



**BOARD OF TRUSTEES, EL PASO INDEPENDENT SCHOOL DISTRICT
POLICY COMMITTEE MEETING
JUNE 2, 2026
7:45 AM
EPISD Administration Building (1014 North Stanton Street, El Paso, Texas, 79902)**

Videoconference Notice:

A quorum of the Board of Trustees will be physically present at the EPISD Administration Building (1014 North Stanton Street, El Paso, Texas, 79902), and it is the intent to have a quorum of the Board present at that location. Pursuant to Texas Government Code 551.127, if a quorum of the Board is physically present at the designated location, other Trustees may attend and participate in this meeting via videoconference.

**Announcement of Meeting/Agenda
As Directed under the Provisions of the
Texas Open Meetings Act,
Texas Government Code, Chapter 551**

If, during the course of the meeting covered by this Notice, the Board of Trustees should determine that a closed or executive meeting or session of the Board of Trustees is required, then such closed or executive meeting or session as authorized by the Texas Open Meetings Act, Texas Government Code Section 551.001 et seq., or Texas Government Code 418.183 (f), will be held by the School Board at the date, hour, and place given in this Notice or as soon after the commencement of the meeting covered by this Notice as the School Board may conveniently meet in such closed or executive meeting or session concerning any and all purposes permitted by the Act. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

Subject of Meeting

1. **Call to Order**
 2. **Policy Committee Items**
 - A. [Proposed Revisions to Board Policy DNA \(Local\) - Performance Appraisal, Evaluation of Teachers](#)
(To revise policy incorporating language related to the District's participation in the T-TESS 2.0 Pilot program and the Teacher Incentive Allotment)
 - B. [Proposed Revisions to Board Policy FEA \(Local\) - Attendance, Compulsory Attendance](#)
(To align policy language with recommendations by TASB)
 - C. [Proposed Revisions to Board Policy FEC \(Local\) - Attendance, Attendance for Credit](#)
(To align policy language with recommendations by TASB)
 3. **Adjournment**
-

Superintendent

The district condemns and prohibits discrimination, including harassment, against any employee on the basis of race, color, age, sex, religion, national origin, marital status, citizenship, military status, disability, genetic information, gender stereotyping and perceived sexuality, perceived or actual sexual orientation, gender identity or gender expression, or any other basis prohibited by law. Inquiries concerning the application of Title VI, VII, and IX, and Section 504 may be referred to the District Compliance Officer, Rosa Ramos, at (915) 230-2031; 504 inquiries regarding students may be referred to Kelly Ball at (915) 230-2856.



MEETING DATE: JUNE 2, 2026
POLICY COMMITTEE ITEMS

Board of Trustees
Executive Summary of Board Agenda Item

TITLE:

Proposed Revisions to Board Policy DNA (Local) - Performance Appraisal, Evaluation of Teachers

JUSTIFICATION STATEMENT:

To revise policy incorporating language related to the District's participation in the T-TESS 2.0 Pilot program and the Teacher Incentive Allotment

PURPOSE OF AGENDA ITEM: Discussion

TO BE HELD IN: Open Session

TEXAS GOVERNMENT CODES:

AUTHORITY FOR ACTION: Legal/Local Policy

STAFF RESPONSIBLE: Dr. Mark Ramirez, Chief of Schools; Patricia Cortez, Chief Human Capital Management Officer

DISTRICT IMPROVEMENT PLAN OBJECTIVE, GOAL, OR NEED ADDRESSED:

Strategic Lever II: Academic Excellence - El Paso ISD empowers all learners to excel in current and future pursuits.

SUMMARY:

The proposed policy updates reflect the District's participation in the teacher evaluation tool, T-TESS 2.0, Pilot program for the 2026-2027 school year. In addition, all campuses will participate in the teacher incentive allotment (TIA), which requires an annual evaluation.

ADMINISTRATIVE RECOMMENDATION/MOTION:

FUNDING SOURCE: ACCOUNT NO.:

FISCAL IMPACT AND COST:

IMPACT ON OTHER FUCTIONS/OPERATIONS:

CONSEQUENCES OF NON-APPROVAL:

IMPLEMENTATION TIMELINE:

COMMENTS RECEIVED, IF ANY:

ATTACHMENTS:

[Senior Leadership Update & Memo DNA \(Local\) 5-20-26.pdf](#)
[DNA\(LEGAL\).pdf](#)



EL PASO INDEPENDENT
SCHOOL DISTRICT

Human Resources

To: Cezy Collins
General Counsel, Legal

From: Rosa Ramos
Executive Director, Employee Relations

Jill Crossley
Executive Director, Talent Acquisition & Personnel Administration

Mercedes Bauerkemper
Director, Middle School Personnel & Recruiting

Subject: DNA (Local) Performance Appraisal Evaluation of Teachers

Date: May 20, 2026

The following are proposed revisions to DNA (Local):

- **DNA (Local) – Performance Appraisal Evaluation of Teachers, Page 1 – Note– Deleted section and all the language under Note.**
- **DNA (Local) – Performance Appraisal Evaluation of Teachers, Page 1 – Appraisal System - Deleted the section title and all of the language under the section Appraisal System. This language is no longer applicable as the District will be under the TEA T-Tess 2.0 Pilot program for the 26-27 school year.**
- **DNA (Local) – Performance Appraisal Evaluation of Teachers, Page 1 – Texas Teacher Evaluation and Support System (T-Tess) – Deleted the section title with the exception of T-Tess. Deleted all language in this section, as it is no longer applicable under the T-Tess 2.0 Pilot program and replaced with language to reflect that teachers will be appraised annually using T-Tess and delineates who can appraise a teacher in place of the teacher's supervisor.**
- **DNA (Local) – Performance Appraisal Evaluation of Teachers, Page 1 – Added a section titled; T-Tess 2.0 Pilot. Added language to reflect that teachers will be appraised using the T-Tess 2.0 Pilot Program under the guidance of TEA.**
- **DNA (Local) – Performance Appraisal Evaluation of Teachers, Page 1 – Deleted the following language and sections: Less-Than-Annual Evaluation (Waivers), Length of Waivers, and Reinstatement of T-Tess Appraisal – these sections are no longer applicable as part of the TIA annual appraisal requirement.**
- **DNA (Local) – Performance Appraisal Evaluation of Teachers, Page 1 - Deleted the footnote referencing the Districts Innovation Plan.**

These updates reflect the District's participation in the teacher evaluation tool T-TESS 2.0 Pilot program for the 2026-2027 school year. In addition, all campuses will participate in the teacher incentive allotment (TIA), which requires an annual evaluation.

Copy to: Patricia Cortez
Chief Human Capital Management Officer

~~Note: This local policy has been revised in accordance with the District's innovation plan.¹~~

~~Appraisal System~~

~~In accordance with the District's innovation plan, the District is exempt from state laws regarding the appraisal of teachers, to the extent that state standardized test (state mandated assessment) scores be used as one of the evaluation measures for teachers.~~

~~Texas Teacher Evaluation and Support System (T-TESS)~~

THE DISTRICT SHALL APPRAISE TEACHERS ANNUALLY USING THE TEXAS TEACHER EVALUATION AND SUPPORT SYSTEM (T-TESS) IN ACCORDANCE WITH LAW AND ADMINISTRATIVE REGULATIONS.

THE BOARD SHALL APPROVE A LIST OF CERTIFIED APPRAISERS WHO CAN APPRAISE A TEACHER IN PLACE OF THE TEACHER'S SUPERVISOR.

T-TESS 2.0 PILOT

DURING THE 2026-2027 SCHOOL YEAR, THE DISTRICT SHALL APPRAISE ALL TEACHERS USING THE T-TESS 2.0 PILOT PROGRAM IN ACCORDANCE WITH TEA GUIDANCE.

~~The appraisal of District teachers shall be in accordance with the Texas Teacher Evaluation and Support System (T-TESS), on an annual basis, in accordance with legal requirements.~~

~~Less Than Annual Evaluations (Waivers)~~

~~However, District teachers who are employed under continuing and term contracts and meet the statutory criteria for less than annual appraisals [see DNA(LEGAL)] shall be evaluated every third year. Teachers on probationary contracts shall not be eligible for waivers.~~

~~Length of Waivers~~

~~Teachers who meet the identified criteria as listed under Less Than Annual Evaluations shall be eligible for a two year appraisal waiver and shall have a T-TESS appraisal at least once during each three year period.~~

~~Reinstatement of T-TESS Appraisal~~

~~During any school year when a complete T-TESS appraisal is not scheduled for a teacher on a less than annual appraisal schedule, either the teacher or the principal may require that an appraisal be conducted by providing written notice to the other party. [See DNA(REGULATION)]~~

¹Innovation Plan: <https://www.episd.org/page/district-of-innovation-doi>

Note: The Board has adopted an [innovation plan](#)¹ that affects application of provisions in this legally referenced policy.

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Teacher Appraisal The employment policies adopted by the board must require a written evaluation of each teacher at annual or more frequent intervals.

A teacher appraisal must be done at least once for each school year. A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years.

Education Code 21.203, .352(c)

Interim Evaluations and Guidance In addition to conducting a complete appraisal as frequently as required by Education Code 21.352(c), a district shall require that appropriate components of the appraisal process, such as classroom observations and walk-throughs, occur more frequently as necessary to ensure that a teacher receives adequate evaluation and guidance. A district shall give priority to conducting appropriate components more frequently for inexperienced teachers or experienced teachers with identified areas of deficiency. *Education Code 21.352(c-1)*

Required Components The statutorily required components of teacher appraisal are defined as follows:

1. The implementation of discipline management procedures is the teacher's pedagogical practices that produce student engagement and establish the learning environment.
2. The performance of teachers' students is how the individual teacher's students progress academically in response to the teacher's pedagogical practice as measured at the individual teacher level by one or more student growth measures.

19 TAC 150.1001(f)

Notice and Use of Evaluations A district shall use a teacher's consecutive appraisals from more than one year, if available, in making employment decisions and developing career recommendations for the teacher. *Education Code 21.352(e)*

The district shall notify a teacher of the results of any appraisal of the teacher in a timely manner so that the appraisal may be used as a developmental tool by the district and the teacher to improve the overall performance of the teacher. *Education Code 21.352(f)*

Role of Extracurricular Activities A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the

basis of classroom teaching performance and not on performance in connection with extracurricular activities. *Education Code 21.353*

Disciplinary Referrals

A district may not assign an area of deficiency to a teacher solely on the basis of disciplinary referrals made by the teacher or documentation regarding student conduct submitted by the teacher under Education Code 37.002. [See FOA for discretionary removal] A district is not prohibited from assigning an area of deficiency to a teacher based on documented evidence of a deficiency in classroom management obtained through observation or a substantiated report. *Education Code 21.352(a-1)*

Access to Evaluations

A district shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file.

Each teacher is entitled to receive a written copy of the evaluation promptly on its completion. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.

Education Code 21.352(c)

Confidentiality

A document evaluating the performance of a teacher or administrator is confidential and is not subject to disclosure under the Public Information Act, Government Code 552. *Education Code 21.355(a)* [For disclosure requirements on evaluations, see GBA]

Two Appraisal Methods

A district shall use one of the following methods to appraise teachers:

1. The teacher appraisal system recommended by the commissioner of education [see State Method (T-TESS), below]; or
2. A local teacher appraisal system [see District Option and Campus Option, below].

Education Code 21.352(a); 19 TAC 150.1001(a)

Selection of Appraisal Method

A superintendent, with the approval of a board, may select the state appraisal method. Each district or campus wanting to select or develop an alternative teacher appraisal system must follow the requirements set forth below at District Option or Campus Option. *19 TAC 150.1001(c)*

Notice to Service Center

A superintendent shall notify the executive director of the district's regional education service center in writing of the district's choice of appraisal system when using an alternative to the state appraisal method and detail the components of that system by the first day of instruction for the school year in which the alternative system is used.

A district shall submit annually to its service center a summary of the campus-level evaluation scores from the state appraisal method or the district's locally adopted appraisal system, in a manner prescribed by the commissioner.

19 TAC 150.1008

Note: The following provisions apply to teacher appraisal using the state appraisal method.

**State Method
(T-TESS)**

The commissioner's recommended teacher appraisal system, the Texas Teacher Evaluation and Support System (T-TESS), was developed in accordance with Education Code 21.351. *19 TAC 150.1001(b), .1002(a)*

Orientation and
Annual Review

A district shall ensure that all teachers are provided with an orientation to the T-TESS no later than the final day of the first three weeks of school and at least two weeks before the first observation when:

1. The teacher is new to the district;
2. The teacher has never been appraised under the T-TESS; or
3. District policy regarding teacher appraisal has changed since the last time the teacher was provided with an orientation to the T-TESS.

The teacher orientation shall be conducted in a face-to-face setting during a district's first year of T-TESS implementation and include all state and local appraisal policies and the local appraisal calendar. In addition to the orientation, campuses may hold other sessions sufficient in length allowing teachers to actively participate in a discussion of the T-TESS specifics and to have their questions answered.

19 TAC 150.1006

Appraisers

The teacher appraisal process requires at least one certified appraiser. An appraiser must be the teacher's supervisor or a person approved by the board.

*Campus
Administrator*

Only a campus administrator may act as a certified appraiser, except as provided below.

Under the T-TESS, a "campus administrator" includes a principal, an assistant principal, an administrator who holds a comparable administrator/supervisor certificate established by the State Board for Educator Certification, or supervisory staff whose job descrip-

tion includes the appraisal of teachers and who is not a classroom teacher.

An individual other than a campus administrator may act as a certified appraiser if:

1. The individual has been certified by completing the required training prior to conducting appraisals; and
2. In the case where the certified appraiser is a classroom teacher, the certified appraiser:
 - a. Conducts appraisals at the same school campus at which the certified appraiser teaches if the certified appraiser is the chair of a department or grade level whose job description includes classroom observation responsibilities; or
 - b. Does not conduct appraisals of classroom teachers who teach at the same campus as the certified appraiser if the certified appraiser is not a department or grade-level chair.

*Training and
Certification*

Before conducting appraisals, an appraiser must be certified by having satisfactorily completed the state-approved T-TESS appraiser training and having passed the T-TESS certification examination, and must have received Instructional Leadership Training (ILT), Instructional Leadership Development (ILD), or Advanced Educational Leadership (AEL) certification. Appraisers without ILT, ILD, or AEL certification before January 1, 2016, may not take ILT or ILD to satisfy the requirement. Periodic recertification and training shall be required.

Education Code 21.351(c); 19 TAC 150.1005

Appraisal Calendar

A district shall establish a calendar for teacher appraisals and provide that calendar to teachers within three weeks from the first day of instruction. The appraisal period for each teacher must include all of the days of the teacher's contract.

Observations during the appraisal period must be conducted during the required days of instruction for students during one school year.

The appraisal calendar shall:

1. Exclude observations in the two weeks after the day of completion of the T-TESS orientation in the school years when an orientation is required; and

2. Indicate a period for end-of-year conferences that ends no later than 15 working days before the last day of instruction for students.

19 TAC 150.1003(d)

A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required. *Education Code 21.352(d); 19 TAC 150.1003(c)*

Assessment of
Teacher
Performance

Each teacher must be appraised each school year, except as provided below at Less-Than-Annual Appraisal. Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified. *19 TAC 150.1003(a)*

During the appraisal period, the certified appraiser shall evaluate and document teacher performance specifically related to the domain criteria as identified in 19 Administrative Code 150.1002(a) and the performance of teachers' students as defined in 19 Administrative Code 150.1001(f)(2). *19 TAC 150.1003(e)*

*Less-Than-
Annual Appraisal*

A teacher may receive a full appraisal less than annually if the teacher agrees in writing and the teacher's most recent full appraisal resulted in the teacher receiving summative ratings of at least proficient on nine of the sixteen dimensions and did not identify any area of deficiency, defined as a rating of Improvement Needed or its equivalent, on any of the sixteen dimensions identified in 19 Administrative Code 150.1002(a) or the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2). A teacher who receives a full appraisal less than annually must receive a full appraisal at least once during each period of five school years.

District policy may stipulate:

1. Whether the option to receive a full appraisal less frequently than annually is to be made available to teachers;
2. Whether the option to receive a full appraisal less frequently than annually is to be adopted district-wide or is to be campus specific;
3. If the appraisal accompanying a teacher new to a district or campus meets this option, whether the appraisal is to be accepted or whether that teacher is to be appraised by the new campus administrator; and
4. Whether a certified appraiser may place a teacher on the traditional appraisal cycle as a result of performance deficiencies

documented in accordance with 19 Administrative Code 150.1003(b)(6) and (f) (cumulative data regarding teacher performance in addition to formal classroom observations).

A school district may choose annually to review the written agreement to have less frequent full appraisals with the teacher. However, at the conclusion of the school year, the district may modify appraisal options through board policy and may make changes to expectations for appraisals that apply to all teachers regardless of a teacher's participation in the appraisal option in the previous year(s).

In a year in which a teacher does not receive a full appraisal due to meeting the requirements, a teacher shall participate in:

1. The Goal-Setting and Professional Development Plan process;
2. The performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2); and
3. A modified end-of-year conference that addresses:
 - a. The progress on the Goal-Setting and Professional Development Plan;
 - b. The performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2); and
 - c. The following year's Goal-Setting and Professional Development plan.

19 TAC 150.1003(l)

*Domains and
Dimensions*

Each teacher shall be appraised on the following domains and dimensions of the T-TESS rubric that is aligned to the Texas Teacher Standards in 19 Administrative Code Chapter 149 (Commissioner's Rules Concerning Educator Standards):

1. Domain I. Planning or Alternate Domain I. Lesson Internalization, which includes the following dimensions:
 - a. Standards and alignment;
 - b. Data and assessment;
 - c. Knowledge of students; and
 - d. Activities.
2. Domain II. Instruction, which includes the following dimensions:

- a. Achieving expectations;
 - b. Content knowledge and expertise;
 - c. Communication;
 - d. Differentiation; and
 - e. Monitor and adjust.
3. Domain III. Learning Environment, which includes the following dimensions:
- a. Classroom environment, routines, and procedures;
 - b. Managing student behavior; and
 - c. Classroom culture.
4. Domain IV. Professional Practices and Responsibilities, which includes the following dimensions:
- a. Professional demeanor and ethics;
 - b. Goal setting;
 - c. Professional development; and
 - d. School community involvement.

The evaluation of each of the dimensions above shall consider all data generated in the appraisal process. The data for the appraisal of each dimension shall be gathered from pre-conferences, observations, post-conferences, end-of-year conferences, the Goal-Setting and Professional Development Plan process, and other documented sources.

Each teacher shall be evaluated on the 16 dimensions in Domain I or Alternate Domain I and Domains II-IV identified above using the following categories:

1. Distinguished;
2. Accomplished;
3. Proficient;
4. Developing; and
5. Improvement needed.

Beginning with the 2024-25 school year, teachers may be appraised using Domain I or Alternate Domain I based on the alignment of teacher responsibilities to lesson planning or lesson internalization.

*Student
Performance*

Beginning with the 2017-18 school year, each teacher appraisal shall include the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2) (student growth measures).

If calculating a single overall summative appraisal score for teachers, the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), shall count for at least 20 percent of a teacher's summative score.

Each teacher shall be evaluated on the performance of teachers' students using one of the terms from the following categories:

1. Distinguished or well above expectations;
2. Accomplished or above expectations;
3. Proficient or at expectations;
4. Developing or below expectations; or
5. Improvement needed or well below expectations.

19 TAC 150.1002

Appraisal Process

The annual teacher appraisal, or full appraisal, shall include:

1. A completed and appraiser-approved Goal-Setting and Professional Development Plan that shall be:
 - a. Submitted to the teacher's appraiser within the first six weeks from the day of completion of the T-TESS orientation for teachers in their first year of appraisal under the T-TESS or for teachers new to the district; or
 - b. Initially drafted in conjunction with the teacher's end-of-year conference from the previous year, revised as needed based on changes to the context of the teacher's assignment during the current school year, and submitted to the teacher's appraiser within the first six weeks of instruction; and
 - c. Maintained throughout the course of the school year by the teacher to track progress in the attainment of goals and participation in professional development activities detailed in the approved plan;
 - d. Shared with the teacher's appraiser prior to the end-of-year conference; and
 - e. Used after the end-of-year conference in the determination of ratings for the goal setting and professional development dimensions of the T-TESS rubric;

2. For a teacher in the first year of appraisal under the T-TESS or for teachers new to the district, a Goal-Setting and Professional Development Plan conference prior to the teacher submitting the plan to the teacher's appraiser;
3. After a teacher's first year of appraisal under the T-TESS within the district, an observation pre-conference conducted prior to announced observations;
4. At least one classroom observation of a minimum of 45 minutes, with additional walk-throughs and observations conducted at the discretion of the certified appraiser and in accordance with the Education Code 21.352(c-1). Additional observations and walk-throughs do not require an observation post-conference. Additional observations and walk-throughs do require a written summary if the data gathered during the additional observation or walk-through will impact the teacher's summative appraisal ratings, in which case the written summary shall be shared within 10 working days after the completion of the additional observation or walk-through. Title 19 Administrative Code 150.1004 (Teacher Response and Appeals) applies to a written summary of an additional observation or walk-through that will impact the teacher's summative appraisal ratings;
5. An observation post-conference that:
 - a. Shall be conducted within 10 working days after the completion of an observation;
 - b. Is diagnostic and prescriptive in nature;
 - c. Includes a written report of the rating of each dimension observed that is presented to the teacher only after a discussion of the areas for reinforcement and areas for refinement; and
 - d. Can allow for, at the discretion of the appraiser, a revision to an area for reinforcement or refinement based on the post-conference discussion with the teacher;
6. Cumulative data from written documentation collected regarding job-related teacher performance, in addition to formal classroom observations;
7. An end-of-year conference that:
 - a. Reviews the appraisal data collected throughout the current school year and previous school years, if available;

- b. Examines and discusses the evidence related to the teacher's performance on the four dimensions of Domain IV of the T-TESS rubric;
 - c. Examines and discusses evidence related to the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2) (student growth measures), when available; and
 - d. Identifies potential goals and professional development activities for the teacher for the next school year; and
8. A written summative annual appraisal report to be provided to the teacher within 10 working days of the conclusion of the end-of-year conference.

19 TAC 150.1003(b)

*Shorter
Observations*

By written, mutual consent of the teacher and the certified appraiser, the required 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes. *19 TAC 150.1003(g)*

Cumulative Data

The certified appraiser is responsible for documentation of cumulative data. Any third-party information from a source other than the certified appraiser that the certified appraiser wishes to include as cumulative data shall be verified and documented by the certified appraiser. Any documentation that will influence the teacher's summative annual appraisal report must be shared in writing with the teacher within 10 working days of the certified appraiser's knowledge of the occurrence. The principal shall also be notified in writing of the cumulative data when the certified appraiser is not the teacher's principal. *19 TAC 150.1003(f)*

Summative Report

A written summative annual appraisal report shall be shared with the teacher no later than 15 working days before the last day of instruction for students. The written summative annual appraisal report shall be placed in the teacher's personnel file by the end of the appraisal period. *19 TAC 150.1003(h)*

**End-of-Year
Conference**

An end-of-year conference shall be held within a time frame specified on the district calendar, no later than 15 working days before the last day of instruction for students. The end-of-year conference shall focus on the data and evidence gathered throughout the appraisal year; the teacher's efforts as they pertain to Domain IV; the results of the performance of teachers' students, when available, as defined in 19 Administrative Code 150.1001(f)(2); and the potential goals and professional development plans for the following year. The written summative annual appraisal report shall be shared with the teacher within 10 working days following the con-

clusion of the end-of-year conference but no later than 15 working days before the last day of instruction.

In cases where the certified appraiser is not an administrator on the teacher's campus, either the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus must participate in the end-of-year conference.

19 TAC 150.1003(i), (j)

**Additional
Documentation**

Any documentation collected after the end-of-year conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any dimension, another summative report shall be developed to inform the teacher of the changes. *19 TAC 150.1003(k)*

**Teacher Response
and Rebuttal**

A teacher may submit a written response or rebuttal at the following times:

1. For Domain I or Alternate Domain I, Domain II, and Domain III, after receiving a written observation summary or any other written documentation related to the ratings of those three domains; or
2. For Domain IV and for the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), after receiving a written summative annual appraisal report.

Any written response or rebuttal must be submitted within 10 working days of receiving a written observation summary, a written summative annual appraisal report, or any other written documentation associated with the teacher's appraisal. A teacher may not submit a written response or rebuttal to a written summative annual appraisal report for the ratings in Domain I or Alternate Domain I, Domain II, and Domain III if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to submit a written response or rebuttal.

Education Code 21.352(c); 19 TAC 150.1004(a), (b)

**Request for Second
Appraisal**

A teacher may request a second appraisal by another certified appraiser at the following times:

1. For Domain I or Alternate Domain I, Domain II, and Domain III, after receiving a written observation summary with which the teacher disagrees; or
2. For Domain IV and for the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), after re-

ceiving a written summative annual appraisal report with which the teacher disagrees.

The second appraisal must be requested within 10 working days of receiving a written observation summary or a written summative annual appraisal report. A teacher may not request a second appraisal by another certified appraiser in response to a written summative annual appraisal report for the ratings of dimensions in Domains I, II, and III if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to request a second appraisal.

A teacher may be given advance notice of the date or time of a second appraisal, but advance notice is not required.

The second appraiser shall make observations and walk-throughs as necessary to evaluate the dimensions in Domains I-III or shall review the Goal-Setting and Professional Development Plan for evidence of goal attainment and professional development activities, when applicable. Cumulative data may also be used by the second appraiser to evaluate other dimensions.

A district shall adopt written procedures for determining the selection of second appraisers. The procedures shall be disseminated to each teacher at the time of employment and updated annually or as needed.

Education Code 21.352(c); 19 TAC 150.1004(c)-(g)

Note: The following provisions apply to teacher appraisal using a district-developed appraisal method.

District Option

A district that does not choose to use the T-TESS must develop its own teacher-appraisal system supported by locally adopted policy and procedures and by the processes outlined below.

Development of Appraisal System

The district-level planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Consult with the campus-planning and decision-making committee on each campus in the district.

Appraisal Process

The appraisal process shall include:

PERFORMANCE APPRAISAL
EVALUATION OF TEACHERS

DNA
(LEGAL)

1. At least one appraisal each year, or less frequently if in accordance with Education Code 21.352(c) [see Teacher Appraisal, above];
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
 - a. Teachers' implementation of discipline management procedures, as defined in 19 Administrative Code 150.1001(f)(1); and
 - b. Beginning with the 2017-18 school year, the performance of the teachers' students as defined in 19 Administrative Code 150.1001(f)(2).

Board Acceptance

A district-level planning and decision-making committee shall submit the appraisal process and criteria to the superintendent, who shall submit the appraisal process and criteria to the board with a recommendation to accept or reject.

The board may accept or reject, with comments, the appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1007(a)

Note: The following provisions apply to teacher appraisal using a campus-developed appraisal method.

Campus Option

A campus within a district may choose to develop a local appraisal system.

Development of
Appraisal System

The campus planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Submit the process and criteria to the district-level planning and decision-making committee.

Appraisal Process

The appraisal process shall include:

1. At least one appraisal each year, or less frequently if in accordance with Education Code 21.352(c) [see Teacher Appraisal above];

2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
 - a. Teachers' implementation of discipline management procedures, as defined in 19 Administrative Code 150.1001(f)(1); and
 - b. Beginning with the 2017-18 school year, the performance of the teachers' students as defined in 19 Administrative Code 150.1001(f)(2).

Board Acceptance

Upon submission of the appraisal process and criteria to the district-level planning and decision-making committee, the committee shall make a recommendation to accept or reject the appraisal process and criteria and transmit that recommendation to the superintendent.

The superintendent shall submit to the board:

1. The recommended campus appraisal process and criteria;
2. The district-level planning and decision-making committee's recommendation; and
3. The superintendent's recommendation.

The board may accept or reject, with comments, an appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1007(b)

Note: The following provision applies to appraiser training under a local appraisal process (district- or campus-developed).

Appraisers

A district that locally develops and adopts its own educator appraisal system should have a clearly defined set of procedures for training appraisers. The district should identify the qualities appraisers must demonstrate and include appropriate proficiency checks to evaluate the performance of all educators performing appraisals under the district's locally adopted appraisal systems. The school district shall be responsible for documenting that appraisers have met training criteria established by the district. *19 TAC 244.3*

Note: The standards to be used to inform the training, appraisal, and professional development of teachers are outlined in 19 Administrative Code 149.1001.

¹ Innovation Plan: <https://www.episd.org/page/district-of-innovation-doi>



MEETING DATE: JUNE 2, 2026
POLICY COMMITTEE ITEMS

Board of Trustees
Executive Summary of Board Agenda Item

TITLE:

Proposed Revisions to Board Policy FEA (Local) - Attendance, Compulsory Attendance

JUSTIFICATION STATEMENT:

To align policy language with recommendations by TASB

PURPOSE OF AGENDA ITEM: Discussion

TO BE HELD IN: Open Session

TEXAS GOVERNMENT CODES:

AUTHORITY FOR ACTION: Legal/Local Policy

STAFF RESPONSIBLE: Dr. Mark Ramirez, Chief of Schools; Mark Paz, Assistant Superintendent Secondary

DISTRICT IMPROVEMENT PLAN OBJECTIVE, GOAL, OR NEED ADDRESSED:

Strategic Lever I: Whole Child Development - El Paso ISD schools foster learning environments for the whole child to thrive.

SUMMARY:

On June 18, 2025, the Board of Trustees adopted a resolution directing the administration to evaluate the implications of removing the District's exemption from the statutory 90% attendance requirement for credit under the District of Innovation (DOI) Plan. The current DOI plan, which includes this exemption, is set to expire in June 2026.

Following review and discussion by the designated committee, a recommendation was made to remove the exemption from the upcoming DOI Plan. Policy FEA (Local) currently references the District of Innovation Plan. The proposed revisions remove the excused absences for higher education visits for students up to three days. Additionally, the revisions remove language regarding runaway students, as it is not included in the suggested policy language provided by the Texas Association of School Boards (TASB). The revised policy would be effective for the 2026-2027 school year.

ADMINISTRATIVE RECOMMENDATION/MOTION:

FUNDING SOURCE: ACCOUNT NO.:

FISCAL IMPACT AND COST:

IMPACT ON OTHER FUCTIONS/OPERATIONS:

CONSEQUENCES OF NON-APPROVAL:

Failure to obtain approval from the Board will result in the District being non-compliant with State law.

IMPLEMENTATION TIMELINE:

August 3, 2026

COMMENTS RECEIVED, IF ANY:

ATTACHMENTS:

[FEA\(LOCAL\) 5.18.26.pdf](#)

[FEA\(LEGAL\) \(1\).pdf](#)

[Memo- FEA Local.docx](#)

DISTRICT INITIATED POLICY CHANGE

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LOCAL)

~~**Note:** This local policy has been revised in accordance with the District's [innovation plan](#).~~

~~**Attendance Officer**~~

Students in violation of the compulsory attendance law shall be reported to the District truancy and prevention officer, who shall institute court action as provided by law.

~~The Board has designated the assistant superintendent for student services as the attendance officer for the District.~~

Excused Absences

In addition to excused absences required by law, the District shall excuse absences for the following purposes. A student shall be required to submit verification of these absences in accordance with administrative regulations.

Higher Education
Visits

~~In accordance with the District's innovation plan, the District is exempt from the state law regarding excused absences for higher education visits. The District shall excuse a student for up to three days during the student's junior year and up to three days during the student's senior year to visit an accredited institution of higher education.~~

THE DISTRICT SHALL EXCUSE A STUDENT FOR UP TO TWO DAYS DURING THE STUDENT'S JUNIOR YEAR AND UP TO TWO DAYS DURING THE STUDENT'S SENIOR YEAR TO VISIT AN ACCREDITED INSTITUTION OF HIGHER EDUCATION.

Career Investigation

The District shall excuse a student for up to two days during the student's junior year and up to two days during the student's senior year to visit a professional's workplace for purposes of exploring the student's interest in pursuing a career in that professional's field.

Armed Services
Enlistment

The District shall excuse a student 17 years of age or older for up to four days during his or her enrollment in high school for activities related to pursuing enlistment in a branch of the U.S. Armed Services or Texas National Guard.

Early Voting or
Election Clerk

The District shall excuse a student for up to two days per school year to serve as an early voting or election clerk.

Learner or Driver's
License

The District shall excuse a student 15 years of age or older for one day during his or her enrollment in high school for each of the following:

- Visiting a driver's license office to obtain a learner license; or
- Visiting a driver's license office to obtain a driver's license.

[For extracurricular activity absences, see FM.]

DISTRICT INITIATED POLICY CHANGE

ATTENDANCE
COMPULSORY ATTENDANCE

FEA
(LOCAL)

Withdrawal for Nonattendance

The District may initiate withdrawal of a student under the age of 19 for nonattendance under the following conditions:

1. The student has been absent 10 consecutive school days;
and
2. Repeated efforts by the attendance officer and/or principal to locate the student have been unsuccessful.

[For District-initiated withdrawal of students 19 or older, see FEA(LEGAL).]

~~After consultation with law enforcement officials, the attendance officer and principal shall determine, based on all available information, whether the student no longer resides within the District. A student who is reported as a "runaway" with a case number shall be withdrawn effective on the date of the police report.~~

Students Attending Homeschools

Students who are homeschooled are exempt from the compulsory attendance law to the same extent as students enrolled in other private schools.

Adequate documentation of homeschooling for withdrawal shall consist of either a statement of withdrawal in accordance with FD(LOCAL) indicating the date homeschooling began, or a signed and dated letter from a parent or guardian indicating that his or her child is being homeschooled and the date the homeschooling began.

The District may request from a parent or guardian a letter of assurance that a child is being educated using a curriculum designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship.

Enforcing Compulsory Attendance

If a parent or guardian refuses to submit a requested statement or letter, or if the District has evidence that a school-aged child is not being homeschooled within legal requirements, the District may investigate further and, if warranted, shall pursue legal action to enforce the compulsory attendance law.

⁴ Innovation Plan: <https://www.episd.org/page/district-of-innovation-doi>

Note: The Board has adopted an [innovation plan](#)¹ that affects application of provisions in this legally referenced policy.

Compulsory Attendance

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)-(c)*

Voluntary Enrollment of Students 19 and Over

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, a district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except a school district may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).

Education Code 25.085(e)-(h)

Accelerated, Intervention, and Compensatory Programs

Unless specifically exempted, a student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];
2. A reading intervention program to which the student has been assigned under Education Code 28.0064 [see EKC];

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COMPULSORY ATTENDANCE

FEA
(LEGAL)

3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];
4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or
5. A summer program provided:
 - a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of removal. *Education Code 37.021* [See FO]
 - b. To a student removed to a DAEP who has been offered an opportunity to complete coursework before the beginning of the next school year. *Education Code 37.008(l)* [See FOCA]

Education Code 25.085(d)

**Additional
Instructional Days**

Notwithstanding any other provision in Education Code 25.085, a student enrolled in a district is not required to attend school for any additional instructional days described by Education Code 48.0051 [See Incentive for Additional Instructional Days at FEB(LEGAL)].
Education Code 25.085(i)

Exemptions

A student is exempt from compulsory attendance requirements under the following statutory provisions.

Equivalency
Diploma

A student is exempt from compulsory attendance requirements if the student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

Private or Home
School

A student is exempt from compulsory attendance requirements if the student attends a private or parochial school that includes in its course a study of good citizenship.

A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, grammar, mathematics, and a study of good citizenship. *Tex. Educ. Agency v. Leeper, 893 S.W.2d 432 (Tex. 1994)*

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Special Education — Nondistrict Placement	A student is exempt from compulsory attendance requirements if the student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.
Medical Condition	A student is exempt from compulsory attendance requirements if the student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.
Expulsion — No JJAEP	A student is exempt from compulsory attendance requirements if the student is expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]
17-Year-Old in GED Course	A student is exempt from compulsory attendance requirements if the student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and: <ol style="list-style-type: none">1. Has the permission of the student's parent or guardian to attend the course;2. Is required by court order to attend the course;3. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or4. Is homeless.
High School Replacement Programs	A student is exempt from compulsory attendance requirements if the student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-Year-Old in GED Program or Job Corps	A student is exempt from compulsory attendance requirements if the student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if: <ol style="list-style-type: none">1. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or2. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801. [Note: The Workforce Investment Act of 1998 has been repealed.]

Other Exemption A student is exempt from compulsory attendance requirements if the student is specifically exempted under another law.

Education Code 25.086

**Excused Absences
for Compulsory
Attendance
Determinations**

Note: Additional information regarding attendance accounting requirements is found in the Texas Education Agency's (TEA) [Student Attendance and Accounting Handbook](#).²

A district shall excuse a student from attending school for the following purposes, including travel for those purposes.

1. Observing religious holy days;
2. Attending a required court appearance;
3. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship.
4. Taking part in a United States naturalization oath ceremony;
5. Serving as an election clerk [see Early Voting Clerks, below];
or
6. If a student is in the conservatorship of the Department of Family and Protective Services (DFPS), participating, as determined and documented by DFPS, in an activity:
 - a. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or
 - b. Required under a service plan under Family Code Chapter 263, Subchapter B; and
7. Attending a released time course [see FEF].

Education Code 25.087(b)(1)

Religious Holy Days For purposes of excusing a student from attending school to observe a religious holy day, a district may not require documentation from a clergy member or other religious leader and shall accept a note from the student's parent or person standing in parental relation verifying the purpose of the student's absence. *Education Code 25.087(f)*

Health-Care Appointments A district shall excuse a student from attending school for a temporary absence resulting from an appointment with a health-care professional, including a mental health professional, for the student or the student's child if the student commences classes or returns to

school on the same day of the appointment. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy. *Education Code 25.087(b)(2)-(b-3)*

Serious or Life-
Threatening Illness

A district shall excuse an absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible, if the student or the student's parent or guardian provides on a form adopted by the district a certification from a physician licensed to practice medicine in Texas specifying the following information, as determined by the physician:

1. The student's illness;
2. A statement that the illness is serious or life-threatening;
3. The anticipated period of the student's absence relating to the illness or related treatment; and
4. A statement that the illness makes the student's attendance infeasible during the anticipated period of absence.

Education Code 25.087(b)(3)

Each district shall adopt a form for a physician to provide the certification described above for purposes of excusing a student with a serious or life-threatening illness from attending school. The district may not require the student or student's parent to provide more documentation or information than is required by the form. *Education Code 25.087(g)*

Higher Education
Visits

A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
2. The district adopts:
 - a. A policy to determine when an absence will be excused for this purpose; and

- b. A procedure to verify the student's visit at the institution of higher education.

Education Code 25.087(b-2)

Early Voting Clerks A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see Election Clerks, above] or early voting clerk for a maximum of two days in a school year. *Education Code 25.087(b-1), (e)*

Military Dependents A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)* [See FDD]

Enlistment in Armed Services A district shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that:

1. The district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school; and
2. The district verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard.

A district shall adopt procedures to verify a student's activities as described in these provisions.

Education Code 25.087(b-5), (b-6)

Visit to a Driver's License Office A district may excuse a student who is 15 years of age or older from attending school to visit a driver's license office to obtain a driver's license or learner license, provided that the district may not excuse more than one day of school during the period the student is enrolled in high school for each of the following purposes: obtaining a driver's license; or obtaining a learner license. The district must verify the student's visit to the driver's license office in accordance with procedures adopted by the district. *Education 25.087(b-7)*

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COMPULSORY ATTENDANCE

FEA
(LEGAL)

Career Investigation	A district may excuse a student from attending school for a career investigation day to visit a professional at the professional's workplace during the student's junior and senior years of high school for the purpose of determining the student's interest in pursuing a career in the professional's field, provided that the district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year. The district must adopt a policy to determine when an absence may be excused for this purpose and a procedure to verify the student's visit at the professional's workplace. <i>Education 25.087(b-8)</i>
Taps at Military Funeral	In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. <i>Education Code 25.087(c)</i>
No Penalty	A student whose absence is excused for a reason described beginning at Excused Absences for Compulsory Attendance Determinations, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.
Make-Up Work	The student shall be allowed a reasonable time to make up schoolwork missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance. <i>Education Code 25.087(d)</i>
Other Excused Absences	A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. <i>Education Code 25.087(a)</i>
Notices to Parents Warning Notice	A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on 10 or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).
Notice of Absences	A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must: <ol style="list-style-type: none">1. Inform the parent that:<ol style="list-style-type: none">a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;

- b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.

Education Code 25.095

Non-Attendance
Parent Liability

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code 65.003(a).

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

*Affirmative
Defense —
Parent*

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

Education Code 25.093

Student Liability

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws, and fails to attend school on 10 or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a)-(b)*

"Child" means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

Truancy Courts

The following are designated as truancy courts:

1. The constitutional county court in a county with a population of 2.1 million or more;
2. Justice courts; and
3. Municipal courts.

A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

Family Code 65.004(a)-(b)

*Affirmative
Defense —
Student*

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven:

1. Have been excused by a school official or by the court;
2. Were involuntary; or
3. Were due to the child's voluntary absence from the child's home because of abuse, as defined by Family Code 261.001.

The affirmative defense is not available if, after deducting the absences described above, there remains a sufficient number of absences to constitute truant conduct.

In asserting an affirmative defense, the burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused, was involuntary, or was due to the child's voluntary absence from the child's home because of abuse, as defined by Family Code 261.001.

A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose.

Family Code 65.003(c)-(f)

**Truancy Prevention
Measures**

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described below, the district shall initiate truancy prevention measures on the student. [See FED] *Education Code 25.0915(a-4)*

**District Complaint or
Referral**

If a student fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, a district shall within 10 school days of the student's 10th absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FED] *Education Code 25.0951(a)*

¹ Innovation Plan: <https://www.episd.org/page/district-of-innovation-doi>

² TEA *Student Attendance Accounting Handbook*: <https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook>



EL PASO INDEPENDENT
SCHOOL DISTRICT

Chief of Organizational Transformation and Innovation

TO: policy@episd.org
FROM: Kristine Ferret, Executive Director, SPAA
SUBJECT: FEA (Local)
DATE: May 15, 2026

The El Paso Independent School District Board of Trustees previously adopted a resolution directing the administration to evaluate the implications of removing the District’s exemption from the statutory 90% attendance requirement for credit under the District of Innovation (DOI) plan. The current DOI plan, which includes this exemption, is set to expire in June 2026.

Following review and discussion by the designated committee, a recommendation was made to remove the exemption from the upcoming District of Innovation plan. As a result, the district will return to compliance with the State’s 90% attendance requirement for credit.

Policy FEA (Local) currently references the District of Innovation Plan and provides additional excused absences for the purpose of visiting institutions of higher education. The proposed revision removes these excused absences. Additionally, language regarding runaway students has been removed, as it is not included in the suggested policy language provided by the Texas Association of School Boards (TASB).





MEETING DATE: JUNE 2, 2026
POLICY COMMITTEE ITEMS

Board of Trustees
Executive Summary of Board Agenda Item

TITLE:

Proposed Revisions to Board Policy FEC (Local) - Attendance, Attendance for Credit

JUSTIFICATION STATEMENT:

To align policy language with recommendations by TASB

PURPOSE OF AGENDA ITEM: Discussion

TO BE HELD IN: Open Session

TEXAS GOVERNMENT CODES:

AUTHORITY FOR ACTION: Legal/Local Policy

STAFF RESPONSIBLE: Dr. Mark Ramirez, Chief of Schools; Mark Paz, Assistant Superintendent, Secondary

DISTRICT IMPROVEMENT PLAN OBJECTIVE, GOAL, OR NEED ADDRESSED:

Strategic Lever I: Whole Child Development - El Paso ISD schools foster learning environments for the whole child to thrive.

SUMMARY:

On June 18, 2025, the Board of Trustees adopted a resolution directing the administration to evaluate the implications of removing the District's exemption from the statutory 90% attendance requirement for credit under the District of Innovation (DOI) plan. The current DOI plan, which includes this exemption, is set to expire in June 2026.

Following review and discussion by the designated committee, a recommendation was made to remove the exemption from the upcoming DOI plan. In alignment with the committee's recommendations and the proposed removal of the exemption, the proposed revisions to FEC (Local), including the adoption of the model policy language provided by the Texas Association of School Boards (TASB), will return the District to compliance with the State's 90% attendance requirement for credit. The revised policy would be effective for the 2026-2027 school year.

ADMINISTRATIVE RECOMMENDATION/MOTION:

FUNDING SOURCE: ACCOUNT NO.:

FISCAL IMPACT AND COST:

IMPACT ON OTHER FUCTIONS/OPERATIONS:

CONSEQUENCES OF NON-APPROVAL:

Failure to obtain approval from the Board will result in the District being non-complaint with State law.

IMPLEMENTATION TIMELINE:

August 3, 2026

COMMENTS RECEIVED, IF ANY:

ATTACHMENTS:

[Memo- FEC Local 5.12.26.docx](#)

[FEC\(LOCAL\)_DRAFT 5.13.26.pdf](#)

[FEC\(LEGAL\) \(3\).pdf](#)



EL PASO INDEPENDENT
SCHOOL DISTRICT

Chief of Organizational Transformation and Innovation

TO: policy@episd.org
FROM: Kristine Ferret, Executive Director, SPAA
SUBJECT: FEC (Local)
DATE: May 12, 2026

The El Paso Independent School District Board of Trustees previously adopted a resolution directing the administration to evaluate the implications of removing the District’s exemption from the statutory 90% attendance requirement for credit under the District of Innovation (DOI) plan. The current DOI plan, which includes this exemption, is set to expire in June 2026.

Following review and discussion by the designated committee, a recommendation was made to remove the exemption from the upcoming District of Innovation plan. As a result, the district will return to compliance with the State’s 90% attendance requirement for credit.

Policy FEC (Local) currently references the District of Innovation plan and the associated exemption from the 90% attendance rule. In alignment with the committee’s recommendation and the proposed removal of the exemption, the proposed revisions to FEC (Local), including adoption of the model policy language provided by the Texas Association of School Boards (TASB), are being submitted to the district’s legal counsel for review and guidance.



ATTENDANCE
ATTENDANCE FOR CREDIT

FEC
(LOCAL)

~~**Note:** This local policy has been revised in accordance with the District's [innovation plan](#).¹~~

~~In accordance with the District's innovation plan, the District is exempt from state law regarding minimum attendance for credit or a final grade for a student in kindergarten through grade 12.~~

~~In accordance with administrative procedures, factors including assignments, tests, projects, classroom activities, and other instructional activities shall be used to determine student mastery and the awarding of credit or a final grade. [See EIA]~~

~~¹ Innovation Plan: <https://www.episd.org/page/district-of-innovation-dei>~~

**ABSENCES
CONSIDERED**

EXCEPT AS OTHERWISE PROVIDED BY LAW, ALL ABSENCES INCURRED WHILE ENROLLED IN THE DISTRICT SHALL BE CONSIDERED IN DETERMINING WHETHER A STUDENT HAS BEEN IN ATTENDANCE FOR 90 PERCENT OF THE DAYS THE CLASS IS OFFERED.

**ATTENDANCE
COMMITTEES**

THE BOARD AUTHORIZES THE ESTABLISHMENT OF AN ATTENDANCE COMMITTEE OR AS MANY ATTENDANCE COMMITTEES AS NECESSARY FOR EFFICIENT IMPLEMENTATION OF STATE LAW.

THE SUPERINTENDENT IS AUTHORIZED TO MAKE THE SPECIFIC APPOINTMENTS IN ACCORDANCE WITH LEGAL REQUIREMENTS.

**PARENTAL NOTICE
OF EXCESSIVE
ABSENCES**

A STUDENT AND THE STUDENT'S PARENT OR GUARDIAN SHALL BE GIVEN WRITTEN NOTICE PRIOR TO AND AT SUCH TIME WHEN A STUDENT'S ATTENDANCE IN ANY CLASS DROPS BELOW 90 PERCENT OF THE DAYS THE CLASS IS OFFERED.

**METHODS FOR
REGAINING CREDIT
OR AWARDING A
FINAL GRADE**

WHEN A STUDENT'S ATTENDANCE DROPS BELOW 90 PERCENT BUT REMAINS AT LEAST AT 75 PERCENT OF THE DAYS THE CLASS IS OFFERED, THE STUDENT MAY EARN CREDIT FOR THE CLASS OR A FINAL GRADE BY COMPLETING A PLAN APPROVED BY THE PRINCIPAL. THIS PLAN MUST PROVIDE FOR THE STUDENT TO MEET THE INSTRUCTIONAL REQUIREMENTS OF THE CLASS AS DETERMINED BY THE PRINCIPAL.

IF THE STUDENT FAILS TO SUCCESSFULLY COMPLETE THE PLAN, OR WHEN A STUDENT'S ATTENDANCE DROPS BELOW 75 PERCENT OF THE DAYS THE CLASS IS OFFERED, THE STUDENT, PARENT, OR REPRESENTATIVE MAY REQUEST AWARD OF CREDIT OR A FINAL GRADE BY SUBMITTING A WRITTEN PETITION TO THE APPROPRIATE ATTENDANCE COMMITTEE.

A PETITION FOR CREDIT OR A FINAL GRADE MAY BE FILED IN ACCORDANCE WITH ADMINISTRATIVE REGULATIONS. THE ATTENDANCE COMMITTEE SHALL REVIEW THE STUDENT'S ENTIRE ATTENDANCE RECORD AND THE REASONS FOR ABSENCES AND SHALL DETERMINE WHETHER TO AWARD CREDIT OR A FINAL GRADE. [SEE IMPOSING CONDITIONS FOR AWARDED CREDIT OF A FINAL GRADE, BELOW]

REGARDLESS OF WHETHER A PETITION IS FILED, THE ATTENDANCE COMMITTEE MAY ALSO REVIEW THE RECORDS OF ALL STUDENTS WHOSE ATTENDANCE DROPS BELOW 90 PERCENT OF THE DAYS THE CLASS IS OFFERED.

A STUDENT WHO HAS LOST CREDIT OR HAS NOT RECEIVED A FINAL GRADE BECAUSE OF EXCESSIVE ABSENCES MAY REGAIN CREDIT OR BE AWARDED A FINAL GRADE BY FULFILLING THE REQUIREMENTS ESTABLISHED BY THE ATTENDANCE COMMITTEE.

PERSONAL ILLNESS

THE PRINCIPAL OR ATTENDANCE COMMITTEE MAY REQUIRE VERIFICATION FROM A HEALTH-CARE PROVIDER IN ACCORDANCE WITH ADMINISTRATIVE REGULATIONS AS A CONDITION OF CLASSIFYING AN ABSENCE FOR PERSONAL ILLNESS AS ONE FOR WHICH THERE ARE EXTENUATING CIRCUMSTANCES.

BEST INTEREST STANDARD

IN REACHING CONSENSUS REGARDING A STUDENT'S ABSENCES AND HOW THE STUDENT CAN BE AWARDED CREDIT OR A FINAL GRADE, THE ATTENDANCE COMMITTEE SHALL ATTEMPT TO ENSURE THAT ITS DECISION IS IN THE BEST INTEREST OF THE STUDENT. THE SUPERINTENDENT SHALL DEVELOP ADMINISTRATIVE REGULATIONS TO DOCUMENT THE ATTENDANCE COMMITTEE'S DECISION.

GUIDELINES ON EXTENUATING CIRCUMSTANCES

THE ATTENDANCE COMMITTEE SHALL CONSIDER WHETHER A STUDENT HAS MASTERED THE ESSENTIAL KNOWLEDGE AND SKILLS AND MAINTAINED PASSING GRADES IN THE COURSE OR SUBJECT.

ATTENDANCE
ATTENDANCE FOR CREDIT

FEC
(LOCAL)

WHEN MAKEUP WORK IS COMPLETED SATISFACTORILY, THE ATTENDANCE COMMITTEE SHALL CONSIDER EXTRA-CURRICULAR ABSENCES AND OTHER EXCUSED ABSENCES AS DAYS OF ATTENDANCE FOR AWARD OF CREDIT OR A FINAL GRADE. [SEE FEA]

THE ATTENDANCE COMMITTEE SHALL CONSIDER WHETHER THE REASONS FOR THE ABSENCES WERE OUT OF THE PARENT'S OR STUDENT'S CONTROL AND WHETHER DOCUMENTATION FOR THE ABSENCE IS ACCEPTABLE.

THE STUDENT OR PARENT SHALL BE GIVEN AN OPPORTUNITY TO PRESENT ANY INFORMATION TO THE COMMITTEE ABOUT THE ABSENCES AND TO DISCUSS WAYS TO EARN OR REGAIN CREDIT OR BE AWARDED A FINAL GRADE.

IMPOSING
CONDITIONS FOR
AWARDING CREDIT
OR A FINAL GRADE

THE ATTENDANCE COMMITTEE, IS NOT REQUIRED TO ASSIGN A STUDENT TO ATTEND A SPECIFIED PROGRAM FOR AN AMOUNT OF TIME EQUIVALENT TO THE STUDENT'S ABSENCES (I.E., "SEAT TIME").

THE ATTENDANCE COMMITTEE, OR PRINCIPAL, AS APPLICABLE, SHALL CONSIDER THE STUDENT'S UNIQUE CIRCUMSTANCES AND, IF NECESSARY, SHALL IMPOSE OTHER CONDITIONS FOR AWARDING CREDIT OR A FINAL GRADE THAT PERMIT THE STUDENT TO MEET THE INSTRUCTIONAL REQUIREMENTS OF THE CLASS. CONDITIONS MAY INCLUDE:

1. MAINTAINING ATTENDANCE STANDARDS FOR THE REST OF THE SEMESTER.
2. COMPLETING ADDITIONAL ASSIGNMENTS, AS SPECIFIED BY THE COMMITTEE OR TEACHER.
3. ATTENDING TUTORIAL SESSIONS AS SCHEDULED.
4. COMPLETING OTHER INSTRUCTIONAL PROGRAMS, AS SPECIFIED BY THE COMMITTEE.
5. TAKING AN EXAMINATION TO EARN CREDIT. [SEE EHDB]

IN ALL CASES, THE STUDENT MUST EARN A PASSING GRADE IN ORDER TO RECEIVE CREDIT.

APPEAL PROCESS

A PARENT OR STUDENT MAY APPEAL THE DECISION OF THE ATTENDANCE COMMITTEE IN ACCORDANCE WITH FNG(LOCAL).

ATTENDANCE
ATTENDANCE FOR CREDIT

FEC
(LOCAL)

DRAFT

Note: The Board has adopted an [innovation plan](#)¹ that affects application of provisions in this legally referenced policy.

**Absences
Considered**

In order to receive credit or a final grade for a class, a student is required to attend class 90 percent of the days class is offered regardless of whether the student's absences are excused [see FEA] or unexcused. *Atty. Gen. Op. JC-0398 (2001)*

90 Percent Rule

Except as provided below, a student in any grade level from kindergarten through grade 12 shall not be given credit or a final grade for a class unless the student is in attendance 90 percent of the days the class is offered. This restriction does not affect a student's right to excused absences to observe religious holy days [see FEA] and does not apply to a student who receives credit by examination for a class as provided by Education Code 28.023. [See EHDC]

Serious or Life-
Threatening Illness
Exception

A student's excused absence resulting from a serious or life-threatening illness or related treatment [see FEA] may not be considered in determining whether the student has satisfied the attendance requirement under the 90 percent rule.

Principal's Plan

A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. However, a student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade without the consent of the judge presiding over the student's case.

**Extenuating
Circumstances**

An attendance committee may give class credit or a final grade to a student because of extenuating circumstances. A board shall establish guidelines for determining what constitutes extenuating circumstances.

A board shall adopt policies that establish alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee. The availability of such option must be substantially the same as the availability of the educational program for which a district may charge a fee. [See FP]

**Attendance
Committee**

A board shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who have not met the 90 percent rule and have not earned class credit or a final

grade by completing a principal's plan. Classroom teachers shall comprise a majority of the attendance committee.

Appeal

If the committee denies a student credit or a final grade, the student may appeal the decision to the board. A board's decision may be appealed to the district court of the county in which the district's central administrative office is located.

Additional Duties

A certified employee may not be assigned additional instructional duties as a result of the above provision outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

Education Code 25.092

¹ Innovation Plan: <https://www.episd.org/page/district-of-innovation-doi>