



**DISTRICT OF INNOVATION PLAN**  
**PEARLAND ISD**

**Developed in cooperation with and approval by the  
District Educational Improvement Committee**

**Originally Authored:**

**April 2016 – September 2016**

**Board approval of initial plan: November 2016**

**Board approved for 5 year extension:**

**(January 18, 2022- November 2026)**

# INTRODUCTION

In April 2016, the Pearland ISD Board of Trustees commissioned the administration to work with the District Educational Improvement Committee to develop a “District of Innovation Plan” as newly permitted by the Texas Legislature (see TAC Chapter 102). The plan, as approved, has been beneficial to the district and thus the administration recommended its extension for another 5 years (2021-2026)

The following pages specify areas of Texas Education Law/Administrative Code permitted for this purpose.

The district’s purpose is to enhance services to students while avoiding some unfunded, partially funded, and one-size-fits-all counter-productive state mandates.

We believe we’ve “earned the right” to expand local control over such decisions. Among the most recent accolades for Pearland ISD are the following:

- Consistently designated by “Niche.com” as among the top 20 school districts in Texas.
- Designated by “TxSmartSchools” as one of less than 12 districts in Texas to achieve a 4 or 5 Star Rating for academic progress and spending levels over multiple recent years.
- Designated by TEA as “Superior” by the Financial Integrity Rating System of the Texas Education Agency.
- All STAAR scores/subjects/grades remain substantially above state averages for “all” students and for each sub-group of students (i.e. White, African American, Asian, Economically Disadvantaged) in 2019.
- “Children at Risk” ratings, as recorded by the Houston Chronicle over the past several years, rated Pearland ISD as the highest ranking school district in the Greater Houston area.
- While accountability ratings were suspended for 2020 and 2021, other results indicate continued high test scores on Advanced Placement, SAT, ACT, and some internal measures (i.e. benchmark, initial STAAR EOC results, etc.)

In conjunction with the “District of Innovation” plan, the district also advanced a new district wide strategic plan. Within that plan is “room” for the opportunities made possible by the flexibility permitted in this new innovation opportunity.

The district of innovation plan, as developed, is first and foremost intended to enhance the environment and capabilities of teachers and other instructional staff. The DEIC approving this plan is substantially composed of teachers; thus those exemptions NOT included in this plan are primarily those that might negatively affect teacher productivity or morale.

The ultimate goal of these plans (Innovation and Strategic) is to **advance innovative curriculum, instructional methods, community participation, governance of campuses, and parental involvement** – primarily by **ELIMINATING** costly and/or counter-productive compliance requirements – such that resources are focused on what really matters...

## **IMMEDIATE ADVANTAGES REAPED BY THE SPECIFIC EXEMPTIONS SOUGHT:**

**The purpose of this plan is to**

- **advance innovative curriculum,**
- **instructional methods,**
- **community participation,**
- **governance of campuses,**
- **and parental involvement.**

**The following advantages accumulate from the approval of this first edition of the District of Innovation plan:**

- Streamlined planning – such that local planning efforts take precedence over state compliance plans. This eliminates many hours of work that could be better concentrated on the needs of the district's students.
- Hiring the best teachers/staff available – rather than ensuring the individual meets state criteria.
- Improved teacher morale – by eliminating bureaucratic rules such as state enforced payroll decisions.
- Tailoring and simplifying the teacher and administrator appraisal systems such that they fit local needs – and eliminate burdensome bureaucracy.
- Giving greater flexibility over the school calendar such that it reflects the preferences of the local committee and the board – to determine what is in the best interest of its citizens (rather than the tourist industry's priorities as is now the case.)
- Giving teachers greater freedom over their instructional day by allowing them flexibility for teacher preparation/planning time.
- Giving teachers and the district local options for retention/retirement – without state "one size fits all" rules.
- Tailoring tutorial schedules to meet the needs of each individual student – rather than an arbitrary state ruling on the maximum amount of time for such purposes.
- Eliminate state reporting that takes time but delivers no advantage to the district. This includes reports on student/teacher ratios and other items.
- Delete "political" law that serves no purpose. For example, the legal requirement to designate a "Campus Behavior Coordinator" is unnecessary and redundant.
- Delete "one size fits all" law. For example, the energy conservation needs for each facility in the district vary with age and equipment. Therefore, the arbitrary requirement to reduce consumption by 5% is unnecessary. Obviously the district is already motivated to reduce energy costs – such that those funds can be used for more direct instructional purposes.

**District of Innovation Plan: Areas of State Law for potential deletions/changes:**

**Note:** The Pearland ISD will continue to investigate and consider adoption of ALL permitted exemption categories as specified by the District of Innovation legislation (TAC 102) of 2015. The following items (and the accompanying checklist) identify exemptions immediately considered or sought. But Pearland ISD reserves the right to examine and approve changes in all additional areas identified by statute or Commissioner rules:

**CHAPTER 11: School Districts**

**Subchapter D:** No changes planned at this time.

**Subchapter F:**

**11.251 – Planning and decision making:**

FOR CONSIDERATION: Curtail District/campus improvement plans to those areas required for federal/state compliance – and substitute strategic plan and Campus Accountability Plans (CAPs).

Reasoning: DIPs and CIPs are often mere compliance documents and not as helpful as the district's strategic plan or campus accountability plans (CAP). While it may be necessary to have some compliance information compiled for federal purposes, others should be researched for elimination.

**11.252 – District Level Planning –**

FOR CONSIDERATION: Reduce or eliminate plan requirements that are redundant with other local planning processes. See above. (Requirements for continued use of these plans are subject to new legislation requiring additional items within them – that aren't suited for other planning documents such as the district's strategic plan.)

**11.253 – Campus Level Planning**

FOR CONSIDERATION: Reduce or eliminate – See above. (Requirements for continued use of these plans are subject to any legislation requiring additional items within them – that aren't suited for other non-campus planning methods.)

**11.255 – Drop out reports**

FOR CONSIDERATION: Streamline reporting requirements when drop-out rate is below 2%.

Reasoning: Our Student Outreach office meticulously monitors attendance/drop-out rates – resulting in rates between 0% and .5% consistently. Therefore, state reporting functions are unnecessary – beyond what is already required elsewhere – and subsequently published in the yearly TAPR as published by TEA.

## **Chapter 21, Subchapter A:**

### **21.002 – Teacher employment contracts**

The district retains the right to change (i.e. lower) the number of contract days for teachers (from 187 days) when the school calendar and minimum minute requirements are met. The DOI plan is unanimously approved by the district's committee with the understanding that no part of it is deemed as reducing the rights of teachers.

### **21.003 – Certification required**

FOR CONSIDERATION: Allow district to decide on best person apart from whether he/she is certified.

Reasoning: There are rare times when an uncertified person is the best individual for the job. While this has not been needed thus far, there are professionals from various academic or vocational fields that can be the best choice for particular courses – even if they are not yet certified to teach – and the district may decide to employ them accordingly. It is noted that other state/federal laws have limits for this exemption – including special education and bilingual areas.

### **21.0031 – Failure to obtain Certification; Contract Void**

Reasoning: The district may determine that delays in failure to obtain certification may NOT result in loss of employment or contract “void” if it is determined that the employee's services are crucial for a specific period of time as specified by the district.

## **Subchapter B: Certification of Educators**

### **21.051 – Rules regarding Field-Based Experience and Options for Field Experience and Internships**

Reasoning: The district wishes to have the authority to develop and maintain local options and rules for Field-Based Experience and Internships.

### **21.053 – Presentation of teaching certificate before being paid**

FOR CONSIDERATION: Allow individual discretion on whether to pay a teacher before certification is presented.

Reasoning: There may be times when the individual should be paid – regardless of whether they have received certification as of the payroll date. The state shouldn't dictate a one size fits all. This will be a local decision.

### **21.057 – Parental notification**

No changes recommended at this time. However, the district retains the right to consider such changes if advantageous.

## **Subchapter C – Probationary contracts**

No changes recommended at this time. However, the district retains the right to consider such changes if advantageous.

## **Subchapter D: Continuing Contracts**

### **21.158 – Notice under Continuing Contract**

FOR CONSIDERATION: Delete requirement for Board to notify the teacher of a proposed suspension without pay (i.e. delegate to the superintendent for his discretion).

Reasoning: The superintendent manages the day to day affairs of the district. He should not need to seek Board approval for a suspension without pay. Such decisions can still be appealed to the Board; thus due process is preserved. Oftentimes, the necessity for the suspension is many days before the next called board meeting.

No other changes recommended to this Subchapter at this time. However, the district retains the right to consider such changes if advantageous.

## **Subchapter E: Term Contracts**

No changes recommended. However, the district retains the right to consider such changes if advantageous.

## **Subchapter H: Appraisals and Incentives**

### **21.352 (Local role);**

### **21.353 (Appraisal on basis of classroom teaching performance);**

### **21.354 (Appraisal of Certain Administrators);**

### **21.3541 (Appraisal and Professional Development System for Principals.)**

FOR CONSIDERATION: Allow the district to set up its own appraisal systems or to subscribe to a subset of the state's system – without following all of the requirements in Subchapter H. One exception: That the Confidentiality of evaluations be maintained as expressed in Sec. 21.355.

Reasoning: There are requirements within the state prescribed teacher and administrator evaluation system that can be unnecessarily burdensome to teachers, administrators, and others. Allowing the district to simplify adaptation of the state appraisal system would be helpful. As is now true, there are other avenues for documenting outstanding or poor performance outside the formal evaluation process. Thus simplicity should be allowed in formal teacher and administrator evaluation. At present, the district adheres to the TTESS system with some modifications.

## **Subchapter I: Duties and Benefits**

### **21.401 – Minimum Service required**

FOR CONSIDERATION: Delete requirement that an educator contract must be for a minimum of 10 months service and 187 days.

Reasoning: The length of contract should be a district decision – and molded around the minimum requirement for instructional minutes each school year. With teachers working far beyond a normal workday/work week, some flexibility with regard to shortening the contract could be considered by the district, depending on other scheduling considerations. The Board of Trustees consistently advocates for the school year to end before Memorial Day – with the traditional holidays during the school year maintained. Thus, if the Board continues to endorse and approve such schedules, flexibility with contract days is helpful to all.

### **21.4021, 21.4022 - Furloughs**

FOR CONSIDERATION: Disregard the various rules for furloughs allowing the district to substitute its own.

Reasoning: The state has inserted a number of rules about how individual districts should make decisions on furloughs. In the rare event that furloughs might be considered, those decisions should be the purview of the local district, not the state – and are therefore more likely to reflect the views of the local educators and community.

### **21.404 – Planning and Preparation Time**

Allow teachers to request that a planning and preparation period be altered (i.e. duration and timing) – such that it meets the individual needs of that teacher.

Reasoning: There have been occasional requests from teachers to re-structure their day so that they could place their conference period before the first period of the day or after the last period. Furthermore, there are times when a teacher desires to add a class above their workload (in exchange for additional pay) and needs conference times altered to accommodate this situation. If we allow teachers the freedom to request that change, it is an improvement over state law allowing no exceptions. This is NOT intended to have anyone but the teacher requesting this exception.

**Subchapter J – Staff Development: No changes forecasted at this time.**

## **Chapter 22 – School District Employees and Volunteers**

### **Subchapter A – Rights, duties, and benefits**

#### **Sec 22.007 – Incentives for Early Retirement**

FOR CONSIDERATION: This section should be deleted so that the district can offer incentives to prospective retirees – if it is in the best interest of employees and the district. While this is not something contemplated at this point in time, financial exigencies could occur in Texas that makes such incentives useful to teachers/staff and the district.

Reasoning: Individual districts should be able to offer incentives to employees without the state interfering in those decisions. There may be times when it is advantageous to the educator or to the district or both to offer/accept such incentives.

#### **Sec 22.011 – Charitable contributions**

FOR CONSIDERATION: Allow the school district to solicit charitable contributions during faculty meetings for those items that directly or indirectly benefit those in attendance.

Reasoning: There are worthy causes like the Pearland ISD Educational Foundation and PTA fundraising events that are most easily reported to educators during faculty meetings. It is awkward and time wasting to schedule separate meetings for such routine announcements/solicitations. Again, this should be a district decision, not a state decision.

## **Chapter 25: Admission, Transfer, and Attendance**

### **Subchapter C:**

#### **Section 25.0811 – First Day of Instruction**

Allow the school district to begin school based on decisions by the Board of Trustees.

Reasoning: The current law requiring a start on the 4<sup>th</sup> Monday of August or later often creates unequal semesters, poor decisions on holidays, and a later June ending to the school year. Each district, using educator and community input, should be able to make calendar decisions independent of entities (such as the tourism industry lobbyists) attempting to dictate these things through the state legislature.

#### **Section 25.083 – School Day Interruptions**

Delete the provision requiring no more than 10 percent of the school day for tutorials – and allow that to be a campus based decision.

Reasoning: Decisions on how to spend each day should be the sole purview of the campus/district; not the state. There are times, for example, when more than 10% of a child's day should be spent in tutoring aimed at either remediation or acceleration.

### **Section 25.092 – Minimum attendance for class credit or final grade**

Allow the district to develop rules for on-line course credit that does not require attendance or seat time rules.

Reasoning: With the exploding number of on-line possibilities for learning material and the recent experience with Covid remote instruction, the attendance requirements should be broadened to accommodate provisions for awarding credit based on course completion rather than daily attendance. Pearland ISD should be free to set its own rules for such credits.

## **Subchapter D: Student/Teacher Ratios; Class Size:**

### **Section 25.112- Class size**

FOR CONSIDERATION: After the school district has made a good faith effort to maintain a maximum 22:1 ratio in grades K-4, the district should not need to seek permission from the state through the Commissioner waivers process.

Reasoning: While the district intends to keep ratios as small as possible, there are times when additional children unexpectedly enroll in classrooms across the district. The district should not have to report those anomalies to the state – but instead make district/campus level decisions on this matter. In some situations the addition of another teacher, thereby splitting existing classes, is unfavorable for all concerned. The district will continue to seek a classroom ratio of 22:1 or lower when financially feasible – but should not have such decisions subject to state level notification/control. At present, the district is attempting to staff for the 2022/23 school year with a 23:1 ratio – because of financial exigencies. (Note: The DEIC stated there were concerns expressed by teachers that future boards could abuse this exemption – and allow larger class sizes.)

### **Section 25.113 – Notice of Class size**

Delete requirement to notify parents on class sizes exceeding 22:1.

Reasoning: Any parent who wants to know the size of their child's classroom can ask. The district should not be required to notify them absent such a request. Such notification can produce unnecessary misunderstandings between parents and the schools.

## **Chapter 37 – Discipline, Law and Order**

### **Subchapter A – Alternative Setting for Behavior Management**

#### **Section 37.0012 – Designation of Campus Behavior Coordinator**

Delete the requirements in this section – as they are redundant.

Reasoning: This recent legislative requirement to designate someone on each campus is a political solution to a non-existent problem. Obviously the Principal and Assistant Principals already serve in this capacity and it is unnecessary to “designate” one of them as such.

## **Chapter 44 – Fiscal Management –**

### **Subchapter B – Purchases, contracts –**

No exemptions sought at this time. The district reserves the right to address potential changes at a later date.

### **Subchapter Z – Miscellaneous Provisions**

#### **Section 44.902 – Long Range Energy Plan to reduce consumption**

Delete requirements for the district to reduce annual electric consumption by an arbitrary 5 percent and to develop plans for that purpose.

Reasoning: 5% is an arbitrary number. It is a “one size fits all” awkward law. Energy consumption and savings are a building by building, district by district calculation. Therefore, the requirements to develop plans and other bureaucratic steps to meet this arbitrary goal are unnecessary. The district will continue to look for energy savings in a variety of ways.

## **Chapter 45 – School district funds –**

**Subchapter G – School District Depositories** – No changes recommended at this time.

### **ALL AREAS:**

Note: Pearland ISD reserves the right to add/delete changes in the areas permitted by this legislation – with the consent of the DEIC and/or Board when applicable.

**CHECKLIST – FOR AREAS IMMEDIATELY CONSIDERED FOR  
EXEMPTIONS**

Term of Plan:

JAN 18, 2022 - NOV 2024

Plan applies to:

☒ Entire District

☐ Campus (list) \_\_\_\_\_

☐ Other (please describe) \_\_\_\_\_

## Chapter 11 – School Districts

### Subchapter D. Powers and Duties of Board of Trustees of Independent School Districts

☐ §11.1511 (b)(5), (14) Specific Powers and Duties of Board

☐ §11.162 School Uniforms

### Subchapter F. District-Level and Site Based Decision-Making

☒ §11.251 Planning and Decision-Making Process

☒ §11.252 District-Level Planning and Decision-Making

☒ §11.253 Campus Planning and Site-Based Decision-Making

☒ §11.255 Dropout Prevention Review

## Chapter 21 – Educators

### Subchapter A – General Provisions

☒ §21.002 Teacher Employment Contracts

☒ §21.003 Certification Required

☒ §21.0031 Failure to Obtain Certification; Contract Void

### Subchapter B – Certification of Educators

☒ §21.051 Rules Regarding Field-Based Experience and Options for Field Experience and Internships.

☒ §21.053 Presentation and Recording of Certificates

☒ §21.057 Parental Notification

☒ Subchapter C – Probationary Contracts

☒ Subchapter D – Continuing Contracts *21.158 ONLY*

☒ Subchapter E – Term Contracts

### Subchapter H – Appraisals and Incentives

☒ §21.352 Local Role

☒ §21.353 Appraisal on Basis of Classroom Teaching Performance

☒ §21.354 Appraisal of Certain Administrators

☒ §21.3541 Appraisal and Professional Development System for Principals

### Subchapter I – Duties and Benefits

☒ §21.401 Minimum Service Required

☐ §21.402 Minimum Salary Schedule for Certain Professional Staff

☒ §21.4021 Furloughs

- ☒ §21.4022 Required Process for Development of Furlough Program or Other Salary Reduction Proposal
- ☐ §21.403 Placement on Minimum Salary Schedule
- ☐ §21.4031 Professional Staff Service Records
- ☐ §21.4032 Reductions in Salaries of Classroom Teachers and Administrators
- ☒ §21.404 Planning and Preparation Time
- ☐ §21.405 Duty-Free Lunch
- ☐ §21.406 Denial of Compensation Based On Absence for Religious Observance Prohibited
- ☐ §21.407 Requiring or Coercing Teachers to Join Groups, Clubs, Committees, or Organizations: Political Affairs
- ☐ §21.408 Right To Join or Not To Join Professional Association
- ☐ §21.409 Leave Of Absence for Temporary Disability
- ☐ §21.415 Employment Contracts
- Subchapter J – Staff Development**
- ☐ §21.451 Staff Development Requirements
- ☐ §21.452 Developmental Leaves of Absence
- ☐ §21.458 Mentors

## **Chapter 22 – School District Employees and Volunteers**

### **Subchapter A – Rights, Duties, and Benefits**

- ☒ §22.001 Salary Deductions for Professional Dues
- ☐ §22.002 Assignment, Transfer, or Pledge of Compensation
- ☐ §22.003 Minimum Personal Leave Program
- ☐ §22.006 Discrimination Based on Jury Service Prohibited
- ☒ §22.007 Incentives for Early Retirement
- ☒ §22.011 Requiring or Coercing Employees to Make Charitable Contributions

## **Chapter 25 – Admission, Transfer, and Attendance**

### **Subchapter C – Operation of Schools and School Attendance**

- ☒ §25.0811 First Day of Instruction
- ☐ §25.0812 Last Day of School
- ☒ §25.083 School Day Interruptions
- ☒ §25.092 Minimum Attendance for Class Credit or Final Grade

### **Subchapter D – Student/Teacher Ratios; Class Size**

- ☒ §25.111 Student/Teacher Ratios
- ☒ §25.112 Class Size
- ☒ §25.113 Notice of Class Size
- ☐ §25.114 Student/Teacher Ratios in Physical Education Classes; Class Size

## **Chapter 37 – Discipline; Law and Order**

### **Subchapter A – Alternative Setting for Behavior Management**

- ☒ §37.0012 Designation of Campus Behavior Coordinator
- ☐ §37.002 Removal by Teacher

## **Chapter 44 –Fiscal Management**

### **Subchapter B – Purchases; Contracts**

- ☐ §44.031 Purchasing Contracts
- ☐ §44.0331 Management Fees Under Certain Cooperative Purchasing Contracts
- ☐ §44.0352 Competitive Sealed Proposals
- ☐ §44.042 Preference to Texas and United States Products
- ☐ §44.043 Right To Work
- ☐ §44.047 Purchase or Lease of Automated External Defibrillator

### **Subchapter Z – Miscellaneous Provisions**

- ☐ §44.901 Energy Savings Performance Contracts
- ☒ §44.902 Long-Range Energy Plan to Reduce Consumption of Electric Energy
- ☐ §44.903 Energy-Efficient Light Bulbs in Instructional Facilities
- ☐ §44.908 Expenditure of Local Funds

## **Chapter 45 – School District Funds**

### **Subchapter G – School District Depositories**

- ☐ §45.205 Term of Contract
- ☐ §45.206 Bid Or Request for Proposal Notices; Bid and Proposal Forms
- ☐ §45.207 Award of Contract
- ☐ §45.208 Depository Contract; Bond
- ☐ §45.209 Investment of District Funds

### **Other**

Please list any additional exemption required for your Innovation District Plan:

**EXECUTIVE SUMMARY AND RESOLUTION SUPPORTING  
THE EXTENSION OF PEARLAND ISD AS A “DISTRICT OF  
INNOVATION”**

**INITIALLY CONSIDERED BY THE BOARD ON SEPTEMBER  
14, 2021**

**APPROVED BY THE BOARD ON OCTOBER 12, 2021**



## Board of Trustees Agenda Item Information

**Meeting Date** September 14, 2021

**Meeting Type**

- ☒ Regular Meeting
- ☐ Special Meeting/Workshop
- ☐ Hearing

**Agenda Placement**

- |  |  |
|--|--|
| <input type="checkbox"/> Public Hearing          | <input type="checkbox"/> Administrative Report     |
| <input checked="" type="checkbox"/> Open Session | <input checked="" type="checkbox"/> Consent Agenda |
| <input type="checkbox"/> Executive Session       | <input type="checkbox"/> Regular Agenda            |
| <input type="checkbox"/> Recognition             | <input type="checkbox"/> Information/Discussion    |

**Date Submitted:** August 19, 2021

**Subject:** Consider Resolution Supporting the Extension of Pearland ISD as a "District of Innovation"

**Executive Summary:** Last month, the Board was provided the following information. However, a review of the audio from the meeting disclosed that no actual vote was recorded for this item. This was inadvertent. Thus, this item is submitted again for Board approval.

Texas public schools are inundated with state and federal unfunded and partially funded mandates in the form of regulations. The Texas legislature, during 2015 session, wisely created new flexibility titled "Districts of Innovation". In short, districts so designated can develop a plan that provides for exemption from burdensome state regulations inhibiting the district's goals.

Pearland ISD worked to achieve this designation in November 2016 and now seeks to renew its existence 5 years after initial implementation. The following steps are required:

1. The district must meet academic performance standards set by the state. Pearland ISD has met and exceeded those standards every year.
2. A board resolution must be passed initiating the extension process. See attached.
3. The district must convene a public hearing allowing members of the public to participate – at which the board decides whether to extend as a "district of innovation". That hearing opportunity is available at this August 16 meeting.
4. The editing and re-approval of the DOI plan by the Administration with the affirmation of the DEIC (District Educational Improvement Committee). That committee is already established in Pearland ISD, required by law, and has voted unanimously to approve a draft of its continuation.
5. After the superintendent notifies TEA of our intent/date to vote on the plan, the Board may then vote (by a 2/3rds majority) to approve the plan (later this fall.)
6. Following final approval of the plan, the district must post it on the district website for a 30 day period to allow viewing by the public.
7. If approved by the Board, the district must also report the specific exemptions it contains - to TEA.

Here are some of the advantages in this designation:

- The Board is able to continue its control over the school year calendar. For example, the district can finish the school year before Memorial Day as parents/board desired.
- The Board can continue to favorably alter (i.e. shorten) teacher contract length and other provisions when desired.

- The district strategic plan can be more efficiently implemented in the absence of some state guidelines.
- The district can grant flexibility to teachers regarding the scheduling of their conference periods.
- The district has more flexibility with regard to use of accumulated state leave for employees – such that more individual teacher discretion is allowed.
- The district may waive some attendance related rules for students who achieve course completions – without regard for the 90% attendance rule. (In today's world of on-line courses, such flexibility for standard in-class courses can be beneficial.)

The CURRENT District of Innovation Plan can be found at:

[https://www.pearlandisd.org/cms/lib/TX01918186/Centricity/shared/district documents/District of Innovation Plan for Nov16 Board Consideration.pdf](https://www.pearlandisd.org/cms/lib/TX01918186/Centricity/shared/district%20documents/District%20of%20Innovation%20Plan%20for%20Nov16%20Board%20Consideration.pdf)

It is recommended that the Board approve the attached resolution.

**Fiscal Impact:**

**Cost:**

- ☐ Recurring  
☐ One-Time  
☒ No Fiscal Impact

**Funding Source:**

- ☐ General Fund  
☐ Grant Funds  
☐ Other Funds (Specify)

**Fiscal Year:**

Amendment Required?

- ☐ Yes  
☒ No

**Superintendent's Recommendation:** Move that the Board approve the resolution regarding extension of designation as a "district of innovation" as presented in the Board Packet. And that the Board request the DEIC and Administration to edit and approve the final Innovation Plan for submission to the Board in Fall 2021.

**Department Submitting:** Superintendent

**Requested By:** Superintendent, DEIC, Cabinet

**Cabinet Member's Approval:** N/A

**Board Approval Required:** ☒ Yes ☐ No

## ***Resolution***

### **For Pearland ISD to Initiate the Process of Designation as a District of Innovation Under HB 1842**

WHEREAS, the Pearland ISD Board of Trustees is committed to “world class” achievement for every child; and,

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

WHEREAS, Texas districts designated as Districts of Innovation may be exempted from a number of state statutes; and,

WHEREAS, the Pearland ISD Board of Trustees has a long-standing practice of supporting innovation for the benefit of students; and,

WHEREAS, the Pearland ISD Board of Trustees believes that it can be a better decision-making body for students when it has freedom and unfettered financial resources to exercise local control over the decision-making process; and,

WHEREAS, HB 1842 requires districts seeking to be designated as Districts of Innovation to develop a local innovation plan; and,

WHEREAS, the Pearland ISD Board of Trustees believes that a local innovation plan, if created, should be developed in sync with the District’s strategic plan; and,

WHEREAS, before considering the creation of a local innovation plan, the Pearland ISD Board of Trustees conducted a public hearing at the August 16, 2021 meeting to receive any feedback from District stakeholders.

NOW, THEREFORE BE IT RESOLVED THAT the Pearland Independent School District Board of Trustees on October 12, 2021, initiates the process of considering designation of the District as a District of Innovation under HB 1842.

Approved by the Pearland ISD Board of Trustees at the October 12, 2021 meeting by a vote of 6 to 0.

*ORIGINAL SIGNED*

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SEAN MURPHY  
Board President

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JEFF BARRY  
Board Vice President

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REBECCA DECKER  
Board Secretary

**COMMISSIONER'S RULES CONCERNING INNOVATION  
DISTRICT**

## **Chapter 102. Educational Programs**

### **Subchapter JJ. Commissioner's Rules Concerning Innovation District**

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#### **§102.1301. Definitions.**

For purposes under this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

- (1) **District-level committee**--This term has the meaning assigned by the Texas Education Code (TEC), §11.251, or a comparable committee if the district is exempted (or has exempted itself) from this provision.
- (2) **Innovation plan committee**--A committee appointed by the board of trustees to develop the innovation plan in accordance with statutory requirements. The district-level committee, as described in paragraph (1), may also serve in this role.
- (3) **Public hearing**--An open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation and provides the opportunity for the public to give opinions and comments on the proposed actions.
- (4) **Public meeting**--An open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation.
- (5) **Unacceptable academic performance rating**--For the purposes of this chapter, the term "unacceptable academic" performance rating means a rating of Improvement Required or Unacceptable Performance or as otherwise indicated in the applicable year's academic accountability manual adopted under §97.1001 of this title (relating to Accountability Rating System).
- (6) **Unacceptable financial accountability rating**--For the purposes of this chapter, the term "unacceptable financial" performance rating means a Financial Integrity Rating System of Texas (FIRST) rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual adopted under §109.1001 of this title (relating to Financial Accountability Rating).

*Statutory Authority: The provisions of this §102.1301 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1301 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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#### **§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.

*Statutory Authority: The provisions of this §102.1303 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1303 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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#### **§102.1305. Process Timeline.**

(a) If a resolution is adopted by the board of trustees or upon receipt of a petition signed by a majority of the members of the district-level committee, the board of trustees shall hold a public hearing as soon as possible, but not later than 30 days, to consider if the district should develop a local innovation plan for the designation of the district as an innovation district.

(b) At the conclusion of the public hearing, or within 30 days after conclusion of the public hearing, the board of trustees may:

(1) decline to pursue designation of the district as an innovation district; or

(2) appoint an innovation plan committee to develop a local innovation plan in accordance with the TEC, §12A.003.

(c) The board of trustees may outline the parameters around which the innovation plan committee may develop the plan.

(d) Prior to the designation as an innovation district, a local innovation plan must be developed for the school district and shall meet the plan requirements as outlined in the TEC, §12A.003, and described in this subchapter.

(e) The plan must be clearly posted on the district's website for the term of the designation as an innovation district.

*Statutory Authority: The provisions of this §102.1305 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1305 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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#### **§102.1307. Adoption of Local Innovation Plan.**

(a) The board of trustees may not vote on adoption of a proposed local innovation plan unless:

(1) the final version of the proposed plan has been available on the district's website for at least 30 days;

(2) the board of trustees has notified the commissioner of education of the board's intention to vote on adoption of the proposed plan; and

(3) the district-level committee established under the Texas Education Code (TEC), §11.251, has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. This public meeting may occur at any time, including up to or on the same date at which the board intends to vote on final adoption of the proposed plan.

(b) A board of trustees may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.

(c) On adoption of a local innovation plan, the district:

(1) is designated as a district of innovation under this subchapter for the term specified in the plan but no longer than five calendar years, subject to the TEC, §12A.006;

(2) shall begin operation in accordance with the plan; and

(3) is exempt from state requirements identified under the TEC, §12A.003(b)(2).

(d) The district shall notify the commissioner of approval of the plan along with a list of approved TEC exemptions by completing the agency form provided in the figure in this subsection.

**Figure: 19 TAC §102.1307(d)**

(e) A district's exemption described by subsection (c)(3) of this section includes any subsequent amendment or redesignation of an identified state requirement, unless the subsequent amendment or redesignation specifically applies to an innovation district.

*Statutory Authority: The provisions of this §102.1307 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1307 adopted to be effective September 13, 2016, 41 TexReg 7089.*

**§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;

(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.

*Statutory Authority: The provisions of this §102.1309 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1309 adopted to be effective September 13, 2016, 41 TexReg 7089.*

The term of a district's designation as a district of innovation may not exceed five calendar years and is effective upon district approval and notification of the plan to the Texas Education Agency. A district may only have one innovation plan at any given time.

**Statutory Authority:** *The provisions of this §102.1311 issued under the Texas Education Code, §§12A.001-12A.009.*

**Source:** *The provisions of this §102.1311 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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#### **§102.1313. Amendment, Rescission, or Renewal.**

(a) A district innovation plan may be amended, rescinded, or renewed if the action is approved by a majority vote of the district-level committee established under the Texas Education Code (TEC), §11.251, or a comparable committee if the district is exempt from that section, and a two-thirds majority vote of the board of trustees.

(1) **Amendment.** An amendment to an approved plan does not change the date of the term of designation as an innovation district. Exemptions that were already formally approved are not required to be reviewed.

(2) **Rescission.** A district must notify the Texas Education Agency within five business days of rescission and provide a date at which time it will be in compliance with all sections of the TEC, but no later than the start of the following school year.

(3) **Renewal.** During renewal, all sections of the plan and exemptions shall be reviewed and the district must follow all components outlined in §102.1307 of this title (relating to Adoption of Local Innovation Plan).

(b) The district shall notify the commissioner of education of any actions taken pursuant to subsection (a) of this section along with the associated TEC exemptions and local approval dates.

**Statutory Authority:** *The provisions of this §102.1313 issued under the Texas Education Code, §§12A.001-12A.009.*

**Source:** *The provisions of this §102.1313 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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#### **§102.1315. Termination.**

(a) The commissioner of education may:

(1) terminate a district's designation as a district of innovation if, beginning with its ratings in the year of designation, the district is assigned for two consecutive school years:

(A) a final unacceptable academic performance rating under the Texas Education Code (TEC), §39.054;

(B) a final unacceptable financial accountability rating under the TEC, §39.082; or

(C) a final unacceptable academic performance rating under the TEC, §39.054, for one of the school years and a final unacceptable financial accountability rating under the TEC, §39.082, for the other school year; or

(2) permit the district to amend the district's local innovation plan to address concerns specified by the commissioner in lieu of terminating the designation as described in paragraph (1) of this subsection.

(b) The commissioner shall terminate a district's designation as a district of innovation if, beginning with its ratings in the year of designation, the district is assigned for three consecutive school years:

(1) a final unacceptable academic performance rating under the TEC, §39.054;

(2) a final unacceptable financial accountability rating under the TEC, §39.082; or

(3) any combination of one or more unacceptable ratings under paragraph (1) of this subsection and one or more unacceptable ratings under paragraph (2) of this subsection.

(c) Upon termination of an innovation plan, a district must return to compliance with all specified areas of the TEC by a date to be determined by the commissioner.

(d) A decision by the commissioner under this section is final and may not be appealed.

*Statutory Authority: The provisions of this §102.1315 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1315 adopted to be effective September 13, 2016, 41 TexReg 7089.*

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**For more information, email [rules@tea.texas.gov](mailto:rules@tea.texas.gov).**

**LETTER TO TEXAS EDUCATION  
COMMISSIONER MORATH**

**NOTIFYING TEA OF INTENTION  
TO VOTE ON ADOPTION/RENEWAL OF  
PEARLAND ISD'S DISTRICT OF INNOVATION PLAN**



# PEARLAND ISD

**John P. Kelly, Ph.D.**  
*Superintendent*

October 13, 2021

**TO: Mike Morath, Commissioner of Education**  
**Texas Education Agency**  
**1701 N. Congress Ave.**  
**Austin, Texas 78701**

**RE: Notice of Intention to vote on adoption/renewal of a "District of Innovation" Plan**

Dear sir:

Per Chapter 102 of the Texas Education Code, the Pearland ISD is in the process of renewing and re-adopting a District of Innovation Plan. Specifically:

- After a public hearing on August 16, 2021 and a subsequent vote on October 12, 2021, the Board unanimously adopted a resolution to update and renew the district's innovation plan. As in the original DOI plan, the district's District Educational Improvement Committee (DEIC) weighed in on its final development/renewal and thereafter approved it unanimously,
- The plan now resides on the district's website for the required 30 or more days.
- It is the intention of the Board to vote on the final adoption of that plan at its November 2021 regular meeting.

Sincerely,

*ORIGINAL SIGNED*

**Sean Murphy**  
**President, Pearland ISD Board of Trustees**

**EXECUTIVE SUMMARY OF  
JANUARY 18, 2022 BOARD OF TRUSTEES AGENDA ITEM  
RELATED TO: DISTRICT OF INNOVATION FINAL APPROVAL FOR  
EXTENSION**

**FOLLOWED BY MINUTES FROM THE JANUARY 18, 2022 MEETING  
INDICATING UNANIMOUS APPROVAL OF THE DISTRICT OF INNOVATION  
PLAN EXTENSION – AS RECOMMENDED.**



## Board of Trustees Agenda Item Information

**Meeting Date** January 18, 2022

**Meeting Type**

- ☒ Regular Meeting
- ☐ Special Meeting/Workshop
- ☐ Hearing

**Agenda Placement**

- |  |  |
|--|--|
| <input type="checkbox"/> Public Hearing          | <input type="checkbox"/> Administrative Report     |
| <input checked="" type="checkbox"/> Open Session | <input checked="" type="checkbox"/> Consent Agenda |
| <input type="checkbox"/> Executive Session       | <input type="checkbox"/> Regular Agenda            |
| <input type="checkbox"/> Recognition             | <input type="checkbox"/> Information/Discussion    |

**Date Submitted:** January 10, 2022

**Subject:** Final approval of District of Innovation Extension/Update

**Executive Summary:** The Administration has followed the various steps required for extending the existing District of Innovation Plan as required in Texas law. This is made possible by HB 1842, passed in Spring 2015. The initial plan served from November 2016 to November 2021.

- The Board designated the large District Educational Improvement Committee (DEIC) to develop the District of Innovation Plan in conjunction with the administration.
- The DEIC, after review of the draft plan, gave unanimous approval to the developed plan. That meeting was also open to the general public.
- As required, the Board passed a new resolution indicating their intention of approving the extension of the original plan. The Board passed this resolution at the regular October 12, 2021 meeting.
- TEA was then notified that the district intends to vote on the plan at the November 2021 board meeting. However, the Superintendent wanted to give one more opportunity to administration to review the plan and thus the vote was postponed until this January 2022 meeting.
- The administration also placed the intended plan on the district's website for the required 30 day period.
- The Board of Trustees may now vote to formally adopt the plan at this meeting.
- If the plan is approved the district must report its approval to T.E.A.

The entire draft plan can be viewed at:

<https://www.pearlandisd.org/site/default.aspx?PageID=13118>

In summary, the purpose of this plan is to

- advance innovative curriculum,
- instructional methods,
- community participation,
- governance of campuses,
- and parental involvement.

**The following advantages accumulate from the approval of this District of Innovation plan:**

- Streamlined planning – such that local planning efforts take precedence over state compliance plans. This eliminates many hours of work that could be better concentrated on the needs of the district's students.

- Hiring the best teachers/staff available – rather than ensuring the individual meets state criteria. (It is noted that some SBEC hiring restrictions remain, particularly for special education and bilingual/ESL teachers.)
- Improved teacher morale – by eliminating bureaucratic rules such as state enforced payroll decisions.
- Tailoring and simplifying the teacher and administrator appraisal systems such that they fit local needs – and eliminate burdensome bureaucracy.
- Giving greater flexibility over the school calendar such that it reflects the preferences of the local committee and the board – to determine what is in the best interest of its citizens (rather than the tourist industry's priorities as is now the case.)
- Give teachers greater freedom over their instructional day by allowing them flexibility for teacher preparation/planning time.
- Giving teachers and the district local options for retention/retirement – without state “one size fits all” rules.
- Tailoring tutorial schedules to meet the needs of each individual student – rather than an arbitrary state ruling on the maximum amount of time for such purposes.
- Eliminate state reporting that takes time but delivers no advantage to the district. This includes reports on student/teacher ratios and other items.
- Delete “political” law that serves no purpose. For example, the legal requirement to designate a “Campus Behavior Coordinator” is unnecessary and redundant given that both Principals and Assistant Principals already fulfill that role.
- Delete “one size fits all” law. For example, the energy conservation plans for each facility in the district varies with its age and equipment. Therefore, the arbitrary requirement to reduce consumption by 5% is unnecessary. Obviously, the district is already motivated to reduce energy costs – such that those funds can be used for more direct instructional purposes. The ability to reduce such costs depend on factors unique to each facility.

**Fiscal Impact:**

**Cost:** The plan may save the district money in the coming years.

- ☐ Recurring  
☐ One-Time  
☒ No Negative Fiscal Impact

**Funding Source:**

- ☐ General Fund  
☐ Grant Funds  
☐ Other Funds (Specify)

**Fiscal Year:**

Amendment Required?

- ☐ Yes  
☒ No

**Superintendent's Recommendation:** That the board approves the District of Innovation Plan as presented.

**Department Submitting:** DEIC/Superintendent

**Requested By:** Dr. Kelly,  
Superintendent

**Cabinet Member's Approval:** NA

**Board Approval Required:** ☒ Yes ☐ No

FROM JAN 18, 2022 MINUTES OF  
THE PEARLAND ISD BOARD MEETING

President Murphy closed the Public Hearing at 7:12 or 7:45 pm.

New Business

**Consent Agenda**

President Murphy asked if members of the Board would like to remove an item from the consent agenda.

Trustee Schoeffler requested to remove agenda item 11.A.8

The following were then voted on:

**Approval of Minutes**

**11.A.1** Approval of the minutes of the Regular Board Meeting on November 9, 2021 and Special Board Meeting on November 15, 2021.

**Supplemental Pay**

**11.A.2** Approval of mid-year supplemental pay for the retention of bus drivers.

**District of Innovation**

**11.A.3** Approval of final district of innovation extension and update.

**Policy Update 118**

**11.A.4** Approval of TASB's localized policy manual update 118.

**Investment Policy  
and Training**

**11.A.5** Approval of investment policy and investment training providers.

**Investment Officers**

**11.A.6** Approval of designation of district authorized investment officers.

**Stadium Turf**

**11.A.7** Approval of final payments for Pearland ISD stadium turf replacement.

**PA Systems**

**11.A.9** Approval of final payment for the PA system controls replacement.

**Searcy Gym Floor**

**11.A.10** Approval of final payment for the Searcy gym floor replacement.

- A motion was made by Trustee Barry and seconded by Trustee Carbone that items 11.A.1, 11.A.2, 11.A.3, 11.A.4, 11.A.5, 11.A.6, 11.A.7, 11.A.9 and 11.A.10 of the consent agenda be approved as presented.

Motion carried 6-0 with Secretary Decker absent.

**Portable Air Filters**

**11.A.8** Approval of purchase of portable air purifiers and filters.

A discussion followed with questions answered by Monique Mason on the longevity of the filters being 6 months. Mr. Larry Berger answered questions about the locations of the purifier location (which was large common areas at our campuses). Jorgannie Carter spoke about the specific uses of the grant which is time sensitive and decision to make purchases within a certain criteria.

- A motion was made by Trustee Schoeffler and seconded by Trustee Barry that the Board approve the purchase of portable air purifiers and filters.

**REQUIRED EMAIL TO  
THE TEXAS EDUCATION AGENCY COMMISSIONER  
AFTER BOARD ADOPTION OF  
DISTRICT OF INNOVATION EXTENSION**

**Kelly, John**

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**From:** Kelly, John  
**Sent:** Thursday, January 20, 2022 6:32 PM  
**To:** 'Commissioner@tea.texas.gov'  
**Cc:** 'Accred@tea.texas.gov'  
**Subject:** District of Innovation - Notice of adoption of Renewal

Dear Commissioner/Accreditation Dept.:

The Pearland ISD adopted a five year renewal of its District of Innovation plan during the January 18, 2022 board meeting by unanimous vote. As indicated in earlier correspondence to TEA, all of the requirements for renewal have been completed – including the requirement for hearing/approval by the district committee, appropriate notifications to citizens, placement of the plan on our website for more than 30 days, notification to the Commissioner of intent to vote on the proposed plan, etc.

(Although the plan was originally slated for a Board adoption vote in November 2021, the administration did an additional final review of it before submission to the Board of Trustees for adoption in January 2022. No further changes were initiated as a result of that final review.)

Note: As communicated to districts by the Division of Accreditation and Enforcement, the district acknowledges that special education and bilingual/ESL teachers must continue to be SBEC certified. Also, that legislative changes from the 87<sup>th</sup> Legislative Session were reviewed.

Contained within the plan listed on the attached website – is the checklist of required locally approved TEC exemptions: [https://www.pearlandisd.org/cms/lib/TX01918186/Centricity/shared/district documents/District of Innovation Board Consideration 2021.pdf](https://www.pearlandisd.org/cms/lib/TX01918186/Centricity/shared/district%20documents/District%20of%20Innovation%20Board%20Consideration%202021.pdf)

Sincerely,

JOHN P. KELLY, Ph.D.  
Superintendent, Pearland ISD

