Renewing a District of Innovation Plan

Published online in TASB School Law eSource

Since 2015, over half of the school districts in Texas have become districts of innovation (DOI), exempting themselves from requirements in state law such as teacher certification and the instructional calendar in order to operate more like an open-enrollment charter school. If your district adopted an innovation plan when the law first went into effect, now is the time to renew. This article will review the laws and procedures for renewing a DOI plan.

1. How long does a plan stay in effect?

By law, a DOI plan may have a term of up to five years, and it may be amended, rescinded, or renewed. Delaying implementation of certain exemptions or adding exemptions to an approved plan does not toll the five-year term of the exemption. Texas Education Agency (TEA) rules limit a district to one plan at a time.

2. What must our plan include?

State law requires a DOI plan to:

- Provide for a comprehensive educational program, which may include innovations in curriculum, instructional methods, community and parent involvement, campus governance, modifications to the school day or year, budgeting and sustainable funding, local accountability, and other innovations prescribed by the board; and

- Identify the specific provisions from which the DOI should be exempted, in accordance with Texas Education Code chapter 12A and TEA’s rules. In general, a district may exempt itself from provisions in the Texas Education Code that do not apply to an open-enrollment charter school.

3. How do we renew a plan?

During renewal all sections of the plan and exemptions shall be reviewed, and the district must follow all steps discussed below. 19 Tex. Admin. Code §§102.1307 and 102.1313. Whether or not a district changes its exemptions, the board cannot vote to approve a plan until the plan has been posted online for 30 calendar days, the commissioner has been
notified, the district-level committee established under Texas Education Code section
11.251 (also known as the district advisory committee or DAC) or comparable committee
has held a public meeting to consider the plan and that committee has approved the plan
by a majority vote. 19 Tex. Admin. Code § 102.1313(a), (b).

1) **Website posting.** As a DOI, the district must post and maintain a copy of the
district’s current plan in a prominent location on the district’s website for the term
of the designation as a DOI. 19 Tex. Admin. Code § 102.1307(f). The plan proposed
for renewal must be posted for 30 days before board approval.

2) **Notifying the commissioner.** The deadline for notifying TEA of an innovation plan
proposed for renewal is before the board votes to approve the final plan. As a best
practice, we recommend notifying TEA of a proposed plan at the same time as the
plan is posted on the district’s website. Although the statute indicates that a board
of trustees will notify TEA of the proposed plan, the board may delegate to the
superintendent the administrative functions of posting the proposed plan and
transmitting the plan to TEA.

3) **Committee approval.** The school board’s public hearing and vote of the DAC, or
comparable committee, may occur at the same meeting. To be considered a public
hearing, the public must be notified in advance of the date, time, and place of the
hearing, and the committee must receive public comment, if any, on the plan
proposed for renewal.

The Texas Open Meetings Act (OMA) does not necessarily apply to committe
meetings, but many districts have posted notice in accordance with the OMA to
ensure adequate notice. After the public opportunity to comment on the plan, the
committee may approve a plan proposed for renewal by a majority vote. Although
the law does not specify, we recommend the plan be approved by a majority of the
total committee members, not just a majority of those present and voting.

4) **Board adoption.** The board of trustees may then vote to adopt the plan. The vote
must pass by a two-thirds affirmative vote of the membership of the board. On
adoption of the final plan, the district must notify the commissioner and provide a
list of the exemptions claimed. The district may then function in accordance with the
plan and continue to be exempt from the specified provisions.

5) **Submission of plan to TEA.** Not later than the 15th day after the date on which the
board adopts a plan, the district needs to provide a link to the current local
innovation plan to TEA. TEA must promptly post the link to the plan on its website.
An email providing a link to the plan available on a district’s website should be sent
to the commissioner’s inbox at commissioner@tea.texas.gov and with a cc to
accred@tea.texas.gov.
Districts should proceed with caution throughout the adoption process to adhere to chapter 12A, TEA rules, and state laws regarding open meetings and open records. School districts should consult their school attorneys regularly and keep the process as transparent as possible to avoid legal challenges.

4. What if the district includes additional exemptions not in the original DOI plan?

As described above, the process to renew a DOI plan mirrors the process for initial adoption of the local innovation plan. Tex. Educ. Code §§ 12A.005, .007. If you are renewing a plan and adding new amendments, then the process will be the same. However, the district should ensure board actions reflect that there are new exemptions in the proposed plan.

If a district renews a DOI plan in the spring of 2021 and then discovers newly passed laws from which it wishes to be exempt, the district must follow the process to amend its plan as described in TASB Legal Services’ Districts of Innovation Frequently Asked Questions.

In keeping with TEA’s encouragement to foster transparency and communication in the process, we recommend that a board not add any substantive content (such as a new exemption) if the content has not been posted for the full 30 days. Districts should work with local counsel when renewing and amending a DOI plan and remember to contact TASB Policy Service if exemptions impact policy choices.

See TEA’s Districts of Innovation Amendment & Renewal.

5. When should we start the renewal process?

The district should carefully map out the renewal process timelines to ensure that the renewal decision is made before the plan expires. The district must comply with all the renewal requirements in the TEA rules before the board can vote on the renewal. Prior to the board’s vote, the final version of the renewal plan must be posted on the district’s website for 30 days, the commissioner must be notified about the board’s intention to vote, and the DAC must approve the plan. The district should also build in time for contingencies.

If the plan expires prior to its renewal or if the board declines to renew the plan, the district may become subject to regulations that are unanticipated. For instance, if the district’s exemption from the first day of school expires, the district may have to suddenly revise its academic calendar.
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Published November 2022