



## DISTRICT OF INNOVATION PLAN AMENDMENT

*June 2024*

The 84<sup>th</sup> Legislative Session passed House Bill 1842, which allows school districts to be exempt from certain provisions of the Texas Education Code (TEC) through designation as a District of Innovation. Innovation districts are provided flexibility to positively impact student achievement and improve the quality of services for all educational stakeholders.

In order to best serve our students and align learning to district goals, Beaumont ISD developed a five-year District of Innovation Plan originally approved by the BISD Board of Managers on January 19, 2018. The Plan was later amended on March 24, 2020, and set to expire in January of 2023. In order to allow for consistency for the duration of the 2022-2023 school year, the District Educational Improvement Committee (DEIC) has reviewed and revised the plan to be renewed for another five-year period upon approval by the Board of Trustees.

The term of the plan is for five years, with an anticipated start date for the 2022-2023 school year and ending at the conclusion of the 2026-2027 school year, unless terminated or renewed by the Board of Trustees in accordance with the law. The plan may be amended at any time by the DEIC with the approval of the Board of Trustees in accordance with Texas Education Code section 12A.007.

Innovation status does not exempt school districts from statutes related to curriculum, graduation requirements, academic accountability, or financial accountability, and BISD does not seek exemption from these important educational guideposts.

With regard to each area of innovation, Beaumont ISD 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 the State Board of Education.

**School Start Date (Included in Original DOI Plan)**

**Exemption from:** TEC 25.0811

**Related Board Policies:** EB (Legal)

**Current Statute:** TEC 25.0811 states that a school district may not begin instruction for students for a school year before the fourth Monday in August.

**Challenge Created by Current Statutes:** These statutes allow 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.

**Innovation Strategies:** BISD will continue collaborative local processes to create an annual academic calendar that aligns with the goals of balancing academic grading periods, considers local community and county events that impact student attendance, and includes regular professional learning opportunities for district personnel. The district will also work collaboratively with partnering school districts and Institutes of Higher Learning (IHL) to align academic calendars to benefit students participating in programs and/or activities provided through shared services, cooperatives, and other academic groups.

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**Professional Employee Certification (Amended from Original DOI Plan)**

**Exemption from:** TEC 21.003, 21.051, 21.053, 21.055, 21.057, and 37.008(a)(7)

**Related Board Policies:** DBA (Legal) and (Local); DK (Legal) and (Local)

**Current Statutes:** 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.

TEC 21.051 requires an individual to have completed at least 15 hours of field-based experience that includes instructional or education activities before a school district can employ the individual as the teacher of record.

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 21.055 identifies the criteria a school district must comply with before issuing a school district teaching permit including solicitation of consent from the Commissioner of Education for core subject area certification.

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

TEC 37.008(a)(7) requires teachers assigned to a school district's Discipline Alternative Education Program to be certified in accordance with Chapter 21 of the education code.

**Challenges Created by Current Statutes:** The identified sections relate to the certification of educators and provide that a person may not be employed as a teacher by a school district unless the person holds the appropriate certificate or permit 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 his or her certification, a district may request emergency certification from the Texas Education Agency. In addition, a teacher must present his or her certificate to the district before his or her employment contract will be binding, and prohibits the district from paying an educator as a teacher if the educator does not hold a valid certificate at the time. The process to issue local teaching permits is cumbersome, and the District has no authority to issue local teaching permits in core academic areas without approval from the TEA commissioner. The district is required to submit written notice to parents if an inappropriately certified teacher is assigned to a classroom for more than thirty-consecutive instructional days. The indicated statutes do not consider the unique recruitment challenges Beaumont ISD faces.

**Innovation Strategies:** The District will maintain high standards for teacher qualification and will make every attempt to hire individuals with appropriate certifications for the positions available in the district. However, BISD will have the flexibility to hire individuals who are knowledgeable in the subject area and equipped to perform the position's duties effectively. Positions most likely to be



filled with locally certified personnel include, but are not limited to, Career and Technology Education (CTE), Languages Other Than English, and other hard-to-fill positions.

The campus principal may submit to the Human Resources Department a request for local certification that will allow an already certified teacher to teach a course or grade level for which he or she is not certified. The principal must specify in writing the reason for the request and document the credentials or life experience the individual possesses that qualifies the person to teach the proposed subject.

Teachers that do not have SBEC certification will be provided teacher mentoring, increased observations and feedback, professional development, instructional resources, and additional support as needed.

Except as required by federal law, notice regarding teacher certification will not be mailed to parents. BISD will notify parents of teacher qualifications upon request.

### **Probationary Contracts**

**Exemption from:** TEC 21.102(b)

**Related Board Policies:** DCA (Legal)

**Current Statute:** TEC 21.102(b) states that a probationary contract may not be for a term exceeding one school year and may be renewed for a maximum permissible probationary period of three school years for teachers new to the profession. Additionally, for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the district, the probationary period may not exceed one year.

**Challenge Created by Current Statute:** At times, education preparation programs or prior employers have not sufficiently prepared educators for success in the classroom. In these instances, the probationary period time constraints force the district to terminate probationary contracts rather than offer term contracts to teachers who need a longer probationary period for further development.

**Innovation Strategies:** The district will continue to invest in the orientation and development of teachers new to the profession and those new to the district. In



Beaumont ISD, an individual new to the profession will have up to a four-year probationary period. An individual new to the district, but not to the profession, will have up to a two-year probationary period. The extended time period allows the employee appropriate time to demonstrate the level of mastery expected by Beaumont ISD. This will assist the district in retaining teachers with whom it has invested valuable time and resources. It does not, however, require an extended probationary period. Campus and district administrators will maintain the option to make annual employment decisions based on teacher proficiency and potential.

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### **Planning and Preparation Periods**

**Exemption From:** TEC 21.404

**Related Board Policies:** DL (Legal)

**Current Statute:** TEC 21.404 requires that each classroom teacher be provided at least 450 minutes within each two-week period for instructional preparation, including parent-teacher conferences, evaluating students' work, and planning.

**Challenges Created by Current Statute:** There is no flexibility for teachers to earn additional compensation by electing to teach more courses and waive the statutorily required planning time.

**Proposed Innovation Strategies:** In order to allow our students greater access to quality teachers and provide more flexibility in the campus master schedules, Beaumont ISD will allow teachers to waive their planning and preparation time to teach additional courses. Teachers that elect to waive their planning and preparation time to provide student instruction will be provided additional compensation.

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### **Prekindergarten – Grade 4 Class Size**

**Exemption from:** TEC 25.111, 25.112, and 25.113

**Related Board Policies:** EEB (Legal) and (Local)

**Current Statutes:** TEC 25.111 requires that each school district employ a sufficient number of certified teachers to maintain an average ratio of not less than one teacher for each 20 students in average daily attendance.



TEC 21.112 and TEC 25.113 requires districts to maintain a class size of 22 students or less for prekindergarten through 4<sup>th</sup> Grade classes. When any class exceeds this limit, the district must complete and file a waiver with the Texas Education Agency. In addition, school districts are required to notify parents of waivers or exceptions to the class size limits.

**Challenge Created by Current Statutes:** The process to solicit a class size waiver from TEA inputs unnecessary bureaucracy, as the Agency rarely denies a school district's request for a class size waiver. Moreover, in many cases, the district can modify schedules or a shift in student population allows for the class to return to the 22:1 ratio before the waiver is approved by TEA.

**Innovative Strategies:** Decisions regarding the appropriate student to teacher ratios will be made at the local level, taking into consideration the age and grade level of the students, the subject matter of the class, the needs of individual teachers and student groups, and the availability of additional instructional staff members.

BISD will begin each school year in accordance with the staffing guidelines set by the State. If any class size exceeds this ratio during the school year, the Superintendent will report this information to the Board of Trustees. A TEA waiver request will not be filed when a PreK-4 classroom exceeds the statutory ratio and notification to parents will not occur unless the classroom exceeds the statutory ratio for a period of one semester.



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**Inter-District Transfers**

**Exemption from:** TEC 25.036

**Related Board Policies:** FDA (Legal) and (Local)

**Current Statute:** TEC 25.036 allows a district to accept, as transfers, students who are not entitled to enroll in the district; however, a transfer term is interpreted to be for a period of one school year.

**Challenge Created by Current Statute:** BISD maintains a policy that requires an annual application/renewal policy for inter-district transfers. Transfer students are expected to follow the rules and regulations of the district. The one-year commitment to accept a transfer student prohibits the district from taking action to revoke a student's transfer status during the school year, should the student fail to meet the district's conduct expectations.

**Innovative Strategy:** Beaumont ISD will not grant transfer status on a one-year basis, and a student's inter-district transfer status may be revoked at any time during the school year by the Superintendent or her designee if the student:

1. Engages in persistent (documented over time) misbehavior,
2. Engages in conduct that warrants in or out of school suspension,
3. Is placed in a disciplinary alternative program,
4. Is expelled, or
5. Attendance falls below the TEA truancy standard despite due diligence on behalf of campus leadership.

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**Mandatory DAEP Placement-E-Cigarettes, unrelated to THC (New)**

**Exemption from:** TEC 37.006(a)(2)(C-2)

**Related Board Policies:** FOC (Legal) and FOCA (Legal)

**Current Statute: Texas Education Code Section** Effective September 1, 2023, TEC 37.006(a)(2)(C-2) was added to Chapter 37 of the Texas Education Code pursuant to the 88<sup>th</sup> Texas Legislature's passage of HB 114 during the Summer of 2023. Accordingly, as of September 1, 2023, TEC 37.006(a)(2)(C-2) requires the District to place students in the District's Disciplinary Alternative Education Program



(DAEP) when the student is found to possess, use, sell or deliver, an e-cigarette (vape) on or within 300 feet of District property or while attending a school-sponsored or school-related activity on or off school property.

**Challenge Created by Current Statute:** The recently adopted legislation eliminates school district discretion in administering discipline for students in possession of an e-cigarette (vape) at or near school. BISD's DAEP is limited in size and staffing. With high frequency of vape offenses, the recent amendment to Chapter 37 has forced BISD to fill its DAEP seats with low-risk students. The District acknowledges that the statute provides the authority to move students with vape offenses between in-school suspension (ISS) and DAEP when the DAEP is at capacity; however, the resulting inconsistency in the educational environment has demonstrated detrimental to student progress and creates unnecessary paperwork and burden on the administrators and teachers providing instruction in the ISS and DAEP.

**Innovation Strategies:** BISD will implement its prior disciplinary practice and assign disciplinary consequences to students for non-THC, e-cigarette offenses in accordance with the District's discipline guidelines. BISD will continue to evaluate and may amend its disciplinary guidance; therefore, the innovation plan does not restrict administrator discretion in issuing placement consistent with local standards. Rather, the innovation plan will permit BISD to be exempt from the mandatory DAEP placement for non-THC, e-cigarette offenses and allow for local discretion."

