

Growth Management & Schools during 2005

- Volusia County Council adopts new school impact fee.
- School Board of Volusia County adopts School Board Policy 613.
- Volusia County Smart Growth Implementation Committee makes recommendations to local governments that include schools.
- Florida Legislature amends its 1985 Growth Management Act with the adoption of SB 360 requiring school concurrency.

Senate Bill 360

- Requires an update to the Interlocal Agreement with local governments to provide for various standards as they relate to the implementation of school concurrency. Ponce Inlet and Daytona Beach Shores will now be required to adopt the agreement.
- Requires the adoption of a Public Schools Facilities Element in each local government's comprehensive plan in order to implement the terms of the interlocal agreement.
- Annual adoption by each local government of an updated capital improvements element that includes the school district's 5 year work program.

Senate Bill 360

- Concurrency
- Financial Feasibility
- Level of Service Standards
- Proportionate Share Mitigation

Schedule

- Final adoption for Volusia no later than February 1, 2008.
- Requires transmittal of comprehensive plan amendments for compliance review by late summer 2007.
- Interlocal agreement also subject to compliance review.
- Department of Community Affairs funding contract asks for adoption of interlocal agreement by September 1, 2006.

Interlocal Agreement – Current Provisions

- Process for educational and ancillary facility site selection review, acquisition, significant renovations, remodeling and school closure
- Process for educational and ancillary facility site plan review
- Process for evaluating joint development of schools, parks and other uses
- Conflict Resolution
- Process for the coordination of planning issues
 - Capital budgets, including the Capital Improvements Element for each local government, the County's 5 year road program, and the School Board's 5-year work program
 - Portable classrooms
 - Student enrollment and population projections including geographic distribution
 - Growth and development trends including redevelopment
 - School Capacity

Interlocal Agreement - Update

- Shall ensure a uniform school concurrency system throughout the district and direction for the Public School Facilities Element
- Requires consensus on level of service standards, concurrency service areas, maximum utilization of capacity, annual adoption of CIP, options for proportionate share mitigation, implementation procedures and process for amendment.

Public School Facilities Element

- Correction of existing deficiencies
- Ensure achievement and maintenance of adequate school capacity for the 5-year and long term planning periods
- Coordination of school location with residential development and ensure necessary supporting infrastructure
- Options for proportionate share mitigation

Level of Service

- 9J-5.025 defines “appropriate level of service standard” as “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.”

Level of Service

- Recommended to be applied districtwide initially.
- Within five years, LOS to be applied on a “subdistrict” service area.
- LOS can be tiered.
- LOS must be the same throughout the district but can vary based on type of facility.
- Shall also be incorporated in the capital improvements element of the comprehensive plan.

School Concurrency (availability standard)

- Concurrency is met if adequate capacity will be available within three years of site plan or subdivision approval.
- Capacity is deemed adequate if school is under construction within the three years after site plan or subdivision approval.
- If capacity is not available, proportionate share mitigation applies. Must allow for proportionate share mitigation. Must allow if capacity is available districtwide or in contiguous service area.

Proportionate Share Mitigation Options Include

- Contribution of land; or
- Construction, expansion or payment for land acquisition or construction of a public school facility.
- The above two options are required to be a credit toward any other impact fee or exaction imposed by local ordinance on a dollar for dollar basis.
- Creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits.
- Options are only limited by our imagination....& the law.

Proportionate Share Mitigation

- Must include tri-party development agreement. Continuing renewal of the agreement upon expiration is permitted.
- Must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by the development.

Funding

- \$83.4 million statewide for 2005-06 school construction
- \$30 million additional for “High Growth” counties (5 counties), one time only
- \$75 million thereafter
- Except for \$30 million, all funds directed to Classroom for Kids (class size reduction)
- \$1.5 billion allocated for transportation

Penalties

- Local government precluded from adopting plan amendments which increase residential density.
- School Board subject to sanctions imposed by Administration Commission involving the withholding of state construction funds.

What Can We Expect?

- Results in a new incentive to encourage compact development and redevelopment in areas with existing infrastructure capacity.
- More interest and review in the school board's 5 year work program.
- More interest and pressure in directing new school construction to specific areas and maintaining construction schedules.

Challenges

- Class size reduction
- School choice
- No Child Left Behind & Adequate Yearly Progress
- Charter Schools
- Pressure to focus on school capacity rather than student achievement.
- Pressure to direct \$\$ to constructing new schools rather than maintaining existing schools.

Next Steps

- FSBA & DCA Workshops
- Six county models being developed (Sarasota, Hillsborough, Lake, Indian River, St John's & Walton)
- DCA consultant to create deliverables on level of service and proportionate share mitigation.
- Interlocal Planning Meeting October 28th
- Volusia County School District lead agency with DCA. Funding contract for updating interlocal agreement by September 1, 2006.
- Follow up on VCS consultant report on Policy 613 and relationship of identified issues with SB 360