

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

Site approval for the proposed Phelps High School Athletic Fields to replace the fields displaced by the construction of the new Phelps Elementary School in Pike County

Applicable Statute and Regulation:

702 KAR 4:050, KRS 162.010

Action Question:

Should the Kentucky Board of Education (KBE) approve the site acquisition of five properties adjacent to the existing Phelps Elementary School on State Highway 194 and the development costs for the 400-student Phelps High School Athletic Fields to replace the fields displaced by the construction of the new Phelps Elementary School for the Pike County Board of Education?

History/Background:

Existing Policy: 702 KAR 4:050 states that site acquisition and site preparation costs of the local school board shall be ten percent or less of the maximum budget for the project, unless authorized by the Kentucky Board of Education.

Priority 1.b.4 on the Pike County District Facility Plan, approved by the KBE in December 2004 with an amendment approved in June 2009, notes construction of a new 450-student elementary school to be located on a site to be determined to replace the existing Phelps Elementary School due to deterioration. After review of sites for the new Phelps Elementary School, it was determined by the district to construct the new school on the campus of the Phelps High School in the area currently occupied by the sports fields. The district proposed to raze the current Phelps Elementary and place the high school sports fields on that site and the additional five properties that total approximately 2.195 acres. The land has a front to back elevation change of about 100 ft. in the least dimension. Although portions of the site are within the 100-year floodplain, the proposed site development will raise the level of the proposed playing field to at least 12" above the flood plain. The owner has confirmed availability of all local utilities and an access to KY Highway 194.

Several issues to be considered relating to the site are as follows:

- Total costs for Demolition, Extraordinary Earthwork-Drainage and Acquisition comprise 30.7% of the total project costs.
- 702 KAR 4:050 identifies "unstable high-wall conditions of surrounding grounds" as an example of a potential safety hazard. Although no high-wall conditions currently exist, the execution of the proposed design requires the excavation of the side of the mountain and the creation of benched high walls that may be as much as 180 feet above the surface of the playing fields. The stability of these high walls and benches is unknown. Although such conditions may be common in the region for mining or transportation projects, the safety of student athletes in such a venue should be of concern to the Kentucky Department of Education (KDE). The district is preparing geotechnical data for submission to KDE; it has yet to be received.

- The district’s counsel is currently securing “forbearance agreements” from the natural gas mineral rights owner to ensure surface support, as required by Kentucky regulation 702 KSAR 4:050, Section 4(4)(a).
- The proposed site development is dependent on the approval of the Corp of Engineers, which can be a lengthy process.

Site acquisition cost and an engineer’s estimate of site development costs is as follows:

Approximate Site Acquisition Cost	\$ 570,000.00
Total Project Cost (see attached budget estimate)	\$ 6,818,174.44
Total Site Development and Acquisition Costs	\$ 7,388,174.44

Approximate Site Acquisition Cost	\$ 570,000.00
Demolition/Earthwork/Drainage Cost (see attached budget estimate)	\$ 1,698,982.50
Total Extraordinary Demolition/Earthwork/Drainage and Acquisition Costs	\$ 2,268,982.50

Total Extraordinary Demolition/Earthwork/Drainage/Acq. Costs divided by
Total Site Dev.Acq. Costs = 30.7%

The board has the following options to choose from regarding this site acquisition request:

1. Approve the purchase of the site, subject to conditions such as the United States Corp of Engineers’ approval
2. Delay action and request additional information.
3. Disapprove the acquisition of the site.

Staff Recommendation and Rationale:

Given the difficulty of finding and developing suitable building sites in Eastern Kentucky, staff recommends conditional approval of the sites by the KBE. The district is currently securing all documentation required by the “Site Selection Process” of 702 KAR 4:050. Staff will monitor all of the necessary approvals before allowing the project to move forward.

Impact on Getting to Proficiency:

Good school facilities are a necessary component for academic success; a school’s physical environment and outdoor athletic space have an impact on student achievement, and the attitude of teachers and staff. The construction of the new athletic fields allows the new elementary school to be constructed on the same campus as the Phelps High School and provides a facility that will improve the instructional environment and favorably affect district progress toward reaching proficiency.

Contact Persons:

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A handwritten signature in black ink, appearing to read "Kay Kennedy". The signature is fluid and cursive, with the first name "Kay" being more prominent than the last name "Kennedy".

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Commissioner of Education

Date:

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