

# 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 outlined in the statute. Lipan ISD's process and timeline are described below.

## DISTRICT OF INNOVATION TIMELINE

On February 22, 2023, the Board approved the intent to renew the current district of Innovation

## TERM OF THE LOCAL INNOVATION PLAN

The term of the Innovation Plan is for five years, beginning July 1, 2023, and ending June 30, 2028, 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 RENEWAL 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.

<i><u>District of Innovation Steering Committee</u></i>	
Vickie Posey	Elementary Classroom Teacher
Jennifer Phillips	Elementary Administrator
Jonathan Normand	Secondary Administrator
Mary Ervin	Secondary Classroom Teacher
Jodi Overton	Director of Special Programs/Testing Coordinator
Kelly Tuggle	School Counselor
Susanna Marcantonio	Community Member/Parent/Business Owner
Amber Freeman	Community Member/Parent
<i><u>Ad Hoc Member</u></i>	
Ralph Carter	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.

### **Areas of Exemption and Innovation**

With regard to each area of innovation, the District declares exemption from the listed statutory provisions, as well as any implementing rules or regulations promulgated pursuant to those statutory provisions by any state agency or entity, including but not limited to the Commissioner of Education, Texas Education Agency, State Board for Educator Certification, and State Board of Education:

- Uniform School Start Date - First Day of Instruction
- Minimum Minutes of Instruction
- Educator Certification Requirement
- Probationary Contracts
- Teacher and Administrator Appraisal System
- Student/Teacher Ratios and Class Size
- District-Level Planning and Decision-Making
- Campus-Level Planning and Decision Making
- Teacher Mentors
- Campus Behavior Coordinator Designation
- Out-of-School Suspension for Students Below Grade 3
- Removal of Unwanted Visitors
- Transfer Students
- Bank Depositories
- Retire/Rehire Teacher
- Minimum Attendance for Class Credit or Final Grade
- Teacher Certification
- Teacher Contract Days
- Local School Health Advisory Committee
- Disciplinary Alternative Education Programs
- Student Discipline
- Exemptions From Future TEC Requirements
- Implementation

## **Uniform School Start Date - First Day of Instruction - Texas Education Code §25.0811, 25.0812**

**Current Requirements:** First Day of Instruction:

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

**Proposed Flexibility:** Flexible Calendar: Lipan ISD will waive the fourth Monday of August start date in an effort to create greater flexibility in the school calendar which will enable the district to be more responsive to student needs, and professional development needs, by balancing the amount of instructional time in the semesters, allowing teachers to better pace and deliver instruction, and providing training as needed throughout the school year. Local Guidelines: The District Education Improvement Committee will provide input into the development of the school calendar, and the recommended school calendar is subject to Board approval.

## **Minimum Minutes of Instruction - Texas Education Code §25.081, §25.082**

**Current Requirement:** 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 it with new language requiring districts and charter schools to provide at least 75,600 minutes of instruction annually and 420 minutes of instruction daily. The bill 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. However, it eliminated any options to pursue state waivers to reduce the minimum number of minutes per day to allow flexibility to pursue early releases for parent-teacher conferences, teacher professional development, or innovative scheduling due to events. TEC § 25.082 requires that each school day be at least 7 hours long (including intermissions and recess).

**Proposed Flexibility:** The flexibility to adjust minutes of instruction will assist with personalizing learning to better meet individual student needs, and staff needs, and provide the district fluidity when facing unforeseen circumstances. In the event of an act of God, such as inclement weather, or a national/state/local security issue that prevents Lipan ISD from holding class, the district seeks flexibility under this section to make decisions that are best for the staff, students, parents, and the community. The District seeks relief from this section in order to provide staff development before the start of instruction, as well as additional days throughout the school year. These non-instructional days may be purposefully placed throughout the calendar to allow teachers to plan instruction based on student instructional data in addition to engaging in relevant, targeted professional development. The District seeks additional flexibility to schedule early release days in the calendar in order to provide for student and District needs, which may include, but are not limited to, additional professional development, unique instructional arrangements, teacher collaboration, teacher/parent conferences, releasing prior to a holiday and other special occasions, or other school-related activities.

## **Educator Certification Requirement - Texas Education Code §TEC 21.003**

**Current Requirements:** 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 certification or permit issued by the appropriate state agency.

### **Proposed Flexibility:**

- a. The District will maintain its current expectations for employee certification. The District will make every attempt to hire individuals with appropriate certification for the position in question; however, where that is not reasonably possible, the District will have the flexibility to hire individuals who are knowledgeable in the area and equipped to effectively perform the duties of the position in question.
- b. The campus principal may submit to the Superintendent a request for local certification that will allow an already certified teacher, or an individual who holds a current bachelor's degree, to teach a course or grade level for which he/she is not certified. The principal must specify in writing the reason for the request and document what credentials or life experience the teacher possesses that would qualify this individual to teach the proposed subject.
- c. An individual with experience and appropriate certifications and/or licensure in the content of an elective course could be eligible to teach a vocational skill or elective course through a local teaching certificate. The principal must specify in writing the reason for the request and document what credentials or life experience the teacher possesses that would qualify this individual to teach the proposed subject. Examples: an experienced homebuilder teaching a building trades course, a licensed corrections officer teaching a criminal justice course, or a retired CPA teaching an entry-level accounting course.
- d. Whenever possible, instructional planning for the uncertified teacher's course will be created in partnership with certified teachers in the same field. Uncertified teachers will be provided with teacher mentoring and may be subject to increased observations and feedback, professional development or instructional resources, or other supports.
- e. Teacher certification waiver requests, state permit applications, or other paperwork will not be submitted to the Texas Education Agency. The District will ensure that all individuals assigned to teach have the knowledge and resources necessary to be successful. The Superintendent will notify the board during the August Board meeting or upon hiring each school year of those in an alternative certification program or not in compliance with TEC 21.053

## **Probationary Contracts - Texas Education Code §21.102b**

**Current Requirements:** Under current guidelines, probationary periods for newly hired teachers who have been in public education for at least five of the previous eight years cannot exceed one year. This limited period is insufficient in some cases to fully determine the teacher's effectiveness in the classroom.

### **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."

**Proposed Flexibility:** Relief from Texas Education Code 21.102 will permit the District the option to issue a probationary contract for a period of up to three years for experienced teachers, counselors, or nurses newly hired in Lipan ISD. This will allow Lipan ISD to better evaluate a teacher's effectiveness.

### **Teacher and Administrator Appraisal System - Texas Education Code §21.352, §21.354**

**Current Requirements:** The state of Texas has used the Professional Development and Appraisal System (PDAS) teacher appraisal system since 1997. The state issued a new teacher and principal appraisal system in 2016-2017, the Texas Teacher Evaluation and Support System (T-TESS) and the Texas Principal Evaluation and Support System (T-PESS).

**Proposed Flexibility:** A committee of administrators and teachers would have the option to develop a principal and a teacher evaluation system that would be a combination of PDAS, T-TESS, T-PESS, and other best practices to develop a local instrument and/or process that fits the needs and goals of Lipan ISD.

Lipan ISD will utilize a locally developed teacher and principal evaluation tool.

- This instrument will be developed with input from central administration, campus administration, and teachers. It will use staff input, PDAS, T-TESS, T-PESS, and any other relevant best practice.
- Lipan ISD will follow DNA (LOCAL) guidelines for annual or less than annual evaluation requirements, exceptions & eligibility, frequency, and annual review process.
- Every teacher will receive a minimum of 5 walk-throughs per year.
- Principals will continue to be evaluated annually on a locally developed plan.
- These locally developed plans should reflect the strengths, areas of concern, and goals of Lipan ISD.

### **Student/Teacher Ratios and Class Size Texas Education Code 25.112, 25.113, Sec. 25.112 (a)**

**Current Requirements:** Except as otherwise authorized by this section, a school district may not enroll more than 22 students in a kindergarten, first, second, third, or fourth-grade class.

**Proposed Flexibility:** As a fast-growth district, Lipan ISD carefully analyzes growth predictions to make responsible staffing decisions to support engaging instruction in the classroom.

Lipan ISD recognizes the value of reasonable class sizes in elementary grade levels and will continue with the priority to maintain a student-to-teacher ratio of 20:1 per kindergarten-4th grade homeroom class. Local considerations will include the timing of enrollment of new students, consistency of instruction for students in the grade level, availability of high-quality applicants, and availability of space and resources.

When a class exceeds the 22:1 limit, the Texas Education Code requires districts to obtain board approval and apply for a waiver through the Texas Education Agency. This flexibility will eliminate the requirement of the waiver process and support student success by allowing local

decisions regarding the division of classes, disrupted instruction, and/or finding quality applicants.

### **District-Level Planning and Decision-Making Texas Education Code §11.252**

**Current Requirements:** Texas Education Code § 11.252 DISTRICT-LEVEL PLANNING AND DECISION-MAKING. (a) Each school district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee established under Section 11.251. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators adopted under Sections 39.053(c)(1)-(4). The district improvement plan must include provisions for: (1) a comprehensive needs assessment addressing district student performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by the district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Subchapter A, Chapter 29; (2) measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Subchapter A, Chapter 29, and other measures of student performance that may be identified through the comprehensive needs assessment; (3) strategies for improvement of student performance that include: (A) instructional methods for addressing the needs of student groups not achieving their full potential; (B) methods for addressing the needs of students for special programs, including: (i) suicide prevention programs, in accordance with Subchapter O-1, Chapter 161, Health and Safety Code, which includes a parental or guardian notification procedure; (ii) conflict resolution programs; (iii) violence prevention programs; and (iv) dyslexia treatment programs; (C) dropout reduction; (D) integration of technology in instructional and administrative programs; (E) discipline management; (F) staff development for professional staff of the district; (G) career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities; and (H) accelerated education; (4) strategies for providing to middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about: (A) higher education admissions and financial aid opportunities; (B) the TEXAS grant program and the Teach for Texas grant program established under Chapter 56; (C) the need for students to make informed curriculum choices to be prepared for success beyond high school; and (D) sources of information on higher education admissions and financial aid; (5) resources needed to implement identified strategies; (6) staff responsible for ensuring the accomplishment of each strategy; (7) timelines for ongoing monitoring of the implementation of each improvement strategy; (8) formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance; and (9) the policy under Section 38.0041 addressing sexual abuse and other maltreatment of children. (b) A district's plan for the improvement of student performance is not filed with the agency, but the district must make the plan available to the agency on request. (c) In a district that has only one campus, the district- and campus-level committees may be one committee and the district and campus plans may be one plan. (d) At least every two years, each district shall evaluate the effectiveness of the district's decision-making and planning policies, procedures, and staff development activities related to the district- and campus-level decision-making and planning to ensure that they are

effectively structured to positively impact student performance. (d-1) Expired. (e) The district-level committee established under Section 11.251 shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual district performance report from the agency for the purpose of discussing the performance of the district and the district performance objectives. District policy and procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input and to provide information to those persons regarding the recommendations of the district-level committee. This section does not create a new cause of action or require collective bargaining. (f) A superintendent shall regularly consult the district-level committee in the planning, operation, supervision, and evaluation of the district educational program.

**Proposed Flexibility:** Site-based decision-making has existed in Texas for over 30 years. The original intent of classroom teachers making informed decisions has been replaced with a list of compliance measures that have removed meaning and relevance from this district decision-making process. The requirements in content and format of the district improvement plan have shifted an otherwise important planning process into a bureaucratic process that detracts from the importance of thoughtful planning and implementation.

Lipan ISD has a strong history of involving teachers, administrators, parents, community members, and students in the decision-making process. Under the Local Innovation Plan, the prescriptive list of requirements in the district improvement plan will be replaced by meaningful and relevant areas identified for improvement, and/or maintenance, as they pertain to the district's vision, mission, commitments, and goals. Those items listed in TEC 11.251 detailing the selection of representatives for the District Improvement Committee will continue to be implemented as available. But, in the event the district cannot find willing committee members required by TEC 11.251, the district will maintain flexibility to engage in meaningful collaboration with stakeholders that are available. Those items listed in TEC 11.252 of a compliance nature will no longer be implemented and be replaced by relevant strategic plan components.

### **Campus-Level Planning and Decision-Making Texas Education Code §11.253**

**Current Requirements:** Texas Education Code §11.253 CAMPUS PLANNING AND SITE-BASED DECISION-MAKING. (a) Each school district shall maintain current policies and procedures to ensure that effective planning and site-based decision-making occur at each campus to direct and support the improvement of student performance for all students. (b) Each district's policy and procedures shall establish campus-level planning and decision-making committees as provided for through the procedures provided by Sections 11.251(b)-(e). (c) Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Subchapter A, Chapter 29, with respect to the achievement indicators adopted under Sections 39.053(c)(1)-(4) and any other appropriate performance measures for special needs populations. (d) Each campus improvement plan must: (1) assess the academic achievement for each student in the school using the achievement indicator system as described by Section 39.053; (2) set the campus performance objectives based on the achievement

indicator system, including objectives for special needs populations, including students in special education programs under Subchapter A, Chapter 29; (3) identify how the campus goals will be met for each student; (4) determine the resources needed to implement the plan; (5) identify staff needed to implement the plan; (6) set timelines for reaching the goals; (7) measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement; (8) include goals and methods for violence prevention and intervention on campus; (9) provide for a program to encourage parental involvement at the campus; and (10) if the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on: (A) 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; (B) student academic performance data; (C) student attendance rates; (D) the percentage of students who are educationally disadvantaged; (E) the use and success of any method to ensure that students participate in moderate to vigorous physical activity as required by Section 28.002(l); and (F) any other indicator recommended by the local school health advisory council. (e) In accordance with the administrative procedures established under Section 11.251(b), the campus-level committee shall be involved in decisions in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. The campus-level committee must approve the portions of the campus plan addressing campus staff development needs. (f) This section does not create a new cause of action or require collective bargaining. (g) Each campus-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual campus rating from the agency to discuss the performance of the campus and the campus performance objectives. District policy and campus procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input, and to provide information to those persons regarding the recommendations of the campus-level committees. (h) A principal shall regularly consult the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program.

**Proposed Flexibility:** The original intent of campus site-based decision-making has been replaced with a list of compliance measures that have removed meaning and relevance from this campus decision-making process. The requirements in content and format of the Campus Improvement Plan have shifted an otherwise important planning process into a bureaucratic process that detracts from the importance of thoughtful planning and implementation. Lipan ISD has a strong history of involving teachers, administrators, parents, community members, and students in the decision-making process. Under the Local Innovation Plan, the prescriptive list of requirements in the campus improvement plan will be replaced by meaningful and relevant areas identified for improvement, and/or maintenance, as they pertain to the district's vision, mission, commitments, and goals. Those items listed in Section 11.251 detailing the selection of representatives for the Campus Improvement Committee will continue to be implemented as available. However, in the event the campus cannot find willing committee members required by TEC 11.251, the district will maintain flexibility to engage in meaningful collaboration with stakeholders that are available. Those items listed in Section 11.253 that are of a compliance nature will no longer be implemented and be replaced by relevant campus strategic plan components.

## **Professional Development / Mentor Teachers TEC §21.451; TEC §21.458**

### **Current Requirements:**

TEC §21.451 prescribes staff development requirements for educators. These requirements impede the District's ability to provide timely professional development to employees based on newly emerging issues, data, and student needs.

TEC §21.458 sets eligibility requirements for teacher mentors and mentees. This provision states that the District may only assign a mentor to a teacher with less than two years of teaching experience, despite the fact that a teacher at any level of experience may benefit from a mentor-mentee relationship. The District needs the flexibility to assign mentors to more experienced teachers in need of assistance. The statute also sets eligibility requirements for mentor teachers, which limits the available pool of mentor teachers.

**Proposed Flexibility:** The District will exercise local discretion in determining the areas of need, content, duration, and frequency of professional development for its instructional and non-instructional staff. The District will exercise local discretion in assigning teachers to serve as mentors based on a variety of factors, including experience, knowledge, and areas of instruction targeted for improvement or innovation.

## **Behavior Coordinator Exemption - Texas Education Code § 37.0012**

**Current Requirements:** State law requires districts to name one individual per campus to serve as a behavior coordinator. This requirement can create inefficiencies and limit the effectiveness of our administrators. The burden of placing this on one person is not sustainable, and the possible delays it creates for staff, students, and families should be avoided.

**Proposed Flexibility:** Local Guidelines and Innovations Strategies: Lipan ISD is seeking a more collaborative approach to behavior management where the principal may delegate the duties to campus administrator(s) to best serve the needs of students and families.

## **Removal of Unwanted Visitors Texas Education Code §37.105**

**Current Requirements:** For unruly guests at school functions or events, a school district must first give a warning before he or she is ejected. Upon ejection, the guest must also be given notice of how he or she can appeal the ejection. Texas Education Code §37.105 A school administrator, school resource officer, or school district peace officer of a school district may refuse to allow a person to enter or may eject a person from property under the district's control if the person refuses to leave peaceably on request and the person poses a substantial risk of harm to any person; or the person behaves in a manner that is inappropriate for a school setting. Prior to refusing entry or ejecting any person, the administrator, resource officer, or peace officer must issue a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection and the person persists in that behavior. In addition, at the time a person is refused entry or rejected, the district must provide a written notice regarding the appeal process.

**Proposed Flexibility:** Lipan ISD will make all reasonable attempts to diffuse situations in the case of unruly guests, at school and District functions and events; however, in the case of situations where immediate action must be taken, the District would allow designated staff

members the authority to remove an attendee whose behavior is deemed inappropriate without warning or written notice regarding the appeal process.

### **Transfer Students Full Year Requirement- Texas Education Code 25.036**

**Current Requirements:** (a) 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 the 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. (b) A transfer agreement under this section shall be filed and preserved as receiving district records for audit purposes of the agency.

**Proposed Flexibility:** The District shall be exempt from state law requiring a transfer to be for a one-year period. Therefore, the Superintendent and Campus Administration may revoke a student's transfer at any time during a school year if the student does not maintain acceptable levels of attendance, academic achievement, and compliance with the District's Student Code of Conduct as defined in FDA (LOCAL). In addition, students who have been accepted as transfer students may have such status revoked by the Superintendent and Campus Administration at any time, including when the student has been assigned discipline consequences of suspension (in or out of school), placement in a disciplinary alternative program, or expulsion.

### **School District Depository Contracts Texas Education Code §45.205, §45.206**

**Current Requirements:** The depository for the District shall serve for a term of two years until its successor is selected and has qualified. A district and its depository bank may agree to extend the contract for two additional two-year terms. Per S.B. 754, passed by the 85th Texas Legislature, effective September 1, 2017, TEC §45.205 will allow the District to extend a depository contract for three additional two-year terms. The contract term and any extension must coincide with the district's fiscal year. An extension is not subject to the requirements of TEC 45.206 and 45.205.

**Proposal Flexibility:** Lipan ISD utilizes services provided by the bank on a daily basis. Lipan ISD will continue to use the local depository for the District without rebidding. At the end of each two-year term, the District and its depository bank may agree to extend the contract for multiple additional two-year periods. The District must review the contract to ensure the best value and support for the District and obtain Board approval for each of the two-year periods. Nothing in this process would hinder the District's ability to undertake bidding at the end of any of the two-year periods. The District believes it can operate most optimally if it is not limited to two or even three additional two-year extensions of its depository contract, allowing the Superintendent and Board of Trustees more time for planning for student progress, instructional strategies, and innovative options for the District's educational goals.

### **Retire/Rehire Minimum Salary - Texas Education Code 21.002, 21.402, 21.415**

**Current Requirements:** Currently, all districts, when hiring a retired educator must pay them their salary based upon the TEA minimum salary pay scale; in addition, the districts are required to pay a TRS surcharge.

**Proposed Flexibility:** Lipan ISD would like the opportunity to hire an eligible retired educator and pay them below the TEA minimum pay scale while also paying the required TRS surcharge. We believe that by hiring an eligible retired educator our students, campuses, and district will reap the rewards of having a veteran educator who is still involved and passionate in the education process. In addition, the district will be able to have an experienced educator at a significantly less cost than had we paid them based upon the TEA minimum pay scale plus the TRS surcharge. Thus, by hiring an eligible retired educator Lipan ISD will be adding value to the schools and will be making sound fiscal decisions for our district's stakeholders.

### **Minimum Attendance for Class Credit or Final Grade - 90% Rule - Texas Education Code §25.092**

**Current Requirements:** State law currently requires students to attend class 90 percent of the school days on a district calendar to earn credit. The law requires districts to award class credit to students based on the time a student is present in a classroom for instruction, rather than mastery of content and subject proficiency.

#### **Proposed flexibility:**

The 90 percent rule is an arbitrary percentage, which means school districts award credit based on seat time rather than based on content mastery. Flexibility in abstaining from the requirement means the district will not have to penalize students who miss class due to enriching activities, academic activities, or other extenuating circumstances that support Lipan ISD's goal to educate the whole child. Exemption from the 90% requirement will provide educational advantages to students of the District by promoting active learning through innovation in methods, locations, and times instruction may be delivered to students. Lipan ISD may accommodate for students with legitimate scheduling conflicts and address the needs of an at-risk student, thereby reducing dropout potential. A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class.

Exemption from Section 25.092 will likely foster greater innovation to promote active learning and improve student outcomes. In addition, the exemption will allow Lipan ISD to meet the social and emotional issues Lipan ISD encounters when serving students who find themselves in situations that place them in alternative schools.

Through blended learning opportunities and flexible scheduling, Lipan ISD may offer to provide students credit for courses based on content mastery, not the amount of time the student spends in the classroom. This exemption would allow the district to provide innovative options to promote student engagement in course material in flexible ways, ultimately allowing learning to happen anytime, anywhere apart from the traditional way of delivering instruction. 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.

## **Teacher Certifications Texas Education Code §21.003, 21.055, 21.057**

### **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. The 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 teaching 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.
- Parent notification of “inappropriately or uncertified teacher” will not be required under Texas Education Code §21.057.
- Industry certified and/or trade professionals to teach specialized certification courses.
- Greater number of CTE 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.

### **Teacher Contract Days Texas Education Code §21.401**

**Current Requirements:** Texas Education Code §21.401 currently requires a contract between the District and an educator to be for a minimum of 10 months. Additionally, an educator employed under a 10-month contract must provide a minimum of 187 days of service. This inhibits the local district’s ability to build a calendar that provides the greatest flexibility to meet the LEA’s staff development and planning needs.

#### **Proposed Flexibility:**

- Lipan ISD teacher contract days will be based on the yearly needs of the student calendar, professional development goals and needs, and learning objectives of Lipan ISD students.
- Flexibility provided by this plan will allow teacher contract days to range from no less than 170 days and no more than 187 days in any given staff calendar year. This stems from an attempt to provide flexibility to better align teacher service days to instructional days.
- The Districtwide Improvement Committee will be provided with calendar options annually that indicate the required number of staff days in order to provide input and feedback.
- The Board of Trustees will be notified annually of the number of staff days in the calendar before taking action on the school calendar.
- Teacher salaries will not be affected by the number of staff days, student days, workdays, and professional development days if the calendar reflects an expectation of employment for days less than 187 days.
- Teacher salaries will not be affected by the number of staff days, student days, workdays, and professional development days if the calendar reflects an expectation of employment for days up to 187, but in the previous year, the expectation was for fewer days. For example, in year one of this plan a teacher works 186 days, and in year three the calendar changes to 187 days.

### **LOCAL SCHOOL HEALTH ADVISORY COUNCIL AND HEALTH EDUCATION INSTRUCTION Texas Education Code §28.004**

**Current Requirements:** Sec. 28.004 of this code requires The Board of Trustees of each school district shall establish a local School Health Advisory Council to assist the District in ensuring that local community values are reflected in the District's health education instruction. This section requires the establishment of a School Health Advisory Council and outlines the duties of this council.

**Proposed Flexibilities:** The District takes exemption from the requirement to establish a School Health Advisory Council and the subsequent duties of that council. The District will utilize the

District and campus improvement committees to seek feedback regarding health-related curriculum, food service, budget, and other related items as needed.

### **DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS Texas Education Code §37.008(7)**

**Current Requirements:** TEC §37.008(7) states that a DAEP employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21. This statute limits the District's ability to be innovative when providing a DAEP setting when needed.

**Proposed Flexibilities:** The District takes exemption from Sec. §37.008(7). Since there will be a limited number of students assigned to DAEP and all academic responsibilities and resources are provided to the student by his/her teacher of record for each course, an additional certified teacher is not required. The campus administrator will ensure that DAEP staff have the support necessary to properly supervise the students assigned to the program and will lend the assistance of teachers with specific certifications as needed.

### **Student Discipline Texas Education Code § 37.007(c)**

#### **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 students 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 students' 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 with the required services.*

### **Exemptions from Future TEC Mandates**

To best serve our local Lipan ISD community, staff, and students, Lipan ISD includes a provision in our Local Innovation Plan for the District to maintain control over any future, eligible Texas Education Code mandates, which may be exempted by a two-thirds majority of the Lipan ISD Board of Trustees.

### **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.

## Figure: 19 TAC §102.1307(d)

### Innovation District

A local innovation plan must be developed for a school district before the district may be designated as an Innovation District. A local plan must provide for a comprehensive educational program for the district, which may include:

- 1) Innovative Curriculum
- 2) Instructional Methods
- 3) Community Participation
- 4) Governance of Campuses
- 5) Parental Involvement
- 6) Modifications to the school year
- 7) Provisions regarding the district budget and sustainable program funding
- 8) Accountability and assessment measures that exceed the requirements of state and federal law; and
- 9) Any other innovations prescribed by the board of trustees.

A local innovation plan must identify requirements imposed by the Education Code that inhibit the goals of the plan from which the district should be exempted on adoption of the plan. The local innovation plan should specify the manner in which a particular statute inhibits one or more goals of the plan. Please use the form below to check the statutes specifically identified in your district's local innovation plan as inhibiting a goal of the plan. Checking a specific statute does not necessarily indicate eligibility for an exemption from all subsections of the statute. The form below provides a reporting mechanism to fulfill the reporting requirements of the statute. Entire sections of code may not be eligible for exemption and each district should consult its legal counsel in developing its innovation plan.

Exemptions claimed for an Innovation District apply only to the specific provision of the Texas Education Code (TEC) cited, which may or may not be governed by a separate legal requirement. The exemption does not relieve the district of any requirement imposed by other state or federal law or a duty imposed under federal regulation, grant compliance, agency rule applicable to a charter school or a local legal requirement. Each district should consult its legal counsel to ensure adoption of necessary local policies to ensure compliance with all applicable legal requirements.

Please note that this is not an exhaustive list of exemptions.

District Name: \_\_\_\_\_ CDN: \_\_\_\_\_

Term of Plan: \_\_\_\_\_ to \_\_\_\_\_  
(month) (day) (year) (month) (day) (year)

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**

- ☐ §21.102 Probationary Contract

### **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
- ☐ §44.908 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**

An adopted exemption from Texas Education Code for which there is no corresponding checkbox above must be added to this section.