

1 EDUCATION AND WORKFORCE DEVELOPMENT CABINET

2 Kentucky Board of Education

3 Department of Education

4 (Amendment)

5 701 KAR 5:140. Districts of innovation.

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

7 STATUTORY AUTHORITY: KRS 156.108, 156.160

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1)(~~g~~) gives the Kentucky

9 Board of Education the authority to promulgate administrative regulations and KRS 156.108

10 requires the Kentucky Board of Education to promulgate administrative regulations to prescribe

11 the conditions and procedures to be used by a local board of education to be approved as a

12 district of innovation by the Kentucky Board of Education. This administrative regulation

13 establishes the requirements and approval process for districts of innovation.

14 Section 1. Definitions. (1) "Competency based learning" means a framework for the awarding of

15 credit to students upon mastery of Kentucky [~~Kentucky's Core~~] Academic Standards set forth

16 in 707 KAR Chapter 3 [~~in 704 KAR 3:303~~] or upon mastery of any additional competencies

17 which shall also include explicit, measurable, transferable learning objectives that empower

18 students and that include application and creation of knowledge along with the development of

19 important skills and dispositions.

20 (2) "District of Innovation" is defined in KRS 156.108(1)(a) and does not include a district

21 with an innovation plan that does not require the Kentucky Board of Education to approve

22 an exemption from any administrative regulation or statute.

23 (3) "Eligible employees" is defined in KRS 160.107(3)(b).

(4) "Expanded learning opportunities" means initiatives that provide students additional opportunities for enrichment, personal growth, and engagement outside the traditional school day, and that may include extended day or year initiatives, before- and after-school programs, Saturday, weekend, and summer programs, distance learning, and early childhood education initiatives.

(5) "Innovation" is defined in KRS 156.108(1)(b).

(6) "Innovative strategies" means strategies that provide non-traditional approaches to all areas of curriculum, instruction, assessment, governance, and school operation.

(7) "School of Innovation" is defined in KRS 156.108(1)(c).

Section 2. Conditions and Areas of Emphasis for Innovation. (1) Any public school district may submit an application for approval as a **District of Innovation** ~~[district of innovation]~~ in accordance with the application process established in Section 3 of this administrative regulation.

A district may submit a District of Innovation Application for a minimum of one (1) school within the district; however, [A] an individual school shall not submit an application except as part of a district application.

(2) A district may incorporate in its application any innovative strategies and models that have been shown to be effective in other districts or states or new innovative strategies or models created by the district or school. Innovative strategies may include **but are not limited to the following:**

(a) Moving to a competency based learning system, including development of alternate methods for delivering curriculum or for 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, or digital learning opportunities;

(c) **Redefining** [~~Rethinking~~] the times and places that learning occurs, including lengthening or flexing the school day or school year, moving learning beyond the traditional school building, or incorporating expanded learning opportunities;

(d) Implementing alternative forms of school governance that include the engagement of teachers, parents, and community members and that does not meet the requirements of KRS 160.345;

(e) Designing learning environments that include the student in the design of learning pathways; or

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

Section 3. Application Process. (1) A district may submit an original or renewal District of Innovation Application to the **Kentucky Department of Education** (department) at any time within the calendar year. Each implementation of an approved application shall begin at the start of a school term, **and a district shall submit an application** at least **ninety (90) days** [~~180 days from the date of submission of the application~~] **prior to the beginning of a school term to have the application considered for implementation at the beginning of the upcoming school term.**

(2) Pursuant to KRS 160.107(3), a district shall identify and include in its application: [~~those schools that have voluntarily chosen to be schools of innovation, any persistently low-~~

~~achieving schools that the district chooses to make schools of innovation, and any district operated schools per KRS 160.345(1)(b) the district plans to create in its application.]~~

(a) Any schools that have voluntarily chosen to be schools of innovation;

(b) Any schools identified for Comprehensive Support and Improvement under KRS 160.346 that a local board of education has chosen, pursuant to KRS 160.107(3)(c), to make schools of innovation; and

(c) Any district-operated schools that a district plans to create through the application.

(3) The department shall provide technical assistance to districts prior to application submission.

(4) In addition to the application requirements established in KRS 160.107(1), the [The]

application shall include the following components:

(a) An individual school level plan for each existing school included in the district's innovation plan and for any district-operated school the district plans to create through [under] the application;

~~(b) [A description of how the district's innovation will provide greater improvement in student outcomes, particularly among low-achieving students, than the outcomes the district would expect using its existing instructional programs. The plan shall specifically address how it more effectively improves the multiple measures required under the 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)~~ **Where the application proposes alternative education programs and services and in order to comply with the innovation plan requirements in KRS 160.107(2)(b), a** [A]

description of the district's attendance policy for non-traditional settings and the district's plan to ensure that all students meet attendance requirements **as required under KRS 158.030 and KRS 158.100;**

~~[(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 learning credit, community service, independent study, or on-line learning opportunities;~~

~~(f)~~ **(c)** A description and rationale for the innovative strategies and models chosen to be implemented;

~~[(g)]~~ **(d) A description of expected gains in student learning as a result of implementing these strategies, including a description of how improved student learning will be measured and reported;**

(e) A complete list of ~~[the]~~ statutes, administrative regulations, and local board policies, **except as provided in KRS 160.107(2),** from which the local district is seeking a waiver or exemption in order to implement innovative strategies and an explanation **detailing** ~~[of]~~:

1. How ~~[how]~~ the requirements of those authorities are a barrier to **implementing innovative strategies** ~~[that implementation]~~; **and**

2. How a waiver or exemption, if granted by the Kentucky Board of Education, will ease or remove barriers to implementation.

1 ~~[(h)]~~ **(f)** Documentation of ~~[broad]~~ support for **the proposed** innovations **as required by KRS**
2 **160.107(1)(d).** ~~[including educators, parents, local institutions of higher education, and~~

3 ~~business and community partners.]~~ This documentation **may** ~~[shall]~~ include:

4 1. Minutes of local board of education meetings at which the District of Innovation Application
5 was discussed;

6 2. Transcripts or minutes from stakeholder meetings designed specifically to develop or support
7 the District of Innovation Application;

8 3. Minutes of school-based decision making **council meetings at which the District of**

9 **Innovation Application was discussed; or** ~~[(SBDM) councils that include information~~

10 ~~showing an affirmative vote of at least seventy (70) percent of the eligible employees to~~

11 ~~participate in the application as well as discussion of the application itself. The vote of the~~

12 ~~eligible employees shall be conducted based on school council policy related to council~~

13 ~~elections per KRS 160.345;]~~

14 4. Letters of support and commitment to adhere to the innovation plan from a variety of local
15 stakeholder groups including parent, community, and business groups. ~~;~~ **and**

16 ~~5. If the application contains a request for waiver of sections of KRS 160.345, evidence of~~

17 ~~the two (2) votes required by KRS 160.107(4)(b) for each school requesting the waiver,~~

18 ~~specifying the vote from the school-based decision-making council and the vote from the~~

19 ~~teachers and staff in the school;]~~

20 **(g) For each school participating in the District of Innovation Application, evidence**

21 **showing at least seventy (70) percent of eligible employees cast an affirmative vote to**

22 **participate as required by KRS 160.107(3);**

(h) For each school participating in the District of Innovation Application that is requesting a waiver of the school council structure outlined in KRS 160.345:

1. Evidence showing the school-based decision making council voted and at least seventy (70) percent of eligible employees voted to approve the waiver request as required by KRS 160.107(4)(b); and

2. A description of the governance model to be used in the affected school to ensure teachers, parents, and staff continue to share leadership responsibilities as required by KRS 160.107(4)(d).

(i) A detailed budget indicating how the local board of education shall support implementation of the innovation plan over the course of the initial five (5) year innovation period;

~~[(j)]~~ **(j)** Signatures of the superintendent and board chair along with official board minutes documenting the vote to approve submission of the application; **and**

~~[(k) Signature[s] of the chair of the SBDM council for each school participating in the application;~~

~~(l)~~ **(k)** A description of how the district shall support job-embedded professional learning; ~~[-; and~~

~~(m) For each school in the plan that is requesting a waiver of the school council structure outlined in KRS 160.345, a description of the governance model to be used in the school.~~

~~The new governance model shall ensure that teachers, parents, and staff continue to share leadership responsibilities as outlined in KRS 160.107(4)(d).]~~

(5)~~[(a)]~~ A committee designated by the **Commissioner of Education** ~~[commissioner]~~ shall review and recommend approval or denial of a completed application to the Kentucky Board of Education within **forty-five (45)** ~~[sixty (60)]~~ days from receipt of the completed application based on use of the District of Innovation Application Scoring Rubric.

~~[(b) An incomplete or denied application shall be returned to the district and, if re-~~
~~submitted, the committee shall review and recommend approval or denial to the Kentucky~~
~~Board of Education within sixty (60) days of receipt of the re-submitted application.]~~

(6)(a) The Kentucky Board of Education shall make the final decision on approval or denial of
the application at its first regularly scheduled meeting following the committee's review of the
application and recommendations based on the District of Innovation Application Scoring
Rubric.

(b) A successful application shall be given an initial approval for five (5) years.

~~[(e)]~~ **(7) At the end of the term of approval, a District of Innovation with an active**
application ~~[A district that is approved and whose application is still active after five (5)~~
~~years]~~ may submit a renewal application using the **same** application process established **for**
initial applications in **this section of** this administrative regulation. Each renewal of a **District**
of Innovation ~~[district of innovation]~~ shall not exceed five (5) years.

~~[(7)]~~ **(8)**(a) A ~~[district approved as a]~~ District of Innovation may amend its plan as needed at
any time by submitting a written amendment request to the department.

(b) The amendment request shall contain the following:

1. The description of the amendment, **a proposed timeline for implementation,** and a
justification for the request;

2. How the proposed amendment improves the application; ~~[s opportunities to be successful;~~
~~and]~~

3. **Evidence** ~~[All appropriate evidence]~~ that the amendment ~~[affecting an individual school of~~
~~innovation]~~ was supported in a manner similar to that established in **Section 3,** subsection (4)**(f)**
~~[(h) of this section]~~ **of this administrative regulation; and** ~~[.]~~

4. Evidence that an amendment affecting an individual School of Innovation complies with subsections (g) and (h), if applicable, of this section of this administrative regulation.

(c) The amended plan shall be referred to the committee designated pursuant to subsection (5) of this section **of this administrative regulation**. The committee shall review the amendment request and make a determination for approval within **forty-five (45)** ~~[sixty (60)]~~ days of the amendment submission.

Section 4. Monitoring of Plan Implementation. (1) District and school innovation plans shall:

(a) Be incorporated within the overall district **and school** comprehensive **improvement plans** ~~[plan]~~; or

(b) Replace the district **and school** comprehensive **improvement plans** ~~[plan]~~.

(2) At the completion of the second year after plan approval and each year thereafter for the term of the approval status, ~~[a district approved as]~~ a District of Innovation shall annually provide **an implementation report** ~~[data]~~ to the **department** ~~[commissioner]~~ that shall include the following **data**:

(a) Number of students served by the innovation plan, **including the** total number and **the total number disaggregated** by socio-economic status, race or ethnicity, gender, disability, and grade level;

(b) Number of students served by the innovation plan **that are** not on track to graduate from high school, **including the** total number and **the total number disaggregated** by socio-economic status, race or ethnicity, gender, disability, and grade level;

(c) Documentation of student **performance measures, including proficiency, growth, and transition readiness; and** ~~[progress toward graduation and college and career readiness;~~

~~(d) Total number of certified teachers participating in the innovation plan and their roles and responsibilities;~~

~~(e) Documentation of certified and classified staff operating in a non-traditional school environment;~~

~~(f) Documentation of any extended learning opportunities in which students in the school of innovation participate for the purposes of earning or recovering credit, including qualifications of instructors, time spent, and student outcomes; and~~

~~(g)]~~ (d) Other measurable outcomes specific to the district's innovation plan as described in the initial application or through modification of the original plan.

~~[(3) At the end of the second year after plan approval and each year thereafter for the term of the approval status, a district approved as a District of Innovation shall receive an annual site visit from a review team selected and trained by the department. 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.]~~

Section 5. Probation, Revocation, and Appeal Procedures. (1) After its annual review of a district's implementation report ~~[and the report of the site visit team]~~, the Kentucky Board of Education may~~[, on the anniversary of the application approval,]~~ determine that a district's status as a District of Innovation shall be placed on probation or revoked. ~~[district shall be placed on probation and shall provide the district with a corrective action plan.]~~

(2) A District of Innovation placed on probation shall be provided with a corrective action plan and, upon ~~Upon~~ the subsequent year's review of the implementation report, ~~[reports, if]~~ 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 **if it does not believe the district has met the expectations of the corrective action plan.**

(3) Upon notification of probation or revocation of District of Innovation 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 its next regularly scheduled meeting following the submission of the appeal.

(4) Any district that has had its status as a District of Innovation revoked shall wait **a minimum of** one (1) calendar year before re-applying to be a District of Innovation.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "District of Innovation Application", **August 2018** [~~March 2013~~]; and

(b) "District of Innovation Application Scoring Rubric", **August 2018** [~~March 2013~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, Office of Continuous Improvement and Support, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. [~~This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Division of Innovation and Partner Engagement, 1st floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. (39 Ky.R. 1345; 1889; 2023; eff. 5-3-2013.)~~]