

**Application of Waiver of Administrative Regulations
Kentucky Board of Education**

As superintendent of the Jefferson County Public School district, I am requesting a waiver under KRS 156.160(2)(a) of the following Kentucky Administrative Regulation(s) promulgated by the Kentucky Board of Education. The waiver(s) is requested in order to remove barriers that exist to implementing certain strategies in our district designed to improve learning. These waiver requests were reviewed and approved at a meeting of the Jefferson County Board of Education on April 27, 2015. The approval is contained in the board minutes that are available for review at the district's central office. The original copy of this request is also available at the district's central office.

Superintendent Signature

Date

Dr. Robert Rodosky

Print Name of Primary Point of Contact

(502) 485-3036; Robert.rodosky@jefferson.kyschools.us

Point of Contact Phone and E-mail

Waivers are requested for the following Kentucky Administrative Regulations. **Please note: The Kentucky Board of Education can only review requests for waiver under the following "Titles" of the Kentucky Administrative regulations: 701, 702, 703, 704, 705, 707.** You cannot request a waiver for any regulation that relates to: health and safety; civil rights; federal law; and regulations related to state assessment and accountability. You may access the regulations at <http://www.lrc.ky.gov/kar/titles.htm>.

Please include the numerical reference and description of the regulation:

1. 703 KAR 5:240 Accountability administrative procedures and guidelines.

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4.

Please describe the justification for your waiver request. Please include the specific language that you wish to have relief from and what your expected outcome is. Also, include your plan to measure the effectiveness of the initiative you propose. Please reference the administrative regulation in your response and complete a separate text box for each regulation for which you are requesting a waiver.

1.

Jefferson County Public School District is asking to be given relief from the requirements in 703 KAR 5:240 regarding the accountability administrative procedures and guidelines for Limited English Proficiency (LEP) students in order to consider both English language proficiency and content proficiency in definitions of academic achievement. **This waiver would serve all schools included in the original District of Innovation application who serve LEP students with ESL programs, beginning with the 2014-15 school year assessment results and continuing for subsequent years.**

To improve outcomes for our LEP students, Jefferson County Public Schools would like to change how assessment scores are attributed for accountability purposes. The district will use the assessment data to review student learning plans and adjust academic and social supports for English learners whose scores indicate they have not yet reached proficiency. This request recognizes both the timeframe and intensive linguistic, cultural and instructional supports newly arriving students need to develop literacy as well as academic content mastery.

Consequently, to the extent allowed by KRS 156.108 and 160.107, JCPS requests a waiver of KRS 158.6455 Section 3 and 703 KAR 5:240 at District of Innovation schools, so that:

- Any student who is Limited English Proficient and tests with an overall composite score on Tier A, B or C *below 4.0* on the ACCESS for ELLs® assessment will have their accountability for any state assessment attributed to the district. Baseline data from the 2013-14 school year shows that 1847 students scored below 4.0.
- Any student who is Limited English Proficient and tests with an overall composite score on Tier B or C *above 4.0* on the ACCESS for ELLs® assessment will have their accountability for any state assessment attributed to the accountable A1 school. Baseline data from the 2013-14 school year shows that 2370 students scored 4.0 or higher.
- Any student who is Limited English Proficient and does not have an ACCESS for ELLs® assessment score will have their accountability for any state assessment attributed to the district. Baseline data from the 2013-14 school year shows that 142 students did not have ACCESS scores.

This waiver is an intentional means of addressing the Gap component of the accountability model and moving more students to proficiency and beyond. LEP students who attend schools with ESL programs and who do not demonstrate proficiency on state assessments will receive added supports, including:

- Along with core curriculum instruction, students who are Limited English Proficient and test with an overall composite score on Tier A, B or C below 4.0 on the ACCESS for ELLs® assessment will receive targeted English Language Development instruction during a separate block of time, grouped by proficiency levels with specific language objectives.

- Content and ESL Teachers will receive copies of their students' ACCESS scores, WIDA English Language Development Standards, and the WIDA Can Do descriptors.
- The ESL Specialist, ESL Resource teachers and ESL teachers, working through Professional Learning Communities, will provide professional development to content teachers at District of Innovation schools on understanding the ACCESS results, effective implementation of instructional and assessment accommodations as well as varied ways to modify lesson plans to meet the individual needs of their EL students.
- Content and ESL teachers will use WIDA ACCESS scores and professional development to plan differentiated instruction. This includes identifying appropriate instructional levels, grouping students within the domains of English language development, collaboration and modeling of effective strategies and implementing effective, culturally responsive methods to address the needs of English Learners.
- The ESL Specialist and ESL Resource Teachers will work closely with principals, assistant principals, school-based instructional coaches and professional learning communities to promote research-based practices that increase the educational outcomes of ELs. The ESL Specialist and ESL Resource Teachers will support the district's initiative to implement PLCs as the main vehicle for teachers' professional growth and reflection.
- The ESL Specialist, ESL Resource Teachers, and ESL teachers will collaborate with content teachers to analyze data from district diagnostic and proficiency assessments to inform instruction and monitor EL student progress.
- The Program Services Plan (PSP) committee will review, revise and monitor individualized PSPs for all LEP students at District of Innovation schools. Plans will identify appropriate content based and collaborative learning techniques, Response to Intervention strategies along with available content area tutoring, extended school services and summer learning opportunities.

Jefferson County Public Schools views this waiver as an important addition to its District of Innovation designation. The request will benefit students by supporting their development of English proficiency and their progress in meeting challenging academic standards.

Jefferson County Public School District also agree to:

- 1) Provide KDE with the district's support plan for LEP students upon request;
- 2) Keep records showing evidence that support services have been provided and make available these records as requested by the Kentucky Board of Education. In addition, at the request of the Kentucky Board of Education and after an appropriate length of time, districts agree to report to KBE on the LEP students' progress in reaching the benchmarks for English language proficiency and content proficiency.

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Please include the numerical reference and description of the regulation:

1.

704 KAR 3:303. Required core academic standards.

2.

3.

4.

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1.

Waiver request for Maupin Elementary for Implementation of Waldorf-Inspired Program

Waiver of timeline and grade levels for coverage of content standard established in 704 KAR 3:303, the Kentucky Core Academic Standards.

At its meeting on October 17, 2014 meeting, the Jefferson County Board of Education approved implementation of a Waldorf-inspired Catalpa Program at Maupin Elementary, beginning in the 2015-2016 school year. The Catalpa Program concept won the School of Innovation Design Competition in 2014. It will be a district-wide magnet program, and also serving students in Elementary School Cluster 13. The school will serve pre-K to grade 5 for the 2015-2016 school year, adding a grade each year subsequent year ultimately serving pre-K to grade 8. **The school enrollment will comply with the district's diversity guideline, reflecting the demographics of the student population within the cluster and the district.**

Maupin Elementary will, as described in the Catalpa Program School of Innovation proposal, ensure that the Kentucky Core Academic Standards "are taught with intention and fidelity, without compromising the developmental basis of the Waldorf curriculum." All content standards will be taught, but, under the waiver requested here, in a different order than set forth the Kentucky Core Academic Standards document.

Specifically this waiver request would permit a deviation from the grade-level timeline for instruction of the content standards in 704 KAR 3:303, and follow a curriculum timeline created by the Alliance for Public Waldorf Education in conjunction with the Alice Birney School in Sacramento, California.

Supporting documentation includes the following documents from the Catalpa Program proposal:

- Appendix C – Alice Birney Waldorf-Inspired Elementary 2013 Literacy Scores, demonstrating effectiveness of modified curriculum timeline in creating higher levels of academic achievement.
- Appendix D – Alliance for Public Waldorf Education Curriculum Summary, which sets forth the curriculum summary for Kindergarten through Eighth Grade.

Also included in the supporting documentation are parts 1-4 of the Alliance for Public Waldorf Education Recommendations for the Appropriate Placement of the Common Core Standards into Waldorf-Inspired Programs, which will be used as a guide for the coverage of content standards at Maupin Elementary.

The Waldorf curriculum model ensures that the Kentucky Core Academic Standards (KCAS) are taught within the grade span the KCAS requires them (i.e. elementary, middle). Also included in the supporting documentation are charts that demonstrate that Science and Social Studies standards will be taught within the required grade span.

Upon enrolling at Maupin elementary, families will complete a form that indicates their understanding that their child will take state summative assessments on the state assessment cycle and may not have received instruction in some content at the time of assessment. This form will also include the family's acknowledgement that they understand that if their child enters the Waldorf model and then chooses to transfer to another JCPS school or another school district in Kentucky, their child is likely to have missed specific pieces of the Kentucky Core Academic Standards.

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702 KAR 7:140, Section 5. Activities of the Student Attendance Day
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The Waldorf-inspired Catalpa Program calls a different use of time than traditional elementary school programs, aligned with the age-appropriate developmental needs of students.

Within the standard JCPs school day of 9:00 am to 3:45 pm, students receive 1093 instructional hours within the school year. Under this waiver request, kindergarten students would have additional time for reflection and rest, while still receiving the minimum amount of instructional time required. The Waldorf-inspired method include substantially more rhythmic movement and indoor and outdoor physical activity as an integral component of the school day.

Also, the Waldorf –inspired method at all grade levels incorporates as a key component of the instructional day, well-supervised creative play with social intent. This takes place both indoors and outdoors in natural environments. This offers students time and opportunity for exploration, development of curiosity about the world, problem-solving, strengthening of gross and fine motor skills, and conflict resolution. Play is a fundamental means by which students learn about the world, learn how to learn, and develop a life-long curiosity that inspires critical thinking and investigation. The supporting documentation for this waiver includes an Exemplar of Daily Schedules taken from the Catalpa proposal. The schedule shows that students would receive the minimum amount of instructional time (1062 hours per year) required by state statute.