



DISTRICT OF INNOVATION PLAN
PEARLAND ISD

**Developed in cooperation with and approval by the
District Educational Improvement Committee**

Authored:

April 2016 – September 2016

INTRODUCTION

In April 2016, the Pearland ISD Board of Trustees commissioned the administration to work with the District Educational Improvement Committee to develop a “District of Innovation Plan” as newly permitted by the Texas Legislature under HB 1842 (see TAC Chapter 102).

The following pages specify areas of Texas Education Law/Administrative Code permitted for this purpose.

It is hoped that the legislature, in 2017, will expand the areas for exemption from Texas education law. The district’s purpose is to avoid unfunded and partially unfunded mandates which are counter to the most effective and efficient use of taxpayer dollars for educating the students in our district.

We believe we’ve “earned the right” to expand local control over such decisions. Among the most recent accolades for Pearland ISD are the following:

- Designation by “WalletHub” as the 4th best school district in Texas (out of approximately 1,100 districts).
- Designation by “Niche.com” as the 17th best school district in Texas.
- Designated by “TxSmartSchools” as one of only 44 districts in Texas to achieve a 5 Star Rating for academic progress and spending levels.
- Designated by TEA as “Superior” by the Financial Integrity Rating System of the Texas Education Agency.
- In 2016, all STAAR scores/subjects/grades were substantially above state averages.
- “Children at Risk” ratings, as recorded by the Houston Chronicle in 2016, rated Pearland ISD as the highest ranking school district in the Greater Houston area.
- In 2016, 19 of 22 campuses received “distinctions” by TEA for STAAR/EOC scores – including 3 campuses receiving all possible designations.

In conjunction with the “District of Innovation” plan, the district is also advancing a new district wide strategic plan. That planning process began in late 2015 and will be finalized in late 2016. Within that plan will be “room” for the opportunities made possible by the flexibility permitted in this new innovation opportunity.

The district of innovation plan, as developed, is first and foremost intended to enhance the environment and capabilities of teachers and other instructional staff. The DEIC approving this plan is substantially composed of teachers; thus those exemptions NOT included in this plan are primarily those that might negatively affect teacher productivity or morale.

The ultimate goal of these plans (Innovation and Strategic) are to **advance innovative curriculum, instructional methods, community participation, governance of campuses, and parental involvement** – primarily by **ELIMINATING** costly and/or counter-productive compliance requirements – such that resources are focused on what really matters...

IMMEDIATE ADVANTAGES REAPED BY THE SPECIFIC EXEMPTIONS SOUGHT:

The purpose of this plan is to

- **advance innovative curriculum,**
- **instructional methods,**
- **community participation,**
- **governance of campuses,**
- **and parental involvement.**

The following advantages accumulate from the approval of this first edition of the District of Innovation plan:

- Streamlined planning – such that local planning efforts take precedence over state compliance plans. This eliminates many hours of work that could be better concentrated on the needs of the district's students.
- Hiring the best teachers/staff available – rather than ensuring the individual meets state criteria.
- Improved teacher morale – by eliminating bureaucratic rules such as state enforced payroll decisions
- Tailoring and simplifying the teacher and administrator appraisal systems such that they fit local needs – and eliminate burdensome bureaucracy.
- Giving greater flexibility over the school calendar such that it reflects the preferences of the local committee and the board – to determine what is in the best interest of its citizens (rather than the tourist industry's priorities as is now the case.)
- Give teachers greater freedom over their instructional day by allowing them flexibility for teacher preparation/planning time.
- Giving teachers and the district local options for retention/retirement – without state "one size fits all" rules.
- Tailoring tutorial schedules to meet the needs of each individual student – rather than an arbitrary state ruling on the maximum amount of time for such purposes.
- Eliminate state reporting that takes time but delivers no advantage to the district. This includes reports on student/teacher ratios and other items.
- Delete "political" law that serves no purpose. For example, the legal requirement to designate a "Campus Behavior Coordinator" is unnecessary and redundant.
- Delete "one size fits all" law. For example, the energy conservation plans for each facility in the district varies with its age and equipment. Therefore, the arbitrary requirement to reduce consumption by 5% is unnecessary. Obviously the district is already motivated to reduce energy costs – such that those funds can be used for more direct instructional purposes.

District of Innovation Plan: Areas of State Law for potential deletions/changes:

Note: The Pearland ISD intends to investigate ALL permitted exemption categories as specified by the District of Innovation legislation (TAC 102) of 2015. The following items (and the accompanying checklist) identify exemptions immediately sought. But Pearland ISD reserves the right to examine and approve changes in all additional areas identified by statute or Commissioner rules:

11.251 – Planning and decision making:

FOR CONSIDERATION: Curtail District/campus improvement plans – and substitute strategic plan, CAPs?

Reasoning: DIPs and CIPs are often mere compliance documents and not as helpful as the district's strategic plan or campus accountability plans (CAP). While it may be necessary to have some compliance information compiled for federal purposes, others should be researched for elimination.

11.252 – District Level Planning –

FOR CONSIDERATION: Reduce or eliminate plan requirements that are redundant with other local planning processes. See above.

11.253 – Campus Level Planning

FOR CONSIDERATION: Reduce or eliminate – See above.

11.255 – Drop out reports

FOR CONSIDERATION: Streamline reporting requirements when drop-out rate is below 2%.

Reasoning: Our Student Outreach office meticulously monitors attendance/drop-out rates – resulting in rates between 0% and .5% consistently. Therefore, state reporting functions are unnecessary.

21.002 – Teacher contracts

No changes recommended.

21.003 – Certification required

FOR CONSIDERATION: Allow district to decide on best person apart from whether he/she is certified.

Reasoning: There are rare times when an uncertified person is the best individual for the job. While this may be rare, there are professionals from various academic or vocational fields that can be the best choice for particular courses – even if they are not yet certified to teach.

21.053 – Presentation of teaching certificate before being paid

FOR CONSIDERATION: Allow individual discretion on whether to pay a teacher before certification is presented.

Reasoning: There may be times when the individual should be paid – regardless of whether they have received certification. The state shouldn't dictate a one size fits all.

21.057 – Parental notification

No changes recommended at this time.

Subchapter C – Probationary contracts

No changes recommended.

Subchapter D: Continuing Contracts

21.158 – Notice under Continuing Contract

FOR CONSIDERATION: Delete requirement for Board to notify the teacher of a proposed suspension without pay (delegate to the superintendent).

Reasoning: The superintendent manages the day to day affairs of the district. He should not need to seek Board approval for a suspension without pay. Such decisions can still be appealed to the Board; thus due process is preserved. Oftentimes, the necessity for the suspension is many days before the next called board meeting.

No other changes recommended to this Subchapter at this time.

Subchapter E: Term Contract

No changes recommended.

Subchapter H: Appraisals and Incentives

FOR CONSIDERATION: Allow the district to set up its own appraisal systems – without following all of the requirements in Subchapter H. One exception: That the Confidentiality of evaluations be maintained as expressed in Sec. 21.355.

Reasoning: There are requirements within the teacher and administrator evaluation system that are burdensome to both teachers, administrators, and others. Allowing the district to simplify adaptation of the state appraisal system would be helpful. As is now true, there are other avenues for documenting outstanding or poor performance outside the formal evaluation process. Thus simplicity should be allowed in formal teacher and administrator evaluation.

Subchapter I: Duties and Benefits

21.401 – Minimum Service required

FOR CONSIDERATION: Delete requirement that an educator contract must be for a minimum of 10 months service and 187 days.

Reasoning: The district was recently informed that the District of Innovation law does NOT allow a shortening of the teacher contract period. However, with the legislature meeting again in January 2017, we hope for greater flexibility in the future. In the 2016/17 school year, we would prefer to end the teacher contract year before Memorial Day. Under present law, that would require that teachers continue to work beyond Memorial Day until the 187 day requirement is met. Professional development in early June after an exhausting year is not as likely to be productive.

21.4021 - Furloughs

FOR CONSIDERATION: Disregard the various rules for furloughs allowing the district to substitute its own.

Reasoning: The state has inserted a number of rules about how individual districts should make decisions on furloughs. Those decisions should be the purview of the local district, not the state – and are therefore more likely to reflect the views of the local educators and community.

21.404 – Planning and Preparation Time

FOR CONSIDERATION: Allow teachers to request that a planning and preparation period be altered (i.e. duration and timing) – such that it meet the individual needs of that teacher.

Reasoning: There have been occasional requests from teachers to re-structure their day so that they could place their conference period before the first period of the day or after the last period. If we allow teachers the freedom to request that change, it is an improvement over state law allowing no exceptions. This is NOT intended to have anyone but the teacher requesting this exception.

Chapter 22 – School District Employees and Volunteers

Subchapter A – Rights, duties, and benefits

Sec 22.007 – Incentives for Early Retirement

FOR CONSIDERATION: This section should be deleted so that the district can offer incentives to prospective retirees – if it is in the best interest of employees and the district.

Reasoning: Individual districts should be able to offer incentives to employees without the state interfering in those decisions. There may be times when it is advantageous to the educator or to the district or both to offer/accept such incentives.

Sec 22.011 – Charitable contributions

FOR CONSIDERATION: Allow the school district to solicit charitable contributions during faculty meetings for those items that directly or indirectly benefit those in attendance.

Reasoning: There are worthy causes like the Educational Foundation that are most easily reported to educators during faculty meetings. It is awkward and time wasting to schedule separate meetings for such routine announcements/solicitations. Again, this should be a district decision, not a state decision.

Chapter 25: Admission, Transfer, and Attendance

Section 25.0811 – First Day of Instruction

FOR CONSIDERATION: Allow the school district to begin school based on decisions by the Board of Trustees.

Reasoning: The current law requiring a start on the 4th Monday of August or later often creates unequal semesters, poor decisions on holidays, and a June ending to the school year. Each district, using educator and community input, should be able to make those decisions independent of the tourism industry special interests dictating these things through our state legislature.

Section 25.083 – School Day Interruptions

FOR CONSIDERATION: Delete the provision requiring no more than 10 percent of the school day for tutorials – and allow that to be a campus based decision.

Reasoning: Decisions on how to spend each day should be the sole purview of the campus/district; not the state. There are times, for example, when more than 10% of a child's day should be spent in tutoring.

Section 25.092 – Minimum attendance for class credit or final grade

FOR CONSIDERATION: Allow the district to develop rules for on-line course credit that does not require attendance or seat time rules.

Reasoning: With the exploding number of on-line possibilities for learning material, the attendance requirements should be broadened to accommodate provisions for awarding credit based on course completion rather than daily attendance. Pearland ISD should be free to set its own rules for such credits.

Section 25.112- Class size

FOR CONSIDERATION: After the school district has made a good faith effort to maintain a maximum 22:1 ratio in grades K-4, the district should not need to seek permission from the state through the Commissioner waivers process.

Reasoning: While the district intends to keep a 22:1 or less ratio, there are times when the 23rd kid enrolls in classrooms across the district. The district should not have to report those anomalies to the state – but instead make district/campus level decisions on this matter. In some situations the addition of another teacher, thereby splitting existing classes, is unfavorable for all concerned. The district will continue to seek a classroom ratio of 22:1 or lower – but should not have such decisions subject to state level notification/control. (Note: There were concerns expressed by teachers that future boards could abuse this exemption – and allow larger class sizes.)

Section 25.113 – Notice of Class size

FOR CONSIDERATION: Delete requirement to notify parents on class sizes exceeding 22:1.

Reasoning: Any parent who wants to know the size of their child's classroom can ask. The district should not be required to notify them absent such a request. Such notification can produce unnecessary friction between parents and the schools.

Chapter 37 – Discipline, Law and Order

Subchapter A – Alternative Setting for Behavior Management

Section 37.0012 – Designation of Campus Behavior Coordinator

FOR CONSIDERATION: Delete the requirements in this section – as they are redundant

Reasoning: This recent legislative requirement to designate someone on each campus is a political solution to a non-existent problem. Obviously the Principal and Assistant Principals already serve in this capacity and it is unnecessary to “designate” one of them as such.

Chapter 44 – Fiscal Management

Subchapter B – Purchases, contracts – No changes recommended at this time.

Subchapter Z – Miscellaneous Provisions

Section 44.902 – Long Range Energy Plan to reduce consumption

FOR CONSIDERATION: Delete requirements for the district to reduce annual electric consumption by 5 percent and to develop plans for that purpose.

Reasoning: 5% is an arbitrary number. It is a “one size fits all” awkward law. Energy consumption and savings are a building by building, district by district calculation. Therefore, the requirements to develop plans and other bureaucratic steps to meet this arbitrary goal are unnecessary.

Chapter 45 – School district funds – No changes recommended at this time.

Subchapter G – School District Depositories – No changes recommended at this time.

Note: Pearland ISD reserves the right to add/delete changes in the areas permitted by this legislation – with the consent of the DEIC and/or Board when applicable.

**CHECKLIST – FOR AREAS IMMEDIATELY CONSIDERED FOR
EXEMPTIONS**

Chapter 11 – School Districts

Subchapter D. Powers and Duties of Board of Trustees of Independent School Districts

- §11.1511 (b)(5), (14) Specific Powers and Duties of Board
- §11.162 School Uniforms

Subchapter F. District-Level and Site Based Decision-Making

- §11.251 Planning and Decision-Making Process
- §11.252 District-Level Planning and Decision-Making
- §11.253 Campus Planning and Site-Based Decision-Making
- §11.255 Dropout Prevention Review

Chapter 21 – Educators

Subchapter A – General Provisions

- §21.002 Teacher Employment Contracts
- §21.003 Certification Required
- §21.0031 Failure to Obtain Certification; Contract Void

Subchapter B – Certification of Educators

- §21.051 Rules Regarding Field-Based Experience and Options for Field Experience and Internships.
- §21.053 Presentation and Recording of Certificates
- §21.057 Parental Notification

Subchapter C – Probationary Contracts

Subchapter D – Continuing Contracts

Subchapter E – Term Contracts

Subchapter H – Appraisals and Incentives

- §21.352 Local Role
- §21.353 Appraisal on Basis of Classroom Teaching Performance
- §21.354 Appraisal of Certain Administrators
- §21.3541 Appraisal and Professional Development System for Principals

Subchapter I – Duties and Benefits

- §21.401 Minimum Service Required
- §21.402 Minimum Salary Schedule for Certain Professional Staff
- §21.4021 Furloughs
- §21.4022 Required Process for Development of Furlough Program or Other Salary Reduction Proposal
- §21.403 Placement on Minimum Salary Schedule
- §21.4031 Professional Staff Service Records
- §21.4032 Reductions in Salaries of Classroom Teachers and Administrators
- §21.404 Planning and Preparation Time
- §21.405 Duty-Free Lunch

- §21.406 Denial of Compensation Based On Absence for Religious Observance Prohibited
- §21.407 Requiring or Coercing Teachers to Join Groups, Clubs, Committees, or Organizations: Political Affairs
- §21.408 Right To Join or Not To Join Professional Association
- §21.409 Leave Of Absence for Temporary Disability
- §21.415 Employment Contracts
- Subchapter J – Staff Development**
- §21.451 Staff Development Requirements
- §21.452 Developmental Leaves of Absence
- §21.458 Mentors

Chapter 22 – School District Employees and Volunteers

Subchapter A – Rights, Duties, and Benefits

- §22.001 Salary Deductions for Professional Dues
- §22.002 Assignment, Transfer, or Pledge of Compensation
- §22.003 Minimum Personal Leave Program
- §22.006 Discrimination Based on Jury Service Prohibited
- §22.007 Incentives for Early Retirement
- §22.011 Requiring or Coercing Employees to Make Charitable Contributions

Chapter 25 – Admission, Transfer, and Attendance

Subchapter C – Operation of Schools and School Attendance

- §25.0811 First Day of Instruction
- §25.0812 Last Day of School
- §25.083 School Day Interruptions
- §25.092 Minimum Attendance for Class Credit or Final Grade

Subchapter D – Student/Teacher Ratios; Class Size

- §25.111 Student/Teacher Ratios
- §25.112 Class Size
- §25.113 Notice of Class Size
- §25.114 Student/Teacher Ratios in Physical Education Classes; Class Size

Chapter 37 – Discipline; Law and Order

Subchapter A – Alternative Setting for Behavior Management

- §37.0012 Designation of Campus Behavior Coordinator
- §37.002 Removal by Teacher

Chapter 44 –Fiscal Management

Subchapter B – Purchases; Contracts

- §44.031 Purchasing Contracts
- §44.0331 Management Fees Under Certain Cooperative Purchasing Contracts
- §44.0352 Competitive Sealed Proposals
- §44.042 Preference to Texas and United States Products
- §44.043 Right To Work
- §44.047 Purchase or Lease of Automated External Defibrillator

Subchapter Z – Miscellaneous Provisions

- §44.901 Energy Savings Performance Contracts
- §44.902 Long-Range Energy Plan to Reduce Consumption of Electric Energy
- §44.903 Energy-Efficient Light Bulbs in Instructional Facilities
- §44.908 Expenditure of Local Funds

Chapter 45 – School District Funds

Subchapter G – School District Depositories

- §45.205 Term of Contract
- §45.206 Bid Or Request for Proposal Notices; Bid and Proposal Forms
- §45.207 Award of Contract
- §45.208 Depository Contract; Bond
- §45.209 Investment of District Funds

Other

Please list any additional exemption required for your Innovation District Plan:

**EXECUTIVE SUMMARY FOR APRIL 12, 2016 BOARD
MEETING – AT WHICH PUBLIC HEARING AND
RESOLUTION FOR DISTRICT OF INNOVATION WAS
CONSIDERED**



Board of Trustees Agenda Item Information

Meeting Date April 12, 2016

Meeting Type

- Regular Meeting
- Special Meeting/Workshop
- Hearing

Agenda Placement

- | | |
|--|--|
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Administrative Report |
| <input checked="" type="checkbox"/> Open Session | <input type="checkbox"/> Consent Agenda |
| <input type="checkbox"/> Executive Session | <input checked="" type="checkbox"/> Regular Agenda |
| <input type="checkbox"/> Recognition | <input type="checkbox"/> Information/Discussion |

Date Submitted: April 5, 2016

Subject: Consider Resolution and Hold a Public Hearing Supporting a Designation as a "District of Innovation" Followed by Action to Appoint the District Level Committee and the Administration to Develop the Required Plan Thereafter.

Executive Summary: Texas public schools are inundated with state and federal unfunded and partially funded mandates in the form of regulations. The Texas legislature, during their last session, wisely created new flexibility titled "Districts of Innovation". In short, districts so designated can develop a plan that provides for exemption from burdensome state regulations inhibiting the district's goals.

There are multiple steps for achieving this designation. They include the following:

1. The district must meet academic performance standards set by the state. Pearland ISD has already met and exceeded those standards every year.
2. A board resolution (or district committee resolution) initiating the process.
3. A public hearing allowing members of the public to participate – at which the board decides whether a plan should be developed to be designated as a "district of innovation".
4. The development of that plan by the Administration and the DEIC (District Educational Improvement Committee). That committee is already established in Pearland ISD – and required by law.
5. A 30 day period in which the plan must be placed on the district website for viewing by the public.
6. After notifying TEA of its intent/date to vote on the plan, the Board may then vote (by a 2/3rds majority) to approve the plan.
7. If approved, the district must then report the specific exemptions it will undertake to TEA.

While this new flexibility is in its infancy, the TEA has published proposed rules guiding the process as summarized above – and through which we might take action. Here are some of the advantages in this designation:

- The Board may be able to re-assert its control over the school year calendar – and in so doing finish the school year before Memorial Day as parents/board originally desired.
- The Board can determine if the 187 days of teacher contract length can be modified to fit the school year in a more efficient manner.
- The district may find that the soon to be finalized "strategic plan" can be more efficiently implemented in the absence of some state guidelines. (This is not yet certain.)
- There may be some flexibility with increasing the board's authority over the small number of teacher contracts within the district titled "continuing contracts" such that the rights and responsibilities match the requirements in term contracts – which govern the vast majority of teaching positions here in Pearland ISD and throughout the state.
- The district may be able to grant flexibility to teachers regarding the scheduling of their conference periods.

- The district may have more flexibility with regard to use of accumulated state leave for employees – such that more individual teacher discretion is allowed.
- The district may be able to waive some attendance related rules for students who achieve course completions – without regard for the 90% attendance rule. (In today's world of on-line courses, such flexibility for standard in-class courses may be beneficial.)

The superintendent remains cautious about “promising” any of the exemptions above – though similar exemptions are forecasted throughout Texas in various news articles. But there appears to be no downside to becoming a designated “district of innovation”.

Thus, it is recommended that the Board do three (3) things at tonight's meeting:

1. Approve the resolution recommended. (See attached. It closely mirrors a resolution passed by Spring Branch ISD.)
2. Allow the public (in the form of a hearing) to comment – should anyone wish to do so.
3. Require the administration to work with and through the DEIC in order to develop the required plan for eventual consideration by the Board. In so doing, to create the plan in conjunction with the newly developed strategic plan.

After the April Board meeting it will take at least two months before the resulting final plan is submitted to the Board for its approval.

Fiscal Impact:		
Cost: <input type="checkbox"/> Recurring <input type="checkbox"/> One-Time <input checked="" type="checkbox"/> No Fiscal Impact	Funding Source: <input type="checkbox"/> General Fund <input type="checkbox"/> Grant Funds <input type="checkbox"/> Other Funds (Specify)	Fiscal Year: Amendment Required? <input type="checkbox"/> Yes <input type="checkbox"/> No

Superintendent's Recommendation:

1. That the Board approve the resolution regarding a “district of innovation” as presented in the Board Packet.
2. Thereafter, that the Board allow any member of the public present to comment on this matter.
3. That the Board request the DEIC and Administration to develop the Innovation Plan

Department Submitting: Superintendent	Requested By: Superintendent
Cabinet Member's Approval: N/A	

Board Approval Required: Yes No

**BOARD RESOLUTION FROM APRIL 12, 2016 BOARD
MEETING – APPROVING THE INITIATION OF THE PROCESS
FOR DESIGNATION AS A DISTRICT OF INNOVATION**

Resolution
**For Pearland ISD to Initiate the Process of Designation as a
District of Innovation Under HB 1842**

WHEREAS, the Pearland ISD Board of Trustees is committed to “world class” achievement for every child; and,

WHEREAS, HB 1842 provides Texas public school districts the opportunity to be designated as Districts of Innovation; and,

WHEREAS, Texas districts designated as Districts of Innovation may be exempted from a number of state statutes; and,

WHEREAS, the Pearland ISD Board of Trustees has a long-standing practice of supporting innovation for the benefit of students; and,

WHEREAS, the Pearland ISD Board of Trustees believes that it can be a better decision-making body for students when it has freedom and unfettered financial resources to exercise local control over the decision-making process; and,

WHEREAS, HB 1842 requires districts seeking to be designated as Districts of Innovation to develop a local innovation plan; and,

WHEREAS, the Pearland ISD is currently developing a strategic plan for the District to improve school and District performance; and,

WHEREAS, the Pearland ISD Board of Trustees believes that a local innovation plan, if created, should be developed in conjunction with the District’s strategic plan; and,

WHEREAS, before considering the creation of a local innovation plan, the Pearland ISD Board of Trustees conducts a public hearing at the April 12, 2016 meeting to receive any feedback from District stakeholders.

NOW, THEREFORE BE IT RESOLVED THAT the Pearland Independent School District Board of Trustees on April 12, 2016, initiates the process of exploring and considering designation of the District as a District of Innovation under HB 1842.

Approved by the Pearland ISD Board of Trustees at the April 12, 2016 by a vote of 7 to 0.

Note: The Pearland ISD is indebted to Spring Branch ISD for the resolution language contained above. (See https://www.springbranchisd.com/strat/DI_BU_Resolution.pdf.)

**COMMISSIONER'S RULES CONCERNING INNOVATION
DISTRICT**

Chapter 102. Educational Programs

Subchapter JJ. Commissioner's Rules Concerning Innovation District

§102.1301. Definitions.

For purposes under this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

- (1) District-level committee--This term has the meaning assigned by the Texas Education Code (TEC), §11.251, or a comparable committee if the district is exempted (or has exempted itself) from this provision.
- (2) Innovation plan committee--A committee appointed by the board of trustees to develop the innovation plan in accordance with statutory requirements. The district-level committee, as described in paragraph (1), may also serve in this role.
- (3) Public hearing--An open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation and provides the opportunity for the public to give opinions and comments on the proposed actions.
- (4) Public meeting--An open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation.
- (5) Unacceptable academic performance rating--For the purposes of this chapter, the term "unacceptable academic" performance rating means a rating of Improvement Required or Unacceptable Performance or as otherwise indicated in the applicable year's academic accountability manual adopted under §97.1001 of this title (relating to Accountability Rating System).
- (6) Unacceptable financial accountability rating--For the purposes of this chapter, the term "unacceptable financial" performance rating means a Financial Integrity Rating System of Texas (FIRST) rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual adopted under §109.1001 of this title (relating to Financial Accountability Rating).

Statutory Authority: The provisions of this §102.1301 issued under the Texas Education Code, §§12A.001-12A.009.

Source: The provisions of this §102.1301 adopted to be effective September 13, 2016, 41 TexReg 7089.

§102.1303. Eligibility.

- (a) A district is eligible for designation as an innovation district if the district's most recent performance rating under the Texas Education Code (TEC), §39.054, is at least acceptable performance, as indicated in the applicable year's academic accountability manual adopted under §97.1001 of this title (relating to Accountability Rating System).

(b) A board of trustees may not vote on the final approval of the innovation plan if the district is assigned either a final or preliminary rating below acceptable performance, as indicated in the applicable year's academic accountability manual adopted under §97.1001 of this title. In the event the preliminary rating is changed, the board of trustees may then vote to become an innovation district.

Statutory Authority: The provisions of this §102.1303 issued under the Texas Education Code, §§12A.001-12A.009.

Source: The provisions of this §102.1303 adopted to be effective September 13, 2016, 41 TexReg 7089.

§102.1305. Process Timeline.

(a) If a resolution is adopted by the board of trustees or upon receipt of a petition signed by a majority of the members of the district-level committee, the board of trustees shall hold a public hearing as soon as possible, but not later than 30 days, to consider if the district should develop a local innovation plan for the designation of the district as an innovation district.

(b) At the conclusion of the public hearing, or within 30 days after conclusion of the public hearing, the board of trustees may:

- (1) decline to pursue designation of the district as an innovation district; or
- (2) appoint an innovation plan committee to develop a local innovation plan in accordance with the TEC, §12A.003.

(c) The board of trustees may outline the parameters around which the innovation plan committee may develop the plan.

(d) Prior to the designation as an innovation district, a local innovation plan must be developed for the school district and shall meet the plan requirements as outlined in the TEC, §12A.003, and described in this subchapter.

(e) The plan must be clearly posted on the district's website for the term of the designation as an innovation district.

Statutory Authority: The provisions of this §102.1305 issued under the Texas Education Code, §§12A.001-12A.009.

Source: The provisions of this §102.1305 adopted to be effective September 13, 2016, 41 TexReg 7089.

§102.1307. Adoption of Local Innovation Plan.

(a) The board of trustees may not vote on adoption of a proposed local innovation plan unless:

- (1) the final version of the proposed plan has been available on the district's website for at least 30 days;

(2) the board of trustees has notified the commissioner of education of the board's intention to vote on adoption of the proposed plan; and

(3) the district-level committee established under the Texas Education Code (TEC), §11.251, has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. This public meeting may occur at any time, including up to or on the same date at which the board intends to vote on final adoption of the proposed plan.

(b) A board of trustees may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.

(c) On adoption of a local innovation plan, the district:

(1) is designated as a district of innovation under this subchapter for the term specified in the plan but no longer than five calendar years, subject to the TEC, §12A.006;

(2) shall begin operation in accordance with the plan; and

(3) is exempt from state requirements identified under the TEC, §12A.003(b)(2).

(d) The district shall notify the commissioner of approval of the plan along with a list of approved TEC exemptions by completing the agency form provided in the figure in this subsection.

[Figure: 19 TAC §102.1307\(d\)](#)

(e) A district's exemption described by subsection (c)(3) of this section includes any subsequent amendment or redesignation of an identified state requirement, unless the subsequent amendment or redesignation specifically applies to an innovation district.

Statutory Authority: The provisions of this §102.1307 issued under the Texas Education Code, §§12A.001-12A.009.

Source: The provisions of this §102.1307 adopted to be effective September 13, 2016, 41 TexReg 7089.

§102.1309. Prohibited Exemptions.

(a) An innovation district may not be exempted from the following sections of the Texas Education Code (TEC) and the rules adopted thereunder:

(1) a state or federal requirement, imposed by statute or rule, applicable to an open-enrollment charter school operating under the TEC, Chapter 12, Subchapter D, including, but not limited to, the requirements listed in the TEC, §12.104(b), and:

(A) TEC, Chapter 22, Subchapter B;

(B) TEC, Chapter 25, Subchapter A, §§25.001, 25.002, 25.0021, 25.0031, and 25.004;

(C) TEC, Chapter 28, §§28.002, 28.0021, 28.0023, 28.005, 28.0051, 28.006, 28.016, 28.0211, 28.0213, 28.0217, 28.025, 28.0254, 28.0255, 28.0258, 28.0259, and 28.026;

(D) TEC, Chapter 29, Subchapter G;

(E) TEC, Chapter 30, Subchapter A;

(F) TEC, §30.104;

(G) TEC, Chapter 34;

(H) TEC, Chapter 37, §§37.006(l), 37.007(e), 37.011, 37.012, 37.013, and 37.020; and

(I) TEC, Chapter 39;

(2) TEC, Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from the TEC, §11.1511(b)(5) and (14) and §11.162;

(3) TEC, Chapter 13;

(4) TEC, Chapter 41;

(5) TEC, Chapter 42;

(6) TEC, Chapter 44, §§44.0011, 44.002, 44.003, 44.004, 44.0041, 44.005, 44.0051, 44.006, 44.007, 44.0071, 44.008, 44.009, 44.011, 44.0312, 44.032, 44.051, 44.052, 44.053, and 44.054;

(7) TEC, Chapter 45, §§45.003, 45.0031, 45.005, 45.105, 45.106, 45.202, 45.203; and

(8) TEC, Chapter 46.

(b) In addition to the prohibited exemptions specified in subsection (a) of this section, an innovation district may not be exempted from:

(1) a requirement of a grant or other state program in which the district voluntarily participates;

(2) duties that the statute applies to the execution of that power if a district chooses to implement an authorized power that is optional under the terms of the statute; and

(3) requirements imposed by provisions outside the TEC, including requirements under the Texas Government Code, Chapter 822.

Statutory Authority: The provisions of this §102.1309 issued under the Texas Education Code, §§12A.001-12A.009.

Source: The provisions of this §102.1309 adopted to be effective September 13, 2016, 41 TexReg 7089.

§102.1311. Term.

The term of a district's designation as a district of innovation may not exceed five calendar years and is effective upon district approval and notification of the plan to the Texas Education Agency. A district may only have one innovation plan at any given time.

Statutory Authority: The provisions of this §102.1311 issued under the Texas Education Code, §§12A.001-12A.009.

Source: The provisions of this §102.1311 adopted to be effective September 13, 2016, 41 TexReg 7089.

§102.1313. Amendment, Rescission, or Renewal.

(a) A district innovation plan may be amended, rescinded, or renewed if the action is approved by a majority vote of the district-level committee established under the Texas Education Code (TEC), §11.251, or a comparable committee if the district is exempt from that section, and a two-thirds majority vote of the board of trustees.

(1) Amendment. An amendment to an approved plan does not change the date of the term of designation as an innovation district. Exemptions that were already formally approved are not required to be reviewed.

(2) Rescission. A district must notify the Texas Education Agency within five business days of rescission and provide a date at which time it will be in compliance with all sections of the TEC, but no later than the start of the following school year.

(3) Renewal. During renewal, all sections of the plan and exemptions shall be reviewed and the district must follow all components outlined in §102.1307 of this title (relating to Adoption of Local Innovation Plan).

(b) The district shall notify the commissioner of education of any actions taken pursuant to subsection (a) of this section along with the associated TEC exemptions and local approval dates.

Statutory Authority: The provisions of this §102.1313 issued under the Texas Education Code, §§12A.001-12A.009.

Source: The provisions of this §102.1313 adopted to be effective September 13, 2016, 41 TexReg 7089.

§102.1315. Termination.

(a) The commissioner of education may:

(1) terminate a district's designation as a district of innovation if, beginning with its ratings in the year of designation, the district is assigned for two consecutive school years:

(A) a final unacceptable academic performance rating under the Texas Education Code (TEC), §39.054;

(B) a final unacceptable financial accountability rating under the TEC, §39.082; or

(C) a final unacceptable academic performance rating under the TEC, §39.054, for one of the school years and a final unacceptable financial accountability rating under the TEC, §39.082, for the other school year; or

(2) permit the district to amend the district's local innovation plan to address concerns specified by the commissioner in lieu of terminating the designation as described in paragraph (1) of this subsection.

(b) The commissioner shall terminate a district's designation as a district of innovation if, beginning with its ratings in the year of designation, the district is assigned for three consecutive school years:

(1) a final unacceptable academic performance rating under the TEC, §39.054;

(2) a final unacceptable financial accountability rating under the TEC, §39.082; or

(3) any combination of one or more unacceptable ratings under paragraph (1) of this subsection and one or more unacceptable ratings under paragraph (2) of this subsection.

(c) Upon termination of an innovation plan, a district must return to compliance with all specified areas of the TEC by a date to be determined by the commissioner.

(d) A decision by the commissioner under this section is final and may not be appealed.

Statutory Authority: The provisions of this §102.1315 issued under the Texas Education Code, §§12A.001-12A.009.

Source: The provisions of this §102.1315 adopted to be effective September 13, 2016, 41 TexReg 7089.

For more information, email rules@tea.texas.gov.

**LETTER TO TEA COMMISSIONER
OUTLINING PAST ACTIONS
AND
INTENTION TO CONSIDER ADOPTION OF THE
DISTRICT OF INNOVATION PLAN
AT THE NOVEMBER 15, 2016 MEETING**



PEARLAND ISD

John P. Kelly, Ph.D.
Superintendent

September 30, 2016

TO: Mike Morath, Commissioner of Education
Texas Education Agency
1701 N. Congress Ave.
Austin, Texas 78701

RE: Notice of Intention to vote on adoption of a "District of Innovation" Plan

Dear sir:

Per Chapter 102 of the Texas Education Code, the Pearland ISD is in the process of developing and adopting a District of Innovation Plan. Specifically:

- After a public hearing on April 12, 2016, the Board immediately and unanimously adopted a resolution on that same date to consider the development of a district innovation plan. They designated the district's District Educational Improvement Committee (DEIC) to develop that plan.
- That plan has been developed by the superintendent and the DEIC, then approved unanimously by the DEIC September 26, 2016.
- The plan now resides on the district's website for the required 30 or more days.
- It is the intention of the Board to vote on the adoption of that plan at its November 15, 2016 regular meeting.

Sincerely,

(ORIGINAL SIGNS)

Rebecca Decker,
President, Pearland ISD Board of Trustees