

ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING

SCHOOLS OF INNOVATION
June 2018 Effective: _____

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1.00 PURPOSE

~~1.01 These rules shall be known as the Arkansas Department of Education Rules
Governing the Schools of Innovation Program.~~

1.02~~1~~ The purpose of these rules is to improve education in Arkansas and to set forth the process and procedures necessary to administer the Schools of Innovation Program.

2.00 AUTHORITY

2.01 The Arkansas State Board of Education's authority for promulgating these rules is pursuant to Ark. Code Ann. §§ 6-11-105, 6-15-2801 et seq., and 25-15-201 et seq., and Act 871 of 2017.

3.00 DEFINITIONS

3.01 "District of innovation" means a public school district with one or more schools of innovation that has:

3.01.1 Developed a school of innovation plan in compliance with Ark. Code Ann. § 6-15-2801 *et seq.* and these rules;

3.01.2 Obtained necessary exemptions from laws, rules, and local policies to improve the educational performance of students from the Commissioner of Education in accordance with Sections 8.00 and 10.00 of these rules; and

3.01.3 Been approved as a district of innovation by the Commissioner of Education.

3.02 "Eligible employees" means the full-time employees who are employed at a school that is considering being designated as a school of innovation;

3.03 "Innovation" means a new or creative alternative to the existing instructional and administrative practices that is intended to improve academic performance and learning for all students;

3.04 “School council of innovation” means a body of individuals from a current or aspiring school of innovation composed of teachers, classified employees, the building-level principal or his or her administrative designee, parents, community members, a minimum of two (2) students from the school of innovation, and other interested parties selected by the council to participate, as referred to in Section 4.00 of these rules.

3.04.1 The teacher representatives shall be elected by a majority vote of the school's licensed eligible employees.

3.04.2 The classified representatives shall be elected by a majority vote of the school's classified eligible employees.

3.04.3 The parent representatives shall be selected by a majority vote of the attendees at a meeting called for the purpose of selecting the school's parent representatives and shall have a child in the school to be eligible to serve on the council.

3.04.4.3.1 Schools with a ten percent (10%) or greater minority student population shall have minority representation on the council.

3.05 “School of innovation” means a public school that participates in a district of innovation to transform and improve teaching and learning.

~~3.06 The terms “exemption” and “exception” are used interchangeably in these rules and refer to approval by the Commissioner of Education for a specific district or school of innovation to depart from specific laws, rules, or regulations governing public school districts.~~

4.00 COUNCIL OF INNOVATION

4.01 Each school or district applying to be a school of innovation must establish a Council of Innovation. The school council of innovation Council of Innovation shall:

4.01.1 Generate innovative ideas and proposals of its own;

4.01.2 Determine a method for requesting innovative ideas and proposals from school employees, community members, and other stakeholders to be submitted to the council;

4.01.3 Receive innovative ideas and proposals from school employees, community members, and other stakeholders;

- 4.01.4 Consider all innovative ideas and proposals submitted by community members and other stakeholders; and
- 4.01.5 Determine the content and format of the school of innovation ~~plan~~ application that will be voted on by ~~the~~ eligible employees.
- 4.02 The council may create subcommittees, which may include non-council members, to work on developing portions of the school of innovation ~~plan~~ application; and
- 4.03 A school of innovation ~~plan~~ application is subject to ~~the exceptions approved approval~~ by the Commissioner of Education.

5.00 APPROVAL, DESIGNATION AND REVOCATION

- 5.01 The Commissioner of Education may approve a public school's application to become a school of innovation and designate a public school as a school of innovation for the purpose of transforming and improving teaching and learning.
 - 5.01.1 The Commissioner must notify the applicant in writing whether the school of innovation plan application is approved or denied.
 - 5.01.2 The public school must demonstrate substantial progress towards meeting the goals outlined in the approved school of innovation application with the purpose of transforming and improving teaching and learning within two (2) years of approval of the application.
 - 5.01.2.1 The Division shall provide support and monitoring of approved school of innovation application sites.
 - 5.01.2.2 The public school must request an on-site designation review within the two (2) year period to demonstrate substantial progress.
 - 5.01.2.3 Any school that does not demonstrate substantial progress towards meeting the goals outlined in the approved application, or fails to request an on-site designation review within the two (2) year period will not be designated as a school of innovation.
 - 5.01.2.4 If a school is not designated as a school of innovation within two (2) years of approval of the application, it must submit a new application to the Commissioner, and all waivers approved as part of the application shall be revoked.

~~5.02~~ The Division may designate a public school as a school of innovation under Ark. Code Ann. § 6-15-2802(a), if the public school has met the objectives outlined in the public school's application to become a school of innovation within the time period established in the public school's application.

~~5.012.1~~ A school of innovation shall be approved and designated for a period of four (4) years; and.

~~5.012.2~~ A school of innovation may be renewed for four-year periods thereafter, at the Commissioner's discretion.

~~5.02.2.1~~ The review of renewal applications is based on the school of innovation's statement of goals and performance targets as required by Section 7.02 of these rules.

~~5.01.3~~ The Commissioner will notify the applicant in writing whether the school of innovation plan is approved or denied.

~~5.01.3.1~~ If the Commissioner denies the application and declines to designate the applicant as a school of innovation, the Commissioner will include the reasons for the denial.

~~5.023~~ The Commissioner may revoke the a public school's school of innovation designation at any time if a the public school fails to:

~~5.023.1~~ Substantially fulfill the school of innovation plan as established in the public school's school of innovation application;

~~5.023.2~~ Meet goals and performance targets; or

~~5.023.3~~ Comply with applicable laws or rules.

~~5.023.4~~ The Commissioner will notify the district or school of innovation in writing of the revocation and include the reasons for the revocation.

~~5.034~~ The Commissioner's decision to approve or deny an application, or to revoke a school's designation shall be a final decision and cannot be appealed.

6.00 PROGRAM REQUIREMENTS APPLICATION SUBMISSION GUIDELINES

~~6.01~~ Rules subject to exemption or modification for a school of innovation plan, if approved by the Commissioner of Education, are included in Section 10.00 of these rules.

~~6.01 To apply to become a school of innovation, schools must submit a school of innovation application following the instructions for submission provided by the Division of Elementary and Secondary Education.~~

~~6.01.1 Guidelines for submission of proposed amendments to the school of innovation application shall be released by Commissioner's Memo.~~

~~6.02 Application, school of innovation plan application review, approval, and amendment processes shall be administered as follows:~~

~~6.02.1 The application shall be in the form of a school of innovation plan.~~

~~Schools must apply online as directed on the Department of Education's Division of Elementary and Secondary Education's website.~~

~~6.02.2 Instructions for submission of the school of innovation plan shall be published on the Department of Education's Division's website.~~

~~6.02.3 Guidelines for submission of proposed amendments to the school of innovation plan shall be published on the Department of Education's Division's website.~~

~~6.02.4 Guidelines for requesting a four-year renewal shall be published on the Department of Education's Division's website. The review of renewal applications will be based on the school of innovation's own statement of goals and performance targets as required by 7.02 of these rules.~~

~~6.02 Original school of innovation applications must be submitted online by March 1 of each year.~~

~~6.03 Specific timelines for revisions prior to approval, and amendments, and renewals, including any ongoing evaluations of a school of innovation, shall be posted on the Department of Education's Division's website.~~

~~6.03.1 The deadline to submit original applications online is March 1. The deadline to submit final revisions is June 30 May 1.~~

~~6.04 Reporting requirements and oversight responsibility of the school of innovation and the Department of Education Division shall be published on the Department's Division's website.~~

7.00 SCHOOL OF INNOVATION PLAN APPLICATION

7.01 A school district shall submit its school of innovation ~~plan application~~, approved by the school district board of directors, to the Commissioner of Education for approval to become a school of innovation.

- 7.02 A school of innovation plan application shall address without limitation:
- 7.02.1 The goals and performance targets for the school of innovation, which may include, without limitation:
 - 7.02.1.1 Reducing the achievement gap among one (1) or more groups of students by accelerating learning experiences for academically low- achieving students while increasing all student learning through the implementation of highly rigorous standards for student performance;
 - 7.02.1.2 Increasing student participation in curriculum options;
 - 7.02.1.3 Exploring new avenues for expanding students' college and career readiness;
 - 7.02.1.4 Motivating students by exploring innovative teaching and learning choices; and
 - 7.02.1.5 Transforming a school's culture and climate in a manner that will lead to transformative teaching and learning;
 - 7.02.2 Changes needed in the school that will lead to ~~better prepared~~ students who are better prepared for success in life and career; and
 - 7.02.3 Innovative practices to be used in the school of innovation.
- 7.03 The school of innovation plan application shall include appropriate documentation of:
- 7.03.1 Parental, school employee, and community engagement;
 - 7.03.2 ~~The Capacity~~ for the changes proposed by the school of innovation;
 - 7.03.3 ~~The Rationale~~ for law, rule, and local policy exception requests;
 - 7.03.4 ~~Progress toward goals~~ Goals and performance targets;
 - 7.03.5 Approval of eligible employees of a school of innovation, as required in Section 9.00 of these rules;
 - 7.03.6 Teacher collaboration and shared leadership responsibility within each school seeking to become a school of innovation;
 - 7.03.7 A detailed budget and related financial information;

7.03.8 References for research-based practices; and

7.03.9 Other information, if requested by the Commissioner.

8.00 MANDATORY COMPLIANCE WITH EXISTING LAW

8.01 An approved school of innovation shall:

8.01.1 Ensure that the same health, safety, civil rights, and disability rights requirements are in place as those that apply to all other public schools;

8.01.2 Ensure that the high school curriculum offered meets or exceeds the minimum high school graduation requirements adopted by the State Board of Education;

8.01.3 Adhere to financial audits, audit procedures, and audit requirements adopted by the State Board for public school districts;

8.01.4 Require criminal background checks for school employees and volunteers as required by law for public school districts;

8.01.5 Comply with open records and open meeting requirements;

8.01.6 Comply with purchasing limitations and requirements;

8.01.7 Provide instructional time that meets or exceeds the instructional time requirement adopted by the State Board unless granted an exception by the Commissioner of Education;

8.01.7.1 Instructional time may include on-site instruction, distance, digital, or virtual learning, and work-based learning on nontraditional school days or hours.

8.01.8 Provide data requested by the Department of Education to generate reports;

8.01.9 Adhere to the Teacher Fair Dismissal Act, § 6-17-1501 *et seq.*;

8.01.10 Comply with state law and rule regarding the education of gifted and talented students ; and

8.01.11 Demonstrate and document research-based implementation of professional learning communities throughout the school that address the needs of the students and professionals.

9.00 ELECTION BY ELIGIBLE EMPLOYEES

9.01 Before a public school district submits a school of innovation plan application to the Commissioner, the eligible employees of each proposed school of innovation shall vote on whether the school shall be designated a school of innovation.

9.01.1 ~~A minimum~~ At least of sixty percent (60%) of the eligible employees voting must vote in support of the school's application to become a school of innovation designation as a school of innovation is required before the school of innovation plan application may be submitted to the school board of directors for approval.

9.01.2 The school ~~council of innovation~~ Council of Innovation shall be responsible for conducting the vote required under subdivision 9.01.1 of these rules.

10.00 EXEMPTIONS-WAIVERS

10.01 A school of innovation plan application may request exemptions waivers from local policies and specific laws and rules ~~in its~~ during the application process approved for exemption or modification by the State Board of Education, to include any provision of law or rule governing public school districts which is required to implement or to support the school of innovation plan.

10.02 After a school is designated a school of innovation, it may request a waiver from specific laws and rules in writing to the Commissioner of Education.

10.02.1 All requests for waivers must be tied to a specific goal of the school of innovation and the request must contain an explanation of why the waiver is necessary to achieve the stated goal.

10.02 No exemptions will be granted from the Teacher Fair Dismissal Act, Ark. Code Ann. § 6-17-1501 et seq., or of any provision described in Section 8.00 of these Rules.

11.00 NEGOTIATED EMPLOYMENT CONTRACTS

11.01 A public school district with a negotiated employment contract in place shall follow the procedure set forth within the contract that allows the implementation of a school of innovation.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/27/19

A Bill

SENATE BILL 538

5 By: Senator J. Sturch
6

For An Act To Be Entitled

8 AN ACT CONCERNING OPEN-ENROLLMENT PUBLIC CHARTER
9 SCHOOLS; TO AMEND PROVISIONS OF THE CODE WITH RESPECT
10 TO OPEN-ENROLLMENT PUBLIC CHARTER SCHOOL AND
11 TRADITIONAL PUBLIC SCHOOL WAIVERS; TO AMEND
12 PROVISIONS CONCERNING SCHOOLS OF INNOVATION; AND FOR
13 OTHER PURPOSES.
14

Subtitle

15
16
17 *TO AMEND PROVISIONS OF THE CODE WITH*
18 *RESPECT TO OPEN-ENROLLMENT PUBLIC CHARTER*
19 *SCHOOL AND TRADITIONAL PUBLIC SCHOOL*
20 *WAIVERS; AND TO AMEND PROVISIONS*
21 *CONCERNING SCHOOLS OF INNOVATION.*
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 6-15-103 is amended to read as follows:
27 6-15-103. School district waivers.

28 (a) A public school district may petition the State Board of Education
29 for all or some of the waivers granted to an open-enrollment public charter
30 school ~~that draws students from the school district.~~

31 (b) The petition for all or some of the waivers granted to an open-
32 enrollment public charter school that is submitted by a public school
33 district shall include without limitation:

34 (1) The name of the open-enrollment public charter school that
35 ~~draws students from the school district~~ has the requested waiver;

36 (2) A copy of the waivers granted to the open-enrollment public



1 charter school; and

2 (3) A list of the waivers that the public school district seeks
3 to have granted.

4 (c)(1) The state board shall grant, in whole or in part, or deny, in
5 whole or in part, a petition for a waiver submitted by a public school
6 district within ninety (90) days of receiving the petition.

7 (2) The state board shall notify the superintendent of the
8 public school district in writing of the decision of the state board.

9 (3) A waiver that is granted to a public school district, in
10 whole or in part, shall be valid for the duration approved by the state board
11 not to exceed the duration that the waivers are waiver is valid for the open-
12 enrollment charter school.

13 (4) A waiver under this section shall not be granted for a
14 period of time exceeding five (5) years.

15 (d) The Department of Education may promulgate rules to implement this
16 section.

17
18 SECTION 2. Arkansas Code § 6-15-2801(1)(A), concerning qualification
19 as a district of innovation, is amended to read as follows:

20 (A) Developed Submitted a school of innovation plan
21 application in compliance with § 6-15-2803;

22
23 SECTION 3. Arkansas Code § 6-15-2802(a), concerning approval of a
24 public school as a school of innovation, is amended to read as follows:

25 (a)(1) The Commissioner of Education may approve a public school ~~as a~~
26 school's application to become a school of innovation for the purpose of
27 transforming and improving the teaching and learning under § 6-15-2803.

28 (2) The Department of Education may designate a public school as
29 a school of innovation under subdivision (a)(1) of this section if the public
30 school has met the objectives outlined in the public school's application to
31 become a school of innovation within the time period established in the
32 public school's application.

33
34 SECTION 4. Arkansas Code § 6-15-2802(b)(2), concerning the revocation
35 of a public school's designation as a school of innovation, is amended to
36 read as follows:

1 (2) The commissioner may revoke ~~the a public school's~~ school of
2 innovation designation if ~~a the public school~~ fails to substantially fulfill
3 ~~the school's the school of~~ innovation plan as established in the public
4 school's school of innovation application, meet goals and performance
5 targets, or comply with applicable laws or rules.
6

7 SECTION 5. Arkansas Code § 6-15-2802(c)(1), concerning rules adopted
8 by the State Board of Education to administer provisions regarding a school
9 of innovation designation, is amended to read as follows:

10 (1) Rules subject to exemption or modification for a school of
11 innovation ~~plan~~ application if approved by the commissioner;
12

13 SECTION 6. Arkansas Code § 6-15-2803 is amended to read as follows:

14 6-15-2803. School of innovation ~~plan~~ application.

15 (a) A school district shall submit its school of innovation ~~plan~~
16 application, approved by the school district board of directors, to the
17 Commissioner of Education for approval to become a school of innovation.

18 (b) A school of innovation ~~plan~~ application shall address without
19 limitation:

20 (1) The goals and performance targets for the school of
21 innovation, which may include without limitation:

22 (A) Reducing the achievement gap among one (1) or more
23 groups of students by accelerating learning experiences for academically low-
24 achieving students while increasing all student learning through the
25 implementation of highly rigorous standards for student performance;

26 (B) Increasing student participation in curriculum
27 options;

28 (C) Exploring new avenues for expanding students' college
29 and career readiness;

30 (D) Motivating students by exploring innovative teaching
31 and learning choices; and

32 (E) Transforming a school's culture and climate in a
33 manner that will lead to transformative teaching and learning;

34 (2) Changes needed in the school that will lead to ~~better~~
35 prepared students who are better prepared for success in life and career; and

36 (3) Innovative practices to be used in the school of innovation.

- 1 (c) Schools of innovation shall document the:
- 2 (1) Parental, school employee, and community engagement;
- 3 (2) ~~Capacity~~ The capacity for the proposed school of innovation;
- 4 (3) ~~Rationale~~ The rationale for law, rule, and local policy
- 5 exception requests;
- 6 (4) Progress toward goals and performance targets; and
- 7 (5) Other information requested by the commissioner.

8

9 SECTION 7. Arkansas Code § 6-23-401(b), concerning prohibitions,
 10 restrictions, and requirements imposed upon an open-enrollment public charter
 11 school by the State Board of Education with respect to certain topics, is
 12 amended to add an additional subdivision to read as follows:

13 (7) Reporting through the Arkansas Public School Computer
 14 Network applications as provided under Title 6.

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16 /s/J. Sturch

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19 **APPROVED: 4/9/19**

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