701 KAR 5:140. Districts of innovation.

RELATES TO: KRS 156.108, 156.160(1), 160.107
STATUTORY AUTHORITY: KRS 156.108, 156.160
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160(1) requires the Kentucky Board of Education 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 by the Kentucky Board of Education. This administrative regulation establishes the requirements and approval process for districts of innovation.

Section 1. Definitions.

(1) "Competency based learning" means a framework for the awarding of credit to students upon mastery of Kentucky Academic Standards established in 704 KAR Chapter 3 and 8 or upon mastery of any additional competencies which shall also include explicit, measurable, transferable learning objectives that empower students and that include application and creation of knowledge along with the development of important skills and dispositions.

(2) "District of Innovation" is defined in KRS 156.108(1)(a) and does not include a district with an innovation plan that does not require the Kentucky Board of Education to approve an exemption from any administrative regulation or statute.

(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 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, 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:

(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 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 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 prior to the beginning of a school term to have the application considered for implementation at the beginning of the upcoming school term.

(2) A district shall identify and include in its application:

(a) Any schools that have voluntarily chosen to be schools of innovation pursuant to KRS 160.107(3)(a);

(b) Any schools identified for Comprehensive Support and Improvement pursuant to 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 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 the application;

(b) 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 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 pursuant to KRS 158.030 and KRS 158.100;

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

(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 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:

1. How the requirements of those authorities are a barrier to implementing innovative strategies; and

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

(f) Documentation of support for the proposed innovations as required by KRS 160.107(1)(d). This documentation may include:

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

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

3. Minutes of school-based decision making council meetings at which the District of Innovation Application was discussed; or

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

(g) For each school included in the District of Innovation Application, evidence showing at least seventy (70) percent of eligible employees cast an affirmative vote to request inclusion as required by KRS 160.107(3);

(h) For each school included in the District of Innovation Application that is requesting a waiver of the school council structure established 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) Signatures of the superintendent and board chair along with official board minutes documenting the vote to approve submission of the application; and

(k) A description of how the district shall support job-embedded professional learning.

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

(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.

(7) At the end of the term of approval, a District of Innovation with an active application may submit a renewal application using the same application process established for initial applications in this section. Each renewal of a District of Innovation shall not exceed five (5) years.

(8)

(a) 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;

3. Evidence that the amendment was supported in a manner similar to that established in Section 3, subsection (4)(f) of this administrative regulation; and

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

(c) The amended plan shall be referred to a committee designated pursuant to subsection (5) of this section. The committee shall review and recommend approval or denial of an amendment request to the Kentucky Board of Education within forty-five (45) days from receipt of the amendment submission based on use of the District of Innovation Application Scoring Rubric.

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

(e) An amended plan approved by the Kentucky Board of Education shall be in effect for the remainder of the period of approval granted pursuant to subsection (6) or (7) of this section.

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; or

(b) Replace the district and school comprehensive improvement plans.

(2) At the completion of the second year after plan approval and each year thereafter for the term of the approval status, a District of Innovation shall annually provide an implementation report to the department 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 (d) Other measurable outcomes specific to the district's innovation plan as described in the initial application or through modification of the original plan.

Section 5. Probation, Revocation, and Appeal Procedures.

(1) After its annual review of a district's implementation report, the Kentucky Board of Education may determine that a district's status as a District of Innovation shall be placed on probation or revoked.

(2) A District of Innovation placed on probation shall be provided with a corrective action plan and, upon the subsequent year's review of the implementation report, the Kentucky Board of Education 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) Prior to having its status as a District of Innovation placed on probation or revoked, a district shall receive a site visit from a review team selected and trained by the department. The purpose of the visit shall be to monitor the district's progress in implementing the innovation plan, collect qualitative data on the effectiveness of the innovation plan, and verify the district's compliance with all applicable laws. A site visit shall be made following adequate advance notice to the district and may include the gathering of information through:

(a) Direct observation;

(b) Interviews with staff and students; or

(c) Examination of records.

(4) 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.

(5) 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; and

(b) "District of Innovation Application Scoring Rubric", August 2018.

(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.

(701 KAR 005:140. 39 Ky.R. 1345; 1889; 2023; eff. 5-3-2013; 45 Ky.R. 766, 1526; eff. 1-4-2019; EXPIRED 7 years after last effective date per KRS 13A.3102; eff. 1-4-2026.)