

## PROPOSED AMENDMENTS TO INNOVATION SCHOOLS REGULATIONS

### 603 CMR 48.00

- Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: **December 17, 2013**
- Period of public comment: **through January 24, 2014**
- Final action by the Board of Elementary and Secondary Education anticipated: **March 25, 2014**

Proposed amendments are indicated by underline (new language) or ~~strikethrough~~ (deleted language). For the complete text of the current Innovation Schools Regulations, 603, CMR 48.00, see <http://www.doe.mass.edu/lawsregs/603cmr48.html>.

### 603 CMR 48.00: Innovation Schools Regulations

- 48.01: Scope, Purpose, and Authority
- 48.02: Definitions
- 48.03: General Provisions
- 48.04: Specific Provisions
- 48.05: ~~Virtual Innovation Schools~~

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#### 48.02: Definitions

As used in 603 CMR 48.00, unless the context clearly requires otherwise, terms shall have the following meanings:

**Academy.** An innovation program situated within an existing public school. The academy operates different instructional and other programs from the school in which it is situated. The academy will be included in the reporting of the school within which it is situated for the purposes of enrollment, accountability, and other school-level determinations. Students in innovation academies will receive a program code from the Department of Elementary and Secondary Education to facilitate monitoring of outcomes of the initiative.

**Board.** The Board of Elementary and Secondary Education or a person duly authorized by the Board.

**Commissioner.** The Commissioner of Elementary and Secondary Education or his/her designee.

**Department.** The Department of Elementary and Secondary Education.

Eligible student. A person eligible to enroll in a Massachusetts public school who is under the age of 22 and who has not attained a high school diploma or its equivalent.

~~Home district. The municipal or regional school district that is fiscally responsible for an eligible student's enrollment in a virtual innovation school.~~

Innovation plan. An educational and operational plan for the administration of an innovation school, established pursuant to M.G.L. c.71, s.92(c).

Innovation school. A school or academy authorized by a local school committee under the provisions of M.G.L. c.71, s.92.

Innovation Schools Zone. Two or more innovation schools operating within a particular school district in accordance with certain factors described in 603 CMR 48.04(2).

Lead district. Among two or more school districts sponsoring a single innovation school, the school district that is responsible for coordinating the formation of a screening committee. The lead district will be the district that will host the proposed innovation school and whose policies, including, but not limited to, transportation and discipline of students, will be in effect at the proposed innovation school, unless clearly stated in the approved innovation plan.

Sponsoring district. A municipal or regional school district responsible for authorization and oversight of an innovation school.

Teacher. For the purposes of a vote to approve conversion to an innovation school or academy, any person working half-time or more in a school or school district under a license listed in 603 CMR 7.04(3)(a), (b), or (d).

~~Virtual innovation school. An innovation school whose students receive 80 percent or more of their academic instruction on-line at a location other than a public school building. Public schools where on-line courses are offered as an adjunct to classroom instruction shall not be considered virtual innovation schools.~~

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#### **~~48.05: Virtual Innovation Schools~~**

~~(1) Enrollment. The innovation plan for a virtual innovation school shall specify the manner in which a student may apply for admission to such school, and the criteria that will be used to select students for admission. A virtual innovation school may give preference in enrollment to students residing in the sponsoring district.~~

~~No school district or school shall compel a student to enroll in a virtual innovation school.~~

~~Students may not enroll directly in a virtual innovation school through the inter-district school choice program established under M.G.L. c.76, s.12B.~~

~~Nothing in 603 CMR 48.00 shall prohibit a virtual innovation school from enrolling out-of-state students pursuant to M.G.L. c.71, s.6A.~~

~~(2) Enrollment limits. The following enrollment limits shall apply to virtual innovation schools:~~

- ~~• (a) Each school shall have a maximum enrollment of 500 students.~~
- ~~• (b) For schools that have no admissions criteria other than grade level, at least 25% of the enrollment shall be from the sponsoring district.~~
- ~~• (c) For schools where enrollment is targeted to serve a specialized student population, such as students with medical conditions that interfere with school attendance or students who have been temporarily or permanently excluded from public school attendance, at least 10% of the enrollment shall be from the sponsoring district.~~
- ~~• (d) No district shall be required to pay tuition for students attending virtual innovation schools in other districts for more than 2% of its total district enrollment.~~
- ~~• (e) Districts shall not be responsible for tuition payments for students enrolled in excess of these limits.~~
- ~~• (f) If the virtual innovation school is established by the school committees of two or more districts, the combined enrollment of all sponsoring districts shall be used to calculate the limits imposed by 603 CMR 48.05(2)(b) and (c).~~

~~(3) Curriculum, instruction and assessment. The innovation plan for a virtual innovation school shall provide for:~~

- ~~• (a) a curriculum aligned with the Massachusetts curriculum frameworks;~~
- ~~• (b) administration of required state wide assessments in a proctored environment consistent with test administration guidelines;~~
- ~~• (c) student participation recordkeeping to monitor attendance and demonstrate compliance with the student learning time requirements in 603 CMR 27.00;~~
- ~~• (d) student access to appropriate computer equipment, telecommunications services, and related technical support, to be provided by the sponsoring district as needed;~~
- ~~• (e) student access to, and guidance on the use of, library and digital media resources;~~
- ~~• (f) guidelines for age appropriate oversight of student participation by parents, guardians, or other adults, along with appropriate training for such oversight.~~

~~(4) Educators. All educators leading classes or providing educational administration services in a virtual innovation school shall hold a current Massachusetts educator license appropriate to their assigned duties. Said educators may be employed through the sponsoring district, through another Massachusetts public school district, through an educational collaborative, or through a contract with an educational management organization. The school's innovation plan shall provide for periodic individual teacher conferences, via teleconference or in-person meetings, with students and students' parents or guardians.~~

~~(5) Guidance services. The school's innovation plan shall provide all enrolled students with appropriate access to guidance services, including but not limited to future school and career planning, monitoring of the student's overall academic progress, and facilitating student and family support services as needed. Appropriate information and guidance shall also be provided to students considering enrolling in a virtual innovation school to assist in their decision.~~

~~(6) Special education services. The sponsoring district shall be responsible for the provision of all services required by the individualized education programs (IEPs) of students enrolled in a virtual innovation school.~~

~~(7) Procurement of educational management services. A sponsoring district may contract with an educational collaborative established pursuant to M.G.L. c.40, s.4E or with an external partner, including a for-profit or non-profit corporation for the provision of all or part of the instructional and technical services required for the operation of a virtual innovation school. Contracts with a for-profit or non-profit corporation, other than an educational collaborative, shall be subject to the procurement requirements of M.G.L. c.30B.~~

~~(8) Funding. The sponsoring district shall annually set the per pupil tuition rate for students enrolled in a virtual innovation school, provided that said rate shall not exceed the maximum tuition rate permitted under M.G.L. c.76, s.12B, and provided further that said rate shall apply to students residing in the sponsoring district and students residing in other Massachusetts districts. Tuition payments shall be prorated for students enrolled for less than a full year. In addition to said per pupil tuition rate, the costs of additional services required by a student under an individualized education program shall be paid by the student's home district pursuant to the provisions of 603 CMR 10.07. Tuition payments shall be made quarterly.~~

~~(9) Reporting requirements. Virtual innovation schools shall comply with all reporting requirements established by the Department for public schools, and shall also submit such reports specifically relating to virtual innovation schools as the Department may require. The Department shall establish a separate school code for each virtual innovation school, notwithstanding that the administration of said school may be part of or shared with another district school.~~