

Office of School Facilities
Jaime G. Torrens, Chief Facilities Officer

- SUBJECT:**
- 1) **REQUEST FOR APPROVAL OF THE SCHOOL BOARD CONCURRENCY TASK FORCE RECOMMENDATIONS ON THE IMPLEMENTATION OF SCHOOL CONCURRENCY, PURSUANT TO THE GOVERNING 2005 GROWTH MANAGEMENT LEGISLATION; AND**
 - 2) **AUTHORIZATION TO EXECUTE THE AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING BETWEEN THE SCHOOL BOARD AND ALL NONEXEMPT LOCAL GOVERNMENTS, TO INCORPORATE THE STATE MANDATED SCHOOL CONCURRENCY REQUIREMENTS**

COMMITTEE: **FACILITIES AND CONSTRUCTION REFORM**

LINK TO STRATEGIC PLAN: **IMPROVE CONSTRUCTION SERVICES**

Background

During its 2005 session, the State Legislature enacted growth management legislation, mandating the implementation of a County-wide uniform school concurrency system, with an implementation deadline for Miami-Dade County of January 1, 2008. To ensure participation from affected stakeholders, the Board, at its August 17, 2005 meeting, authorized the creation of a School Board Concurrency Task Force (Task Force) to provide recommendations to effectuate full and timely compliance. The Task Force's membership included: School Board (2); Miami-Dade County (1); Miami-Dade League of Cities (2); Builders Association of South Florida (2); Latin Builders Association (1), and a non-voting representative from the South Florida Regional Planning Council.

The Task Force convened over a ten-month period and produced a comprehensive report outlining its initial recommendations. The report was received by the Board at its January 17, 2007 meeting, and the Superintendent was directed to finalize the required amendments to the existing Interlocal Agreement for Public School Facility Planning (Interlocal Agreement) to incorporate school concurrency provisions.

Additional Task Force Recommendations

Since the January 2007 report issuance, the Task Force has reconvened to refine its recommendations based on additional input from District staff, participating local governments and comments received from the Department of Community Affairs (DCA). Following is a list of the Task Force's recommendations:

- That the Level of Service (LOS) Standards be 100% utilization of FISH capacity, to include both permanent and relocatable classrooms by 2013, and that by 2010, the School District reevaluate the LOS and consider the financial feasibility of attaining a LOS based on 100% utilization of permanent FISH capacity. The Task Force is also recommending as an ultimate goal that all public school facilities be at a LOS of 100% utilization of permanent FISH capacity by January 1, 2018;
- That as it relates to concurrency capacity reservations, they be obtained from the schools of impact and/or immediately adjacent schools, assuming capacity is available; and
- That concurrency capacity reservations not exceed a maximum of 6 years, unless otherwise specified in a Development Agreement executed under the Proportionate Share Mitigation process. The County and individual cities have different concurrency capacity reservation timelines, and school concurrency reservations will mirror theirs;
- That the Interlocal Agreement include language specifying that in order to maximize the efficient utilization of public funding and to promote the collocation and shared use of county and municipal facilities with School Board-owned and operated public schools, local governments are strongly encouraged not to require the provision or enhancement of charter school facilities as a condition of local development approval, particularly since charter schools are not being recommended as suitable mitigation options;
- That pursuant to the DCA Report, a LOS standard for magnet schools of 100% FISH utilization capacity be established, based on district-wide enrollment, updated annually (October FTE);
- That credits reducing the total impact of proposed development for magnet and charter schools enrollment be calculated based on the ratio of total students attending these schools, vis-à-vis total enrollment in traditional public schools.

Amended and Restated Interlocal Agreement (ILA)

The 2005 Florida Legislature also requires that the existing ILA be amended and restated to incorporate school concurrency, and under this new growth management mandate, School Board policy adopted on April 13, 2005, under Board Item F-7, will be eliminated. The requirements of the concurrency management system will now be incorporated in the proposed Amended and Restated Interlocal Agreement, which is being submitted to the Board as supplemental information. Following are salient amendments, the vast majority of which were already identified in the January 2007 Task Force Report to the Board:

- The School District, County and Cities will cooperate to coordinate the approval of residential developments in order to provide adequate public school facilities in a timely manner and at appropriate locations, to eliminate capacity deficits and provide capacity for projected new growth;

- The School Board will annually prepare, adopt and implement a financially feasible capital facilities program in keeping with the adopted LOS standard and consistent with the goal of maximizing the utilization of school capacity to the greatest extent possible;
- The School District will provide the District's adopted Plan to the County and Cities no later than October 20th of each year, for their adoption as part of their respective comprehensive plans each year by no later than December 1st ;
- The County and Cities will be responsible for any required amendments to their Public School Facilities Element and related amendments to the Capital Improvements Element of their respective Comprehensive Development Plans. All future school-related amendments will be provided to the School District at least ninety (90) days prior to transmittal of each Comprehensive Development Plan to the DCA. As needed, the School District will review school-related element amendments and provide comments, if any, at least thirty (30) days prior to the local planning agency meeting or by attending and providing comments at the meeting;
- The School District will provide a preliminary assessment of public school concurrency at time of preliminary plat or subdivision however, a formal concurrency determination will be issued only at final plat, site plan (or functional equivalent), as called for in statute;
- Planned capacity improvements in the first three years of the Plan shall be considered available capacity and factored into the LOS analysis for the particular development application. This LOS standard will be tested at each of the applicable Concurrency Service Areas (CSA) for each of the three levels, i.e., elementary, middle and senior high schools. The CSA match the public school attendance boundaries. As contained in the January 2007 Report, concurrency will first be tested at the immediate schools of impact, and where sufficient capacity is not available, next tested at the immediately adjacent schools, provided all schools fall within the same geographic quadrant;
- The School District will charge non-refundable application fee to cover the in-house cost to review and process comprehensive plans, rezonings and Development of Regional Impact proposals or amendments through its concurrency management system;
- A new section has been added that establishes the mechanism for intergovernmental coordination on the implementation of a uniform District-wide public school concurrency system;
- In those instances where capacity is not available or planned to meet school concurrency needs of a particular development, options will be available to applicants for proportionate share mitigation as follows:

- Monetary Contributions - Contribute full capital cost of a planned project that would serve the development;
- Land - Donate land to the School Board and/or capital dollars for purchase of land needed for construction of a planned project, or project proposed to be added within the first 3 years of the Plan;
- Construction - Build a current school project, or project proposed to be added within the first 3 years of the Capital Plan, on land owned by the School Board or donated by another development, with sufficient capacity to address the development's concurrency needs;
- Mix and Match - Combine two or more of the options above; and
- Mitigation Banking – Build a school project with greater capacity than required under the concurrency mandate, and bank the excess capacity with the ability to sell credits to other developments impacting the same school(s), as they apply for concurrency. If selected, this process would be administered by the School District.

The ILA will be reviewed by the School Board Attorney's Office and Office of Risk and Benefits Management prior to its execution.

RECOMMENDED: That The School Board of Miami-Dade County, Florida:

- 1) approve the School Board Concurrency Task Force recommendations on the implementation of school concurrency pursuant to the governing 2005 growth management legislation, as described above in greater detail; and
- 2) authorize the execution of the amended and restated Interlocal Agreement for Public School Facility Planning between the School Board and all nonexempt local governments, to incorporate the State mandated school concurrency requirements, under the terms and conditions set forth above.