

TEXAS DISTRICTS OF INNOVATION (DOI)

- Texas Education Code Exemption Study – West Independent School District



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The following exemptions were presented and discussed by the West ISD DOI Planning Committee during the DOI Planning Meeting on Monday, March 27, 2017. Note: These eight (8) possible exemptions have not been approved by the DOI Planning Committee or the West ISD Board of Trustees. These exemptions are just possible ideas the committee is studying for possible usage in a future West ISD DOI Plan.

- 1: First Day of Instruction**
- 2: Minimum Attendance for Class Credit or Final Grade**
- 3: Required Certification**
- 4: Designation of Campus Behavior Coordinator**
- 5: Planning and Decision Making Process**
- 6: Seven Hour School Day or Minimum Minutes of Instruction, School Day**
- 7: Student Discipline while in DAEP**
- 8: Student Transfers**

**For more information, please contact David Truitt,
Superintendent, at (254) 981-2000.**

Possible Exemption #1: First Day of Instruction

Requirement: Texas Education Code Section 25.0811 states that a school district may not begin instruction prior to the fourth Monday in August.

Rationale: The flexibility of start date will allow the district to determine on an annual basis what best meets the needs of the students and local community. Having the flexible start date will allow the district to balance the amount of instructional time in each semester, which will improve the ability to implement special programs and nontraditional school models. It will also support our college and career readiness efforts by aligning with local college calendars. Ending the school year earlier will create a more favorable schedule for summer enrichment to ease documented summer learning loss. A flexible start will also allow the district to go back to the tradition of starting the school year with a short week, which has previously proven to foster a smoother, less tiring transition back to the school year.

Possible Exemption #2: Minimum Attendance for Class Credit or Final Grade

Requirement: Texas Education Code Section 25.092, commonly referred to as the 90 percent rule, provides conditions for credit or a final grade for a class based on student attendance for at least 90 percent of the days a class is offered. The law also provides provisions for students who are in attendance at least 75 percent of the days a class is offered, in that he/she may be given credit or a final grade if the student completes a plan approved by the principal that meets the instructional requirements of the class.

Rationale: West ISD desires to provide a rigorous, active, and engaging K- 12 curriculum through innovative teaching and learning methods. These methods and strategies may require varied forms of delivery and be supported by problem-based, blended, and personalized learning for students and may require flexible scheduling in regards to where and how students learn. Students working independently or working on group projects may complete work in various locations, (including but not limited to labs, field trips, work-related areas, etc.) and varied timelines. Exemptions from Section 25.092 will benefit our students in the way that instruction will be delivered and ultimately in student learning outcomes.

West ISD believes that awarding a student credit or a final grade for a class based on content-based mastery rather than seat time will improve student achievement, student test scores, and graduation rates. Relief from Section 25.092 will not change or impact Section 25.085 in regards to compulsory attendance, Section 28.0214 in regards to finality of a grade by a teacher, and Section 28.0216 regarding the district's grading policy.

The exemption from the 90 percent rule will also allow the district to establish local criteria regarding student attendance requirements. West ISD will not have to penalize students who miss class due to extra/co-curricular activities, academic activities, or other extenuating circumstances.

Possible Exemption #3: Required Certification

Requirement: Texas Education Code Section 21.003 mandates that districts that wish to hire an uncertified staff member must submit a request to TEA and wait on approval or denial. Section 21.0031 provides that an employee's probationary, continuing, or term Chapter 21 contract is void for failure to maintain certification in certain circumstances. Section 21.051 provides that before a school district may employ a candidate for certification as a teacher of record, the candidate must complete at least 15 hours of field-based experience in which the candidate is actively engaged in instructional or educational activities.

Rationale: To adequately supply programs with qualified candidates, the district requires the flexibility to hire community college and university professors, business professionals, as well as current or new staff members who would qualify for placement in assignments outside of their traditional certification areas and to retain them. This innovation has the potential to enrich applicant pools in specialized course offerings and afford more students the opportunity to take courses if state certified teachers are not available to teach those courses.

The district will establish local qualification and training requirements for professionals and experts to teach such courses in lieu of state requirements. The district will make decisions on certification needs for the various special programs. These exemptions are of particular importance for hard-to-fill and high-demand courses. The district will ensure that professional development plans are in place to train non-certified personnel in pedagogy and to provide needed support.

Possible Positions for Consideration: Dual credit professors, Career and Technology Education (CATE) teachers, Project Lead the Way (PLTW) teachers, and district-wide Librarian

Possible Exemption #4: Designation of Campus Behavior Coordinator

Requirement: Senate Bill 107 requires the designation of a Campus Behavior Coordinator on each campus. In West ISD, the campus Assistant Principals are assigned the role of the Campus Behavior Coordinator.

Rationale: The proposal is for West ISD to seek exemption from the statute requiring each school to have a designated Campus Behavior Coordinator. The relationships that are established between the campus administrator, counselor, student, and parent are the foundation for promoting and maintaining positive behavior. Utilizing a local district process allows the administrator who currently has a relationship with the parent and student to be the person to make parental contact. The administrator or counselor could then notify the parent of discipline or behavior concerns, rather than waiting to have contact from the Campus Behavior Coordinator. In West ISD, our administrative team all works and meets with our students. From the Superintendent to the counselors, everyone assists with the district's Discipline Management Plan. This role does not just fall to the Campus Behavior Coordinator.

Possible Exemption #5: Planning and Decision Making Process

Requirement: Education Code 11.251(b), .253(a) requires the District to establish a District and Campus-level planning and decision-making committees. These committees must include representative professional staff, parents of students enrolled in the District, business representatives, and community members. The current composition of these committees is as follows:

The committee shall be composed of members who shall represent campus-based professional staff, District-level professional staff, parents, businesses, and the community. For purposes of this policy, District-level professional staff shall be defined as professionals who have responsibilities at more than one campus including, but not limited to, central office staff.

Classroom teacher representatives shall be nominated and elected by classroom teachers assigned to each campus and shall comprise at least two-thirds of the total professional staff representation on the committee.

At least one campus-based nonteaching professional representative shall be nominated and elected by all professional staff.

At least one District-level professional staff member, other than the Superintendent, shall be nominated and elected by all professional staff.

The committee shall include at least two parents of students currently enrolled in the District, selected in accordance with administrative procedures.

The committee shall include at least one community member. The District shall strive to include at least two community members on the committee to be selected by a process that provides for adequate representation of the community's diversity, in accordance with administrative procedures. Community representatives must reside in the District.

The committee shall include at least one business representative. The District shall strive to include at least two business representatives on the committee to be selected by a process that provides for adequate representation of the community's diversity, in accordance with administrative procedures. Business representatives need not reside in nor operate businesses in the District.

Rationale: West ISD is committed to collaborative decision making and the strategic planning process. Our desire is to not confine our District and Campus decision-making committees to the committee composition outlined above. Our desire is to have greater involvement from our staff, parents, and community in our strategic planning process. Using this exemption, the District will create a committee composition formula that includes greater parent and community representation.

Possible Exemption #6: Seven Hour School Day or Minimum Minutes of Instruction, School Day

Requirement: House Bill (HB) 2610, passed by the 84th Texas Legislature, amended the Texas Education Code (TEC), §25.081, by eliminating the required 180 days of instruction and replacing this language with the requirement that schools provide at least 75,600 minutes of instruction annually and 420 minutes of instruction daily. While the bill allowed 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; it eliminated any options to pursue state waivers to reduce the minimum number of minutes per day to provide teachers with professional learning time beyond an early release waiver currently used by the District.

Additionally, Texas Education Code §25.082(a) requires that each school day be at least seven hours long including intermissions. Historically, West ISD has used Early Release state waivers for Parent Conference time, UIL events, professional learning and planning time, and district-wide assemblies or trainings. On these days, the school days is reduced to four hours of instructional time.

Rationale: The flexibility to adjust minutes of instruction within a designated school day will assist with personalizing learning to better meet student and staff needs. This flexibility has the added benefit of allowing the possibility of an altered length of a school day, which may include, for example, a later start/early release time which will accommodate professional learning/collaboration opportunities for teachers. As a component of the annual school district calendar development process, West ISD will carefully analyze the needs of students and staff to determine which dates should be modified. Modification to the length of certain dates will be recommended when there is a clearly identified purpose, such as professional learning, focused on meeting the needs of students and staff. It is recommended that future District Advisory Team (DAT) calendar sub-committees fully explore the flexibility found within this exemption by reviewing the current practice of modifying the length of school days and fully consider options that will provide the maximum benefits to students, teachers, and families.

In addition, West ISD offers an alternative education program designed to meet the needs of nontraditional students. This program provides an alternative route to graduation for students who have not been successful in the traditional school setting due to special challenges. These challenges include parenting students, and family hardships created by economic situations that result in the student having to work instead of attending school. These and other life situations leave these students being credit deficient. Therefore, being exempt from the minimum minutes requirement will permit the District to offer alternative programming with fewer minutes that focuses on quality programming designed to fit the needs of these at-risk students without having to apply for an annual state waiver.

This exemption could also provide West ISD a means to accelerate credit attainment, acquiring credits at a faster rate through a new alternative education program.

Possible Exemption #7: Student Discipline while in DAEP

Requirement: Texas Education Code §37 states that a student placed in a Disciplinary Alternative Education Program (DAEP) who engages in documented serious misbehavior while on the DAEP campus despite documented behavioral interventions may be removed from class and expelled.

“Serious misbehavior” includes: (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.

If the student is expelled, the Board or its designee refers the student to the authorized officer of the juvenile court for appropriate proceedings under Family Code Title 3 (Juvenile Justice Code). The West ISD DAEP has a strong and structured system of discipline. The Texas Education Code makes no allowance for students whose persistent misbehavior disrupts instruction and is detrimental to the educational environment to be expelled.

Rationale: West ISD desires an exemption to this specific Texas Education Code in order to consider expulsion on a case-by-case basis for a student in DAEP who:

1. Engages in documented serious misbehavior while on the DAEP campus despite documented behavioral interventions; or
2. Engages in documented persistent misbehavior while on the DAEP campus, despite documented behavioral interventions.

A plan to maintain or earn credits outside of school would be constructed and implemented for each student. A committee would be formed to review each request from the Campus Principal. These guidelines would be outlined in the West ISD Student Code of Conduct and Handbook.

Possible Exemption #8: Student Transfers

Requirement: Texas Education Code §35 states the Superintendent is authorized to accept or reject any transfer requests, provided that such action is without regard to race, religion, color, sex, disability, national origin, or ancestral language.

A resident student who becomes a nonresident during the course of a semester shall be permitted to continue in attendance for the remainder of the semester.

A nonresident student wishing to transfer into the District shall file an application for transfer each school year with the Superintendent or designee.

Transfers shall be granted for one regular school year at a time. In approving transfers, the Superintendent or designee shall consider availability of space and instructional staff and the student’s disciplinary history and attendance records.

A transfer student shall be notified in the written transfer agreement that he or she must follow all rules and regulations of the District. Violation of the terms of the agreement may result in a transfer request not being approved the following year.

Rationale: West ISD desires an exemption to this specific Texas Education Code in order to consider immediate termination of the transfer agreement and removal of the student if at any time during the school year the transfer agreement parameters are not met. Currently, the student is allowed to stay until the end of the current school year.

A committee would be formed to review each request from the Campus Principal. These guidelines would be outlined in the West ISD Student Code of Conduct and Handbook.