

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

701 KAR 5:140, Districts of innovation. (Second Reading)

Commissioner’s Recommendation:

The Interim Commissioner recommends approval of 701 KAR 5:140 as amended.

Rationale:

The amendment of this regulation provides clarification on and imbeds more flexibility in the process a public school district follows when applying to the Kentucky Board of Education (KBE) to be approved as a District of Innovation.

Action Question:

Should the Kentucky Board of Education (KBE) approve administrative regulation 701 KAR 5:140 as amended?

Applicable Statute or Regulation:

KRS 156.108, KRS 156.160(1), and KRS 160.107.

History/Background:

Existing Policy: KRS 156.108 and KRS 160.107 were enacted in 2012 to provide Kentucky public school districts the opportunity to apply to the KBE to be exempt from certain administrative regulations and statutory provisions in an effort to create new approaches to teaching and learning with the intent of improving student learning and increasing college and career readiness.

As required by KRS 156.108(3), the KBE promulgated 701 KAR 5:140 in 2013 in order to “prescribe the conditions and procedures to be used by a local board of education to be approved as a district of innovation.” Thereafter, the first Districts of Innovation were approved beginning with the 2013-2014 school year, and there are currently 10 Districts of Innovation statewide.

Summary: Since 701 KAR 5:140 was adopted in 2013, feedback has been received from current and prospective Districts of Innovation about various aspects of the program, including the application process, and much has been learned from administering the Districts of Innovation program over the past five years. Taking into consideration the

feedback and learning that has occurred and striving for a model of continuous improvement, amendments to 701 KAR 5:140 are being proposed to address recurring areas of confusion and, most importantly, to permit new and existing Districts of Innovation to have greater flexibility when applying for KBE approval in the future.

The clarity provided through the amendment of this administrative regulation should provide for a more streamlined, efficient District of Innovation application process. And, the expanded flexibility offered under 701 KAR 5:140, as proposed, is intended to foster even more innovation in Kentucky public school districts as intended by the legislature when it enacted KRS 156.108 and KRS 160.107 in 2012.

Budget Impact: There is no anticipated budget impact related to the amendment of 701 KAR 5:140.

Groups Consulted and Brief Summary of Responses:

Pursuant to KRS 156.007(2), the Local Superintendents Advisory Council (LSAC) exists to “advise the chief state school officer and the Kentucky Board of Education concerning the development of administrative regulations,” and the Commissioner of Education is required to submit proposed regulations to LSAC prior to seeking KBE approval. As required by statute, LSAC initially reviewed this regulation at its meeting on May 29, 2018.

At that time, several LSAC members expressed concerns about the addition of a more prompt revocation process, particularly in light of the removal of annual site visits by KDE as well as the incorporation of lesser data reporting requirements. Further LSAC discussions led to a recommendation from the group to keep the revocation language but add a provision that a site visit would occur before such revocation was sought. This language was added prior to the second reading of this amended regulation.

Two LSAC members from current Districts of Innovation opposed the removal of annual site visits from the proposed amendment. Both superintendents noted that, in their experiences, these visits provide the opportunity for feedback, learning, and technical support, which they emphasized was a substantial benefit to participation in the program. While the regulation, as proposed, does not mandate annual site visits, it also does not prohibit such from occurring. This flexibility is necessary to account for possible variance in the department’s budget and other resources, which may be constrained in any given year, as well as in consideration of potential future growth in the Districts of Innovation program.

LSAC reviewed this regulation for a second time at its meeting on July 24, 2018.

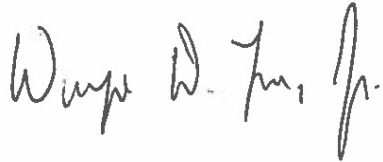
The Office of Education Accountability (OEA) also provided feedback regarding the regulation. Changes recommended by OEA that were incorporated in the regulation include a corrected citation to the Kentucky Academic Standards in Section 1(1);

clarifying revisions to Section 3(2); phrasing that better aligns with KRS 160.107 in Section 3(2)(g)-(h); and, more precise citations in Section 3(8)(b)4.

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Handwritten signature of Wayne D. Frazier in black ink.

Interim Commissioner of Education

Date:

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