

School Board Policy 6Gx50-7.13

LEVEL OF SERVICE

1. **Introduction.-** The School Board of Palm Beach County shall achieve and maintain the adopted Level of Service ("LOS") consistent with the requirements of school concurrency and the adopted Public School Concurrency Interlocal Agreement ("Interlocal").
2. **Implementation of the Five-Year District Facilities Work Program ("Program").** The District shall provide timely new school capacity and maintain existing capacity by the orderly implementation of its Program (also known as the Five-Year Capital Facilities Plan).
3. **Boundary and Program Adjustments**
 - a. **Maximum Utilization.-** The Board shall maximize utilization of capacity through program and/or boundary adjustments and shall annually institute necessary program and/or boundary adjustments or provide additional capacity to ensure that all schools of each type in each Concurrency Service Area ("CSA") and each individual school will operate at the adopted LOS throughout the five-year period. CSA modifications are governed by Article V of the Interlocal.
 - b. **Level of Service ("LOS").-** To ensure that the capacity of schools is sufficient to support student growth at the adopted LOS for each year of the five-year planning period for each CSA, the District shall establish for all schools of each type within each CSA and each individual school that:
 - i. A tiered LOS shall be in force pursuant to the Tiered Level of Service Table in the Public Schools Facilities Element until August 1, 2004.
 - A. The CSA's tiered LOS shall not be exceeded.
 - B. Individual school's LOS, which exceeds the tiered LOS, during the time that the tiered LOS is in effect, shall not exceed the utilization standards for that school type as shown in the Maximum Utilization Table of the Public School Facilities Element.
 - C. Necessary boundary and program adjustments will be made so that the tiered LOS is not exceeded in each CSA.
 - ii. After August 1, 2004, the following LOS standards shall apply:
 - A. One hundred ten percent (110%) of capacity (utilization) as determined by the Florida Inventory of School Houses ("FISH"); or
 - B. Up to one hundred twenty percent (120%) of FISH capacity (utilization/LOS) (test two), for individual schools subject to the results of School Capacity Study ("SCS") to determine if a particular school can operate in excess of one hundred ten percent (110%) capacity.
 - C. The SCS shall be required if a school in the first FTE student count of the second semester reaches one hundred eight percent (108%) or above of FISH capacity.
 - D. Notwithstanding the above, upon determination by TAG if a school is planned and under contract which will relieve capacity of an existing school, the school shall be allowed to exceed the 120% maximum utilization for a period not to exceed 2 years. The former is intended to prevent the movement of students more than once.
 - c. **School Capacity Study ("SCS").-** When a SCS is required by District policy or the adopted Interlocal, the SCS shall determine if the growth rate within each CSA, causing a particular school's LOS to exceed one hundred ten percent (110%) of capacity, is temporary or reflects an ongoing trend affecting the LOS for the five-year planning period.
 - i. At a minimum, the SCS shall consider:
 - A. Demographics in the CSA within which the school is located;
 - B. Student population trends;
 - C. Real estate trends, e.g. existing redevelopment and new development;
 - D. Teacher/student ratios; and
 - E. Core facility capacity (which will also be taken into consideration when adding modular capacity).
 - ii. If the SCS concludes that the school can operate within the FISH guidelines and not exceed one-hundred twenty percent (120%) LOS (utilization), then that school shall be

considered to be operating within the adopted LOS and the CSA LOS shall be amended. Local governments will be notified to amend their comprehensive plans in the next round of amendments to reflect this additional capacity.

- iii. Either the District or a local government may request a SCS.
- d. Program Option Adjustments
 - i. The District shall regularly review and institute necessary program adjustments to not exceed the LOS in each CSA and each individual school.
 - ii. The Board shall establish policies for achieving and maintaining optimum effective enrollment capacities for program options within school facilities. These policies shall address the impacts on sending and receiving schools while meeting the requirements of school concurrency.
 - iii. Upon achieving the maximum utilization of capacity (LOS) at a particular school facility with a program option, the subsequent program option students applying from outside the school assignment area shall be assigned to the closest magnet school with the same program which has not exceeded its LOS.
 - iv. The Board shall establish objectives for the Choice Program. The program shall be evaluated for its effectiveness. Consideration shall be given to optimizing resources for the program's implementation, timing and phasing.
- 4. **Capacity Measurement.**-- For purposes of this Policy, capacity shall be calculated as follows:
 - a. Capacity of an existing school is its FISH capacity as measured in October, 2002. Capacity for new facilities or additions shall be that shown on the School Board-approved educational specifications for that school.
 - b. Capacity added by modulars shall be calculated using 100% of the 2002 FISH-capacity formula. Beginning August 2004, capacity added through modulars shall be calculated at 100% of the state FISH capacity then in effect.
- 5. **New Capacity**
 - a. The Board shall initiate the necessary program and/or boundary adjustments to reflect the new capacity for the schools that are scheduled to be constructed and opened for each year of the District's Program.
 - b. These adjustments shall be consistent with the data and analysis provided in the CSA Tables of the District's Program.
- 6. **Modification of the Adopted LOS**
 - a. The adopted LOS, not to exceed one-hundred twenty percent (120%), will be modified by an addendum to the adopted Interlocal.
 - b. The Technical Advisory Group ("TAG"), established by Article VI of the Interlocal, may evaluate and recommend a modification of the adopted LOS standard requested by the District or participating local government.
 - c. At least fifty-one percent (51%) of the parties to the Interlocal and the Board must concur to the modification of the adopted LOS.

STATUTORY AUTHORITY: §§ 1001.32(2); 1001.41(2), 1001.42(22); 1001.43(4), (5), Fla. Stat.

LAW(S) IMPLEMENTED: §§ 163.3161; 163.3164; 163.3177; 163.3180(13); 1001.32(2); 1001.41(6); 1001.42(4); 1013.33, Fla. Stat.

RULES SUPPLEMENTED: 6A-2.001, 9J-5.005, F.A.C.

ADOPTED INTERLOCAL AGREEMENT FOR SCHOOL CONCURRENCY, 5/28/03: Article V, Sections F and G, Article VI

ADOPTED 2003-2007 FIVE YEAR CAPITAL FACILITIES PLAN: Section 4.44

HISTORY: 04/06/1983, 02/05/1997; 12/10/2001; 9/8/03

School Board **Policy 6Gx50-7.131**

COORDINATED PLANNING

1. **Cooperation.-** The Superintendent/designee shall exchange data with local governments to coordinate planning in accordance with the Public School Concurrency Interlocal Agreement ("Interlocal") for the term of the Interlocal.
2. **Student Enrollment Projections.--** Using the Cohort Survivor method as its foundation, the District shall endeavor to improve enrollment projection methodologies pursuant to the adopted Interlocal. The following shall serve as inputs to the projections:
 - a. By November 1st of each year, the Superintendent/designee will utilize the Florida Department of Education Student Enrollment Projections together with the local government and Florida Bureau of Economic and Business Research ("BEBR") population projections to develop student enrollment projections.
 - b. The District shall use annual estimates of new residential housing units as provided by the Palm Beach County Planning, Zoning and Building Department as a basis for public school student enrollment population projections.
 - c. The District shall evaluate disaggregated projections of new residential housing units prepared by the Palm Beach County Planning, Zoning, and Building Department, considering the population projections contained in each local government's comprehensive plan and the Florida Department of Education Capital Outlay Full Time Equivalent ("COFTE") student enrollment projections.
 - d. The District shall endeavor to improve enrollment projection methodologies pursuant to the adopted Interlocal.
3. **Student Enrollment Multipliers**
 - a. The District shall initially apply student enrollment generation multipliers pursuant to the Interlocal.
 - b. By January 2002, the Superintendent/designee will update student enrollment generation multipliers for different housing unit types for new residential construction utilizing data from the Palm Beach County Property Appraisers Office and fall 2001 student data.
4. **Publication of Data:**
 - a. The District shall annually publish the:
 - i. Annual update of the district's Five-Year District Facilities Work Program ("Program") (also known as the Five-Year Capital Facilities Plan).
 - ii. First FTE student enrollment count of all schools of each type in each CSA and each individual school.
 - b. On or before November 1 of each year, the Superintendent/designee shall publish updated data concerning school capacity. This shall include the:
 - i. Enrollment of each individual school based on the first FTE student count;
 - ii. Actual capacity of each school;
 - iii. Number of students that may be housed at a facility given the current educational program; and
 - iv. Enrollment and capacity for all schools of each type in each Concurrency Service Area ("CSA").
5. **Update of Data.-** The District shall specifically update the data regarding the utilization of the schools upon any of the following occurrences when:
 - a. New capacity becomes operational; or
 - b. A School Capacity Study ("SCS") is approved; or
 - c. Residential concurrency determinations are issued.
6. **Coordinated Information.-** On or before October 1 of each year the Superintendent/designee shall provide to each local government the adopted Program showing existing and planned public school facilities and construction.
7. **Proposed School Sites**
 - a. Pursuant to Article VIII, Section G of the Interlocal, the Superintendent/designee shall coordinate planning and site location of educational facilities with each local government.

- b. The District will provide an updated comprehensive map series which shows school site(s) which are proposed for construction or site acquisition based upon the adopted Program.
- 8. **Infrastructure Requirements.**- Upon identifying specific sites for schools, the Superintendent/designee shall coordinate with the local government for the infrastructure required to support public school facilities in accordance with Florida Statute Chapters 163 and 1013 and the State Requirements for Educational Facilities ("SREF").

STATUTORY AUTHORITY: §§ 1001.32(2); 1001.41(2); 1001.42(22); 1001.43(4), (5), Fla. Stat.

LAW(S) IMPLEMENTED: §§ 163.3161; 163.3164; 163.3177; 163.3180(13); 1001.32(2); 1001.41(6); 1001.42(4); 1013.33, Fla. Stat.

RULES SUPPLEMENTED: 6A-2.001, 9J-5.005, F.A.C.

ADOPTED INTERLOCAL AGREEMENT FOR SCHOOL CONCURRENCY, 5/28/03: Article VIII, Sections A, B, D, and G

ADOPTED 2003-2007 FIVE YEAR CAPITAL FACILITIES PLAN: Section 4.44

HISTORY: 12/10/2001; 9/8/03

School Board Policy 6Gx-50-7.132

FIVE-YEAR DISTRICT FACILITIES WORK PROGRAM: ANNUAL UPDATE, AMENDMENT, AND ADOPTION

1. **Financially Feasible District Facilities Work Program (Capital Facilities Plan).**- To achieve and maintain maximum utilization of school capacity in accordance with the requirements of school concurrency, the Five-Year District Facilities Work Program ("Program") (also known as the Five-Year Capital Facilities Plan) shall demonstrate the ability to finance capital improvements from existing revenue sources and alternative funding mechanisms in order to:
 - a. Correct deficiencies and meet future needs; and
 - b. Achieve and maintain the adopted Level of Service ("LOS") for each year of the five (5) year planning period for all schools of each type in each Concurrency Service Area ("CSA") and each individual school; and
 - c. Ensure the amount of money to be spent in each fiscal year for the planning, preparation, land acquisition, and actual construction and renovation of each school project which adds capacity or modernizes existing facilities; and
 - d. Specify all new construction, remodeling or renovation projects which will add permanent capacity or modernize existing facilities; and
 - e. Prepare for the needs of the long range planning period.
2. **Provisions of the Annual Five-Year District Facilities Work Program ("Program") (Capital Facilities Plan).**- The Superintendent/designee shall ensure the District's Program shall:
 - a. Identify the projected enrollment, capacity and utilization percentage of all schools of each type for each CSA and each individual school for each year of the Plan; and
 - b. Provide for required modernization; and
 - c. Maintain the adopted LOS standards and ensure that the school capacity shall be utilized to the maximum extent possible; and
 - d. Satisfy the District's constitutional obligation to provide a county-wide uniform system of free public schools; and
 - e. Provide a description of each school project; and
 - f. Perform the necessary program and/or boundary adjustments; and
 - g. Annually update the CSA Tables and The School District of Palm Beach County Six Year Capital Improvement Schedule when updating the Program.
3. **Criteria for New Capacity.**- The Superintendent/designee shall evaluate the Program and each annual update to determine the amount of capacity to be added, if any, based on:
 - a. Sufficient capacity to achieve and maintain the adopted LOS yearly for all schools of each type in each CSA and each individual school; and
 - b. The District's current Educational Plant Survey; and
 - c. Projected increases in enrollment;
 - d. The current and projected five-year LOS in each CSA; and
 - e. General location of schools in the District's Program which will be built within each CSA; and
 - f. Consistency with Future Land Use Elements of each local government Comprehensive Plan.
4. **Transmittal.**- On or before July 1 of each year, the Superintendent/designee shall transmit the proposed Program along with data and analysis necessary to demonstrate the financial feasibility to:
 - a. The Technical Advisory Group ("TAG"); and
 - b. The participating local governments.
5. **Update and Adoption.**- On or before September 15 of each year, the Superintendent/designee shall update and the Board shall adopt the District's Program for public school construction in Palm Beach County.
6. **Material Amendment to First Three Years of the District Facilities Work Program.**- The Board shall not amend the Program so as to modify, delay or delete capacity-related projects in the first three (3) years of the Program unless the Board determines by written findings, with the concurrence of at least five (5) Board members, that modification, delay or deletion of a project is required due to:
 - a. The District's constitutional obligation to provide a county-wide uniform system of free public schools or other legal obligations imposed by state or federal law; or
 - b. An unanticipated change in population projections or growth patterns; or

- c. Capacity in a location that has a current greater need than the originally planned location and does not cause the adopted LOS to be exceeded in the CSA from which the originally planned project is modified, delayed or deleted; or
 - d. Concurrency is suspended pursuant to Article III, Section H, of the Interlocal; or
 - e. At the request of one of the parties to this agreement, the project schedule or scope has been modified to address local government concerns, and the modification does not cause the adopted LOS to be exceeded in the CSA from which the originally planned project is modified, delayed or deleted.
7. **Ten-Year and Twenty-Year Facilities Work Plan.** - Fla. Stat. § 1013.35(2)(b) makes the adopted Program a part of the tentative District Educational Facilities Plan, which also contains the educational plant survey pursuant to Fla. Stat. § 1013.35(1)(a), (2). This District Educational Facilities Plan shall be:
- a. Adopted annually by the Board in accordance with the procedures in Fla. Stat. § 1013(2)(d), (e), (3), (4);
 - b. Based upon enrollment projections and facility needs for the five-year, ten-year, and twenty-year periods; and
 - c. Be tentative and used only for general planning purposes.

STATUTORY AUTHORITY: §§ 1001.32(2); 1001.41(2), 1001.42(22); 1001.43(4), (5), Fla. Stat.

LAW(S) IMPLEMENTED: §§ 163.3161; 163.3164; 163.3177; 163.3180(13); 1001.32(2); 1001.41(6); 1001.42(4); 1013.33, 1013.35, Fla. Stat.

RULES SUPPLEMENTED: 6A-2.001, 9J-5.005, F.A.C.

ADOPTED INTERLOCAL AGREEMENT FOR SCHOOL CONCURRENCY, 5/28/03: Article V, Section H

ADOPTED 2003-2007 FIVE YEAR CAPITAL FACILITIES PLAN: Section 4.44

HISTORY: 04/06/1983, 02/05/1997; 12/10/2001; 9/8/03

School Board **Policy 6Gx-50-7.133**

IMPLEMENTATION OF SCHOOL CONCURRENCY

1. **Responsibility for Application Intake and Review.**- In accordance with the Public School Concurrency Interlocal Agreement ("Interlocal") to establish school concurrency, the Board designates the Superintendent who shall assign a designee to be responsible for review of applications for residential development orders for a concurrency determination that are submitted to the local governments.
2. **Intake of Application and Response Time**
 - a. The application for a residential development order shall be first submitted to the local government.
 - b. The local government shall submit the fully completed application for residential development to the District for review and determination as to whether school capacity is available concurrent with the impact of the proposed residential development.
 - c. The District shall log in the completed application by date and time stamp.
 - d. The District shall process each completed application in the order in which it is received.
 - e. No application will be reviewed and processed without receipt of the application fee.
 - f. The application review and determination process shall not exceed fifteen (15) work days.
3. **Fees**
 - a. The application fee schedule shall be based on the amount necessary to recoup the actual costs for the application determination and review process.
 - b. The application fee schedule shall be adopted by the Board and shall be incorporated herein by reference.
 - c. The non-refundable application fee shall be submitted by the applicant to the District.
4. **Concurrency Determination Review Criteria.**- The District shall review each application in accordance with the following criteria to determine whether school capacity is available concurrent with the impact of the proposed residential development:
 - a. Concurrency determination shall be measured on the basis of the twenty-one (21) Concurrency Service Areas (CSAs) as described in the adopted Interlocal.
 - b. The District shall use the information contained in the Development Review Table created in accordance with the Interlocal for calculation of capacity utilization of each type of school within the specific CSA, and the projected student enrollment impact of the proposed residential development.
 - c. The District shall determine the resulting Level of Service ("LOS") for each type of school within the CSA or, if necessary, in the adjacent CSAs.
 - d. If the LOS is exceeded, and new capacity in the CSA will be in place or under actual construction in the first three years of the District's Five-Year Capital Facilities Plan ("Plan"), the new capacity will be assigned for the determination of school capacity for the new residential development.
 - e. If the projected student growth from the residential development causes the adopted LOS to be exceeded in the particular CSA and that type of school and capacity exists in one or more contiguous CSAs, the applicant shall receive a Letter of Determination of Concurrency ("Letter") pursuant to the terms of the Interlocal.
5. **Letter of Determination of Concurrency ("Letter")**
 - a. The District shall issue a Letter stating that the applicant is in compliance if the concurrency determination review criteria stated in Section 4 is met.
 - b. If the applicant is not in compliance, the Letter shall detail why the development is not in compliance and shall offer the applicant an opportunity to enter into the ninety (90) day negotiation period described in Section 6.
6. **Concurrency Mitigation Procedure**
 - a. **Ninety (90) Day Negotiation Period**
 - i. If a Letter cannot be issued under the criteria as stated in Section D, the applicant shall be allowed to enter a ninety (90) day negotiation period with the District in an effort to mitigate the impact from the development.
 - ii. Mitigation options must consider the District's educational delivery methods and requirements, and the State Requirements for Educational Facilities ("SREF").

- iii. If the capacity is not in the Plan, the applicant may submit the following for consideration by the School Board:
 - A. Donate buildings for use as a primary or alternative learning facility;
 - B. Renovate existing buildings for use as learning facilities;
 - C. Construct permanent student stations or core capacity of a school;
 - D. Initiate an agreement with a new or existing charter school;
 - E. Initiate an agreement with an existing or new private school.
- iv. If the capacity is contained in the District's Plan, the applicant may build the school(s) in advance of the time set forth in the District's Plan.
- v. If approved, the Board shall enter into an agreement to reimburse the applicant at such time as the school(s) would have been funded in the District's Plan.
- b. **Impact Fee Credit.**- The applicant shall receive appropriate impact fee credit for the donation of a building, renovation of existing buildings to provide new capacity, or construction of a permanent student station or core capacity.
- c. **Second Letter of Determination of Concurrency ("Second Letter")**
 - i. Upon conclusion of the ninety (90) day period, the District shall issue a Second Letter.
 - ii. If mitigation is agreed to, the Second Letter shall find the applicant is in compliance and shall be conditioned on those mitigation measures agreed to by the applicant and the Board.
 - iii. The mitigation measures shall be memorialized in an agreement between the Board and the applicant that specifically details mitigation provisions to be paid for by the applicant and the relevant terms and conditions.
 - iv. Prior to the Board's approval of the mitigation plan, the local government in which any proposed mitigation is to occur shall have the opportunity to review the mitigation options.
 - v. The mitigation options shall be limited to those which the Board is prepared to accept and assume the responsibility to operate.
 - vi. If mitigation is not agreed to by the Board and the local government, the Second Letter shall detail why any mitigation proposals were rejected and detail why the application is not in compliance.
- 7. **Term of School Concurrency.**- A Letter issued by the District shall be valid for one (1) year from the date of issuance. A determination may be extended for two consecutive six month periods providing the School District receives documentation that the application is progressing in good faith through the local government's review process. Once the Local Government Site Specific Development Order ("DO") is issued, the concurrency determination shall run with the life of the development order as long as the DO is valid.
- 8. **Exemption Rule.**- The following shall be exempt from meeting school concurrency requests:
 - a. Legally created single-family lots of record, for a single-family residence existing at such time as the ordinance implementing school concurrency is adopted.
 - b. Any residential development or any other development with a residential component that received final approval of a DO prior to the commencement date of school concurrency or is exempt from concurrency which was previously approved under a local government's concurrency regulations for that component.
 - c. Any new residential development that has filed a complete application for a DO or any amendment to any previously approved DO pending prior to the commencement date of the School Concurrency Program shall be exempt from the school concurrency requirements as long as the development order remains in effect.
 - d. Any amendment to any previously approved residential development, which does not increase the total number of units or change the type of unit.
 - e. Any previously approved residential development or any other previously approved development with a residential component located within any existing Transportation Concurrency Exception Area as defined in § 163.3180(5), Fla. Stat.

STATUTORY AUTHORITY: §§ 1001.32(2); 1001.41(2), 1001.42(22); 1001.43(4), (5), Fla. Stat.

LAW(S) IMPLEMENTED: §§ 163.3161; 163.3164; 163.3177; 163.3180(5); 163.3180(13)(2); 1001.32(2); 1001.41(6); 1001.42(4); 1013.33, 1013.35, Fla. Stat.

RULE SUPPLEMENTED: 6A-2.001, F.A.C.

ADOPTED INTERLOCAL AGREEMENT FOR SCHOOL CONCURRENCY, 5/28/03: Article V, Sections B, F and G

ADOPTED 2003-2007 FIVE YEAR CAPITAL FACILITIES PLAN: Section 4.44

HISTORY: 04/06/1983, 02/05/1997; 12/10/2001; 9/8/03