

Buena Vista Independent School District

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Mr. Mark Dominguez, Superintendent
Julian Castillo, Principal*

Buena Vista Independent School District Proposed Local Innovation Plan

Background

The 84th Texas Legislature passed House Bill 1842 that allows public school districts to declare exemptions from certain provisions of the Texas Education Code by becoming a designated District of Innovation. On Thursday, February 9, 2017, during the regularly scheduled board meeting, a public hearing was conducted to consider whether Buena Vista ISD should develop a plan for designation as a District of Innovation. The Buena Vista ISD Board of Trustees passed a resolution to consider developing a Local Innovation Plan. The board of trustees appointed a Local Innovation Committee to research, discuss and develop the Local Innovation Plan.

Texas Education Code Exemptions

District staff in conjunction with the Local Innovation Committee reviewed the subchapters of the Texas Education Code to determine which permissible exemptions currently inhibit the district from maximizing the educational opportunities of the students who attend Buena Vista ISD.

I. **Uniform Start Date (TEC §25.0811)**

State law currently prohibits school districts from starting class before the fourth Monday in August, unless they are year-round districts.

Rationale for Exemption

The flexibility of the start date allows the district to determine locally, on an annual basis, what best meets the need of the students, the school, and the community. In addition, this flexibility allows the district to better align its starting date to accommodate the start date of colleges in which the district uses for dual credit courses. Another benefit of exempting this restriction is it allows the school to look at starting classes as a short week, which can ease the transition for students entering kindergarten, middle school, and high school. Additionally, the ability to change the school start date can also help to better balance the amount of days in each semester.

II. **Length of School Day (TEC §25.081)**

State law currently requires that all school days must be 420 minutes long each day in order to count for ADA calculations and funding purposes, and to accumulate instructional minutes towards the 75,600 minutes required annually.

Rationale for Exemption

Exemption from the 420-minute day requirement would allow Buena Vista ISD the flexibility needed to alter the school day schedule on selected days whenever it was locally determined as necessary or beneficial to the district and its stakeholders. While there is a waiver process available to request exemption from this requirement, the waiver is limited to a 6-day maximum number for the school year.

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Exempting completely from the 420-minute requirement would give the district a significant amount of local control over scheduling (above and beyond the 6-day maximum as needed) without the fear of diminishing state funding or losing credit for instructional time that might cause the district to fall out of compliance with annual minute requirements. This would allow the district the flexibility to schedule non-instructional days into the schedule to allow for teachers to analyze student data and engage in targeted, relevant professional development.

Buena Vista ISD does not have any intentions to shorten the school day on a regular basis, or without specific purpose. To the greatest extent possible, "early release" days would be planned ahead of time and noted in the district calendar, which is approved by the Board of Trustees and published and distributed to stakeholders in advance of the school year and continuously, published using school media.

III. Teacher Certification (TEC §21.003, §21.044, §21.053 and §21.057)

State law states that a person may not be employed as a teacher by a school district unless the person holds an appropriate certificate or permit issued by the appropriate state agency. In the event a district cannot locate a certified teacher for a position or a teacher is teaching a subject outside of their certification, the district must request emergency certification from the Texas Education Agency and/or State Board of Educator Certification.

Rationale for Exemption

The current state teacher certification requirements inhibit the District's ability to hire teachers to teach hard-to-fill, high demand, dual credit, as well as career and technical courses. Buena Vista ISD is located in a rural area which limits course offerings and utilize creative instructional methods district wide. Allowing the local district control over in order to better enable students to obtain the educational benefits of such course offering, the District seeks to establish its own local qualification requirements and its own requirements for training professionals and experts to teach such courses in lieu of the requirements set forth in law.

IV. Class Sizes and Student-Teacher Ratios (TEC §25.111, §25.112, §25.113, and §25.114)

State law requires districts to maintain an average student-teacher ratio at most of 20 to 1 for average daily attendance. For physical education, the student-teacher ratio cannot be greater than 45 to 1. In Kindergarten through grade fourth the class student-teacher ratio must not exceed 22 to 1.

Rationale for Exemption

Small class sizes play a positive role in the classroom, it must be balanced with the logistics of the timing of adding staff, and the best teacher to student ratio that can be achieved given the total number of students. While it is often cited that smaller class sizes improve academic performance, the decision for what size is the appropriate size should be a local decision. Many times it is not the number of the students but the makeup and chemistry of the classroom which

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influence the learning environment. Most importantly, research clearly shows it is the teacher in the classroom that has the greatest impact on student learning, not absolute class size.

V. 90 Percent Attendance Rule (TEC §25.092)

State law mandates a student 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. In addition, if a student is in attendance greater than 75 percent and less than 90 percent may be given credit or a final grade for the class if the student completes a plan approved by the campus administrator and meets the instructional requirements for the class.

Rationale for Exemption

The 90 percent rule is an arbitrary percentage. Districts should have the option to set their own requirement. Local districts need the flexibility to set attendance requirements which reflect their specific situations and expectations.

Abstaining from the requirement means the district won't have to penalize students who miss class due to extra/co-curricular activities, academic activities, or other extenuating circumstances. The flexibility can allow for local boards to set higher expectations for attendance while promoting student engagement, as well as social and emotional development, by encouraging more students to participate in extracurricular activities.

It must be noted, Relief from Section §25.092 does not in any way impact or alter existing compulsory attendance requirements or University Interscholastic League ("UIL") rules. Opting out of Section §25.092 in no way limits or modifies a teacher's right to determine the finality of a grade in accordance with Texas Education Code Section §28.0214, nor does it restrict or alter a teacher's right to assign grades in accordance with Texas Education Code Section §28.0216.

VI. Contract Service Days (TEC §21.401)

State law currently requires educators employed on a 10-month contract to provide a minimum of 187 days of service.

Rationale for Exemption

With the passage of §25.081 which changed the required days of instruction to minutes the law did not address contract days for 10-month contract employees. The determination of how many days are required to fulfill an employee's contract should be a local decision.

VII. Professional Development (TEC §11.253, §21.404, §21.451, §21.4513, and §21.458)

State law currently requires a specified number of minutes for teacher's planning and preparation time, oversight by the campus-level committee established under §11.253, as well as only allows districts to assign mentors to teachers with less than two years of teaching experience.

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Rationale for Exemption

It is necessary local districts have the flexibility to schedule weekly, and/or bi-weekly instructional meetings during the workday without compromising instructional time. In addition, eliminating the oversight provisions in §11.253 will allow for flexible, responsive staff development activities without having to first be approved by a committee which reduces the time teachers must take from their time to attend such meetings.

Providing mentors to teachers in need should be a local choice and should be available for any teacher regardless of their years of service.

Term and Implementation

The term for this plan is for five years unless terminated or amended by the Board of Trustees in accordance with Texas law. In the event Buena Vista ISD feels other exemptions would benefit the district, the Board of Trustees will nominate a new committee and follow all procedures for amending this plan.

This innovation plan and specific implementation of the plan will be developed by the appropriate campus and principals. Adjustments to Buena Vista ISD Board Policy and other district policies will be researched, reviewed, and adopted by the Board of Trustees.