ARKANSAS REGISTER

Transmittal Sheet

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Name of Agency Arkansas Department of Education

Department Legal Services

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Rule Title: Arkansas Department of Education Rules Governing Schools of Innovation

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Electronic Copy of Rule submitted under ACA 25-15-218 by:

Contact Person	E-mail Address	Date
Valerie Bailey	valerie.bailey@arkansas.gov	May 22, 2014

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

Valerie Bailey
Signature

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May 22, 2014
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FILED
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MARK MARTIN
SECRETARY OF STATE
STATE OF ARKANSAS
BY

Revised 8/2011 to reflect new legislation passed in 2011.

ARKANSAS DEPARTMENT OF EDUCATION EMERGENCY RULES GOVERNING SCHOOLS OF INNOVATION

April 2014

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 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 promulgated these rules pursuant to the authority granted to it by Act 601 of 2013 and Ark. Code Ann. §§ 6-11-105 et seq. and 25-15-201 et seq.

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 exceptions from laws, rules, and local policies to improve the educational performance of students from 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 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 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 The school 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 plan 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 plan; and

4.03 A school of innovation's plan is subject to the exceptions approved by the Commissioner of Education.

5.00 DESIGNATION and REVOCATION

5.01 The Commissioner of Education may approve and designate a public school as a school of innovation for the purpose of transforming and improving teaching and learning.

5.01.1 A school of innovation shall be approved and designated for a period of four (4) years and

5.01.2 may be renewed for four-year periods thereafter, at the Commissioner's discretion.

5.01.3 The Commissioner will notify the applicant in writing whether the 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.

5.02 The Commissioner may revoke the school of innovation designation if a school fails to:

5.02.1 Substantially fulfill the school's innovation plan;

5.02.2 Meet goals and performance targets; or

5.02.3 Comply with applicable laws or rules.

5.03 A revocation of the Commissioner's designation of a school of innovation may be made at any time.

5.04 The Commissioner's decision to approve or deny an application, or to revoke a school's designation shall be a final decision.

5.05 The Commissioner's decision cannot be appealed.

6.00 PROGRAM REQUIREMENTS

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

6.02 Application, plan review, approval, and amendments

6.02.1 The Application shall be in the form of a Plan of Innovation (Plan). Schools must apply online as directed on the Department of Education's website.

6.02.2 Instructions for submission of the Plan shall be published on the Department of Education's website.

6.02.3 Guidelines for submission of proposed amendments to the Plan shall be published on the Department of Education's website.

6.02.4 Guidelines for requesting a four-year renewal shall be published on the Department of Education'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.

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

6.03.1 Beginning in school year 2014-2015, the deadline to submit original applications online is March 1. The deadline to submit final revisions is June 30.

6.04 Process for revocation of a designation as a District or school of innovation:

6.04.1 The Commissioner will notify the District or school of Innovation in writing and include the reasons for the revocation.

6.04.2 The Commissioner's decision to revoke a designation will be final.

6.05 Reporting requirements and oversight responsibility of the school of innovation and the Department of Education shall be published on the Department's website;

7.00 INNOVATION PLAN

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

7.02 A school of innovation plan shall address without limitation:

7.02.1 The goals and performance targets for the school of innovation, which may include:

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;

7.02.1.5 Transforming a school's culture and climate in a manner that will lead to transformative teaching and learning.

7.02.1.6 Changes needed in the school that will lead to better prepared students for success in life and career; and

7.02.1.7 Innovative practices to be used in the school of innovation.

7.03 The Plan shall include appropriate documentation of:

7.03.1 Evidence of parental, school employee, and community engagement;

7.03.2 Evidence of capacity for the changes proposed by the school of innovation;

7.03.3 Rationale for law, rule, and local policy exception request;

7.03.4 Progress toward goals and performance targets;

7.03.5 Evidence of approval of eligible employees of a school of innovation, as required in Section 9.00 of these rules.

7.03.6 Evidence of 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:

8.01.7 .1 Meets or exceeds the instructional time requirement adopted by the state board unless granted an exception by the Commissioner of Education.

8.01.7.2 Instructional time may include on-site instruction, distance 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; and

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

9.00 ELECTION BY ELIGIBLE EMPLOYEES

9.01 Before a public school district submits a school of innovation plan 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 of sixty percent (60%) of the eligible employees voting in support of the school's designation as a school of innovation is required before the school's innovation plan may be submitted to the school board of directors for approval.

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

10.00 EXCEPTIONS

10.01 A school of innovation plan may request exemptions from local policies and specific laws and rules approved for exemption or modification by the State Board, to include

10.01.1 Any provision of law or rule governing public school districts

10.01.2 which is *required* to implement or to support the Plan of Innovation

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.