

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Mercer 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 Mercer 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 Mercer County School Board has requested a waiver which would allow the district to use restricted funds on discretionary projects related to the construction of the Mercer County High School Sports Complex which will include but not be limited to a field house, dugouts, concession stands, restrooms, grading improvements to the band practice field, synthetic turf football/soccer fields, tennis courts, and a baseball field. This project was originally to be phased in as part of the construction of the Mercer County High School. The project was included on approved DFPs from 2013, 2018 and the pending DFP in front of Kentucky Board of Education (KBE) for approval at the April 2022 meeting.

*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

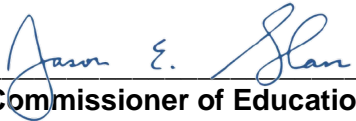
used to determine unmet need, the restricted funds spent on discretionary projects will not be available for the district's other facility needs.

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

The School Facilities Construction Commission

**CONTACT PERSON(S):**

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

  
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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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