

# Lamesa Independent School District



**District of Innovation Plan**  
*Renewal 5-12-22 – 5-12-27*

## Overview

During the 84<sup>th</sup> Legislative session, HB 1842 was passed and became Texas Education Code Chapter 12A. This section of TEC allows districts to create a District Innovation plan and claim exemptions from sections of Texas Education Code that inhibit goals of the innovations while maintaining a comprehensive education program. To be eligible to identify as a District of Innovation, the districts most recent performance rating is at least acceptable, and must follow the procedures set forth in TEC Chapter 12A.

Lamesa ISD is electing to exercise this opportunity to gain more local control in achieving specific district goals. The goals of Lamesa ISD's innovation plan align to the improvement in quality of education students receive and increasing course offerings to students (especially those classified as CTE and STEM). These goals are outlined below:

- 1) Attract, Develop and Retain High Quality Educators
- 2) Align academic calendar with needs of the district, students, community, and other cooperating partners
- 3) Expand and Improve CTE/STEM course offerings
- 4) Produce students who are Career and College Ready by increasing student success in coursework

### Term

Lamesa ISD's Innovation plan will begin on May 18<sup>th</sup>, 2017 and be in effect until May 18, 2022. This plan is specific to the exemptions as outlined, and all claimed exemptions are allowable as per TEC §12A.004. The district intends to follow TEC in all other areas. If at any point the district wishes to amend or rescind the plan, the Board of Trustees will appoint a new District Innovation committee and follow the processes outlined in TEC §12A.007. During the final six months of the plan, the district may elect to renew the plan as outlined in TEC §12A.007.

With regard to each area of innovation, the District declares exemption from the listed statutory provision, as well as any implementing rules or regulations promulgated pursuant to those statutory provisions by any state agency or entity, including but not limited to the Commission of Education, Texas Education Agency, State Board for Educator Certification, and State Board of Education.

Under the Texas Education Code Chapter 12A: Districts of Innovation, Lamesa ISD has identified the following requirements imposed by the Texas Education Code that inhibit the goals and implementation of Lamesa ISD's Innovation Plan:

## **Uniform School Start Date**

### ***Currently***

TEC Sec. §25.0811

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

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

**Goal:** Align academic calendar with needs of the district, students, community, and other cooperating partners

### **Proposed**

Identifying the Fourth Monday in August as the earliest first day of instruction is often restrictive to creating an academic calendar that meets the needs of students, the community, and the district. By claiming an exemption from TEC §25.0811, Lamesa ISD shall, on an annual basis, determine the best start date for school based on input from stakeholders. This will provide more flexibility in creating an academic calendar that provides time for high quality, relevant professional development for faculty and staff, deployed at strategic times through the use of early dismissal days. In addition, flexibility in the start date will allow better collaboration between Lamesa ISD and other institutions involved in the education of the district's students (such as dual credit, CTE and articulated courses), promoting Career and College Readiness.

## **Limitations to School Day Interruptions**

### ***Currently***

TEC Sec. §25.083(b)

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.083>

(b) The board of trustees of each school district shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than 10 percent of the school days on which the class is offered, unless the student's parent or another person standing in parental relation to the student provides to the district written consent for removal from class for such purpose.

**Goal:** Produce students who are Career and College Ready by increasing student success in coursework

### **Proposed**

An exemption from TEC §25.083(b) will allow greater flexibility in meeting the needs of individual students through targeted intervention programs. For students with major learning gaps that are classified far below grade level, Lamesa ISD will attempt to use regularly

scheduled non-core course time to provide research based intervention strategies. These pull-out programs may at times require a student to miss more than ten percent of the regularly scheduled class. Exemptions from this will not require parent's written consent.

## **Teacher Certification**

### ***Currently***

TEC Sec. §21.003 & 21.057

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

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 school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

**Goals:** Attract, Develop and Retain High Quality Educators, Expand and Improve CTE/STEM course offerings

### ***Proposed***

Lamesa ISD is committed to placing the most qualified person into each available position. Exemption from TEC §21.003 will allow the district flexibility in hiring for specific instructional areas; specifically, Career and Technical Education (CTE) and Science, Technology, Engineering, and Math (STEM) courses. The current certification requirements inhibit the district's ability to fill positions that are hard to hire and retain.

This flexibility will allow Lamesa ISD to locally certify qualified professionals (those that have relevant experience, credentials and/or industry certification) to teach such courses, effectively increasing the applicant pool and allowing for more diversity in course offerings. This will also provide the district with an opportunity to partner with local and qualified community businesses and resources to offer a strategic CTE program that will enhance local work force development efforts as well as expand and improve these course offerings. Qualifications necessary for specific courses will be determined by the district.

This exemption directly supports the move from "highly qualified" requirements in the Every Student Succeeds Act (ESSA). By obtaining exemption from existing teacher certification requirements, the district will have the flexibility to hire community college instructors, local experts with trade skills or proven abilities, or internal applicants seeking assignments outside of their traditional certification area. This will enrich applicant pools in specific content areas and afford more students the opportunity to take more innovative courses if certified teachers are not available to teach those courses. In addition, this exemption will afford the district the flexibility to hire professionals who may have credible hours or may have an expertise in a field that traditional certification is not currently held.

Additionally, the superintendent has the authority to locally certify educators who hold valid certification or credentials outside of Texas to teach courses in their area of certification. Local

certificates awarded in this manner will be limited to no more than five consecutive years to allow the educator appropriate time to complete the steps necessary to obtain a valid Texas Certification. The superintendent may also allow a certified teacher to teach courses in a field for which he/she is not fully certified in Texas according to SBEC guidelines. Staff that are degreed and working toward an alternative certification in core subject field. Certified teachers who have a K-6 Generalist Certification may be allowed to teach K-8 in the areas of ELAR, Science and Social Studies.

The district seeks to establish its own local qualification requirements and its own requirements for training of professionals and experts to teach such courses in lieu of the requirements set forth in law. By obtaining exemption from existing teacher certification requirements, the district will have the flexibility to hire community college instructors, university professors, or internal applicants seeking assignments outside of their traditional certification area for full and/or part time course loads. This will enrich applicant pools in specific content areas and afford more students the opportunity to take dual credit courses if certified teachers are not available to teach those courses. In addition, this exemption will afford the district the flexibility to hire professionals in certain trades or vocations to teach the crafts of those trades or vocations (such as welding, fine arts, health sciences, law, etc.) if certified teachers are not available to teach those courses, or their quality of expertise would benefit the students in that area. This exemption does not apply to special education and bilingual/ESL teachers, who will continue to be certified in accordance with the law.

Any employee hired under a local district teaching permit must comply with the same professional standards, ethics and requirements outlined in Lamesa ISD's School Board policy for personnel, and will be appraised using the same teacher appraisal system as outlined in district policies. A teacher certification waiver, state permit applications, or other paperwork will not be submitted to the Texas Education Agency for such hires.

## **Teacher and Principal Appraisal**

### ***Currently***

TEC Sec. §21.351

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

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

TEC Sec. §21.354

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

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

TEC Sec. §21.3541

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

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

TEC Sec. § 21.353

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.21.htm#21.353>

*REMOVAL OF STUDENT ACHIEVEMENT FROM T-TESS. 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, including the performance of teachers' students*

**Proposed**

*Exemptions from TEC §21.351, §21.353, §21.354 and §21.3541 will provide Lamesa ISD flexibility in teacher and principal appraisals. We feel that the T-TESS instrument is robust enough without the addition of student achievement to the teacher evaluation. Administrators already take into account student achievement whether it is retention rates, passing rates, STAAR, CBAs, or other test measures. We feel that with state assessment, which can only be used with approximately 30-40% of our staff, the use of student achievement data should be removed from the teacher evaluation. Using performance objectives to determine student performance appears to be subjective and/or arbitrary depending on what subject(s) we were looking at to incorporate student achievement into the T-TESS instrument.* Lamesa ISD believes in the use of multiple measures to evaluate employees such as; observation and feedback cycle, goal setting, student achievement and growth measures related to learning objectives and other formative assessments. These exemptions will allow Lamesa ISD to locally develop teacher and principal evaluation systems that better support local needs, goals and initiatives.

**Teacher Contract Days**

(DC LEGAL) (DEA LEGAL) (TEC 21.401)

Current education law located in Chapter 21 defines a teacher contract as a ten-month contract equivalent to 187 days.

**Proposed**

Consistent with its desire as expressed throughout this plan to achieve flexibility, innovation, and local control over the District's calendar and scheduling as necessary to provide the highest quality programming possible to students and to meet the particular needs of our community, the District wishes to align the teacher days to the 75,600 minutes required of students. The district would have the option to reduce the amount of contract days up to 5 days with no effect on teacher salaries. This plan allows the district to reduce contract days due to unforeseen circumstances such as calendar conflicts, weather, emergency, catastrophes and other elements that restrict the flexibility of the school district. In addition, this plan will be helpful in the area of teacher recruitment and staff morale.

## **School Health Advisory Council (SHAC) Meetings** (BDF Legal) (Texas Education Code 28.0040)

### **Currently**

Texas Education Code 28.004 (d-1) mandates that the SHAC meet at least four times per School year.

### **Proposed**

Due to the size of the district and the SHAC leadership that keeps members informed on the health and safety needs of students, two meetings per year will be appropriate. The SHAC will meet once in the fall and once in the spring, with an update to the board of trustees during a regular board meeting prior to the end of the current school year.

## **Removal of Unwanted Visitors** (Texas Education Code Section 37.105)

### **Currently**

In 2017, the Texas Legislature changed the law on how school administrators can eject unruly guests from school events. This applies to parents and community members, not students. Under the law, the guest must be given, at a minimum, a verbal warning before he or she is ejected. Upon ejection, the guest must also be given notice of how he or she can appeal the ejection.

### **Proposed**

Lamesa ISD will allow designated staff members the authority to remove parents or visitors whose behavior is deemed inappropriate for a school setting without prior warning or written notice.

## **DAEP - Teacher**

**Currently** - FOCA (Legal) (Texas Education Code Section 37.008 (a)(7), (a-1)(1))

Texas Education Code Section 37.008 mandates that school districts provide a disciplinary alternative education program that: employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21.

### **Proposed**

Lamesa ISD will continuously monitor the attendance of DAEP to determine the need for fully certified teachers as compared to that of an instructional aide. The district will use the analyzed data to determine the best staffing for the students while maintaining an effective learning environment and fiscally sound staffing.

## **Counselor Work Time - (DP(LOCAL), TEC 33.006)**

### **Currently**

TEC § 33.006 states that a school counselor must “spend at least 80 percent of the school counselor’s total work time on duties that components of a counseling program developed under Section 33.005.” Further, “time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling.”

### **Proposed**

Allow local control over what duties school counselors will perform based on staffing and student needs. Exempt the district from the statutory provision that requires school counselors (1) to spend at least 80 percent of the counselor’s total work time on duties that are components of a counseling program; (2) requires the district to set the percentage of work time that school counselors are required to spend on components of the counselor program; and (3) restricts the district from including provisions in school counselors’ contracts requiring such to perform duties not identified in policy. This innovation will be implemented by the district as follows:

- The district is committed to ensuring that the academic and emotional needs of all students are met. In order to accomplish this goal with limited staffing, the district must balance the roles of academic guidance, emotional support, and other administrative tasks in each counselor's workload.
- In addition to the role of providing student support through individual and crisis counseling, this exemption will allow the district to enhance the work of school personnel and parents through the counselor’s role of guiding student goal setting and planning by promoting understanding of standardized test results and other assessment data.

Additionally, through annual auditing, the counselor will support the district to inform accountability, action plans, time management, and systemic change. In doing so, the counselor will be useful in providing parent and guardian consultation to foster each student’s educational, career, personal, and social development.

## **Minimum Attendance for Class Credit**

### ***Currently***

TEC §25.092

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



Except as provided by this section, 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.

**Goal:** Produce students who are Career and College ready and increase student success in CTE/STEM coursework

**Proposed**

Denying credit for a course based on TEC §25.092 is arbitrary and implies that seat time is more important than content mastery. Lamesa ISD believes students should be in attendance at all times possible but understands that many students participate in multiple extra/co-curricular or academic activities, and/or have other extenuating circumstances. Denying credit to such students when they demonstrate content mastery through classroom activities, assessments, STAAR/EOC assessments, portfolios or other methods shouldn't necessarily be penalized. An exemption from TEC §25.092 will allow the district more flexibility in awarding credit to individuals on a case by case basis that meet these criteria, and allow for campuses to promote and encourage more students to participate in these activities. This will also allow the district to accommodate students with legitimate scheduling conflicts while reducing dropouts and increasing the number of qualifying graduates.

Exemption from TEC §25.092 will also allow Lamesa ISD to provide opportunities for students who are truly at risk (through the use of innovative methods, locations and times instruction may be delivered) opportunities to complete coursework. Lamesa ISD will continue to explore other means and innovations for concept mastery under this exemption.

Claiming exemption from TEC §25.092 does not impact or alter existing compulsory attendance requirements or University Interscholastic League (UIL) rules. Additionally, Exemption from TEC §25.092 does not in any way limit or modify the rights of a teacher to determine the finality of a grade in accordance with TEC §28.214, nor restrict or alter a teacher's right to assign grades as outlined by TEC §28.0216.

**Probationary Contracts**

*(DCA LEGAL) (Ed. Code Subchapter C Sec. §21.102)*

**Currently:**

TEC §21.102

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

*The probationary contract may be renewed for two additional one-year periods, for a maximum permissible probationary contract period of three school years, except that the 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.*

**Goal:** Attract, Develop and Retain High Quality Educators

### **Proposed**

This exemption from probationary contracts being limited to one year for a person who has been employed as a teacher or administrator in public education for at least five of the eight years preceding employment by the district will allow LISD extended time for the evaluation and training of new personnel. LISD is committed to effectively managing teacher contracts and this exemption will provide the district with the flexibility to keep all professional employees new to the district on probationary contracts for a maximum permissible period of three school years.

### **Student Discipline**

TEC §37.007 (c), §37.010(b)

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.37.htm#37.007>

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.37.htm#37.010>

*TEC §37 (noted above) states that a student placed in a DAEP who engages in documented serious misbehavior while on the DAEP campus despite documented behavioral interventions may be removed from class and expelled. "Serious misbehavior" includes: (1) Deliberate violent behavior that poses a direct threat to the health or safety of others; (2) Extortion, meaning the gaining of money or other property by force or threat; (3) Conduct that constitutes coercion, as defined by Penal Code 1.07; or (4) Conduct that constitutes the offense of: a. Public lewdness under Penal Code 21.07; b. Indecent exposure under Penal Code 21.08; c. Criminal mischief under Penal Code 28.03; d. Personal hazing under Penal Code 37.152; or e. Harassment, under Penal Code 42.07(a) (1), of a student or district employee. If the student is expelled, the board or its designee refers the student to the authorized officer of the juvenile court for appropriate proceedings under Family Code Title 3 (Juvenile Justice Code).*

**Goal:** Produce students who are Career and College Ready by increasing student success in coursework

### **Proposed:**

The Lamesa ISD DAEP has a strong and structured system of discipline. The Texas Education Code makes no allowance for students whose persistent misbehavior disrupts instruction and is detrimental to the educational environment to be expelled. An exemption from TEC §21.102 will allow the district to implement the following practices:

- a. A student placed in a DAEP who engages in documented serious misbehavior (as defined above) while on the DAEP campus despite documented behavioral interventions may be removed from class and expelled.
  
- b. A student placed in a DAEP who engages in documented persistent misbehavior while on the DAEP campus, despite documented behavioral interventions, may be removed from class and expelled.

c. All students expelled from a DAEP campus will be given the option of attending Saturday school one day per week for the term of his/her expulsion in order to gain and/or maintain as many credits as possible during the period of expulsion.

### **Class Size in Kindergarten through 4<sup>th</sup> Grade**

#### ***Currently***

TEC §25.111

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.111>

Except as provided by Section 25.112, each school district must employ a sufficient number of teachers certified under Subchapter B, Chapter 21, to maintain an average ratio of not less than one teacher for each 20 students in average daily attendance.

TEC §25.112

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

(a) Except as otherwise authorized by this section, a school district may not enroll more than 22 students in a kindergarten, first, second, third, or fourth grade class.

TEC §25.113

<http://www.statutes.legis.state.tx.us/Docs/ED/htm/ED.25.htm#25.113> (a) A campus or district that is granted an exception under Section 25.112 (d) from class size limits shall provide written notice of the exception to the parent of or person standing in parental relation to each student affected by the exception.

**Goal:** To Recruit High Quality Teachers while maintaining local control and flexibility

#### **Proposed**

This exemption allows LISD the time to staff campuses with effective teachers by granting local control over class size ratios. Small class sizes enable effective teachers to provide more individualized attention to each student. Having the latitude and time to seek and hire teachers enables us to best serve students with an effective student-teacher ratio. Our vision is to have the timing and latitude to hire the “right teacher” for kids and not “any teacher” to fulfill a mandate. To best serve the needs of Lamesa ISD students and staff, the District will attempt to maintain the 22:1 ratio in all K-4<sup>th</sup> grade core classrooms. However, if the class size exceeds this ratio, the Superintendent will report the circumstance to the Board of Trustees.

In the event a K-4<sup>th</sup> grade core classroom reaches 25:1, the campus will contact the parents of the students in the classroom and inform them of the situation. The District will provide relief by placing an instructional aide in the classroom for the duration of time it remains at or above the 25:1 ratio. While the District believes small class size plays a positive role in student learning, this must be balanced with the logistics and timing of adding staff. We do not believe there is a negative impact to student achievement when one or two additional students are

added to a class. Most importantly, research demonstrates it is the teacher in the classroom, not absolute class size, which has the greatest impact on student learning.

### ***Health Care and Employee Benefits***

#### ***Currently***

TEC §22.004

**Texas Education Code §22.004(i) Inhibits the Goals of the Local Innovation Plan** TEC §22.004(i) Group Health Benefits for School Employees states that a school district may not make group health coverage available to its employees pursuant to TEC §22.004(b) after the date a district implements the program of coverages provided under Chapter 1579 of the Texas Insurance Code. The current process allows no flexibility in the design of group health insurance benefits to fit the needs of all district employees. This provision also prohibits the district from procuring group health insurance benefits that may provide better coverages for its employees at a lower cost. This provision does not give the district the flexibility needed to acquire benefits packages that would potentially be more attractive to prospective employees.

***Goal:*** To provide maximum flexibility and benefits to LISD employees for Health Insurance and benefits.

#### ***Proposed***

##### ***Exemption from Texas Education Code §22.004(i)***

*TEC §22.004 is not included in any of the prohibited exemptions that can be included in a District's local innovation plan pursuant to TEC §12A.004 or the list of the Commissioner's prohibited exemptions in the Texas Administrative Code Title 19, Chapter 102, subchapter JJ, Section 102.1309. Therefore, in order to have the option to offer additional benefits options to employees and to increase local control of the group health benefits plan to allow the District to be responsive to employee and community needs, the district proposes that the District of Innovation Plan be amended to exempt the district from the health insurance requirements in TEC §22.004(i).*