

## **MEMORANDUM**

**To:** 2019-2020 Orange County Charter Review Commission

**From:** Lee Steinhauer

**Re:** School concurrency and overcrowding of schools

**Date:** August 22, 2019

### **Issue(s) for Consideration**

Article VII, section 704B.2. of the Orange County Charter, allows a County Ordinance to be effective within a municipality if such ordinance requires that any rezoning or Comprehensive Plan amendment that increases residential density be approved by each significantly affected local government when such increase in residential density affects a school, the attendance zone for which straddles local government jurisdictional boundaries, if the School Board cannot certify that the school within the attendance zone or zones affected by such rezoning or Comprehensive Plan amendment can accommodate the additional students that result from the increase in residential density.

In accordance with and pursuant to the above Charter provision(s) and state law, Orange County has promulgated ordinances and entered into interlocal agreements with Orange County Public Schools and local municipalities to implement school concurrency to ensure that plans for construction and opening of schools are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. See also attached Orange County Government School Capacity document.

Orange County, local municipalities, and the School Board are separate governmental entities, but through the ordinances and interlocal agreements have agreed that they can better

fulfill their respective responsibilities by working in close cooperation to ensure that adequate public school facilities are available for the residents of the County and municipalities. As such, the ordinances and, particularly, the interlocal agreements set forth in detail the agreed upon terms and conditions of school concurrency in Orange County. This includes, but is not limited to, how the governmental entities shall coordinate, rights and responsibilities of each, definitions and parameters of school capacity and Level of Service<sup>1</sup>, and how they are evaluated and determined.

Despite the implementation of school concurrency through ordinances and interlocal agreements, currently in many areas of the County, particularly in faster growing areas, public schools are well above their defined capacity (i.e. Adjusted FISH<sup>2</sup> capacity). In many cases new schools are opening well over their defined capacity on their very first day of operation.

The overcrowding and over capacity of public schools is of growing concern and angst for Orange County residents who believe that new school facilities are not being built efficiently enough so as to adequately relieve the overcrowding conditions and prevent schools from enduring years of over capacity.

---

<sup>1</sup> Level of Service: percentage of Enrollment to School Capacity jointly adopted by the School Board and Applicable Local Governments. (per Amended Interlocal Agreement)

<sup>2</sup> Adjusted FISH Capacity: the number of students who can be served in a permanent public school facility as provided in the Florida Inventory of School Houses adjusted to account for the design capacity of Modular or In-Slot Classrooms on the campuses designed as Modular or In-Slot schools, but not to exceed Core Capacity. (per Interlocal Agreement)

### **Requested Action**

I would like to propose as a potential study topic for the 2020 Charter Review Commission a Charter amendment that would provide that the County can ensure that over capacitated schools cannot persist for longer than a time certain without being relieved.

This could potentially be achieved by including provision(s) in the Charter augmenting Article VII, section 704B.2. by including a provision(s) along the lines of the following:

Orange County may not enter into an interlocal agreement for the purposes of implementing school concurrency unless the interlocal agreement, and any ordinance promulgated pursuant to same, provides that no Orange County public school may remain at or over 120% of its defined capacity (i.e. Adjusted FISH capacity) for any longer than a two year period without a relief school being planned, or other arrangements being made to relieve over capacitated conditions, including, but not limited to, entering into partnerships with charter school(s) to provide relief.

Or other appropriate language or provisions that may provide that the County, School Board and local governments can ensure that an appropriate, adopted Level of Service is obtained and maintained, and that over capacitated schools do not persist without timely relief.

Thank you for your consideration.