

# Sweeny Independent School District

District of Innovation



VISION: Sweeny ISD is the District of Choice in the area, empowering all students and staff to maximize their potential.



Dr. Glenn Garrison  
President  
Position #6



Dr. Tory Hill  
Superintendent  
Sweeny ISD



Earl Mathis  
Vice - President  
Position #3



Donna Bohlar - Schroeder  
Secretary  
Position #2



Connie McAda  
Trustee  
Position #1



Dr. Jan Reddoch  
Trustee  
Position #5



Debra Fields - Bell  
Trustee  
Position #4



Peggy Ellis  
Trustee  
Position #7



Sweeny ISD is driven by Seven Board Goals. These goals drive all decisions regarding teaching and learning in SISD.

#### GOALS:

1. After a rigorous search that includes community input, hire a Superintendent that is a fit in the community and can unite and lead the district forward.
2. Increase the District's Career and offerings and promote career Options in ways that are attractive to our students through partnerships and innovative ideas.
3. The District develops a comprehensive plan to improve individual student performance.
4. Educate the public about long-term financial needs, options, and opportunities for the District.
5. Develop a comprehensive/long-range facilities plan that supports the District's vision of becoming the District of Choice within the region.
6. Create a culture of support in the community for the benefit of the District's children through outreach to parent, community organizations, and supporting institutions.
7. Promote teamwork to create a positive, inclusive, and transparent environment.



## INTRODUCTION

House Bill 1842, passed during the 84<sup>th</sup> Legislative Session, allows Texas public schools with sufficient academic ratings to obtain exemptions from certain provisions of the Texas Education Code. The allowable exemptions are for those sections of code that do not apply to charter or private schools in an attempt to reduce the extra administrative or operational burdens placed on public schools.

To obtain exemptions, the District must create a Local Innovation Plan detailing the code requirements that inhibit the goals of the District and the benefits to the District expected from the exemption.

## TERM

The term of the plan will begin with the 2017-2018 school year and terminate at the end of the 2021-2022 school year, unless amended, rescinded or renewed by the Innovation Committee and the Board of Trustees. The Innovation Committee will review the plan annually to confirm consistent alignment with the needs of the District. Any recommended plan changes will be posted to the District website for 30 days and require the approval of the Innovation Committee and the Board of Trustees.





## District of Innovation Committee

Tracy Smith	Parent
Susan Batts	Teacher
Melissa Robertson	Parent
Tracy Skinner	Parent
Jalyn White-Wick	Teacher
Cindy Baca	Teacher
Windy Byrd	Teacher
Colleen Knight	Teacher
Cristy McGaughey	Teacher
Carla Nawara	Teacher
LaBonne Casey	Teacher
Mark Manley	Teacher
Karen Wilson	Teacher
Robert Williams	Community Member
Sandra Ware	Teacher
Christy Howell	Administrator
Betty Liles	Community Member
Dale Lemon	Community Member
Michael Heinroth	Administrator
Brett Miksch	Administrator
Michael Saul	Administrator
Will Mader	Administrator
Amy Pope	Administrator
Gerald Nixon	Administrator
Dr. Tory Hill	Administrator

## Timeline

November 8, 2016	SISD Board votes to adopt Resolution to initiate consideration for being designated as an Innovation District.
December 13, 2016	SISD Board conducts a public hearing to consider developing an innovation plan.
December 13, 2016	SISD formally decides to pursue the designation of District of Innovation.
December 13, 2016	SISD Board appoints an Innovation Plan Committee
January 26, 2017	Committee Meeting
February 16, 2017	Committee Meeting
March 9, 2017	Committee Meeting
March 10, 2017	Plan posted on our district website for 30 days
March 10, 2017	Board notified the Commissioner of intent to adopt plan
April 11, 2017	DPC held a public meeting to consider and approve the final version with a majority vote.
April 11, 2017	Board of Trustees adopted with two – thirds majority vote
April 12, 2017	Commissioner Notified

## **First Day of Instruction**

*Texas Education Code §25.0811*

### **Texas Education Code §25.0811**

FIRST DAY OF INSTRUCTION. (a) Except as provided by this section, a school district may not begin instruction for students for a school year before the fourth Monday in August. A school district may:

(1) begin instruction for students for a school year before the fourth Monday in August if the district operates a year-round system under Section 25.084;

or

(2) begin instruction for students for a school year on or after the first Monday in August at a campus or at not more than 20 percent of the campuses in the district if:

(A) the district has a student enrollment of 190,000 or more;

(B) the district at the beginning of the school year provides, financed with local funds, days of instruction for students at the campus or at each of the multiple campuses, in addition to the minimum number of days of instruction required under Section 25.081;

(C) the campus or each of the multiple campuses are undergoing comprehensive reform, as determined by the board of trustees of the district; and

(D) a majority of the students at the campus or at each of the multiple campuses are educationally disadvantaged.

(b) Notwithstanding Subsection (a), a school district that does not offer each grade level from kindergarten through grade 12 and whose prospective or former students generally attend school in another state for the grade levels the district does not offer may start school on any date permitted under Subsection (a) or the law of the other state.

### **Proposed**

These laws restrict flexibility in the design of annual calendars to fit the needs of the school district and community. The flexibility to begin instruction earlier in August will enable the district to develop a calendar that best meets the needs of the students in SISD. An earlier start date allows a better balance between semesters, more instructional days prior to mandatory testing, and a school end date prior to June. By ending earlier, SISD can support students who need remediation, as well as students who are entering college or trade school. An earlier school start date allows these students to register for summer classes and attend new student orientation

meetings without missing instructional time. A calendar committee will be utilized every year to create calendar options, with the District Planning Council placing the final vote before board approval.



## **Minimum Attendance for Class Credit or Final Grade**

*Texas Education Code §25.083(b), Texas Education Code §25.092*

### **Texas Education Code §25.083**

SCHOOL DAY INTERRUPTIONS. (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.

### **Texas Education Code §25.092**

MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE. (a) 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.

(a-1) A student who is in attendance for at least 75 percent but less than 90 percent of the days a class is offered may be given credit or a final grade for the class if the student completes a plan approved by the school's principal that provides for the student to meet the instructional requirements of the class. A student under the jurisdiction of a court in a criminal or juvenile justice proceeding may not receive credit or a final grade under this subsection without the consent of the judge presiding over the student's case.

(a-2) Subsection (a) does not apply to a student who receives credit by examination for a class as provided by Section 28.023.

(b) The board of trustees of each school district shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit or a final grade under Subsection (a-1). Classroom teachers shall comprise a majority of the membership of the committee. A committee may give class credit or a final grade to a student because of extenuating circumstances. Each board of trustees shall establish guidelines to determine what constitutes extenuating circumstances and shall adopt policies establishing alternative ways for students to make up work or regain credit or a final grade lost because of

absences. The alternative ways must include at least one option that does not require a student to pay a fee authorized under Section 11.158(a)(15). A certified public school employee may not be assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

(c) A member of an attendance committee is not personally liable for any act or omission arising out of duties as a member of an attendance committee.

(d) If a student is denied credit or a final grade for a class by an attendance committee, the student may appeal the decision to the board of trustees. The decision of the board may be appealed by trial de novo to the district court of the county in which the school district's central administrative office is located.

(e) This section does not affect the provision of Section 25.087(b) regarding a student's excused absence from school to observe religious holy days.

(f) The availability of the option developed under Subsection (b) must be substantially the same as the availability of the educational program developed under Section 11.158(a)(15).

### **Proposed**

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.

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.

## **Student/Teacher Ratios and Class Size**

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

### **Texas Education Code §25.112**

CLASS SIZE. (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. That limitation does not apply during:

(1) any 12-week period of the school year selected by the district, in the case of a district whose average daily attendance is adjusted under Section 42.005(c); or

(2) the last 12 weeks of any school year in the case of any other district.

(b) Not later than the 30th day after the first day of the 12-week period for which a district whose average daily attendance is adjusted under Section 42.005(c) is claiming an exemption under Subsection (a), the district shall notify the commissioner in writing that the district is claiming an exemption for the period stated in the notice.

(c) In determining the number of students to enroll in any class, a school district shall consider the subject to be taught, the teaching methodology to be used, and any need for individual instruction.

(d) On application of a school district, the commissioner may except the district from the limit in Subsection (a) if the commissioner finds the limit works an undue hardship on the district. An exception expires at the end of the school year for which it is granted.

(e) A school district seeking an exception under Subsection (d) shall notify the commissioner and apply for the exception not later than the later of:

(1) October 1; or

(2) the 30th day after the first school day the district exceeds the limit in Subsection (a).

(f) If a school district repeatedly fails to comply with this section, the commissioner may take any appropriate action authorized to be taken by the commissioner under Section 39.131.

(g) Expired.

### **Texas Education Code §25.113**

NOTICE OF CLASS SIZE. (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. The notice must be in conspicuous bold or underlined print and:

- (1) specify the class for which an exception from the limit imposed by Section 25.112(a) was granted;
  - (2) state the number of children in the class for which the exception was granted; and
  - (3) be included in a regular mailing or other communication from the campus or district, such as information sent home with students.
- (b) The notice required by Subsection (a) must be provided not later than the 31st day after:
- (1) the first day of the school year; or
  - (2) the date the exception

### **Proposed**

Texas Education Code 25.112 addresses the number of students who may be in a single kindergarten, first, second, third, or fourth grade class and limits that number to 22. The intent of this statute was to ensure that classrooms maintained a small teacher/student ratio under the belief that smaller classes led to improved achievement for students who benefited from more individualized teacher attention. While the maximum number of students in K-4 classrooms may be addressed by a state waiver, said waivers must be applied for annually and must be applied by each district, each year. By seeking an exception from 25.112 the District would have flexibility for all campuses and classrooms for the duration of the District of Innovation Designation and would not be required to seek waivers annually.

While the District intends to remain within the guidelines of the current education code as much as possible, the District seeks flexibility to provide the best learning environment for our K-4 students.

SISD believes that class size plays a positive role in the classroom, but this must be balanced with the timing of adding the best qualified teaching candidates. As part of the SISD Local Innovation Plan, the District will maintain the 22:1 student to teacher ratio in Kindergarten through 4th grades and will continue to follow the process of thoughtful planning, assignment of teachers to the schools with growing student enrollment, reviewing staffing ratios, and making decisions in the best interests of students while taking into consideration the financial capacity of the District.

In the event that class sizes exceeds the 22:1 ratio, in Kindergarten – 4th grade, a TEA waiver will not be necessary, the situation may be reviewed by

appropriate district and campus personnel and additional assistance may be provided. The Board will be informed of K-4 classes that exceed 22:1 for thirty school days. Additionally, parents will be informed of all efforts relative to class size. This exemption provides SISD local control over class size ratios, without the unnecessary step of seeking a waiver from the Texas Education Agency.



## **Campus Behavior Coordinator**

*Texas Education Code §37.0012*

### **Texas Education Code §37.0012**

DESIGNATION OF CAMPUS BEHAVIOR COORDINATOR. (a) A person at each campus must be designated to serve as the campus behavior coordinator. The person designated may be the principal of the campus or any other campus administrator selected by the principal.

(b) The campus behavior coordinator is primarily responsible for maintaining student discipline and the implementation of this subchapter.

(c) Except as provided by this chapter, the specific duties of the campus behavior coordinator may be established by campus or district policy. Unless otherwise provided by campus or district policy:

(1) a duty imposed on a campus principal or other campus administrator under this subchapter shall be performed by the campus behavior coordinator; and

(2) a power granted to a campus principal or other campus administrator under this subchapter may be exercised by the campus behavior coordinator.

(d) The campus behavior coordinator shall promptly notify a student's parent or guardian as provided by this subsection if under this subchapter the student is placed into in-school or out-of-school suspension, placed in a disciplinary alternative education program, expelled, or placed in a juvenile justice alternative education program or is taken into custody by a law enforcement officer. A campus behavior coordinator must comply with this subsection by:

(1) promptly contacting the parent or guardian by telephone or in person; and

(2) making a good faith effort to provide written notice of the disciplinary action to the student, on the day the action is taken, for delivery to the student's parent or guardian.

(e) If a parent or guardian entitled to notice under Subsection (d) has not been reached by telephone or in person by 5 p.m. of the first business day after the day the disciplinary action is taken, a campus behavior coordinator shall mail written notice of the action to the parent or guardian at the parent's or guardian's last known address.

(f) If a campus behavior coordinator is unable or not available to promptly provide notice under Subsection (d), the principal or other designee shall provide the notice.

**Proposed**

Senate Bill 107 amended the Texas Education Code by adding Section 37.0012, which requires the designation of a campus behavior coordinator on each campus. This designee is responsible for maintaining student discipline and the implementation of Chapter 37, Subchapter A.

Exemption from this requirement will provide campuses the opportunity to allow campus administrators to fully understand and get to know the students in their caseload rather than sourcing all discipline matters to one employee designated as a campus behavior coordinator. While it is imperative that all employees work together and be informed as to the discipline that is occurring on a campus, it is just as crucial for students to depend on an administrator they know and trust in all facets of their education, including their discipline. Each campus should have the freedom to designate more than one campus behavior coordinator to best meet the needs of their students and teachers.

## **Teacher Certification Requirements**

*TEC §21.003, TEC §21.0031, TEC §21.053, TEC §21.057*

### **Texas Education Code §21.003**

**CERTIFICATION REQUIRED.** (a) 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.

(b) Except as otherwise provided by this subsection, a person may not be employed by a school district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession and may perform specific services within those professions for a school district only if the person holds the appropriate credential from the appropriate state agency. As long as a person employed by a district before September 1, 2011, to perform marriage and family therapy, as defined by Section [502.002](#), Occupations Code, is employed by the same district, the person is not required to hold a license as a marriage and family therapist to perform marriage and family therapy with that district.

(c) The commissioner may waive the requirement for certification of a superintendent if requested by a school district as provided by Section [7.056](#). A person who is not certified as a superintendent may not be employed by a school district as the superintendent before the person has received a waiver of certification from the commissioner. The commissioner may limit the waiver of certification in any manner the commissioner determines is appropriate. A person may be designated to act as a temporary or interim superintendent for a school district, but the district may not employ the person under a contract as superintendent unless the person has been certified or a waiver has been granted.

### **Texas Education Code §21.0031**

**FAILURE TO OBTAIN CERTIFICATION; CONTRACT VOID.** (a) An employee's probationary, continuing, or term contract under this chapter is void if the employee:

(1) does not hold a valid certificate or permit issued by the State Board for Educator Certification;

(2) fails to fulfill the requirements necessary to renew or extend the employee's temporary, probationary, or emergency certificate or any other certificate or permit issued under Subchapter B; or

(3) fails to comply with any requirement under Subchapter C, Chapter 22, if the failure results in suspension or revocation of the employee's certificate under Section 22.0831(f)(2).

(b) If a school district has knowledge that an employee's contract is void under Subsection (a):

(1) the district may, except as provided by Subsection (b-1):

(A) terminate the employee;

(B) suspend the employee with or without pay; or

(C) retain the employee for the remainder of the school year on an at-will employment basis in a position other than a position required to be held by an employee under a contract under Section 21.002 at the employee's existing rate of pay or at a reduced rate; and

(2) the employee is not entitled to the minimum salary prescribed by Section 21.402.

(b-1) A school district may not terminate or suspend under Subsection (b) an employee whose contract is void under Subsection (a)(1) or (2) because the employee failed to renew or extend the employee's certificate or permit if the employee:

(1) requests an extension from the State Board for Educator Certification to renew, extend, or otherwise validate the employee's certificate or permit; and

(2) not later than the 10th day after the date the contract is void, takes necessary measures to renew, extend, or otherwise validate the employee's certificate or permit, as determined by the State Board for Educator Certification.

(c) A school district's decision under Subsection (b) is not subject to appeal under this chapter, and the notice and hearing requirements of this chapter do not apply to the decision.

(d) This section does not affect the rights and remedies of a party in an at-will employment relationship.

(e) This section does not apply to a certified teacher assigned to teach a subject for which the teacher is not certified.

(f) For purposes of this section, a certificate or permit is not considered to have expired if:

(1) the employee has completed the requirements for renewal of the certificate or permit;

(2) the employee submitted the request for renewal prior to the expiration date; and

(3) the date the certificate or permit would have expired is before the date the State Board for Educator Certification takes action to approve the renewal of the certificate or permit.

**Texas Education Code §21.053**

PRESENTATION AND RECORDING OF CERTIFICATES. (a) A person who desires to teach in a public school shall present the person's certificate for filing with the employing district before the person's contract with the board of trustees of the district is binding.

(b) An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate.

**Texas Education Code §21.057**

PARENTAL NOTIFICATION. (a) A school district that assigns an inappropriately certified or uncertified teacher to the same classroom for more than 30 consecutive instructional days during the same school year shall provide written notice of the assignment to a parent or guardian of each student in that classroom.

(b) The superintendent of the school district shall provide the notice required by Subsection (a) not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher.

(c) The school district shall:

(1) make a good-faith effort to ensure that the notice required by this section is provided in a bilingual form to any parent or guardian whose primary language is not English;

(2) retain a copy of any notice provided under this section; and

(3) make information relating to teacher certification available to the public on request.

(d) For purposes of this section, "inappropriately certified or uncertified teacher":

(1) includes:

(A) an individual serving on an emergency certificate issued under Section 21.041(b)(2); or

(B) an individual who does not hold any certificate or permit issued under this chapter and is not employed as specified by Subdivision (2)(E); and

(2) does not include an individual:

(A) who is a certified teacher assigned to teach a class or classes outside his or her area of certification, as determined by rules proposed by the board in specifying the certificate required for each assignment;

(B) serving on a certificate issued due to a hearing impairment under Section 21.048;

(C) serving on a certificate issued pursuant to enrollment in an approved alternative certification program under Section 21.049;

(D) certified by another state or country and serving on a certificate issued under Section 21.052;

(E) serving on a school district teaching permit issued under Section 21.055; or

(F) employed under a waiver granted by the commissioner pursuant to Section 7.056.

(e) This section does not apply if a school is required in accordance with Section 1111(h)(6)(B)(ii), No Child Left Behind Act of 2001 (20 U.S.C. Section 6311), and its subsequent amendments, to provide notice to a parent or guardian regarding a teacher who is not highly qualified, provided the school provides notice as required by that Act.

### **Proposed**

The district will maintain its current expectations for employee certification and will make every attempt to hire individuals with appropriate certifications for the position in question. However, when that is not reasonably possible, the district will have the flexibility to hire individuals who are knowledgeable in the area and equipped to effectively perform the duties of the position in question. Sweeny ISD would like the ability to locally certify teachers in areas of high demand, to better meet the educational needs of our students. With the current teacher shortage, this exemption from teacher certification requirements will enable greater flexibility in staffing and will enrich applicant pools in specific areas of need. These areas would include, but are not limited to, CTE and languages other than English. This would also allow experienced certified teachers to teach a course outside their certification area due to their education, background, and/or experience. Local decisions outside of state certification requirements would allow innovation and flexibility in scheduling to meet student needs.



Special Education and Bilingual teachers will continue to be required to hold a standard teaching certificate.

Additionally, Sweeny ISD will notify parents if a locally certified teacher is employed for their child's class. This process will allow more flexibility in our scheduling, and provide more options for our students in class offerings leading to industry recognized certifications.

Local Guidelines:

- A. The campus principal may submit to the superintendent a request to allow a certified teacher to teach subjects and/or grade levels out of their field. The principal must specify the reason for the request and document what credentials the certified teacher possesses qualifying this individual to teach the subject.
- B. The campus principal may submit a request to the superintendent for local certification of uncertified individuals. The principal must specify the reason for the request and document what credentials the individual possesses qualifying him/her to teach the subject.
- C. The superintendent will approve or deny requests for local certification and will submit approved requests to the Board of Trustees for approval prior to the individual beginning employment.
- D. Local teaching certificates will be issued for one year and the employee will be at-will unless currently on a term contract for the district. For those already employed by the district, the superintendent has the option to recommend a term contract.
- E. Uncertified teachers will be provided teacher mentoring, increased observation feedback, professional development, instructional resources, and other supports.

## PROBATIONARY CONTRACTS

*§Sec. 21.102 Subchapter C*

**Texas Education Code §Sec. 21.102 Subchapter C** PROBATIONARY CONTRACT. (a) Except as provided by Section [21.202](#)(b), a person who is employed as a teacher by a school district for the first time, or who has not been employed by the district for two consecutive school years subsequent to August 28, 1967, shall be employed under a probationary contract. A person who previously was employed as a teacher by a district and, after at least a two-year lapse in district employment returns to district employment, may be employed under a probationary contract...(b) 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.

(c) An employment contract may not extend the probationary contract period beyond the end of the third consecutive school year of the teacher's employment by the school district unless, during the third year of a teacher's probationary contract, the board of trustees determines that it is doubtful whether the teacher should be given a continuing contract or a term contract. If the board makes that determination, the district may make a probationary contract with the teacher for a term ending with the fourth consecutive school year of the teacher's employment with the district, at which time the district shall:

- (1) terminate the employment of the teacher; or
- (2) employ the teacher under a continuing contract or a term contract as provided by Subchapter D or E, according to district policy.

### **Proposed**

Currently, experienced teachers new to the district have a probationary period that may not exceed one year if the person has been employed as a teacher in public education for at least five of the previous eight years. This time period is not sufficient to evaluate a teacher's effectiveness in the classroom. The exemption is specifically for teachers who have taught in at least 5 of the last 8 years in public education. In addition to a one-year

probationary contract, the district may recommend a second year probationary contract to be approved by the Board of Trustees. An extension to a second-year probationary contract is to recognize that, at times, even experienced teachers new to the district need more than one year to learn Sweeny ISD and our expectation to be the “District of Choice”. A one-year probationary period may not allow the teacher or the administrator time to evaluate the teacher’s capacity or ability to adopt the Sweeny ISD requirements.

The district will have the option to recommend a second year probationary contract to teachers who are new to the district, but have taught at least 5 of the last 8 years in public education. There are no changes to first time teacher probationary contract terms only teachers who have taught in public education in at least 5 of the last 8 years. The second-year probationary contract is not automatic, but at the discretion of the Superintendent and the Principal.

## **Minimum Minutes of Instruction Exemption**

*TEC 25.081; TEC 25.082*

### **TEC 25.081**

OPERATION OF SCHOOLS. (a) Except as authorized under Subsection (b) of this section, Section 25.084, or Section 29.0821, for each school year each school district must operate so that the district provides for at least 75,600 minutes of instruction, including intermissions and recesses, for students.

(b) The commissioner may approve the instruction of students for fewer than the number of minutes required under Subsection (a) if disaster, flood, extreme weather conditions, fuel curtailment, or another calamity causes the closing of schools.

(c) If the commissioner does not approve reduced instruction time under Subsection (b), a school district may add additional minutes to the end of the district's normal school hours as necessary to compensate for minutes of instruction lost due to school closures caused by disaster, flood, extreme weather conditions, fuel curtailment, or another calamity.

(d) The commissioner may adopt rules for the application, on the basis of the minimum minutes of instruction required by Subsection (a), of any provision of this title that refers to a minimum number of days of instruction under this section.

(e) For purposes of this code, a reference to a day of instruction means 420 minutes of instruction.

### **Proposed**

Sweeny ISD would like to be exempt from the 420 minute day requirement and have the flexibility to alter the length of the school day on selected days whenever it is determined to be necessary or beneficial to the district and its stakeholders. The opportunity to exempt from the 420 minute school day requirement will provide the district the opportunity to provide each campus the flexibility of creating a daily schedule that will better serve the students and teachers on each campus. This flexibility will give local control to the district in meeting the yearly requirement of 75,600 minutes in relation to the district calendar for each specific school year. This exemption will provide greater flexibility than the current waiver system.

## **School District Funds**

*TEC §45.205, TEC §45.206, TEC §45.207, TEC §45.208, TEC §45.209*  
*Subchapter G*

### **TEC Sec. 45.205**

TERM OF CONTRACT. (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 two additional two-year terms. An extension under this subsection is not subject to the requirements of Section [45.206](#).

(c) The contract term and any extension must coincide with the school district's fiscal year.

### **TEC Sec. 45.206**

BID OR REQUEST FOR PROPOSAL NOTICES; BID AND PROPOSAL FORMS. (a) Not later than the 60th day before the date a school district's current depository contract expires, the district shall choose whether to select a depository through competitive bidding or through requests for proposals.

(a-1) If a school district chooses under Subsection (a) to use competitive bidding, the district shall, not later than the 30th day before the date the current depository contract expires, mail to each bank located in the district and, if desired, to other banks, a notice stating the time and place in which bid applications will be received for selecting a depository or depositories. The notice must include a uniform bid blank in the form prescribed by State Board of Education rule.

(a-2) If a school district chooses under Subsection (a) to use requests for proposals, the district shall, not later than the 30th day before the date the current depository contract expires, mail to each bank located in the district and, if desired, to other banks, a notice stating the time and place in which proposals will be received for selecting a depository or depositories. The notice must include a uniform proposal blank in the form prescribed by State Board of Education rule.

(b) The school district may add to the uniform bid or proposal blank other terms that do not unfairly restrict competition between banks in or near the territory of the district.

(c) Interest rates may be stated in the bid or proposal either as a fixed rate, as a percentage of a stated base rate, in relation to a stated prevailing rate varying from time to time, or in any other manner, but in every case in a

uniform manner, that will permit comparison with other bids or proposals received.

(d) If the school district chooses under Subsection (a) to use requests for proposals, the district shall state the selection criteria, including the factors specified under Section 45.207(c), in the request for proposals and shall select the proposal that offers the best value to the district based on the evaluation and ranking of each submitted proposal in relation to the stated selection criteria. A district may negotiate with the bank that submits the highest-ranked proposal to determine any terms of the proposed depository contract other than the interest rates proposed.

**TEC Sec. 45.207**

**AWARD OF CONTRACT.** (a) A school district shall award the depository contract to the bank that submits the highest bid or the highest-ranked proposal, as determined under Subsection (c), except that the district may award the contract as provided by Subsection (a-1) if:

(1) the district:

(A) receives tying bids for the contract; or

(B) after evaluating the proposals for the contract, ranks two or more proposals equally;

(2) each bank submitting a tying bid or proposal has bid or proposed to pay the district the maximum interest rates allowed by law by the Board of Governors of the Federal Reserve System and the Board of Directors of the Federal Deposit Insurance Corporation; and

(3) the tying bids or proposals are otherwise equal in the judgment and discretion of the board of trustees of the district.

(a-1) In the case of tying bids or proposals, the board of trustees may award the depository contract by:

(1) determining by lot which of the banks submitting the tying bids or proposals will receive the contract; or

(2) awarding a contract to each of the banks submitting the tying bids or proposals.

(b) The board of trustees may, during the period of the contract, determine the amount of funds to be deposited in each depository bank and determine the account services offered in the bid or proposal form that are to be provided by each bank in its capacity as school district depository. All funds received by the district from or through the agency shall be deposited, at the district's option, in one depository bank or invested in a public funds



investment pool created under Chapter 791, Government Code, to be designated by the district.

(c) The board of trustees of the school district shall at a regular or special meeting consider in accordance with this subsection each bid or proposal received. In determining the highest and best bid or the highest-ranked proposal, or in case of tying bids or proposals the highest and best tying bids or proposals, the board of trustees shall consider:

- (1) the interest rate bid or proposed on time deposits;
- (2) charges for keeping district accounts, records, and reports and furnishing checks;
- (3) the ability of the bank submitting the bid or proposal to provide the necessary services and perform the duties as school district depository; and
- (4) any other matter that in the judgment of the board of trustees would be to the best interest of the school district.

(d) The board of trustees of the school district has the right to reject any and all bids or proposals.

**TEC Sec. 45.208**

**DEPOSITORY CONTRACT; BOND.**

(a) The bank or banks selected as the depository or depositories and the school district shall enter into a depository contract or contracts, bond or bonds, or other necessary instruments setting forth the duties and agreements pertaining to the depository, in a form and with the content prescribed by the State Board of Education. The parties shall attach to the contract and incorporate by reference the bid or proposal of the depository.

(b) The depository bank shall attach to the contract and file with the school district a bond in an initial amount equal to the estimated highest daily balance, determined by the board of trustees of the district, of all deposits that the school district will have in the depository during the term of the contract, less any applicable Federal Deposit Insurance Corporation insurance. The bond must be payable to the school district and must be signed by the depository bank and by some surety company authorized to do business in this state. The depository bank shall increase the amount of the bond if the board of trustees determines it to be necessary to adequately protect the funds of the school district deposited with the depository bank.

(c) The bond shall be conditioned on:

- (1) the faithful performance of all duties and obligations devolving by law on the depository;

- (2) the payment on presentation of all checks or drafts on order of the board of trustees of the school district, in accordance with its orders entered by the board of trustees according to law;
- (3) the payment on demand of any demand deposit in the depository;
- (4) the payment, after the expiration of the period of notice required, of any time deposit in the depository;
- (5) the faithful keeping of school funds by the depository and the accounting for the funds according to law; and
- (6) the faithful paying over to the successor depository all balances remaining in the accounts.

(d) The bond and the surety on the bond must be approved by the board of trustees of the school district. A premium on the depository bond may not be paid out of school district funds.

(e) A copy of the depository contract and bond shall be filed with the agency.

(f) In lieu of the bond required under Subsection (b), the depository bank may deposit or pledge, with the school district or with a trustee designated by the school district, approved securities in an amount sufficient to adequately protect the funds of the school district deposited with depository bank. A depository bank may give a bond and deposit or pledge approved securities in an aggregate amount sufficient to adequately protect the funds of the school district deposited with the depository bank. The school district shall designate from time to time the amount of approved securities or the aggregate amount of the bond and approved securities to adequately protect the district. The district may not designate an amount less than the balance of school district funds on deposit with the depository bank from day to day, less any applicable Federal Deposit Insurance Corporation insurance. The depository bank may substitute approved securities on obtaining the approval of the school district. For purposes of this subsection, the approved securities are valued at their market value.

**TEC Sec. 45.209**

**INVESTMENT OF DISTRICT FUNDS.** The school district may provide in its bid or proposal blank for the right to place on time deposits with savings and loan institutions located in this state only funds that are fully insured by the Federal Deposit Insurance Corporation. A district may not place on deposit with any savings and loan institution any bond or certificate of indebtedness proceeds as provided by Section [45.102](#). A depository bank may not be compelled without its consent to accept on time deposit any bond

proceeds under Section [45.102](#), but a depository bank may offer a bid or proposal of interest equaling the highest bid or proposal of interest for the time deposit of the bond proceeds tendered by another bank. If the depository bank equals the bid or proposal, it is entitled to receive the bond proceeds on time deposit.

**Proposed**

This exemption is to allow the district's existing bank contract to be extended beyond the total 6-year 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 there is a limited number of banking institutions available to bid on the district's business. This will further mitigate any impact to employees that would have to change direct deposit instructions each time a new depository occurs and allows the district flexibility with respect to banking relationships.

Local Guidelines:

The district will only send depository services out to bid if the district determines contract pricing becomes uncompetitive or there is some operational or financial reason to send the district's banking services out for bid. With this exemption in place, none of the additional requirements related to the bid or request for proposal detailed in Sec 45.206 through 45.209 would be applicable. [Refer to Sweeny ISD Board Policy BDAE](#)