

POLICY 7.136

Adoption of proposed new Policy 7.136, to be entitled "Maximum Cost per Student Station," to be adopted on a fast-track basis pursuant to the public hearing on Feb. 17, followed by 28 days' legal notice as allowed by the Administrative Procedure Act.

[Contact: Joseph Sanches, 357-7573.]

Adoption per 28-day Notice, Ending March 24, 2003

Approved Feb. 17, 2003, to take effect March 24, 2003

- This Policy implements Waiver # 3 under Charter District status, approved by the State Board of Education.
- On January 13, 2003, after multiple opportunities for public input, the Board approved a document substantially the same as this proposed Policy, as part of the Charter School District application.
- On January 21, the State Board of Education approved a document substantially the same as this proposed Policy, as part of the SBE's granting of Charter District status.
- In spite of this District's tradition, the Administrative Procedure Act does not actually require two readings to adopt a rule/Policy. A Policy can be adopted by mere passage of time (28 days) after the first/only reading. (A second hearing would be required only if an affected person were to specifically request it within 21 days of the publication of notice.) See Fla. Stat. § 120.54(2)(c), (3)(a)(1), (3)(c)(1), and (3)(e)(2).
- Considering the previous level of public notice and opportunity for public input and the prior approval of substantially the same document by the School Board and State Board of Education, this Policy will be adopted on a fast-track basis on the 28th day after advertisement of notice following the Feb. 17 approval.

POLICY 7.136**MAXIMUM COST PER STUDENT STATION**

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5 **1. Purpose.--** Pursuant to Fla. Stat. § 1003.62(2), this Policy implements Waiver # 3
6 under charter district status, approved by the State Board of Education ("SBE") on
7 January 21, 2003, providing exemption from specified aspects of Fla. Stat. §
8 1013.64(6) concerning maximum cost per student station. The Policy should be
9 revised as necessary to maintain consistency with the Charter School District
10 Contract with the SBE and should be repealed if charter district status is not
11 renewed. The scope of the exemption and the practices authorized to replace the
12 waived statutory requirements are set forth below, substantially as presented to the
13 SBE.
- 14
15 **2. Rationale for the Exemption.--** Special facilities such as vocational education
16 laboratories and hurricane shelters, which are more expensive to build, result in
17 exceeding the statutory cap on maximum cost per student station as set forth in
18 Fla. Stat. § 1013.64(6). Other factors such as small schools on tight urban sites,
19 Building Code requirements for 140 mph winds, and a booming construction
20 market all result in construction prices higher than most other areas of the state.
21 The School District has built, and will continue to build, schools that are frugal and
22 provide the maximum cost efficiency to the public, while providing enriching
23 programs that have proven to be best practices for achieving academic success.
24 To date almost all new schools have been constructed within the maximum cost
25 per student station.
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27 **3. Approved Alternative Practice.--** Prior to submitting construction contracts to the
28 School Board for award, staff will meet with the Construction Oversight and Review
29 Committee ("CORC") to review project costs. Staff will identify to CORC and the
30 School Board all projects that would exceed the maximum cost per student station
31 and which criterion, described below, would justify exercising the waiver. Staff will
32 provide separate cost information relative to each of the criteria to the extent
33 practical. Change orders for these projects will also be properly identified and
34 discussed with CORC. Any costs exceeding the statutory maximum cost per
35 student station will be funded locally either through Certificates of Participation,
36 impact fees, or other local means.
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38 **4. Criteria.--** The following criteria will be used to determine when this waiver will be
39 exercised:
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41 **a. Career Academy Clusters.--** Secondary schools that contain career
42 laboratories exceeding 5% of the facilities square footage. The cost of
43 constructing laboratories for programs such as construction, television,
44 culinary arts and information technology, for example, can be 25% - 150%
45 more expensive to build. This is due to the infrastructure needs (i.e. floor
46 loads, electrical capacity, cooling demand, etc.) and the amount of space

47 needed per student to ensure a safe work environment.

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49 b. *Emergency Shelters.*-- Fla. Stat. § 1013.372 requires that school districts build
50 certain facilities as emergency shelters. The cost of making a school an
51 emergency shelter can be upwards of \$1 million or more, for special holding
52 tanks, extra valves and controls, and reinforced construction.

53
54 c. *Schools in Wind Zones 120 mph and Higher.*-- Only eight of the state's
55 counties have wind zones at or above 130 mph and only six counties have
56 wind zones at or above 140 miles per hour. Palm Beach County has wind
57 zones of 120, 130, and 140 mph, as indicated in the wind-borne debris map
58 published by the Department of Community Affairs and the Florida Building
59 Commission. In accordance with the new Florida Building Code which
60 became effective March 1, 2002, schools constructed in these areas are
61 required to have features such as specially-designed roofs, wall panels, and
62 foundations, to prevent wind uplift. They also require special windows and
63 doors to stop projectiles. These features add approximately 15-20% to the
64 cost of constructing a new school.

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66 d. *Small Urban Schools.*-- Small schools, defined as elementary schools of 500
67 student stations or less, middle schools of 700 student stations or less and
68 high schools of 900 student stations or less, cost more to build because
69 economies of scale are lost when core facilities and infrastructure costs are
70 spread over a smaller number of students. For example, an elementary
71 school of 500 students still requires a principal, assistant principal, clinic,
72 cafeteria, media center, playground, and all of the other features required by
73 an elementary school of 970 students.

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75 e. *Schools on Small Sites Requiring Three or More Stories.*-- Schools that are
76 built three or more stories high cost more because they must meet more
77 stringent Building Code requirements for Type II Construction. These
78 requirements more than offset savings from reduced roof area and fewer
79 foundations. The additional costs are incurred because all structural members
80 must be made of non-combustible material and must also have a higher fire
81 resistance than one and two-story schools.

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83 5. **Impact on Students.**-- It is anticipated that implementation of this Policy will assist
84 in providing all students with a rigorous academic program necessary to meet
85 graduation requirements, as well as providing them with a wide range of career
86 training programs; and the District will build comprehensive facilities with the
87 capacity to meet program needs in academic and career training areas. The
88 schools will operate as "schools within a school" to provide students with varied
89 program options, while maintaining focused support for students in program
90 clusters. It is anticipated that providing a range of options to meet the students'
91 needs in a comprehensive school will result in decreased dropout rates, higher
92 student achievement, and higher graduation rates. Emergency shelters do not

93 provide a direct impact specifically to students; however, they do serve an
94 important and necessary community function and they are required by law. If
95 emergency shelters were not required, funding could be used for other capital
96 needs to reduce class size or provide other necessary facilities. The same
97 rationale applies to building schools in 120 mph wind zones. The District typically
98 builds new elementary schools for 970 students, middle schools for 1300 students
99 and high schools for 2500 students, all as "schools within a school;" however, there
100 are situations in which the District has determined it necessary to build smaller
101 schools. The District has several elementary schools and a few middle and high
102 schools that are less than 500, 700, and 900 students, respectively; and studies
103 have shown that smaller schools provide advantages to students, including higher
104 attendance, better performance, and lower incidence of violence.

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106 **6. Monitoring and Reporting.**-- At the conclusion of each construction project, staff
107 will report final cost to CORC and the School Board. Staff will identify the amount
108 above the maximum cost per student station by subtracting the maximum cost per
109 student station from the total project cost including change orders. Staff will also
110 monitor graduation rates at schools that incorporate career clusters to determine
111 how the graduation rates compare with comparable schools that do not include
112 career clusters. Academic achievement, as measured by standardized testing, will
113 be compared between the smaller and standard-sized schools to determine if there
114 is a positive impact on students.

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116 STATUTORY AUTHORITY: §§ 1001.41(2); 1001.42(22); 1001.43(4); 1003.62(2).
117 Fla. Stat.

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119 LAWS IMPLEMENTED: §§ 1001.41(1), (3); 1001.42(4), (9), (10); 1003.62(2) and
120 exemption from aspects of § 1013.64(6), Fla. Stat.

121
122 HISTORY: / / 2003

Legal Signoff:

The Legal Department has reviewed proposed Policy 7.136 and finds it legally sufficient for development by the Board.

Attorney

Date