

DISTRICT OF INNOVATION

Background

During the 84th Texas Legislative Session in Spring 2015, House Bill 1842 was passed. House Bill 1842 provided the opportunity for Texas public school districts to pursue the designation of District of Innovation. This allows local school districts to obtain exemptions from certain provisions of the Texas Education Code to afford more flexibility and local control for innovative programming. This legislature afforded school districts the opportunity to seek the designation: District of Innovation.

Districts of Innovation may be exempt from a myriad of state statutes and will have:

- Greater local control as the decision maker over the educational and instructional model for students;
- Increased freedom and flexibility, with accountability, relative to state mandates that govern educational programming; and
- Empowerment to innovate and think differently

Districts are not exempt from statutes including curriculum, graduation requirements, academic and financial accountability.

In order to be qualified for the designation as a District of Innovation, a school district's most recent academic performance rating must at least be acceptable.

Should the board of trustees choose to pursue the designation and ultimately approve a Local District of Innovation plan, the plan will begin in the fall of 2017 and continue until the spring of 2022.

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An Overview

The process is initiated by either:

- A resolution of the board of trustees; or
- A petition signed by a majority of the members of the district-level advisory committee

After the resolution a board of trustees must hold a public hearing to consider developing a local innovation plan within 30 days.

At the conclusion of the hearing, the board may appoint a committee to begin developing a plan in pursuit of becoming a District of Innovation or simply decline to pursue the designation.

The plan may be for up to five years in length and can address:

- Site based decision making processes
- Uniform start date
- Minimum minutes of instruction
- Class size ratio
- The 90% attendance rule
- Student discipline provisions
- Teacher certifications
- Teacher contracts
- Teacher benefits
- Teacher appraisal system

This plan may be amended, rescinded, or renewed.

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TIMELINE

February 13, 2017 - Board of Trustees approve resolution to hold a public hearing to discuss the possibility of using HB 1842 to become a District of Innovation

March 6, 2017 – Hold public hearing to explain and discuss the possibility of becoming a District of Innovation.

March 6, 2017 – Approve a motion to pursue local “District of Innovation” plan. Then the Board of Trustees approve the members of the District of Innovation Committee.

March 27, 2017 – Meeting of the District of Innovation Committee

March 29, 2017 – Meeting with FISD Staff

March 31, 2017 – Post the District of Innovation Plan on the district website for 30 days

April 2017 – Notify Commissioner of Education of the board’s intention to vote on adoption of proposed plan

May 8, 2017 – Board of Trustees approve the Local District of Innovation Plan unanimously.

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The Committee

The Local Innovation Committee was comprised of various individuals representing a variety mix of perspectives.

Rachel Schley, Fisd Parent

Chris Coufal, Fisd Parent

Amy Fritsch, Fisd Parent

Ann Mitchell, Fisd Parent

Blake Krebs, Fisd Teacher

Kirbey Cufu, Fisd Teacher

Mitch Madden, Fisd Teacher

Michelle Bertsch, Fisd Staff

Dawn Supak, Fisd Trustee

Kayla Kaspar, Fisd Trustee

Lisa Dyer, Fisd Dean of Students

Brynn Lopez, Fisd Principal

Jeff Harvey, Fisd Superintendent

The Local Innovation Committee met on March 27, 2017 and explored the potential designation as a District of Innovation. The following pages are the culmination of their efforts.

Fayetteville District of Innovation Plan

§21.003 Certification - *TEC 21.003(a) states 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. TEC21.057 requires districts to provide written notice to parents when an inappropriately certified or uncertified teacher is assigned to the same classroom for more than 30 consecutive instructional days during the same school year.*

Proposed

The current state teacher certification requirements inhibit the District's ability to hire teachers to teach hard-to-fill, high demand, dual credit, as well as career and technical courses. Fayetteville ISD is located in a rural area which limits course offerings and utilize creative instructional methods district wide. FISD seeks to establish its own local qualification requirements and its own requirements for training professionals and experts to teach such courses in lieu of the requirements set forth in law. All non-certified individuals seeking certified positions must have board approval and meet all other certified criteria before working with students.

§21.102 Probationary Contracts - *TEC 21.102(b) A probationary contract may not be for a term exceeding one school year. The probationary contract may be renewed for two additional one-year periods, for 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

One year is not sufficient to evaluate the teacher's effectiveness in the classroom since the teacher contract timelines demand that employment decisions must be made prior to state assessment dates. Fayetteville ISD seeks flexibility from this mandate in order to ensure its teachers meet the needs of all students.

§21.352 & §21.3541 Teacher and Principal Evaluation - *TEC 21.352 (a) In appraising teachers, each school district shall use: (1) the appraisal process and performance criteria developed by the commissioner; (c) Except as otherwise provided by this subsection, appraisal must be done at least once during each school year. A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years. The district shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file. Each teacher is entitled to receive a written copy of the evaluation promptly on its completion. After receiving a written copy of the evaluation, a teacher is entitled to a second appraisal by a different appraiser or to submit a written rebuttal to the evaluation to be attached to the evaluation in the teacher's personnel file. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.*

TEC 21.3541 (f) In appraising principals, each school district shall use either:(1) the appraisal system and school leadership standards and indicators developed or established by the commissioner under this section;

or(2) an appraisal process and performance criteria: (A) developed by the district in consultation with the district-level and campus-level committees established under Section [11.251](#); and (B) adopted by the board of trustees.

Proposed

Fayetteville ISD will utilize locally developed teacher and principal evaluation tools. The teacher evaluation instrument will be, the Texas Teacher Evaluation and Support System (T-TESS). Fayetteville ISD believes that the T-TESS instrument is robust enough without the addition of student achievement to the teacher evaluation. We feel that with state assessment, which can only be used with approximately 30-40% of our staff, should be removed from the teacher evaluation. Using performance objectives to determine student performance appears to be subjective and/or arbitrary depending on what subject(s) we were looking at to incorporate student achievement into the T-TESS instrument. Teachers on probationary contracts will be formally evaluated each school year. Teachers on term contracts will be formally evaluated a minimum of once every two school years. Principals will be evaluated annually.

§21.401 Minimum Service Required - *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

Fayetteville ISD seeks flexibility in the number of contractual days for certified personnel. In determining the number of days necessary for certified personnel each year, the administrative staff will evaluate the needs of the students, needs of the staff, and the overall school calendar, annually. Fayetteville ISD will not reduce the annual salary of certified staff, except in accordance with TEC§21.4021 (Furloughs) which the district is not seeking an exemption.

§25.0811 Uniform School Start Date - *TEC 21.003(a) Except as provided by this section, a school district may not begin instruction for students for a school year before the fourth Monday in August.*

Proposed

This flexibility of start date allows the district to determine locally, on an annual basis, what best meets the needs of the students and local community. Having school start 5 to 10 days earlier, our instructional calendar would be split more evenly between the spring and fall semesters. Students participating in Dual Enrollment opportunities will work with balanced semesters, which align more closely with our local colleges. An early start date permits students an additional instruction prior to state assessments. The district will determine, on an annual basis, when each school year will begin.

§25.082 Length of School Day - *TEC 25.082 (a) A school day shall be at least seven hours each day, including intermissions and recesses.*

Proposed

Exempting from the 420-minute day requirement would allow Fayetteville ISD the flexibility needed to alter the school day schedule whenever it was locally determined as necessary or beneficial to the district and its stakeholders. Exempting completely from the 420-minute requirement would give the district a significant amount of local control over scheduling without the fear of diminishing state funding or losing credit for instructional time that might cause the district to fall out of compliance with annual minute requirements.

§25.092 Minimum Attendance for Class Credit or Final Grade – *TEC 25.092 (a) Except as provided by this section, a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.*

Proposed

The 90 percent rule is an arbitrary percentage. Fayetteville ISD seeks the option to set our own requirement. FISD needs the flexibility to set attendance requirements which reflects our specific situation and expectations. Abstaining from the requirement would relieve the district from penalizing students who miss class due to extra/co-curricular activities, academic activities, or other extenuating circumstances. The flexibility can allow for our board to set higher expectations for attendance while promoting student engagement, as well as social and emotional development, by encouraging more students to participate in extracurricular activities.

§25.112 Kindergarten-4th grade Class Size - *TEC 25.112 (a) 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

In lieu of filing a waiver with the Commissioner, FISD will use the flexibility to address the issue locally, should a class size grow beyond the 22 to 1 ratio.

§28.004 Local School Health Advisory Council – *TEC 28.004 (a) 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. (d) The board of trustees shall appoint at least five members to the local school health advisory council. A majority of the members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the council. (d-1) The local school health advisory council shall meet at least four times each year.*

Proposed

Fayetteville ISD seeks exemption from the minimum size and minimum number of required meetings of the School Health Advisory Council. Fayetteville ISD is a small community with individuals that serve in numerous capacities making it difficult to organize and schedule multiple meetings. Fayetteville ISD will convene the council at least twice per year to evaluate the district's policies relevant to the council's statutory scope.

§37.0012 Designation of Campus Behavior Coordinator - *TEC 37.0012(a) A person at each campus must be designated to serve as the campus behavior coordinator. The person designated may be the principal of the campus or any other campus administrator selected by the principal. (b) The campus behavior coordinator is primarily responsible for maintaining student discipline and the implementation of this subchapter. (c) Except as provided by this chapter, the specific duties of the campus behavior coordinator may be established by campus or district policy. Unless otherwise provided by campus or district policy: (1) a duty imposed on a campus principal or other campus administrator under this subchapter shall be performed by the campus behavior coordinator; and (2) a power granted to a campus principal or other campus administrator under this subchapter may be exercised by the campus behavior coordinator. (d) The campus behavior coordinator shall promptly notify a student's parent or guardian as provided by this subsection if under this subchapter the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law enforcement officer. A campus behavior coordinator must comply with this subsection by: (1) promptly contacting the parent or guardian by telephone or in person; and (2) making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.*

Proposed

Delete the requirements in this section, as they are redundant. This recent legislative requirement to designate someone on each campus is a political solution to a non-existent problem. Obviously, the Principal and Dean of Students already serve in this capacity and it is unnecessary to "designate" one of them as such.

§44.902 Long Range Energy Plan to Reduce Consumption - *TEC 44.902(a) The board of trustees of a school district shall establish a long-range energy plan to reduce the district's annual electric consumption by five percent beginning with the 2008 state fiscal year and consume electricity in subsequent fiscal years in accordance with the district's energy plan. (b) The plan required under Subsection (a) must include: (1) strategies for achieving energy efficiency that: (A) result in net savings for the district; or (B) can be achieved without financial cost to the district; and (2) for each strategy identified under Subdivision (1), the initial, short-term capital costs and lifetime costs and savings that may result from implementation of the strategy. (b-1) For purposes of Subsection (b), a strategy for achieving energy efficiency includes facility design and construction. (c) In determining under Subsection (b) whether a strategy may result in financial cost to the district, the board of trustees shall consider the total net costs and savings that may occur over the seven-year period following implementation of the strategy. (d) The board of trustees may submit the plan required under Subsection*

Proposed

Delete the requirements for districts to reduce annual electric consumption by 5 percent and to develop plans for that purpose. 5% is an arbitrary number. It is a "one size fits all" awkward law. Energy consumption and savings are a building by building, district by district calculation. Therefore, the requirements to develop plans and other bureaucratic steps to meet this arbitrary goal are unnecessary.

§25.036 Inter-district Transfers – *TEC 25.036 (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 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. (b) A transfer agreement under this section shall be filed and preserved as a receiving district record for audit purposes of the agency.*

Proposed

Fayetteville ISD maintains a transfer policy requiring nonresident students wishing to transfer to file a transfer application yearly. In approving transfer requests, the student's disciplinary history and attendance records are evaluated. Transfer students are expected to follow the attendance requirements, rules, and regulations of the District. TEC §25.036 has been interpreted to establish the acceptance of a transfer as a one year commitment by the District. Fayetteville ISD is seeking the flexibility to eliminate the provision of a one year commitment in accepting transfers in any of the following circumstances:

1. The student's behavior warrants suspension (in or out of school), placement in an alternative program, or expulsion.
2. Student attendance falls below the TEA attendance standard of 90%.
3. Parent/Guardian is uncooperative in addressing behavior or attendance.

Local Guidelines

1. Non-resident students who have been accepted as a district transfer may have such transfer status revoked by the Superintendent at any time during the year if the student is assigned discipline consequences of suspension (in or out of school), placement in a disciplinary alternative program, or expelled.
2. Non-resident students not meeting the state 90% attendance standard will be subject to immediate revocation of transfer status.
3. Non-resident students whose parent/guardian is uncooperative in addressing the student's behavior or truancy concerns will be subject to immediate revocation of transfer status.