



# BRAZOS INDEPENDENT SCHOOL DISTRICT

## District of Innovation Plan

January 27, 2022-January 27, 2027

Letter of Intent to Commissioner: 10/28/21

Posted to Website: 10/28/21

Approved by Brazos ISD School Board on 1/26/2022

## **Introduction**

A District of Innovation is a concept passed by the 84th Texas Legislature that gives traditional independent school districts most of the flexibilities available to open enrollment charter schools, including exemption from many requirements mandated in the Texas Education Code. To create a District of Innovation, a school district must adopt a five-year innovation plan according to the Texas Education Code.

### **What areas of flexibility can BISD consider in its District of Innovation plan?**

A District of Innovation may adopt a plan that includes exemptions from most of the same state laws that are not applicable to open enrollment school districts. Brazos ISD is not seeking exemptions from all areas as they do not fit the needs of our district. These laws could include:

Uniform school start date

Class size ratio

Minimum minutes of instruction

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 appraisal system

Teacher certification (except as required by federal law)

Teacher contracts

Teacher benefits

Site-based decision making processes (to the extent required by state law)

### **Time Frame:**

October 13, 2021: DEIC Committee met and discussed district of innovation process and

updates to current plan that expires at the end of the school year.

October 27, 2021: Inform Board of intent to renew DOI Plan

October 28, 2021: Letter of intent to adopt renewed DOI Plan sent to Commissioner

October 28, 2021: Draft Plan Posted on Website

December 15, 2021: Scheduled Public Hearing

## **Areas of Exemption**

### **DETERMINE A FLEXIBLE SCHOOL START DATE (TEC §25.0811a) (EB LEGAL)**

Manner in which the statute inhibits the plan: The Texas Education Code states a school district may not begin student instruction before the fourth Monday of August. For many years this was the rule; however, districts had the option of applying for a waiver to begin earlier, even as early as the second Monday in August. The start-date waiver was eventually removed when the legislature determined school districts should begin the first semester no earlier than the fourth Monday of August, with no exceptions. The current process allows no flexibility in the design and balancing of instructional semesters to meet the needs of students or the wishes of the local board of trustees, who represent community interests in this matter.

The flexibility of school start date allows the district to determine, locally on an annual basis, a school calendar that will best meet the needs of our students and local community. The flexible start date allows us as a school district to balance the amount of instructional days in each semester. Additionally, having this flexibility allows for a shortened start of school week, flexible staff development planning, and the ability to synch our calendars with local community colleges for our dual credit students. A shortened start week allows for easier transitioning for our pre-k and kindergarten students.

Brazos ISD will determine on an annual basis the local start date of the first semester, not to precede the second Monday in August of any given year.

The annual calendar will be developed and submitted by the District Education Improvement Committee (DEIC) and approved by the board of trustees.

**ALLOW ALTERNATIVES TO EDUCATOR CERTIFICATION FOR DISTINCTIVE  
SUBJECTS (TEC §21.003a) (TEC §21.057a-e) (DK LEGAL)**

Manner in which the statute inhibits the plan: Texas Education Code states a person may not be employed as an educator by a school district unless the individual holds an appropriate certificate or permit issued by the appropriate state agency. In the event a school district cannot locate a certified teacher for a position, or a teacher is teaching a subject outside his or certification, the district must request emergency certification from the Texas Education Agency and/or the State Board of Educator Certification.

In lieu of these requirements, the district will establish its own local qualification procedures. The current system does not take into account the unique financial and/or instructional needs of the district, staffing shortages, as well as the location of the district. Freedom from these requirements will make it possible to hire industry experts and post-secondary instructors to teach dual-credit, STEAM, STEM and vocational/CTE courses, thereby increasing the number of students able to receive such instruction. Brazos ISD proposes the district will establish its own local qualification procedures so that individuals whom are degreed or professionals in an area may be allowed to teach a CTE course and difficult to fill positions such as secondary math, science and foreign languages. In addition, certified teachers may be allowed to teach a course, subject or grade level that he/she is not certified by the state to teach. The following procedures will be put into place to ensure that highly qualified professionals and/or certified teachers are put into these positions.

- In exceptional circumstances, when a certified educator is not found, the campus principal may submit to the superintendent a request for local certification that will allow a non-certified, yet highly qualified professional to teach, **or** a certified educator to teach a subject in a related field for which she or he is not certified by the state.
- The principal must specify in their request the reason for the request and document what qualifications the individual possesses to teach the proposed subject. Emergency or financial situations creating the need for this assignment should also be noted.
- A support plan, through the use of a mentor will be put in place when possible. High quality lesson plans, a partnership with a certified teacher in the same field and/or curriculum guides will be used to support the uncertified, yet highly qualified teacher.
- In the event an uncertified yet highly qualified educator or professional is assigned to a course, the superintendent will inform and obtain consent from the board of trustees and will notify parents of students who benefit from this decision.
- A teacher certification waiver, state permit applications or other paperwork will not be submitted to the Texas Education Agency.

## **TRANSFER STUDENTS CURRENTLY UNDER TEXAS EDUCATION CODE (§25.036)**

A district may choose to accept, as transfers, students who are not entitled to enroll in the district. Under TEC 25.036, a transfer is interpreted to be for a period of one school year.

Innovation Strategies: BRAZOS ISD maintains a transfer policy under FDA (LOCAL) requiring nonresident students wishing to transfer to file a transfer application each school year. In approving transfer requests, the availability of space and instructional staff, availability of programs and services, the student's disciplinary history records, work habits, and attendance records are also evaluated. Transfer students are expected to follow the attendance requirements and the rules and regulations of the District. TEC 25.036 has been interpreted to establish the acceptance of a transfer as a one-year commitment by the District. The District is seeking to eliminate the provision of a one-year commitment in accepting transfer applications for the following circumstances:

- Student behavior warrants suspension (in or out of school), placement in a disciplinary alternative program, or expulsion; unacceptable academic performance; student attendance falls below the TEA truancy standard.

## **PRE-KINDERGARTEN-GRADE 4 CLASS SIZE (TEC §25.112A-G)(TEC §25.113A-B) (EEB LEGAL)**

Currently, districts are required to maintain a class size of 22 students or less for Pre-Kindergarten - 4th Grade classes. When any class exceeds this limit, the district must complete and file a waiver with the Texas Education Agency. The district is also required to notify parents of waivers or exceptions to class size limits.

The proposal would look to keep class sizes below 22:1 but would streamline processes for when a specific class exceeds the 22: 1 ratio. While we certainly believe that small class size plays a positive role in the classroom, there are times when adding another teacher is not feasible such as mid-year due to increased enrollment, classroom availability, etc.

### **Innovation Strategies:**

BISD will attempt to keep all PK-4th core classrooms to a 22:1 ratio. However, in the event the class size exceeds this ratio, the superintendent will report to the Board of Trustees.

In the event a PK-4th core classroom reaches 23:1, the campus will notify the parents of the students in the classroom and work to reduce the ratio as soon as fiscally possible.

A TEA waiver will not be necessary when a PK-4th classroom exceeds the 22:1 ratio.

### **TEACHER EMPLOYMENT CONTRACTS (§21.102)**

Currently, experienced teachers new to the district have a probationary period that may not exceed one year if the person had been employed as a teacher in public education for at least five of the previous eight years. This time period is not sufficient to evaluate a teacher's effectiveness.

#### **Innovation Strategies:**

Probationary Contracts: Experienced teachers and counselors new to Brazos ISD that have been employed in public education for at least five of the previous eight years, may be issued a probationary contract for up to three years from the last date of district employment. This will allow a district more time to evaluate a staff member's effectiveness.

### **DISCIPLINE OPTIONS §37.008, §37.007 (C) §37.010 (B)**

#### **DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS/SUSPENSIONS EXEMPTION §37.008**

Currently Each school district shall provide a disciplinary alternative education program that:

- (1) is provided in a setting other than a student's regular classroom;
- (2) is located on or off of a regular school campus;
- (3) provides for the students who are assigned to the disciplinary alternative education program to be separated from students who are not assigned to the program;
- (4) focuses on English language arts, mathematics, science, history, and self-discipline;
- (5) provides for students' educational and behavioral needs;
- (6) provides supervision and counseling;

(7) employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21; and

(8) provides not less than the minimum amount of instructional time per day required by Section 25.082(a). §37.005, §37.006, This does not include §37.006 (l).

**Innovation Strategies:**

Students placed in DAEP can be housed and educated in the same area as students placed in In-School Suspension (ISS) on grade levels K-12

Allow Brazos ISD to make a common sense approach and better utilize staff to effectively run the DAEP program. This exemption would allow us to utilize non-certified staff in ISS and DAEP part of the day and certified staff during a portion of the day.

**DISCIPLINARY ALTERNATIVE EDUCATION PROGRAMS/SUSPENSIONS  
EXEMPTION §37.007 (C) §37.010 (B)**

Currently TEC §37.007 (C) §37.010 (B) states that a student placed in DAEP who engages in documented serious behavior while in DAEP may be removed from class and expelled.

**Innovation Strategies:**

Proposal: Students who engage in persistent misbehavior, while not deemed serious misbehavior, may be recommended for expulsion. Students recommended for expulsion will have the same rights to appeal the process as other students pending expulsion.

**TEACHER CONTRACT DAYS (TEC§21.401)**

TEC Code Requiring Exemption: current education law in Chapter 21 defines a teacher contract as a 10-month contract equivalent to 187 days.

**Innovation Strategies:**

With the passage of §25.081 which changed the required days of instruction to minutes the law did not address contract days for 10-month contract employees. The determination of how many days are required to fulfill an employee's contract should be a local decision. Brazos ISD will annually evaluate the number of contract days needed for certified staff in that school year. The number of days will not exceed 187 nor will it be less than 182.

## **MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE**

### **(90 PERCENT RULE) (TEC §25.092)**

**Current Status:** Texas Education Code §25.092 mandates that a student in any grade level from kindergarten through grade 12 may not be given credit of a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.

Our goal is to inspire and equip all students to pursue futures beyond what they can imagine. One way to inspire students is to remove obstacles preventing them from pursuing non-traditional individualized learning opportunities. Currently, the state law mandates that the child must be physically present in the classroom in order to receive credit. BISD needs the flexibility to better meet the needs of all students when it comes to course completion versus attendance. Some students must work to support their families; others might be raising children. Often schools are faced with withdrawals, then reenrollments because a child must leave the state or country due to a family commitment, emergency, or extenuating circumstances.

There are countless reasons why a student may be unable to attend class in a traditional setting, yet with the advent of online learning opportunities, options for individualized instruction outside the brick and mortar classroom are now a real and exciting possibility. Requiring seat time when there are other avenues for a more individualized approach to instruction can fail to meet the needs of all students in these special circumstances.

### **Innovation Strategies:**

We seek an exemption from the law requiring students to be present in the classroom 90 percent of the time in order to earn credit. This exemption would allow the District to explore innovative solutions that will best meet the needs of our student population, while still ensuring that students have mastered their coursework. In addition to online learning opportunities, the District will investigate the abundant opportunities for active learning outside the classroom in order to receive course credit for content mastery, when not present for 90 percent of the days a class is offered. The DEIC encourages the District to explore other avenues by which a student can achieve mastery, without being penalized academically. The exemption would allow the district to provide innovative options to promote student engagement in course material in flexible ways, ultimately allowing learning to happen anytime, anyplace, even apart from the traditional brick and mortar classroom. This exemption allows the district to determine make-up time on an individual basis.

Exemption from Section 25.092 would not impact or alter existing compulsory attendance requirements or University Interscholastic League (“UIL”) rules. Moreover, opting out of Section 25.092 would in no way limit or modify a teacher’s right to determine the finality of a grade in accordance with Texas Education Code Section 28.0214, nor would it restrict or alter a teacher’s right to assign grades in accordance with Texas Education Code Section



## **District of Innovation Committee Members**

Superintendent: Scott Rogers

Director of Special Programs: Teresa Ressler

Principal: Kimberly Etheridge, Clay Hudgins, Eric Cormier

Counselor: Becca Naseman, Katherine Allison

Director of Special Education Monica Gross

Parent: Doug Macha

### **Teachers:**

Elementary: Shelly McCormick, Emily Drymala,

Middle School: Wendy Melnar

High School: Jenny Blakeman, Phyllis Hlavinka, Joshua McCown,