

**Boone County waiver requests:**

1. Waiver for flexibility in capital outlay spending “to allow the district to spend in a more prudent fashion to support the innovative initiatives” envisioned and described for the district. The district cited KRS 157.420 in this waiver request.

**KDE RECOMMENDS APPROVAL to the extent permitted under KRS 156.108 and KRS 160.107 for the Kentucky Board of Education to “approve the requests of districts of innovation to ... use capital outlay funds for operational costs” and with terms to be established in the memorandum of understanding with the district.**

2. A. Waiver allowing students to meet the graduation credit requirements for language arts in a manner other than taking math in “each year of high school”. The district cited 704 KAR 3:305 in this waiver request.  
  
B. Waiver allowing students to meet the graduation credit requirements for math in a manner other than taking math in “each year of high school”. The district cited 704 KAR 3:305 in this waiver request.

**KDE RECOMMENDS APPROVAL – 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....” 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....” KDE recommends approval to the extent the district is requesting flexibility as allowed under 704 KAR 3:305. 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.**

- C. Waiver allowing the district to provide less than the number of Carnegie unit seat hours required in 704 KAR 3:303 to “mimic college scheduling and allow for a greater use of teachers in intervention for at-risk students.”

**KDE RECOMMENDS DENIAL to the extent that this waiver request conflicts with KRS 160.107 (2)(i) requiring districts of innovation to “provide overall instructional time that is equivalent to or greater than that required under KRS 158.070, but which may include on-site instruction, distance or virtual learning, and work-based learning on nontraditional school days or hours”. To the extent that the district’s waiver request does not seek to reduce the overall instruction time in violation of KRS 160.107(2)(i)’s prohibition, KDE RECOMMENDS APPROVAL.**

3. Waiver of Education Professional Standards Board (EPSB) certification restrictions on subject areas so current teachers can teach additional subjects in which they are not certified. The district cited KRS 161.020, an EPSB statute for which the Kentucky Board of Education has been granted no waiver authority, 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 the 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 the majority of the districts' requests. We anticipate the same result this year.**

4. Waiver of certification requirement for “teachers’ assistants (para-professionals) the ability to oversee digital curriculum and allow them levels of instruction and supervision.” The district cited KRS 161.010(5)’s definition of “teacher’s aide” and the tasks authorized for this role in making this waiver request.

**KDE RECOMMENDS APPROVAL IN PART AND DENIAL IN PART - KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority over EPSB statutes and regulations. KDE will assist the district in communicating with EPSB regarding currently available alternative certification options to accomplish this goal. As they did with the first group of Districts of Innovation, EPSB will meet with district staff following the 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 minimum school term to create flexibility for the school calendar to “include 60 hours of virtual instruction or performance-based instruction that would replace 10 days of seat and direct instruction time. In addition, the accumulation of qualified summer credits from dual credit institutions, performance-based programs, or virtual programs would count toward credits during the school year and be included in the ADA [average daily attendance] calculation the same as performance-based credit is awarded via ADA calculation.” The district cited KRS 158.070 in this waiver request.

**KDE RECOMMENDS DENIAL to the extent that this waiver request conflicts with KRS 160.107 (2)(i) requiring districts of innovation to “provide overall instructional time that is equivalent to or greater than that required under KRS 158.070, but which may include on-site instruction, distance or virtual learning, and work-based learning on nontraditional school days or hours”. To the extent that the district’s waiver request does not seek to reduce the overall instruction time in violation of KRS 160.107(2)(i)’s prohibition, KDE RECOMMENDS APPROVAL 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 “so that juniors and seniors are eligible to use their KEES award money to pay for dual credit classes ... [to allow these students] to use the maximum reward received per year with a proportionate reduction in the later years.” The district cited KRS 164.7881 and 164.7879(3)(e) in this waiver request.

**To the extent that the district is requesting waiver of the Kentucky Educational Excellence Scholarship (KEES) statutes so high school students who have enrolled in dual credit courses can access KEES funds to pay for the dual credit course fees, 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 the Kentucky Higher Education Assistance Authority (KHEAA) to determine any available options to accomplish this goal.**

7. Waiver of SBDM council membership for the planned district alternative school or alternative program, if it ever becomes an A-1 school, to include “an elected student representative as a voting member of the SBDM council. The student would have authentic voting rights on all issues other than closed session and personnel. For personnel issues, the student member will not be involved. 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 the understanding that the approval is contingent upon the school being declared an A5 school. If the school is classified as 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.**