



For official use only.

Date Received: 02/05/2026

Waiver Application No.: 2026-WV-062

APPLICATION COVER SHEET

Pursuant to KRS 156.161 and 701 KAR 5:170, Franklin County School District "District" hereby submits this waiver request to the Kentucky Board of Education seeking waiver from compliance with one or more statutes or administrative regulations.

The waiver(s) sought herein by District are sought to apply to the following District schools or programs: Click or tap here to enter text..

This waiver request is a:

District must select only one of the following

- NEW APPLICATION. District seeks new waiver(s) of statutes or administrative regulations not previously granted to District by the Kentucky Board of Education pursuant to 701 KAR 5:170, or previously granted pursuant to 701 KAR 5:170 but now expired.
- RENEWAL APPLICATION. District seeks renewal of waiver(s) previously granted by the Kentucky Board of Education pursuant to 701 KAR 5:170 and still in effect as of the date of this application.
- AMENDMENT APPLICATION. District seeks to amend waiver(s) of statutes or administrative regulations previously granted to District by the Kentucky Board of Education pursuant to 701 KAR 5:170 and still in effect as of the date of this application.

In submitting this waiver request, District acknowledges and agrees to each of the following:

1. The Kentucky Board of Education does not have the authority to waive any statute or administrative regulation:
 - (a) Relating to health and safety, including required criminal background checks for staff and volunteers specified in KRS 160.380 and 161.148;
 - (b) Relating to civil rights;
 - (c) Required by federal law;
 - (d) Relating to compulsory attendance requirements under KRS 158.030 and 158.100 or the recording of data necessary for participation in the fund to support education excellence in Kentucky;
 - (e) Establishing certification requirements for teachers in core academic areas, except a waiver may authorize up to twenty-five percent (25%) of the teaching staff of a school may be employed without teacher certification if the individual possesses a baccalaureate or graduate degree in the subject the individual is hired to teach;
 - (f) Requiring students' participation in state assessment of student performance, as required under KRS 158.6453;

- (g) Financial audits, audit procedures, and audit requirements under KRS 156.265;
 - (h) Open records and open meeting requirements under KRS Chapter 61;
 - (i) Purchasing requirements and limitations under KRS Chapter 45A and KRS 156.074 and 156.480; or
 - (j) Requiring instructional time that is at least equivalent to the student instructional year specified in KRS 158.070.
2. The Kentucky Board of Education does not have the authority to waive any statute outside of its enforcement authority, or any administrative regulation promulgated by an agency other than the Kentucky Board of Education.
 3. District conducted a thorough review of this waiver request prior to submission to ensure that no part of its waiver request involves statutes or administrative regulations beyond the authority of the Kentucky Board of Education to waive as described in paragraphs (1) and (2) above. District understands that if it is determined that any portion of its request involves statutes or administrative regulations beyond the authority of the Kentucky Board of Education to waive as described in paragraphs (1) and (2) above, District's waiver request will be denied.
 4. District reviewed and understands the requirements and provisions of 701 KAR 5:170 as it relates to this waiver request.
 5. If District selected above that this is a NEW APPLICATION, District attaches to this Application Cover Sheet a Specific Waiver Request Form for each statute or administrative regulation for which District requests a waiver, and that District identified within each Specific Waiver Request Form the specific section, subsection, paragraph, or subparagraph of each statute or administrative regulation from which District requests a waiver.
 6. If District selected above that this is a RENEWAL APPLICATION, District attaches to this Application Cover Sheet a Renewal Application Form and all attachments required by the Renewal Application Form.
 7. If District selected above that this is an AMENDMENT APPLICATION, District attaches to this Application Cover Sheet an Amendment Request Form for a previously granted and unexpired waiver.
 8. If the District seeks identification of a school(s) or program(s) listed in the forms attached hereto as a School of Innovation pursuant to KRS 156.161 (4), it has: (a) utilized the Specific Waiver Request Form for each statute or administrative regulation from which District requests a waiver that prevents the District from entering into an agreement with an education service provider to assist in the management and operation of the school(s) or program(s) identified on the form; and (b) attached to the Specific Waiver Request Form a copy of the proposed agreement with the education service provider for the school(s) or program(s).
 9. In determining whether to grant this waiver request, in whole or in part, the Kentucky Board of Education will evaluate whether the request demonstrates that the waiver is more likely than not: (a) to improve the operation of the school(s) or program(s) listed in the forms attached

hereto, without hindering student academic achievement; or (b) to improve student academic achievement at the school(s) or program(s) listed in the forms attached hereto. District recognizes that such evaluation and determination is within the discretion of the Kentucky Board of Education.

10. District understands that if the Kentucky Board of Education at any time finds by a two-thirds (2/3) vote that a waiver granted pursuant to this request hindered school or program operations, endangered students, impeded student academic achievement, or supported financial malfeasance or criminal activity, then the waiver shall be rescinded. District recognizes that such a determination is within the discretion of the Kentucky Board of Education.
11. District recognizes that the existence of a waiver shall not negate the legal duties or professional responsibilities of a District employee, and agrees that it shall implement policies and procedures accordingly. District recognizes and agrees that any waiver granted pursuant to this request shall not be implemented in a way that violates, diminishes, or adversely impacts the civil rights of any student.
12. District understands and agrees that any waiver granted pursuant to this request, except for a waiver of minimum nutritional standards as provided in KRS 158.854, shall expire on June 30 of the third full school year following the date the request was approved by the Kentucky Board of Education, regardless of subsequent amendment, unless the Kentucky Board of Education renews the waiver prior to expiration. Waivers of minimum nutritional standards as provided in KRS 158.854 shall expire one year following the date the request was approved by the Kentucky Board of Education, regardless of subsequent amendment, unless the Kentucky Board of Education renews the waiver prior to expiration. District further understands and agrees that it shall track the expiration date of any waiver(s) granted pursuant to this request and will immediately implement all statutory and regulatory requirements upon the expiration date of any waivers granted pursuant to this request. District acknowledges that it is District's responsibility to request any renewals pursuant to the requirements of 701 KAR 5:170.
13. The information provided in this waiver request application and the attachments hereto are true and correct to the best of District's knowledge. The representations made by District in this waiver request application and the attachments hereto will be relied upon by the Kentucky Board of Education as material in its decision making. Upon learning that any information provided herein is inaccurate or incomplete, District will take affirmative steps to correct such information.
14. District represents that this waiver request, including any attachments hereto, were presented to the District board of education and approved by said board during a meeting on Click or tap to enter a date..
15. District understands that no waiver granted as part of this request shall imply, suggest, or otherwise indicate that any other statute or administrative regulation is implicitly waived and that District will continue to comply with all statutes and administrative regulations not specifically waived by the Kentucky Board of Education in response to this request.

Natalie Lile

Signature

Natalie Lile

District Board Chair

January 12, 2026

Date

Mail this completed form and all attachments to:

Kentucky Department of Education
ATTN: Waiver Request
300 Sower Blvd. 5th Floor
Frankfort, KY 40601



SPECIFIC WAIVER REQUEST FORM

District Name:
Franklin County Schools

School(s)/Program(s) to Which Waiver Request Applies:
Franklin County District Facilities Plan

Statute or Administrative Regulation District Requests be Waived:
Districts should include the specific section(s), subsection(s), paragraph(s), or subparagraph(s) that it requests be waived for the statute or administrative regulation listed. A separate Specific Waiver Request Form is required for each statute or administrative regulation that District requests be waived.
704 KAR 4:180 Kentucky School Facilities Planning Manual, Chapter 5, Sections 501.3-501.5

School of Innovation Designation

A District may seek to have school(s) or program(s) listed above identified as a “School of Innovation” for the purpose of allowing the District to enter into an agreement with an education service provider to assist in the management and operation of the school(s) or program(s). Does District seek to have the school(s) or program(s) listed above identified as a “School of Innovation” for this purpose?

District must select only one of the following:

- NO.
- YES. If District selects “YES,” it must describe below how the statute or administrative regulation listed above currently prevents the District from entering into an agreement with an education service provider to assist in the management and operation of the school(s) or program(s), and attach a copy of the proposed contract with an education service provider to assist in the management and operation of the school(s) or program(s).

Click or tap here to enter text.

Waiver Justification

Describe how the District wishes to operate the school(s) or program(s) listed above and how the statute or administrative regulation listed above prevents desired operations.

In a meeting of the Franklin County Board of Education held on January 12, 2026, the Board voted unanimously to ask for a four year extension of the current District Facilities Plan originally approved in July of 2022, with subsequent "findings" revisions as recent as July of 2024. The district meets the criteria set out in 704 KAR 4:180, Section 501.1 Subsections 1 & 2. The current waiver process found in regulation 704 KAR 4:180, Section 501.3 calls for the convening of a new LPC to review the existing DFP, created under a prior LPC. Section 501.3.1 calls for a unanimous vote by the new LPC to recommend that the Board request a waiver of the requirement to adopt a new DFP in 704 KAR 4:180, Section 1.

As the duly elected statutory authority, the Board finds this process duplicatous and inefficient for the Board but more importantly for community volunteers serving on local committees. Furthermore, the extension of a plan developed under a properly constituted committee and enacted by the local Board in which the plan is currently being implemented and is being requested for extension, should not even be eligible for modification by a new LPC unless there is an emergency declared resulting in a Finding.

The 2008 Kentucky School Facilities Planning Manual incorporated by reference into 704 KAR 4:180 fails to meet the current needs of school district facility planning. It is outdated and inefficient in application. The board requests consideration of this waiver and strongly urges the Kentucky Department of Education to develop a Kentucky Facility Planning Manual in conjunction with stakeholders representative of the unique challenges, emerging technologies and transformational world in which we now work and live.

Describe in detail how waiver of the statute or administrative regulation listed above will improve operations or student academic achievement in the school(s) or program(s) listed above.

A waiver of the regulation identified above will permit the Franklin County Board of Education to continue the implementation of a multi-phase, multi-year plan already outlined with projects that will occur over the next four years at minimum, if not longer, without further impedance or delay.

Describe how waiver of the statute or administrative regulation listed above may hinder student academic achievement in the school(s) or program(s) listed above. Describe how District will address any hindrance of student academic achievement if the waiver is granted.

The waiver of this regulation will have no immediate effect on the academic achievement of schools under the jurisdiction of the Franklin County Board of Education but we believe the long term effects will be transformative on the learning environment in Franklin County.

Describe how District intends to measure the impact on students enrolled in the school(s) or program(s) listed above if a waiver is granted for the statute or administrative regulation listed above.

The impact of the action and the continued implementation of the DFP on the students will be measured over time in terms of safety, efficiency, equity, operational costs, academic outcomes, expanded opportunities and long term benefits of the community as a whole.

List every attachment to this form District provides in support of its responses above, including a brief description of how the attachment supports District's responses.

Franklin County Board of Education Meeting Minutes- January 12, 2026 (Motion to request regulation waiver)