



## **POLICY 7.132**

**5-F** I recommend that the Board approve development of the proposed **revised** Policy 7.132, entitled “Five-Year Plan and Capital Budget; Annual Update, Amendment, and Adoption.”

[Contact: Joe Asen, PX 48922.]

### **Development**

### **CONSENT ITEM**

- The revisions are being proposed:
  - To correct terminology, and
  - To more accurately reflect current practices
  - To update statutory references

POLICY 7.132

**FIVE-YEAR DISTRICT FACILITIES WORK PROGRAM FIVE – YEAR PLAN AND CAPITAL BUDGET: ANNUAL UPDATE, AMENDMENT, AND ADOPTION**

- 1  
2  
3  
4 1. **Financially Feasible District Facilities Work Program (Capital Facilities Plan) Five – Year Plan and Capital Budget (Five – Year Plan)** - to achieve and  
5 maintain maximum utilization of school capacity in accordance with the  
6 requirements of school concurrency, as provided in the School Concurrency  
7 Interlocal Agreement (ILA), the Five-Year Plan District Facilities Work Program  
8 ("Program") (also known as the Five-Year Capital Facilities Plan) shall demonstrate  
9 the ability to finance capital improvements from existing revenue sources and  
10 alternative funding mechanisms in order to:  
11
  - 12 a. Correct deficiencies and meet future needs; and
  - 13 b. Achieve and maintain the adopted Level of Service ("~~LOS~~") (LOS) for each  
14 year of the five (5) year planning periods for all schools of each type in each  
15 Concurrency Service Area ("~~GSA~~") (CSA) and each individual school; and
  - 16 c. Designate the amount of money to be spent in each fiscal year for the  
17 planning, preparation, land acquisition, and actual construction and renovation  
18 of each school project which adds capacity or modernizes existing facilities;  
19 and
  - 20 d. Specify all new construction, remodeling or renovation projects which will add  
21 permanent capacity or modernize existing facilities; and
  - 22 e. Prepare for the needs of the long range planning period.
- 23 2. **Provisions of the Annual Five-Year Plan District Facilities Work Program**  
24 **("Program") (Capital Facilities Plan) – The Superintendent/designee shall**  
25 **ensure-The District's Plan shall:**
  - 26 a. Identify the projected enrollment, capacity and utilization percentage of all  
27 schools of each type for each CSA and each individual school for each year of  
28 the Plan; and
  - 29 b. Provide for required modernization; and
  - 30 c. Maintain the adopted LOS standards and ensure that the school capacity shall  
31 be utilized to the maximum extent possible; and
  - 32 d. Satisfy the District's constitutional obligation to provide a county-wide uniform  
33 system of free public schools; and

- 34 e. Provide a description of each school project; and
- 35 f. Perform the necessary program and/or boundary adjustments; and
- 36 g. Annually update the CSA Tables and The School District of Palm Beach  
37 County Six Five - Year Capital Improvement Plan. ~~Schedule when updating~~  
38 ~~the Program.~~
- 39 3. **Criteria for New Capacity.** - The Superintendent/designee shall evaluate the Five  
40 - Year Plan Program and each annual update to determine the amount of capacity  
41 to be added, if any, based on:
- 42 a. Sufficient capacity to achieve and maintain the adopted LOS yearly for all  
43 schools of each type in each CSA and each individual school; and
- 44 b. The District's current Educational Plant Survey, and
- 45 c. Maximizing the use of schools; and
- 46 d. Projected increases or decreases in enrollment; and
- 47 e. The current and projected five-year LOS in each CSA; and
- 48 f. General location of schools in the District's Five - Year Plan Program which  
49 will be built within each CSA; and
- 50 g. Consistency with Future Land Use Elements of each local government  
51 Comprehensive Plan.
- 52 h. Class Size Reduction and other state mandates.
- 53 i. Equity considerations, such as modernization needs.
- 54 4. **Transmittal.**- On or before July 1 of each year, the Superintendent/designee shall  
55 transmit the proposed Five - Year Plan ~~Program~~ along with data and analysis  
56 necessary to demonstrate the financial feasibility to:
- 57 a. The Technical Advisory Group ("TAG"); and
- 58 b. The participating local governments and the County.
- 59 5. **Update and Adoption.**- On or before September 15 of each year, the  
60 Superintendent/designee shall update and the Board shall adopt the District's Five  
61 - Year Plan Program for public school construction in Palm Beach County.
- 62 6. **Material Amendment to First Three Years of the District's Five - Year Plan**  
63 **Facilities Work Program.**- The Board shall not amend the Five - Year Plan

64 Program so as to modify, delay or delete capacity-related projects in the first three  
65 (3) years of the Five – Year Plan Program unless the Board determines by written  
66 findings, with the concurrence of at least five (5) Board members, that modification,  
67 delay or deletion of a project is required due to:

68 a. The District's constitutional obligation to provide a county-wide uniform system  
69 of free public schools or other legal obligations imposed by state or federal  
70 law; or

71 b. An unanticipated change in population projections or growth patterns; or

72 c. An unanticipated change in funding sources; or

73 d. Capacity in a location that has a current greater need than the originally  
74 planned location and does not cause the adopted LOS to be exceeded in the  
75 CSA from which the originally planned project is modified, delayed or deleted;  
76 or

77 e. ~~Concurrency is suspended pursuant to Article III, Section H, of the Interlocal;~~  
78 ~~or~~

79 f. At the request of one of the parties to this agreement, the project schedule or  
80 scope has been modified to address local government concerns, and the  
81 modification does not cause the adopted LOS to be exceeded in the CSA from  
82 which the originally planned project is modified, delayed or deleted.

83 7. ~~Ten, Year and Twenty-Year~~ The Five, Ten, and Twenty – Year District  
84 Educational Facilities Work Plan. - As required by Fla. Stat. § 1013.35(1), (2), (3),  
85 and (4) the District shall complete a Five, Ten, and Twenty Year Facilities Work  
86 Plan document in a format mandated by the FLDOE Office of Educational Facilities  
87 Department that shall be consistent with the School District's Five –Year Plan  
88 document. The Five, Ten, and Twenty – Year Facilities Work Plan (FLDOE  
89 document) shall be: ~~(2)(b) makes the adopted Program a part of the tentative~~  
90 ~~District Educational Facilities Plan, which also contains the educational plant~~  
91 ~~survey pursuant to Fla. Stat. § 1013.35(1)(a), (2). This District Educational~~  
92 ~~Facilities Plan shall be:~~

93 a. Adopted annually by the Board; and in accordance with the procedures in Fla.  
94 Stat. § 1013.35(2)(d), (e), (3), (4);

95 b. Be a complete, balanced, and financially feasible capital outlay plan for the  
96 District; and

97 c. Based upon enrollment projections and facility needs for the five-year, ten-  
98 year, and twenty-year periods; and

- 99           d. Annually submitted to the FLDOE Office of Educational Facilities Department;  
100           and
- 101           e. The Ten and Twenty Year Work Plan shall be tentative and used only for  
102           general planning purposes

103 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(2), 1001.42(25);  
104 1001.43(2),(4)&(5)

105 LAWS IMPLEMENTED: Fla. Stat. §§ 163.3161; 163.3164; 163.3177; 163.3180(13);  
106 1001.32(2); 1001.41(6); 1001.42(4); 1013.33, 1013.35

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

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

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

111 HISTORY: 04/06/1983, 02/05/1997; 12/10/2001; 9/8/03; \_\_/ \_\_ 2009

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.132 and finds it legally sufficient for development by the Board.

---

Attorney

---

Date