



Calallen ISD

Public Hearing

Monday, December 12, 2016 5:45 PM

Agenda of Public Hearing Meeting

The Board of Trustees Calallen ISD

A Public Hearing Meeting of the Board of Trustees of Calallen ISD will be held December 12, 2016, beginning at 5:45 PM in the Central Administration Office, 4205 Wildcat Dr., Corpus Christi, Texas.

The subjects to be discussed or considered or upon which any formal action may be taken are as listed below. Items do not have to be taken in the order shown on this meeting notice.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

1. Opening of Public Hearing by Chairman 3
2. New Business
 - A. Discussion of plans to designate Calallen ISD as a District of Innovation 4
Presenter: Dr. Danaher
 - B. Public Comments
3. Adjourn



Calling the Meeting to Order

I call this meeting of the Calallen Independent School District Board of Trustees to order and let the record show that a quorum of Board Members is present and that this meeting was duly called and posted in accordance with the Texas Open Meetings Act, Texas Government Code 551.

BOARD OF EDUCATION
CALALLEN INDEPENDENT SCHOOL DISTRICT
CORPUS CHRISTI, TEXAS

Date : December 12, 2016

Subject: Discussion of plans to designate Calallen ISD as a District of Innovation

New Business

Action

BACKGROUND INFORMATION

What is a District of Innovation?

The District of Innovation concept, passed by the 84th Legislative Session in House Bill 1842, gives traditional independent school districts most of the flexibilities available to Texas' open-enrollment charter schools.

What can a District of Innovation do?

Potential benefits of becoming a District of Innovation include:

Local control: Districts decide which flexibilities best suit their local needs.

Customization: Districts can create an innovation plan for a level of school (e.g., only high schools), grade level, or a single campus.

Autonomy: Districts must submit a district of innovation plan to the commissioner of education, but approval is not required.

Flexibility: Districts will have the flexibility to implement practices similar to charter schools, including exemptions from mandates such as:

School start date

90% attendance rule

Class-size ratios

Site-based decision-making processes

Certain student discipline provisions

Use of planning and preparation periods

Teacher appraisal requirements

Adopting a Board resolution is the first step in authorizing District personnel to move forward with the process needed to designate Calallen ISD as a District of Innovation.

ITEM ADDRESSED

Discussion of plans to designate Calallen ISD as a District of Innovation

RECOMMENDED ACTION

Discussion only.

2017
2022



Calallen 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. As a District of Innovation, Calallen ISD will be able to implement our Strategic Plan with the increased flexibility and freedom necessary to personalize learning experiences. An essential tenet of personalization is that every child experiences school differently. In a way, personalization provides a unique “school” for every child. Thus, we must have the ability to make important educational decisions for our students at the local level.

We must also be able to maximize our responsiveness to our district’s vision for the future. As we developed our Strategic Plan our community has been involved throughout the process, giving ongoing feedback on what they want for their children in order to prepare them to be positive contributors to the world, a world which is constantly changing. The same process will be followed as we prepare to be a District of Innovation. As we begin to transform our community’s dreams for their children into reality, we must be positioned to maximize the opportunities and minimize the barriers that could otherwise preclude us from doing our best work on their behalf.

Our Strategic Plan requires CISD to evolve and think radically differently about such critical systemic components as how we are organized, how we deliver instruction, how we recruit and retain top talent, how we engage and support our families, what experiences we provide, and how we grow continually as a learning organization. To think differently, we must be able to respond differently. Leveraging the limited freedom and flexibility afforded by the Districts of Innovation designation will assure we are empowered to do so.

Under HB 1842, districts may identify certain requirements imposed by the Texas Education Code (TEC) “that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan. . .” Because CISD’s Strategic Plan and its local Innovation Plan are comprehensive and touch numerous areas in the TEC, and because CISD seeks to maximize local control of educational decisions for students, CISD seeks exemption from the following permissible provisions of the TEC as allowed in the statute.

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. The Texas tourism groups lobbied to have this stopped because they believed it was detrimental to the tourism business. Therefore, 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. This empowers us to personalize learning, increase college and career readiness, and balance the amount of instructional time per semester. In addition, by having the flexibility in the start and end of the school year, students will be able to enroll in college courses that start in early June, thereby increasing college and career readiness. Removing the uniform start date could also let the CISD start classes as a short week, easing the transition for students entering kindergarten, middle school, and high school. This will also allow for more flexible professional development opportunities for our staff.

Minimum Minutes of Instruction and School Day Length

(EC LEGAL & EB LEGAL) (Ed. Code 25.081, and 25.082)

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 or 7 hours each day (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 teachers to perfect their craft, deepen their content knowledge and analyze student data.

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, 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. 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 only allows CISD the local control over class size ratios, not a disregard for the intent of the ratio requirements.

This plan also emphasizes the importance of flexible learning environments and student learning based upon student driven passions and needs. This grants flexibility in class size at all times-regrouping for success, small groups, large groups, etc. It also works to minimize paperwork requirements in order to free up time to place additional focus on student success. An exemption in meeting Texas Education Code (TEC), §25.112, will allow the ability to group students based academic, social, and emotional needs without adding ongoing filings of 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 extra/co-curricular activities, academic activities, or other extenuating circumstances. This exemption will allow the District to promote student engagement, as well as social and emotional development, by encouraging more students to participate in such activities. It will also allow CISD 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.

The proposal would allow counselors and administrators to refocus efforts on students who are truly at risk, while simultaneously providing rigor and relevance in the curriculum. Exemption from this requirement will provide educational advantages to students of the District by promoting learning through innovation in the methods, locations, and times instruction may be delivered to students, thereby accommodating students with legitimate scheduling conflicts, reducing dropouts, and increasing the number of qualifying graduates. CISD will also explore other innovative ways to demonstrate mastery, given this exemption.

This exemption supports overarching goals in the strategic plan to implement tools, resources, and training that support personalized learning for both students and teachers.

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,()214, nor does it restrict or alter a teacher's right to assign grades in accordance with Texas Education Code Section 28.0216.

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

CISD is committed to placing the right teacher in every classroom. In order to best serve CISD students, decisions on certification will be handled locally. The current state teacher certification requirements inhibit the District's ability to hire teachers to teach hard- to-fill, high demand dual credit, and career and technical/STEAM (applied Science, Technology, Engineering, and Arts & Mathematics) courses. 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 such 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 community college instructors, university professors, or internal applicants seeking assignments outside of their traditional certification area.

Requirement to have in school disciplinary placements for students including minimum academic requirements for disciplinary placements

(FOCA LEGAL) (Ed. Code 37.0008, 37.0082, 37.027, 12.131)

Currently

TEC currently states “a DAEP shall be provided in a setting other than the students’ regular classroom. It may be located on or off a regular school campus.” Students occasionally need to stay connected to their courses such as choir, band, athletics, a dual credit course, CTE course, or AP course.

There are barriers to learners always being able to take the course at the DAEP building. Relief from this law would look at rewording the location section of the policy to provide some exceptions for learners to be able to continue in specific courses in their regular classroom while assigned to DAEP.

Proposed

Exemption from this requirement will provide campus staff freedom in terms of choosing discipline techniques that best suit the situation and the student. This change will provide greater opportunities for academics (access to special education classes, extra-curricular, dual credit, and Advance Placement courses on campus). It is the district’s desire to allow students to maintain rigorous coursework while in a disciplinary placement and this exemption will allow the district to think about academics and extracurricular opportunities in a disciplinary placement in new ways.

Summary:

The direction provided by this District of Innovation Plan is an important step forward to ensure CISD develops and supports our students, employees and families in a more personalized, more effective, and strategically aligned way. Moving our system toward the more personalized environment our students deserve will enable us to better prepare them according to their individualized needs and their unique passions, gifts, and talents. Through HB 1842, CISD will be positioned to leverage increased flexibility to make the best decisions for our children because we will be able to make them locally.

In most cases, activation of exemptions from the TEC will require the revision of CISD policies. CISD will implement an enhanced local policy development process that is rigorous, transparent, and inclusive of stakeholder input through the District Education Improvement Committee (DEIC). The district has developed and communicated a detailed implementation plan for the current Strategic Plan; a similar process will occur with the District of Innovation Plan and it will be seamlessly implemented as part of the Strategic Plan.

We are grateful to the legislators who championed Districts of Innovation through HB 1842 and to Commissioner Morath and his team for expediting rules to help implementation. We are committed to the children of our community and pledge to implement this plan with their best interests at heart.



Districts of Innovation

What is a “District of Innovation”?

The District of Innovation concept was passed into law by the 84th Legislative Session in House Bill 1842, which created Texas Education Code chapter 12A.

The law allows traditional independent school districts to access most of the flexibilities available to Texas’ open enrollment charter schools. To access these flexibilities, a school district must adopt an innovation plan, as set forth in Chapter 12A and Texas Education Agency (TEA) rules.

What school districts are eligible to be Districts of Innovation?

To be eligible for designation as a District of Innovation, a school district’s most recent academic performance rating must be at least acceptable. A district with a preliminary accountability rating that is not acceptable will not be able to approve an innovation plan.

Why would a school district choose to pursue this option?

A local school district may want to pursue specific innovations in curriculum, instruction, governance, parent or community involvement, school calendar, budgeting, or other ideas. An innovation plan also allows a school district to gain exemption from many Texas Education Code requirements.

Essentially, innovation plans will be about local control. Each district will pursue designation as a District of Innovation for different reasons, and no two plans may look the same. Community members should note that each innovation plan will be unique to the local school district. The experiences of other school districts may be informative, but may not directly relate to the purpose or progress of a plan in another location.

What legal requirements could a school district avoid by becoming a District of Innovation?

A District of Innovation may adopt a plan that includes exemptions from most of the same state laws that are not applicable to open enrollment charter schools. These laws could include:

- Site-based decision making processes (to the extent required by state law)
- Uniform school start date

- Minimum minutes of instruction
- Class size and student/teacher ratio
- The 90 percent attendance rule (but compulsory attendance still applies)
- Student discipline provisions (with some key exceptions, like the requirement to have a code of conduct and restrictions on restraint and seclusion)
- Teacher certification (except as required by federal law)
- Teacher contracts
- Teacher benefits, including state minimum salary schedule, duty-free lunch, and planning periods
- Teacher appraisal system

What legal requirements will continue to apply to all school districts, including Districts of Innovation?

An innovation plan cannot seek exemption from a state or federal requirement applicable to open enrollment charter schools, certain parts of Chapter 11, state requirements for curriculum and graduation, and academic and financial accountability. Laws from which a District of Innovation cannot be exempt include statutes regarding:

- Elected boards of trustees
- Powers and duties of school boards, superintendents, and principals
- PEIMS
- Criminal history record checks and educator misconduct reporting
- Curriculum and graduation requirements
- Bilingual education
- Special education
- Prekindergarten
- Academic accountability, including student assessments
- Financial accountability and related reporting
- Open meetings
- Public records
- Certain public purchasing requirements and conflicts of interest
- Nepotism
- Civil immunity under Texas Education Code, chapter 22, subchapter B
- Other state and federal laws outside of the Texas Education Code

Districts also may not use an innovation plan to seek exemption from a requirement imposed by a state or federal grant program in which the district voluntarily participates. The TEA rules, available [here](#), include a detailed list of the statutes from which a District of Innovation cannot claim an exemption.

What should a district consider when creating an innovation plan?

Drafting an innovation plan is a complex process, and the final board-adopted plan will have significant legal effect for several years. Consequently, we advise school districts to work closely with a school attorney in drafting and implementing a plan. Innovation plans should be just that—innovative! Each aspect of the plan should articulate the innovative purpose and strategic goals related to the plan. Finally, we have collected a number of “do’s and don’ts” for plan adoption in our memo [Tips for Plan Drafting and Implementation](#).

Will innovation plans have to be approved by the Texas Education Agency?

No, but TEA has rulemaking authority regarding the implementation of Districts of Innovation. As described in more detail in the rules, a district that has proposed an innovation plan is required to notify TEA, and TEA is required to maintain information about the statutory exemptions adopted by districts in their innovation plans. TEA must then report to the Legislature about school districts’ statutory exemptions.

Many districts are working with school attorneys to follow the required statutory procedure to establish innovation plans. TEA’s Figure, is both the means by which districts will report their exemptions to TEA and an itemized list of possible exemptions. [19 Tex. Admin. Code § 102.1307\(d\)](#). The rules state clearly that the Figure is not intended to be a complete list of the possible exemptions. Rather, the Figure is provided for ease of reporting, and it is neither a guarantee nor a limitation on the possible statutory exemptions. Around the state, districts are considering innovation plans that either: include exemptions from provisions not listed on the Figure; or describe statutory exceptions more narrowly than the items are listed in the Figure. Any school district considering the adoption of an innovation plan should work closely with its school attorney as it drafts the list of exemptions in its innovation plan. For the sake of clarity and transparency, it is important that the exemptions in an innovation plan match the exemptions that a district selects in the Figure.

What impact could innovations have on school funding?

School district funding will remain substantially the same for Districts of Innovation. Unlike innovation zones in other states, this statutory option in Texas was not created to provide additional grant funding to participating districts. Depending on a district’s innovation plan, the district may have some flexibility in the use of compensatory education funds. Districts are encouraged to think about how their flexibility choices, especially with respect to the school calendar and attendance, could impact funding calculations.

What impact could innovations have on school personnel?

Possibly none. But depending on the choices a district includes in its local innovation plan, an innovation plan could provide for substantial changes to key employment policies related to employment contracts and benefits of employment. Districts of Innovation transitioning to plans that include changes to employment practices will need to work with their school attorneys to honor existing contracts.

Can a District of Innovation be created to respond to needs or opportunities at a particular subset of campuses?

Chapter 12A does not specifically permit or prohibit adopting an innovation plan that proposes innovations at only a subset of district campuses. TEA's Figure includes a place to indicate whether a district's exemptions apply districtwide, by campus, or "other." In other states, innovation zones have started at a small number of campuses (like a single feeder pattern) before expanding to other campuses. In the alternative, a district may consider the option of a campus conversion charter for a single campus or group of campuses. Tex. Educ. Code § 12.0522.

What process is required to adopt an innovation plan?

The process is initiated by either:

- a resolution of the board of trustees; or
- a petition signed by a majority of the members of the district-level advisory committee.

Promptly after the resolution or petition, the board must hold a public hearing to consider whether the district should develop an innovation plan. Under TEA's rules, a board must hold the public hearing as soon as possible, but no later than 30 calendar days after adoption of the resolution, to consider whether the district should develop a local innovation plan. The board may outline the parameters around which the innovation committee may develop the plan, either in the resolution or at any other time during the process.

At the conclusion of the hearing or soon thereafter, the board may:

- decline to pursue the designation as a District of Innovation; or
- appoint a committee to develop a plan.

The membership of the committee is not specified in statute, but as a practical matter, the members of the committee must be able to write a comprehensive plan with the elements specified below, clearly articulate the innovative purpose of the plan, and persuade the school community of the value of the plan. Even though the Figure is intended to be a

reporting mechanism, not a complete list of available exemptions, the committee would be wise to consider how the district will fill out the Figure while developing the plan. Under TEA's rules, the district-level advisory committee (DAC) may serve as the committee that writes the plan. Through the innovation plan, a district may also choose to do away with the DAC and substitute a different committee to serve in an advisory role.

The plan must:

- provide for a comprehensive educational program for the district which may include innovations in curriculum, instructional methods, community and parent involvement, campus governance, modifications to the school day or year, budgeting and sustainable funding, local accountability, and other innovations prescribed by the board; and
- identify the Texas Education Code provisions from which the District of Innovation should be exempted, within the parameters described above.

The board cannot approve the plan until the final plan has been posted online for 30 calendar days, the commissioner has been notified, the DAC has held a public meeting to consider the final plan, and the DAC has approved the plan by a majority vote. As a best practice, the district should notify TEA of a proposed plan at the same time as the plan is posted on the district's website. Although the statute indicates that the board of trustees will notify TEA of the proposed plan, the board may delegate to the superintendent the administrative functions of posting the proposed plan and transmitting the plan to TEA. The public hearing and vote of the DAC may occur at the same meeting.

The board of trustees may then vote to approve the plan. The vote must pass by a two-thirds majority vote. The district may then function in accordance with the plan and be exempt from the specified Texas Education Code mandates.

Districts are encouraged to use an abundance of caution throughout the adoption process to adhere to Chapter 12A, TEA rules, and state laws regarding open meetings and open records. Questions will inevitably arise about the application of the Texas Open Meetings Act to committee meetings and meetings of the DAC. School districts should consult their school attorneys regularly and keep the process as transparent as possible to avoid legal challenges that could delay the implementation of an innovation plan.

How long does an innovation plan stay in effect?

The plan may have a term of up to five years, and it may be amended, rescinded, or renewed by a majority vote of the DAC or a comparable committee if the District of Innovation is exempt from having a DAC, and the board of trustees in the same manner required for initial adoption. Districts may want to review the plan more frequently, perhaps on the biennium to consider new legislation.

TEA's rules indicate that a district may have only one innovation plan at a time. A district innovation plan may be amended, rescinded, or renewed. An amendment to an approved plan does not change the date of the term of designation as a District of Innovation, and exemptions that were already formally approved need not be reviewed. During renewal, all sections of the plan and exemptions must be reviewed, and the original statutory adoption process must be followed.

If a District of Innovation receives unacceptable academic and/or financial performance ratings for two consecutive years, the commissioner may terminate the innovation plan or require the district to amend its plan. If a District of Innovation receives unacceptable academic and/or financial performance ratings for three consecutive years, the commissioner must terminate the innovation plan. Upon termination of an innovation plan, a district must return to compliance with all specified areas of the Texas Education Code by a date to be determined by the commissioner.

What impact could designation as a District of Innovation have on district policy?

A District of Innovation will likely need to make changes to LOCAL policies and may need adjustments to LEGAL policies to reflect that some legal provisions may be affected by the district's innovation plan. TASB Policy Service and Legal Services will help each District of Innovation evaluate necessary changes to the district's policy manual, which could vary greatly from district to district, depending on the extent of the district-wide exemptions included in the innovation plan. For information regarding local policies that may be impacted by specific exemptions, see [Tips for Writing Innovation Plans for Specific Innovations](#).

For more information on this and other school law topics, visit TASB School Law eSource online at schollawesource.tasb.org.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is not an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. Consult with your own attorneys to apply these legal principles to specific fact situations.

Updated November 2016



CALALLEN ISD



RESOLUTION TO ADOPT A DISTRICT OF INNOVATION

WHEREAS Education Code 12A.001 provides that a district is eligible for designation as a district of innovation if the district's most recent performance rating under Section 39.054 reflects at least acceptable performance, and that consideration of designation as a district of innovation may be initiated by a resolution adopted by the board of trustees of the district; and

WHEREAS Calallen Independent School District's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of Calallen Independent School District by adoption of this resolution initiates the process under Education Code Chapter 12A to become a district of innovation.

BE IT FURTHER RESOLVED that after this resolution is signed by the Board, a public hearing shall be held to consider whether the District should develop a local innovation plan for the designation of the District as a district of innovation and that after the public hearing the Board of Trustees of Calallen Independent School District shall appoint a committee to develop a local innovation plan or decline to pursue designation as a district of innovation.

Adopted this 12th day of December, 2016, by the Calallen Independent School Board of Trustees.

Presiding Officer

Secretary

