

# LUBIN & ENOCH, P.C.

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February 6, 2018

## **INADMISSIBLE SETTLEMENT OFFER PURSUANT TO TEXAS RULE OF EVIDENCE 408(a)**

**Via Regular and E-Mail**  
**[matkins@odessafirm.com] this date to:**

Michael D. Atkins, Esq.  
Atkins, Hollmann, Jones, Peacock, Lewis & Lyon, Inc.  
3800 East 42<sup>nd</sup> Street  
Odessa, Texas 79762

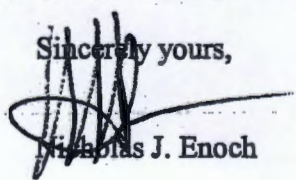
**Re: TSTA (Ector County I.S.D. - District of Innovation Grievance)  
Our File No. 1858-043**

Dear Mike:

Enclosed herein you will find a proposed, and comprehensive, resolution of our clients' dispute. Please share it with your client and let me know if we have a deal.

As I assume the Board of Trustees will be meeting on the evening of Tuesday, February 20, 2018, I am hoping to hear back from you by Friday, February 23, 2018.

Sincerely yours,



Nicholas J. Enoch

NJE:sb  
Enclosure

cc: Sharon Story w/encl (via e-mail only to: [sharistory4@gmail.com](mailto:sharistory4@gmail.com))  
Russell R. Ramirez, Esq. w/encl (via e-mail only to: [Russellr@tsta.org](mailto:Russellr@tsta.org))

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TEXAS BOARD OF LEGAL SPECIALIZATION

+ LICENSED IN DISTRICT OF COLUMBIA

^ LICENSED IN NEW MEXICO

February 15, 2018

WRITER'S EMAIL ADDRESS:  
[matkins@odessalawfirm.com](mailto:matkins@odessalawfirm.com)

VIA EMAIL TO NICK@LUBINANDENOCH.COM

Nick Enoch  
Lubin & Enoch, P.C.  
221 North Kansas Street, Suite 700  
El Paso, Texas 79901

**Re: TSTA / Ector County I.S.D. - District of Innovation Grievance  
Your File #1858-043**

Dear Nick:

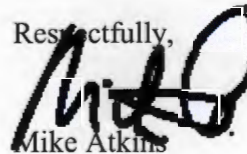
I have reviewed your letter of February 6, 2018 and its attachments, together with the Superintendent. While I am glad to tell you that we are very close and should be able to resolve this, I suggest we need to do it in a different manner.

As you probably recall, the original grievance was filed by your clients on May 2, 2016. It was dismissed pursuant to Board Policy for being untimely on May 10, 2016.

The actual grievance now being considered is your grievance dated May 16, 2016 appealing the dismissal of your May 2, 2016 grievance as untimely. That current grievance started at Level 2 and continues to remain at Level 2 before the Superintendent while we try to work it out.

In light of that procedural history, I am enclosing what the Superintendent would be willing to do to resolve this in its entirety. I hope it meets with your approval. Please let me know.

Respectfully,



Mike Atkins

MA:lf  
Enclosure

cc: Thomas Crowe  
Brian Moersch

2018

*Sent via: matkins@odessalawfirm.com*

Mr. Mike Atkins

Atkins, Hollmann, Jones, Peacock, Lewis & Lyon

A Professional Corporation

3800 East 42<sup>nd</sup> Street, Suite 500

Odessa, Texas 79762

Re: *Ector County TSTA/NEA et al. v. Ector County ISD  
Settlement Agreement*

Dear Mr. Atkins,

Ector County TSTA/NEA, et al. hereby dismisses the grievance it filed on May 2, 2017 regarding the District of Innovation policy changes, contingent upon the following:

1. Ector County ISD adopts the attached AF (LOCAL), DNA (LOCAL), EB (LOCAL), and DBA (LOCAL) Policies;
2. Ector County ISD agrees to not seek additional Education Code Waivers unless the District-level committee approves of the additional waivers;
3. Ector County ISD agrees the professional staff shall nominate and elect professional staff representatives who shall serve on the District-level-committee. This committee shall include at least one professional staff representative with the primary responsibility for educating students with disabilities. At least two-thirds of the elected professional staff representatives shall be classroom teachers. The remaining staff representatives shall only include campus and district level professional staff members. District-level-committee members shall not be appointed; and
4. Ector County ISD agrees to maintain the attached policies for as long as the Ector County ISD remains a District of Innovation unless modified in an agreement by the parties.

This agreement is effective on the date signed by all the parties.

Sincerely,

Enclosures



January 31, 2018  
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Agreed:

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Carol Gregg, President  
Board of Trustees, Ector County ISD

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Shari Story, President  
Ector County TSTA/NEA

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