

salary.

(F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)

The extent to which—

- (i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;
- (ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;
- (iii) The State’s charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;
- (iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and
- (v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

In the text box below, the State shall describe its current status in meeting the criterion. The narrative or attachments shall also include, at a minimum, the evidence listed below, and how each piece of evidence demonstrates the State’s success in meeting the criterion. The narrative and attachments may also include any additional information the State believes will be helpful to peer

reviewers. For attachments included in the Appendix, note in the narrative the location where the attachments can be found.

Evidence for (F)(2)(i):

- A description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.
- The number of charter schools allowed under State law and the percentage this represents of the total number of schools in the State.
- The number and types of charter schools currently operating in the State.

Evidence for (F)(2)(ii):

- A description of the State’s approach to charter school accountability and authorization, and a description of the State’s applicable laws, statutes, regulations, or other relevant legal documents.
- For each of the last five years:
 - The number of charter school applications made in the State.
 - The number of charter school applications approved.
 - The number of charter school applications denied and reasons for the denials (academic, financial, low enrollment, other).
 - The number of charter schools closed (including charter schools that were not reauthorized to operate).

Evidence for (F)(2)(iii):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the State’s approach to charter school funding, the amount of funding passed through to charter schools per student, and how those amounts compare with traditional public school per-student funding allocations.

Evidence for (F)(2)(iv):

- A description of the State’s applicable statutes, regulations, or other relevant legal documents.
- A description of the statewide facilities supports provided to charter schools, if any.

Evidence for (F)(2)(v):

- A description of how the State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

Recommended maximum response length: Six pages

“Autonomy is a key component of the charter school concept. By allowing charter schools to have autonomy over decisions concerning finance, personnel, scheduling, curriculum and instruction, states have enabled many of these schools to produce stellar results for their students.” Thus begins a recent issue brief (April 2010), from the National Alliance for Public Charter Schools. If the above described definition of autonomy is central to the notion of charter schools, then Kentucky’s autonomous school governance structure has all the elements of the autonomy incorporated in most charter legislation. It is important to note that neither the Race to the Top “Notice of Final Priorities, Requirements, Definitions and Selection Criteria” nor the “Notice Inviting Applications” contain definitions for the terms “charter school” and “charter school law”.

(F)(2)(i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;

Kentucky believes it has established the most comprehensive system of “public charter” schools in the nation. In 1990, a full year before the state of Minnesota enacted the first legislation in the country to address the need for innovative, autonomous schools, Kentucky enacted KRS 160.345 as part of the Kentucky Education Reform Act. It remains, to the date of this application, the only state legislation that has created an environment that makes ALL public schools innovative and autonomous through the establishment of a school-based decision making (SBDM) form of school governance (*See Evidence for (F)(2)(v) in Appendix FFFF: SBDM legislation (KRS 160.345) for full text of SBDM legislation.*). This unique situation of being the only state with uniform autonomy for all public schools gives Kentucky a strong argument that our law goes well beyond even the most open charter laws in the country (i.e. Colorado).

Using the quote at the beginning of this section as a guide, all public schools in Kentucky have autonomy over all the elements

listed above. School Councils in Kentucky have autonomy and authority over:

- all spending decisions, including staffing cost, textbooks and instructional materials, student support services and spending for professional development.
- The principal, who is chair of the school council makes all personnel decisions, after consulting with the entire council.
- The school council has authority over all aspects of the curriculum and instructional program, including choosing the curriculum and determining the schedule of the school day.
- Finally, and most importantly, school councils are held accountable for student achievement and lose may lose their ability to govern if the school is not making sufficient academic progress.

For a complete description of KRS 160.345 and how it aligns to charter school autonomy see Appendix AA.

School-based decision making thus gives all schools in Kentucky the opportunity to govern themselves and to increase the opportunities for the innovation that are the intention of this Race to the Top criteria. Of the 174 LEAs in Kentucky: 144 (83%) have only one high school, 134 (77%) have only one middle school, and 69 (40%) have only one school at the elementary grades. In a rural environment like Kentucky's, the school based decision making model allows for more opportunity for innovation because in most of these LEAs the singular school per grade level means there is not capacity to split already limited resources by introducing a charter school.

Another comparison between charter schools and Kentucky's SBDM system is that all of Kentucky's schools are subject to strict accountability standards and SBDM authority can be revoked. Since the enactment of KRS 160.346 in 2006, four schools have had their school council authority removed. All four cases occurred in 2008 and in all four cases the authority was given to the school district superintendent. In two cases, the district closed the schools and opened new academies with new leadership and stronger

direction as to instructional programs. In the other cases, the school district chose to use the transformation model. They removed the school leadership and worked with the new leadership to implement a series of reform initiatives designed to improve student learning. While indications in all four cases are that the turnaround efforts are off to a good start, with only one year of new state test scores, another year is needed to get a true picture of the success of the turnaround. Recently enacted amendments to KRS 160.346 have better aligned Kentucky's intervention strategies for low-achieving schools to federal guidelines.

The most critical connection that can be made between Kentucky's approach to innovative, autonomous schools is that in each of Kentucky's 1249 schools, the School Council is responsible for crafting policy, based on stakeholder input, in the areas of defining their instructional models and associated curriculum; selecting and replacing staff; implementing new structures and formats for the school day or year; and controlling their budgets. With this level of autonomy, principals and teachers can then design programs that most specifically meet the needs of their students. In this way, SBDM is a "charter" structure.

Because SBDM truly enables school-level decision-making authority, school councils have significant autonomy and flexibility to innovate, experiment, and adjust each school's structures and processes to best meet the needs of the students they serve. As with any initiative designed to bring school reform innovations, the SBDM structure has been successful in many schools and less successful in others. While there is no specific research to quantify the value of the SBDM process in schools, SBDM has the same characteristics as research has born out regarding charter schools: the ability for school leadership in every school 1) to think in innovative ways; 2) to make decisions on instructional and curricular programs with the input of staff and families; and 3) to make other policy, budget and hiring decisions. These characteristics play an important part in improving student outcomes when SBDM takes full advantage of the authority they have been granted.

(F)(2)(ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student

achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;

KRS 160.346 and KRS 158.785 provide for schools governed under Kentucky's SBDM authority to be closed when academic or managerial deficiencies are persistent.

(F)(2)(iii) The State's charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;

Kentucky's funding formula for schools, Support Education Excellence in Kentucky (SEEK), is one of the most equitable funding formulas in the country (*see section (F)(1)(ii)*). Under this method of funding schools, higher-need LEAs and schools receive greater levels of state funding than do lower-need LEAs.

(F)(2)(iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and

In the same way, facilities funding is allocated based on local need. The result is that because there is no distinction between schools based on their characterization as charter or traditional, all schools are eligible for SEEK and facilities funding.

(F)(2)(v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

In addition to the autonomy and flexibility given to all schools through school based decision making councils, our larger LEAs have created extensive school choice options. Our only large, urban center, Jefferson County (Louisville), has arguably the most extensive school choice options in the country. A number of other LEAs (Bullitt County, Daviess County, Fayette County, Hardin, Kenton County, Madison County, and Oldham County) have school choice options through open enrollment policies to address the need for school choice and make available magnet programs to all students. In Kenton County, as an example, parents can apply for open enrollment to any school in the district and sign a contract regarding attendance commitments, academic progress, etc. Parents are responsible for providing transportation and staffing is adjusted

based on open enrollment.

As stated above, the most significant school choice opportunities occur in our lone urban school district, the Jefferson County Public Schools (JCPS). JCPS has 100,000 students and more than 160 schools. All elementary, middle, and high school students have school choice options and may apply to any of the following:

- The school that serves their home address
- A magnet school
- A magnet program
- An optional program
- Any other school in their elementary cluster or their high school network

JCPS magnet schools and magnet programs focus on a specific subject (such as environmental studies), offer training for a specific career (such as engineering), or provide a specialized learning environment (such as a Montessori school setting). Students who are accepted into a magnet program become full-time students of the school that offers the program, and they go to the school for all of their classes - not just the magnet program classes. Some magnet schools and programs accept students only from specific areas of the district. Other magnets accept students from any home address. JCPS provides bus transportation for district students accepted into a magnet school or program regardless of where the students live.

The district offers many different types of magnet schools and programs. Here is general information on a few of them:

- A traditional school is a type of magnet school that focuses on teaching and learning at grade level in a traditionally structured classroom environment. Traditional schools require uniforms, daily homework, and parent involvement. A traditional program operates in the same way as a traditional school, but it's a program within a school

- A magnet career academy (MCA) is a type of high school that lets students focus on training for a specific career - in addition to providing the basic courses that all students are required to complete
- A Montessori school uses the Montessori approach to learning, which encourages critical thinking, exploration, and self-directed education

An optional program is a small, specialized program within a school. Students who are accepted into an optional program become students of the school offering the program. They attend the school for all of their classes, not just the optional program classes, but JCPS does not provide transportation for students in an optional program unless they live in the school's attendance area. Students who are not interested in magnet or optional programs may still apply to any other school in their cluster. JCPS provides transportation for students who are accepted. Most of the district's elementary schools are part of one of six clusters. Each includes 12 to 15 schools.

Most JCPS middle school students always have the option of attending the school that serves their home address. Students may apply to attend a magnet middle school. They may apply to other schools through their magnet or optional programs. Beginning with the 2010-11 school year, JCPS high schools will be divided into three networks. High school students may apply to any school in their network and to district-wide magnet schools and programs. In general, school-based decision making councils promote shared leadership among those who are the closest to the students. Each council is composed of two parents (elected by the parents of students attending the school), three teachers (elected by the teachers in the school), and the principal or administrator of the school. The council role is to set school policy and make decisions outlined in statute which provide an environment to enhance student achievement. Making decisions through shared decision making results in a greater commitment to implementing decisions that will enhance the achievement of students. This structure then allows principals and other school leaders the opportunity to create the innovation necessary to meet the needs of a diverse student population.

In the just completed Special Session of the Kentucky General Assembly (May 2010), legislation was passed that provided another innovative school choice option. HB 1 (2010) allows the Commissioner of Education to approve plans established by a local school board of education and a Southern Association of Colleges and Schools accredited postsecondary education institution for purposes of creating early and middle college high schools that provide a rigorous academic curriculum within a supportive and nurturing environment for underserved students; and encouraging academic success by linking students, teachers, and community partners in innovative ways.

On a final note, the Kentucky Department of Education and the Kentucky Association of School Councils are committed to working together to build the necessary supports and conditions for school councils to seek opportunities to be innovative. Preliminary discussions have surfaced a variety of ideas, including increasing the term of council members to increase commitment to new projects and initiatives, and creating “model” schools that showcase the types of new approaches and solutions the Commonwealth seeks to increase student learning statewide.

(F)(3) Demonstrating other significant reform conditions (5 points)

The extent to which the State, in addition to information provided under other State Reform Conditions Criteria, has created, through law, regulation, or policy, other conditions favorable to education reform or innovation that have increased student achievement or graduation rates, narrowed achievement gaps, or resulted in other important outcomes.

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Evidence for (F)(3):