

Case# SRDR2024-07-08

Regarding	§	Before the Texas Education Agency
Ector County ISD	§	
CDN # 068901	§	Commissioner of Education

AGREED CORRECTIVE ACTION PLAN

Corrective Actions

In a desire to conclude this matter without further delay and expense, the Texas Education Agency (the "Agency" or "TEA") and Ector County ISD (CDN # 068901) agree to resolve this matter by the terms of this Agreed Corrective Action Plan.

RECITALS:

WHEREAS, on July 31, 2024, the Agency’s Self-Reported Data Unit (SRDU) issued a compliance review to Ector County ISD, relating to concerns that the LEA potentially impermissibly assigned out-of-school suspensions to students experiencing homelessness during the 2022-23 school year (TEC § 37.005(d)) and potentially failed to submit accurate, useful, and timely PEIMS data to the agency (TEC § 48.008; 19 TAC § 61.1025).

WHEREAS, SRDU’s review determined that Ector County ISD was not in compliance with all legal requirements relating to students experiencing homelessness and may have also impermissibly assigned out-of-school suspensions to students below Grade 3 (TEC § 37.005(c)).

WHEREAS, Ector County ISD also submitted PEIMS data to the Agency indicating possible non-compliance with legal requirements relating to students experiencing homelessness during the 2023-24 school year.

WHEREAS, the Agency acknowledges that Ector County ISD indicated they recently implemented local corrective actions related to these student discipline non-compliance concerns.

WHEREAS, the Agency requires additional corrective actions be completed and recommendations be considered with the goal of ensuring that Ector County ISD is in compliance with all related statutory requirements going forward.

NOW, THEREFORE, it is the AGREEMENT of the Agency and the Local Education Agency (LEA) that:

1. Effective immediately, the LEA is expected to comply with all statutes related to disciplinary decisions for students experiencing homelessness (e.g., Tex. Educ. Code [TEC] § 37.001; TEC § 37.005(d), TEC § 37.005(e)), including, but not limited to, ensuring

that these students are not assigned to out-of-school suspension for unallowable reasons.

- a. The LEA should review the Agency's [Texas Education for Homeless Children and Youths \(TEHCY\) Discipline Toolkit](#) to ensure that they are meeting all related statutory requirements. Additionally, the LEA should consider implementing the Agency's best practices.
2. Effective immediately, the LEA is expected to ensure that students below Grade 3 are not assigned to out-of-school suspension for unallowable reasons (TEC § 37.005(c)).
3. Effective immediately, the LEA shall continue to maintain appropriate documentation (e.g., incident reports, disciplinary referrals) to support the disciplinary behaviors and actions reported to the Agency through PEIMS. As part of this documentation, the LEA is encouraged to **provide detailed descriptions of any disciplinary incidents** (e.g., indicate whether there was bodily harm, type of substance found, etc.) to support the specific Behavior (C165) and Discipline (C164) descriptions detailed in the Texas Education Data Standards.
 - a. The LEA is encouraged to conduct campus and district audits to ensure all discipline data reported to the Agency through PEIMS are accurate.
 - b. If the LEA has questions about discipline code definitions or documentation, a TSDS Incident Management System (TIMS) Ticket should be submitted to the Agency as soon as possible so proper guidance can be provided before the PEIMS submission window closes.
4. The LEA must ensure that all relevant campus and LEA staff are provided training on the current laws and regulations related to students experiencing homelessness by **April 1, 2025**. The LEA is encouraged to utilize the TEHCY Discipline Toolkit High-Level Walkthrough webinar and McKinney-Vento 101 through 401 trainings offered by TEA to meet this requirement but may provide a similar training(s) that covers the same material.
 - a. Some trainings noted above are available as recorded webinars and others will be offered at various dates in December through March. The LEA can review [the list of previous webinars](#) and look for future trainings on TEA's [Texas Education for Homeless Children and Youths \(TEHCY\) Program website](#).
 - b. In addition to utilizing these trainings to ensure the LEA is meeting all related statutory requirements, the LEA should consider implementing the Agency's best practices.
5. The LEA must ensure that all relevant campus and LEA staff are provided training related to the current laws and regulations regarding student discipline in the Texas public school system by **April 1, 2025**. The LEA is encouraged to utilize the [Texas Education Code, Chapter 37 - Student Discipline training](#) offered by TEA to meet this requirement but may provide a similar training(s) that covers the same material.
6. The LEA will provide to the Agency copies of the training documentation and evidence that staff attended and completed the trainings (e.g., copies of the signature logs; completion certificates) in Items 4 and 5 no later than **April 15, 2025**.

7. The Board must hold a Special Meeting, unless the next scheduled board meeting is prior to the due date of **January 31, 2025**, and place this Corrective Action Plan on the agenda prior to approving and signing.
8. The LEA agrees to comply with all relevant provisions of the Texas Education Code and the Texas Administrative Code in the future, or the LEA will be subjected to further action by the Agency.
9. The LEA agrees to fully cooperate with the Agency's requests for information and/or onsite inspections during the period that this agreement is in effect.
10. Upon approval, the Commissioner of Education and/or his designee, the Agency's Associate Commissioner of Compliance and Investigations, are authorized to sign this agreement on behalf of the Agency.

Corrective Action Agreements

By signing this Agreed Corrective Action, the LEA:

1. Agrees with all terms, acknowledge(s) understanding of all terms, and agree(s) that the LEA will satisfactorily comply with all terms of this Agreed Corrective Action Plan by no later than **December 31, 2025**, or be subject to a reopening of this matter.
2. Agrees, acknowledges and understands that the LEA will be informally monitored by the Agency until successful completion of this agreement for continued compliance with all applicable statutes and regulations.
3. Agrees, acknowledges and understands that the LEA may be subject to a special investigation (SI), corrective action(s) or sanction(s) for any additional allegations of violations which are substantiated.
4. Agrees to waive any right to any review before the Commissioner, any right to seek removal or modification of any intervention provided for in this matter, any right to judicial review of this Agreed Corrective Action Plan, and any other procedural rights that might otherwise apply. The LEA does not waive any rights to an informal review or any other rights enumerated in the Texas Education Code if for any reason the Agency elects to reopen and formally investigate this matter.
5. The parties agree that this agreement is not subject to judicial review, does not create any rights not already described by law and is solely interpreted by the Commissioner of Education.

[Signature Page to Follow]

WE, DR. KEELEY BOYER AND MR. CHRISTOPHER J. STANLEY, HAVE READ AND UNDERSTAND THE FOREGOING AGREED CORRECTIVE ACTION PLAN. WE UNDERSTAND THAT BY SIGNING THIS AGREED CORRECTIVE ACTION PLAN, THE LEA WAIVES CERTAIN RIGHTS. WE SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY ON BEHALF OF ECTOR COUNTY ISD. WE UNDERSTAND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

SIGNED this _____ day of _____, 202_

Dr. Keeley Boyer
Superintendent of Ector County ISD

SIGNED this _____ day of _____, 202_

Mr. Christopher J. Stanley
Board President of Ector County ISD

SIGNED this _____ day of _____, 202_

*Ashley Jernigan
Associate Commissioner of Governance,
Compliance & Investigations

*Pursuant to TEC § 7.055(b)(5), the Commissioner of Education has delegated the authority to the Associate Commissioner of Governance, Compliance & Investigations to approve the issuance of an Agreed Corrective Action Plan and related investigation activities pursuant to TEC § 39.003.