

Ill-advised leap

Move to fund Palm Bay charter school with impact fees should be reconsidered

Brevard County Commissioners have jumped the gun in voting to give up to \$2.2 million of the \$5.8 million collected from the Palm Bay area in the first year of school impact fees to Odyssey Charter School.

Built on nine acres donated by developers of the upscale housing community Bayside Lakes, Odyssey has 517 students enrolled in grades K-8 and would use the funds to finish construction on its new facility.

State law and local ordinance do allow for charter schools to receive some impact-fee money, but only if a number of conditions are met.

It's very uncertain that Odyssey meets those conditions, which is why the Brevard school district opposed the hasty decision.

So do we, and here's why:

- Under state law, for a charter school to qualify for impact fees, it must be built to meet requirements for educational facilities that are much tougher than the standard building code.

Odyssey doesn't meet the requirements, says School Board member Larry Hughes. If he's right, last week's vote won't pass legal muster and only gave false hopes to Odyssey.

The building code question should have been clarified before commissioners took action.

- That might have happened had they not run roughshod over a local ordinance for using impact fees.

A 2004 agreement says advisory committees made up of county, municipal and school district representatives will make recommendations on how the fees should be spent, which the district must then take into account.

That mandate for cooperative planning was ignored when commissioners rushed through the vote for Odyssey.

- Also under state law, charters seeking a share of impact fees must have been built specifically to help alleviate school overcrowding.

There's disagreement between school district officials and the county over whether state law also says the intent to ease overcrowding must be clearly stated in the charter school's documentation.

Neither Odyssey's charter application, approved in 1999, nor its contract includes that language, says schools Superintendent Richard DiPatri.

That legal ambiguity also should have been ironed out before commissioners voted on Odyssey's qualification to receive impact fees.

Odyssey is by all accounts a successful school offering a good educational option for some families. And district officials have said they have no problem using impact fees to aid charters, when appropriate.

But the piecemeal approach to divvying up impact fees set in motion last week was not appropriate. It violates sound planning procedures needed to fairly allocate the funds.

At their next meeting, commissioners should undo the poorly thought-out decision, go back and do their homework on the issue -- in partnership with the district as local statute requires -- and get it right.

That will avert possible legal action by the district and ensure impact fees are used in ways that best serve the needs of all Brevard students, not just a few.
