

**Midway\***  
**Independent School District**

**Plan of Innovation**

**June 1, 2019 thru May 31, 2024**

**\*Midway (Clay County) ISD**

## **Midway ISD District of Innovation Plan Historical Data**

January 4, 2019 the entire professional staff discussed and approved the concept of becoming a District of Innovation

January 10, 2019 the MISD Board approved a resolution to consider becoming a District of Innovation.

January 18, 2019 the District of Innovation Committee met to discuss the DOI, DOI Plan options, and calendar option. Committee members voted to expand the Committee to include representatives of parents, community, and non-professionals.

February 7, 2019 the MISD Board gave formal approval to move forward to become a District of Innovation.

Feb. 21, 2019 the MISD District of Innovation Committee met and gave formal approval of the recommended District of Innovation Plan and the calendar for 2019-20.

March 7, 2019 the recommended District of Innovation Plan was put online through the MISD website for 30 days prior to the next board meeting.

March 14, 2019 TEA responded with needed corrections. In particular,

Planning on April 11, 2019 The District of Innovation Plan was formally approved by the MISD School Board

Planning for immediately after April 11, 2019 The District of Innovation Plan was submitted and approved by TEA.

# *District of Innovation Plan*

## **Midway (Clay County) Independent School District**

### **School Start Date**

(EB LEGAL) (Ed. Code 25.081 l(a))

### **School Day Interruptions**

(EC Local) (Ed. Code 25.083(a))

### **Class Waivers (Kindergarten-4<sup>th</sup> Grade)**

(EEB Legal) (Ed. Code 25.112- 25.113)

### **Teacher Probationary Contracts**

(DCA Legal) TEC 21.102(b)

### **Inter-district Transfer Students**

(FDA (Local) & Ed. Code 25.036)

### **Absences for College Visits**

(Ed. Code 25.087 (b-2))

### **Student Discipline**

(Ed. Code 37.007(c) & 37.010)

### **School District Depositories Contract**

(Ed. Code 45.205)

### **Teacher Employment Contract Days**

(DCB Legal) Ed. Code§ 21.401(6)

### **Teacher Certification Required**

(DK Legal) (Ed. Code 21.003(a))

### **90 Percent Attendance Rule**

TEC 25.092

## **School Start Date**

(EB LEGAL) (Ed. Code 25.081 1(a))

FIRST DAY OF INSTRUCTION. (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.

### Rationale.

Midway ISD, who does not qualify for any of the exceptions noted in the statute, would like to have the freedom to develop a calendar that better fits the needs of the community should the committee choose. Having greater flexibility in this area would allow us to better balance the first and second semesters and provide more instructional days prior to state testing.

## **School Day Interruptions**

(EC Local) (Ed. Code 25.083(a))

SCHOOL DAY INTERRUPTIONS. (a) The board of trustees of each school district shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements to once during the school day except in the case of an emergency.

### Rationale.

Midway ISD would like to have the freedom to make announcements as needed during picture days and other days that are not routine for greater efficiency.

## **Class Waivers (Kindergarten-4<sup>th</sup> Grade)**

(EEB Legal) (Ed. Code 25.112- 25.113)

CLASS WAIVER. Sec. 25.112. CLASS SIZE. (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. That limitation does not apply during:

(1) any 12-week period of the school year selected by the district, in the case of a district whose average daily attendance is adjusted under Section 42.005(c); or (2) the last 12 weeks of any school year in the case of any other district.(b) Not later than the 30th day after the first day of the 12-week period for which a district whose average daily attendance is adjusted under Section 42.005(c) is claiming an exemption under Subsection (a), the district shall notify the commissioner in writing that the district is claiming an exemption for the period stated in the notice.(c) In determining the number of students to enroll in any class, a school district shall consider the subject to be taught, the teaching methodology to be used, and any need for individual instruction.(d) On application of a school district, the commissioner may except the district from the limit in Subsection (a) if the commissioner finds the limit works an undue hardship on the district. An exception expires at the end of the school year for which it is granted.(e) A school district seeking an exception under Subsection (d) shall notify the commissioner and apply for the exception not later than the later of: (1) October 1; or(2) the 30th day after the first school day the district exceeds the limit in Subsection (a).(f) If a school district repeatedly fails to comply with this section, the commissioner may take any appropriate action authorized to be taken by the commissioner under Section 39.131.(g) Expired.

Added by Acts 1995, 74th Leg., ch. 260, Sec. 1, eff. May 30, 1995. Amended by Acts 2001, 77th Leg., ch. 889, Sec. 1, eff. June 14, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1347 (S.B. 300), Sec. 2, eff. June 19, 2009.

Sec. 25.113. NOTICE OF CLASS SIZE. (a) A campus or district that is granted an exception under Section 25.112(d) from class size limits shall provide written notice of the exception to the parent of or person standing in parental relation to each student affected by the exception. The notice must be in conspicuous bold or underlined print and:(1) specify the class for which an exception from the limit imposed by Section 25.112(a) was granted; (2) state the number of children in the class for which the exception was granted; and (3) be included in a regular mailing or other communication from the campus or district, such as information sent home with students.(b) The notice required by Subsection (a) must be provided not later than the 31st day after: (1) the first day of the school year; or (2) the date the exception is granted, if the exception is granted after the beginning of the school year.

#### Rationale.

Kindergarten - 4th Grade classes are to be kept at a 22 student to 1 teacher ratio according to state law. When a class exceeds this limit, the district must complete a waiver with the Texas

Education Agency. These waivers are never rejected by TEA. This is a bureaucratic step that serves no purpose.

Along with the waiver, it is required that a letter is sent home to each parent in the section that exceeds the 22:1 ratio, informing them the waiver has been submitted. Many times soon after the waiver is submitted, students move out of the district and we are below the 22:1 ratio.

While we certainly believe that small class size plays a positive role in the classroom, we do not believe it has a negative effect when you only add one or two more students. Many times it is not the number of the students but the makeup and chemistry of the classroom which influence the learning environment.

- a. Midway ISD will attempt to keep all K-4th core classrooms to a 22:1 ratio. However, in the event the class size exceeds this ratio, the superintendent will report to the Board of Trustees.
- b. In the event a K-4th core classroom reaches 25:1, the campus will notify the parents of the students in the classroom and inform them of the situation.
- c. A TEA waiver will not be necessary when a K-4th classroom exceeds the 22:1 ratio.
- d. This gives Midway ISD the flexibility without having to submit waivers to the Texas Education Agency

### **Teacher Probationary Contracts** (DCA Legal) TEC 21.102(b)

PROBATIONARY CONTRACT. (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.

#### Rationale.

A probationary contract may not exceed one year for new teachers to our district who have been employed as a teacher in public education for at least five of the eight years preceding

employment by the district. Under this circumstance, the district must either give the teacher a term contract or terminate their contract after their first year in the district. This artificial limitation can prevent the district from adequately assessing the teaching and interpersonal skills of the incoming teacher.

Midway ISD would like to have the ability to renew the probationary contract one additional one-year period, for a maximum of two school years, for all teachers who are new to the district who have been employed as a teacher in public education for at least five of eight years preceding employment by the District.

### **Inter-district Transfer Students**

(FDA (Local) & Ed. Code 25.036)

TRANSFER STUDENTS. Under Texas Education Code 25.036, a district may choose to accept, as transfers, students who are not entitled to enroll in the district. Under TEC 25.036, a transfer is interpreted to be for a period of one school year. Midway ISD maintains a transfer policy under FDA (Local) requiring non-resident students wishing to transfer to file a transfer application each school year. In approving transfer requests, the availability of space and instructional staff, availability of programs and services, the student's disciplinary history records, work habits, and attendance records are also 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. The District is seeking to eliminate the provision of a one-year commitment in accepting transfer applicants. On rare occasions, student behavior warrants suspension (in or out of school), placement in a disciplinary alternative program, or expulsion. In addition, student attendance may fall below the TEA truancy standard.

#### Rationale.

Midway ISD seeks exemption from the requirement that a transfer must be a commitment for one year, and allow the district to rescind a transfer upon review of the entire circumstances.

## **Absences for College Visits**

(Ed. Code 25.087 (b-2))

EXCUSED ABSENCES. (b-2) A school district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

- (1) the district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
- (2) the district adopts:
  - (A) a policy to determine when an absence will be excused for this purpose; and
  - (B) a procedure to verify the student's visit at the institution of higher education.

### Rationale.

Currently students are only allowed to have two excused school days to visit colleges or universities as College Days. In some cases, where students are visiting colleges out of state, students need more than the two days that are currently allowed to safely visit a college they are interested in attending or doing comparative visits to multiple colleges.

Midway ISD will be exempt from the two-day excused absence limit for students visiting institutions of higher education. Students would be allowed more than the current two-day excused absence limit. Each situation would be evaluated by the attendance review committee on a case by case basis. The committee includes the principal, counselor and attendance clerk.

## **Student Discipline**

(Ed. Code 37.007(c) & 37.010)

EXPULSION FOR SERIOUS OFFENSES. (c) A student may be expelled if the student, while placed in a disciplinary alternative education program, engages in documented serious misbehavior while on the program campus despite documented behavioral interventions. For purposes of this subsection, "serious misbehavior" means:

- (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 Section 1.07, Penal Code; or
- (4) conduct that constitutes the offense of:
  - (A) public lewdness under Section 21.07, Penal Code;
  - (B) indecent exposure under Section 21.08, Penal Code;
  - (C) criminal mischief under Section 28.03, Penal Code;
  - (D) personal hazing under Section 37.152; or
  - (E) harassment under Section 42.07(a)(1), Penal Code, of a student or district employee.

### Rationale.

TEC 37.007(c) (noted above) states that a student placed in a District Alternative Educational Program (DAEP) who engages in documented serious misbehavior while on the DAEP campus despite documented behavioral interventions may be removed from class and expelled.

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 Midway ISD DAEP has a 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. Persistent misbehavior is defined as:

A student placed in a District Alternative Educational Program (DAEP) who engages in documented serious misbehavior while on the DAEP campus, despite documented behavioral interventions, may be removed from class and expelled. A student placed in a DAEP who engages in documented persistent misbehavior while on the DAEP campus, despite documented behavioral interventions, may be removed from class and expelled.

### **School District Depositories Contract**

(Ed. Code 45.205)

TERM OF CONTRACT(a) Except as provided by Subsection (b), the depository bank when selected shall serve for a term of two years and until its successor is selected and has qualified.

(b) A school district and the district's depository bank may agree to extend a depository contract for two additional two-year terms. An extension under this subsection is not subject to the requirements of Section 45.206.

Rationale.

In a small district and a small town, the District's choices for its depository bank are limited. Midway ISD uses services provided by the bank two to three times a week.

Midway ISD will continue to use the local depository for the District without rebidding as follows: At the end of each two-year term, the District and its depository bank may agree to extend the contract for multiple two additional 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.

**Teacher Employment Contract Days**

(DCB Legal) Ed. Code § 21.40 I (b)

MINIMUM SERVICE REQUIRED. (b) An educator employed under a 10-month contract must provide a minimum of 187 days of service.

### Rationale.

Midway ISD would like to have the freedom to consider the reduction in contract days to better align with the 75,600 minutes required of students. This potential decrease in days would have no effect on teacher salaries, which increases a teacher ' s daily rate and enhances teacher recruitment.

### **Teacher Certification Required**

**(DK Legal)** (Ed. Code 2 1.003(a))

CERTIFICATION REQUIRED. (a) A person may not be employed as a teacher by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

### Rationale.

Midway ISD would like to make decisions regarding certifications locally and based on the needs of the campus and students. In the event that the district cannot locate a certified teacher for a position or are teaching a subject outside of their certification, Midway ISD would like to be afforded the flexibility to consider entering into at-will employment agreements with noncertified individuals that have field experience in a CTE, STEM field or a vocational skill that would provide more options for students and flexibility in scheduling.

Midway ISD would also like to allow a certified teacher to teach one subject outside of their certified field in the event there is a need. Midway ISD will locally document the reasoning for the request and the credentials the certified teacher possess which qualify this individual to teach the subject.

Midway ISD understands that Special Education and Bilingual teachers must continue to be SBEC certified.

### **90 Percent Attendance Rule (TEC 25.092)**

State law mandates a student may not be given credit or a final grade for a class unless the student is in attendance at least 90% of the days the class is offered. In addition, if a student is in attendance greater than 75% and less than 90% he/she may be given credit or a final grade for the class if the student completes a plan approved by the campus administrator and meets the instructional requirements for the class.

### Rationale.

The 90% rule is an arbitrary percentage. Districts should have the option to set their own requirement. Local districts need the flexibility to set attendance requirements which reflect their specific situations and expectations.

Abstaining from the requirement means the district will not have to penalize students who miss class due to extra/co-curricular activities, academic activities, or other extenuation circumstances. The flexibility can allow for the local 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.

It must be noted, Relief from TEC 25.092 does not in any way impact or alter existing compulsory attendance requirements or University Interscholastic League Rules. Opting out of TEC 25.092 does not limit or modify the teacher's right to determine the final grade in accordance with TEC 28.0214, nor does it restrict or alter a teacher's right to assign grades in accordance with TEC 28.0216.