



**Board of Trustees**  
**Executive Summary of Board Agenda Item**

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**TITLE:**

*Discuss and Take Appropriate Action on Resolution to Consider Renewal of Designation as a District of Innovation as Defined by Chapter 12A of the Texas Education Code*

**JUSTIFICATION STATEMENT:**

(To initiate the process to consider renewing its designation of EPISD a District of Innovation)

**PURPOSE OF AGENDA ITEM:** Action

**TO BE HELD IN:** Open Session

**AUTHORITY FOR ACTION:** Law or Rule

**STAFF RESPONSIBLE:** Cezy Collins

**SUMMARY:**

The Board will discuss and take appropriate action regarding a Resolution to Consider Renewal of Designation as a District of Innovation as defined by Chapter 12A of the Texas Education Code to begin the process of considering whether to move forward with being designated as a District of Innovation. As a District of Innovation, EPISD can increase local control over District operations in order to promote innovation and local initiatives to improve educational outcomes for the benefit of students and the community. Consideration of designation as a District of Innovation may be initiated by a resolution adopted by the Board. Promptly after adopting a resolution, the Board shall hold a public hearing to consider whether the District should develop a local innovation plan to designate the District as a District of Innovation. At the conclusion of the public hearing, or as soon as possible after the conclusion of the public hearing, the Board may decline to pursue designation of the District as a District of Innovation or appoint a committee to develop a local innovation plan in accordance with Section 12A.003 of the Texas Education Code.

**ADMINISTRATIVE RECOMMENDATION/MOTION:**

It is recommended that the Board adopt the resolution to initiate the process to renew its designation as a District of Innovation, as presented.

**FUNDING SOURCE: ACCOUNT NO.:**

**FISCAL IMPACT AND COST:**

- IMMEDIATE:
- FUTURE/ONGOING:

**ATTACHMENTS:**

- Description
- Presentation
- Resolution



# Renewing Texas District of Innovation Designation

Innovation: Lessons Lear



# HB 1842 District of Innovation-- Why is this important?

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

James B. Crow

Executive Director, TASB



Potential benefits of being a District of Innovation include:

- **Local control**
- **Customization**
- **Autonomy**
- **Flexibility**



# Why is this important for ISDs?

- “Charter” like flexibility- First time Texas legislature provided this to public school districts
- Use it or lose it- We want more flexibility and if we do not take advantage of the process, we will lose this important privilege.



### §102.1303. Eligibility

- (a) A district is eligible for designation as an innovation district if the district's most recent performance rating under the Texas Education Code (TEC), §39.054, ***is at least acceptable performance***, as indicated in the applicable year's academic accountability manual adopted under §97.1001 of this title (relating to Accountability Rating System).
- (b) A board of trustees may not vote on the final approval of the innovation plan if the district is assigned ***either a final or preliminary rating below acceptable performance***, as indicated in the applicable year's academic accountability manual adopted under §97.1001 of this title. In the event the preliminary rating is changed, the board of trustees may then vote to become an innovation district.



# Required Steps

- Board adopts resolution to develop Local Innovation Plan
- Board approves Local Innovation Committee members
- Committee develops Local Innovation Plan
- Notification to TEA of intention to vote on proposed Plan
- Final Plan posted on District website
- District Improvement Team (aka DEIC) holds public meeting and votes on Plan (majority required for approval)
- Board votes on Plan (2/3 of **membership** required)



# 2015 EPISD Resolution Wording

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

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

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

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

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

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

WHEREAS, the El Paso ISD Board of Trustees does not desire the District to be exempted from any existing laws relating to teacher contracts or teacher benefits, except to the extent the District may be able to withdraw from participation in TRS Active-Care;

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

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

NOW, THEREFORE BE IT RESOLVED THAT the El Paso ISD Board of Trustees on December 15, 2015 initiates the process of exploring and considering designation of the District as a District of Innovation under House Bill 1842.





# 2020 EPISD Resolution Wording

WHEREAS Chapter 12A of the Texas Education Code provides Texas public school districts the opportunity to be designated as Districts of Innovation.

WHEREAS Texas Education Code 12A.001 provides that a district is eligible for designation as a district of innovation if the district's most recent performance rating under Section 39.054 reflects at least acceptable performance, and that consideration of designation as a district of innovation may be initiated by a resolution adopted by the board of trustees of the district.

WHEREAS the El Paso Independent School District's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

WHEREAS El Paso Independent School District first achieved its designation as a District of Innovation after adopting a Local Innovation Plan at its May 17, 2016 meeting of the Board of Trustees. The District gave Notice of that adoption to the Commissioner of Education on May 20, 2016.

WHEREAS Chapter 12A of the Texas Education Code requires districts seeking renew their designation as Districts of Innovation by developing a Local Innovation Plan providing for a comprehensive educational program and identifying the requirements imposed by the Texas Education Code that inhibit the goals of the Local Innovation Plan.

WHEREAS the Board of Trustees does not desire the District to be exempted from any existing laws relating to teacher contracts or teacher benefits, except to the extent that the Texas Education Code 22.004 (i) precludes the District from providing alternative group health coverage available to its employees under this section after the date on which the program of coverages provided under Chapter 1579, Insurance Code, is implemented "program" (TRS ActiveCare) established by 1579 of the Insurance Code.

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

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

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of El Paso Independent School District by adoption of this Resolution initiates the process under Texas Education Code Chapter 12A to renew its designation as a District of Innovation.

Adopted this \_\_\_\_\_ day of December 2020, by the Board of Trustees.



# EPISD Local Innovation Committee Make Up

Twenty-One Members total  
Interim Superintendent -7 members  
Trustees -2 members each

## What your Committee must be able to Do

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

(b) A local innovation plan must:

- (1) provide for a comprehensive educational program for the district, which program may include:
  - (A) innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;
  - (B) modifications to the school day or year;
  - (C) provisions regarding the district budget and sustainable program funding;
  - (D) accountability and assessment measures that exceed the requirements of state and federal law; and
  - (E) any other innovations prescribed by the board of trustees; and
- (2) identify requirements imposed by this code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Section [12A.004](#).

Added by Acts 2015, 84th Leg., R.S., Ch. 1046 (H.B. [1842](#)), Sec. 4, eff. June 19, 2015.



# Current EPISD DOI Plan

Exemptions from the Texas Education Code:

- Minimum Attendance for Class Credit or Final Grade (90% Rule)
- First Day of Instruction
- Teacher Certification for Dual Credit and Career and Technical Education Instructors
- Designation of Campus Behavior Coordinator
- Teacher and Administrator Appraisals
- Preclusion from providing alternative Uniform Group Coverage (By amendment)



# Minimum Attendance for Class Credit or Final Grade (90% Rule)

- In order to provide engaging and challenging learning to all students, the District needs relief from Texas Education Code Section 25.092, which inhibits the goals of the Plan by not allowing the District to issue class credit or a final grade for a class if a student is not in attendance an arbitrary percentage of the time that a class is offered. In other words, the law currently requires the District to award class credit to students based on “seat time” rather than based on content mastery. Exemption from this requirement will provide educational advantages to students of the District by promoting active learning through innovation in the methods, locations, and times instruction may be delivered to students, thereby accommodating students with legitimate scheduling conflicts, reducing dropouts, and increasing the number of qualifying graduates.
- One of the overarching goals in the Strategic Plan within the focus area of providing engaging and challenging learning is to implement tools, resources, and training that support blended and personalized learning for both students and teachers. Blended learning, where instruction is delivered through a combination of time in class and time spent learning online, is one example where exemption from Section 25.092 will likely foster greater innovation to promote active learning and improve student outcomes. In addition, exemption from this requirement will allow the District not to penalize students who miss class due to legitimate school activities and will promote student engagement, as well as social and emotional development, by encouraging more students to participate in such activities.
- Relief from Section 25.092 does not in any way impact or alter existing compulsory attendance requirements or University Interscholastic League (“UIL”) rules. Moreover, opting out of Section 25.092 in no way limits or modifies a teacher’s right to determine the finality of a grade in accordance with Texas Education Code Section 28.0214, nor does it restrict or alter a teacher’s right to assign grades in accordance with Texas Education Code Section 28.0216.



# First Day of Instruction

**The Strategic Plan emphasizes the importance of active learning, college and career readiness, and social and emotional learning. Texas Education Code Section 25.0811 inhibits these goals by prohibiting the District from beginning instruction before the fourth Monday in August. Flexibility to begin instruction earlier in the calendar year will enable the District to improve active learning by balancing the amount of instructional time in the semesters, which will allow teachers to better pace and deliver instruction before and after the winter break. In addition, by having the flexibility to start and end the school year earlier, students will be able to enroll in college courses that start in early June, thereby increasing college and career readiness. Finally, starting the school year earlier for students transitioning from elementary school to middle school and from middle school to high school will promote social and emotional learning by giving those students additional time and support to enable them to adjust socially and emotionally to their new campus environments.**



# Teacher Certification for Dual Credit and Career and Technical Education Instructors

- Within the focus area of providing engaging and challenging learning, the Strategic Plan sets forth specific goals under the initiative to improve college and career readiness options. Three of these goals – development of post high school plans, improvement of workforce skills, and expansion of dual credit programs – are inhibited by Texas Education Code Sections 21.003, 21.053, 21.044 and 19 Texas Administrative Code Chapter 231 *to the extent these laws limit the District's ability to hire teachers to teach hard-to-fill, high demand dual credit and career and technical/STEAM (Science, Technology, Engineering, Arts & Mathematics) courses when high quality certified teachers are not available.* In order to enable more students to obtain the educational benefit of such dual credit and career and technical/STEAM course offerings, the District seeks to establish its own local qualification requirements for such courses in lieu of the requirements set forth in law.
- By obtaining exemption from existing teacher certification requirements for dual credit and career and technical/STEAM teachers, the District will have the flexibility to hire credentialed community college instructors or university professors in specific content areas in order to 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 and vocations to teach the crafts of those trades and vocations (such as welding, fine arts, etc.) in career and technical/STEAM courses if certified teachers are not available to teach those courses.



# Designation of Campus Behavior Coordinator

- **One of the Strategic Plan’s student learning goals is to help students become socially and emotionally intelligent individuals. Social and emotional learning is inhibited by Texas Education Code Section 37.0012, which constrains campus governance by requiring one person at each campus to be designated to serve as the campus behavior coordinator. This requirement inhibits social and emotional learning because it restricts the District’s ability to promote a more collaborative discipline program in which community schools provide social and emotional supports to students. By obtaining exemption from Section 37.0012, the District will be better able to focus on establishing classroom protocols and utilizing school culture to foster the development of individual responsibility, positive behavioral interventions and supports while encouraging the social and emotional development of each student and his or her responsibility toward the community.**



# Teacher and Administrator Appraisals

- Finally, the Strategic Plan's initiative of active, project-based and blended learning includes the goals of developing a teacher support model, a new principal's academy, an administrator's institute, and a comprehensive District staff development plan that focuses on individual growth. These goals are impeded by the laws governing educator appraisals set forth in Texas Education Code Sections 21.351, 21.352, 21.354, 21.3541 and 19 Texas Administrative Code Chapter 150 ***to the extent these laws require that state standardized test scores be used as one of the evaluation measures for teachers and administrators.*** In order to promote professional development that focuses on individual growth, the District needs to maintain local flexibility to continue its current practice of using various measures, including multiple observations, goal setting and tracking, and student growth progress toward learning objectives, as evaluation measures on teacher and administrator appraisals.





# Preclusion From Providing Alternative Uniform Group Coverage Program

## **Manner in which statute inhibits the goals of the plan:**

TEC §22.004 (i) 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 El Paso ISD employees. This provision also prohibits the District from procuring group health insurance benefits that may provide better coverages for its employees and at a lower cost. This provision is in direct contradiction to the wishes of the local Board of Trustees who represent community interests in this matter.

On February 12, 2019 the Board of Trustees adopted findings declaring that Texas Education Code 22.004 is not in any of the prohibited exemptions that can be included in a District's local innovation plan pursuant to Texas Education Code 12A.004 and the list of the Commissioner's prohibited exemptions in Texas Administrative Code Title 19, Chapter 102, subchapter JJ, Section 102.1309.

**Innovation Strategies:** Increased local control of the group health benefits plan to allow the District to be responsive to employee and community needs.



§102.1309. Prohibited Exemptions.

(a) An innovation district may not be exempted from the following sections of the Texas Education Code (TEC) and the rules adopted thereunder:

(1) a state or federal requirement, imposed by statute or rule, applicable to an open-enrollment charter school operating under the TEC, Chapter 12, Subchapter D, including, but not limited to, the requirements listed in the TEC, §12.104(b), and:

- (A) TEC, Chapter 22, Subchapter B;
- (B) TEC, Chapter 25, Subchapter A, §§25.001, 25.002, 25.0021, 25.0031, and 25.004;
- (C) TEC, Chapter 28, §§28.002, 28.0021, 28.0023, 28.005, 28.0051, 28.006, 28.016, 28.0211, 28.0213, 28.0217, 28.025, 28.0254, 28.0255, 28.0258, 28.0259, and 28.026;
- (D) TEC, Chapter 29, Subchapter G;
- (E) TEC, Chapter 30, Subchapter A;
- (F) TEC, §30.104;
- (G) TEC, Chapter 34;
- (H) TEC, Chapter 37, §§37.006(l), 37.007(e), 37.011, 37.012, 37.013, and 37.020; and
- (I) TEC, Chapter 39;



§102.1309. Prohibited Exemptions Continued:

- (2) TEC, Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from the TEC, §11.1511(b)(5) and (14) and §11.162;
- (3) TEC, Chapter 13;
- (4) TEC, Chapter 41;
- (5) TEC, Chapter 42;
- (6) TEC, Chapter 44, §§44.0011, 44.002, 44.003, 44.004, 44.0041, 44.005, 44.0051, 44.006, 44.007, 44.0071, 44.008, 44.009, 44.011, 44.0312, 44.032, 44.051, 44.052, 44.053, and 44.054;
- (7) TEC, Chapter 45, §§45.003, 45.0031, 45.005, 45.105, 45.106, 45.202, 45.203; and
- (8) TEC, Chapter 46.

(b) In addition to the prohibited exemptions specified in subsection (a) of this section, an innovation district may not be exempted from:

- (1) a requirement of a grant or other state program in which the district voluntarily participates;
- (2) duties that the statute applies to the execution of that power if a district chooses to implement an authorized power that is optional under the terms of the statute; and
- (3) requirements imposed by provisions outside the TEC, including requirements under the Texas Government Code, Chapter 822.



# Most Frequent Exemptions

## **First Day of Instruction (§25.0811)**

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

## **Certification Required (§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 [certification of educators].

## **Class Size (§25.112)**

A school district may not enroll more than 22 students in a kindergarten, first, second, third, or fourth grade class.

## **Notice of Class Size (§25.113)**

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.

## **Student/Teacher Ratios (§25.111)**

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.



# Best Practices From 2015

Committee diversity

Dedicated web page showing progress

Website ability to receive comments from public

Survey of constituents/district

Committee meetings posted and public

Telephonic notice of DEIC meeting

Alignment with Strategic Plan

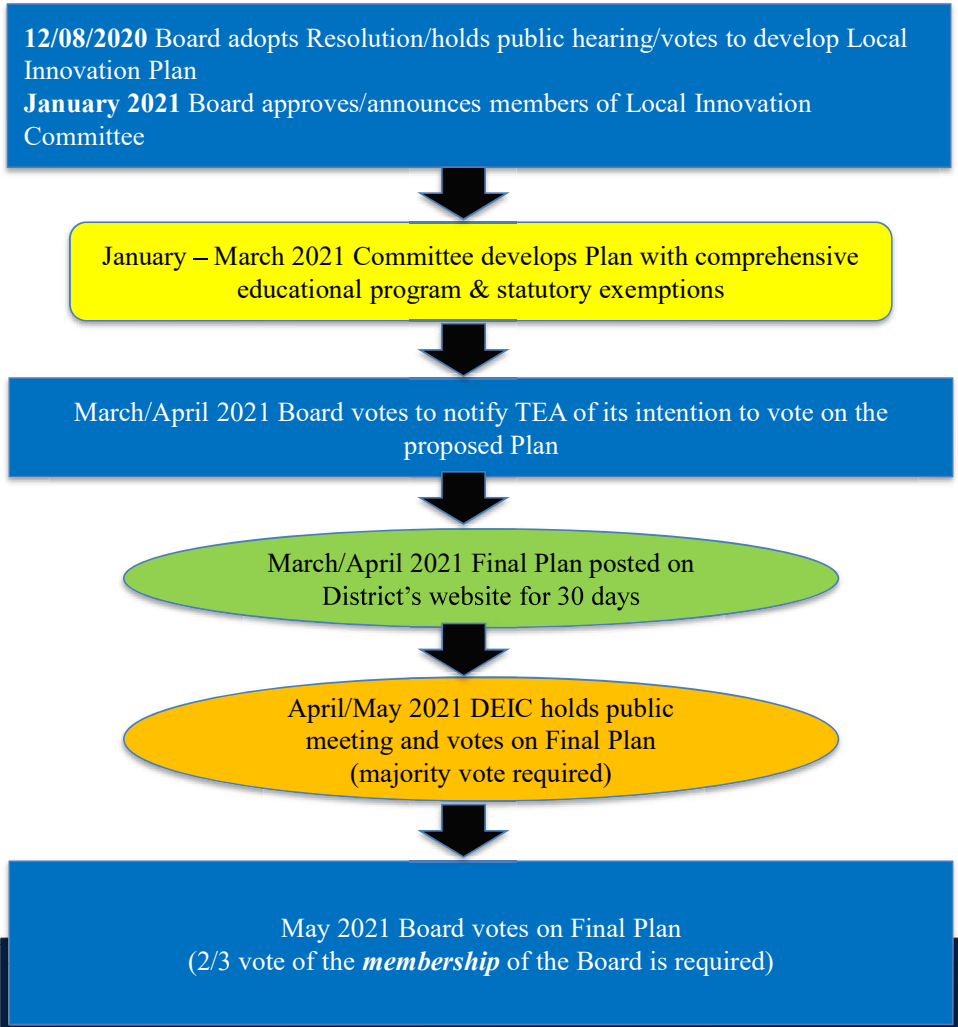


# EPISD Timeline



KEY:

- Blue = Board Meeting
- Yellow = LIC meetings
- Green = Website posting
- Orange = DEIC meeting



**RESOLUTION TO CONSIDER RENEWAL OF  
DESIGNATION AS A DISTRICT OF INNOVATION**

WHEREAS Chapter 12A of the Texas Education Code provides Texas public school districts the opportunity to be designated as Districts of Innovation.

WHEREAS Texas Education Code 12A.001 provides that a district is eligible for designation as a district of innovation if the district's most recent performance rating under Section 39.054 reflects at least acceptable performance, and that consideration of designation as a district of innovation may be initiated by a resolution adopted by the board of trustees of the district.

WHEREAS the El Paso Independent School District's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

WHEREAS El Paso Independent School District first achieved its designation as a District of Innovation after adopting a Local Innovation Plan at its May 17, 2016 meeting of the Board of Trustees. The District gave Notice of that adoption to the Commissioner of Education on May 20, 2016.

WHEREAS Chapter 12A of the Texas Education Code requires districts seeking renew their designation as Districts of Innovation by developing a Local Innovation Plan providing for a comprehensive educational program and identifying the requirements imposed by the Texas Education Code that inhibit the goals of the Local Innovation Plan.

WHEREAS the Board of Trustees does not desire the District to be exempted from any existing laws relating to teacher contracts or teacher benefits, except to the extent that the Texas Education Code 22.004 (i) precludes the District from providing alternative group health coverage available to its employees under this section after the date on which the program of coverages provided under Chapter 1579, Insurance Code, is implemented "program" (TRS ActiveCare) established by 1579 of the Insurance Code.

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

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

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of El Paso Independent School District by adoption of this Resolution initiates the process under Texas Education Code Chapter 12A to renew its designation as a District of Innovation.

Adopted this \_\_\_\_\_ day of December 2020, by the Board of Trustees.

Bob Geske  
President: \_\_\_\_\_ Date: \_\_\_\_\_

Al Velarde  
Vice President: \_\_\_\_\_ Date: \_\_\_\_\_

Diane Dye  
Secretary: \_\_\_\_\_ Date: \_\_\_\_\_

Josh Acevedo  
Trustee District 3: \_\_\_\_\_ Date: \_\_\_\_\_

Charles Taylor  
Trustee District 5: \_\_\_\_\_ Date: \_\_\_\_\_

Freddy Khlayel-Avalos  
Trustee District 6: \_\_\_\_\_ Date: \_\_\_\_\_

Daniel E. Call  
Trustee District 7: \_\_\_\_\_ Date: \_\_\_\_\_