

School District of Palm Beach County Charter School District Proposal

Executive Summary

The State Board of Education is authorized to enter into a performance contract with up to six district school boards for the purpose of establishing them as charter school districts. Currently the state has three Charter Districts: Volusia, Hillsborough, and Orange County. The Palm Beach County School District, with the submission of their proposal, is requesting Charter School District status.

The School Board and Superintendent of Palm Beach County feel that designation as a Charter School District will remove any and all barriers to improved student achievement by increasing opportunities for greater focus on meeting student needs. This increased focus on and support of student needs includes the realignment of resources to directly support student instruction. This proposal is consistent with Governor Bush's A+ Program and the goals of the "No Child Left Behind" federal legislation. None of the waiver requests from Palm Beach County would create an adverse effect to either program.

The School Board's decision to pursue designation as a Charter School District is aligned with their expectation that departments and schools identify more efficient and effective ways to manage operations and deliver instruction for one end result: improved student achievement for all groups of students. It is their belief that becoming a Charter School District will create an entrepreneurial spirit in which departments and schools are encouraged to approach the management of schools and the delivery of instruction in a different way, with improved results.

Palm Beach County's proposal includes the following four strands of deregulation that will encourage departments and schools to continuously seek ways to remove barriers to improved school management and increased student achievement. In addition, the Palm Beach proposal strengthens choice options for families.

Strand I focuses on implementation of the initial waivers contained in this proposal that have District wide impact and support the primary purpose for becoming a Charter School District, removing barriers to increased student achievement.

Waiver # 1 - District Cap for Charter Schools

State regulation to be waived (F.S. 1002.33 (13) Number of Schools) limits the number of charter schools for the District to 28: "The number of charter schools is limited to no more than 28 in each school district that has 100,000 or more students. . . Notwithstanding any limit established by the statute, a district school board or applicant has the right to request an increase."

The District proposes to determine the additional number of charter schools to be served above the limit of 28. This waiver will allow the District to expand the capacity of the public school system to include all acceptable charter school applications. Implementation of this waiver will create more opportunities for parent and student school choice.

Waiver # 2 - Program Capacity

State regulation to be waived (F.S. 1013.03(10)(a) and 1013.72 (formerly F.S. 235.014(10)(a) and 235.216) requires the district to prepare an Educational Plant Survey and undergo a review to "verify that student station and auxiliary facility space allocations do not exceed the limits provided by this chapter and related rules" (SREF), and to "compare total capital outlay full-time equivalent enrollment projections in the survey with the department's projections."

Under current formulas, spaces used for essential special programs are counted by the State as regular instructional space, thereby limiting their ability to construct adequate school facilities to meet growth

and program needs. As a result, these formulas do not allow enough space for many of the special programs, such as English for Speakers of Other Languages, Exceptional Student Education, and parent involvement, in their schools.

The School Board proposes to determine space needs at the local level, based on local projections and program needs. They will continue to use Florida Inventory of School Houses (FISH) as the baseline reporting measure. The District will provide for Board-approved deviations from the baseline, based on special programs in a school. They will also follow the requirements of the Interlocal Agreement for School Concurrency. The primary funding source for deviations from use of the FISH baseline will be locally supported alternative funding, currently Certificates of Participation.

The waiver will enable the District to utilize school space to meet the specific needs of the school population, which will allow more student spaces for essential special programs listed above. It should also be noted that, by allowing the District to construct additional instructional space, this waiver is consistent with and supports the goals and objectives of Constitutional Amendment #9 for reduction of class size.

Waiver #3 - Maximum Cost Per Student Station

State regulation to be waived is Florida Statue Section 1013.64 (formerly 235.435) of the K-20 Education Code which includes the following language:

"(6)(b)1. A district school board must not use funds from the Public Education Capital Outlay and Debt Service Trust Fund or the School District and Community College District Capital Outlay and Debt Service Trust Fund for any new construction of educational plant space with a total cost per student station, including change orders, that equals more than:

- a. \$11,600 for an elementary school,
- b. \$13,300 for a middle school, or
- c. \$17,600 for a high school,

(1997) as adjusted annually by the Consumer Price Index.

(6)(c) Except as otherwise provided, new construction initiated by a district school board after June 30, 1997, must not exceed the cost per student station as provided in paragraph (b)."

The new statute does not address what happens if the cost exceeds the maximum cost per student station; however, the previous statute required that costs in excess of the maximum cost per student station be taken from operating (i.e. classroom) funds.

Currently, special facilities, such as vocational education laboratories and hurricane shelters, which are more expensive to build, cause the cap to be exceeded. Other factors such as small schools on tight urban sites, Building Code requirements for 140 mph winds, and a booming construction market, all result in construction prices higher than most of the state.

The School District of Palm Beach County has and will continue to build schools that are frugal and provide the maximum cost efficiency to the public, while providing enriching programs that have proven to be best practices for achieving academic success. To date, almost all new schools have been constructed within the maximum cost per student station. In fact only one school in recent years exceeded the maximum cost per student station and the Commissioner of Education granted a waiver for that school, due to the uniqueness of the project.

The previous statute (FS 235.4351) provided a waiver provision that allowed the Commissioner of Education to waive the above provisions for a specific project. This waiver provision was not included in the new K-20 Education Code.

The School Board proposes that, prior to submitting construction contracts to the School Board for award, District staff will meet with the citizen-based Construction Oversight Review Committee to review project costs. District staff will identify to the Review Committee and the School Board all projects that exceed the maximum cost per student station and establish and indicate criteria to justify exercising the waiver.

Any costs exceeding the maximum cost per student station will be funded locally, either through Certificates of Participation, impact fees or other local means.

This waiver request will allow the District to provide all students with a rigorous academic program necessary to meet graduation requirements, as well as provide them with a wide range of career training programs, by building comprehensive facilities with the capacity to meet program needs in academic and career training areas. The schools will operate as "schools within a school," providing students with varied program options, while maintaining focused support for students in program clusters. Providing a range of options to meet the students' needs in a comprehensive school will result in decreased dropout rates, high student achievement and higher graduation rates.

Emergency shelters do not provide a direct impact specifically to students; however, they do serve an important and necessary community function, and they are required by statute. If emergency shelters were not required, funding could be used for other capital needs to reduce class size or provide other necessary facilities. The same rationale applies to building schools in 120 mph wind zones.

At the conclusion of each construction project, District staff will report final cost to the Construction Oversight Review Committee and School Board. District staff will identify the amount above the maximum cost per student station by subtracting the maximum cost per student station from the total project cost, including change orders. District staff will also monitor graduation rates at schools that incorporate career clusters to determine how the graduation rates compare with comparable schools that do not include career clusters. Academic achievement, as measured by standardized testing, will be compared between the smaller and standard-sized schools to determine if students are being positively impacted.

Waiver # 4 - Castaldi Analysis

State regulation to waive (Florida Statute 1013.03(10)(a) (formerly 235.014(10)(a)) states the functions of the Department of Education, which include:

"Review and validate surveys proposed or amended by boards and recommend to the Commissioner of Education, for approval, surveys that meet the requirements of this chapter. 1. The term "validate" as applied to surveys by school districts means to review inventory data as submitted to the department by district school boards; provide for review and inspection, where required, of student stations and aggregate square feet of inventory changed from satisfactory to unsatisfactory or changed from unsatisfactory to satisfactory; and compare new school inventory to allocation limits provided by this chapter."

Although there is no specific statute that requires a Castaldi analysis to validate the Educational Plant Survey or an amendment of the survey, the Castaldi analysis is the method used by the Department of Education. The Castaldi analysis is a mathematical computation used to determine if it is more cost effective to build a new educational facility or remodel, add to, or upgrade the existing facility. The analysis takes into consideration the age of the facility and the replacement value of that facility.

Currently, the Castaldi analysis, which may either be completed by the Department of Education or the school district, is used to determine if the school district should be allowed to replace a building rather than renovate the building. If the Department of Education determines that it is more cost effective to

renovate or otherwise upgrade the building as opposed to replace the building, the Department of Education will not validate the School District's survey amendment as required by 1013.03(10)(a).

In lieu of using only the Castaldi analysis, the School Board proposes to consider additional criteria beyond the age of the building and its estimated replacement cost to determine if a building should or should not be replaced. This waiver would only be exercised if one or more of an established criterion applies. The decision regarding whether or not to replace a building will also be reviewed by the District's citizen-based Construction Oversight Review Committee for approval.

If the results of a standard Castaldi analysis indicate that the District should renovate a building rather than replace it, the District may apply additional criterion to determine whether to renovate or replace the building. If the District decides to replace the building, local funds will be used to pay for the cost of the replacement.

The following criterion will be used to determine if a building should or should not be replaced: Additional Costs to Work Around Building; Small Site; High Operating and Maintenance Costs; Security; and Local Funding Available for Replacement.

Approval of this waiver will allow the district to build more efficient, safer schools, and utilize prototype designs more efficiently. As a result of this waiver, the District will realize savings to both the capital and operating budgets, freeing up funds to provide additional facilities and increased support for instructional programs.

Waiver # 5 - Out-of-Field Teaching Assignment

State regulation to be waived (Florida State Board Rule 6A-1.0503 - Definition of Qualified Instructional Personnel) establishes three definitions of qualified instructional personnel: "(1) the teacher holds a valid educator's certificate with appropriate coverage as prescribed in the Course Code Directory, or (2) the teacher meets criteria to be noncertified, or (3) the teacher holds a valid educator's certificate but has been approved by the School Board to teach in a field not listed on the certificate..."

This request is to waive item number three of the State Board Rule noted above, the timeline for School Board approval to teach in field not listed on certificate.

The district is currently required to have school board approval of out-of-field teacher assignments prior to each of the state student enrollment FTE survey weeks in October and February, which follows the hire date of the respective teachers. Due to the staggered timelines for hiring teachers and the established schedule of School Board meetings, the District is not able to have all teachers assigned out-of-field prior to each of the State's enrollment FTE Survey weeks. Failure to do so results in audit findings and the levy of fines on the District.

Due to increasing student enrollments in the opening weeks of each school semester, it is impossible to accurately project and fill all teaching positions with highly qualified teachers prior to the state required FTE survey schedule. In addition, staff adjustments are made for all schools, based upon student enrollment, several times throughout the school year. As a result of these adjustments, teaching units are added and/or reassigned based upon need and student count.

It is not the intent of the District to forgo teacher quality by assigning teachers to positions out of their subject area. Out-of-field teacher assignments will be made only if there are no other qualified and certified teachers available from the applicant or faculty pool.

The School Board proposes that when the State FTE survey week dates conflict with school board meeting dates, the list of out-of-field teacher assignments be submitted for school board approval at the

subsequent school board meeting date. This method will continue to ensure that all out-of-field teacher assignments are school board approved.

This waiver will allow for a teacher selection process that is solely based on hiring the best-qualified teachers and may decrease the need to hire an out-of-field teacher to meet an FTE reporting timeline requirement. The District will be able to continue to strive to hire the best-qualified teacher for the classroom to support student learning.

Monies that have been lost to FTE audit findings for failure to timely report out-of-field teachers can, with this waiver, be used to provide coursework leading to certification for out-of-field teachers and for the enhancement of instructional programs.

Strand II involves an ongoing process for departments and schools to identify state and/or local regulations that present barriers to school/District management and student achievement.

As a Charter School District, local schools will continue to have the same flexibility afforded to them under previous Florida Statutes for waiving state and local regulations that are barriers to improved student achievement.

Should a school identify a state or local regulation that presents a barrier to improved student achievement or implementation of the School Improvement Plan, the School Advisory Council (SAC), following a vote of its membership, may apply for a waiver from the restrictive state statute or rule or School Board Policy.

Strand III provides an option for schools to become deregulated upon School Board approval of the school's proposal.

The School District of Palm Beach County was authorized to conduct a deregulated schools pilot program in 1999. Initially, five schools researched best practices for improved student achievement and identified regulatory barriers to implementation of the best practices strategies. The school advisory council at each school developed a deregulated school proposal, including innovative programs to meet the needs of all students, with a special emphasis on low performing students. The five proposals included waivers of regulations governing pupil progression, purchasing, budget, instructional materials, and other educational issues. The proposals were approved by the School Board and submitted to the Commissioner of Education.

The School District strives to continue to support greater autonomy at the school level by encouraging schools to research best practices and apply for waivers or develop proposals for deregulation, in order to implement innovative programs designed to improve student performance. At the present time, the District has four elementary, two middle, and two high schools designated as deregulated schools by the Florida Department of Education. It is the intent of the District as a Charter School District, to provide any and all schools with the option to develop a proposal to become a deregulated school.

Strand IV allows for the District to expand the number of charter schools to support student and parent choice options. This strand also provides district schools with the option to become a conversion charter school, upon School Board approval of their charter application.

The School Board currently has fifteen charters schools open and operating, with 12 additional applications approved by the School Board for charter schools that will open for operation in 2003-2004.

The District is committed to expanding the number of charter schools above the State cap level of 28 by adding charter schools based on School Board approval of their charter school application. To achieve this expansion, the district has submitted a waiver to allow the removal of the State cap (Strand I). The School Board will have the authority to determine if a charter school application meets the fiscal requirements to become a charter school and to determine if the addition of the charter school serves the needs of the student population in the District.

In a continued effort to provide students and parents with expanded choice options, the District, over the next three years, is committed to having five conversion charter schools. As the District moves forward in this new arena, implementation efforts will be carefully monitored and supported to ensure that this deregulation model consistently provides a high quality educational program for students.

Schools that wish to become conversion charter schools will be required to submit an application that meets the statutory requirements for conversion charter schools. Upon School Board approval, the school will be granted conversion charter status for a designated period of time.

Conclusion

In conclusion, the School District of Palm Beach County will identify District staff that will be assigned responsibility for evaluating and monitoring waivers, deregulated schools, charter schools and conversion charter schools, as well as the overall District performance according to the provisions of the charter. Prior to final evaluation, periodic status reports will be compiled and reviewed according to established timelines by the state Board of Education. The data will be analyzed and reported for each performance goal each year through fiscal year 2005.