

The Texas Education Agency (TEA) adopts amendments to §§102.1307, 102.1309, and 102.1315, concerning innovation districts. The amendment to §102.1307 is adopted with changes to the proposed text as published in the October 24, 2025 issue of the *Texas Register* (50 TexReg 6973) and will be republished. The amendments to §102.1309 and §103.1315 are adopted without changes to the proposed text as published in the October 24, 2025 issue of the *Texas Register* (50 TexReg 6973) and will not be republished. The adopted amendments update the list of prohibited exemptions to reflect changes made by House Bill (HB) 2, HB 6, Senate Bill (SB) 12, and SB 569, 89th Texas Legislature, 2025; update references to statute redesignated by SB 571, 89th Texas Legislature, Regular Session, 2025; and update the title of Texas Education Code (TEC), §22.001, as renamed by HB 2.

REASONED JUSTIFICATION: Chapter 102, Subchapter JJ, establishes provisions relating to the applicable processes and procedures for innovation districts.

The adopted amendment to Figure: 19 TAC §102.1307(d) clarifies the instructions for the form and adds specific fields for the type of board action being reported to TEA, the date of board action, the name of title of the individual submitting the figure, and the date of submission. The adopted amendment to Figure: 19 TAC §102.1307(d) also removes TEC, §21.057, which is now prohibited from exemption per HB 2 and SB 12, and removes TEC, §37.0012 and §37.002, which are now prohibited from exemption per HB 6. Finally, the adopted amendment to the figure updates the name of TEC, §22.001, as changed by HB 2.

At adoption, Figure: 19 TAC §102.1307(d) was modified to relocate the new fields for the type of board action being reported.

New §102.1309(a)(1)(A) adds TEC, §21.0032 (Employment of Uncertified Classroom Teachers) and §21.057 (Parental Notification), to clarify that these sections are prohibited from exemption per HB 2. The subsequent subparagraphs were relettered accordingly to reflect this addition. The adopted amendment to §102.1309(a)(1)(C), relettered as subparagraph (D), adds TEC, §28.004, as a prohibited exemption to reflect the prohibition in TEC, §12A.004(a)(4), as added by SB 12. The adopted amendment to §102.1309(a)(1)(H), relettered as subparagraph (I), clarifies that TEC, Chapter 37, in its entirety is prohibited from exemption per HB 6.

The adopted amendment to §102.1315(a)(3) updates the reference to TEC, §22.085, to §22A.157 and the reference to TEC, §22.092, to §22A.151. Both sections were redesignated by SB 571.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began October 24, 2025, and ended November 24, 2025. Following is a summary of the public comment received and the agency response.

Comment: The Texas Classroom Teachers Association (TCTA) recommended that TEC, §21.003, be eliminated from the checklist of allowable exemptions on the form in Figure: 19 TAC §102.1307(d) to help promote the ability of districts to accurately comply with requirements in TEC, §21.0032, as added by HB 2. TCTA commented that TEC, §21.0032, modifies TEC, §21.003, essentially providing that school districts with district of innovation plans exempting the district from the applicable teacher certification requirements under TEC, §21.003, cannot continue to do so for teachers of record of foundation curriculum courses, with certain narrow, time-limited exceptions, and, therefore, it is not accurate to characterize TEC, §21.003, as an allowable exemption without important limitations. TCTA commented that, alternatively, if TEC, §21.003, remains on the checklist, qualifying language should be added to inform districts that TEC, §21.0032, modifies TEC, §21.003.

Response: The agency disagrees with TCTA's recommendation to remove TEC, §21.003, from Figure: 19 TAC §102.1307(d). HB 2 amended TEC, §12A.004, to include the prohibition of exemption from new TEC, §21.0032, as TCTA pointed out, rather than existing TEC, §21.003. As such, TEC, §21.003, remains an allowable exemption. The agency agrees that new TEC, §21.0032, limits districts' ability to exempt from certain certification requirements that were previously allowable under exemption from TEC, §21.003; however, the agency asserts that removing TEC, §21.003, from Figure: 19 TAC §102.1307(d) would create more confusion than continuing to include it and disagrees with TCTA's recommendation to include qualifying language. Figure: 19 TAC §102.1307(d) is a reporting document for districts of innovation; it is not a guidance document of caveats related to each exemption. It is the responsibility of the district to maintain compliance with all rules and regulations related to districts of innovation in

TEC, Chapter 12A, and 19 TAC Chapter 102, Subchapter JJ, as well as all legal requirements for which an exemption cannot be claimed.

STATUTORY AUTHORITY. The amendments are adopted under Texas Education Code, §12A.009, which authorizes the commissioner to adopt rules to implement districts of innovation.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §12A.009.

<rule>

§102.1307. Adoption of Local Innovation Plan.

- (a) The board of trustees 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 district's website for at least 30 days;
 - (2) the board of trustees has notified the commissioner of education of the board's intention to vote on adoption of the proposed plan; and
 - (3) the district-level committee established under Texas Education Code (TEC), §11.251, 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. This 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.
- (b) A board of trustees may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.
- (c) On adoption of a local innovation plan, the district:
 - (1) is designated as a district of innovation under this subchapter for the term specified in the plan but no longer than five calendar years, subject to TEC, §12A.006;
 - (2) shall begin operation in accordance with the plan; and
 - (3) is exempt from state requirements identified under TEC, §12A.003(b)(2).
- (d) The district shall notify the commissioner of approval of the plan along with a list of approved TEC exemptions by completing the agency form provided in the figure in this subsection.
Figure: 19 TAC §102.1307(d)
- (e) A district's exemption described by subsection (c)(3) of this section includes any subsequent amendment or redesignation of an identified state requirement, unless the subsequent amendment or redesignation specifically applies to an innovation district.
- (f) The district shall ensure that a copy of the local innovation plan is posted on the district's website in accordance with TEC, §12A.0071, for the term of the designation as an innovation district.
- (g) Not later than the 15th day after the date on which the board of trustees finalizes a local innovation plan either through adoption, amendment, or renewal, the district shall provide a link to the local innovation plan as posted on the district's website to the Texas Education Agency for posting on the agency website.

§102.1309. Prohibited Exemptions.

- (a) An innovation district may not be exempted from the following sections of the Texas Education Code (TEC) and the rules adopted thereunder:
 - (1) a state or federal requirement, imposed by statute or rule, applicable to an open-enrollment charter school operating under TEC, Chapter 12, Subchapter D, including, but not limited to, the requirements listed in TEC, §12.104(b), and:
 - (A) TEC, Chapter 21, §21.0032 and §21.057;

- (B) TEC, Chapter 22, Subchapter B;
 - (C) TEC, Chapter 25, Subchapter A, §§25.001, 25.002, 25.0021, 25.0031, and 25.004;
 - (D) TEC, Chapter 28, §§28.002, 28.0021, 28.0023, 28.004, 28.005, 28.0051, 28.006, 28.016, 28.0211, 28.0213, 28.0217, 28.025, 28.0254, 28.02541, 28.0255, 28.0258, 28.0259, and 28.026;
 - (E) TEC, Chapter 29, Subchapter G;
 - (F) TEC, Chapter 30, Subchapter A;
 - (G) TEC, §30.104;
 - (H) TEC, Chapter 34;
 - (I) TEC, Chapter 37;
 - (J) TEC, Chapter 39; and
 - (K) TEC, Chapter 39A.
- (2) TEC, Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from TEC, §11.1511(b)(5) and (14) and §11.162;
 - (3) TEC, Chapter 12, Subchapter C;
 - (4) TEC, Chapter 12A;
 - (5) TEC, Chapter 13;
 - (6) TEC, Chapter 44, §§44.0011, 44.002, 44.003, 44.004, 44.0041, 44.005, 44.0051, 44.006, 44.007, 44.0071, 44.008, 44.009, 44.011, 44.0312, 44.032, 44.051, 44.052, 44.053, and 44.054;
 - (7) TEC, Chapter 45, §§45.003, 45.0031, 45.005, 45.105, 45.106, 45.202, 45.203;
 - (8) TEC, Chapter 46;
 - (9) TEC, Chapter 48; and
 - (10) TEC, Chapter 49.
- (b) In addition to the prohibited exemptions specified in subsection (a) of this section, an innovation district may not be exempted from:
- (1) a requirement of a grant or other state program in which the district 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 TEC that would otherwise entitle the district to participation in that program; and
 - (4) requirements imposed by provisions outside the TEC, including requirements under Texas Government Code, Chapter 822.

§102.1315. Termination.

- (a) The commissioner of education may:
 - (1) terminate a district's designation as a district of innovation if, beginning with its ratings in the year of designation, the district is assigned for two consecutive school years:
 - (A) a final unacceptable academic performance rating under the Texas Education Code (TEC), §39.054;
 - (B) a final unacceptable financial accountability rating under the TEC, §39.082; or

- (C) a final unacceptable academic performance rating under the TEC, §39.054, for one of the school years and a final unacceptable financial accountability rating under the TEC, §39.082, for the other school year;
- (2) permit the district to amend the district's local innovation plan to address concerns specified by the commissioner in lieu of terminating the designation as described in paragraph (1) of this subsection; or
- (3) terminate a district's designation as a district of innovation if the district:
 - (A) fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under the TEC, §12.1059;
 - (B) fails to comply with the duty to discharge or refuse to hire certain employees or applicants convicted of certain offenses under the TEC, §22A.157; or
 - (C) fails to comply with the duty to discharge or refuse to hire certain employees or applicants not eligible for employment in public schools under the TEC, §22A.151.
- (b) The commissioner shall terminate a district's designation as a district of innovation if, beginning with its ratings in the year of designation, the district is assigned for three consecutive school years:
 - (1) a final unacceptable academic performance rating under the TEC, §39.054;
 - (2) a final unacceptable financial accountability rating under the TEC, §39.082; or
 - (3) any combination of one or more unacceptable ratings under paragraph (1) of this subsection and one or more unacceptable ratings under paragraph (2) of this subsection.
- (c) Upon termination of an innovation plan, a district must return to compliance with all specified areas of the TEC by a date to be determined by the commissioner.
- (d) A decision by the commissioner under this section is final and may not be appealed.