

**Chapter 102. Educational Programs**

**Subchapter JJ. Commissioner's Rules Concerning Innovation District**

**§102.1301. Definitions.**

possible, but not later than 30 days, to consider if the district should develop a local innovation plan for the designation of the district as an innovation district.

- (b) At the conclusion of the public hearing, or within 30 days after conclusion of the public hearing, the board of trustees may:
  - (1) decline to pursue designation of the district as an innovation district; or
  - (2) appoint an innovation plan committee to develop a local innovation plan in accordance with the TEC, §12A.003.
- (c) The board of trustees may outline the parameters around which the innovation plan committee may develop the plan.
- (d) Prior to the designation as an innovation district, a local innovation plan must be developed for the school district and shall meet the plan requirements as outlined in the TEC, §12A.003, and described in this subchapter.
- (e) The plan must be clearly posted on the district's website for the term of the designation as an innovation district.

*Statutory Authority: The provisions of this §102.1305 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1305 adopted to be effective September 13, 2016, 41 TexReg 7089.*

**§102.1307. Adoption of Local Innovation Plan.** §

- (a) The board of trustees may not vote on adoption of a proposed local innovation plan.





in effect from the date of adoption of the renewed plan through the expiration date of the renewed plan, unless amended, rescinded, or terminated.

- (iv) If changes are made to the plan during the renewal process, the district shall mark the changes with the date of the vote to renew the plan in order to denote the earliest date those changes may take effect.
- (v) A district whose plan is not renewed during the timeline described in this subparagraph shall comply with all previously adopted exemptions immediately upon expiration of the plan and begin the adoption process over again in its entirety should the district wish to pursue designation as a district of innovation in the future.

- (b) The district shall notify the commissioner of any actions taken pursuant to subsection (a) of this section along with the associated TEC exemptions and local approval dates.

*Statutory Authority: The provisions of this §102.1313 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1313 adopted to be effective September 13, 2016, 41 TexReg 7089; amended to be effective June 20, 2023, 48 TexReg 3225.*

### **§102.1315. Termination.**

- (a) The commissioner of education may:
  - (1) terminate a district's designation as a district of innovation if, beginning with its ratings in the year of designation, the district is assigned for two consecutive school years:
    - (A) a final unacceptable academic performance rating under the Texas Education Code (TEC), §39.054;
    - (B) a final unacceptable financial accountability rating under the TEC, §39.082; or
    - (C) a final unacceptable academic performance rating under the TEC, §39.054, for one of the school years and a final unacceptable financial accountability rating under the TEC, §39.082, for the other school year;
  - (2) permit the district to amend the district's local innovation plan to address concerns specified by the commissioner in lieu of terminating the designation as described in paragraph (1) of this subsection; or
  - (3) terminate a district's designation as a district of innovation if the district:
    - (A) fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under the TEC, §12.1059;
    - (B) fails to comply with the duty to discharge or refuse to hire certain employees or applicants convicted of certain offenses under the TEC, §22.085; or
    - (C) fails to comply with the duty to discharge or refuse to hire certain employees or applicants not eligible for employment in public schools under the TEC, §22.092.
- (b) The commissioner shall terminate a district's designation as a district of innovation if, beginning with its ratings in the year of designation, the district is assigned for three consecutive school years:
  - (1) a final unacceptable academic performance rating under the TEC, §39.054;
  - (2) a final unacceptable financial accountability rating under the TEC, §39.082; or
  - (3) any combination of one or more unacceptable ratings under paragraph (1) of this subsection and one or more unacceptable ratings under paragraph (2) of this subsection.
- (c) Upon termination of an innovation plan, a district must return to compliance with all specified areas of the TEC by a date to be determined by the commissioner.
- (d) A decision by the commissioner under this section is final and may not be appealed.

*Statutory Authority: The provisions of this §102.1315 issued under the Texas Education Code, §§12A.001-12A.009.*

*Source: The provisions of this §102.1315 adopted to be effective September 13, 2016, 41 TexReg 7089; amended to be effective January 8, 2020, 45 TexReg 339.*