

North Central Texas Council Of Governments

TO: Federal Highway Administration

DATE: May 31, 2016

FROM: Karla Weaver, AICP
Program Manager

SUBJECT: Task 2a: Review of State Legislation and Policies Related to School Siting Requirements

The purpose of this memo is to present the review of state legislation and policies related to school siting and land banking that was conducted by North Central Texas Council of Government (NCTCOG) staff in fulfillment of the terms of the 2014 Transportation Investment Generating Economic Recovery (TIGER) planning grant. The following section provides an overview of the TIGER grant that was awarded to NCTCOG, including the challenges it addresses, and the goals and accompanying tasks of the grant. Subsequent sections include a brief introduction to school siting, an overview of the State of Texas' school siting and construction funding and regulations, and a review of other states that have noteworthy policies and practices related to school siting.

BACKGROUND

The Dallas-Fort Worth (DFW) metroplex is one of the fastest growing metropolitan areas in the country, putting tremendous strain on the region's infrastructure—including transportation and school systems. The region's population is projected to increase from 7.2 million in 2017 to 10.7 million in 2040.¹ During this period, the number of school-age children (5 to 17 years) is estimated to increase by more than 750,000. There are currently 1,320,000 school-age children in the metroplex.² To accommodate this growth, hundreds of schools will need to be built or renovated. The location of those schools will have a tremendous impact on how children get to school and the region's transportation system overall.

Building upon previous coordination efforts with school districts in the region, the Regional Transportation Council (RTC) adopted a policy to support school districts in 2013. NCTCOG applied for and was awarded a 2014 TIGER planning grant. The goals of the grant are four-fold: (1) encourage interagency coordination; (2) address land use - transportation problems and school siting; (3) plan for transportation safety in school locations; and (4) plan for transportation options and accessibility. Various sub-tasks were identified to achieve each goal.

¹ NCTCOG 2040 Population Projections.

² U.S. Census Bureau. (2016). *S0101: Age and Sex, 2010-2014 American Community Survey 5-Year Estimates* [Data file].

The second goal, "address land use - transportation problems and school siting," is supported by the following sub-tasks:

- a) **Review state legislation and policies related to school siting requirements and land banking programs.**
- b) Research land banking programs and best practices.
- c) Develop a framework for a program for planning, establishing, replenishing, and maintaining acquisition funds and/or land banking for school siting.
- d) Coordinate independent school district (ISD), local government, and regional demographic projections for future demand for schools and housing.
- e) Identify partnerships and funding sources.
- f) Create summary memos resulting from research, review, and process conducted in items a through e, at the end of each sub-task.

This memo focuses on Task 2a, and the findings that resulted from the review of state legislation and policies related to school siting. Land banking was originally listed but will be covered in Task 2b.

INTRODUCTION TO SCHOOL SITING AND LAND BANKING

School siting is the process by which a community decides where to locate schools. This process occurs through the construction of a new school, the consolidation of existing schools, and the layout of the school site.

Historically, schools were located at the physical and social center of neighborhoods and communities. The location of these neighborhood schools protected children from heavy automobile traffic, and they were sited to accommodate children walking and biking to school. Since the 1970s, however, school planning has paralleled commercial development trends, leading to mega-schools located along highways and major arterial roadways on the edge of communities, where land is less expensive and easier to assemble. This trend in school siting is significant, as studies have shown that the farther schools are located from residences the less likely it is that children will walk or bicycle to school.³ According to the 2009 National Household Travel Survey, only 10 percent of school-age children in the Dallas-Fort Worth region walked or biked to school. Conversely, 72 percent of children arrived at school in a private vehicle, and 18 percent arrived in a school bus.⁴

³ Safe Routes to School National Partnership, "The Influence of the Built Environment on Travel Behaviors." Retrieved from www.saferoutespartnership.org/mediacenter/research/231317.

⁴ U.S. Department of Transportation, Federal Highway Administration. 2009 National Household Travel Survey [data]. Retrieved from <http://nhts.ornl.gov>.

As the number of children in the region continues to grow in the coming decades, this growth model can have significant impacts on traffic congestion, air pollution, transportation safety, health (particularly asthma and the rise in childhood obesity rates), community cohesion and investment, and the amount of money schools spend on transportation.

Research has identified a number of factors that have led to this “school sprawl.” Many state education departments, such as California, either mandate or recommend a minimum number of acres for schools. These acreage requirements often make it difficult for school districts to find parcels large enough for a new school, leading to new schools located on the edge of communities. State funding policies can also tip the scales in favor of building new schools over the upgrading of existing schools.⁵ Finally, there is significant state-by-state variation whether school districts are required to develop long-range facilities plans.⁶

The following sections discuss how these issues are addressed in the State of Texas and in other states that have noteworthy practices.

STATE REGULATIONS RELATED TO SCHOOL SITING, CONSTRUCTION, AND FUNDING

The Texas Education Agency (TEA) is the state agency that oversees primary and secondary public education in the State of Texas. The work of TEA and the entire public school system is driven by laws created by the Texas Legislature and the U.S. Congress, and administrative rules adopted by the Commissioner of Education, the State Board of Education, and the State Board for Educator Certification.

Rules and regulations governing school facilities in Texas are found in Title 19 of the Texas Administrative Code, and the Texas Education Code. The Texas Administrative Code is a compilation of all state agency administrative rules in Texas and includes the rules adopted by the State Board of Education and the Commissioner of Education. The Texas Education Code includes all laws and rules passed by the state legislature related to educational institutions that are supported in whole or part by state tax funds. The standards and regulations discussed in the following sections are based on these two state documents.

⁵ Beaumont, C. E. & Pianca, E. G. (2002). *Why Johnny can't walk to school: Historic neighborhood schools in the age of sprawl* (2nd Ed.). National Trust for Historic Preservation. Retrieved from <http://atfiles.org/files/pdf/whyjohnnywalkschool.pdf>

⁶ Twenty-seven states require school districts to develop capital facility plans (see Attachment 2).

School Siting and Construction Regulations

The State of Texas provides overall relatively minimal regulation and oversight of public school facilities. Regulations that often have an impact on school siting include requirements for school facility planning and minimum school size standards.

School Facility Planning

In Texas, school districts are encouraged, but not required to create a long-range capital facilities plan prior to making major capital investments.⁷ Long-range school facilities plans are a compilation of information, policies, and statistical data about school districts in order to plan for facility needs for either pupil enrollment growth or decline.

School Size

Neither the Texas Administrative Code nor Texas Education Code have prescribed minimum acreage requirements for schools. Classroom sizes are defined in Title 19, Section 61.1036 of the Texas Administrative Code, but variances are allowed depending on the circumstances of the facility and whether the district chooses to opt for a nontraditional or innovative school design. The classroom size requirements from the Texas Administrative Code can be found in the attachment.

Funding for School Construction

The primary way school districts fund capital projects in Texas, including the construction, acquisition, and equipment of school buildings, and the purchase of necessary sites for school buildings, is by selling voter-approved general obligation bonds. The proceeds of bonds issued by school districts may also be used, among other things, to pay for the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of a municipality or private utility company.⁸ Although turnout for bond elections is often very low, bond propositions need to be approved only by a majority of those voting in the elections. To pay off the debt issued for capital projects (including interest and sinking), school districts levy an Interest and Sinking (I&S) property tax, up to 50 cents per \$100 assessed property value.⁹

The form of state aid for public school facilities falls into two broad categories: construction aid and debt service aid. Twenty-seven states fund construction; seven states, including Texas, fund debt service; and eleven states fund both. States that provide debt service aid generally have limited review of projects seeking funding—limited to determining whether the debt is eligible and the project is qualified. However, debt service leverages more money for projects

⁷ 19 Tex. Admin. Code § 61.1036.

⁸ 2 Tex. Ed. Code § 45.101.

than funding construction because debt service helps districts access additional financing by issuing bonds.¹⁰

In Texas, the Instructional Facilities Allotment (IFA), which comes from state general fund revenues, reimburses school districts for a portion of the debt service costs of new debt issued for the construction or renovation of instructional facilities. The IFA is awarded for qualified projects: site acquisition for a new school, infrastructure and utility extensions (with the exception of off-site roadway improvements), classrooms, libraries, and other instructional facilities. There are no criteria for project approval beyond it being a qualified project. To be eligible for funding school districts must submit an application to TEA after receiving voter approval of the bonded debt, but before the proposed bonds are issued. After the close of the application deadline, TEA ranks applications according to school district property wealth, although there are certain exceptions.

The state's Existing Debt Allotment (EDA) can also help districts retire debt.¹¹ The EDA is flat funding, distributed to all school districts with eligible outstanding bonded debt. Both allotments provide state support for debt service that is equalized on the basis of local property tax wealth to provide a guaranteed yield of tax effort.

Following the opening of a new school campus, school districts and charter schools may apply for the state's New Instructional Facility Allotment (NIFA). This allotment provides direct aid to school districts for furnishing and equipping new campuses through a reimbursement of up to \$250 per student in attendance in the first year, and \$250 for each additional student in the second year.¹²

State funding for school construction can impact school siting by favoring new construction over renovation of existing facilities in funding formulas. One example of this is the so-called "two-thirds rule." Under this rule, if the cost of renovating an older school exceeds two-thirds of the cost of a new school, the school district should build a new school if the district wants to receive financial assistance from the state. To illustrate the impact of this funding bias: rather than expand or upgrade an existing school located at the heart of a community, a school district could be forced to purchase land for a new school that is on the edge of the community, farther from the students it will serve if the cost of renovating the existing school exceeds the cost of

⁹ Texas Comptroller of Public Accounts. (2012). *Your money and education debt*. (No. 961707). Retrieved from http://www.texastransparency.org/Special_Features/Reports/Education_Debt/pdf/TexasItsYourMoney-EducationDebt.pdf

¹⁰ Texas Legislative Council. (2006). *State roles in financing public school facilities*. Retrieved from <http://www.tlc.state.tx.us/pubspol/OnlineFinancePubSch.pdf>

¹¹ Texas Comptroller of Public Accounts. (2012).

¹² Texas Legislative Council. (2006).

building a new one.¹³ NIFA is the only state funding program that provides funding for new schools but not for renovated schools, and therefore encourages new construction over renovation.

STATES WITH NOTEWORTHY POLICIES AND PRACTICES RELATED TO SCHOOL SITING

As part of this report, a review was conducted of all states' applicable school siting policies and standards. A matrix with the complete results of this review can be found in Attachment 2. The findings are as follows:

- Twenty-seven states require school districts to prepare capital facility plans.
- Sixteen states have prescribed minimum acreage standards for school sites.
- Twenty-nine states have policies or guidelines for the selection of school sites that go beyond minimum acreage standards. Of those states with additional policies or guidelines for school siting, 20 have transportation access standards¹⁴ and 16 require or encourage interagency coordination or local government input. For states in which these standards are a requirement, they are enforced as part of the funding application process.
- Twelve states do not provide any funding for school capital outlay. These states generally have minimal or no policies or guidelines for school sites.
- Land acquisition is eligible for state aid in 23 states. Texas is one of only five states that provide funding for land acquisition but to not supply guidance on the selection of school sites.

The following are examples of state policies that require school districts to coordinate with other levels of government as part of the site selection and approval process.

- Georgia: Cooperation between the school system, the Georgia Department of Transportation (GDOT), and/or the local road commission is necessary to plan and complete any road improvements related to the opening of a facility. The school system must send a notification letter to GDOT and the local road commission stating their proposed plans for the site and requesting that an evaluation be performed on the roadway. A copy of the letter must be submitted with the school district's package to the state for site approval. If the site is approved, GDOT or the local road commission will perform the evaluation depending on whether the site is on a state route or a local road. A copy of the evaluation will be sent to the local school system. This evaluation does

¹³ Beaumont, C. E. & Pianca, E. G. (2002). *Why Johnny can't walk to school: Historic neighborhood schools in the age of sprawl* (2nd Ed.). National Trust for Historic Preservation. Retrieved from <http://atfiles.org/files/pdf/whyjohnnywalkschool.pdf>

¹⁴ Transportation access standards include, but are not limited to, the separation of bus, vehicular and pedestrian traffic, the number of entry and exit points into a site, and the ability of the public road network to accommodate increased traffic and turning movements.

not obligate GDOT to spend state motor fuel tax to fund any of the needed road improvements. The County or City government may make a request through the State Aid Office for funding assistance if needed.¹⁵

- Kentucky: After receiving tentative approval for the purchase of a school site or site expansion, the local board of education must submit a letter from local government or state highway office confirming road adequacy shall be provided, among other requirements.¹⁶
- South Carolina: School districts are required to consult with the local planning commission as to the compatibility of the proposed school site with the comprehensive plan of the community. If the district determines to go forward with the project which conflicts with the comprehensive plan, the School Board must publicly state its intention to proceed and the reason for the action. A copy of this finding must be sent to the local governing body and the local planning commission.¹⁷
- Utah: Prior to developing plans and specifications for a new public school, or the expansion of an existing public school, Local Education Agencies (LEAs) must coordinate with affected local governmental land use authorities and utility providers. LEAs must also ensure that the siting or expansion of a school in the intended location will comply with applicable local government general plans and will not conflict with entitled land uses. In addition, districts and charters must ensure that all local government services and utilities required by the school construction activities can be provided in a logical and cost-effective manner and that potential traffic hazards—including consideration of the impacts between the new school and future roadways—are avoided or appropriately mitigated.¹⁸

From 1994-2013, Texas added 1,290,000 K-12 students—400,000 more than any other state. Other high-enrollment, high-growth states (those with 2013 enrollments greater than one million and 1994-2013 growth rates greater than 20 percent) included Florida, Georgia, and North Carolina. All three of these states require school capital facility plans; and both Georgia and North Carolina provide criteria or guidance for site selection.

Like Texas, Georgia also provides funding for debt service; however, Georgia provides greater oversight of school facilities. For example, in order to receive capital outlay funds, each school district must develop an educational facilities plan and update it at least every five years. Furthermore, all project plans and specifications must be approved by the Facilities Section of

¹⁵ Georgia Department of Education, Facilities Services Unit. (2012). *Guideline for Educational Facility Site Selection*. 160-5-4-.16 (a) 6, p. 4-5.

¹⁶ 702 Ky. Admin. Regs. 4:050

¹⁷ South Carolina Department of Education, Office of School Facilities. (2014). *2014 South Carolina School Facilities Planning and Construction Guide*. Section 303.2.

¹⁸ Youngfield, J. (2013, April 30). *School Construction Resource Manual*. Utah State Office of Education. p. 47.

the Department of Education in order for a school system to receive reimbursement on a capital outlay project.

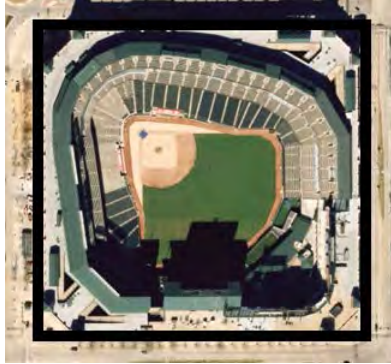
SUMMARY, RECOMMENDATIONS, AND NEXT STEPS

In summary, the State of Texas provides relatively minimal regulation and oversight of public school facility construction, except for prescribing minimum sizes for certain classroom types. With the exception of the NIFA, state funding for school facilities—which is provided in the form of debt service aid—does not significantly favor new construction over renovation.

Due to this lack of guidance at the state level, the construction of school facilities on large sites along major roadways at the edge of communities is likely the result of using outdated national recommendations (such as those previously published by the Association for Learning Environments¹⁹) or a general lack of education, and a lack of coordinated intergovernmental planning. As such, there is a need for greater guidance related to school construction and planning in the State of Texas.

¹⁹ Until 2004, the Association for Learning Environments promoted the following minimum acreage standards plus one acre for each 100 children in full-time enrollment: 5 acres for elementary schools, 20 acres for middle schools, and 30 acres for high schools. In 2004, after recognizing that these recommendations are at odds with a variety of community goals, the organization revised its guidelines and began endorsing a flexible approach to school site size.

Figure 1. Globe Life Ballpark



Under the previous Association for Learning Environments guidelines, an elementary school with 1,000 students would require 15 acres—roughly the size of Globe Life Ballpark, home of the Texas Rangers. A high school with 2,000 students would require 50 acres—the size of the Texas Christian University campus, which has a 2016 enrollment of approximately 10,300 students.

Figure 2. Texas Christian University Campus



Recommendations

A number of policy changes and efforts to encourage community-centered schools and the efficient use of limited resources related to school siting are recommended, as follows:

1. TEA should require school districts to develop five-year capital facility plans in order to be eligible for funding through the Instructional Facilities Allotment and the New Instructional Facilities Allotment. This would better ensure that limited capital funding is allocated to projects that have been identified as a long-term priority.
2. TEA should develop school siting standards that school districts must take into consideration in order to receive approval for site acquisition or school construction as part of applications for state aid for debt service payments. For example, California and Alaska both provide checklists for school districts to utilize in evaluating school sites. These standards should include criteria on transportation access (vehicular, bicycle, and pedestrian), infrastructure and utility availability, and coordination with local government plans.

To enforce school siting standards, TEA should require school districts to submit qualified projects for approval prior to seeking voter approval for the bonded debt, so that only approved projects are eligible for funding after the district has had a successful bond election. Currently, to receive state assistance in making debt service payments on bonds issued for the

construction or renovation of school facilities, school districts submit applications after they have received voter approval of the bonds. At this point, the state's review of projects is therefore limited because any changes as a result of this review could require the school district to revise the price of the bond and conduct another bond election. By requiring school districts to get approval of projects prior to seeking voter approval of bonds that will fund those projects, TEA could more easily enforce the school siting standards, as only those projects that have been approved would be eligible for funding.

A joint commission, comprised of municipal and school district leaders from throughout the state and relevant state departments, could be formed to examine these recommendations and develop state policy changes.

Next Steps

These findings will be presented along with others at NCTCOG's annual meeting of local government and school district elected officials, and NCTCOG staff will pursue continuing education of these issues to regional stakeholders. NCTCOG staff will also be looking to meet with the two Regional Education Service Centers—Regions 10 and 11—serving educators in the DFW metroplex to discuss coordination of these items.

Subsequent memos prepared for Task 2 of the TIGER grant will further examine land banking programs and best practices, opportunities to coordinate demographic projections for future need for school facilities and housing, and available funding sources and partnerships related to school siting and land banking.



Karla Weaver

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Attachment 1: Classroom Size Requirements, Texas Administrative Code, §61.1036

Attachment 2: State Regulations Related to School Siting, Construction, and Funding

Attachment 1: Classroom Size Requirements

(19 Tex. Admin. Code §61.1036)

General Classrooms:

- Pre-K to Grade 1: minimum of 800 square feet per room or 36 square feet per student
- Elementary School, Grades 2 to 6: minimum of 700 square feet per room or 32 square feet per student
- Secondary School: minimum of 700 square feet per room or 28 square feet per student

Computer Classroom: minimum of 900 square feet per room, plus 36 square feet for each student in excess of 25 students.

- Computer laboratories that are not used regularly for scheduled instruction, but that are intended to support other instructional areas: minimum of 25 square feet per computer station.

Combination Science Laboratories/Classrooms:

- Elementary School: minimum of 900 square feet per room, plus 41 square feet for each student in excess of 22
- Middle School: minimum of 1,200 square feet per room, plus 50 square feet for each student in excess of 24
- High School: minimum of 1,400 square feet per room plus 58 square feet for each student in excess of 24
- These requirements are reduced for school districts with small class sizes

Separate Science Classrooms and Laboratories:

- Science classroom, regardless of grade level served: minimum of 700 square feet
- Science Lab, Elementary School: minimum of 800 square feet per room, plus 36 square feet for each student in excess of 22
- Science Lab, Middle School: minimum of 900 square feet per room, plus 38 square feet for each student in excess of 24
- Science Lab, High School: minimum of 1,000 square feet per room, plus 42 square feet for each student in excess of 24
- These requirements are reduced for school districts with small class sizes

Special Education Classrooms: minimum of 400 square feet per room, or 40 square feet per student.

Primary Gymnasiums or Physical Education Space:

- Elementary School: minimum of 3,000 square feet
- Middle School: minimum of 4,800 square feet
- High School: minimum of 7,500 square feet

Library (by planned student capacity):

- 100 or less students: minimum of 1,400 square feet
- 101 to 500 students: minimum of 1,400 square feet, plus 4 square feet for each student in excess of 100
- 501 to 2,000 students: minimum of 3,000 square feet, plus 3 square feet for each student in excess of 500
- 2,001 or more students: minimum of 7,500 square feet, plus 2 square feet for each student in excess of 2,000
- If there will be more than 12 student computers in the library, add 25 square feet of space for each additional computer anticipated

Attachment 2: State Regulations Related to School Siting, Construction, and Funding

State	State School Facility Entity	Site Selection Criteria or Recommended Considerations	Minimum Acreage Standards	Require Capital Facilities Plan	Require/Encourage Interagency Coordination or Local Gov't Input	Transportation Access Standards	Contribution to Capital Construction (1994-2013) ²⁰	State Funds Can be Used for Land Acquisition ²¹	Enrollment SY 2012-2013	% Enrollment Change, 1994-2013
Alabama			Yes ²²	Yes ²³			22%	Yes	744,548	1.4%
Alaska		Site Selection Criteria and Evaluation Handbook ²⁴		Yes ²⁵	Yes ²⁶	Yes ²⁴	37%	Yes	131,091	3.9%
Arizona	Arizona School Facilities Board	Arizona School Facilities Board Rules and Policies ²⁷		Yes ²⁸			21%	Yes	941,726	24.7%
Arkansas	Arkansas Division of Public School Academic Facilities and Transportation	Arkansas School Facilities Manual ²⁹	Yes	Yes ³⁰		Yes ²⁹	12%		477,716	7.0%
California	School Facilities Planning Division, CA DoE	School Site Selection and Approval Guide (w/ site scoring worksheets) ³¹	Yes	Yes ³²	Yes ³³	Yes ³¹	28%	Yes	6,208,733	14.2%
Colorado		Public School Facility Construction Guidelines ³⁴				Yes ³⁴	3%	Yes	851,063	26.6%
Connecticut		Site Analysis Form ³⁵					57%	Yes	517,812	4.2%

²⁰ Filardo, M. (2016). State of Our Schools: America's K-12 Facilities 2016. Washington, D.C.: 21st Century School Fund. Retrieved from <http://centerforgreenschools.org/state-our-schools>

²¹ Filardo, M., Cheng, S., & Allen, M. (2010, November). State capital spending on PK-12 school facilities. 21st Century School Fund, National Clearinghouse for Educational Facilities. Retrieved from www.ncef.org/pubs/state_capital_spending_on_school_facilities.pdf

²² <http://www.alabamaadministrativecode.state.al.us/docs/ed/McWord290-2-2.pdf>

²³ <https://www.alsde.edu/sec/sarch/Pages/faqs-all.aspx?navtext=FAQS>

²⁴ <https://education.alaska.gov/facilities/publications/siteselection.pdf>

²⁵ <https://education.alaska.gov/facilities/FacilitiesCIP.html>

²⁶ When evaluating sites for a new schools, school districts are instructed to request DOT/PPF or local government guidance and technical assistance regarding traffic impacts, safety improvements and permitting. (Site Selection and Evaluation Handbook, 2011, p. 11)

²⁷ http://www.azsfb.gov/sfb/rules%20%20policies/SFB_Rules%2006.pdf

²⁸ Arizona School Facilities Board Rules and Policies, 2006, p. 27

²⁹ Arkansas School Facilities Manual, 2014, http://arkansasfacilities.arkansas.gov/public/userfiles/documents/facilities_manuals/Fac_Manual_Other_Sections/4000s_-_Site_Guidelines_-_Jan_2014.pdf

³⁰ http://arkansasfacilities.arkansas.gov/public/userfiles/documents/rules/Master_Plan_-_June_2013_-_FINAL_FOR_FILING_-_June_14_2013.pdf

³¹ School Site Selection and Approval Guide, 2000. <http://www.cde.ca.gov/ls/fa/sf/schoolsiteguide.asp#part1>

³² <http://www.cde.ca.gov/ls/fa/sf/title5regs.asp>

³³ Legislation sponsored by California Assemblywoman Patricia Wiggins, and signed by the governor in 2001, requires school districts to notify local governments when they are exploring school sites. It also requires districts and localities to "meet and confer" should either party request a meeting to discuss future school sites.

³⁴ Colorado Department of Education, Division of Public School Capital Construction Assistance. *Public School Facility Construction Guidelines*. 1 CCR 303(1). <http://ssd2.org/wp-content/uploads/2013/06/Public-School-Facility-Construction-Guidelines-Fixed.pdf>

³⁵ <http://www.ct.gov/dcs/lib/dcs/seg-053.doc>

Delaware																			
Florida					Yes ³⁶	No ³⁷						57%	Yes		129,026				18.2%
Georgia	Facilities Services Unit, GA DoE	Guideline for Educational Facility Site Selection ³⁸	Yes	Yes ³⁹	Yes ³⁹	Yes ⁴⁰	Yes ³⁸					15%			2,680,074				23.9%
Hawaii		Educational Specifications and Standards for Facilities ⁴¹	Yes			Yes	Yes					100%	Yes		184,760				2.4%
Idaho			Yes ⁴²	Yes ⁴³								0%	Yes		272,070				13.0%
Illinois												4%	Yes		2,069,823				8.5%
Indiana												0%			1,002,772				3.7%
Iowa												35%	Yes		499,489				0.2%
Kansas												8%			488,590				6.3%
Kentucky	Kentucky School Facilities Construction Commission	702 KAR 4:050. Building sites; inspection, approval ⁴⁴	Yes	Yes ⁴⁵	Yes ⁴⁶	Yes ⁴⁴						33%	Yes		685,009				4.3%
Louisiana												0%			671,156				-19.3%
Maine		Public School Standards & Guidelines for New School Construction and Major Renovation Projects ⁴⁷		Yes ⁴⁸	Yes ⁴⁹	Yes ⁴⁷						28%	Yes		184,682				-17.5%

³⁶ State Requirements for Educational Facilities, 2014, <http://www.fldoe.org/core/fileparse.php/5599/urlt/srfrule14.pdf>

³⁷ Section 163.3180, F.S., as amended in 2011 (by Section 15 and 16 of Florida HB 7207): Parks and recreation, schools, and transportation facilities are no longer required to meet concurrency requirements by the State statutes; they are removed as public facilities and services subject to the statutory concurrency requirements on a statewide basis. (<https://floridaldrs.com/2011/06/06/concurrency/>)

³⁸ <http://www.gadoe.org/Finance-and-Business-Operations/Facilities-Services/Documents/6.%20Guideline%20for%20Educational%20Facility%20Site%20Selection%20051012.pdf>

³⁹ <http://www.gadoe.org/Finance-and-Business-Operations/Facilities-Services/Pages/default.aspx>

⁴⁰ Cooperation between the school system, the Georgia Department of Transportation (GDOT), and the local road commission is necessary to plan and complete any road improvements related to the opening of a facility. The school system will need to send a notification letter to GDOT and the local road commission stating their proposed plans for the site and requesting that an evaluation be performed on the roadway. A copy of the letter must be submitted with the school district's package for site approval. If the site is approved, GDOT or the local road commission will perform the evaluation depending on whether the site is on a state route or a local road. This effort will need to be coordinated by the school system to ensure the evaluation is completed in a timely manner. A copy of the evaluation will be sent to the local school system. This evaluation does not obligate GDOT to spend state motor fuel tax to fund any of the needed road improvements. The County or City government may make a request through the State Aid Office for funding assistance if needed.

⁴¹ Hawaii Department of Education. (2016). Working with facilities: School specifications. Retrieved from <http://www.hawaiipublicschools.org/ConnectWithUs/Vendors/WorkingWithFacilities/Pages/home.aspx>

⁴² [https://dbs.idaho.gov/programs/school/](https://dbs.idaho.gov/programs/school/10yr_plan/Acreage%20Recommendations.pdf)

⁴³ <https://www.idaho.gov/programs/school/>

⁴⁴ <http://www.lrc.state.ky.us/kar/702/004/050.htm>

⁴⁵ <http://education.ky.gov/districts/fac/Documents/Facilities%20Planning%202008.pdf>

⁴⁶ After receiving tentative approval for the purchase of a school site or site expansion, the local board of education must submit a letter from local government or state highway office confirming road adequacy shall be provided, among other requirements.

⁴⁷ <http://www.maine.gov/doe/facilities/construction/3%2099%20Standards%20and%20Guidelines%20FINAL.%20MAY%202015.pdf>

⁴⁸ <http://www.maine.gov/doe/facilities/planning/index.html>

⁴⁹ Required or recommended: Consult local officials, including fire, police, planning, and code enforcement officials in the initial stages of site design prior to site approval; obtain preliminary approval from the Maine Department of Transportation and other appropriate agencies before site approval.

Maryland	Maryland Public School Construction Program	Smart Growth, Community Planning and Public School Construction Models and Guidelines ⁵⁰				Yes	26%		859,252	10.1%
Massachusetts	Massachusetts School Building Authority	963 CMR 2.05, p. 10-11 ⁵¹	Yes ⁵²				67%		922,848	4.9%
Michigan							0%		1,381,167	-15.8%
Minnesota		Guide for Planning School Construction Projects in Minnesota ⁵³		Yes ⁵⁴	Yes ⁵³		22%		802,454	-1.0%
Mississippi		Mississippi School Design Guidelines ⁵⁵	Yes ⁵⁶	Yes ⁵⁷			2%		492,847	-2.6%
Missouri							0%		897,224	3.4%
Montana							1%	Yes	142,797	-14.2%
Nebraska							0%		303,242	6.0%
Nevada			Yes ⁵⁸				0%		431,776	45.4%
New Hampshire		PART Ed 321 ⁵⁹	Yes ⁶⁰	Yes ⁶¹			19%	Yes	187,703	1.2%
New Jersey	New Jersey School Development Authority	N. J. A. C. 6A:26-7 ⁶²	Yes ⁶³	Yes ⁶⁴			32%	Yes	1,338,657	14.0%

⁵⁰ Maryland Department of Planning, Planning Services Division. (2008, July). Smart Growth, Community Planning and Public School Construction Models and Guidelines. No. 2008-001. <http://www.mdp.state.md.us/PDF/OurProducts/publications/ModelsGuidelines/mg27.pdf>

⁵¹ http://www.bestfacilities.org/best-home/docuploads/policy/28MA_SchoolBuildingAuthority.pdf

⁵² http://www.masschoolbuildings.org/building/prerequisites/maintenance_cap_planning

⁵³ Minnesota Department of Children and Families Learning. (2003, January). Guide for Planning School Construction Projects in Minnesota

⁵⁴ https://www.google.com/url?sa=t&rt=j&q=&esrc=s&source=web&cd=2&ved=0ahUKEwIaQKwOqFggjMAE&url=https%3A%2F%2Feducation.state.mn.us%2Fmdeprod%2FidcSer vice%3DGET_FILE%26DocName%3D003121%26RevisionSelectionMethod%3DlatestReleased%26Rendition%3Dprimary&usq=AFQjCNEzWAzBzD_qR_XD1d44Yr43Z25A&sig2=QhK4S5J5xSUT9W0JPWC2nQ&cad=rja

⁵⁵ For projects exceeding \$500,000, school districts must submit for the purpose of a review and comment a package of information, including a specification of how the project will increase community use of the facility and whether and how the project will increase collaboration with other governmental or nonprofit entities; and a description of the consultation with local or state road and transportation officials on school site access and safety issues, and the ways that the project will address those issues.

⁵⁶ Mississippi Department of Education and Educational Design Institute at Mississippi State University. (2004). Mississippi School Design Guidelines. 2nd Ed. <http://www.edi.msstate.edu/guidelines/design.php>

⁵⁷ <http://www.mde.k12.ms.us/docs/healthy-schools-environment-services/spsbf-application-and-spsbf-plan.doc?sfvrsn=4>

⁵⁸ https://www.google.com/url?sa=t&rt=j&q=&esrc=s&source=web&cd=6&ved=0ahUKEwiPu_OI277MAhULn4MKHTE2DLcQFgg9MAU&url=http%3A%2F%2Fwww.doe.nv.gov%2FBoards_Commissions_Councils%2F Gvs_Eff_Comm%2F2015-2016%2FFebruary%2FSAFEGECONV%2FConstMain%2F&usq=AFQjCNHXX11qewyIXt3W_7gND4mrRfca&sig2=hhTEKOVKXcNHwC2svyTQg&cad=rja

⁵⁹ https://www.google.com/url?sa=t&rt=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwIraC98DMAHWEw4MKHQZcAXwQFggcMAA&url=http%3A%2F%2Fwww.21csf.org%2Fbest-home%2Fdocuploads%2Fpolicy%2F11nh_management_schoolbuild.doc&usq=AFQjCNFF_j3z4j0Ta1Bs6p9MOrKvPr_Zw&sig2=8Rzhstb_Szxdaa56uxjtw&cad=rja

⁶⁰ http://gencourt.state.nh.us/rules/state_agencies/cd300.html

⁶¹ New Hampshire Senate Bill 59 (*Helping Johnny Walk to School*, 2008)

⁶² <http://www.state.nj.us/education/code/current/title6a/chap26.pdf>

⁶³ <http://www.nj.gov/education/facilities/frfp/012210update.pdf>

⁶⁴ New Jersey's Educational Facilities Construction and Financing Act brings municipal planning boards into the decision-making process by requiring school districts to file their long-range facilities plans with local planning boards.

New Mexico	New Mexico Public Facilities Authority	6.27.30.10 NMAC ⁶⁵		Yes ⁶⁶		Yes ⁶⁵	20%		327,209	1.5%
New York		School Site - Standards, Selection, Development ⁶⁷	Yes ⁶⁸	Yes ⁶⁹		Yes ⁶⁷	36%	Yes	2,629,805	-4.1%
North Carolina		Public Schools of North Carolina Facilities Guidelines ⁷⁰	Yes ⁷¹	Yes ⁷²		Yes ⁷⁰	8%	Yes	1,468,228	22.8%
North Dakota				Yes ⁷³	Yes ⁷⁴		2%		101,025	-17.9%
Ohio	Ohio School Facilities Construction Commission	2015 Ohio School Design Manual ⁷⁵	Yes	Yes ⁷⁶		Yes ⁷⁵	27%		1,613,718	-12.0%
Oklahoma							0%		671,445	10.0%
Oregon				Yes ⁷⁷			0%		564,006	8.4%
Pennsylvania		Planning and Construction Workbook - Part C, Site Acquisition ⁷⁸			Yes	Yes	15%	Yes ⁷⁹	1,623,694	-7.4%
Rhode Island		RIDE School Construction Regulations ⁸⁰		Yes ⁸¹	Yes ⁸²	Yes ⁸⁰	78%	Yes	136,401	-6.8%
South Carolina		2014 South Carolina School Facilities Planning and Construction Guide ⁸³			Yes ⁸⁴	Yes ⁸³	8%		722,249	10.9%

⁶⁵ http://www.nmpsfa.org/pdf/Reference/2012/6.27.30_NMAC_AMENDED_09-14-12_FINAL.pdf

⁶⁶ http://www.nmpsfa.org/facility_planning/facility_plan.htm

⁶⁷ http://www.p12.nysed.gov/facplan/documents/SchoolSiteStandards_1976.pdf

⁶⁸ http://www.p12.nysed.gov/facplan/articles/B05_school_sites.html

⁶⁹ http://www.p12.nysed.gov/facplan/five_year_plan/five_year_plan.html

⁷⁰ Public Schools of North Carolina, State Board of Education, Department of Public Instruction. (2014, September). Facilities Guidelines. <http://www.schoolclearinghouse.org/>

⁷¹ <http://www.schoolclearinghouse.org/pubs/schsite.pdf>

⁷² <http://www.nd.gov/dpi/SchoolStaff/SchoolFinance/SchoolConstruction/SchoolFacilitiesPlanning/>

⁷³ In North Dakota's application for funding, applicants are asked to detail efforts that have been made to cooperate or collaborate in the joint facility design, occupancy, sharing, or other usage of the proposed project with other entities, including political subdivisions. (<https://www.nd.gov/dpi/uploads/documents/233/sfn52813.pdf>)

⁷⁴ 2015 Ohio School Design Manual. ftp://ftp.osfc.ohio.gov/Communications/OSDM/2015/_2015_OSDM_ALL.pdf

⁷⁵ ftp://ftp.osfc.ohio.gov/Communications/OSDM/2014/_2014_OSDM_ALL.pdf

⁷⁶ ORS 195.110. <http://www.oregonlaws.org/ors/195.110>

⁷⁷ Pennsylvania Department of Education. (2016). Fiscal years 2010-2012 PlanCon forms and instructions. Retrieved from <http://www.education.pa.gov/Teachers%20-%20Administrators/School%20Construction%20and%20Facilities/Pages/Forms-and-Instructions.aspx#.VzNPSnPLW24>

⁷⁸ Pennsylvania Department of Education. (2016). Reimbursable projects. Retrieved from <http://www.education.pa.gov/Teachers%20-%20Administrators/School%20Construction%20and%20Facilities/Pages/Reimbursable-Projects.aspx#.VzNOQXpLW24>

⁷⁹ <http://www.ride.ri.gov/Portals/0/Uploads/Documents/inside-ride/Laws-Regulations/School-Construction-July-2007.pdf>

⁸⁰ <http://www.ride.ri.gov/Portals/0/Uploads/Documents/Funding-and-Finance-Wise-Investments/School-Facilities/School-Construction-Program/FINAL-SCHOOLHOUSE-REPORT.pdf>

⁸¹ Districts must submit documentation of community support for the project, including City/Town Council and School Committee approvals as part of Stage 2 of the application for funding.

⁸² <http://ed.sc.gov/scedoe/assets/file/agency/os/School-Facilities/documents/2014Guidebook.pdf>

⁸³ <http://ed.sc.gov/scedoe/assets/file/agency/os/School-Facilities/documents/2014Guidebook.pdf>

South Dakota									0%			130,296	-9.6%
Tennessee				Yes ⁸⁵					0%			992,461	12.7%
Texas									9%	Yes		4,897,523	26.3%
Utah	School Construction Resource Manual ⁸⁶	Yes	Yes ⁸⁷	Yes ⁸⁸	Yes ⁸⁶				6%	Yes		471,365	16.2%
Vermont	Vermont School Construction Planning Guide ⁸⁹				Yes				19%			89,426	-14.9%
Virginia	Guidelines for School Facilities in Virginia's Public Schools ⁹⁰	Yes							5%			1,264,880	17.3%
Washington	School Facilities Manual for the School Construction Assistance Program ⁹¹	Yes ⁹²	Yes ⁹³	Yes ⁹¹					14%			1,050,901	12.8%
West Virginia	School Building Authority of West Virginia Handbook on Planning School Facilities ⁹⁴	Yes ⁹⁵	Yes ⁹⁶	Yes ⁹⁴					9%			282,310	-11.4%
Wisconsin									0%			863,737	2.3%
Wyoming	Wyoming School Facilities Commission Wyoming School Design Guidelines ⁹⁷	Yes ⁹⁸	Yes ⁹⁹		Yes ⁹⁷				63%	Yes		91,533	-10.2%

⁸⁴ Section 303.2 of the 2014 South Carolina School Facilities Planning and Construction Guide requires school districts to consult with the local planning commission as to the compatibility of the proposed school site with the comprehensive plan of the community. If the District determines to go forward with the project which conflicts with the comprehensive plan, the School Board must publicly state its intention to proceed and the reasons for the action. A copy of this finding must be sent to the local governing body and the local planning commission.

⁸⁵ T.C.A. § 49-1-613. <http://tennesseegms.blob.core.windows.net/publicgmsdocuments/6b518bf4-3e4e-4d8e-9664-1079d81d5d02.pdf>

⁸⁶ School Construction Resource Manual, 2013. <http://www.schools.utah.gov/finance/Facilities/School-Construction-Resource-Manual/2013ResourceManual.aspx>

⁸⁷ Utah Code §3A-22-10; School Construction Resource Manual, 2013

⁸⁸ Prior to developing plans and specifications for a new public school, or the expansion of an existing public school, [Local Education Agencies] shall coordinate with affected local governmental land use authorities and utility providers [see 53A-20-108 of the Utah Code]. LEAs must also ensure that the siting or expansion of a school in the intended location will comply with applicable local government general plans and will not conflict with entitled land uses [see 10-9a-305 for municipalities and 17-27a-305 for counties, and 10-9a-406 of the Utah Code]. In addition, districts and charters must ensure that all local government services and utilities required by the school construction activities can be provided in a logical and cost-effective manner and that potential traffic hazards—including consideration of the impacts between the new school and future roadways—are avoided or appropriately mitigated. (Utah School Construction Resource Manual, 2013, p. 47)

⁸⁹ http://education.vermont.gov/documents/guide_08_03_process.pdf

⁹⁰ http://www.doe.virginia.gov/support/facility_construction/school_construction/regs_guidelines/guidelines.pdf

⁹¹ <http://www.k12.wa.us/SchFacilities/Programs/SchoolFacilitiesManual.aspx>

⁹² WAC 392-342-020

⁹³ Required as part of funding application; School Facilities Manual for the School Construction Assistance Program. <http://www.k12.wa.us/SchFacilities/Programs/SchoolFacilitiesManual.aspx>

⁹⁴ <https://wvde.state.wv.us/policies/p6200.pdf>

⁹⁵ Handbook on Planning School Facilities, <https://wvde.state.wv.us/policies/p6200.pdf>

⁹⁶ Board of Education, §126-172-1; <https://wvde.state.wv.us/policies/p6200.pdf>

⁹⁷ <https://docs.google.com/file/d/0ByAJz3FLoSLWXBtAlVoZWRkY28/edit>

⁹⁸ Wyoming School Facilities Commission School Design Guidelines, 2010, <https://sites.google.com/a/wyo.gov/sfd/facility-planning>

⁹⁹ <https://docs.google.com/file/d/0ByAJz3FLoSLWXBtAlVoZWRkY28/edit>