

KENTUCKY DEPARTMENT OF EDUCATION STAFF NOTE

Topic: Barbourville Independent Board of Education Request to exceed the ten (10) percent limitation in 702 KAR 4:050 Section 4(5) and Section 5(1)

Date: October 2025

Action Requested: ☐ Review ☐ Action/Consent ☒ Action/Discussion

Held In: ☒ Full Board ☐ State Schools ☐ United We Learn

SUMMARY OF ISSUE BEFORE THE BOARD:

The Barbourville Independent Board of Education requests that the Kentucky Board of Education (KBE), pursuant to 702 KAR 4:050 Section 4(5) and Section 5(1), approve the acquisition of the proposed site and existing building for the new 6-12th grade Career Exploration Center and 6-12th grade Multi-Purpose Field House for which the site acquisition cost exceeds ten percent (10%) of the maximum budget for the project.

COMMISSIONER'S RECOMMENDATION:

The Commissioner recommends that the KBE approve the Barbourville Independent Board of Education's request to approve the acquisition of the proposed site and existing building for the new 6-12th grade Career Exploration Center and 6-12th grade Multi-Purpose Field House for which the site acquisition cost exceeds ten percent (10%) of the maximum budget for the project.

APPLICABLE STATUTE OR REGULATION:

702 KAR 4:050 Section 4(5) states: "After evaluation of the submitted documentation, the chief state school officer shall issue an approval to acquire the property or disapprove the acquisition, except when approval is required by the State Board for Elementary and Secondary Education for site cost analysis survey and acquisition cost exceeding ten percent (10%) of the maximum budget for the project."

702 KAR 4:050 Section 5(1) states in relevant part: "Acquisition and site preparation costs of the local school board shall be ten percent (10%) or less of the maximum budget for the project, unless authorized by the State Board for Elementary and Secondary Education."

BACKGROUND:

Existing Policy:

702 KAR 4:050 Section 4(5) and Section 5(1) require approval by the KBE before a local board of education can acquire property for which the acquisition cost and the site development cost exceed ten percent (10%) of the maximum project budget.

Summary of Issue:

The Barbourville Independent Board of Education desires to acquire a 7± acre site in the City of Barbourville on which the Stivers Aquatic Center, a 38,000± square foot building containing an Olympic-sized swimming pool, is located. As proposed by a related amendment to the district's district facilities plan (DFP), the purpose of the acquisition is to renovate approximately 15,600 square feet of the building to create a 6-12th grade Career Exploration Center with 12 career

laboratories and to renovate the remaining portion of the building to create a 6-12th grade multipurpose field house.

As noted below, the site acquisition cost exceeds the ten percent (10%) of the total project budget threshold established by the regulation and requires approval by the KBE.

Site Acquisition Cost	\$4,000,000.00
Total Project Cost	\$8,020,734.00

$\$4,000,000.00 / \$8,020,734.00 = 49.9\%$

Budget Impact:

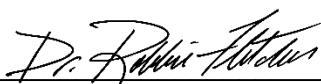
There is no impact to KDE's budget.

GROUPS CONSULTED AND BRIEF SUMMARY OF RESPONSES:

- Summit Architects + Engineers, D. Scott Noel, President/CEO, provided a Statement of Project Probable Cost of \$8,020,734.00 which included the acquisition cost.
- Barbourville Ind. Schools, Dennis Messer, Superintendent, stated that "The Barbourville Board of Education has reviewed all potential sites within the City School District and could not find one that meets the school system's needs. The site that was [chosen] was the adequate space needed for our current school projects and will provide our students with space needed for current and future needs. No comparable sites for purchase in our school district are equivalent to a building this size within 15 miles."
- Evans Appraisal Services, Charles W. Evans, Certified General Appraiser, provided an appraisal indicating that the estimate of the market value of the subject property as of March 10, 2025, was \$4,325,000.

CONTACT PERSON(S):

Matthew T. Ross, Associate Commissioner
Office of Finance and Operations
Email: Matt.Ross@education.ky.gov
(502) 564-1976 Ext. 4321



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
