

## **KENTUCKY DEPARTMENT OF EDUCATION**

### **STAFF NOTE**

#### **Action/Discussion Item:**

Waiver of the minimum classroom space requirements and the minimum physical education program space requirements found in Section 304 of the Kentucky School Facilities Manual, as incorporated by reference into 702 KAR 4:180, and waiver of the bleacher seating requirements (Part 2-b.10) and the outdoor physical education space requirements (Part 2-a.13) found in the Facility Programming and Construction Criteria Planning Guide, as incorporated by reference in 702 KAR 4:170 for the Boone County School District

#### **Commissioner's Recommendation:**

The Commissioner recommends approval of the requested waivers, which will allow the district to proceed with plans for the renovation of a recently acquired facility for the creation of a new learning academy. The facility will have the capacity for 1,000 high school students focusing on STEAM (Science, Technology, Engineering, the Arts and Mathematics) delivery methods in a non-conventional classroom setting.

#### **Rationale:**

To allow the Boone County School District to proceed with plans for the “Ignite Institute”, a regional STEAM academy, waivers of 702 KAR 4:180 and 702 KAR 4:170 are required. KRS 156.160(2)(a) permits the Kentucky Board of Education (KBE), at the request of a local board of education, to waive an administrative regulation when an alternative approach will achieve the same result, implementation of the regulation will cause a hardship on the district or jeopardize the continuation of a program or if there is a finding of good cause for the waiver.

#### **Action Question:**

Should the Kentucky Board of Education (KBE) approve a request from the Boone County School District to waive the requirements of Section 304 of the Kentucky School Planning Manual, as incorporated by reference into 702 KAR 4:180, regarding classroom and physical education program space requirements for a 1,000-student High School, and the bleacher seating requirement (Part 2-b.10) and outdoor physical education space (Part 2-a.13) requirements found in the Facility Programming and Construction Criteria Planning Guide, as incorporated by reference in 702 KAR 4:170?

**Applicable Statute or Regulation:**

KRS 156.070, KRS 156.160, 702 KAR 4:160, 702 KAR 4:170 and 702 KAR 4:180.

**History/Background:**

***Existing Policy:*** The Kentucky School Planning Manual is incorporated by reference into 702 KAR 4:180. The planning manual establishes the minimum space requirements for various high school programs, including the number of classrooms and the size of physical education space. For a high school with 1,000 students, a minimum of 30 classrooms is required as well as a 16,000 square feet indoor physical education space. The Facility Programming and Construction Criteria Planning Guide is incorporated by reference into 702 KAR 4:170. The guide establishes a requirement that there is bleacher seating capacity for the entire student population for non-athletic functions and assemblies. There is also a requirement that a high school with a 1,000 students have outdoor physical education facilities.

***Summary:*** Toyota recently gifted to the Boone County Schools an existing facility, worth \$7 million, set on approximately 21 acres. The district intends to use the property to establish a STEAM high school called the Ignite Institute. The high school will offer courses for Career and Technical Education (CTE) pathways within five industry sectors—Information Technology (including computer programming hybrid and media arts), Logistics, Advanced Manufacturing, Construction (property management), and Health Sciences (such as certified nursing assistants and emergency medical technicians). The Boone County School District was awarded a \$6.84 million Work Ready Skills Initiative (WRSI) Grant to apply toward this project. The district intends to leverage this opportunity by partnering with the regional business community to establish an innovative learning academy geared toward addressing the local workforce needs.

The Ignite Institute will draw students from high schools in the region. Although the students will attend the facility full-time, enrollments will be attributed to each student's "home high school". Students will be able to participate in extracurricular activities, such as sports, at their home schools.

Under the Kentucky School Facilities Manual, as incorporated by reference into 702 KAR 4:180, a high school for 1,000 students is required to have a minimum of 30 classrooms and 16,000 square feet of indoor physical education space. The aforementioned project entails the renovation of approximately 185,000 square feet of the former Toyota facility to create learning programs for robotics, health services, media arts, science and manufacturing. Due to the nature of the proposed programs, instruction will be provided in "shop/lab" settings and utilizing collaboration areas rather than standard classrooms. Additionally, in lieu of, the required amount of physical education space the facility will contain a "21<sup>st</sup> Century" indoor fitness center with nautilus and other equipment. The district also plans to add an outdoor fitness trail. Consequently, as the proposed facilities will substitute for required classroom space and physical education space, the

requirements of Section 304 of the Kentucky School Facilities Manual, as incorporated by reference into 702 KAR 4:180 relating to minimum classrooms and physical education space should be waived.

The Facilities Programming and Construction Criteria Planning Guide, as incorporated by reference in 702 KAR 4:170, requires sufficient bleacher capacity to seat the entire student body for non-athletic functions and assemblies (Part 2-b.10) and sufficient outdoor physical education areas (Part 2-a.13). Because of the non-traditional learning model, the lack of a gymnasium containing bleachers and the lack of extracurricular activities, there is no need for such bleacher capacity. Outdoor physical education areas are also unnecessary because Ignite Institute students that wish to participate in extracurricular activities will return to their home high schools for sports.

KDE believes that the alternative approaches set out above will achieve the same educational results as intended in 702 KAR 4:180 and 702 KAR 4:170, and the proposed programs provided in the non-traditional setting will have no negative impact on student proficiency.

***Budget Impact:*** There is no budget impact at the state level.

**Groups Consulted and Brief Summary of Responses:**

The Boone County Board of Education voted unanimously to request waivers of these requirements.

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**Commissioner of Education**

**Date:**

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