

The background of the slide is a collage. The top left shows two yellow school buses, one with the number 32. The bottom left shows a classroom with blue walls, decorated with colorful balloons and framed pictures. There are several small white tables and chairs in the classroom.

701 KAR 5:170 701 KAR 5:170E Waiver Requests

Todd G. Allen

Deputy Commissioner & General Counsel



Kentucky Department of
E D U C A T I O N

Senate Bill 207 (2025)

- Repealed the “Old” System of Waivers:
 - KRS 156.160(2) allowed the KBE, upon request of a local board of education, to waive any KBE regulation except those providing for: (1) health/safety; (2) civil rights; (3) compliance with federal law; (4) assessment/accountability.
 - KRS 156.108 Districts of Innovation allowed for waiver of regulations and statutes.
- “New” Waiver Process:
 - Includes waiver of statutes and regulations within KBE enforcement authority.
 - Can request “School of Innovation” designation to allow contract with education service provider to assist in management of the school.
 - Granted waivers are effective three full school years.
 - Subject to early termination by 2/3 vote of KBE.
 - KBE to promulgate regulations with procedures and forms.

What can't be waived?

- Health/Safety – including required criminal background checks.
- Civil Rights.
- Federal law.
- Compulsory attendance.
- Certification requirements for teachers, except waiver possible for up to 25% of teaching staff in a school if they hold a bachelors/masters in subject to be taught.
- State assessment.
- Financial audits.
- Open records and open meetings.
- Procurement requirements.
- Minimum instructional time at least equivalent to student instructional year.

Four types of waiver requests...

- New Application
- Renewal Application
- Amendment Application
- Special Education Maximum Class Size Application

Application Cover Sheet



Kentucky Department of
EDUCATION

For official use only.

Date Received:

Waiver Application No.:

APPLICATION COVER SHEET

Pursuant to KRS 156.161 and 701 KAR 5:170, [Click or tap here to enter text](#). 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.

- Indicate application type (New, Renewal, Amendment).
- Name schools or programs in district to which the waiver will apply if granted.
- 15 paragraphs explaining program requirements and required attachments.
- Signed by local board chair on behalf of local board.



Kentucky Department of
EDUCATION

Specific Waiver Request Form



Kentucky Department of
E D U C A T I O N

SPECIFIC WAIVER REQUEST FORM

District Name:

Click or tap here to enter text.

School(s)/Program(s) to Which Waiver Request Applies:

Click or tap here to enter text.

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.

Click or tap here to enter text.

- Attached to Application Cover Sheet for New Applications.
- Indicate whether district seeks “School of Innovation” designation.
- Explain how the waiver of each statute or regulation will improve operations or student achievement.

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?



Kentucky Department of
E D U C A T I O N

Renewal and Amendment

- Renewal Application Form
 - Attached to Application Cover Sheet
 - Identify the previous waiver, including any amendments.
 - Provide evidence of improvement as a result of previously granted waiver.
- Amendment Application Form
 - Attached to the Application Cover Sheet.
 - Identify the previous waiver, including any amendments.
 - District may request:
 - Add or remove schools/programs to which the waiver applies;
 - Additional statutes/regulations be waived for the schools/programs previously granted a waiver;
 - Termination, in whole or part, of previously granted waivers.

Special Education Maximum Class Size Application

- Can be requested by Superintendent or SBDM.
- Collects information regarding the school, teacher, classroom type, caseload, etc.
- Signed by Superintendent or School Principal.
- Waivers previously decided by OSEEL. Now, decided by KBE.

Technical Review

- KDE will perform technical review and notify the requesting party:
 - Date KDE received the request;
 - Number assigned to identify the request;
 - KBE meeting date when waiver request will be acted upon;
 - If the request was received by KDE less than 45 days prior to the next KBE meeting, that automatic denial will be recommended unless determined by Commissioner to address emergency;
 - If the request seeks waiver of any statute or regulation KBE can't waive (SB 207 Sect. 1(1)) that denial of those portions will be recommended to KBE;
 - If the request doesn't meet the requirements of SB 207 or the regulation, denial of the request will be recommended to KBE;
 - Instructions on voluntary withdrawal of the request prior to the assigned KBE meeting; and
 - Instructions on how the requestor may request a different KBE meeting date.

Substantive Review

- Portions of the waiver not recommended for denial during technical review undergo substantive review:
 - Student academic achievement past three school years;
 - Processes the requestor will use to measure success of the waiver, if granted;
 - Likelihood of the schools/programs realizing meaningful operational efficiency improvements;
 - Likelihood of students in the schools/programs realizing improved academic achievement;
 - How district anticipates and addresses potential adverse impacts on student academic achievement;
 - Establishment of high expectations for student learning and evidence-based best practices for learning;
 - For Special Education Maximum Class Size Application, any additional factors set forth in IDEA regulation 707 KAR 1:350.

Approval/Disapproval Standard

- The Commissioner shall recommend approval of a waiver request, or portion thereof, only if he or she finds the requested waiver is more likely than not:
 - To improve school or program operations without hindering student academic achievement; or
 - To improve student academic achievement at the school/program.
- The KBE makes the ultimate decision to approve or deny the waiver request, in whole or in part.
- Within 10 business days following the KBE action, the requestor will receive written notification.

Termination of Waiver

- Voluntary termination through Amendment Application.
- Involuntary termination:
 - “If the state board at any time finds by a two-thirds majority vote that a specific waiver previously granted has hindered school or program operations, endangered students, impeded student academic achievement, or supported financial misfeasance or criminal activity, then the waiver shall be rescinded.”
 - No less than 20 days notice of the meeting to determine involuntary termination:
 - Provide reasons and documents to be considered by KBE as evidence to support termination.
 - Ability of district to respond in writing within 15 calendar days following the notice.

Questions?



Kentucky Department of
EDUCATION

1 EDUCATION AND LABOR CABINET
2 Kentucky Board of Education
3 Department of Education
4 (Amendment)
5 703 KAR 5:280. School improvement procedures.
6 RELATES TO: KRS 158.6453, 158.6455, 158.782, 160.346, 20 U.S.C. 6301
7 STATUTORY AUTHORITY: KRS 156.029(~~7~~), 156.070(5), 158.6453, 158.6455, 160.346, 20
8 U.S.C. 6301
9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.029(~~7~~9) requires the Kentucky Board
10 of Education (KBE) to adopt policies and administrative regulations that shall govern the
11 Kentucky Department of Education (department) in planning and operating programs within its
12 jurisdiction. KRS 156.070(5) requires the KBE, upon the recommendation of the Commissioner
13 of Education (commissioner), to establish policy or act on all programs, services, and other
14 matters that are within the administrative responsibility of the department. KRS 158.6453(3)(a)
15 requires the KBE to create an assessment system that measures achievement of the state
16 learning goals, ensures compliance with Title I of the federal Elementary and Secondary
17 Education Act of 1965 (ESEA), 20 U.S.C. sec. 6301, et seq., as amended by the Every
18 Student Succeeds Act (2015) or its successor, and ensures school accountability. KRS
19 158.6455 requires the KBE to create an accountability system to classify schools and LEAs,
20 and to establish appropriate consequences for schools failing to meet accountability measures.
21 KRS 158.782 requires the KBE to promulgate administrative regulations establishing the

process for monitoring and periodic review of schools' turnaround efforts for schools identified for comprehensive support and improvement pursuant to KRS 160.346. KRS 160.346 establishes the process for the required audit and turnaround efforts for schools identified for comprehensive support and improvement. Additionally, KRS 160.346 requires the KBE to create state-wide exit criteria for identified schools, additional action to support schools continuously failing to meet improvement goals, and additional support for LEAs with a significant number of schools identified for comprehensive and targeted support and improvement. Section 1111(c) of Title I of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, 20 U.S.C. 6311(c) and (d), requires the KBE to identify the state's lowest achieving schools as schools identified for comprehensive support and improvement and for those schools to follow the requirements of 20 U.S.C. 6311(c) and (d) regarding school improvement. This administrative regulation establishes the process and procedures for school improvement efforts.

Section 1. Definitions. (1) "Additional Targeted Support and Improvement" means the process for schools identified pursuant to KRS 160.346(2)(b).

(2) "Advisory leadership team" means the team established pursuant to KRS 160.346(8)(f) and Section 7 of this administration regulation.

(3) "Annual improvement" means a school reaching annual goals, established by the department, in the areas identified for comprehensive support and improvement.

(4) "Audit" means the process established in KRS 160.346(6)-(7).

(5) "Audit team" means the department, which completes the audit pursuant to KRS 160.346(6)-(7).

(6) "Charter school" means a "public charter school" as defined in KRS 160.1590(~~12~~**14**).

(7) "Charter school board of directors" or "governing board" means charter school board of directors as defined in KRS 160.1590(~~6~~**5**).

(8) "Comprehensive Support and Improvement" means the process for schools identified pursuant to KRS 160.346(3).

(9) "District" or "school district" means the local school district governed by a local board of education **as established in KRS 160.160**.

(10) "District audit" means an audit that:

(a) Reviews the functioning of the district and the district's ability to manage an intervention in a school identified for comprehensive support and improvement; and

(b) Meets the requirements of Section 4 of this administrative regulation.

(11) "Evidence based interventions" is defined in the Elementary and Secondary Education Act, as reauthorized by the Every Student Succeeds Act (2015), 20 U.S.C.A. Section 7801.

(12) "Local education agency" or "LEA" means a local school district as established in KRS 160.010 and KRS 160.020 or a charter school board of directors as established in KRS 160.1590.

(13) "Minority" is defined in KRS 160.345(1)(a).

(14) "School audit" means an audit that:

(a) Reviews the functioning of a school;

(b) Assesses principal capacity for leadership of school turnaround; and

(c) Meets the requirements of KRS 160.346(6)-(7).

(15) "School improvement assistance" means a program designed by the department to support improved teaching, ~~and~~ learning, **and leadership development**.

(16) "School improvement plan" means the plan created by schools identified for targeted support and improvement or additional targeted support and improvement pursuant to KRS 160.346(4)-(5) and embedded in the comprehensive school improvement plan required pursuant to 703 KAR 5:225.

(17) "Targeted Support and Improvement" means the process for schools identified pursuant to KRS 160.346(2)(a).

(18) "Turnaround plan" means the plan created pursuant to KRS 160.346(8)(g) and embedded in the comprehensive school improvement plan required pursuant to 703 KAR 5:225.

(19) "Turnaround team" means the team selected pursuant to KRS 160.346(8)(a).

Section 2. Audit Team Membership. (1) Pursuant to KRS 160.346(6)(a), a school, including a charter school, identified for comprehensive support and improvement shall undergo an audit conducted by the department.

(2) Members of the audit team shall be selected from qualified applicants by the department, and approved by the commissioner or his designee;

(3) Members shall complete department-provided or department-approved training in any areas needed to effectively perform their duties;

(4) Members shall hold appropriate certification or qualifications for the position being represented;

(5) The team shall not include any members currently employed by or otherwise affiliated with the LEA or school under review;

(6) The team shall include the following representation:

(a) The chairperson, who shall be designated by the department or its designee, and shall be:

1. A certified administrator approved by the department to provide school improvement assistance;

2. A certified administrator member of the review team; or

3. A similarly qualified professional approved by the department;

(b) An individual approved by the department to provide school improvement assistance;

(c) A teacher who is actively teaching or has taught within the last three (3) years;

(d) A principal who is currently serving or has served as a principal within the last three (3) years;

(e) An LEA administrator who is currently serving or has served in an LEA administrative position within the last three (3) years;

(f) A parent or legal guardian who has or has had a school-aged child **within the last three (3) years**; and

~~[(g) A university representative who is currently serving or has served in that capacity within the last three (3) years; and]~~

(h) For schools having eight percent or more minority students enrolled, as determined by the enrollment on the preceding October 1, at least one minority member who may serve in addition to the six members or may be identified from among the six members.

(7) The chair may serve in addition to the six (6) members outlined in subsection (6) of this section, or may be selected from those six (6) members who also meet the qualifications of this section.

Section 3. School Audit. (1) A school audit shall be scheduled within forty-five (45) days of a school's identification for comprehensive support and improvement.

(2) In addition to the requirements established in KRS 160.346(7), a school audit shall consist of and incorporate into the audit process and report the following criteria:

(a) Analysis of state and local education data;

(b) ~~[At the discretion of the audit team, a]~~ Analysis and recommendation regarding the principal's capacity to lead turnaround in a school identified for comprehensive support and improvement;

(c) Review of comprehensive school improvement plans and other planning documents;

(d) Interviews with students, parents, all school council members, if applicable, school and LEA personnel, and community members;

(e) Direct observation;

(f) Administration of teacher and principal working conditions surveys and student satisfaction surveys;

(g) Review of school council minutes and agendas, if applicable; and

(h) Other information deemed necessary by the commissioner or his designee.

(3) The recommendation of the principal's ability to lead the intervention in the school, as required by (2)(b) of this section, shall be based upon an assessment consistent with the Professional Standards for Educational Leaders approved by the National Policy

Board for Educational Administration and incorporated by reference in 16 KAR 3:090,
Certifications for advanced educational leaders.

(4) Charter schools shall be subject to a school audit that shall include an addendum
providing a determination regarding the governing board's capacity to provide support
for turnaround. Each addendum shall include:

(a) Analysis of state and local education data;

(b) A review of the governing board's level of functioning and recommendation to the
commissioner as to whether the governing board has the capacity to manage the
intervention in the charter school;

(c) Interviews with governing board members, students, parents, school personnel,
authorizer, and community members;

(d) Direct observations;

(e) Administration of teacher and principal working conditions surveys and student
satisfaction surveys;

(f) Review of charter school governing board minutes and agendas; and

(g) Other information deemed necessary by the commissioner, or his designee, to
assess the functionality of the governing board to support school improvement.

Section 4. District Audit. (1) A district shall be subject to a district audit upon
identification of a school within the district for comprehensive support and improvement.

(2) Within forty-five (45) days of identification by the department of a district containing a
school identified for comprehensive support and improvement, an audit shall be
scheduled to review the functioning of the district's administration and its specific

1 leadership capacity related to each school identified for comprehensive support and
2 improvement.

3 (3) Each district audit shall include:

4 (a) Analysis of state and local education data;

5 (b) A review of the district's level of functioning and recommendation to the
6 commissioner as to whether the district has the capacity to manage the intervention in
7 each identified school;

8 (c) Review of comprehensive district improvement plan and other planning documents;

9 (d) Interviews with local board members, students, parents, school and district
10 personnel, and community members;

11 (e) Direct observation;

12 (f) Administration of teacher and principal working conditions surveys and student
13 satisfaction surveys;

14 (g) Review of school board minutes and agendas; and

15 (h) Other information deemed necessary by the commissioner, or his designee, to
16 assess the functionality of the district to support school improvement.

17 (4) The determination of the district's level of functioning and ability to manage the
18 intervention in the school identified for comprehensive support and improvement shall
19 be based upon an assessment of capacity in the following areas:

20 (a) The district demonstrates maintenance and communication of a visionary purpose
21 and direction committed to high expectations for learning as well as shared values and
22 beliefs about teaching and learning;

(b) The district leads and operates under a governance and leadership style that promotes and supports student performance and system effectiveness;

(c) The district establishes a data-driven system for curriculum, instructional design, and delivery, ensuring both teacher effectiveness and student achievement;

(d) The district ensures that systems are in place for accurate collection and use of data;

(e) The district ensures that systems are in place to allocate human and fiscal resources to support improvement and ensure success for all students; and

(f) The district ensures that a comprehensive assessment system, which generates a range of data about student learning and system effectiveness and uses the results to guide continuous improvement, is implemented.

(5) There shall be only one (1) district audit per district, per year, regardless of the number of schools identified for comprehensive support and improvement located in the district.

(6) No district, regardless of the number of schools identified for comprehensive support and improvement, shall have more than one (1) district audit every three (3) years.

Section 5. Notification to Schools and LEAs of Audit Findings.

(1) Following any school audit, the audit team shall submit all findings and the principal capacity recommendation to the commissioner.

(2) Following any charter school or district audit, the district or governing board audit findings and capacity recommendations shall be submitted to the commissioner who shall then make a determination regarding the district or governing board's level of

functioning and whether the district or governing board has the capacity to manage the intervention in each identified school.

(3) After completion of the initial school or district audits and within thirty (30) days of receiving the audit findings, the commissioner shall notify in writing the school, district or governing board, and the charter authorizer of the audit findings and recommendation regarding principal or school leader's leadership capacity and authority and a determination regarding district or governing board's leadership capacity and authority.

The superintendent shall then make any necessary determination regarding the principal or other certified staff pursuant to KRS 160.346(8)(c)-(d).

(4) (a) A school, including a charter school, or district that believes the recommendation regarding the principal or school leader's leadership capacity and authority or the district or governing board's leadership capacity and authority is grossly unfair may appeal such recommendation within fifteen (15) days after the commissioner notifies the school, district or governing board, and the charter authorizer of the audit findings, as described in subsection (3);

(b) The written request for an appeal shall be submitted by mail to the department at ~~[the address supplied in Section 16 of this administrative regulation]~~ **Kentucky**

Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601

and shall identify:

1. The reason(s) and supporting evidence that the recommendation regarding the principal or school leader's leadership capacity and authority or the district or governing board's leadership capacity and authority is believed to be grossly unfair; and

2. The requested adjustment to be made to the recommendation regarding the principal or school leader's leadership capacity and authority or the district or governing board's leadership capacity and authority; and

(c) The request for an appeal shall be signed by the superintendent of the district or comparable leader of the charter school upon approval of the local board of education or governing board.

(5) (a) Upon receipt of the request for an appeal filed under subsection (4), the commissioner, or his designee, shall review such appeal against the standards set forth in either Section 3(3), if the appeal relates to the recommendation regarding the principal or school leader's leadership capacity and authority, or Section 4(4), if the appeal relates to the district, or **Section 3(4), if it relates to a charter school's** governing board's leadership capacity and authority, to determine whether to dispute the appeal;

(b) Within thirty (30) days of the request for an appeal filed under subsection (4), the commissioner shall determine whether to:

1. Adopt the requested adjustment to the recommendation regarding the principal or school leader's leadership capacity, and authority or the district or governing board's leadership capacity and authority, set forth in the request for an appeal as required by subsection (4)(b)2.; or

2. Dispute the requested adjustment to the recommendation regarding the principal or school leader's leadership capacity and authority, or the district or governing board's leadership capacity and authority, set forth in the request for an appeal as required by subsection (4)(b)2.;

1 (c) If the request for an appeal is disputed by the commissioner, an appeal shall be
2 submitted to the hearing officer for the Kentucky Board of Education; and

3 (d) The hearing officer appointed shall conduct a hearing in accordance with KRS
4 Chapter 13B and submit a written recommended order to the Kentucky Board of
5 Education for the board's consideration in rendering its final order, in accordance with
6 KRS Chapter 13B.

7 Section 6. Turnaround Team and Development of Turnaround Plan for School Identified
8 for Comprehensive Support and Improvement. ~~[(1) Within fifteen (15) days after the~~
9 ~~commissioner notifies the school, district or charter governing board, and the charter~~
10 ~~authorizer of the audit findings, as described in Section 5(3) of this administrative~~
11 ~~regulation, an LEA shall declare its intent to either utilize the department for the~~
12 ~~turnaround team or another vendor from the approved turnaround vendor list published~~
13 ~~pursuant to KRS 160.346(1)(a) and (8)(a) as well as Section 15 of this administrative~~
14 ~~regulation and, if the LEA declares its intent to use any option other than the department~~
15 ~~for the turnaround team, the LEA shall use the "Notification of Non-Department~~
16 ~~Turnaround Team Form."}]~~

17 ~~[(2) If the LEA utilizes the department to serve as the turnaround team, t]~~ **(1) The**
18 **turnaround team shall be comprised of team members selected** **by the Department in**
19 **collaboration with the Superintendent** and approved by the commissioner, or his
20 designee, **and the local board of education or charter school governing board** to
21 provide school improvement assistance.

22 **(2) The turnaround team shall be responsible for the following activities:**

23 **(a) Leading the development and initial implementation of the three-year**

turnaround plan;

(b) Providing rigorous support and capacity-building in instructional leadership,

curriculum, and school-level systems for improvement;

(c) Monitoring the school's progress toward turnaround plan goals, including

conducting regular data and implementation reviews;

(d) Advising the superintendent and principal on staffing, scheduling, resource

allocation, and professional learning aligned with turnaround objectives;

(e) Collaborating with the school principal to establish systems that support

evidence-based instructional practices and equitable learning environments;

(f) Providing relevant professional learning for teachers;

(g) Supporting the transition of improvement efforts to the Advisory Leadership

Team prior to exit from CSI status; and

(h) Other activities deemed necessary by the Commissioner to support school

turnaround.

(3) A school, including a charter school, identified for comprehensive support and improvement shall be eligible to apply for funding under 20 U.S.C. 6303. Any funds awarded to a school pursuant to 20 U.S.C. 6303 shall be utilized to pay for turnaround activities. ~~[, which may include assisting with funding an LEA's utilization of a non-department vendor from the approved turnaround vendor list published pursuant to KRS 160.346(1)(a) and (8)(a) as well as Section 15 of this administrative regulation.]~~

(4) Within forty-five (45) days after the commissioner notifies the school, district or governing board, and the charter authorizer of the audit findings, as described in

Section 5(3) of this administrative regulation, the turnaround team shall develop a turnaround plan pursuant to KRS 160.346(8)(g).

(5) In addition to the requirements established in KRS 160.346(8)(g), the turnaround plan shall be embedded in the comprehensive school improvement plan required pursuant to 703 KAR 5:225 and shall include:

(a) Evidence-based interventions to be utilized to increase student performance and address the critical needs identified in the school audit;

(b) A comprehensive list of persons and entities involved in the turnaround efforts and the specific roles each shall play in the school's turnaround; and

(c) A review of resource inequities that shall include an analysis of school level budgeting to ensure resources are adequately channeled towards school improvement.

(6) The turnaround plan shall be approved by the superintendent and local board of education, as required by KRS 160.346(8)(g), who shall provide the necessary support and resources for the turnaround plan and submit the turnaround plan to the commissioner for final approval.

(7)(a) Following receipt of the turnaround plan specified in subsection (6) of this section and before the beginning of the school year following the audit, the commissioner, in consultation with the advisory leadership team, superintendent, and local board of education, shall determine the sufficiency of the school's turnaround plan to meet the needs of the school's turnaround effort.

(b) If the commissioner finds that the plan is not sufficient to meet the needs of the school turnaround effort for a school identified for comprehensive support and

improvement, the department shall provide feedback detailing the deficiencies and advise the LEA and school to make changes to the plan.

Section 7. Advisory Leadership Team. (1) The principal or charter school leader of a school identified for comprehensive support and improvement shall provide to the department, in a format acceptable to the department, the names and addresses of advisory leadership team members appointed pursuant to KRS 160.346(8)(f).

(2) The department shall maintain a database of all advisory leadership team members appointed pursuant to KRS 160.346(8)(f).

(3) In establishing the advisory leadership team, the principal or charter school leader shall ensure that schools having eight (8) percent or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member serving on the advisory leadership team.

(4) Meetings of the advisory leadership team shall be ~~[open to the public]~~ **conducted in accordance with the Kentucky Open Meetings Act or its successor. The advisory leadership team, in collaboration with the principal, shall determine the frequency of and agenda for their meetings.**

(5) **The advisory leadership team shall function as a consultative body. The**

~~[D]~~**duties of the advisory leadership team shall include:**

(a) **Serving as a representative voice of the school community during the turnaround process;**

(b) Providing support for systems that seek to build capacity in school leadership;

(~~b~~**c**) Promoting **a** positive school ~~[climate and culture; and]~~ **culture focused on distributed leadership, continuous improvement, and high expectations for all students;**

(~~e~~**d**) Supporting the continual use of **evidence-based** ~~[data-driven]~~ decision-making to support school improvement;

(e) Supporting transparent communication with stakeholders by reviewing progress data and helping to disseminate key information; and

(f) Retaining institutional knowledge and supporting continuity of improvement practices after the departure of the turnaround team.

Section 8. Monitoring and Periodic Review of Plan Implementation. (1) Pursuant to the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act, 20 U.S.C.A. Section 6301, all schools identified for comprehensive support and improvement shall be subject to monitoring and periodic review by the department.

(2) Monitoring shall include:

(a) Onsite support by department staff if the department is chosen by the LEA to serve as the turnaround team pursuant to KRS 160.346(8)(a) or if more rigorous intervention by the department is warranted as established in Section 9 of this administrative regulation;

(b) Annual review of school and LEA state accountability data;

(c) Review of indicators of school quality; and

(d) Other measures deemed necessary by the department to ensure compliance with the Every Student Succeeds Act, or its successor.

(3) Periodic review of the turnaround plan shall include:

- 1 (a) Periodic site visits;
- 2 (b) Direct observation; and
- 3 (c) Interviews with students, parents, all school council members, if applicable, school
- 4 and LEA personnel, and community members.

5 **Section 9. Additional Requirements. (1) All schools identified for comprehensive**

6 **support and improvement shall participate in all professional learning activities**

7 **deemed necessary by the Department to support the implementation of evidence-**

8 **based instructional practices, instructional materials, and assessments.**

9 **(2) Each superintendent or public charter school board of directors shall adopt**

10 **evidence-based curriculum and high-quality instructional materials. Such**

11 **materials must be reviewed and approved by the Department prior to purchase.**

12 **This requirement must be fulfilled within eighteen months from the notice of**

13 **identification.**

14 Section **10**[9]. More Rigorous Intervention. (1) Schools identified for comprehensive

15 support and improvement that do not **make any annual improvement for two**

16 **consecutive years or** exit that status after three (3) years shall be subject to

17 intervention by the department including but not limited to:

- 18 (a) A school audit conducted by the department;
- 19 (b) Onsite assistance by department staff; ~~and~~

20 (c) Evaluation and modification of the school turnaround plan; **and**

21 **(d) Evaluation of the district's support of the implementation of the turnaround**

22 **plan.**

(2) Schools **eligible for more rigorous intervention under this** section [~~identified for comprehensive support and improvement that do not exit after three (3) years~~] shall be subject to an audit by the department every two (2) years, or as deemed necessary by the commissioner.

~~[(3) Schools identified for comprehensive support and improvement that do not make annual improvement for two (2) consecutive years shall be subject to intervention by the department, as established in subsections (1) and (2) of this section, after the second year;]~~

(4) Districts serving any number of schools identified for comprehensive support and improvement that do not **make any annual improvement for two consecutive years** **or** exit after three (3) years [~~, or two (2) years as established in subsection (3) of this section;~~] shall be subject to a district audit. Additional district audits for districts serving schools identified for comprehensive support and improvement that do not exit that status shall occur every **three (3)** [~~two (2)~~] years, or as deemed necessary by the commissioner. No district, regardless of the number of schools identified for comprehensive support and improvement that fail to exit that status, shall have more than one (1) district audit every **three (3)** [~~two (2)~~] years.

Section **11** [40]. Targeted Support and Improvement and Additional Targeted Support and Improvement. (1) Upon identification as a school for targeted support and improvement or additional targeted support and improvement, the identified school shall comply with the requirements of KRS 160.346(4)-(5). The school improvement plan shall be embedded in the comprehensive school improvement plan required pursuant to 703 KAR 5:225.

(2) LEAs with a school identified for targeted support and improvement or additional targeted support and improvement shall monitor and provide support to the school to ensure the successful implementation of the school improvement plan.

Section **12** [44]. Significant Number of Schools. (1) In addition to providing notification to LEAs as to the identification of schools for comprehensive support and improvement, additional targeted support and improvement, or targeted support and improvement, the department shall notify LEAs as to whether they shall be considered an LEA supporting a significant number of schools identified for comprehensive support and improvement or targeted support and improvement, including additional targeted support and improvement.

(2) To determine whether an LEA meets this designation, the department shall calculate, based on the total number of A1 schools, as defined in 703 KAR 5:240, in the LEA, the LEA's percentage of schools identified for comprehensive support and improvement or targeted support and improvement, including additional targeted support and improvement. Any LEA containing two (2) or more schools identified for comprehensive support and improvement or targeted support and improvement, including additional targeted support and improvement, and whose percentage of identified schools exceeds ten (10) percent of all schools within the district shall be designated an LEA supporting a significant number of schools identified for comprehensive support and improvement or targeted support and improvement, including additional targeted support and improvement.

Section **13** [42]. Technical Assistance for LEAs Supporting a Significant Number of Schools Identified for Comprehensive Support and Improvement. (1) LEAs supporting a

significant number of schools identified for comprehensive support and improvement

shall receive the following technical assistance:

(a) A district audit, or school audit if a charter school, conducted by the department; and

(b) Onsite support from department staff.

(2) The district audit, or school audit if a charter school, completed by the department

pursuant to subsection (1)(a) of this section shall take the place of any district or school

audit conducted under Sections 3 and 4 of this administrative regulation.

(3) Department staff shall:

(a) Coordinate with the LEA to ensure direct support of schools identified for

comprehensive support and improvement;

(b) Review, via the district or school audit, if a charter school, resources and allocations

to determine if they are being used effectively for school improvement;

(c) Work with the LEA to address any identified resource inequities that negatively

impact schools and students; and

(d) Work with the LEA to develop sustainable systems to support school improvement.

Section **14** [43]. Technical Assistance for LEAs Supporting a Significant Number of

Schools Identified for Targeted Support and Improvement. (1) LEAs supporting a

significant number of schools identified for targeted support and improvement, including

additional targeted support and improvement, shall receive the following technical

assistance:

(a) Periodic site visits; and

(b) Onsite support by department staff.

(2) Department staff shall:

- 1 (a) Review LEA resources and allocations to determine if they are being used effectively
2 for school improvement;
- 3 (b) Provide technical assistance to the LEA regarding resource allocation to support
4 school improvement; and
- 5 (c) Connect LEAs with professional development opportunities to build capacity for
6 school improvement efforts.

7 Section **15** [44]. Exit Criteria. (1) A school identified for comprehensive support and
8 improvement pursuant to KRS 160.346(3)(a) or (c) shall exit that status if:

- 9 (a) It no longer meets the criteria for identification; and
- 10 (b) It demonstrates progress on the data that served as the basis for identification.

11 (2) Schools identified for comprehensive support and improvement pursuant to KRS
12 160.346(3)(b) shall exit that status if they no longer meet the criteria for identification.

13 (3) Schools identified for comprehensive support and improvement as a result of more
14 than one (1) criteria shall exit if all relevant exit criteria are met.

15 (4) Schools identified for targeted support and improvement pursuant to KRS
16 160.346(2)(a) or additional targeted support and improvement pursuant to KRS
17 160.346(2)(b) shall exit that status if they:

- 18 (a) No longer meet the criteria for identification; and
- 19 (b) Demonstrate progress on the data that served as the basis for identification.

20 (5) Schools identified for additional targeted support and improvement pursuant to KRS
21 160.346(2)(b) that do not exit that status within three (3) years shall be identified for
22 comprehensive support and improvement pursuant to KRS 160.346(3)(c).

23 **Section 16. School-Based Decision-Making Council Authority Reinstatement.**

1 (1) Within 60 days from the date of eligibility listed in the CSI exit notification
2 letter, the local board of education shall consider the issue of school-based
3 decision-making council authority reinstatement at a regularly scheduled board
4 meeting.

5 (2) Should a local board of education reinstate the council's authority, the school
6 shall hold council elections following the procedures established by the relevant
7 constituent groups prior to the suspension of the council's authority.

8 (2) Should a local board of education decline to reinstate the council's authority, it
9 shall provide the following:

10 (a) A rationale for declining to reinstate the council's authority;

11 (b) A list of criteria that the school must meet in order to seek reconsideration of
12 the decision; and

13 (c) A date at which time the school may seek reconsideration of the decision.

14 (3) Should a local board of education decline to reinstate the council's authority,
15 the advisory leadership team shall remain in place until council authority is
16 reinstated.

17 ~~[Section 15. Approved Turnaround Vendor List. (1) On or after July 1 and prior to August~~
18 ~~15 of each calendar year, an entity may request to be a KBE-approved turnaround~~
19 ~~vendor by submitting to the Chair of the KBE and the commissioner the "Turnaround~~
20 ~~Vendor Application" outlining evidence of the entity's documented success at turnaround~~
21 ~~diagnosis, training, improved performance of organizations, and expertise in using~~
22 ~~evidence-based strategies to improve student achievement, instruction, and schools.~~

~~(2) Within forty-five (45) days from receipt of a completed "Turnaround Vendor Application," the commissioner, or his designee, shall review and recommend the KBE approve or deny the "Turnaround Vendor Application."~~

~~(3) At the next regularly scheduled meeting of the KBE following the receipt of the recommendation from the commissioner, or his designee, pursuant to subsection (4) of this section, the KBE shall approve or deny a completed "Turnaround Vendor Application."~~

~~(4) Any entity with a "Turnaround Vendor Application" that has been approved by the KBE shall be placed on the approved turnaround vendor list that the KBE is required to maintain pursuant to KRS 160.346(1)(a) and, thereafter, may be selected, in accordance with KRS 160.346(8)(a), by an LEA to provide turnaround training and support to a school identified for comprehensive support and improvement.~~

~~(5) An entity placed on the KBE's approved turnaround vendor list shall annually by October 15 submit the following to the department:~~

~~(a) The name and address of each school, including charter school, identified for comprehensive support and improvement wherein the entity provided turnaround training and support during the immediately prior school year;~~

~~(b) The accountability system performance of each school, including charter school, identified for comprehensive support and improvement wherein the entity provided turnaround training and support during the immediately prior school year;~~

~~(c) An accounting of the funds the entity received during the immediately prior school year from an LEA in consideration for the entity providing turnaround training and support to a school, including charter school, identified for comprehensive support; and~~

~~(d) Any other information the department deems necessary to evaluating the performance of the turnaround vendor and reporting thereon to the KBE and the Interim Joint Committee on Education, as required by KRS 160.346(10).~~

~~(6) The KBE may revoke approval of an entity's "Turnaround Vendor Application" as a result of evidence collected pursuant to subsection (5) or through any other means and remove the entity from the approved turnaround vendor list that the KBE is required to maintain pursuant to KRS 160.346(1)(a).~~

~~(7) Any entity that has had approval of its "Turnaround Vendor Application" revoked by the KBE shall be disqualified from submitting a new "Turnaround Vendor Application" or being placed on the KBE approved turnaround vendor list for a period of two (2) years from the date of revocation.~~

~~(8) An entity may, by letter to the Chair of the KBE and the commissioner, withdraw its approved "Turnaround Vendor Application" and be removed from the approved turnaround vendor list that the KBE is required to maintain pursuant to KRS 160.346(1)(a). An entity voluntarily removed from the approved turnaround vendor list that the KBE is required to maintain pursuant to KRS 160.346(1)(a) shall be eligible to reapply using the "Turnaround Vendor Application" at any time.~~

~~(9) An entity with a "Turnaround Vendor Application" that has been denied by the KBE or one that has been voluntarily or involuntarily removed from the approved turnaround vendor list that the KBE is required to maintain pursuant to KRS 160.346(1)(a) shall be ineligible to be selected, in accordance with KRS 160.346(8)(a), by an LEA to provide turnaround training and support to a school, including charter school, identified for comprehensive support and improvement.~~

~~Section 16. Incorporation by Reference. (1) The following material is incorporated by reference:~~

~~(a) "Notification of Non-Department Turnaround Team Form," December 2020;~~

~~(b) "Turnaround Vendor Application," December 2020.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Education, Office of Continuous Improvement and Support, 300 Sewer Boulevard, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

~~(44 Ky.R. 2158, 2351, 45 Ky.R. 29; eff. 6-17-2018; 46 Ky.R. 1032, 2087, 2402; eff. 4-3-2020; 47 Ky.R. 1458, 2405; eff. 8-3-2021.)~~

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

(Date)

Dr. Robbie Fletcher
Commissioner of Education

(Date)

Sharon Porter Robinson, Chair
Kentucky Board of Education

PUBLIC HEARING AND PUBLIC COMMENT PERIOD

A public hearing on this proposed administrative regulation shall be held X at 10:00 am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky.

Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through X. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, KY 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

703 KAR 5:280

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This regulation amends the procedures for schools identified for improvement statuses in order to conform to changes made by House Bill 298 (2025).

(b) The necessity of this administrative regulation:

The amendments to this regulation are necessary in order to conform to changes made by House Bill 298 (2025).

(c) How this administrative regulation conforms to the content of the authorizing statutes:

The amendments to this regulation incorporate changes made by House Bill 298 (2025) including the annual identification cycle, the removal of turnaround vendors, the requirement for schools to participate in professional learning provided by the department, and the requirement to purchase an evidence-based curriculum. Other amendments seek to provide clarity for districts around existing requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

The amendments to this regulation conform to the changes made by House Bill 298 (2025) and will assist the department in providing clear and transparent support for schools identified for comprehensive support and improvement (CSI) status.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation:

The amendments to this regulation incorporate changes made by House Bill 298 (2025) including the annual identification cycle, the removal of turnaround vendors, the requirement for schools to participate in professional learning provided by the department, and the requirement to purchase an evidence-based curriculum. Other amendments seek to provide clarity for districts around existing requirements.

(b) The necessity of the amendment to this administrative regulation:

The amendment is necessary to conform to changes made by House Bill 298 (2025).

(c) How the amendment conforms to the content of the authorizing statutes:

The amendments to this regulation incorporate changes made by House Bill 298 (2025) including the annual identification cycle, the removal of turnaround vendors, the requirement for schools to participate in professional learning provided by the department, and the requirement to purchase an evidence-based curriculum. Other amendments seek to provide clarity for districts around existing requirements.

(d) How the amendment will assist in the effective administration of the statutes:

The amendments to this regulation conform to the changes made by House Bill 298 (2025) and will assist the department in providing clear and transparent support for schools identified for comprehensive support and improvement (CSI) status.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Board of Education, local education agencies, and public schools.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

Schools identified for comprehensive support and improvement will be required to collaborate with the Department on their turnaround process. They are required to participate in professional learning provided by the department and adopt evidence-based curriculum approved by the Department.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

There are no additional costs to any of the aforementioned entities as a result of this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

The Department will better be able to support schools identified for Comprehensive Support and Improvement (CSI) status and ensure compliance with federal regulation.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no initial cost to implementing this regulation.

(b) On a continuing basis: There are no new continuing costs to implementing this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This regulation is funded by the Department's administrative funds under 1003a of the Every Student Succeeds Act (ESSA).

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:

There are no fees associated with this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:

There are no fees associated with this regulation.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied.

The regulation applies uniformly.

FISCAL IMPACT STATEMENT

702 KAR 3:320

Contact Person: Todd G. Allen

Phone: 502-564-4474

Email: todd.allen@education.ky.gov

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.

This regulation aligns to the Every Student Succeeds Act (ESSA) and KRS 160.346 as amended by House Bill 298 (2015).

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Education, the Department of Education

(a) Estimate the following for the first year:

Expenditures: There are no new expenditures associated with this regulation.

Revenues: There are no revenues associated with this regulation.

Cost Savings: There are no cost savings associated with this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There are no new expenditures, revenues, or cost savings associated with this regulation. Activities under this regulation are funded by 1003a funds under the Every Student Succeeds Act (ESSA).

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local education agencies and schools.

(a) Estimate the following for the first year:

Expenditures: There are no new expenditures associated with this regulation.

Revenues: There are no revenues associated with this regulation.

Cost Savings: There are no cost savings associated with this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There are no new expenditures, revenues, or cost savings associated with this regulation. Activities under this regulation are funded by 1003a funds under the Every Student Succeeds Act (ESSA).

(4) Identify additional regulated entities not listed in questions (2) or (3): Kentucky Nonpublic Schools Commission, nonpublic schools.

(a) Estimate the following for the first year:

Expenditures: There are no new expenditures associated with this regulation.

Revenues: There are no revenues associated with this regulation.

Cost Savings: There are no cost savings associated with this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years?

There are no new expenditures, revenues, or cost savings associated with this regulation. Activities under this regulation are funded by 1003a funds under the Every Student Succeeds Act (ESSA).

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation:

There are no new expenditures, revenues, or cost savings associated with this regulation. Activities under this regulation are funded by 1003a funds under the Every Student Succeeds Act (ESSA).

(b) Methodology and resources used to determine the fiscal impact:

There are no new expenditures, revenues, or cost savings associated with this regulation. Activities under this regulation are funded by 1003a funds under the Every Student Succeeds Act (ESSA).

with this administrative regulation.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)

The administrative regulation is not expected to have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion:

There are no new costs associated with this administrative regulation.