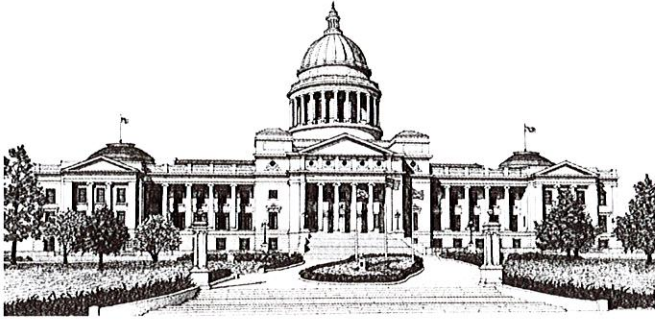


# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Education Division of Elementary and Secondary Education

Department Arkansas Department of Education

Contact Mary Claire Hyatt E-mail maryclaire.hyatt@arkansas.gov Phone 5016830960

Statutory Authority for Promulgating Rules Ark. Code Ann. 6-11-105,25-15-201 et seq.

**Rule Title:** Division of Elementary and Secondary Education Rules Governing Schools of Innovation

Intended Effective Date

(Check One)

Emergency (ACA 25-15-204)

10 Days After Filing (ACA 25-15-204)

Other \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Legal Notice Published .....

Final Date for Public Comment .....

Reviewed by Legislatice Council .....

Adopted by State Agency .....

Date

10/19/19-10/21/19

11/19/19

1/17/20

12/12/19

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Mary Claire Hyatt

maryclaire.hyatt@arkansas.gov

1/24/20

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

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

Signature

501-683-0960

maryclaire.hyatt@arkansas.gov

Phone Number

E-mail Address

Staff Attorney

Title

1/24/20

Date

**ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION  
RULES GOVERNING SCHOOLS OF INNOVATION  
Effective: February 7, 2020**

**1.00 PURPOSE**

- 1.01 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.

**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.
    - 3.04.3.1 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.
- 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 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 application that will be voted on by 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 application; and
  - 4.03 A school of innovation application is subject to 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 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 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.
  - 5.02.1 A school of innovation shall be approved and designated for a period of four (4) years.
  - 5.02.2 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.

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

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

5.03.2 Meet goals and performance targets; or

5.03.3 Comply with applicable laws or rules.

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

5.04 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 APPLICATION SUBMISSION GUIDELINES**

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 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, including any ongoing evaluations of a school of innovation, shall be posted on the Division's website.

6.03.1 The deadline to submit final revisions is May 1.

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

## **7.00 SCHOOL OF INNOVATION APPLICATION**

7.01 A school district shall submit its school of innovation 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 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 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 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 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 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 At least sixty percent (60%) of eligible employees must vote in support of the school's application to become a school of innovation before the school of innovation application 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 WAIVERS**

10.01 A school of innovation application may request waivers from local policies and specific laws and rules during the application process.

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.



**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT:** Arkansas Department of Education, Division of Elementary and Secondary Education

**DIVISION:** Learning Services

**PERSON COMPLETING THIS STATEMENT:** Mary Claire Hyatt

**PHONE NO:** 5016830960.      **FAX NO:** 5016824249      **E-MAIL:** maryclaire.hyatt@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE:** Rules Governing Schools of Innovation

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes \_\_\_\_\_ No   X
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes \_\_\_\_\_   X   No \_\_\_\_\_
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes \_\_\_\_\_   X   No \_\_\_\_\_

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
  
- (b) The reason for adoption of the more costly rule;
  
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
  
- (d) Whether the reason is within the scope of the agency’s statutory authority, and if so, please explain.

3. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation? **N/A**

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_

General Revenue \_\_\_\_\_

Federal Funds \_\_\_\_\_

Federal Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Special Revenue \_\_\_\_\_

Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule? N/A

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected. **None.**

**Current Fiscal Year**

**Next Fiscal Year**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

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6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected. **None.**

**Current Fiscal Year**

**Next Fiscal Year**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

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7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined? **N/A**

Yes \_\_\_\_\_ No \_\_\_\_\_

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.