

Nixon-Smiley

Consolidated Independent School District

District of Innovation Plan



I. Introduction:

House Bill 1842 was passed by the 84th Texas Legislature in the spring of 2015. This bill allows public school districts to be designated as Districts of Innovation and obtain exemptions from certain provisions of the Texas Education Code. This designation will provide for more local control at the district level, providing the opportunity for Nixon-Smilely CISD to better serve our community and focus on the unique needs of each student.

To access these flexibilities, a school district must adopt an innovation plan, as outlined in Texas Education Code Chapter 12A.

Districts of Innovation may be exempted from several state statutes and will have:

- Greater local control as the decision makers over the educational and instructional model for students;
- Increased freedom and flexibility, with accountability, relative to state mandates that govern educational programming; and
- Empowerment to innovate and think differently.

Districts are not exempt from statutes, including curriculum and graduation requirements and academic and financial accountability.

Nixon-Smilely CISD believes this is a great opportunity for our local district to establish plans based on the unique needs of our students and community. All of the exemptions requested herein align with the vision and goals of Nixon-Smilely CISD.

II. Term

The District of Innovation plan will be in effect for the 2022-2023 school year, upon Board approval. This plan will remain in effect for five years, from January 5, 2023, through January 5, 2028, unless amended, rescinded, or renewed earlier by the District of Innovation Committee and a two-thirds majority vote by the Board of Trustees in accordance with the law. The District of Innovation Committee will monitor the effectiveness of the plan and recommend to the Board of Trustees any suggested modifications to the plan.

III. Committee

Representing community, parents, faculty, and administrative staff:

Elementary Representatives:

Lundy Atkins	Elementary Principal
Tamatha Pecina	Elementary Assistant Principal
Jacquelyn Cunningham	Elementary Counselor
Amy Lynn	Elementary Instructional Coach
Noelle Stowers	Elementary Teacher
Christina Griffin	Elementary Paraprofessional
Araceli Carmago	Elementary Parent

Middle School Representatives:

Brittany Rogers	Middle School Principal
Cameron LaRue	Middle School Counselor
Melissa Baethge	Middle School Instructional Coach
Cristina Leal	Middle School ESL Coordinator
Shelly Trammell	Middle School Teacher
Hayley Gordon	Middle School Teacher
Jessica Garcia	Middle School Parent
Brian Griffin	Middle School Parent
Maria Tovar	Middle School Parent

High School Representatives:

Jim Weaver	High School Principal
Maria Jimenez	High School Assistant Principal
Christina Cowey	High School Counselor
Laura VanGundy	Middle/High School Teacher
Sara White	High School Teacher
Kelly Weaver	High School Paraprofessional
Cecilia Villasana	High School Student

DAEP Representatives:

Nolan "Trey" Alexander	DAEP Principal
David Mejia	DAEP Teacher

District Representatives:

Patrick Garcez	Student Support Specialist
Maggie Gaytan	Student Services Coordinator
Lisa Jackson	District Registered Nurse
Sarah Loer	Director of Technology
Jaci Wheat	Director of Special Education
Dr. Wendy Fuller	Executive Director of Special Programs
Dawn Bergquist	Director of Federal Programs
Jane Dwyer	Deputy Superintendent
Jeff Van Auken	Superintendent of Schools

IV. Timeline

<i>October 11, 2022</i>	DOI Committee meeting to review the proposed additions to the current District of Innovation Plan and renewal process
<i>October 25, 2022</i>	DOI Committee meeting to review the proposed renewal of the District of Innovation Plan
<i>November 1, 2022</i>	DOI Committee posted final proposed innovation plan to Nixon-Smiley CISD website for 30 days for staff and community to review
<i>December 12, 2022</i>	Propose District of Innovation Plan to the Board of Trustees and notify the Commissioner of intent to adopt a District of Innovation Plan
<i>January 2, 2023</i>	Hold a public meeting to review proposed final District of Innovation Plan
<i>January 5, 2023</i>	Anticipate Board of Trustees voting to adopt the proposed final District of Innovation Plan
<i>January 6, 2023</i>	Anticipate the District notifying the Commissioner of the Board of Trustees approval of proposed final District of Innovation Plan

V. Innovations:

Exemptions from Future TEC Mandates not specified in this current plan

To best serve our local Nixon-Smiley CISD community, staff, and students, Nixon-Smiley CISD includes a provision in our local District of Innovation Plan for the District to maintain control over any future, eligible Texas Education Code mandates, which may be exempted by a two-thirds majority vote of the Nixon-Smiley CISD Board of Trustees.

Additionally, the following specific allowable exemptions have been developed for implementation beginning with the adoption of this District of Innovation Plan:

District-Level and Site-Based Decision-Making (TEC §11.251, §11.252, §11.253, & §11.255)

Proposed Flexibility: Nixon-Smiley CISD is claiming exemption from the specific provisions of Sec. 11.251, 11.252, 11.253, and 11.255 and shall determine the processes and memberships of its site-based management committees. While Nixon-Smiley CISD will continue to develop district and campus improvement plans based upon a comprehensive needs assessment, the District is claiming exemption from the specific mandates of these sections. It shall determine the contents of its plans while honoring federal mandates that cannot be excluded. Regardless of whether any adjustments or changes are made to site-based decision-making rules and laws, Nixon-Smiley CISD believes this issue to be a local decision instead of a state mandate.

Teacher Certification (TEC §21.003, §21.053, & §21.057)

Requirement: State law states that a person may not be employed as a teacher by a school district unless the person holds an appropriate certificate or permit issued by the appropriate state agency. If a district cannot locate a certified teacher for a position or a teacher is teaching a subject outside of their certification, the district must request emergency certification from the Texas Education Agency and/or State Board of Educator Certification.

Proposed Flexibility: The current state teacher certification requirements inhibit the District's ability to hire teachers to teach hard-to-fill, high-demand, dual credit, and career and technical courses. Nixon-Smiley CISD is located in a rural area, which limits course offerings and utilizes creative instructional methods district-wide. Allowing the local district control to better enable students to obtain the educational benefits of such course offerings, the District seeks to establish its own local qualification requirements and requirements for training professionals and experts to teach such courses in place of the requirements outlined in the law.

Probationary Contracts (TEC §21.102)

Requirement: A probationary contract may not be for a term exceeding one school year. 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.

Proposed Flexibility: For experienced teachers, counselors, or nurses new to the district that have been employed as a teacher in public education for at least five of the eight previous years, a probationary contract may be issued for up to three years from the last date of district employment. This will allow the District to properly assess and assist new personnel in the acclimation to the District.

Teacher and Administration Evaluations (TEC §21.352, §21.354 & §21.3541)

Requirement:

The state issued a new teacher appraisal system in 2016-2017, called the Texas Teacher Evaluation and Support System (T-TESS) and the Texas Principal Evaluation and Support System (T-PESS). The State develops the domains within these systems to meet the needs of the entire State of Texas.

Proposed Flexibility: Nixon-Smiley CISD believes it is essential to maintain flexibility in using a variety of measurements, including goal setting, observations, student growth progress toward learning objectives, and other formative assessments in determining the performance of its educators. By claiming exemption from Sec. 21.354 and 21.3541, the District can determine the most appropriate appraisal instrument locally to evaluate its educators. Regardless of whether any adjustments or changes are made to the state-mandated appraisal system and laws, Nixon-Smiley CISD believes this issue to be a local decision instead of a state mandate.

Teacher Contract Days (TEC §21.401)

Requirement: A contract between a school district and an educator must be for a minimum of 10 months' service. An educator employed under a 10-month contract must provide a minimum of 187 days of service.

Proposed Flexibility: The minimum required days of service, for an educator employed under a 10-month contract, will be determined annually. This exemption will allow the District to reduce teacher contract days, ranging from 182 to 187. This would provide flexibility to align teacher contract days to

instructional days, which would improve morale and help with recruitment efforts. This exemption would better align the number of teacher contract days to the required 75,600 minutes of instruction for students.

The number of contract days will be determined annually, per the approved district calendar. The decrease in the number of contract days will have no effect on teacher salaries. The reduced number of contract days will result in an increased daily rate.

Retire/Rehire Minimum Salary (TEC §21.402)

Requirement: TEC 21.402 (a) Except as provided by Subsection (e-1) or (f), a school district must pay each classroom teacher, full-time librarian, full-time school counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience in addition to other factors, as determined by commissioner rule.

Proposed Flexibility: As Nixon-Smiley CISD faces budget constraints, local control for negotiating salaries for retired hires would benefit the district. In the negotiation, the salary may drop below the state minimum to allow district funds to be available to pay the surcharge to TRS. Exempting from TEC §21.402 will have the following benefits:

1. Retired teachers can be employed and reap the benefits from a salary in addition to their retirement compensation. Students will benefit from the experience and knowledge of retired teachers.
2. The district can hire retired teachers without an increase in the budget.
3. The funds to pay the TRS surcharge would be available through the negotiated decrease in salary.

Local Guidelines: This negotiated salary will only be for situations in hiring retired educators. The salary will be negotiated between the superintendent and the retired educator. The negotiated salary will be in writing. The negotiated salary will be decreased by the surcharge amount minus the percentage the district pays to TRS for all other employees.

Teacher Professional Development, Teacher Mentors, and Planning Time (TEC §21.404, TEC §11.253, & TEC §21.458)

Requirement: State law currently requires a specified number of minutes for teacher's planning and preparation time, oversight by the campus-level committee established under §11.253, as well as only allows districts to assign mentors to teachers with less than two years of teaching experience.

Proposed Flexibility: 1. The exemption from the required number of minutes in TEC §21.404 will allow for the District’s teachers to participate in instructional meetings on a weekly or bi-weekly basis during the workday without compromising instructional time, where they can share best practices, critically examine student data, and plan collaboratively. 2. The exemption from the staff development requirements under TEC §11.253 will allow more oversight locally. The local committees can make staff development decisions based on local needs and provide flexibility and responsiveness to newly emerging data. 3. The exemption from TEC §21.458 lays out several requirements for teacher mentors. An exemption from these requirements would allow teachers with more than two years of experience to be assigned a mentor who excels in areas targeted for improvement or innovation. In addition, mentors would be exempt from the qualifications described in Subsection (b), thus increasing the district's pool of teachers to draw for these targeted mentoring programs.

Staff Development Requirements (TEC §21.451)

Requirement: TEC 21.451 prescribes staff development requirements for educators.

Proposed Flexibility: Nixon-Smiley CISD will exercise local discretion in determining the areas of need, content, duration, and frequency for professional development for its instructional and non-instructional staff based on newly emerging data and student needs. Additionally, all teachers, faculty, and staff new to the district will complete the compliance training during the first year of employment in the district.

Inter-District Transfers (TEC §25.036)

Requirement: 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, but TEC 25.036, has been interpreted to require a transfer to be for a period of one school year.

Proposed Flexibility: The District seeks to eliminate the provision of a one-school-year commitment in accepting transfer students. Transfer students will be admitted upon District approval, following District requirements and procedures. Transfer students not meeting the local guidelines may be subject to immediate revocation of the transfer status.

Transfers shall be granted for one school year at a time based on the transfer requirements, available space, and instructional staff. A new, written application

shall be required for each school year that a transfer is sought. Nonresident students, who voluntarily withdraw from Nixon-Smilely CISD during the school year, will not be permitted to reapply for transfer status during that same school year.

Transfer students may have their transfer status immediately revoked if they do not meet the District's attendance and conduct requirements.

Nixon-Smilely CISD will attempt to provide the same resources to transfer students as all other students receive prior to revoking their transfer status. The resources include academic tutorials and assistance, behavioral interventions, parent/guardian meetings, and private conversations with the campus counselor. A transfer student whose transfer status is revoked is not permitted to reapply for transfer status during that same school year. With teacher input, the principal and/or counselor will review the parameters of the transfer student agreement each grading cycle to determine if there are any violations of the terms within the agreement.

Length of School Day (TEC §25.081)

Requirement: State law currently requires that all school days must be 420 minutes long each day to count for ADA calculations and funding purposes and to accumulate instructional minutes towards the 75,600 minutes required annually.

Proposed Flexibility: Exemption from the 420-minute day requirement would allow Nixon-Smilely CISD the flexibility needed to alter the school day schedule on selected days whenever it was locally determined as necessary or beneficial to the district and its stakeholders. While a waiver process is available to request exemption from this requirement, the waiver is limited to a 6-day maximum number for the school year.

Exempting completely from the 420-minute requirement would give the District a significant amount of local control over scheduling (above and beyond the 6-day maximum as needed) without the fear of diminishing state funding or losing credit for the instructional time that might cause the District to fall out of compliance with annual minute requirements. This would allow the District the flexibility to schedule non-instructional days into the schedule providing time for teachers to analyze student data and engage in targeted, relevant professional development.

Nixon-Smilely CISD does not intend to shorten the school day regularly or without a specific purpose. To the greatest extent possible, "early release" days would be planned ahead of time and noted in the District calendar, which is approved by the Board of Trustees and published and distributed to stakeholders in advance of the school year and continuously published using school media.

Uniform School Start and End Date (TEC §25.0811 & TEC 25.0812)

Requirement: Texas Education Code Section 25.0811 states that a school district may not begin instruction before the fourth Monday in 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 Flexibility: The flexibility in determining the start and end of the instructional calendar will increase student achievement, improve attendance, and better allow the District to meet the social and emotional needs of the students. Having a flexible start and end date will allow the District to balance the amount of instructional time in each semester, which allows for a more balanced approach to the scope and sequence of all classes, but dramatically benefits single-semester courses. It provides an equal distribution of the number of days in each grading period and more flexibility in scheduling professional development during the school year.

School Day Interruptions (TEC §25.083(a))

Requirement: State law currently requires the Board of Trustees to adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements to once during the school day, except in the case of an emergency.

Proposed Flexibility: While the District agrees that maximizing class time is crucial, this requirement is not practical. The District will continue to minimize classroom disruptions to the greatest extent possible.

School Day Interruptions (TEC §25.083(b))

Requirement: 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.

Proposed Flexibility: Greater flexibility in meeting the needs of individual students through targeted intervention programs is necessary. The District will attempt to use regularly scheduled non-core course time to provide intervention strategies for students with learning gaps that are classified below grade level. These pullout programs may sometimes require a student to miss more than ten

percent of the regularly scheduled class. This will not require the parent's written consent.

Absences for College Visits (TEC §25.087 (b-2))

Requirement: A school district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school to determine the student's interest in attending the institution of higher education, provided that: (1) the district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and (2) the district adopts: (A) a policy to determine when an absence will be excused for this purpose; and (B) a procedure to verify the student's visit at the institution of higher education.

Proposed Flexibility: Currently, students are only allowed to have two excused school days to visit colleges or universities as college visit days. In some cases, where students are visiting colleges out of state, students need more than the two days that are currently allowed to safely visit a college they are interested in attending or doing comparative visits to multiple colleges. The District will be exempt from the two-day excused absence limit for students visiting institutions of higher education. Students would be allowed more than the current two-day excused absence limit. The counselor, on a case-by-case basis, would evaluate each situation.

Truancy Prevention Measures (TEC §25.0915)

Requirement: TEC 25.0915 (a) A school district shall adopt truancy prevention measures designed to (1) address student conduct related to truancy in the school setting before the student engages in conduct described by Section 65.003(a), Family Code; and (2) minimize the need for referrals to truancy court for conduct described by Section 65.003(a), Family Code. (a-1) As a truancy prevention measure under Subsection (a), a school district shall take one or more of the following actions: (1) impose: (A) a behavior improvement plan on the student that must be signed by an employee of the school, that the school district has made a good faith effort to have signed by the student and the student's parent or guardian, and that includes:(i) a specific description of the behavior that is required or prohibited for the student; (ii) the period for which the plan will be effective, not to exceed 45 school days after the date the contract becomes effective; or (iii) the penalties for additional absences, including additional disciplinary action or the referral of the student to a truancy court; or (B) school-based community service; or (2) refer the student to counseling, mediation, mentoring, a teen court program, community-based services, or other in-school or out-of-school services aimed at addressing the student's truancy.

(a-2) A referral made under Subsection (a-1)(2) may include participation by the child's parent or guardian if necessary. (a-3) A school district shall offer additional counseling to a student and may not refer the student to truancy court under this section, Section 25.0951, or any other provision if the school determines that the student's truancy is the result of: (1) pregnancy; (2) being in the state foster program; (3) homelessness; (4) severe or life-threatening illness or related treatment; or (5) being the principal income earner for the student's family. (a-4) If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described by Section 25.0951(a), the school district shall initiate truancy prevention measures under this section on the student. (b) Each referral to truancy court for conduct described by Section 65.003(a), Family Code, must: (1) be accompanied by a statement from the student's school certifying that: (A) the school applied the truancy prevention measures adopted under Subsection (a) or (a-4) to the student; and (B) the truancy prevention measures failed to meaningfully address the student's school attendance; and (2) specify whether the student is eligible for or receives special education services under Subchapter A, Chapter 29. (c) A truancy court shall dismiss a petition filed by a truant conduct prosecutor under Section 65.054, Family Code, if the court determines that the school district's referral: (1) does not comply with Subsection (b); (2) does not satisfy the elements required for truant conduct; (3) is not timely filed, unless the school district delayed the referral under Section 25.0951(d); or (4) is otherwise substantively defective. (d) Except as provided by Subsection (e), a school district shall employ a truancy prevention facilitator or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus. At least annually, the truancy prevention facilitator shall meet to discuss effective truancy prevention measures with a case manager or other individual designated by a truancy court to provide services to students of the school district in truancy cases. (e) Instead of employing a truancy prevention facilitator, a school district may designate an existing district employee or juvenile case manager to implement the truancy prevention measures required by this section and any other effective truancy prevention measures as determined by the school district or campus. (f) The agency shall adopt rules: (1) creating minimum standards for truancy prevention measures adopted by a school district under this section; and (2) establishing a set of best practices for truancy prevention measures. (g) The agency shall adopt rules to provide for sanctions for a school district found not in compliance with this section.

Proposed Flexibility:

Nixon-Smilely CISD works diligently with our students (and their parents/guardians) who regularly miss school. Unfortunately, the mandates outlined in this statute do nothing more than place burdensome requirements on the District rather than hold individuals accountable for meeting the state's compulsory attendance statute. This requirement simply further exacerbates the problem and coddles the offenders. Nixon-Smilely CISD will continue its notification processes and continue to assign consequences to truant students.

Minimum Attendance for Class Credit or Final Grade (TEC §25.092)

Requirement: Texas Education Code Section 25.092, commonly referred to as the 90 percent rule, provides conditions for credit or a final grade for a class based on student attendance for at least 90 percent of the days a class is offered. The law also provides provisions for students who are in attendance at least 75 percent of the days a class is offered, in that they may be given credit or a final grade if the student completes a plan approved by the principal that meets the instructional requirements of the class.

Proposed Flexibility: One goal of the District is to provide a rigorous, active, and engaging K- 12 curriculum through innovative teaching and learning methods. These methods and strategies may require varied forms of delivery and be supported by problem-based, blended, and personalized learning for students and may require flexible scheduling in regards to where and how students learn. Students working independently or working on group projects may complete work in various locations (including but not limited to labs, field trips, work-related areas, etc.) and varied timelines. Exemptions from Section 25.092 will benefit our students in how instruction will be delivered and, ultimately, in student learning outcomes. Nixon-Smilely believes that awarding a student credit or a final grade for a class based on content-based mastery rather than seat time will improve student achievement, student test scores, and graduation rates. Relief from Section 25.092 will not change or impact Section 25.085 regarding compulsory attendance, Section 28.0214 regarding the finality of a grade by a teacher, and Section 28.0216 regarding the District's grading policy.

Class Size Requirement (TEC §25.112 & TEC §25.113)

Requirement: TEC §25.112 requires districts to maintain a class size of 22 students or less for Kindergarten-4th Grade classes. TEC §25.113 requires the district to notify parents of waivers or exceptions to class size limits. Districts are required by state law to maintain a 22:1 student-to-teacher ratio for Kindergarten – 4th Grade classes.

Proposed Flexibility: Nixon-Smiley CISD recognizes that smaller class sizes are beneficial and will continue to use the 22:1 student/teacher ratio for Kindergarten-4th grade in projecting the number of staff needed for future school years. We also recognize that this fact must be balanced with the logistics of the timing of adding staff and continuing to employ the best-qualified teachers. It is often not the number of students but the makeup and chemistry of the classroom which influence the learning environment. Most importantly, research clearly shows the teacher in the classroom has the greatest impact on student learning, not total class size. Nixon-Smiley CISD would like local control in allowing a principal to get permission from the superintendent and School Board if a classroom has one or two students over the ratio rather than appealing to the Texas Education Agency.

Local School Health Advisory Council (TEC §28.004)

Requirement: TEC 28.004 (a) The board of trustees of each school district shall establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction. (d) The board of trustees shall appoint at least five members to the local school health advisory council. A majority of the members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the council. (d-1) The local school health advisory council shall meet at least four times each year.

Proposed Flexibility: Nixon-Smiley CISD seeks exemption from the minimum size and the minimum number of required meetings of the School Health Advisory Council. Nixon-Smiley CISD is a small community with individuals that serve in numerous capacities making it difficult to organize and schedule multiple meetings. Nixon-Smiley CISD will convene the council at least once per year to evaluate the district's policies relevant to the council's statutory scope.

School Counselors; General Duties (TEC §33.006)

Requirement: TEC 33.006 (d) Except as provided by Subsection (e), the board of trustees of each school district shall 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 developed under Section 33.005. For purposes of this subsection, 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. Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public. (e) If the board of trustees of a school district determines that, because of staffing needs in the district or at a school in the district, a school counselor must spend less than 80 percent of the school counselor's total work time on duties that are components of a counseling program developed under Section 33.005, the policy adopted under Subsection (d) shall: (1) include the reasons why the counselor needs to spend less than 80 percent of the counselor's work time on duties that are components of the counseling program; (2) list the duties the counselor is expected to perform that are not components of the counseling program, and (3) set the percentage of work time that the counselor is required to spend on components of the counseling program. f) A school district may not include a provision in an employment contract with a school counselor under Chapter 21 that conflicts with the policy required by Subsection (d) or, except as provided by Subsection (g), has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function. (g) A school district to which Subsection (e) applies may not include a provision in an employment contract under Chapter 21 with an affected school counselor that has the effect of requiring the counselor to generally perform a duty that is not primarily related to a counseling function unless the duty is specified in the district's policy under Subsection (e)(2). (h) Each school district shall annually assess the district's compliance with the policy adopted under Subsection (d) and, on request by the commissioner, provide a written copy of the assessment to the agency on or before the date specified by the commissioner. The commissioner shall adopt rules to implement this subsection.

Proposed Flexibility:

Exemption from this statute will allow the Nixon-Smiley CISD to utilize school counselors' time o best meet student and district needs without concern as to whether counselors strictly comply with TEC 33.006(d)-(h). Furthermore, the exemption will eliminate the administrative burden of responding to requests from the State regarding compliance with the new law and avoid the possibility of extra paperwork for counselors to prove compliance with this new law. While the Nixon-Smiley CISD seeks exemption from this statute, the District ensures the counselor will spend the maximum amount of time appropriately performing duties necessary to provide the greatest help for our students and their families.

Student Discipline Provisions (TEC §37.0012)

Requirement: A person at each campus must be designated to serve as the campus behavior coordinator. The person may be the principal of the campus or any other campus administrator selected by the principal.

Proposed Flexibility: The proposal is for the District to abstain from the state requirement that each school has a designated campus behavior coordinator. Nixon-Smiley CISD's approach to discipline is becoming more collaborative, with multiple people providing emotional and social support to students rather than one person exclusively. Exemption from this requirement will allow the option of increasing collaboration regarding student discipline. All certified campus administrators will serve as joint behavior coordinators and work collaboratively with campus and district staff to promote campus goals.

Suspension (TEC §37.005)

Requirement: TEC 37.005 (a) The principal or other appropriate administrator may suspend a student who engages in conduct identified in the student code of conduct adopted under Section 37.001 as conduct for which a student may be suspended. (b) A suspension under this section may not exceed three school days. (c) A student who is enrolled in a grade level below grade three may not be placed in out-of-school suspension unless while on school property or while attending a school-sponsored or school-related activity on or off of school property, the student engages in: (1) conduct that contains the elements of an offense related to weapons under Section 46.02 or 46.05, Penal Code; (2) conduct that contains the elements of a violent offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code; or (3) selling, giving, or delivering to another person or possessing, using, or being under the influence of any amount of: (A) marijuana or a controlled substance, as defined by Chapter 481, Health and Safety Code, or by 21 U.S.C. Section 801 et seq.; (B) a dangerous drug, as defined by Chapter 483, Health and Safety Code; or (C) an alcoholic beverage, as defined by Section 1.04, Alcoholic Beverage Code. (d) A school district or open-enrollment charter school may not place a student who is homeless in out-of-school suspension unless the student engages in conduct described by Subsections (c)(1)-(3) while on school property or while attending a school-sponsored or school-related activity on or off of school property. The campus behavior coordinator may coordinate with the school district's homeless education liaison to identify appropriate alternatives to out-of-school suspension for a student who is homeless. In this subsection, "student who is homeless" has

the meaning assigned to the term "homeless children and youths" under 42 U.S.C. Section 11434a. (e) A school district shall provide to a student during the period of the student's suspension under this section, regardless of whether the student is placed in in-school or out-of-school suspension, an alternative means of receiving all coursework provided in the classes in the foundation curriculum under Section 28.002(a)(1) that the student misses as a result of the suspension. The district must provide at least one option for receiving the coursework that does not require Internet use.

Proposed Flexibility:

To best serve the students of Nixon-Smiley CISD and provide a high-quality learning environment for all students, the District proposes that school administrators be able to exercise professional judgment and place students of any grade level in out-of-school suspension for a period no longer than five days when they deem it necessary for safety and in order to maintain an orderly learning environment for all students. Additionally, the District seeks the flexibility to authorize school administrators to suspend students out-of-school below grade 3 when necessary. The District currently monitors the suspensions of all students, regardless of grade level, to ensure that District policy and the Student Code of Conduct are applied appropriately across the district. Should an exemption from TEC §37.005 be granted, the District would continue to monitor the suspensions of all students, which would now include students in grades below 3, to ensure that suspensions are appropriate. The benefits of the proposed innovation are to allow for school-based decision-making, assist in maintaining an orderly learning environment for all students and allow school administrators to more effectively ensure the safety and security of all students. Campus principals would have the option to place a student below grade 3 in out-of-school suspension based on violations of the Student Code of Conduct and documented interventions and office referrals.

DAEP Expulsions (TEC §37.007 & 37.010)

Requirement: TEC 37.007(c) A student may be expelled if the student, while placed in a disciplinary alternative education program, engages in documented serious misbehavior while on the program campus despite documented behavioral interventions. For purposes of this subsection, "serious misbehavior" means: (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 Section 1.07, Penal Code; or(4) conduct that constitutes the offense of: (A) public lewdness

under Section 21.07, Penal Code; (B) indecent exposure under Section 21.08, Penal Code; (C) criminal mischief under Section 28.03, Penal Code; (D) personal hazing under Section 37.152; or (E) harassment under Section 42.07(a)(1), Penal Code, of a student or district employee. TEC 37.010 (b) If a student is expelled under Section 37.007(c), the board or its designee shall refer the student to the authorized officer of the juvenile court for appropriate proceedings under Title 3, Family Code.

Proposed:

The Texas Education Code makes no allowance for students whose persistent misbehavior disrupts instruction and is detrimental to the educational environment to be expelled. 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. Additionally, a student placed in a DAEP who regularly engages in documented persistent misbehavior while on the DAEP campus, despite documented behavioral interventions, may be removed from class and expelled.

Nixon-Smiley DAEP has a strong and structured system of discipline.

- A. A student placed in DAEP who engages in documented serious misbehavior while on a DAEP campus despite documented behavioral interventions may be removed from the DAEP and expelled.
- B. A student placed in DAEP who engages in documented persistent misbehavior while on the DAEP campus despite documented interventions can be suspended or expelled despite documented interventions.
- C. All students expelled from a DAEP campus will be given the option of attending night school or Saturday school one time per week for the term of their expulsion to gain and or maintain as many credits as possible during the period of expulsion.
- D. Transportation will not be provided.
- E. Days sent home or suspended will not count towards days served in DAEP.

DAEP Grouping (TEC §37.006(f))

Requirement: Elementary students may not be placed in a disciplinary alternative education program with any other student who is not an elementary student.

Proposed Flexibility: Due to the significantly small enrollment of elementary students in the DAEP and limited staff, students will be better served by allowing flexible grouping with certain older students. To provide the most effective

learning environment for students in the DAEP, Nixon-Smilely DAEP will use flexible grouping to accommodate learning within upper elementary and lower secondary grade levels, as appropriate. The classroom teacher will continue to differentiate instruction to meet all student needs.

Teacher Certification in DAEP (TEC §37.008)

Requirement: Law currently provides that each school district shall provide a disciplinary alternative education program that: employs only teachers who meet all certification requirements established under Subchapter B, Chapter 21.

Proposed Flexibility: Nixon-Smilely seeks exemption from having a certified teacher in DAEP. Students assigned to our DAEP have classes provided using computer-based instruction. The campus administrators will ensure that the staff of the DAEP has the support necessary to properly supervise the students assigned to the program. Certified teachers will lend assistance as needed.

Unauthorized Persons; Refusal of Entry, Ejection, Identification (TEC §37.105)

Requirement: TEC 37.105 a) A school administrator, school resource officer, or school district peace officer of a school district may refuse to allow a person to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and: (1) the person poses a substantial risk of harm to any person; or (2) the person behaves in a manner that is inappropriate for a school setting and: (A) the administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and (B) the person persists in that behavior. (b) Identification may be required of any person on the property. (c) Each school district shall maintain a record of each verbal warning issued under Subsection (a)(2)(A), including the name of the person to whom the warning was issued and the date of issuance. (d) At the time a person is refused entry to or ejected from a school district's property under this section, the district shall provide to the person written information explaining the appeal process established under Subsection (h).

Proposed:

Nixon-Smilely CISD believes that to better ensure the safety and security of students and staff in the District, we propose that the District not be required to maintain a record of each verbal warning of potential removal from district property/facilities nor be required to provide written information explaining the

appeal process to those who have been refused entry to district property/facilities or removed from district property/facilities. The District shall continue to provide written notice to persons who are subject to potential refusal for entry or for removal from district property/facilities in situations where the administrator on site feels it is reasonable and safe to do so. District and Campus administrators, as well as local law enforcement officers, if applicable, may refuse to allow a person to enter or may eject a person from property under the District's control in accordance with the law. An appeal notice must be filed with the Superintendent, in writing, and submitted to the Administration Office for review.

Long Range Energy Plan to Reduce Consumption (TEC §44.902)

Requirement: TEC 44.902(a) The board of trustees of a school district shall establish a long-range energy plan to reduce the district's annual electric consumption by five percent beginning with the 2008 state fiscal year and consume electricity in subsequent fiscal years in accordance with the district's energy plan. (b) The plan required under Subsection (a) must include: (1) strategies for achieving energy efficiency that: (A) result in net savings for the district; or (B) can be achieved without financial cost to the district; and (2) for each strategy identified under Subdivision (1), the initial, short-term capital costs and lifetime costs and savings that may result from implementation of the strategy. (b-1) For purposes of Subsection (b), a strategy for achieving energy efficiency includes facility design and construction. (c) In determining under Subsection (b) whether a strategy may result in financial cost to the district, the board of trustees shall consider the total net costs and savings that may occur over the seven-year period following implementation of the strategy. (d) The board of trustees may submit the plan required under Subsection.

Proposed:

Delete the requirements for districts to reduce annual electric consumption by 5 percent and develop plans for that purpose. 5% is an arbitrary number. It is a "one size fits all" awkward law. Energy consumption and savings are a building-by-building, district-by-district calculation. Therefore, the requirements to develop plans and other bureaucratic steps to meet this arbitrary goal are unnecessary.

Term of Contract (TEC §45.205)

Requirement: TEC 45.205 (a) Except as provided by Subsection (b), the depository bank, when selected, shall serve for a term of two years and until its successor is selected and has qualified. (b) A school district and the district's depository bank may agree to extend a depository contract for three additional two-year terms. The contract may be modified for each two-year extension if both parties mutually agree to the terms.

Proposed

Nixon-Smiley CISD seeks an exception to allow the District's banking contract to be extended beyond the allowable contract term if the District determines contract pricing remains competitive, and there is no operational or financial reason to send the District's banking services out for bid. This exemption lessens the administrative burden related to preparing and reviewing a Request for Proposal (RFP) when a limited number of banking institutions are available to bid on the District's business.

Assessment Program (TEC§39.022) – Not an allowable exemption by TEA

Requirement: The State of Texas Assessment of Academic Readiness (STAAR), implemented in the 2011-2012 school year, is the current assessment program used by the state. STAAR was developed in response to requirements set forth by the 80th and 81st Texas legislatures and was designed to measure the extent to which students have learned and can apply the knowledge and skills defined in the state-mandated curriculum. The STAAR and other standardized assessments have evolved into an assessment designed to rank order students. Regardless of the effort put forth to learn and teach, there will always be students who fail to meet the minimum performance on STAAR because it does not measure student learning or measure mastery of the Texas Essential Knowledge and Skills (TEKS), but rather tests a limited portion of TEKS inconsistently from year to year.

Proposed Flexibility: Nixon-Smiley CISD will adopt an assessment program designed to measure student learning and progress. Students in grades three through EOC will be administered interim assessments in appropriate content areas, including mathematics, reading, science, and social studies, as applicable throughout the school year. These assessments will be administered to each student to document and inform the individualized learning plans for each student. The advantages of interim assessments are to measure the growth of each student over time regardless of on, above, or below grade level performance, engage students and families in goal-setting, and inform instruction using valid, reliable, and real-time data. This assessment approach is consistent with the Every Student Succeeds Act (ESSA).

Action Plan:

1. Form a local assessment committee to review available assessments that can be used to support learning, inform teachers, and provide meaningful information for students and their parents.
2. Instruct the committee to use the following assessment system characteristics as a guide: a. assessment of only a modest number of high-importance curricular standards; b. provision of clear descriptions of each assessed curricular standard; c. inclusion of enough items to measure each student's mastery of each assessed curricular aim; and d. creation and distribution of resources to support teachers' use of the formative assessment process.
3. Recommend assessments to the Board of Trustees for consideration.
4. Develop the calendar for local assessments and distribution of reports.
5. Provide professional learning for all teaching staff using assessment results to personalize student learning.
6. Communicate assessment changes to parents and the community explaining the reasons for the change and the benefits.
7. Expand the assessment system to include a history of student learning to be presented, collected, and stored to demonstrate mastery of standards.
8. Administer assessments at designated times throughout the school year.
9. Report student performance on assessments to students, parents, and teachers confidentially reporting individual strengths and weaknesses.
10. Provide campus-level and district-level reports of performance on assessments to the community.
11. Provide campus-level and district-level reports of performance on assessments to the Texas Education Agency.