

ATTACHMENT I

**Statutory Citations Relating to New 19 TAC Chapter 102, Educational Programs,
Subchapter JJ, Commissioner's Rules Concerning Innovation District**

Texas Education Code (TEC), Chapter 12A, Districts of Innovation

TEC, §12A.001. Authorization.

- (a) Subject to Subsection (b), a school district may be designated as a district of innovation in accordance with this chapter.
- (b) A school district is eligible for designation as a district of innovation only if the district's most recent performance rating under Section 39.054 reflects at least acceptable performance.
- (c) Consideration of designation as a district of innovation may be initiated by:
 - (1) a resolution adopted by the board of trustees of the district; or
 - (2) a petition signed by a majority of the members of the district-level committee established under Section 11.251.

TEC, §12A.002. Public Hearing.

- (a) Promptly after adopting a resolution under Section 12A.001(c)(1) or receiving a petition under Section 12A.001(c)(2), the board of trustees shall hold a public hearing to consider whether the district should develop a local innovation plan for the designation of the district as a district of innovation.
- (b) At the conclusion of the public hearing or as soon as possible after conclusion of the public hearing, the board of trustees may:
 - (1) decline to pursue designation of the district as a district of innovation; or
 - (2) appoint a committee to develop a local innovation plan in accordance with Section 12A.003.

TEC, §12A.003. Local Innovation Plan.

- (a) A local innovation plan must be developed for a school district before the district may be designated as a district of innovation.
- (b) A local innovation plan must:
 - (1) provide for a comprehensive educational program for the district, which program may include:
 - (A) innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;
 - (B) modifications to the school day or year;
 - (C) provisions regarding the district budget and sustainable program funding;
 - (D) accountability and assessment measures that exceed the requirements of state and federal law; and
 - (E) any other innovations prescribed by the board of trustees; and

- (2) identify requirements imposed by this code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Section 12A.004.

TEC, §12A.004. Limitation of Permissible Exemptions.

- (a) A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the following provisions of this title:
 - (1) a state or federal requirement applicable to an open-enrollment charter school operating under Subchapter D, Chapter 12;
 - (2) Subchapters A, C, D, and E, Chapter 11, except that a district may be exempt from Sections 11.1511(b)(5) and (14) and Section 11.162;
 - (3) state curriculum and graduation requirements adopted under Chapter 28; and
 - (4) academic and financial accountability and sanctions under Chapter 39.
- (b) The commissioner shall:
 - (1) maintain a list of provisions of this title from which school districts designated as districts of innovation are exempt under this chapter; and
 - (2) notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

TEC, §12A.005. Adoption of Local Innovation Plan; Commissioner Approval.

- (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 Internet website for at least 30 days;
 - (2) the board of trustees has notified the commissioner of the board's intention to vote on adoption of the proposed plan; and
 - (3) the district-level committee established under Section 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, provided that the meeting required by this subdivision may occur immediately before and on the same date as the meeting at which the board intends to vote on 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 chapter for the term specified in the plan, subject to Section 12A.006;
 - (2) shall begin operation in accordance with the plan; and
 - (3) is exempt from state requirements identified under Section 12A.003(b)(2).
- (d) A district's exemption described by Subsection (c)(3) includes any subsequent amendment or redesignation of an identified state requirement, unless the subsequent amendment or redesignation specifically applies to a district of innovation.

TEC, §12A.006. Term.

The term of a district's designation as a district of innovation may not exceed five years.

TEC, §12A.007. Amendment, Rescission, Or Renewal Of Local Innovation Plan.

A local innovation plan may be amended, rescinded, or renewed if the action is approved by a vote of the district-level committee established under Section 11.251, or a comparable committee if the district is exempt from that section, and the board of trustees in the same manner as required for initial adoption of a local innovation plan under Section 12A.005.

TEC, §12A.008. Termination By Commissioner.

- (a) The commissioner may terminate a district's designation as a district of innovation if the district receives for two consecutive school years:
 - (1) an unacceptable academic performance rating under Section 39.054;
 - (2) an unacceptable financial accountability rating under Section 39.082; or
 - (3) an unacceptable academic performance rating under Section 39.054 for one of the school years and an unacceptable financial accountability rating under Section 39.082 for the other school year.
- (b) Instead of terminating a district's designation as authorized by Subsection (a), the commissioner may permit the district to amend the district's local innovation plan to address concerns specified by the commissioner.
- (c) The commissioner shall terminate a district's designation as a district of innovation if the district receives for three consecutive school years:
 - (1) an unacceptable academic performance rating under Section 39.054;
 - (2) an unacceptable financial accountability rating under Section 39.082; or
 - (3) any combination of one or more unacceptable ratings under Subdivision (1) and one or more unacceptable ratings under Subdivision (2).
- (d) A decision by the commissioner under this section is final and may not be appealed.

TEC, §12A.009. Commissioner Rulemaking.

The commissioner may adopt rules to implement this chapter.