

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Application of Waiver of Administrative Regulations from the Kenton County School District

**Date:** December 2020

**Action Requested:**  Review  Action/Consent  Action/Discussion

**Held In:**  Full Board  Curriculum, Instruction and Assessment  Operations

### SUMMARY OF ISSUE BEFORE THE BOARD:

To act on the Application of Waiver of Administrative Regulations from the Kenton County school district. This application requests waiver of 704 KAR 3:305, Section 3(4)(a)1. relating to minimum high school graduation requirements for students enrolled in the district but attending the Ignite Academy in neighboring Boone County. KRS 156.160(2) grants the Kentucky Board of Education (KBE) authority to waive its own regulations at the request of a local school district superintendent and establishes the parameters for doing so.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends the KBE approve Kenton County's Application of Waiver of Administrative Regulations seeking waiver of 704 KAR 3:305, Section 3(4)(a)1. for students enrolled in the district but attending the Ignite Academy in neighboring Boone County.

The Commissioner also recommends the KBE prospectively approve any future waiver of 704 KAR 3:305, Section 3(4)(a)1. requested by letter to the Commissioner from a superintendent of another district, including but not limited to Walton-Verona Independent Schools, that sends students to the Ignite Academy in Boone County.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.160(2) and 704 KAR 3:305, Section 3(4)(a)1.

### BACKGROUND:

*Existing Policy:*

KRS 156.160(2) states:

“(a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:

1. An alternative approach will achieve the same result required by the administrative regulation;
2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
3. There is a finding of good cause for the waiver.

(b) The following shall not be subject to waiver:

1. Administrative regulations relating to health and safety;
2. Administrative regulations relating to civil rights;
3. Administrative regulations required by federal law; and
4. Administrative regulations promulgated in accordance with KRS 158.6451, 158.6453, 158.6455, and this section, relating to measurement of performance outcomes and determination of successful districts or schools, except upon issues relating to the grade configuration of schools.

(c) Any waiver granted under this subsection shall be subject to revocation upon a determination by the Kentucky Board of Education that the school district or school holding the waiver has subsequently failed to meet the intent of the waiver.”

Additionally, 704 KAR 3:305, Section 3(4)(a)1. applies to “students entering grade nine (9) on or before the first day of the 2018- 2019 academic year” and states: “The required credits and demonstrated competencies shall include the following minimum requirements:

(a) Language arts - four (4) credits (English I, II, III, and IV) to include the content contained in the Kentucky academic standards for this content area and comply with the following:

1. Language arts shall be taken each year of high school.”

*Summary of Issue:*

In 2019, the Kenton and Boone County school districts created the Ignite Academy through a Memorandum of Agreement in order to fill workforce needs in the region. According to promotional materials for the Ignite Academy, it is “an innovative, collaborative high school committed to...empowering scholars to compete in the workforce of the future” that believes “in personalized, project-based learning...and anchoring learning in real-world experiences.”

The unique structure and pacing of the Ignite Academy results in its students completing both English III and IV during grade 11, which does not align to 704 KAR 3:305, Section 3(4)(a)1. Accordingly, Kenton County is seeking a waiver of 704 KAR 3:305, Section 3(4)(a)1. for students attending the Ignite Academy that entered grade nine on or before the first day of the 2018-2019 academic year (i.e., current juniors and seniors).

This regulatory mandate is currently waived for students enrolled in the Boone County school district and attending the Ignite Academy through Boone County’s KBE-approved application to operate as a District of Innovation. The KBE’s approval and prospective approval of this Application of Waiver of Administrative Regulations will ensure the flexibility Boone County

students already have extends to students attending Ignite but enrolled in the Kenton County or another school district.

*Budget Impact:*

There is no budget impact to the KDE or KBE associated with waiving 704 KAR 3:305, Section 3(4)(a)1. for students enrolled in the Kenton County or another school district but attending the Ignite Academy in neighboring Boone County.

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**Commissioner of Education**

Category: <input checked="" type="checkbox"/> District Innovation <input type="checkbox"/> Strengthening Educators <input type="checkbox"/> Family/Community Involvement <input type="checkbox"/> Student/Family Supports <input type="checkbox"/> Student Interventions <input type="checkbox"/> Coursework Completion <input type="checkbox"/> Accountability Reporting
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