



Lipan Independent School District  
211 N. Kickapoo St.  
Lipan, Texas 76462  
254-646-2266 254-646-3499

Dr. Cindy Edwards  
Superintendent

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### RESOLUTION TO ADOPT A DISTRICT OF INNOVATION

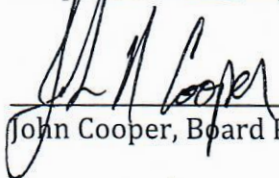
WHEREAS Education Code 12A.001 provides that a district is eligible for designation as a district of innovation if the district's most recent performance rating under Section 39.054 reflects at least acceptable performance, and that consideration of designation as a district of innovation may be initiated by a resolution adopted by the board of trustees of the district: and


WHEREAS the Lipan Independent School District's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of Lipan Independent School District by adoption of this resolution initiates the process under Education Code Chapter 12A to become a district of innovation.

BE IT FURTHER RESOLVED that after this resolution is signed by the Board, a public hearing shall be held to consider whether the District should develop a local innovation plan for the designation of the District as a district of innovation and that after the public hearing the Board of Trustees of Lipan Independent School District shall appoint a committee to develop a local innovation plan or decline to pursue designation as a district of innovation.

Adopted this 25<sup>th</sup> day of January, 2018, by the Board of Trustees.

  
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John Cooper, Board President

  
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Walter Baldree, Board Secretary

# Lipan Independent School District Local Innovation Plan

## **INTRODUCTION**

House Bill (HB) 1842, passed during the 84th Legislative Session, provides opportunities for traditional independent school districts to exempt themselves from some parts of the Texas Education Code (TEC), giving them the same flexibility currently available to Texas' open enrollment charter schools. In order to utilize this opportunity, independent school districts must first become a District of Innovation by following a prescribed course of action outline in statute. Lipan ISD's process and timeline are described below.

## **DISTRICT OF INNOVATION PROCESS AND TIMELINE**

On January 25, 2018, the Board approved a resolution to initiate a district of innovation process, followed by a Public Hearing to determine whether the District should develop a local innovation plan for the designation of the District as a district of innovation. The Board then appointed a District of Innovation District Steering Committee ("Committee") comprised of diverse leaders representing a cross-section of the District's stakeholders including teachers, principals, parents, community members, and administrators. The Committee met on February 6, 2018 and February 13<sup>th</sup>, 2018 to discuss and draft the Local Innovation Plan ("Plan").

## **TERM OF THE LOCAL INNOVATION PLAN**

The term of the Innovation Plan is for five years, beginning July 1, 2018 and ending June 30, 2023, unless terminated or amended earlier by the Board of Trustees in accordance with the law. If, within the term of this Plan, other areas of operations are to be considered for flexibility as part of HB 1842, the Board will nominate a new committee to consider and propose additional exemptions in the form of an amendment. Any amendment adopted by the Board will adhere to the same term as the original plan. The District may not implement two separate plans at any one time.

## **DISTRICT OF INNOVATION STEERING COMMITTEE**

The District of Innovation Steering Committee is comprised of diverse leaders representing a cross-section of the District's stakeholders including teachers, principals, parents, community members, and administrators.

<u><i>District of Innovation Steering Committee</i></u>	
Vickie Posey	Elementary Classroom Teacher
Kelly Kunkel	Elementary Administrator
Steve Bryant	Secondary Administrator
Nikole Grimmer	Secondary Classroom Teacher
Jodi Overton	Curriculum Director/Assistant Principal
Marki Van Zandt	School Counselor
Susanna Marcantonio	Community Member/Parent/Business Owner
Katelyn Howard	Community Member/Parent
<u><i>Ad Hoc Member</i></u>	
Dr. Cindy Edwards	Superintendent

## INNOVATIONS

The District seeks exemption from the Texas Education Code in the following areas, believing the resulting flexibility and local control will benefit all our stakeholders:

### **I. *Uniform School Calendar***

#### **Rationale:**

Not long ago, districts had the option of requesting a waiver to begin school earlier than the fourth Monday in August. The Texas tourism lobbyists convinced our Legislature to eliminate waivers. Effectively dictating a uniform start date to all independent school districts in Texas. With no exceptions afforded through waivers, potential flexibility to meet our stakeholders' desire to begin school earlier than the fourth Monday in August is only available through exemption from portions of the Texas Education Code (§25.0811).

#### **Relevant Portions of the Texas Education Code:**

- §25.0811 *“A school district may not begin instruction before the fourth Monday in August.” Local control of the instructional calendar affords the District the following advantages:*
- §25.0812 *“A school district may not schedule the last day of school before May 15.”*

#### **Innovation Strategies:**

Local control of the instruction calendar will permit Lipan ISD's Instructional Advisory Committee and Board of Trustees to make decisions regarding school start and end dates that best fit our community needs. Specifically important benefits include the following:

- *More balance between the number of instructional days in each semester while adhering to a traditional and logical conclusion to the fall semester (before Christmas break).*

- *Opportunity to more closely mirror Weatherford College's start date for our Dual-Credit students and instructors.*
- *Increase in the number of instructional days available for our students to achieve mastery of content prior to STAAR / EOC administrations.*

## **II. Teacher Certifications**

### **Rationale:**

Authors of the Local Innovation Plan fully expect Lipan ISD's administrators to make every effort to hire certified and skilled professionals to serve our students. However, the current teacher shortage in Texas warrants a desire to secure flexibility in hiring individuals who are both knowledgeable and capable instructors. Lipan ISD would like the ability to locally certify teachers in content areas of high demand and/or low supply, and the independence to do so without unnecessary restrictions.

Texas Education Code (TEC) §21.003 limits the ability to hire and retain teachers in highly specialized or hard-to-fill areas. Flexibility provided through TEC §21.055 is limited to certain circumstances in vocational programs. Through a broad exemption from the existing teacher certification requirements in the codes above, the dual credit, advanced/honors, hard-to-fill, and career/technical courses in Lipan ISD will continue to be taught by highly-skilled and educated professionals despite difficulty finding suitable and traditionally-certified teachers.

### **Relevant Portions of the Texas Education Code:**

- *§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 as provided by Subchapter B."*

### **Innovation Strategies:**

An individual with appropriate qualifications who is not otherwise certified as a teacher may be eligible for a local teaching certificate, provided district requirements are met. Exemption from the codes listed above, the District shall have the opportunity 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. Additionally, Highly-educated and/or highly-skilled individuals qualified to provide instruction in hard-to-fill, and advanced courses may also be recruited in order to provide more students the opportunity to take such courses and obtain professional certifications. The District seeks to establish its own local qualification requirements for such courses in lieu of the requirements set forth in law. Flexibility to establish its own teacher certification requirements affords the District multiple advantages, but *does not necessarily excuse the District from any federal requirements.*

- Local teaching certificates will expire at the end of each school year and may be renewed at the superintendent's discretion. An employee working under a local teaching certificate

will **not** receive a contract but will be employed on an at-will basis. Teachers hired under a local teaching certificate that do not possess a state teacher certificate may receive up to 100% of a contract teacher's salary commensurate with years of experience. *\*Stipends for specific duties and activities are excluded from the 100% cap.*

- It will not be necessary to submit teacher certification waivers, state permit applications, or other paperwork to the Texas Education Agency.
- Industry certified and/or trade professionals to teach specialized certification courses.
- Greater number of CATE course offerings resulting in more opportunities for students.
- Realistic requirements for professionals transitioning from industry to teaching.
- Ability to employ part-time professionals to teach specialty courses.

### **III. Probationary Contracts**

#### **Rationale:**

For experienced teachers who are new to Lipan ISD, TEC §21.102(b) requires a contractual “probationary” period to be limited to only one (1) year if the person has been employed as a teacher in public education for at least five (5) of the previous eight (8) years. In some instances, there is insufficient time to evaluate a new-to-the-district teacher’s effectiveness in the classroom, as teacher contract timelines often demand that employment decisions must be made two months prior to the end of the term.

#### **Relevant Portions of the Texas Education Code:**

- §21.102(b) *“A probationary contract may not be for a term exceeding one-year periods, a maximum permissible probationary contract period of three school years, except that 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.”*

#### **Innovation Strategies:**

Relief from Texas Education Code §21.102 will allow the District to issue a probationary contract for a period of up to two years for experienced teachers, counselors, or nurses new to Lipan ISD, despite having been employed as a teacher in public education for at least five of the previous eight years.

### **IV. Student Discipline**

#### **Rationale:**

Texas Education Code §37.007 states that a student placed in a DAEP who engages in documented serious misbehavior while serving a DAEP placement despite documented behavioral interventions may be removed from class and expelled. “Serious misbehavior” is limited to:

- (1) Deliberate violent behavior that poses a direct threat to the health or safety of others;

- (2) Extortion, meaning the gaining of money or other property by force or threat;
- (3) Conduct that constitutes coercion, as defined by Penal Code 1.07; or
- (4) Conduct that constitutes the offense of :
  - a. Public lewdness under Penal Code 21.07;
  - b. Indecent exposure under Penal Code 21.08;
  - c. Criminal mischief under Penal Code 28.03;
  - d. Personal hazing under Penal Code 37.152: or
  - e. Harassment, under Penal Code 42.07(a)(1), of a student or district employee.

The Texas Education Code makes **zero** allowance for student s whose daily, repeated, and intentionally persistent misbehavior disrupts instruction to the point that it is detrimental to the other students in the program. Persistent misbehavior is displayed because DAEP students realize there is no negative consequence left available to deter such behavior. The program’s effectiveness is sabotaged, and effectively reinforces some student’ belief that they have no accountability to anyone. Without freedom from the restrictions of TEC §37.007(c), legitimate efforts to create a structured learning environment in which all students truly can be successful will be impossible to execute. *\* In compliance with relevant state and federal law, students qualifying for special education services would continue to be provided required services.*

#### **Relevant Portions of the Texas Education Code:**

- §37.007(c) *“A student may be expelled if the student, while placed in a disciplinary alternative education program, engages in documented serious misbehavior while on the program campus despite documented behavioral interventions.”*

#### **Innovation Strategies**

- A student placed in a DAEP who engages in documented persistent misbehavior while in the DAEP program, despite documented behavioral interventions, may also be removed from class and expelled.

#### **V. Minimum Minutes of Instruction**

##### **Rationale**

Texas Education Code §25.081(a) requires 75,600 minutes of instruction each year, with §25.081(e) noting that a full day of instruction totals 420 minutes. For half-day programs such as Pre-Kindergarten (Pre-K), the required minutes of daily instruction must equal 210 minutes, and 37,800 annually. While Lipan ISD does provide a lunch period for each section of Pre-K, the lunches do not overlap. In addition, Lipan ISD has only one Pre-K teacher. We must also fit a conference into the schedule, as well. Therefore, there are not enough cumulative minutes in the school day to meet the 210 minute daily requirement, nor the 37,800 annual requirement. Lengthening the instructional day of our Pre-K program to 210 minutes would require the District to inefficiently staff the program with additional employees for the overlapping minutes between the morning sessions and the afternoon sessions. Doing so would waste fiscal resources and presents no educational benefit to the students in the program.

### **Relevant Portions of the Texas Education Code:**

- §25.081(e) *“For purposes of this code, a reference to a day of instruction means 420 minutes of instruction, including intermissions and recesses.”*

**Innovation Strategy:** The authors of the Local Innovation Plan request that Lipan ISD be exempt from TEC §25.081(e) and thus permit a shorter school day for Pre-K programs. This exemption will allow the Pre-K teacher to instruct both a morning and an afternoon group of students without surrendering their conference period and duty free lunch each day. Lipan ISD will offer a Pre-K program consisting of two sessions at least three hours in duration, (totaling 180 minutes each), allowing the Pre-K teacher to instruct two groups of students each day. This plan mirrors the Pre-K program that has been and is now in place in Lipan ISD, allowing the District to maximize efficiency regarding staff and physical resources. *\*These innovations may result in a reduction of state funding for Pre-K student attendance. Lipan ISD will evaluate the potential loss of funding through this innovation before determining whether or not to implement the innovation.*

## **VI. Inter-District Transfers**

### **Rationale**

Under current law and local policy, Lipan ISD may choose to accept (as transfers) students who are not otherwise entitled to enroll in the district. Lipan ISD is one of many districts in Hood, Parker, Palo Pinto, and Erath Counties who accept transfer requests if applicants meet certain criteria. Unfortunately, *TEC §25.036* has been interpreted to establish the acceptance of a transfers as a one year commitment by the District. On rare occasions, negative behavior warrants suspension (in or out of school) or placement in a disciplinary alternative program. By burdening our staff and robbing valuable instructional time, our local students may be unfairly penalized by acceptance of a transfer. Additionally, transfer students whose attendance falls below TEA standards reflect poorly on all our stakeholders, and negatively impact the District on Domain IV. Short of an expellable offense, previously accepted transfers cannot be removed for any reason, even if classrooms become overcrowded with students residing in the District. As such, Lipan ISD’s interests are best served via exemption from *TEC §25.036* and the one year transfer commitment.

### **Relevant Portions of the Texas Education Code:**

- §25.036 *“Any child, other than a high school graduate, who is younger than 21 years of age and eligible for enrollment on September 1 of any school year may transfer annually from the child’s school district of residence to another district in this state if both the receiving district and the applicant parent or guardian or person having lawful control of the child jointly approve and timely agree in writing to the transfer.”*

### **Innovation Strategy**

Lipan ISD's transfer policy requires nonresident students to file a transfer application each year. If accepted, transfer students are justifiably expected to meet Lipan ISD's high standards of behavior and attendance. Exemption from *TEC §25.036* will allow leverage to encourage appropriate behavior and attendance at the campus level, and permit the Superintendent to revoke transfer status in the rare instance that doing so is deemed necessary. Factors warranting revocation of transfer status should include multiple suspensions (in or out of school), placement in a disciplinary alternative program, failure to meet the State's 90% attendance standard, overcrowding of existing facilities, classrooms, and/or programs, and/or persistent misbehavior.

## **Implementation**

This Local Innovation Plan is designed to create parameters within which the District will operate, in order to provide additional student opportunities and increase the efficiency and effectiveness of the overall program. Specific implementation plans will be further developed by the appropriate campuses and departments. Adjustments to Board Policy will be researched and adopted where appropriate.



Term of Plan: JULY 1, 2018 - JUNE 30, 2023

Plan applies to:  Entire District  
 Campus (list) \_\_\_\_\_  
 Other (please describe) \_\_\_\_\_

## Chapter 11 – School Districts

### Subchapter D. Powers and Duties of Board of Trustees of Independent School Districts

- §11.1511 (b)(5), (14) Specific Powers and Duties of Board
- §11.162 School Uniforms

### Subchapter F. District-Level and Site Based Decision-Making

- §11.251 Planning and Decision-Making Process
- §11.252 District-Level Planning and Decision-Making
- §11.253 Campus Planning and Site-Based Decision-Making
- §11.255 Dropout Prevention Review

## Chapter 21 – Educators

### Subchapter A – General Provisions

- §21.002 Teacher Employment Contracts
- §21.003 Certification Required
- §21.0031 Failure to Obtain Certification; Contract Void

### Subchapter B – Certification of Educators

- §21.051 Rules Regarding Field-Based Experience and Options for Field Experience and Internships.
- §21.053 Presentation and Recording of Certificates
- §21.057 Parental Notification

### Subchapter C – Probationary Contracts

### Subchapter D – Continuing Contracts

### Subchapter E – Term Contracts

### Subchapter H – Appraisals and Incentives

- §21.352 Local Role
- §21.353 Appraisal on Basis of Classroom Teaching Performance
- §21.354 Appraisal of Certain Administrators
- §21.3541 Appraisal and Professional Development System for Principals

### Subchapter I – Duties and Benefits

- §21.401 Minimum Service Required
- §21.402 Minimum Salary Schedule for Certain Professional Staff
- §21.4021 Furloughs

- §21.4022 Required Process for Development of Furlough Program or Other Salary Reduction Proposal
- §21.403 Placement on Minimum Salary Schedule
- §21.4031 Professional Staff Service Records
- §21.4032 Reductions in Salaries of Classroom Teachers and Administrators
- §21.404 Planning and Preparation Time
- §21.405 Duty-Free Lunch
- §21.406 Denial of Compensation Based On Absence for Religious Observance Prohibited
- §21.407 Requiring or Coercing Teachers to Join Groups, Clubs, Committees, or Organizations: Political Affairs
- §21.408 Right To Join or Not To Join Professional Association
- §21.409 Leave Of Absence for Temporary Disability
- §21.415 Employment Contracts
- Subchapter J – Staff Development**
- §21.451 Staff Development Requirements
- §21.452 Developmental Leaves of Absence
- §21.458 Mentors

**Chapter 22 – School District Employees and Volunteers**

**Subchapter A – Rights, Duties, and Benefits**

- §22.001 Salary Deductions for Professional Dues
- §22.002 Assignment, Transfer, or Pledge of Compensation
- §22.003 Minimum Personal Leave Program
- §22.006 Discrimination Based on Jury Service Prohibited
- §22.007 Incentives for Early Retirement
- §22.011 Requiring or Coercing Employees to Make Charitable Contributions

**Chapter 25 – Admission, Transfer, and Attendance**

**Subchapter C – Operation of Schools and School Attendance**

- §25.0811 First Day of Instruction
- §25.0812 Last Day of School
- §25.083 School Day Interruptions
- §25.092 Minimum Attendance for Class Credit or Final Grade

**Subchapter D – Student/Teacher Ratios; Class Size**

- §25.111 Student/Teacher Ratios
- §25.112 Class Size
- §25.113 Notice of Class Size
- §25.114 Student/Teacher Ratios in Physical Education Classes; Class Size

**Chapter 37 – Discipline; Law and Order**

**Subchapter A – Alternative Setting for Behavior Management**

- §37.0012 Designation of Campus Behavior Coordinator
- §37.002 Removal by Teacher

**Chapter 44 –Fiscal Management**

**Subchapter B – Purchases; Contracts**

- §44.031 Purchasing Contracts
- §44.0331 Management Fees Under Certain Cooperative Purchasing Contracts
- §44.0352 Competitive Sealed Proposals
- §44.042 Preference to Texas and United States Products
- §44.043 Right To Work
- §44.047 Purchase or Lease of Automated External Defibrillator

**Subchapter Z – Miscellaneous Provisions**

- §44.901 Energy Savings Performance Contracts
- §44.902 Long-Range Energy Plan to Reduce Consumption of Electric Energy
- §44.903 Energy-Efficient Light Bulbs in Instructional Facilities
- §44.908 Expenditure of Local Funds

**Chapter 45 – School District Funds**

**Subchapter G – School District Depositories**

- §45.205 Term of Contract
- §45.206 Bid Or Request for Proposal Notices; Bid and Proposal Forms
- §45.207 Award of Contract
- §45.208 Depository Contract; Bond
- §45.209 Investment of District Funds

**Other**

Please list any additional exemption required for your Innovation District Plan:

*SEE ATTACHED DOCUMENT.*

Additional Exemptions not on the exemption list:

### **TEC 25.036**

§25.036 “Any child, other than a high school graduate, who is younger than 21 years of age and eligible for enrollment on September 1 of any school year may transfer annually from the child’s school district of residence to another district in this state if both the receiving district and the applicant parent or guardian or person having lawful control of the child jointly approve and timely agree in writing to the transfer.”

### **TEC 25.081 Operation of Schools**

Texas Education Code §25.081(a) requires 75,600 minutes of instruction each year, with §25.081(e) noting that a full day of instruction totals 420 minutes. For half-day programs such as Pre-Kindergarten (Pre-K), the required minutes of daily instruction must equal 210 minutes, and 37,800 annually. While Lipan ISD does provide a lunch period for each section of Pre-K, the lunches do not overlap. In addition, Lipan ISD has only one Pre-K teacher. We must also fit a conference into the schedule, as well. Therefore, there are not enough cumulative minutes in the school day to meet the 210 minute daily requirement, nor the 37,800 annual requirement. Lengthening the instructional day of our Pre-K program to 210 minutes would require the District to inefficiently staff the program with additional employees for the overlapping minutes between the morning sessions and the afternoon sessions. Doing so would waste fiscal resources and presents no educational benefit to the students in the program.

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  - d. Personal hazing under Penal Code 37.152: or
  - e. Harassment, under Penal Code 42.07(a)(1), of a student or district employee.