

**2018/2019 -  
2022/2023**

**Riviera Independent School District**



**District of Innovation Plan**

**June 18, 2018**

**Amended December 16, 2019**



# Riviera Independent School District

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## District of Innovation Committee

### Leadership Team:

Karen Unterbrink, Superintendent of Schools

Jose Betancourt, Director of Finance and Support Services

Tarrah Dobson, Nanny Elementary School, Principal

Patricia Thornton, Kaufer *Early College* High School, Interim Principal

Nathan Borden, Assistant Principal & Athletic Director

Brooke Hickey, District Counselor

Cathy Borden, Special Programs Director

Jean Hubert, District Nurse

### Faculty and Staff:

Marla Burlison, Special Education Teacher

Danielle DeLaRosa, Nanny Elementary, Teacher

Katy Williams, Kaufer *Early College* High School, Teacher

Bitsy Hubert, Kaufer *Early College* High School, Teacher

Mary Jimenez, Kaufer *Early College* High School, Teacher

Julie Harris, Kaufer *Early College* High School, CTE Teacher

Sarah Fehrenbacher, Nanny Elementary, Teacher

Chris Rendon, Nanny Elementary, Teacher

Elena Jimenez, Nanny Elementary, Teacher

Cristina Suarez, Kaufer *Early College* High School, Teacher

### Parent and Community Members:

Elias Arredondo, Parent

Chris Benton, Parent

Robyn Baumgardt, Parent

Veronica Hare, Parent

## TIMELINE

January 2018	Researched District of Innovation Karen Unterbrink      Dawn Schuenemann Tarrah Dobson        Jose Betancourt Kathy Kimball
February 12, 2018	Leadership Team’s regarding feasibility of pursuing DOI designation Karen Unterbrink      Dawn Schuenemann Tarrah Dobson        Jose Betancourt Kathy Kimball        Nathan Borden Cathy Borden         Jean Hubert Rick Gonzalez
February 19, 2018	Board Meeting Presentation Public Hearing to consider the proposed local Innovation Plan RISD Board voted to pursue the designation and appointed an advisory committee to develop the plan
March 22, 2018	District and Campus Administration
March 27, 2018	First District of Innovation Committee meeting held
April 3, 2018	Second District of Innovation Committee meeting held to finalize proposed Riviera ISD Innovation Plan District of Innovation Committee to approve plan by majority vote
April 5, 2018	Plan posted online for 30 days
May 8, 2018	District of Innovation Committee Meeting to prepare for Public Hearing on May 21, 2018
May 21, 2018	District of Innovation Plan Committee holds Public Hearing Board of Trustees Vote on District of Innovation Plan by 2/3 Majority Vote Request to update all policy changes required by plan submitted to TASB
May 22, 2018	Riviera ISD Innovation Plan posted and TAC Checklist submitted to Commissioner of Education

\* Dates are subject to change

## District of Innovation

The District of Innovation (DOI) concept was passed into law by the 84<sup>th</sup> Legislative Session in House Bill 1842, which created Texas Education Code chapter 12A.

Riviera ISD is pursuing the DOI designation due to the following benefits:

- District will have the **flexibility** to implement practices similar to open enrollment charter schools, including exemptions from certain mandates including the uniform school start date and required minutes of instruction.
- Districts will decide which flexibilities best suit their local needs, therefore, providing more **local control**.

### What is a “District of Innovation”?

The District of Innovation concept was passed into law by the 84<sup>th</sup> Legislative Session that gives traditional independent school districts most of the flexibilities available to open enrollment charter schools, including exemption from many requirements mandated in the Texas Education code. To create a DOI, a school district must adopt an innovation plan for its district.

### Why choose a District of Innovation?

Flexibility to make decisions about Riviera ISD at the local level. A local school district may want to pursue specific innovations in curriculum, instruction, governance, parent or community involvement, school calendar, budgeting, or other ideas. Essentially, innovation plan will be about local control. Riviera ISD’s innovation plan will be unique to the school district and the community.

### What impact could the designation as a District of Innovation have on district policy?

Policy changes will correlate with innovation plan changes. As a DOI, revisions to local policies may be required as well as adjustments to legal policies to reflect that some legal provisions may be affected by the District’s Innovation Plan. As the innovation plan is developed by the committee, the District will evaluate necessary changes to Riviera ISD policies.

### How long does an innovation plan stay in effect?

Under the current law, the plan may have a term of up to five years, and it may be amended, rescinded, or renewed during that time period.

### Exemption from Laws?

#### What areas of flexibility can Riviera ISD consider in its District of Innovation development?

A DOI may adopt a plan that includes exemptions from most of the same state laws that are not applicable to open enrollment charter schools. These laws could include among others:

- Uniform school start date
- Class size ratio
- Minimum minutes of instruction
- The 90 percent attendance rule (but compulsory attendance still applies)
- Student discipline provisions (with some key exceptions, like the requirement to have a code of conduct and restrictions on restraint and seclusion)
- Teacher appraisal system
- Teacher certification (except as required by federal law)

- Teacher contracts
- Teacher benefits
- Site-based decision making processes (to the extent required by state law)

Not all of these possibilities will be right for Riviera ISD. It is up to the DOI committee to determine what laws to exempt ourselves from and which to leave in place.

### **Term**

In accordance with TEC §2A.006, this Comprehensive Local Innovation Plan shall remain in effect for a period of five years (2018 – 2023 school years) unless terminated by the commissioner pursuant to TEC §12A.008. Following adoption by the Board of Trustees, the Riviera ISD Local Innovation Plan for District of Innovation designation will be reported to the Texas Education Agency (TEA).

## **EXEMPTIONS REQUESTED**

### **Uniform School Start Date**

(EB LEGAL) (TEC 25.0811, TEC 25.0812)

### **Currently**

Students may not begin school before the 4<sup>th</sup> Monday of August. For many years this was the rule: however, districts had the option of applying for a waiver to start earlier. The vast majority of districts applied for the waiver and would begin the 3<sup>rd</sup> Monday, some even going as early as the 2<sup>nd</sup> Monday. The Texas tourism groups lobbied to have this stopped because they believed it was detrimental to the tourism business. Therefore, several years ago the legislature took away all waivers and dictated that districts may not begin until the 4<sup>th</sup> Monday, with no exceptions.

### **Proposed**

This flexibility of start date allows the district to determine locally, on an annual basis, what best meets the needs of the students and local community. Riviera ISD will determine on an annual basis the local starting and ending date of each school year. We will then be able to personalize learning, increase college and career readiness, balance the amount of instructional time per semester and provide additional instructional days prior to state standardized testing dates. In addition, students will be able to begin the school year prior to the first day of college classes allowing the flexibility in scheduling instruction that would increase college and career readiness.

## **Minimum Minutes of Instruction and School Day Length**

(EC LEGAL & EB LEGAL) (TEC 25.083)

### **Currently**

House Bill (HB) 2610, passed by the 84<sup>th</sup> Texas Legislature, amends the Texas Education code (TEC), §25.081, by striking language requiring 180 days of instruction and replacing this language with language requiring districts and charter schools to provide at least 75,600 minutes of instruction or 7 hours each day (including intermissions and recess). The bill also allows school districts and charter schools to add minutes as necessary to compensate for minutes of instruction lost due to school closures caused by disaster, flood, extreme weather conditions, or another calamity.

### **Proposed**

Exemption from the minimum minutes of instruction per day would allow Riviera 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.

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.

Riviera 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. In order to maximize available funding under the Foundation School Program, The District intends comply with 25.081 (a) – (d), requiring provision of at least 75,600 minutes of student instruction (including intermissions and recesses) each school year.

## **Class Size Ratio**

(EEB Legal) (TEC 25.111, 25.112, and 25.113)

### **Currently**

Kindergarten – 4<sup>th</sup> Grade classes are to be kept at a 22 students to 1 teacher ratio according to state law. When a class exceeds the limit, the district must complete a waiver with Texas Education Agency. While these waivers are seldom, if ever rejected by TEA, this requirement creates additional administrative requirements. Along with the waiver, it is required that a letter is sent home to each parent in the section that exceeds the 22:1 ratio, informing them the waiver has been submitted. Many times soon after the waiver is submitted, students move out of the district and we are below the 22:1 ratio.

### **Proposed**

While we believe that small class size plays a positive role in the classroom, it must be balanced with the logistics and 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 influence the learning environment. Most importantly, research clearly shows that the teacher in the classroom has the greatest impact on student learning, not absolute class size.

Riviera ISD will strive to maintain the 22:1 ratio for Kindergarten – 4<sup>th</sup> Grade classes; however, if it is deemed appropriate to exceed the limit, a TEA waiver will not be necessary. The decision will be made by the administration and presented to the Board of Trustees for approval. This exemption only allows Riviera ISD the local control over class size ratios and requirements contained in the Education Code, not a disregard for the intent of the ratio requirements.

### **Teacher Certification**

(DBA LEGAL, DBA LOCAL, DK LEGAL, DK LOCAL, DK EXHIBIT) (TEC 21.003, 21.053, 21.057, 21.002 and 19 TAC Chapter 231)

### **Currently**

Texas Education Codes state a person may not be employed as an educator by a school district unless the individual holds an appropriate certificate or permit issued by the appropriate state agency. In the event a school district cannot locate a certified teacher for a position, or a teacher is teaching a subject outside her or his certification, the district must request emergency certification from the Texas Education Agency and/or the State Board of Educator Certification. This system is complicated and does not take into account the unique financial and/or instructional needs of the district, especially for innovative classes where certification may not exist or educators with those credentials may not be readily available.

### **Proposed**

Riviera ISD is committed to hiring high quality teachers in every classroom. In order to best serve Riviera ISD students, decisions on certification will be handled locally. In order to enable more students to obtain the educational benefit of such dual credit and career and technical course offerings, the District seeks to establish its own local qualification requirements for such courses in lieu of the requirements set forth in law. By obtaining exemption from existing teacher certification requirements for dual credit and career and technical teachers, the district will have the flexibility to hire credentialed community college instructors, university professors in specific content areas in order to afford the District the flexibility to hire professionals in certain trades and vocations to teach the crafts of those trades and vocations (such as welding, fine arts, etc.) in career and technical courses if certified teachers are not available. The District shall establish local criteria for training and locally certifying individuals rather than adhere strictly to mandates outlined §21.053. In doing so, parental notification of “inappropriately certified or uncertified teachers” under §21.057 would no longer be necessary.

The exemption would also allow internal applicants seeking assignments outside of their traditional certification area to be considered, as well as, a certified educator to teach one subject in a related field for

which she or he is not credentialed by the state. A teacher certification waiver, state permit application or other paperwork will not be submitted to the Texas Education Agency.

This exemption directly supports the move from “highly qualified” requirements in the Every Student Succeeds Act (ESSA).

## **Teacher Contract Days**

(DC LEGAL) (TEC 21.401)

### **Currently**

State law requires educators that are employed on a 10 month contract to work a minimum of 187 days.

### **Proposed**

Riviera ISD would like the freedom to consider a reduction in contract days to better align with the 75,600 minutes required for student instruction, as well as, provide flexibility in staff development to better support teachers learning needs. This consideration is subject to District funding and the District remaining a District of Innovation, with no anticipated effect on teacher salaries. Teacher contract days would be reduced by no more than 5 days per year.

The District seeks to provide competitive compensation and attract a diverse staff to engage all students. By allowing the flexibility in teacher contract days, the District seeks to boost teacher morale and provide an impetus to teacher recruitment and retention, while providing a schedule that best meets the learning needs of the students and employees.

## **Probationary Contracts**

(DCA LEGAL) and (Chapter 21, Subchapter C)

### **Currently**

For experienced employees new to the district, the probationary period may not exceed one year if the person has been employed as an employee in public education for at least five of the previous eight years. A one-year probationary period is not sufficient to evaluate the employee’s effectiveness in the classroom since teacher contract renewal timelines demand that employment decisions be made prior to District receipt of state assessment results.

### **Proposed**

Considering the expectation of student engaged learning experiences in Riviera ISD, this period of time may not be sufficient to evaluate the employee’s effectiveness in the classroom since the employee contract timeline demands that employment decisions must be made prior to the availability of end-of-year classroom and student data. Upon exemption from TEC Section 21.102 (b), all contract employees (including experienced teachers, counselors, or nurses new to the district) will be subject to the probationary period set out in TEC Section 21.102 (c) (three consecutive school years), in order to allow

more time for the district to fairly and thoroughly assess an employee's performance. Partial years will not count toward the full year requirement.

### **Designation of Campus Behavior Coordinator**

(FO LEGAL & LOCAL) (TEC 37.0012)

#### **Currently**

The Texas Education Code requires the designation of a campus behavior coordinator on each campus. This designee is responsible for maintaining student discipline and the implementation of Chapter 37, Subchapter A. The person designated may be the principal of the campus or any other campus administrator selected by the principal.

#### **Proposed**

The proposal is for the District to seek exemption from the statute requiring each school to have a designated campus behavior coordinator. The discipline decisions of students is made by the Campus Principal or Assistant Principal when appropriate, otherwise the discipline decision is made by the appropriate administrator OR campus principal designee.

#### **Summary**

The direction provided by the District of Innovation Plan is a step in the right direction to ensure Riviera ISD develops and supports our students, employees and families in a more effective and strategically aligned way. Through HB 1842, Riviera ISD will be positioned to leverage increased flexibility to make the best decisions for our children because we will be able to make them locally.

Specific implementation plans will be developed by the appropriate personnel. Adjustments to Riviera ISD Board Policy and other district policies will be researched, reviewed, and adopted by the Board of Trustees.

APPROVED AMENDMENT (December 16, 2019)  
RIVIERA DISTRICT OF INNOVATION PLAN  
ORIGINALLY APPROVED BY BOARD June 18, 2018

**Area of Innovation:**

Within our current local innovation plan, with regard to each area of innovation, the District declares exemption from the listed statutory provisions, as well as any implementing rules or regulations promulgated pursuant to those statutory provisions by any state agency or entity, including but not limited to the Commissioner of Education, Texas Education Agency, State Board for Educator Certification, and State Board of Education.

Riviera ISD has determined a need to apply for an amendment to our District Innovation Plan to allow exemptions to allow us extended flexibility under:

**Texas Education Code: §22.004(i)**

Preclusion from providing alternative Uniform Group Coverage Program once the program of coverages under Chapter 1579, Insurance Code is implemented.

Related Board Policies: CRD (LEGAL) and CRD (LOCAL) **Manner in which statute inhibits the goals of the plan:**

TEC §22.004 (i) states that a school district may not make group health coverage available to its employees pursuant to TEC 22.004(b) after the date a District implements the program of coverages provided under Chapter 1579 of the Texas Insurance Code. The current process allows no flexibility in the design of group health insurance benefits to fit the needs of all Riviera ISD employees. This provision also prohibits the District from procuring group health insurance benefits that may provide better coverages for its employees and at a lower cost. This provision is in direct contradiction to the wishes of the Riviera ISD Board of Trustees who represent community interests in this matter.

Texas Education Code 22.004 is not in any of the prohibited exemptions that can be included in a District's local innovation plan pursuant to Texas Education Code 12A.004 and the list of the Commissioner's prohibited exemptions in Texas Administrative Code Title 19, Chapter 102, subchapter JJ, Section 102.1309.

**Innovation Strategies:**

Increased local control of the group health benefits plan to allow the District to be responsive to employee and community needs.