



KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard, Frankfort, KY 40601

MEMORANDUM 58

**TO: Kentucky School District Superintendents, Finance Officers, and Facility Directors;
Design Professionals, Construction Managers, Fiscal Agents, and Facilitators serving K-12
Public Schools**

FROM: Greg Dunbar, Manager, District Facilities Branch

DATE: November 26, 2025

SUBJECT: 702 KAR 4:180 The Kentucky School Facilities Planning Manual Section 501 Waiver Process

WAIVER (DFP) means a request made by the local district to KDE to extend the (4) four-year cycle of their District Facilities Plan. If a waiver is granted by KDE, the DFP that is in place at the time of the request will continue in place for an additional four (4) year cycle or until the district develops a new DFP.

Beginning immediately, the process for a district extending the current DFP under Section 501 will be as follows:

1. The local board of education shall form a newly constituted LPC following all the normal rules and procedures.
2. The newly constituted LPC shall conduct a scheduled and advertised public meeting to consider:
 - a. current DFP,
 - b. district financial information,
 - c. district demographic information,
 - d. current physical condition of facilities, and
 - e. any additional information deemed necessary.
3. The current DFP may be extended beyond its due date if:
 - a. It has been less than eight (8) years since a new DFP has been developed by the local planning committee and approved by the KBE, and
 - b. The district shows no significant change in enrollment, educational programs or building needs since the last district facility plan was developed.
4. If the LPC wishes to recommend to the local board of education to extend the current DFP, it must be done so by unanimous vote.

5. If the local board of education agrees with the LPC and wishes to extend the current DFP, the local board of education, by unanimous vote, shall pass a motion that requests approval of a waiver from the commissioner to extend the current DFP.
6. The local board must submit the request for waiver, letter of explanation including supporting documentation, and board order to the commissioner (DFB) for review.
7. DFB may request additional information as noted in 501.5.1.
8. DFB shall review the request and send a letter to the district informing them if the waiver is approved. That letter will state:
 - a. if denied, next steps for the district, or
 - b. if approved, define the due date for the next DFP and remind the district that per the regulation the DFP cannot be extended again.
9. Pursuant to HB 727/HB 6, an approved DFP must be reported to the KBE and a denied DFP may be appealed to the KBE.

If you have any questions regarding this matter, please contact Assistant Director, Marshall Smith

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