**Education and Workforce Development Cabinet**

**Kentucky Board of Education**

**Department of Education**

**(New Administrative Regulation)**

**701 KAR 5:140. Districts of Innovation**

RELATES TO: KRS 156.108, 156.160(1)(g), 160.107

STATUTORY AUTHORITY: KRS 156.108, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: 156.160 (1) (g) gives the Kentucky Board of Education the authority to promulgate administrative regulations and KRS 156.108 requires the Kentucky Board of Education to promulgate administrative regulations to prescribe the conditions and procedures to be used by a local board of education to be approved as a district of innovation. This administrative regulation establishes the requirements and approval process for districts of innovation.

Section 1. Definitions. (1) “Competency Based Credit” means the awarding credit to students based upon their mastery of content and competencies, that include explicit, measurable, transferable learning objectives that empower students to receive timely, differentiated support based on their individual learning needs with the goal of learning outcomes that emphasize competencies that include application and creation of knowledge, along with the development of important skills and dispositions.

(2) “Extended Learning Opportunities” means initiatives that provide students additional opportunities for enrichment, personal growth, and engagement outside of the traditional school day **that may include extended day/year initiatives, before- and after-school programs, Saturday, weekend, and summer programs, distance learning, and early childhood education initiatives.**

Section 2. Conditions and areas of emphasis for innovation.

(1) Applications of innovation may be submitted by any public school district in Kentucky. No school shall be allowed to submit an application unless as part of a district application.

(2) Applications may contain a request to waive any Kentucky Administrative Regulation or Kentucky Revised Statute related to public schools except the following:

a. Any statute or regulation related to health, safety, civil rights or disability rights;

b. Compulsory attendance requirements under KRS 158.030 and 158.100;

c. The Kentucky Core Academic Standards outlined in KRS 158.685;

d. The minimum high school graduation requirements unless allowable under 704 KAR 3:305;

e. Compliance with requirements of the statewide assessment system as specified in KRS 158.6453;

f. Criminal background check requirements;

g. Compliance with open records and meetings;

h. Compliance with purchasing requirements and limitations; or

i. Any plan to reduce the instructional time provided to students below the requirements outlined in KRS 158.070. Applications may include requests to implement competency based strategies that measure a student’s mastery on the curriculum standards, regardless of the amount of instructional time completed.

(3) Applications may contain request for waiver of any Kentucky Administrative Regulation covered as described in KRS 156.160(2)(a).

(4) Innovative strategies are those that provide non-traditional approaches to all areas of curriculum, instruction, assessment, governance and school operation and may include:

a. Moving to a competency-based learning system, including development of alternate methods of delivery of curriculum and of measuring mastery of standards and skills;

b. Creating multiple pathways to graduation including rigorous career and technical pathways, apprenticeships, early college high schools, early graduation options, and digital learning opportunities;

c. Rethinking the times and places that learning occur, including lengthen or flexing the school day and school year, moving learning beyond the traditional school building and incorporating extended learning opportunities;

d. Implementing alternative forms of governance that include the engagement of teachers, parents and community members but do not follow the guidelines of KRS 160.345;

e. Designing learning environments that include the student in the design of learning pathways; and

f. Creating additional job classifications for certified and classified staff beyond the traditional roles of teacher and instructional assistants and compensating staff on schedules other than a single salary schedule.

(5) Applications may incorporate innovative models and strategies that have been shown to be effective in other districts or states or new innovative models or strategies created by the district.

Section 3. Application process. (1) Original or renewal applications shall be submitted to the Department at any time within the calendar year provided the implementation date is equal to or greater than 180 days from the date of submission of the application.

(2) Submitted applications shall include those schools in the district that have chosen to be schools of innovation per guidelines outlined in KRS 156.108 and any new schools the district plans to create under their application.

(3) Successful applications shall be given an initial approval for five (5) years. Districts which are approved and whose application is still active after five years may submit a renewal application using the application process outlined in this regulation. Each renewal of a district of innovation shall not exceed five (5) years.

(4) The Kentucky Department of Education shall provide technical assistance to local districts prior to application submission.

(5) The application shall include the following components:

(a) An individual sub-plan for each school participating in the district’s plan and for any district level school the district plans to create or restructure under the application.

(b) A description of how the district’s innovation plan shall provide greater improvement in student outcomes, particularly among low-achieving students, than the goals the district would set using its existing instructional programs. The plan should specifically address how it shall more effectively improve the multiple measures required under Kentucky’s accountability system, including targets for student achievement, student growth, achievement gap reduction, graduation rate and college and career readiness.

(c) A description of the district’s plan to ensure that capacity exists in both human and fiscal resources to implement the changes needed in the district to ensure a successful implementation of the district’s innovation plan.

(d) A description of the district’s attendance policy for non-traditional settings and the district’s plan to ensure that all students meet those attendance requirements.

(e) A plan for developing alternate assessment options and measuring student performance outcomes in non-traditional settings including extended learning opportunities, apprenticeships, private instruction, work-study, study in a foreign country, awarding of competency-based credit, community service, independent study and on-line learning opportunities.

(f) A description of the innovations to be implemented and the rationale for the innovations.

(g) A list of the statutes from which the local district is seeking a waiver in order to implement innovative practices and an explanation of how the statute is a barrier to that implementation.

(i) Documentation of broad support for innovations including parents, local institutions of higher education, business and community partners. This documentation may include:

1. Minutes of local board of education meetings where the “District of Innovation” application was discussed.

2. Transcripts or minutes from stakeholder meetings designed specifically to develop the District of Innovation application.

3. Minutes of SBDM councils that include information regarding the school’s vote of at least 70% of the staff to participate in the application as well as discussion of the application itself.

4. Letters of support and commitment to adhere to the innovation plan

(j) A detailed budget indicating how the local board of education shall support implementation of the innovation plan over the course of the initial five-year innovation period

(k) Signatures of the superintendent and board chair for each district named in the plan along with documentation from official board minutes of a vote to approve submission of the application.

(l) Signatures of the chair of the SBDM council for all schools participating in the application along with documentation from official SBDM minutes of the vote of 70% of the staff at each participating school supporting the school’s innovation plan and submission of the application.

(m) Description of how the district shall support professional learning that is job-embedded.

(6) Complete applications shall be reviewed by a committee designated by the Commissioner of Education. The committee shall recommend approval or denial of the application. The committee shall have 60 days from the receipt of each application to review it and make recommendations to the KBE.

(7) The Kentucky Board of Education shall make the final decision on approval or denial of the application at the first regularly scheduled meeting following the 60 day review period.

(8) Districts approved as Districts of Innovation may amend their plan as needed at any time after the first full year of implementation using a process established by the Kentucky Department of Education. The amended plan shall be referred to the committee described in this section.

Section 4. Monitoring of plan implementation. (1) District and school innovation Plans shall be incorporated within the overall district comprehensive plan or shall replace the district comprehensive plan.

(2) Districts approved as Districts of Innovation shall provide annual reports to the Commissioner of Education that shall include the following:

a. Number of students served by the innovation plan, total number and by socio-economic status, race/ethnicity, gender and disability and grade level

b. Number of students served by the innovation plan not on track to graduate from high school, total number and by socio-economic status, race/ethnicity, gender and disability and grade level

Documentation of student progress toward graduation and college and career readiness

c. Total number of certified teachers participating in the innovation plan and their roles and responsibilities (ie. Classroom teacher, mentor, coach, online facilitator, instructional supervisor, etc.)

d. Documentation of certified and classified staff operating in a non-traditional school environment

e. Documentation of any extended learning opportunities in which students in the innovation school participate for the purposes of earning or recovering credit, including qualifications of instructors, time spent, and student outcomes (ie earned credit, did not complete program, etc.)

f. Other measurable outcomes specific to the district’s innovation plan as described in the initial application

(3) Districts approved as Districts of Innovation shall receive an annual site visit from an innovation review team selected and trained by the Kentucky Department of Education. The purpose of the visit shall be to monitor progress and interview staff and students to collect qualitative data on the effect of the innovation plan and for future research needs.

a. The Kentucky Department of Education shall develop a rubric to be used by the site visit team to monitor the implementation of the innovation plan. The rubric and interview questions shall be provided to all innovation districts and posted on the Kentucky Department of Education website.

b. The Kentucky Department of Education shall be responsible for providing training on the use of the rubric to site team members.

Section 5. Probation, revocation and appeal procedures. (1) The Kentucky Board of Education after its annual review of the districts implementation report and the report of the site visit team may, on the anniversary of the application approval, determine that a district should be placed on probation and shall provide the district with a corrective action plan.

(2) Upon the subsequent year’s review of the reports, the Kentucky Board of Education does not believe the district has met the expectations of the corrective action plan, it may revoke a district’s approval as a District of Innovation.

(3) Upon notification of probation or revocation of the status The Kentucky Board of Education shall give the district thirty (30) days to appeal the decision in writing and shall rule on the appeal at the next regularly scheduled KBE meeting following the submission of the appeal.

(4) Any district that has had its status as a district of innovation revoked must wait one calendar before re-applying to be a district of innovation.