



Texas Association of School Boards

Legal Services

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Serving Texas Schools Since 1949

Renewing a District of Innovation Plan

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By law, a DOI plan may have a term of up to five years, and it may be amended, rescinded, or renewed.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 in 19 Texas Administrative Code section 102.1307 and 19 Texas Administrative Code section 102.1313 discussed below. 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 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 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 committee 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 copy of the current local innovation plan to TEA. TEA must promptly post the plan on its website. An email attaching the final plan or 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](#).

This document is continually updated at tasb.org/services/legal-services/tasb-school-law-essource/governance/districts-of-innovation/documents/renewing-a-district-of-innovation-plan.pdf. For more information on school law topics, visit TASB School Law eSource at schoollawesource.tasb.org.

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