

Lexington Independent School District

District of Innovation

Explanation

House Bill 1842, passed by the 84th Legislature, provides local school districts the flexibility to write exemptions from certain provisions of the Texas Education Code. This plan of exemptions gives school districts flexibilities within the regulations and gives the school more local control. To meet the criteria for a District of Innovation, schools must hold an accountability rating of “Met Standard” and a superior rating on the FIRST (Financial) report. On January 8, 2018, the Lexington ISD Board of Trustees unanimously adopted a resolution to initiate the process for the District to be designated as a District of Innovation, as required by TEC 12A.001. Immediately following the adoption of the resolution, the Board of Trustees held a public hearing to receive feedback from the community regarding the DOI process. The Board of Trustees also appointed a District of Innovation Committee consisting of 70 members from staff, parents and community members.

On January 9th, 17th, 24th and 31st, the committee met to collaborate, develop, write and edit the DOI plan for LISD. On January 31, 2018 the committee also voted to adopt the plan and post it to the district website for the public to view. The plan will remain posted from February 1, 2018-March 2, 2018, the 30 days required by TEC 12A.001. The DOI committee will hold a public meeting on March 5, 2018 to allow public comments before sending the plan to the Board of Trustees. The plan will be presented to the Board of Trustees for final approval at the March 5, 2018 regular monthly meeting.

In an effort to provide more local control, and to give Lexington ISD flexibilities to meet community and district needs, the District of Innovation Committee wrote the following exemption plan.

Exemption Details for Lexington ISD

1. School Calendar

Exemption from: **TEC §25.0811; TEC §25.0812**

TEC §25.0811 states a school district may not begin student instruction before the 4th Monday of August.

TEC §25.0812 states a school district may not schedule the last day of school for students for a school year before May 15.

Proposed Innovation:

Lexington ISD believes that local control of increased flexibility in the school instructional calendar will increase student achievement, improve attendance, and better allow the district to meet the needs of the students and the community. The calendar will be established with the start date and end date based on what is best for the district. Exempting from TEC §25.0811 and TEC §25.0812, will have the following benefits:

- The instructional days for grading periods are more equal and balanced. This allows for a more balanced approach to the scope and sequences of all classes.
- The increased number of days in the fall allows for more flexibility in breaks and holidays for the students and the staff to meet the needs and preferences of the community.
- Allows teachers and students to participate in summer courses offered by colleges and universities.
- Allows more flexibility for more scheduled staff development during the school year.

Local Guidelines:

- The required 75,600 minutes of student instruction will still be met by LISD each year.
- LISD will publish the start date and end date in the board approved school calendar by July each year.
- LISD will continue to seek stakeholder input as required by Board Policy EB (Local) as part of the yearly calendar development.
- Changing the calendar will not alter the University Interscholastic League (UIL) restrictions for the first day of practice for athletic and fine arts programs. LISD will continue to comply with the UIL calendar for practices, events and performances.
- The DEIC will create calendar options that set the start date and end date based on the needs of the district. The ISD will set the local limits for starting school no earlier than the 2nd Monday in August and ending no earlier than the 1st of May.

2. Transfers

Exemption from: **TEC § 25.036**

TEC §25.036 states a school district may choose to accept, as transfers, students who are not entitled to enroll in the district for a period of one school year.

Proposed Innovation:

Lexington ISD will continue to accept transfers who meet the transfer criteria and are approved by campus administration. The availability of space and instructional staff, discipline records and attendance records will be considered for approval. Under this exemption, transfer students will be monitored throughout the year for meeting the transfer criteria. If any of the components of their approval changes, their transfer can be revoked at any time during the year. Exempting from TEC §25.036, will have the following benefits:

- Students will be held to high expectations for appropriate behavior and conduct on the campuses.
- Students will meet the attendance expectations for the campuses or be withdrawn.
- An unexpected increase in non-transfer enrollment will not put the district in a need for additional staff or programs.
- Transfer students will not add a hardship to the campuses or the district.

Local Guidelines:

- Transfer applications will be reviewed by an administrator on each campus prior to acceptance.
- Transfer student records will be reviewed as necessary.
- When a transfer student has 2 disciplinary incidents, a campus administrator will review the details of the incidents and determine the status of the transfer.
- If a transfer student receives a DAEP assignment, the transfer will be immediately revoked.
- If a transfer student's attendance rate drops below 90%, the transfer may be revoked.

3. T-TESS/T-PESS

Exemption from: **TEC 21.351, TEC §21.352 and 21.354**

TEC 21.351, TEC §21.352 and 21.354 currently states that a school district must use the TEA created T-TESS and T-PESS appraisal systems to evaluate the teachers and principals in a district, unless they develop their own instrument that must be approved by the commissioner and contain the elements listed in TEC 21.351.

Proposed Innovation:

While Lexington ISD believes that there are positive elements in the state developed appraisal systems, LISD also believes that local control of these systems can produce practical and useful professional growth based on the individual needs and goals of the staff. A committee of teachers from each campus and administrators from the campus and district level will use components of the T-TESS, T-PESS and PDAS systems, along with other evaluative and growth models to create a district evaluation system to be used at LISD. Exempting from TEC 21.351, TEC §21.352 and 21.354 will have the following benefits:

- Teachers and principals will get individualized evaluations that are focused on their individualized goals.
- The growth measures will be practical and useful for those evaluated.
- Teachers and principals will grow and make progress each year.
- Student achievement and progress will be shown through the growth and learning of the teachers and principals.

Local Guidelines:

- A committee will be established in the spring of 2018 to create the new evaluation instrument for LISD.
- The committee will use components of T-TESS, T-PESS, PDAS and other evaluation systems to establish the best practices for evaluation.
- The committee will set the number and length of observations, the components of feedback and ratings, and the frequency required for the evaluation system.
- The evaluation system will be approved by the school board before implementation in the 2018-2019 school year and beyond.

4. 90 % Rule

Exemption from: **TEC §25.092**

TEC §25.092 currently mandates a student may not be given credit or a final grade for a class unless the student is in attendance for a least 90 percent of the days the class is offered. In addition, if a student is in attendance greater than 75 percent and less than 90 percent, they may be given credit and a final grade if the student completes a plan approved by the campus administrator and meets instructional requirements for the class. If the attendance is less than 75 percent, credit cannot be given.

Proposed Innovation:

Because Lexington ISD is a small district and we encourage our students to be involved in multiple extracurricular and co-curricular activities, our students do sometimes fall below the 90 percent requirement in classes. Flexibility with this rule would allow our students to participate without fear of losing credit for classes where the student demonstrates mastery of the content. Exempting from TEC §25.092 will have the following benefits:

- Students will be involved in multiple activities and events with approval of the administration without fear of losing credit.
- Students will gain the knowledge of the content and still experience the positive experiences of events and activities.

Local Guidelines:

- Absences for extracurricular, co-curricular and special school sponsored events will be excused from the 90% rule.
- The campus administrator will have the final word on students missing instruction for school events or activities.

5. Probationary Contract Length

Exemption from: **TEC §21.102**

TEC §21.102 states that teachers new to a school district who have taught five of the last eight years in another school district may only be placed on a probationary contract for one year.

Proposed Innovation:

Lexington ISD believes that one year is not always a sufficient amount of time to evaluate a teacher's effectiveness in the classroom and the appropriate fit for the campus and the district. Administrators make contract recommendations in the early spring each year which is prior to some observations and the summative conferences. Administrators will have a right to recommend renewing the probationary contract beyond the initial year. Exempting from TEC §21.102 will have the following benefits:

- Administrators will have more time to evaluate the effectiveness of new teachers in the classroom.
- Administrators will maintain highly qualified teachers in the classroom.
- Administrators will have more time to observe and coach the new teachers.
- Administrators will ensure the teacher is a positive addition to the staff.

Local Guidelines:

- New teachers to the district who have at least 5 years of the last 8 years of experience may be placed on a probationary contract for up to 3 years at the recommendation of the campus administration, the superintendent, and the approval of the school board.
- Administrators will inform the teacher of the recommendation prior to submission to the school board.

6. Campus Behavior Coordinator

Exemption from: **TEC §37.0012**

TEC §37.0012 requires that a school district designate a Campus Behavior Coordinator for each Campus.

Proposed Innovation:

Lexington ISD believes the roles and responsibilities of the Campus Behavior Coordinator are already in the job descriptions and expectations of the campus principals, assistant principal and counselors.

Exempting from TEC §37.0012 will have the following benefits:

- The principal and assistant principals at each campus will be able to work together to determine the best course of action for behavior intervention.
- The principal and assistant principals will determine the best course of action for misbehavior on the campus.

Local Guidelines:

- The campus administrators will make assignments of duties and responsibilities on their campuses.
- The campus principal will be responsible for the behavior and conduct of the students on their campus. They may delegate disciplinary duties to others as it is best for the campus.

7. Retire/Rehire Minimum Salary

Exemption from: **TEC § 21.402**

TEC §21.402 currently all districts, when hiring a retired teacher must pay their salary based upon the TEA minimum salary pay scale; in addition, the districts are required to pay a TRS surcharge. In this code, a “teacher” includes teacher, speech pathologist, librarian, counselor and nurse.

Proposed Innovation:

As Lexington ISD faces budget constraints, local control for negotiating salaries for retired hires would benefit the district. In the negotiation, the salary may drop below the state minimum to allow district funds to be available to pay the surcharge to TRS. Exempting from TEC §21.402 will have the following benefits:

- Retired teachers can be employed and reap the benefits from a salary in addition to their retirement compensation.
- Students will benefit from the experience and knowledge of retired teachers.
- The district can hire retired teachers without an increase to the budget.
- The funds to pay the TRS surcharge would be available through the negotiated decrease in salary.

Local Guidelines:

- This negotiated salary will only be for situations in hiring retired educators.
- The salary will be negotiated between the superintendent and the retired educator.
- The contract with the retired educator will reflect the negotiated salary.
- The negotiated salary will be decreased by the surcharge amount minus the percentage the district pays to TRS for all other employees.

8. Staff Work Days

Exemption from: **TEC §21.401**

TEC §21.401 requires a contract between a school district and an educator to be for a minimum of 10 months service with a minimum of 187 days.

Proposed Innovation:

With the change in requirements for student instruction time, the calendar for educators became difficult. Lexington ISD believes that local control of increased flexibility in educator contracts will allow the district to continue providing days spread throughout the year for holidays and staff development while not having too many days to require educators to fulfill when students are not in attendance.

Exempting from TEC §21.401 will have the following benefits:

- Teachers and staff will have all days scheduled with purpose and intention.
- Teachers and staff will follow a calendar closer to and balanced with the student calendar.
- Teachers and staff will be motivated and morale will increase.
- Retention and recruitment will experience a positive impact.

Local Guidelines:

- The DEIC will determine the staff days annually with the creation of the school calendar.
- There will be no change in salary as a result of a change in the required work days.
- The educator contracts will remain Chapter 21 contracts with all other provisions and protections.
- The contracts will be based on 10 months and “the number of days established by the DEIC each year.”
- Non-contract employee’s days will be adjusted by the same number of days as the contracted employees.
- Contract and non-contract employees will have days adjusted without an impact on salary.
- Ten month contract days will not be above 187.
- New teachers to the district will be required to work 2 days more than teachers already in the district.

9. Discipline Suspension Length

Exemption from: **TEC § 37.005**

TEC §37.005 states “a suspension may not exceed three school days.” This includes in-school and/or out-of-school suspensions.

Proposed Innovation:

Lexington ISD believes that some circumstances warrant additional days of in-school and/or out-of-school suspension. Exempting from TEC §37.005 will have the following benefits:

- Campus administrators would have greater flexibility to assign discipline.
- Students could be removed from hostile situations for multiple days.
- The extension of a suspension could eliminate the need for a DAEP placement.
- Students will abide by the rules of the campus to avoid extended assignments to ISS.

Local Guidelines:

- The administrators will be able to determine the length of placement based on the offense.

10. DAEP (Certified Teacher, Separated from Other Students, Altered Daily Schedule)

Exemption from: ***TEC §37.008, 37.007, and 37.010***

TEC §37.008, 37.007, and 37.010 School districts are required to provide a DAEP that employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21. The TEC also requires that students in DAEP be separated from students who are not assigned to the program. TEC 37.005 and 37.006 requires a school to provide “not less than the minimum of instructional time per day required by Section 25.082.”

Proposed Innovation:

At Lexington ISD, the curriculum will be provided by campus teachers or a virtual program. The teacher in the DAEP setting does not need to be certified in all courses. To deter extended time with other students, a later start time and release time for DAEP students is needed. Exempting from *TEC §37.008, 37.007, and 37.010* will have the following benefits:

- Scheduling for DAEP classes will not put a burden on the campus.
- Students will receive a quality education with support.
- Students will continue to earn credits in their enrolled courses.
- Paraprofessionals and teachers will be able to only assist in the DAEP, a certified teacher will always be assigned to this position.

Local Guidelines:

- Teachers and paraprofessionals will be assigned to the DAEP as it best fits the schedule and needs of all campuses
- The curriculum and instruction will be provided to the students from the classroom teachers or in an electronic format.
- DAEP will have an altered start and end schedule to accommodate the district needs and eliminate excess time with other students in non-structured areas.
- With the approval of administration, students admitted to the credit acceleration program may be in the same room with the DAEP students.

11. DAEP (Suspensions and Expulsions)

Exemption from: ***TEC § 37.007 (C), and 37.010 (B)***

TEC § 37.007 (C), and 37.010 (B) states that a student placed in DAEP who engages in documented serious behavior while in DAEP may be removed from class and expelled.

Proposed Innovation:

Lexington ISD believes that serious misbehaviors in DAEP should result in serious consequences, but we also believe that frequent and persistent misbehaviors in a DAEP should also have serious consequences. Exempting from, *TEC 37.007 (C), and TEC 37.010 (B)* will have the following benefits:

- Students in DAEP will follow rules and guidelines of DAEP

Local Guidelines:

- Students who engage in serious misbehavior may be suspended or expelled from DAEP.
- Students who engage in persistent misbehavior may be suspended or expelled from DAEP.
- All students who are suspended or expelled from DAEP will have rights to appeal the process as given by law.

12. CTE Certification

Exemption from: **TEC §21.003**

TEC §21.003 states a teacher employed by a district must hold an appropriate certificate or permit.

Proposed Innovation:

Lexington ISD needs the flexibility to hire professional and experienced individuals for CTE courses who do not have a Texas teaching certificate. Exempting from TEC §21.003 will have the following benefits:

- Hard to fill areas in career and technical fields will be filled by experts in those fields.
- Flexibility will be available for one or two class periods for industry courses.
- Students will have access to an increased number of courses and trainings.

Local Guidelines:

- As required for CTE funding, the individual will hold a bachelor's degree or industry recognized certification.
- The district will seek a fully certified person for the position first.
- The hired individual will complete training hours in classroom management techniques.
- The non-certified teacher will be an at-will employee until they meet the requirements and become certified.

13. Grade Level Certification

Exemption from: **TEC §21.003**

TEC §21.003 states a teacher employed by a district must hold an appropriate certificate or permit.

Proposed Innovation:

Lexington ISD needs the flexibility to move employees into positions of need within the district.

Exempting from TEC §21.003 will have the following benefits:

- The need for quality instruction in all classrooms will be met.
- Campuses can make personnel hires or moves that meet the needs of the campus and the district.
- Students will benefit from experienced and effective teachers.

Local Guidelines:

- Certified teachers in a specific grade level range may be moved or hired into another grade level without having that specific certification.
- The teacher and the campus administrator will be in agreement with the move or hire if it is outside of the current certification limits.
- The teacher must be determined to be Highly Qualified with the approval of administration, the use of a Highly Qualified rubric, and the approval of the superintendent and the school board.

14. Content Certification

Exemption from: **TEC §21.003**

TEC §21.003 states a teacher employed by a district must hold an appropriate certificate or permit.

Proposed Innovation:

Lexington ISD needs the flexibility to move employees into positions of need within the district.

Exempting from TEC §21.003 will have the following benefits:

- The need for quality instruction in all classrooms will be met.
- Campuses can make personnel hires and moves that meet the needs of the campus and the district.
- Students will benefit from experienced and effective teachers.

Local Guidelines:

- Certified teachers in a specific content may be moved or hired into a content area without having that specific certification.
- The teacher and the campus administrator will be in agreement with the assignment if it is outside of the current certification limits.

15. Absences for College or University Visits

Exemption from: **TEC § 25.087 b-2 (1) (2) and TAC 129.21 (j)**

TEC §25.087 b-2 (1) (2) and TAC 129.21 (j) states that students are excused for a limit of two days for college or university visits.

Proposed Innovation:

Lexington ISD believes that students should be encouraged to visit colleges and universities prior to a commitment before graduation. LISD acknowledges that sometimes it takes more than two days to visit a prospective college or university when you have to travel a long distance. LISD believes that students should be able to explore more than two possible college campuses. Exempting from TEC §25.087 b-2 (1) (2) and TAC 129.21 (j) will have the following benefits:

- Students will have time to visit more than two colleges or universities.
- Students will be able to experience a variety of college experiences or events to assist with their decision.
- Students will have time away from school to travel to and from a prospective college.

Local Guidelines:

- Students will be given 4 excused days during their junior year and 4 excused days during their senior year for visiting prospective colleges or universities.
- All excused absences for college visits must be approved by the campus administration prior to the absences.