

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Request from the Fayette 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:** April 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 Fayette County School District related to the allowable floor area of a new facility to replace the existing Bates Creek 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 Kentucky Board of Education (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 district plans to replace the existing Bates Creek High School with a new facility. The current school was built in 1965 with additions in 1969 and 1993. The new facility will serve

1,850 students, employ a similar educational program to Frederick Douglass High School (completed in 2017) and utilize comparable energy efficient design. The KDE interpolated Model Program for 1,850 students is 230,831 gross square feet (gsf). 702 KAR 4:160 allows a high school to exceed the model program by 20%. Therefore, the area allowed by this regulation is 276,997 gsf. The total proposed gross area for the new building is 357,207 gsf or 155% of the interpolated Model Program.

The district is requesting an auxiliary gym (with support spaces) with 11,981 net square feet (nsf), a FMD Life Skills program (an MSD transitional program on DFP) with 2,948 nsf and a medical clinic with 1,887 nsf. These spaces add to the facility to create the total net program space of 201,300 nsf which with an efficiency factor of 69% yields 290,441 gsf or 126% of the interpolated Model Program. This request is similar to Frederick Douglass High School for which the board approved a waiver at its February 2015 meeting.

The additional 66,766 gsf, which increases the gross floor area to 155% of the interpolated Model Program, is related to the district's response to existing topography and geologic conditions of the available site. The existing school is located on a central campus which also serves Tates Creek Elementary and Middle School. The campus is surrounded by residential and commercial development. The area available for the new building is limited due to the location of the two existing schools, the district's desire to occupy the existing building during construction (avoid the expense for temporary mobile classroom units estimated to be approximately \$2,000,000) and other needed site improvements. The building footprint is situated on a downslope from the existing high school with an elevation change up to 60 feet between the highest and lowest points. When balancing the cut and fill (and not transporting fill material to the site), the first floor is approximately seven feet above the fill elevation. The foundation rock bearing elevations are significantly lower.

To respond to the above conditions, the district identified two options, either import approximately 45,000 cubic yards of fill material at an estimated cost of \$1,050,000 or provide a structural solution which created essentially a "walk-out basement" of an additional 66,766 gsf.

This waiver primarily is to allow the district to use the structural solution which it perceives as less expensive and more expeditious and also to use portions of the space for mechanical areas and the newly required storm shelter provisions pursuant to the 2018 Kentucky Building Code requirements.

Strict application of the Model Program of Spaces contained in the referenced regulations creates a hardship to the district in providing the structural solution desired for the new facility. 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 budgetary impact to the Kentucky Department of Education.

## GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

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

## CONTACT PERSON(S):

Robin Fields Kinney, Associate Commissioner  
Office of Finance and Operations  
[Robin.Kinney@education.ky.gov](mailto:Robin.Kinney@education.ky.gov)  
(502) 564-1976



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**Interim Commissioner of Education**

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