

Orange Grove Independent School District

District of Innovation

Background

House Bill 1842, passed by the Texas Legislature in 2015, provides public school districts an opportunity to pursue the designation of District of Innovation. This designation allows districts to modify state requirements affording more flexibility and local control in order to better serve their student populations.

Under House Bill 1842, public school districts can identify requirements by the Texas Education Code that may restrict or inhibit components of a plan developed by the district to serve its student body. Districts are not exempt from statutes to include curriculum, graduation requirements, or academic and financial accountability.

Should OGISD's Board of Trustees pursue the designation and ultimately approve a District of Innovation Plan, implementation of the plan will begin with the 2019-2020 school year, continuing for a period not to exceed five years. District of Innovation plans may address various provisions of the Texas Education Code as allowed in statute. Examples include:

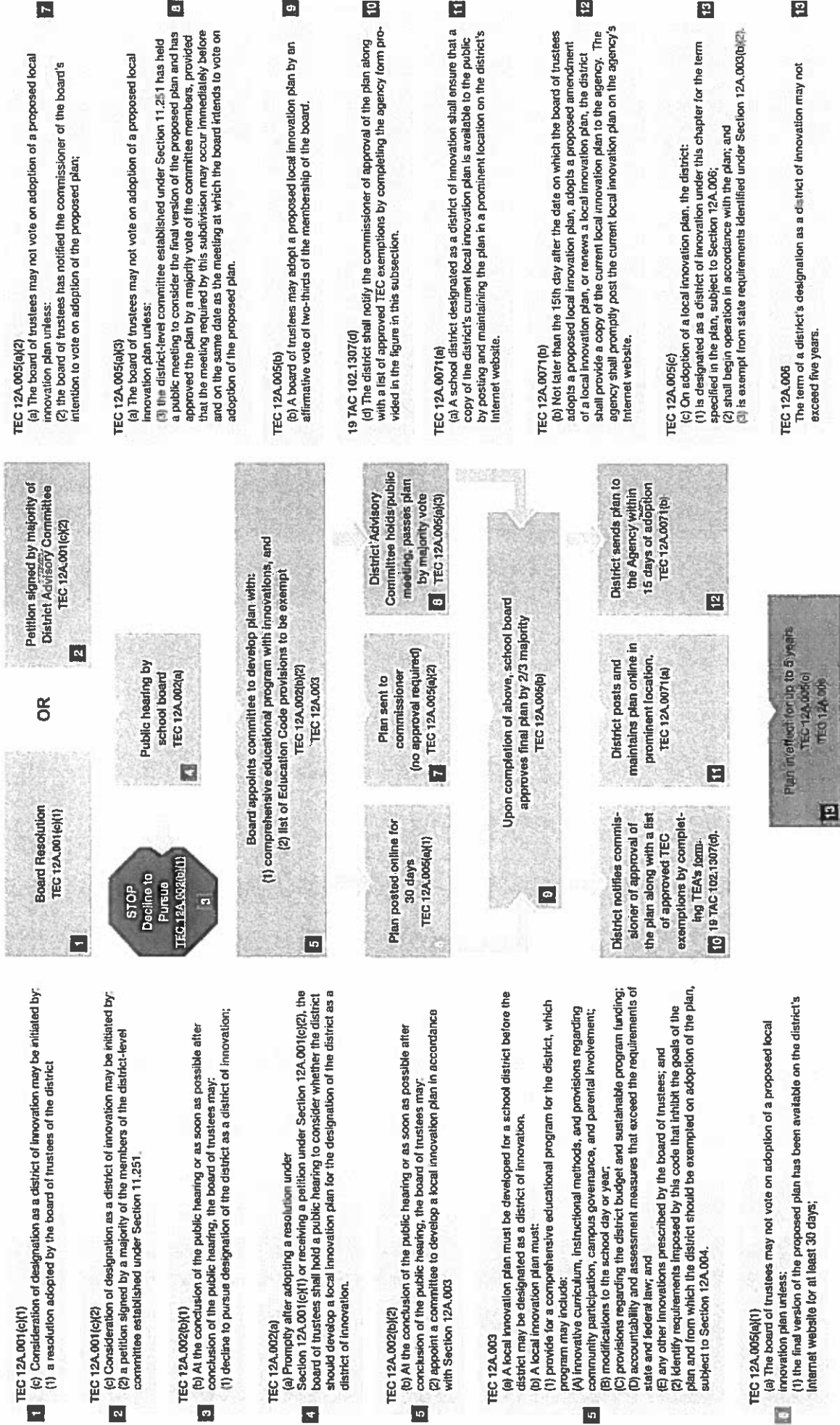
1. Site-based Decision-making Process
2. Uniform School Start Date
3. Minimum Minutes of Instruction and Length of School Day
4. Class Size Ratio
5. 90% Attendance Rule
6. Student Discipline
7. Teacher Certifications
8. Teacher Contracts

A DOI plan may be amended, rescinded, or renewed given that procedural steps are followed.

District of Innovation Committee

Dr. Randy Hoyer, Superintendent	Dana Hinze, Teacher, Elementary School
Ernest Henderson, Central Office	Eddie Ortiz, Teacher, Intermediate School
Debra Warren, Counselor, Junior High School	Karen Kinkler, Teacher, Junior High School
Ruben Cantu, District Diagnostician	Jeri Coker, Teacher, Junior High School
Stephanie Mata, Teacher, Primary School	Dalayna Tunchez, Teacher, High School
Andrea Pierce, Teacher, Primary School	Laura Adams, Teacher, High School

Process to Become a District of Innovation Texas Education Code (TEC) Chapter 12A



1 TEC 12A.001(c)(1)

(c) Consideration of designation as a district of innovation may be initiated by:
(1) a resolution adopted by the board of trustees of the district

2 TEC 12A.001(c)(2)

(c) Consideration of designation as a district of innovation may be initiated by:
(2) a petition signed by a majority of the members of the district-level committee established under Section 11.251.

3 TEC 12A.002(b)(1)

(b) At the conclusion of the public hearing or as soon as possible after conclusion of the public hearing, the board of trustees may:
(1) decline to pursue designation of the district as a district of innovation;

4 TEC 12A.002(a)

(a) Promptly after adopting a resolution under Section 12A.001(c)(1) or receiving a petition under Section 12A.001(c)(2), the board of trustees shall hold a public hearing to consider whether the district should develop a local innovation plan for the designation of the district as a district of innovation.

5 TEC 12A.002(b)(2)

(b) At the conclusion of the public hearing or as soon as possible after conclusion of the public hearing, the board of trustees may:
(2) appoint a committee to develop a local innovation plan in accordance with Section 12A.003

6 TEC 12A.003

(a) A local innovation plan must be developed for a school district before the district may be designated as a district of innovation.
(b) A local innovation plan must:

- (1) provide for a comprehensive educational program for the district, which program may include:
 - (A) innovative curriculum, instructional methods, and provisions regarding continuity participation, campus governance, and parental involvement;
 - (B) modifications to the school day or year;
 - (C) provisions regarding the district budget and sustainable program funding;
 - (D) accountability and assessment measures that exceed the requirements of state and federal law; and
- (2) identify other innovations prescribed by the board of trustees; and
- (3) identify requirements imposed by this code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Section 12A.004.

7 TEC 12A.005(a)(1)

(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 internet website for at least 30 days;

8 TEC 12A.005(a)(2)

(a) The board of trustees may not vote on adoption of a proposed local innovation plan unless:
(2) the board of trustees has notified the commissioner of the board's intention to vote on adoption of the proposed plan;

9 TEC 12A.005(a)(3)

(a) The board of trustees may not vote on adoption of a proposed local innovation plan unless:
(3) the district-level committee established under Section 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, provided that the meeting required by this subdivision may occur immediately before and on the same date as the meeting at which the board intends to vote on adoption of the proposed plan.

9 TEC 12A.005(b)

(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.

10 19 TAC 102.1307(d)

(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.

11 TEC 12A.007(a)

(a) A school district designated as a district of innovation shall ensure that a copy of the district's current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's internet website.

12 TEC 12A.007(b)

(b) Not later than the 15th day after the date on which the board of trustees adopts a proposed local innovation plan, adopts a proposed amendment of a local innovation plan, or renews a local innovation plan, the district shall provide a copy of the current local innovation plan to the agency. The agency shall promptly post the current local innovation plan on the agency's internet website.

13 TEC 12A.005(c)

(c) On adoption of a local innovation plan, the district:
(1) is designated as a district of innovation under this chapter for the term specified in the plan, subject to Section 12A.006;
(2) shall begin operation in accordance with the plan; and
(3) is exempt from state requirements identified under Section 12A.003(b)(2).

13 TEC 12A.006

The term of a district's designation as a district of innovation may not exceed five years.

Proposed Items for Consideration

Uniform School Start Date

Statute: TEC 25.0811 – A school district may not begin instruction for students for a school year before the fourth Monday in August

Proposed – OGISD seeks flexibility from current statute in order to:

- Balance the instructional time per semester
- Provide graduates summer opportunities to attend institutions of higher learning
- Build a school calendar on an annual basis that better fits the needs of the District

Teacher Certification

Statute: TEC 21.003 – Having to do with appropriate certification for employment by a school district; 21.053a – Having to do with the presentation and filing of certification prior to a contract becoming binding; 21.053b – Educators not holding a valid certificate may not be paid for teaching or work done before the issuance of a valid certificate.

Proposed – OGISD seeks exemption from 21.003 and 21.053 in order to:

- Establish local qualification requirements for courses in the high-need areas of dual credit, career and technical, foreign languages, and District Alternative Educational Placement (DAEP)
- Prevent the cycle of substitutes teaching courses without content expertise

Probationary Contracts

Statute: TEC 21.102(b) – the probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the district.

Proposed – OGISD seeks exemption from 21.102(b):

- A one-year probationary period is not sufficient to evaluate a teacher's effectiveness in the classroom because contract renewal timelines occur prior to the completion of the full evaluation cycle. With this exemption, all contract employees will be subject to the probationary period set out in TEC 21.102(c) which will grant the District more time to assess an employee's performance.

Minimum Service Required

Statute: TEC 21.401(a) - A contract between a school district and an educator must be for a minimum of 10 months' service; (b) An educator employed under a 10-month contract must provide a minimum of 187 days of service.

Proposed – OGISD seeks exemption from 21.401 (a,b):

- In order to provide flexibility on an annual basis in the number of contractual days for certified employees without a reduction in salary. The flexibility sought

by the District is based on the needs of the District as it pertains primarily to the development of the instructional calendar for students and staff.

Timeline for District of Innovation Designation

<p>January 21, 2019</p>	<p>OGISD Board of Trustees adopted a Resolution initiating the District of Innovation Process</p>
<p>January 21, 2019</p>	<p>Public Hearing held by OGISD Board of Trustees to consider whether the District should develop an innovation plan</p> <p>Trustees appoint an advisory committee (District Improvement Committee) to develop the plan</p>
<p>February 6, 2019</p>	<p>District of Innovation Committee meets to develop innovation plan</p>
	<p>Plan posted to OGISD Website for 30 days DOI plan sent to Commissioner of the Texas Education Agency for the purpose of notification</p>
	<p>Public Meeting – presentation and vote on the final DOI plan by the DOI committee (requires majority vote)</p>
	<p>Final DOI plan presented to Board of Trustees for approval (requires 2/3 vote)</p>
	<p>Committee notifies Commissioner of the Texas Education Agency of Board approval of the DOI plan</p>

District of Innovation FAQ

Below is a list of frequently asked questions that may be of assistance related to the District of Innovation process.

1. **How do I become a District of Innovation (DOI)?** Please refer to TEC 12A and TAC Chapter 102, Subchapter JJ for information on eligibility and the process to become a District of Innovation http://tea.texas.gov/Texas_Schools/District_Initiatives/Districts_of_Innovation/

2. **Am I required to notify the TEA during my process to become a District of Innovation (DOI)?**
Yes, notification on your DOI process is required at two points: 1) *Prior* to the board of trustees' vote on the adoption of a proposed innovation plan (TEC §12A.005 (a)(2), TAC §102.1307(a)(2)) the board must notify the commissioner of education on their intent to vote; and 2) the district shall notify the commissioner of board of trustees approval of the plan along with list of approved exemptions by completing the agency form in TAC §102.1307(d).

3. **What forms are necessary for my DOI?**
 - *Resolution* – the agency has no defined form for the resolution. Please consult with your legal counsel regarding your local policies. In addition, TASB has a sample resolution available on their website for reference.
 - *DOI Plan* – As each district's local innovation plan should be developed specifically for their local needs and provide exemptions that inhibit the goals of their plan, there is no standard template. Please note the requirements of a local innovation plan per TEC 12A.003, which must provide for a comprehensive educational program for the district and identify the specific TEC exemptions that inhibit the goals of the plan.
 - *Notice of Intent to Vote* - the agency has no defined form for the notice of intent to vote. Please note per TEC §12A.005 and TAC §102.1307, the Board of Trustees may not vote on the adoption of the proposed plan unless they have provided notice of intent to vote to the commissioner.
 - *Notice of Approval of Plan* – the district must notify the commissioner of their plan adoption and provide the list of approved exemptions by completing the agency form in TAC §102.1037(d). This list must match the exemptions claimed within your plan. For additional exemptions that do not appear on the agency form, please be sure to include the allowable TEC section and subsection as appropriate in the "Other" section at the end of the form.
 - In addition, you have no longer than 15 days after the date of adoption to provide a link to your final plan available on your website (TEC §12A.0071(b), TAC §102.1307(g)). Plans are linked to on the Agency DOI website.
 - Confer with your local counsel on other records or documents to maintain according to your local policies.

4. **How do we provide DOI notices to the Commissioner?** A district may send notices by email to commissioner@tea.texas.gov and cc accred@tea.texas.gov. Alternatively, you may mail your notices to the commissioner's office at 1701 N. Congress, Austin, Texas 78701.

5. **Does the TEA approve my DOI plan?** No, the TEA does not have the authority to approve a district's innovation plan. However, the Agency retains the authority to engage in investigative, intervention and enforcement activities if the district is not in compliance with legal requirements for which an exemption cannot be claimed. We encourage all districts to consult with their legal counsel regarding the effect of any exemption claimed.
6. **Am I required to post my DOI plan on the district website?** Yes, the district plan must be clearly posted on the district's website for the term of the designation as a district of innovation (TAC §102.1305(e)). This is in addition to the requirement that the final proposed version of the plan be available on the district's website for at least 30 days prior to the board of trustees vote on the adoption of the proposed plan (TEC §12A.005(a)(1), TAC §102.1307(a)(1)).
7. **How long can I be designated as a DOI?** The term of a district's designation as a DOI is for the term specified in the plan as adopted by the Board of Trustees and may not exceed 5 years (TEC §12A.006, TAC §102.1311). For example, if a district 5 year term is implemented beginning with the 2016-2017 SY, the plan can be effective for the 2016-2017, 2017-2018, 2018-2019, 2019-2020 and 2020-2021 school years. Note that a plan can be for less than 5 years.
8. **Can a district exempt itself from the 75,600 minute requirement in TEC §25.081(a)?** Yes, however state funding is reduced in proportion to the number of minutes by which the district's calendar falls below 75,600 minutes. To receive full funding, a district must offer 75,600 minutes (including intermissions and recesses), less any minutes waived by the TEA in writing. (Student Attendance Accounting Handbook (SAAH) 3.8 for Charters).
9. **Can a district exempt itself from Certification requirements for Bilingual, English as a Second Language (ESL) or Special Education?** No, Districts of Innovation must comply with the requirements to have a certified educator in a bilingual, English as a Second Language (ESL), or special education classroom just as charter schools must comply with those requirements (TAC §102.1309(a)(1)).
10. **Do I need to develop local policies for my exemptions?** Depending on the exemptions accessed within a plan the district may have to update local policies. TEA encourages districts to work with their legal counsel prior to approving their innovation plan to determine what, if any, local policies need to be updated accordingly.
11. **Are there any TEC sections that a district may not be exempt from?** Yes, please reference TAC §102.1309 for prohibited exemptions.
12. **Can a district exempt itself from requirements in TEC §21.055 to notify the commissioner and issue a local school district teaching permit?** No, if the district elects to utilize an ISD teaching permit under this section of the statute, it must comply with the requirements associated with the exercise of that power (TAC §102.1309(b)(2)).

- 13. Can a district exempt itself from TEC §21.401 and modify teacher contract days? Yes.** Please confer with your local counsel to create a local policy related to contracts and any related issues to current contracts.
- 14. Can a district exempt itself from TEC §25.0811 to start school prior to the fourth Monday in August? Yes,** a local district plan may include modifications to the school day or year under TEC §12A.003.
- 15. Can a district exempt itself from requirements outside of TEC? No,** a district may not exempt itself from related rules independently from TEC requirements. This includes requirements of provisions outside the TEC (TAC §102.1309(b)(3)).
- 16. Can a district amend, renew or rescind its plan? Yes,** a district may do so at any time. Please see TEC §12A.007 and TAC §102.1313.
- 17. Can the commissioner terminate a district's designation as a DOI? Yes,** after two consecutive school years of unacceptable academic and/or financial ratings the commissioner may terminate a district's designation as a DOI or require the district to amend their DOI plan. After three consecutive school years of unacceptable academic and/or financial ratings the commissioner must terminate the district's designation as a DOI.