

**KIRBYVILLE**  
**CONSOLIDATED INDEPENDENT**  
**SCHOOL DISTRICT**



**Local Innovation Plan 2023-2028**  
**approved 6/19/2023**

HB 1842, of the 84<sup>th</sup> Legislative Session,  
allows Texas districts to qualify as a District of Innovation.  
Districts of Innovation are able to gain local control of certain operations  
that are currently under the control of the Texas Education Agency.

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## **District of Innovation committee 2023**

Stephen Edwards	Kirbyville CISD Superintendent
Kristi Gore	Kirbyville CISD Asst. Superintendent
Matt Grundy	Kirbyville CISD Chief Financial Officer
Leslie Williams	Kirbyville HS Principal
Ashley Powell	Kirbyville JH Principal
Cassie Hogan	Kirbyville Elementary Principal
Sandy Keene	Kirbyville HS Teacher/Counselor
Dusty Fussell	Kirbyville HS Teacher
Megan Clark	Kirbyville HS Teacher
LaRhonda Moss	Kirbyville JH Teacher
Leah Richardson	Kirbyville JH Teacher
Lacey Thames	Kirbyville JH Teacher
Tara Holaway	Kirbyville Elementary Teacher
Tim Owen	Kirbyville Elementary Teacher
Melissa Piggott	Kirbyville Elementary Teacher
Ina Merkelz	Kirbyville JH paraprofessional
Tasha Loper	Parent member
David Thames	Community member
Ciara Ferguson	Business member

## Timeline

- 3/22/2023 District of Innovation committee (DWEIC) reviewed current plan and considered process of renewal.
- 4/12/2023 District of Innovation committee (DWEIC) considered changes/additions/deletions from current plan as part of the renewal process.
- 5/3/2023 District of Innovation committee (DWEIC) provided proposed plan including changes/additions/deletions for review.
- 5/15/2023 District of Innovation committee (DWEIC) met for final review before public input, considered public input for revision of the proposed plan, and voted on final proposed DOI plan for 2023-2028.
- 5/16/2023 Board of Trustees voted unanimously in favor of a resolution of intent to vote on the renewal of the District of Innovation plan for Kirbyville CISD.
- 5/17/2023 Proposed District of Innovation plan posted on district website.
- 6/19/2023 KCISD District of Innovation plan approved by board of trustees.

# KIRBYVILLE CISD INNOVATION PLAN

## INTRODUCTION

House Bill (HB) 1842, passed during the 84th Legislative Session, permits Texas public school districts to become Districts of Innovation and to obtain exemption from certain provisions of the Texas Education Code.

Potential benefits of becoming a District of Innovation include:

- **Flexibility:** Districts will have the flexibility to implement practices similar to charter schools, including exemptions from certain mandates including the uniform school start date and required minutes of instruction.
- **Local control:** Districts decide which flexibilities best suit their local needs.
- **Autonomy:** Districts must submit a district of innovation plan to the commissioner of education, but approval is not required.

On May 15, 2023, the Kirbyville Consolidated Independent School District (DWEIC) District Wide Educational Improvement Committee held a public meeting for input into the proposed plan. The adoption of this plan seeks to increase the District's flexibility in order to improve educational outcomes for the benefit of students and the community. On May 17, 2023 Proposed District of Innovation plan posted on the district website after the board of trustees passed a resolution of intent to vote on the plan at the regular board meeting on May 16th.

On June 19, 2023, the Kirbyville Consolidated Independent School District Board of Trustees approved the proposed plan developed through the renewal process.

## TERM

The term of the Plan is for five years, beginning August 6, 2023 and ending August 5, 2028, unless terminated or amended earlier by the Board of Trustees in accordance with the law. If, within the term of this Plan, other areas of operations are to be considered for flexibility as part of HB 1842, the Board will appoint a new committee to consider and propose additional exemptions in the form of an amendment to the Plan. Any amendment adopted by the Board will not extend the term of this Plan. The District may not implement two separate plans at any one time.

## AREAS OF INNOVATION

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

## **1. School Start and End Date**

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

*Related Board Policies:* EB (LEGAL)

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

*TEC §25.0811 states that a school district may not begin student instruction before the 4th Monday of August. TEC §25.0812 states that a school district may not schedule the last day of school before May 15. The current process allows no flexibility in the design of annual calendars to fit the needs of the community or the wishes of the local Board of Trustees who represent community interests in this matter.*

*Previously, districts had the option of applying to TEA for a waiver to start earlier, even as early as the 2nd Monday in August. The Texas tourism groups lobbied to have this stopped because they believed it was hurting their tourism business. Therefore, several years ago the legislature took away all waivers and dictated that districts may not begin until the 4th Monday, with no exceptions.*

### ***Innovation Strategies***

- a. Relief from the statute will allow Kirbyville CISD to develop a calendar that addresses student instruction and focused professional development in conjunction with the new instructional minutes requirement, rather than days.
- b. Alignment of the district calendar with local universities, advanced placement exams, and STAAR timelines.
- c. Provide for increased local control of the instructional calendar in order to be responsive to community needs.

## **2. Instructional Minutes / Length of Instructional Day / Early Release Days**

*Exemption from:* TEC §25.081

*Relevant Board Policies:* EB (LEGAL)

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

*TEC §25.081 requires that a school district provide at least 75,600 minutes of instruction each school year, including intermission and recess. School districts must seek a waiver of this requirement from TEA in order to provide fewer than the required number of instructional minutes in the case of natural disaster or calamity. This requirement restricts the District in the development of the academic calendar, including the scheduling of early release days and staff development days.*

### ***Innovation Strategies***

The district seeks relief from this section in order to provide staff development before the start of instruction, as well as additional days throughout the school year. These non-instructional days have been purposefully placed throughout the calendar to allow teachers

to plan instruction based on student instructional data in addition to engaging in relevant, targeted professional development.

### **3. Teacher Certification**

*Exemption from:* TEC §21.003; TEC §21.053; TEC §21.057

*Relevant Board Policies:* DBA (LEGAL, LOCAL); DK (LEGAL, LOCAL)

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

*TEC §21.003 states that a person may not be employed as a teacher, teacher intern or trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued by the appropriate state agency.*

*In the event 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 for Educator Certification. This system is burdensome and does not take into account the unique financial and/or instructional needs of the district.*

*TEC §21.053 requires a teacher to present his or her certificate to the District before their employment contract will be binding, and prohibits the District from paying an educator for teaching if the educator does not hold a valid certificate at the time.*

*TEC §21.057 requires that the District provide written notice to parents if an inappropriately certified or uncertified teacher is assigned to a classroom for more than 20 consecutive instructional days.*

#### **Innovation Strategies**

- a. The District will maintain its current expectations for employee certification. The District will make every attempt to hire individuals with appropriate certification for the position in question; however, where 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.
- b. For grades 5-12, the campus principal may submit to the superintendent a request for local certification that will allow an already certified teacher to teach a course or grade level for which he/she is not certified. The principal must specify in writing the reason for the request and document what credentials or life experience the teacher possesses that would qualify this individual to teach the proposed subject. Special education and bilingual teachers must continue to be SBEC certified.
- c. An individual with experience in the content of an elective course could be eligible to teach a vocational skill or elective course through a local teaching certificate. The principal must specify in writing the reason for the request and document what credentials or life experience the teacher possesses that would qualify this individual to teach the proposed subject. Examples: an experienced homebuilder teaching a building trades course, a licensed corrections officer teaching a criminal justice course, or a retired CPA teaching an entry level accounting course.

- d. Whenever possible, instructional planning for the uncertified teacher's course will be created in partnership with certified teachers in the same field. Uncertified teachers will be provided teacher mentoring, increased observations and feedback, professional development or instructional resources, or other supports.
- e. The superintendent will report this action to the Board of Trustees at the first board meeting following the assignment.
- f. Teacher certification waiver requests, state permit applications, or other paperwork will not be submitted to the Texas Education Agency. The District will ensure that all individuals assigned to teach have the knowledge and resources necessary to be successful.

#### **4. Probationary Contracts**

*Exemption from:* TEC §21.102(b)

*Relevant Board Policies:* DCA (LEGAL)

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

*For experienced teachers new to the district, the probationary period 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. A one year probationary period is not sufficient to evaluate the teacher's effectiveness in the classroom since teacher contract renewal timelines demand that employment decisions be made prior to District receipt of state assessment results. Non-certified teachers and/or teachers that are hired after the first instructional day are not always the most qualified for the position.*

##### **Innovation Strategies**

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 two years. All other teachers hired in the District may remain on probationary status for three years, and may be issued a fourth year of probation in accordance with TEC §21.102(c). In an effort to provide quality educational opportunities for all students throughout the district, KCISD would like the option of offering non-certified teachers and/or late hires (after the first day of instruction) an agreement rather than a contract. This will allow for flexibility in taking timely employment actions that, in turn, would provide students with a quality teacher.



## **5. Professional Development / Mentor Teachers**

*Exemption from:* TEC §21.451; TEC §21.458

*Relevant Board Policies:* DEAA (LEGAL)

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

*TEC §21.451 prescribes staff development requirements for educators. These requirements impede the District's ability to provide timely professional development to employees based on newly emerging issues, data, and student needs.*

*TEC §21.458 sets eligibility requirements for teacher mentors and mentees. This provision states that the district may only assign a mentor to a teacher with less than two years of teaching experience, despite the fact that a teacher at any level of experience may benefit from a mentor-mentee relationship. The District needs the flexibility to assign mentors to more experienced teachers in need of assistance. The statute also sets eligibility requirements for mentor teachers, which limits the available pool of mentor teachers.*

### **Innovation Strategies**

- a. The District will exercise local discretion in determining the areas of need, content, duration, and frequency for professional development for its instructional and non-instructional staff.
- b. The District will exercise local discretion in assigning teachers to serve as mentors based on a variety of factors, including experience, knowledge, and areas of instruction targeted for improvement or innovation.

## **6. Counselor Work Time**

*Exemption from:* TEC §33.006(d) - (h)

*Relevant Board Policies:* DP (LEGAL, LOCAL)

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

*TEC §33.006 subsections (d) - (h) places restrictions on the duties that can be fulfilled by school counselors, requires policy adoption and annual review by the school board, and limits contracting options with counselors in the District. KCISD wishes to maintain flexibility in its school counseling and guidance program by waiving compliance with the requirement of TEC §33.006(d) that a counselor spend 80 percent of total work time on duties identified by statute, as well as removing burdens imposed by subsections (e) — (h) related to policy adoption, annual review, and counselor employment contracts. The requirements of TEC §33.006(d) - (h) impede the District's ability to meet the ever-changing needs of its students and school operations by restricting the ability of KCISD counselors to fulfill other important roles throughout the District, including but not limited to, special education and 504 monitoring, scheduling, and student assessment. While it is still the intent and goal of KCISD that its certified counselors focus on the school counseling program, temporal restrictions and time logging/tracking requirements, which would be necessary to confirm strict adherence to an 80/20 duty allocation, are an ineffective use of employee time and impedes*

the District's ability to use its counseling staff in a variety of roles to best serve the needs of KCISD students and community.

***Innovation Strategies***

- a. The District will exercise local discretion in determining the additional duties fulfilled by certified counselors in the District, by taking into account each individual counselor's professional education, certifications, experience, and knowledge, and will also consider the specific needs of the students and staff on each campus.
- b. The District will exercise local discretion in determining how counselors allocate their work time to perform all duties, including those duties that are not identified in TEC §33.006, enabling the District to meet student needs and address local challenges as they arise.

**7. Student/Teacher Ratios; Class size**

*Exemption from:* TEC §25.111-13, §25.112(A-G), §25.113(A-B)

*Relevant Board Policies:* EEB(LEGAL)

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

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

***Innovation Strategies***

- a. Based on our observations, we believe it is not the number of students but the relationship of the teacher to students and make-up of the classroom which most directly influence the learning environment. Kirbyville CISD will continuously monitor enrollment at the elementary campuses.
- b. When elementary classes exceed 22 students, administrators and teachers in that grade level will collaborate to develop a plan to support those classes. A majority of classroom teachers at the grade level must support the local plan to support the students and classes.
- c. A TEA waiver will not be submitted in the event that the local plan developed to support classes above 22 to 1 does not reduce the student/teacher ratio below the state-mandated threshold; however, the Superintendent will report enrollment to the Board of Trustees.

## **8. Bank Depository Contract**

*Exemption from:* TEC §45.205, §45.206

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

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

The depository for the District shall serve for a term of two years and until its successor is selected and has qualified. A district and its depository bank may agree to extend the contract for two additional two-year terms. Kirbyville CISD Board of Trustees Approved Per S.B. 754, passed by the 85th Texas Legislature, effective September 1, 2017, TEC §45.205, which will allow the District to extend a depository contract for three additional two year terms. The contract term and any extension must coincide with the district's fiscal year.

### ***Innovation Strategies***

- a. In a rural school district with campuses located in a small city of less than 2100 inhabitants, the options for a depository bank are limited. Choices are limited even further by banking regulations that make local-government-entity business unattractive to banks. Kirbyville CISD uses services provided by the bank on a daily basis. Kirbyville CISD will continue to use the local depository for the District without rebidding.
- b. At the end of each two-year term, the District and its depository bank may agree to extend the contract for multiple additional two-year periods. The District must obtain Board approval for each of the two-year periods.
- c. Nothing in this process would hinder the District's ability to undertake bidding the District Depository Bank at the end of any of the two-year periods. The District believes it can operate most optimally if it is not limited to two, or even three, additional two-year extensions of its depository contract. This will provide the District with more time to plan for student progress, instructional strategies, and innovative options for the District's educational goals.