

# *Innovation Schools: Frequently Asked Questions and Answers*

## Approval Process

### **1. What are the essential features of an Innovation School?**

An Innovation School (either a conversion of an existing school or a new school) is an in-district public school that can be established by a wide range of applicants, may utilize increased autonomy and flexibility in six areas (curriculum, budget, schedule and calendar, staffing, professional development, and district policies), and is authorized by the local school committee.

In exchange for increased ownership, discretion, and authority to establish and operate an Innovation School, eligible entities will be held responsible for improving student learning and school performance in accordance with measurable annual goals. Two goals of establishing these schools are to foster innovation across the state and increase students' access to excellent educational opportunities – while retaining funding within public school districts.

### **2. Why would I want to create an Innovation School?**

Innovation Schools represent a chance for local school committees – in cooperation with superintendents, teachers' unions, parents, outside partners and others – to internally charter their own schools. The new law gives traditional schools and educators the chance to develop the autonomy and flexibility to compete with charter schools and eliminate the need for school funding to leave the districts. In addition, it empowers teachers and others to take a leadership role in the development and operation of public schools.

This initiative represents both a challenge to and an opportunity for local educators to implement innovative practices within traditional public school settings and control their own curricula, staffing, schedules, budgets, and professional development. As noted above, in exchange for the much broader authority and discretion required to run their own school, these pioneering educators will be held responsible, under the innovation plan agreed to by the local school committee, for advancing student learning and school performance.

Innovation Schools allow for deeper engagement in core subjects, more enrichment activities, longer school days, schools with particular instructional themes or areas of focus, and freedom from certain district rules and/or contract provisions. Innovation Schools provide teachers and others with an unprecedented opportunity to increase ownership of their schools and to take charge of both academic programming and operations. Applicants can operate schools under the terms and conditions that will best meet the needs of their students, as they will have the authority and flexibility to adopt curricula, implement instructional and assessment practices that they think will ensure students learn. As a result, Innovation Schools can dramatically increase opportunities for teacher leadership and deepen teacher professionalism.

Another exciting feature of these schools is that every aspect of the work is local. Proposals to establish either new schools or convert existing schools will be generated at the local level, reviewed and approved by local stakeholders, and the Innovation School will be authorized and evaluated by the local school committee and superintendent respectively.

### **3. What is the process for establishing and approving an Innovation School?**

The process for establishing and approving an Innovation School is laid out in the Innovation Schools statute, G.L. c. 71, s. 92. That process is as follows:

- Step 1: An eligible applicant develops and submits an initial prospectus to the Superintendent of the district in which the proposed school would be situated.
  - Eligible applicants are parents, teachers, parent-teacher organizations, principals, superintendents, school committees, teacher unions, colleges and universities, non-profit community-based organizations, non-profit business or corporate entities, non-profit charter school operators, non-profit education management organizations, educational collaboratives, consortia of these groups, and other entities authorized by the Commissioner of Elementary and Secondary Education.
- Step 2: The screening committee -- convened by the Superintendent within 30 days of receiving the prospectus, and consisting of the superintendent or his/her designee, a school committee member or a designee selected by the school committee, and a representative of the local teacher's union – reviews and votes on the initial prospectus; two-thirds approval is required.
- Step 3: An innovation plan committee must be established within 30 days of approval of the prospectus, and this committee develops and internally approves the innovation plan; a majority vote is required.
  - While the size and composition of the innovation plan committee can be determined by the applicant, it must not include more than 11 individuals, and must include the following: the applicant; the superintendent or designee; a school committee member or designee; a parent who has 1 or more children enrolled in the school (or in the case of a new school, in the district); a principal employed by the district; and 2 teachers employed by the district.
  - The parent will be selected by the applicant from among nominees submitted by parent-teacher organizations in the district (if these organizations exist), or among volunteers in the area or community that the proposed school will serve.
  - The principal and 1 teacher will be selected by the applicant from volunteers in the district, and the other teacher will be selected among nominees submitted by the local teacher's union.

If an innovation plan includes provisions that conflict with state laws or regulations governing other public schools, approval by the Commissioner of Elementary and Secondary Education is required.

Please see question #17 for detailed information about securing approval from the Commissioner or Board of Elementary and Secondary Education.

- Step 4a: For the conversion of existing schools, upon approval of the innovation plan by the innovation plan committee, the school’s current teachers vote on the plan; two-thirds approval is required.
  - If approved by two-thirds of the teachers, the innovation plan must be submitted to the school committee.
- Step 4b: For new schools, upon approval of the innovation plan by the innovation plan committee, the applicant, local teacher’s union, and superintendent must negotiate proposed waivers or modifications to the collective bargaining agreement (if applicable); if agreement is not reached within 40 days, the statute spells out an arbitration process.
  - Upon completion of the negotiation or arbitration, as applicable, the innovation plan is submitted to the school committee.
- Step 5: The school committee must hold at least one public hearing on the innovation plan, and then must, within 60 days of receiving the plan, conduct its vote on whether or not to approve the plan; a simple majority is required for approval.
- Step 6: If approved by the school committee, the Innovation School is authorized for up to five years. The Superintendent must notify the Commissioner within 30 days of school committee authorization of an Innovation School. The Superintendent shall include a copy of the approved innovation plan in the notification to the Commissioner.

The Innovation School is evaluated annually by the superintendent. At the end of the authorization period, the Innovation School can request that the school committee extend the authorization of the school for an additional period of not more than 5 years; before doing so, the Innovation School leadership must convene a group of stakeholders to discuss potential revisions to the innovation plan. If any changes are made to the plan that affects the collective bargaining agreement, the plan must be approved by two-thirds of the teachers in the school.

Please note that all Innovation School Screening Committee meetings and Innovation Plan Committee meetings are subject to Open Meeting Law requirements (see question 6 below for more detail).

#### **4. What is the definition of a teacher for purposes of the teacher vote? How is the vote conducted?**

New regulations approved by the Board of Elementary and Secondary Education (BESE) that went into effect February 17, 2012, include a definition of “teacher” for purposes of a vote. Teachers

are defined as any person working half-time or more in a school or school district under a license listed in 603 CMR 7.04 (3)(a). For a complete list please see [www.doe.mass.edu/lawsregs/603cmr7.html?section=04](http://www.doe.mass.edu/lawsregs/603cmr7.html?section=04).

The Innovation Schools statute requires that the teacher vote be conducted by secret ballot.

## **5. May subcommittees to the Innovation Plan Committee be established?**

Nothing shall prevent an innovation plan committee from establishing one or more subcommittees to advise the innovation plan committee. An advisory subcommittee may include individuals who are not members of the innovation plan committee, but only members of the innovation plan committee are eligible to serve as chair of an innovation plan subcommittee. Only the innovation plan committee shall have final approval of the innovation plan.

## **6. Are Screening Committees and Innovation Plan Committees subject to Open Meeting law requirements?**

Based on guidance from the state Attorney General's Division of Open Government, both Screening Committees and Innovation Plan Committees are public bodies subject to the state Open Meeting law. Therefore, both the Screening Committees and Innovation Plan Committees must follow the procedures laid out by the Open Meeting law, including posting notice of meetings and taking minutes of meetings. For more information on the Open Meeting law, please review the Attorney General's Open Meeting Law Guide, available at <http://www.mass.gov/ago/government-resources/open-meeting-law/attorney-generals-open-meeting-law-guide.html>.

## **7. What role will the Department of Elementary and Secondary Education (ESE) have in the approval process for an Innovation School?**

Unlike in the charter school approval process, local school committees – not ESE – will have final approval over the authorization of Innovation Schools. However, ESE and the Executive Office of Education (EOE) will support the Innovation Schools initiative by providing technical assistance and support; collecting and disseminating data, research, and best practices; and, if funding is available, providing planning and implementation grants to eligible applicants.

## **8. What are the required elements of an initial prospectus for an Innovation School?**

The prospectus must include, but not be limited to, the following elements: 1) information about whether the school will be a conversion of an existing school or a new school, and the name of the proposed school for conversion or the new location, respectively; 2) the number of students who will be enrolled and the number of staff members who will be employed; 3) the overall vision for the school, including goals for improving student achievement and school performance; 4) the types of autonomy and flexibility that will be utilized to operate the school, and why specific strategies are necessary; 5) the external partners (if any) that will contribute to the establishment and operation of

the school; 6) the anticipated components of the innovation plan; 7) specific needs or challenges the school is designed to address; and 8) a preliminary description of the process to involve stakeholders and a proposed timetable for establishing the school.

The EOE and ESE have prepared a template for reference and adaptation by local school districts; this document is available at <http://www.mass.gov/edu/innovationschools>.

## **9. What are the required elements of an innovation plan for an Innovation School?**

The innovation plan must include, but not be limited to, the following elements: 1) a curriculum plan that includes detailed information about how the proposed curriculum will improve student achievement and school performance; 2) a budget plan that includes detailed information about how funds will be used differently in the proposed school; 3) a detailed school calendar and schedule plan; 4) a staffing plan that includes detailed information about how the principal, teachers, and other staff members will be recruited, employed, evaluated, and compensated in the proposed school; 5) a detailed description, if applicable, of any proposed waivers or modifications to collective bargaining agreements; 6) a plan that includes detailed information about the unique operational policies and procedures that will be implemented in the school, and how they will support student achievement and school performance; and 7) a professional development plan that includes detailed information about how the proposed school will provide ongoing and high-quality professional development opportunities to administrators, teachers, and other staff members.

In addition, the innovation plan must include measurable annual goals including, but not limited to, the following elements: 1) student attendance, safety, and discipline; 2) promotion, graduation, and dropout rates; 3) student achievement on the MCAS; 4) progress related to identified areas of academic underperformance; 5) progress among subgroups of students (including lower-income students, English Language Learners, and students receiving special education services); and 6) the reduction of achievement gaps among different groups of students.

The suggested template for reference and adaptation by local school districts is available at <http://www.mass.gov/edu/innovationschools>.

## **10. Is there a specified timeframe in which local school committees must approve an innovation plan?**

Once the innovation plan is completed, it must be approved internally by a simple majority of the innovation plan committee. Once it is approved, in the case of school conversion, the applicant submits the innovation plan to teachers in the school that is proposed for conversion. Teachers vote by secret ballot within 30 days; a two-thirds majority is required for approval.

In the case of a new school, the applicant, local teacher's union, and superintendent must negotiate any waivers or modifications to the collective bargaining agreement. If negotiations have not resulted in an agreement within 40 days, either party may petition the division of labor relations for the selection of an arbitrator. This arbitrator must be selected within three days and must conduct a hearing within 14 days of selection. The arbitrator will submit a final and binding decision within 14 days of this hearing. After the arbitrator's decision, the school committee has 60 days within which

to hold a public hearing on the innovation plan and vote to authorize the Innovation School; a simple majority is required to authorize the school.

In general, it is recommended that applicants initiate the approval process no later than 6 months prior to the opening of the proposed Innovation School and that applicants build in additional time (i.e., another 3 to 6 months) for initial development and planning prior to initiating the formal approval process. The statute, however, does not specify a particular timetable.

### **11. Is there a deadline for opening an Innovation School?**

No. The process for establishing an Innovation School is entirely locally based, and the time frame for opening a school will be determined by the applicant(s), local stakeholders involved in the process of developing an innovation plan, and ultimately the school committee.

### **12. What role do teachers' unions have in the Innovation Schools approval process?**

In general, ESE and EOE encourage districts to involve all appropriate stakeholders, including teachers' union leaders and members, in the process of establishing an Innovation School. The law requires that a representative from the leadership of the local teacher's union sit on the screening committee that approves or rejects an applicant's prospectus. In addition, for the establishment of new Innovation Schools, the union must participate in negotiations required for any waivers or modifications to the applicable collective bargaining agreement. Note: for the conversion of an existing school, the innovation plan must be approved by two-thirds of the current teachers.

### **13. In the case of the conversion of *an existing program* within a school into an Innovation School Academy, what is the teacher voting unit?**

A new regulation adopted by the Board of Elementary and Secondary Education on January 24, 2012 addresses this issue. In the case of a conversion of an **existing** program to an Innovation School Academy, the innovation plan must include a description of the teachers in the school to whom the plan will be submitted for approval. The regulations do not provide guidance as to which teachers should be included in the vote. It is up to the Innovation Plan Committee to determine which teachers should vote on the plan. The committee may decide that just the teachers in the program should vote or include other teachers in the school in the vote as well.

In the case of proposing a **new** program as an Innovation School Academy, the applicant shall follow the process laid out for establishing a new school.

In the case of a partial school conversion, ESE and EOE advise districts to involve teachers from the part of a school being proposed for conversion, as well as teachers from the part of the school that would not be converted, in the development process for the conversion. Doing so will help to ensure appropriate understanding of how the proposed conversion would affect students and educators in both parts of the school.

**14. Will Innovation Schools have a school-based governing body separate from school and district leadership?**

The statute authorizes Innovation School founders to create an advisory board of trustees, but they can also operate under traditional or other school leadership structures. The applicants for the school have the discretion to determine – and to set forth in the innovation plan – the leadership structure they choose, subject to final approval by the local school committee. The statute also requires that the school committee and superintendent hold the school accountable for meeting the terms of its innovation plan.

**15. How are Innovation Schools different from the multiple types of Horace Mann charters, Pilot schools, and other non-traditional models?**

There are several major distinctions and some minor distinctions between these types of schools in the areas of approval process, accountability, funding, and student admissions processes, among others.

Primarily, Innovation Schools differ from Horace Mann charters in two ways: (1) in that they do not require approval at the state-level; and (2) depending on the type of Horace Mann, in that there are differences in the procedures related to the local teachers' union. While the Achievement Gap Act of 2010 created multiple types of Horace Mann charters (traditional, "conversion" and "the 14 new Horace Mann charter schools"), all of these Horace Mann charter schools require approval from the state Board of Elementary and Secondary Education (BESE). Innovation Schools solely require approval of the local school committee, and there is no state involvement in the initial approval unless the innovation plan seeks the Commissioner's approval for a provision that conflicts with state laws or regulations governing other public schools. Additionally, traditional Horace Mann charter schools continue to require union approval before the application goes before the BESE.

Innovation Schools require approval of the innovation plan by vote of 2/3 of the teachers, in the case of a conversion school. In the case of a new Innovation School, the statute requires the applicant to negotiate with the local teachers' union regarding any modifications or waivers to the collective bargaining agreement. EOE has prepared a fact sheet that provides further details regarding the primary differences among these types of schools; this document is available at <http://www.mass.gov/edu/innovationschools>

**16. How can an innovation plan committee receive approval for provisions in an innovation plan that conflict with state laws or regulations governing other public schools?**

If an innovation plan includes any provision that may conflict with state laws or regulations governing other public schools, the applicant must secure approval as follows: to secure approval from the Commissioner of Elementary and Secondary Education, the innovation plan committee must submit the following information to the Office of Charter, Innovation and Redesign at the Department of Elementary and Secondary Education, with copies to the local superintendent and school committee: 1) a letter listing the provisions that may conflict with state laws or regulations governing other public schools; 2) a specific legal citation for each state law or regulation that

poses a conflict and therefore requires approval; and 3) a detailed explanation of why the waiver is necessary to advance the mission or educational programs of the proposed Innovation School.

If the Commissioner does not approve the proposed provisions in the plan that may conflict with state laws or regulations, the innovation plan committee may ask the Board of Elementary and Secondary Education to review the matter. If the applicant seeks review from the Board of Elementary and Secondary Education, the innovation plan committee must submit a letter listing the provision(s) in 603 CMR 48.00 that require a waiver, and why each is necessary to advance the mission or educational programs of the proposed Innovation School. The Board shall make the final decision on this issue.

For all requests, the innovation plan committee must also submit the most recent version of the proposed innovation plan.

The information and relevant documents should be submitted at least 45 days prior to the school committee meeting at which the members will vote to approve the innovation school plan. If Board approval is required, additional time may be required to accommodate its monthly meeting schedule.

## **Funding**

### **17. What state or federal funds, if any, will be provided to support the establishment or operation of Innovation Schools?**

Innovation Schools are intended to be a fiscally neutral school redesign model, in which long-term support for new or different programs or services primarily will be supported through increased flexibility in the school's existing budget. At the same time, EOE and ESE are eager to provide new resources to support these initiatives. Consequently sources of private, state and federal funding to support the planning and initial implementation of Innovation Schools have been secured.

In August 2010, the U.S. Department of Education awarded Massachusetts a Race to the Top grant, and \$1.5 million dollars of these funds were dedicated to support the establishment of Innovation Schools. In particular, these funds have been used to award planning and implementation grants to eligible applicants and participating districts (those that are committed to implementing RTTT initiatives). An additional source of funds from the Bill and Melinda Gates Foundation have supported Next Generation Learning Models Innovation School planning and implementation grants.

For the first time, the state budget includes an Innovation Schools line item of \$1 million dollars. These funds will be used to support planning, implementation and enhancement grants as well as to support technical assistance to Innovation School planners.

Information about these grants is available at [www.mass.gov/edu/innovationschools](http://www.mass.gov/edu/innovationschools).

### **18. What amount of funding will an Innovation School receive for each school year? Can an Innovation School secure additional funding through other public or private sources?**

The statute states that: “An Innovation School shall receive each school year from the school committee the same per pupil allocation as any other district school receives.” Additionally, the statute provides that any unused funds may be retained and used in subsequent school years. The statute also states that an Innovation School may do its own fundraising and may establish a non-profit to assist with fundraising, and the district may not reduce the yearly allocation to the school as a result of the school’s fundraising activities.

**19. Can an Innovation School serve students from more than one district?**

Yes. An innovation plan could include strategies to enroll students from multiple districts; for example, applicants can utilize existing inter-district school choice options to enroll students, or develop other enrollment and tuition agreements with sending districts. In addition, two or more districts could partner with an applicant to establish an Innovation School. Amended regulations regarding multi-district innovation schools may be found at <http://www.doe.mass.edu/lawsregs/603cmr48.html>.

**20. If an Innovation School proposes an extended day or year, will it be eligible for state Expanded Learning Time (ELT) grant funding?**

Should grant funds become available, approved Innovation Schools will be eligible to apply for ELT funds. Updated information on the Extended Learning Time initiative can be found at [www.doe.mass.edu/redesign/elt/?section=eval](http://www.doe.mass.edu/redesign/elt/?section=eval).

**Other**

**21. Do autonomies in all of the areas – curriculum, budget, schedule, staffing, professional development, and district policies – have to be implemented by a proposed Innovation School?**

No. The innovation plan must articulate the desired autonomy and flexibility in 1 or more of these areas. However, if an applicant chooses to include multiple areas of autonomy and flexibility in the initial prospectus and innovation plan, ESE and EOE encourage the applicant to connect proposed strategies in different areas to maximize the benefit to the school. For example, the implementation of innovative strategies with regard to curriculum should be connected to a robust staffing plan, and the implementation of innovative strategies with regard to staffing should be connected to a strategic budget plan.

**22. What rules will govern admission to an Innovation School?**

Any student who is enrolled in a school that is subsequently established as an Innovation School will retain the ability to remain enrolled in the school. Innovation Schools also must comply with applicable state and federal laws regarding the enrollment of students with disabilities, English Language Learners, and other categories of students. Beyond the requirements of state and federal law with respect to specific populations of students, the applicant(s) may determine procedures for

admission to a newly established Innovation School, subject to final approval by the school committee.

### **23. What constitutes an Innovation “School” as opposed to a program at a school?**

- A school is generally characterized as an entity with a high degree of independent management prerogative, with leader(s) that report directly to a district-level supervisor or an oversight board. Entities which are recognized by the ESE as public elementary or secondary schools have the following responsibilities:
  - Have an assigned principal who holds a valid Massachusetts license to serve as principal (with the exception of charter schools), is employed under an independently negotiated contract, has authority over and responsibility for all budget, personnel, educational, and operational matters at the school;
  - Operate at least 180 days in a school year;
  - Provide a minimum of 900 hours per school year of structured learning time to every student (if an elementary school) and provide a minimum of 990 hours per school year of structured learning time to every student (if a secondary school) per 603 CMR 27.02;
  - Administer the MCAS at the appropriate grade levels; and
  - Submit all required ESE school-level data reports (e.g., SIMS, EPIMS, Schedule 3 of the EOYPR, etc.) linked to a school code. The district may complete the actual submission of the report, but the data must be reported by school and for each school. The school will be reported separately for the purposes of enrollment, accountability, and other school-level determinations.

For additional information, please refer to the following website:  
[http://www.doe.mass.edu/infoservices/data/diradmin/new\\_public.doc](http://www.doe.mass.edu/infoservices/data/diradmin/new_public.doc).

The legislation authorizing Innovation Schools permits the establishment of academies within existing public schools; these academies are subject to the same approval process as Innovation Schools, and like an Innovation School, they must also operate under an innovation plan.

### **24. What are the consequences for the school or external partner for failure to meet the terms of the innovation plan?**

If the school committee determines, on the advice of the superintendent, that the school has not met one or more goals in the innovation plan, the school committee has the authority to amend the innovation plan. If the school committee determines, on the advice of the superintendent, that the school has substantially failed to meet multiple goals in the innovation plan, the school committee can 1) limit one or more components of the innovation plan if necessary; 2) suspend one or more components of the plan; or 3) terminate the authorization of the school. Such limitation or suspension cannot take place before the end of the second full year of operation, and the school’s authorization cannot be terminated before the end of the third full year of operation.

**25. If a district is proposing a “school within a school” or an Innovation Academy, what happens to the school’s Title I status?**

If the new school is operating under a separate school code, it will receive its own Title I status based on the poverty percentage in the new school. If the school does not have a separate school code, it retains the parent school’s Title I status. In either case, the district’s overall Title I entitlement grant allocation would not be affected.

**26. If there are issues related to funding, governance, or other factors that affect the operation of the proposed school that are not included in the legislation, how should applicants proceed with establishing an Innovation School?**

Applicants should address all significant factors about the operation of the school in the innovation plan; as noted in the response to question #17, if proposed strategies conflict with existing state laws and regulations regarding the operation of public schools, applicants must secure approval from the Commissioner or the Board of Elementary and Secondary Education. If applicants have specific questions or concerns, they should contact the Department of Elementary and Secondary for guidance at [achievement@doe.mass.edu](mailto:achievement@doe.mass.edu).

**27. What will happen if someone (or a group of people) does not abide by the required process for establishing and approving an Innovation School?**

The process for establishing and approving an Innovation School is entirely locally based, and dependent upon the cooperation and collaboration of different members of the community. Therefore, any issues or concerns related to these processes must be addressed and resolved at the local level by appropriate members of the community

However, newly adopted regulations do address the failure by a school district to support an authorized Innovation School. The operators of an authorized Innovation School who encounter failure by a sponsoring district to support the school, including, but not limited to, failure to provide the autonomies and flexibilities approved in the school’s innovation plan, may petition the Commissioner for the selection of a mediator or an arbitrator. The regulations spell out the arbitration process and can be found at <http://www.doe.mass.edu/lawsregs/603cmr48.html?section=all>.

Note: After the initial period of authorization, should a majority of the school committee not approve of an extension of the period of authorization of an Innovation School, the leadership of the school may seek authorization from the Board of Elementary and Secondary Education for the extension.