

# Public Schools Facilities



## **PUBLIC SCHOOL FACILITIES ELEMENT DATA, INVENTORY & ANALYSIS**

The Public School Facilities Element is intended to ensure coordination among the County, Municipalities and the School District to ensure that school capacity at the adopted level of service standard is available at the time of the impacts of development.

### **School Planning & Coordination**

Residential development within Orange County is well coordinated with OCPS, and development that occurs is mitigated prior to approval. Orange County and its jurisdictions including the City of Winter Park have methods to ensure coordination with OCPS.

### **Martinez Doctrine**

In March 2000, Orange County's practice of linking certain land use changes to school capacity was termed the Martinez Doctrine, after former Orange County Mayor Mel Martinez. Under this directive, if a rezoning or comprehensive plan amendment had an adverse impact on schools; staff recommends denials of the request as exceeding the capacity of public infrastructure, which is inconsistent with Orange County's Comprehensive Policy Plan.

The adoption of this practice has led to more coordination and information sharing with Orange County Public Schools staff, and created a mechanism where developments denied under the Doctrine can enter into Capacity Enhancement Agreements with the School Board to mitigate adverse impacts. This practice has withstood judicial challenge up to the Florida Supreme Court.

### **Capacity Enhancement Process**

Orange County Public Schools (OCPS) currently reviews residential development proposals and comments as to the availability of school capacity at the directly impacted elementary, middle and high school for each project seeking a future land use map amendment or rezoning that increases residential density.

The Capacity Enhancement Program attempts to mitigate over-capacity schools affected by new, unvested units. The units that are allowed under the existing zoning and land use are considered "vested" units, and are not subject to capacity enhancement. The additional units that would be obtained when a property is successfully rezoned are considered "unvested" and are subject to the capacity enhancement process.

To address this lack of capacity, the local government directs the project applicant to seek mitigation through a Capacity Enhancement Agreement (CEA) with OCPS for the unvested units. The capacity enhancement process involves extensive evaluation by several OCPS departments (Facilities, Pupil Assignment, Real Estate, Planning) and instructional (Area Superintendents, Principals) personnel for classroom, site and core capacity issues and potential solutions such as relief, renovation to prototype size, permanent expansion, assignment of students, or timing.

The process also includes a fiscal review by the Chief Financial Officer of OCPS to ensure the project pays its full share of incremental student station cost. Any funds necessary for unvested units to meet the full share of incremental student station cost as well as school impact fees are due at Final Plat or Final Site Plan.

Central to the process is the OCPS commitment that educational quality not be compromised. If it is determined that a physical and fiscal solution is possible that is acceptable to the Superintendent, a resolution is prepared for the School Board requesting authorization to enter into a Capacity Enhancement Agreement between OCPS and the project applicant setting forth terms under which capacity enhancement can be achieved. A copy of the CEA is provided to the affected local government to assist with monitoring and implementation.

### **Charter Amendment**

On November 2, 2004, Orange County voters approved Charter Amendment #6 to require joint county and municipal approval of zoning or comprehensive plan amendments affecting overcrowded public schools, which was later implemented through Orange County Ordinance 2006-04 (effective May 9, 2006). As a result, local governments in Orange County defined as "significantly affected" all must approve the proposed change in zoning or residential density in a jurisdiction, if OCPS cannot certify that school capacity would be available or provided through a Capacity Enhancement Agreement.

An associated interlocal agreement also became effective May 9, 2006, to outline the coordination process between local governments in Orange County, OCPS, and applicants proposing residential rezonings and comprehensive plan amendments. The current First Amended and Restated Interlocal Agreement for Public School Facility Planning and Implementation of Concurrency was adopted by the City of Winter Park in 2011.

### **Public School Facilities Element**

The Public School Facilities Element provides a fundamental part of Orange County's Comprehensive Plan because it recognizes schools as the cornerstones of community planning and design.

Policies contained within the Element seek to promote and optimize intergovernmental cooperation for effective operation of the public school system in a multi-jurisdictional environment. This effort involves collaboration with the School Board and other local governments to ensure that adequate capital facilities and technology resources, such as computer facilities and support infrastructure, are available to support system goals.