

EDGEWOOD

INDEPENDENT SCHOOL DISTRICT

District of Innovation

WHAT IS A DISTRICT OF INNOVATION?

In 2015, the Texas 84TH Legislature with [House Bill 1842](#), amended the Education Code to empower school districts to enjoy some of the same flexibility given to Texas open enrollment charter schools by allowing public independent school districts to be exempt from certain requirements imposed by state law. Essentially, the District of Innovation (DOI) legislation is about offering districts more local control. "Innovation" is somewhat a misnomer in this instance, and a more appropriate title would have been "District of Local Control."

With federal legislation such as No Child Left Behind and the ever-expanding Texas Education Code, public schools districts have had little decision-making authority at the local level to reflect the uniqueness of each community. To some extent, DOI legislation offers a window of opportunity for districts to take back some local decision-making. As much as anything, many districts are seeking the DOI designation to demonstrate the desire for local control free of overarching federal and state mandates. That being said, districts cannot seek exemption from certain federal and state legislation such as academic accountability, including student standardized assessments.

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 (TASB DOI Information Sheet).

WHY WOULD A SCHOOL DISTRICT CHOOSE TO PURSUE A DOI 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 (TASB DOI Information Sheet).

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WHAT POTENTIAL BENEFITS WOULD A DOI DISTINCTION OFFER EDGEWOOD ISD?

Potential benefits of Edgewood ISD becoming a District of Innovation include:

- **Local control:** EISD decides which available flexibilities best suit our local needs.
- **Customization:** EISD can create an innovation plan that suits very specific needs of our school district.
- **Autonomy:** The DOI Committee must submit a district of innovation plan to the EISD School Board and the Texas Commissioner of Education.
- **Flexibility:** EISD will have the flexibility to implement practices similar to open enrollment 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

WHAT LEGAL REQUIREMENTS CAN A DOI NOT EXEMPT?

As outlined in the TASB DOI Information Sheet, a DOI 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
- Public purchasing under the Texas Local Government Code and conflicts of interest
- Nepotism
- Other state and federal laws outside of the Texas Education Code

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HOW LONG DOES A DOI PLAN STAY IN EFFECT?

The DOI plan may have a term of up to five years, and it may be amended, rescinded, or renewed by a majority vote of the District Level Advisory Committee, and the district's board of trustees in the same manner required for initial adoption.

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.

WHAT IMPACT COULD A DOI HAVE ON EISD SCHOOL BOARD 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. After TEA publishes rules and the list of legal provisions from which a District of Innovation may seek an exemption, TASB Policy Service will be able to 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.

WHAT PROCESS IS REQUIRED TO ADOPT AN INNOVATION PLAN?

The DOI process for Edgewood ISD was initiated in January, 2017 by the unanimous approval of a resolution of the EISD School Board of Trustees board of trustee. Promptly after the resolution was approved, the EISD Board held a public hearing to consider whether the district should develop an innovation plan. At the conclusion of this hearing, the Board unanimously approved to move forward with creating a District of Innovation Plan and to appoint a committee to develop the plan.

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Edgewood ISD – DOI Areas of Focus

CALENDAR – FIRST DAY OF INSTRUCTION

A school district may not begin instruction for students for a school year before the fourth Monday in August.

Texas Education Code:

Sec. 25.0811. FIRST DAY OF INSTRUCTION

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.0811>

Edgewood ISD School Board Policy:

EB: SCHOOL YEAR

EB (LEGAL) [http://pol.tasb.org/Policy/Download/1183?filename=EB\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=EB(LEGAL).pdf)

EB (LOCAL) [http://pol.tasb.org/Policy/Download/1183?filename=EB\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=EB(LOCAL).pdf)

Rationale:

Currently, Texas law prohibits public school students from beginning school before the 4th Monday of August. Under current law, for the 2017-18 school year, the first day of school for EISD students would be on Monday, August 28th...which on the calendar, is the last week in August. Edgewood ISD believes our local community should be responsible for deciding what is best for our students in setting the first day of instruction. By claiming exemption from Sec. 25.0811, the district shall determine the first day of instruction for its students on an annual basis with input from stakeholders. Potential benefits to Edgewood ISD include:

- A DOI plan that allows a school district *to begin school no earlier than the 3rd Monday in August* would give the EISD District Planning Committee the flexibility to start school earlier than current Texas law allows...and, possibly avoid having to
- Starting school earlier would allow the district to better balance the two semesters
- The balanced semesters will align with college semesters as well, allowing more opportunities for summer school, internships, and industrial certification opportunities.
- The ability to begin school earlier would allow the District Planning Committee to consider calendar options that

Regardless of whether any adjustments or changes are made to the current start date law, Edgewood ISD believes this issue is best served as a local decision as opposed to a state mandate.

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MINIMUM MINUTES OF INSTRUCTION

For each school, all public school districts must operate so that the district provides for at least 75,600 minutes of instruction for full time programs and 37,800 minutes of instruction for half-time programs such as Pre-K.

Texas Education Code:

Sec 25.081 OPERATION OF SCHOOLS

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.081>

Edgewood ISD School Board Policy:

EC: SCHOOL DAY

EC (legal) [http://pol.tasb.org/Policy/Download/1183?filename=EC\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=EC(LEGAL).pdf)

EC (local) [http://pol.tasb.org/Policy/Download/1183?filename=EC\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=EC(LOCAL).pdf)

Under current law, for each school year, every public school district must operate so that the district provides for at least 75,600 minutes of instruction, including intermissions and recesses. The state requires 75,600 minutes for full day programming. For half-day programs such as Pre K and PPCD the required minute requirement is 37,800 minutes. There is not enough time in the normal school day to be able to accommodate 37,800 minutes for both a morning and afternoon group of students in our school calendar. Edgewood ISD would like to request that we be allowed to offer a 185 minute school day for half-day programs such as Pre K and PPCD. This will allow each teacher to have a morning and an afternoon group of students along with their conference period and duty free lunch within the regular school day. Regardless of whether any adjustments or changes are made to the current minimum number of instructional minute's law, Edgewood ISD believes this issue is best served as a local decision as opposed to a state mandate.

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EDUCATOR CERTIFICATION

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a public school district unless the person holds an appropriate certificate or permit issued.

Texas Education Code:

Sec. 21.003. CERTIFICATION REQUIRED

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.003>

Sec. 21.044. EDUCATOR PREPARATION

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.044>

Sec. 21.053. PRESENTATION AND RECORDING OF CERTIFICATES

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.053>

Sec. 21.055. SCHOOL DISTRICT TEACHING PERMIT

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.055>

Sec. 21.057. PARENTAL NOTIFICATION

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.057>

Edgewood ISD Board Policy:

DBA: EMPLOYMENT REQUIREMENTS AND RESTRICTIONS CREDENTIALS AND RECORDS

DBA (LEGAL) [http://pol.tasb.org/Policy/Download/1183?filename=DBA\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DBA(LEGAL).pdf)

DBA (LOCAL) [http://pol.tasb.org/Policy/Download/1183?filename=DBA\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DBA(LOCAL).pdf)

DK: ASSIGNMENT AND SCHEDULES

DK (LEGAL) [http://pol.tasb.org/Policy/Download/1183?filename=DK\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DK(LEGAL).pdf)

DK (LOCAL) [http://pol.tasb.org/Policy/Download/1183?filename=DK\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DK(LOCAL).pdf)

DK (EXHIBIT) [http://pol.tasb.org/Policy/Download/1183?filename=DK\(XHIBIT\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DK(XHIBIT).pdf)

Rationale:

Under current Texas law, a public school may not employ a teacher, teacher intern, teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor unless that person holds an appropriate certificate or permit. By claiming exemption from Sec. 21.044, Edgewood ISD shall have the right to recruit individuals from certain trades, industries, and vocations with industry knowledge and real world experience and consider qualifications based on experience, industry certification, etc. Additionally, Edgewood ISD shall have the authority to allow certified teachers to teach one subject outside their certified field. District leadership shall determine whether it is in the best interest of its students to certify individuals based on these factors rather than appeal to the Texas Commissioner of Education as stated in Sec. 21.055. Furthermore, the district shall establish local criteria for training and locally certifying individuals rather than adhere strictly to mandates outlined in Sec. 21.053. In doing so, parental notification of “inappropriately certified or uncertified teachers” under Sec. 21.057 would no longer be necessary. Regardless of whether any adjustments or changes are made to the certification laws, Edgewood ISD believes this issue to be a local decision as opposed to a state mandate.

Note: May have to be limited to 9-12 because of Federal and State funding requirements

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MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE

A student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.

Texas Education Code:

Sec. 25.092. MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.092>

Board Policy:

FEC: ATTENDANCE FOR CREDIT

FEC (LEGAL) [http://pol.tasb.org/Policy/Download/1183?filename=FEC\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=FEC(LEGAL).pdf)

FEC (LOCAL) [http://pol.tasb.org/Policy/Download/1183?filename=FEC\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=FEC(LOCAL).pdf)

Rationale:

Texas Education Code Section 25.092 restricts a public school district from issuing class credit or a final grade if a student is not in attendance the required “seat time”. Edgewood ISD believes 90% is an arbitrary percentage emphasizing “seat time” over content mastery. By claiming exemption from Sec. 25.092, the district can abstain from penalizing students who miss class time due to extra- and co-curricular activities, academic activities, and/or other extenuating circumstances enabling the district to accommodate students with legitimate scheduling conflicts while reducing dropouts and increasing the number of qualifying graduates. Note that relief from Sec. 25.092 does not in any way impact or alter existing compulsory attendance requirements or University Interscholastic League (UIL) rules. Furthermore, in no way does this exemption limit a teacher's right to determine the finality of a grade in accordance with Texas Education Code Sec. 28.214 nor does it restrict or alter a teacher's right to assign grades in accordance with Texas Education Code Sec. 28.216. Regardless of whether any adjustments or changes are made to the minimum attendance for class credit or final grade laws, Edgewood ISD believes this issue to be a local decision as opposed to a state mandate.

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PROFESSIONAL EMPLOYEE CONTRACTUAL DAYS

A public school professional employee hired as a classroom teacher, counselor, or nurse shall be employed on a 10 month contract equivalent to 187 days.

Texas Education Code:

Sec. 21.401 MINIMUM SERVICE REQUIRED

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.401>

Edgewood ISD Board Policy:

DC: EMPLOYMENT PRACTICES

DC (legal) [http://pol.tasb.org/Policy/Download/1183?filename=DC\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DC(LEGAL).pdf)

DC (local) [http://pol.tasb.org/Policy/Download/1183?filename=DC\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DC(LOCAL).pdf)

Rationale:

Current Texas education law in Chapter 21 defines a professional employee contract (teacher, counselor, or nurse) as a 10 month contract equivalent to 187 work days. This proposal would allow Edgewood ISD to reduce teacher contract days from 187 to a decreased length with no effect on teacher salaries to better align with the instructional day calendar. It is understood that all current district employee required professional development guidelines will still be met. This exemption would allow the district to better align professional employee contract days to the 75,600 instructional minutes required of students. Regardless of whether any adjustments or changes are made current professional employee contractual days, Edgewood ISD believes this issue to be a local decision as opposed to a state mandate.

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PROFESSIONAL EMPLOYEE PROBATIONARY EMPLOYMENT CONTRACTS

A probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the district.

Texas Education Code:

Sec. 21.102 PROBATIONARY CONTRACTS

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.102>

Edgewood ISD School Board Policy:

DCA: EMPLOYMENT PRACTICES – PROBATIONARY CONTRACTS

DCA (Legal) [http://pol.tasb.org/Policy/Download/1183?filename=DCA\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DCA(LEGAL).pdf)

Rationale:

Under current Texas Chapter 21 professional employee employment guidelines, probationary periods for newly hired teachers, counselors, and nurses who have been employed within public education for at least five of the previous eight years cannot exceed one year. Edgewood ISD believes this limited probationary contract time period is insufficient in some cases to fully determine the professional employee's effectiveness. Relief from Texas Education Code 21.102 will permit the Edgewood ISD the option to issue a probationary contract for a period in length of up to two years for experienced teachers, counselors, or nurses newly hired by the district. This will allow the district additional time to evaluate professional performance. Regardless of whether any adjustments or changes are made to Texas Education Code employment laws, Edgewood ISD believes this issue is best served as a local decision as opposed to a state mandate.

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RECOMMENDED APPRAISAL PROCESS AND PERFORMANCE CRITERIA

The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers.

The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of various classifications of school administrators.

The commissioner by rule shall establish and shall administer a comprehensive appraisal and professional development system for principals.

Texas Education Code:

Sec. 21.351. RECOMMENDED APPRAISAL PROCESS AND PERFORMANCE CRITERIA

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.351>

Sec. 21.354. APPRAISAL OF CERTAIN ADMINISTRATORS

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.354>

Sec. 21.3541. APPRAISAL AND PROFESSIONAL DEVELOPMENT SYSTEM FOR PRINCIPALS

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.3541>

Board Policy:

DNA: PERFORMANCE APPRAISAL EVALUATION OF TEACHERS

DNA (LEGAL) [http://pol.tasb.org/Policy/Download/1183?filename=DNA\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DNA(LEGAL).pdf)

DNA (LOCAL) [http://pol.tasb.org/Policy/Download/1183?filename=DNA\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DNA(LOCAL).pdf)

DNB: PERFORMANCE APPRAISAL EVALUATION OF OTHER PROFESSIONAL EMPLOYEES

DNB (LEGAL) [http://pol.tasb.org/Policy/Download/1183?filename=DNB\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DNB(LEGAL).pdf)

DNB (LOCAL): PERFORMANCE APPRAISAL EVALUATION OF CAMPUS ADMINISTRATORS

DNB (LOCAL) [http://pol.tasb.org/Policy/Download/1183?filename=DNB\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=DNB(LOCAL).pdf)

Rationale:

Edgewood 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 assessments in determining the performance of its educators. By claiming exemption from Sec. 21.351, 23.354, and 23.3541, the district can determine locally the most appropriate appraisal instrument to evaluate its educators. Regardless of whether any adjustments or changes are made to the state-mandated appraisal system and laws, Edgewood ISD believes this issue is best served as a local decision as opposed to a state mandate.

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STUDENT/TEACHER RATIO & CLASS SIZE

A public school district may not enroll more than 22 students in a kindergarten, first, second, third, or fourth grade class.

Texas Education Code:

Sec. 25.112 CLASS SIZE

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.112>

Sec 25.113 NOTICE OF CLASS SIZE

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.113>

Edgewood ISD School Board Policy:

EBB (Legal) [http://pol.tasb.org/Policy/Download/1183?filename=EEB\(LEGAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=EEB(LEGAL).pdf)

EBB (Local) [http://pol.tasb.org/Policy/Download/1183?filename=EEB\(LOCAL\).pdf](http://pol.tasb.org/Policy/Download/1183?filename=EEB(LOCAL).pdf)

Rationale:

Under current Texas Education Code, public school districts are prohibited from enrolling more than 22 students in grades K-4. If a district exceeds this student class size limit at any point other than the last 12 weeks of a school district, the district has 30 days either employ additional professional teaching staff as needed to regain the 22 student class size requirement or file a waiver request with the Texas Commissioner of Education. Edgewood ISD has frequently found this class size mandate to be problematic given recent year student enrollment trends occurring both at the beginning and during the school year. By claiming exemption from Sec. 25.112 and 25.113, the district can locally determine and establish local criteria to determine appropriate student class size ratios as they pertain to instruction and budgetary goals. Regardless of whether any adjustments or changes are made to current state-mandated teacher/student classroom size ratios, Edgewood ISD believes this issue is best served as a local decision as opposed to a state mandate.