



## **POLICY 7.135**

**4-M** I recommend that the Board adopt the proposed revised Policy 7.135, entitled "Program Capacity."

[Contact: Kristin Garrison, PX 48935.]

### **Adoption**

### **CONSENT ITEM**

- The Board approved development of this revised Policy at the development reading on May 26, 2010.
- This revision will allow the school facilities space to meet the educational needs of all students while complying with statutory and local regulations by establishing procedures to allow deviations from and exceptions to the Educational Plant Survey.
- This revision also updates statutory references.

POLICY 7.135

PROGRAM CAPACITY

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3 1. **Purpose.** -- To allow the school facilities space to meet the educational needs of  
4 all students while complying with statutory and local regulations by establishing  
5 procedures to allow deviations from and exceptions to the Educational Plant  
6 Survey. The scope of the deviation from approved standards for determining  
7 space needs and the exception to the recommendations in the educational plant  
8 survey are set forth below. Pursuant to Fla. Stat. § 1003.62(2), this Policy  
9 implements Waiver # 2 under charter district status, approved by the State Board  
10 of Education ("SBE") on January 21, 2003, providing exemption from specified  
11 aspects of Fla. Stat. §§ 1013.03(10)(a) and 1013.72 and the SBE rules  
12 implementing those statutes, concerning program capacity. The Policy should be  
13 revised as necessary to maintain consistency with the Charter School District  
14 Contract with the SBE and should be repealed if charter district status is not  
15 renewed. The scope of the exemption and the practices authorized to replace the  
16 waived statutory requirements are set forth below, substantially as presented to the  
17 SBE.
  
- 18 2. **Deviations and Exceptions Allowing Program Capacity**-- Pursuant to Fla. Stat.  
19 § 1013.31(1) (b) (5), the Educational Facilities Plan may include space needs that  
20 deviate from approved standards for determining space needs if the deviation is  
21 justified by the district and approved by the department or the Board of Governors,  
22 as appropriate, as necessary for the delivery of an approved educational program.  
23 Additionally, pursuant to Fla. Stat. § 1013.32, an exception to the  
24 recommendations in the educational plant survey may be allowed if a board  
25 considers that it will be advantageous to the welfare of the educational system or  
26 that it will make possible a substantial saving of funds.
  
- 27 3. **Rationale for the Deviations and the Exemption Exceptions**-- Fla. Stat. §§  
28 1013.03(10)(a) and 1013.72 would normally requires the District to prepare an  
29 educational plant survey and whereby it must undergo a review to verify that  
30 student station and auxiliary facility space allocations do not exceed the limits  
31 provided by ~~this chapter~~ Fla. Stat. Chapter 1013, and related rules, and to compare  
32 total capital outlay full-time equivalent (FTE) enrollment projections in the survey  
33 with Department of Education ("DOE") projections. Under current formulas, spaces  
34 used for essential special programs are counted by the DOE as regular  
35 instructional space, thereby limiting the District's ability to construct adequate  
36 school facilities to meet growth in specific geographic areas and to meet program  
37 needs. As a result, these formulas do not allow enough space for the many special  
38 programs in the District's schools. ~~Some examples~~ An example of the programs a  
39 program includes:
  - 40 a. *English for Speakers of Other Languages (ESOL)*: In some neighborhoods, a

41 higher than state-average number of ESOL programs is needed to serve the  
42 school population. Many ESOL students require an intensive program with a  
43 lower teacher-pupil ratio in a "pull-out" setting (typically in resource rooms).  
44 To meet this student instructional need in some schools, there would be  
45 competing uses for resource rooms in schools whose actual usage of resource  
46 rooms is much higher than currently recognized by the State.

47 b. ~~*Parent Involvement.* A primary focus of several federally sponsored and~~  
48 ~~mandated programs in the public school system is parent involvement and~~  
49 ~~parent literacy. At times implementation of parent involvement programs~~  
50 ~~requires that non-students (parents and young children) use space during the~~  
51 ~~daytime to receive program services. In some schools these types of~~  
52 ~~programs are critical to the success of their students. Because DOE formulas~~  
53 ~~would not currently allow space to be set aside for this purpose, space used in~~  
54 ~~this way would count towards permanent classroom space.~~

55 4. **Deviations and Exceptions to the Educational Plant Survey. Approved**  
56 **Alternative Practice** -- The School Board will determine space needs at the local  
57 level, based on local projections and program needs. The District will continue to  
58 use Florida Inventory of School Houses (FISH) as the baseline reporting measure.  
59 The District will provide for Board-approved deviations from the baseline, based on  
60 special programs in a school. The District will also follow the requirements of the  
61 Interlocal Agreement for School Concurrency. The primary funding source for  
62 deviations from use of the FISH baseline will be locally supported alternative  
63 funding, currently Certificates of Participation.

64 5. **Criteria.** -- The District will conform to the criteria contained in the Interlocal  
65 Agreement for School Concurrency, signed by ~~26~~ 27 cities, the County and the  
66 School Board. The measurement of utilization will be based on the School Board-  
67 approved space needs of the following programs: ESOL, ESE, Pre-K, ~~parent~~  
68 ~~involvement programs~~, Title I-related programs, and other Board-approved special  
69 programs offered at a school. Annual space utilization surveys will also be  
70 conducted to assess use of space at each school. For example, schools with high  
71 ESOL populations have significant space facility needs in order to provide the  
72 appropriate instructional program for their students, and the alternative practice will  
73 enable the instructional space used by ESOL students to be measured based on  
74 actual use. The Program Capacity for each school will generally be determined as  
75 follows:

76 a. For schools that have a School Board-approved Educational Specification, the  
77 Program Capacity listed on the Educational Specification will be used.

78 b. For schools without a Board-approved Educational Specification, the FISH  
79 capacity for the school will be multiplied by .85 to allow for program needs at  
80 the school.

81 6. **Impact on Students and Advantages to the Educational System.** -- The waiver  
82 deviations from and exceptions to the Educational Plant survey for program  
83 capacity will enable the District to utilize school space to meet the specific needs of  
84 the school population. All of the programs listed above are essential to the  
85 academic success of students. Additionally, by allowing the District to construct  
86 additional instructional space, ~~this waiver~~ these deviations and exceptions is are  
87 consistent with and support the goals and objectives of Constitutional Amendment  
88 #9 for reduction of class size.

89 7. **Monitoring and Reporting.**-- The School Board will receive a reporting chart each  
90 ~~spring~~ fall showing compliance with concurrency level of service and capacity  
91 utilization percentage at each school, as well as FISH capacity and program  
92 capacity. District staff will also prepare the annual reports required by the School  
93 Concurrency Interlocal Agreement. As required by Fla. Stat. § 1013.32, " a board  
94 upon determining that an exception is warranted, must present a full statement, in  
95 writing, setting forth all the facts to the Commissioner of Education".

96 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(22); 1001.43(4);  
97 ~~1003.62(2)~~ 1013.31(1) (b) (5), and 1013.32

98 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.41(1), (3); 1001.42(4), (9); 1013.03(10) (a); 1013.72

99 HISTORY: 3/24/2003; \_\_\_/\_\_\_2010

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.135 and finds it legally sufficient for adoption by the Board.

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Attorney

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Date