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FERRIS INDEPENDENT SCHOOL DISTRICT

District of Innovation

LOCAL INNOVATION PLAN | RENEWAL DRAFT

Ferris Independent School District

Prepared from the District Educational Improvement Committee agenda dated October 21, 2026 and the 2026 DOI Done Right manual.

Status: PROPOSED. Not adopted or effective until completion of required renewal actions.

Prior plan term: January 1, 2022 through January 1, 2027, as identified in the DEIC agenda.

Renewed term: [Enter effective date and expiration date following Board adoption; no longer than five years.]

DEIC approval: [Date and recorded vote to be inserted]

Board approval: [Date and recorded vote to be inserted]

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Purpose and Scope

The purpose of this renewal is to provide locally responsive flexibility that supports student learning, educational opportunities, sound personnel practices, and responsible stewardship. The District seeks only the areas specifically identified for retention or consideration on the October 21, 2026 DEIC agenda. Repeated references to the same statutory area have been consolidated; no unrelated manual exemptions are added.

Chapter 12A of the Texas Education Code governs a District of Innovation plan. This proposed plan is subordinate to federal law and state requirements that are not eligible for exemption. Where a provision is only partly exemptible, remaining restrictions, notifications, employee protections, student protections, and certification transition requirements will continue to apply.

Plan Administration

Upon adoption, the superintendent shall coordinate implementation through local policies and administrative procedures. Changes to individual processes shall not take effect before the corresponding renewal authority becomes effective. The District will post and notify the Texas Education Agency as required. Exemptions will be reviewed during future renewal or amendment processes, and the District may continue following a statutory procedure whenever it elects not to use an authorized flexibility.

Exemptions Proposed for Adoption

The following 18 sections contain the agenda's proposed local flexibilities, including consolidated entries for calendar, teacher certification, and nonresident transfers.

1. First and Last Days of Instruction

Statutory provision: TEC §§25.0811, 25.0812

TEC §25.0811 | FIRST DAY OF INSTRUCTION.

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

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

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

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

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

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

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

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

TEC §25.0812 | LAST DAY OF SCHOOL.

(a) Except as provided by Subsection (b), a school district may not schedule the last day of school for students for a school year before May 15.

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

Proposed innovation. Ferris ISD may establish the first instructional day before the fourth Monday in August and may establish the final instructional day before May 15. The Board will adopt the district calendar based on instructional needs, semester balance, student opportunities, college-calendar alignment, staff development, and available resources. All applicable instructional-minute requirements remain in effect.

Rationale. A locally designed calendar can create balanced semesters, a shorter opening week, improved opportunities for summer college enrollment, and meaningful professional learning time.

2. Teacher Certification and Assignment

Statutory provision: TEC §21.003

TEC §21.003 | CERTIFICATION REQUIRED.

(a) A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by Subchapter B.

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

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

Proposed innovation. Ferris ISD may employ qualified individuals without traditional Texas educator certification for eligible, hard-to-fill assignments, including career and technical education, dual credit, STEM, and foreign languages, only to the extent permitted by current law and the District's approved educator-certification transition plan. Campus principals shall document the instructional need and candidate qualifications and obtain superintendent approval. Certified teachers may be considered for appropriate out-of-field assignments using

written justification and superintendent approval. Required parent notifications and any state credential, licensing, or deadline requirements remain applicable.

Rationale. This targeted flexibility expands student access to advanced and specialized courses, permits industry professionals and higher-education instructors to contribute their expertise, and improves recruitment for difficult-to-fill positions. Ferris ISD will observe the transition deadline identified in the agenda as the start of the 2029–2030 school year and will not claim exemptions from TEC §§21.0032 or 21.057.

3. Nonresident Student Transfers

Statutory provision: TEC §25.036

TEC §25.036 | TRANSFER OF STUDENT.

(a) Any child, other than a high school graduate, who is younger than 21 years of age and eligible for enrollment on September 1 of any school year may transfer annually from the child's school district of residence to another district in this state if both the receiving district and the applicant parent or guardian or person having lawful control of the child jointly approve and timely agree in writing to the transfer.

(b) A transfer agreement under this section shall be filed and preserved as a receiving district record for audit purposes of the agency.

(c) In the case of a transfer under this section, a child's school district of residence shall provide the receiving district with the child's disciplinary record and any threat assessment involving the child's behavior conducted under Section 37.115.

Proposed innovation. The superintendent or designee may revoke a previously approved nonresident student transfer during the school year when a student persistently fails to satisfy written district expectations regarding conduct, attendance, or academic effort, including specified disciplinary consequences or failure to satisfy the 90 percent attendance expectation. The District shall provide written expectations and a documented administrative review process consistent with local transfer policy.

Rationale. This flexibility supports a safe and productive learning environment and responsible allocation of instructional resources. The District shall maintain protections required by federal and state law, including disability-related and other student rights.

4. Attendance for Credit or Final Grade

Statutory provision: TEC §25.092

TEC §25.092 | MINIMUM ATTENDANCE FOR CLASS CREDIT OR FINAL GRADE.

(a) Except as provided by this section, a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered.

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

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

(a-3) A student's excused absence under Section 25.087(b)(3) may not be considered in determining whether the student has satisfied the attendance requirement under Subsection

(a) or (a-1).

(b) The board of trustees of each school district shall appoint one or more attendance committees to hear petitions for class credit or a final grade by students who are in attendance fewer than the number of days required under Subsection (a) and have not earned class credit or a final grade under Subsection (a-1). Classroom teachers shall comprise a majority of the membership of the committee. A committee may give class credit or a final grade to a student because of extenuating circumstances. Each board of trustees shall establish guidelines to determine what constitutes extenuating circumstances and shall adopt policies establishing alternative ways for students to make up work or regain credit or a final grade lost because of absences. The alternative ways must include at least one option that does not require a student to pay a fee authorized under Section 11.158(a)(15). A certified public school employee may not be assigned additional instructional duties as a result of this section outside of the regular workday unless the employee is compensated for the duties at a reasonable rate of pay.

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

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

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

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

Proposed innovation. Ferris ISD may award credit or a final grade based on documented mastery and a locally adopted review process notwithstanding attendance below the statutory 90 percent threshold when enriching educational activities, blended-learning arrangements, or legitimate individual circumstances warrant consideration. Campus administration shall review instructional evidence, student learning, and any appropriate recovery activities.

Rationale. This approach recognizes learning that occurs through approved experiences, alternative settings, and different schedules while safeguarding academic rigor. Compulsory attendance, attendance reporting, and UIL eligibility requirements are not waived.

5. Future Pathway Visits

Statutory provision: TEC §25.087

TEC §25.087 | EXCUSED ABSENCES.

(a) A person required to attend school, including a person required to attend school under Section 25.085(e), may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled.

(b) A school district shall excuse a student from attending school for:

(1) the following purposes, including travel for those purposes:

(A) observing religious holy days;

(B) attending a required court appearance;

(C) appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship;

(D) taking part in a United States naturalization oath ceremony;

(E) serving as an election clerk;

(F) if the student is in the conservatorship of the Department of Family and Protective Services, participating, as determined and documented by the department, in an activity:

(i) ordered by a court under Chapter 262 or 263, Family Code, provided that it is not practicable to schedule the participation outside of school hours; or

(ii) required under a service plan under Subchapter B, Chapter 263, Family Code; or

(G) attending a course under Section 25.0875;

(2) a temporary absence resulting from an appointment with health care professionals, including mental health professionals, for the student or the student's child if the student commences classes or returns to school on the same day of the appointment; or

(3) an absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible, if the student or the student's parent or guardian provides on a form adopted by the district under Subsection (g) a certification from a physician licensed to practice medicine in this state specifying the following information, as determined by the physician:

(A) the student's illness;

(B) a statement that the illness is serious or life-threatening;

(C) the anticipated period of the student's absence relating to the illness or related treatment; and

(D) a statement that the illness makes the student's attendance infeasible during the anticipated period of absence described by Paragraph (C).

(b-1) A school district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election.

(b-2) A school district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

(1) the district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and

(2) the district adopts:

(A) a policy to determine when an absence will be excused for this purpose; and

(B) a procedure to verify the student's visit at the institution of higher education.

(b-3) A temporary absence for purposes of Subsection (b)(2) includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health care practitioner, as described by Section 1355.015(b), Insurance Code, to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech therapy, and occupational therapy.

(b-4) A school district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services as defined by Section 162.002 and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A school district may not excuse a student under this subsection more than five days in a school year. An excused absence under this subsection must be taken:

(1) not earlier than the 60th day before the date of deployment; or

(2) not later than the 30th day after the date of return from deployment.

(b-5) A school district shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that:

(1) the district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school; and

(2) the district verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard.

(b-6) Each school district shall adopt procedures to verify a student's activities as described by Subsection (b-5).

(b-7) A school district may excuse a student who is 15 years of age or older from attending school to visit a driver's license office to obtain a driver's license or learner license, provided that:

(1) the district may not excuse more than one day of school during the period the student is enrolled in high school for each of the following purposes:

(A) obtaining a driver's license; or

(B) obtaining a learner license; and

(2) the district verifies the student's visit to the driver's license office in accordance with procedures adopted by the district.

(b-8) A school district may excuse a student from attending school for a career investigation day to visit a professional at the professional's workplace during the student's junior and senior years of high school for the purpose of determining the student's interest in pursuing a career in the professional's field, provided that:

(1) the district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and

(2) the district adopts:

(A) a policy to determine when an absence may be excused for this purpose; and

(B) a procedure to verify the student's visit at the professional's workplace.

(c) A school district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran.

(d) A student whose absence is excused under Subsection (b), (b-1), (b-2), (b-4), (b-5), (b- 7), (b-8), or (c) may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the school district. A student whose absence is excused under Subsection (b), (b-1), (b-2), (b-4), (b-5), (b-7), (b-8), or (c) shall be allowed a reasonable time to make up school work missed on those days. If the student satisfactorily completes the school work, the day of absence shall be counted as a day of compulsory attendance.

(e) A school district may excuse a student for the purposes provided by Subsections (b)(1)(E) and (b-1) for a maximum of two days in a school year.

(f) For purposes of excusing a student from attending school to observe a religious holy day under Subsection (b)(1)(A), a school district:

(1) may not require documentation from a clergy member or other religious leader; and

(2) shall accept a note from the student's parent or person standing in parental relation verifying the purpose of the student's absence.

(g) For purposes of excusing a student with a serious or life-threatening illness from attending school under Subsection (b)(3), a school district:

(1) shall adopt a form to provide the certification described by that subsection; and

(2) may not require the student or the student's parent or guardian to provide more documentation or information than is required by the form adopted under Subdivision (1).

> Most of this is optional for districts. The requirements that are not optional you should consult with local counsel (e.g. religious exemptions) before you DOI out, as they will have legal implications.

Proposed innovation. Ferris ISD may recognize up to four documented excused visit days in grade 11 and up to four additional documented excused visit days in grade 12 for students visiting a college, university, trade school, or military pathway program. The District may require advance approval and verification of participation.

Rationale. Additional exploration days support informed postsecondary decisions, career preparation, and access to multiple education, training, and service pathways. Other statutory attendance obligations remain in force.

6. Grievance Procedures

Statutory provision: TEC §§26A.001–26A.004, 26.011

TEC §26A.001 | GRIEVANCE POLICY.

(a) The board of trustees of a school district shall adopt a grievance policy to address grievances received by the district.

(b) The policy must provide for the following levels of review, subject to Subsection (c):

(1) review by:

(A) the principal of the school district campus at which the grievance is filed or the principal's designee; or

(B) for a grievance that arises from subject matter unrelated to a campus, an administrator at the school district's central office;

(2) if established by the policy, an appeal to an administrator at the school district's central office;

(3) an appeal to the superintendent of the school district or the superintendent's designee; and

(4) an appeal to the board of trustees of the school district.

(c) A review or appeal on a grievance must be conducted by a person with the authority to address the grievance unless a preliminary hearing is necessary to develop a record or a recommendation for the board of trustees of the school district.

(d) The board of trustees of a school district may delegate the authority to hear and decide a grievance to a committee of at least three members composed only of members of the board of trustees. For purposes of an appeal to the Commissioner under Section 7.057, a decision by the committee is a decision of the board of trustees. Subsection (e) applies to the committee in the same manner as that subsection applies to the board of trustees.

(e) The policy must:

(1) prohibit the board of trustees of the school district or a district employee from retaliating against a student or parent of or person standing in parental relation to a student who files a grievance in accordance with the policy;

(2) require a person involved in reviewing a grievance under the policy to recuse himself or herself from reviewing the grievance if the person is the subject of the grievance;

(3) provide for a higher level of review under Subsection (b) if the person who would otherwise review the grievance is required to recuse himself or herself under Subdivision (2);

(4) provide for the creation and retention of a record of each hearing on the grievance, including:

(A) documents submitted by the person who filed the grievance or determined relevant by school district personnel; and

(B) a written record of the decision, including an explanation of the basis for the decision and an indication of each document that supports the decision;

(5) allow the person who filed the grievance to supplement the record with additional documents or add additional claims;

(6) allow for a member of the board of trustees of the school district to file a grievance with the district, but prohibit the member from voting on matters related to that grievance;

(7) allow for a remand to a lower level of review under Subsection (b) to develop a record at any time, including at the board of trustees level of review;

(8) require the school district to direct a grievance that is filed with the incorrect administrator to the appropriate administrator and consider the grievance filed on the date on which the grievance was initially filed;

(9) require the school district to issue a decision on the merits of the concern raised in the grievance, notwithstanding procedural errors or the type of relief requested;

(10) unless otherwise required by law, allow for a hearing or meeting at which the grievance will be discussed to be open or closed at the request of the person who filed the grievance; and

(11) for a grievance before the board of trustees of the school district, require that:

(A) the person who filed the grievance be provided at least five business days before the date on which the meeting to discuss the grievance will be held a description of any information the board of trustees intends to rely on that is not contained in the record; and

(B) the meeting at which the grievance is discussed be recorded by video or audio recording or by transcript created by a certified court reporter.

(f) If a grievance is appealed to the Commissioner under Section 7.057, the Commissioner may:

(1) investigate an alleged violation of state or federal law regarding the confidentiality of student information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), relating to the grievance;

(2) collaborate with relevant federal agencies in an investigation described by Subdivision (1); and

(3) take any action necessary to compel the school district, the board of trustees of the district, or a district employee to comply with law described by Subdivision (1).

(g) Each school district shall annually submit to the agency a report on grievances filed in the district during the preceding year. The report must include for each grievance the resolution of the grievance and any corrective action taken.

(h) Not later than December 1 of each year, the agency shall post on the agency's Internet website a report on grievances filed in school districts during the preceding year. The report must aggregate the data statewide and state:

(1) the number of grievances filed;

(2) the number of grievances resolved and the resolution of those grievances; and

(3) any corrective actions taken.

(i) If the Commissioner determines that a school district educator has retaliated against a student or parent of or person standing in parental relation to a student in violation of Subsection (e)(1), the Commissioner may report the educator to the State Board for Educator Certification for investigation.

TEC §26A.002 | TIMELINES FOR FILING AND APPEAL.

The policy adopted under Section 26A.001 must:

(1) provide at least:

(A) for a grievance filed by a parent of or person standing in parental relation to a student enrolled in the school district:

(i) 60 days to file a grievance from the date on which the parent or person knew or had reason to know of the facts giving rise to the grievance; or

(ii) if the parent or person engaged in informal attempts to resolve the grievance, the later of 90 days to file a grievance from the date described by Subparagraph (i) or 30 days to file a grievance from the date on which the district provided information to the parent or person regarding how to file the grievance; and

(B) 20 days to file an appeal after the date on which a decision on the grievance was made;

(2) for a hearing that is not before the board of trustees of the school district, require:

(A) the district to hold a hearing not later than the 10th day after the date on which the grievance or appeal was filed; and

(B) a written decision to be made not later than the 20th day after the date on which the hearing was held that includes:

(i) any relief or redress to be provided; and

(ii) information regarding filing an appeal, including the timeline to appeal under this section and Section 7.057, if applicable; and

(3) for a hearing before the board of trustees of the school district, require the board of trustees to:

(A) hold a meeting to discuss the grievance not later than the 60th day after the date on which the previous decision on the grievance was made; and

(B) make a decision on the grievance not later than the 30th day after the date on which the meeting is held under Paragraph (A).

TEC §26A.003 | POSTING OF PROCEDURES AND FORMS.

(a) The board of trustees of a school district shall develop, make publicly available in a prominent location on the district's Internet website, and include in the district's student handbook:

(1) procedures for resolving grievances;

(2) standardized forms for filing a grievance, a notice of appeal, or a request for a hearing under this chapter; and

(3) the method by which a grievance may be filed electronically.

(b) A school district shall ensure that a grievance may be submitted electronically at the location on the district's Internet website at which the information described by Subsection (a) is available.

(c) A school district shall submit and make accessible to the agency the location on the district's Internet website at which the information described by Subsection (a) is available.

TEC §26A.004 | TESTIMONY BEFORE STATE BOARD OF EDUCATION.

If the Commissioner finds against a school district under Section 7.057 in at least five grievances to which that section applies involving the district during a school year, the superintendent of the school district must appear before the State Board of Education to testify regarding the Commissioner's findings and the frequency of grievances against the district.

TEC §26.011 | GRIEVANCES.

(a) The board of trustees of each school district shall adopt a grievance procedure that complies with Chapter 26A under which the board shall address each grievance that the board receives concerning violation of a right guaranteed by this chapter, of a board of trustees policy, or of a provision of this title.

(b) The board of trustees of a school district is not required by Subsection (a) or Section 11.1511(b)(13) to address a grievance that the board receives concerning a student's participation in an extracurricular activity that does not involve a violation of a right guaranteed by this chapter, of a board of trustees policy, or of a provision of this title. This subsection does not affect a claim brought by a parent under the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) or a successor federal statute addressing special education services for a child with a disability.

(c) A grievance procedure adopted under Subsection (a) must require that, for a complaint filed against a teacher or other employee, the school district provide:

(1) notice of the complaint to the teacher or employee against whom the complaint was filed; and

(2) sufficient opportunity for the teacher or employee against whom the complaint was filed to submit a written response to the complaint to be included in the record.

Proposed innovation. The District proposes a local grievance framework with an initial filing deadline of 15 days and a deadline of 10 days for appeals between levels. Appeals must identify the specific issues challenged, and complaints may not be materially expanded as they proceed through levels. New allegations shall be filed separately, subject to appropriate consolidation. The District shall maintain the review levels, notice, opportunity to

respond, and other protections required by applicable law, except where a valid DOI exemption expressly permits a local alternative.

Rationale. Predictable filing and appeal windows promote prompt resolution and a clear administrative record. The District will revise applicable local grievance policies to state procedures, deadlines, consolidation standards, and preserved legal rights.

7. Teacher Planning and Preparation

Statutory provision: TEC §§21.404, 21.4045

TEC §21.404 | PLANNING AND PREPARATION TIME.

Each classroom teacher is entitled to at least 450 minutes within each two-week period for instructional preparation, including parent-teacher conferences, evaluating students' work, and planning. A planning and preparation period under this section may not be less than 45 minutes within the instructional day. During a planning and preparation period, a classroom teacher may not be required to participate in any other activity.

TEC §21.4045 | PLANNING AND NONINSTRUCTIONAL DUTIES OF TEACHERS.

(a) A school district may enter into a supplemental agreement with a classroom teacher under which the teacher agrees to perform a duty relating to initial lesson plan design or instructional material selection that is not a duty generally:

(1) anticipated to be performed during the instructional day; and

(2) assigned to all classroom teachers of the same subject and grade level under those teachers' employment contracts.

(b) A school district may not require a classroom teacher for a foundation curriculum course to spend planning and preparation time to which the teacher is entitled under Section 21.404 creating or selecting instructional materials to initially cover the applicable essential knowledge and skills for the course unless the teacher has entered into a supplemental agreement described by Subsection (a). This subsection may not be construed to prohibit a classroom teacher from choosing to spend the teacher's planning and preparation time creating or selecting instructional materials.

(c) A supplemental agreement between a school district and a classroom teacher described by Subsection (a) under which a teacher is assigned responsibility for a greater number of duties unrelated to providing instruction than other full-time teachers of the same grade level in the district must explicitly state each of the teacher's duties unrelated to providing instruction.

Proposed innovation. Teachers may voluntarily agree to use a defined portion of otherwise protected planning and preparation time for additional instruction, interventions, admission, review, and dismissal (ARD) meetings, professional learning communities (PLCs), or approved instructional work. Any arrangement shall be memorialized in a signed written agreement specifying the duties, agreed planning-time adjustment, duration, and any applicable compensation. No employee will be required to enter into the arrangement as a condition of employment.

Rationale. Voluntary scheduling options improve access to intervention and specialized instruction, support collaboration, and allow effective deployment of staff expertise. The District will document consent and comply with requirements that remain nonexempt.

8. Probationary Contracts for Experienced Employees

Statutory provision: TEC §21.102

TEC §21.102 | PROBATIONARY CONTRACT.

(a) Except as provided by Section 21.202(b), a person who is employed as a teacher by a school district for the first time, or who has not been employed by the district for two consecutive school years subsequent to August 28, 1967, shall be employed under a

probationary contract. A person who previously was employed as a teacher by a district and, after at least a two-year lapse in district employment returns to district employment, may be employed under a probationary contract.

(a-1) A person who voluntarily accepts an assignment in a new professional capacity that requires a different class of certificate under Subchapter B than the class of certificate held by the person in the professional capacity in which the person was previously employed may be employed under a probationary contract. This subsection does not apply to a person who is returned by a school district to a professional capacity in which the person was employed by the district before the district employed the person in the new professional capacity as described by this subsection. A person described by this subsection who is returned to a previous professional capacity is entitled to be employed in the original professional capacity under the same contractual status as the status held by the person during the previous employment by the district in that capacity.

(b) A probationary contract may not be for a term exceeding one school year. The probationary contract may be renewed for two additional one-year periods, for a maximum permissible probationary contract period of three school years, except that the probationary period may not exceed one year for a person who has been employed as a teacher in public education for at least five of the eight years preceding employment by the district.

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

(1) terminate the employment of the teacher; or

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

Proposed innovation. Ferris ISD may offer an eligible experienced teacher, counselor, or nurse newly employed by the District up to three probationary school years, notwithstanding a shorter statutory probationary limit otherwise applicable because of prior public-school experience. The District may offer a term contract earlier when warranted by performance and district needs.

Rationale. A longer initial evaluation period gives the District and employee sufficient time to assess fit, effectiveness, progress, and professional support.

9. Termination and Nonrenewal Decision Authority

Statutory provision: TEC §11.1511(b)(14)

TEC §11.1511(b)(14) | [The Board shall] make decisions relating to terminating the employment of district employees employed under a contract to which Chapter 21 applies, including terminating or not renewing an employment contract to which that chapter applies.

Proposed innovation. For employment contracts governed by Chapter 21, the District proposes to delegate decisions on contract termination and nonrenewal to the superintendent or an authorized designee, to the extent

an adopted local process lawfully permits delegation. Written local procedures shall identify decision-making authority, notice, hearing routes, and the role of the Board in any review or appeal.

Rationale. Delegated action may improve timeliness and consistency in personnel decisions. This flexibility must be reconciled with the nonrenewal hearing procedures adopted under this plan and with all nonwaivable due-process requirements.

10. Probationary Contract Termination Notice

Statutory provision: TEC §21.103(a)

TEC §21.103 | PROBATIONARY CONTRACT: TERMINATION.

(a) The board of trustees of a school district may terminate the employment of a teacher employed under a probationary contract at the end of the contract period if in the board's judgment the best interests of the district will be served by terminating the employment. The board of trustees must give notice of its decision to terminate the employment to the teacher not later than the 10th day before the last day of instruction required under the contract. The notice must be delivered personally by hand delivery to the teacher on the campus at which the teacher is employed, except that if the teacher is not present on the campus on the date that hand delivery is attempted, the notice must be mailed by prepaid certified mail or delivered by express delivery service to the teacher's address of record with the district. Notice that is postmarked on or before the 10th day before the last day of instruction is considered timely given under this subsection. The board's decision is final and may not be appealed.

(b) If the board of trustees fails to give the notice of its decision to terminate the teacher's employment within the time prescribed by Subsection (a), the board must employ the probationary teacher in the same capacity under:

(1) a probationary contract for the following school year, if the teacher has been employed by the district under a probationary contract for less than three consecutive school years; or

(2) a continuing or term contract, according to district policy, if the teacher has been employed by the district under a probationary contract for three consecutive school years.

Proposed innovation. The District may give notice of a decision to terminate a probationary contract at the end of its term on or before June 30 instead of the statutory deadline tied to the last instructional day. Authorized notice delivery methods shall be detailed in local procedures.

Rationale. A June 30 deadline permits consideration of performance across the completed school year and reduces disruption to students during active instruction.

11. Lapsed Educator Certification

Statutory provision: TEC §21.0031

TEC §21.0031 | FAILURE TO OBTAIN CERTIFICATION; CONTRACT VOID.

(a) An employee's probationary, continuing, or term contract under this chapter is void if the employee:

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

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

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

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

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

(A) terminate the employee;

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed innovation. If an employee's required certificate or permit lapses, Ferris ISD may determine, through an authorized administrator, whether to terminate employment, suspend with or without pay, or retain the employee in a legally permissible capacity, consistent with applicable credentialing requirements and protections that cannot be waived. The District shall establish documented notice and decision procedures.

Rationale. Local decision-making allows an appropriate response to the facts of each certification lapse while supporting instructional continuity and compliance with remaining legal safeguards.

12. Term Contract Nonrenewal Procedures

Statutory provision: TEC §§21.203, 21.206–21.208, 21.353

TEC §21.203 | EMPLOYMENT POLICIES.

(a) Except as provided by Section 21.352(c), the employment policies adopted by a board of trustees must require a written evaluation of each teacher at annual or more frequent intervals. The board must consider the most recent evaluations before making a decision not to renew a teacher's contract if the evaluations are relevant to the reason for the board's action.

(b) The employment policies must include reasons for not renewing a teacher's contract at the end of a school year.

TEC §21.206 | NOTICE OF CONTRACT RENEWAL OR NONRENEWAL.

(a) Not later than the 10th day before the last day of instruction in a school year, the board of trustees shall notify in writing each teacher whose contract is about to expire whether the board proposes to renew or not renew the contract. The notice must be delivered personally by hand delivery to the teacher on the campus at which the teacher is employed, except that if the teacher is not present on the campus on the date that hand delivery is attempted, the notice must be mailed by prepaid certified mail or delivered by express delivery service to the teacher's address of record with the district. Notice that is postmarked on or before the 10th day before the last day of instruction is considered timely given under this subsection.

(b) The board's failure to give the notice required by Subsection (a) within the time specified constitutes an election to employ the teacher in the same professional capacity for the following school year.

(c) This section does not apply to a term contract with a superintendent.

Proposed Innovation No. 1: The District will exempt itself from section 21.206 (a) and make the date for notice ten days following the last day of instruction. The District will also make the requirement to hand deliver the notice optional.

Reason: This change permits the employee more time to prove success. Changing the date and method for delivery also provides for a more stable and less disruptive educational environment.

Proposed Innovation No. 2: The District will exempt itself from section 21.206 (b). A term contract that is not extended will automatically end at the end of the contract term.

Reason: This change permits the District to avoid unnecessary hearings and permit a contract to run its natural term. Employees whose performance is successful will be extended and those unsuccessful will be permitted to serve the term, and only the term, of their contract.

Analysis: Term contracts are not currently contracts for a term of years, they are a never ending contract that is tantamount to tenure unless the employee violates policy. Innovation number 1 permits the District to finish the school year, without substitute teachers for employees proposed for nonrenewal, and maintain an environment conducive toward success by waiting until instruction has been completed. Innovation number 2 makes a term contract exactly that; the District either extends or lets a contract end naturally. Why should we give someone a hearing to decide not to extend them? But do not exempt out of 21.206(c), because that helps us.

TEC §21.207 | HEARING UNDER TERM CONTRACT.

(a) If the teacher desires a hearing after receiving notice of the proposed nonrenewal, the teacher shall notify the board of trustees in writing not later than the 15th day after the date the teacher receives hand delivery of the notice of the proposed action, or if the notice is mailed by prepaid certified mail or delivered by express delivery service, not later than the 15th day after the date the notice is delivered to the teacher's address of record with the district. The board shall provide for a hearing to be held not later than the 15th day after the date the board receives the request for a hearing unless the parties agree in writing to a different date. The hearing must be closed unless the teacher requests an open hearing.

(b) The hearing must be conducted in accordance with rules adopted by the board. The board may use the process established under Subchapter F.

(b-1) Notwithstanding any other provision of this code, this subsection applies only to a school district with an enrollment of at least 5,000 students. The board of trustees may designate an attorney licensed to practice law in this state to hold the hearing on behalf of the board, to create a hearing record for the board's consideration and action, and to recommend an action to the board. The attorney serving as the board's designee may not be employed by a school district and neither the designee nor a law firm with which the designee is associated may be serving as an agent or representative of a school district, of a teacher in a dispute between a district and a teacher, or of an organization of school employees, school administrators, or school boards of trustees. Not later than the 15th day after the completion of the hearing under this subsection, the board's designee shall provide to the board a record of the hearing and the designee's recommendation of whether the contract should be renewed or not renewed. The board shall consider the record of the hearing and the designee's recommendation at the first board meeting for which notice can be posted in compliance with Chapter 551, Government Code, following the receipt of the record and recommendation from the board's designee, unless the parties agree in writing to a different date. At the meeting, the board shall consider the hearing record and the designee's recommendation and allow each party to present an oral argument to the board. The board by written policy may limit the amount of time for oral argument. The policy must provide equal time for each party. The board may obtain advice concerning legal matters from an attorney who has not been involved in the proceedings. The board may accept, reject, or modify the designee's recommendation. The board shall notify the teacher in writing of the board's decision not later than the 15th day after the date of the meeting.

(c) At the hearing before the board or the board's designee, the teacher may:

(1) be represented by a representative of the teacher's choice;

(2) hear the evidence supporting the reason for nonrenewal;

(3) cross-examine adverse witnesses; and

(4) present evidence.

Proposed Innovation No. 1: [If you exempted out of 21.206(b)] The District will exempt itself from section 21.207 as it has exempted out of 21.206(b), making its practices consistent with no available nonrenewal hearing. A term contract that is not extended will automatically end at the end of the contract term.

Reason: This change permits the District to avoid unnecessary hearings and permits a contract to run its natural term. Employees whose performance is successful will be extended, and those unsuccessful will be permitted to serve the term, and only the term, of their contract.

Proposed Innovation No. 2: [If you did not exempt out of 21.206(b)] The District will exempt itself from section 21.207(a), in that notice will be via hand delivery or certified mail return receipt requested, and upon a request for a hearing, such hearing shall be scheduled within 60 days following receipt of the appeal.

Reason: This change will maintain consistency between changes within the DOI, and will also permit the District reasonable and adequate time to hold a hearing. Because the employee will be paid all their contract entitles them to, there is no harm to the employee extending the hearing deadline.

Proposed Innovation No. 3: The District will exempt itself from section 21.207(b-1) where it limits application of the subsection to only a school district with an enrollment of at least 5,000 students.

Reason: This change will provide the District options for holding hearings the same as larger school districts.

Proposed Innovation No. 4: The District will exempt itself out of 21.207(b-1) in that it does not limit itself to selecting an attorney as the board's designee who is not employed by a school district and "neither the designee nor a law firm with which the designee is associated may be serving as an agent or representative of a school district, of a teacher in a dispute between a district and a teacher, or of an organization of school employees, school administrators, or school boards of trustees."

Reason: This change will open the opportunity for the District to select from more candidates to serve as hearing officers, including their own legal counsel. Since the hearing officer only serves to create the record for the Board, there is no reason why selecting a hearing officer should have unnecessary disqualifications. The District will consider objections to hearing officers based upon bias.

Proposed Innovation No. 5: The District exempts out of the 21.207(b-1) with respect to: "The board may obtain advice concerning legal matters from an attorney who has not been involved in the proceedings."

Reason: This change permits the District to utilize its counsel to serve both as the person who represents the district and gives legal advice to the Board of Trustees, avoiding the unnecessary cost of two different lawyers.

Analysis: There are unnecessary limits placed on Districts for nonrenewal hearings. There is no reason for the board to even have the hearings if they choose to exempt out and let the term of a contract naturally end. But if they wish to continue the "non-extension hearings" we called nonrenewals, then why have to use different attorneys, why let large districts have an option a smaller district is denied, and why not give the board 60 days to hold a hearing (and get rid of the required hand-delivering notice letters at the campus).

TEC §21.208 | DECISION OF BOARD.

(a) If the teacher does not request a hearing, the board of trustees shall:

(1) take the appropriate action to renew or not renew the teacher's contract; and

(2) notify the teacher in writing of that action not later than the 30th day after the date the notice of proposed nonrenewal was sent to the teacher.

(b) If the teacher requests a hearing, following the hearing the board of trustees shall:

(1) take the appropriate action to renew or not renew the teacher's contract; and

(2) notify the teacher in writing of that action not later than the 15th day after the date on which the hearing is concluded.

Proposed Innovation No. 1: The District exempts out of 21.208 because it will not be offering nonrenewal hearings, consistent with other DOI changes.

Reason: This change permits the District to avoid unnecessary hearings and permit a contract to run its natural term. Employees whose performance is successful will be extended and those unsuccessful will be permitted to serve the term, and only the term, of their contract.

Proposed Innovation No. 2: The District exempts out of the requirement that the Board of Trustees must hold a second meeting to take action on the proposed nonrenewal and send the employee notice if the employee does not request a hearing. If the employee fails to timely appeal, the Board's proposal will then become a final nonrenewal.

Reason: If the employee chooses not to appeal, the Board's proposal should simply become a final decision, and the employee's contract automatically expires at the end of its term.

Analysis: Why should the Board have to have a second meeting and take a second vote if the employee does not request a hearing?

TEC §21.353 | APPRAISAL ON BASIS OF CLASSROOM TEACHING PERFORMANCE.

A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the basis of classroom teaching performance and not on performance in connection with the extracurricular activities.

Proposed innovation. For proposed term-contract nonrenewal, Ferris ISD may issue notice on or before June 30, use locally specified lawful methods of notice, and allow up to 60 days for a hearing and decision, with extensions by mutual agreement. A hearing may be conducted by a board committee or qualified attorney hearing officer under a locally adopted procedure. The most recent appraisal need not be considered when unrelated to the stated nonrenewal grounds. If an employee fails to request a review or appeal by the specified deadline, the proposed nonrenewal may become final without further Board action, to the extent permitted by law.

Rationale. These procedures allow end-of-year performance evidence, orderly notice and review, meaningful hearing opportunities, and administratively efficient final decisions. Written procedures will expressly address fairness, authority, timing, and appeal rights.

13. Paid Personal Leave and FMLA

Statutory provision: TEC §21.418

TEC §21.418 | ELECTION BY TEACHER TO USE UNPAID LEAVE.

The board of trustees of a school district shall adopt a policy that provides a classroom teacher employed by the district the option to elect not to take the teacher's paid personal leave concurrently with unpaid leave the teacher is entitled to take under the Family and Medical Leave Act of 1993 (29 U.S.C. Section 2601 et seq.) for an absence due to pregnancy or the birth or adoption of a child.

Proposed innovation. Ferris ISD may determine by local policy whether available paid personal leave runs concurrently with qualifying leave under the federal Family and Medical Leave Act for pregnancy, childbirth, or

adoption, where federal law permits that treatment. Local policy shall address consistent administration and required employee notices.

Rationale. This flexibility allows coherent administration of paid and unpaid leave, continuity in staffing, and compliance with applicable federal leave protections.

14. Appraisal of Assigned Duties

Statutory provision: TEC §21.353

TEC §21.353 | APPRAISAL ON BASIS OF CLASSROOM TEACHING PERFORMANCE.

A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the basis of classroom teaching performance and not on performance in connection with the extracurricular activities.

Proposed innovation. The District may include performance of compensated extracurricular responsibilities and other assigned or contracted duties in educator performance evaluations, including responsibilities such as lunch duty when assigned. Criteria and expectations shall be communicated in writing and applied consistently through applicable evaluation procedures.

Rationale. Evaluating the full scope of an employee's assignment promotes accountability for both instructional and additional responsibilities.

15. Elementary Class Size

Statutory provision: TEC §25.112

TEC §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. That limitation does not apply during:

(1) any 12-week period of the school year selected by the district, in the case of a district whose average daily attendance is adjusted under Section 48.005(c); or

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

(b) Not later than the 30th day after the first day of the 12-week period for which a district whose average daily attendance is adjusted under Section 48.005(c) is claiming an exemption under Subsection (a), the district shall notify the Commissioner in writing that the district is claiming an exemption for the period stated in the notice.

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

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

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

(1) October 1; or

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

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

Proposed innovation. Ferris ISD may authorize prekindergarten through grade 4 classes above the otherwise applicable 22-student maximum after review of enrollment, student needs, instructional methodology, availability

of qualified staff, facilities, and budget. Campus and district administrators shall consider instructional quality and provide appropriate staffing or supports.

Rationale. This local flexibility responds to changing enrollment and staffing realities without treating larger classes as a default. Decisions must remain focused on effective instruction and individual student needs.

16. Parent Notice of Elementary Class Size

Statutory provision: TEC §25.113

TEC §25.113 | NOTICE OF CLASS SIZE.

(a) A campus or district that is granted an exception under Section 25.112(d) from class size limits shall provide written notice of the exception to the parent of or person standing in parental relation to each student affected by the exception. The notice must be in conspicuous bold or underlined print and:

(1) specify the class for which an exception from the limit imposed by Section 25.112(a) was granted;

(2) state the number of children in the class for which the exception was granted; and

(3) be included in a regular mailing or other communication from the campus or district, such as information sent home with students.

(b) The notice required by Subsection (a) must be provided not later than the 31st day after:

(1) the first day of the school year; or

(2) the date the exception is granted, if the exception is granted after the beginning of the school year.

Proposed innovation. Where the District operates under the class-size flexibility in this plan, Ferris ISD may establish local procedures to notify affected families about classes exceeding 22 students, including the timing, method, and contents of notice. The District shall make class-size information available to affected parents using its approved communication process.

Rationale. Local communication procedures can provide understandable, timely information aligned with district class-size decisions and family engagement practices.

17. School Counselor Duties and Work Time

Statutory provision: TEC §33.006

TEC §33.006 | SCHOOL COUNSELORS; GENERAL DUTIES.

(a) The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities.

(b) In addition to a school counselor's responsibility under Subsection (a), the school counselor shall:

(1) participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students:

(A) who are at risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;

(B) who are in need of modified instructional strategies; or

(C) who are gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;

(2) consult with a student's parent or guardian and make referrals as appropriate in consultation with the student's parent or guardian;

(3) consult with school staff, parents, and other community members to help them increase the effectiveness of student education and promote student success;

(4) coordinate people and resources in the school, home, and community;

(5) with the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;

(6) deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and

(7) serve as an impartial, nonreporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Section 37.0832.

(d) Except as provided by Subsection (e), the board of trustees of each school district shall adopt a policy that requires a school counselor to spend at least 80 percent of the school counselor's total work time on duties that are components of a counseling program developed under Section 33.005. For purposes of this subsection, time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling. Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

(e) If the board of trustees of a school district determines that, because of staffing needs in the district or at a school in the district, a school counselor must spend less than 80 percent of the school counselor's total work time on duties that are components of a counseling program developed under Section 33.005, the policy adopted under Subsection (d) shall:

(1) include the reasons why the counselor needs to spend less than 80 percent of the counselor's work time on duties that are components of the counseling program;

(2) list the duties the counselor is expected to perform that are not components of the counseling program; and

(3) set the percentage of work time that the counselor is required to spend on components of the counseling program.

(f) A school district may not include a provision in an employment contract with a school counselor under Chapter 21 that conflicts with the policy required by Subsection (d) or, except as provided by Subsection (g), has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

(g) A school district to which Subsection (e) applies may not include a provision in an employment contract under Chapter 21 with an affected school counselor that has the effect of requiring the counselor to generally perform a duty that is not primarily related to a counseling function unless the duty is specified in the district's policy under Subsection (e)(2).

(h) Each school district shall annually assess the district's compliance with the policy adopted under Subsection (d) and, on request by the Commissioner, provide a written copy of the assessment to the agency on or before the date specified by the Commissioner. The Commissioner shall adopt rules to implement this subsection.

Proposed innovation. Ferris ISD may determine counselor responsibilities and the proportion of the workday assigned to direct and indirect counseling services according to student needs, campus enrollment, staffing, and

local priorities, subject to continuing statutory and federal requirements. Expectations shall be documented in policies, position descriptions, and assignments.

Rationale. Flexible staffing can support academic, career, personal, and social development while aligning other appropriate campus responsibilities to available personnel.

18. Campus Planning and Site-Based Decision-Making

Statutory provision: TEC §11.253

TEC §11.253 | CAMPUS PLANNING AND SITE-BASED DECISION-MAKING.

(a) Each school district shall maintain current policies and procedures to ensure that effective planning and site-based decision-making occur at each campus to direct and support the improvement of student performance for all students.

(b) Each district's policy and procedures shall establish campus-level planning and decision-making committees as provided for through the procedures provided by Sections 11.251(b)-(e).

(c) Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Subchapter A, Chapter 29, with respect to the achievement indicators adopted under Section 39.053(c) and any other appropriate performance measures for special needs populations.

(d) Each campus improvement plan must:

(1) assess the academic achievement for each student in the school using the achievement indicator system as described by Section 39.053;

(2) set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Subchapter A, Chapter 29;

(3) identify how the campus goals will be met for each student;

(4) determine the resources needed to implement the plan;

(5) identify staff needed to implement the plan;

(6) set timelines for reaching the goals;

(7) measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement;

(8) include goals and methods for violence prevention and intervention on campus;

(9) provide for a program to encourage parental involvement at the campus; and

(10) if the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:

(A) student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;

(B) student academic performance data;

(C) student attendance rates;

(D) the percentage of students who are educationally disadvantaged;

(E) the use and success of any method to ensure that students participate in moderate to vigorous physical activity as required by Section 28.002(l); and

(F) any other indicator recommended by the local school health advisory council.

(e) In accordance with the administrative procedures established under Section 11.251(b), the campus-level committee shall be involved in decisions in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization. The campus-level committee must approve the portions of the campus plan addressing campus staff development needs.

(f) This section does not create a new cause of action or require collective bargaining.

(g) Each campus-level committee shall hold at least one public meeting per year. The required meeting shall be held after receipt of the annual campus rating from the agency to discuss the performance of the campus and the campus performance objectives. District policy and campus procedures must be established to ensure that systematic communications measures are in place to periodically obtain broad-based community, parent, and staff input, and to provide information to those persons regarding the recommendations of the campus-level committees.

(h) A principal shall regularly consult the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program.

> **Proposed innovation.** Ferris ISD may determine the composition of campus-level planning committees through locally adopted procedures, including permitting a qualified participant to serve in more than one representative capacity when appropriate. Each campus shall continue using meaningful committee processes to inform campus improvement planning and to gather input from staff, parents, and community members.

Rationale. Local membership practices can better reflect campus size and available representatives while preserving broad participation and sustained improvement planning.

Agenda Items Requiring Separate Legal Authority

The following two items appear on the DEIC agenda but are not asserted as DOI exemptions in this draft because the supplied manual identifies their statutory provisions as unavailable for exemption. They should remain on the District's operational review list and must not be activated as DOI flexibilities without legal confirmation.

Board Meeting Operations

TEC §26.0071. The agenda contemplates scheduling selected meetings during the workday and receiving public comments immediately before a related agenda item. The uploaded manual expressly lists §26.0071 among statutes that are not available for DOI exemption. Ferris ISD may consider practices independently where permissible under existing law, but this plan does not claim a DOI exemption from §26.0071.

Depository Bank Contract Terms

TEC §45.205. The agenda contemplates locally determined depository contract lengths and renewals. The uploaded manual identifies Chapter 45 among provisions unavailable for DOI exemption, notwithstanding its discussion of model language for §45.205. The District must comply with current depository contracting law unless independent legal authority is confirmed; this plan does not claim a DOI exemption from §45.205.

Required Deletions From Prior Plan

The renewed plan shall remove all prior claimed exemptions from Texas Education Code Chapter 37, specifically (1) DAEP and expulsion authority under TEC §§37.007 and 37.010(b), and (2) removal of individuals from district property under TEC §37.105. Ferris ISD shall follow current Chapter 37 discipline, removal, documentation, appeal, and disability-protection requirements. These provisions are deletions, not proposed flexibilities.

Certification Transition and Limiting Language

The teacher-certification entry is subject to the District's approved transition plan. According to the DEIC agenda, the District is authorized to delay covered foundation-subject certification requirements only until the start of the 2029–2030 school year. The District does not seek an exemption from TEC §§21.0032 or 21.057; all notices that remain required shall be provided.

Renewal Process and Record

The DEIC shall consider the complete draft and public input and record its majority approval of the final plan. The District shall satisfy applicable website-posting and notice requirements before Board action. Final adoption requires a two-thirds majority of the Board of Trustees. The District shall complete agency notification and website posting steps and insert the official adoption date, renewal period, committee composition, and final exemption inventory in the adopted copy.

Source and Drafting Notes

Source 1: Ferris ISD District Educational Improvement Committee Meeting Agenda, October 21, 2026, pages 1–4. Source 2: Eichelbaum Wardell Hansen Powell and Muñoz, P.C., DOI Done Right: A Complete Procedural and Practical Guide for Texas Public Schools (2026). The plan uses original, locally tailored wording informed by that manual rather than reproducing its copyrighted model text.

Review before adoption: Confirm legal eligibility of every cited provision and the precise scope of any partial exemption; reconcile delegated nonrenewal authority and hearings; verify grievance requirements, class-size notices, transition-plan details, and current TEA filing rules. Do not represent the operational objectives in the separate-legal-authority section as approved DOI exemptions.