

## **Resolution to Initiate the Process of Designation as a District of Innovation**

WHEREAS, the El Paso ISD Board of Trustees is committed to our vision that education will become our community's highest priority and El Paso ISD graduates will be its most productive contributing members; and

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

WHEREAS, the El Paso ISD Board of Trustees wishes to support innovation and local initiatives to improve educational outcomes for the benefit of our students and our community; and

WHEREAS, the El Paso ISD Board of Trustees believes we may be able to achieve our vision more quickly by increasing local control over District operations; and

WHEREAS, House Bill 1842 requires districts seeking to be designated as Districts of Innovation to develop a Local Innovation Plan providing for a comprehensive educational program and identifying the requirements imposed by the Texas Education Code that inhibit the goals of the Local Innovation Plan; and

WHEREAS, the El Paso ISD Board of Trustees does not desire the District to be exempted from any existing laws relating to teacher contracts or teacher benefits;

WHEREAS, the El Paso ISD Board of Trustees believes that any Local Innovation Plan, if ultimately adopted, should be developed in collaboration with the community and District stakeholders; and

WHEREAS, before considering the creation of a Local Innovation Plan, the El Paso ISD Board of Trustees will hold a public hearing to receive feedback from the community and District stakeholders.

NOW, THEREFORE BE IT RESOLVED THAT the El Paso ISD Board of Trustees on \_\_\_\_\_, 2015 initiates the process of exploring and considering designation of the District as a District of Innovation under House Bill 1842.

President: \_\_\_\_\_ Date: \_\_\_\_\_

Vice President: \_\_\_\_\_ Date: \_\_\_\_\_

Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

Board Member: \_\_\_\_\_ Date: \_\_\_\_\_

Board Member: \_\_\_\_\_ Date: \_\_\_\_\_

Board Member: \_\_\_\_\_ Date: \_\_\_\_\_

Board Member: \_\_\_\_\_ Date: \_\_\_\_\_

## District of Innovation Summary (HB 1842, Section 4)

### Definition

A designation allowing districts freedom to deliver instruction in novel ways to improve educational outcomes.

### Eligibility

District's latest accountability rating must reflect acceptable performance

### Terms

1. Effective immediately upon Board approval
2. Not to exceed five years
3. Renewal process is the same process as required for initial approval
4. May either be terminated by the Commissioner or allowed to amend Local Innovation Plan if District rated unacceptable in academic performance or financial accountability for two consecutive years
5. Shall be terminated if District rated financially or academically unacceptable for three years

### Innovation Plan

1. Must provide for a comprehensive educational program for the District, which may include:
  - Innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement
  - Modifications to the school day or year
  - Provisions regarding the District budget and sustainable program funding
  - Accountability and assessment measures that exceed the requirements of state and federal law
  - Any other innovations prescribed by the Board of Trustees
2. Must identify requirements imposed by the Texas Education Code that inhibit the goals of the plan and from which the District should be exempted on adoption of the plan, which may include:
  - Site-based decision-making processes
  - Uniform school start date
  - Minimum minutes of instruction
  - Class size ratio
  - The 90 percent attendance rule (compulsory attendance still applies)
  - Student discipline provisions
  - Teacher appraisal system, contracts or benefits

### Restrictions

Examples of Texas Education Code provisions from which exemption is prohibited include:

- PEIMS reporting, educator certification, criminal history records, student admissions, accelerated instruction, high school graduation, special education programs, bilingual education, prekindergarten programs, extracurricular activities, discipline management, health and safety, open meetings, public records, public purchasing, conflicts of interest, and nepotism
- School Districts - General Provisions, Board of Trustees, Superintendents and Principals (Ch.11)
- State curriculum and graduation requirements (Ch. 28)
- Academic and financial accountability (Ch. 39)

### Process for Considering Designation, Approving Innovation Plan, and Obtaining Designation

1. Adopt a resolution to consider the designation; hold a public hearing to determine whether or not the District should develop a Local Innovation Plan (LIP); if the Board chooses to move forward, appoint a committee to develop a LIP.
2. Post the LIP drafted by the Local Innovation Committee (LIC) on the District's website for 30 days prior to Board vote and notify the Commissioner of the Board's intention to vote to adopt the LIP.
3. The District-wide Educational Improvement Council (DEIC) holds a public hearing to consider the final version of the LIP and approves the LIP by majority vote. The Board adopts the plan with a two-thirds vote.

1           (2) denying the renewal of a charter of an  
2 open-enrollment charter school as authorized by Section  
3 12.1141(c).

4           (a-1) The procedure adopted under Subsection (a) for the  
5 denial of renewal of a charter under Section 12.1141(c) or the  
6 revocation of a charter or reconstitution of a governing body of a  
7 charter holder under Section 12.115(a) must allow representatives  
8 of the charter holder to meet with the commissioner to discuss the  
9 commissioner's decision and must allow the charter holder to submit  
10 additional information to the commissioner relating to the  
11 commissioner's decision. In a final decision issued by the  
12 commissioner, the commissioner shall provide a written response to  
13 any information the charter holder submits under this subsection.

14           (d) This section applies beginning with the 2015-2016  
15 school year.

16           SECTION 4. Subtitle C, Title 2, Education Code, is amended  
17 by adding Chapter 12A to read as follows:

18           CHAPTER 12A. DISTRICTS OF INNOVATION

19           Sec. 12A.001. AUTHORIZATION. (a) Subject to Subsection  
20 (b), a school district may be designated as a district of innovation  
21 in accordance with this chapter.

22           (b) A school district is eligible for designation as a  
23 district of innovation only if the district's most recent  
24 performance rating under Section 39.054 reflects at least  
25 acceptable performance.

26           (c) Consideration of designation as a district of  
27 innovation may be initiated by:

1           (1) a resolution adopted by the board of trustees of  
2 the district; or

3           (2) a petition signed by a majority of the members of  
4 the district-level committee established under Section 11.251.

5           Sec. 12A.002. PUBLIC HEARING. (a) Promptly after adopting  
6 a resolution under Section 12A.001(c)(1) or receiving a petition  
7 under Section 12A.001(c)(2), the board of trustees shall hold a  
8 public hearing to consider whether the district should develop a  
9 local innovation plan for the designation of the district as a  
10 district of innovation.

11           (b) At the conclusion of the public hearing or as soon as  
12 possible after conclusion of the public hearing, the board of  
13 trustees may:

14           (1) decline to pursue designation of the district as a  
15 district of innovation; or

16           (2) appoint a committee to develop a local innovation  
17 plan in accordance with Section 12A.003.

18           Sec. 12A.003. LOCAL INNOVATION PLAN. (a) A local  
19 innovation plan must be developed for a school district before the  
20 district may be designated as a district of innovation.

21           (b) A local innovation plan must:

22           (1) provide for a comprehensive educational program  
23 for the district, which program may include:

24           (A) innovative curriculum, instructional  
25 methods, and provisions regarding community participation, campus  
26 governance, and parental involvement;

27           (B) modifications to the school day or year;

1                   (C) provisions regarding the district budget and  
2 sustainable program funding;

3                   (D) accountability and assessment measures that  
4 exceed the requirements of state and federal law; and

5                   (E) any other innovations prescribed by the board  
6 of trustees; and

7                   (2) identify requirements imposed by this code that  
8 inhibit the goals of the plan and from which the district should be  
9 exempted on adoption of the plan, subject to Section 12A.004.

10           Sec. 12A.004. LIMITATION OF PERMISSIBLE EXEMPTIONS. (a) A  
11 local innovation plan may not provide for the exemption of a  
12 district designated as a district of innovation from the following  
13 provisions of this title:

14                   (1) a state or federal requirement applicable to an  
15 open-enrollment charter school operating under Subchapter D,  
16 Chapter 12;

17                   (2) Subchapters A, C, D, and E, Chapter 11, except that  
18 a district may be exempt from Sections 11.1511(b)(5) and (14) and  
19 Section 11.162;

20                   (3) state curriculum and graduation requirements  
21 adopted under Chapter 28; and

22                   (4) academic and financial accountability and  
23 sanctions under Chapter 39.

24           (b) The commissioner shall:

25                   (1) maintain a list of provisions of this title from  
26 which school districts designated as districts of innovation are  
27 exempt under this chapter; and

1           (2) notify the legislature of each provision from  
2 which districts enrolling a majority of students in this state are  
3 exempt.

4           Sec. 12A.005. ADOPTION OF LOCAL INNOVATION PLAN;  
5 COMMISSIONER APPROVAL. (a) The board of trustees may not vote on  
6 adoption of a proposed local innovation plan unless:

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

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

12           (3) the district-level committee established under  
13 Section 11.251 has held a public meeting to consider the final  
14 version of the proposed plan and has approved the plan by a majority  
15 vote of the committee members, provided that the meeting required  
16 by this subdivision may occur immediately before and on the same  
17 date as the meeting at which the board intends to vote on adoption  
18 of the proposed plan.

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

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

23           (1) is designated as a district of innovation under  
24 this chapter for the term specified in the plan, subject to Section  
25 12A.006;

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

1           (3) is exempt from state requirements identified under  
2 Section 12A.003(b)(2).

3           (d) A district's exemption described by Subsection (c)(3)  
4 includes any subsequent amendment or redesignation of an identified  
5 state requirement, unless the subsequent amendment or  
6 redesignation specifically applies to a district of innovation.

7           Sec. 12A.006. TERM. The term of a district's designation as  
8 a district of innovation may not exceed five years.

9           Sec. 12A.007. AMENDMENT, RESCISSION, OR RENEWAL OF LOCAL  
10 INNOVATION PLAN. A local innovation plan may be amended,  
11 rescinded, or renewed if the action is approved by a vote of the  
12 district-level committee established under Section 11.251, or a  
13 comparable committee if the district is exempt from that section,  
14 and the board of trustees in the same manner as required for initial  
15 adoption of a local innovation plan under Section 12A.005.

16           Sec. 12A.008. TERMINATION BY COMMISSIONER. (a) The  
17 commissioner may terminate a district's designation as a district  
18 of innovation if the district receives for two consecutive school  
19 years:

20           (1) an unacceptable academic performance rating under  
21 Section 39.054;

22           (2) an unacceptable financial accountability rating  
23 under Section 39.082; or

24           (3) an unacceptable academic performance rating under  
25 Section 39.054 for one of the school years and an unacceptable  
26 financial accountability rating under Section 39.082 for the other  
27 school year.



1       **(b) Instead of terminating a district's designation as**  
2 **authorized by Subsection (a), the commissioner may permit the**  
3 **district to amend the district's local innovation plan to address**  
4 **concerns specified by the commissioner.**

5       **(c) The commissioner shall terminate a district's**  
6 **designation as a district of innovation if the district receives**  
7 **for three consecutive school years:**

8               **(1) an unacceptable academic performance rating under**  
9 **Section 39.054;**

10              **(2) an unacceptable financial accountability rating**  
11 **under Section 39.082; or**

12              **(3) any combination of one or more unacceptable**  
13 **ratings under Subdivision (1) and one or more unacceptable ratings**  
14 **under Subdivision (2).**

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

17       **Sec. 12A.009. COMMISSIONER RULEMAKING. The commissioner**  
18 **may adopt rules to implement this chapter.**

19       **SECTION 5. Section 29.315, Education Code, is amended to**  
20 **read as follows:**

21       **Sec. 29.315. TEXAS SCHOOL FOR THE DEAF MEMORANDUM OF**  
22 **UNDERSTANDING. The Texas Education Agency and the Texas School for**  
23 **the Deaf shall develop, agree to, and by commissioner rule adopt no**  
24 **later than September 1, 1998, a memorandum of understanding to**  
25 **establish:**

26              **(1) the method for developing and reevaluating a set**  
27 **of indicators of the quality of learning at the Texas School for the**

84<sup>th</sup> Legislative Session

# Final Bill Report 2015



Texas Association of School Administrators

## EDUCATION-RELATED HOUSE BILLS PASSED

### ACCOUNTABILITY

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#### **HB 18**

**Aycock**

#### **Texas Success Initiative (TSI) Results to be Shared with School Districts**

*Other provisions listed under Curriculum (page 33), Staff Development (page 57), and the Texas High Performance Schools Consortium (page 68).*

Requires an institution of higher education that administers a TSI test to report to each school district from which assessed students graduated all available information on student scores and performance on the TSI, including student demographic information. Mandates the THECB to adopt rules as necessary to implement these provisions in a manner that complies with various state and federal laws regarding confidentiality or privacy of student information.

Applies beginning with TSI tests administered to entering undergraduate students for the fall 2016 semester.

Earliest effective date: Immediately

#### **HB 1842**

**Aycock**

#### **Innovation Zones, Monitoring Reviews, Special Accreditation Visits, Campus Intervention Teams, Campus Turnaround, Student Trustees**

*Due to the dense content of HB 1842, the bill is divided into sections by topic. (Other provisions listed under Charter Schools on page 32.)*

##### Innovation Zones

Establishes innovation zone designations to allow campuses to develop local initiatives to improve educational outcomes. Allows consideration of such designations to be initiated by board resolution or by a petition signed by a majority of a district-level committee. Outlines other aspects of the process and procedures for innovation designation.

Establishes eligibility for participation that requires a school district's most recent performance rating to be at least "acceptable." Requires a district's local innovation plan to include innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement. Allows exemption from certain state laws, similar to flexibility provided to charter schools. Limits a campus designation as an innovation zone to no more than five years. Addresses

amendment, rescission, renewal, and terminations by the commissioner and allows the commissioner to adopt rules.

#### Monitoring Reviews

Replaces the term "on-site investigations" with the term "monitoring reviews," and aligns corresponding terminology. Expands the commissioner's authority to determine the frequency of monitoring reviews based on a variety of factors. Allows TEA to obtain information from administrators, other district employees, parents, and other persons as necessary, and requires the commissioner to adopt rules on how the information may be obtained. Applies these changes to the Texas School for the Deaf and the Texas School for the Blind and Visually Impaired. Permits a monitoring review to include desk reviews and on-site visits. Allows the commissioner to convert a monitoring review to a special accreditation investigation on prompt notification to the district of the conversion.

#### Special Accreditation Visits

Requires TEA to adopt written procedures for conducting special accreditation visits, including procedures that allow TEA to obtain information from employees in a manner that prevents a district or campus from screening the information. Mandates the procedures be available on TEA's website. Allows the commissioner to impose interventions and sanctions on the basis of a special accreditation visit.

#### Campus Intervention Team

Requires a campus intervention team to conduct a public meeting at the campus with the principal, the campus-level planning and decision-making committee, parents, and community members to review the campus performance rating and solicit input for the development of the targeted improvement plan. Mandates that the team provide written notice of the date, time, and place of the meeting to parents and post notice on the campus website.

#### Campus Turnaround

Replaces the terminology "reconstitution" and "repurposing" with the terms "campus turnaround plan," "board of managers," "alternative management," and "closure."

Requires, after two years of unacceptable performance, the commissioner to order the campus to prepare and submit a campus turnaround plan. Outlines parties that must help in preparing the plan and the required notice to stakeholders. Mandates that the plan include details on the method for restructuring, reforming, or reconstituting the campus. Allows the district to request help with the plan from a regional education service center or institution of higher education.

Requires the turnaround plan to take effect not later than the school year following the third consecutive year that the campus has received an academically unacceptable performance.

Mandates that if the commissioner determines that the campus will not satisfy all student performance standards in a specified time period, the commissioner must order appointment of a board of managers, alternative management, or closure.

Mandates that if a campus receives unacceptable ratings for three consecutive years after the order to submit a turnaround plan, the commissioner must order appointment of a board of managers or closure of the campus.

Provides specific criteria for repurposing a campus after the commissioner orders closure. Addresses issues related to a board of managers and alternative management.

Requires the Legislative Budget Board to publish a report evaluating the implementation of these changes, including an analysis of whether the changes resulted in improvements to school and student performance.

Applies beginning with the academic performance ratings issued with the 2015-16 school year.

#### Student Trustees for Certain Districts

Establishes a bracketed school district in which the school board may adopt a resolution that creates a non-voting student trustee position if the district has a campus subject to a turnaround plan. Provides that an eligible district have a central administrative office in a county with a population of more than 2 million, with student enrollment between 125,000 and 200,000.

Mandates the board adopt a policy that establishes the term, selection procedures, and removal procedures of a student trustee. Requires the board to also adopt policy regarding student trustee participation in board deliberations and access to information and records consistent with FERPA. Allows a student trustee to earn not more than one academic course credit in a subject area determined by the district.

Earliest effective date: Immediately

### **HB 2804**

#### **Aycock**

#### **Accountability System Redesign, Campus/District A-F Ratings, etc.**

*Due to the dense content of HB 2804 the bill is divided into sections by topic. (Other provisions listed under Texas High Performance Schools Consortium on page 68.)*

#### Accountability System Redesign

Replaces the four indices used to rate public schools with five weighted domains that include new indicators of achievement.

Requires the commissioner to adopt a set of indicators of the quality of learning and achievement that measure and evaluate school districts and campuses with respect to improvements in student preparedness for subsequent grade levels and the workforce, reduction of differentials in student academic achievement levels, and information shared with parents and the community regarding performance in the five domains. Requires that performance on the indicators be compared to state standards defined annually by the commissioner.

# Legislature Opens Door for 'Districts of Innovation'

by James B. Crow

For us old-timers, it's déjà vu all over again. In 1995, the Texas Legislature passed a new law that, at the time, was heralded as providing school districts with relief from many of the onerous state mandates that stifled creativity, innovation, and student achievement. That law, of course, was the home-rule school district concept, still on the books today.

Twenty years later, it's never actually been implemented by a single Texas school district.

Fast-forward to 2015. The Legislature again passed a new law designed to give school districts significant flexibility and the authority to exempt themselves from many current sections of the Texas Education Code. House Bill 1842, effective immediately, gives school districts most of the flexibilities available to Texas' open enrollment charter schools. Unlike the home-rule district law, this legislation, called "Districts of Innovation," already has begun to draw interest from several school districts.

## A Concept to Consider

I've chosen this topic to encourage more school districts to give this concept serious consideration. Here's more information:

While home-rule districts and districts of innovation are similar in concept, there are some major differences between the two laws. Both concepts allow a school district to go through a process to develop a plan that would specify the state laws from which it would be exempted. Both processes require significant input and involvement of citizens and school district staff. One major difference, however, is that to become a home-rule district, the plan (or charter, in this case) must be approved in a districtwide election in which at least 25 percent of the registered voters participate. To become a district of innovation, the school board can approve the plan developed through the specified process provided it passes with a two-thirds majority vote of the board.

So, what mandates could a district free itself from as a district of innovation? This is not totally clear yet, as the statute specifies only those laws from which a district *cannot* exempt itself. The "off-the-table" requirements that cannot be waived include academic and financial accountability

provisions such as student assessments; elections for school boards; the duties of trustees, superintendents, and principals; PEIMS; open meetings and open records; purchasing laws; and several others.

The commissioner of education is expected to release rules this month that will include a list of provisions from which districts of innovation can be exempted.

What does that leave as open for consideration? Among the likely exemptible requirements are those regarding site-based decision making; uniform school start date; class size caps; teacher appraisal, certification and contracts; required minutes of instruction time; and more.

The relief from mandates is reason alone for districts to consider this idea. But what's more exciting, at least among the districts that are already considering this concept, is that they are looking to use the greater flexibility to focus on such critical areas as improving student achievement, increasing operational efficiency, and expanding parental and community involvement.

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.

## Investigate the Possibilities

For years, Texas school board members and administrators have complained about the ever-increasing number of state mandates and prescriptive laws and bemoaned the continual erosion of local control. Now there is a realistic process for districts to do something about this. Take advantage. Investigate the possibilities and the potential of becoming a district of innovation.

For more information, see the TASB Legal Services' eSource Q&A at [tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/districts\\_of\\_innovation\\_nov15.pdf](http://tasb.org/Services/Legal-Services/TASB-School-Law-eSource/Governance/documents/districts_of_innovation_nov15.pdf).

*James B. Crow is executive director of TASB.*





## **Districts of Innovation**

### **What is a “District of Innovation”?**

A District of Innovation (“Innovation District”) is a concept passed by the 84th Legislative Session in House Bill 1842, effectively immediately, that gives traditional independent school districts 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 Texas Education Code chapter 12A.

### **What school districts are eligible to be Innovation Districts?**

To be eligible for designation as an Innovation District, a school district’s most recent academic performance rating must be at least acceptable.

### **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 an Innovation District 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 an Innovation District?**

An Innovation District may adopt a plan that includes exemptions from most of the same laws that are not applicable to open enrollment school districts. 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 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 for bilingual education, special education, or federal programs (highly qualified)
- Teacher contracts
- Teacher benefits, including state minimum salary schedule, duty-free lunch, and planning periods
- Teacher appraisal system

TEA has rulemaking authority regarding Innovation Districts. The agency anticipates publishing draft rules in December 2015, and these rules will include as an appendix a list of legal provisions from which an Innovation District may seek exemption. Districts that are interested in pursuing an innovation plan are encouraged to begin work on formulating ideas and perhaps creating a committee, but before adopting a final plan, districts will likely want to review the agency's rules.

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

An innovation plan cannot seek exemption from the laws required to apply to open enrollment charter schools, certain parts of Chapter 11, state requirements for curriculum and graduation, and academic and financial accountability. Laws from which an Innovation District 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 and conflicts of interest



- Nepotism
- Other state and federal laws outside of the Texas Education Code

**What impact could innovations have on school funding?**

School district funding will remain substantially the same for Innovation Districts. 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. Innovation Districts transitioning to plans that include changes to employment practices will need to work with their school attorneys to honor existing contracts.

**Can an Innovation District 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. In other states, however, innovation zones have started at a small number of campuses (like a single feeder pattern) before expanding to other campuses. TEA rules may address this question. In the alternative, a district may consider the option of a campus conversion charter for a single campus or group of campuses.

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

- decline to pursue the designation as an Innovation District; 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 purpose of the plan, and persuade the school community of the value of the plan.

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 Innovation District should be exempted, within the parameters described above.

The board cannot approve the plan until the final plan has been posted online for 30 days, the commissioner has been notified, the district-level advisory committee (DAC) has held a public meeting to consider the final plan, and the DAC has approved the plan by a majority vote. 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 Education Code mandates.

The commissioner of education does not approve districts' innovation plans, per se, but he does have rulemaking authority regarding districts of innovation. The commissioner will also have reporting obligations to the Legislature about the use of this statutory option and what laws districts have selected for exemption.

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 Innovation District 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.

If an Innovation District 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 an Innovation District receives unacceptable academic and/or financial performance ratings for three consecutive years, the commissioner must terminate the innovation plan.

**What impact could designation as an Innovation District have on district policy?**

An Innovation District 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 an Innovation District may seek an exemption, TASB Policy Service will be able to help each Innovation District 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 more information on this and other school law topics,  
visit TASB School Law eSource online at [schoolawesource.tasb.org](http://schoolawesource.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.*