

Coalition of Innovative Districts Act; HB 2319

HB 2319 creates the Coalition of Innovative Districts Act, the purpose of which is to allow up to ten percent of the state's school districts, at any one time, to opt out of most state laws and rules and regulations in order to improve student achievement.

Establishment of Public Innovative Districts

The bill authorizes a process whereby a school district board of education may apply for authority to operate as a "public innovative district." The bill limits the number of public innovative districts to no more than ten percent of the state's school districts at any time. The application and approval requirements differ based on the application queue, as follows:

- For the first two school districts, a request for approval (containing the same information as the application) must go first to the Governor and the chairpersons of the Senate and House education committees. If a majority of these individuals approves the request, the district may submit an application to the State Board of Education (State Board), which is required to review and approve the application within 90 days, if it included the required contents (see below). Requirements regarding notification of both approval and denial are contained in the bill. If an application is denied, the district has an opportunity to submit an amended application.
- For the remaining districts, the request for approval goes first to the Coalition Board, which is created by the bill (see below). The Coalition Board has sole discretion to approve or deny the request and may recommend the requesting school district modify the request. Modifications may then be considered by the Coalition Board prior to making a final decision. If the request is approved, the district may submit the application to the State Board. The same review and notification requirements apply.

The application must contain a description of the educational programs of the public innovative district, a description of parental and community interest and support, the specific goals and measurable pupil outcomes to be obtained, and an explanation of how pupil performance in achieving the specified outcomes will be measured, evaluated, and reported.

Requirements and Exemptions for Public Innovative Districts

In addition to complying with its own stated goals, a public innovative district must:

- Participate in all applicable Kansas math and reading assessments or an alternative assessment determined by the local board of education;
- Abide by all financial and auditing requirements applicable to school districts, except a public innovative district would be permitted to use generally accepted accounting principles;

- Comply with all applicable health, safety and access laws; and
- Be subject to the Special Education for Exceptional Children Act, the Virtual School Act, the School District Finance and Quality Performance Act, capital outlay requirements (KSA 72-8801 *et seq.*), all laws governing the issuance of general obligation bonds by districts, laws governing public employee retirement (KSA 74-4901 *et seq.*), laws governing school board elections, the Kansas Open Records Act, and the Kansas Open Meetings Act.

A public innovative district may not charge tuition for any pupils residing in the district's boundaries.

Unless otherwise required by the Act or decided by the board of education of the public innovative district, public innovative districts are exempt from all laws and rules and regulations applicable to school districts.

Coalition of Innovative Districts; Coalition Board

The bill establishes the Coalition of Innovative Districts, the duties and functions of which are carried out by a Coalition Board. The Coalition Board consists of one representative of each public innovative district as designated by the board of education of the public innovative district.

The bill requires the chairperson of the Coalition Board be appointed in a unanimous decision by the Governor and the chairpersons of the House and Senate education committees. The Coalition Board chairperson serves a five-year term, and a vacancy must be filled in the same method as a regular appointment.

The Coalition Board is required to carry out the duties and functions of the coalition, including the following:

- The Coalition Board must conduct the initial review of all but the first two prospective public innovative districts, and will have the sole discretion to approve or deny a district's request to become a public innovative district. (If the Coalition Board approves the request, the district's petition to become a public innovative district may proceed to the State Board.) As part of the initial review, the Coalition Board is permitted to make recommendations to modify the request and may subsequently consider the modifications prior to making a final decision.
- If a public innovative district fails to meet any of the specified renewal criteria (see "Performance-Related Provisions," below), the Coalition Board may petition the State Board to request the public innovative district's authority be revoked.
- The Coalition Board must report annually to the Legislature regarding pupil performance in the public innovative districts, the laws and rules and regulations deemed problematic by the Coalition Board, and any other information regarding success or problems experienced by the public innovative districts during the previous year.

The Coalition Board has latitude to meet as often as, and wherever, deemed appropriate. The Coalition Board is allowed to form subcommittees.

Operational Time Limit; Performance-Related Provisions; Petition for Revocation of Authority

Under the bill, a public innovative district has authority to operate as such for a period of five school years. At least 90 days prior to expiration of this period, a public innovative district may submit an application to renew its authority to the State Board and, if the application is complete, the State Board must approve the application within 60 days of submission, with related notification deadlines. The renewal application must contain:

- Evidence that the public innovative district has met the standards on the designated math and reading state or alternative assessments during the five-year period;
- Evidence that the public innovative district has shown improvement in its completion percentage during the same period;
- Demonstrated progress that the public innovative district is achieving the goals and outcomes described in its application; and
- A description of compliance with the requirements of the Act.

However, if a public innovative district fails to meet any of the renewal criteria for two or more consecutive years, either the public innovative district itself may petition the State Board for a release from its public innovative district status, or the Coalition Board may submit a petition to the State Board requesting the public innovative district's authority to operate as such be revoked. The State Board must honor any such petition request originating from the public innovative district itself, and release from the authority to operate under the Act would then be effective for the school year immediately following the grant of the petition. In the case of a Coalition Board-initiated petition, the public innovative district must be provided the opportunity to have a hearing on the matter. A time frame for the hearing request and subsequent decision are provided in the bill. If the petition is granted, the authority to operate as a public innovative district will be revoked beginning with the school year immediately following the grant of the petition.

The bill requires the superintendents of the public innovative districts to meet at least monthly to discuss the success or failure of educational programs.

Additional Duties of the State Board

The bill requires the State Board to provide technical advice and assistance in preparing an application for authority to operate as a public innovative district, upon the request of a prospective school district. Additionally, the State Board must adopt rules and regulations as deemed necessary to implement the Act.