

KENTUCKY DEPARTMENT OF EDUCATION (KDE) STAFF NOTE

Topic: McCreary County Temporary Exemption Review – Whitley City Elementary

Date: October 7, 2026

Action Requested: ☐Review ☒Action/Consent ☐Action/Discussion

Held In: ☒Full Board ☐State Schools ☐United We Learn

SYNOPSIS OF WHAT YOU WILL BE SHARING:

Whether the Kentucky Board of Education should approve or revoke the approved temporary exemption request to exceed a special class size established in KRS 157.220, pursuant to KRS 157.360.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends the board approve the temporary exemption for the remainder of the 2026-2027 school year, pursuant to KRS 157.360.

APPLICABLE STATUTE OR REGULATION:

KRS 156.161, 157.220 and 157.360

BACKGROUND:

Existing Policy:

KRS 157.220 establishes maximum class sizes for special classes.

KRS 157.360 grants the Commissioner of Education the authority to approve a temporary exemption from special education maximum class size limits. A superintendent or site-based decision-making council may request a temporary exemption when unusual circumstances warrant an increased class size for an individual class. A request for a temporary exemption shall include specific reasons for the increased class size, with a plan for reducing the class size prior to the beginning of the next school year.

The statute further requires the Kentucky Board of Education to review all temporary exemptions within 45 business days and either revoke them or approve them for the remainder of the school year. An exemption shall not be granted if the increased class size will impede any exceptional child from achieving his or her individual education program in the least restrictive environment.

Summary of Issue:

The McCreary County School District submitted an exemption request seeking to exceed the maximum class size as follows:

- Whitley City Elementary School - add two additional students to the teacher's Moderate and Severe Disabilities (MSD) Resource classroom

The district requested this exemption to ensure continuity for students, allowing them to remain in this classroom with their teacher rather than be assigned to an MSD Resource classroom in another building.

Following review and evaluation, the Commissioner recommends approval of the temporary exemption granted to McCreary County on September 14. The district described the specific reasons for the increased class size, assigned one teacher and two paraprofessionals to the special class, and submitted a plan to reduce the class size before the 2027-2028 school year.

Budget Impact:

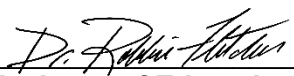
Other than staff time spent reviewing and processing this temporary exemption request, there is no additional budget impact to KDE regardless of whether the exemption is revoked or approved by the KBE.

Groups Consulted and a Brief Summary of Responses:

As this is an exemption request for an individual public school district program, no additional groups were consulted. KDE followed KRS 157.360 to process and review the exemption request.

CONTACT PERSON(S):

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Commissioner of Education

GOALS/PRIORITIES: Indicate all applicable options.

☐	Foster Educational Innovation Through Vibrant Learning Experiences
☐	Advance Educational Excellence Through Continuous Professional Improvement
☐	Cultivate Collaborative Partnerships
☐	Legislation
☒	Commissioner's Management