



Denison ISD
District of Innovation
Amended December 2022

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Introduction

House Bill 1842, passed during the 84th 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 amended plan will begin with the 2023 - 2024 school year and terminate at the end of the 2026 - 2027 school year, unless amended, rescinded or renewed by the Innovation Committee and the Board of Trustees. The Design Team 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 and require the approval of the District Education Improvement Committee and the Board of Trustees.

Committee

David Kirkbride-----	Superintendent
Caleb Smith -----	Parent
Shannon Rosas -----	Parent
Cortnee Dusek-----	Community
Cindy Aguilar-----	Community
Heather Shilling-----	Business
Jimmay Mundine -----	Business
Katie Knox -----	Regular Elementary Classroom
Evie Schroeder -----	Regular Elementary Classroom
Heather Arthur-----	Regular Secondary Classroom
Chris McClenny -----	Regular Secondary Classroom
Jyl Wagner-----	Special Programs - Elementary
Donna Devereaux -----	Special Programs - Secondary
Liz Dunn-----	Non-teaching Professionals - Elementary
Tonya Crump -----	Non-teaching Professionals - Secondary
Tiffany Gantt -----	Non-teaching Professionals - Administration

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Teacher Certification (General) – Exemption from TEC §21.003 & DK(LLEGAL)

Currently

In the event that a district cannot secure a certified educator for a specific position, or a teacher accepts an assignment outside of their certification area, the district must submit a request for approval to the Texas Education Agency. The Commissioner of Education receives the request and, within 30 days, either grants or denies the request.

Innovation

Denison ISD is committed to placing the best teacher available into each child’s classroom. As one of our Core Beliefs states we will, “... provide support for student success- whatever it takes.” In order to provide all opportunities for success and better serve Denison ISD students, certification decisions will be made locally rather than by an absentee bureaucracy in Austin. The current state teacher certification requirements often inhibit our ability to hire quality instructors for hard-to-fill and/or high demand positions such as dual credit, CTE, STEM, and foreign language. In order to ensure that more students can access the educational benefit of these course offerings, Denison ISD will establish its own local qualification and training requirement for certified teachers, professionals, and industry licensed experts to teach courses in lieu of the current requirements set forth in law. This proposed exemption request directly aligns with the Every Student Succeeds Act (ESSA) and the move away from “highly qualified” requirements. Denison ISD will have the flexibility to employ community college instructors and university professors for dual credit courses; internal and external teaching applicants seeking assignment outside of their traditional certification area; and industry professionals to teach career and technical education courses based on their vocational expertise. The net result of this flexibility will be enriched applicant pools for hard-to-fill and/or high demand positions and, more importantly, enhanced learning opportunities for our students.

Rationale

The Denison ISD Board of Trustees and Denison ISD Administration will further our calling to be a “District of Choice” by making teacher hiring decisions based on distinct qualifications that meet the specific needs of Denison ISD students and our community.

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Out of District Transfer- Exemption from TEC §25.036 & FDA (LOCAL)

Currently

A district may choose to accept students as transfers, even if they are not entitled to admission in the district. This provision, however, has been interpreted to require a student transfer to be for a period of one school year, and to restrict a district's ability to revoke a transfer mid-year.

Innovation

Denison ISD maintains a student transfer policy under Board Policy FDA (Local), which requires that all nonresident students who wish to transfer must file a transfer application each school year. In making decisions regarding applications for transfer, the policy currently permits for the consideration of the availability of space and instructional staff, the student's disciplinary history, the student's attendance records, and academic records (including, but not limited to, their current report card and state assessment data). In addition to considering all of these factors in approving or denying a transfer request, the District also seeks the flexibility to revoke a student's transfer status during the school year based on the student's failure to meet expectations for behavior, attendance, or academic efforts while in Denison ISD. This mid-year revocation option will be reserved only for those students who consistently fail to meet District expectations for behavior, attendance or academic effort:

- Students that are placed in DAEP or are expelled for criminal behavior
- Students that are truant or do not meet the state's 90% attendance standard
- Students that are not being successful academically in class and/or state assessments (if applicable)

Rationale

The Denison ISD Board of Trustees and Denison ISD Administration maintain that students who do not meet the District's expectations for behavior, attendance, or academic efforts interfere with our school district's ability to educate resident students as well as transfer students who come to Denison ISD to receive quality instruction in a small group setting. Denison ISD needs to be able to focus time and attention on developing creative and innovative instruction to prepare students for eventual success in the workplace and to prepare them for achievement on state assessments in the present. When students are disruptive, excessively absent, or do not make adequate efforts towards academic success, our teachers and administrators must take time correcting the behavior, catching those students up, and cannot adequately prepare the students who are present and ready to learn. For these cases, Denison ISD seeks exemption from the interpretation of TEC §25.036 which prohibits a district from revoking a transfer during the school year.

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Teacher Employment Contracts- Exemption from TEC §21.102 (b) & DCA (Legal)

Currently

TEC §21.102 (b) states that an experienced “teacher” new to the district may not have a probationary contract to exceed one year if the “teacher” has been employed as a “teacher” in public education for at least five of the eight years preceding employment by the district.

Experienced “teachers” new to Denison ISD may need more than one year to learn the Denison ISD Model. A one-year probationary period may not provide sufficient time to evaluate the “teacher’s” capacity or ability to adopt the Denison ISD requirements.

In this subchapter, "teacher" means a principal, supervisor, classroom teacher, school counselor, or other full-time professional employee who is required to hold a certificate issued under Subchapter B or a nurse.

Innovation

Denison ISD will have the flexibility to issue a probationary contract for up to two years for experienced teachers, counselors, or nurses new to Denison ISD that have been employed for at least five out of the eight previous years. This would allow the district the opportunity to evaluate the employee for a period of up to two years.

Rationale

The Denison ISD Board of Trustees and Denison ISD Administration will ensure we are “Honoring our Stakeholders” by making contract decisions based on distinct qualifications that meet the specific needs of Denison ISD students and our community.

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**Class Size- Student-Teacher Ratio- Exemption from (TEC §25.111, §25.112, and §25.113)
(EEB LEGAL)**

Currently

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

§ 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.

Innovation

The district would no longer have to submit annual class size waivers that are continuously approved by TEA and do multiple communications to parents each six weeks allowing the district to redirect resources more effectively. Additionally, Denison ISD would be afforded the opportunity to find quality candidates when needed instead of being required to hire first available to meet the class size ratio.

Rationale

The Denison ISD Board of Trustees and Denison ISD Administration believe having the time and latitude to hire the right teacher for kids and not just any teacher to fulfill a mandate is better aligned with our District of Choice standards.

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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.

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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;

(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.

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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.

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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.

Innovation:

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.

Rationale:

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.