

Application of Waiver of Administrative Regulations

Kentucky Board of Education



School District:

As superintendent of the named school district, I am requesting a waiver under KRS 156.160(2)(a) of certain specific 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 my district's Board of Education on:

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

Today's Date

Print Name of Primary Point of Contact

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 the [Kentucky Administrative Regulations web page](#).

Please include the numerical reference and description of the regulation:

1.
2.
3.
4.

Please describe the justification for your waiver request. Include the specific language that you wish to have relief from and your expected outcome(s). 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. Add additional text boxes or pages as needed.

1. Statute (KRS 160.1590 to 160.1599, and by definition at KRS 160.1590(13)(a)), every local school board in KY has the ability to act as an authorizer of charter schools. Our School Board feels that is positive because the authorizer should be the same body that manages and controls the public common schools serving the same area in order to be fully aware of all issues, concerns, and positive attributes opening a given charter school may have on the community as a whole. This is preferable to multiple authorizers, such as universities, state commissions, mayors, etc., and we should be cognizant of that and not suggest that being an authorizer itself is too burdensome for boards, or else people may begin to advocate that other entities become authorizers, and that could cause a lot of chaos in a district from a planning and operations perspective).

There is no requirement for members of local school boards to receive training specific to their role as a charter authorizer through the Statute. When the General Assembly enacted the charter school law in 2017, without including such a specific training requirement for authorizers, it is likely because they were aware of the general training board members already receive on all topics relating to board service, described below, under statutes passed by the General Assembly.

Members of local school boards are required to receive annual in-service training regarding all their roles and responsibilities generally, with some hours specified for certain mandated topics (such as, for newly elected board members today: 3 hours of finance issues, 1 hours of ethics, and 1 hour of superintendent evaluation annually). See: KRS 160.180 (5) and (6). The general training regarding all aspects of board service would also cover aspects of charter authorization, given that this is now an aspect of board service.

By administrative regulation promulgated by the KY Board of Education, at 701 KAR 8:020 (Section 3, subsection (4)), members of local school boards are required to receive 12 hours of training annually (or competency based training), specific to their role as charter authorizers (for members with 8 years or more of authorizer experience, the number of hours falls to 8 annually).

This regulatory requirement has caused a hardship on our school district and is hindering the ability of our board to undertake development and training on other topics of great relevance to the governance of our district, because of the amount of additional charter training hours required. This is especially true given the fact that no funding or funding mechanism is currently in place in Kentucky law regarding how charter schools would operate, and this is probably the major reason that to date no board in Kentucky has received an application to authorize a charter school.

2.

I would suggest such training be conducive with SBDM Members on principal selection. The SBDM will undertake additional training on this topic at the appropriate time which allows SBDM to focus on training relating to other student achievement issues and interests of prioritizing time, efforts, and resources. By providing such training at the time and in conjunction with actual consideration of an application, could even be more beneficial to the board, and in fact, it is likely that any board would undertake such on-the-spot training when considering an application in addition to any annual training they had already received on this topic, given its importance and complexity. Therefore, waiving annual training on this topic unless and until an application is being considered would be as or more effective to meet the intent of the regulation, while also being more cost effective and time efficient.

It is entirely proper and allowable for the KBE to approve such a waiver, as the charter training requirement is contained in administrative regulation, and does not relate to health and safety, civil rights, federal law, or the accountability system, because all those laws apply to charter schools just as they do public schools governed by a board, and therefore the general in service training undertaken by boards (by statute) would cover those issues just as they do now.

Based on the KDE timeline for this waiver request process, if this request is received by KDE staff by Nov. 15th, the earliest the KBE itself could act on it would be at its February meeting. Therefore, the current training requirement would already have been applicable for all board members (ending Dec. 31). This further supports the request, because all board members would have received the required charter training at that time, and yet, no charter applications have been received nor are any anticipated at this time. Board members would have a base of knowledge of already completing the 12 hours in addition to regular hours on Charter Schools. Waived from undertaking additional charter specific training unless and until an application is received would alleviate cost and time burdens, while still ensuring that authorizers are provided robust preparation to consider an application at the point they need it most.

Our District is Rural and our tax base is not like many of the larger Counties. We invest our time and efforts to maximize our funding along with serving our students to ensure they have the necessary tools to be productive members of society. Our district is working on recruitment and retention of our teachers. Our enrollment is declining and we are examining ways to ensure our students receive all the necessary programs and education to compete in our national economy. We are looking at ways of collaboration with local areas, businesses, higher education opportunities, and Grants to get the best education for our students to achieve their highest potential. Our district has a good bases of understanding on charter schools, but we need to focus more of our attention on needs and requirements of all our students right now and not be distracted by additional training on something that may never happen in Knott County. Please help alleviate the stress of additional training for our Board members and keep in mind this will help Knott County concentrate their efforts on things of the present. Thank you for your time.