

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Carroll County Board of Education Request for Waivers 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 Carroll County Board of Education requests a waiver to the following requirements in Section 305 in the Kentucky School Facilities Planning Manual incorporated by reference in 702 KAR 4:180 which states in relevant part:

“305.2.4 Spaces that are within 75% of the size noted in the ‘Model Program of Spaces’ for the 6-year projected enrollment for each school shall not be considered to be deficient and do not qualify for inclusion in the DFP within Priority 1 through 4. These spaces may be included in Priority 5 - Discretionary. [. . .] 305. 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 waiver requests.

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: “305.2.4 Spaces that are within 75% of the size noted in the ‘Model Program of Spaces’ for the 6-year projected enrollment for each school shall not be considered to be deficient and do not qualify for inclusion in the DFP within Priority 1 through 4. These spaces may be included in Priority 5 - Discretionary. [. . .] 305. 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:

Spaces which are more than 75% of its gross floor area as provided in the Model Program of Spaces are not considered to be deficient, are not to be in District Facilities Plan (DFP) Priorities 1 through 4, and are to be listed in Priority 5.

Additions to existing buildings which result in the school’s gross floor area exceeding 125% of the gross floor area provided in the Model Program of Spaces for the school’s projected enrollment are not to be in DFP Priorities 1 through 4, and are to be listed in Priority 5.

Summary of Issue:

In its development of a new DFP, the district proposes to change its Plan of School Organization. A 1-5 grade facility (elementary school) with a projected enrollment of 706 students will be moved into the current Carroll County Middle School to which renovations and additions to the kitchen and cafeteria are proposed in DFP Priority 1c.2.

The existing building consists of sections constructed in 1928, 1970, 1998, and 2016. One of the two 1998 sections consists of the kitchen and cafeteria. The reported area of the kitchen is more than 75% of the area provided in the Model Program of Spaces for an elementary school with the projected student enrollment and therefore not considered to be spatially deficient. The cafeteria is less than 75% and is deficient.

The total gross floor area of the building exceeds 125% of the allowable floor area. The district reports that if the cafeteria is left at the same size without expansion, we would have to run one lunch per grade level which would be 5 lunches and at 30 minutes per lunch would take two and a half hours, potentially 3 if we allowed for more time between lunches to clean the cafeteria properly after each lunch.

With the waiver and the expansion of the cafeteria, we could offer 3 lunches combining grades 1 and 2, grades 3 and 4 and separate grade 5 for a total of 90 minutes of lunch and potentially add only 15 -20 minutes extra to clean between 2 lunches instead of four.

The district’s architect has stated that there is no practical way to convert any of the spaces in the extra square footage to the cafeteria and kitchen so it must be constructed new so the lunch program can properly function.

The district has requested that 305.2.4 be waived and the proposed kitchen and cafeteria additions be permitted to be in DFP Priority 1c.2 rather than in DFP Priority 5 and that the 125% limitation in Section 305 be waived.

Granting the waivers will allow the district to include the additions to the kitchen and cafeteria in DFP in Priority 1c.2 and access restricted fund sources.

Budget Impact:

There is no impact on the Kentucky Department of Education's (KDE) budget.

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

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
