

# **Port Aransas ISD as a District of Innovation**

## **Districts of Innovation and Exemptions from Provisions of the Texas Education Code under House Bill 1842**

**This plan is specific to the exemptions as outlined.** The district intends to follow the Texas Education Code in all other areas. If at some point it is decided that changes or additional exemptions should be considered, as per the Districts of Innovation process, the district will reconvene the District of Innovation Planning committee to explore the request.

House Bill 1842, passed in the 84th Texas Legislative Session, provides an opportunity for Texas public school districts to modify state requirements at the local level to better meet the needs of their unique student populations, in order to prepare them for success and lifelong learning.

The plan is for March 8, 2017 through June 30, 2021. Renewal dates for the plan is for July 1, 2021 through June 30, 2026.

## **Uniform School Start Date**

(EB LEGAL) (Ed. Code 25.0811)

### **Currently**

Students may not begin school before the 4th Monday of August. For many years this was the rule: however, districts had the option of applying for a waiver to start earlier. The vast majority of districts applied for the waiver and would begin the 3rd Monday, some even going as early as the 2nd Monday. Several years ago the legislature took away all waivers and dictated that districts may not begin until the 4th Monday, with no exceptions.

### **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. By having the flexibility in the start and end

of the school year, we can ensure that students will be able to enroll in college courses that start in early June and we can make sure that our school calendar works best for our local community. This will also allow for more flexible professional development opportunities for our staff.

## **Minimum Minutes of Instruction**

(EC LEGAL & EB LEGAL) (Ed. Code 25.081)

### **Currently**

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 this language with language requiring districts and charter schools to provide at least 75,600 minutes of instruction (including intermissions and recess). The bill also 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.

### **Proposed**

The flexibility to adjust minutes of instruction will assist with personalizing learning to better meet individual student needs. It also 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 additional professional development/collaboration opportunities for our staff. In addition, if school were to be adversely affected by a hurricane or other natural disaster, then the district would have more flexibility in educating our students during or after the disaster.

# **Class Size Ratio**

(EEB LEGAL) (Ed. Code 25.111) (Ed. Code 25.112) (Ed. Code 25.113)

## **Currently**

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.

## **Proposed**

While we certainly believe that small class size plays a positive role in the classroom and it continues to be a priority in our school district, this must be balanced with the logistics of the timing of adding staff, and the best teacher to student ratio that can be achieved given the total number of students. We do not believe it has a negative effect when a district adds only 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. The absolute class size also does not take into account that there may be additional staff in the classroom for some or most of the instructional time (such as special education teachers or paraprofessionals). Most importantly, research clearly shows it is the teacher in the classroom that has the greatest impact on student learning, not absolute class size. In the event the class size exceeds the 22:1 ratio for Kindergarten – 4th grade classes, a TEA waiver will not be necessary, but the superintendent will report to the Board of Trustees for approval. This exemption allows for local control over class size ratios, and it is not a disregard for the intent of the ratio requirements. An exemption in meeting Texas Education Code (TEC), §25.112, will allow the ability to group students based upon academic, social, and emotional needs while reducing paperwork (not having to file waivers when the need arises).

# **90 Percent Attendance Rule**

(FEC LOCAL) (Ed. Code 25.092)

## **Currently**

State law currently requires students attend class 90 percent of the school days in order to earn credit. The law currently requires the District to award class credit to students based on "seat time" rather than based on content mastery.

## **Proposed**

The 90 percent rule is an arbitrary percentage, which means school districts award credit based on seat time rather than based on content mastery. Abstaining from the requirement means the district won't have to penalize students who miss class due to extreme extenuating circumstances. It will allow PAISD administrators to award credit to students because they can show they understand the concepts, rather than because they've attended a certain number of school days. This will not reduce the emphasis on attendance as it is critically important to ensuring high levels of student learning; it also affects accountability ratings and state funding.

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.

# **Student Discipline Provisions**

(FO LEGAL & LOCAL) (Ed. Code 37.0012)

## **Currently**

Senate Bill 107 requires the designation of a campus behavior coordinator on each campus. This designee is responsible for maintaining student discipline and the implementation of Chapter 37, Subchapter A.

## **Proposed**

The proposal is for the District to abstain from the state requirement that each school have a designated campus behavior coordinator. PAISD's approach to discipline is a team-effort across the district, with all principals working both together and also with other staff members, rather than just one person.

# **Teacher Certification**

(DK LEGAL, DK LOCAL, DK EXHIBIT) (Ed. Code 21.044, 21.003)

## **Currently**

In the event a district cannot locate a certified teacher for a position or a teacher is teaching a subject outside of their certification, the district must submit a request to the Texas Education Agency. TEA then approves or denies this request. There is a lot of bureaucracy and unnecessary paperwork involved in the process.

## **Proposed**

In order to best serve PAISD students, decisions on certification will be handled locally. The current state teacher certification requirements inhibit the District's ability to offer a variety of classes and academic electives and hinders the development of a master schedule that allows enough flexibility for students to take a wide variety of classes. In order to enable more students to obtain the

educational benefit of such course offerings, the District seeks to establish its own local qualification requirements and its own requirements for training of professionals and experts to teach courses in lieu of the requirements set forth in law. This exemption directly supports the move from “highly qualified” requirements in the Every Student Succeeds Act (ESSA). By obtaining exemption from existing teacher certification requirements, the District will have the flexibility to hire teachers with expertise in the class content area who may not have a formal teacher certification from the state.

## **Teacher Appraisal System**

(DNA LEGAL, DNA LOCAL) (Ed. Code 21.203) (Ed. Code 21.352) (Ed. Code 21.3541)

### **Currently**

Due to state law, PAISD has implemented a new teacher appraisal system in 2016-2017, called the Texas Teacher Evaluation and Support System (T-TESS) as well as a new principal appraisal system called the Texas Principal Evaluation and Support System (T-PESS). The domains within these systems are developed by the State to meet the needs of the entire State of Texas. These systems require that state standardized test scores be used as one of the evaluation measures for teachers and administrators.

### **Proposed**

In order to promote professional development that focuses on individual growth, the District needs to maintain local flexibility in appraising teachers and principals as it does with other staff members. Local control would allow us to use principles and tools from T-TESS and T-PESS in addition to other strategies to evaluate staff, encourage professional growth, and maintain the high expectations we have for all staff members in PAISD.

## **Probationary Contracts**

(DCA LEGAL) (Ed. Code 21.102b)

### **Currently**

The Texas Education Code states that a probationary contract 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 with the district. This period of time is not always sufficient to evaluate the teacher's effectiveness in the classroom since teacher contract timelines demand that employment decisions must be made prior to the availability of end of year classroom and student data.

### **Proposed**

For experienced teachers, counselors, librarians, or nurses new to Port Aransas ISD that have been employed as a teacher in public education for at least five of the eight previous years, the board would consider adopting a policy allowing for the extension of the probationary contract beyond one year.

## **Student Discipline while in DAEP**

(Ed. Code 37.007c) (Ed. Code 37.010b)

### **Currently**

The Texas Education Code states that a student placed in a District Alternative Educational Program (DAEP) who engages in documented serious misbehavior while in DAEP despite documented behavioral interventions may be removed from class and expelled. These "serious misbehaviors" include violent behavior, extortion, coercion (according to Penal Code 1.07), public lewdness, indecent exposure, criminal mischief, personal hazing, and harassment. This makes no provision for students who are assigned to DAEP but continue to disrupt the learning environment

and/or fail to follow the rules to be expelled if the behavior continues despite documented interventions.

## **Proposed**

In addition to serious misbehavior, a student placed in a DAEP that engages in documented persistent misbehavior while in DAEP, despite documented behavioral interventions, may be removed from class and expelled.

## **Unauthorized Persons: Refusal of Entry, Ejection, Identification *Amendment approved by board 12-11-2019***

(Ed. Code 37.105)

## **Currently**

A district must maintain a record of each verbal warning issued under Section 37.105 (a)(2)(A), including the name of the person to whom the warning was issued and the date of issuance. At the time a person is refused entry to or ejected from a school district's property under Section 37.105, the district must provide the person a written information explaining how to appeal. Each school board must adopt a policy that uses the district's existing grievance process to permit a person ejected or denied entry to address the Board of Trustees in person within 90 days of the commencement of the appeal, unless the appeal is granted sooner.

## **Proposed**

Texas Education Code section 37.105 includes a process for ejecting or denying entry to a visitor who presents a substantial risk of harm or behaves in a manner inappropriate for the school setting. To better ensure the safety and security of students and staff in Port Aransas ISD, we propose that



the District not be required to maintain a record of each verbal warning of potential removal from district property/facilities, nor be required to provide written information explaining the appeal process to those who have been refused entry to district property/facilities or removed from district property/facilities. The District currently attempts to provide written notice to persons who are subject to potential refusal for entry or for removal from district property/facilities. Should an exemption from TEC §37.105 be granted, the District shall continue to provide written notice to persons who are subject to potential refusal for entry or for removal from district property/facilities in situations where the administrator on site feels it is reasonable and safe to do so. Campus and District administrators, as well as school resource officers and District police officers if applicable, may refuse to allow a person to enter or may eject a person from property under the District's control in accordance with law. An appeal notice must be filed with the Superintendent, in writing, and submitted to the Administration Office for review.

## **Preclusion from providing alternative Uniform Group Coverage Program once the program of coverages under Chapter 1579, Insurance Code is implemented. *Amendment approved by board 12-11-2019***

(Ed. Code 22.004(i))

### **Currently**

Texas Education Code 22.004(i) states that a school district may not make group health coverage available to its employees pursuant to TEC 22.004(b) after the date a District implements the program of coverages provided under Chapter 1579 of the Texas Insurance Code. The current process allows no flexibility in the design of group health insurance benefits to fit the needs of all District employees. This provision also prohibits the District from procuring group health insurance benefits that may provide better coverages for its employees and at a lower cost. This provision

does not give the District the flexibility needed to acquire benefits packages that would potentially be more attractive to prospective employees.

## **Proposed**

In order to have the option to offer additional benefits options to employees, the District proposes that the District of Innovation Plan be amended to exempt the District from the health insurance requirements in Texas Education Code 22.004 (i).

## **Bank Depository Contract *Amendment approved by board 4-14-2021***

(BDAE Legal, BDAE Local) (Ed. Code 45.205, 45.206)

## **Currently**

The District must renew its depository contract every two years. The two-year contract term begins and ends in odd-numbered years. In accordance with the Texas Education Code 45.502 and 45.206, the District must use a uniform bid or proposal blank in the form prescribed by the State Board of Education.

## **Proposed**

The District is seeking an exemption from TEC 45.205 and 45.206 to allow the District's banking contract to be extended beyond the 6 year allowable contract term, if the District determines contract-pricing remains competitive and there is no operational or financial reason to send the District's banking services out for bid. This exemption lessens the administrative burden related to preparing and reviewing a Request for Proposal (RFP) when there is a limited number of banking institutions available to bid on the District's business. In addition, this would further mitigate any impact to employees that use the local banking services when dealing with district business and afford district flexibility with respect to local banking relationships.

### **Local Guidelines**

***Adopted March 8, 2017, Amended May 2017, Amended December 2019, Amended April 2021,  
Renewal Adopted Effective July 1, 2021  
(Sent to TEA 4-16-2020)***

The District will only go out for bid if it is determined that contract-pricing is not competitive and there is an operational or financial reason to send the District's banking services out for bid. The District will continue with two year contracts for our banking depository.

**Summary:**

PAISD will use the exemptions allowed through the "District of Innovation" designation when it allows us to offer the very best learning opportunities for all students in our district by allowing us to be innovative in class offerings and scheduling while also allowing us to operate more efficiently and effectively.