

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Consent Item:

Request for Waiver of 702 KAR 4:180, Section 304 by the Fayette County School District

Applicable Statute or Regulation:

KRS 156.070; 702 KAR 4:160 and 4:180

Action Question:

Should the Kentucky Board of Education (KBE) approve a request from the Fayette County School District (Fayette) to waive the requirements of 702 KAR 4:180 regarding the allowable size for the construction of a proposed high school?

History/Background:

Existing Policy: The Kentucky School Facilities Planning Manual is incorporated by reference in 702 KAR 4:180. A copy of the manual is located here:

<http://education.ky.gov/districts/fac/Documents/Facilities%20Planning%202008.pdf>.

Table 304.7.3 Model Program of Spaces – High Schools establishes the space requirements for high schools based on the anticipated enrollment count. The regulation also provides a “Locally Identified Program Space Allowance” which is an allowance of additional square footage to be added at the discretion of the district, to respond to individual district needs and by definition, states that the allowance “shall place educational spaces as the first priority”.

Fayette County proposes to construct a new high school to accommodate 1,800 students which is in excess of the maximum student population shown in Table 304.73. In this situation, the Planning Manual indicates that the maximum projected square feet per student shall be interpolated using the given values in the table as a basis for the projected increase in allowable square footage. In determining the allowable square footage, it is the intention of the department to allow the district the maximum flexibility in determining the usage of the space. To this end, the space analysis provided herein is focused on the Total Gross Area and does not consider individual line items in the Model Program of Spaces.

By the very nature of interpolation, it is logical that the area per pupil for a 1,800 student enrollment school would be less than the 126 sq. ft per pupil indicated in the table for a 1,500 student enrollment. Rather than re-evaluate each line item in the table, for purposes of this review the 126 sq.ft. per pupil was used to provide the most generous calculation

of maximum allowable space. Extending this ratio to a 1,800 student population, the Total Gross Area and the Locally Identified Space Allowance are calculated as follows:

Total Gross Area	1800 pupils x 126 sq.ft/pupil	226,800 sq. ft.
Locally identified space allowance	20% x 226,800	45,360 sq. ft.
Max School Size		272,160 sq. ft.

The current design contains 285,790 Gross Square Footage (GSF) or 13,630 GSF more than allowable and approximately 6% above the maximum allowance provided in 702 KAR 4:180. The analysis provided by the Facilities Management Branch only considered the gross area allowed.

Staff Recommendation(s) and Rationale(s):

As noted above, the proposed high school is 13,630 GSF over the Model Program, after the maximum allowance of 20% provided in the regulation. At an estimated construction cost of \$220/SF cost as shown on the most recent BG-1 provided by the district, the cost of this overage is approximately \$3,000,000.00.

Fayette County has asked for a waiver from the Model Program space requirements in 702 KAR 4:180 and provided written justification, which notes in pertinent part:

To share some perspective on the reasons for our variance from the regulation, district leadership envisions that the instructional program for this high school requires a 21st Century facility designed with flexible and collaborative spaces, and organized into interdisciplinary 'smaller learning communities'. [Please see the attached written rationale describing the 21st Century High School Design Concepts incorporated in the current facility design.] This vision generates some conflicts with the 20 plus-year-old, traditional model described in 702 KAR 4:170 and 4:180; but we maintain that those conflicts do not make the vision wrong. The Design Development plans submitted by Tate Hill Jacobs/Perkins + Will, have been obtained through a zero-based, additive process that 'right-sized' the total space to reflect: the design capacity; the instructional functions; the combination of flexible and collaborative spaces; and the higher level of performance expected of a building to remain occupant-friendly and useful for the next 30 years.

A copy of the full justification is attached to this staff note.

KRS 156.160(2)(a) gives the state board the legal authority to grant a waiver from an existing regulation, if one of the following criteria is met:

The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:

1. An alternative approach will achieve the same result required by the administrative regulation;
2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or

3. There is a finding of good cause for the waiver.

Representatives from Fayette County will be available at the February board meeting to answer any questions the state board may have, prior to a decision being made.

Impact on Getting to Proficiency:

In Standard 4 of the Standards and Indicators for School Improvement, it is noted that the school's physical environment has an impact on student achievement. Research also indicates that better facilities enhance equity (equal opportunities for all students), attitudes and retention of staff, and parental involvement.

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Commissioner of Education

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