

156.1611 Expedited waivers -- Expiration -- Rescission of waiver -- Appeal of denial -- Review. (Effective July 15, 2026)

- (1) Notwithstanding any provision of KRS 156.161 to the contrary, the Kentucky Board of Education shall establish and maintain a list of expedited waivers that a local board of education may submit to the commissioner of education for approval. The list of expedited waivers shall include a waiver of all statutes and administrative regulations that prohibit a district from entering into an agreement with an education service provider to assist in the management and operation of a school or program. The waiver authority delegated to the commissioner of education by the state board shall be subject to the same limitations established in KRS 156.161(1).
- (2) The commissioner shall consider an expedited waiver submitted under subsection (1) of this section and shall either approve or deny the request within ten (10) business days. The commissioner shall approve the request unless he or she determines that the expedited waiver would substantially:
 - (a) Hinder the operation of the district's schools or programs that are the subject of the waiver; or
 - (b) Impede student academic achievement within the schools or programs that are the subject of the waiver.
- (3) An expedited waiver granted by the commissioner shall expire on June 30 of the third full school year after the request was first approved, regardless of subsequent amendment, unless the commissioner renews the waiver prior to expiration. The state board may extend the duration of specific expedited waivers on the list for a longer time or permanently.
- (4) If the commissioner at any time finds that a specific expedited waiver previously granted under this section has substantially hindered school or program operations, endangered students, impeded student academic achievement, or supported financial malfeasance or criminal activity, then the waiver shall be rescinded. The existence of a waiver shall not negate the legal duties or professional responsibilities of district employees.
- (5) A local board may appeal the denial of an expedited waiver by the commissioner to the state board. To be considered by the state board, the appeal shall be filed within thirty (30) days of the denial. The state board shall consider the appeal within thirty (30) days of the appeal being filed.
- (6) By July 1 of each year, the Kentucky Board of Education shall annually review the numbers and types of expedited waivers approved under this section and waivers granted under KRS 156.161 to determine if any amendments to or repeals of administrative regulations are necessary. The review shall also include the operation of schools of innovation under KRS 156.161. The state board may also recommend statutory changes to the General Assembly to reduce unnecessary burdens on school districts and any new best practices observed from schools of innovation that would benefit schools across the Commonwealth.

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History: Created 2026 Ky. Acts ch. 180, sec. 3, effective July 15, 2026.