

# INTRODUCTION

HB 1842 was passed during the 84<sup>th</sup> Texas legislative session in Spring 2015, and provides Texas public school districts the opportunity to be designated as a District of Innovation. To access these flexibilities, a school district must adopt an innovation plan, as set forth in Texas Education Code Chapter 12A.

Districts of Innovation may be exempted from a number of state statutes and will have:

- Greater local control as the decision makers 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 and graduation requirements and academic and financial accountability.

# EXEMPTIONS

## §25.0811 Uniform School Start Date

*A district may not begin instruction for students for a school year before the fourth Monday in August unless the district operates a year-round system. A district may not receive a waiver for this requirement.*

### 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. It also offers the opportunities below:

- An improved balanced instructional calendar because currently we have 77 days in the fall and 94 days in the spring for the 2016-17 school year. With starting school 5 days earlier, our instructional calendar would be 83 days in the fall and 90 days in the spring.
- An early start date permits students an additional week of instruction prior to State assessments.
- Creates flexibility for District to pursue other calendar options for identified populations.

### Local Guidelines

The district will determine, on an annual basis, when each school year will begin.

## **§25.112 Class Size and Notice of Class Size**

*Texas Education Code 25.112 limits the number of students in grades Kindergarten through 4th grade to 22. While the maximum number of students in K-4 classrooms may be addressed by a state waiver, the waivers must be applied for annually. Texas Education Code 25.113 requires districts to notify each parent in the class section that exceeds the 22:1 ratio, and inform them the waiver has been submitted.*

### **Proposed**

By seeking an exception from TEC 25.112, the District would have flexibility for all campuses and classrooms for the duration of the District of Innovation Designation and would not be required to seek waivers annually. While the District intends to remain within the guidelines of the current education code as much as possible, the District seeks flexibility to provide the best learning environment for our K-4 students, including more flexibility when teaching, creative ways of delivering instruction, and ability to manage increases in class sizes. Research shows it is the teacher in the classroom that has the greatest impact on student learning and not the absolute class size. Small class sizes may have a positive effect in the classroom, but must also be balanced with the timing of adding staff, the qualifications of staff available, the makeup and chemistry of the classroom and other classroom influences.

### **Local Guidelines**

In the event a classroom exceeds the 22:1 ratio in grades K – 4, the class sizes will be reviewed by appropriate district and campus administration. The Board of Trustees will be informed of K- 4 classes that exceed 22:1. TEA waivers for class sizes exceeding 22 will not be required. An exemption from TEC 25.113 is also requested.

## **§25.036 Inter-district Transfers**

*Under Texas Education Code, 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.*

### **Proposed**

Leary ISD maintains a transfer policy under FDA (Local) requiring nonresident 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 and 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. In these rare cases, Leary ISD seeks exemption from the one year transfer commitment.

### Local Guidelines

Nonresident students who have been accepted as inter-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 expulsion. In addition, students not meeting the State's 90% attendance standard may also be subject to immediate revocation of the transfer status.

### §21.002 Employment Contracts

*Currently, experienced teachers new to the district have a probationary period that may not exceed one year if the person has been employed as a teacher in public education for at least five of the previous eight years.*

### Proposed

Under current guidelines, probationary periods for newly hired teachers and counselors who have been in public education for at least five of the previous eight years cannot exceed one year. This limited time period is insufficient in some cases to fully determine the staff member's effectiveness. Relief from Texas Education Code 21.102 will permit the district the option to issue a probationary contract for a period of up to two years for experienced teachers and counselors newly hired in Leary ISD.

### Local Guidelines

At the time of contract recommendation consideration, newly hired teachers and counselors with the district, who have been employed in public education for at least five of the eight previous years and have completed their first probationary year with the district, may receive a probationary contract for the second year in order to continue to evaluate the staff member's effectiveness.

## §21003 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

In order to best serve Leary ISD students, decisions on certification will be handled locally. With the current teacher shortage, this exemption from teacher certification requirements will enable greater flexibility in staffing and will enrich applicant pools in specific areas of need. The district's exemption from TEC 21.003 would allow the district to consider part time professionals to teach courses. Out of state certified teachers could be considered for positions upon a local review of experience, education and credentials. Often there are experienced certified teachers in our district that could teach a course outside of their certification area due to their education, background and/or experience. Local decisions outside of state certification requirements would allow innovation and flexibility in scheduling to meet student needs.

### Local Guidelines

- a) The campus principal may submit to the superintendent a request to allow a certified teacher to teach a subject and/or grade level out of their field. The principal must specify the reason for the request and document what credentials the certified teacher possesses qualifying this individual to teach the subject.
- b) An individual with experience in a Career and Technology field may be eligible to teach a vocational skill or course. An individual may hold a teaching certification in another state for Core areas or Career and Technology. An individual may have background, experience, skills or work related/ industry experience to work full time or part time in a designated area. The principal will submit a request to the superintendent for local certification. The principal must specify the reason for the request and document what credentials the individual possesses qualifying this individual to teach the subject.
- c) The superintendent will approve or deny requests for local certification.