School Concurrency
“Planning For Our Future”

School Planning Workshop
February 13, 2009

“Planning For Our Future”

Panel

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“Planning for our Future”

Agenda

1. Introduction of Panel
2. School Concurrency
   - Interlocal Agreement
   - Public Schools Facilities Element (PSFE)
     - Level of Service
     - Financially Feasible
     - Concurrency Service Areas
3. Mitigation of Impacts
4. Participation in Land Use Decisions
5. Greatest Challenges
6. Demographic issues
7. Recap of Issues for Success
8. Question and Answer

What is Concurrency?

- “Concurrency” is defined as meaning that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.
  (Florida Administrative Code Chapter 9J-5)
ILA—How the SB is Brought into Development Process

- The ILA confirms all parties’ commitment to School Planning coordination & sharing information, including joint meetings of the City, County and School District.

- The ILA addresses important issues such as: school siting process, school capital & infrastructure planning, student enrollment & projections, county population projections, and growth & development trends.

- The ILA outlines how the School Board will be a formal part of the County’s and City’s development review process.

PSFE--How the Developers are Brought into the Process

- **School Capacity (Level of Service)**
- Concurrency Service Areas (CSA)
- Proportionate Fair Share Mitigation Options
- Provisions for Infrastructure
- School Siting & Planning
- Safe Routes to school
Level of Service

“Appropriate level of service standard” means school facilities adequate for the purpose of providing education for the projected enrollment that can be achieved and maintained throughout each year of the five-year planning period. [Chap.9]-5.025 FAC

LOS Concepts

- LOS indicates the capacity per unit of demand for each public facility.
- LOS **must** be financially feasible.
- LOS can be defined by school type, but not by an individual school site.
**LOS Concepts**

- All 5 Counties, LOS uses permanent FISH but does not include portables/relocatables.
- St. Lucie plan for program capacity to be developed.
- Some program adjustments were added for example; Title I in the LOS formula.

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**Sample LOS**

- Percentage of F.I.S.H. capacity utilized (Enrollment divided by Capacity)
- Must be consistent County-Wide
CSA Concepts

- Designed CSA boundaries to follow census tracks and School/ County Planning Areas.
- Conforms to the County Urban Service Boundary
- Addresses natural or man-made impediments such as water, bridges, Interstate & turnpike.
- Takes into account transportation issues

Concurrency Service Area Concepts

- Most counties did not consider a district-wide CSA.
- CSA are driven primarily by geographic areas’ transportation issues.
- Some Florida districts are using school attendance zones, school planning zones
- There is some discussion at the State level regarding the elimination of “ghost CSA” or no-school CSA.
- Need to Balance Capacities to adopt highest LOS
SLC SCHOOL CAPACITY PLANNING
AREA MAP (15 Planning Areas)

Financial Feasibility

- 100% Utilization: Desired
- 150% Utilization: Affordable
Financial Feasibility - Challenges

- The School Board is **obligated** to plan and fund to the adopted LOS.
- The Schools rely on state funds for school construction. State revenues are declining & are at best inconsistent.
- Local revenue sources are declining.
- Impact Fees are declining & may be discontinued.
- Few other revenue sources available.
- The national & state economies are in recession.

Financial Feasibility - Challenges

- The law defines “financial feasibility” to mean sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements.
Financial Feasibility - Challenges

- In 2008, the Legislature appropriated **ZERO dollars** for Class Size Reduction (CSR) and 2 Mills went to 1.75 Mills.

- In 2009, the Legislature has not appropriated CSR money and the PECO New Construction has dwindled or is non-existent.

Proportionate Fair Share Mitigation Options

- Options for the proportionate share mitigation are addressed in each County’s PSFE and the ILA.

- Even in the absence of available capacity, development may be approved if the developer agrees to provide mitigation proportionate to the demand for schools created by the project. SB must agree and have capacity to put in 5-year plan.
Proportionate Fair Share Mitigation Options

- Counties have listed the following mitigation options:
  - Land donation
  - Renovation of existing facilities
  - Construction of permanent student stations
  - Mitigation banking (Developer built schools)
  - Districts can consider other possible mitigation as permitted by state law.

Mitigation Tools

SB’s tools to mitigate impacts of growth
- Impact Fees
- School Site Dedications
- Capital Funding
  - Capital improvement tax (CIT)-\( \times 1.75 \text{ mil} \)
  - \( \frac{1}{2} \) cent sales tax, requires voter approval
- Participation on Land Use Decisions
Educational Impact Fees

- 29 Counties have Educational Impact fees
- Those that don’t have Educational Impact fees
  - 20 Counties have <1% student growth
  - 12 Counties have > 1% but less that 2% student growth
  - 6 Counties have > 3% student growth
- Pending Legislation on not collecting impact fees
Use of Capital Funds

Board Decisions on expenditure of capital funds
- Renovation & Repairs
- New Capacity
Participation in Land Use Decisions

Local
- Developer Pre-Applications
- Site Plan Review
- Planning & Zoning
- City/Board of County Commissioners

Regional & State
- Regional Planning Council
- Department of Community Affairs

Density Increase- must have adequate public facilities - including schools (sample DCA comments)
“Martinez Plan March 2000”

Interoffice Memorandum

March 20, 2000

TO: Board of County Commissioners

FROM: Mel Martinez, Orange County Chairman

RE: Land Use Approvals and School Overcrowding

In recent weeks and months, the Board has faced a number of requests for residential land-use approvals in areas of the county where public schools are seriously overcrowded. The Board’s frustration over the apparent lack of options to address the problem has once again been evident, and I can assure you that I very much share the frustration.

I have been perplexed with the issue since shortly after taking office, when I realized that, as Mr. Wilkes explained at Board meeting last month, the Florida legislature has “turned school concurrency upside down.” Unlike road concurrency, where census and censuses are prohibited from issuing certificates of occupancy in areas where roads are congested, under the “school concurrency” statute we may be prohibited from denying C.O.’s where schools are overcrowded unless we have gone through an extraordinarily onerous, perhaps impossible, obstacle course. Obviously, as we contemplate a new approach, we must be careful to strike a balance, taking into account the rights of property owners and the value that the development community adds to our local economy.

With the able assistance of the members of the Public Schools Task Force that I formed last year, I still intend to consider implementation of school concurrency. However, implementing school concurrency is so difficult that, as I am told, not one county or city in Florida has succeeded in doing it. In my view, counties and cities in Florida are hardly indifferent to the issue of school overcrowding. Instead, counties and cities are stymied by a statute that seemingly turns a deaf ear to the educational needs of our children.

Because school concurrency has proven to be such an ineffective and useless land-use tool, I directed our planning and legal staffs last year to review once again the state of the law in Florida and to determine where in the several stages of the land-use approval process, if at all, school overcrowding legally can be considered as the Board’s decisions to grant or deny approvals. I wanted to know whether the concurrency statute can be used to preempt other sources of legal authority such as charter county home-rule powers. The analysis has been completed, and I

Capacity Enhancement Agreements

At time of Change in Land Use developer agrees to voluntary contribution to allow for enhancement to schools to mitigate demand on public schools
Subject: Capacity Enhancement Application

In order to process Capacity Enhancement Applications, OCPS will conduct a financial analysis. Capacity Enhancement Applications must demonstrate both that the proposal will address the immediate critical deficiency in the school(s) impacted, and must have a completed financial analysis showing that the proposed capacity enhancement, coupled with long-term capital revenues, will address all impacts.

The financial analysis must be completed prior to review and staff recommendations to the School Board for adoption.

To do the analysis, we need the following input from the applicant:

- School Capacity Determination Form
- A projected construction schedule – start date for building construction and build-out year.
- Project site location map (major cross streets must be clearly marked)
- When item #15 (see sample checklist) is completed, five (5) signed original agreements are required from the owner(s). You, and/or your representative, will be contacted.
- A letter (or e-mail sent to David Moon at OCPS) from the local government regarding the applicable number of wasted units.

A letter from the owner(s), or owner’s representative, outlining the proposal and a check or money order in the amount of $1,000 made out to OCPS will also be required. Please submit this required information to the above office, attention Dennis Fritz.

Note: Applicant must have applied to the local government and OCPS must have provided written comments prior to submission of a Capacity Enhancement application.

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Agreement for Contribution Toward Public School LAND ACQUISITION AND FACILITIES CONSTRUCTION (DIG DEVELOPERS, LLC)

This Agreement ("Agreement") is made and entered into this __ day of January, 2006, by and between the School Board of St. Lucie County ("School Board") and DIG DEVELOPERS, LLC (a Florida limited liability company) ("DIG").

Whereas, DIG is the owner of that property identified in Exhibit "A" attached hereto and made a part hereof ("Property"); and

Whereas, the Property has recently been annexed into the City of Port St. Lucie ("City"); and

Whereas, DIG proposes to change the St. Lucie County ("County") future land use designation on the Property to a future land use designation under the City’s Comprehensive Plan; and

Whereas, under its current County future land use designation, a maximum of thirty-seven (37) residential units potentially could be developed on the Property ("Current Maximum"); and

Whereas, the future land use change proposed by DIG, if granted, would increase the potential residential density on the Property, thereby increasing the impact on public school facilities in St. Lucie County; and
Capital Cost for New Students

- Student station construction
- Buses
- Ancillary facilities
- Land

Combined $35-50k per Student Station

Building Construction Costs

![Graph showing annual rate of increase in school construction costs]

SCHOOL CONSTRUCTION COSTS
Annual Rate of Increase

Onset of current economic recession

School Concurrency Common Misunderstandings

- Level of Service Must be Financially Feasible
- Level of Service vs. Individualized Analysis of Impacts on Schools
- 3-year Rule and Adjacency Rule – per statute
- Development Order vs. Land Use Changes

Suggested Process

- Develop Student Multiplier
- RPC and Local Planning Agency Discussions
- SB Authorization of Staff to Conduct Negotiations with Developers
- Analysis of Impacts using Multiplier
- Letter or Staff Report to Local Government and Developer
- Negotiations with Developer
- Conditions of Approval
- Developer Agreement
STUDENT MULTIPLIERS

2001 Study

- Property Appraiser data utilized
- Random sample by unit type
- Student data matched to home address

Study to be updated in 2007
Student Multiplier Options

1. Property Appraiser Data Matched to Student Data
2. Census Data
3. Phone Surveys

Important Components

- Sound Basis for Analysis
- Rational Nexus
- Reasonable Conditions of Approval
- Cooperation of Local Governments
- Dialogue with Developer
Greatest Challenges

- “The first one”
- Timing of payments
- Defining costs in a fluid market
- Rational Nexus
- Uniform School District issues
- Growth Fluxuations

K-12 School Enrollment
21 year FTE Growth

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Treasure Coast Schools Growth

Graph showing the growth of FTES enrollment (full-time equivalent students) over years for different counties.

Treasure Coast Schools Growth

Graph showing the growth of PTE (Persons in Full-Time Equivalent) over years for different counties.
Tool Boxes

- Innovative land purchase- industrial land, etc.
- Land Banking
- Allowance for future additions
- Modular additions
- Co-locating schools with parks
- Interlocal Agreements and Meeting with SB and Local Government Boards
- Quarterly meetings with County Facilities staff
- Regular Meetings with local Planning Directors

Ingredients for Success

- RPC Support- Particularly for DRI’s and Land Use Changes
- Local Government support -Final Approval of Development Orders
- Early Participation- At front end of process before commitments are made
- Relationship building; credibility
- Organizational Structure- Professional Staff dedicated to this function
- Defining moments
“Questions & Answers”