

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** New Marion County District Facility Plan Approval

**Date:** June 2021

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

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

### SUMMARY OF ISSUE BEFORE THE BOARD:

To take action on the proposed new District Facility Plan (DFP) for the Marion County School District. The DFP before the Kentucky Board of Education (KBE) was developed by the Marion County Board of Education. The Marion County Board of Education did not adopt the DFP recommended by the Local Planning Committee (LPC). Rather, the local board adopted their own plan as provided for in the Kentucky School Facilities Planning Manual (Planning Manual) incorporated by reference in 702 KAR 4:180. The proposed plan has been reviewed by Kentucky Department of Education Facilities Branch and is compliant with 702 KAR 4:180. Accordingly, the Commissioner hereby recommends KBE approval of the DFP.

### COMMISSIONER'S RECOMMENDATION:

The district conducted the planning process in compliance with the Planning Manual. During the process, the LPC and the local board of education failed to reach a consensus regarding the final DFP. The DFP developed by the LPC was not approved by the local board, and the board has submitted an alternate DFP to the Kentucky Board of Education (KBE), which was not approved by the LPC. Because the Marion County Board of Education plan meets the requirements of the Facilities Planning Process, the Commissioner recommends approval.

### APPLICABLE STATUTE OR REGULATION:

KRS 157.420 (4), KRS 157.622, KRS 157.620, 702 KAR 4:180

Relevant Planning Manual excerpts follow:

Chapter 1 District Facilities Planning Process

Regarding actions of the local board:

6. Local Board votes on the Draft DFP
  - a. The DFP approved by the LPC is reviewed in a scheduled local board meeting
    1. The local board votes on the proposed DFP submitted by the LPC
      - a. If accepted, the local board schedules the DFP to be reviewed in a public hearing.
      - b. If rejected, the local board returns the draft DFP back to the LPC for revision and resubmission to the local board of education.

The Marion County local board and LPC have undergone a number of rounds of the above process with the local board making a decision to invoke their ability to move forward with an alternative plan as outlined in Section 106 Board Voting:

106.7.1.3 If the changes noted by the local board are not approved by the LPC the DFP proposed by the local board shall then be considered in a Public Hearing, but it will be noted that this is not the DFP approved by the LPC.

Regarding the role and responsibilities of KBE:

Chapter 1 District Facilities Planning Process

8. Kentucky Board of Education reviews and votes on the DFP
  - a. The final proposed DFP is submitted to the KBE in their regular bimonthly meeting
    1. Enrollment data, hearing report and the DFP are submitted to the State Board for its consideration
    2. Information is reviewed in the Management Committee and a recommendation is made to the entire State Board
    3. Consideration of the submitted information and recommendation of the KBE Management Committee followed by KBE vote on the proposed DFP
  - b. Following the meeting, the local board is notified of the KBE's decision.
    1. If the DFP is approved, the DFP will govern the district's building program for the next four years.
    2. If the DFP is not approved, the State Board will include direction to the local board on how it must proceed.

## **BACKGROUND:**

### *Existing Policy:*

In accordance with 702 KAR 4:180, each district must develop a local DFP at the completion of a four-year cycle or eight-year cycle (maximum) if the district applied for, and was granted, a waiver.

### *Summary of Issue:*

The facilities planning process produces a DFP that contains an assessment of the school district's attributes and operations including the district profile, demographic information, facility conditions and finances (cost of delivery of services). Local school districts are required to select a LPC to develop a DFP outlining capital construction priorities.

Information reviewed in developing the DFP provides the LPC with a comprehensive view of program and facility needs required to provide an equitable educational opportunity. KDE staff provides the process to be undertaken by the district in an orientation package. Information for KDE review then is developed by the LPC and its consultants.

The LPC, by virtue of its makeup, encourages both community involvement and diversity of ideas. The LPC recommends a DFP to the local board of education. If the local board does not approve the DFP, it goes back to the LPC for further refinement. However, a DFP submitted for approval by the KBE is the final decision of the local board of education and may or may not reflect the determinations of the LPC.

The LPC and the local board have proposed and debated multiple plans following the appointment of the LPC on September 24, 2018. The LPC provided multiple draft DFP versions to the local board. The board rejected all the LPC versions presented to them, eventually deciding to develop and approve an alternative DFP which is allowable by regulation. A public hearing was conducted on the board's plan with the board subsequently voting 5-0 to approve the hearing report and submit the DFP to the KBE for

approval. The LPC was given the opportunity to consider the plan submitted to KBE and rejected the local board plan on two separate occasions (with votes of 16 - 1 and 12 - 7). The board approved DFP is attached with the hearing report, district's enrollment history, population projections and histories with non-resident student data.

The crux of the disagreement is the number of elementary schools in the district and how each DFP addresses the district's facilities in a holistic manner. Each DFP impacts the other schools in the district in different ways.

- The LPC's DFP (not considered here) recommended three elementary schools. It proposed closing two of the four existing schools (Lebanon and Calvary) repurposing the Knight Academy (an 8<sup>th</sup>-9<sup>th</sup> Grade Center built 1995) and relocating the Knight Academy to a proposed addition at the high school.
- The board's DFP proposes to replace one of the four elementary schools (Calvary) with a new school.

As previously stated, the LPC and the local board of education failed to reach a consensus regarding the final DFP. The DFP developed by the LPC was not approved by the local board, and the board has submitted an alternate DFP to the Kentucky Board of Education (KBE), which was not approved by the LPC. The local board may develop and submit a DFP pursuant to 702 KAR 4:180. The proposed DFP has been reviewed by KDE Facilities Branch staff and is in compliance with the regulation. Accordingly, the recommendation of staff and the Commissioner is the DFP should be approved.

#### *Budget Impact:*

While there is no impact on KDE funds related to the approval of the new DFP, the Kentucky General Assembly historically has considered district facility needs in state appropriations, including the Support Education Excellence in Kentucky (SEEK) per-pupil Capital Outlay allotment, as well as, offers of assistance outside the KDE budget through the School Facilities Funding Commission.

#### **GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:**

Public forums and a local public hearing were held in the school district. Significant support for both plans was demonstrated as evidenced in the hearing report provided.

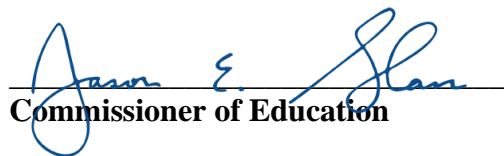
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Commissioner of Education

Category:	<input type="checkbox"/> Educator Workforce Diversity	<input type="checkbox"/> Portrait of a Graduate Partnerships	<input type="checkbox"/> Racial Equity Commitment	<input type="checkbox"/> Student-Centered Accountability System	<input type="checkbox"/> Early Childhood	<input checked="" type="checkbox"/> District Support
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