

**Kentucky Department of Education
Districts of Innovation Cohort 2 Recommendations for Approval by the KBE
February 5, 2014**

Initial Applicants:

Cloverport Independent
Owensboro Independent
Owsley County
Trigg County

District applications for “District of Innovation” status are available on the KDE website at <http://education.ky.gov/school/innov/Pages/Districts-of-Innovation.aspx>

The Districts of Innovation Review Team, based upon the selection rubric, recommends the following districts to be designated as Districts of Innovation beginning with the 2014-2015 school year:

Owensboro Independent (page 2)

Owsley County (page 6)

Trigg County (page 14)

Attached are the recommended district’s application summaries and recommendations based upon the specific statutory/regulatory waiver requests contained in each application. Please note that while the overall application for the three districts are recommended for approval, there are portions of each district’s application that are not being recommended (recommended for “denial”) due to statutory restrictions contained in KRS 156.108 and KRS 160.107 (the Districts of Innovation statutes). These recommendations are a result of the work of the Review Team using the District of Innovation Scoring Rubric as well as review by KDE staff attorneys for compliance with the Districts of Innovation statutory requirements. Finally, upon approval of these recommendations by the Kentucky Board of Education, memoranda of understanding (MOU) will be entered into with each of the four districts detailing the statutory/regulatory waivers that are approved and other assurances required under the statutes.

Owensboro Independent

Application Summary and “Big Ideas”:

“Learning and innovation go hand in hand. The arrogance of success is to think that what you did yesterday will be sufficient for tomorrow.” –William Pollard

The Owensboro Public Schools (OPS) take pride in seeking to model Pollard’s idea. Throughout the district’s history, we have taken risks that have proven successful and have constantly determined what needs to change in order for transformation in student learning to occur. OPS has embraced innovation through several successful endeavors, and all are a result of risk taking. First, OPS is a leader in programs for fine and performing arts. As a result of visionary leadership, state of the art performing facilities exist along with thriving programs in theater, dance, voice, band, and orchestra. Second, the district embarked on a Learning Innovation in 2010 to revolutionize learning by introducing a ubiquitous digital learning tool. This one-to-one learning initiative would not have been possible without the extraordinary planning and vision modeled by our leadership.

Owensboro Public Schools is on a mission. We are not only committed to graduating every student college and/or career ready, but also building the 21st Century Learning Skills: creativity, critical thinking, communication, and collaboration.

We commit to graduating every student college and/or career ready and equipped to:

- think critically
- creatively
- solve problems
- communicate and collaborate effectively

The district promotes continuous improvement and rewards risk taking. Our most recent example is the implementation of the Digital Innovation Project, which involves the provision of a laptop computer to each 5th to 12th grade student in the district. As a result of the comprehensive planning and implementation of this project, Owensboro Middle School was recognized as an Apple Distinguished School for the 2012-13 school year for its vision and implementation of digital technology.

We have encouraged our teachers to focus primarily on the use of the laptop as a seamless instructional resource to prepare students for the 21st century. Owensboro Public Schools has also demonstrated its commitment to innovation and risk taking in order to improve student learning by joining the Green River Regional Educational Cooperative in applying for the Race to the Top “kid.FRIENDLY” project. We did not join this project blindly. We researched the project goals and determined that they are aligned with the direction we had already decided would benefit our students. The vision of the kid.FRIENDLY grant is to create a shift from teacher-led instruction to competency-based, kid friendly learning; we will not only eliminate the “when will I ever use this” mentality but systematically lead students in our high-poverty schools to career and college readiness.

Several variables have come together in our community to create “the perfect storm” for the development of this innovation plan:

- ***State accountability tied to college and career readiness:***

An imperative exists for middle and high schools to create engaging and certificate-bearing programs for students.

- ***Economic needs of the community:***

Despite national economic trends, the Owensboro region is burgeoning. Several key areas of economic growth need educational partnering.

- ***Restructuring KCTCS:***

With the change of entry standards and the consolidation of the community college system, enrollment in credit-bearing courses has significantly lessened over a 10-year period.

- ***Alternative education regulation (704 KAR 19:002):***

Our district, as well as all others across the state, is mandated to take a closer look at all alternative school populations. All school districts in the Owensboro region have a desire to examine different programming for alternative students.

- ***Raising dropout age to 18 (SB 97):***

Owensboro Independent was one of the first districts to sign on to this initiative from Governor Beshear and the legislature. This action must be followed by a commitment to craft programming for students that will engage them and equip them with necessary work-ready skills.

- ***OPS hiring innovative and progressive superintendent:***

Dr. Nick Brake is ready to come full circle to merge educational need with economic development. His relationships built across P20 education and the business community is unmatched.

To determine innovative practices to address gaps between student expectations for student learning and student performance, the district has researched several models across the nation. OPS administrators and teachers have visited New Tech High in Columbus, Indiana and several New Tech High sites in Napa, California. We have investigated programming that the Office of Career and Technical Education is interested in piloting: the Southern Regional Education Board’s newest curriculum as well as National Academy Foundation’s resources.

After extensive study by a team made up of community stakeholders, the decision was made for OPS to adopt the New Tech Network (NTN) concept. Providing world-class professional development combined with a large collaborative network, the school promises to address the critical issues our community faces.

New Tech Network believes that deeper learning and college readiness for students are what matters most. NTN defines deeper learning as the ability to master core academic content, think critically, solve complex problems, work collaboratively, communicate effectively, and learn how to be self-directed learners. Student success in these areas cannot be gauged by traditional measures such as standardized state assessments alone.

Rather, NTN’s focus on increasing students’ deeper learning, and in turn their readiness for college, requires utilizing assessments that are calibrated to college-ready standards and

embedded in the daily work of students. Students' ability to think critically is better measured through learning grounded in real-world scenarios and embedded in on-going work. Ultimately, student achievement is assessed through outcomes that matter most: success in postsecondary options.

The new career and technical high school has a multi-phase implementation model. The timeline establishes 2014-15 as the mandated planning year with three phases of implementation during the subsequent school years. The planning year will involve extensive guidance and support from New Tech. The planning process will also involve facility development and the establishment of partnerships with regional school systems and community organizations to address funding and staffing needs. With full implementation, the population will include 600 students in grades 7-12.

Today, the New Tech Network supports 134 schools in 23 states and Australia. New Tech schools leverage what research reveals about how people learn to create an exceptional teaching and learning environment. Based on this research and their own experience, the NTN creates a rigorous and engaging high school experience that features project-based learning, the seamless use of technology, and a positive and empowering school culture. This approach is working. NTN schools demonstrate high levels of student engagement and continued growth along several measures of academic progress. Results on college acceptance rates, graduation rates and behavioral indicators point to strong performance levels among many New Tech schools.

Waivers Requested:

1. Waiver of funding structures to allow the creation of a new, stand-alone career technical institute that offers both high school and college credits and that is eligible for all the funding available separately to area technology centers, high schools, and schools offering dual enrollment courses. The district cited KRS 157.069(2) in this waiver request.

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district. This approval extends only to the creation of a new locally operated secondary area technology center as defined in KRS 157.069; however, no additional funds will be available for new locally operated programs unless additional funds are appropriated by the General Assembly for this purpose, and the approval of this waiver does not create additional funds for this center unless appropriated by the General Assembly.

2. Waiver of traditional certified job classifications to create new certified job classifications for the New Tech school which “move beyond the current role of teachers due to the unique structure with blending of technical college and high school programming, as well as the emphasis on project-based learning and collaborative learning environments. Although Kentucky certification will be required, New Tech teacher requirements are different and will be based on the need for instruction in three phases of implementation in Life Science, STEM, Construction Trade, and Business Academies.” (District application at 13.) The district cited KRS 157.390(6) in support of

this waiver request.

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district - KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority over EPSB statutes and regulations. This waiver is approved to the extent that the proposal, pursuant to KRS 160.107, is to “employ teachers on extended employment contracts or extra duty contracts and compensate them on a salary schedule other than the single salary schedule....”

3. Waiver of minimum school term to create flexibility for the school calendar to be year round, with various configurations of days and hours and minimum time worked to be equivalent to 175 six-hour instructional days. The district cited KRS 158.070 in this waiver request.

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district.

4. Waiver of EPSB certification restrictions on subject areas so current teachers can teach additional subjects. The district wants this waiver so staff can teach cross-discipline. The district cited KRS 161.020 in this waiver request.

KDE RECOMMENDS DENIAL BUT HAS INFORMATION ON COMMUNICATION WITH EPSB - KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority over EPSB statutes and regulations. The Kentucky Board of Education is without authority to waive the EPSB certification requirements. As they did with the first group of Districts of Innovation, EPSB will meet with district staff following their approval as a District of Innovation and address each certification request individually. This process was very successful last year, with the EPSB able to find solutions to a majority of the districts’ requests. We anticipate the same result this year.

5. Waiver of SBDM council membership **for the new high school described in the plan** to include only a “Facilitator” (defined by the district as a teacher who serves more as a learning coach than an instructor), a principal, a parent of a participating student, a district administrator, and a representative of business/industry. The district cited KRS 160.345 in this waiver request.

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and under the understanding that the approval is contingent upon the school being declared an A5 school. If the school is classified an A1 school, final terms of this request shall be established in the memorandum of understanding with the district and shall supplement the SBDM membership requirements in KRS 160.345.

6. Waiver of the “Preparatory Definition” of “two career and technical education credits in a preparatory program and is enrolled in a third credit course” in 705 KAR 4:231 so a student can gain “career-ready” status for the Unbridled Learning assessment model through competency-based schema with delivery of skills through direct instruction, contextual-based learning, internships, virtual, and/or use of community experts.

KDE RECOMMENDS DENIAL – Districts can already implement approved competency-based credit models that allow for mastery of the standards contained in the courses of a CTE pathway. If this waiver had been approved, the students to which the waiver applied would not be considered CTE students within a pathway according to federal guidelines of the Carl D. Perkins Career and Technical Education Act of 2006.

Owsley County

Application Summary and “Big Ideas”:

Owsley County’s District of Innovation plan is being developed around the tenets of personalizing educational plans for all students. Every student in grades 7-12 would work with staff mentors to develop a personalized education plan (**PEP**). Each plan would be developed by assessing the needs, wants and specific barriers of each student. A student’s curriculum and pedagogies would be developed to address each individualized plan. The plans would breakdown traditional educational methodologies and would promote the growth of students utilizing innovative approaches. The pathways developed would mimic the postsecondary model.

Owsley’s Innovative Model will develop personalized education plans (PEP) for each student. The plans will be specific and meet the individual needs of each student. Personalized education plans may consist of virtual school, independent study, dual credit and/or online college courses, Career Coop, Job Shadowing, Career Mentoring, etc. In order for the district to maximize the potential of each student, we **MUST** move away from the one-size fits all approach. We must challenge the tenets of the traditional educational norms including:

- 8am-3pm school
- An August to May school year
- A common curriculum that **EVERY** student is supposed to master

Instead, Owsley’s plan develops an educational model that meets the specific needs of each student, breaking down these barriers and challenging traditional curriculum and pedagogical approaches. The plan uses a student’s strength to build a plan that will help them be successful in life. It may mean that the student is placed in an accelerated track going far beyond the requirements of the common core, but it also means that we may have to waive certain requirements (Algebra 2 or Eng. 4) for more practical course work that meets the needs of a student with more academic challenges.

Owsley County is committed to its students and ensures that each student will receive a rigorous education that prepares them for life as a productive citizen. This may mean a schedule that is loaded with accelerated or dual-credit courses. It also means that a rigorous education with a

vocational focus, with an emphasis being placed on job and real life skills may be more appropriate for some students. In this model a student may not need an Algebra 2 or biology class; rather, they may need a math class more focused on business and financial principles or a physical science course. The school continues to strive to find ways to educate students by any necessary means, breaking down barriers, and providing the students with the best opportunities for a successful life.

Owsley County's plan will begin with skill development at Owsley County Elementary School. As early as kindergarten, students will develop 21st century skills, including the usage of Blackboard, career education and exploration, and other innovative technological approaches. These skills will prepare them for non-traditional approaches to learning. Beginning in 6th grade, students will utilize the ILP as a first step in developing their personalized education plan (PEP). Once a student enters Owsley County High School (OCHS), one can look at the three types of learning environments that were created for specific students.

Traditional Model

One model is for the traditional student. This is a student who works well in the traditional agrarian/industrial model. The student attends school each day from 8:00 AM – 3:00 PM and is enrolled in seven classes. The classes may be chosen to meet the specific needs of an individual student, but can otherwise vary little from the traditional educational platform.

Virtual Model

Model two is an online model in which students may be enrolled in a completely virtual school setting. The student's courses are designed to meet his/her individual needs. Currently, 14 students in the Owsley County School District are enrolled in a completely virtual format. These students range from students taking complete online college course loads to students taking all career pathway courses.

Hybrid Model

Finally, the third option is a hybrid model that includes both elements of the traditional model and that of the virtual model. In this model, students attend school for a portion of the day. During that time, they take traditional courses. The rest of the day the student may be enrolled in online courses, project-based learning courses, at-work co-ops, or involved in competency-based courses. These students may attend class on the school campus only during the time they are enrolled in courses at school. The rest of the time they may complete course work off-site. This is a popular approach among the driving student population. Many of our students are well on track to graduate and complete a college or career pathway. We encourage students that are on pace for completion to look at expanding their experiences through the dual-credit program, online classes, work co-ops or competency-based credit courses. An example of this is a junior student who is enrolled in Algebra II, English III and Spanish during the morning. In the afternoon, the student leaves campus, but is enrolled in two online college courses and is working part-time. We are able to award three performance-based credits for the courses taken off campus.

Owsley County is requesting, through this application, permission from the Kentucky Department of Education to exponentially expand our approaches in meeting the needs of

students and breaking down all barriers to learning. We hope to expand our innovative approach each year until all students are being served. We are requesting numerous waivers and assistance from KDE to help us on our journey. Owsley County is a small rural county that does not have access to many opportunities and services offered in larger districts. The district is also aware that the limited exposure and opportunities provided to our students is a tremendous issue.

Waivers Requested:

1. Waiver of graduation requirement in 704 KAR 3:305 Section 1(1)(a) for four (4) years of math for students who demonstrate performance-based competency sufficient to gain credit for four (4) appropriately leveled math courses, so the students can commit their time to other meaningful experiences their senior year. The district also indicated that they are requesting a waiver from the required state graduation requirements but that “the district would like to be able to work with the Kentucky Department of Education to ensure that each plan meets state requirements....” (District application at 16.)

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district – 704 KAR 3:305 already allows a local board of education to grant a student credit toward high school graduation through “standards-based performance-based credit, regardless of the number of instructional hours....” KDE recommends approval to the extent the district is requesting flexibility as allowed under 704 KAR 3:305. KRS 156.108 and KRS 160.107 do not allow for the waiver from the “high school course offerings ... minimum required under KRS 156.160 for high school graduation or ... early graduation requirements that may be enacted by the General Assembly....” To the extent that the district is requesting waiver of the graduation requirements, in a manner not allowed under KRS 156.160, KRS 158.142, or the current administrative regulation 704 KAR 3:305, KDE RECOMMENDS DENIAL.

2. A. Waiver of use of the Four-Year Adjusted Cohort Graduation Rate formula for accountability, which was part of the KDE’s No Child Left Behind (NCLB) waiver, and request to use the Extended-Year Adjusted Cohort Graduation Rate formula for accountability; and
- B. Waiver to allow students to attend high school after meeting the high school graduation requirements of 704 KAR 3:305 to allow them to enroll in dual credit or vocational courses beyond their senior year.
- A. **KDE RECOMMENDS DENIAL – While the NCLB law does allow a state to choose to use the Four-Year Adjusted Cohort Graduation Rate formula or the Extended-Year Adjusted Cohort Graduation Rate formula with the requirement of publication of the graduation rate under the four-year formula, the KDE waiver previously submitted under NCLB includes assurances to the U.S. Department of Education (USED) that accountability in our state will utilize the Four-Year Adjusted Cohort Graduation Rate formula. Therefore, under the current Kentucky NCLB waiver,**

KDE and school districts have to publicly report the 4-year rate but KDE could seek approval from USED for use of the Five-Year/Extended cohort rate for state accountability in the future. Because the KDE waiver in effect at this time utilizes the Four-Year Adjusted Cohort Graduation Rate formula, KDE recommends denial of this waiver request. However, KDE is contemplating seeking this approval from USED to use the Five-Year/Extended rate for accountability purposes. If the KDE does seek and receive this approval from USED for use of the Five-Year/Extended graduation rate in its accountability reporting and consequences, the Kentucky Board of Education shall be deemed to have granted that waiver upon the effective date of the USED's approval, and the Five-Year/Extended rate for accountability would apply to all districts. In the interim, the district is encouraged to calculate their graduation rate as well with the Extended-Year Adjusted Cohort Graduation Rate formula to review and publicize educational gains made during the extended high school years, in support of their goal of informing students and families that additional time may be required and key to their success and college and career-readiness.

B. KDE RECOMMENDS APPROVAL IN PART AND DENIAL IN PART and to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district - This proposal is approved to the extent that, pursuant to KRS 160.107, it “modifies the formula under KRS 157.360(2) for distributing Support Education Excellence in Kentucky (SEEK) funds for students in average daily attendance in nontraditional programming time, including alternative programs and virtual programs. Funds granted to a district shall not exceed those that would have otherwise been distributed based on average daily attendance during regular instructional days.” (emphasis added)

3. Waiver of the grade 12 limitation of school district grades so the district can add grades 13 and 14 to allow students (who may be “eligible for financial aid, KEES money or scholarships”) to either begin or continue their college studies through the school district and the district would receive SEEK funding under the current K-12 statute.

KDE RECOMMENDS APPROVAL IN PART AND DENIAL IN PART and to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district – KDE recommends approval of this request to the extent that, pursuant to KRS 160.107, it “modifies the formula under KRS 157.360(2) for distributing Support Education Excellence in Kentucky funds for students in average daily attendance in nontraditional programming time, including alternative programs and virtual programs. Funds granted to a district shall not exceed those that would have otherwise been distributed based on average daily attendance during regular instructional days.” (emphasis added)

To the extent that the district is requesting waiver of the Kentucky Educational Excellence Scholarship (KEES) statute so students who have completed all

graduation credits, and either have enrolled as a full-time college student or have completed their fourth year of high school experience can be allowed to continue attending the school district for their first two years of college, KDE RECOMMENDS DENIAL - KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority over KEES funding. KDE will assist the district in communicating with KHEAA to determine any available options to accomplish this goal.

4. Waiver of state accountability to allow the use of alternative standardized assessments other than those designated in Kentucky for end-of-course (EOC) assessment. The district cited KRS 158.6453, 703 KAR 4:060, and 703 KAR 5:225 in this waiver request.

KDE RECOMMENDS DENIAL IN PART AND APPROVAL IN PART to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district - KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority from the statewide assessment system requirements. KRS 160.107(2)(d) specifically requires “compliance with the statewide assessment system” requirements for District of Innovation districts. The Kentucky Board of Education cannot waive that requirement; however, should the General Assembly allow for waiver of this requirement, the Kentucky Board of Education shall be deemed to have granted that waiver upon the effective date of the legislation. Furthermore, the district suggested in its application that it was interested in providing additional assessments, as measures of students’ educational attainment for the purpose of comparing the results of the traditional statewide assessment system tools and the additional assessment system tools. The KDE recommends approval of this request to add to the assessment protocols utilized in this district.

5. Waiver of average daily attendance calculation of SEEK funding to have “flexibility in counting students present that are enrolled in any number of performance-based courses. We also would like to extend this waiver to any student that is successfully meeting requirements as outlined in their personalized education plan. – This request also is important as we explore the possibility of expanding our virtual and blended learning approaches. We are considering adding a virtual period in which all students would participate in virtual learning each day. This waiver would assist in shortening the school day to compensate for all students being enrolled in at least one online course.” The district cited 702 KAR 7:125 in this waiver request.

KDE RECOMMENDS APPROVAL IN PART AND DENIAL IN PART and to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district - This proposal is approved to the extent that, pursuant to KRS 160.107, it “modifies the formula under KRS 157.360(2) for distributing Support Education Excellence in Kentucky funds for students in average daily attendance in nontraditional programming time, including alternative programs and virtual programs. Funds granted to a district

shall not exceed those that would have otherwise been distributed based on average daily attendance during regular instructional days.” (emphasis added)

6. Waiver of the Kentucky Occupational Skills Standards Assessment (KOSSA)/Industry certification requirements to allow a student to be considered “career-ready” and exempt from additional coursework when the student is enrolled in one class related to an industry certification and has attained the skills needed to qualify for industry certification without having met the second of the two indicators, a minimum proficiency score on the ACT WorkKeys or ASVAB and *an industry certification requirement*, pursuant to the chief state school officer’s authority to grant exceptions to the standards for career and technical instructional programs in 705 KAR 4:231, Section 13. This request requires the waiver of the additional coursework requirement which precedes attainment of “career-ready” status for the Unbridled Learning assessment model through competency-based performance.

KDE RECOMMENDS DENIAL – 705 KAR 4:231 (13) is about the standards required under CTE pathways. It does not grant a district the ability to waive the Perkins requirements for courses. Districts can already implement approved competency-based credit models that allow for mastery of the standards contained in the courses of a CTE pathway. If this waiver had been approved, the students to which the waiver applied would not be considered CTE students within a pathway according to federal guidelines of the Carl D. Perkins Career and Technical Education Act of 2006.

7. A. Waiver of EPSB certification requirements for teaching particular subject areas so current teachers can teach additional subjects.
- B. Waiver of EPSB certification requirements to allow “pairing certified teachers with community, non-certified professionals in health, agriculture and business fields for example, and having flexibility of roles as teachers and community professionals plan and work together to deepen and expand learning for students.
- C. Waiver to permit community and postsecondary internships where students are not working directly with teachers but are earning work/study credit; or other arrangements.
- A. **KDE RECOMMENDS DENIAL BUT HAS INFORMATION ON COMMUNICATION WITH EPSB- KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority over EPSB statutes and regulations. The Kentucky Board of Education is without authority to waive the EPSB certification requirements. As they did with the first group of Districts of Innovation, EPSB will meet with district staff following their approval as a District of Innovation and address each certification request individually. This process was very successful last year, with the EPSB able to find solutions to a majority of the districts’ requests. We anticipate the same result this year.**

B. KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district – KRS 161.046 allows certified adjunct instructors to assist in instruction as part-time adjunct instructors as long as the adjunct does “not fill a position that will result in the displacement of a qualified teacher with a regular certificate who is already employed in the district.” To the extent this is a request for utilization of adjunct certified instructors as allowed by EPSB under KRS 161.046, KDE recommends approval of this waiver request.

C. KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district – Performance-based learning, resulting in attainment of credits toward high school graduation, is allowable under 704 KAR 3:305. To the extent the district is requesting a waiver to utilize internships in compliance with labor laws and the above regulation for students to engage in performance-based learning, KDE recommends approval of this waiver request.

8. Waiver of the student attendance requirement for eligibility for funds equivalent to those granted for attending students’ transportation and food service. The district is requesting “substitution funding to offset money lost for transportation and food service” for students receiving instruction through a virtual model for the days “the students are enrolled in the virtual course and for all students during virtual days.” The district would utilize these replacement funds “to improve infrastructures and to provide internet access to students at home. These funds should not be considered additional revenue, but are a substitution for lost transportation and food service money.”

KDE RECOMMENDS APPROVAL IN PART AND DENIAL IN PART and to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district - The Support Education Excellence in Kentucky (SEEK) funding formula includes funds for pupil transportation to and from school. KDE recommends this proposal be approved to the extent that, pursuant to KRS 160.107, it “modifies the formula under KRS 157.360(2) for distributing Support Education Excellence in Kentucky funds for students in average daily attendance in nontraditional programming time, including alternative programs and virtual programs. Funds granted to a district shall not exceed those that would have otherwise been distributed based on average daily attendance during regular instructional days.” (emphasis added) Food service funding is restricted funding governed by the federal statutes and regulations of the U.S. Department of Agriculture and cannot be utilized for purposes other than food service. KDE therefore recommends denial of this portion of the waiver request.

9. Waiver of the tuition and fees for secondary students, who are career-ready, to enroll and attend a postsecondary program at one of the colleges administered by the Kentucky Community and Technical College System (KCTCS). The district cited KRS 151B.165 (recodified as KRS 156.865) and requested “redefining” this statute to include this funding for these students.

KDE RECOMMENDS DENIAL – KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education (KBE) waiver authority from the tuition and fees of the KCTCS nor does the KBE have the authority to “redefine” a statute. To the extent this request is a request for the KBE to waive the tuition and fees for courses offered by postsecondary institutions under KCTCS, this request is denied. KDE shall facilitate communication between KCTCS and the district to explore what options, such as dual enrollment, are available to meet the needs of the district.

10. Waiver of minimum school term to create flexibility for the school calendar to be year round, with various configurations of days and hours and minimum time worked to be equivalent to 175 six-hour instructional days. The district cited KRS 157.320(1)(b) for this request but KRS 158.070 appears to be more relevant.

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district. The minimum school term for the district shall be equivalent to 177 days (1062 hrs.) for the duration of the 2013-2014 school year, and shall comply with the statewide minimum school term as may be established in future legislation that may not withstand KRS 158.070.

11. Waiver of 702 KAR 7:125 to allow in the inclusion of average daily attendance the time students are engaged in make-up activities “via virtual learning experiences or additional time at school.”

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district.

12. The district requested the ability in the future to present additional waiver requests to those listed above.

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district – 701 KAR 5:140 Section 3(7)(a) affords districts the ability to amend their approved innovation plan by following the procedure described in that portion of the regulation. To the extent the district is requesting the ability to utilize the amendment procedure described in the regulation, the KDE recommends approval of this waiver request.

Trigg County

Application Summary and “Big Ideas”:

Picture this. John, a student at High Tech High, is actively engaged in an authentic, project-based, hands-on learning experience connected to his interests. When prompted, he clearly

articulates the scope of his project, including the level of critical thinking involved, and the amount of problem solving and collaboration it took to complete his final product. John explains that through this problem-based learning experience provided by his teachers, he is afforded the opportunity to combine creativity with critical thinking and problem solving skills to generate a product that demonstrates his learning of integrated content—the physics of gear movement and the physics of language in poetry. John demonstrates his product, which has a place to manually move one gear that impacts and turns another set of gears, and causes a hand to wave back and forth across a complete poem etched in wood. John describes that each gear represents a piece or element of a poem, and turning the gears shows how each piece of a poem works together to create meaning. The product then is an integrated and concrete representation of the elements of poetry and how they combine to create meaning in a literary text.

On the other hand, Johnny, a student at Trigg County High School, listens to a physics teacher lecture on the topic of gears while sitting passively in his seat. When prompted, Johnny articulates that for homework the previous night, the teacher asked him to read an assigned passage from the textbook and complete a worksheet in order to demonstrate his comprehension of the material. On one occasion in class, Johnny participates in a short lab experiment that the teacher scripted. At the end of the lesson, Johnny completes a quiz to check for understanding, and is later given a summative assessment and assigned a grade. Later, in Johnny's language arts class, he works on a poetry lesson requiring him to read several different styles of poems. After reading the poems, the teacher asks several questions about the poems and their meanings. Johnny is asked to write a poem and is informed by the teacher that he will take a summative assessment over the poetry unit and be assigned a grade based on his performance on the exam. Johnny indicates, when questioned, that his purpose for learning the material is to perform well on the state test and that his grades are more of a reflection of his compliance in class rather than an indication of his actual understanding of the content.

In 2009, Trigg County Schools celebrated the release of CATS testing data which ranked the district 20th in the Commonwealth of Kentucky. Significant changes in the curriculum and the instructional programs generated incredible gains; however, since that time, we have not maintained an upward trajectory. Many districts surpassed us over the last few years. We know that in order to maintain that upward trajectory, we need to employ a competency-based approach to teaching and learning that incorporates the kind of student-centered, problem-based approach to mastering content that John at High Tech High experienced.

Furthermore, graduation data for our high school shows that we are failing to graduate 8.2% of our students. Data from the National Clearinghouse Student Tracker and from Murray State University (MSU), where most of our students attend, indicates many of our college-bound students are struggling. Of our students who enroll at MSU, 22-30% do not return after their first year. After reflecting on the data, we determined that we are not making the necessary transformation to keep up with changes occurring across the state, the nation, and the world to sufficiently prepare our students for success and to compete with the likes of students at High Tech High.

In 2011, however, we began to transform our district by first introducing several new ideas and then in the summer of 2012, by joining the University of Kentucky Next Generation Leadership Academy. The series of learning experiences provided through the academy, including the review of various school models, truly helped expand our thinking about how we could continue to transform Trigg County Public Schools. The academy introduced our team to Tony Wagner's book, *The Global Achievement Gap*. In his book, Wagner makes a compelling case for the Seven Survival Skills, often referred to as 21st Century Skills. The team examined several examples of schools that have embraced the Survival Skills and are currently creating and providing different and innovative learning environments for students. High Tech High was one of those schools.

Committed to learning more and to transforming our own school, we began taking groups of teachers to visit High Tech High as well as other schools, including Danville Independent Schools and Reynoldsburg City Schools. Each, in its own way, made an impact on our thinking and redesign; however, High Tech High was the most influential. There, wall-to-wall project-based learning is the norm; students are actively engaged and excited about learning. They collaborate with teachers and peers about their projects and communicate clearly and articulately about their learning. Knowing these are the characteristics universities and employers are seeking, we realized that in order for our students to be competitive with other students across the state and the country, we must provide a similar type of learning experience for our own students. Therefore, we observed what others were doing and reflected on what we were doing, hence the observation and reflection of John's learning experience at High Tech High and Johnny's at Trigg County High School.

Trigg County Public Schools are currently transforming the learning environment for our students to provide them with more experiences like John's. We have already implemented various innovative ideas such as problem-based learning, blended learning, and flex schedules to better prepare our students to be successful. Interestingly, while visiting High Tech High School in May of 2013, we were introduced to the producer of Reel Link Films, who happened to be creating a documentary about schools developing and implementing new learning environments for students. As we described our journey and what we were trying to accomplish, the producer became increasingly more invested in our story and decided to visit Trigg County and film the work being done. Reel Link Films continues to follow our progress and plans to include our school, as well as a few other schools from across the country in their upcoming documentary. The work we are doing in order to move toward problem-based and blended learning is founded on a competency-based approach. A competency-based approach ensures that learning remains constant, though the method of instruction and the amount of instructional time may vary in order to ensure that learning occurs. Conversely, in a traditional learning environment, all students receive the same instruction and are given the same amount of time, resulting in some students learning content while the gap in learning widens for others.

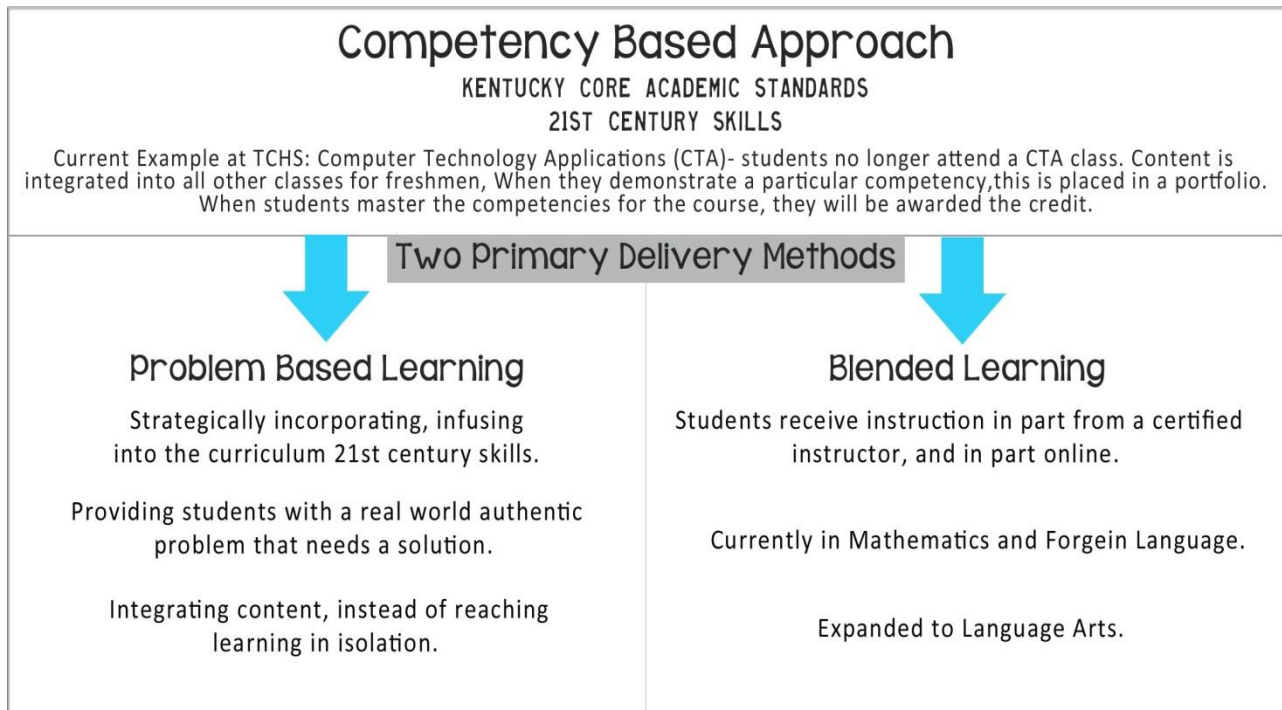
COMPETENCY BASED APPROACH

$$\text{Targeted Instruction (Variable)} + \text{Time (Variable)} = \text{Learning (Constant)}$$

TRADITIONAL APPROACH

$$\text{Targeted Instruction (Constant)} + \text{Time (Constant)} = \text{Learning (Variable)}$$

As a result of our school visits, we have found that we too must focus on an additional set of competencies (alongside the core academic standards) for our students to be truly successful in today’s world. Throughout the application, we refer to those competencies as 21st Century Skills. The following chart shows the core of our transformation, along with the two (2) primary delivery systems.



Our first phase of innovation has been successful, but it is definitely a work in progress. In a community meeting where we discussed the innovation process, a community member stated, “In my 60 years being associated with Trigg County Public Schools, this is the most encouraging and exciting thing I have heard.” Internally, we have generated a great deal of momentum around the work we are doing, because participating teachers are doing so voluntarily and have taken a great deal of ownership in this process. They are motivated to ensure its success. The initial phase of innovation did not require any waivers of regulations by the state board. However, in order to take this work to the next level, certain waivers will

be needed to remove the barriers and truly create the learning environment we want for the students of Trigg County Public Schools.

Waivers Requested:

1. Waiver of state accountability to allow the use of alternative standardized assessments other than those designated in Kentucky for end-of-course (EOC) assessment. The district cited KRS 158.6453, 703 KAR 4:060, and 703 KAR 5:225 in this waiver request.

KDE RECOMMENDS DENIAL IN PART AND APPROVAL IN PART to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district - KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority from the statewide assessment system requirements. KRS 160.107(2)(d) specifically requires “compliance with the statewide assessment system” requirements for District of Innovation districts. The Kentucky Board of Education cannot waive that requirement; however, should the General Assembly allow for waiver of this requirement, the Kentucky Board of Education shall be deemed to have granted that waiver upon the effective date of the legislation. Furthermore, the district suggested in its application that it was interested in providing additional assessments, as measures of students’ educational attainment for the purpose of comparing the results of the traditional statewide assessment system tools and the additional assessment system tools. The KDE recommends approval of this request to add to the assessment protocols utilized in this district.

2. Waiver of EPSB certification restrictions on subject areas so current teachers can teach additional subjects. The district requested this waiver for the stated purpose of allowing staff to teach cross-discipline. The district cited KRS 161.020 in this waiver request.

KDE RECOMMENDS DENIAL BUT HAS INFORMATION ON COMMUNICATION WITH EPSB - KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority over EPSB statutes and regulations. The Kentucky Board of Education is without authority to waive the EPSB certification requirements. As they did with the first group of Districts of Innovation, EPSB will meet with district staff following their approval as a District of Innovation and address each certification request individually. This process was very successful last year, with the EPSB able to find solutions to a majority of the districts’ requests. We anticipate the same result this year.

3. Waiver of EPSB certification requirement for instruction of students to allow classified staff to work independently of certified staff with students as facilitators of online learning.

KDE RECOMMENDS DENIAL BUT HAS INFORMATION ON COMMUNICATION WITH EPSB - KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority over EPSB statutes and

regulations. The Kentucky Board of Education is without authority to waive the EPSB certification requirements. As they did with the first group of Districts of Innovation, EPSB will meet with district staff following their approval as a District of Innovation and address each certification request individually. This process was very successful last year, with the EPSB able to find solutions to a majority of the districts' requests. We anticipate the same result this year.

4. Waiver of class size load limits of KRS 157.360(4) to allow integration and collaboration, in common spaces, with common groups of students, to fully integrate a system of problem-based learning into the curriculum.

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district.

5. Waiver of graduation requirements in 704 KAR 3:305 Section 1(1)(a) for four (4) years of math and language arts for students who demonstrate performance-based competency sufficient to gain credit for four (4) appropriately leveled math courses, so the students can commit their time to other meaningful experiences their senior year.

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district – 704 KAR 3:305 already allows a local board of education to grant a student credit toward high school graduation through “standards-based performance-based credit, regardless of the number of instructional hours....”

6. Waiver of use of the Four-Year Adjusted Cohort Graduation Rate formula for accountability, which was part of the KDE's No Child Left Behind waiver, and request to use the (5 year) Extended-Year Adjusted Cohort Graduation Rate formula for accountability.

KDE RECOMMENDS DENIAL – While the NCLB law does allow a state to choose to use the Four-Year Adjusted Cohort Graduation Rate formula or the Extended-Year Adjusted Cohort Graduation Rate formula with the requirement of publication of the graduation rate under the four-year formula, the KDE waiver previously submitted under NCLB includes assurances to the U.S. Department of Education (USED) that accountability in our state will utilize the Four-Year Adjusted Cohort Graduation Rate formula. Therefore, under the current Kentucky NCLB waiver, KDE and school districts have to publicly report the 4-year rate but KDE could seek approval from USED for use of the Five-Year/Extended cohort rate for state accountability in the future. Because the KDE waiver in effect at this time utilizes the Four-Year Adjusted Cohort Graduation Rate formula, KDE recommends denial of this waiver request. However, KDE is contemplating seeking this approval from USED to use the Five-Year/Extended rate for accountability purposes. If the KDE does seek and receive this approval from USED for use of the

Five-Year/Extended graduation rate in its accountability reporting and consequences, the Kentucky Board of Education shall be deemed to have granted that waiver upon the effective date of the USED's approval, and the Five-Year/Extended rate for accountability would apply to all districts. In the interim, the district is encouraged to calculate their graduation rate as well with the Extended-Year Adjusted Cohort Graduation Rate formula to review and publicize educational gains made during the extended high school years, in support of their goal of informing students and families that additional time may be required and key to their success and college and career-readiness.

7. Waiver of the Kentucky Labor Cabinet's regulation 803 KAR 1:005 requiring compensation for work in an employer-employee relationship to reduce the financial commitment requirement placed on community partners when accepting students for internships up to six (6) weeks.

KDE RECOMMENDS DENIAL – The district has requested waiver of a Kentucky Labor Cabinet regulation, which is based on federal law administered by the U.S. Department of Labor (USDOL). KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority over USDOL or Kentucky Labor Cabinet statutes and regulations. KDE will assist the district in communicating with the Kentucky Labor Cabinet regarding currently available alternative options to accomplish this goal and qualify these internships for the exemption in 803 KAR 1:005, Section 5 from the employer-employee status. The district is also encouraged to seek and apply for any available grant funds which could support these internships through whole or partial employer-reimbursement of wages due to student interns.

8. Waiver of SBDM council membership to add an elected student representative with full voting rights. The district cited KRS 160.345 in this waiver request.

KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district.