

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Consent Item:**

Request for Waiver from 702 KAR 4:050, Section (3) and 702 KAR 4:170, Section 2.b.3.3 by the Jefferson County School District

#### **Applicable Statute or Regulation:**

KRS 156.160(g); KRS 162.060; 702 KAR 4:050, Section (3); 702 KAR 4:170, Section 2.b.3.3

#### **Action Question:**

Should the Kentucky Board of Education (KBE) approve a request from the Jefferson County School District to waive the requirements of 702 KAR 4:050, Section (3) and 702 KAR 4:170, Section 2(b) 3.3 for the construction of the proposed Norton Commons Elementary School on a site smaller than that required and without direct access from preschool classrooms to outdoor play areas?

#### **History/Background:**

**Existing Policy.** 702 KAR 4:050 (3) requires elementary school sites to be a minimum of five acres plus one additional acre for each 100 students or fraction thereof. The proposed Norton Commons Elementary School will have a capacity of 760 students, which requires a 13 acre site. The proposed site is approximately 7.5 acres.

The new school is located in Norton Commons, a planned community utilizing “New Urbanism” concepts. Such developments are typified by a higher density of built area and greater walkability compared to standard suburban developments. The requested waiver is in keeping with this design strategy. In addition, the site is basically flat and is nearly 100% usable. The school will share facilities and parking, with the adjacent YMCA and due to the community policy of on-street parking, the need for parking on-site is lessened. Both adequate bus loading/unloading space and adequate separate stacking for parent pickup/drop-off are provided. A significant portion of the student body is expected to walk to school. A compliant outdoor physical education area is provided. A nearby park with an amphitheater is accessible and available for use.

**Existing Policy.** 702 KAR 4:170, Section 2(b) 3.3 requires that preschool classrooms have direct access to outdoor play areas. KDE has typically interpreted this regulation to require an exterior door from the classroom to the outdoor play area.

The number of preschool classrooms in this one facility is unusual. The proposed school will contain eight preschool classrooms, which are grouped together at the end of a wing. Four classrooms are located on each side of a double loaded corridor and are separated from the other grade levels. A transverse corridor provides access for preschoolers to a large exterior playground, which is enclosed by two wings of the building and fencing on the remaining side. The number of exterior doors is reduced, which provides greater security and energy efficiency.

**Staff Recommendation(s) and Rationale(s):**

Staff recommends the board approve the waiver as presented. All regulatory site use and functional requirements are provided on site or shared with the adjacent property and community. Preschool exterior access is safe and separated from the rest of the student body.

**Impact on Getting to Proficiency:**

By integrating the Norton Commons Elementary School and the Northeast YMCA, this waiver will make the school an essential part of the community, enhancing the positive attributes of the school and providing a stronger link to the community in keeping with the planning concepts. This is an alternative campus that Jefferson County, as a District of Innovation, can develop to provide greater opportunities for its students.

**Contact Person:**

Hiren Desai, Associate Commissioner  
Office of Administration and Support  
502/564-1976

[Hiren.Desai@education.ky.gov](mailto:Hiren.Desai@education.ky.gov)



Kay Kennedy, Director  
Division of District Support  
502/564-3930

[Kay.Kennedy@education.ky.gov](mailto:Kay.Kennedy@education.ky.gov)

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**Commissioner of Education**

**Date:**

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