

## **Public Schools Element**

### ***GOALS - OBJECTIVES - POLICIES***

Based on the analysis of public school issues in this element, the following goals, objectives, and policies are adopted into the Fort Myers Beach Comprehensive Plan:

**GOAL 16: To provide a public school system with a high-quality educational environment that is accessible for all of its students and has enough capacity to accommodate enrollment demand.**

**OBJECTIVE 16-3 INTERGOVERNMENTAL COORDINATION** – Maintain an interlocal agreement with the Lee County School District that coordinates the location of public schools with supporting infrastructure and other public facilities and with this comprehensive plan.

**POLICY 16-A-1** To ensure compatibility with surrounding land uses and proximity to residential areas they serve, public and private schools should be located in the following categories on the town's future land use map: Mixed Residential, Boulevard, Pedestrian Commercial, or Recreation (but never seaward of the 1978 coastal construction control line), as required by Policy 4-B-14. Schools located outside the town must be located in accordance with policies of the relevant local government.

**POLICY 16-A-2** The town and the school district shall jointly determine the need for and timing of on-site and off-site improvements necessary to ensure safe access to public schools and shall enter into an agreement with the school district identifying the timing, location, and the party or parties responsible for constructing, operating, and maintaining off-site improvements necessary to support public schools. Examples of off-site improvements include sidewalks and bicycle paths.

**POLICY 16-A-3** The town strongly encourages the school district to add middle-school classrooms to the Fort Myers Beach Elementary School.

POLICY 16-A-4 Governmental agencies providing parks, libraries and community centers are strongly encouraged to locate them near the Fort Myers Beach Elementary School, which has always served as a community focal point.

POLICY 16-A-5 The town will coordinate with nearby local governments and the school district on emergency preparedness issues.

POLICY 16-A-6 The town will coordinate an annual review of this element and of school enrollment and population projections with the school district, county, and other cities as set forth in the interlocal agreement with the Lee County School District.

OBJECTIVE 16-B ACCOMMODATING ENROLLMENT DEMAND – The town will keep in force the level-of-service standard (LOS) for public schools that is contained in the most current interlocal agreement with the school district in order to correct existing deficiencies and meet future needs.

POLICY 16-B-1 The minimum acceptable level-of-service standards for public schools within the Town of Fort Myers Beach shall be:

1. Elementary Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
2. Middle Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
3. High Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.
4. Special Purpose Schools: 100% of permanent capacity as adjusted by the school district annually to account for measurable programmatic changes.

“Permanent capacity” of each of the four types of schools means the combined capacity for all schools of that type that are located in the school district’s South Student Assignment Zone, as depicted in Figure 3 of this element. (Multi-zone

magnet schools and special centers are excluded.) Permanent capacity is the capacity of permanent buildings as determined by the Florida Inventory of School Houses, 2006 edition, published by the Florida Department of Education's Office of Educational Facilities. "Measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools, and special educational programs.

**POLICY 16-B-2** Relocatable classrooms may be utilized to maintain the level of service on a temporary basis when construction to increase capacity is planned and in process. The temporary capacity provided by relocatables shall not exceed 20% of the permanent capacity and shall be used for a period not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

**POLICY 16-B-3** Modifications to these level-of-service standards and concurrency service areas shall be accomplished by amendment to the Interlocal Agreement approved on April 7, 2008, and subsequent amendments to policies in this comprehensive plan. Modified levels of service and concurrency service areas must maximize the utilization of school capacity to the greatest extent possible and must be financially feasible, supported by adequate data and analysis, and able to be achieved and maintained for the coming five years.

**OBJECTIVE 16-C PUBLIC SCHOOL CONCURRENCY** – Within six months after the effective date of this element, the town shall amend the concurrency management system in its land development code to include public school concurrency in the annual concurrency assessment in order to ensure adequate school capacity for at least the coming five years. Public school concurrency shall be applied by the town immediately as of the effective date of this element.

POLICY 16-C-1 The following residential uses are exempt from the requirements of school concurrency:

1. Single family lots having received final plat approval prior to the effective date of the code amendments.
2. Multi-family residential development having received development order approval prior to the effective date of the code amendments.
3. Amendments to residential development orders issued prior to the effective date of the code amendments, which do not increase the number of residential units or change the type of residential units proposed.

POLICY 16-C-2 The town's concurrency provisions for public schools shall apply to residential development only, except as exempted in Policy 16-C-1.

1. If school capacity is available or planned to be under construction within the next three years, the application can proceed through the regular process.
2. If school capacity is not available in the South Student Assignment Zone, a contiguous zone can be reviewed for available capacity.
  - a. If school capacity in a contiguous zone is available or is planned to be under construction within the next three years, the application can proceed through the regular process.
  - b. If capacity is not available, the applicant may begin a 90-day negotiation period for mitigation.

POLICY 16-C-3 The town and the school district shall review mitigation options during the 90-day negotiation period.

1. Mitigation options may include but are not limited to:
  - a. The donation of land or of funding of land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities to be created by the proposed development; or
  - b. Establishment of a charter school with facilities constructed in accordance with the State Requirements for Educational Facilities

(SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the school district at no cost to the district if the charter school ceases to operate.

2. The school district will consider mitigation offers only if they meet the following standards:
  - a. Proposed mitigation must be directed towards a permanent school capacity improvement identified in the school district's financially feasible work program which satisfies the demands created by the proposed development.
  - b. Relocatable classrooms will not be accepted as mitigation.
3. If mitigation can be agreed upon, the town and the school district will enter into an enforceable binding agreement with the developer.
4. If capacity is not available and mitigation cannot be agreed upon, the town cannot approve the application until such time as capacity becomes available.
5. Further details on mitigation requirements is provided in the Interlocal Agreement with the school district.

**OBJECTIVE 16-D SCHEDULE OF CAPITAL IMPROVEMENTS** – The town's five-year schedule of capital improvements will include school projects that are needed to address existing deficiencies or meet future needs.

**POLICY 16-D-1** During the annual update of the capital improvements element, the town shall incorporate into its five-year schedule of capital improvement any improvements proposed by the school district during the next five years that will be constructed within the town's municipal limits and which are needed to address capacity deficiencies and shall ensure the financial feasibility of the school district's facility work plans on which this element is based. Capacity-enhancing school improvements outside the Town of Fort Myers Beach will be incorporated into the five-year schedule of capital improvements in accordance with Policy 11-A-7. The annual update process will comply with all relevant statutory and administrative