

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Request from the Bowling Green Independent 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 Bowling Green Independent School District related to the allowable floor area of the additions and renovation of the Bowling Green Independent High School. The district requests a waiver of 702 KAR 4:160 Capital Construction Process Section 6 (1)(c)4.c.(ii) and 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 existing Bowling Green Independent High School facility includes a natatorium (indoor swimming pool) that was part of its initial construction in 1970, which predates the adoption of 702 KAR 4:180 in 1991. The district is in the process of a phased capital project which involves

demolishing a major portion of the 1970 existing high school, including the existing natatorium. The district plans to construct a replacement facility, including a new natatorium on the existing site and retain the 41,740 gsf “arena” (physical education (PE) space) added in 1990.

This plan is unique and specific to the district, as natatoriums are not included in the Model Program of Spaces (702 KAR 4:160). The 1970 natatorium has been used for educational purposes (water safety and swimming courses) as part of freshman PE curriculum for many years. Also, the swimming pool serves as an instructional facility for five elementary schools in which water safety and swimming lessons are conducted throughout the school year. All of these activities are conducted during the school day and are part of the instructional programs. The existing 1990 “arena” contains 41,740 gsf compared to the 24,772 gsf allowable floor area for PE space in an interpolated Model Program of Spaces.

When interpolated for the projected enrollment 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 arena and a new natatorium, is 250,860 gsf, which is 136% of that allowed by the regulation. Adjusting the space limitations to exclude the penalty for the arena, brings the proposed area to 124% 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 the continuation of an existing educational program. 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 this request.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The Bowling Green Independent Board of Education voted to request the waiver. A copy of the 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

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