

## KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

**Topic:** Campbell County Board of Education Request for Waiver of 702 KAR 4:180

**Date:** February 2025

**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 Campbell County Board of Education requests a waiver to a requirement in Section 305 in the Kentucky School Facilities Planning Manual incorporated by reference in 702 KAR 4:180 which states in relevant part "When a building reaches one hundred and twenty-five percent (125%) of the projected gross square footage for that particular number of students, the facility no longer qualifies for additions of any type to be included on the District Facilities Plan in Priorities 1 through 4."

### COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends that the Kentucky Board of Education (KBE) approve the request for a waiver.

### APPLICABLE STATUTE OR REGULATION:

KRS 156.160(2) states:

(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. Beginning in the 1996-97 school year, a request for waiver of any administrative regulation shall be submitted to the Kentucky Board of Education in writing with appropriate justification for the waiver. 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 305 in the Kentucky School Facilities Planning Manual incorporated by reference in 702 KAR 4:180 states in relevant part "When a building reaches one hundred and twenty-five percent (125%) of the projected gross square footage for that particular number of students, the

facility no longer qualifies for additions of any type to be included on the District Facilities Plan in Priorities 1 through 4.”

## **BACKGROUND:**

### *Existing Policy:*

The Kentucky School Facilities Planning Manual incorporated by reference in 702 KAR 4:180 prohibits a school district from including in Priorities 1 through 4 additions to existing buildings which result in the school’s gross floor area exceeding 125% of its Model Program of Spaces for the school’s projected enrollment.

### *Summary of Issue:*

The district proposes renovation and additions to the existing middle school, Campbell County Middle School, in its District Facilities Plan (DFP) Priority 1c.1. A middle school with a projected enrollment of 1,175 students has 136,444 gross square feet (gsf) based on the Model Program of Spaces set forth in the Kentucky School Facilities Planning Manual. Per Section 305, the total allowable gross floor area in Priority 1 is 136,444 gsf x 125%, which equals 170,555 gsf.

The middle school is a former three-story, 183,819 gsf high school building. The building has an oversized gymnasium and ancillary spaces with approximately 37,300 gsf (16,900 gsf above the model program area).

The district proposes to add approximately 55,000 gsf including a new kitchen/cafeteria and classrooms that comply with 702 KAR 4:170 and result in a total gross floor area of approximately 239,000 gsf. The proposed new classrooms will also eliminate the need for temporary classrooms during a phased construction project.

The district proposes to repurpose portions of the building for its central office and alternative school which reduces the gross floor area of the existing building attributed to the middle school by 26,091 gsf. By moving the central office and the alternative school into the building, the district will be able to surplus these two existing facilities.

The district is requesting a waiver to the Section 305 125% limitation for a proposed gross floor area that is 155% of the Model Program of Spaces baseline of 136,444 gsf. Granting this waiver will allow the district to include the renovation/addition on its DFP in Priority 1c.1 and access restricted fund sources for the project.

### *Budget Impact:*

There is no impact on KDE’s budget.

**GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:** KDE staff consulted with the district and its architects.

## **CONTACT PERSON(S):**

Matthew T. Ross, Associate Commissioner  
Office of Finance and Operations

Email: Matt.Ross@education.ky.gov  
(502) 564-1976 Ext. 4321



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**Commissioner of Education**

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