

## **CHAPTER 6A-2 EDUCATIONAL FACILITIES**

6A-2.0010	Educational Facilities
6A-2.0020	Charter School Capital Outlay.
6A-2.0030	Qualified School Construction Bond Program
6A-2.0040	Sanitation Standards in K-12 Private Schools

### **6A-2.0010 Educational Facilities.**

State Board of Education requirements adopted pursuant to Chapter 120, F.S., to implement the State Uniform Building Code for Public Educational Facilities Construction in Chapter 1013, F.S., are contained in Section 423 of the Florida Building Code and the Department of Education publication titled "State Requirements for Educational Facilities 2007 and the 2009 Supplement to the State Requirements for Educational Facilities, which are hereby incorporated by reference and made a part of this rule to become effective with the effective date of the amended rule. All educational and ancillary facilities constructed by a school board or community college board shall comply with "State Requirements for Educational Facilities 2007 and the 2009 Supplement to the State Requirements for Educational Facilities". Copies of "State Requirements for Educational Facilities 2007 and the 2009 Supplement to the State Requirements for Educational Facilities" are available from the Office of Educational Facilities, Florida Department of Education, 325 West Gaines Street, Room 1054, Tallahassee, Florida 32399-0400, at a cost to be determined by Commissioner, but which shall not exceed actual cost, or from the Department of Education's website at: <http://www.fldoe.org/edfacil> in PDF format.

*Rulemaking Authority Section 1(a) Article IX, State Constitution; 1001.02(1), 10013.02(2), 1013.37 FS. Law Implemented 1(a) Article IX, State Constitution; 1001.02, 1001.42(9), 1001.453, 1011.09, 1011.74, 1031.01, 1013.03, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS. History—New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended 8-22-05, 7-2-06, 2-12-08, 12-15-09.*

### **6A-2.0020 Eligibility for Charter School Capital Outlay.**

The following provisions are established for the determination of eligibility of charter schools pursuant to Section 1013.62, F.S.

(1) A charter school may be considered a part of an expanded feeder chain under Section 1013.62, F.S., if it either sends or receives a majority of its students directly to or from a charter school that is currently receiving capital outlay funding pursuant to Section 1013.62, F.S.

(2) The eligibility requirement for satisfactory student achievement under Section 1013.62, F.S., shall be determined in accordance with the language in the charter contract and the charter school's current school improvement plan if the school has a current school improvement plan. A charter school receiving an "F" grade designation through the state accountability system, as defined in Section 1008.34, F.S., shall not be eligible for capital outlay funding for the school year immediately following the designation.

*Rulemaking Authority 1001.02, 1013.62 FS. Law Implemented 1013.62 FS. History—New 12-15-09.*

### **6A-2.0030 Qualified School Construction Bond Program.**

(1) Qualified School Construction Bonds (QSCBs). The American Recovery and Reinvestment Act of 2009 authorized the issuance of Qualified School Construction Bonds (QSCBs) to finance school construction and other eligible projects for public schools. The amount of QSCBs issued in each state is limited under federal law. This rule is created pursuant to Sections 159.841, 159.842, 159.843, 159.844, and 159.845, F.S., which authorizes the Department of Education (Department) to establish a program for allocating the available allocation authority in Florida. Under this program, qualified school districts, charter schools or state education agencies can borrow funds with no interest cost. A Qualified School Construction Bond is an interest-free bond issued by a state or local governmental entity, the proceeds of which are used to construct or improve certain eligible public schools, or for certain land or equipment purchases. Instead of receiving periodic interest payments from the issuer, the QSCB bondholder (potential bondholders include banks, insurance companies, and corporations actively involved in the business of lending money) receives a federal income tax credit while the bond is outstanding, in an amount equal to a percentage of the face amount of the bond. The education agency's debt service obligation is only for the principal amount of the bonds. The full faith and credit of the State of Florida is not pledged to QSCB bonds issued by agencies other than the Florida Department of Education.

(a) Eligibility Criteria.

1. All school districts, charter schools or state education agencies are eligible to apply.
2. Eligible QSCB projects include all projects permitted to be financed with QSCBs under federal law, including:
  - a. New construction of a public school owned facility,
  - b. Rehabilitation or repair of an existing public school owned facility,
  - c. Land acquisition for the facility to be constructed with the QSCB proceeds, and
  - d. Equipment to be used in the facility that is being constructed, rehabilitated, or repaired with the proceeds of QSCBs.

NOTE: Lease payments may not be made with QSCB proceeds.

(b) Application Process.

1. Application shall be made through submission of Form OEF 411, Qualified School Construction Bond (QSCB) Program Notice of Intent to Issue Bonds and Request for Written Confirmation, which is hereby incorporated by reference to become effective with the effective date of this rule. Form OEF 411 may be obtained from the Department's website at <http://www.fldoe.org/edfacil/oef/federalbond.asp>.

2. Applications must be received from the districts or charter schools on or before October 1, or such other date as established by the Department.

3. Districts or charter schools should not request more bonding authority than can be reasonably expected to be repaid, and the district or charter school must expect that the QSCBs will be issued prior to the end of the calendar year in which an application is made.

4. Applications must clearly explain the pledged revenue from which the district or charter school intends to repay the bond principal upon maturity.

5. The application must include the following documents:

- a. A copy of the resolution referenced in the Certificate of Eligibility section of Form OEF 411.
- b. A completed Qualified School Construction Bonds Notice of Intent to Issue and Request for Written Confirmation Project Spending Plan, Form OEF 412, which is hereby incorporated by reference to become effective with the effective date of this rule. Form OEF 412 may be obtained from the Department's website at <http://www.fldoe.org/edfacil/oef/federalbond.asp>.

6. Charter schools must submit a copy of the most current financial audit containing an auditor's opinion that the charter school will remain operational until the QSCBs mature.

(c) Allocation Process.

1. After the federally imposed state bonding authority is known for each calendar year, the school districts and charter schools will be notified by the Department.

2. The total available state volume cap limitation will be divided between two pools, the school district's pool and the charter school's pool. The pools will be established based on the ratio of the number of charter schools divided by the number of students served, as compared to the total student population.

3. Applications are reviewed for eligibility and completeness. Districts or charter schools may be contacted for further information or clarification.

4. Applications from school districts must include only survey recommended projects.

5. District applications will be considered and allotments awarded based on the following factors:

a. Existing classroom funding needs for compliance with the constitutionally mandated class-size reduction requirements;  
b. Increasing enrollment growth of greater than one (1) percent per year;  
c. Need to replace aging facilities, fifty (50) years and older, based on a Department approved analysis; or  
d. Existing funding needs for survey recommended projects included in a current Educational Plant Survey approved by the Department.

6. Charter school applications will be considered and allotments awarded based on the review and evaluation of the description of the facility; including, but not limited to, the age, condition, ownership, number of students currently being served, projected number of students to be served, and a photograph(s) of the existing facility demonstrating a need for the project to be financed with QSCB proceeds.

7. Once the Department determines the allocations to be awarded, each district or charter school will be notified in writing. Districts or charter schools whose applications have been denied and those with ineligible projects will also be notified.

8. Any allotment balance remaining after the initial allocation process will revert to a state-wide allocation pool, to which unissued/returned allotments will be added. The state-wide pool may be reallocated at a later date to other qualifying districts.

9. A final confirmation letter of the allocation will be provided upon the districts or charter schools submission of the State of Florida, Department of Education Issuance Report Pursuant to Part IX of Chapter 159, F.S., Form OEF 413 and a copy of the official statement cover. Form OEF 413 is hereby incorporated by reference to become effective with the effective date of this rule. This form may be obtained from the Department's website at <http://www.fldoe.org/edfacil/oef/federalbond.asp>.

(2) In addition to previously stated requirements, there are a number of administrative items school districts or charter schools must keep in mind:

(a) Qualified School Construction Bond (QSCB) proceeds cannot be used to pay debt service or other outstanding debt obligations incurred to finance project costs.

(b) Qualified School Construction Bond (QSCB) proceeds cannot be used to make lease payments.

(c) The district or charter school must comply with all information requests from the Department so that federal accountability and reporting requirements can be met.

(d) Each district or charter school must determine whether the purposes for which QSCBs are issued conform to state law regarding indebtedness.

(e) Each district or charter school is responsible for repayment of the principal upon maturity.

(f) School districts shall not use PECO or CO&DS revenues to pay QSCB debt service obligations, but may use District School Tax revenues pursuant to Section 1011.71, F.S. (often referred to as local discretionary capital outlay millage).

(g) If District School Tax proceeds are proposed for repayment of QSCB debt, those proceeds shall not exceed the Certificates of Participation (COPs) limit established for District School Tax revenue in Section 1011.71, F.S.

(h) If a district or charter school determines that its allotment will not be used, the district or charter school should notify the Department as soon as possible.

(i) If the scope of one of a district's or charter school's approved projects changes, the district or charter school must receive the approval of the Department before reallocating the funds to other projects. Requests will be reviewed on a case-by-case basis.

1. The Department may allow reallocations among approved projects, as identified on the current QSCB award letter, to another current approved project.

2. The Department will disallow the reallocation of funds to new or unapproved projects.

(j) Districts or charter schools must have all bonds issued by December 31 of its funding year.

(k) As districts or charter schools issue QSCB bonds, Form OEF 413 and a copy of the cover of the official statement must be forwarded to the Department upon issuance of the bonds in order to receive a final confirmation of the volume cap allocation.

(l) On December 31 of the district's or charter schools' funding year, unused allotments will revert back to the Department for reallocation.

(m) Allocations of the volume limitation are granted first from carried-forward balances from previous years and then from the current year balance.

### **6A-2.0040 Sanitation Standards in K-12 Private Schools.**

This rule prescribes minimum requirements and standards of sanitation and safety for K-12 private schools, as defined in Section 1002.01, F.S., located within the state regardless of the nature of the school, its ownership or organization.

(1) School Site. The school site including areas used for playgrounds and that immediately adjacent to school buildings shall be provided with adequate facilities for surface drainage. A site should remain free from health threats from hazardous materials.

(2) Playgrounds and Athletic Equipment. Playgrounds shall be constructed and maintained to permit maximum utilization of sites with elimination of sanitary and health hazards including mudholes, fragments of glass, stone and similar obstructions.

(a) Fixed playground equipment shall be anchored with substantial foundations so maximum safety is obtained.

(b) Athletic and recreational equipment and facilities must be kept clean and in a safe condition. Fences and equipment shall be maintained so that no jagged or sharp projections exist.

(c) Cushioning materials such as mats, wood chips, or sand shall be used under climbing equipment, slides, and swings.

(3) Building Construction and Maintenance.

(a) Upon request, K-12 private schools shall provide proof of any required permitting for school construction and remodeling pursuant to Section 553.79, F.S. School buildings shall be maintained so that they are vermin-proofed.

(b) Buildings shall be kept clean and in good repair, free from hazardous conditions such as loose or broken floor tiles and boards; loose moldings; loose hanging fixtures, pipes, and electric wires; and broken plaster.

(c) Furnishings and equipment shall be kept clean and in good repair, free of missing parts and hazards such as sharp edges.

(4) Lighting Standards.

(a) All instructional spaces shall be capable of providing a minimum illumination of forty (40) foot-candles at normal task level.

(b) All required illumination shall be designed so that the failure of any single unit, such as the burning out of an electric bulb will not leave any occupied area or means of egress in darkness.

(5) Heating, Ventilation and Air Conditioning Standards.

(a) Permanent type school buildings and additions to school buildings shall be provided with heating facilities. Heating facilities shall be designed to heat to a temperature of not less than seventy (70) degrees fahrenheit, in instructional rooms, locker rooms and cafeterias; and sixty-five (65) degrees fahrenheit in toilets and activities rooms, such as gymnasiums and shops.

(b) No school plant or portion thereof shall be equipped with any type of equipment in which fumes of combustion or fuel may be discharged or can escape into the interior of buildings.

(c) Heat producing appliances and systems shall be maintained in a proper working condition.

(d) Ventilation and air conditioning. All occupied rooms and other rooms where odors or contaminants are generated shall be vented to the outside. Ventilation rates shall be maintained as designed.

1. Natural ventilation.

a. When natural air flow is used in instructional spaces, it shall be designed and maintained to assure cross ventilation.

b. Gravity and wind operated ventilators shall not be used as an exhaust medium in instructional areas but may be in general storage rooms.

2. Mechanical ventilation.

a. All occupied spaces which do not meet the requirements for natural ventilation shall be mechanically ventilated by means of electrically operated exhausts. The ventilation system shall be maintained to insure air movement throughout the room at the level of the seated student. Fans and blowers shall be maintained to provide the required air movement without excessive or disturbing noise. Exhaust from dishwashing areas shall not be through the kitchen.

b. Mechanical ventilation systems shall be maintained in areas of high air contamination such as paint shops, auto repair shops and chemistry laboratories, art rooms where kilns are used, wood working and metal shops, and chemical storerooms.

(6) Sanitary Facilities. Every school plant shall be provided with toilet and hand washing facilities for all occupants. These facilities shall be located for convenient student access and faculty supervision and kept clean and in good repair.

(a) Toilet Facilities.

1. All group toilet rooms shall be provided with at least one (1) floor drain and (1) hose bib. The floor shall be sloped to the drain. Stall urinals do not serve for the required floor drains.

2. In group toilet rooms a partition shall be placed between each water closet. Each compartment shall have a privacy partition. Entrances to group toilet rooms shall be provided with a partition or other privacy shielding device to block the occupants from view. The toilet partitions and floors shall be finished with impervious materials.

3. Deodorizers shall not be used in toilet rooms. Air deodorizers are not to be confused with disinfectants.

(b) Handwashing facilities.

1. Handwashing facilities shall be located within or adjoining each toilet room.

2. Soap dispensers shall be provided at all wash basins and liquid or powdered soap shall be used.

3. Individual towels, preferably paper shall be used. Use of common or public towels is prohibited. Hot-air hand drying devices may be used in lieu of, or in addition to, individual towels.

(c) Showers.

1. When provided, shower rooms and stalls shall have floors and walls finished with dense non-absorbent and non-corrosive materials having a smooth impervious surface.

2. Water shall be heated and the temperature at the shower head shall not exceed one hundred ten (110) degrees fahrenheit nor be less than ninety-five (95) degrees fahrenheit.

3. Showers must be kept clean and free of mildew.

4. Foot baths shall not be provided.

(7) Water Supply.

(a) The water supply for the school must be from a source that is licensed or permitted pursuant to the Florida Safe Drinking Water Act or Section 381.0062, F.S., as applicable.

(b) Drinking fountains of an approved, sanitary slant jet type shall be provided in a ratio not less than 1 per 100 occupants. In no case shall fountains be located in any toilet room.

(8) Sewage Disposal. Sewage disposal systems shall be installed, operated and maintained in a manner that does not create a sanitary nuisance, as that term is defined in Chapter 386, F.S.

(9) Solid Waste. Garbage, trash, and rubbish shall be collected, stored, and disposed of at a frequency and in a manner that prevents a sanitary nuisance. Wet garbage shall be collected and stored in impermeable, leak proof, fly tight containers pending disposal. Outdoor waste containers must be easily cleanable and serviceable. Waste containers and the storage area shall be cleaned at frequent intervals to prevent odors and breeding places for vermin. Waste water from the cleaning of garbage containers shall be disposed of as sewage.

(10) Pest Control. Effective measures shall be used to prevent harborage, propagation, or infestations of rodents, flies, cockroaches, and other vermin on school premises. Brush, trash or other unnecessary material shall not be allowed to accumulate on school premises. Water must not be allowed to accumulate in any open containers, such as buckets and tires.

(11) First Aid Kit. Schools shall own and maintain a first aid kit available to pupils under supervision of an adult at all times while school is in session.

(12) Diaper Changing Station.

(a) A diaper changing station shall be located in or adjacent to any classroom where children wearing diapers are enrolled.

(b) A hand lavatory shall be provided within the changing station area. Access shall be provided to the lavatory without opening doors or touching handles.

(c) Diaper changing stations, when provided, must be equipped with an impermeable changing mat that is cleaned and sanitized after each use. The use of tape to cover rips or tears in the impervious mat covering is prohibited.

(d) Diaper changing tables must be maintained in a safe and secure condition at all times.

(e) A sanitizer that is approved by the Environmental Protection Agency (E.P.A.) shall be available at the changing station. The sanitizer shall be prepared according to the manufacturer's instructions and used as directed on the label.

(f) A garbage can equipped with a tight fitting lid and lined with an impermeable garbage bag must be located at the diaper changing station. The garbage can must be cleaned and sanitized at least daily.

(13) Animal Health and Safety. Animals living in or visiting an educational facility shall comply with the requirements of this subsection.

(a) Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of rabies vaccination or veterinary certification of vaccination exemption shall be kept on the school premises at all times and made available to the local county health department upon request.

(b) All animals must be kept free from disease and in good health or under treatment by a licensed veterinarian.

(c) Aggressive, venomous, or potentially dangerous animals must be restricted from access by the students at all times and kept in such a manner so as not to be able to become free roaming and cause or inflict harm to the students, visitors, or employees. These animals may not be housed in the students sleeping quarters or dormitory sleeping areas.

(d) Animal housing, cage, aquarium, barn or other housing arrangements shall be kept clean and in good repair. Food and clean water shall be adequately supplied and accessible to the animal.

(14) Dormitories and Residential School Facilities.

(a) Dormitories and residential school facilities shall be maintained in good condition, clean, free from pest infestations and noisome odors, and shall be free of health and safety hazards.

(b) Dormitories and residential school facilities, located on the premises of a school, shall not be part of the routine inspection of the school facility. Dormitories and residential school facilities shall be inspected on a complaint basis.

*Rulemaking Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 10-25-11.*