

INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING

This Interlocal Agreement for Public School Facility Planning (hereinafter referred to as "ILA") is entered into between Escambia County, a political subdivision of the State of Florida (hereinafter referred to as "County"), the City of Pensacola, a municipal corporation of Florida (hereinafter referred to as "City"), and the School Board of Escambia County, Florida (hereinafter referred to as "School Board").

WHEREAS, the County, City and School Board recognize their mutual obligation and responsibility for the education, nurture and general well-being of the children within their community; and

WHEREAS, the County, City, and School Board recognize the benefits that will flow to the citizens and students of their communities by more closely coordinating their comprehensive land use and school facilities planning programs: namely (1) better coordination of new schools in time and place with land development, (2) greater efficiency for the School Board and local governments by placing schools to take advantage of existing and planned roads, water, sewer, and parks, (3) improved student access and safety by coordinating the construction of new and expanded schools with the road and sidewalk construction programs of the local governments, (4) better defined urban form by locating and designing schools to serve as community focal points, (5) greater efficiency and convenience by co-locating schools with parks, ball fields, libraries, and other community facilities to take advantage of joint use opportunities, and (6) reduction of pressures contributing to urban sprawl and support of existing neighborhoods by appropriately locating new schools and expanding and renovating existing schools; and

WHEREAS, Section 1013.33, Florida Statutes, requires ~~that the~~ [coordination of planning between school boards and local governing bodies to ensure that plans for the construction and opening of public educational facilities are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. The location of educational facilities must be consistent with the comprehensive plan and implementing land development regulations of the appropriate local government. In addition, all parties in the planning process are required to consult with state and local road departments to assist in implementing the Safe Routes to Schools program in order to remove barriers currently preventing children from walking and bicycling to school due to lack of infrastructure, unsafe infrastructure, and a lack of pedestrian and bicyclist educational programs aimed at children, parents, and the community;](#)¹ and

¹ The current language gives the impression that the statute (*Section 1013.33(1), F.S.*) simply requires school districts to comply with the comprehensive plan and land development regulations. However, the statute goes further in that it [specifically requires the school board and county to coordinate their planning](#) to ensure that the plans for educational facilities are “facilitated and coordinated” with plans for residential development, and “concurrently with other necessary services”. The statute also [specifically directs](#) “all parties in the planning process” to assist “in implementing the Safe Paths to School program” (Safe Routes to School program). That program seeks to remove barriers to pedestrian access to public education which include “lack of infrastructure, unsafe infrastructure and a lack of programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community.” (*Florida Safe Routes to School program website*)

WHEREAS, Section 163.3177(6)(h), Florida Statutes, requires each local government to adopt an intergovernmental coordination element as part of their comprehensive plan that states principles and guidelines to be used in ~~the accomplishment of coordination of~~ [coordinating](#) the adopted comprehensive plan with the plans of the school boards, and describes the [joint](#) processes for collaborative planning and decision making on population projections and public school siting, [the location and extension of public facilities subject to concurrency, and siting facilities with countywide significance;](#)² and

WHEREAS, Sections 163.31777 and 1013.33(2), Florida Statutes, further require each county and the nonexempt municipalities within that county to enter into an interlocal agreement with the district school board to establish jointly the specific ways in which the plans and processes of the district school board and the local governments are to be coordinated; and

WHEREAS, it is mutually beneficial for the County, City, and School Board to support efforts that facilitate coordination of planning for the location and development of public educational facilities to serve the children of Escambia County and to ensure that the impacts of new development occur only in accordance with the ability of the County, City and School Board to maintain adequate level of service standards; and

WHEREAS, Sections 1013.33(1), 163.31777, and 163.3180, Florida Statutes, require coordination of planning between the school boards and local governing bodies to ensure that new or expanded public educational facilities are coordinated in time and place with plans for residential development concurrently with other necessary services; and

WHEREAS, public schools should be provided in proximity to the actual and projected population of school age children to be served by such schools; and

WHEREAS, the City or County have determined that schools define urban form and create a sense of place in a community and are the cornerstones of effective neighborhood design and a focal point for the development of neighborhood plans and improvements including, but not limited to, parks, recreation, libraries, children's services and other related uses; and

WHEREAS, the School Board has determined that the location of schools, as part of stable and well designed neighborhoods, enhances educational programs, encourages community support and supports safe, secure and effective educational environments for the children that utilize these facilities; and

WHEREAS, the City or County are responsible for planning and providing other essential public facilities and will provide facilities in support of public school facilities and programs; and

² Although the current language is derived from the statute, it omits key elements: “the intergovernmental coordination element must describe joint processes for collaborative planning and decision making” and “the location and extension of public facilities subject to concurrency.” (*Section 163.3177(6)(h)2, F.S.*) These omissions alter the nature and extent of the application of the statutory requirement in the ILA.

WHEREAS, the County, City, and School Board have met and coordinated to develop a countywide, uniform school development impact program; and

WHEREAS, the School Board is obligated to maintain and implement a financially-feasible, 5-Year Work Plan based on the level of service standards provided for in this Agreement; and

WHEREAS, the City or County are required to amend their comprehensive plans and land development regulations, as appropriate and necessary, in order to effectuate their obligations under this Agreement and state statutes; and

WHEREAS, the School Board has a constitutional and statutory obligation to provide a uniform system of free public schools on a county wide basis; and

WHEREAS, this Agreement neither is intended to nor does it delegate or transfer any land use planning or regulatory authority to the School Board; and

WHEREAS, the School Board, City and County enter into this agreement in fulfillment of their statutory requirements and in recognition of the benefits accruing to their citizens and students described above;

NOW THEREFORE, be it mutually agreed between the School Board, the County, and the City that the following procedures will be followed in coordinating land use and public school facilities planning:

Section 1. Joint Meetings

1.1 A staff working group of the County, School Board, and City Local Planning Agency, or their appointee, will meet on an as needed basis but not less than semi-annually to discuss issues and formulate recommendations regarding coordination of land use and school facilities planning, including such issues as population and student projections, development trends, school needs, the implementation of school capacity availability plan co-location and joint use opportunities, and ancillary infrastructure improvements needed to support the school and ensure safe student access. Representatives from the West Florida Regional Planning Council will also be invited to attend. At least one of the staff working group meetings will be held prior to April 1st each year to review subsequent school-related element amendments as required in Section 3.3. Escambia County will coordinate meeting arrangements and provide notification for the staff working group meetings.

1.2 One or more representatives of the County Commission, the governing body of each City, and the School Board will meet on an as needed basis but not less than annually in joint workshop sessions. The joint workshop sessions will be opportunities for the County Commission, the City and the School Board to hear reports, discuss policy, set direction, and reach understandings concerning issues of mutual concern regarding coordination of land use and school facilities planning, including population and student growth, growth and development trends, school needs, off-site improvements, joint use opportunities, and the effectiveness with which the ILA is being implemented. Escambia County will coordinate meeting arrangements and provide notification for these workshops.

CALENDAR OF KEY ANNUAL DEADLINES

February 1	City's and County's Growth Reports to School Board
April 1	Staff working group meeting re enrollment projections and any proposed amendments to the school-related comprehensive plan provisions
August 1	School Board provides Tentative Educational Facilities Plan to City or County for review
September 1	City and County provide School Board with comments, if any, on Tentative Educational Facilities Plan
September 30	School Board's adoption of Educational Facilities Plan
December 1	Update of Five-Year Capital Facilities Plan adopted into City and County's comprehensive plans (NOTE: WORK PLAN No change to the Comprehensive Plan. Adopted as an update via an un-codified ordinance annually by the BOCC)

Section 2. Student Enrollment and Population Projections

2.1 In fulfillment of their respective planning duties, the County, City, and School Board agree to coordinate and base their plans upon consistent projections of the amount, type, and distribution of population growth and student enrollment. Countywide five-year population and student enrollment projections shall be revised annually and provided at the first staff working group meeting described at subsection 1.1.

2.2 The School Board staff shall utilize the Department of Education (DOE) five-year countywide student enrollment projections.

2.3 The School Board, working with the City or County will consider the use of the information described in Section 3 to allocate projected student enrollment into the current school attendance zones so that the districtwide projections are not exceeded. The school attendance zones are established by mutual consent of the school district staff and local government staff as indicated in Section 4.6. The allocation of projected student enrollment will be determined at the first staff meeting described in subsection 1.1.

2.4 The School Board staff will evaluate growth and development trends prepared by the City or County. The School Board staff, working with the City or County staffs, will develop and apply student generation multipliers for residential units by type for schools of each type. The student generation rates shall be updated every year. The school enrollment projections will be included in the educational facilities plan provided to the City or County each year as specified in subsection 3.1 of this agreement.

Section 3. Coordinating and Sharing of Information

3.1 Tentative District Educational Facilities Plan: On August 1st of each year, the School Board shall submit to the City or County the tentative district educational facilities plan prior to adoption by the Board. The plan will be consistent with the requirements of Section 1013.35, Florida Statutes." and include projected student populations apportioned geographically, an inventory of existing school facilities, projections of facility space needs, information on relocatables, general locations of new schools for the 5, 10, and 20-year time periods, and options to reduce the need for additional permanent student stations. The plan will also include a financially feasible district facilities work program for a 5-year period. The City and County shall review the plan and comment to the School Board within thirty (30) days on the consistency of the plan with the local comprehensive plan, whether a comprehensive plan amendment will be necessary for any proposed educational facility, and whether the local government supports a necessary comprehensive plan amendment. If the local government does not support a comprehensive plan amendment, the matter shall be resolved pursuant to Section 9 of this agreement.

3.2 Educational Plant Survey: Six (6) months prior to the expiration of the Educational Plant Survey and during the update process, the staff working group established in subsection 1.1 will assist the School Board in an advisory capacity in the preparation of the update. The Educational Plant Survey shall be consistent with the requirements of Section 1013.31, Florida Statutes, and

include at least an inventory of existing educational facilities, recommendations for new and existing facilities, and the general location of each in coordination with the land use plan. The staff working group will evaluate and make recommendations regarding the location and need for new, significant renovation or expansion, and closures of educational facilities, and the consistency of such plans with the local government comprehensive plan and relevant issues listed at subsections 5.3, 7.6, 7.7, and 8.1 of this agreement.

3.3 Growth and Development Trends: Annually, the local governments will provide the School Board with a report on growth and development trends within their jurisdiction. To the extent feasible, the reports should be provided in geographic information system compatible format for the purpose of geo-referencing the information in a format that is agreeable to the local governments and School Board. This report will be in tabular, graphic, and textual formats and may include the following:

- a. the type, number, and location of residential units which have received zoning approval, final subdivision and site plan approval;
- b. information regarding future land use map amendments;
- c. building permits and certificate of occupancy data for residential dwellings issued for the preceding year and their location;
- d. summary of vested rights determinations and other actions that affect demands for public school facilities;
- e. information regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students and reflects existing land use; and
- f. the identification of any development orders issued.

Section 4. Coordinating School Capacity with Growth

4.1 This section establishes the mechanisms for coordinating the development, adoption and amendment of the Escambia County School Board's 5-Year Work Plan, as well as intergovernmental coordination and capital improvements elements of the City or County comprehensive plans, in order to implement uniform district-wide school capacity planning based on school attendance zones.

4.2 Coordination of school capacity with growth will be accomplished using the same public school facilities data and analysis, and adoption of uniform and identical Level of Service (LOS) standards in each local government jurisdiction. In addition, it is the intent that uniform standards for school capacity availability system be adopted in the land development regulations of each local government to ensure a coordinated and consistent application of school review. Once adopted, the County, City and School Board staffs shall annually review progress made toward the implementation of the coordinating and sharing of information as set forth in Section 3 of this

Agreement, including a review of the data and analysis (e.g. population projections, student generation factors, future land use map amendments, permitting data, etc.), LOS standards, school attendance zone boundaries, and other relevant information and data. If one or more of the above listed parties desire to initiate a modification requiring an amendment to the ILA the following process shall be followed:

- a. The submitting party or parties shall provide a summary of the requested modifications and the impact of the modifications on the ILA and school development impact systems of the remaining parties.
- b. Within sixty (60) days of its receipt of the proposed modifications from the submitting party or parties, the reviewing parties shall provide written comments regarding the proposed modifications, and whether it consents or objects to the proposed modifications. If it objects, the reviewing party or parties shall provide reasons for its objections, and conditions that may result in the reviewing party or parties consenting to the proposed modifications.
- c. If the submitting party or parties and the reviewing party or parties are unable to resolve any disagreements and ultimately consent to the proposed modifications, the matter will be addressed through the dispute resolution process set forth in Section 9 of this Agreement.
- d. The County, City, and School Board agree that once a proposed modification has the consent of all other parties, or is determined to be appropriate through the dispute resolution process, each party will initiate changes required to implement the proposed modification to include any necessary comprehensive plan amendment(s), work program adjustments, and any other regulatory changes necessary to implement the modification.

4.3 Definitions

The terms used in this section shall be defined as follows:

- a. Available school capacity- the circumstance where there is sufficient permanent school capacity, based on adopted LOS standards, to accommodate the demand created by a proposed development.
- b. Capacity - As defined in the FISH Manual, the number of students that may be housed in a facility at any given time based on a utilization percentage of the total number of existing satisfactory student stations.
- c. Existing school facilities - school facilities constructed and operational at the time a completed application for residential development is submitted to the County or City.
- d. FISH Manual- the document entitled "Florida Inventory of School Houses (FISH)," most recent edition, and that is published by the Florida Department of Education, Office of Educational Facilities (hereinafter the "FISH Manual").

- e. Permanent FISH Capacity- Includes permanent buildings and Modular Capacity for modular buildings, which are Type II Non-combustible and have a 40 year life span. Excludes relocatables/portables.
- f. Permanent building - As defined in the FISH Manual, a structure built with a fixed foundation that has permanently attached walls, roof, and floor that cannot be moved or transported as a unit or in sections.
- g. Planned school facilities - school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval, pursuant to the School Board's adopted 5-Year Work Plan.
- h. Previously Approved Developments - development approved as follows:
- (i) Single-family lots of record; master plans that have received approval prior to the effective date of the initial Public School Facilities Element (PSFE); and single family subdivision plats actively being reviewed or that have received preliminary plat approval at the time of the adoption of the initial PSFE.
 - (ii) Residential developments that have received final site plan approval prior to the effective date of the initial PSFE, or residential site plans actively being reviewed at the time of the adoption of the initial PSFE.
- i. Reserved capacity- School facility capacity set aside for a development including previously approved development or vested development that impacts schools but that is exempt from the terms of the ILA.
- j. School Attendance Zones - The areas within which an evaluation is made by the local governments, in coordination with the School Board, whether adequate school capacity is available based on the adopted LOS standards.
- k. Total School facilities - Existing school facilities and planned school facilities.
- l. Used capacity- School facility capacity consumed by or reserved for development that has been approved for development.
- m. 5-Year Work Program - the financially feasible 5-year school district facilities work program adopted pursuant to section 1013.35, Florida Statutes. Financial feasibility shall be determined using professionally accepted methodologies.

4.4 Level of Service Standards

- a. The uniform methodology for determining if a particular school is over capacity shall be determined by the School Board. The level of service standards includes one component: FISH permanent capacity (excludes portables).
- b. Modification of the adopted LOS standards shall only be accomplished through an amendment to the ILA. The procedure for proposing a change to the adopted LOS standards shall follow the process outlined above in Section 4.2.
- c. The uniform, district-wide level-of-service standards are initially set as follows:

TYPE OF SCHOOL	LEVEL OF SERVICE STANDARD
Existing or New Schools	100% of permanent FISH capacity
Centers (Special Purpose)	100% of permanent FISH capacity or the level of service based on the student/teacher ratios dictated by specific programs, whichever is lowest.

Potential amendments to these levels-of-service standards shall be considered at least annually at the staff working group meeting to take place no later than April 1st of each year. If there is a consensus to amend any level-of-service standards, it shall be accomplished by the execution of an amendment to this ILA by all parties. The amended level-of-service shall not be effective until the amended ILA is fully executed and filed with the Clerk of the Circuit Court of Escambia County.

- d. In evaluating a subdivision plat or site plan for school capacity, any relevant programmed improvements in the 5-Year Work Plan shall be considered available capacity for the project and factored into the level-of-service analysis.
- e. The School Board shall ensure, to the extent practicable, the maximum utilization of permanent FISH capacity at the level of service standard, taking into account minimizing transportation costs, limiting maximum student travel times, the effect of court-ordered desegregation plans, and achieving socio-economic, racial and cultural diversity objectives. Maximum utilization refers to distributing students among the existing available capacity at the level of service standard as evenly as possible. Methods for the School Board to maximize utilization may include student attendance zone changes, school choice, expansion of existing facilities that are below the established level of service for a school of the same type, or other educationally acceptable teaching and/or scheduling methods.

4.5 School Impact Service Areas

a. For traditional schools: elementary (K-5), middle (6-8), combination (K-8) and high schools (9-12), the school service areas shall be the entire school district by service level, elementary, middle, and high school. For nontraditional schools and special purpose centers the school impact service area will be district-wide.

4.6 Determination of Adequate School Capacity

a. The City or County shall amend the development impact management systems in their land development regulations to require that all new residential units be reviewed for school concurrency capacity availability at the time of final plat or site plan (or functional equivalent) approval. The City or County may choose to provide an informational assessment of school capacity availability at the time of pre-application, but the test of school capacity availability shall be at preliminary plat. The County or City shall not deny a final plat or site plan (or functional equivalent) for the failure to achieve and maintain the adopted level-of-service for public school capacity where:

(i) adequate school facilities will be in place or under actual construction within three (3) years after the issuance of the final plat or site plan (or functional equivalent);

(ii) adequate school facilities are available in an adjacent service area and the impacts of development shall be shifted to that area consistent with subsection c.;
or

(iii) the developer executes a legally binding commitment, directed toward a project on the School Board's financially feasible 5-Year Work Plan, to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to the final plat or site plan (or functional equivalent). However, this amended ILA shall not be construed to limit the authority of the City or County to deny the final plat or site plan (or functional equivalent) for reasons other than failure to achieve and maintain the adopted level-of-service for public school capacity. The City or County, in consultation with the School Board, shall also amend their development impact systems in their land development regulations to address public school facilities, so that the annual monitoring reports provided to their governing bodies shall cover schools as well as other facilities within sixty (60) days of the effective date of the adoption of amendment to the ILA.

b. The School Board shall be responsible for conducting the school capacity availability review and determining whether there is adequate school capacity for each level of school to accommodate the proposed development based on the adopted level of service standards, the school attendance zones and other standards set forth in this agreement and in the land development regulations as follows:

(i) Calculate total school capacity by adding the capacity provided by existing school facilities to the capacity of any planned school facilities in the first 3 years of the School Board's financially feasible 5-Year Work Plan.

(ii) Calculate available school capacity by subtracting from the total capacity the sum of:

- a) Used capacity;
- b) The portion of reserved capacity projected to be developed within three years;
- c) The demand on schools created by the proposed development.

c. In the event that the School Board finds there is not sufficient capacity in the affected school attendance zone or an adjacent concurrency service area school attendance zone to address the impacts of a proposed development, the following steps shall apply;

(i) the project must provide capacity enhancement sufficient to assure levels of service standards are achieved and maintained through proportionate share mitigation;

(ii) the project must be delayed to a date when capacity enhancement and level-of-service can be assured; or

(iii) a condition of approval of the site plan or preliminary plat (or functional equivalent) shall be that the project's development plan and/or building permits shall be delayed to a date when capacity enhancement and level-of-service can be assured.

d. Mitigation shall not be required when the adopted level of service standard cannot be met in a particular school attendance zone if the needed capacity for the development is available in one or more contiguous school attendance zones and the impacts of the development can be shifted to that school attendance zone. Where more than one concurrency school attendance zone is available to accommodate student impacts, the school board shall take into account the following factors: minimizing transportation costs, limiting maximum student travel times, the effect of desegregation plans, achieving socio-economic, racial and cultural diversity objectives, and recognizing the capacity commitments resulting from the city or county's development approvals for the school attendance zone and for contiguous school attendance zones.

4.7 Proportionate Share Mitigation

a. Options for providing proportionate share mitigation for any approval of additional residential dwelling units that triggers a failure of level-of-service for public school capacity will be specified in the County's and City's land development codes and this ILA. The amount of mitigation required shall be determined by the most current cost per

student station applicable to Escambia County and where applicable shall include land costs. Options shall include the following:

- (i) contribution of or payment for acquisition of new or expanded school sites;
- (ii) construction or expansion of permanent school facilities;
- (iii) mitigation banking, the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell excess capacity credits.
- (iv) charter schools, provided they are constructed to State Requirements for Educational Facilities (SREF) standards, so that it can be relied on over the longer term as public school capacity, designed to whatever minimum size and specifications established by the School District to ensure that if the Schools District is required it can efficiently operate the school.

b. In the event that the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, where the LOS standards set forth in this Agreement otherwise would be exceeded, the following procedure shall be used.

(i) The applicant shall initiate in writing a mitigation negotiation period with the School Board in order to establish an acceptable form of mitigation, pursuant to Section 163.3180, Florida Statutes, and this ILA.

(ii) The following standards apply to any mitigation accepted by the School Board:

- a) Proposed mitigation must be directed toward a permanent school capacity improvement identified in the School Board's financially feasible 5-Year Work Plan, which satisfies the demands created by the proposed development.
- b) Mitigation shall be assured by a legally binding agreement between the School Board, the relevant local government, and the applicant executed prior to issuance of any building permit for the project.
- c) Relocatable classrooms will not be accepted as mitigation.

c. The applicant's total proportionate-share mitigation obligation to resolve a capacity deficiency shall be based on the following formula, for each school level: multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station shall include school facility development costs and land costs. The applicant's proportionate-share mitigation obligation will be credited toward any other impact fee imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

4.8 County Safe Routes to School Program

(a) The county will coordinate with the school district in scheduling construction of sidewalks and crosswalks that connect developments, housing complexes, and neighborhoods to schools that are situated within one (1) mile of elementary schools, one and one-half miles (1-1/2) miles of middle schools, and two (2) miles of high schools, and students who are subjected to hazardous walking conditions as described in section 1006.23, F.S., in its next 5-year transportation work program. Work project prioritization will be established in collaboration between the county and the school district and will be based on greatest need, countywide. If the work will not be included in the county's next 5-year transportation work program, the county will advise the school board in writing of the factors that warrant such a conclusion and a statement as to when the construction will be completed. A listing of projects and their projected completion dates will be submitted to the board of county commissioners and the school board, and updated annually.

(b) The school district will coordinate with the county to develop educational/encouragement programs that promote walking and bicycling aimed at children, parents, and the community.

(c) The county and the school district will collaborate to identify Safe Routes to School Program and other grant projects, based on greatest need, countywide. The county will submit grant applications for those projects annually.

(d) In addition to funds budgeted to support grant applications, the county will budget funds sufficient to ensure a robust completion of non-grant funded Safe Routes to School projects.³

³ Florida statutes requires all parties in the planning process “to consult with state and local road departments to assist in implementing the Safe Paths to Schools program” (Safe Routes to School) (*Section 1013.33(1), F.S.*). The concept behind the Safe Routes to School program is to increase the number of children who walk or bicycle to school by removing “the barriers currently preventing them from doing so. Those barriers include lack of infrastructure, unsafe infrastructure and a lack of programs that promote walking and bicycling through education/encouragement programs aimed at children, parents, and the community.” (*Florida Safe Routes to School program website*) However, the current interlocal agreement contains no provisions for doing that. The proposed language also aligns the ILA with ECSD School Board Rules that establish the “reasonable walking distance” between home and school for elementary school students at 1 mile, for middle school students at 1-1/2 miles, and high school students at 2 miles (*Chapter 6.02(9), Rules and Procedures of the School Board of Escambia County*). Florida Statutes sets the reasonable walking distance for all students at 2 miles (*Rule 6A-3.001(3), F.A.C.*). Additionally, the proposed language aligns with the statutory framework for the remedy of hazardous walking conditions in the governmental entity's next 5-year work program (*section 1006.23(4)(b), F.S.*).

Summary of the Capacity Evaluation and Proportionate Share Mitigation:

Step 1: Determine the number of students to be generated by the development

Number of Dwelling Units (DU) in the proposed development (by unit type)

MULTIPLIED BY

Student Generation Rate (by type of DU and by School Type)

EQUALS

Number of Student Stations needed to serve the proposed development

Step 2: Compare the available capacity to the number of student stations calculated in Step 1 to assess the need for mitigation

Available Capacity

MINUS

The Number of new Student Stations needed to accommodate the proposed development

EQUALS

The shortfall (negative number) or surplus (positive number) of capacity to serve the development

Step 3: Evaluate the available capacity in contiguous service areas. If Step 2 results in a negative number, repeat that step for one or more contiguous service areas. If this step results in a negative number, then proceed to step 4 to calculate the proportionate share mitigation.

Step 4: Calculate proportionate share mitigation

Needed additional Student Stations from Step 3

MULTIPLIED BY

Average cost per Student Station

EQUALS

Proportionate-Share Mitigation Obligation

d. If within 90 days of the date the applicant initiates the mitigation negotiation period, the applicant and the School Board are able to agree to an acceptable form of mitigation, a legally binding mitigation agreement shall be executed, which sets forth the terms of the mitigation, including such issues as the amount, nature, and timing of donations, construction, or funding to be provided by the developer, and any other matters necessary to effectuate mitigation in accordance with this Agreement. The mitigation agreement shall specify the amount and timing of any impact fee credits or reimbursements that will be provided by the County as required by state law.

e. If after 90 days the applicant and the School Board are unable to agree to an acceptable form of mitigation, the School Board will report an impasse to the County in writing and

the County will not issue a School Capacity Determination for the proposed development.

f. The School Board may grant two (2) 90-day extensions to the mitigation negotiation period.

g. Mitigation must be proportionate to the demand for public school facilities to be created by actual development of the property.

Section 5. School Site Selection, Significant Expansions, and Potential School Closures

5.1 The School Board tasks the Superintendent to appoint a committee to review potential sites for new schools and proposals for significant expansions and potential closure of existing schools. Based on information gathered during the review, the Committee will submit recommendations to the Superintendent or designee. The Committee will meet on an as needed basis.

5.2 When the need for a new school is identified in the district educational facilities plan, the appointed committee will review and provide comments on the list of potential sites in the area of need. The list of potential sites for new schools and the list of schools identified in the district educational facilities plan for significant expansion and potential closure will be submitted to the local government with jurisdiction for an informal assessment regarding consistency with the local government comprehensive plan, including, as applicable: environmental suitability, transportation and pedestrian access, availability of infrastructure and services, safety concerns, land use compatibility, consistency with community vision, and other relevant issues. In addition, the issues identified in subsection 5.3 of this agreement will be considered by both the local government and appointed committee as each site or school is evaluated. Based on the information gathered during this review for new schools the Committee will make a recommendation to the Superintendent or designee of one or more sites in order of preference. For significant renovations and potential closures, the Committee will make appropriate recommendations.

5.3 The following issues will be considered by the appointed committee, the School Board, and the Local Governments when evaluating new school sites and significant expansion and potential closure of existing schools:

- a. The location of schools proximate to urban residential development and contiguous to existing school sites, and which provide logical focal points for community activities and serve as the cornerstone for innovative urban design, including opportunities for shared use and collocation with other community facilities;
- b. The location of elementary schools proximate to and within walking distance of the residential neighborhoods served;
- c. The location of high schools on the periphery of residential neighborhoods, with access to major roads;

- d. Compatibility of the school site with present and projected uses of adjacent property;
- e. Whether existing schools can be expanded or renovated to support community redevelopment and revitalization, efficient use of existing infrastructure, and the discouragement of urban sprawl;
- f. Site acquisition and development costs;
- g. Safe access to and from the school site by pedestrians and vehicles;
- h. Existing or planned availability of adequate public facilities and services to support the school;
- i. Environmental constraints that would either preclude or render cost infeasible the development or significant renovation of a public school on the site;
- j. Adverse impacts on archaeological or historic sites listed in the National Register of Historic Places or designated by the affected local government as a locally significant historic or archaeological resource;
- k. Whether the site is well drained and the soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements;
- l. Whether the proposed location is in conflict with the local government comprehensive plan, stormwater management plans, or watershed management plans;
- m. Whether the proposed location is within a velocity flood zone or floodway, as delineated in the applicable comprehensive plan;
- n. Whether the proposed site can accommodate the required parking, circulation and queuing of vehicles;
- o. Whether the proposed location lies outside the area regulated by Section 333.03, Florida Statutes, regarding the construction of public educational facilities in the vicinity of an airport. When evaluating new school sites, significant expansion, and potential closure of schools, the School Board reserves the right to proceed in such matters by establishing separate working groups from the members of the Committee and/or other representatives as deemed appropriate by the Committee.

5.4 At least 60 days prior to acquiring or leasing property that may be used for a new public educational facility, the School Board shall provide written notice to the local government with jurisdiction over the use of the land. The local government, upon receipt of this notice, shall notify the School Board within thirty (30) days if the proposed new school site is consistent with the land use categories and policies of the local government's comprehensive plan. This

preliminary notice does not constitute the local government's determination of consistency pursuant to section 1013.33, Florida Statutes.

Section 6. Supporting Infrastructure

6.1 In conjunction with the preliminary consistency determination described in subsection 5.4 of this agreement, the school board and affected local governments will jointly determine the need for and timing of on-site and off-site improvements necessary to support each new school or the proposed significant expansion of an existing school, and will enter into a written agreement as to the timing, location, and the party or parties responsible for constructing, operating and maintaining the required improvements.

[6.2 The School Board will identify all infrastructure requirements such as sidewalks, bicycle paths, crosswalks, turn lanes, and signalization at the time of new school site selection and submit those requirements to the county.](#)⁴

Section 7. Local Planning Agency, Comprehensive Plan Amendments, Rezonings, and Development Approvals

7.1 The City or County will include a nonvoting representative appointed by the School Board on the local planning agencies, or equivalent agencies, to attend those meetings at which the agencies consider comprehensive plan amendments and rezonings that would, if approved, change residential density on the property that is the subject of the application. The City and County may at their discretion grant voting status to the School Board member. The School Board representative will be provided the agenda for each meeting along with any background materials in order to determine which meetings require their attendance. The County and/or City will indicate if the School Board representative is desired due to the circumstances of any particular case.

7.2 The School Board will appoint a representative to serve on the County's staff development review committee, or equivalent body. In addition, the School Board representative will be invited to participate in the City's staff development review committees, or equivalent body, when development and redevelopment proposals are proposed which could have a significant impact on student enrollment or school facilities. The City or County shall notify the School Board of all residential or mixed use site plan or subdivision applications for final plat approval 10 working days prior to the development review committee, or equivalent body, review of the

⁴ The West Florida Regional Planning Council prepared a document in advance of the adoption of [the 2009 Public School Facilities Planning Interlocal Agreement](#) in which language similar to the proposed language was included: "The School Board will continue to coordinate new school facility efforts with the County, City, Town, and utility companies to ensure supporting infrastructure is available such as potable water, wastewater, drainage, solid waste, and transportation, The School Board will also seek to assure safe access to schools, including sidewalks, bicycle paths, turn lanes, and signalization, The School Board will identify all infrastructure requirements at time of site selection of new school facilities." This is a specific level of coordination that is necessary as schools and new developments keep pace with each other. (*Escambia County, Florida – Public School Facilities Element (Data & Analysis) – Prepared by: West Florida Regional Planning Council – March 2009 for the Interlocal Agreement signed by the Escambia County School District April 8, 2009*)

application. The School District shall provide a determination regarding available school capacity no later than the development review committee, or equivalent body, meeting.

7.3 The City or County agree to give the School Board notification of land use applications, rezonings, and developments of regional impact pending before them that may affect student enrollment, enrollment projections, or school facilities. Such notice will be provided at least thirty (30) days prior to approval of the application. This notice requirement applies to amendments to the comprehensive plan future land use map, rezonings, and developments of regional impact.

7.4 Within fourteen (14) days after notification by the local government, the School Board Staff in coordination with the representative to Planning Boards will advise the local government of the school enrollment impacts anticipated to result from the proposed land use application, rezoning, or development of regional impact as described in 7.3, and whether sufficient capacity exists or is planned to accommodate the impacts. School capacity will be reported consistent with State Requirements for Educational Facilities.

7.5 If sufficient capacity is not available or planned to serve the proposed land use, rezoning, or development of regional impact, the School Board will consider how it proposes to meet the anticipated student enrollment demand. Site plan and subdivisions will be reviewed for available school capacity following the procedures in Section 4.

7.6 In reviewing and approving comprehensive plan amendments, rezonings, and development proposals, the City or County will consider the following issues:

- a. School Board comments;
- b. Available school capacity or planned improvements to increase school capacity;
- c. The provision of school sites and facilities within planned neighborhoods;
- d. Compatibility of land uses adjacent to existing schools and reserved school sites;
- e. The co-location of parks, recreation and neighborhood facilities with school sites;
- f. The linkage of schools, parks, libraries and other public facilities with bikeways, trails, and sidewalks for safe access;
- g. Traffic circulation plans which serve schools and the surrounding neighborhood;
- h. The provision of off-site signalization, signage, access improvements, and sidewalks to serve schools; and
- i. The inclusion of school bus stops and turnarounds.

7.7 In formulating community development plans and programs, the City or County will consider the following issues:

- a. Giving priority to scheduling capital improvements that are coordinated with and meet the capital needs identified in the School Board district educational facilities plan;
- b. Providing incentives to the private sector to identify and implement creative solutions to developing adequate school facilities in residential developments;
- c. Targeting community development improvements in older and distressed neighborhoods near schools; and
- d. Working to address and resolve multi-jurisdictional public school issues.

7.8 The County and the School Board adopted a separate interlocal agreement to define the applicable site development plan review requirements for projects initiated by the School Board on March 1, 2005.

Section 8. Co-location and Shared Use

8.1 Co-location and shared use of facilities are important to both the School Board and local governments. The School Board will look for opportunities to co-locate and share use of school facilities and civic facilities when preparing the District Educational Facilities Plan. Likewise, co-location and shared use opportunities will be considered by the local governments when preparing the annual update to the comprehensive plan's schedule of capital improvements and when planning and designing new, or renovating existing, community facilities. For example, opportunities for co-location and shared use with public schools will be considered for libraries, parks, recreation facilities, community centers, auditoriums, learning centers, museums, performing arts centers~ and stadiums. In addition, co-location and shared use of school and governmental facilities for health care and social services will be considered.

8.2 The County and the School Board adopted a separate cooperative agreement on August 18, 2005 for a comprehensive system for joint use and maintenance of selected school grounds as recreational facilities. This agreement pledges to continue to develop and support joint program initiatives that will facilitate the more effective and efficient delivery of services for the communities served by district schools.

Section 9. Resolution of Disputes

9.1 If the parties to this agreement are unable to resolve any issue in which they may be in disagreement covered in this agreement, such dispute will be resolved in accordance with governmental conflict resolution procedures specified in Chapter 164 or 186, Florida Statutes.

Section 10. Oversight Process

10.1 The staff working group described in Section 1.1 is assigned the responsibility to monitor the implementation of the ILA. Staff working group members shall be invited to attend all meetings referenced in Sections 1, 3, 4 and 5 and shall receive copies of all reports and documents produced pursuant to this ILA. All meetings of the staff working group shall be advertised in the local media to encourage public participation in this oversight process. The staff working group shall report annually to participating local governments, the School Board and the general public on the effectiveness with which the ILA is being implemented.

Section 11. Effective Date

11.1 This ILA shall become effective when executed and filed in the Office of the Clerk of the Circuit Court of Escambia County, Florida. The County shall be responsible for filing the executed ILA.

Section 12. Amendment and termination of Agreement

12.1 Any party may elect to withdraw from participation in this ILA upon official action of its governing body and after 30 days written notice to the other parties to this ILA.

12.2 Any party may request changes to this ILA. Such changes must be set forth in a written amendment executed by the parties hereto.

Section 13. Expiration

13.1 The term of this ILA shall be for a period of ten years; provided however, that either party can request a review of the ILA every two years.