

Education

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Districts of Innovation: What Waivers JCPS Received And Why

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Over the summer, Jefferson County Public Schools will [prepare to become a District of Innovation \(/post/jefferson-county-public-schools-will-be-district-innovation\)](#) and will work with the Kentucky Department of Education to determine how it will measure the success of its new initiatives to improve student outcomes.

In all, six waivers were approved for JCPS and two were denied, but some other parts of the district's plan may still need to be worked out. (At the bottom of this story, you'll find the eight waivers JCPS requested and whether they were approved.)

For example, KBE approved the waiver to allow JCPS the option to explore a fifth option to address persistently low-achieving—or "priority"—schools.

There are currently four turnaround models for those priority schools, as the KDE defines them. These schools must follow a certain turnaround plan to receive certain funds.

If JCPS was to propose a fifth turnaround model—which the state will now allow through the new District of Innovation status—it would still need to present the idea to the federal government for approval, says David Cook, KDE's director of innovation and partner engagement.

In the JCPS application it also says the district will target 32 of the lowest achieving and most at-risk schools, but KBE only approved the application for 18 "priority" schools and not those in danger of becoming priority.

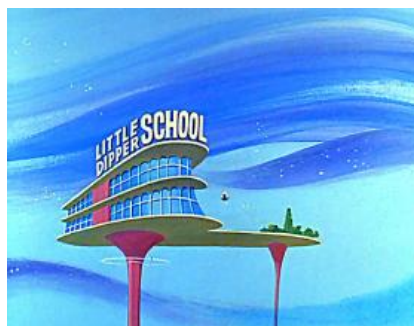
Under law, priority schools must follow whatever plan is crafted to help lift them from priority status, and all other schools must vote and receive approval from at least 70 percent of staff.

KDE will allow JCPS to add the remaining 14 at-risk schools to its DOI agreement over the summer. At this time it's uncertain if voting will take place. WFPL will update the story when that information becomes available.

KBE is also asking that JCPS submit a letter of support for the Jefferson County Teachers Association, per the district's application.

"To this day we haven't seen it," Cook says.

JCPS is the only DOI district with a collective bargain agreement and KDE counsel thought it would be best to receive that letter, even though the district doesn't need the union's support to move forward, he says.



(<http://mediad.publicbroadcasting.net/p/wfpl/files/201304/jetsons-high-school.jpg>)

School of the future, according to the hit children's show The Jetsons.
Credit Hanna-Barbera

“It’s obviously going to be necessary for the JCTA to be on board even in those PLA schools for this to really take hold and work,” he says.

JCPS is among the four school districts approved by the Kentucky Board of Education to be a District of Innovation, which means it will receive certain exemptions from KDE regulations.

A total of 16 school districts applied to become a District of Innovation and submitted proposals that included how waivers would help the district innovate change.

The four districts that were approved to become the state’s first DOIs—JCPS, Danville Independent, Eminence Independent and Taylor County Schools—will be working with KDE this summer on their Memorandum Of Understanding. This document will serve as the agreement—with obligations—for being a DOI and will lay out how the districts will report success and be monitored going forward.

For those waivers that were denied, KDE will work with the districts to consider ways certain administrative regulations may be modified to help them implement those parts of their innovation plans, said Cook.

“It may not be exactly what the district wanted, but it may be step one toward moving forward,” he says.

Most of the denied waivers from the four districts were because the Districts of Innovation bill did not give KDE permission to waive regulations from the Educational Profession Standards Board (EPSB)—the state’s credentialing body that approves education certifications.

“It was almost a blanket denial of EPSB statute and regulation because our legal staff here at KDE didn’t have the right to approve such a waiver,” Cook says.

It’s possible that the EPSB could come back to the General Assembly next year and suggest amendments to the DOI bill, adding language that would allow certain waivers from EPSB regulation, he says.

Waivers Requested:

1. Waiver of persistently low-achieving school options to add a 5th option to create a school of innovation at a PLA school. The district cited KRS 160.346 in this waiver request. Relevant as well to this waiver request is 703 KAR 5:180.

KDE RECOMMENDS APPROVAL – This is conditional on the district coordinating this plan with the education recovery staff (ER) assigned to the district and securing the ER staff approval, to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district.

2. Waiver of 703 KAR 5:240 which defines A1 status for schools and use of 704 KAR 3:390 describing A5 and A6 schools to expand which students may be served by an A5 district-wide school.

KDE RECOMMENDS APPROVAL – This is conditional on the district coordinating this plan with the education recovery staff (ER) assigned to the district and securing the ER staff approval, to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district.

3. Waiver of EPSB local educator assignment data (LEAD) administrative regulation to reconsider what constitutes the teacher of record. The district cited 16 KAR 1:050 in this waiver request.

KDE RECOMMENDS DENIAL - KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority over EPSB statutes and regulations. KDE will assist the district in communicating with EPSB

regarding currently available alternative certification options for teachers to accomplish this goal.

4. Waiver of KRS 158.070 and 702 KAR 7:140 setting the school year and school day requirements to allow the district to educate students in different settings by creating staggered school days for some students so that they have a schedule that works for them.

KDE RECOMMENDS APPROVAL – This is conditional on the district’s coordinating this plan with the education recovery staff (ER) assigned to the district and securing the ER staff approval, to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district.

5. Waiver of KRS 158.070’s restriction on the minimum term required of a teacher with the allowance for the district to give the teachers additional compensation and for JCTA to later set additional conditions on the district’s actions under this waiver.

KDE RECOMMENDS APPROVAL – This is conditional on the district coordinating this plan with the education recovery staff (ER) assigned to the district and securing the ER staff approval, to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district.

6. Waiver of compulsory attendance requirements and SEEK funding requirements based on average daily attendance. The district cited KRS 159.010 and 702 KAR 7:125 in this waiver request but KRS 159.010’s compulsory attendance requirement, which the KBE could not waive, does not appear relevant to this request.

KDE RECOMMENDS APPROVAL IN PART AND DENIAL IN PART – This is conditional on the district coordinating this plan with the education recovery staff (ER) assigned to the district and securing the ER staff approval, to the extent permitted under KRS 156.108 and KRS 160.107 and to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district. In addition, this proposal is approved only 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). KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education the authority to waive the compulsory attendance requirements set forth in KRS 159.010. To the extent approval of this waiver would violate the requirements of KRS 159.010, this request would be denied.

7. Waiver of graduation requirements specific to subject matter but in compliance with the requirement that the alternative under the waiver meet the requirements of KRS 156.108 and 160.107 (but no details how or what they plan to do). The district cited KRS 156.160 and 704 KAR 3:305 in this waiver request.

KDE RECOMMENDS APPROVAL – This is conditional on the district coordinating this plan with the education recovery staff (ER) assigned to the district and securing the ER staff approval, to the extent permitted under KRS 156.108 and KRS 160.107 and with terms to be established in the memorandum of understanding with the district. This approval is further conditioned, pursuant to KRS 160.107, to “ensure that high school course offerings meet or exceed the minimum required under KRS 156.160 for high school graduation or meet early graduation requirements...” in existing statute.

8. Waiver of EPSB certification requirements for persons to hold certified positions and perform certified duties in school districts. The district cited KRS 161.020 (and stated that the district would not evaluate these employees under certified evaluation in 16 KAR 1:010) in this waiver request.

KDE RECOMMENDS DENIAL - KRS 156.108 and KRS 160.107 do not grant the Kentucky Board of Education waiver authority over EPSB statutes and regulations. KDE will assist the district in communicating with EPSB regarding currently available alternative certification options for teachers to accomplish this goal.

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