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## **Districts of Innovation: What Are They and How Can Your District Be One?**

Would you like your district to be known as a District of Innovation? School districts in Texas can now seek such a designation and the added flexibility that comes with it. In the 2015 session, the Texas Legislature amended the Education Code to empower traditional school districts to enjoy some of the same flexibility that charter schools have. A District of Innovation can be exempt from certain requirements imposed by state law. These include: uniform start date; minimum minutes of instruction; the 90% rule; teacher contracts, benefits, and appraisals; campus decision-making restrictions; certain budgeting requirements; and some student discipline laws. The Texas Education Agency (TEA) has not yet proposed rules for implementing this new legislative scheme, but expects to do so soon. In the meantime, there are some basic steps that interested districts should be aware of.

First, your district's most recent academic performance rating must be at least "acceptable." Districts with a rating lower than that may not be designated as Districts of Innovation.

Second, just as with charters, there are certain laws that will still apply to a District of Innovation and from which there can be no exemption. These include: curricular and graduation requirements; accountability measures, including student assessments and financial reporting; public records and open meetings laws; some purchasing and contracting requirements; and all laws applicable to charter schools. Additionally, Districts of Innovation must provide prekindergarten, special education, and bilingual education to eligible students.

Third, designation as a District of Innovation may not exceed five years, though that designation can be amended, renewed, or rescinded through specific processes. TEA can also terminate the designation if the district's academic performance or financial accountability ratings are unacceptable.

So what is the process? A District of Innovation starts in one of two ways:

- 1) a resolution, adopted by the board of trustees; or,
- 2) a petition, signed by a majority of the members of the district-level committee, established under Section 11.251 of the Education Code.

Then, "promptly" after adoption of the resolution or receipt of the petition, the board must hold a hearing to consider whether the district should develop a local innovation plan for designation as a District of Innovation. At the conclusion of that hearing, or as soon as possible, thereafter, the board can either:

- 1) decline to pursue designation as a District of Innovation; or
- 2) appoint a committee to develop a local innovation plan that complies with the relevant state law.

The new law does not provide details about who should be on the plan development committee or how large it should be, but it does outline the key tasks. The committee must develop a local innovation plan that:

- identifies the allowable sections of the Texas Education Code from which the district wishes to be exempt; and
- provides for a comprehensive educational program for the district.

Once a proposed local innovation plan is developed and finalized by the committee, the following steps are required:

- the final version of the proposed plan must be posted on the district's website for at least 30 days;
- the board must notify the Commissioner of Education of its intent to vote on the adoption of the proposed plan;
- the district-level committee, established under Section 11.251 of the Education Code, must hold a public meeting on the final plan and approve it by a majority vote;
- the board may then vote on the final proposed local innovation plan, but note: approval of the plan requires a two-thirds majority. On a seven-member board, that would be a vote of at least 5-2. The statute does not authorize the board to modify the final version of the proposed innovation plan, though the board would have other options if it rejects

the proposed plan.

Upon board approval, the district becomes a District of Innovation and may begin operating in accordance with the local innovation plan, exempt from the identified provisions of the Education Code. Currently, nothing in the law requires the Commissioner to approve a district's local innovation plan.

While the law is outlined in the Texas Association of School Board's (TASB) policy AF (Legal), TEA says to expect the forthcoming rules to address these, and many other, details for developing and operating a District of Innovation. At Walsh Gallegos, we are eager to assist you with this exciting and promising new option. If you have questions about Districts of Innovation, do not hesitate to contact a Walsh Gallegos attorney.

Contact Walsh Gallegos attorneys toll free at the numbers listed below:

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