

MEMORANDUM OF UNDERSTANDING (MOU)
DISTRICTS OF INNOVATION
(KRS 156.108 and 160.107)

This Memorandum of Understanding (“MOU”) is entered into by and between the Kentucky Department of Education (KDE) and the Boone County Schools (the “district”). The purpose of this agreement is to establish a framework of collaboration, as well as articulate specific roles and responsibilities in support of the district being designated as a “District of Innovation” per KRS 156.108. This MOU was approved at a meeting of the Boone County Schools Board of Education on _____. The approval is contained in the board minutes that are available for review at the district’s central office. All pertinent information related to this MOU is available for review at the district’s central office.

This MOU details the expectations for the district and KDE regarding the implementation and monitoring of the district’s “District of Innovation” application and supporting documents (the “plan”) approved by the Kentucky Board of Education on April 13, 2016.

District Responsibilities

In implementing the activities and strategies included in its approved plan, the district shall:

1. Agree, per 701 KAR 5:140(4)(1), that the district and school innovation plans shall:
 - (a) Be incorporated within the overall district comprehensive plan; or
 - (b) Replace the district comprehensive plan;
2. Actively participate in all relevant convenings, communities of practice, or other practice-sharing events that are organized or sponsored by KDE related to Districts of Innovation;
3. Fully participate in and provide all relevant information for the annual site visits as required under 701 KAR 5:140(4)(3);
4. Be responsive to KDE requests for information including the status of plan implementation [per 701 KAR 5:140(4)(2)], outcomes, and any problems anticipated or encountered;
5. Participate in KDE monitoring process which includes, but is not limited to, an annual site visit in the spring of each year beginning in the spring of 2018 per 701 KAR 5:140(4)(3). This site visit will monitor the implementation of the innovation plan currently on file with KDE as of the date of activation of this MOU.
6. Follow the requirements of KRS 160.346, including adherence to one of the four school turnaround models, if any of the schools participating in the district’s plan are persistently low achieving schools. The district of innovation plan shall be aligned with existing education recovery plans already in place. Evidence of this alignment shall be provided by the district to KDE within 60 days of execution of this MOU;

7. Ensure that the identified district leadership team includes on all meeting agendas a discussion of the approved innovation plan. The leadership team structure is a local decision, but for purposes of the innovation plan the district agrees to include the following:
 1. The Superintendent or their designee
 2. The Chief Academic Officer of the district
 3. The Chief Information Officer of the district
 4. The Chief Finance Officer in the district
 5. The Principal of ALL participating schools; and
8. Include the Education Recovery Director assigned to the district on the district leadership team if the district plan contains Priority Schools.

KDE RESPONSIBILITIES

In assisting the district in implementing their activities and strategies described in the district plan the KDE shall:

1. Work collaboratively with, and support the district in carrying out the district plan;
2. Provide feedback on the school district's updates, annual reports, site visits and requests for technical assistance; and
3. Identify sources of technical assistance for the project.

JOINT RESPONSIBILITIES

1. KDE and the district shall each appoint a contact person for the district of innovation plan. The district contact person shall be a member of the district leadership team;
2. These contact persons from KDE and the District shall maintain frequent communication to facilitate cooperation under this MOU; and
3. KDE and district contacts shall work together to determine appropriate timelines for project updates and status reports throughout the term of the district of innovation status.

ASSURANCES

The district hereby certifies and represents that it:

1. Has all requisite power and authority to execute this MOU;
2. Is familiar with the districts of innovation legislation and administrative regulation and is supportive of and committed to successful implementation of the district's plan;
3. Understands the regulatory requirements found in 704 KAR 5:140(5) for probation, revocation and appeals.
4. Understands that the district's status as a District of Innovation ends on June 30, 2021 per 701 KAR 5:140(6)(c) unless a renewal application is submitted. The district shall submit a renewal application to KDE by March 1, 2021 if it wishes to extend its status as a District of Innovation beyond June 30, 2021.

District is limited to waivers of the following statutes and regulations as provided in this MOU. Requests for waivers of any other statute or administrative regulation shall be made through an official amendment request to the application. Waiver approvals and denials are based on statutes and regulations in effect at the time the Districts of Innovation status is awarded. These are subject to review in instances where the statute or regulations are revised and are favorable to the implementation of these and future waivers.

Waiver #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.

KBE APPROVED 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”. District agrees to provide KDE with advance notice of use of capital outlay funds for operational costs.

Waiver #2

- A. Waiver allowing students to meet the graduation credit requirements for language arts in a manner other than taking language arts 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.

KBE APPROVED IN PART AND DENIED IN PART – 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, including being granted flexibility with regard to the requirement that “language arts shall be taken each year of high school” or “math shall be taken each year of high school”. The district is not, however, granted flexibility from the requirement that students complete the following minimums in language arts for graduation: “four (4) credits (English I, II, III, and IV) to include the content contained in the Kentucky core academic standards for English and language arts” and “Mathematics - three (3) credits to include the content contained in the Kentucky core academic standards for mathematics and include the following minimum requirements:

(a) Algebra I, Geometry, and Algebra II. An integrated, applied, interdisciplinary, occupational, or technical course that prepares a student for a career path based on the student's individual learning plan may be substituted for a traditional Algebra I, Geometry, or Algebra II course on an individual student basis if the course meets the

content standards in the Kentucky core academic standards, incorporated by reference in 704 KAR 3:303;

Waiver # 3 - 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.”

THIS WAIVER IS UNNECESSARY because 702 KAR 7:125(4)(g) states that any student in any district can “waive” seat time.

(g) The pupil is participating in standards-based, performance-based credit that is awarded in accordance with 704 KAR 3:305, Section 5(2)(b) and that falls within one (1) or more of the categories of standards-based course work outlined in 704 KAR 3:305, Section 2. A pupil may be counted in attendance for performance-based credit for a class or block for the year or semester in which the pupil initially enrolled in the class or block if the pupil demonstrates proficiency in accordance with local policies required by 704 KAR 3:305, Section 5(3)

Waiver #4 - 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.

KBE DENIED 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 two groups 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.

Waiver #5 - 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 approves this request to give teachers’ assistants additional responsibility beyond that described in KRS 161.010(5). District understands that there must be a certified teacher who is considered the Teacher of Record and who is the primary instructor and supervisor of the class. The para-professional can oversee digital curriculum and participate in some level of instruction and supervision, but a certified teacher must be in the vicinity and must understand that he/she is responsible for instruction and supervision.

Waiver #6 - 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 onsite 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).

Waiver # 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.

KBE APPROVED to the extent permitted under **KRS 156.108** and **KRS 160.107** and with the understanding that the approval is contingent upon receipt of a vote of the “eligible employees” of the A1 school to allow for the addition of the student member.

MODIFICATIONS

This MOU may be amended only by written agreement signed by an authorized KDE official and the district.

DURATION/TERMINATION

This MOU shall be effective beginning with the date of the last signature hereon until the termination or conclusion of the district's status as a district of innovation as provided in this MOU or 701 KAR 5:140.

SIGNATURES

District Superintendent:

Randy Poe
Signature/Date

RANDY POE
Print Name

Chair of Local Board of Education:

Signature/Date

Print Name

President of Local Teacher Union:

Signature/Date

Print Name

Commissioner, Kentucky Department of Education, Commonwealth of Kentucky:

By the signature below, KDE hereby accepts the school district as a District of Innovation:

Signature/Date

Stephen Pruitt, PhD
Commissioner of Education

Boone County DoI MOU