



## **Investigation Report: Allegations of Course Grade Changes for Athletics Eligibility Reasons**

ASSURANCE • INSIGHT • OBJECTIVITY

### **Final Report**

**Audit Plan Code: 19-00.08**

The results of our investigation found evidence two course grades, for the second nine-week period for fall 2018, were altered for two student athletes by campus staff to boost their grades from failing to passing for athletics eligibility reasons. The campus administrators/staff in question denied wrong intent.



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## Abbreviations

AAR	Academic Achievement Record
CAP	Corrective Action Plan
IIA	Institute of Internal Auditors
SBOE	State Board of Education
TAC	Texas Administrative Code
TEA	Texas Education Agency
TEAMS	Total Education Administrative Management Solution
TEC	Texas Education Code
UIL	University Interscholastic League



# Executive Summary

ASSURANCE • INSIGHT • OBJECTIVITY

We have completed the investigation of Allegations of Course Grade Changes for Athletics Eligibility Reasons. According to the Institute of Internal Auditors' professional standards and related recommended guidance, Internal Audit should maintain an active role that relates to both promoting and assessing ethics throughout the District. The scope of Internal Audit activities, outlined in Board Policy CFC (Exhibit), include evaluating whether the actions of the District's employees comply with the District's policies, procedures, and applicable laws, regulations, and governance standards.

The Executive Summary provides, on a summarized basis, the findings discussed throughout the body of the detailed Investigation Report that follows. The Investigation Report includes background information, detailed findings, recommendations, and management's response.

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## Allegations

Internal Audit received a complaint from a local teachers' union that in early January 2019 two high school teachers were asked by campus administrators to make course grade changes for athletics eligibility reasons.

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## Summary of Results

1. We confirmed two course grades for the second nine-week period for fall 2018 were altered for two student athletes by campus staff to boost their grades from failing to passing for athletics eligibility reasons. The course grades were changed from 69 (failing) to 70 (passing) without consent from the two teachers who finalized and posted the grades (aka "teacher of record").

The teachers who signed off on the course grade changes were first-year teachers (hereinafter known as New Teachers). The New Teachers signed the form on the same day they met the students. The course grade change for Student A led to an increase from a 70 to a 71 for his/her first semester grade average (fall 2018). Consequently, the fall 2018 semester course grade for Student A is not consistent with the teacher of record's posted grade.

2. We confirmed the finalized and posted grades by the teachers of record were changed after the assistant principal had a conversation with the two New Teachers asking them to help out Students A and B with their failing grades.
3. The reasons written on the two grade change forms for the two students were fabricated. There is no evidence to indicate there are valid reasons to change grades due to (i) "grade was not updated" or (ii) "computational error" as stated on the two grade change forms. The campus did not have documentation to support the grade changes noted on the forms.
4. The two students stated their grades were changed so they could be eligible to play [sport omitted]. The New Teachers also stated the grades were changed so the students could play sports.
5. The principal admitted s/he did not validate the reasons on the two course grade change forms before s/he signed them. When asked as to who are the teachers of record in this case, s/he stated the names of the retired teachers and not the names of those who s/he saw on the grade change forms.

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## Conclusion

We confirmed two course grades for the second nine-week period for fall 2018 were altered for two student athletes by campus staff to boost their grades from failing to passing for athletics eligibility reasons. We obtained statements and documentation corroborating the allegations; however, the campus administrators/staff in question denied wrong intent.

We made recommendations with the purpose to assist District administration (i) in focusing on improvements to processes and strengthening the District's internal controls related to course grade changes, (ii) to minimize the risk of similar events occurring in the future, and (iii) take appropriate and timely corrective actions in accordance with local and state policies.

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## Management's Corrective Action Plan

District management and leadership submitted a Corrective Action Plan (CAP) outlining the activities to be implemented. The twelve (12) recommendations made by Internal Audit were incorporated into the CAP. The CAP appears to be sufficient to address the findings outlined in this report.

Internal Audit will conduct follow-up reviews to validate CAP activities have been implemented.



## Background and Allegations

The Internal Audit Department received a complaint alleging the following occurred at a high school in early January 2019:

- Two new teachers, hired to replace two teachers who retired in December 2018, were told by an administrator to change grades.
- These grades were posted, computed, and finalized by the teachers of record in December 2018.
- The reason grades were changed is so two students would be eligible to play sports (sport omitted).
- One teacher, who changed a grade, was told by the administrator that if s/he changed the grade for a student the administrator would give the teacher the desks s/he needed for his/her classroom.
- A second teacher, who changed a grade, asked advice from the counselor and was told that it was okay to change the grade.

Based upon initial review of TEAMS activity audit logs for course grades, documentation for course grade changes, and interviews with the teachers in question, we determined predicate was present to start an investigation.

### State and Local Course Grade Change Requirements

According to the Texas Education Agency's Minimum Standards for the Academic Achievement Record, "The Academic Achievement Record (AAR) is an official and permanent record of a student's academic performance during high school and, in some cases, of high school courses completed prior to high school (19 TAC §74.14). Entries on this official record of actual courses taken, grades earned, credit awarded, and codes denoting special explanations must be consistent with teachers' records and the student's Individualized Education Program (IEP), when applicable. **Entries may not be altered or removed except to correct errors.** Error corrections must be fully explained in the student's permanent record. Failure to maintain the AAR accurately or any attempt to alter the document with intent to use it for fraudulent purposes is a misdemeanor."

The Texas Education Code (TEC) 28.0214 Finality of Grade and Board Policy EIA (Legal) Grading/Progress Reports to Parents states, "An examination or course grade issued by a classroom teacher is final and may not be changed unless the grade is arbitrary, erroneous, or not consistent with the school district grading policy applicable to the grade, as determined by the board of trustees of the school district in which the teacher is employed."

The District's Student and Parent Services Department developed standard operating procedures for processing course grade changes which require the use of a Grade Change Form. According to the aforementioned procedures, the teacher of record is required to complete the Grade Change Form to include the reason for the grade change and his/her dated signature. The principal of the respective campus is required to sign the form and the assigned campus office staff employee posts the change(s) on the form into the Student System using TEAMS.

### Athletics Eligibility

The District is a member school of the University Interscholastic League (UIL) and must comply with UIL rules and regulations including those related to student eligibility. For UIL purposes, if a student has a failing grade, the grade can be changed after it has been recorded if: (1) a mechanical error occurred in averaging or recording or (2) the teacher's grading procedure violated local policy, state law or SBOE rule and the student would have been eligible had policies or law been followed. Extra credit work or work turned in after the grading period or evaluation has ended may not be considered when determining a student's eligibility for extracurricular activities except in the case of an "incomplete" grade.

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## Objective and Scope

The objective and scope of the investigation was to determine the validity of the allegations.

Our investigations seek to obtain facts and evidence to help establish what happened, identify the responsible parties, and provide recommendations where applicable.

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## Methodology

To achieve the objective of this investigation, we obtained and reviewed relevant student records, reviewed policies and procedures, performed data analysis, inquired with related departments, and conducted interviews as outlined below:

- Reviewed related Texas Education Code, Board policies, District procedures, and Employee Handbook
- Reviewed University Interscholastic League (UIL) Academic Eligibility Basics document
- Reviewed Texas Education Agency's Minimum Standards for the Academic Achievement Record document
- Recalculated second nine-week grades for students in question
- Reviewed related email communications
- Reviewed student grade change activity audit logs provided by Information Technology Student Systems
- Reviewed and inquired with Student and Parent Services on current grade change procedures
- Obtained and reviewed documentation from the District's Athletics Director related to eligibility for extracurricular activities and student trip information
- Interviewed the following campus administrators/staff related to the allegations:
  - the high school principal
  - the assistant principal in charge of athletics at the campus
  - one counselor
  - one [sport omitted] coach
  - one PEIMS clerk
  - one active learning leader
  - current and retired teachers
- Reviewed student interview statements gathered by Employee Relations
- Reviewed campus documentation related to grade changes in question
- Accessed the State Board for Educator Certification website

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## Due Professional Care for Internal Auditors

The Institute of Internal Auditors Performance Standard 1220 - Due Professional Care states internal auditors, “must exercise due professional care by considering the:

- Extent of work needed to achieve the engagement’s objectives,
- Relative complexity, materiality, or significance of matters to which assurance procedures are applied,
- Adequacy and effectiveness of governance, risk management, and control procedures,
- Probability of significant errors, fraud, or noncompliance, and
- Cost of assurance in relation to potential benefits.”

“*Due professional care*” implies reasonable care and competence, not infallibility, or extraordinary performance. As such, due professional care requires the internal auditor to conduct examinations and verifications to a reasonable extent. Accordingly, internal auditors cannot give absolute assurance that noncompliance or irregularities do not exist.

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## Results

**We confirmed two course grades for the second nine-week period for fall 2018 were altered for two student athletes (hereinafter referred to as Students A and B) by campus staff to boost their grades from failing to passing for athletics eligibility reasons.**

### Finding 1

**The course grades were changed from 69 (failing) to 70 (passing) without consent from the two teachers who gave those grades (aka “teacher of record”).** Course grades that were finalized and posted by the teachers of record on December 17 and December 20, 2018 were changed on January 8 and January 7, 2019, respectively. The teachers of record, who retired on December 21, 2018, stated the course grades were not arbitrary and they were not aware of any errors at the time they retired.

The teachers who signed off on the course grade changes were first-year teachers (hereinafter known as New Teachers). The New Teachers signed the form on the same day they met Students A and B. Both New Teachers received their teaching certificates on December 15, 2018. The New Teachers stated they were not aware of the policy or procedures for course grade changes. The New Teachers had not received training regarding the grade change process.

**The course grade change for Student A led to an increase from a 70 to a 71 for his/her first semester grade average (fall 2018). Consequently, the fall 2018 semester course grade for Student A is not consistent with the teacher of record’s posted grade.**

According to the Texas Education Code (TEC) 28.0214 Finality of Grade and Board Policy EIA (Legal) Grading/Progress Reports to Parents, “An examination or course grade issued by a classroom teacher is final and may not be changed unless the grade is arbitrary, erroneous, or not consistent with the school district grading policy applicable to the grade, as determined by the board of trustees of the school district in which the teacher is employed.”

According to the Texas Education Agency’s Minimum Standards for the Academic Achievement Record, “The Academic Achievement Record (AAR) is an official and permanent record of a student’s academic performance during

high school...Entries on this official record of actual courses taken, grades earned, credit awarded, and codes denoting special explanations must be consistent with teachers' records... Entries may not be altered or removed except to correct errors. Error corrections must be fully explained in the student's permanent record. Failure to maintain the AAR accurately or any attempt to alter the document with intent to use it for fraudulent purposes is a misdemeanor...."

## Finding 2

**We confirmed the grades finalized and posted by the teachers of record were changed after the assistant principal had a conversation with the two New Teachers asking them to help out Students A and B with their failing grades.** According to statements provided, the assistant principal was involved as follows:

- 2.1 According to New Teacher 1, on his/her second day on the job (January 8, 2019), the assistant principal along with the counselor had a conversation with him/her regarding Student A's grade change. During the conversation, the assistant principal offered to provide desks in exchange for the grade change. We confirmed New Teacher 1 received student desks s/he was missing in his/her classroom.
  - 2.1.1. The assistant principal admitted discussing with New Teacher 1 on January 8, 2019, the need for student desks and arranging the delivery of desks; however, s/he stated there was no bargaining of desks in exchange for the grade change.
  - 2.1.2. The counselor did not provide a clear response when asked if she witnessed or was part of this conversation.
  - 2.1.3. According to the [sport omitted] coach, s/he knew Student A was ineligible until the assistant principal told him/her face-to-face on January 7 or 8, 2019, that Student A was eligible to play. The team was scheduled to leave out of town for a tournament on January 9, 2019.
- 2.2 According to New Teacher 2, on his/her first day on the job (January 7, 2019), the assistant principal asked if s/he could help out with a grade change for Student B, so the student could be passing for a [sport omitted] tournament.
  - 2.2.1 The assistant principal admitted completing the top portion of the grade change form for Student B and presenting it to New Teacher 2. The assistant principal also admitted walking the form, signed by New Teacher 2, to the PEIMS clerk on January 7, 2019, so the grade change could be processed. The assistant principal stated s/he considered these actions a means "to help out" Student B and not for other reasons.
  - 2.2.2 According to New Teacher 2, the assistant principal told him/her s/he was going to send Student B to say "thank you." Student B confirmed the assistant principal told him/her s/he needed to say thank you to New Teacher 2. The assistant principal stated s/he does not recall saying this.

According to the Texas Administrative Code Rule 247.2 Code of Ethics and Standard Practices for Texas Educators:

- Standard 1.5: “The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage.”
- Standard 1.6: “The educator shall not falsify records, or direct or coerce others to do so.”
- Standard 2.6: “The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.”

## Finding 3

**The reasons written on the two grade change forms for Students A and B were fabricated.** We made this determination based on statements provided by the retired teachers, New Teachers 1 and 2, Students A and B and our recalculation of the original grades finalized and posted by the retired teachers. There is no evidence to indicate there are valid reasons to change grades due to (i) “grade was not updated” or (ii) “computational error” as stated on the two grade change forms. The campus did not have documentation to support the grade changes noted on the forms.

### **3.1 We confirmed a discussion occurred between New Teacher 1 and the counselor on January 8, 2019 about a grade change for Student A. According to New Teacher 1, the counselor told him/her, “...to put the computer crashed or grade not updated as the reason for the grade change.”**

- 3.1.1 The counselor stated s/he personally gave New Teacher 1 a grade change form on January 8, but denies telling New Teacher 1 what reason to write on the form since it was up to him/her to decide.
- 3.1.2 The counselor acknowledged New Teacher 1 asked for advice from him/her and s/he provided a response that included walking him/her through the grade change process and what the counselor would do if s/he was a teacher.
- 3.1.3 According to the counselor, no one instructed him/her to ask New Teacher 1 to change Student A’s grade. However, s/he stated the assistant principal instructed him/her to talk to New Teacher 1 and to “work” on him/her (New Teacher 1) to see what his/her decision was (whether to make the grade change).

### **3.2 We confirmed a discussion occurred between New Teacher 2 and the assistant principal on January 7, 2019 about a grade change for Student B. According to New Teacher 2, “On the form, s/he [the assistant principal] asked me to write the old grade, new grade, and for the reason, s/he asked me to write computational error.”**

- 3.2.1 According to the assistant principal, s/he does not recall advising New Teacher 2 to write computational error. In addition, s/he stated s/he probably read the reason on the course grade change before hand delivering it to the PEIMS clerk, but did not question it. See Section 2.2 above for additional details.

According to the Texas Administrative Code Rule 247.2 Code of Ethics and Standard Practices for Texas Educators:

- Standard 1.6: “The educator shall not falsify records, or direct or coerce others to do so.”

## Finding 4

**Students A and B stated their grades were changed so they could be eligible to play [sport omitted]. New Teachers 1 and 2 also stated the grades were changed so the students could play sports.**

- 4.1 Student A stated the following:
  - 4.1.1 “On January 7<sup>th</sup> [2019], coach [name omitted] told me I need to talk to [assistant principal’s name omitted] to fix my grade so I could play.”
  - 4.1.2 “I talked to [counselor’s name omitted] about possibly changing my grade to become eligible again.”
- 4.2 Student B stated: “coach [name omitted] said don’t worry, I’ll get [assistant principal’s name omitted] to fix your grade.” The [sport omitted] team was leaving to an out of town tournament on January 9, 2019. Student B also stated s/he was surprised when the coach said not to worry “because I knew it was my fault for not doing the work. This was the first time anyone ever changed my grade.”
- 4.3 The coach stated that if s/he used the word “fix”, it meant “...go through the procedure of talking to the teachers and finding out whatever.”

According to the UIL Constitution Contest Rules: “Category A violations for school district personnel are: (A) violating eligibility rules;... (G) pressuring teachers to modify the grade or grades of UIL participants in such a manner as to affect eligibility....”

## Finding 5

**The principal admitted s/he did not validate the reasons on the two course grade change forms before s/he signed them. When asked as to who are the teachers of record in this case, s/he stated the names of the retired teachers and not the names of those who s/he saw on the grade change forms. The principal:**

- 5.1 Admitted s/he knew the teachers who signed the grade change forms were New Teachers 1 and 2.
- 5.2 Acknowledged the original and finalized second nine-week grades for fall 2018 were not earned under New Teachers 1 and 2.
- 5.3 Did not follow up to determine whether the two grade changes in question were appropriate.
- 5.4 Admitted it is not typical for administrators or non-teachers to complete grade change forms. See 2.2.1 for relevant information.
- 5.5 Was not aware of the seriousness of changing a student’s grade when it is not one of the exceptions allowed.

According to the Principal Job Description under Administration and Fiscal/Facilities Management major responsibilities and duties include:

- “...Assume responsibility for implementing the policies and directives of the Board and TEA.”
- Maintain accurate records and make such reports as required by TEA or as requested by the superintendent or Board.

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## Recommendations and Management Response

We made 12 recommendations with the purpose to assist District administration (i) in focusing on improvements to processes and strengthening the District's internal controls related to course grade changes, (ii) to minimize the risk of similar events occurring in the future, and (iii) take appropriate and timely corrective actions in accordance with local and state policies.

A Corrective Action Plan (CAP) outlining the activities to be implemented and signed by District management and leadership was submitted to Internal Audit. All 12 recommendations made by Internal Audit were incorporated into the CAP. The CAP appears to be sufficient to address the findings outlined in this report.

1

The superintendent or designee for the District shall promptly report in writing the Category A violations of the UIL Constitution and Contest Rules to the District Executive Committee or the State Executive Committee, whichever is appropriate.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity one (1).

**Person(s) Responsible:** High School Interim Principal and High School Athletic Coordinator.

**Implementation Date:** April 30, 2019

2

The superintendent or designee should follow and implement corrective actions stated by either committee mentioned in Recommendation #1.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity two (2).

**Person(s) Responsible:** Secondary Schools Division Assistant Superintendent and Athletics Director.

**Implementation Date:** April 26, 2019

3

The Secondary Schools Division Assistant Superintendent, in consultation with Human Resources, should determine the appropriate disciplinary action for the campus administrators/staff involved in the inappropriate course grade changes.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity three (3).

**Person(s) Responsible:** Secondary Schools Division Assistant Superintendent, Deputy Superintendent Administration, and Employee Relations Executive Director.

**Implementation Date:** May 14, 2019

4

Human Resources should file a copy of this investigation report, as well as results of management's decision for Recommendation #3, in the appropriate employee files.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity four (4).

**Person(s) Responsible:** Employee Relations Executive Director

**Implementation Date:** May 14, 2019

5

District administration should ensure the correct course and semester grades for Students A and B are reflected in their individual AAR folder and in TEAMS. Refer to Finding #1.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity five (5).

**Person(s) Responsible:** Secondary Schools Division Assistant Superintendent and High School Interim Principal.

**Implementation Date:** April 15, 2019

6

District administration should communicate with the parents of Students A and B the changes stated in Recommendation #5 and provide academic counseling, guidance and/or assistance as necessary.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity six (6).

**Person(s) Responsible:** Secondary Schools Division Assistant Superintendent and High School Interim Principal.

**Implementation Date:** April 15, 2019

7

District administration should continue with current efforts to implement and integrate a Districtwide grade change process using the District's current TEAMS system. Administration should ensure that key controls are present, working as intended, and can facilitate inquiries. The goal is to increase accountability, transparency, and efficiency in the grade change process.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity seven (7).

**Person(s) Responsible:** Information Technology Chief Information Officer and Student and Parent Services Executive Director.

**Implementation Date:** August 30, 2019

8

District administration should develop a training program that is aligned with Board policies and related standard operating procedures for course grade changes. Administration should determine the frequency of this training and whether it should be mandatory. The goal is to educate all staff involved in course grade changes on how to properly create, research, document, maintain, and review grade changes. One way is to develop a continuous training method available 24/7 to include, but not limited to: (i) frequently asked questions, (ii) training videos, and (iii) a knowledgebase which users could access and refer to as needed.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activities eight (8) and nine (9).

**Person(s) Responsible:** Academics Chief Academic Officer, 21st Century Learning & Well Being Executive Director, Student and Parent Services Executive Director, Athletics Director, Secondary Schools Division Assistant Superintendent, and Staff Development Director.

**Implementation Dates:** June 18, 2019 and August 30, 2019

9

District administration should update the standard operating procedures for processing course grade changes to include (but not limited to) the following:

- 9.1 Reflect the new TEAMS grade change process being implemented,
- 9.2 State the mandatory requirement for training users involved in the grade change process (if approved),
- 9.3 State the mandatory requirement that all grade changes must include the correct level of supporting documentation,
- 9.4 Define the roles and responsibilities of each user involved in the process,
- 9.5 Outline the review process the principal and PEIMS/registrar clerk must follow, and
- 9.6 Outline the proper maintenance and retention of grade change documentation in accordance with the District's retention schedule.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activities eight (8) and nine (9).

In addition, administration developed activity twelve (12), which reads, "High School Principals will ensure that nine-week audits are conducted in regards to grade change form. Audit will reflect all failing to passing grade changes and passing to failing requests submitted."

**Person(s) Responsible:** Academics Chief Academic Officer, 21st Century Learning & Well Being Executive Director, Student and Parent Services Executive Director, Athletics Director, Secondary Schools Division Assistant Superintendent, Staff Development Director, High School Principals, and High School Registrars/PEIMS clerks.

**Implementation Dates:** June 18, 2019, August 30, 2019, and November 8, 2019

10

District administration should (i) determine the level of documentation to support grade changes and (ii) require supporting documentation be maintained for all grade changes. If not already implemented, consider enhancing the new process in TEAMS by allowing users to upload supporting documentation as attachments. The goal is to facilitate the review process and for grade changes to withstand a reasonable level of scrutiny.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity eight (8).

**Person(s) Responsible:** Academics Chief Academic Officer, 21st Century Learning & Well Being Executive Director, Student and Parent Services Executive Director, Athletics Director, Secondary Schools Division Assistant Superintendent, Staff Development Director, High School Principals, and High School Registrars/PEIMS clerks.

**Implementation Date:** June 18, 2019

**11** District administration should provide training as promptly as possible to both new teachers stated in Finding #1 regarding the correct grade change process.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity ten (10).

**Person(s) Responsible:** Secondary Schools Division Assistant Superintendent and High School Interim Principal.

**Implementation Date:** April 15, 2019

**12** We recommend the Superintendent or designee, in consultation with the Community Engagement Department, prepare a Districtwide reminder to all campus personnel that need to know about the District's expectations, to lead with ethics and risks of not following District policies and procedures as it relates to the grade change process.

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**Management and Leadership Response:** Agreed with recommendation and incorporated into the CAP as activity eleven (11).

**Person(s) Responsible:** Community Engagement Chief Communication Officer.

**Implementation Date:** August 30, 2019



## EL PASO INDEPENDENT SCHOOL DISTRICT

### BOARD OF TRUSTEES

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