

District of Innovation FAQ
(updated August 2023)

Below is a list of frequently asked questions that may be of assistance related to the District of Innovation process.

1. **How do I become a District of Innovation (DOI)?** Please refer to TEC 12A and TAC Chapter 102, Subchapter JJ for information on eligibility and the process to become a District of Innovation http://tea.texas.gov/Texas_Schools/District_Initiatives/Districts_of_Innovation/

2. **Am I required to notify the TEA during my process to become a District of Innovation (DOI)?**
Yes, notification on your DOI process is required at two points: 1) *Prior* to the board of trustees' vote on the adoption of a proposed innovation plan (TEC §12A.005 (a)(2), TAC §102.1307(a)(2)) the board must notify the commissioner of education on their intent to vote; and 2) the district shall notify the commissioner of board of trustees approval of the plan along with list of approved exemptions by completing the agency form in TAC §102.1307(d). Districts must also notify the commissioner after the plan is amended, renewed, or rescinded, however, unlike the adoption of a new plan, a notice of intent to amend, renew, or rescind the plan is not required.

3. **What forms are necessary for my DOI?**
 - *Resolution* – the agency has no defined form for the resolution. Please consult with your legal counsel regarding your local policies. In addition, TASB has a sample resolution available on their website for reference.
 - *DOI Plan* – As each district's local innovation plan should be developed specifically for their local needs and provide exemptions that inhibit the goals of their plan, there is no standard template. Please note the requirements of a local innovation plan per TEC §12A.003, which must provide for a comprehensive educational program for the district and identify the specific TEC exemptions that inhibit the goals of the plan.
 - *Notice of Intent to Vote* - the agency has no defined form for the notice of intent to vote. Please note per TEC §12A.005 and TAC §102.1307, the Board of Trustees may not vote on the adoption of the proposed plan unless they have provided notice of intent to vote to the commissioner.
 - *Notice of Approval of Plan* – the district must notify the commissioner of their plan adoption and provide the list of approved exemptions by completing the [agency form](#) in TAC §102.1037(d). This list must match the exemptions claimed within your plan. For additional exemptions that do not appear on the agency form, please be sure to include the allowable TEC section and subsection as appropriate in the "Other" section at the end of the form.
 - In addition, you have no longer than 15 days after the date of adoption, amendment, or renewal to provide a link to your final plan available on your website (TEC §12A.0071(b), TAC §102.1307(g)). District DOI webpages are linked to on the Agency DOI webpage.
 - Confer with your local counsel on other records or documents to maintain according to your local policies.

- 4. Regarding the agency form (checklist of exemptions), there is an exemption in my plan for which there is no checkbox on the form. Do I have to report this exemption?** Yes. An adopted exemption for which there is no corresponding checkbox must be added to the “Other” section of the form located on the bottom of the last page.
- 5. How do we provide DOI notices to the Commissioner?** A district may send notices by email (preferred) to commissioner@tea.texas.gov and cc accred@tea.texas.gov. Alternatively, you may mail your notices to the commissioner’s office at 1701 N. Congress, Austin, Texas 78701, however email is preferred.
- 6. Does the TEA approve my DOI plan?** No, the TEA does not have the authority to approve a district's innovation plan. However, the Agency retains the authority to engage in investigative, intervention and enforcement activities if the district is not in compliance with legal requirements for which an exemption cannot be claimed. We encourage all districts to consult with their legal counsel regarding the effect of any exemption claimed.
- 7. Am I required to post my DOI plan on the district website?** Yes, the district plan must be clearly posted on the district’s website for the term of the designation as a district of innovation (TAC §102.1305(e)). This is in addition to the requirement that the final proposed version of the plan be available on the district’s website for at least 30 days prior to the board of trustees’ vote on the adoption and renewal of the proposed plan (TEC §12A.005(a)(1), TAC §102.1307(a)(1)).
- 8. How long can I be designated as a DOI?** The term of a district’s designation as a DOI is for the term specified in the plan as adopted by the Board of Trustees and may not exceed 5 calendar years (TEC §12A.006, TAC §102.1311). In the absence of a specific term, the term is interpreted as beginning upon adoption. Note that a plan can be for less than 5 years.
- 9. Can a district exempt itself from the 75,600 minute requirement in TEC §25.081(a)?** Yes, however state funding is reduced in proportion to the number of minutes by which the district’s calendar falls below 75,600 minutes. To receive full funding, a district must offer 75,600 minutes (including intermissions and recesses), less any minutes waived by the TEA in writing. (Student Attendance Accounting Handbook (SAAH) 3.8 for Charters).
- 10. Can a district exempt itself from Certification requirements for Bilingual, English as a Second Language (ESL), Special Education, or Prekindergarten?** No, Districts of Innovation must comply with the requirements to have a certified educator in a bilingual, English as a Second Language (ESL), special education, and prekindergarten classroom just as charter schools must comply with those requirements (TAC §102.1309(a)(1)).
- 11. Do I need to develop local policies for my exemptions?** Depending on the exemptions accessed within a plan the district may have to update local policies. TEA encourages districts to work with their legal counsel prior to approving their innovation plan to determine what, if any, local policies need to be updated accordingly.
- 12. Are there any TEC sections that a district may not be exempt from?** Yes, please reference TEC §12A.004 and 19 TAC §102.1309 for prohibited exemptions.

13. Can a district exempt itself from requirements outside of TEC? No, a district may not exempt itself from related rules independently from TEC requirements. This includes requirements of provisions outside the TEC (TAC §102.1309(b)(3)). While corresponding sections of administrative code mirror statutes in education code and detail regulatory and administrative rules, only the appropriate section of education code may be exempted from in order for flexibilities in administrative code to be extended, not the other way around. Please consult with local legal counsel regarding the correct section(s) of Texas Education Code.

14. Can a district exempt itself from requirements in TEC §21.055 to notify the commissioner and issue a local school district teaching permit? No, if the district elects to utilize an ISD teaching permit under this section of the statute, it must comply with the requirements associated with the exercise of that power (TAC §102.1309(b)(2)).

15. Can a district exempt itself from TEC §21.401 and modify teacher contract days? Yes. Please confer with your local counsel to create a local policy related to contracts and any related issues to current contracts.

16. Can a district exempt itself from TEC §25.0811 to start school prior to the fourth Monday in August? Yes, a local district plan may include modifications to the school day or year under TEC §12A.003.

17. Can a district amend, renew or rescind its plan? Yes, a district may do so at any time during the term of the plan. Please see TEC §12A.007 and TAC §102.1313.

18. Can a district make changes to the plan during the renewal process? Yes, during renewal all sections of the plan and exemptions shall be reviewed, and changes may be made accordingly. Renewing the plan does not prevent the district from simultaneously making amendments to the plan as the steps for amendment are already part of the renewal process.

19. My DOI plan was renewed for a term that begins after the term of my current plan ends. May the exemptions in either plan be implemented during this time? No. Should the terms of a DOI plan and the renewed plan not immediately follow one another, no adopted exemptions may be implemented during the time in which neither term is active. For example, if an original DOI plan expires on May 31, 2023, and the term of the renewed plan begins on August 1, 2023, no exemptions from either plan may be implemented between these two dates. (Note: should the term of a renewed plan begin prior to the ending date of the term of the preceding plan, the renewed plan is the superseding document, and the preceding plan is considered void.)

20. Can the commissioner terminate a district's designation as a DOI? Yes, after two consecutive school years of unacceptable academic and/or financial ratings the commissioner may terminate a district's designation as a DOI or require the district to amend their DOI plan. After three consecutive school years of unacceptable academic and/or financial ratings the commissioner must terminate the district's designation as a DOI.