



**OFFICE OF THE CITY COUNCIL
RESEARCH DIVISION**

117 WEST DUVAL STREET, SUITE 425
4TH FLOOR, CITY HALL
JACKSONVILLE, FLORIDA 32202
904-630-1377

JOINT CITY COUNCIL/SCHOOL BOARD MEETING MINUTES – amended

**August 14, 2019
9:00 a.m.**

Location: City Council Chamber, 1st floor, City Hall – St. James Building, 117 West Duval Street

In attendance:

City Council Members Scott Wilson (President), Danny Becton, Michael Boylan, Matt Carlucci, LeAnna Cumber, Randy DeFoor, Garrett Dennis, Rory Diamond, Al Ferraro, Terrance Freeman, Reginald Gaffney, Tommy Hazouri, Brenda Priestly Jackson, Joyce Morgan, Ju'Coby Pittman, Ron Salem, Randy White

School Board Members Lori Hershey (Chair), Charlotte Joyce, Warren Jones, Elizabeth Anderson, Darryl Willie, Cheryl Grymes

Excused:

City Council Members Aaron Bowman and Sam Newby

Also in attendance: Kyle Billy and Kim Taylor – Council Auditor's Office; Jason Teal, Peggy Sidman and Paige Johnston – Office of General Counsel; Carol Owens and Staci Lopez – Legislative Services Division; Cheryl Brown – Council Secretary/Director; Dr. Diana Greene and Don Nelson – Duval County Public Schools; Robert Phillips – Supervisor of Elections Office; Melissa Ramsey – Executive Director of School Improvement, Florida Department of Education; State Representative Kimberly Daniels, State Representative Tracie Davis, State Senator Audrey Gibson

Meeting Convened: 9:04 a.m.

Council President Wilson convened the meeting and Council Member Freeman gave the invocation and led the Pledge of Allegiance. President Wilson introduced a number of members of the audience. School Board Chair Lori Hershey welcomed additional guests in attendance and expressed the hope for a productive meeting today.

School Superintendent Dr. Diana Greene made a presentation about the school district's Master Facilities Plan, required by the state to be updated every 10 years. Duval County has the oldest schools in the state of Florida, averaging 44 years old. The school district saw a state reduction of local millage for schools beginning in 2008 (2.0 mills to 1.75 to 1.5 mills currently). The district currently has \$243 million in

deferred maintenance needs. The facilities master plan is driven by a Facility Condition Index (FCI) analysis done by Jacobs Engineering and an Enrollment Study done by Cooperative Strategies (an education consulting company), which produced several options for community input and consideration. Future planning must include consideration of charter school and home schooling trends and of community development patterns. The district revises enrollment projections every 5 years to keep up with rapidly changing growth and attendance patterns. Facilities have a major impact on the ability of teachers to teach and students to learn. Safety and security are extremely important, and many public schools have extremely open campuses that need to be secured. Many campuses are not equipped for 21st century technology which is increasingly used in the educational process. Cost effectiveness is an important consideration in determining whether to repair or replace an aging school.

The Facilities Master Plan is driven by 5 guiding principles:

1. Increase safety and security
2. Remove FCI backlog
3. Reduce the average age of facilities
4. Reduce the number of schools via consolidation (especially those over 50 years old with low enrollment)
5. Remove all portable classrooms (over 400 in the district, many without covered walkways)

The plan proposes to build 28 new schools, 2 to address new enrollment in growing areas and 26 to replace outdated schools. If fully implemented the plan would reduce average age of schools from 44 to 33 years; increase usage of capacity from 82 to 84%; eliminate 3,000 seats; and eliminate the FCI maintenance backlog. Dr. Greene said the district must have another revenue source completely dedicated to this program to make it feasible.

School Board Chair Hershey said the plan is an infrastructure effort that is intended almost exclusively to deal with aged facilities and maintenance backlogs, not to deal with new growth. Duval County Public Schools is one of the very few districts in Florida that receives no other local income from its local government in the form of impact fees, concurrency management fees or other similar charges. The schools are Jacksonville's primary source of hurricane shelters for the community, which requires higher, more expensive building standards and additional operating costs in the event of hurricanes, but brings no additional funding from the City for the provision of that service.

Open discussion

Council Member Ferraro said he has heard from his constituents that the schools are overcrowded even as the school district says there is capacity to handle new development. He thinks the School Board needs to take a more active role in the development approval process to make school capacity an issue before the Planning Commission and City Council. Superintendent Greene said that school leaders are in the business of educating children and likely won't ever say they can't take any more children, but the School Board in the last 2 years has recognized that serious problems exist because of growth in certain areas that must be dealt with.

Council Member Salem discussed use of the universal building code vs. state school building requirements (SREF – State Requirements for Educational Facilities) and asked if the school district is willing to use the universal building code for schools other than high schools or schools that will be emergency shelters. The School Board's resolution currently says it plans to build to state school standards.

Paul Soares, Executive Director for Design and Construction for the school district, said that SREF specifies classroom sizes for public schools that have to accept anyone who shows up – charter schools

are exempt and can turn students away if they're full. Charters can be smaller because they don't have to follow several SREF requirements, so that's why they can be built less expensively.

Mr. Salem said that he is very interested in the composition and power of the building plan's Oversight Committee. He understands that it is proposed to be composed of 10 members of various expertise with advisory authority only. Is that the case, and will authority lie with the School Board to make final decisions on how the plan is implemented? He also expressed concern about the district's traditional school enrollment projections, which he believes too optimistic given recent trends the community. Finally, Mr. Salem said that other counties treat charter schools much more equitably than this plan proposes and he feels our district needs to do the same.

Superintendent Greene said that DCPS embraces choice and public charter schools and different educational pathways for different student needs. The plan simply reflects that 90% of charter schools are less than 8 years old and don't have nearly the capital needs the older public schools have. She emphasized that the plan is need-based. Her proposal will give charter schools the same \$5 p.s.f. for safety and security as traditional schools get, although charters aren't required to provide the district with information about their square footage. Charter schools already get PECO dollars from the state and the school district is required to make them whole if the state reduces its PECO funding in the future. Charter schools will get FCI allocations based on their benchmark comparison to Waterleaf Elementary – Duval County's newest school, which is 9 years old.

Council Member Cumber said she fundamentally disagrees that the School Board answered the questions she posed and doesn't believe the district is dealing with the Council in good faith. The district's 10-year maintenance plans submitted to the state annually didn't acknowledge or plan for deferred maintenance until the last year or two, yet now the Council is informed that the need is nearly \$2 billion. She questioned why the district won't issue a firm timeline for what schools will get fixed in what order unless and until the sales tax passes.

Superintendent Greene apologized if the council member felt that her questions weren't answered appropriately, but said the district did the best it could to answer the large list of questions posed by the Council in the time required. The plan doesn't have a definitive timeline yet, but the first priority will be safety and security for all schools in the first three years. After that, priority for improvements will be determined by the score in the 5-category guiding principles mentioned earlier. The school principals know what's planned for their schools and will share that with parents. The goal is to get most of this work done within 10 years.

Council Member Hazouri said that enrollment trends are the key to everything and questioned the difference in the enrollment projections for public schools vs. charter schools given by different groups. He believes the charter schools need to be given a larger share of the sales tax proceeds.

Superintendent Greene said she didn't know where the Jacksonville Civic Council got its charter school enrollment projections, but DCPS got theirs from a reputable independent consultant with no stake in the outcome of Jacksonville's schools. The School Board will ultimately decide how much to allocate to charter schools, whether it's her current proposal or some revision thereof. The charter school operators she's talked to don't seem to have a problem with what's being proposed thus far.

Mr. Hazouri said that the board has got to come up with a better plan for addressing the needs of the charter schools.

Council Member Becton said that there is lots of new development going on in some parts of the city and wondered how this \$2 billion master plan evaluated growth trends and decided where right-sized schools need to be located.

Superintendent Greene said the plan includes 2 new schools to deal with growth issues - Chaffee Trail K-8 on the Westside and a K-8 in school district 7 in Mr. Becton's council area. Cooperative Strategies looked back 10 years and forward 10 years to project where growth will be. That's why there's so much

consolidation planned for traditional schools where schools are old and charters are expected to grow. Students move into and out of both traditional and charter schools – they move both ways. The district is doing enrollment studies every 5 years to keep up with changing enrollment trends.

Council Member Priestly Jackson introduced a number of education stakeholders present in the audience representing a variety of organizations. She said that schools are not separate from their communities – the public facilities of both have been neglected for years and are in dire straits in many parts of the city. The district has excess capacity because the county continued building duplicate segregated schools for so long into the 1970s. The school system and the City have joint responsibility to solve the community's and schools' problems. There is a need to address all school needs, traditional and charter. She expressed puzzlement about the crux of the issue in limiting funding to the charter schools.

Superintendent Greene said that if the plan were to fund both types of schools equally on per student basis, as some advocate, that doesn't take into account the differing level of needs. Her plan is about addressing identified needs, not a flat fee based on a number of students.

School Board Member Anderson said that a specific timeline is hard to produce if you don't know whether the funding source is real or not. The district has lost state funding over the last few years totaling \$300 million, and that will grow each year if something sooner isn't done sooner rather than later. The Office of General Counsel's legal opinion says that it's the School Board's job to determine what gets done and when, not City Council's. Everyone agrees that children are the top priority and that there are tremendous needs. The district is willing to use any building standards allowed by SREF. A decision needs to be made about the role of charter schools is in Jacksonville's future; it seems to her that the Council seems to be asking for a blank check for charters while demanding that the district provide detailed plans for the traditional public schools. She asked how the bodies can get to a point where the City Council is comfortable with the School Board's plan.

Don Nelson, Assistant Superintendent for Operations for the school district, said that the Cooperative Strategies plan uses Census data and on-file building plans along with standard projections for number of students produced per residential dwelling as provided in the Interlocal Agreement between the School District and the City. The agreement provides the standard figure, so the school district doesn't have a choice on that number. He said the district can't plan school construction based on projections of future growth until those development plans become concrete.

Council Member DeFoor said the key issue for her is that the plan is building-centric, not student-centric. She believes that growth can't be properly addressed when there is no plan for consolidating some schools that have excess capacity. The plan as proposed has winners and losers, and lots of busing to other schools is involved for some neighborhoods but not others. She asked the district to refine the plan based on both students and facilities and to amend the referendum resolution accordingly.

Superintendent Greene said that Northwestern Middle School's closing is part of the state's enforcement process for that failing school, so that's a separate issue. Parents have several options for where to send those students. She said that school concurrency is an issue because the district can't build a new school if it has excess capacity in the system, so there is a need to close some schools to rectify that problem and allow the construction of others that are better located.

Council Member Diamond said there is tremendous inequity across the schools in Jacksonville, both traditional and charter, and that's not fair. He called on audience member Jennifer Brown of KIPP Schools to provide the group with the charter schools' perspective.

Ms. Brown said that she is glad that everyone is committed to improving schools, but what's needed from the perspective of the charter schools is equity. 100% of sales tax is currently proposed to be allocated to traditional schools. Charters have gotten less than half of available school facility funding in Duval County. They can't improve facilities and foster choice if they don't get an equitable share of the funding stream. Her plan would be to allow sales tax revenues to follow each student to the school of their choice.

Council Member Dennis noted that 4 City Council members have school aged children, all of whom attend private schools. He believes there is a great need to make the public schools just as good as the private schools in the city. He's opposed to "making concessions" to charter schools as a quid pro quo for getting the sales tax referendum authorized. Mr. Dennis asked the General Counsel's Office if the City could condition the school district's use of the sales tax funds.

Superintendent Greene said that the half-cent sales tax can only be used for capital needs. She said that Ms. Brown of KIPP just indicated that the charter schools want to use the sales tax revenue to build new schools; the purpose of the sales tax has always been intended to repair and revitalize existing schools. The School Board will approve the independent oversight group concept at its next meeting.

Deputy General Counsel Peggy Sidman said that the City Council cannot require the School Board to act in a certain way by legislation; it can only suggest a preferred course of action via resolution.

Council Member Morgan noted that the school superintendent and school board members are all new in the last few years and are taking up a tremendous task that was long deferred; she offered kudos to them for tackling the task. She said it seems the discussion keeps going around and around about some of these questions because some don't like the answers that are being given. She asked how the sales tax proceeds will be allocated between traditional and charter schools.

Superintendent Greene said her proposed plan sticks to the 5 guiding principles discussed earlier: \$5 p.s.f. for safety and security, then use the FCI index to prioritize needed work. Charter schools will be benchmarked to Waterleaf Elementary to determine their allocation, with charter schools in owned facilities getting same amount as Waterleaf, charters in leased facilities getting 50% of that amount.

School Board Member Warren Jones agreed with the superintendent's plan for allocations to the charter schools, all based on needs, not wants. He said the school district has known about the tremendous maintenance backlog since a 2002 facilities study, and is finally trying to do something about it. The City also has a similar tremendous backlog of non-school needs of its own. He believes the time has come to finally invest money in schools in impoverished neighborhoods, and not divert it to charters because some people want to abandon those neighborhoods altogether.

Council Member Boylan said he wants to see the issue go on the ballot only when it can be successful. He said the school district has budgeted nearly \$800 million over past 7 years for land acquisition and building, and another \$200 million for annual maintenance over that period, and wondered how the accumulated maintenance backlog could be so large given \$1 billion or more appropriated for those needs in recent years.

Don Nelson explained that the school system has an inventory of \$3.3 billion in buildings and facilities and needs \$100 million per year just to keep up with routine maintenance demands. The district started borrowing to build schools in 2008 when state funding was cut, so debt service payments went up along with technology costs, which eats up a large percentage of that \$100 million. The district has about \$15-20 million per year for maintenance and repairs but need \$100 million.

Mr. Boylan asked what would happen to the \$1.5 billion in current millage revenue that will be collected over the next 15 years apart from the sales tax. Superintendent Greene said the proposed sales tax is estimated to produce \$1.4 billion over its lifetime, while the district needs \$1.9 billion to complete the plan being proposed; the current millage levy will be needed to fill that \$0.5 billion gap and to keep up the schools that won't be touched for 8 or 10 years.

Mr. Boylan urged the school district to get the message out to the community about these figures so they understand the gravity of the district's needs.

Council Member Carlucci said there is no better force for good in Jacksonville than improving our schools. Improving the schools in the Northwest area will fulfill a decades-old commitment to those neighborhoods. He thinks the district and school board have done a great job coming up with a plan and

felt that “more delay equals more decay”. The Council needs to act now to get the referendum on the ballot in 2019. No referendum is ever going to be perfect, but the best attempt must be made. It will be a great coup for Jacksonville to get this referendum passed.

Council Member Gaffney said that both sides, City Council and School Board, need to recognize that the other side is trying hard and has legitimate concerns. Both need to find common ground to move this issue forward. If we can’t agree, the children will suffer. He questioned how much of the sales tax construction spending will go to JSEBs (Jacksonville Small and Emerging Business) and local companies? He said the Jaguars have committed to spend 30% of Lot J project expenditures with JSEBs. Superintendent Greene said the district is committed to local businesses being benefitted from the work, within the legal constraints of what is allowed in the RFP process.

School Board Member Darryl Willie said the district has lots of facility needs on an everyday basis – children and teachers are in schools as we speak and facilities need to be constantly maintained. He’s all about school choice and equity, and believes that equity comes from dealing with actual needs, not equal per-pupil funding in very different buildings with very different needs. The school district needs to be a good steward of public funds allocated to charter schools, including more support for owned charters than leased charters that could be abandoned and the public funding lost. If charter funding is the crux of the issue, then someone needs to put specific proposal on the table and debate it directly.

Council Member Freeman said that every child needs a quality education in whatever format is best for them. Schools in some parts of town face much worse challenges than others and wondered why the plan doesn’t prioritize them first and say that clearly so the community knows that’s what going to happen. The community wants to see in writing what is going to happen and when.

Council Member Pittman said she is still concerned about closed schools becoming a blight on their community as others have become. Distressed communities don’t need yet another problem to deal with. She would like to see them repurposed as community assets. The City and School Board need to leverage investment and resources to make them success stories for their communities and the families that live there.

Superintendent Greene said that the plan has a funding distribution for the \$500 million bonding initiative to all districts, which will get underway immediately. If the City wants the new schools to be hurricane shelters, then that’s how they will be built. The district has an office that deals with minority and small businesses and will continue to get them involved throughout this process. The district doesn’t want closed schools to sit empty and tries to work with partners to re-use them. They have funds allocated for demolition if no one else wants to re-use them so that they won’t be an empty eyesore.

School Board Member Charlotte Joyce said that as a former teacher she has seen first-hand the needs in the schools. She voted against the first School Board resolution proposing the referendum because she wanted to see a detailed priority plan for use of the funds and the creation of a citizen oversight board. The district doesn’t get money from concurrency management and the city doesn’t have impact fees. What has to happen for the district to get concurrency funding to address new school needs? There are plans for nearly 16,000 new homes on the Westside and Baldwin Junior/Senior High School is already at capacity – where will all those children go, and where will the money come from to build new schools? Does excess capacity at Ed White or Raines mean that concurrency is met?

Jason Teal of the Office of General Counsel said that school concurrency is required by the comprehensive plan, and the Planning Commission, LUZ Committee and City Council need to review that in the development approval process. Typically the staff reviews show that there is school capacity available. There is a Joint City/School Planning Committee that is supposed to be looking at growth issues. How each local government deals with meeting concurrency requirements is largely a local policy decision by the City Council and School Board.

In response to a question from Council President Wilson about whether the plan can be changed in the future as development patterns and enrollment change, Superintendent Greene said the School Board can revise it to meet latest conditions as they develop.

Mr. Wilson said his school board district is proposed to be the third highest for sales tax investment, which proves, as he has often said, that there are serious needs all around the city, not just in certain districts that may immediately come to mind. He feels that the public needs to know more of the details of the plan, particularly what schools are going to be closed, before he is comfortable voting to approve the referendum.

Superintendent Greene said every school principal will have information about what will happen to their in this process, and parents will know which will be closed and consolidated or will be repaired. All school closures must follow a pre-determined process and includes thorough review and a public hearing before the School Board. She said the district can't hold public hearings on school closures before the referendum is held and passes because nothing is real until that happens; anything in advance of that would be purely speculative.

Mr. Wilson said he is struggling to understand how some schools were chosen for demolition and replacement versus others being rehabilitated. He needs to know more about the methodology behind those decisions. He doesn't think there's time to get all questions answered and a successful referendum campaign run in 2019, so he believes that 2020 would be a better decision to ensure success.

Council Member Diamond said that consensus needs to be found on how to go forward. He asked the General Counsel to draft a resolution to approve holding the referendum if there is a per-pupil funding allocation. He will have it ready for discussion in the Rules and Finance Committees next week.

Council Member Dennis said the Council needs to "stop kicking the can down the road" and vote the request up or down at the next Council meeting. Council has passed lots of bills spending millions of dollars with less scrutiny than is being given to this proposal.

School Board Member Darryl Willye said that DCPS is a "B" district and is just a few points from being an "A" district. There's a new regime in the school district and that's why the issue is now on the table. Everyone needs to be on the same page in promoting the referendum for it to succeed.

Council Member Ferraro said the taxpayers won't put up with approving the sales tax first and then getting the details later. History is important, but don't make this a racial issue.

Council Member Boylan said he wants to support the referendum but only when it will be successful. There are lots of unanswered questions that need resolution before it's ready for a vote.

Council Member Becton said that school concurrency is based on available capacity in 2 adjacent planning districts – if there's capacity in the adjacent district, then concurrency is satisfied and development can proceed.

~~School Board~~ Council Member Brenda Priestly Jackson said she wants the referendum to be held in 2019 with a good plan in place for the public to understand what's being proposed.

Council Member Carlucci said he wants the referendum in 2019. He will introduce a resolution to create a special committee to consider the issue of impact fees, which the city has never been willing to discuss.

School Board Member Charlotte Joyce thanked the Council for the invitation to hold a joint discussion on this issue. The plan needs to be right before it goes to a public vote.

Council Member White reiterated that 16,000 new houses are being proposed for the Westside – what is school district’s plan to deal with all of those students?

School Board Member Jones said he doesn’t support a per-student allocation of the sales tax revenues because that doesn’t address true needs. Charter schools don’t have the dire facility needs that traditional schools face. The past impacts the future and we can’t be afraid to deal with the history of race in Jacksonville.

Council Member Hazouri said the School Board had an easier task years ago when he and Ms. Priestly Jackson were serving because they had lots more money available to deal with the district’s needs. He advocated for a 2020 referendum.

School Board Chair Hershey said that allocation of funding for charters seems to be the sticking point, so how are we going to solve that? A per-student allocation model doesn’t work for traditional schools and doesn’t work for charters either. When will there be a final answer from Council?

Council Member Morgan said that lots of meetings have been held around the community and at the school district headquarters that council members did not attend. Council needs to vote the bill out next week in committees.

School Board Member Grymes said the City Council is overstepping its bounds and getting into School Board business. There has been lots of discussion today but still no resolution. She urged the Council to let the School Board run the schools.

Council Member Salem said he looks forward to aggressively supporting the referendum when the plan is right. He urged the School Board to find ways to commit funds to charter school needs such as construction of gyms, cafeterias, etc. that would make those schools more equal to traditional schools.

Council Member Pittman urged that a decision be made one way or the other and bring the debate to a end.

School Board Member Smith Juarez said there have been lots of questions posed about growth, consolidation, and charters. If the decision is made to favor charter schools, then that will change the future landscape of education in the city.

Council Member Cumber asked if the plan is all about addressing needs, then why isn’t there a prioritized list of needs by school rather than a broad allocation with all districts getting something.

Council Member DeFoor said the School Board should detail plans for schools and phases and figure a way to deal with charter schools.

Council Member Gaffney said the leadership of the School Board and City Council need to work together to move this process forward more quickly. The public needs more information about school closures and communities need to be informed about what will happen and when.

Superintendent Greene said that school districts that have had sales tax referenda have not included charter school provisions in the referendum, but have subsequently negotiated MOUs (memoranda of understanding) with charters to share funds. The traditional schools are very old and have tremendous needs that have to be addressed one way or another, much more so than the relatively new charters. She will do whatever the School Board says when it makes policy decisions about what to do about charters.

President Wilson said the committees will take up the resolution next week and we'll see what happens.

Meeting adjourned: 11:14 a.m.

Minutes: Jeff Clements, Council Research Division

904-255-5137 jeffc@coj.ent

8.15.19 Posted 12:00 p.m.

Tape: Joint City Council – School Board meeting 8.14.19 - LSD