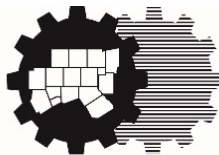


PLANNING FOR COMMUNITY-ORIENTED SCHOOLS

A Guide to School Siting in North Texas



2017



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Council of Governments

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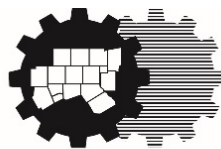
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What is NCTCOG?

The North Central Texas Council of Governments is a voluntary association of cities, counties, school districts, and special districts which was established in January 1966 to assist local governments in **planning** for common needs, **cooperating** for mutual benefit, and **coordinating** for sound regional development.

It serves a 16-county metropolitan region centered around the two urban centers of Dallas and Fort Worth. Currently the Council has **236 members**, including 16 counties, 168 cities, 24 independent school districts, and 28 special districts. The area of the region is approximately **12,800 square miles**, which is larger than nine states, and the population of the region is about **7 million** which is larger than 38 states.

NCTCOG's structure is relatively simple; each member government appoints a voting representative from the governing body. These voting representatives make up the **General Assembly** which annually elects a 17-member Executive Board. The **Executive Board** is supported by policy development, technical advisory, and study committees, as well as a professional staff of 350.



NCTCOG's offices are located in Arlington in the Centerpoint Two Building at 616 Six Flags Drive (approximately one-half mile south of the main entrance to Six Flags Over Texas).

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NCTCOG's Department of Transportation

Since 1974 NCTCOG has served as the Metropolitan Planning Organization (MPO) for transportation for the Dallas-Fort Worth area. NCTCOG's Department of Transportation is responsible for the regional planning process for all modes of transportation. The department provides technical support and staff assistance to the Regional Transportation Council and its technical committees, which compose the MPO policy-making structure. In addition, the department provides technical assistance to the local governments of North Central Texas in planning, coordinating, and implementing transportation decisions.

Prepared in cooperation with the Texas Department of Transportation and the U. S. Department of Transportation, Federal Highway Administration, and Federal Transit Administration.

"The contents of this report reflect the views of the authors who are responsible for the opinions, findings, and conclusions presented herein. The contents do not necessarily reflect the views or policies of the Federal Highway Administration, the Federal Transit Administration, or the Texas Department of Transportation."

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Project Background

The North Central Texas Council of Governments (NCTCOG) was awarded in 2014 a Transportation Investment Generating Economic Recovery (TIGER) planning grant from the U.S. Department of Transportation. The goals of the project were fourfold: (1) encourage interagency coordination, (2) advance long-term planning for school siting, (3) improve transportation safety near schools, and (4) promote multimodal transportation options to schools. In advancing the second goal, this guidebook is the culmination of research conducted into current state and local school siting policies and practices and summarizes many of the lessons learned.

As part of the study, NCTCOG performed the following tasks:

Literature Review: Conducted an extensive review of the literature on school siting issues and national best practices, and current policies that impact school facility planning in Texas.

Stakeholder Survey: Created a survey, and distributed it to attendees of the first Regional School Coordination Task Force meeting on December 9, 2015. The survey focused on current practices and community needs.

City and School District Interviews:

Conducted interviews with staff from six school districts and five cities to learn about current interagency coordination and school siting practices, challenges, and opportunities. These school districts and cities were intended to represent the broad range of community types that can be found throughout the Dallas-Fort Worth region, from urban to rural and fast-growing to stable growth.

Workshop and Task Force Meetings: Hosted one workshop in October 2015 with members of the Regional Transportation Council — the independent transportation policy body of the North Central Texas Metropolitan Planning Organization — and school district superintendents and school board members. Local government and school district staff and other regional stakeholders were invited to attend three Regional School Coordination Task Force meetings in December 2015, April 2016, and July 2016. The workshop and Task Force meetings were intended to encourage dialogue on school siting issues at the policy level and at the technical level.

“Schools in their development respond to their social, economic and cultural environment. The forces of community life beat in on the process of education and tend to shape it. Contrariwise, the educational urge has a strength of its own, and in its own right beats back in an effort to condition and shape the destiny of the community.”

– Walter J.E. Schiebel, 1996, *Education in Dallas: Ninety-Two Years of History, 1874-1966*

Introduction

The Dallas-Fort Worth 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. During this period, the number of school-age children (5 to 17 years) is estimated to increase by 750,000 — more than 50 percent. 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 on the region's transportation system overall.

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 the schools were sited to accommodate students walking or 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 neighborhoods and communities, where land is less expensive and easier to assemble.

As of 2016, 35 percent of public K-12 schools in the metropolitan area were located within 500 feet of a highway or major arterial roadway.

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. According to the 2009 National Household Travel Survey, only 10 percent of school-age children in the Dallas-Fort Worth region walked or bicycled to school. Conversely, 72 percent of children arrived at school in a private vehicle, and 18 percent in a school bus. Traffic congestion around schools has worsened, which in turn threatens the safety of students, pedestrians, and drivers, and erodes the social fabric of our communities.

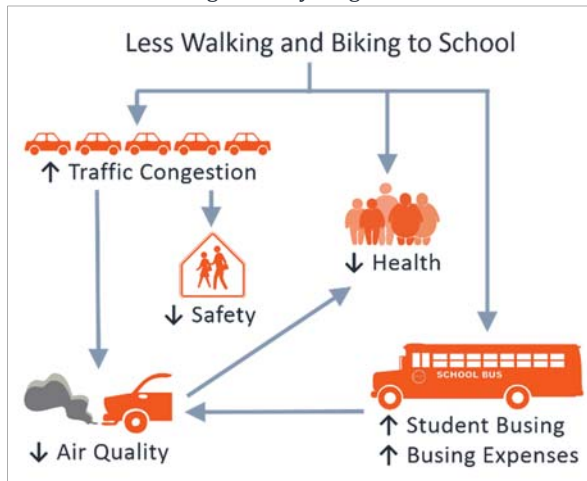
Figure 1: Elementary School Located on Busy Arterials



Figure 2: High School Located on the Edge of Town



Figure 3: Consequences of the Decrease in Students Walking and Bicycling to School



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

The purpose of this guidebook is to provide school districts and local governments in North Texas with steps that they can take to better align their respective planning practices, build community-oriented schools, and achieve multiple community goals — including educational, environmental, health, social, and fiscal.

Defining “Community-Oriented” or “Community-Centered” Schools:

While each school is unique because it serves specific academic programs and communities, literature points to several features that often define “community-oriented” or “community-centered” schools: (Sharp, 2008) (Kuhlman, 2010)

- Provide high-quality education
- Located near the families they serve, allowing large numbers of students to walk or bike to school and encouraging frequent interactions between parents, teachers, students, administrators and residents
- Accessible via multiple modes of transportation, enabling students to attend extracurricular activities without adult transport
- Fit well within the neighborhood and have a relatively small footprint
- Act as a neighborhood anchor and support community use of the school facility after hours
- Are well-designed, fit the scale and design of the surrounding neighborhood, and generate public pride
- Take advantage of existing resources, including roads, infrastructure, and historic buildings
- Contribute to, rather than work against, community planning efforts, thereby supporting the efficient use of taxpayer dollars
- Located near housing for a variety of income levels that reflects the makeup of the community it serves

The Significance of School Siting

To School Districts



Student Achievement: The location of schools impacts student achievement in multiple ways. Education and student development is based on school, extracurricular and home life. When a school is not in easy reach of homes, there is less chance for contact between parents and teachers. Students that must rely on a school bus to get to and from school are less likely to participate in after-school activities. School accessibility has been shown to impact student attendance (Fan & Das, 2015) (Erbstein, 2014). Furthermore, a large school, particularly when it is located outside the borders of a neighborhood's watchful eyes, can breed feelings of anonymity and alienation that can lead to discipline problems and violence.



Student Health: The decline in walking and bicycling to school has been correlated with childhood obesity rates tripling. The location of schools on busy roads and the increasing number of parents that drive their kids to school also results in greater air pollution. Approximately one-third of schools are located in "air pollution danger zones," putting students at risk of having asthma and reducing lung function (Appatova, 2008).



Student Safety: The majority of K-12 students cannot drive and do not have access to a vehicle. Many kids simply enjoy the fun and freedom that walking and bicycling offer them. From 2012-2016, 87 percent of motor vehicle crashes that resulted in an incapacitating injury or fatality of a school-age pedestrian or bicyclist occurred on a road with a speed limit of 30 mph or greater. The location of a school can have a direct impact on the safety of its students.



Funding: Finally, the location of schools impacts school districts' bottom lines. Texas state law requires school districts to provide busing to students that live more than two miles from a school. The further a school is located from homes, the more students must be bused. Student busing costs are increasing while state funding has stayed relatively flat, forcing school districts to pay for busing with funds that might otherwise go towards other important educational resources.

To Local Governments



Growth and Development: As public infrastructure, the location and physical condition of schools is one of the most important determinants of neighborhood quality, and community growth and development.



Traffic Congestion: The location of schools influences the travel patterns of students and parents. With increasing numbers of parents driving their kids to school, school traffic is often the number one complaint received by many cities. Parent safety concerns lead to a vicious cycle of parents driving their children to school more often and unwittingly contributing to the problem of traffic congestion and safety.



Community Cohesion: Traditionally, schools served as community anchors that supported citizen interaction, engagement, and pride. The migration of schools to disconnected locations and school sites that resemble drive-through restaurants is one more factor weakening the ties that once brought people together and strengthened neighborhoods.

Challenges

Through interviews and literature reviews, four major challenges to siting community-oriented schools were identified: funding, land availability, siloed agencies, and lack of guidance.

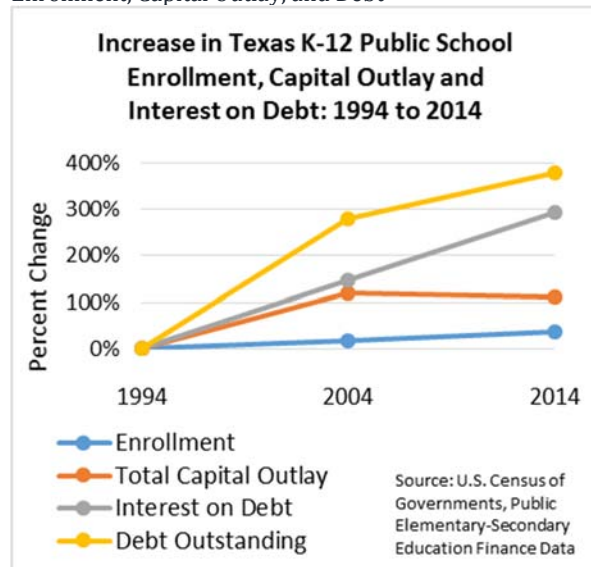
Funding

“ISDs don’t have adequate funding or a way to get schools built fast enough. They are complicated processes that have to happen very quickly. Partnerships are essential.”

- School Architect in North Texas

School facilities represent the second largest sector of public infrastructure spending, after highways. School district spending on capital outlay is increasing at a much faster rate than student enrollment, accounting for inflation (see **Figure 4**) (Filardo, 2016).

Figure 4: Comparing Increase in Texas School District Enrollment, Capital Outlay, and Debt



To access the capital needed to buy land and build schools, school districts in Texas must pass voter-approved bonds. Although turnout

for bond elections is often very low, in order to receive a majority of votes to approve a bond proposition, school districts must balance their needs with what they think the community will support. School board members, influenced by the voters they represent, are often reluctant to approve bonds for the district to acquire sites and hold them for future school development (a process called land banking) (University of Oregon, Community Planning Workshop, 2005). As one local school district staff recalled a school board member saying, “We are not in the real estate business.” Additionally, school districts must balance spending on land acquisition, school construction and maintenance with other district priorities, such as new technology or specialty programs.

Land Availability

Among North Texas school districts that were surveyed and interviewed, the top three considerations that school districts identified as significant for school siting were “Distance from population served,” “Size of parcel,” and “Cost of land.” The school siting process typically starts with school facility planners first evaluating available sites to see if they meet size requirements and have water, sewer, and road access. When sites are not available internal to neighborhoods, or are not an adequate size or at a price the school district can afford, it will be forced to purchase sites on the neighborhood periphery or along high-traffic roads. School districts and local governments should work together to ensure that school sites are considered as part of the community development process, and as buildable land becomes scarcer, employ

creative planning and siting strategies to address the challenges of finding suitable land.

Lack of Coordination among Agencies

“Coordination with ISDs has always been a big challenge. The coordination has always been after the site has been donated/ purchased. I have been told many times in my long career ‘... that is why they are called INDEPENDENT school districts!’”

- City Traffic Engineer

School districts operate independently from local governments. One city can be served by 10 school districts, and one school district can serve 10 cities, each with different regulations and varying staff capabilities. Yet, the decisions of one impact the decisions of the other. **Figure 5** illustrates their separate but parallel planning efforts. From a school district’s perspective, changes in zoning and new housing developments impact student enrollment and school capacities, and changes to the thoroughfare plan impact school access and student safety. The location of schools in turn impacts traffic congestion and development patterns.

Figure 5: Separate but Parallel Planning Efforts

School District Planners	City Planners
<ul style="list-style-type: none"> • Plan school locations 	<ul style="list-style-type: none"> • Plan everything else in the community
<ul style="list-style-type: none"> • Project student enrollment change 	<ul style="list-style-type: none"> • Project population and employment change
<ul style="list-style-type: none"> • Develop a strategic or operating plan (5-10-year horizon) 	<ul style="list-style-type: none"> • Develop a comprehensive plan (20-year horizon)
<ul style="list-style-type: none"> • Focus on transporting students by bus 	<ul style="list-style-type: none"> • Focus on all modes of transportation

The reason for the lack of coordination between these seemingly interdependent agencies is that incentives for coordinated planning are weak or nonexistent. Cities in Texas may prepare and adopt a comprehensive plan for the long-range development of the city that includes provisions on land use, transportation, and public facilities. Most comprehensive plans adopted by cities in North Texas only indicate the location of existing schools and include a goal to coordinate with the school district on the location of future school sites. The plans do not include criteria for siting new schools or specific strategies for collaborative planning. Although it may take more work and resources in the beginning, improving collaboration and coordination will ensure more effective use of the staff and resources of both agencies to meet their respective and shared goals. Ideas for enhanced coordination are outlined in the following sections.

“The district planned for a middle school on a collector street, but the city revised the thoroughfare plan, changing the collector street to a six-lane arterial, creating traffic and safety issues for the school.”

- School District Facility Planner

Lack of Guidance

The State of Texas provides relatively minimal regulation and oversight of public school facility construction, except for prescribing minimum sizes for certain classroom types. Texas is one of only five states that provides funding to school districts for land acquisition (in the form of the Instructional Facilities Allotment), but does not supply guidance on the selection of school sites. Due to this lack of guidance at the State level, the construction of

schools on large sites along major roadways and at the edge of communities is likely the result of using outdated national recommendations, a general lack of education on best

practices, and a lack of coordinated inter-governmental planning. As such, there is a need for greater guidance related to school construction and planning in the State of Texas.



Opportunities and Solutions

Given the considerable challenges associated with school siting, what can local government officials and school districts do to facilitate better planning decisions? The strategies that follow are intended to address issues of interagency communication, traffic congestion

and safety, future growth, and cost. The implementation of these strategies should reflect a community-based vision that is responsive to the educational, fiscal, environmental, transportation and social circumstances for a particular community.

Coordinated Planning

Understand How School Planning Works in Your Community

One of the greatest barriers to improved coordination is a lack of knowledge by cities and ISDs of each other's processes. The following steps are intended to help city and county transportation and land use staff, and elected officials better understand how school facility planning works in their community (Sharp, 2008). For each school district that serves your city or county:

1. Ask to review a copy of the school district's facility master plan, if available.
 - Are the district's school plans in line with the community's comprehensive and capital improvement plans?
 - Are the school planners and community planners using the same demographic data? Assess how the school district's enrollment projections compare with the city's demographic projections.
2. Get a handle on how school investments are planned in your jurisdiction.
 - Understand the timelines, when key decisions are made, and who the decision makers are.
 - Get one of your staff to join the school district's advisory committee on bond elections and school construction.
3. Find out what state and local policies or rules drive school investment decisions in your town. (See Appendix A for an overview of state policies impacting school siting.)
 - Which school district rules are actually just guidelines and can be more flexible in their application?
 - Understand how new residential development will impact enrollment in existing schools and the demand for new schools. Does the school district have a rule-of-thumb for the number of students they expect for each housing type?
 - Understand school district standards related to typical student capacity per school type, minimum acreage for schools, etc.

"The city needs to understand the impact of changes in zoning."

- School district official in North Texas

More than anything else, successful school siting depends on regular communication between the local governments and the school district. An ongoing, institutionalized process for collaboration and communication is an essential part of achieving mutual goals for both entities. Regular meetings, frequent data sharing, and a mutually understood decision-making process can all contribute to increasing trust and awareness regarding concerns and challenges. It is also important for commu-

nication to involve the right personnel. Additionally, establishing a vision and identifying policies and processes to support collaboration and achieving the vision will help further legitimize and institutionalize the collaborative effort.

The below steps provide a detailed roadmap for how local governments and school districts can improve interagency coordination.

1. Establish a Process for Collaboration and Communication

Local government managers and staff should work with school district superintendents and staff to establish a mutually agreed-upon ongoing and institutionalized process for collaboration and communication, as well as a protocol for sharing objective data about future developments. Proactive and successful collaboration typically depends on regular meetings and communication between the two entities. This generally takes the form of monthly or quarterly meetings among staff to discuss areas of mutual interest (Sharp, 2008). Topics of discussion might include:

- School facility plans and city plans, including the comprehensive plan, capital improvement program, and local area plans
- Criteria for school siting, and comparing potential school sites
- Planned residential developments
- Criteria for developer set-asides or donations of sites for schools
- Demographic and enrollment projections
- Joint use facilities or other partnership opportunities
- Traffic congestion and transportation safety issues at school sites
- Efforts to enable or encourage students to walk and bicycle to school
- Resident or parent complaints
- Relevant zoning provisions and the application submittal process

City managers and school district superintendents will need to identify the primary points of contact from the city and school district to be engaged in the ongoing collaborative process. Consider involving the



following:

- School district personnel (superintendent, director of operations, construction coordinator, campus safety manager, director of transportation, chief financial officer)
- City and/or county planners (zoning and permitting, code inspections, long-range planning, economic development)
- Traffic engineers
- Parks and recreation planners
- Police officers
- Crossing guards

As many city and school district staff have noted, it is less likely that collaboration will occur unless there is leadership from the top, which requires good working relationships among local government managers and elected officials, and school district superintendents and board members. Communities that have successful, ongoing coordination report having joint city council and school board meetings twice a year. The topics discussed at the meetings typically varies depending on current issues, but may include future growth, transportation plans, educational initiatives, bond programs, joint facilities, and other partnership areas. However, those higher-up

relationships are meaningless if they do not result in policies and priorities that ensure effective coordination happens at the staff level.

Although it may take more work and resources in the beginning, these measures to improve

collaboration will help increase trust between agencies, improve data sharing, ensure that efforts do not fall victim to changes in leadership or staff, and ensure more effective use of the staff and resources of both agencies to meet their respective and shared goals (Sharp, 2008).

Case Study: City of Frisco and Frisco ISD’s Coordination Process

The City of Frisco and Frisco ISD have two staff meetings each month and joint School Board-City Council meetings two times a year. The city has separate meetings with each ISD because they each have such specific issues. It tries to have the meetings with all the ISDs on the same day if possible.

The first staff meeting is informally called the **ISD Coordination Meeting**. During this meeting, the deputy superintendent and city engineering and planning staff meet to discuss proposed school sites and the pros and cons as well as the ultimate costs for each site development option, when roads and utilities will be available to sites, and the Capital Improvement Program. The ISD usually gives the city at least two site options to provide feedback on (though the city has not always approved of the site that was eventually selected).

The second staff meeting is called the **School Safety Meeting** (also known as the “Operations Meeting”). This meeting may be attended by a number of people from the school district,

including bus operations and campus security, as well as the deputy police chief, crossing guards, and several city engineering staff. At this meeting staff discuss current operations, where students should cross and where to place crossing guards, complaints, safety concerns and what needs to be done, if a new school principal has concerns, etc.

Traffic engineering staff help the ISD create traffic management plans for every school, with consideration of walking and bicycling. In May of each year city engineering staff meet with the principals of any new schools to tour the traffic circulation plan for the school and discuss any concerns the principal may have. Other ad-hoc staff meetings include pre-submittal meetings and joint-use meetings with the Parks Department if the school district is looking at a site that is large enough for a park.

Topics of discussion at the **Joint School Board-City Council meetings** are generated by current issues such as growth, road plans, and partnership opportunities.

2. Identify Needs and Develop a Shared Vision

Once a process for communication and collaboration has been developed, local governments and school districts should work together to develop a shared vision for education, school facility planning and interagency coordination. Establishing a

shared vision can clarify roles and help all parties better understand each other’s perspectives and overlapping needs. This process of developing a shared vision — particularly when it is incorporated into a binding document like a comprehensive plan — can further institutionalize coordination and add legitimacy to the process.

3. Establish Policies and Processes that Support Interagency Coordination and Community Schools

Local governments and school districts should review their policies and processes to ensure they foster interagency collaboration and support community-oriented schools. The following are some specific measures that communities have addressed:

- Incorporate intergovernmental coordination regarding school facilities into the development of the comprehensive plan, master transportation plan, and capital improvement plan.
- Work with school districts to identify future school sites.
- Put measures in place to ensure school capacity and school transportation are considered in the review process for residential developments.
- Ensure that subdivision ordinances and road standards are consistent in requiring a continuous sidewalk network within two miles of existing or proposed schools, and on the minimum width of sidewalks near schools.



- Review zoning ordinances to ensure they do not act as barriers to the construction of community-oriented schools, or inhibit the renovation of existing facilities. Examples include large setbacks, excessive parking standards, and height restrictions.
- Streamline the permitting process or give the school district priority in planning and permitting to help shorten construction times and reduce costs. This could be contingent upon the district meeting certain location and design objectives.
- Waive permitting fees for school facilities.

Case Study: City of Frisco Policies and Processes

The following are examples of the City of Frisco’s development policies and processes that encourage interagency coordination and community-oriented schools.

- A Frisco ISD Deputy Superintendent served on the Advisory Committee for the city’s 2015 Comprehensive Plan.
- Appendix 3 of the Comprehensive Plan (“Land Use”) includes recommendations for the siting of elementary, middle, and high schools.
- Appendix 4 of the Comprehensive Plan (“School District Impacts”) includes an analysis

of the impacts of changes to the future land use plan on school districts and future school site needs.

- The City of Frisco Planning Department encourages all developers to reach out to the school district.
- The ISD has to meet requirements for the site plan, but there is more flexibility on design and landscaping requirements. The city reviews the façade and other design treatments to a certain extent, but not as thoroughly as commercial properties.

Strategies for Siting Community-Oriented Schools

NCTCOG promotes the use of the US Environmental Protection Agency (EPA) School Siting Guidelines (2011), which were developed in consultation with the U.S. Departments of Education and Human Health and Services. The EPA School Siting Guidelines emphasize:

- Meaningful public involvement
- Comprehensive evaluation of prospective location for their potential impacts on the health and safety of children and teachers and on the environment
- Renovation, upgrade, adaptation and expansion of existing facilities, where possible
- Multi-modal, active transportation options to and from schools
- Promoting environmental justice in how school siting decisions are made
- Identifying opportunities for schools to serve multiple community purposes (e.g., emergency shelters, community centers, joint school and public libraries, gymnasiums, playing fields, theaters and community gardens) so that schools can become a hub for the whole community
- Comprehensive assessment of costs, including long-term costs of local government, school agencies, and households, rather than just one-time construction/renovation costs

The following are a number of strategies that cities and school districts can employ to develop community-oriented school facilities.

1. Locate Facilities within New or Established Neighborhoods

- *Schools should be located near the center of the attendance zone and “natural” walking area.*

New Neighborhoods:

School facilities can be integrated as anchors for new, walkable neighborhoods. For example, Viridian in Arlington is a 2,000 acre master-planned community that employs New Urbanism principles such as large front porches and parking located behind homes to create walkable neighborhoods. Hurst-Euless-Bedford ISD worked with the developer Huffines Communities for several years to prepare for the addition of an elementary school, which opened in 2014. As shown in **Figure 6**, the school is located across from the Viridian Town Village, giving it a central location in the community. The Planned Development was written such that Viridian would have an elementary school and eventually a middle school after a certain number of houses were built and one was warranted. As a result, the developers had to plan for where the schools would be located. To ensure that school facilities are located internal to new developments, there must be proactive



Figure 6: *Viridian Master-Planned Community*



Source: ViridianDFW (www.viridiandfw.com)

coordination between the school district, developers, and local government.

Established Neighborhoods:

Several of the older communities in the Dallas-Fort Worth region such as Richardson and Arlington are experiencing regeneration and infill of housing, leading to existing schools becoming overcrowded. Finding large enough parcels in existing neighborhoods can be a great challenge.

There are two ways that the footprint of school sites can be reduced to fit small infill sites. The first is by building multi-storied schools or by sharing nearby community facilities instead of building separate libraries, gymnasiums, or athletic fields. Additionally, with more integrated neighborhood sites, less on-site queuing space for student pick up and drop off by car needs to be provided at schools. If infill

sites are not available, building on an existing site may require demolishing existing buildings. In either case, school districts and local governments should work together proactively to address the challenges of finding suitable land, and ensure that there is community engagement at all stages of the process.

2. Capitalize on Existing Facilities and Infrastructure

Giving preference to locations near existing populations and close to facilities and infrastructure that support school programs will help to minimize transportation and infrastructure costs and their related economic and environmental impacts. In particular, school districts should avoid selecting school sites that will require new infrastructure such as roads, water or other utilities.

3. Thoroughly Compare Multiple Sites

When comparing multiple sites for a new school, include a life-cycle cost analysis to fully examine the true costs of each option, and to help determine the best solution for the school system and the community over time. The life-cycle cost analysis examines not only the initial costs of a particular building system or component, but also long-term transportation implications in selecting a school site. Because transportation operations are funded from a different pool of money than are construction costs, they may receive inadequate consideration during the site selection process. The long-term value of transportation savings can offset some larger capital outlays that may be required during site selection and construction (CEFPI, 2004). The EPA's Smart School Siting Tool - Site Comparison Workbook provides an easy way for school districts to compare the one-time capital costs and long-term maintenance and operation costs of multiple school sites.

Renovation versus New Construction

In addition to life-cycle costs, communities should also thoroughly evaluate the benefits



Locating schools close to the greatest number of students can reduce the need for student busing and the associated costs, as well as make it more likely students will walk and bicycle to school.

and costs to the school district and community of renovating an existing school versus constructing a new school. Certain costs, such as demolishing the existing building (or maintenance and security if the old school will be left vacant), building new infrastructure, and land acquisition are not typically part of the calculation (Kuhlman, 2010). Demolishing and abandoning schools in existing communities have also been shown to decrease property values. Researchers in Michigan found that average home property values within a half-mile of an open, stable elementary school rose at a three percent higher annual rate than they did in similar neighborhoods around a closed elementary school (McClelland & Schneider, 2004).

Creative architects experienced in building rehabilitation techniques can provide guidance on adapting an older school to meet today's needs, such as by knocking down walls to change the size of classrooms, installing ramps and elevators to improve accessibility, and adding skylights to cheer up a dark room. School officials can reach agreements with park agencies, nearby churches, and other institutions to share playing fields, parking spaces, and other things the school need.

School districts often feel pressured to divert money away from maintenance to pay for other district priorities such as new technology and developing new programs (one North Texas school district reported \$4 billion in deferred maintenance needs), but it is important to fund regular maintenance and repair so that small repairs do not turn into bigger renovation projects or result in the costly construction of a new building.

Case Study: Woodrow Wilson High School, Dallas, TX

Student Enrollment (2016): 1,704

The original Woodrow Wilson High School building was constructed in 1927. A 40,000 square foot addition was completed in 2012. The school shares the use of the City of Dallas-owned baseball,

softball, and soccer fields across the street at Randall Park. The high school shares an 18 acre site with J. L. Long Middle School, which opened in 1933.



Source: BRW School Architecture, 2013



“Woodrow is seen as a community school.” – Gene Lyons, 1979, Texas Monthly

Maintenance has also been shown to impact educational outcomes. In an analysis of 226 schools in the Houston ISD, Branham (2004) found that students were less likely to attend schools that were in need of structural repairs, used temporary structures (i.e., portables), and had understaffed janitorial services (presumably impacting the cleanliness of the school facility).

When a historic school cannot be preserved and reused for educational, economic, or other reasons, school districts and/or local governments should implement plans for the building’s adaptive reuse to avoid demolition

and ensure it does not become a source of blight in the neighborhood (Beaumont & Pianca, 2002).

4. Reconsider Minimum Acreage Standards

Of the six school districts interviewed during the spring of 2016, all but two had minimum acreage standards that they used during the site selection process. The standards ranged from 8-14 acres for elementary schools, 20-35 acres for middle schools, and 40-75 acres for high schools.

These standards used by local school districts follow closely to the standards recommended by the Council for Educational Facility Planners International (today known as the Association for Learning Environments) from 1953 to 2004. Those standards were as follows: 5 acres for elementary schools, 20 acres for middle schools, and 30 acres for high schools, plus one acre for each 100 children in full-time enrollment. Over time, these standards were viewed as promoting sprawl and the relocation of schools to the edge of communities, and were removed in 2004 in favor of a more flexible approach.

An assessment of educational programs, extracurricular activities, parking ordinances, and other factors can help educational and community leaders identify the appropriate site requirements for a school. For example, a centrally-located school that is easy for students and citizens to walk or bike to can reduce the land needed for parking, bus drop-off and circular traffic (CEFPI, 2004). The following are some additional ways in which schools be accommodated on less acreage:



The six acre site that E.M. Daggett Elementary and Daggett Park sit on is owned by Fort Worth ISD. The City of Fort Worth leases the park from the School District for public use. A voluntary neighborhood association contributes funding for landscaping and gate maintenance.

- Use of multi-story buildings
- Shared athletic facilities or reduced buffers around athletic fields
- Joint-use or off-site athletic facilities
- Shared parking with adjacent institutional uses
- Off-site or roof-top play areas
- Off-site, above ground, or underground parking structures

Case Study: Joint Use Facilities in North Texas

Perhaps the most high-profile example of a joint use facility in North Texas is the Cowboys training facility in Frisco, known as The Ford Center at The Star. Opened in 2016, it was a joint project of the Cowboys team, the City of Frisco, and Frisco ISD; and is the first time a NFL training facility is sharing space with local schools. The facility will host Frisco ISD football and soccer games, as well as other special events (Wigglesworth, 2016). The partnership with the city and Cowboys meant Frisco ISD did not have to build its own third stadium, and the school district will not incur ongoing maintenance and operations costs at The

Ford Center, resulting in savings of \$250,000 to \$300,000 annually (Frisco ISD, 2016).

While Frisco is unique in having a NFL team as a partner, other communities in the region are using joint use facilities to save money, provide students with more enriching opportunities and citizens with access to more services. In Fort Worth, use of city parks is how Fort Worth ISD supports its tennis program; while in Irving, community recreation programs use the middle school basketball facilities. In Venus, the high school library, which is located near the center of town, serves as a joint community library.

5. Land Bank Future School Sites

One way school districts can better prepare for future growth and ensure there is adequate land available for new schools is by land banking. Land banking adds certainty to the development process and allows better integration of schools into neighborhoods. The primary ways school districts do this is by including money in each bond measure to purchase land for future schools, and through developer donations and set-asides. Several school districts in the Dallas-Fort Worth region are taking this proactive approach to prepare for future demand, including Denton ISD, Frisco ISD, and Highland Park ISD.

Developer donations and set-asides can help ensure that there will be adequate school capacity to support new developments; however, the land set aside is often not in an ideal location. School districts should work with cities to develop procedures for accepting land donated or set aside by developers to ensure that the sites meet both the school district and community's goals.

6. Create Safer Environments for Students to Walk or Bike

There are three things necessary to ensure that students can walk and bicycle to school:

- A. Schools are located close to the students they serve.
- B. The streets in the area surrounding the school are well-connected and there is good connectivity to the school site, thereby reducing travel distances and increasing accessibility.
- C. There are safe walking and bicycling routes to and from the school for all students (US EPA, 2011).

The following are widely accepted site selection criteria that communities can use to achieve these goals.

A. Locate schools close to the students they serve.

- Locate schools such that a large portion of the student body lives within one-half mile for elementary schools and one and one-half mile for high schools (US EPA, 2011). Ways to achieve this goal are outlined in previous sections.

B. Maximize connectivity of the surrounding neighborhood and to the school site to reduce travel distances and increase accessibility to the school.

- Develop a well-connected street system around the school. The streets in the neighborhood around the school should connect to each other, allowing students to easily and directly get to school.
- Use trails, sidewalks, or bike paths to connect neighborhoods to the school.
- Locate schools away from hazardous traffic conditions. Railroads and major streets such as arterials and highways are dangerous to cross. Locating schools away



More than 80 percent of pedestrians die when hit by vehicles traveling at 40 mph or faster. Less than 10 percent die when hit at 20 mph or less (Safe Kids Worldwide, 2015).

from these barriers makes the school easier to access by walking and bicycling. If the only site available for an elementary or middle school is along an arterial street, the school should front onto a side street and not directly onto the arterial street. There should be direct access from the community to the school without having to walk or bicycle along the arterial street.

- Consider the feasibility of establishing a school speed zone on adjacent streets when selecting sites (streets should have posted speed limits under 30 mph).
- Schools should have access from two or more streets. Schools should not be located at the end of a cul-de-sac or have only one primary vehicle access.
 - Elementary school siting should avoid streets that carry high volumes of traffic and higher speeds. Elementary schools should be located on at least one collector street inside the neighborhood, with additional frontage onto local streets for neighborhood access (Institute of Transportation Engineers, 2013).
 - Middle schools should be located inside neighborhoods, with access from at least two collector streets, as well as additional frontage onto local streets (ITE, 2013).
 - High schools should have access from two minor arterial streets, and additional access from collector or local streets. When a parent loop connects to an arterial road, it should be aligned to an existing or future intersection so that a four-way stop can be easily installed (ITE, 2013).

- Remove barriers such as fences around school/playing fields. If fences are a security issue, include several gates so that people have free access to the school and associated facilities.

C. Ensure that safe routes to and from the school are available to students.

- When evaluating multiple school sites, consider the completeness of the local sidewalk or trail network that will serve the school.
- Ensure that there are sidewalks along both sides of all streets surrounding the school. Sidewalks should be of an adequate width to accommodate peak demand (6 feet wide or more), and separated from traffic by grass or street trees.
- Provide pedestrian and bicycle access to the school from as many sides as possible.
- Re-engineer nearby intersections and street crossings to promote safe pedestrian access to and from schools. Ensure there are clearly defined pedestrian crosswalks at all locations that students would likely cross the street to access the school site.
- Ensure that school site design safely accommodates students arriving and departing by all modes of transportation, and prioritizes safe access for children who are walking and bicycling.



- Provide good pedestrian and bicycle access on the school site by placing racks near entrances, designating pedestrian paths that are separate from automobile pick-up and drop-off zones, and providing crossing guards.

Orient school entrances with sidewalks and marked pedestrian crossings to encourage pedestrian travel from nearby neighborhoods. Parking lots and bus queuing lanes should be placed at the sides or rear of school facilities.

- Manage bus and auto movements so that they do not create safety conflicts with pedestrians and bicyclists. Provide direct access from sidewalks to school entrances that does not force students to walk across a bus or an auto lane. Design on-site park-



ing so as not to create a barrier for pedestrians to the main entrances of the schools.

Figure 7 provides a good example of an elementary school in the North Texas region with desirable campus layout and connectivity to the school.

Figure 7: Model Elementary School Site



For this school, all students live within a roughly one mile walking distance of the school. The walking boundary is the same as the attendance boundary in that no students have to cross busy or wide arterial streets to get to the school. Most of the streets are on a modified grid pattern, providing good walking, bicycling, and vehicular connectivity to the school. The school fronts onto one collector and two local streets, there is pedestrian and

bicycle access from three sides of the school, and sidewalks exist on both sides of all streets in the surrounding neighborhood.

School districts and local governments should work together to establish location and design standards for transportation access to schools, with an emphasis on walking and bicycling access.

Conclusions and Takeaways

Schools and the communities they serve are intrinsically linked. The type of development and the makeup of the households in the area around schools (both neighborhood and charter) determines the enrollment of a school and the needs of its students. A school’s accessibility can impact student attendance rates and participation in extracurricular activities, and parental involvement. On the other hand, school quality impacts the desirability of a neighborhood and community; and school location impacts demand for infrastructure and services, traffic congestion, public health and safety.

For too long, school facility planning and community planning decisions have been disconnected, resulting in schools located on the edges of town or schools that are isolated from their neighborhoods, students that face

danger when they have to cross busy roads to get to school every day, increasing traffic congestion and air pollution, and citizens that no longer participate in the casual social interactions that once brought people together.

When school districts and local governments overcome barriers and institute meaningful partnerships, they not only use tax dollars more efficiently, they also meet their respective goals of delivering quality education and serving the community’s interests. While each community will have different priorities and follow different processes, the strategies outlined in this report are intended to assist school districts and local governments with developing a framework for institutionalized coordination and planning for community-oriented schools.



References

- Appatova, A. S. (2008). Proximal Exposure of Public Schools and Students to Major Roadways: A Nationwide US Survey. *Journal of Environmental Planning and Management*, 51(5), 631-646.
- Beaumont, C. E., & Pianca, E. G. (2002). *Why Johnny Can't Walk to School: Historic Neighborhood Schools in the Age of Sprawl*. Washington, D.C.: National Trust for Historic Preservation.
- Branham, D. (2004). The Wise Man Builds His House Upon the Rock: The Effects of Inadequate School Building Infrastructure on Student Attendance. *Social Science Quarterly*, 85(5), 1112-1128.
- CEFPI. (2004). *Schools for Successful Communities: An Element of Smart Growth*. Scottsdale, AZ.
- Erbstein, N. (2014). *Factors Influencing School Attendance for Chronically Absent Students in the Sacramento City Unified School District (SCUSD)*. Center for Regional Change, University of California, Davis.
- Fan, Y., & Das, K. (2015). *Assessing the Impacts of Student Transportation on Public Transit*. Center for Transportation Studies, University of Minnesota. Retrieved from <http://hdl.handle.net/11299/180133>
- Filardo, M. (2016). *State of Our Schools: America's K-12 Facilities 2016*. Washington, D.C.: 21st Century School Fund, U.S. Green Building Council, Inc., and the National Council on School Facilities.
- Institute of Transportation Engineers. (2012). *School Site Selection and Off-site Access*. Safe Routes to School National Partnership.
- Institute of Transportation Engineers. (2013). *School Site Planning, Design, and Transportation*. Washington, DC.
- Kuhlman, R. (2010). *Helping Johnny Walk to School: Policy Recommendations for Removing Barriers to Community-Centered Schools*. National Trust for Historic Preservation.
- McClelland, M., & Schneider, K. (2004). *Hard Lessons: Causes and Consequences of Michigan's School Construction Boom*. Beulah: Michigan Land Institute.
- McPhate, M. (2016, May 11). *That's Right, \$63 Million for a Football Stadium ... for High Schoolers*. Retrieved from The New York Times: http://www.nytimes.com/2016/05/12/sports/high-school-football-stadium-texas-63-million.html?_r=0
- Passmore, S. (2002). *Education and Smart Growth: Reversing School Sprawl for Better Schools and Communities*. Miami, FL: Funders' Network for Smart Growth and Liveable Communities.
- Safe Kids Worldwide. (2015). *Don't Get Hit by a Car*. Retrieved from Safe Kids Worldwide: <https://www.safekids.org/howtowalk/>
- Sharp, M. (2008). *Local governments and schools: A community-oriented approach*. Washington DC: ICMA Press.
- University of Oregon, Community Planning Workshop. (2005). *Planning for schools and liveable communities: The Oregon school siting handbook*. Oregon Transportation and Growth Management Program.
- US Environmental Protection Agency. (2011). *School Siting Guidelines*. Washington, DC. Retrieved from <https://www.epa.gov/schools/school-siting-guidelines>
- Wigglesworth, V. (2016, January 15). *Dallas Cowboys aim to make fans, community part of the team at new home in Frisco*. Retrieved from Dallas Morning News: http://www.dallasnews.com/news/community-news/frisco/headlines/20160115-dallas-cowboys-aim-to-make-fans-community-part-of-the-team-at-new-home-in-frisco.ece?_ga=1.144030198.299662879.1463080614
- Wixon, M. (2016, January 7). *All eight Frisco ISD teams to play each other at 'The Star' in quadrupleheader to open 2016 season*. Retrieved from Dallas Morning News: <http://sportsday.dallasnews.com/high-school/high-schools/2016/01/07/eight-frisco-isd-teams-play-star-quadrupleheader-open-2016-season>

Appendix A. Texas State Policies that Impact School Facility Investment

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.

School Siting and Construction Regulations

Compared to other states, particularly fast-growth states, the State of Texas provides relatively minimal regulation and oversight of public school facilities, and no guidance on school site selection. 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. Long-range school facilities plans are a compilation of information, policies and statistical data about school districts to plan for facility needs for either pupil enrollment growth or decline.

School Size

Neither the Texas Administrative Code nor the 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.

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. 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, school districts levy an Interest and Sinking (I&S) property tax of up to 50 cents per \$100 assessed property value. As of 2015, 16 school districts in the Dallas-Fort Worth region had hit the 50-cent limit.

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 11 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 helps districts access greater financing by issuing bonds.

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 is no criteria for project approval beyond that it must be a qualified project type. 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 legislature did not provide funding under this allotment from 2012 to 2015. For the 2016-17 fiscal year, \$55.5 million

was made available;¹ however, this was significantly less than the \$150 million that was allocated when the program was authorized in 1997.²

The state's Existing Debt Allotment (EDA) can also help districts retire debt. 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. The legislature did not provide funding under this allotment from 2011 to 2014; however, funding was made available for the 2015 to 2016 school years.³

¹ Texas Education Agency. (2016). Instructional facilities allotment program. Retrieved from: <http://tea.texas.gov>

² Texas Association of School Boards. (2008). Funding school facilities. Retrieved from: https://www.tasb.org/Legislative/Issue-Based-Resources/documents/funding_school_facilities.aspx

³ Dawn-Fisher, L. (2015, July 10). *Deadline extended for new instructional facility allotment (NIFA); online application for funding*. Retrieved from: <http://tea.texas.gov>

Can impact fees be used to pay for new school sites and facilities?

Impact fees are exactions through which developers are required to pay for the infrastructure improvements required to serve the new growth. Although most local governments have long required developers to pay for such on-site improvements as street paving and utility lines within a subdivision, impact fees go farther. A community may assess a developer for a share of the cost of a larger facility such as a major arterial roadway or other public infrastructure or service that will serve the development. Adopted in 1989

and amended in 2001, the Texas impact fee enabling act allows local governments to collect impact fees on new developments for the purpose of providing roads, water, sewer, and storm water facilities. Schools, however, are not an eligible facility for impact fees. In general, cities may not grant public funds to school districts to use in constructing buildings within city boundaries, unless it will serve a public or municipal purpose.^{4,5,6}

State Policies Guiding the Local Regulation of School Facilities

The following are a series of commonly asked questions by communities in the Dallas-Fort Worth region regarding the extent to which local governments can regulate school facilities.

Can school districts be required to pay for off-site roadway improvements?

Section 11.168 of the Texas Education Code prohibits a school district from entering "into an agreement authorizing the use of school district employees, property, or resources for the provision of materials or labor for the design, construction, or renovation of improvements to real property not owned or leased by the district." Section 11.168 was amended by the legislature in 2011 (H.B. 628) to expressly provide that a district is "not [prohibited] from entering into an agreement for the design, construction, or renovation of improvements to real property not owned or

leased by the district if the improvements benefit real property owned or leased by the district." "Benefits" are defined to include the design, construction, or renovation of highways, roads, streets, sidewalks, crosswalks, utilities, and drainage improvements that serve or benefit the district's property.

Section 395.022(b) of the Local Government Code provides:

(b) A school district is not required to pay impact fees imposed under this chapter unless the board of trustees of the district consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board of trustees considers advisable to provide for the payment of fees.

⁴ Kelly, E. D. (2004). *Managing Community Growth*. 2nd Ed, p. 63-64

⁵ Mullen, C. (2015, January 3). State impact fee enabling acts. Retrieved from <http://www.impactfees.com>.

⁶ Tex. Local Gov't Code Ann., Title 12, § 395.001 et seq.

To what extent must school districts comply with city development regulations?

School districts are generally exempt from a city's location-based requirements — at least to the extent that a school district is not prevented from building facilities within an area zoned residential. However, school districts do have to comply with city building codes and regulations that are reasonably related to the health, safety, and welfare of the community, and that promote aesthetics and the maintenance of property values.

- *Austin Indep. Sch. Dist. v. City of Sunset Valley* (1973) found that municipalities may not wholly exclude/zone out facilities operated by a school district from its boundaries.⁷
- *City of Addison v. Dallas Indep. Sch. Dist.* (1982) concluded that school districts may place any facility within an area zoned residential and is generally exempt from a city's location-based requirements as long as the district is not acting unreasonably or arbitrarily.⁸
- In 1986, the attorney general opined that so long as a city's specific use permit

procedures do not totally exclude a school district facility and are reasonably related to the protection of the health, safety, and welfare of the community, the school district must comply with the permit procedures and conditions.⁹

- In 2009, Attorney General Greg Abbott opined that a home rule city may enforce its reasonable land development regulations and ordinances against a school district for the purpose of aesthetics and maintaining property values.¹⁰

Are open-enrollment charter schools subject to a city's zoning ordinance?

Under Education Code Section 12.103, "an open-enrollment charter school is subject to federal and state laws and rules governing public schools and to municipal zoning ordinances governing public schools." However, Section 12.103 goes on to provide that "a campus of an open-enrollment charter school located in whole or in part in a municipality with a population of 20,000 or less is not subject to a municipal zoning ordinance governing public schools."

⁷ *Austin Indep. Sch. Dist. v. City of Sunset Valley*, 502 S.W.2d 670, 673 (Tex. 1973)

⁸ *City of Addison v. Dallas Indep. Sch. Dist.*, 632 S.W.2d 771, 773 (Tex. App.--Dallas 1982, writ ref'd n.r.e.)

⁹ Tex. Att'y Gen. Op. No. JM-514 (1986)

¹⁰ Tex. Att'y Gen. Op. No. GA-0697 (2009)

Appendix B. Example School Siting Process

