimum.

The major tasks of the Workgroup shall be to study, assess, and address issues related to minority student access to quality education programs, academic achievement, discipline, graduation rates, special programs (bilingual/ESL, special education, and gifted and talented), counseling services, student assignments/transfers, and dropouts. The Workgroup shall be structured to assess all grade levels to assure consistency, alignment, and assessment of processes and programs in place. In addition, a major emphasis shall also be placed on community and parent involvement.

VIII. STUDENT ASSIGNMENT

ECISD maintains three types of elementary schools:

1. Neighborhood - entire student body drawn totally from a surrounding attendance zone.
2. Magnet/Neighborhood - student body drawn partially from a surrounding attendant zone and partially through the Magnet Programs.
3. Totally Magnet - student body drawn entirely through Magnet Programs.

With regard to these schools, ECISD shall undertake the following actions by August 15, 2006:

A. Neighborhood schools - ECISD shall maintain the present attendance zones for its neighborhood schools, except for the purpose of modifying the zones that would further desegregation of the schools.

B. Magnet/Neighborhood - ECISD shall maintain the present attendance zones for these schools, except for the purpose of modifying the zones that would further desegregation in the schools and except as noted in this Consent Order. The prohibition on enrollment in the magnet programs in these schools, based upon a child's residence, shall be removed so that all children are eligible to attend any magnet school. The enrollment at each magnet/neighborhood school shall be plus or minus 10% of the percentage of Anglos enrolled in elementary schools district-wide except for Blackshear, Zavala, and Hays where the enrollment shall be plus or minus 15% of the percentage of the Anglos enrolled in elementary schools district wide.

C. Total Magnet - ECISD shall continue Austin, Cameron, Reagan and Gale Pond/Alamo as Total Magnet schools with no attendance zones. All children residing in the District will be eligible to attend any of the Total Magnet schools. The enrollment at each total magnet school shall be plus or minus 10% of the percentage of Anglos enrolled in elementary schools district-wide except for Cameron where the enrollment shall be plus or minus 15% of the percentage of the Anglos enrolled in elementary schools district wide. The parties agree that at Reagan Magnet Elementary School, no children currently attending Reagan will be asked to leave in order for the District to meet the plus or minus 10% of the percentage of Anglos. However, the District will ensure that the incoming classes of new students enrolling at Reagan shall meet the plus or minus 10% of the percentage of Anglos enrolled in elementary schools district-wide.

D. ECISD shall monitor the race and ethnicity of students enrolled at each of its Magnet/Neighborhood and Total Magnet schools. By November 1 of each year, the District shall

compile a report on this matter. The District shall provide the report without delay to the Tri-Ethnic Committee, the Equity and Effectiveness Workgroup, the attorneys for the United States, and the counsel of record for CRUCIAL, or other designated representative. The District shall perform a Compliance Review for any magnet schools which have not attained the enrollment ratios identified in this Consent Order. ECISD shall formulate a Corrective Action Plan² for any magnet campus which is out of compliance.

E. South-side Academic Magnet - By August 1, 2007, ECISD shall establish an academic magnet on the campus of Hays Elementary. The exact model will be decided by ECISD, provided that it emphasizes high levels of achievement and student conduct and that its programs do not unduly overlap with those offered at Travis Elementary. No later than December 1, 2006, the District shall adopt a written plan to implement the magnet program at Hays.

Hays shall maintain its present attendance zones, but students throughout the District will be allowed to transfer into the magnet program. ECISD's goal is to move this campus toward a Total Magnet population by 2008-09, and the District shall exercise all reasonable efforts in order to accomplish this goal.

F. Out of District Students. There are a large number of students who attend District schools but live outside the District. By August 1, 2007, ECISD shall assign all out-of-district students to campuses based on the enrollment needs of the District identified in Section VIII of this Order and further provided that ECISD may make reasonable allowance for a student's need for special programs or special instruction in making such assignments. Subject to ECISD's other requirements listed in this Consent Order, such students may apply to all magnet schools, provided that residents of the District shall have priority in admission. Students currently attending a District

²A "Corrective Action Plan" within this Consent Order shall be defined as a comprehensive plan with specific strategies incorporated in order to bring the District within compliance with the provisions of this Order.

school, and their siblings who attend while the older sibling is in attendance at that school, may complete their attendance at that school.

G. Majority to Minority Transfer Policy. Insofar as transfers to elementary schools which are total magnet schools, the District will not allow transfers under a majority to minority transfer policy. The District may allow transfers to other schools of all levels so long as the effect of such transfer is to further desegregation by bringing the ethnic and racial balance of the sending and receiving schools toward the ethnic and racial balance of the level of schooling district-wide. (e.g., a White student may transfer from an elementary school with 45% White students to an elementary school with 20% White students.) For the purpose of this transfer policy, Black and Hispanic enrollment percentages shall be combined as “minority.” The following guidelines shall be applicable to foster and implement this policy:

1. A transfer request may be made for the beginning of the fall semester of each school year.
2. The administration of the District will promote majority-to-minority transfers throughout the year. During June of each year the District shall publicize the availability and details of the transfer policy at least twice bilingually in the Odessa daily newspaper, and by announcements at least twice or three or more Odessa radio stations, including a Spanish language station if available. In addition, during May of each year, a bilingual notice or announcement of the policy shall be sent home with each student in the District. Where vocational or academic course offerings vary as between schools on the same level, as in high schools, the publicity and announcements shall include these various offerings.

3. Space shall be made available at the receiving school for any qualifying student requesting a majority-to-minority transfer.
4. Transportation will be provided for students who request transfers under this section prior to August 1 of the year in which the transfer is to be effective. Students requesting transfer after August 1 will be provided transportation on a “first come-first served” basis, if available. Students who have received majority-to-minority transfers will be provided transportation between his/her “home” attendance zone school and the selected receiving school. Additionally, if available seating and bus routes permit, a transferring student will be furnished transportation between the receiving school and any other school in the District which is nearer to the student’s residence. This provision will especially be applied when to do so would reduce the period of time required for a student to ride a bus or buses. If the student wishes to participate in school sponsored activities as an extension of the school day, he/she will be provided transportation back to his/her attendance zone school at the end of that activity.
5. Racial and ethnic percentages for each school for purposes of this transfer policy shall be as follows:
 - (a) For transfer requests made from June 1 through the date of completion of the next annual Texas Education Agency ethnic enrollment report, the actual racial and ethnic enrollments of the schools on the last day of the previous school year shall be utilized.
 - (b) For transfer requests made from the date of completion of the annual Texas Education Agency ethnic enrollment report through May 31 of each year, the

racial and ethnic enrollments of the schools as reflected in this report shall be utilized.

6. Any student who exercises his/her right to transfer under this section who, subsequently, desires to return to his/her attendance zone school may do so at the beginning of any semester.
7. A majority-to-minority transfer, once approved, shall remain valid for the entire time in which the student is enrolled in the District, unless a request to the contrary is made. This includes students going from elementary school to junior high school, or from junior high school to senior high school, and the student on transfer shall automatically be assigned to the school of the next higher level to which the attendance zone students of the receiving school would progress. If a student requests cancellation of such transfer, he or she will attend the school serving his or her attendance zone.
8. In addition, if a student wishes to attend a school of the next higher level different from the one in which he or she would progress as provided above, he or she may do so by making a request for a majority-to-minority transfer to such desired school of the next higher level by May of the year prior to progressing to the next higher school level.

Students on transfer to schools which progress to more than one school at the next level will be asked to select which school they wish to attend no later than May 1 of the year prior to moving into the next school level.

If this automatic progression from school level to school level would result in the assignment of a transfer student to a school to which this student would not be eligible to originally transfer, this student will be asked to select, by May 1 of the

year prior to progressing, which one of the next higher level schools he or she desires to attend which would be an eligible school for an original majority-to-minority request by this student. This selection will be made in the same manner as the selection provided above.

9. The eligibility of a student exercising, or who previously exercised, a majority-to-minority transfer to participate in University Interscholastic League athletics and activities shall be determined by the eligibility rules of the UIL.
10. Majority-to-minority transfer request forms may be obtained in the principal's office of each school in the District. These forms may also be obtained at the District's Office of Special Services, located at 802 N. Sam Houston, Odessa, Texas. All transfer request forms must be completed and delivered either to the principal's office or the Office of Special Services. The principal will date-stamp forward the completed forms to the Office of Special Services on the day received, and this date shall be considered as the date the request was made.
11. Students placed in or desiring special education, bilingual or vocational programs will, to the maximum extent possible, have their requests for transfer granted; however, if it is deemed by the District to be economically or practically unfeasible to provide a suitable educational program for a child in the particular school to which he or she requests transfer, such student will be extended, if possible, as an alternative the opportunity to be transferred to another school which satisfies the racial and ethnic criteria applicable to such transfer, and which offers or can feasibly offer such a suitable educational program.
12. The administration will develop and offer counseling to parents and/or students contemplating majority-to-minority transfer, and additionally develop and offer

counseling to transferring students in the receiving school in academic and social adjustment areas.

13. Students new to the District who enroll for the first time during the school year shall be extended the opportunity to request a majority-to-minority transfer upon enrollment, and they shall be furnished transportation, if available, on a "first come-first served" basis.
14. Change of Domicile. In the event a student moves his or her domicile from one attendance zone to another attendance zone during the course of a semester, he or she may apply to the ECISD for transfer to the school serving the attendance zone to which his or her domicile is moved. This transfer request may be allowed by the ECISD on a finding that it is not racially motivated, or that such transfer will increase the incidence of integration of the school to which the transfer is sought. The ECISD will establish guidelines and administrative procedures to control such transfers.

IX. FACULTY

ECISD shall undertake the following steps:

- A. By fall of 2007, the faculty at each elementary school, junior high school and high school shall be so assigned that the target ratio of Black, Hispanic and White faculty in each school in the District is substantially the same as the ratio of Black, Hispanic and White staff members in, respectively, all of the elementary schools, all of the junior high schools, or all of the high schools. A variation above or below the district-wide average of not more than 10% at a school shall be considered as substantially the same.

Any campus not in compliance shall be reviewed by the District to assure that minorities are being screened, interviewed, and hired objectively and fairly and in a non-discriminatory manner.

For campuses not in compliance, ECISD shall establish a "Corrective Action Plan" to bring the campus into compliance no later than the opening of the following year, if feasible, or as soon as reasonably possible, whichever is first.

B. To insure equitable faculty assignments, the ECISD Human Resources Department shall utilize a "gatekeeper" process to help balance the percentage of faculty representation as described in Section IX(A) as follows:

1. Modification as needed of the District's staffing regulation DL (REGULATION) (Copy attached to this Order as Exhibit "C").
2. Communicate District-wide opportunities to principals and faculty to voluntarily transfer in order to meet the provisions of Section IX(A) as provided in the District's DK (REGULATION) (Copy attached to this Order as Exhibit "D").
3. Monitor hiring trends during the annual staffing process in January/February of each year.
4. Monitor campus vacancies created by retirements and resignations or other forms of faculty attrition.
5. Work in partnership with the appropriate campus Assistant Superintendents.
6. Work in partnership with all campus principals.
7. As needed, exercise local policies and regulations in reassigning employees.
8. Share an annual report of the District's "Plan of Action" with the Equity and Effectiveness Workgroup.
9. Upgrading the website and making it more user-friendly for faculty applicants.

C. ECISD Human Resources Department shall continue to recruit at teacher job fairs recognized for their high graduation rates of Black and Hispanic teacher candidates, such as: Prairie View A & M; the University of Texas/El Paso; Texas Southern University (Houston). ECISD shall also; continue recruiting efforts in states known to have high numbers of education majors who are Black or Hispanic, such as: Arkansas, Alabama, Mississippi, New Mexico, Louisiana and Georgia. The ECISD Human Resources Department shall continue to attend and recruit at regional, state and national conferences for associations of Hispanic teachers, bilingual teachers, and African American teachers, such as the Association of Black School Educators.

ECISD shall further its efforts of recruiting, hiring, and retaining Black and Hispanic teachers by increasing its advertisements in print publications that traditionally enjoy significant minority readership and public service announcements in cities with significant minority populations. ECISD shall further enter into a reasonable contract offer with a person or entity qualified and experienced in recruiting Black and Hispanic teacher candidates, if so recommended by CRUCIAL.

D. ECISD shall continue to offer attractive benefits packages and competitive salaries to include: pay relocation allowances, pay stipends in critical shortage-area assignments and make available promotion opportunities. ECISD will continue to adhere to employment objectives as defined in DAA(REGULATION) (Copy attached to this Order as Exhibit "E".)

E. For the annual staffing process in January/February, ECISD shall establish and maintain training programs to ensure that minority faculty candidates are appropriately and fairly considered for job openings. Such programs shall include: training of campus principals by administration pertaining to objective and non-discriminatory screening, interviewing, and hiring practices; communications between administration and campus principals pertaining to the ethnic ratios of faculty as discussed in this Consent Order; establishing written objective criteria for principals to use in the hiring of faculty and staff; and monitoring by the Human Resources Department of the screening, interviewing, and hiring practices by the various campuses.

The District shall, to the extent necessary to carry out the provisions of this Consent Order, direct members of its teaching staff as a condition of continued employment to accept new assignments beginning in the year 2007-08.

X. ASSESSMENT COMMITTEE

ECISD shall utilize the resources of two committees to assist the District in assessing the effectiveness of its compliance with its obligations under this Order, as follows:

A. Tri-Ethnic Committee. The Tri-Ethnic Committee shall continue during the term of this Order and CRUCIAL shall have the authority to appoint a member of the Committee. The Tri-Ethnic Committee shall advise the school board and the school administration with respect to the continued implementation of the Consent Order and to propose any changes or adjustments in the plan that appear to be necessary in the light of changing circumstances. The parties further agree that annual training on compliance issues will be provided by counsel for the District and counsel for CRUCIAL, or the parties' designated representatives.

B. Equity and Effectiveness Work Group. (See Section VII(C))

C. The District shall promptly respond to all reasonable document and data requests submitted by the Tri-Ethnic Committee and the Equity and Effectiveness Workgroup in order for those assessment committees to perform their obligations under this Consent Order.

XI. ANNUAL REPORT

A. The District shall file an Annual Report on June 30 of each year until further ordered by this Court. A copy of the report shall be served on the attorneys of record for the United States and Plaintiff-Intervenors. This shall be the only report required of the District and it shall include the following information:

1. The number of students by race³ and LEP status enrolled in the school district.
2. The number of students by race and LEP status enrolled in each school of the district by grade level.
3. The number of student by race and LEP status enrolled in each classroom in each of the schools in the district.

³For purposes of the reporting requirements in the Annual Report, "race" or "racial" refers to students identified as African American or Black, Hispanic, White or Anglo, Native American, and Asian/Other.

4. The number of full-time teachers by race in the district.
5. The number of full-time teachers by race in each school in the district.
6. The number of part-time teachers by race in the district.
7. The number of part-time teachers by race in each school in the district.
8. The number of requests for transfers by race, under the majority to minority transfer provision for each school year, and the number of requests, by race, granted by sending and receiving school.
9. The number of inter-district transfers requested and granted, the race of the students who were granted such transfers, the school district from which the transfers were allowed, and the school to which the transfers were assigned.
10. A brief description of any present or proposed construction or expansion of facilities.
11. The minutes of each Tri-Ethnic Committee meeting.
12. The recommendations submitted by the Tri-Ethnic Committee to the Superintendent and/or school board and by the District.
13. The recommendations submitted by the Equity and Effectiveness Workgroup to the Superintendent and/or school board and by the District, and actions taken thereon.
14. The number of waivers and exceptions to the Bilingual and English as a Second Language educational programs submitted by the District and by school and grade the waivers and exceptions, themselves, submitted by the District.
15. The number of parental denials to the Bilingual/ESL education programs at each school in the district by grade.

16. The number of students enrolled in the Host Program at Sam Houston Elementary, broken down by years in the program.

17. The number of students having left the Host Program at Sam Houston Elementary and the corresponding number of years enrolled in the program.

18. For each standardized test, norm-referenced test, and language assessment test, report the state assessment progress of students identified as limited-English proficient who are enrolled in the cluster program for recent immigrants, in the bilingual education program, in the English as a Second Language ("ESL") program, and who submit parental denials to the bilingual/ESL programs.

19. The number of students by race and LEP status retained at each grade level, both district-wide and at each school.

20. The number of students by race and LEP status graduating from the Minimum Program, the Recommended Program, and the Distinguished Program.

21. The number of students by race and LEP status identified as gifted and talented and the corresponding grade levels for the students, both district-wide and at each school.

22. The number of students by race and LEP status enrolled in advanced and honors courses, including but not limited to Advanced Placement, International Baccalaureate, and dual credit courses, both district-wide and at each school.

23. The efforts undertaken by the College Track Specialists to comply with the provisions of the Consent Order in Section VII(A).

24. The number of students by race and LEP status with a disciplinary referral at each grade level, both district-wide and at each school.

25. The number of students by race and LEP status suspended at each grade level, both district-wide and at each school.

26. The number of new teachers hired by race at the elementary, junior high, and high school levels.

27. The number of teachers by race lost through attrition or other means.

28. The results of the benchmarks set for the gifted and talented programs, retention rates, dropout rates, student achievement, college enrollment, and faculty hiring and retention.

29. Reporting of curricula enrichment program, added to and subtracted from the elementary levels.

XI. COVENANTS

ECISD shall abide by the Covenants adopted by the Board of Trustees concurrently with the approval of this Settlement Agreement and Consent Order. These Covenants are attached as Exhibit "B." To the extent that these covenants conflict with the terms of this Consent Order, the terms of this Consent Order control.

XII. MATTERS NOT SETTLED BY ALL PARTIES

A. Secondary Schools (Ector) - CRUCIAL intends to file pleadings with the Court requesting that the District convert Ector Junior High School into a high school per the 1984 Desegregation Plan. ECISD opposes the filing of such motion and the re-opening of Ector High School.

B. Attorney's Fees and Costs - The issue of attorney's fees and costs, if any, due to CRUCIAL and MALDEF shall be determined by the Court.

XIII. BENCHMARKS

The District shall submit proposed benchmarks to CRUCIAL and the Plaintiff on or before July 7, 2006 for the following areas: minority retention rates, minority drop out rates, minority college enrollment, minority student achievement, and minority faculty hiring. CRUCIAL and the Plaintiff shall file any objections to said benchmarks on or before July 17, 2006. Objections, if any, shall be heard by the Court at its final hearing.

XIV. FINAL TERMINATION OF CASE

ECISD, the United States of America and CRUCIAL agree that, except for the items set out in Section XII, this Consent Order and Settlement Agreement constitutes an agreement and enforceable order with regard to all contested issues involved in this lawsuit. The parties contemplate that, upon Court approval of this Consent Order and Settlement Agreement, this case will enter a process which will result in final termination and entry of an Order of Dismissal with Prejudice, as set out below:


A. Until an Order of Dismissal is entered, the Court will continue jurisdiction of this case to ensure that ECISD takes all actions identified in this Agreement and Consent Order and refrains from taking any actions which have the effect of reversing the progress it has made in desegregating the school system.

B. Annual meetings - The parties agree that the parties and counsel will meet annually to discuss any issues related to the implementation of this agreement. Objections or exceptions to performance under the Agreement and Consent Order shall be addressed at these meetings. The parties will file appropriate motions concerning disputes promptly, and will not wait until the Court considers the Motion to Dismiss to present complaints of performance, unless the disputes arose or were made known within a reasonable time thereof.

C. Dismissal of Lawsuit - On or after January 1, 2009, the District may file a Motion to Dismiss this lawsuit. The Plaintiff and Plaintiff-Intervenor may file any exceptions or objections they may have based upon the District's compliance or alleged non-compliance with this agreement.

Unless the Court has extended the time period based upon a finding of non-compliance of the terms of this agreement by the District, this case will be considered dismissed in its entirety on June 1, 2009 by Order of this Court to follow.

So ORDERED this the 15 day of August, 2006.

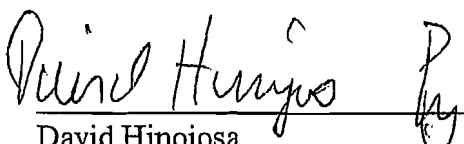


ROBERT JUNELL, Presiding Judge
United States District Judge

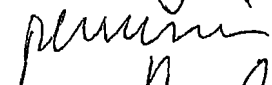


The following signatures of the parties indicate their consent to the form of this Consent Order and Settlement Agreement.


FOR THE PLAINTIFF-INTERVENOR,
CRUCIAL

FOR THE DEFENDANTS, ECTOR
COUNTY INDEPENDENT SCHOOL DISTRICT




David Hinojosa
Nina Perales
MALDEF
110 Broadway, Ste. 300
San Antonio, Texas 78205
(210) 224-5476
(210) 224-5382 (fax)

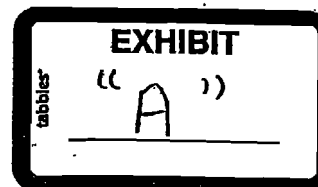


Mike Atkins
Tryon D. Lewis
ATKINS PEACOCK & LEWIS, L.L.P.
823 Central Ave.
Odessa, Texas 79761
(432) 333-4744
(432) 333-4143 (Fax)



The chart below shows the host school/partner school concept. The partner school will send the specified number of students to the new host school. The host school becomes the students' home campus.

Host School	Partner School
Team A: Gonzales Elementary (Currently has 14 LEP students)	Blanton (Will be sending 58 students to Gonzales)
Total LEP students at Gonzales Elementary: 72	
Host School	Partner School
Team B: Johnson Elementary School (Currently has 12 LEP students)	Burnet (Will be sending 21 students to Johnson)
Total LEP Students at Johnson Elementary School: 33	
Host School	Partner School
Team C: Ross Elementary (Currently has 35 LEP students)	Sam Houston Elementary (Will be sending 54 students to Ross)
Total LEP Students at Ross Elementary School: 89	
Host School	Partner School
Team D: Barbara Jordan Elementary School (Currently has 64 LEP students)	Ireland Elementary (Will be sending 20 students to Jordan)
Total LEP Students at Jordan: 84	



EDUCATIONAL PHILOSOPHY/MISSION STATEMENT

AE
(LOCAL)MISSION
STATEMENT

The District's mission is to prepare all students to graduate with the knowledge and skills to become productive and responsible citizens.

DECLARATION OF
COMMITMENTS
AND
COVENANTS -
UPON RELEASE
FROM COURT
SUPERVISION

Whereas, it is the mission of the Ector County Independent School District to prepare all students to graduate with the knowledge and skills to become productive and responsible citizens;

Whereas, the Ector County Independent School District Board of Trustees establishes the goal of becoming a leading school district in the State of Texas;

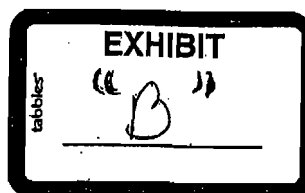
Whereas, it is ultimately the responsibility of the Board of Trustees working with the Superintendent to assure that this mission is achieved;

Whereas, the Ector County Independent School District has cooperated fully with the Desegregation Plan ordered by the United States District Court in the case of United States of America, et al, vs. Ector County Independent School District, MO-70-CV-64 in the United States District Court for the Western District of Texas, Midland-Odessa Division; and

Whereas, the Ector County Independent School District has filed its Motion to Dismiss this case upon a finding that it has reached Unitary Status; and

Whereas, the District desires to state its intention to maintain certain programs and policies should it be released from the jurisdiction of the United States District Court;

1. The District shall continue to operate a unitary school system and shall promote the availability of equal educational opportunities to all its students regardless of race, national origin, ethnicity, gender, or religion. The District recognizes the particular importance of programs designed to accelerate achievement for students who have not achieved grade level status.
2. The District is committed to principles of diversity at all levels of employment and shall recruit and assign quality teachers and administrators without regard to race, national origin, ethnicity, gender, or religion. The District affirms its commitment to recruit and assign a staff representative of all racial and ethnic groups in the area served by the District.



EDUCATIONAL PHILOSOPHY/MISSION STATEMENT

AE
(LOCAL)

3. The District shall maintain a strong Early Childhood Program at each campus that includes PK-3 students. This program shall be based on current educational best practices, including but not limited to a diagnostic and prescriptive approach, a program facilitator at each campus that includes PK-3 students, emphasis on small group and individualized instruction, a comprehensive program that includes curriculum guides and supporting materials, appropriate staffing, increased parent involvement and training, and a strong emphasis on mastery of essential skills by the end of the third grade level.
4. The District shall work with Odessa College and the University of the Permian Basin to encourage all students to pursue a college education.
5. The District shall maintain a program of magnet schools. The program shall offer unique educational opportunities through specialty curricula that cannot be found within the neighborhood schools. The District shall be diligent in its efforts to identify all eligible or qualified students, and to encourage parents and students to participate in the programs. It shall be the policy of the District that properly identified students shall be served without regard to race, ethnicity, national origin, gender, or religion. The District shall carefully monitor the selection process so that no student or ethnic group is unfairly excluded.

The District shall no less frequently than every three years evaluate all magnet programs to determine appropriateness of the program, potential need for additional programs, and the degree to which program, potential need for additional programs, and the degree to which the programs are ethnically diverse. Nothing herein shall limit the ability of the Board of Trustees to add additional programs or to modify or eliminate existing programs in accordance with the recommendations of the District's evaluation. Criteria for determining whether programs should be added, modified, or eliminated shall be included in the initial Special External Magnet Evaluation.

6. The District shall maintain programs for talented and gifted students in elementary, middle, and high schools in accordance with the requirements of State law. The District shall be diligent in its efforts to identify all eligible or qualified students, and to encourage parents and students to participate in the programs. It shall be the policy of the District that properly identified students shall be served without regard to race, ethnicity, national origin, gender, or religion. The District affirms the importance of encouraging and including ethnic minority students in high

EDUCATIONAL PHILOSOPHY/MISSION STATEMENT

AE
(LOCAL)

academic programs and courses. The District shall carefully monitor the selection process so that no student or ethnic group is unfairly excluded.

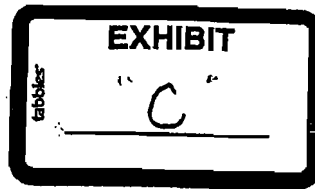
7. The District shall provide supplemental funding for students in at-risk situations, including those enrolled at campuses identified as low performing according to State or federal law.
8. The District shall maintain Bilingual and English as a second language programs in PK-grade 12 in a comprehensive effort to meet the affective, linguistic, and academic needs of LEP students. In elementary schools, the program shall focus on teaching English and subject matter through developmental bilingual classrooms, shared teaching, ESL self-contained classes, and send-in ESL teachers. In secondary schools, the ESL program shall provide LEP students with sequential instruction in ESL, sheltered English, and other sheltered content courses in mathematics, science, and social studies. The programs shall be based upon current best practices and shall be designed to help LEP students acquire English proficiency and facilitate their integration into the mainstream curriculum to ensure equal educational opportunity. The District shall encourage teachers to seek ESL certification and will provide professional development opportunities for the same.
9. The District shall maintain a program of facility construction, addition, renovation, repair, and maintenance that focuses on the priorities of health, safety, and avoidance of overcrowding. This program shall be administered without regard to the race, ethnicity, national origin, gender, or religion of the students enrolled at a particular facility and without regard to the geographic location of the facility within the District. Attendance zones and feeder patterns shall recognize the importance of diverse student populations where feasible. District operating and bond funds shall be budgeted and expended using the following priorities; (a) facilities that are safe and secure and compliant with the requirements of the ADA shall be the top priority; (b) regular maintenance and repair of the District's facilities in order to preserve these assets; and (c) the program of maintenance, repair, renovation, and construction shall be maintained in accordance with these priorities. The Superintendent shall present an annual facilities plan for the coming calendar year. The District further pledges that in the event the Board of Trustees determines that the educational needs of the District and its students require the addition of a third high school to join Odessa High School and Permian High School, and further upon approval of any required bond issue for such purpose, then such third high school shall be Ector High School, to be located on the present campus of Ector Junior High School.

EDUCATIONAL PHILOSOPHY/MISSION STATEMENT

AE
(LOCAL)

10. These commitments and covenants shall be subject to and conditioned upon the normal authority of the Board of Trustees and the Superintendent with regard to matters of personnel assignment and funding priorities. These commitments and covenants shall further be subject to the constitution and laws of the United States and the State of Texas.
11. This Declaration of Commitments and Covenants shall be the official policy of the District. This policy shall take effect immediately upon the release of the District from supervision of the Court by a final court order. This policy shall be subject to Board of Trustees review to determine its further application three years from the date the District is released from the supervision of the Court.

WORK LOAD
STAFFING GUIDELINES



DL
(REGULATION)

The following represents the District's instructional staffing guidelines for administrative, professional support, teacher, and non-exempt staff, based on availability of funding.

WAIVER: Written requests for new position staff allocations will be made in collaboration with the campus and/or departmental administrator and the appropriate Assistant Superintendent or Executive Director. Final approval will be determined by the Assistant Superintendent for Human Resources and Assistant Superintendent for Finance and Business Operations.

HIGH SCHOOL

I. Administration

- A. 1.0 Principal per campus
- B. 1.0 Assistant Principal per grade level, one Assistant Principal will be added when a grade level enrollment reaches 950 students
- C. 1.0 Instructional Services Director per campus
- D. 1.0 At-Risk Assistant Principal per campus

II. Counselor

- A. 1.0 Counselor per grade level. One additional counselor will be added when a grade level enrollment reaches 450 students.
- B. 1.0 At-Risk Counselor per campus
- C. 1.0 Special Education Counselor per campus
- D. 1.0 Student Assistant Services Counselor (SAS) per campus

III. Librarian

- A. 1.0 Librarian per campus
- 2.0 Library clerk

IV. Nurse

- A. 1.0 Registered Nurse (RN) per campus. One Health Aide will be added when enrollment exceeds 2000.

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

Assignments will be on recommendation from the Assistant Superintendent for Student Support Programs.

V. Magnet Program Directors

- A. 1.0 Per campus with enrollments over 1000

VI. Advanced Academic Services Specialists

- A. 1.0 Per high school campus

VII. Computer Technology Specialist

- A. 1.0 Per campus

VIII. Teacher

- A. Staffing formula

After receipt of the next-year projected enrollment report, a final campus personnel allocation will be determined as follows:

$$\frac{(\text{Total classes per day}) \times (\text{students})}{(\text{Classes taught per teacher})}$$

$$\text{-----} = \text{FTE} \\ \text{Factor (23)}$$

- ★ Special Education and itinerant instructional staff are not included in the staffing formula.
- ★★ Self-contained students (special education) are not included in the total student enrollment.

B. Additional Guidelines

All District personnel are expected to follow the prescribed workweek.

Personnel holding administrative, directive, coaching, or supervisory positions shall devote whatever time may be required to carry out their duties.

C. Recommended Coaching Staff per High School Campus

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

1. Boys' Sports Assignments

One head football coach
One head basketball coach
One head soccer coach
One head baseball coach
One head track and cross-country coach
One head cross country coach
Four varsity football assistants (tied to head coach's contract)
Six football assistants
One athletic trainer
★Head coaches for boys' sports will have one assignment.
★Assistant coaches will have two assignments.

2. Girls' Sports Assignments

One head basketball coach
One head track coach
One head cross country coach
One head volleyball coach
One head softball coach
One head soccer coach
Four assistant coaches
One athletic trainer

★Head coaches for girls' sports will have one assignment
★Assistant coaches will have two assignments

Year-Round Sports Assignments

One head gymnastics coach
One head swimming coach
One head tennis coach
Two head golf coaches
One head power lifting coach
One assistant gymnastics coach
One assistant tennis coach

D. Music Education

1. 1.0 Head High School Band Director
- 1.0 First Assistant High School Band Director

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

- 1.0 Second Assistant High School Band Director. An additional band director may be added when enrollment reaches 300 students.
 2. 1.0 Head High School Choir Director
Assistant High School Choir Director., may be added when enrollment reaches 150 students.
 3. 1.0 Head High School Orchestra Director. An additional orchestra director may be added when enrollment reaches 150 students.
 4. 1.0 OHS Part-Time Magnet Harp Instructor
- E. Art Education
1. 2.0 Two art teachers for each high school. An additional art teacher is allocated at Odessa High School because of magnet designation.
 - 1.0 Art teachers at Permian High School
- F. Theatre Arts
1. 1.0 Theatre arts teacher at each high school. An additional theatre arts teacher may be added when enrollment reaches 100 students.
- G. Dance
1. 1.0 One dance teacher for each high school. An additional dance teacher will be added when enrollment reaches 150 students.
- H. English as a Second Language Program
- ESL teacher(s) per campus, as per Director of Bilingual Education recommendation based on campus needs.
- I. Non-Exempt Support Staff
1. 1.0 Secretary to Principal per campus
 2. 1.0 Computer technician

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

- ★ Aides and/or clerks may be placed on a campus as required by campus needs.

3. 2.0 Police per campus

J. Alternative Secondary Education Programs

1. Career Center – Staff is based on state and vocational mandates
2. Youth Center
3. Alternative Center
4. AIM High
5. TPC (Teen Parent Center)

Staff is based on placement and maximum facility size.

K. Extracurricular Programs and Special Additives

Refer to the District's SCHEDULE OF SPECIAL ADDITIVES in the SALARY SCHEDULE for stipends paid to sponsors of cheerleading, spirit squads, drill team, academic decathlon and/or academic coaching.

PLANNING AND
PREPARATION

Each classroom teacher is entitled to at least 450 minutes within each two-week period for instructional preparation including parent-teacher conferences, evaluating students' homework, and planning. A planning and preparation period may not be less than 45 minutes within the instructional day. During a planning and preparation period, a teacher may not be required to participate in any other activity. *Education Code 21.404.*

Additional planning time for departments may be approved pending recommendations from campus principals with input from the Campus Improvement Team (CIT) reviewed annually and reflected on the master schedule.

TEACHER/STUDENT
CAP

The recommended number of students that each teacher will supervise is as follows:

1. The total number of students per teacher should approach but not exceed 150 students.
2. The following classes may exceed the total number of 150 students per teacher:

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

- a. Athletics
- b. Choral Music
- c. Band
- d. Physical Education

- 3. A full personnel unit equates to a six-period assignment.

JUNIOR HIGH SCHOOL

I. Administration

- A. 1.0 Principal per campus
- B. Assistant Principals per campus based on enrollment
 - 1.0 0-600
 - 2.0 601-1200
 - 3.0 1201 plus

II. Counselor

- A. Counselor per campus based on enrollment
 - 1.0 0-600
 - 2.0 601-1200
 - 3.0 1201 plus
- B. 1.0 Student Assistant Services Counselor (SAS) per campus
- C. 1.0 AAP counselor at junior high magnet

III. Librarian

- A. 1.0 Librarian per campus
- 1.0 Library clerk

IV. Nurse

- A. 1.0 Registered Nurse (RN) per campus

V. Police

- A. 1.0 Per junior high campus (exceptions based on campus needs)

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

VI. Teacher

A. Staffing formula

After receipt of the next-year projected enrollment, a final campus personnel allocation will be determined as follows:

$$\frac{(\text{Total classes per day}) \times (\text{students})}{(\text{Classes taught per teacher})}$$

$$\text{-----} = \text{FTE}$$

Factor (23)

- ★ Special Education and itinerant instructional staff are not included in the staffing formula.
- ★★ Self-contained students (special education) are not included in the total student enrollment.

B. Additional Guidelines

All District personnel are expected to follow the prescribed workweek.

Personnel holding administrative, directive, coaching, or supervisory positions shall devote whatever time may be required to carry out their duties.

C. Recommended Coaching Staff

1. One head coach for boys' sports
Five assistant coaches
2. One head coach for girls' sports
Four assistant coaches

D. Music Education

1. 1.0 Head Junior High Band Director
1.0 Assistant Junior High Band Director.
An additional band director may be added when enrollment reaches 250 students.
2. 1.0 Head Junior High Choir Director. An additional choir director may be added when enrollment reaches 200 students. A third choir director may

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

be added when enrollment reaches 300 students.

3. 1.0 Head Junior High Orchestra Director. An additional orchestra director may be added when enrollment reaches 150 students.
4. EXCEPTION: Ector Junior High School is recognized as a Fine Arts Magnet Academy with the following:
 - 1.0 District Itinerant Magnet Harp Instructor
 - 2.0 Full-time Dance Instructor
 - 2.0 Full-time Mariachi/Guitar
 - 1.0 Full-time class piano instructor

E. Art Education

1. 1.0 Art instructor per junior high school. An additional art teacher may be added when enrollment reaches 150 students.
EXCEPTION: Ector Junior High Magnet Academy has three art instructors.

F. Theatre Arts Education

1. 2.0 Theatre arts teachers are authorized only at the Fine Arts magnet junior high school (Ector Junior High School). Two theatre arts teachers may be allocated for this school.
2. 1.0 Dance teachers are authorized only at the fine arts magnet junior high school (Ector Junior High School).

One teacher is allocated for this school.

G. English as a Second Language Program

ESL teacher(s) per campus, as per Director of Bilingual Education recommendations, based on campus needs.

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

H. Non-Exempt Support Staff

1. 1.0 Secretary to principal per campus

★ Aides and/or clerks may be placed on a campus as required by campus needs.

I. Extracurricular Programs and Special Additives

Refer to the District's SCHEDULE OF SPECIAL ADDITIVES in the SALARY SCHEDULE for stipends paid to sponsors of cheerleading, spirit squads, drill team, academic octathlon and/or academic coaching.

PLANNING AND
PREPARATION

Each classroom teacher is entitled to at least 450 minutes within each two-week period for instructional preparation including parent-teacher conferences, evaluating students' homework, and planning. A planning and preparation period may not be less than 45 minutes within the instructional day. During a planning and preparation period, a teacher may not be required to participate in any other activity. *Education Code 21.404.*

Additional planning time for departments may be approved pending recommendations from campus principals with input from the Campus Improvement Team (CIT) reviewed annually and reflected on the master schedule.

TEACHER/STUDENT
CAP

The total number of students per teacher should approach but not exceed 150 students.

The recommended number of students that each teacher will supervise is as follows:

1. The total number of students per teacher should approach but not exceed 150 students.

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

2. The following classes may exceed the total number of 150 students per teacher:
 - a. Athletics
 - b. Choral Music
 - c. Band
 - d. Physical Education
3. A full personnel unit equates to a six-period assignment.

ELEMENTARY SCHOOL/EARLY EDUCATION CENTERS

- I. Administration
 - A. 1.0 Principal per campus
 - B. 1.0 Assistant Principal per campus based on enrollment. All magnet campus equals one unit.
Regular campuses above 600 enrollment equal one unit.
- II. Counselor – Minimum one per campus
 - A. 0-300 equals .5 counselor
 - B. 301 - 699 equals 1.0 counselor
 - C. Above 700 enrollment would gain an additional 0.5
- III. Librarian
 - A. 1.0 Librarian per campus (elementary)
 - B. 1.0 Library clerk per campus (EEC)
- IV. Nurse
 - A. Licensed Vocational Nurse (LVN) to be assigned to a campus unless the following conditions are present:

Registered Nurse (RN) is needed when:
 1. The student population is over 550.
 2. The student population has over 50 mainstreamed special education students.

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

3. Critically ill student population of 50 or more
4. Medically fragile student population of 20 or more

An RN and an aide are appropriate when the campus population is over 2000.

In the case of a student with critical health needs, the placement of a RN will be determined by a committee comprised of the Health Services Supervisor and the appropriate Assistant Superintendent. Final approval will be determined by the Assistant Superintendent for Human Resources and Business Operations.

V. Music Education

- A.
 - 1.0 Music teacher per campus up to 599 student enrollment
 - 1.5 Music teacher from 600 to 799 student enrollment
 - 1.0 Music teachers for 800 plus student enrollment
 - 1.0 Itinerant Orchestra teacher is assigned District-wide for "beginning strings" program. Five elementary schools are served by the itinerant teacher.
- B. EXCEPTION: Music teachers may be assigned to identified magnet campuses.
- C. EXCEPTION: Milam Magnet is recognized as a Fine Arts campus with the following:
 - 2.0 Suzuki teachers
 - 1.0 Choir teacher
 - 1.0 Band teacher
 - 1.0 Keyboard teacher

VI. Art Education (magnet campuses)

- A.
 - 1.0 Art teacher at each identified magnet elementary campus
 - 2.0 Art teacher at Milam Magnet due to its Fine Arts status

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

VII. Dance Education

- A. 1.0 Dance teachers are authorized only at Milam Elementary Fine Arts Magnet School. One dance teacher is allocated at this school.

VIII. Teacher

- A. Regular classroom teacher

<u>PreK/4</u>	<u>K,1,2,3,4</u>	<u>5,6</u>
20:1	22:1	28:1

- B. Reading Recovery Teacher – minimum of one (1) per elementary campus

- C. Bilingual teachers

Due to unique demands of dual instruction and time and treatment considerations, the following guidelines will apply at appropriate campuses.

Bilingual classes with 15 or more identified LEP students shall be self-contained, grouped (K-3) (4-6) and may reach a maximum appropriate to the grade level for English-speaking students.

When a campus has fewer than 15 identified LEP students at a grade level, non-LEP students would be added to the enrollment until a mixed class (60% LEP and 40% non-LEP bilingual) is reached and added to the enrollment to a maximum of 22 students.

- D. Title I

Based on program allocations and Campus Improvement Plan (CIP). Final approval required by appropriate district level administrators.

- E. Physical Education Teachers

Guideline is one certified physical education teacher and one physical education aide per non-magnet elementary campus up to 800 students. Enrollment of 800 plus students will allow the campus administrator to request an additional certified physical education teacher.

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

F. Gifted and Talented Program Teachers based on identified students per campus:

1.0 59 identified students equal one.

2.0 Above 60 identified students equals maximum of two.

IX. Non-Exempt Support Staff

A. 1.0 Secretary to the campus principal
1.0 Building clerk

B. One additional support staff may be requested when enrollment reaches 650 students

C. The number of aides is to be determined by student enrollment and the types of special area programs identified on the campus, i.e., Bilingual aide, Special Education aide, HOH aide, office aide, Physical Education aide. All other staff allocation will be determined on an individual campus basis depending on justified need. The appropriate departmental administrator in collaboration with the campus principal can make recommendations for additional non-exempt staff, i.e. exceeding class size limits.

MAGNET
SCHOOLS

Staffing requirements at the magnet schools vary according to the individual magnet school's program driven by design focus. Additional staff will be recommended to meet specialized needs and instruction.

SPECIAL
EDUCATION
STAFFING

Recommendations for staffing will depend on the identified needs of students with disabilities.

I. Central Administration

A. 1.0 Director

B. 4.0 Supervisors

C. 1.0 Secretary to Director

D. 1.0 SEMS Records Processor/Registrar

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

II. Support Professionals

- A. Licensed Specialist in School Psychology
(LSSP)/Educational Diagnostician/ARD Facilitator

20.0 LSSP/Diagnostician (1.0 per 110-125
students)

III. Teachers

- A. Preschool Program for Children with Disabilities
(PPCD)

1.0 Teacher per 1-10 students

- B. Self-Contained

Teacher staffing determined by the individual needs
of students

- C. Resource/Content Mastery

1.0 Teacher per 20 students

- D. Adaptive Physical Education

3.0 Teachers

1.0 Paraprofessional

- E. Speech/Language Therapy

1.0 SLP per 50 students

3.0 Speech Specialists

- F. Homebound Teacher

1.0 Teacher per 1-6 students

- G. Itinerant Vision Teacher

1.0 Teacher per 1-10 students

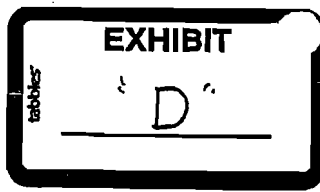
- H. Orientation and Mobility Specialist (OM)

1.0 OM Teacher per 15 students

WORK LOAD
STAFFING GUIDELINES

DL
(REGULATION)

- I. Regional Day School Program for the Deaf (RDSPD)
 - 1.0 Itinerant teacher per 8-10 students
- IV. Specialized Areas
 - A. 2.0 Transition Specialist
Deaf Education Diagnostician per 45 students
 - B. 1.0 Deaf Education Supervisor
 - C. 1.0 Autism Specialist
- V. Other
 - A. 3.0 LSSP
 - B. 2.0 Counselors
- VI. Non-Exempt Support Staff
 - A. 1.0 Regional Day School Clerk
 - B. 1.0 Vision impaired paraprofessional
 - C. 1.0 Bilingual WJR Tester
 - D. 1.0 Bookkeeper
 - E. 1.0 SERC
 - F. 1.0 Referral Clerk



Ector County ISD
068901

ASSIGNMENTS AND SCHEDULES

DK
(REGULATION)

ASSIGNMENT

The Assistant Superintendent of Human Resources will coordinate the efforts of other department heads authorized to process job offers in the name of the District to insure that all personnel are made aware of the basic board policy regarding assignment and/or reassignment in the District. [See DK (LOCAL)]

It is the desire of the District that all campuses be fully staffed at the beginning of each school year with the most qualified and certified instructional staff. Each campus vacancy should be staffed no later than the third Friday in June. **EXCEPTIONS:** resignations, retirements or leaves of absences that are approved beyond the third Friday in June.

Immediately following the third Friday in June, the appropriate assistant superintendent will assist the campus administrator in the selection and placement of staff to fill existing vacancies from the District's pool of candidates.

Following the beginning of school, administrators have thirty (30) calendar days to make a recommendation to fill existing vacancies or any position that might become available during the school year. If vacancies have not been filled by this deadline, the appropriate assistant superintendent will assist the campus administrator in the selection and placement of staff from the District's pool of candidates to fill existing vacancies.

Instructional staff who are hired under permit and who do not complete the permit deficiencies by June 1 will have their existing contracts voided as noted on the contract. These positions will become vacancies.

All personnel, regardless of classification, are employed subject to assignment and/or reassignment by the Superintendent or designee at any time based upon the needs of the District.

EXCESS TEACHER ASSIGNMENT (END OF YEAR)

An excess teacher is defined as one who is in a teaching position that will not be needed in that particular building or department in the immediate future based on the projected enrollment figures. In most cases, excess teachers will result from declining or shifting enrollment. Each spring, it shall be the responsibility of the building principal working cooperatively with the Human Resources

DATE ISSUED: 09/12/00
LDU 0912.00
DK (REGULATION)

APPROVED: 04/21/04

1 OF 8

ASSIGNMENTS AND SCHEDULES

DK
(REGULATION)

Department and the appropriate assistant superintendent in determining the number of teachers to be allocated to each building for the following school year based on the District formula. If a school or department is allocated fewer teachers than assigned the previous year, the principal will identify the positions to be deleted. The principal shall then determine which teacher(s) will be declared excess by following the formula for determining excess teachers.

The principal shall submit the names of the excess teacher(s) to the appropriate personnel designee for approval before notifying the teacher(s) who will be declared excess. Upon the approval of the Human Resources Department, the principal will advise the teacher(s) that they will receive written notification of their reassignment from the Human Resources Department.

The following points should be noted:

1. The excess teacher will be reassigned at the earliest possibility to ensure continued employment within the District. Voluntary transfers or new hires shall not be considered until the excess teachers have been reassigned.
2. The reassignment of excess teachers takes priority over a voluntary transfer request or a new hire.
3. Changes within the building may be made prior to placement of excess teachers only after obtaining prior approval of the Assistant Superintendent of Human Resources.

RECALL

A teacher who has been declared excess at the end of the school year has the option of returning to that building to fill a comparable position for which he/she was declared excess. This option is not applicable after the third Friday in June before the beginning of the new school year. It shall be the responsibility of the principal to contact the teacher to allow him/her the option of returning to that position before considering a transfer or a new hire.

VOLUNTARY
TRANSFER REQUEST

In order to be eligible for transfer, teachers must have completed one year within the District.

For implementation of this regulation, "teacher" includes any full-time

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professional employee, except paraprofessional personnel, who is required to hold a valid certificate or teaching permit as noted in Texas Education Code 21.003.

Voluntary transfer requests will not be granted after the third Friday in June prior to the beginning of the new school year.

District initiated transfers granted after the third Friday in June will be made only in the best interest of the District or be a bonafide promotion.

In order to be given consideration for a transfer, the teacher must submit a Transfer Request Form to the Assistant Superintendent of Human Resources no later than the last day of the voluntary transfer period preceding the school year for which the transfer is requested.

All employees have access to promotion possibilities at any time after the initial employment date.

All employees, other than teachers as noted above, may be granted transfers at any time with the approval of the current supervisor and the receiving supervisor.

Once it has been determined that it will be necessary to reassign some of the teaching staff from a specific building at the end of the current school year, the principal shall observe the following procedures:

ELEMENTARY TEACHERS

1. Kindergarten, music, physical education, special education, bilingual education, librarians, and Title I teachers have unique situations which must be considered on an individual basis should it become necessary to determine an excess in these areas. Regular classroom teachers, grades one (1) through six (6) will be considered as one category for the purpose of determining excesses in that area.
2. After determining which area will be affected, the principal shall allow the faculty the opportunity to voluntarily transfer. If two (2) or more teachers desire to transfer, the decision will

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be determined by allowing the teacher with the highest point total the first option, based on the excess teacher formula.

3. If there are no volunteers, first year probationary teachers in the affected building will be considered first, then the second year probationary teachers, and finally the principal shall apply the formula to the remainder of the faculty, if necessary, to determine the teacher with the lowest point total in the building or department.
4. After tabulating the points, the principal shall determine which teacher(s) will be declared excess. If two (2) or more teachers are tied, then the decision would be reached by referring to the individual's personnel folder to determine the actual date and time of the teacher's return of the initial contract or letter of acceptance for employment. The teacher who accepted the position at the later date would be the excess.
5. The principal shall notify the person who is to be declared excess after conferring with the appropriate personnel designee. Official notice of the new assignment will be done, by letter, from the Superintendent or designee as soon as it can be determined.
6. The experience factor as used in the excess teacher formula shall be based on experience accumulated as a teacher within the District.

SECONDARY TEACHERS

1. Determine which department will be affected by the reduction.
2. Meet with the teachers in the department to allow the teachers the opportunity to voluntarily transfer. If two (2) or more teachers desire to transfer, the decision will be determined by allowing the teacher with the highest point total the first option, based on the excess teacher formula.
3. If there are no volunteers, first year probationary teachers in

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the affected department will be considered first, then the second year probationary teachers, and finally the principal shall apply the formula to the remainder of the teachers within the department to determine the teachers with the lowest point total in the department. Due to the special area assignment, athletic coaches cannot be included in determining excess teachers.

4. After tabulating the points, the principal shall determine which teacher(s) will be declared excess. If two or more teachers are tied, then the decision would be reached by referring to the individual's personnel folder to determine the actual date and time of the teacher's return of the contract or letter of acceptance for employment. The teacher who accepted the position at the later date would be the excess.
5. The principal shall notify the person who is to be declared excess after conferring with the appropriate personnel designee. Official notice of the new assignment will be submitted from the Superintendent or designee as soon as it can be determined.
6. The experience factor as used in the excess teacher formula shall be based on experience accumulated as a teacher within the District.

**EXCESS TEACHER
ASSIGNMENT**

**(DURING THE
SCHOOL YEAR)**

If, at any time after the school year begins, it is determined that the enrollment has not reached the expected projection in a grade level

or department within a particular building, it may become necessary to reassign teachers to another building. At that point, the principal shall identify the position(s) to be deleted. The principal shall then determine which teacher(s) will be declared excess by following the formula for determining excess teachers.

The current principal will ensure that the District Maintenance Department will assist the excess teacher in the movement of supplies and materials to the new assignment.

The receiving principal shall allow the excess teacher a minimum of two (2) days in which to make the transition before beginning the

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new teacher assignment.

In order that conditions resulting from shifting and/or changing enrollment patterns during a school year may be adequately and speedily met, and at the same time to insure that the personnel unit allocation system be maintained, the following procedure for reassignment of personnel will apply.

Enrollment figures will be closely watched by the assistant superintendents and, when problem situations develop, the assistant superintendents will review and make recommendations to the Superintendent in order to arrive at a solution to the problem.

Notice of final action to be taken will be issued to all concerned parties by the Assistant Superintendent of Human Resources who will authorize dates for the changes required.

Once it has been determined that it will be necessary to reassign some of the teaching staff from a specific building, the principal should observe the procedures as noted herein which states the procedure for determining excess teachers at the end of the year.

VOLUNTARY
TRANSFER
REQUEST

Transfer requests for teaching personnel shall be considered between June 1, or earlier if all excess teachers have been re-assigned, and the first day of duty for teachers in August.

If a teacher is eligible and desires to request a transfer, the following procedure should be observed by the teacher and the principals involved:

1. Teachers seeking a transfer shall obtain a Transfer Request Form from their current principal. The white copy must be submitted to the Human Resources Department no later than June 1. The yellow copy will be the teacher's copy.
2. Teachers shall have the privilege of requesting a transfer to any and/or all positions which are available during the designated time for transfers to be considered.
3. It shall be the teacher's responsibility to contact the principal where the desired vacancy exists to arrange an interview.

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4. The teacher must present the yellow copy of the Transfer Request Form to the principal at the interview. Interviews shall not be granted by a receiving principal without the yellow copy.
5. After the interview the teacher shall keep the yellow copy.
6. Transfer requests into or out of an assignment which involve a department administrator must be co-signed by the principal and the administrator to indicate knowledge and/or approval.
7. If it is determined that a transfer will be accepted, the principal shall contact the teacher, who must return the yellow copy of the Transfer Request Form to the principal. After signing the form, the principal shall return the form to the Human Resources Department for final approval. Once the transfer is approved, the personnel office shall notify the teacher and the transferring principal in writing.

RECALL

If a teacher is declared excess during the school year and, at a later time during the school year, a comparable vacancy occurs in the school from which the teacher was declared excess, a replacement teacher will be employed to complete the remainder of the school year only. At the end of the school year the excess teacher will be given the option of returning to that position if the position is allocated for the next school year.

TRANSFER OF
PRINCIPALS,
VICE PRINCIPALS,
AND ASSISTANT
PRINCIPALS

Each principal, vice principal, and assistant principal will have the assignment reviewed for potential reassignment after five (5) years in the same position. Assignments will be reviewed by the Superintendent or designee, and all transfers will be based upon the following criteria:

1. Recommendation of the assistant superintendent exercising management control over the campus, based upon overall District need and knowledge gained from everyday supervision
2. Periodic need to change teacher appraisers in order to allow

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campus administrators to be more objective in performance appraisal

3. Periodic need for management renewal, based upon the change as an opportunity for a campus administrator to develop new skills, broaden knowledge about the District, implement new ideas, and prevent burnout, complacency, or dissatisfaction
4. Periodic need for betterment of District operations as a whole

Transfers of campus administrators may occur at less than five-year intervals based upon a need to fill vacancies in campus administrative positions or upon recommendation of the Superintendent.

REASSIGNMENT
BY REQUEST

All District personnel have the privilege of requesting a change of assignment from one building or department to another, and all requests for reassignment are subject to the approval of the Superintendent or designee.

In general, requests for reassignment will be reviewed under the same criteria set out above. Requests for reassignment must be made in writing to the Superintendent within time periods designed each year.



Ector County ISD
068901

EMPLOYMENT OBJECTIVES:
EQUAL OPPORTUNITY EMPLOYMENT

DAA
(REGULATION)

AFFIRMATIVE
ACTION PLAN

Statement of Policy:

The Ector County Independent School District, hereinafter called District, is committed to a policy affording equality of employment opportunities to all employees and applicants for employment. The District will take affirmative action, as set forth in this program, to ensure that every individual receives equal treatment based upon merit without regard to race, color, religion, age, sex, disability, or national origin. This action applies to recruiting, hiring, and placement of applicants, and includes all personnel actions affecting employees in areas of promotion, compensation, benefits, transfers, discipline, separation and training.

The District will continue its efforts to employ and properly maintain representative numbers of minority group members and females on its total staff.

This policy reaffirms that equal employment opportunity is an integral part of the District's operational program. Progress toward meeting and maintaining policy goals is regularly reviewed. The District is committed to a good faith effort of equal employment opportunity and nondiscriminatory work practices.

Recruiting:

The District, to insure that no bias shall exist in recruitment of employees, shall contact appropriate agencies for the names of potential employees, whenever vacancies on the staff occur. Additional prospective sources of personnel include placement offices of colleges and universities.

Recruiting visits to colleges and universities in the Southwestern United States shall be made annually for the purpose of securing and interviewing applicants for positions. However, this practice does not preclude the acceptance of applications from other areas of the United States. Each applicant for employment shall be informed of the District's policy on equal employment opportunity.

Employment Policy:

The District will comply with the hiring policies set forth by the Civil Rights Act of 1964.

All persons seeking employment in the District are required to complete a formal electronic application. Employment shall be based on qualifications of an applicant, as reflected by information provided in the written application, and from interviews with appropriate administrative personnel.

Training

The District maintains a continuous training program for employee upgrading in all departments.

No person because of race, color, religion, sex, age, disability, or national origin will be denied opportunities for additional training.

Promotion or Upgrading:

The District subscribes to the principle of promotion from within the organization.

The District has and will continue to review the personnel files of all minority group and female employees for the purpose of upgrading and promoting.

The District will make affirmative efforts to promote minority group applicants, including females, by careful scrutinizing applications and promotion requests and by hiring/promoting applicants to the highest remunerative employment level commensurate with the applicants qualifications.

Fringe Benefits:

The District is committed to the provision of equal benefits for fulltime salaried employees; however, such benefits may be based on longevity or other established criteria. The term "fringe benefits" as used herein includes all insurance programs, sick leave, emergency leave, leave of absence, vacations, holidays, and retirement. No distinctions of any type may be made in the District's benefits because of race, color, religion, sex, age or national origin.

Termination Policy:

The District shall not discharge any employee without just cause. In

such proceedings, the employee shall be afforded all rights of due process.

Dissemination:

Each person employed by the District shall be informed of the Affirmative Action Plan. Notices outlining the District policies are posted on bulletin boards for the employee's attention.

All staff members are encouraged to actively support the Equal Employment Opportunity policy and Affirmative Action Plan and to report any alleged violation of the intent or spirit of the policy and plan to appropriate supervisory or management personnel.

TITLE IX

The District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972 as amended.

Title: Director for Title IX

Address: P.O. Box 3912
Odessa, Tx 79760

Phone: (432) 332-9151

**ADA/SECTION
504**

The District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1991 and Section 504 of the Rehabilitation Act of 1973.

Title : Assistant Superintendent for Human Resources

Address: P.O. Box 3912
Odessa, Tx 79760

Phone: (432) 332-9151

DATE ISSUED: 05/05/2005
DAA (REGULATION)