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School board seeks solution

Members say charter not eligible for impact fees

BY KATE BRENNAN
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The Brevard County School Board likely will try to resolve its conflict with the county commission over school impact fees without going to court.

Board members this week discussed having meetings with county officials to work out differences over Odyssey Charter School's eligibility to collect \$2.24 million in impact fees. The commissioners approved giving the school the money earlier this month.

"Everybody here supports impact fees for charter schools, but you have to be eligible under the law to get them," Superintendent Richard DiPatri said at Tuesday's board meeting. "This process says: 'Look, we think you made a mistake. Let's not get into a court battle. Let's try to sit down and iron out the issues.' "

In the first reported use of the year-old state law that allows school impact fees for charter school construction, commissioners voted to divert the money from the public schools' building program. Impact fees are one-time charges on the construction of new houses and condominiums to help pay for new roads and schools that are needed as a result of growth.

Commissioners said the independently run school built with the help of private donations and Bayside Lakes developers meets the requirements of the law because it helped alleviate crowding in Palm Bay schools at a time when the school district had nothing on the drawing board.

School officials said the decision conflicts with the law because the school's charter doesn't say how many classrooms it has to build to relieve crowding created by new housing.

Also, they said, the county commission's decision violates an agreement between the two parties and takes money away from other needed projects.

The school district since has decided to build four new schools in Palm Bay by 2009, including an elementary school that is scheduled to open in August.

The money Odyssey will get is about half the impact fee revenue that came from new housing construction in Palm Bay last year.

"In my opinion, this is a serious matter of concern for the school district in terms of funding, who decides where schools go and planning," said Harold Bistline, the district's attorney.

School board member Janice Kershaw said the process of awarding impact fees to schools "needs to be clarified" so schools are not "stuck in the middle."

"We're not here to fight about Odyssey," she said. "We all said charter schools have a right to impact fees . . . we just have to make sure it's done properly."

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