

## Hitchcock Independent School District - District of Innovation

### Explanation

House Bill 1842, passed by the 84th Legislature, provides local school districts the flexibility to write exemptions from certain provisions of the Texas Education Code. This plan of exemptions gives school districts flexibility within the regulations and gives the school more local control. To meet the criteria for a District of Innovation, schools must hold an accountability rating of "Met Standard" and a superior rating on the FIRST (Financial) report. The Hitchcock ISD Board of Trustees unanimously adopted a resolution to initiate the process for the District to be designated as a District of Innovation (DOI), as required by TEC 12A.001. Immediately following the adoption of the resolution, the district held a public hearing to receive feedback from the community regarding the DOI process along with the DOI Committee consisting of members from staff, parents, and community members.

On March 6, 2023, the committee met to collaborate, and edit the DOI plan for HISD. The DOI committee held a public meeting on March 6, 2023, to allow public comments before sending the plan to the Board of Trustees. On March 6, 2023, the committee also voted to adopt the plan and post it to the district website for the public to view. The plan will remain posted from March 7, 2023-April 23, 2023, the 30 days required by TEC 12A.005. The plan was presented to the Board of Trustees for final approval at the April 24, 2023, regular monthly meeting, and the Board voted unanimously to approve the plan.

In an effort to provide more local control, and to give Hitchcock ISD flexibility to meet community and district needs, the DOI Committee wrote the following exemption plan which will be implemented for a period of 5 years, from May 2023 to April 2028.

## Exemption Details for Hitchcock ISD

### 1. School Calendar

Exemption from: **TEC §25.0811; TEC §25.0812**

**TEC §25.0811** states a school district may not begin student instruction before the 4th Monday of August.

**TEC §25.0812** states a school district may not schedule the last day of school for students for a school year before May 15.

Proposed Innovation:

Hitchcock ISD believes that local control of increased flexibility in the school instructional calendar will increase student achievement, improve attendance, and better allow the district to meet the needs of the students and the community. The calendar will be established with the start date and end date based on what is best for the district. Exempting from TEC §25.0811 and TEC §25.0812, will have the following benefits:

- The instructional days for grading periods are more equal and balanced. This allows for a more balanced approach to the scope and sequences of all classes.
- The increased number of days in the fall allows for more flexibility in breaks and holidays for the students and the staff to meet the needs and preferences of the community.
- Allows teachers and students to participate in summer courses offered by colleges and universities.
- Allows more flexibility for more scheduled staff development during the school year.

Local Guidelines:

- The required 75,600 minutes of student instruction will still be met by HISD each year.
- HISD will publish the start date and end date in the board approved school calendar by July each year.
- HISD will continue to seek stakeholder input as required by the yearly calendar development.
- Changing the calendar will not alter the University Interscholastic League (UIL) restrictions for the first day of practice for athletic and fine arts programs. HISD will continue to comply with the UIL calendar for practices, events and performances.
- The District Education Improvement Committee will create calendar options that set the start date and end date based on the needs of the district. HISD will set the local limits for starting school no earlier than the 2nd Monday in August and ending no earlier than the 1<sup>st</sup> of May.

## 2. Transfers

Exemption from: **TEC § 25.036**

**TEC §25.036** states a school district may choose to accept, as transfers, students who are not entitled to enroll in the district for a period of one school year.

Proposed Innovation:

Hitchcock ISD will continue to accept transfers who meet the transfer criteria and are recommended by campus administration and approved by the Superintendent. The availability of space and instructional staff, discipline, records and attendance records will be considered for approval. Under this exemption, transfer students will be monitored throughout the year for meeting the transfer criteria. If any of the components of their approval changes, their transfer can be revoked at any time during the year. Exempting from TEC

§25.036, will have the following benefits:

- Students will be held to high expectations for appropriate behavior and conduct on the campuses.
- Students will meet the attendance expectations for the campuses or be withdrawn.
- An unexpected increase in non-transfer enrollment will not put the district in need of additional staff or programs.
- Transfer students will not add hardship to the campuses or the district.

Local Guidelines:

- Transfer applications will be reviewed by an administrator on each campus prior to acceptance.
- Transfer student records will be reviewed as necessary.
- When a transfer student has 2 disciplinary incidents, a campus administrator will review the details of the incidents and determine the status of the transfer.
- If a transfer student receives a DAEP assignment, the transfer will be immediately revoked.
- If a transfer student's attendance rate drops below 90%, the transfer may be revoked.

### 3. 90 % Rule

Exemption from: **TEC §25.092**

**TEC §25.092** currently mandates a student may not be given credit or a final grade for a class unless the student is in attendance for a least 90 percent of the days the class is offered. In addition, if a student is in attendance greater than 75 percent and less than 90 percent, they may be given credit and a final grade if the student completes a plan approved by the campus administrator and meets instructional requirements for the class. If the attendance is less than 75 percent, credit cannot be given.

Proposed Innovation:

Because Hitchcock ISD is a small district and we encourage our students to be involved in multiple extracurricular and co-curricular activities, our students do sometimes fall below the 90 percent requirement in classes. Flexibility with this rule would allow our students to participate without fear of losing credit for classes where the student demonstrates mastery of the content. Exempting from TEC §25.092 will have the following benefits:

- Students will be involved in multiple activities and events with approval of the administration without fear of losing credit.
- Students will gain the knowledge of the content and still experience the positive experiences of events and activities.

Local Guidelines:

- Absences for extracurricular, co-curricular and special school sponsored events will be excused from the 90% rule.
- The campus administrator will have the final word on students missing instruction for school events or activities.

#### 4. Probationary Contract Length Exemption from: **TEC §21.102**

**TEC §21.102** states that teachers new to a school district who have taught five of the last eight years in another school district may only be placed on a probationary contract for one year.

Proposed Innovation:

Hitchcock ISD believes that one year is not always a sufficient amount of time to evaluate a teacher's effectiveness in the classroom and the appropriate fit for the campus and the district. Administrators make contract recommendations in the early spring of each year which is prior to some observations and the summative conferences. Administrators will have a right to recommend renewing the probationary contract beyond the initial year. Exempting from TEC §21.102 will have the following benefits:

- Administrators will have more time to evaluate the effectiveness of new teachers in the classroom.
- Administrators will maintain highly qualified teachers in the classroom.
- Administrators will have more time to observe and coach the new teachers.
- Administrators will ensure the teacher is a positive addition to the staff. Local Guidelines:
- New teachers to the district who have at least 5 years of the last 8 years of experience may be placed on a probationary contract for up to 3 years at the recommendation of the campus administration, the superintendent, and the approval of the school board.
- Administrators will inform the teacher of the recommendation prior to submission to the school board.

## 5. Campus Behavior Coordinator Exemption from: **TEC §37.0012**

**TEC §37.0012** requires that a school district designate a Campus Behavior Coordinator for each Campus.

Proposed Innovation:

Hitchcock ISD believes the roles and responsibilities of the Campus Behavior Coordinator are already in the job descriptions and expectations of the campus principals and assistant principals.

Exempting from TEC §37.0012 will have the following benefits:

- The principal and assistant principals at each campus will be able to work together to determine the best course of action for behavior intervention.
- The principal and assistant principals will determine the best course of action for misbehavior on the campus.

Local Guidelines:

- The campus administrators will make assignments of duties and responsibilities on their campuses.
  - The campus principal will be responsible for the behavior and conduct of the students on their campus.
- They may delegate disciplinary duties to others as it is best for the campus.

## 6. Counselor Duties: **TEC Section 33.006**

Exemption from:

Related Board Policies:

- (DP LEGAL) (DP LOCAL)

FFEA (Legal) and (Local)

Description of current provisions:

Currently, state law provides that Trustees must “adopt a policy that requires a school counselor to spend at least 80 percent of the school counselor’s total work time on duties that are components of a counseling program” required by the Education Code. Hitchcock ISD is seeking to be exempt from this provision of the Texas Education Code.

### RATIONALE:

While the District realizes the need for the school counselor to spend work time on duties that are components of a counseling program as outlined by the Education Code, the counselor is sometimes the best resource for the District to use for duties outside of those stated components. Our District has utilized our counselor for duties necessary for the welfare and education of our students that are necessary but might not be listed in the Education Code. Additionally, due to staffing shortages experienced by Hitchcock ISD, it is not feasible to appoint additional personnel to undertake some of the important and necessary duties that have been assumed by and/or assigned to counselors.

### INNOVATION STRATEGY:

Hitchcock ISD will determine the best and necessary allocation of the duties and time that District counselors undertake during the school day, in order to implement comprehensive and innovative programs for the whole education of our students. Hitchcock ISD uses, and will continue to use, additional resources, including contracted employees, grants and agreements with other organizations and school districts, and partnerships with mental health and behavioral institutions to supplement the counseling program for the District. Hitchcock ISD will not report the counselors time spent on other duties nor will it track this data. Hitchcock ISD will make the determination regarding how this time is spent in order to serve the best interests of and provide the best education to our students, and the District will use outside resources as needed to provide additional help to accomplish this.

## 7. Staff Work Days Exemption from: **TEC §21.401**

**TEC §21.401** requires a contract between a school district and an educator to be for a minimum of 10 months service with a minimum of 187 days.

Proposed Innovation:

With the change in requirements for student instruction time, the calendar for educators became difficult. Hitchcock ISD believes that local control of increased flexibility in educator contracts will allow the district to continue providing days spread throughout the year for holidays and staff development while not having too many days to require educators to fulfill when students are not in attendance.

Exempting from TEC §21.401 will have the following benefits:

- Teachers and staff will have all days scheduled with purpose and intention.
- Teachers and staff will follow a calendar closer to and balanced with the student calendar.
- Teachers and staff will be motivated and morale will increase.
- Retention and recruitment will experience a positive impact. Local Guidelines:
- The DEIC will determine the staff days annually with the creation of the school calendar.
- There will be no change in salary as a result of a change in the required work days.
- The educator contracts will remain Chapter 21 contracts with all other provisions and protections.
- The contracts will be based on 10 months and “the number of minimum days established by the DEIC each year.”
- Non-contract employee’s days will be adjusted by the same number of days as the contracted employees.
- Contract and non-contract employees will have days adjusted without an impact on salary.
- Ten month contract days will not be above 187.
- New teachers to the district will be required to work 2 days more than teachers already in the district without additional compensation.



8. DAEP (Certified Teacher, Separated from Other Students, Altered Daily Schedule) Exemption from: **TEC §37.008, 37.007 (excluding 37.007(e), and 37.010**

**TEC §37.008, 37.007(excluding 37.007(e), and 37.010** School districts are required to provide a DAEP that employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21. The TEC also requires that students in DAEP be separated from students who are not assigned to the program. TEC 37.005 and 37.006 requires a school to provide “not less than the minimum of instructional time per day required by Section 25.082.”

Proposed Innovation:

At Hitchcock ISD, the curriculum will be provided by campus teachers or a virtual program. The teacher in the DAEP setting does not need to be certified in all courses. To deter extended time with other students, a later start time and release time for DAEP students is needed. Exempting from **TEC §37.008, 37.007(excluding 37.007(e), and 37.010** will have the following benefits:

- Scheduling for DAEP classes will not put a burden on the campus.
- Students will receive a quality education with support.
- Students will continue to earn credits in their enrolled courses.
- Paraprofessionals and teachers will be able to only assist in the DAEP, a certified teacher will be the teacher of record.

Local Guidelines:

- Teachers and paraprofessionals will be assigned to the DAEP as it best fits the schedule and needs of all campuses
- The curriculum and instruction will be provided to the students from the classroom teachers or in an electronic format.
- DAEP will have an altered start and end schedule to accommodate the district needs and eliminate excess time with other students in non-structured areas.
- With the approval of administration, students admitted to the credit acceleration program may be in the same room with the DAEP students.

9. DAEP (Expulsions) Exemption from: ***TEC § 37.007 (C), and 37.010 (B)***

***TEC § 37.007 (C), and 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.

Proposed Innovation:

Hitchcock ISD believes that serious misbehaviors in DAEP should result in serious consequences, but we also believe that frequent and persistent misbehaviors in a DAEP should also have serious consequences.

Exempting from, *TEC 37.007 (C), and TEC 37.010 (B)* will have the following benefits:

- Students in DAEP will follow rules and guidelines of DAEP Local Guidelines:
- Students who engage in serious misbehavior may be expelled from DAEP.
- Students who engage in persistent misbehavior may be expelled from DAEP.
- All students who are suspended or expelled from DAEP will have rights to appeal the process as given by law.

## 10. CTE Certification

Exemption from: **TEC §21.003, 21.002**

**TEC §21.003, 21.002** states a teacher employed by a district must hold an appropriate certificate or permit.

Proposed Innovation:

Hitchcock ISD needs the flexibility to hire professional and experienced individuals for CTE courses who do not have a Texas teaching certificate. Exempting from TEC §21.003, 21.002 will have the following benefits:

- Hard to fill areas in career and technical fields will be filled by experts in those fields.
- Flexibility will be available for one or two class periods for industry courses.
- Students will have access to an increased number of courses and trainings. Local Guidelines:
- As required for CTE funding, the individual will hold a bachelor's degree or industry recognized certification.
- The district will seek a fully certified person for the position first.
- The hired individual will complete training hours in classroom management techniques.
- The non-certified teacher will be an at-will employee until they meet the requirements and become certified.

## 11. Grade Level Certification Exemption from: **TEC §21.003**

**TEC §21.003** states a teacher employed by a district must hold an appropriate certificate or permit.

Proposed Innovation:

Hitchcock ISD needs the flexibility to move employees into positions of need within the district. Exempting from TEC §21.003 will have the following benefits:

- The need for quality instruction in all classrooms will be met.
- Campuses can make personnel hires or moves that meet the needs of the campus and the district.
- Students will benefit from experienced and effective teachers.
- Special Education and bilingual teachers must continue to be SBEC certified.

Local Guidelines:

- Certified teachers in a specific grade level range may be moved or hired into another grade level without having that specific certification.
- The teacher and the campus administrator will be in agreement with the move or hire if it is outside of the current certification limits.
- The teacher must be determined to be Highly Qualified with the approval of administration, the use of a locally developed rubric, and the approval of the superintendent and the school board.

## 12. Content Certification Exemption from: **TEC §21.003**

**TEC §21.003** states a teacher employed by a district must hold an appropriate certificate or permit.

### **Proposed Innovation:**

The District will continue to first seek qualified applicants with a TEA certification for all teacher positions. However, if a satisfactory candidate is not available, a procedure would be implemented permitting the Superintendent to allow a certified teacher to teach a subject outside of their certification or permitting the District to employ an uncertified person for other teaching positions, on an at-will agreement. Upon written request from the Human Resources Department or a Campus Principal, a qualified individual may be eligible to teach any course through a local teaching certificate. The superintendent may hire an eligible person on a local certification under an at-will agreement. The District shall develop minimum required qualifications for persons hired in the above manner and will also require certain professional development in the areas of student management, instructional strategies, curriculum and parent engagement. Notwithstanding the foregoing, all certification requirements will remain in place for special education and primary ESL (bilingual) teachers.

### **Rationale:**

When it is not reasonably possible, the district will have the flexibility to hire individuals who are knowledgeable and equipped to effectively perform the duties of the position. Hitchcock ISD would like the ability to locally certify teachers to better meet the educational needs of our students, as well as expand on and innovate with regard to the courses the District can offer. This will also greatly expand the District's hiring capability, which is impacted by the District's geographical proximity to highly populated areas and competitive hiring practices at neighboring school districts. This flexibility will be particularly beneficial in CTE areas (where industry experience is highly valued) and hard-to-fill classroom positions. Nonetheless, Hitchcock ISD will continue to prioritize obtaining certified candidates for all positions when available.

### 13. Absences for College or University Visits

Exemption from: **TEC § 25.087 b-2 (1) (2)**

**TEC §25.087 b-2 (1) (2)** states that students are excused for a limit of two days for college or university visits.

Proposed Innovation:

Hitchcock ISD believes that students should be encouraged to visit colleges and universities prior to a commitment before graduation. HISD acknowledges that sometimes it takes more than two days to visit a prospective college or university when you have to travel a long distance. HISD believes that students should be able to explore more than two possible college campuses. Exempting from TEC §25.087 b-2 (1) (2) will have the following benefits:

- Students will have time to visit more than two colleges or universities.
- Students will be able to experience a variety of college experiences or events to assist with their decision.
- Students will have time away from school to travel to and from a prospective college.

Local Guidelines:

- Students will be given 4 excused days during their junior year and 4 excused days during their senior year for visiting prospective colleges or universities.
- All excused absences for college visits must be approved by the campus administration prior to the absences.

#### 14. BANK DEPOSITORY CONTRACT TERM

**Statutory:** ((Ed. Code 45.206 and Ed. Code 45.205)

**Policies:** BDAE (LEGAL), BDAE (LOCAL)

The depository for the District shall serve for a term of two years and until its successor is selected and has qualified. A school district and its depository bank may agree to extend the contract for up to two additional two-year terms. The contract term and any extension must coincide with the District's fiscal year. An extension is not subject to the requirements of Education Code 45.206, *Education Code 45.205* and Education Code 45.204.

#### Rationale for Exemption

In a small district and a small town, the District's choices for its depository bank are limited. HISD uses services provided by the bank on a daily basis. HISD will continue to use the local depository for the District without rebidding as follows:

At the end of each two-year term, the District and its depository bank may agree to extend the contract for up to two two-year periods. The District must review the contract to ensure the best value and support for the District and obtain Board approval for each of the additional two-year periods. Nothing in this process would hinder the District's ability to undertake bidding the District Depository Bank at the end of any of the two-year periods. Further, this entire Innovation Plan must be reviewed and renewed at the end of five years, including this provision. The time saved for the Superintendent and the Board of Trustees by not having to deal with this ministerial duty every two years will allow the Superintendent and the Board more time for studying and planning for student progress, instructional strategies, and innovative options for the District educational goals.

## 15. Minimum Teacher Service Required

### Texas Education Code §21.401

#### Policies: DC(LEGAL)

**Rationale:** Currently, districts are required to provide teachers with contracts that are a minimum of 10 months and 187 days. This law inhibits the District's ability to manipulate teacher contract days to accommodate a flexible school calendar. Under the current law, teachers would be required to attend professional development days after the last day of instruction in order to meet the 187 requirement. The district feels that professional development at the end of a school year is not likely to be productive.

**Proposed Innovation:** The district would like to have the flexibility to adjust the number of teacher contract days to accommodate the calendar set by the DEIC and school board each year. With the change in the law from required number of instructional days to required number of minutes, and by exempting laws regarding school start and end dates, the required minutes of instruction can be achieved in less than the normal 180 (or 177 with PD waiver) school days, requiring students to attend less actual days. Subsequently, with less days of instruction, teachers could get more PD days and still not have a need to work a total of 187 days. Since we plan to increase the number of minutes of instruction per day, teachers will have a longer work day. The district would like the ability to modify the number of teacher contract days in the future to compensate for teachers working more time each day.



## 16. Professional Development

**Texas Education Code §21.451, §21.458**

**Policies: DMA(LEGAL) and DEAA(LEGAL)**

**Rationale:** Currently, the district is required to implement state-mandated professional development that may not be beneficial to our staff needs. The state currently sets eligibility requirements for teacher mentors and mentees. This provision states that the district may only assign a mentor to a teacher with less than two years of teaching experience, even though a teacher at any level of experience may benefit from a mentor-mentee relationship.

**Proposed Innovation:** With Hitchcock ISD's student population, educators must be well equipped to meet the diverse learning needs of each student. The District seeks to exercise local discretion in both providing professional development to teachers and in assigning teachers to serve as mentors based on a variety of factors, including experience, knowledge, and areas of instruction targeted for improvement for innovation.

## 17. T-TESS

**Texas Education Code §21.352**

**Policies: DNA(LEGAL), DNA(LOCAL)**

**Rationale:** The commissioner shall adopt a recommended appraisal process and criteria on which to appraise the performance of teachers. The criteria must be based on observable, job-related behavior that includes the performance of teachers' students.

**Proposed Innovation:** Hitchcock ISD District and Campus Improvement Committees would like the flexibility to adopt and support a locally-developed teacher appraisal system that can be used in place of T-TESS. The newly developed instrument will not include a student growth measure, nor will it require annual on-line certification for appraisers.

## 18. Class Size

**Texas Education Code §25.112, §25.113**

**Policies: EEB(LEGAL)**

**Rationale:** A 22 to 1 student/teacher ratio is required by State law for Kindergarten to 4th grade classes. When a class exceeds this limit, the district must complete and file a waiver with the Texas Education Agency, and the district must notify parents of waivers to class size limits.

**Proposed Innovation:** Hitchcock ISD is in a state of growth and in recent years a class size waiver to TEA has been required. Based on our observations, we believe it is not the number of students but the relationship of the teacher to students and make-up of the classroom which most directly influence the learning environment. Hitchcock ISD will continuously monitor enrollment at the elementary campuses. When each teacher in a grade level has 25 students, an additional teacher will be added. A TEA waiver will not be submitted, however, the Superintendent will report enrollment to the Board of Trustees. Additionally, parents will be informed of all efforts relative to class size.

## 19. School Day Interruptions

**Texas Education Code §25.083**

**Policies: EC(LEGAL)**

**Rationale:** The current law prohibits the District from removing a student from class for remedial tutoring or test preparation.

**Proposed Innovation:** With the amount of emphasis placed on state testing, and the struggle to help students earn required credits, and prepare them for state assessments, the District would greatly benefit from the exemption of this rule. Hitchcock ISD seeks exemption from the provision requiring no more than 10 percent of the school day for tutorials allowing campuses to make scheduling decisions that best meet the needs of our students. 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. Each campus will greatly benefit from the ability to schedule students in coursework and intervention as deemed necessary by the campus staff.