

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Paris Independent School District Request for Waiver of 702 KAR 4:050

**Date:** October 2024

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

**Held In:**    Full Board    State Schools    United We Learn

### SUMMARY OF ISSUE BEFORE THE BOARD:

The Paris Independent Board of Education requests approval by the Kentucky Board of Education (KBE) of a waiver of 702 KAR 4:050 Section 4(4) which requires property acquired by a district be above the 100-year flood plain or filling of the site to bring the building and appurtenances above the 100-year elevation.

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends that the KBE approve the request for waiver of the regulatory requirement regarding the 100-year flood plain to allow the acquisition of property that will be used for parking.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.160 provides for the waiver of KBE regulations when requested by a local board of education when an alternative approach will achieve the same result required by the administrative regulation; implementation of the administrative regulation will cause a hardship on the school district or school or jeopardize the continuation or development of programs; or there is a finding of good cause for the waiver. Regulations related to health and safety, civil rights or required by federal law are not subject to waiver.

702 KAR 4:050 requires property acquired by school districts be above the 100-year flood plain as shown on a plat by a registered surveyor indicating that the property is above the flood plain.

### BACKGROUND:

*Existing Policy:*

Property acquired by a school district is to be above the 100-year flood plain; or filling the site or a portion thereof will allow construction of the building and appurtenances to be above the 100-year flood plain; or the site is of sufficient area that the portion within the 100-year flood plain will not significantly limit the development of the site for its intended purpose.

*Summary of Issue:*

The Paris Independent Middle School, High School, board office, and Greyhound Stadium campus borders Park Avenue on the east. The campus does not have adequate parking. The district requests a waiver of the regulation to purchase a 1.029 acre property at 281 Houston Avenue directly across Park Avenue from the stadium at the intersection of Park Avenue and Houston Avenue to construct additional parking. Houston Creek runs parallel to Park Avenue

and is partially located on the property. Filling the site to raise it above the 100-year flood plain is cost prohibitive and is not feasible for the intended use as surface parking.


*Budget Impact:*

There is no impact on KDE's budget.

Enter names of groups consulted and responses

**CONTACT PERSON(S):**

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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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