

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Request from the Daviess County School District to Waive Construction Project Size Limitations Set Forth in Section 305 of the School Facilities Planning Manual, Incorporated by Reference into 702 KAR 4:180 and 702 KAR 4:160

Date: February 2020

Action Requested: ☐ Review ☐ Action/Consent ☒ Action/Discussion

Held In: ☐ Full Board ☐ Curriculum, Instruction and Assessment ☒ Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To approve regulation waiver requests submitted by the Daviess County School District related to the allowable floor area of the additions and renovation of Apollo High School. The district requests a waiver of 702 KAR 4:160 Capital Construction Process Section 6 (1)(c)4.c.(ii) and of Section 305 of the Kentucky School Facilities Planning Manual, as incorporated by reference into 702 KAR 4:180.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends approval of the requested waiver to allow the district to proceed with the proposed construction of the high school building.

APPLICABLE STATUTE OR REGULATION:

KRS 162.060, KRS 156.160; 702 KAR 4:160, 702 KAR 4:180

BACKGROUND:

Existing Policy:

The Kentucky School Facilities Planning Manual is incorporated by reference into 702 KAR 4:180. The planning manual establishes the space and efficiency requirements for high schools. When a building reaches 125% of the projected gross square footage (gsf) for that particular number of students, the facility no longer qualifies for additions of any type to be included on the District Facilities Plan in Priorities 1 through 4.

702 KAR 4:160, Capital Construction Process Section 6 (1)(c)4.c.(ii), limits the maximum gross floor area of a high school to 120% of the Model Program of Spaces. KRS 156.160 allows the KBE to approve a written request from a local board of education to waive an administrative regulation when the school district demonstrates good cause.

Summary of Issue:

The original Apollo High School facility was constructed in 1969 with an open plan classroom concept and circular "pods." Four subsequent additions were constructed in 1972, 1988, 2000 and 2006. The original building and two of the additions predate the adoption of 702 KAR 4:180

in 1991. The calculated capacity of the building is 1,127 students based on this regulation. The projected enrollment is 1,425 students. The district currently is in the process of a phased capital project which involves demolishing an existing classroom/kitchen pod and portions of the original building and constructing new classrooms, kitchen and cafeteria while maintaining the administration suite, gym, auxiliary gym and auditorium which are all oversized based on the regulation. Site limitations and existing building locations require significant circulation areas to connect existing and new construction and negatively impact the net to gross efficiency ratio.

This plan is unique and specific to the district. When interpolated for the projected enrollment of 1,425 students, the Model Program of Spaces as specified in 702 KAR 4:180, is 184,949 gsf. The total floor area of the proposed project, including the retained areas is 293,111 gsf, is 158% of the Model Program of Spaces. Adjusting the space limitations to exclude the 40,196 gsf penalty for the existing oversized areas to remain, reduces the proposed area to 137% of the allowable square footage.

Strict application of the Model Program of Spaces contained in the referenced regulations related to the unique and specific existing conditions of this facility create a hardship to the district in providing the floor area needed for adequate program areas for the projected enrollment. Therefore, the district requests waivers from these regulations in order to construct beyond the floor area limits of the regulations.

Budget Impact:

There is no budget impact on state funds as a result of approval of this request.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Daviess County Board of Education voted to request the waiver. A copy of the Daviess County Board of Education request is attached. Representatives from the school district will attend the KBE meeting and be available for discussion.

CONTACT PERSON(S):

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Interim Commissioner of Education

Category: ☐ District Innovation ☐ Strengthening Educators ☒ Family/Community Involvement
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