

1 Education and Workforce Development Cabinet**2 Kentucky Board of Education****3 Department of Education****4 (New Administrative Regulation)****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: 156.160 (1) (g) gives the Kentucky Board of
9 Education the authority to promulgate administrative regulations and KRS 156.108 requires the
10 Kentucky Board of Education to promulgate administrative regulations to prescribe the
11 conditions and procedures to be used by a local board of education to be approved as a district of
12 innovation by the Kentucky Board of Education.

13 Section 1. Definitions. (1) “Competency Based Learning” means the awarding credit to students
14 based upon their mastery of Kentucky’s Core Academic Standards and other competencies, that
15 include explicit, measurable, transferable learning objectives that empower students to receive
16 timely, differentiated support based on their individual learning needs with the goal of learning
17 outcomes that emphasize competencies that include application and creation of knowledge, along
18 with the development of important skills and dispositions.

1(2) “Expanded Learning Opportunities” means initiatives that provide students additional
2opportunities for enrichment, personal growth, and engagement outside of the traditional school
3day that may include extended day/year initiatives, before- and after-school programs, Saturday,
4weekend, and summer programs, distance learning, and early childhood education initiatives.

5Section 2. Conditions and areas of emphasis for innovation.

6(1) Applications of innovation may be submitted by any public school district in Kentucky. No
7school shall be allowed to submit an application unless as part of a district application.

8(2) Applications may contain a request to waive any Kentucky Administrative Regulation
9promulgated by the Kentucky Board of Education or any Kentucky Revised Statute related to
10public schools except the following:

11a. Any statute or regulation related to health, safety, civil rights or disability rights;

12b. Compulsory attendance requirements under KRS 158.030 and 158.100;

13c. The Kentucky Core Academic Standards outlined in KRS 158.685;

14d. The minimum high school graduation requirements unless allowable under 704 KAR 3:305;

15e. Compliance with requirements of the statewide assessment system as specified in KRS
16158.6453;

17f. Criminal background check requirements;

18g. Compliance with open records and meetings;

19h. Compliance with purchasing requirements and limitations; or

20i. Any plan to reduce the instructional time provided to students below the requirements outlined
21in KRS 158.070. Applications may include requests to implement competency based strategies
22that measure a student’s mastery on the curriculum standards, regardless of the amount of
23instructional time completed.

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2(3) Innovative strategies are those that provide non-traditional approaches to all areas of
3curriculum, instruction, assessment, governance and school operation and may include:

4a. Moving to a competency-based learning system, including development of alternate methods
5of delivery of curriculum and of measuring mastery of standards and skills;

6b. Creating multiple pathways to graduation including rigorous career and technical pathways,
7apprenticeships, early college high schools, early graduation options, and digital learning
8opportunities;

9c. Rethinking the times and places that learning occur, including lengthen or flexing the school
10day and school year, moving learning beyond the traditional school building and incorporating
11expanded [extended] learning opportunities;

12d. Implementing alternative forms of governance that include the engagement of teachers,
13parents and community members but do not follow the requirements of KRS 160.345;

14e. Designing learning environments that include the student in the design of learning pathways;
15and

16f. Creating additional job classifications for certified and classified staff beyond the traditional
17roles of teacher and instructional assistants and compensating staff on schedules other than a
18single salary schedule.

19(4) Applications may incorporate innovative models and strategies that have been shown to be
20effective in other districts or states or new innovative models or strategies created by the district.

21Section 3. **Application process.** (1) Original or renewal applications shall be submitted to the
22Department at any time within the calendar year provided the implementation date is equal to or
23greater than 180 days from the date of submission of the application.

1(2) Submitted applications shall include those schools in the district that have chosen to be
2schools of innovation per guidelines outlined in KRS 156.108 and any district operated schools
3the district plans to create under their application.

4(3) Successful applications shall be given an initial approval for five (5) years. Districts which
5are approved and whose application is still active after five years may submit a renewal
6application using the application process outlined in this regulation. Each renewal of a district of
7innovation shall not exceed five (5) years.

8(4) The Kentucky Department of Education shall provide technical assistance to local districts
9prior to application submission.

10(5) The application shall include the following components:

11(a) An individual school level for each school participating in the district's plan and for any
12district operated school the district plans to create under the application.

13(b) A description of how the district's innovation plan shall provide greater improvement in
14student outcomes, particularly among low-achieving students, than the goals the district would
15set using its existing instructional programs. The plan should specifically address how it shall
16more effectively improve the multiple measures required under Kentucky's accountability
17system, including targets for student achievement, student growth, achievement gap reduction,
18graduation rate and college and career readiness.

19(c) A description of the district's plan to ensure that capacity exists in both human and fiscal
20resources to implement the changes needed in the district to ensure a successful implementation
21of the district's innovation plan.

22(d) A description of the district's attendance policy for non-traditional settings and the district's
23plan to ensure that all students meet attendance requirements.

1(e) A plan for developing alternate assessment options and measuring student performance
2outcomes in non-traditional settings including extended learning opportunities, apprenticeships,
3private instruction, work-study, study in a foreign country, awarding of competency-based credit,
4community service, independent study and on-line learning opportunities.

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

6(g) A list of the statutes, administrative regulations and local board policies from which the local
7district is seeking a waiver in order to implement innovative practices and an explanation of how
8the statute is a barrier to that implementation.

9(i) Documentation of broad support for innovations including parents, local institutions of higher
10education, business and community partners. This documentation may include:

111. Minutes of local board of education meetings where the “District of Innovation” application
12was discussed.

132. Transcripts or minutes from stakeholder meetings designed specifically to develop the District
14of Innovation application.

153. Minutes of SBDM councils that include information showing an affirmative vote of at least
1670% of the staff to participate in the application as well as discussion of the application itself.

174. Letters of support and commitment to adhere to the innovation plan a variety of local
18stakeholder groups including parents, community and business groups.

19(j) A detailed budget indicating how the local board of education shall support implementation of
20the innovation plan over the course of the initial five-year innovation period

21(k) Signatures of the superintendent and board chair along with documentation from official
22board minutes of a vote to approve submission of the application.

23(l) Signatures of the chair of the SBDM council for all schools participating in the application.

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

2(6) Complete applications shall be reviewed by a committee designated by the Commissioner of
3Education. The committee shall recommend approval or denial of the application. The
4committee shall have 60 days from the receipt of each application to review it and make
5recommendations to the KBE. Incomplete applications shall be returned to the district and may
6be re-submitted at which time the sixty (60) days shall begin again.

7(7) The Kentucky Board of Education shall make the final decision on approval or denial of the
8application at the first regularly scheduled meeting following the 60 day review period.

9(8) Districts approved as Districts of Innovation may amend their plan as needed at any time
10after the first full year of implementation using a process established by the Kentucky
11Department of Education. The amended plan shall be referred to the committee described in this
12section.

13Section 4. Monitoring of plan implementation. (1) District and school innovation Plans shall be
14incorporated within the overall district comprehensive plan or shall replace the district
15comprehensive plan.

16(2) At the completion of the second year after plan approval and each year thereafter for the term
17of the approval status, districts approved as Districts of Innovation shall provide annual reports
18to the Commissioner of Education that shall include the following:

19a. Number of students served by the innovation plan, total number and by socio-economic status,
20race/ethnicity, gender and disability and grade level

21b. Number of students served by the innovation plan not on track to graduate from high school,
22total number and by socio-economic status, race/ethnicity, gender and disability and grade level

23Documentation of student progress toward graduation and college and career readiness

1c. 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.)

4d. Documentation of certified and classified staff operating in a non-traditional school environment

6e. 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.)

9f. Other measurable outcomes specific to the district's innovation plan as described in the initial application

11(3) At the completion of the second year after plan approval and each year thereafter for the term of the approval status, districts approved as Districts of Innovation shall receive an annual site visit from an 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.

16a. 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.

20b. The Kentucky Department of Education shall be responsible for providing training on the use of the rubric to site team members.

22Section 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

1 may, on the anniversary of the application approval, determine that a district should be placed on
2 probation and shall provide the district with a corrective action plan.

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

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

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

11 Section 5. (1) Incorporated by reference "Districts of Innovation Application, dated

12 (2) Incorporated by reference "Districts of Innovation Application Scoring Rubric", dated