

District of Innovation

Midway Independent School District



District of Innovation 2022-2027

Amendment Jan. 2026

What is a District of Innovation?

The District of Innovation concept was passed by the 84th Legislative Session in House Bill 1842 and has been codified in the Texas Education Code Chapter 12a. A District of Innovation designation gives traditional school districts most of the flexibility currently available to Texas' open-enrollment charter schools. It gives a district more local control and increases a district's ability to decide what best suits the district's needs. Under HB 1842, districts may identify certain requirements imposed by the Texas Education Code "that inhibit the goals of the plan and from which the district should exempt on adoption of the plan."

What are the benefits to Midway ISD becoming a District of Innovation?

A District of Innovation will have the flexibility to implement practices similar to charter schools and exercise local control over certain decisions about education and governance that are more appropriate for the individual needs of the district. A District of Innovation is given empowerment to innovate and think differently based on the unique needs of the school, students, and staff. Becoming a District of Innovation allows a district to customize appropriate plans district-wide, a grade level, or a single campus.

What are the proposed areas of innovation for Midway ISD?

Proposed areas of innovation and amendments to the plan

Current Plan	Removed from the Plan Due to 89th Legislative Changes	Proposed Additions to Plan
Class Size Waivers	Campus Behavior Coordinator	Grievance Policy
Location of DAEP Services	Ejection of Individuals from Facilities	
Minimum Attendance for Credit	Mandatory Placement for e-cigs	
Minimum Attendance of Instruction	Suspension of 3rd Grade and Below	
Probationary Contracts		
School Calendar		
School Interruptions - Announcements		
Teacher Appraisal System		
Teacher Certification		
Transfer Student Full-year Requirement		

What areas is Midway ISD prohibited from seeking exemption?

A District of Innovation cannot seek exemption from state or federal requirements applicable to an open enrollment charter school; state requirements for curriculum or graduation; and academic and financial accountability. Additionally, a District of Innovation cannot be exempt from statutes, including but not limited to: election of board of trustees; powers and duties of school boards, superintendents, and principals; criminal history record checks and educator misconduct reporting; bilingual education; special education; prekindergarten; academic accountability including student assessment; open meetings, open records; financial accountability and related reporting; nepotism; and transportation.

Has Midway ISD done this before?

Yes. The Midway ISD Board of Trustees approved its first District of Innovation plan in February 2017. That plan expires in February, 2022. A district may renew a District of Innovation plan by following the process outlined in 19 Texas Administrative Code section 102.1307 for adoption.

What is the process for renewing Midway ISD's innovation plan?

On October 13, 2021, the Midway Advisory and Strategy Team (MAST) met to create five District of Innovation subcommittees comprising key district stakeholders including senior leadership, administration, staff, parents, business and community members. These subcommittees met during October and November to draft, review, and prepare a final proposed innovation plan. The final proposed innovation plan will be posted on the Midway ISD webpage for at least 30 days. The District of Innovation committee, which includes the members of the Midway Advisory and Strategy Team (MAST), established pursuant to Texas Education Code §11.251, will hold a public meeting on Jan. 12, 2022, to consider and vote on the final version of the proposed plan. If the final proposed innovation plan is approved by a majority of the committee, the Board of Trustees will vote on whether to adopt the final proposed plan during the Feb. 15, 2022, board meeting. Midway ISD will then notify the commissioner of education of approval of the plan along with a list of approved TEC exemptions.

How long is the District of Innovation Plan effective?

The renewed plan is in effect for another term of five years from the date of adoption (February 2022 - February 2027).

Current Plan

Class Size Waivers

Rationale:

Relief from this statute could potentially allow the following:

- A TEA waiver will no longer be filed when a K-4 classroom exceeds the 22:1 ratio.
- Elementary campuses begin the school year with staff based on projections of student enrollment. Often, enrollment exceeds or fails to meet projections for individual campuses. As a result, teachers and/or students may be required to move to another school to meet the 22:1 requirement. As a result, students may not have the opportunity to attend their home campus and teachers may be required to leave established teams and colleagues. Being exempt from the 22:1 requirement allows students to remain in their neighborhood school rather than transferring to another MISD elementary campus.
- Currently, classroom waivers require districts to place any student overage in a single classroom. The innovation allows the student overage to be split between other grade level teachers with a goal to cap each classroom (K-4) at a 24:1 ratio, excluding the last 12 weeks of school.
- Parent notification would not be required when classes exceed 22:1 student ratio (see below).
- Campuses will gain the freedom to make decisions that are best for students in changing circumstances.
- Elementary campuses will have flexibility in enrollment decisions.

While the District seeks freedom from this law, the following should be considered:

- Balance class size with the logistics and timing of adding staff
- Available campus resources or spaces
- Varying academic, social, and physical needs of students
- Age and grade level of students

Innovation: In accordance with TEC §25.112, Midway ISD will make every effort to begin each school year with enough teachers to establish a student-to-teacher ratio of 22:1 per K-4 homeroom class. However, if the student/teacher ratio average across a grade level surpasses 23:1, administrator and teacher approval is required before an additional student is placed in a classroom. If the student/teacher ratio averaged across a grade level surpasses 24:1, parents of all students in each class affected shall be notified. In addition and also consistent with TEC §25.113, if, after consideration of the factors outlined above, any class size exceeds the 24:1 ratio during the school year, the superintendent will inform and obtain consent from the Board of Trustees.



Texas Education Code: Sec. 37.008 and 37.0082

Policy: FOCA (Legal)

Location of DAEP Services

Rationale:

The Texas Education Code requires that a disciplinary alternative education program (DAEP) shall be provided in a setting other than the student's regular classroom. Consequently, in accordance with the existing law, a student who is placed in DAEP may not attend any classes in the regular classroom setting and must complete all coursework in an alternative location. This restriction, however, can result in students losing their ability to earn the necessary credit for graduation and/or a technical certification.

Innovation: MISD will implement an exemption to the location requirement in order to allow for a student placed in DAEP to attend courses in the regular classroom environment when the student's physical presence and attendance in that setting is required in order for the student to get credit for the course (e.g., certain CTE courses; dual credit courses). This change will allow for a student to stay on course to graduate or continue to work toward obtaining a technical certification, for which he/she otherwise would be in jeopardy of not being able to complete because of the inability to be present. Criteria will be developed to identify certain offenses for which a student would not be eligible for this exemption.



Texas Education Code: 25.092 (28.0214 and 28.0216)

Policy: FEC (Legal), FEC (Local)

Minimum Attendance for Credit

Rationale:

Relief from this statute could potentially allow the following:

- Ensure educational advantages through innovation in the method, location, and times instruction may be delivered to students
- Focus instructional practices on meeting the needs of all students
- Nurture a calendar conducive for supporting students in dual enrollment programs by allowing a flexible start and end date
- Abstain from penalizing students who miss class time due to extra/co-curricular activities, academic activities, and/or other extenuating circumstances
- Foster greater blended learning opportunities to promote active learning and improve student outcomes
- Verify mastery of learned outcomes will be determined by overall course grade to earn credit

While the District seeks freedom from this law, the following should be considered:

- Cannot impact or alter existing compulsory attendance requirements or University Interscholastic League (UIL) rules
- Will in no way limit or modify a teacher's right to determine the finality of a grade in accordance with Texas Education Code Section 28.0214
- Should not restrict or alter a teacher's right to assign grades in accordance with Texas Education Code Section 28.0216
- Decisions on course credit can be made on a case-by-case basis, for example, in such an instance where a student is involved in numerous UIL academic, athletics and Ag competitions

Innovation: Texas Education Code Section 25.092 mandates students must be in attendance for at least 90% of the school days the class is offered in order to receive credit. In other words, the law currently requires districts to award class credit to students who passed the course in conjunction with "seat time." Exemption from this requirement will allow the district to provide active learning opportunities to students in the approaches of time, location and method thereby allowing students more voice and choice in determining their learning path related to their post-secondary goals.

Minimum Minutes of Instruction

Rationale:

Relief from this statute could potentially allow the following:

- Address the diverse learning needs of Midway ISD students
- Emphasize "learning time" instead of "seat time"
- Provide campuses with the ability to make creative decisions regarding professional development and teacher collaboration time.
- Adjust for instruction and intervention time before and after STAAR assessments
- Allow half-day prekindergarten classes to meet for less than 210 minutes to provide teachers time for lunch and a conference period

While the District seeks freedom from this law, the following should be considered:

- Attaining the goal of 75,600 minutes per year is required for full funding
- Partnerships with college and career readiness programs as it impacts students' schedules and participation
- Impact on parents and community for adjusted school days
- The district would not schedule early release days under this exemption that were shorter than 240 minutes (4 hours).

Innovation: The current law (TEC 25.081) confines districts to 75,600 minutes annually. Exemption from this requirement will give Midway ISD the ability to consider creative options for students with various learning needs, flexibility for state and local assessment days, and provide options for professional development opportunities throughout the school year.



Texas Education Code: 21.102(b)

Policy: DCA (Legal)

Probationary Contracts

Rationale:

Relief from this statute could potentially allow the following:

- The probationary contract may not exceed one year for a person who has been employed as a teacher, counselor, and administrator in public education for at least five of the eight years preceding employment with the district. A one year probationary period is not sufficient to evaluate the teacher's/administrator's effectiveness in the classroom or campus.

Innovation: For experienced teachers, counselors, administrators new to the district who have been employed as a teacher, counselor or administrator in public education for at least five of the eight previous years, a probationary contract may be issued for up to two years. All other teachers hired in the District may remain on probationary status for three years, and may be issued a fourth year of probation in accordance with TEC 21.102(c).

School Calendar

Rationale:

Relief from this statute could potentially allow the following:

- First semester completed before winter break; instructional pacing is more beneficial
- A better balance between the number of days in the fall and spring semesters
- More instructional days before state assessments and advanced placement exams; instructional pacing is more beneficial
- Professional development days could be scheduled with greater flexibility and increased benefit to teachers' schedules
- Flexibility with the first week of school; younger students benefit by not having a full week
- The calendar can be aligned with colleges schedules, providing students with opportunities to attend freshmen orientations
- Allow for graduates to begin college classes with no school conflicts

While the District seeks freedom from this law, the following should be considered:

- All Administrative Regulations and policies shall be followed in relation to extreme heat during recess for younger students
- Start date should not be scheduled earlier than the third week of August

Innovation: The current law that prohibits the district from starting school before the fourth Monday of August forces the district into a calendar that has minimal opportunity for teacher professional development, requires the semester to end after winter break if the two semesters are to be balanced, and provides negligible time for summer school before state mandated assessment retakes in the summer. Potentially starting school one week earlier can help minimize the negative impacts the district sees in these areas. Starting earlier will allow for more intentional teacher professional development throughout the school year, and it will also allow students to have a schedule that is more conducive to their learning.

Texas Education Code: Sec. 25.083

Policy: EC (Legal), EC (Local)

School Day Interruptions - Announcements

Rationale:

The Texas Education Code limits announcements, other than emergency announcements, made by a campus administrator over the public address system to only once during the school day. Many legitimate reasons other than emergencies can arise throughout a school day which necessitate the use of the public address system in order to inform or notify students and/or staff of information in an efficient and effective manner. This law limits campus administration's ability to use the PA system when determined appropriate or necessary.

While the District seeks freedom from this law, the following should be considered:

- An administrator should be notified before any announcement over the school's public address system is made during instructional time
- The campus principal should ensure that only relevant and important announcements are made and in a limited number during instructional time

Innovation: MISD will eliminate the restriction and allow campus administrators to exercise their professional judgment in the use of public address systems in order to notify or inform students and/or staff of relevant school-related information at any time deemed necessary and appropriate.



Texas Education Code: 21.203(b), 21.352(c)
Policy: DNA (Legal) DNB (Legal)

Teacher Appraisal System

Rationale:

Relief from this statute could potentially allow the following

- 20% of an overall evaluation score would not be determined by student growth
- Flexibility to align with the standards and expectations in Midway ISD

While the District seeks freedom from this law, the following should be considered

- Administrators must look at individual student progress with teachers to ensure growth is being achieved
- Student progress should be reviewed in a variety of ways. Ex. Benchmark testing, pre and post test, state testing, portfolios.
- A goal or goals should be set based on student growth if needed

Innovation: Midway ISD is currently implementing T-TESS and T-PESS with fidelity. The district will develop a teacher and administrator evaluation system that will be a combination of T-TESS/T-PESS and other best practices to develop a local instrument and/or process that fits the needs and goals of MISD. Midway ISD believes it is essential to maintain flexibility in using a variety of measurements, including goal setting, observations, student growth progress toward learning objectives, and other formative assessment in determining the performance of its educators. Educators' scores will be individualized based on strengths and areas of growth and then personalized goals will be set based on those growth opportunities.



Texas Education Code: 21.003, 21.057

Policy: DBA (Legal), DBA (Local), DK (Legal)

Teacher Certification

Rationale:

Relief from this statute could potentially allow the following

- Allow a non-certified yet highly qualified professional to teach OR a certified educator to teach in a related field for which she or he is not credentialed by the state.
- Allow the district to establish its own local qualification requirements for high demand career and technical educational courses.
- Freedom from the state requirements will make it possible to hire industry experts and post-secondary instructors to teach dual-credit, STEAM, and vocational/CTE courses, thereby increasing the number of students able to receive such instruction.
- All decisions on teacher certification and assignments will be handled locally. Examples may include the following:
 - Allow an elementary certified teacher with expertise in early grades such as first and/or second to teach kindergarten.
 - Allow a teacher certified to teach through grade 6 to teach courses in grades seven and/or eight.
 - Allow a teacher certified to teach elementary level that has specific training in a specific content area to be teacher of record in that content area for middle and/or high school students.
 - Allow a teacher certified in middle school or high school in a specific content area to teach that content at the elementary or intermediate level.

While the District seeks freedom from this law, the following should be considered

- Chapter 21 contracts versus teacher agreements will need to be established

Innovation: TEC Ch. 21.003 Midway ISD seeks to establish its own local qualification requirements and its own requirements for training of professionals and experts to teach such courses in lieu of the requirements set forth in law. This exemption directly supports the move from "highly qualified" requirements in the Every Students Succeeds Act (ESSA) if certified teachers are not available to teach those courses. An employee working under a District Teaching Permit (local certification) will adhere to the same professional standards, ethics, and requirements of all certified teachers and will be appraised under the same teacher appraisal system as required of all certified teachers. However, a teacher working under a District Teacher Permit will not have rights to a Chapter 21 contract. The teacher will be issued a non-chapter 21 contract.

Transfer Students Full Year Requirement

Rationale:

Manner in which the statute(s) inhibits the goals of the plan:

- Currently, under Texas Education Code 25.036, a district may choose to accept, as transfers, students who are not entitled to enroll in the District.
- The transfer policy for non-resident students must be a one-year commitment on the part of the District. While the District seeks freedom from this law, the following should be considered:
- It's important to note that this exception would not be applicable to McKinney Vento students in line with federal law.

Innovation: TEC §25.036; Board Policies: FDA (LEGAL), FDA (LOCAL) Transfer Students

The District may immediately revoke a student's transfer for any lawful reason, including attendance problems, disciplinary infractions, or other conditions that permit revocation.

- Acceptance as a transfer student is a privilege, and transfer status may be revoked for various reasons, which may include but are not limited to:
 - Student's attendance falling below 95% in any semester.
 - Repeated failing grades in any class.
 - Repeated minor violations of the Code of Conduct.
 - Repeated disruptive behavior hindering the learning of others.
 - Conduct that disrupts the educational process of the District.
 - Non-compliance with state law regarding vaccination records.

Removed
Due to 89th
Legislative Changes



Texas Education Code: Sec. 37.0012

Policy: FO (Legal)

Campus Behavior Coordinator

Rationale:

Legal policy, which is also reflected in the MISD Student Code of Conduct, requires that each campus must designate a person to serve as the campus behavior coordinator (CBC). To meet the requirements of the policy, MISD designated the campus principal as the CBC. The CBC is responsible for maintaining student discipline and the implementation of TEC 37.0012.

Relief from this statute could potentially allow the following:

- Multiple administrators would have the authority to handle disciplinary situations and provide notice to parents. Particularly for larger campuses, it is necessary to have more than one individual tasked with this responsibility.
- The campus principal would have more flexibility to designate other administrators to carry out the requirements of the many facets of school discipline.

The recommendation is to change the required designation of one "campus behavior coordinator" per each campus to the designation of "campus administrators" on each campus.

Innovation: Each campus should have the freedom to designate more than one CBC to best meet the needs of their students and teachers. Administrators routinely work a caseload of students, and build relationships with these students and their parents. Exemption from the CBC requirement would be in the best interest of the students and parents as administrators address issues, provide interventions, and meet the needs of the students. Additionally, all administrators would share responsibilities, work together, communicate, and collaborate regarding school-wide discipline and research-based, best practices for interventions. As a result, school-wide discipline would be a shared task rather than the sole responsibility of one person designated as the CBC.

Ejection of Individuals from Facilities

Rationale:

The Texas Education Code allows a school administrator, school resource officer, or school district peace officer to refuse to allow a person to enter on or may eject a person from district property if the person refuses to leave peaceably on request and either the person poses a substantial risk of harm to any person or the person behaves in a manner that is inappropriate for a school setting and persists in the behavior despite being given a verbal warning. Under current law, the administrator, resource officer, or peace officer must maintain a record of each verbal warning of potential removal from a school facility that is issued, 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, the district shall provide to the person written information explaining the appeal process. And, under the commissioner's rules adopted under the authority granted in the Education Code, the person refused entry or ejected from the facility must be given the opportunity to appeal the decision to the board of trustees within 90 calendar days. These additional administratively burdensome requirements are impractical and potentially impossible to fulfill when an individual is dealing with an unruly individual. It is reasonable to believe that requesting such information could also escalate a situation that is already proving to be disruptive. Further, it is impractical to provide written notice of an appeal process at many events, like athletic events or public meetings, when the removal is only for the immediate event and there is not ready access to forms or a computer or printer. Furthermore, the district already has a process for taking grievances to the board of trustees and there is no justified need for a unique process or timeline.

Innovation: MISD administrators, school resource officers, or school peace officers will retain their authority to refuse to allow a person to enter on or may eject a person from district property if the person refuses to leave peaceably on request and either (1) the person poses a substantial risk of harm to any person or (2) the person behaves in a manner that is inappropriate for a school setting and persists in the behavior despite being given a verbal warning. However, the following requirements will no longer be applicable: maintaining a written log of verbal warnings; providing written notice of the appeal process at the time of ejection; internet posting of the requirements and appeal process; and the ability to appeal the decision to the board of trustees within 90 calendar days.

Exemption from these requirements will allow the district to exercise appropriate authority and processes related to unruly individuals on campuses and at other facilities in an effective and efficient manner, but do so without conducting the unnecessary and administratively burdensome requirements and avoiding potential escalation of already difficult situations. If an individual is banned from returning to MISD property for an extended period of time, the individual will receive written notification.

Mandatory DAEP Placement for non-THC E-Cigarettes

Rationale:

Manner in which the statute(s) inhibits the goals of the plan:

- The DAEP placement of students found to be in possession of a non-THC e-cigarette will cause an unnecessary disruption in students' learning. Currently, students found to be in possession of an e-cigarette without the presence of THC are disciplined by the appropriate Campus Behavior Coordinators on campus, and the current disciplinary process works to meet the needs of the campus to maintain compliance with the Student Code of Conduct and the needs of the student and their family.

While the District aims to be exempt from this law, the following points should be taken into account:

- Campus Behavior Coordinators will continue to apply the Student Code of Conduct and consider all mitigating factors when reviewing a discipline referral.
- The use or possession of e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property will continue to be prohibited.
- The use or possession of E-cigarettes with THC will continue to be considered a mandatory DAEP placement.

Innovation: TEC §37.006(a)(1)(C-2); FNCD(LOCAL) – Discipline for E-Cigarettes

Current discipline for students found using or in possession of non-THC e-cigarettes includes in-school suspension, out-of-school suspension, and in some repeat cases a discretionary placement in the district DAEP.

The District strives to limit the time students are removed from regular classroom instruction and works with students and their families to achieve the goals of the district's Discipline Management Program.

Texas Education Code: Sec. 37.005

Policy: FOB (Legal)

Suspension of 3rd Grade and Below

Rationale:

The Texas Education Code restricts a campus administrator's ability to place a student in a grade below third in out-of-school suspension, unless while on school property or while attending a school-sponsored or school-related activity on or off school property the student engages in certain dangerous conduct (weapons, violent offenses, or drugs). This limitation prohibits campus administrators from taking the sometimes necessary action of removing a student from the campus, regardless of age, for the safety of the student, other students, and/or the staff.

Innovation: To best serve the students of MISD and provide a high quality learning environment for all students, MISD will allow campus administrators to exercise their own professional judgment when assigning discipline to students and place students of any grade in out-of-school suspension when the administrator determines that such action is necessary for safety and/or in order to maintain an orderly learning environment for all students. This flexibility will allow for school-based decision making and allow administrators to more effectively ensure the safety and security of all students and staff. Criteria will be developed to identify situations that would initiate a suspension, and the superintendent's designee will provide oversight. The Superintendent or designee will report to the Board after the end of each school year the number of students in grades PreK through second placed in out-of-school suspension.

Recommended Amendments

Grievance Policies

Rationale:

Requirements Imposed by TEC that inhibit the district's goals::

- The 89th Texas Legislature created a new chapter concerning grievances against a school district, Texas Education Code Chapter 26A. Chapter 26A is contrary to Midway ISD's commitment to resolving matters promptly and efficiently.
- Section 26A.001 allows complainants to amend their complaints and supplement the record at any point in the grievance process, thereby extending the grievance process and interfering with the administration's efforts to investigate and resolve the entire complaint at the lowest level possible.
- Section 26A.002 allows complainants up to 90 days to file a Level One complaint and up to 20 days to file each appeal, thereby delaying the administration's opportunity to resolve a complaint close to the time of the event or decision about which the person is complaining.

Innovation:

Midway ISD has established strong policies and procedures for resolving grievances, and the District is committed to allowing complainants to seek redress for their grievances within prompt and appropriate timelines. Through the exemption to this chapter, (1) complainants will submit their grievances in a timely manner, (2) administrative efforts will be allocated most efficiently, and (3) the District may hear and respond to complaints more effectively. This exemption is limited to the following language in Section 26.001(a) which requires the board of trustees to adopt a grievance procedure "that complies with Chapter 26A." To effectuate the exemption discussed above for TEC 26A.001-26A.004, the District should also be exempt from language in Section 26.011(a): "that complies with Chapter 26A". This exemption allows Midway ISD to maintain local control over its grievance policies, procedures, and process. Midway ISD believes its previous grievance policies are effective and achieve the goals of resolving complaints with consistency and timeliness.