

PROPOSED Amendment to Duncanville Independent School District's District Local Innovation Plan

Texas Education Code, Chapter 12A

HB 1842, passed during the 84th Legislative Session, and set forth in Texas Education Code Chapter 12A, allows Texas school districts to qualify as a District of Innovation. This designation enables independent school districts in Texas to access many of the flexibilities that are currently available to open enrollment charter schools. Through the development and approval of a "Local Innovation Plan," a school district may obtain certain exemptions from the Texas Education Code.

District of Innovation Renewal

Duncanville Independent School District became a District of Innovation on May 8, 2017, when the District's Board of Trustees unanimously approved the Local Innovation Plan. The term of the Local Innovation Plan continued for five years and was reviewed by the District Educational Improvement Committee (DEIC) on February 28, 2022. In accordance with the law, it was amended and renewed. The DEIC will review the plan annually to ensure that it continues to support the needs of the District. If the Committee recommends changes, the Plan would be amended in the manner required by law. The term of the Local Innovation Plan will begin April 12, 2022 and will end on April 11, 2027, unless terminated, amended, and/or renewed in accordance with the law.

Amendment

Duncanville Independent School District has determined a need to apply for an amendment to its Local Innovation Plan to allow exemptions for flexibility. The District's Innovation Plan Amendment Committee met on March 6, 2025, to review the current plan and propose the following amendments.

Amendments:

- Certification requirements for teachers and other educators. (Texas Education Code §§ 21.003, 21.051, 21.053, 21.057).
- Certification requirements for counselors. (Texas Education Code § 33.002(b)).
- Requirements regarding probationary contracts—the “5-of-8” rule. (Texas Education Code § 21.102(b)).
- Mandatory DAEP placement for vaping/e-cigarette related offenses. (Texas Education Code §§ 37.006(a)(2)(C-1) & (C-2)).
- Requirements regarding minimum attendance for class credit or final grade. (Texas Education Code § 25.092).
- Requirements regarding class size, class size ratio, and parent notification. (Texas Education Code §§ 25.111, 25.112, 25.113).
- Requirements regarding term of depository contract. (Texas Education Code §§ 45.205, 45.206).

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State Certification Requirements for Teachers and Other Educators

Current law: Texas Education Code §§ 21.003, 21.051, 21.053, 21.057

Texas Education Code §21.003 states that 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 district unless the person holds an appropriate certificate or permit issued by the appropriate state agency.

Texas Education Code §21.053 requires a person who desires to teach in a school district to present the person's certificate for filing with the district before the person's contract with the board of trustees of the district is binding.

Texas Education Code § 21.051(b) requires that before a school district can employ a candidate for certification as a teacher of record, and after the candidate's admission to an educator preparation program, the candidate must complete at least 15 hours of field based experience.

Exemption: Sections 21.003 and 21.053 limit the District's ability to hire teachers when individuals certified by the State Board of Educator Certification (SBEC) are not available. The District seeks an exemption to allow the District to hire teachers, if necessary, that are not certified by SBEC. Teachers who are certified by SBEC must still present their SBEC certification to the District before their employment contract with the District is binding.

The District also seeks exemption from Section 21.051(b)'s field experience requirement to allow the District to employ candidates who have recently enrolled in an educator preparation program but do not yet have the requisite 15 hours of field experience.

Rationale and Benefits of Exemptions: The District's expanded approach to teacher certification enables strategic hiring practices that address diverse instructional needs and optimize student learning experiences. This flexibility allows the district to:

- **Employ Uncertified Teachers When Necessary:** Hiring uncertified educators to deliver instruction across various classes ensures timely staffing solutions, particularly in hard-to-fill positions or emergent situations requiring immediate coverage.
- **Assign Certified Teachers Beyond Their Certification Areas:** Certified teachers can be reassigned to subjects outside their SBEC certifications/specializations, leveraging existing staff and mitigating instructional shortages in key academic areas.
- **Expand Dual Credit Course Offerings:** Collaborating with postsecondary instructors facilitates an increase in dual-credit opportunities, preparing high school students for college rigor and enhancing postsecondary success.

- Incorporate Career and Technology Education (CTE) Experts: Industry-experienced professionals can deliver specialized, career-focused instruction aligned with workforce demands, thereby enriching the district's CTE programs with practical, hands-on knowledge.
- Staff Critical World Language Positions: Recruiting highly proficient individuals to teach world languages addresses the challenge of filling Languages Other Than English (LOTE) roles, providing students with essential global language skills.
- Hire Out-of-State Certified Instructors: Engaging out-of-state educators with active teaching certifications in relevant content areas expands the district's hiring pool, infusing fresh expertise and diversifying the instructional workforce.

These measures collectively enhance the District's ability to offer a robust and comprehensive education tailored to meet the evolving needs of students and prepare them for academic and professional success.

Implementation: The District must first seek to hire high-quality, certified teachers. For non-certified candidates, the District must establish clear selection criteria and provide comprehensive training and support. This exemption does not include the requirement to hire certified special education and bilingual teaching staff under Texas Education Code chapter 29.

**** Duncanville Independent School District complies with the requirements under the Every Student Succeeds Act, 20 U.S.C. § 6312(e)(1)(B)(ii) (ESSA), to provide notice to a parent or guardian regarding a teacher who does not meet certification requirements at the grade level and subject area in which the teacher is assigned. The provisions of Texas Education Code §§ 21.507(a)–(d), therefore, do not apply.*

_____. **Certification Requirements for Counselors**
Current law: Texas Education Code § 33.002(b)

Texas Education Code §33.002(b) states that a school district with 500 or more students enrolled in elementary school grades shall employ a school counselor certified under the rules of the State Board for Educator Certification for each elementary school in the district.

Exemption: The District seeks exemption from the certification requirements for elementary school counselors. The District does not seek exemption from the requirements regarding employing a counselor or the number of counselors for each 500 elementary school students.

Rationale and Benefits of Exemption: This exemption would allow the District to have a larger pool of applicants to serve as elementary school counselors by allowing the District to employ uncertified counselors who are in the process of earning their Texas School Counseling Certificate. It would also allow the District to employ counselors who are Licensed Professional Counselors (LPC), or who possess other similar qualifications, rather than a SBEC-certified counselor.

_____. **Probationary Contracts**

Current law: Texas Education Code § 21.102

Texas Education Code §21.102 addresses when a district shall or may employ a person as an educator under a probationary contract. Under Section 21.102(b), 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.

Exemption: Duncanville ISD seeks exemption from the “5-of-8” rule in Section 21.102(b). This exemption would apply only to newly-hired teachers and would allow the District to employ the person under a probationary contract for up to 3 years.

Rationale and Benefits of Exemption: By exempting the District from this law with respect to teachers hired by the District in the future, the District will gain the flexibility to extend a probationary contract for two additional years for teachers or employees hired under the “5-of-8” rule. This allows additional time for growth, coaching, and comprehensive assessment by campus administrators and hiring managers before deciding on a term contract.

This exemption does not apply to District teachers employed during or before the 2024–2025 school year.

In accordance with the District’s Local Innovation Plan, amended on February 28, 2022, for teachers who met the 5-of-8 rule that were employed under a probationary contract beginning in the 2024-2025 school year, their probationary period may be extended one additional year (i.e. they may receive one more probationary contract for the 2025-2026 school year).

Mandatory Vape/E-Cigarette DAEP Placement

Current law: Texas Education Code §§ 37.006(a)(2)(C-1) & (C-2)

Texas Education Code § 37.006, specifically Texas Education Code §§ 37.006(a)(2)(C-1) & (C-2), mandates that a student who possesses, gives, or sells an e-cigarette, marijuana, or tetrahydrocannabinol (THC) to another student must be sent to a Disciplinary Alternative Education Program (DAEP).

Exemption: Duncanville ISD is seeking an exemption for mandatory DAEP placement for vaping-related offenses.

Rationale and Benefits of Exemption: These new provisions of Texas Education Code § 37.006 provide no flexibility in handling or disciplining students who violate these rules. The zero-tolerance policy requires removal based on a first offense and does not allow for discretion based on the offense's nature. Duncanville ISD believes this will unnecessarily remove students from the classroom, adversely impact student achievement, and reverse progress on behavior and discipline in our schools. The District seeks to restore decision-making authority to educators and District leadership, as student learning and progress are disrupted when students are removed from their home campus.

Moreover, students assigned to disciplinary exclusion centers are statistically less likely to graduate than their peers. A recent study shows that students assigned to in-school suspension once had a 71% chance of graduating on time, while students assigned to a DAEP center just once had only a 44% chance of graduating within four years.

Duncanville ISD will ensure that vaping and similar offenses are addressed appropriately through the Board-approved Student Code of Conduct, as well as through local interventions or counseling.

Duncanville ISD may still place a student in DAEP for first time offenses if the student possesses, uses, or is under the influence of marijuana or first time vaping-related offenses involving THC. Duncanville ISD may also place a student in DAEP for subsequent vaping offenses not involving THC.

Implementation Guidelines: In requesting this exemption, Duncanville ISD commits to:

- Document all related offenses.
- Report any offenses to parents and guardians.
- Develop a comprehensive plan to guide local disciplinary interventions.
- Educate students and families on the dangers of vaping and addiction.

_____. **Minimum Attendance for Class Credit or Final Grade**
Current law: Texas Education Code § 25.092(a)

Texas Education Code §25.092(a) states that except as provided by this section, a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.

Exemption: Duncanville ISD seeks exemption from the 90% attendance requirement for giving a student credit or a final grade for a class.

Rationale and Benefits of Exemption: Duncanville ISD aims to enhance student learning by adopting a flexible attendance policy that emphasizes content mastery over traditional seat-time requirements. By obtaining an exemption from specific attendance regulations, the District seeks to provide innovative educational opportunities, including virtual and blended learning environments. This furthers Duncanville ISD's ability to provide a comprehensive educational program for the District that includes "innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement," under Texas Education Code § 12A.003(b)(1)(A).

The traditional 90% attendance rule can limit flexibility in learning. This exemption would allow Duncanville ISD to:

- Implement blended and problem-based learning, as well as partnerships with the community.
- Support active learning beyond seat time, accommodating students involved in extracurricular activities, academic events, or internships.
- Provide flexibility to students with unique circumstances, such as illnesses, family obligations, special needs or employment.
- Develop individualized learning paths that blend classroom, online, and field-based experiences.

Flexible Attendance Tracking: If students attend a class virtually, Duncanville ISD will use alternative methods to track attendance, including:

- Assignment completion
- Online participation
- Coursework progress

These flexible methods accommodate various student schedules and reflect engagement accurately.

Guiding Principles:

- High Expectations: Proactive dropout prevention and high attendance standards.
- Local Determination: Campus-specific attendance and credit decisions based on local needs.

Implementation Considerations:

- Accountability: Mastery-based assessments to ensure academic standards.
- Communication: Clear guidelines provided to students, parents, and staff.
- Support Systems: Access to resources, technology, and instructional support for student success.

_____. **Class Size, Class Size Ratio, Parent Notification**

Current law: Texas Education Code §§ 25.112, 25.113

Texas Education Code §25.112 caps student enrollment at 22 students in a prekindergarten, kindergarten, first, second, third, or fourth-grade class.

Texas Education Code §25.113 provides that a campus or district granted an exception from class size limits for pre-kindergarten through fourth-grade classes must provide written notice of the exception to the parent or person standing in parental relation to each affected student.

Exemption: Duncanville ISD is seeking an exemption from the 22:1 class size limit for pre-kindergarten through fourth-grade classes. Because the District seeks this exemption, it will not be required to submit a request for an exception or be granted an exception under Texas Education Code §25.113(d) such that written notice of an exception is required.

Rationale and Benefits of Exemption: Duncanville ISD seeks this exemption to provide the District with greater flexibility in managing class sizes without impacting student achievement. This exemption means the District will not need to submit a waiver to the Texas Education Agency, allowing the District to make timely, local decisions that best serve our students and community.

Duncanville ISD's goal is to maintain reasonable class sizes to support student success, with a target of not exceeding a 24:1 ratio, whenever possible. This flexibility helps students remain in their neighborhood schools, reducing the need for transfers across the District. This approach prioritizes classroom stability, minimizes disruption, and enables us to make thoughtful adjustments that benefit both students and teachers.

_____. **Finance: Relief from Term of Depository Contract**

Current law: Texas Education Code §§ 45.205, 45.206, and BDAE (Legal)

Texas Education Code § 45.205 provides certain requirements regarding the term of a school district's contract with a depository bank—two years and until its successor is selected and has qualified—and the extension of such contracts for three additional two-year terms.

Texas Education Code § 45.206 provides that not later than the 60th day before the date of a school district's current depository contract expires, the district shall choose whether to select a depository through competitive bidding or through requests for proposals. Section 45.206 also provides certain requirements regarding the competitive bidding or request for proposal process.

Exemption: Duncanville ISD seeks an exemption from Texas Education Code §§ 42.205 and 45.206 to allow the District's banking contract to be extended beyond the allowable contract term. At least once every two years, the District will evaluate the performance of the current depository bank. Should the District determine that the contracted services are provided effectively and the quality of service is acceptable, the District will seek to negotiate terms to extend the contract for one additional two-year period. 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, the District will not select a depository at that time through competitive bidding or requests for proposals.

With this exemption, the District will only go out for bid for a depository contract 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 its banking depository.

Rationale and Benefits of Exemption: Duncanville ISD believes this exemption will decrease disruption to campus operations and ensure District resources are concentrated on student achievement. This exemption lessens the administrative burden related to preparing and reviewing a Request for Proposal (RFP) when there are a limited number of banking institutions available to bid on the District's business.