

## STATUTORY AUTHORITY:

Texas Education Code (TEC), §§12A.001-12A.009, as added by HB 1842, 84th Texas Legislature, 2015.

**TEC, §12A.001**, authorizes districts to be designated as a district of innovation if the district's most recent performance rating under TEC, §39.054, is at least acceptable performance. The designation as a district of innovation may be initiated by a resolution adopted by the board of trustees or a petition signed by a majority of the members of the district-level committee established under TEC, §11.251.

**TEC, §12A.002**, requires a board of trustees to hold a public hearing to consider if the district should develop a plan for the designation as a district of innovation after adopting a resolution or receiving a petition.

**TEC, §12A.003**, requires the development of a plan prior to a designation as a district of innovation. This section requires the local innovation plan to provide for a comprehensive educational program and to identify requirements of the TEC that inhibit the plan's goals and from which the district should be exempted. The section provides specific examples of the considerations the plan may include.

**TEC, §12A.004**, prohibits a district of innovation from being exempt from requirements that apply to open-enrollment charters; from certain sections of the TEC, Chapter 11; from state curriculum and graduation requirements adopted under the TEC, Chapter 28; and from academic and financial accountability and sanctions under the TEC, Chapter 39. The section requires the commissioner to maintain a list of the exempted provisions and provide notice to the legislature of provisions where districts enrolling a majority of students are exempt.

**TEC, §12A.005**, imposes requirements related to the local innovation plan that must be met prior to a board of trustees' vote on adopting the proposed innovation plan.

**TEC, §12A.006**, limits the term of designation as an innovation district to no more than five years.

**TEC, §12A.007**, authorizes a local innovation plan to be amended, rescinded, or renewed if approved by vote of the district-level committee and board of trustees.

**TEC, §12A.008**, authorizes the commissioner to terminate an innovation district designation or permit the district to amend its innovation plan after two consecutive years of unacceptable academic or financial performance ratings. The section requires termination after three consecutive years of unacceptable academic or financial performance ratings, or any combination of the two rating systems. This provision makes the commissioner's decision final and not appealable.

**TEC, §12A.009**, authorizes the commissioner to adopt rules to implement districts of innovation.

**EFFECTIVE DATE:** September 13, 2016.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The 84th Texas Legislature, Regular Session, 2015, passed HB 1842, which amended the TEC by adding Chapter 12A, Districts of Innovation, authorizing an eligible school district to be designated as a district of innovation following adoption of a local innovation plan that exempts the district from certain TEC requirements that inhibit the goals of the plan. The local innovation plan must be reported to the Texas Education Agency (TEA). The adopted new rules would provide the applicable processes and procedures related to innovation districts. The adopted rules include a non-comprehensive list of allowable exemptions. A list of prohibited exemptions is also included. TEC, §12A.009, authorizes the commissioner to adopt rules to implement the TEC, Chapter 12A.

Adopted new **19 TAC §102.1301**, Definitions, defines terms for implementation of the subchapter. In accordance with the TEC, §§12A.001, 12A.005, and 12A.007, paragraph (1) defines the district-level committee as the committee established under the TEC, §11.251. TEC, Chapter 12A, does not define the composition of the committee to develop the local innovation plan, so adopted new paragraph (2) addresses the composition of that committee. TEC, Chapter 12A, does not define what constitutes a "public hearing" but does distinguish between a public hearing and a public meeting. Adopted new paragraph (3) defines a public hearing as an open meeting that allows the public an opportunity to provide comments and opinions. Accordingly, adopted new paragraph (4) defines a public meeting as an open meeting that provides the public an opportunity to hear facts about a proposed plan. TEC, Chapter 12A, focuses on unacceptable performance for both academic and financial accountability purposes. Adopted new paragraphs (5) and (6) clarify the meaning of "unacceptable performance" by linking with the corresponding ratings adopted by the TEA under the accountability statutes. Based on public comments, two definitions in paragraph (1) were modified at adoption. *District-level committee* was amended to include a comparable committee. *Innovation plan committee* was amended to clarify the role of the committee and specify that the district-level committee may also serve in this role.

Adopted new **19 TAC §102.1303**, Eligibility, clarifies that a district cannot be designated as a district of innovation if it receives either a preliminary or final rating of below "**acceptable performance.**" TEC, §12A.001, authorizes districts to be designated as a district of innovation only if the district's most recent performance rating under TEC, §39.054, is at least "acceptable performance." Based on public comments, subsection (b) has been modified at adoption to state that the board may not vote on final approval of the plan if the district rating is below acceptable performance and to address the successful appeal of a preliminary rating.

Adopted new **19 TAC §102.1305**, Process Timeline, recognizes the statutory methods for designating a district of innovation and the requirement that the district hold a public hearing if one of those methods is realized in accordance with the TEC, §12A.001 and §12A.002. As the statutory provisions lack a requisite timeline for action and to ensure a timely review process, adopted new subsection (b) requires the board of trustees to either decline to pursue a district of innovation or to appoint an innovation committee to develop an innovation plan not later than 30 days after the public hearing. Adopted new subsection (d) requires a district's innovation plan to meet the requirements imposed by the TEC, §12A.003.

Statutory provisions under the **TEC, §12A.005**, authorize the board of trustees to adopt or reject the plan after meeting certain procedural requirements. However, statutory provisions do not define a planning committee's authority when pursuing the creation of a plan; therefore, the adopted new rule would make clear that when pursuing a district of innovation plan, the board of trustees may establish parameters in which the planning committee must operate. As various statutory provisions, including TEC, §§12A.002, 12A.004 and 12A.005, emphasize public awareness and the necessity for the commissioner to maintain a list of exempted provisions and report to the legislature, adopted new subsection (e) requires the district to clearly post the innovation plan on the district website for the term of the designation as an innovation district in order to promote transparency to the public. Based on public comments, subsection (a) has been modified to clarify the reference to a petition signed by a majority of the members of the district-level committee, specify that the public hearing must be held not later than 30 days after a resolution is adopted or a petition has been received, and move language relating to the parameters for developing the plan from subsection (a) to new subsection (c). In addition, subsection (d) has been modified to clarify that the plan must meet the requirements outlined in statute and the new rules.

Adopted new **19 TAC §102.1307**, Adoption of Local Innovation Plan, implements the requirements imposed by the TEC, §12A.005, which include actions necessary prior to a board of trustee's vote on

adopting the proposed innovation plan, voting requirement for adoption, status of the district once the plan is adopted, and the extent of the exemptions should future requirements be amended or redesignated.

As the **TEC, §12A.003(b)(2)**, requires a district to identify the requirements from which it seeks to be exempted and the **TEC, §12A.004(b)**, requires the commissioner to maintain a list of TEC provisions from which innovation districts are exempt and to notify the legislature of these provisions for districts enrolling a majority of students, adopted new **19 TAC §102.1307** requires, in addition to the notification of the commissioner of approval of the plan as required by the **TEC, §12A.005**, that the district report exemptions to the commissioner using a form developed by the commissioner. The reporting form, adopted as **Figure: 19 TAC §102.1307(d)**, would emphasize the non-exclusive major TEC items from which an innovation district may exempt itself and would also provide a method to include items not specifically designated on the form. In response to public comment, the agency has modified **Figure: 19 TAC §102.1307(d)** to add an area for the district to note if the innovation plan applies to the entire district, specific campuses, or other; the term; and added programs the educational plan may include as currently provided for in **TEC, §12A.003**.

Adopted new **19 TAC §102.1309**, Prohibited Exemptions, provides clarity regarding the statutory provisions from which districts of innovation may not exempt themselves in accordance with the **TEC, §12A.004**, and the commissioner's rulemaking authority. Prohibited exemptions are as follows. In response to public comment, the organizational structure of subsection (a) has been modified at adoption to clarify that the specific exemptions are applied to open-enrollment charter schools, and subsection (b)(3) has been removed at adoption as it was found to be duplicative. In addition, subsection (b)(1) was modified to clarify that an innovation district may not be exempted from a state program in which the district voluntarily participates.

*19 TAC §102.1309(a)(1)(A), (B), (E), (F), (G), and (H), (a)(6), and (a)(7)*

TEC, §12A.004(a)(1), prohibits exemption of a district of innovation from any state or federal requirement applicable to an open-enrollment charter school operating under the TEC, Chapter 12, Subchapter D, which, among others, prohibits exemption from statutory sections imposed on an open-enrollment charter under the TEC, Chapter 12, including the requirements listed in the TEC, §§12.104(b), 25.001, 25.002, 25.0021, 25.0031, and 25.004; Chapter 30, Subchapter A; §30.104; Chapter 34; §§37.006(l), 37.007(e), and 37.020; §§44.0011, 44.002, 44.003, 44.004, 44.0041, 44.005, 44.0051, 44.006, 44.007, 44.0071, 44.008, 44.009, 44.011, 44.0312, 44.032, 44.051, 44.052, 44.053, and 44.054; and 45.003, 45.0031, 45.005, 45.105, 45.106, 45.202, and 45.203. This list is not comprehensive; several additional statutes reference charters. In response to public comment, TEC, Chapter 22, Subchapter B, was added at adoption to clarify the civil immunity protections and procedures related to districts of innovation.

*19 TAC §§102.1309(a)(3), (a)(1)(H), (a)(4), (a)(5), (a)(6), (a)(7), and (a)(8)*

TEC, §12A.004(a)(1), establishes a floor for exemptions for a district seeking to be a district of innovation. Several provisions of the TEC are inapplicable to an open-enrollment charter school, not because the legislature has intentionally limited the requirement, but because the inherent nature of an open-enrollment charter school makes application of the provision non-sensical. As the legislature clearly intended a floor to apply to the exemptions, consequently, districts may not seek an exemption from certain statutory provisions that lack a charter analog. As such, a district seeking to be a district of innovation may not seek an exemption from:

- TEC, Chapter 13, as open-enrollment charters have no exclusive boundaries vis-à-vis other charter schools nor are open-enrollment charters as a group required to cover all geographic boundaries of the state;

- TEC, §§37.011, 37.012, and 37.013, because a district must allow an open-enrollment charter school student to be served at a Juvenile Justice Alternative Education program;
- TEC, Chapters 41 and 42, because open-enrollment charters have no taxing capacity, and HB 1842 contained no textual indication or legislative intent demonstrating that the legislature intended to alter current funding mechanisms;
- TEC, §§44.0011, 44.002, 44.003, 44.004, 44.0041, 44.005, 44.0051, 44.006, 44.007, 44.0071, 44.008, 44.009, 44.011, 44.0312, 44.032, 44.051, 44.052, 44.053, and 44.054;
- TEC, §§45.003, 45.0031, 45.005, 45.105, 45.106, 45.202, 45.203; and
- TEC, Chapter 46, as open-enrollment charters have no taxing capacity for interest and sinking purposes and, therefore, have no access to facility assistance.

*19 TAC §102.1309(a)(2)*

TEC, §12A.004(a)(2), prohibits an exemption from a requirement imposed by the TEC, Chapter 11, Subchapters A, C, D, and E, with exception of §11.1511(b)(5) and (14) and §11.162.

*19 TAC §102.1309(a)(1)(C)*

TEC, §12A.004(a)(3), prohibits an exemption from a provision regarding state curriculum and graduation requirements adopted under the TEC, Chapter 28. A district of innovation may not seek an exemption from the TEC, §§28.002, 28.0021, 28.0023, 28.005, 28.0051, 28.006, 28.016, 28.0211, 28.0213, 28.0217, 28.025, 28.0254, 28.0255, 28.0258, 28.0259 and 28.026, as those provisions constitute a state curriculum and graduation requirement under the TEC, Chapter 28. A district may not seek an exemption from the TEC, §30.104, because this provision implements the graduation requirements adopted under the TEC, Chapter 28.

*19 TAC §102.1309(a)(1)(D)*

Some provisions of the TEC supersede the provisions of the TEC, Chapter 12A, and a district of innovation may not seek an exemption from those provisions. TEC, §29.201, applies the provisions of the TEC, Chapter 29, Subchapter G, notwithstanding any other law, which prohibits a district from seeking an exemption from the TEC, Chapter 29, Subchapter G.

*19 TAC §102.1309(a)(1)(I)*

TEC, §12A.004(a)(4), prohibits an exemption from provisions of academic and financial accountability and sanctions under the TEC, Chapter 39. A district of innovation may not be exempt from any provision of the TEC, Chapter 39.

*19 TAC §102.1309(b)(1)*

TEC, §12A.004(a)(1), prohibits exemption from any state or federal requirement applicable to an open-enrollment charter school operating under the TEC, Chapter 12, Subchapter D. TEC, §12.104(d), imposes a requirement on open-enrollment charters to comply with all requirements of a state program in which the charter voluntarily participates. Consequently, a school district may not seek an exemption from a requirement of a grant or other voluntary benefit.

*19 TAC §102.1309(b)(2)*

TEC, §12A.003(b)(2), requires a district to identify requirements imposed by the TEC from which the district should be exempt on adoption of an innovation plan. Several provisions of the TEC do not impose a requirement on districts but authorize discretionary participation by a district. However, a district that chooses to participate must meet certain conditions imposed by statute on the operation of that authority. As those provisions only apply if a district chooses to operate under those provisions, those provisions do not constitute a requirement from which the district may seek an exemption under the TEC, Chapter 12A.

19 TAC §102.1309(b)(3)

TEC, §12A.003(b)(2), limits an innovation district to identifying requirements of the TEC.

Requirements imposed by provisions outside the TEC may not be exempted, including requirements under the Texas Government Code, Chapter 822.

Adopted new 19 TAC §102.1311, Term, implements the TEC, §12A.006, requirement that the term of designation as an innovation district may not exceed five years. As various provisions discuss a local innovation plan as singular, and the plan, under the TEC, §12A.003, must be "comprehensive," and multiple innovation plans would thwart the necessity for amendments under the TEC, §12A.007, adopted new 19 TAC §102.1311 would, therefore, limit a district to one innovation plan at a time. In accordance with the TEC, §12A.007, changes to a plan shall be handled through the amendment process rather than adopting multiple plans.

Adopted new 19 TAC §102.1313, Amendment, Rescission, or Renewal, implements the TEC, §12A.007, which authorizes a local innovation plan to be amended, rescinded, or renewed if approved by vote of the district-level committee and board of trustees. The adopted new rule clarifies that the requirement of the TEC, §12A.007, stating "in the same manner as required for initial adoption" imposes a two-thirds voting requirement of the board of trustees. As statute authorizes an amendment process but does not impose a requirement for total plan review, adopted new subsection (a)(1) clarifies in rule that exemptions already approved need not be reviewed during an amendment. To ensure proper notice and orderly return to statutory compliance and to allow the TEA to accurately comply with reporting requirements, adopted new subsection (a)(2) requires a district that rescinds its plan to notify the TEA of the rescission within five business days of the approved vote and provide a date for compliance with the TEC provisions, which may not be later than the following school year. To ensure orderly transition and ensure proper public notice, adopted new subsection (a)(3) clarifies in rule that all sections of the plan must be reviewed during renewal. In response to public comment, the six-month timeframe on the renewal of the plan was removed at adoption, and subsection (b) was added to clarify that any amendment, rescission, or renewal action requires notification to the commissioner.

Adopted new 19 TAC §102.1315, Termination, reflects the statutory authorization under the TEC, §12A.008, for the commissioner to terminate an innovation district designation or permit a district to amend its innovation plan after two consecutive years of unacceptable academic or financial performance ratings. The adopted new rule requires the commissioner to terminate an innovation district designation after three consecutive years of unacceptable academic or financial performance ratings, or any combination of the two rating systems. The adopted new rule also implements the statutory provision making the related commissioner decision final and not appealable.

**FISCAL IMPACT:** The TEA has determined that there are no fiscal implications for persons required to comply with the new rules; however, there are implications for state and local government. The TEA will incur additional personnel costs to fulfill the reporting requirements of statute. The estimated cost is \$100,000 each year for fiscal years 2016 and 2017. School districts could potentially save money depending upon the exemptions claimed and how they would be implemented, but the estimated savings cannot be determined at this time.

There is no direct adverse economic impact for small businesses and microbusinesses; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required. There is no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**PUBLIC AND STUDENT BENEFIT:** The adopted new rules provide school districts with flexibilities that allow for district innovation based on their local innovation plans.

**PROCEDURAL AND REPORTING IMPLICATIONS:** As required by statute, the adopted new rules require innovation districts to report a list of district-approved TEC exemptions to the TEA.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** The adopted new rules require innovation districts to maintain the approved plan to make it available on the district website for public review.

## **Chapter 102. Educational Programs**

### **Subchapter JJ. Commissioner's Rules Concerning Innovation District**

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#### **§102.1301. Definitions.**

For purposes under this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

- (1) District-level committee--This term has the meaning assigned by the Texas Education Code (TEC), §11.251, or a comparable committee if the district is exempted (or has exempted itself) from this provision.
- (2) Innovation plan committee--A committee appointed by the board of trustees to develop the innovation plan in accordance with statutory requirements. The district-level committee, as described in paragraph (1), may also serve in this role.
- (3) Public hearing--An open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation and provides the opportunity for the public to give opinions and comments on the proposed actions.
- (4) Public meeting--An open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation.
- (5) Unacceptable academic performance rating--For the purposes of this chapter, the term "unacceptable academic" performance rating means a rating of Improvement Required or Unacceptable Performance or as otherwise indicated in the applicable year's academic accountability manual adopted under §97.1001 of this title (relating to Accountability Rating System).
- (6) Unacceptable financial accountability rating--For the purposes of this chapter, the term "unacceptable financial" performance rating means a Financial Integrity Rating System of Texas (FIRST) rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual adopted under §109.1001 of this title (relating to Financial Accountability Rating).

*Statutory Authority: The provisions of this §102.1301 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1301 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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#### **§102.1303. Eligibility.**

- (a) A district is eligible for designation as an innovation district if the district's most recent performance rating under the Texas Education Code (TEC), §39.054, is at least acceptable performance, as indicated in the applicable year's academic accountability manual adopted under §97.1001 of this title (relating to Accountability Rating System).
- (b) A board of trustees may not vote on the final approval of the innovation plan if the district is assigned either a final or preliminary rating below acceptable performance, as indicated in the

applicable year's academic accountability manual adopted under §97.1001 of this title. In the event the preliminary rating is changed, the board of trustees may then vote to become an innovation district.

*Statutory Authority: The provisions of this §102.1303 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1303 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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#### **§102.1305. Process Timeline.**

(a) If a resolution is adopted by the board of trustees or upon receipt of a petition signed by a majority of the members of the district-level committee, the board of trustees shall hold a public hearing as soon as possible, but not later than 30 days, to consider if the district should develop a local innovation plan for the designation of the district as an innovation district.

(b) At the conclusion of the public hearing, or within 30 days after conclusion of the public hearing, the board of trustees may:

(1) decline to pursue designation of the district as an innovation district; or

(2) appoint an innovation plan committee to develop a local innovation plan in accordance with the TEC, §12A.003.

(c) The board of trustees may outline the parameters around which the innovation plan committee may develop the plan.

(d) Prior to the designation as an innovation district, a local innovation plan must be developed for the school district and shall meet the plan requirements as outlined in the TEC, §12A.003, and described in this subchapter.

(e) The plan must be clearly posted on the district's website for the term of the designation as an innovation district.

*Statutory Authority: The provisions of this §102.1305 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1305 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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#### **§102.1307. Adoption of Local Innovation Plan.**

(a) The board of trustees may not vote on adoption of a proposed local innovation plan unless:

(1) the final version of the proposed plan has been available on the district's website for at least 30 days;

(2) the board of trustees has notified the commissioner of education of the board's intention to vote on adoption of the proposed plan; and



(3) the district-level committee established under the Texas Education Code (TEC), §11.251, has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. This public meeting may occur at any time, including up to or on the same date at which the board intends to vote on final adoption of the proposed plan.

(b) A board of trustees may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.

(c) On adoption of a local innovation plan, the district:

(1) is designated as a district of innovation under this subchapter for the term specified in the plan but no longer than five calendar years, subject to the TEC, §12A.006;

(2) shall begin operation in accordance with the plan; and

(3) is exempt from state requirements identified under the TEC, §12A.003(b)(2).

(d) The district shall notify the commissioner of approval of the plan along with a list of approved TEC exemptions by completing the agency form provided in the figure in this subsection.

[Figure: 19 TAC §102.1307\(d\)](#)

(e) A district's exemption described by subsection (c)(3) of this section includes any subsequent amendment or redesignation of an identified state requirement, unless the subsequent amendment or redesignation specifically applies to an innovation district.

*Statutory Authority: The provisions of this §102.1307 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1307 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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### **§102.1309. Prohibited Exemptions.**

(a) An innovation district may not be exempted from the following sections of the Texas Education Code (TEC) and the rules adopted thereunder:

(1) a state or federal requirement, imposed by statute or rule, applicable to an open-enrollment charter school operating under the TEC, Chapter 12, Subchapter D, including, but not limited to, the requirements listed in the TEC, §12.104(b), and:

(A) TEC, Chapter 22, Subchapter B;

(B) TEC, Chapter 25, Subchapter A, §§25.001, 25.002, 25.0021, 25.0031, and 25.004;

(C) TEC, Chapter 28, §§28.002, 28.0021, 28.0023, 28.005, 28.0051, 28.006, 28.016, 28.0211, 28.0213, 28.0217, 28.025, 28.0254, 28.0255, 28.0258, 28.0259, and 28.026;

(D) TEC, Chapter 29, Subchapter G;

(E) TEC, Chapter 30, Subchapter A;

- (F) TEC, §30.104;
- (G) TEC, Chapter 34;
- (H) TEC, Chapter 37, §§37.006(l), 37.007(e), 37.011, 37.012, 37.013, and 37.020; and
- (I) TEC, Chapter 39;
- (2) TEC, Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from the TEC, §11.1511(b)(5) and (14) and §11.162;
- (3) TEC, Chapter 13;
- (4) TEC, Chapter 41;
- (5) TEC, Chapter 42;
- (6) TEC, Chapter 44, §§44.0011, 44.002, 44.003, 44.004, 44.0041, 44.005, 44.0051, 44.006, 44.007, 44.0071, 44.008, 44.009, 44.011, 44.0312, 44.032, 44.051, 44.052, 44.053, and 44.054;
- (7) TEC, Chapter 45, §§45.003, 45.0031, 45.005, 45.105, 45.106, 45.202, 45.203; and
- (8) TEC, Chapter 46.

(b) In addition to the prohibited exemptions specified in subsection (a) of this section, an innovation district may not be exempted from:

- (1) a requirement of a grant or other state program in which the district voluntarily participates;
- (2) duties that the statute applies to the execution of that power if a district chooses to implement an authorized power that is optional under the terms of the statute; and
- (3) requirements imposed by provisions outside the TEC, including requirements under the Texas Government Code, Chapter 822.

*Statutory Authority: The provisions of this §102.1309 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1309 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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**§102.1311. Term.**

The term of a district's designation as a district of innovation may not exceed five calendar years and is effective upon district approval and notification of the plan to the Texas Education Agency. A district may only have one innovation plan at any given time.

*Statutory Authority: The provisions of this §102.1311 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1311 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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**§102.1313. Amendment, Rescission, or Renewal.**

(a) A district innovation plan may be amended, rescinded, or renewed if the action is approved by a majority vote of the district-level committee established under the Texas Education Code (TEC), §11.251, or a comparable committee if the district is exempt from that section, and a two-thirds majority vote of the board of trustees.

(1) Amendment. An amendment to an approved plan does not change the date of the term of designation as an innovation district. Exemptions that were already formally approved are not required to be reviewed.

(2) Rescission. A district must notify the Texas Education Agency within five business days of rescission and provide a date at which time it will be in compliance with all sections of the TEC, but no later than the start of the following school year.

(3) Renewal. During renewal, all sections of the plan and exemptions shall be reviewed and the district must follow all components outlined in §102.1307 of this title (relating to Adoption of Local Innovation Plan).

(b) The district shall notify the commissioner of education of any actions taken pursuant to subsection (a) of this section along with the associated TEC exemptions and local approval dates.

*Statutory Authority: The provisions of this §102.1313 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1313 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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**§102.1315. Termination.**

(a) The commissioner of education may:

(1) terminate a district's designation as a district of innovation if, beginning with its ratings in the year of designation, the district is assigned for two consecutive school years:

(A) a final unacceptable academic performance rating under the Texas Education Code (TEC), §39.054;

(B) a final unacceptable financial accountability rating under the TEC, §39.082; or

(C) a final unacceptable academic performance rating under the TEC, §39.054, for one of the school years and a final unacceptable financial accountability rating under the TEC, §39.082, for the other school year; or

(2) permit the district to amend the district's local innovation plan to address concerns specified by the commissioner in lieu of terminating the designation as described in paragraph (1) of this subsection.

(b) The commissioner shall terminate a district's designation as a district of innovation if, beginning with its ratings in the year of designation, the district is assigned for three consecutive school years:

(1) a final unacceptable academic performance rating under the TEC, §39.054;

- (2) a final unacceptable financial accountability rating under the TEC, §39.082; or
- (3) any combination of one or more unacceptable ratings under paragraph (1) of this subsection and one or more unacceptable ratings under paragraph (2) of this subsection.
- (c) Upon termination of an innovation plan, a district must return to compliance with all specified areas of the TEC by a date to be determined by the commissioner.
- (d) A decision by the commissioner under this section is final and may not be appealed.

*Statutory Authority: The provisions of this §102.1315 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1315 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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**For more information, email [rules@tea.texas.gov](mailto:rules@tea.texas.gov).**

District of Innovation Options	Texas Education Code	Irving ISD Board Policy	Flexibility Opportunities	Benefit of Exemption	Disadvantages
<b>Uniform School Start Date</b>	<p><i>Texas Education Code 25.0811</i></p> <p>Students may not begin school before the 4th Monday of August. For many years, this was the rule, however, districts had the option of applying for a waiver to start earlier. The Texas tourism groups lobbied to have this stopped because they believed it was hurting their tourism business. Therefore, several years ago, the legislature took away all waivers and dictated that districts may not begin until the 4th Monday, with no exceptions.</p>	<p><a href="#">EB Policy</a></p>	<ul style="list-style-type: none"> <li>• <i>Allow the local district the flexibility of choosing its school start and end dates</i></li> <li>• <i>Local districts would be able to annually assess what best meets the needs of the students and local community.</i></li> </ul>		
<b>Kindergarten - Grade 4 Class Size</b>	<p><i>Texas Education Code 25.111, 25.112, 25.113</i></p> <p>Texas Education Code §25.111 STUDENT/TEACHER RATIOS. Except as provided by Section 25.112, each school district must employ a sufficient number of teachers certified under Subchapter B, Chapter 21, to maintain an average ratio of not less than one teacher for each 20 students in average daily attendance.</p> <p>Based on current state law, classes in grades Kindergarten through 4th may not exceed a ratio of 22 students to 1 teacher. When an individual class exceeds this ratio, the District must either add a new teacher, reassign teachers from other schools with lower student enrollment, or submit a waiver request to the Texas Education Agency. These waiver requests have not been rejected by TEA. In addition to the waiver request, it is required that a letter be sent to each parent in the class that exceeds the 22:1 ratio, informing them the waiver has been submitted and the class exceeds the 22:1 ratio.</p>	<p><a href="#">EEB Policy</a></p>	<ul style="list-style-type: none"> <li>• <i>Flexibility in this area will provide for relief from the requirement of applying for annual waivers and notification of parents when enrollment exceeds 22:1</i></li> </ul>		
<b>District of</b>	<b>Texas Education Code</b>	<b>Irving ISD</b>	<b>Flexibility Opportunities</b>	<b>Benefit of</b>	<b>Disadvantages</b>

Innovation Options		Board Policy		Exemption	
<p><b>Teacher and Principal Appraisals</b></p>	<p><i>Texas Education Code 21.203, 21.351, 21.352, 21.3541</i></p> <p>The state of Texas has used the Professional Development and Appraisal System (PDAS) teacher appraisal system since 1997. The state is issued a new teacher appraisal system in 2016-2017, that will be called the Texas Teacher Evaluation and Support System (T-TESS). Beginning in the 2017-2018 school year, appraisal systems in Texas, whether the state-recommended system or a locally developed system, will need to include a measure of student growth at the individual teacher level.</p>	<p><a href="#">DNA Policy</a></p>	<ul style="list-style-type: none"> <li>• <i>Using the process identified in Texas Education Code 21.352 (2)(A), the District presented an alternative appraisal system to the BOE which was adopted and implemented in 2016</i></li> <li>• <i>Instead of being held to the criteria the mandated in Texas Education Code 21.351 (a) (1) and (2), the appraisal and professional development criteria could be created collaboratively by teachers and principals within a local District framework</i></li> </ul>		
<p><b>Teacher Certification</b></p>	<p><i>Texas Education Code 21.004, 21.003, 21.057</i></p> <p>The State Board of Educator Certification, SBOE and the Texas Education Code define the educational requirements for teacher state certification. Texas Education Code 21.003 (a) a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.</p> <p>Waivers are granted by the TEA and Superintendents/Districts have the authority to grant local waivers for certifications of teachers teaching CTE classes.</p>	<p><a href="#">DK Policy</a></p>	<ul style="list-style-type: none"> <li>• <i>Flexibility in this area gives local control on decisions about teacher certification as is applies to Career and Technology courses as well as hard to fill Dual Credit teaching positions and specialty positions as needed</i></li> <li>• <i>Flexibility in the area of Bilingual certification is an option since it is such a high need area. If a teacher is teaching outside of their area the district must request an emergency certification. The district</i></li> </ul>		

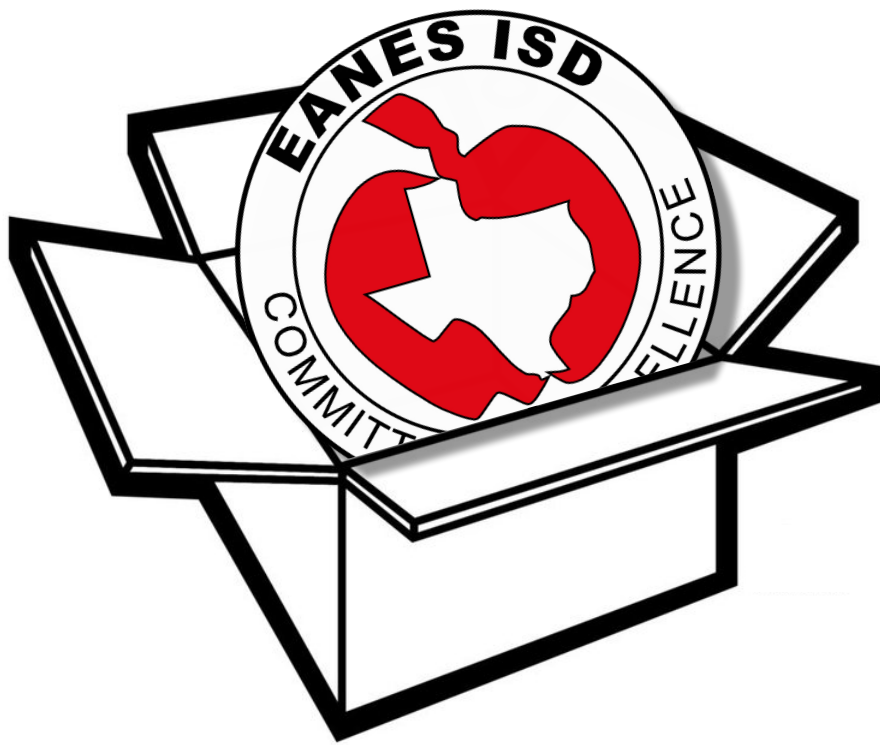
			<i>must also file a waiver with the state if a teacher is employed as a bilingual teacher and is not certified bilingual</i>		
<b>Minimum Minutes of Instruction</b>	<p><i>Texas Education Code 25.081</i></p> <p>House Bill (HB) 2610, passed by the 84<sup>th</sup> Legislature, amends the Texas Education Code (TEC), 25.081, by striking language requiring 180 days of instruction and replacing this language with language requiring districts and charter schools to provide at least 75,600 minutes of instruction (including intermissions and recess). This bill also allows a school district to add minutes of instruction as necessary to compensate for minutes of instruction lost due to school closures by disaster, flood, and extreme weather.</p>	<a href="#">EC Policy</a>	<ul style="list-style-type: none"> <li>• <i>Flexibility in this area would allow IISD to continue offering the half day Pre-K program</i></li> <li>• <i>Flexibility could also be afforded in utilizing partial days for teacher parent conferences and professional development</i></li> <li>• <i>Flexibility would allow for creative programming for over-aged under credited students</i></li> </ul>		
<b>Designation of Campus Behavior Coordinator</b>	<p><i>Texas Education Code 37.0012</i></p> <p>Senate Bill 107 requires the designation of a Campus Behavior Coordinator on each campus. This person is responsible for maintaining student discipline and the implementation of Chapter 37, Subchapter A.</p>	<a href="#">FO Policy</a>	<ul style="list-style-type: none"> <li>• <i>Flexibility in this area affords the responsibly to be collaborative in nature as opposed to the requirement of one administrator being the designee</i></li> </ul>		
<b>Probationary Contracts</b>	<p><i>Texas Education Code 21.102</i></p> <p>For experienced teachers, new to the district, the probationary period may not exceed one year if the person has been employed as a teacher in public education for at least five of the previous eight years.</p>	<a href="#">DCA Policy</a>	<ul style="list-style-type: none"> <li>• <i>Flexibility is needed to sufficiently evaluate a teacher's effectiveness in the classroom since teacher contract timelines demand that employment decisions must be made prior to state assessment results</i></li> </ul>		

District of Innovation Options	Texas Education Code	Irving ISD Board Policy	Flexibility Opportunities	Benefit of Exemption	Disadvantages
<b>90 Percent Attendance Rule</b>	<p><i>Texas Education Code 25.092</i></p> <p>A student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.</p>	<p><a href="#">FEC Policy</a></p>			
<b>Site-Based Decision-Making</b>	<p><i>Texas Education Code 11.251, 11.252, 11.253, 11.255</i></p> <p>To implement the process at the district level, administration should consider the following critical success factors [which include but are not limited to]: Extensive and continuous training prior to and during implementation within the school district. Training should include, but not be limited to, developing skills on consensus building, brainstorming, problem solving, managing change and interpersonal communication skills such as conflict resolution, value clarification and negotiation.</p>	<p><a href="#">BQ Policy</a></p> <p><a href="#">BQA Policy</a></p> <p><a href="#">BQB Policy</a></p>	<ul style="list-style-type: none"> <li><i>Flexibility in the extensive and continuous training and in the extensive amount of time necessary for all stakeholders affords districts the opportunity to developed their own local plan for campus planning with all stakeholders</i></li> </ul>		



# A DISTRICT PLAN FOR INNOVATION & LOCAL CONTROL

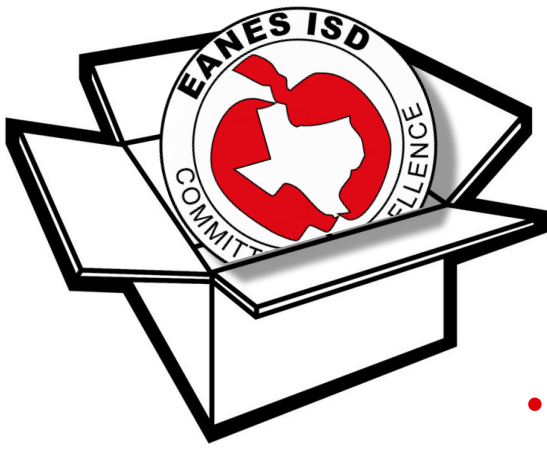
2017 thru 2022



Approved the  
Board of Trustees  
Dec. 13, 2016

*In accordance with  
Texas HB 1842  
and  
Chapter 12A of the  
Texas Education Code*

***“Innovation is generated by  
thinking outside the box.”***



# SUMMARY POINTS: A DISTRICT PLAN FOR INNOVATION & LOCAL CONTROL

***“Innovation is generated by thinking outside the box.”***

## **Districts of Innovation may be exempt from state statutes to:**

- take greater local control in decision-making about the educational and instructional model for students;
- have increased autonomy from state mandates that govern educational programming; and
- be empowered to innovate and plan differently – to think and dream outside the box.

## **Why is Eanes ISD seeking the state’s official designation as a District of Innovation?**

- The Eanes ISD Board of Trustees resolved in June 2016 to seek designation as a District of Innovation.
- This plan supports exemplary practices and local decision-making processes to improve student learning.
- The board appointed a District of Innovation Committee to represent teachers, parents, campus administrators and local community members. The committee worked on this plan from September to December 2016

## **Under this plan, what might innovation look like in Eanes ISD?**

- In this case, innovation does not necessarily mean ambitious new initiatives beyond the school district’s current strategic plan. Instead, it would signify Eanes ISD has achieved the privilege and flexibility to exercise more creative local control over existing quality programs without some statutory constraints.

## **This plan will:**

- **Maintain reasonable class sizes in grades K-4.** Except in unique and extenuating circumstances and only with the Board of Trustees’ consent, Eanes ISD will make every effort to begin each school year with enough teachers to preserve an important student-to-teacher ratio of 22:1 per K-4 homeroom class.
- **Determine a flexible school start date.** Eanes ISD will determine on an annual basis its own local starting date for the first semester, not to precede the second Monday in August of any given year, instead of the Texas statute that requires districts to begin a new school year on the fourth Monday of August.
- **Allow alternatives to educator certification for distinctive subjects.** When a certified educator is not found for a unique or innovative class, the school district may allow a non-certified professional to teach OR a certified educator to teach a subject in a related field without the traditional state credentials.
- **Adjust instructional minutes and school day length.** Eanes ISD will make every effort to meet the goal of 75,600 instructional minutes per year, but may want to approach this total more creatively without being confined to either 420 minutes or seven hours of instruction every day.
- **Implement a local teacher and administrator appraisal system.** Eanes ISD has developed a localized Teacher Growth and Appraisal Process (TGAP) and is in the process of creating an Administrator Growth and Appraisal Process (AGAP). These new and local appraisal systems are better aligned with the Eanes ISD strategic goals.

# EANES ISD PLAN FOR INNOVATION & LOCAL CONTROL

## INTRODUCTION

*In Eanes ISD we believe in open boxes, where innovation and dreaming transcend the boundaries of conventional thinking.*

Dreaming, after all, is a form of planning. Yet, innovation is never exemplified or defined solely by a single document, especially a plan focused mostly on a few allowable exceptions to a handful of state statutes. While the flexibility to think outside this box may be considered innovative, the real origination occurs in the freedom to transcend traditional parameters and create a culture that values imagination, innovative instruction and local control.

For example, House Bill 1842 passed during the 84th Texas Legislative Session in Spring 2015 provides Texas public school districts the opportunity to be designated as *Districts of Innovation*. To qualify and access allowable exemptions, an eligible school district must adopt an innovation plan, as set forth in Texas Education Code, Chapter 12A.

Districts of Innovation may be released from several statutes to have:

- greater local control in making decisions about the educational and instructional model for students;
- increased autonomy and flexibility, with accountability, relative to state mandates that govern educational programming; and
- empowerment to innovate and think differently.

Districts are not exempt from statutes that address curriculum, assessment and graduation requirements as well as academic and financial accountability.

## THE PROCESS

On June 21, 2016, the Eanes Independent School District's Board of Trustees passed a resolution to initiate the process of designation as a District of Innovation. This plan augments exemplary practices and local decision-making processes that can improve student learning.

The board also appointed a District of Innovation Committee on June 21 to represent various stakeholders, including teachers, parents, campus administrators and local community members. The committee met on Sept. 8, 2016, to discuss and begin drafting this local innovation plan. Based on direction provided by the board and the perspectives of various constituencies, the committee endorses this plan of innovation and local control. The District Leadership Team, comprised of representatives from all schools and stakeholder groups within the district's community, met in September, October and December 2016 to draft, review and submit the plan of innovation for the Board of Trustees' approval.



## COMMITTEE MEMBERS

Bill Bechtol, Interim Principal, Barton Creek

Kirsten Luke, Parent, West Ridge

Teresa Bowerman, Teacher, West Ridge

Casey Ryan, Asst. Principal, Westlake

Sheri Bryant, Asst. Principal, Bridge Point

Heidi Sauer, Counselor, Westlake

Allyson Collins, General Counsel

Todd Washburn, Assoc. Supt., Curr. & Instruction

Michelle Garner, Teacher, Barton Creek

Sarah Yurko, Teacher, Hill Country

Lalitha Hegde, Parent, West Ridge

Anjali Kaul Zutshi, Parent, Westlake

Dr. Jeff Arnett, Deputy Superintendent

## DISTRICT OF INNOVATION TIMELINE

- June 7 Board of Trustees approved resolution to develop an innovation plan
- June 21 Board of Trustees held a public hearing in accordance with the statute
- June 21 Board of Trustees appointed a committee to develop a local innovation plan
- Sept. 8 District of Innovation committee held initial meeting
- Sept. 19 District Leadership Team meeting
- Sept. 20 Update to Board of Trustees (*community communication afterwards*)
- Oct. 6 District of Innovation committee met to review draft of proposed plan
- Oct. 17 District Leadership Team meeting
- Oct. 18 Update to Board of Trustees (*community communication afterwards*)
- Nov. 1-30 Posted proposed plan on the district's Website for 30 days for staff and community review
- Dec. 5 District Leadership Team approved the proposed innovation plan in a public meeting
- Dec. 6 School district notified the Texas Commissioner of Education of the board's intent to vote on adoption of the proposed innovation plan
- Dec. 8 Posted proposed innovation plan with agenda for Dec. 13 Board of Trustees meeting
- Dec. 13 Board of Trustees formally approved the innovation plan
- Dec. 14 Board of Trustees formally notified Texas Commissioner of Education the plan was adopted

*As a result of this plan, Eanes ISD will apply the following innovative governance guidelines to the unique, local and instructional needs of its students and community.*

## **1. MAINTAIN REASONABLE CLASS SIZES IN GRADES K-4**

(TEC 25.112a-g) (TEC 25.113a-b) (EEB LEGAL)

*Manner in which the statute inhibits the plan:*

The Texas Education Code requires districts to maintain 22 students or less in kindergarten through 4<sup>th</sup>-grade classes. A school district must complete and file a waiver with the Texas Education Agency (TEA) for each class that exceeds this limit. These waivers are rarely rejected by TEA, making the process primarily for awareness purposes and to preserve a more personal instructional environment.

State law also requires districts to notify parents of waivers or exceptions to class size limits. Sometimes during the course of a school year, due to shifting enrollments, a class may return to a smaller student-to-teacher ratio before or after the waiver is formally granted, thus negating the notice or causing parents and staff unnecessary concern.

Eanes ISD certainly recognizes reasonable class size plays a positive role in the classroom, and acknowledges the intent of the state requirements. However, class size must be balanced with the logistics and timing of adding staff, available campus resources or space, and the optimal teacher-to-student ratio given the total number, age and needs of students. Often, it is not the number of the students but the makeup and chemistry of the classroom which create a more personal instructional environment. Most importantly, research shows the teacher in the classroom has the greatest impact on student learning, not absolute class size. This exemption does not disregard the intent of class size ratio requirements, but rather, allows Eanes ISD the local control to determine class size.

### ***Local Innovation Strategies:***

- A. In compliance with TEC §25.112, Eanes ISD will make every effort to begin each school year with enough teachers to establish a student-to-teacher ratio of 22:1 per K-4 homeroom class. Also consistent with TEC §25.113, if, after consideration of the factors outlined below, any class size exceeds this ratio during the school year, the superintendent will inform and obtain consent from the Board of Trustees – in accordance with district policy, procedure and practice – AND will notify parents of affected students.
- B. If, during the school year, a K-4 homeroom exceeds 22:1, the administration will have 30 school days to consider:
  1. The subject/age to be taught, the teaching methodology to be used and any need for individual instruction in the class;
  2. Available space and resources;
  3. Whether another teacher should be hired (thus creating a new classroom);
  4. Whether a teaching assistant could be added to the homeroom class; or
  5. Whether keeping the class intact is more advantageous than separating students, in which case the class size may slightly exceed 22:1.

- C. Consistent with TEC §25.112, TEC §25.114 and TEA guidance, the 22:1 ratio does not apply to physical education or fine arts classes. In such subjects, Eanes ISD will consider student/teacher ratios appropriate to carry out the curriculum and ensure student and staff safety.
- D. Additionally, consistent with TEC §25.112, Eanes ISD will not be required to seek consent from the Board of Trustees for a homeroom classroom that may exceed 22:1 during the last 12 weeks of the school year.
- E. A TEA waiver will no longer be filed when a K-4 classroom exceeds the 22:1 ratio, although the Eanes ISD Board of Trustees must still consent – in accordance with district policy, procedure and practice – AND parents must still be notified.

## **2. DETERMINE A FLEXIBLE SCHOOL START DATE**

(TEC §25.0811a) (EB LEGAL)

*Manner in which the statute inhibits the plan:*

The Texas Education Code states a school district may not begin student instruction before the fourth Monday of August. For many years this was the rule; however, districts had the option of applying for a waiver to begin earlier, even as early as the second Monday in August.

The start-date waiver was eventually removed when the legislature determined school districts should begin the first semester no earlier than the fourth Monday of August, with no exceptions. The current process allows no flexibility in the design and balancing of instructional semesters to meet the needs of students or the wishes of the local Board of Trustees, who represent community interests in this matter.

### ***Local Innovation Strategy***

- A. Eanes ISD will determine on an annual basis the local starting date of the first semester, not to precede the second Monday in August of any given year.
- B. The annual calendar will be submitted by the District Leadership Team and approved by the Board of Trustees – in accordance with district policy, procedure and practice.

## **3. ALLOW ALTERNATIVES TO EDUCATOR CERTIFICATION FOR DISTINCTIVE SUBJECTS**

(TEC §21.003a) (TEC §21.057a-e) (DK LEGAL)

*Manner in which the statute inhibits the plan:*

Texas Education Codes state a person may not be employed as an educator by a school district unless the individual holds an appropriate certificate or permit issued by the appropriate state agency. In the event a school district cannot locate a certified teacher for a position, or a teacher is teaching a subject outside her or his certification, the district must request emergency certification from the Texas Education Agency and/or the State Board of Educator Certification. This system is burdensome and does not take into account the unique financial and/or instructional needs of the district, especially for innovative classes where certification may not exist or educators with those credentials may not be readily available.

***Local Innovation Strategies:***

- A. In exceptional circumstances, when a certified educator is not found for a unique or innovative class, the campus principal may submit to the superintendent a request for *local* certification that will allow a non-certified yet highly qualified professional to teach OR a certified educator to teach a subject in a related field for which she or he is not credentialed by the state.
- B. The principal must specify in writing the reason for the request and document what qualifications the individual possesses to teach the proposed subject. Emergency or financial situations creating the need for this assignment should also be noted.
- C. Whenever possible, lesson plans or curriculum guides to support the uncertified yet highly qualified educator will be developed or provided in partnership with certified teachers in the same field.
- D. In the event an uncertified yet highly qualified educator or professional is assigned to a course, the superintendent will inform and obtain consent from the Board of Trustees – in accordance with district policy, procedure and practice – AND will notify parents of students who gain from this decision.
- E. A teacher certification waiver, state permit applications or other paperwork will not be submitted to the Texas Education Agency.

**4. ADJUST INSTRUCTIONAL MINUTES AND SCHOOL DAY LENGTH**

(TEC §25.081) (TEC §25.082) (EB LEGAL)

***Manner in which the statute inhibits the plan:***

The Texas Education Codes define the length of the instructional day as “420 minutes of instruction” or “seven hours each day including intermissions and recesses.” The intent of this code is to standardize across all districts the amount of time students engage in classroom learning. The school code also allows school districts and charter schools to add minutes as necessary to compensate for minutes of instruction lost due to school closures caused by disaster, flood, extreme weather conditions, fuel curtailment or another calamity.

Eanes ISD believes flexibility in use of minutes as well as the length of the school day will support teachers and staff who participate in Professional Learning Communities, perfecting their craft, deepening their content knowledge and analyzing student data. In addition – particularly at the elementary level – flexibility in both instructional minutes and the length of the school day will protect all-important parent-teacher conferences especially in the event of inclement weather days, which may impact cumulative instructional minutes allocated over the course of a school year.

***Local Innovation Strategies:***

- A. Eanes ISD will make an effort to maintain the total of 75,600 minutes of instruction per year, but seeks an exemption from these statutes as necessary so it may approach the 75,600-minute goal in a more creative manner without being confined to either 420 minutes or seven hours of instruction every day.
- B. The flexibility to adjust minutes of instruction can reinforce personalized learning through the increasing use of advanced instructional technology, and will better meet individual student needs.

- C. This exemption will also allow Eanes ISD to alter the length of a school day or a school year, which could include additional professional development and collaboration opportunities for educators, social-emotional benefits for students, and will allow for accommodations during parent-teacher conferences and in case of inclement weather.

## **5. IMPLEMENT A LOCAL TEACHER AND ADMINISTRATOR APPRAISAL SYSTEM**

(TEC §21.203) (TEC §21.352) (DNA LEGAL)

*Manner in which the statute inhibits the plan:*

New state-wide teacher appraisal systems, the Texas Teacher Evaluation and Support System (T-TESS) and the Texas Principal Evaluation and Support System (T-PESS), are being introduced for the first time since 1997. While these systems are designed to meet the needs of the entire state, they do not adequately align with the standards and expectations in Eanes ISD. These systems also require state standardized test scores be used as the primary evaluation measure for both teachers and administrators.

### ***Local Innovation Strategies:***

- A. Eanes ISD has developed a new localized Teacher Growth and Appraisal Process (TGAP) and an Administrator Growth and Appraisal Process (AGAP), which are better aligned with the Eanes ISD strategic goals and student assessments. This exemption would allow local flexibility to evaluate various performance measures, including classroom observations, goal setting and tracking, and *collective* (not individual) student growth progress toward identified learning objectives.



## DENTON ISD District of Innovation Plan

Under the [Texas Education Code Chapter 12A: Districts of Innovation](#), Denton ISD has identified the following requirements imposed by the Texas Education Code that inhibit the goals of the Denton ISD Innovation Plan:

### FIRST DAY OF INSTRUCTION

#### **Texas Education Code:**

##### **Sec. 25.0811. FIRST DAY OF INSTRUCTION**

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.0811>

*“A school district may not begin instruction for students for a school year before the fourth Monday in August.”*

#### **Board Policy:**

EB: SCHOOL YEAR

EB (LEGAL) [http://pol.tasb.org/Policy/Download/383?filename=EB\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=EB(LEGAL).pdf)

EB (LOCAL) [http://pol.tasb.org/Policy/Download/383?filename=EB\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=EB(LOCAL).pdf)

#### **Rationale:**

Denton ISD believes the local community should decide what is best for its students in setting the first day of instruction. By claiming exemption from Sec. 25.0811, the district shall determine the first day of instruction for its students on an annual basis with input from stakeholders. Regardless of whether any adjustments or changes are made to the current start date law, Denton ISD believes this issue to be a local decision as opposed to a state mandate.

### CERTIFICATION

#### **Texas Education Code:**

##### **Sec. 21.003. CERTIFICATION REQUIRED**

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.003>

*“A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued.”*

Sec. 21.044. EDUCATOR PREPARATION

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.044>

Sec. 21.053. PRESENTATION AND RECORDING OF CERTIFICATES

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.053>

Sec. 21.055. SCHOOL DISTRICT TEACHING PERMIT

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.055>

Sec. 21.057. PARENTAL NOTIFICATION

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.057>

### **Board Policy:**

DBA: EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

DBA (LEGAL) [http://pol.tasb.org/Policy/Download/383?filename=DBA\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=DBA(LEGAL).pdf)

DBA (LOCAL) [http://pol.tasb.org/Policy/Download/383?filename=DBA\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=DBA(LOCAL).pdf)

DK: ASSIGNMENT AND SCHEDULES

DK (LEGAL) [http://pol.tasb.org/Policy/Download/383?filename=DK\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=DK(LEGAL).pdf)

DK (LOCAL) [http://pol.tasb.org/Policy/Download/383?filename=DK\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=DK(LOCAL).pdf)

DK (EXHIBIT) [http://pol.tasb.org/Policy/Download/383?filename=DK\(XHIBIT\).pdf](http://pol.tasb.org/Policy/Download/383?filename=DK(XHIBIT).pdf)

### **Rationale:**

Denton ISD believes school district leadership should decide what is best for its students in determining the candidate best suited to teach career and technical education (CTE) courses; science, technology, engineering, and mathematics (STEM) courses; dual credit coursework; etc. By claiming exemption from Sec. 21.044 the district shall have the right to recruit individuals from certain trades, industries, and vocations with industry knowledge and real world experience and consider qualifications based on experience, industry certification, etc. District leadership including principals, CTE administrators, human resource department members, etc. shall determine whether it is in the best interest of its students to certify individuals based on these factors rather than appeal to the Commissioner of Education as stated in Sec. 21.055. Further, the district shall establish local criteria for training and locally certifying individuals rather than adhere strictly to mandates outlined in Sec. 21.053. In doing so, parental notification of “inappropriately certified or uncertified teachers” under Sec. 21.057 would no longer be

necessary. Regardless of whether any adjustments or changes are made to the certification laws, Denton ISD believes this issue to be a local decision as opposed to a state mandate.

## **SITE-BASED DECISION-MAKING**

### **Texas Education Code:**

Sec. 11.251. PLANNING AND DECISION-MAKING PROCESS

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.11.htm#11.251>

Sec. 11.252. DISTRICT-LEVEL PLANNING AND DECISION-MAKING

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.11.htm#11.252>

Sec. 11.253. CAMPUS PLANNING AND SITE-BASED DECISION-

MAKING <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.11.htm#11.253>

Sec. 11.255. DROPOUT PREVENTION REVIEW

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.11.htm#11.255>

*"To implement the process at the district level, administration should consider the following critical success factors [which include but are not limited to]: Extensive and continuous training prior to and during implementation within the school district. Training should include, but not be limited to, developing skills on consensus building, brainstorming, problem solving, managing change and interpersonal communication skills such as conflict resolution, value clarification and negotiation. An extensive amount of time will be spent changing role definitions, training school district staff, educating the community, establishing objectives, developing and implementing programs and monitoring program success."*

### **Board Policy:**

BQ: PLANNING AND DECISION-MAKING PROCESS

BQ (LEGAL) [http://pol.tasb.org/Policy/Download/383?filename=BQ\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=BQ(LEGAL).pdf)

BQ (LOCAL) [http://pol.tasb.org/Policy/Download/383?filename=BQ\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=BQ(LOCAL).pdf)

BQA: PLANNING AND DECISION-MAKING PROCESS DISTRICT-LEVEL

BQA (LEGAL) [http://pol.tasb.org/Policy/Download/383?filename=BQA\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=BQA(LEGAL).pdf)

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BQA: PLANNING AND DECISION-MAKING PROCESS CAMPUS-LEVEL

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## **Rationale:**

According to the *Site-based Decision Making Update 14: A Module of the Texas Education Agency (TEA) Financial Accountability System Resource Guide (FASRG)*,

“Site-based decision making is a process for decentralizing decisions to improve the educational outcomes at every school campus through a collaborative effort by which principals, teachers, campus staff, district staff, parents, and community representatives assess educational outcomes of all students, determine goals and strategies, and ensure that strategies are implemented and adjusted to improve student achievement.

The basic premise of site-based decision making is that the most effective decisions are made by those who will actually implement the decisions.”

The implementation process for site-based decision making occurs at two levels – district and campus. From a district standpoint, perhaps the guide says it best,

“The belief is that people involved at the campus level have a greater opportunity to identify problems, develop problem resolution and change strategy than people located off-campus. Site-based decision making concepts also recognize that people at the campus level are more likely to internalize change and to support its implementation if they are involved in the decision making than if they are not.”

And research would show this to be the case, but most notably and noticeably at the “campus level” and particularly with the principal and teacher leadership working collaboratively.

Because of the breadth and depth of the inner workings of a large school district, it is much more difficult to ascertain its effectiveness in a large, fast-growth district. According to the *FASRG*,

"To implement the process at the district level, administration should consider the following critical success factors [which include, but are not limited to]:

- Extensive and continuous training prior to and during implementation within the school district. Training should include, but not be limited to, developing skills on consensus building, brainstorming, problem solving, managing change and interpersonal communication skills such as conflict resolution, value clarification, and negotiation.
- An extensive amount of time will be spent changing role definitions, training school district staff, educating the community, establishing objectives, developing and implementing programs and monitoring program success."

"Extensive and continuous training" and "an extensive amount of time" would indeed be necessary for all stakeholders, but is it practical? According to Sec. 11.252, (e), “The district-level committee established under Section 11.251 shall hold **at least one public meeting per year.**” Denton ISD board policy BQA (LOCAL) further states, “The chairperson of the council shall set its agenda and shall schedule **at least two meetings per year**; additional meetings may

be held at the call of the chairperson.” Currently, Denton ISD holds *six* meetings yearly. However, considering the education code and board policy require members to address, at a minimum, the areas of planning, budgeting, curriculum, staffing patterns, staff development, school organization as well as a host of other responsibilities identified in additional sections of the education code; one (or even six) meetings is insufficient to *discuss* the required topics much less have sufficient (or "extensive") training to equip members to have meaningful dialogue and input. With district site-based management committee topping 60 members including a teacher rep from each of the 40 campuses, it is quite a daunting task. Consider the amount of “extensive training” it would require a classroom teacher representative to endure to have the knowledge to offer constructive feedback on the district budget currently in excess of \$200 million. Frankly, not only is it unfathomable, it isn’t reasonable to expect such a far-reaching viewpoint. ***If trained to address all the areas listed in law, “extensive training” would become “excessive training.”*** If a district went so far as to provide this level of training, it could be rendered pointless. Board policy BQA (LOCAL), states, “The council shall serve *exclusively* in an advisory role except that the council shall approve staff development of a Districtwide nature.” Therefore, any recommendation made by a well-informed committee could be deemed unusable and the investment of time for naught.

While all stakeholders are represented, it is often a difficult task for parent, community, and business reps to offer a voice in a broad sense. Although each offers perspective, feedback is typically more representative of individual perspective than as an advocate for those in similar roles (i.e. a business rep should ideally speak on behalf of local businesses based on feedback from other business members). Outside representatives have proven valuable in the manner in which the EIC has operated over the past several years, which has served as a discussion-based group on a variety of topics. Over time, both district- and campus-level parents of students enrolled in the district, community members, and business and industry representatives have expressed concerns feeling they had little to contribute to the overall conversation in the traditional format of these committees. Because so much is to be considered as a part of the district and campus improvement plan (including federal and state law), leaders (both principals and teacher leaders) must have deep conversation prior to the site-based management committee meetings. As a result, the committee is merely a rubber-stamp committee with considerable de jure power but little de facto power.

In addition a comprehensive needs assessment, measurable performance objectives, strategies, resources (including staff), and evaluative measures, the number of strategies mandated in Sec. 11.252 are excessive and bring to mind the exhaustive list of the ever increasing burden on

America's public schools (<http://www.jamievollmer.com/pdf/the-list.pdf>) crafted by author Jamie Vollmer. Mandates include, but are not limited to,

- instructional methods for addressing the needs of student groups not achieving their full potential;
- methods for addressing the needs of students for special programs, such as
  - suicide prevention,
  - conflict resolution,
  - violence prevention, or
  - dyslexia treatment programs;
  - dropout reduction;
  - integration of technology in instructional and administrative programs;
  - discipline management;
  - staff development for professional staff of the district;
  - career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and
  - accelerated education;
- strategies for providing to middle school, junior high school, and high school students, those students' teachers and counselors, and those students' parents information about:
  - higher education admissions and financial aid opportunities;
  - the TEXAS grant program and the Teach for Texas grant program established under Chapter 56;
  - the need for students to make informed curriculum choices to be prepared for success beyond high school;
  - and sources of information on higher education admissions and financial aid;
- goals and objectives for the coordinated health program at the campus based on:
  - student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;
  - student academic performance data;
  - student attendance rates;
  - the percentage of students who are educationally disadvantaged;
  - the use and success of any method to ensure that students participate in moderate to vigorous physical activity as required by Section 28.002(1); and
  - any other indicator recommended by the local school advisory council.

***While the components to be addressed are critical, the district has other means to address these matters.***

Finally, Denton ISD uses the *FranklinCovey Leadership: Great Leaders, Great Teams, Great Results* model for improvement planning. Based upon the four disciplines of execution, Denton ISD improvement plans focus on “Wildly Important Goals (WIGs).” A Wildly Important Goal is described by FranklinCovey as “a goal that makes all the difference. Failure to achieve this goal renders any other achievements inconsequential.” Research demonstrates “great leaders realize they can execute only two or three goals with excellence at one time. There will always be more good ideas than the capacity to execute.” Jim Collins, author of *Good to Great* said, “The enemy of the great is the good. Organizations have to say no to good ideas. The law of diminishing return shows when an organization has two to three goals, it is likely to achieve the goals. With four to ten goals, the organization is likely to only achieve one to two; and it is unlikely to achieve any of the goals when there are more than ten goals.” Therefore, these mandates are antithetical.

As a result, Denton ISD is claiming exemption from the specific provisions of Sec. 11.251 – 11.255 and shall determine the processes and memberships of its site-based management committees. While Denton ISD will continue to develop district and campus improvement plans based upon a comprehensive needs assessment, the district is claiming exemption from the specific mandates of these sections and shall determine the contents of its plans while honoring federal mandates that cannot be excluded. Regardless of whether any adjustments or changes are made to site-based decision-making rules and laws, Denton ISD believes this issue to be a local decision as opposed to a state mandate.

## **MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE**

### **Texas Education Code:**

Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.092>

*“A student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.”*

## **Board Policy:**

FEC: ATTENDANCE FOR CREDIT

FEC (LEGAL) [http://pol.tasb.org/Policy/Download/383?filename=FEC\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=FEC(LEGAL).pdf)

FEC (LOCAL) [http://pol.tasb.org/Policy/Download/383?filename=FEC\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=FEC(LOCAL).pdf)

## **Rationale:**

Denton ISD believes 90% is an arbitrary percentage emphasizing “seat time” over content mastery. By claiming exemption from Sec. 25.092, the district can abstain from penalizing students who miss class time due to extra- and co-curricular activities, academic activities, and/or other extenuating circumstances enabling the district to accommodate students with legitimate scheduling conflicts while reducing dropouts and increasing the number of qualifying graduates. Note that relief from Sec. 25.092 does not in any way impact or alter existing compulsory attendance requirements or University Interscholastic League (UIL) rules. Furthermore, in no way does this exemption limit a teacher's right to determine the finality of a grade in accordance with Texas Education Code Sec. 28.214 nor does it restrict or alter a teacher's right to assign grades in accordance with Texas Education Code Sec. 28.216. Regardless of whether any adjustments or changes are made to the minimum attendance for class credit or final grade laws, Denton ISD believes this issue to be a local decision as opposed to a state mandate.

## **RECOMMENDED APPRAISAL PROCESS AND PERFORMANCE CRITERIA**

### **Texas Education Code:**

Sec. 21.351. RECOMMENDED APPRAISAL PROCESS AND PERFORMANCE CRITERIA <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.351>

*“The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers.”*

Sec. 21.354. APPRAISAL OF CERTAIN ADMINISTRATORS  
<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.354>

*“The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of various classifications of school administrators.”*



Sec. 21.3541. APPRAISAL AND PROFESSIONAL DEVELOPMENT SYSTEM FOR PRINCIPALS <http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.3541>

*“The commissioner by rule shall establish and shall administer a comprehensive appraisal and professional development system for principals.”*

### **Board Policy:**

DNA: PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

DNA (LEGAL) [http://pol.tasb.org/Policy/Download/383?filename=DNA\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=DNA(LEGAL).pdf)

DNA (LOCAL) [http://pol.tasb.org/Policy/Download/383?filename=DNA\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=DNA(LOCAL).pdf)

DNB: PERFORMANCE APPRAISAL EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB (LEGAL) [http://pol.tasb.org/Policy/Download/383?filename=DNB\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=DNB(LEGAL).pdf)

DNB (LOCAL): PERFORMANCE APPRAISAL EVALUATION OF CAMPUS ADMINISTRATORS

DNB (LOCAL) [http://pol.tasb.org/Policy/Download/383?filename=DNB\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/383?filename=DNB(LOCAL).pdf)

### **Rationale:**

Denton ISD believes it is essential to maintain flexibility in using a variety of measurements, including goal setting, observations, student growth progress toward learning objectives, and other formative assessments in determining the performance of its educators. By claiming exemption from Sec. 21.351, 23.354, and 23.3541, the district can determine locally the most appropriate appraisal instrument to evaluate its educators. Regardless of whether any adjustments or changes are made to the state-mandated appraisal system and laws, Denton ISD believes this issue to be a local decision as opposed to a state mandate.

## **CURRICULUM, INSTRUCTION & STAFF DEVELOPMENT**

Denton ISD Professional Development  
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## Dripping Springs ISD as a District of Innovation

### Districts of Innovation and Exemptions from Provisions of the Texas Education Code under House Bill 1842

**This plan is specific to the exemptions as outlined.** The district intends to follow the Texas Education Code in all other areas. If at some point it is decided that changes or additional exemptions should be considered, as per the Districts of Innovation process, the district will reconvene the District of Innovation Planning committee to explore the request.

House Bill 1842, passed in the 84th Texas Legislative Session, provides an opportunity for Texas public school districts to modify state requirements at the local level to better meet the needs of their unique student populations, in order to prepare them for success and lifelong learning. As a District of Innovation, Dripping Springs ISD will be able to implement our Strategic Plan with the increased flexibility and freedom necessary to personalize learning experiences. An essential tenet of personalization is that every child experiences school differently. In a way, personalization provides a unique “school” for every child. Thus, we must have the ability to make important educational decisions for our students at the local level.

We must also be able to maximize our responsiveness to our district’s vision for the future. As we developed our Strategic Plan and this Innovation Plan, our community has been involved throughout the process, giving ongoing feedback on what they want for their children in order to prepare them to be positive contributors to the world, a world which is constantly changing. As we begin to transform our community’s dreams for their children into reality, we must be positioned to maximize the opportunities and minimize the barriers that could otherwise preclude us from doing our best work on their behalf.

Our Strategic Plan requires DSISD to evolve and think radically differently about such critical systemic components as how we are organized, how we deliver instruction, how we recruit and retain top talent, how we engage and support our families, what experiences we provide, and how we grow continually as a learning organization. To think differently, we must be able to respond differently. Leveraging the limited freedom and flexibility afforded by the Districts of Innovation designation will assure we are empowered to do so.

Under HB 1842, districts may identify certain requirements imposed by the Texas Education Code (TEC) “that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan. . .” Because DSISD’s Strategic Plan and its local

Innovation Plan are comprehensive and touch numerous areas in the TEC, and because DSISD seeks to maximize local control of educational decisions for students, DSISD seeks exemption from the following permissible provisions of the TEC as allowed in the statute:

### **Uniform School Start Date**

*(EB LEGAL) (Ed. Code 25.0811)*

#### **Currently**

*Students may not begin school before the 4th Monday of August. For many years this was the rule: however, districts had the option of applying for a waiver to start earlier. The vast majority of districts applied for the waiver and would begin the 3rd Monday, some even going as early as the 2nd Monday. The Texas tourism groups lobbied to have this stopped because they believed it was hurting their tourism business. Therefore, several years ago the legislature took away all waivers and dictated that districts may not begin until the 4th Monday, with no exceptions.*

#### **Proposed**

This flexibility of start date allows the district to determine locally, on an annual basis, what best meets the needs of the students and local community. This empowers us to personalize learning, increase college and career readiness, and balance the amount of instructional time per semester. In addition, by having the flexibility in the start and end of the school year, students will be able to enroll in college courses that start in early June, thereby increasing college and career readiness. Removing the uniform start date could also let the DSISD start classes as a short week, easing the transition for students entering kindergarten, middle school, and high school. This will also allow for more flexible professional development opportunities for our staff.

### **Minimum Minutes of Instruction**

*(EC LEGAL & EB LEGAL) (Ed. Code 25.081)*

#### **Currently**

*House Bill (HB) 2610, passed by the 84th Texas Legislature, amends the Texas Education Code (TEC), §25.081, by striking language requiring 180 days of instruction and replacing this language with language requiring districts and charter schools to provide at least 75,600 minutes of instruction (including intermissions and recess). The bill also allows school districts and charter schools to add minutes as necessary to compensate for minutes of instruction lost due to school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.*

**Proposed**

The flexibility to adjust minutes of instruction will assist with personalizing learning to better meet individual student needs. It also has the added benefit of allowing the possibility of an altered length of a school day, which may include, for example, a later start/early release time which will accommodate additional professional development/collaboration opportunities for life-changers in our district.

**Class Size Ratio**

*(EEB LEGAL) (Ed. Code 25.111) (Ed. Code 25.112) (Ed. Code 25.113)*

**Currently**

*Kindergarten – 4th Grade classes are to be kept at a 22 student to 1 teacher ratio according to state law. When a class exceeds this limit, the district must complete a waiver with the Texas Education Agency. These waivers are never rejected by TEA. This is a bureaucratic step that serves no purpose. Along with the waiver, it is required that a letter is sent home to each parent in the section that exceeds the 22:1 ratio, informing them the waiver has been submitted. Many times soon after the waiver is submitted, students move out of the district and we are below the 22:1 ratio.*

**Proposed**

As a fast growth district it has become a yearly need to apply for a class size waiver. While we certainly believe that small class size plays a positive role in the classroom, this must be balanced with the logistics of the timing of adding staff, and the best teacher to student ratio that can be achieved given the total number of students. We do not believe it has a negative effect when a district adds only one or two more students. Many times it is not the number of the students but the makeup and chemistry of the classroom which influence the learning environment. Most importantly, research clearly shows it is the teacher in the classroom that has the greatest impact on student learning, not absolute class size. In the event the class size exceeds the 22:1 ratio for Kindergarten – 4<sup>th</sup> grade classes, a TEA waiver will not be necessary, but the superintendent will report to the Board of Trustees for approval. This exemption only allows DSISD the local control over class size ratios, not a disregard for the intent of the ratio requirements.

This plan also emphasizes the importance of flexible learning environments and student learning based upon student driven passions and needs. This grants flexibility in class size at all times-regrouping for success, small groups, large groups, etc. It also works to minimize paperwork requirements in order to free up time to place additional focus on student success. An exemption in



meeting Texas Education Code (TEC), §25.112, will allow the ability to group students based upon academic, social, and emotional needs without adding ongoing filings of waivers when the need arises.

### **90 Percent Attendance Rule**

*(FEC LOCAL) (Ed. Code 25.092)*

#### **Currently**

*State law currently requires students attend class 90 percent of the school days in order to earn credit. The law currently requires the District to award class credit to students based on "seat time" rather than based on content mastery.*

#### **Proposed**

The 90 percent rule is an arbitrary percentage, which means school districts award credit based on seat time rather than based on content mastery. Abstaining from the requirement means the district won't have to penalize students who miss class due to extra/co-curricular activities, academic activities, or other extenuating circumstances. This exemption will allow the District to promote student engagement, as well as social and emotional development, by encouraging more students to participate in such activities. It will also allow DSISD administrators to award credit to students because they can show they understand the concepts, rather than because they've attended a certain number of school days.

The proposal would allow counselors and administrators to refocus efforts on students who are truly at risk, while simultaneously providing rigor and relevance in the curriculum. Exemption from this requirement will provide educational advantages to students of the District by promoting learning through innovation in the methods, locations, and times instruction may be delivered to students, thereby accommodating students with legitimate scheduling conflicts, reducing dropouts, and increasing the number of qualifying graduates. DSISD will also explore other innovative ways to demonstrate mastery, given this exemption. This exemption supports overarching goals in the strategic plan to implement tools, resources, and training that support personalized learning for both students and teachers.

Relief from Section 25.092 does not in any way impact or alter existing compulsory attendance requirements or University Interscholastic League ("UIL") rules. Moreover, opting out of Section 25.092 in no way limits or modifies a teacher's right to determine the finality of a grade in accordance with Texas Education Code Section 28.0214, nor does it restrict or alter a teacher's right to assign grades in accordance with Texas Education Code Section 28.0216.

**Student Discipline Provisions**

*(FO LEGAL & LOCAL) (Ed. Code 37.0012)*

**Currently**

*Senate Bill 107 requires the designation of a campus behavior coordinator on each campus. This designee is responsible for maintaining student discipline and the implementation of Chapter 37, Subchapter A.*

**Proposed**

The proposal is for the District to abstain from the state requirement that each school have a designated campus behavior coordinator. DSISD's approach to discipline is becoming more collaborative, with multiple people providing emotional and social support to students, rather than just one person. Exemption from this requirement will allow the option of increasing collaboration in regard to student discipline, as outlined in the DSISD Student Code of Conduct.

**Teacher Certification**

*(DK LEGAL, DK LOCAL, DK EXHIBIT) (Ed. Code 21.044, 21.003)*

**Currently**

*In the event a district cannot locate a certified teacher for a position or a teacher is teaching a subject outside of their certification, the district must submit a request to the Texas Education Agency. TEA then approves or denies this request. There is a lot of bureaucracy and unnecessary paperwork involved in the process.*

**Proposed**

DSISD is committed to placing a life changer in every classroom. In order to best serve DSISD students, decisions on certification will be handled locally. The current state teacher certification requirements inhibit the District's ability to hire teachers to teach hard-to-fill, high demand dual credit, and career and technical/STEAM (applied Science, Technology, Engineering, and Arts & Mathematics) courses. In order to enable more students to obtain the educational benefit of such course offerings, the District seeks to establish its own local qualification requirements and its own requirements for training of professionals and experts to teach such courses in lieu of the requirements set forth in law. This exemption directly supports the move from "highly qualified" requirements in the Every Student Succeeds Act (ESSA).

By obtaining exemption from existing teacher certification requirements, the District will have the flexibility to hire community college instructors, university professors, or internal applicants seeking assignments outside of their traditional certification area.

This will enrich applicant pools in specific content areas and afford more students the opportunity to take dual credit courses if certified teachers are not available to teach those courses. In addition, this exemption will afford the District the flexibility to hire professionals in certain trades or vocations to teach the crafts of those trades or vocations (such as welding, fine arts, health sciences, law, etc.) if certified teachers are not available to teach those courses.

### **Teacher Appraisal System**

*(DNA LEGAL, DNA LOCAL) (Ed. Code 21.203) (Ed. Code 21.352)*

#### **Currently**

*The state of Texas has used the Professional Development and Appraisal System (PDAS) teacher appraisal system since 1997. The state is issuing a new teacher appraisal system in 2016-2017, called the Texas Teacher Evaluation and Support System (T-TESS) and the Texas Principal Evaluation and Support System (T-PESS). The domains within these systems are developed by the State to meet the needs of the entire State of Texas. These systems require that state standardized test scores be used as one of the evaluation measures for teachers and administrators.*

#### **Proposed**

A committee of district and campus administrators and teachers from DSISD has already developed a teacher evaluation system, principal evaluation system, and a system of evaluation for non-certified instructional staff, as well as non-instructional staff. This new appraisal system is aligned with the four broad goals from the strategic plan (see page 5) and focuses on local areas emphasis. From the results of staff appraisals, Personalized Professional Learning Plans (PPLPs) will be developed. In order to promote professional development that focuses on individual growth, the District needs to maintain local flexibility to continue its current practice of using various measures, including multiple observations, goal setting and tracking, and student growth progress toward learning objectives, as evaluation measures on teacher and administrator appraisals.

**Summary:**

The direction provided by this District of Innovation Plan is an important step forward to ensure DSISD develops and supports our students, employees and families in a more personalized, more effective and strategically aligned way. Moving our system toward the more personalized environment our students deserve will enable us to better prepare them according to their individualized needs and their unique passions, gifts, and talents. Through HB 1842, DSISD will be positioned to leverage increased flexibility to make the best decisions for our children because we will be able to make them locally.

In most cases, activation of exemptions from the TEC will require the revision of DSISD policies. DSISD will implement an enhanced local policy development process that is rigorous, transparent, and inclusive of stakeholder input through the District Advisory Council. The district has developed and communicated a detailed implementation plan for the 2016-2021 Strategic Plan. This District of Innovation Plan will be seamlessly implemented as part of the Strategic Plan.

We are grateful to the legislators who championed Districts of Innovation through HB 1842 and to Commissioner Morath and his team for expediting rules to help implementation. We are committed to the children of our community and pledge to implement this plan with their best interests at heart.