

Texas Education Code Exemptions

The Haskell CISD staff in conjunction with the District Innovation Committee has reviewed the Texas Education Code and determined which exemptions currently inhibit the local district from making the best use of time for student instruction and educational opportunities for our students at Haskell CISD.

I. **UNIFORM START DATE (TEC §25.0811)**

State law currently prohibits a school district from starting school before the fourth Monday in August unless you are a Year-Round District.

RATIONALE FOR EXEMPTION

If the District has the flexibility in the start of school date, we can determine locally what best fits the needs of our students and school. This flexibility will also help coordinate dates with the students that are taking dual credit courses through a college. The District will also have the ability to build a calendar that is more balanced with the number of days in each semester.

II. **LENGTH OF SCHOOL DAY (TEC §25.081)**

Current State law requires that all school days must be 420 minutes long each day for ADA funding and calculations. The total number of minutes for the year must be at least 75,600.

RATIONALE FOR EXEMPTION

This exemption would allow our District to alter the days needed for additional staff development or other educational needs as determined by the District where the students would benefit educationally.

This exemption would also allow the District to have a flexible amount of time to review student data so that certain determined target areas are covered thoroughly. Haskell CISD will use this time to maximize instruction and prepare the instructors.

III. **TEACHER CERTIFICATION (TEC §21.003, §21.044, §21.053 AND §21.057)**

Current State Law states that a person may not be employed as a teacher/instructor by a District unless they hold the appropriate permit or certification issued by an

appropriate State Agency. Currently, we have to notify the State in order to request an emergency certification if we can't find a certified individual.

RATIONALE FOR EXEMPTION

The current State requirements do not allow a District to hire teachers unless they have a specific certification for a specific assignment. This would allow the flexibility to have a teacher that could teach a content area that might be out of their certified area. Haskell CISD would have their own local requirements that would target the best cross curriculum move that would also enhance the instruction of the students. The teachers that would teach out of their certified areas would be required to have additional instructional development. The campus Principal would have to approve the teacher and take that recommendation to the Superintendent. The Superintendent would consult with the School Board before final decision was made.

IV. CONTRACT SERVICE DAYS (TEC §21.401)

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

RATIONALE FOR EXEMPTION

With the passage of HB 2610 and TEC §25.081 which changed the required instructional days to minutes, the law did not address the contract days for 10 month employees. The number of days required for teachers should be a local decision. Our District will know what areas of staff development are needed for our educational institution and how many days it will take for that training.

V. Transfer Students: (TEC 25.036)

State law allows a student to transfer annually from the child's school district of residence to another district in the state if both the receiving district and the applicant parent or guardian jointly approve and timely agree in writing to the availability of programs and services, the student's disciplinary history, academic performance and attendance records are also evaluated. Under TEC 25.036, a transfer is interpreted to be for a period of one school year.

Rational for exemption:

The administration will review disciplinary records, academic performance, attendance records, and other data of transfer students on an ongoing basis to determine if the transfer agreements is being upheld. Haskell CISD is seeking to eliminate the provision of a one-year commitment to transfer students when they violate district expectations of attendance, discipline, academic achievement, and/or falsify documents. This flexibility would allow the district to have the option of immediate revocation of a student's transfer status by the Superintendent or designee at any time during the year.

VI. Amended: 6-22-2023 Approved by Board of Trustees

Texas Education Code §21.003 Certification Required

Texas Education Code §21.053 Presentation of Recording of Certificates

Texas Education Code §21.057 Parental Notification

Approved DOI Amendment:

The District will continue to first seek qualified applicants with certification for all teacher positions. However, if a satisfactory candidate is not available, a procedure would be implemented permitting the Superintendent to allow a certified teacher to teach a subject outside of their certification or permitting the District to employ an uncertified person for other teaching positions. Upon request from a Campus Principal or the Superintendent, a qualified individual may be eligible to teach any course through a local teaching certificate. The District shall develop minimum required qualifications for persons hired in the above manner and will also require certain professional development in the areas of student management, instructional strategies, curriculum and parent engagement. Notwithstanding the foregoing, all certification requirements will remain in place for special education and primary ESL (bilingual) teachers.

Rationale:

When it is not reasonably possible, the district will have the flexibility to hire individuals who are knowledgeable and equipped to effectively perform the duties of the position. The ability to locally certify teachers will enable the District to better meet the educational needs of our students, as well as expand on and innovate with regard to the courses the District can offer. This will also greatly expand the District's hiring capability, which is impacted by the District's geographical location and competitive hiring practices at neighboring school districts. This flexibility will be particularly beneficial in CTE areas (where industry

experience is highly valued) and in hard-to-fill classroom positions. Nonetheless, Haskell ISD will continue to prioritize obtaining certified candidates for all positions when available.

VII. DAEP for E-Cigarettes (and other vape devices) (TEC 37.006)

- **Current:** Texas Education Code § 37.006 provides that a student must be removed from class and placed in a disciplinary alternative education program if the student possesses, uses, or distributes an e-cigarette (or other vape device). With the new requirement to place students in DAEP for the use, possession, or distribution of e-cigarettes (vaping devices or similar), the Haskell ISD DAEP will become overcrowded, taking nonviolent students away from their regular class schedules, diluting the quality of education for students in the DAEP, and possibly requiring additional staffing for our DAEP. When there is not enough space available in the DAEP program, Haskell ISD will have to place students in violation of e-cigarette (vaping devices or similar) In-School Suspension (ISS). Again, this will detrimentally affect the quality of education students are receiving and may require additional staffing - at a time when school districts are experiencing shortages of employees in almost every position. Finally, Haskell ISD has had success in handling disciplinary situations with e-cigarettes (vaping devices) using its own resources in a locally determined disciplinary setting and process.
- **Approved:** the District will be exempt from mandatory removal to DAEP based on possession of e-cigarettes.
 - Haskell ISD will use discretion in disciplinary placement for students who possess, use, or deliver marijuana or e-cigarettes on or near public school property or at certain school events.
 - A student may be placed in a DAEP if the student possesses, uses, or is under the influence of, or sells, gives, or delivers to another person marijuana, as defined by Section 481.002, Health and Safety Code, or tetrahydrocannabinol, as defined by rule adopted under Section 481.003 of that code.
 - A student may be placed in a DAEP if the student possesses, used, sells, gives, or delivers to another person an e-cigarette, as defined by Section 161.081, Health and Safety Code.
- **Innovation Strategies:** Haskell ISD will determine the best course of action for discipline of students using, possessing, or distributing e-cigarettes (vaping devices or similar). This will allow the District to determine the best allocation of financial and staffing resources for students, based on District disciplinary methods and experience. This will provide additional financial resources that can be used on innovative and enriching educational programs for all District students.

Approved 8-29-2023