

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Murray Independent School District Request for a Waiver of Section 304.2.1.1(3) of The Kentucky Facilities Planning Manual incorporated by reference in 702 KAR 4:180

Date: October 2023

Action Requested: Review Action/Consent Action/Discussion

Held In: Full Board State Schools United We Learn

SUMMARY OF ISSUE BEFORE THE BOARD:

Pursuant to KRS 156.160(2), the Murray Independent Board of Education requests waiver of Section 304.2.1.1(3) of The Kentucky School Facilities Planning Manual incorporated by reference in 702 KAR 4:180 which states “the resulting movement from the existing facility to the new facility shall not reduce the enrollment of the existing facility to less than 85% of its projected capacity. If individual circumstance warrants, a district may apply to the KBE for a waiver of this requirement.”

COMMISSIONER’S RECOMMENDATION:

The Commissioner recommends the Kentucky Board of Education (KBE) approve the requested regulatory waiver.

APPLICABLE STATUTE OR REGULATION:

KRS 156.160(2) and 702 KAR 4:180.

BACKGROUND:

Existing Policy:

KRS 156.160(2) provides for the waiver of KBE regulations as follows:

(a) At the request of a local board of education or a school council, a local school district superintendent shall request that the Kentucky Board of Education waive any administrative regulation promulgated by that board... The Kentucky Board of Education may approve the request when the school district or school has demonstrated circumstances that may include but are not limited to the following:

1. An alternative approach will achieve the same result required by the administrative regulation;
2. Implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or
3. There is a finding of good cause for the waiver.

(b) The following shall not be subject to waiver: 1. Administrative regulations relating to health and safety; 2. Administrative regulations relating to civil rights; 3. Administrative regulations required by federal law; and 4. Administrative regulations promulgated in accordance with KRS 158.6451, 158.6453, 158.6455, and this section, relating to measurement of performance outcomes and determination of successful districts or schools, except upon issues relating to the grade configuration of schools.

Section 304.2.1.1(3) of The Kentucky School Facilities Planning Manual as incorporated into 702 KAR 4:180 requires that the resulting movement of students from the existing facility to the new facility shall not reduce the enrollment of the existing facility to less than 85% of its projected capacity. If individual circumstance warrants, a district may apply to the KBE for a waiver of this requirement. The requirement is based on KDEs position that operating a school below the required 85% enrollment to capacity is generally not fiscally responsible.

Summary of Issue:

The current Murray Elementary School serves 527 students in grades K-3. The district proposes a new 650 student Murray Elementary School for grades K-4 on a new district facilities plan (DFP). To achieve the proposed enrollment for the new school, the district proposes to move the fourth grade from Murray Middle School (currently 4-8th grades) which will reduce the enrollment-to-capacity in the existing facility to 60%. The existing Murray Elementary School would be repurposed to become a mixed-use facility housing the Murray Preschool/Headstart, the district central office, and maintenance shop. The district requests a waiver of the Planning Manual requirement to construct a new 750 student Murray Elementary School and reduce the efficiency of the middle school to approximately 60% enrollment to capacity. KDE supports the waiver as a component of the district's new DFP and school re-organization plan.

Budget Impact:

There is no impact on KDE's budget.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

RBS Design Group regarding the development of the proposed District Facility Plan (DFP).

CONTACT PERSON(S):

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

Robin Fields Kinney
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
