

DEFINITIONS

“District-level committee” means the committee established under Education Code 11.251, or a comparable committee if the School is exempted (or has exempted itself) from this provision.

“Innovation plan committee” means a committee appointed by the Governing Board to develop the innovation plan in accordance with statutory requirements. The district-level committee may also serve in this role.

“Public hearing” means an open meeting held by the Governing Board that allows members of the public to hear facts about the proposed plan and designation and provides the opportunity for the public to give opinions and comments on the proposed actions.

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“Unacceptable academic performance rating” means a rating of Improvement Required or Unacceptable Performance or as otherwise indicated in the applicable year's MOU on Performance Accountability.

19 TAC 102.1301

District of Innovation

A district is eligible for designation as a district of innovation if the School's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

A Board may not vote on the final approval of the innovation plan if the School is assigned either a final or preliminary rating below acceptable performance. In the event the preliminary rating is changed, the Board may then vote to become an innovation district.

Consideration of designation as a district of innovation may be initiated by a resolution adopted by the Board or a petition signed by a majority of the members of the district-level committee [see BQA].

Education Code 12A.001; 19 TAC 102.1303

Public Hearing

After adopting a resolution or receiving a petition for consideration as a district of innovation, the Governing Board shall hold a public hearing as soon as possible, but not later than 30 days, to consider whether the School should develop a local innovation plan for the designation of the School as a district of innovation.

At the conclusion of the public hearing or within 30 days after conclusion of the public hearing, the Governing Board may decline to pursue designation of the School as a district of innovation or appoint a

committee to develop a local innovation plan.

The Board may outline the parameters around which the innovation plan committee may develop the plan.

Education Code 12A.002; 19 TAC 102.1305

Local Innovation Plan

A local innovation plan meeting all legal requirements must be developed for a district before the district may be designated as a district of innovation.

The local innovation plan must provide for a comprehensive educational program for the School, which program may include:

1. Innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;
2. Modifications to the school day or year [see EB, EC];
3. Provisions regarding the School budget and sustainable program funding;
4. Accountability and assessment measures that exceed the requirements of state and federal law; and
5. Any other innovations prescribed by the Governing Board .

The plan must also identify requirements imposed by the Education Code that inhibit the goals of the plan and from which the School should be exempted on adoption of the plan, subject to Education Code 12A.004. [See Exceptions, below]

The Commissioner of Education shall maintain a list of provisions from which designated districts of innovation are exempt. The Commissioner shall notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

Education Code 12A.003, .004(b); 19 TAC 102.1305(d)

Prohibited Exemptions

A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the provisions listed in Education Code 12A.004 and 19 Administrative Code 102.1309.
Education Code 12A.004; 19 TAC 102.1309

1. An innovation district may not be exempted from the following sections of the Education Code and the rules adopted thereunder: but not limited to, the requirements listed in Education Code 12.104(b), and:

- a. Education Code Chapter 22, Subchapter B;
- b. Education Code Chapter 25, Subchapter A, sections

- 25.001, .002, .0021, .0031, and .004;
 - c. Education Code Chapter 28, sections 28.002, .0021, .0023, .005, .0051, .006, .016, .0211, .0213, .0217, .025, .0254, .02541, .0255, .0258, .0259, and .026;
 - d. Education Code Chapter 29, Subchapter G;
 - e. Education Code Chapter 30, Subchapter A;
 - f. Education Code 30.104;
 - g. Education Code Chapter 34;
 - h. Education Code Chapter 37, sections 37.005, 37.006(l), .007(e), .011, .012, .013, and .020;
 - i. Education Code Chapter 39; and
 - j. Education Code Chapter 39A.
2. Education Code Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from Education Code 11.1511(b)(5) and (14) and 11.162;
 3. Education Code Chapter 12, Subchapter C;
 4. Education Code Chapter 12A;
 5. Education Code Chapter 13;
 6. Education Code Chapter 44, sections 44.0011, .002, .003, .004, .0041, .005, .0051, .006, .007, .0071, .008, .009, .011, .0312, .032, .051, .052, .053, and .054;
 7. Education Code Chapter 45, sections 45.003, .0031, .005, .105, .106, .202, and .203;
 8. Education Code Chapter 46;
 9. Education Code Chapter 48; and
 10. Education Code Chapter 49.

In addition to the prohibited exemptions specified above, an innovation district may not be exempted from:

1. A requirement of a grant or other state program in which the School voluntarily participates;
2. Duties that the statute applies to the execution of that power if a district chooses to implement an authorized power that is optional under the terms of the statute;
3. A requirement of a grant or other state program authorized in the Education Code that would otherwise entitle the School to

participation in that program; and

4. Requirements imposed by provisions outside the Education Code, including requirements under Government Code Chapter 822.

19 TAC 102.1309; Education Code 12A.004

Adoption of Local Innovation Plan

The Board may not vote on adoption of a proposed local innovation plan unless:

1. The final version of the proposed plan has been available on the School's website for at least 30 days;
2. The Board has notified the Commissioner of the Board's intention to vote on adoption of the proposed plan; and
3. The district-level committee [see BQA] has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. The public meeting may occur at any time, including up to or on the same date at which the Board intends to vote on final adoption of the proposed plan.

The Board may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the Board.

On adoption of a local innovation plan, the School is designated as a district of innovation for the term specified in the plan, but no longer than five calendar years, and shall begin operation in accordance with the plan. In addition, the School is exempt from state requirements identified under Education Code 12A.003(b)(2). [See Local Innovation Plan, above]

The School shall notify the Commissioner of approval of the plan along with a list of approved exemptions by completing the agency's form provided at 19 Administrative Code 102.1307(d).

A district's exemption under the plan includes any subsequent amendment or redesignation of an identified state requirement, unless the subsequent amendment or redesignation specifically applies to an innovation district.

The School shall ensure that a copy of the plan is posted on the School's website in accordance with Education Code 12A.0071, for the term of the designation as an innovation district.

Education Code 12A.005; 19 TAC 102.1307

Notice to TEA

Not later than the 15th day after the date on which the Board finalizes a local innovation plan either through adoption, amendment, or renewal, the School shall provide a link to the local innovation plan as

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posted on the School's website to the Texas Education Agency (TEA). TEA shall promptly post the current local innovation plan on the agency's website. *Education Code 12A.0071(b); 19 TAC 102.1307(g)*

Term The term of a district's designation as a district of innovation may not exceed five years and is effective upon School approval and notification of the plan to TEA. A district may only have one innovation plan at any given time. *Education Code 12A.006; 19 TAC 102.1311*

Amendment, Rescission, or Renewal of Local Innovation Plan A local innovation plan may be amended, rescinded, or renewed if the action is approved by a vote of the district-level committee [see BQA] and a two-thirds majority vote of the Board.

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

A district must notify TEA within five business days of rescission and provide a date at which time it will be in compliance with all sections of the Education Code, but no later than the start of the following school year.

During renewal, all sections of the plan and exemptions shall be reviewed, and the School must follow all components outlined in 19 Administrative Code 102.1307 relating to Adoption of Local Innovation Plans, except that a school is not required to notify the commissioner of the board's intention to vote on the adoption of the proposed plan.

The School shall notify the Commissioner of any actions taken along with the associated exemptions and local approval dates.

A school must meet eligibility requirements under 19 Administrative Code 102.1303 in order to renew an innovation plan.

Education Code 12A.007; 19 TAC 102.1313

A district designated as a district of innovation shall ensure that a copy of the School's current local innovation plan is available to the public by posting and maintaining the prominent location on the School's internet website.

Renewal Timeline In the event a school fails to renew a plan prior to the expiration of its term, the school may renew the plan in the six months subsequent to the plan's date of expiration in order to maintain a continuous designation as a district of innovation.

The term of a renewed plan, subject to 19 Administrative Code 102.1311, may not begin prior to the date on which the board votes to

adopt the renewed plan, unless the plan is adopted during the six months subsequent to the plan’s date of the prior term.

If a plan is renewed during the timeline described in this provision, the renewed plan will have a term not to exceed five calendar years, beginning on the date of expiration of the prior term.

If a plan is renewed during the timeline described in this provision and changes are made to the plan during the renewal process, those changes will be in effect from the date of adoption of the renewed plan through the expiration date of the adoption of the renewed plan, unless amended, rescinded, or terminated.

If changes are made to the plan during the renewal process, the school shall mark the changes with the date of the vote to renew the plan in order to denote the earliest date those changes may take effect.

A school whose plan is not renewed during the timeline described in this provision shall comply with all previously adopted exemptions immediately upon expiration of the plan and begin the adoption process over again in its entirety should the school wish to pursue designation as a district of innovation in the future.

19 TAC 102.1313(a)(3)(B)

Website Posting

The School’s innovation plan must be clearly posted on the School's website for the term of the designation as an innovation district. *19 TAC 102.1307(f)*

Criminal History Background Checks

A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (School employee and volunteer criminal history records), applies to the same extent to a district of innovation or other charter entity.

Termination by Commissioner

The failure of a district of innovation to provide information required under Education Code 22.0832 (National Criminal History Record Information Review of Certain Open-Enrollment Charter School Employees) may result in termination of the School’s designation as a district of innovation.

Discretionary Termination

Education Code 22.0815(b)–(c)

The Commissioner may terminate a district's designation as a district of innovation if the School receives for two consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. A final unacceptable academic performance rating under Education Code 39.054 for one of the school years and an unacceptable financial accountability rating under Education Code 39.082 for the other school year.

The Commissioner may permit the School to amend the local innovation plan to address concerns specified by the Commissioner in lieu of terminating the School's designation.

Education Code 12A.008(a)–(b); 19 TAC 102.1315(a)(1)–(a)(2)

The Commissioner may terminate a district's designation as a district of innovation if the School fails to comply with the duty to discharge or refuse to hire:

1. Certain employees or applicants for employment under Education Code 12.1059;
2. Certain employees or applicants convicted of certain offenses under Education Code 22.085; or
3. Certain employees or applicants not eligible for employment in public schools under Education Code 22.092. *19 TAC 102.1315(a)(3); Education Code 12A.008(b-1)* [See DBAA, DF]

Mandatory Termination

The Commissioner shall terminate a district's designation as a district of innovation if the School receives for three consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. Any combination of one or more unacceptable ratings under Education Code 39.054 and one or more unacceptable ratings under Education Code 39.082.

Education Code 12A.008(c); 19 TAC 102.1315(b)

No Appeal

The Commissioner's decision to terminate a district's designation as a district of innovation is final and may not be appealed.

Education Code 12A.008(d); 19 TAC 102.1315(d)