



The Board is currently considering enacting District of Innovation exemptions for certain Texas Education Code statutes related to **Career and Technical Education & Dual Credit Teacher Certification**. The proposed revisions to the following (LOCAL) policies will only be required if the Board decides to enact the exemptions.

The proposed revisions to these policies have followed the development guidelines set forth in AF (LOCAL) and AF (EXHIBIT) – INNOVATION DISTRICTS.

**Annotated version of the (LOCAL) Policies mentioned below are included** – to show you the suggested additions (blue) and deletions (~~red~~) to the existing (LOCAL) policy.

- **AF** – INNOVATING DISTRICT
- **DBA** – EMPLOYMENT REQUIREMENTS AND RESTRICTIONS, CREDENTIALS AND RECORDS
- **DCE** – EMPLOYMENT PRACTICES, OTHER TYPES OF CONTRACTS
- **DK** – ASSIGNMENT AND SCHEDULES
- **DN** – PERFORMANCE APPRAISAL
- **DNA** – PERFORMANCE APPRAISAL, EVALUATION OF TEACHERS
- **EB** – SCHOOL YEAR
- **FEC** – ATTENDANCE, ATTENDANCE FOR CREDIT

## PROPOSED REVISIONS

### District of Innovation

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Spring Branch ISD achieved the designation of District of Innovation under Texas Education Code (TEC) 12A on April 25, 2016, when the Board approved a comprehensive Strategic Plan/Local Innovation Plan by a two-thirds vote.

### Exceptions from TEC Provisions

The approved Strategic Plan/Local Innovation Plan allows the District to exempt itself from all TEC provisions except the following:

1. Exemptions that are not permitted under TEC 12A.004; and
2. The following list of TEC provisions:
  - a. 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);
  - b. TEC, Chapter 11, Subchapters A, C, D, and E, except that the District may implement an exemption from TEC 11.1511(b)(5) and (14) and 11.162;
  - c. TEC, Chapter 13;
  - d. TEC, Chapter 25, Subchapter A, 25.001, 25.002, 25.0021, 25.0031, and 25.004;
  - e. TEC, Chapter 28, 28.002, 28.0021, 28.0023, 28.005, 28.0051, 28.006, 28.016, 28.0211, 28.0213, 28.0217, 28.025, 28.0254, 28.0255, 28.0258, 28.0259, and 28.026;
  - f. TEC, Chapter 29, Subchapter G;
  - g. TEC, Chapter 30, Subchapter A;
  - h. TEC 30.104;
  - i. TEC, Chapter 34;
  - j. TEC, Chapter 37, 37.006(l), 37.007(e), 37.011, 37.012, 37.013, and 37.020;
  - k. TEC, Chapter 39;
  - l. TEC, Chapter 41;

INNOVATION DISTRICTS

AF  
(LOCAL)

- m. TEC, Chapter 42;
- n. TEC, Chapter 44, 44.011, 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;
- o. TEC, Chapter 45, 45.003, 45.0031, 45.005, 45.105, 45.106, 45.202, and 45.203;
- p. TEC, Chapter 46; and
- q. A provision of Title 2 of the TEC establishing a criminal offense.

**Local Policy Development Process**

For policies related to its District of Innovation status, the District shall implement an enhanced local policy development process that is rigorous, transparent, and inclusive of stakeholder input. Policy changes that activate an exemption from a provision in the TEC shall be approved by a two-thirds affirmative vote of the membership of the Board. [See AF(EXHIBIT)]

**Continued Compliance with Current Legal and Local Policies Until Board Takes Action Otherwise**

Unless and until the Board takes action to activate a particular exemption from state law as a District of Innovation, the District shall continue compliance with all current TEC provisions and related regulations, and all current District legal and local policies. Any Board action that enacts such an exemption from state law shall be clearly noted in the legal and local policies affected.

**Legal Policies with Exemptions Enacted Under District of Innovation**

A list of legal exemptions enacted in policy by the Board as a District of Innovation under TEC 12A shall be maintained by the Superintendent. [See AF(EXHIBIT)]

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<sup>1</sup> Innovation Plan: [<https://www.springbranchisd.com/about/strategicplan/2017-22-plan-development-clone/district-of-innovation>]

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS  
CREDENTIALS AND RECORDS

DBA  
(LOCAL)

**PROPOSED REVISIONS**

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**Note:** This local policy has been revised in accordance with the District's innovation plan.<sup>1</sup>

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**Updating Credentials**

All employees who have earned certificates, endorsements, or degrees of higher rank since the previous school year shall file with the District:

1. An official college transcript showing the highest degree earned and date conferred.
2. Proof of the certificate or endorsement.

**Contract Personnel**

The Superintendent or designee shall ensure that contract personnel submit valid credentials as stipulated in their employment contract.

**State Teacher Certification**

In accordance with the District's innovation plan, the District is exempt from the state law that generally requires school districts to hire teachers who are certified by the State Board for Educator Certification. State certification shall not be required for teachers of career and technical education (CTE) courses. In addition, the Superintendent shall have the authority to permit a certified teacher to teach CTE courses outside of his or her certified field(s). State certification shall not be required for teachers of dual credit courses. All other teaching assignments shall require certification in accordance with state law. [See DK]

**Social Security Number**

In accordance with the District's innovation plan, the District is exempt from the state law that requires parental notification of uncertified or inappropriately certified teachers. Parents of students who are taught by uncertified personnel shall be notified in accordance with applicable law and local procedures.

The District shall not use an employee's social security number as an employee identifier, except for tax purposes [see DC]. In accordance with law, the District shall keep an employee's social security number confidential.

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<sup>1</sup> Innovation Plan:  
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EMPLOYMENT PRACTICES  
OTHER TYPES OF CONTRACTS

DCE  
(LOCAL)

**Non-Chapter 21  
Contracts**

The District shall employ on non-Chapter 21 contracts, not to be governed by Chapter 21 of the Education Code, the following positions: speech pathologist, licensed specialist in school psychology, occupational therapist, physical therapist, campus instructional specialist, industry professionals, and noncertified administrators not eligible to receive term contracts under DCB(LOCAL).

**Appeal of  
Employment Actions**

An employee may appeal discharge during the contract period in accordance with DCE(LEGAL).

An employee whose contract is not reissued at the end of the contract period may appeal to the Board in accordance with DGBA(LOCAL).

## PROPOSED REVISIONS

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### **Superintendent's Authority**

All personnel are employed subject to assignment and reassignment by the Superintendent or designee when the Superintendent determines that the assignment or reassignment is in the best interest of the District. Reassignment shall be defined as a transfer to another position, department, or facility that does not necessitate a change in the employment contract of a contract employee. Any change in an employee's contract shall be in accordance with policy DC.

Any employee may request transfer within the District to another position for which he or she is qualified, in accordance with administrative regulations.

### **Assignment of Related Employees**

No employee shall supervise another employee who is a member of his or her family. Family in this statement shall be construed to include: wife, husband, son, daughter, brother, sister, mother, father, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, and son-in-law.

The District shall avoid, when possible, the assignment of related employees to the same grade level on the same campus, to the same educational department or office on the same campus or in the central office, or to the same auxiliary work crew.

These provisions shall not apply to positions held by persons employed or assigned before the original adoption date of these provisions but shall apply to all subsequent assignments or positions held by any such employee.

### **Campus Assignments**

The principal's criteria for approval of campus assignments and reassignments shall be consistent with District policy regarding equal opportunity employment, and with staffing patterns approved in the District and campus plans. [See BQ series] In exercising their authority to approve assignments and reassignments, principals shall work cooperatively with the central office staff to ensure the efficient operation of the District as a whole.

[In accordance with the District's local innovation plan exemption regarding SBEC certification \[see DBA\], the Superintendent shall have the authority to approve a request by the principal for a qualified individual with experience in a career and technical education \(CTE\) field to teach a CTE course. In addition, the Superintendent](#)

## PROPOSED REVISIONS

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ASSIGNMENT AND SCHEDULES

DK  
(LOCAL)

**Supplemental Duties**

shall have the authority to approve the principal's request to assign a certified teacher to teach CTE courses outside of his or her certified field(s). In accordance with the District's local innovation plan exemption regarding the State Board for Educator Certification [see DBA], the Superintendent shall have the authority to approve a request by the principal for a qualified individual who has met community college teaching requirements, but does not have a teaching certificate to teach a dual credit course. All other teaching assignments shall require certification in accordance with state law. [See DBA]

**Work Calendars and Schedules**

Noncontractual supplemental duties for which supplemental pay is received may be discontinued by either party at any time. An employee who wishes to relinquish a paid supplemental duty may do so by notifying the Superintendent or designee in writing. Paid supplemental duties are not part of the District's contractual obligation to the employee, and an employee shall hold no expectation of continuing assignment to any paid supplemental duty.

Subject to the Board-adopted budget and compensation plan and in harmony with employment contracts, the Superintendent shall determine required work calendars for all employees. [See DC, EB]

Daily time schedules for all employees shall be determined by the Superintendent or designee and principals.

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<sup>1</sup> Innovation Plan:  
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PERFORMANCE APPRAISAL

DN  
(LOCAL)

**General Principles**

All District employees shall be periodically appraised in the performance of their duties. The District's employee evaluation and appraisal system shall be administered consistent with the general principles set out below.

Appraisals for certified teachers shall be governed by DNA(LOCAL) and its accompanying administrative regulations. Appraisals for principals and assistant principals shall be governed by DNB(LOCAL) and its accompanying administrative regulations. Appraisals for all other employees shall be governed by DN(LOCAL) and shall be effective beginning June 25, 2018.

All employees appraised in accordance with this policy, and who work 20 standard hours or more per week, shall be annually appraised in the performance of their duties, as provided by this policy, and shall be provided assistance to improve job performance.

**Criteria**

The employee's performance of assigned duties and other job-related criteria shall provide the basis for the employee's evaluation and appraisal. Employees shall be informed of the criteria on which they will be appraised at the beginning of the appraisal year.

**Annual Appraisal Training**

All employees, and appraisers of employees subject to appraisal under this policy, shall participate in initial appraisal training and in an annual update appraisal training if available thereafter.

**Goal-Setting and Beginning-of-Year Conference**

Employees shall participate in a goal-setting conference at the beginning of the appraisal year with their assigned appraiser. Each employee shall develop an individual professional development plan that focuses on professional growth targets. The plan shall be developed collaboratively with the employee and his or her appraiser near the beginning of the appraisal period and revisited as necessary throughout the year.

**Midyear Conference**

Employees on a personalized plan for assistance (defined below) shall participate in a midyear conference with their appraisers to discuss progress toward their professional growth targets. The midyear conference is optional for other employees. At the conference, evidence directly related to the targets should be reviewed with the employee. If applicable, discussion and identification of additional supports should be discussed.

**Performance Review**

Appraisal ratings shall be based on the appraisal instrument and cumulative performance data gathered by supervisors throughout the year. Employees participating in the annual appraisal process, shall have an end-of-the-year conference to discuss the written appraisal and may have as many conferences about performance of duties as the supervisor deems necessary. [See also DNA and DNB]

PERFORMANCE APPRAISAL

DN  
(LOCAL)

<b>New Hires</b>	An employee who was hired within 90 days of the end of the appraisal period shall not have an annual appraisal.
<b>Missed Deadlines</b>	In the event an appraisal deadline is missed by either the employee or the appraiser, the appraiser shall document the reason in a memorandum to the employee and a copy shall be sent to the appraiser's supervisor and the appraisal process shall continue. A missed deadline shall not invalidate an appraisal document.
<b>Standard Hours Change</b>	An employee whose standard hours increase to 20 hours or more per week, prior to 90 days until the end of the appraisal period, shall be appraised. An employee whose standard hours increase to 20 hours or more per week within the 90 days until the end of the appraisal period, shall not be appraised.
<b>Employee Position Change</b>	An employee whose position changes from a classroom teacher to non-classroom teacher any time before the end of the appraisal period shall be appraised on the instrument applicable to his or her current or former position, as determined by human resources in consultation with the employee's current and former supervisors.
<b>Documentation and Records</b>	Official appraisal records shall be maintained throughout a person's employment with the District.
<b>Confidentiality</b>	A document evaluating the performance of a teacher or administrator shall be confidential.
<b>Employee Copy</b>	All employees shall receive a copy of their annual appraisal.
<b>Personalized Plan for Assistance</b>	<p>An appraiser may place an employee on a personalized plan for assistance (PPA) at any time when performance or behavior becomes a concern as evidenced by observations, work products, and behavior aligned to the appraisal expectations.</p> <p>The PPA shall outline the areas for improvement identified by the appraiser, and specific developmental activities within the employee's plan shall be monitored.</p>
<b>Third-Party Input</b>	The appraiser shall verify and document third-party information that the appraiser and/or employee want to use as cumulative data. Any documentation that will influence the employee's annual appraisal ratings must be shared in writing with the employee within ten working days of the appraiser's knowledge of the occurrence.
<b>Employee Response</b>	Employees may submit a written response or rebuttal to their appraiser within ten working days of receipt of a written document. The appraiser shall attach the employee's written response to the appraisal document.

PERFORMANCE APPRAISAL

DN  
(LOCAL)

**Application of  
Assessment  
Systems**

All aspects of the appraisal systems shall be applied consistently and fairly to all employees.

**Implementation**

The appraisal process outlined in this policy shall be implemented in phases as follows:

1. For the 2018–19 school year, the appraisal process shall apply to all central office personnel (including the information technology department) and shall be piloted at specific campuses selected by the human resources department.
2. For the 2019–20 school year, the appraisal process shall be implemented District-wide.

Upon full implementation (i.e., the 2019–20 school year and thereafter), the appraisal process outlined in this policy shall be mandatory for all paraprofessional and applicable professional personnel and shall be optional for auxiliary personnel.

**Complaints**

Employees may present complaints regarding the evaluation and appraisal process in accordance with the District's complaint policy for employees. [See DGBA]

## PROPOSED REVISIONS

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**Note:** This local policy has been revised in accordance with the District's innovation plan.<sup>1</sup>

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### Appraisal System

#### Local Appraisal Process

In accordance with the District's innovation plan, the District is exempt from state laws regarding teacher appraisal for individuals who teach a career and technology education (CTE) course, and/or a dual credit course. The Board may approve for a campus the use of a local appraisal process and evaluation criteria developed in accordance with administrative regulations.

### **T-TESS**

The formal appraisal of all other District teachers shall be in accordance with the Texas Teacher Evaluation and Support System (T-TESS) developed by the Texas Education Agency (TEA).

The Board shall approve a list of certified appraisers who can appraise a teacher in place of the teacher's supervisor.

The District shall establish an appraisal calendar each year.

Each campus principal shall identify which, if any, non-administrative, campus personnel (other than teachers) having classroom instructional responsibilities shall be appraised using T-TESS.

#### Annual Appraisal

District teachers shall be appraised annually.

#### *Exception*

Teachers who are eligible for less frequent evaluations in accordance with law [see DNA(LEGAL)] and the local criteria established in this policy shall be appraised in accordance with the provisions below.

#### Less-Than-Annual *Eligibility*

In addition to meeting the eligibility requirements in state rules, to be eligible for less-than-annual evaluations under the T-TESS, a teacher shall:

1. Agree to less-than-annual evaluations in writing;
2. Be employed on an educator term or continuing contract, or be on the second year of a probationary contract;
3. Hold SBEC certification;
4. Have been employed by the District for at least two years;
5. Have a summative rating of at least "proficient" in at least nine out of the 16 dimensions on the teacher's most recent full summative appraisal; and
6. Have served at the current campus for at least one year.

PERFORMANCE APPRAISAL  
EVALUATION OF TEACHERS

DNA  
(LOCAL)

*Frequency*

Teachers eligible for less-than-annual appraisals shall be appraised every three years.

During any school year when a full appraisal cycle is not scheduled for an eligible teacher, either the teacher or the principal may require that a walkthrough or formal observation be conducted.

A teacher's supervisor shall have the authority to return a teacher to the full appraisal cycle as a result of performance deficiencies documented in accordance with state rule.

*Annual Review  
Process*

In the years in which a T-TESS appraisal is not scheduled for an eligible teacher, the teacher shall participate in an annual review process that includes the elements listed in state law and DNA(REGULATION).

The annual review process shall produce a written document to be presented to the teacher, signed by the teacher and supervisor, and maintained in the personnel file.

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<sup>1</sup> Innovation Plan:  
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## PROPOSED REVISIONS

~~**Note:** As a district of innovation, Spring Branch ISD has exempted itself from Education Code 25.0811, which establishes the earliest date that a district can begin the school year [see AF, INNOVATION DISTRICTS].~~

**Note:** This local policy has been revised in accordance with the District's innovation plan.<sup>1</sup>

### District Academic Calendar

The Board shall ensure the creation of a District academic calendar that is aligned with the goal of T-2-4, Spring Branch ISD's core values, and the strategic plan.

The Board may establish parameters for the development of the District academic calendar and include such factors as:

1. District-wide initiatives;
2. Board priorities;
3. Semesters;
4. Testing schedules;
5. Holidays;
6. Parent/Teacher conferences;
7. Surrounding district calendars;
8. Student attendance data;
9. Summer programs; and
10. State law (including district of innovation exemptions).

Through this policy, as a district of innovation, the Board activates an exemption from Section 25.0811 of the Texas Education Code (TEC).

The District Improvement Team (DIT) shall serve as the District calendar committee and shall seek stakeholder/community input in the calendar development process. The Superintendent, considering the recommendation(s) brought forth by the calendar committee, shall make a final recommendation to the Board that is in the best interests of the District's students, staff, and community. The District's academic calendar must be approved by the Board before it goes into effect.

**School Closure**

The Superintendent shall be authorized to approve variations from the Board-adopted District academic calendar when a necessary and immediate need arises, or subject to approval of the Board.

The Board delegates to the Superintendent the authority to close schools for reasons of public health and safety.

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<sup>1</sup> [Innovation Plan:](#)

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## PROPOSED REVISIONS

~~**Note:** — As a district of innovation, Spring Branch ISD has exempted itself from Education Code 25.092, which establishes the minimum attendance to earn credit or a final grade [see AF, Innovation Districts].~~

**Note:** This local policy has been revised in accordance with the District's innovation plan.<sup>1</sup>

### Excessive Absences —Academic Support Plans

Excessive absences shall be defined as having been in attendance for less than 90 percent of the days a class or course is offered.

A student with excessive absences at any time during the semester may be assigned an academic support plan to ensure appropriate progress in classes. The student's plan shall be developed by the campus administrator with input from the student's teachers. Failure of a student to satisfy an assigned academic support plan can result in credit and/or final grade being withheld for the class or courses until the student meets the plan requirements. Before assigning an academic support plan, the campus administrator shall consider the following:0)

1. Were the absences due to campus-sponsored activities?
2. Were the absences due to extenuating health or personal reasons?
3. Were absences associated with reasons out of the student's or parent's control?
4. Has the student completed assignments, mastered the essential knowledge and skills, and maintained passing grades in the course or subject?
5. Is there a pattern of questionable absences (the principal may consider the acceptability and authenticity of documented reasons for the student's absences)?

In reaching a decision regarding a student's absences and the assignment of an academic support plan, the campus administrator shall attempt to ensure the decision is in the best interests of the student. The campus administrator shall document the decision. The campus administrator has the discretion to modify the academic support plan at any time if the student continues to accumulate absences.

Parental Notice



ATTENDANCE  
ATTENDANCE FOR CREDIT

FEC  
(LOCAL)

	The campus administrator shall provide written notice to the student and the student's parent or guardian at such time an academic support plan is assigned.
Appointment of Campus Attendance Appeals Committee	The principal shall appoint no fewer than three persons to a campus attendance appeals committee. Classroom teachers shall comprise a majority of the committee.
Appeal Process	<p>A student who has not met the 90-percent rule and has not earned class credit or a final grade by successfully completing the requirements in the academic support plan may initiate an appeal to the campus attendance appeals committee. The principal shall inform the student by written notice of the appeal process and when the campus attendance appeals committee will meet.</p> <p>The campus attendance appeals committee's decision may be appealed as provided by the student complaint policy. [See FNG(LOCAL)]</p>

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