

POLICY 7.132

5-F I recommend the Board approve the proposed revisions to Policy 7.132, to be renamed "Five-Year District Facilities Work Program: Annual Update, Amendment, and Adoption."

[Contacts: Kris Garrison, Angela Usher, or Jeanne Mills, 434-8100.]

Development

CONSENT ITEM

- The minor revisions proposed in this Policy and three others in Chapter 7 are needed to implement amendments to the Interlocal Agreement for Concurrency, on which at least 51% of the municipalities have recently signed off.
- Nomenclature, terminology, and statutory citations are also updated to reflect the new K-20 Education Code. For example, the Five-Year Capital Facilities Plan is renamed to conform to Fla. Stat. § 1013.35 and SREF as the "Five-Year District Facilities Work Program."
- Fla. Stat. § 1013.35(2)(b) makes the adopted Five-Year Facilities Work Program a part of the tentative District Educational Facilities Plan (including tentative 10- and 20-year plans), which also contains the educational plant survey pursuant to Fla. Stat. § 1013.35(1)(a), (2).
- Any Board member with technical questions about this revision is invited to confer with the contact persons listed above.

POLICY 7.132

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

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

- 33 g. Annually update the CSA Tables and The School District of Palm Beach
34 County Six Year Capital Improvement Schedule when updating the Plan
35 Program.
- 36 3. **Criteria for New Capacity.**— The Superintendent/designee shall evaluate the
37 Plan Program and each annual update to determine the amount of capacity to be
38 added, if any, based on:
- 39 a. Sufficient capacity to achieve and maintain the adopted LOS yearly for all
40 schools of each type in each CSA and each individual school; and
- 41 b. The District's current Educational Plant Survey; and
- 42 c. Projected increases in enrollment;
- 43 d. The current and projected five-year LOS in each CSA; and
- 44 e. General location of schools in the District's Plan Program which will be built
45 within each CSA; and
- 46 f. Consistency with Future Land Use Elements of each local government
47 Comprehensive Plan.
- 48 4. **Transmittal.**— On or before ~~May 31~~ July 1 of each year, the
49 Superintendent/designee shall transmit the proposed Plan Program along with data
50 and analysis necessary to demonstrate the financial feasibility to:
- 51 a. The Technical Advisory Group ("TAG"); and
- 52 b. The participating local governments.
- 53 5. **Update and Adoption.**— On or before September 15 of each year, the
54 Superintendent/designee shall update and the Board shall adopt the District's Plan
55 Program for public school construction in Palm Beach County.
- 56 6. **Material Amendment to First Three Years of the District Capital Facilities**
57 **Work Plan Program.**— The Board shall not amend the Plan Program so as to
58 modify, delay or delete capacity-related projects in the first three (3) years of the
59 Plan Program unless the Board determines by written findings, with the
60 concurrence of at least five (5) Board members, that modification, delay or deletion
61 of a project is required due to:
- 62 a. The District's constitutional obligation to provide a county-wide uniform system
63 of free public schools or other legal obligations imposed by state or federal
64 law; or
- 65 b. An unanticipated change in population projections or growth patterns; or

- 66 c. Capacity in a location that has a current greater need than the originally
67 planned location and does not cause the adopted LOS to be exceeded in the
68 CSA from which the originally planned project is modified, delayed or deleted;
69 or
- 70 d. Concurrency is suspended pursuant to Article III, Section H, of the Interlocal;
71 or
- 72 e. At the request of one of the parties to this agreement, the project schedule or
73 scope has been modified to address local government concerns, and the
74 modification does not cause the adopted LOS to be exceeded in the CSA from
75 which the originally planned project is modified, delayed or deleted.
- 76 7. **Ten-Year and Twenty-Year Facilities Work Plan.**— In addition to the Fla. Stat. §
77 1013.35(2)(b) makes the adopted Plan Program a part of the Board shall annually
78 adopt a ten-year and twenty-year the tentative District Educational Facilities Plan,
79 capital facility work plan which also contains the educational plant survey pursuant
80 to Fla. Stat. § 1013.35(1)(a), (2). This District Educational Facilities Plan shall be:
- 81 a. Adopted annually by the Board in accordance with the procedures in Fla. Stat.
82 § 1013(2)(d), (e), (3), (4);
- 83 b. Based upon enrollment projections and facility needs for the five-year, ten-
84 year, and twenty-year periods; and
- 85 c. Be tentative and used only for general planning purposes.

86

87 STATUTORY AUTHORITY: §§ 163.3177(9); 230.03(2) 1001.32(2);
88 1001.41(2), 1001.42(22); 1001.43(4), (5), Fla. Stat.

89 LAW(S) IMPLEMENTED: §§ 163.3161; 163.3164; 163.3177;
90 163.3180(13); 230.03(2) 1001.32(2); 230.22(6) 1001.41(6); 230.23(4) 1001.42(4);
91 1013.33, 1013.35, Fla. Stat.

92 FLORIDA ADMINISTRATIVE CODE IMPLEMENTED RULES SUPPLEMENTED: 6A-
93 2.001, 9J-5.005, F.A.C.

94 ADOPTED INTERLOCAL AGREEMENT FOR SCHOOL CONCURRENCY, 01/25/01

95 ___/___/03 : Article V, Section H

96 ADOPTED 2001-2006 FIVE YEAR CAPITAL FACILITIES PLAN: Section 4.44

97 HISTORY: 04/06/1983, 02/05/1997; 12/10/2001; ___/___/03

Legal Signoff:

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

Attorney

Date