

Change	Reason
RELATES TO: Corrects statutory reference. (P. 1, Line 6).	The statutory reference to KRS 156.160(1)(g) is removed and replaced with KRS 156.160(1), which more generally tasks the Kentucky Board of Education (KBE) with “promulgating regulations establishing standards which school districts shall meet in student, program, service, and operational performance.”
NECESSITY, FUNCTION AND CONFORMITY: Corrects statutory reference. (P. 1, Line 8).	The statutory reference to KRS 156.160(1)(g) is removed and replaced with KRS 156.160(1), which more generally tasks the KBE with “promulgating regulations establishing standards which school districts shall meet in student, program, service, and operational performance.”
<p>Section 1: Strikes and replaces language to align with terminology currently used. (P. 1, Lines 15-16).</p> <p>Revises the definition of “District of Innovation” to offer clarity. (P.1, Lines 20-22).</p>	<p>Revises “Kentucky’s Core Academic Standards in 704 KAR 3:303” to “Kentucky Academic Standards set forth in 707 KAR Chapter 3.”</p> <p>KRS 156.108 defines a “District of Innovation” as one that “has developed a plan of innovation” and “has been approved by the Kentucky Board of Education to be exempted from certain administrative regulations and statutory provisions” in order to improve student performance. Although 701 KAR 5:140, as currently written, cross-references the statutory definition of a “District of Innovation,” clarifying language has been added that a district that does not require exemption from any regulation or statute in order to implement a plan of innovation does not need to go through the District of Innovation Application process.</p>
Section 2: Adds for clarity language regarding District of Innovation requirements. (P. 2, Lines 13-14 and Line 18).	As currently written, 701 KAR 5:140 does not preclude approval of a District of Innovation Application that incorporates only one School of Innovation; however, the regulation does prevent individual schools from submitting a District of Innovation Application. To clarify that a single school can be a School of Innovation within a District of Innovation, language has been added to reflect that a District of Innovation Application can be submitted for a minimum of one school within the district. This clarification aligns with statutory authority, since KRS 156.108 and 160.107 do not require a District of Innovation to implement its innovation plan in every school in the district. In fact, KRS 156.108, by defining a “School of Innovation” as “a school that voluntarily participates in a district of innovation plan,” contemplates that some schools in the District of Innovation may participate in the innovation plan and others may not.

<p>Section 3: Reduces the implementation timeline from 180 days down to 90 days. (P. 3, Line 18).</p> <p>Restructures for clarity language regarding the identification of participating Schools of Innovation within the District of Innovation application. (P. 3, Lines 22-23; P. 4, Lines 1-7).</p> <p>Strikes and replaces language to align with the terminology currently used in statute. (P. 3, Line 23; P. 4, Lines 1 and 4).</p> <p>Revises required District of Innovation Application components for clarity as well as to align more closely with statutory requirements and renumbers subsections as needed. (P. 4, Lines 9-22; P. 5, Lines 1-22; P. 6, Lines 1-22; P. 7, Lines 1-19).</p>	<p>701 KAR 5:140, Section 3(1) is revised to allow a district to implement an approved application in a minimum of 90 days, as opposed to 180 days, from the date of submission of the application. This will allow for a shorter turnaround between application and implementation of an approved innovation plan.</p> <p>701 KAR 5:140, Section 3(2) is revised and broken down into subsections in order to provide clarity. The information being conveyed has not changed due to the amendment, and the revisions only impact the organization of the regulatory language.</p> <p>701 KAR 5:140, Section 3(2) is revised to replace “persistently low-achieving schools” with “schools identified for Comprehensive Support and Improvement under KRS 160.346” in order to align with new statutory language at the state and federal levels.</p> <p>701 KAR 5:140, Section 3(4)(b) is deleted as it is already provided for by statute, namely KRS 160.107(1), and replaced with language referencing the statute.</p> <p>Section 3(4)(d) is revised to only require an applicant to provide an “attendance policy for non-traditional settings” and a “plan to ensure that all students meet attendance requirements” when the District of Innovation Application proposes alternative education programs and/or services be provided in a non-traditional setting.</p> <p>Section 3(4)(e) is deleted to better align with KRS 156.108 and 160.107, which do not require Districts of Innovation to have a plan “for developing alternative assessment options.” Districts of Innovation are, however, required under KRS 160.107(2)(d) to comply with the statewide assessment system.</p> <p>Further, as proposed, Section 3(4)(d) is added to ensure applicants provide details on the anticipated student learning gains and how these gains will be measured and reported.</p> <p>Section 3(4)(h) is revised to better align with language in KRS 160.107 and to provide more flexibility in the types of documentation an applicant can provide to show “support of the proposed innovations” as required in KRS 160.107(1)(d).</p>
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<p>Reduces the timeline for reviewing applications from 60 days down to 45 days. (P. 7, Line 22).</p> <p>Revises for clarity the language regarding renewal applications. (P. 8, Lines 9-13).</p> <p>Revises for clarity and to better align with legal authority language regarding application amendments. (P. 8, Lines 14-23; P. 9, Lines 1-6).</p>	<p>Section 3(4)(k) is deleted to align with KRS 160.107, which requires schools participating in a District of Innovation Application demonstrate employee approval through a vote that complies with KRS 160.107(3) and is coordinated by the school-based decision making (SBDM) council. However, the statute does not give the SBDM a vote or otherwise require the SBDM Chair to approve or sign the District of Innovation Application.</p> <p>701 KAR 5:140, Section 3(5) is revised to require the review committee designated by the Commissioner to review an application and recommend approval/denial within 45 days, as opposed to 60 days. This abbreviated review window supports the proposed shorter turnaround between application and implementation of an approved innovation plan.</p> <p>As revised, 701 KAR 5:140, Section 3(6)(c) better aligns with KRS 156.108, which requires Districts of Innovation be initially granted a five (5) year term but permits renewals to be for a period of time shorter than five (5) years. This language clarifies that renewal of an application can occur “[a]t the end of the term of approval,” whether that be after five (5) years or fewer.</p> <p>Revises Section 3(7) to require an amendment to a District of Innovation Application contain a proposed timeline for implementation as well as evidence that the amendment received support required by KRS 160.107(1)(d) and 701 KAR 5:140, Section 3(4)(g), as amended.</p>
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<p>Section 4: Adds language to expand the utilization of innovation plans within or as a replacement to comprehensive improvement plans. (P. 9, Lines 7-10).</p> <p>Revises, adds, and deletes language to clarify the proper recipient and other details of required data for Districts of Innovation. (P. 9, Line 11-22; P. 10, Lines 1-9).</p> <p>Deletes language requiring annual site visits for Districts of Innovation. (P. 10, Lines 10-14).</p>	<p>Revises Section 3(7) to require amendments to a District of Innovation Application that impact the SBDM at a School of Innovation contain evidence that said amendments comply with KRS 160.107(4) as well as 701 KAR 5:140, Section 3(4)(h), as amended.</p> <p>Other portions of Section 3 have also been revised for clarity and to make technical, rather than substantive, changes.</p> <p>As currently written, 701 KAR 5:140, Section 4(1) refers to both district and school innovation plans but only requires an innovation plan be incorporated into or act as a replacement to the district’s comprehensive improvement plan. The amendment adds language requiring an innovation plan also be incorporated into or act as a replacement to the school’s comprehensive improvement plan.</p> <p>KRS 160.107 requires a District of Innovation to provide data “to the Kentucky Department of Education as deemed necessary to generate school and district reports.” As revised, 701 KAR 5:140, Section 4(2) better aligns with the statutory language requiring data be provided to the department rather than the Commissioner.</p> <p>701 KAR 5:140, Section 4(2)(d) through (f) have been deleted to better align with KRS 160.107 and to limit the amount of unnecessary annual data reporting.</p> <p>Additional language has been added throughout 701 KAR 5:140, Section 4(2) for clarity and for ease of reading and comprehension.</p> <p>701 KAR 5:140, Section 4(3) has been deleted to remove annual site visits for Districts of Innovation. Site visits are not required by statute, and necessary oversight can be accomplished through the required data reporting in Section 4(2) of the regulation and the punitive measures available in Section 5 of the regulation.</p>
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<p>Section 5: Revises language to remove reference to annual site visits and to permit a prompt revocation, when warranted, of District of Innovation status. (P. 10, Lines 15-19).</p>	<p>Language in 701 KA4 5:140, Section 5(1) referencing “the report of the site visit team” is deleted to align with the deletion of Section 4(3) of the regulation. Further, the language is revised to permit District of Innovation status to be promptly revoked by the KBE. As currently written, the regulation does not permit revocation to occur until the unsuccessful completion of a one year probation.</p>
<p>Revises language to clarify the type of report used by the Kentucky Board of Education when considering punitive measures against a District of Innovation. (P. 10, Line 21).</p>	<p>As currently written, 701 KAR 5:140, Section 5(2) refers only to consideration of “reports” by the KBE when considering whether a District of Innovation on probation has met expectations. Although the prior subsection references “a district’s implementation report,” additional language has been added for clarity to subsection (2), which now says the KBE will review “the implementation report” when considering whether a District of Innovation on probation has met expectations.</p>
<p>Revises language to clarify when a revoked District of Innovation may reapply for participation. (P. 11, Lines 7-8).</p>	<p>Language has been added to clarify that 701 KAR 5:140, Section 5(4) requires a district that has had its District of Innovation status revoked must wait “a minimum of” one (1) calendar year before reapplying.</p>
<p>Updates the dates of two incorporated documents to reflect the current revisions being made to the regulation. (P. 11, Lines 10-11).</p>	<p>Dates associated with incorporated documents, namely the District of Innovation Application and District of Innovation Application Scoring Rubric, have been updated to reflect the current amendments being made to 701 KAR 5:140 and the incorporated documents.</p>
<p>Updates the contact information for the Kentucky Department of Education. (P. 11, Lines 15-18)</p>	<p>The address of the Kentucky Department of Education has been updated.</p>