

Proposed Amendments to DOI

12/13/2021

Transfer Students (TEC 25.036)

Currently, under Texas Education Code 25.036, a district may choose to accept, as transfers, students who are not entitled to enroll in the District. The transfer policy for non-resident students must be a one-year commitment on the part of the District. Relief from the code governing this policy would eliminate the provision of a one-year commitment in the event of an exceptional circumstances which would include, but are not limited to: student misbehavior warranting in or out of school suspension, placement in DAEP or expulsion; or attendance which falls below the TEA truancy standard including absences from school, and or multiple instances of late arrival, early dismissal or late pickup. This exception would not apply to McKinney Vento students due to federal law. Transfer revocation will be handled by the Deputy Superintendent.

Removal of Unwanted Visitors (TEC 37.105)

State law requires that a guest (parent or visitor) attending a school event must be given a warning before he/she is ejected. Upon ejection, the guest must also be given notice of how he/she can appeal the ejection. Relief from the code governing this area would allow designated staff members the authority to remove parents or visitors whose behavior is deemed inappropriate without warning or written notice. The Deputy Superintendent will oversee this process.

Suspension of Students in Grades Below 3rd (TEC 37.005)

The Texas Education Code restricts a campus administrator's ability to place a student in a grade below third in out-of-school suspension, unless while on school property or while attending a school-sponsored or school-related activity on or off school property the student engages in certain dangerous conduct (weapons, violent offenses, or drugs). This limitation prohibits campus administrators from taking the sometimes necessary action of removing a student from the campus, regardless of age, for the safety of the student, other students, and/or the staff. This flexibility will allow for MFISD administrators to exercise their professional judgement when assigning discipline to students and place students of any grade in out-of-school suspension when the administrator determines that such action is necessary for safety and/or in order to maintain an orderly learning environment for all students. The Executive Director of Special Services would be consulted if a student below grade 3 is being considered for out-of-school suspension and would approve/deny the suspension.

Class Size Waiver for DAEP (TEC37.008(a-l) & TAC 103.1201(h)(1))

Currently, the certified teacher-to-student ratio in a DAEP shall be one certified teacher to 15 students. Relief from this code would allow MFISD to exercise flexibility in serving students at the DAEP to best meet the needs of students academically and behaviorally. MFISD will be able to place students in rooms according to behavior and restorative discipline needs to better serve them academically. Instances where a classroom would be over 15 students with one teacher would consist of students with minimal behavior instances and motivated to complete work so that those who need additional behavioral support can reside in a separate classroom with intense behavioral support. MFISD intends to maintain a ratio of one staff member to 15 students for total enrollment at the DAEP. At times it is difficult to find additional certified temporary staff and substitutes willing to work at the DAEP when placement numbers increase. Thus, this relief will also allow MFISD to best utilize various staff and substitutes to staff the DAEP based on student enrollment and needs. The Executive Director of Instructional Services and the Deputy Superintendent will assist the campus principal through this process.

Expulsion from DAEP for Persistent Misconduct (TEC 37.007(c))

Current law states that students can only be expelled from the DAEP for serious misbehavior. Serious misbehavior means: (1) deliberate violent behavior that poses a threat to health or safety; (2) extortion, meaning gaining of money or property by force or threat; (3) coercion; (4) public lewdness; (5) indecent exposure; (6) criminal mischief; (7) hazing; (8) harassment in the form of initiating a communication and in the course of the communication making an obscene comment, request, suggestion, or proposal with intent to harass, annoy, alarm, abuse, torment, or embarrass a student or employee. Placements at the DAEP have increased of students who continually disrupt the educational environment at the main campus and then continue to disrupt the educational environment at the DAEP. Relief from this would allow the DAEP principal to work with district administration to expel a student for persistent misconduct at the DAEP. The Executive Director of Special Services and Executive Director of Instructional Services would be involved in the decision to expel a student at the DAEP.

Certification of Staff

12/13/2021

TEACHER CERTIFICATION

(Texas Education Code §§ 21.003, 21.057; 21.0031; 21.053)

The Texas Education Code requires a public school employee to have the appropriate certification for his or her current assignment unless the appropriate permit has been issued. The credentials appropriate to each assignment are set forth in the State Board for Educator Certification (SBEC) rules at 19 Administrative Code Chapter 231. In the event an appropriately certified teacher cannot be found, the District must request an emergency certification from TEA and SBEC. These rules are burdensome and do not take into account the unique needs and circumstances of the district. Certain subject areas, in particular, are often very difficult to find properly-certified teachers.

Relief from this statute could potentially allow the following:

- Allow a non-certified yet highly qualified professional to teach OR a certified educator to teach in a related field for which he or she is not credentialed by the state.
- Allow the district to establish its own local qualification requirements for hard to fill positions or positions with no applicants.

All decisions on teacher certification and assignments will be handled locally. Examples may include the following:

- Allow an elementary certified teacher with expertise in early grades such as first and/or second to teach kindergarten.
- Allow a teacher certified to teach through grade 6 to teach courses in grades seven and/or eight.
- Allow a teacher certified to teach elementary level that has specific training in a specific content area to be teacher of record in that content area for middle and/or high school students.
- Allow a teacher certified in middle school or high school in a specific content area to teach that content at the elementary or middle school level.

The District will always first seek to hire a certified and highly qualified teacher. All open teaching positions would be posted. Certified teachers will be considered first. However, the candidate who is considered of highest quality may be selected regardless of certification.

While this exemption would be exercised in a limited way for specific situations, it would allow the District to recruit teachers with a strong knowledge base, including individuals from certain trades and/or vocations with industry knowledge and real world experience.

In order to best serve students, certain decisions on certification would be handled locally, within the following parameters:

- Will require teachers who teach Special Education, Bilingual, and English as a Second Language grades/courses to be certified.
- Certain industry-based experts will not be required to obtain a teaching certificate. Examples could be computer science, carpentry, health science.

- Experienced college instructors or professors will not be required to obtain a teaching certificate if hired for a dual credit teaching position that contains only dual credit classes.
- Candidates for non CTE or dual credit positions must hold a Bachelor's Degree. Teachers hired under this exemption must complete the Texas teacher certification process and present documentation of valid certification to Human Resources within three years of hire. The three year period for those hired after January 1 would not start until the next school year.
- Out-of-state certified staff must complete the Texas teacher certification process and present documentation of valid certification to Human Resources within three years of hire.

Staff hired under this exemption will be provided with district identified training and resources, and the support of a mentor to ensure their success.

In the event that the District is unable to find a certified teacher, the following procedures would be implemented:

After the required posting period and candidate interviews, if the principal desires to hire a candidate with other qualifications, the principal must specify in writing, to Human Resources, the reason for the request and document what specific credentials (i.e. experience, expertise, and/or industry certifications) the candidate possesses that would qualify the individual to teach that subject(s).

Human Resources will submit a request for a district permit to the Superintendent or designee for the candidate and will include the following locally determined criteria:

- a. College teaching experience; or
- b. Industry experience; or
- c. TEA educator certification to teach a subject in a related field; or
- d. Any combination of work experience, training, education, or industry-related credentials related to the subject matter he/she will be teaching.

The written request will outline the reason for the request and it will document the credentials possessed by the recommended teacher which will qualify him/her to teach the subject.

Parents will be notified in writing if students are being taught by a teacher hired under this exemption.

Chapter 21 contracts vs teacher agreements will be established.

The Superintendent or designee will approve all local certifications and will report to the board of trustees.