

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Fayette County School District Request for Approval of Waiver to 702 KAR 4:160
Related to Total Allowable Floor Area for a New Middle School

Date: October 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 a regulation waiver request submitted by the Fayette County School District related to the allowable floor area of a new middle school to meet student capacity. The project is in the district's highest new construction priority on its 2017 District Facility Plan (Priority 1a.3) under which the Initial Project Application was approved.

The district requests a waiver of 702 KAR 4:160 Capital Construction Process Section 6 (1)(c)4.c.(ii) related to Section 304.7 and Table 304.7.2 regarding to Model Program of Spaces in the Kentucky School Facilities Planning Manual incorporated by reference into 702 KAR 4:180.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends that the Kentucky Board of Education (KBE) approve the waiver to allow the floor area increase for the proposed new middle school.

APPLICABLE STATUTE OR REGULATION:

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

BACKGROUND:

Existing Policy:

702 KAR 4:160 Capital Construction Process Section 6 (1)(c)4.c.(ii) limits the maximum gross floor area of a middle school to one hundred twenty percent (120%) of the Model Program of Spaces.

702 KAR 4:180 incorporates The Kentucky School Facilities Planning Manual (Manual) by reference.

304.7 Model Program Spaces states "For the purpose of establishing a statewide, equitable system of "efficient common schools" that responds to the directive given in Article 183 in the Constitution of the Commonwealth of Kentucky, Model Programs of Spaces for each type of school in Kentucky are established herein. The programs establish the spaces to be provided within each school building based on projected student enrollment. These Model Programs outline the spaces that can be included in the District's Facility Plan and help to establish the district Needs Calculation. When a school has an enrollment in excess of the suggested

maximums, the maximum projected square feet per student shall be interpolated using the Maximum Program of spaces as a basis for the projected increase.”

Table 304.7.2 contains Model Program of Spaces for Middle Schools with the largest being 900 students. The Kentucky Department of Education (KDE) has interpolated these criteria for the 1,200 student middle school.

Summary of Issue:

The new middle school will serve 1,200 students in the Hamburg area which has been experiencing rapid growth for several years.

The KDE interpolated Model Program of Spaces for a 1,200 student middle school is 140,493 gross square feet (gsf). 702 KAR 4:160 allows a middle school to exceed the model program of spaces by twenty percent (20%). Therefore, the allowable area is 168,592 gsf. The total proposed gross area for the new school middle school is 171,983 gsf which is 122% or 3,391 gsf above the interpolated Model Program.

The overage is primarily attributed to the district’s desire to exceed the Locally Identified Program Space Allowance (LIPSA) defined in Planning Manual criteria due to the expansion of its administrative areas to include offices for health, mental health and social service professionals and additional corridor/common space for anti-bully, metal detection and other security measures.

Waiver requests #2, #3 and #4 ask for the model program to be recognized as a larger facility allowing 105,200 nsf in lieu of the KDE interpolated 99,750 nsf. This request increases the 120% allowable from 168,592 gsf to 177,803 gsf which allows the construction of the 171,983 gsf middle school. Granting this request will permit the project to move forward as desired achieve the district’s goals as described above. Waiver requests #1 and #5 have no impact on total floor area.

Strict application of the Model Program of Spaces creates a hardship to the district in providing the floor area desired for the new facility. Therefore, the district requests a waiver to construct above the floor area limitation provided in 702 KAR 4:160 Capital Construction Process Section 6 (1)(c)4.c.(ii).

Budget Impact:

Approval has no budget impact on state funds.

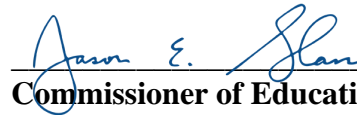
GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

- Fayette County School District
- JRA, Inc., The architect of record
- Office of Finance and Operations, Division of District Support, District Facilities Branch

All groups are generally supportive of this request.

CONTACT PERSON(S):

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Commissioner of Education

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