

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Scott County School District Request for Waiver of 702 KAR 4:180 and the 2008 Kentucky School Facilities Planning Manual which is incorporated by reference

Date: April 2022

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board Curriculum, Instruction and Assessment Operations

SUMMARY OF ISSUE BEFORE THE BOARD:

To approve the waiver of the 2008 Kentucky School Facilities Planning Manual, incorporated by reference in 702 KAR 4:180 which defines discretionary project, in part, as “Extracurricular Facilities – Construction of field houses; stadiums; sports field facilities; or any athletic facility.”

COMMISSIONER’S RECOMMENDATION:

The Commissioner recommends approval of the waiver request from Scott County Schools.

APPLICABLE STATUTE OR REGULATION:

702 KAR 4:180, KRS 156.070(4), KRS 157.420

BACKGROUND:

Existing Policy:

In accordance with 702 KAR 4:180, the Kentucky School Facilities Planning Manual provides that a discretionary project means a project to be noted on the District Facilities Plan (DFP) in Priority 5. These projects do not qualify to be included in priorities 1 through 4 and as such cannot be completed using restricted funds. Priority 5 projects shall be used to list projects by school or building that do not qualify for inclusion in the DFP in the first four (4) priorities. This priority includes extracurricular facilities such as the construction of field houses, stadiums, sports field facilities, or any athletic facility.

Summary of Issue:

The Scott County School Board has requested a waiver which would allow the district to use restricted funds on discretionary projects related to the construction of a new Scott County High School which is in the highest priority. This would include, but not be limited to, facilities for baseball, softball, soccer, football, lacrosse and indoor multi-use practice facility. Previously, Scott County Schools completed construction of Great Crossing High School and the associated athletic facilities using restricted funds. However, a recent reevaluation of KDE’s interpretation of the 2008 Kentucky School Facilities Planning Manual will not allow the district to access restricted funds for the athletic portion of the new Scott County High School without a waiver from KBE.

Budget Impact:

While there is no budgetary impact to the Kentucky Department of Education, these types of waivers can impact the unmet need calculation which is used to determine a district’s participation level in SFCC offers of assistance. Additionally, while discretionary projects are not

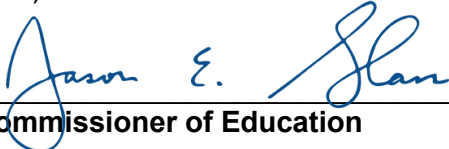
used to determine unmet need, the restricted funds spent on discretionary projects will not be available for the district's other facility needs.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

The School Facilities Construction Commission

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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
