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Schools pay price of growth

Leaders say they can't build fast enough to satisfy the demand, yet they have done little to tackle the problem.

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TAMPA - Hillsborough school leaders say they are losing the fight to build schools fast enough to keep up with new students. But records show they have done little in recent years to sound the alarm to local government.

Of the 188 proposed county rezonings for new homes and apartments reviewed by school officials since 2003, only 14 were flagged by the school district for exceeding capacity.

The other 93 percent of the projects - representing more than 32,000 proposed homes and 13,000 projected students - either met with no objections or were deemed to be in areas with an adequate number of schools.

During those same two years, the school district's five-year construction deficit grew from \$25-million to the current \$364-million. Most of the increase is attributed to the district's need to build schools in Hillsborough's booming suburbs.

The district's accommodating reviews seem to be at odds with the urgent pleas of school officials, who say growth is causing an overcrowding problem that will cost \$1.2-billion to fix during the next five years. About one-fourth of the county's 201 schools are at or above capacity.

"We're up against the wall," said School Board member Jack Lamb, president of the Florida School Boards Association.

By next year, educators say, higher impact fees or a sales tax may be needed to close the growing deficit. Without new money, they say, parents can expect crammed classrooms, double sessions, more portables and busing to faraway campuses.

On Friday, School Board members will take a deeper look at the growth problem during a workshop at the

School Administrative Center. The discussion will help them decide how to proceed with what will certainly be painful - and costly - options.

"It's a huge issue for the district," said superintendent MaryEllen Elia.

Most board members appear ready to ask county commissioners to raise impact fees on developers. In the past year, board members have discussed the need for higher impact fees on at least four occasions, once with commissioners.

Little came from the talks.

"It's quite embarrassing that our county has \$196 impact fees," said board member Susan Valdes, referring to the county's impact fees on new homes, which are the lowest in Florida.

But lobbying for an increase will require board members to test intimate ties to the building industry - a longtime foe of higher impact fees.

The spouses of two board members, chairwoman Candy Olson and Carolyn Brickleyer, are partners in law firms that have clients in the building industry. John Olson is a lawyer with Stearns, Weaver, Miller, a firm that represents many large developers in Hillsborough. Keith Brickleyer founded Brickleyer, Smolker & Bolves, another firm popular with local developers.

Board members deny that those ties have influenced their approach to growth, but some people say the board could have pushed harder for solutions.

"I think it's caught up with us," said board member Jennifer Faliero. "The board has a totally different view on this now."

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Hillsborough's current dilemma took root in 1985 with the passage of growth management legislation aimed at curbing sprawl. It was heavily opposed by developers and builders.

One major issue: how much infrastructure should be required before new homes get built. Unlike roads and sewers, schools didn't make the list.

"We expected that it would get passed, and then later, schools would get added," said Pat Frank, who was then a state senator.

Two of Florida's most populated counties, Orange and Broward, took action on their own.

In 1996, Broward commissioners voted to make adequate schools a requirement before housing could get approved. Four years later, then-Orange County chairman and current U.S. Sen. Mel Martinez, at the urging

of the Orange County School District, told staffers to deny residential projects if there weren't enough schools in the area.

The Broward measure soon met resistance. The law firm of Stearns, Weaver, Miller filed a brief on behalf of the Economic Development Council of Broward County that said the law was unduly burdensome. In 2001, a judge ruled in favor of the development council.

In Orange County, the law firm of Brickleyer, Smolker & Bolves worked for the Florida Home Builders Association, the Florida Association of Realtors and the Florida Chamber. It argued that county officials had no right to deny rezonings because of a shortage of schools. Orange County won that fight.

Locally, Stearns, Weaver's clients include the developers of the 2,260-home Diehl project and the 700-home Shell Pointe project. Both are in the booming Ruskin area.

Keith Brickleyer is one of the most successful land use lawyers in town. County records show that since 2000, his firm has had 53 rezoning cases before county commissioners. School officials reviewed eight of these projects after 2003 and said only one was in an area that didn't have an adequate number of schools.

Candy Olson's husband said his firm has no influence on her School Board work. He said he is a bankruptcy lawyer who doesn't represent developers.

"Candy's views on matters of public policy are something that I never try to influence," John Olson said. "The notion that her decisions could be influenced by matters that affect my law firm is off the charts."

Keith Brickleyer was on vacation and could not be reached.

During a workshop last year on impact fees, Carolyn Brickleyer told her colleagues she didn't feel comfortable recommending a specific increase without listening to the builders association.

More recently, she said the fees should be higher but fair.

"We've been talking about this a long time," said Brickleyer, who is not seeking another term. "We just need to sit down and decide, are we going to do this or not do this."

"I still firmly believe homebuilders who would be impacted by that ought to have a say in it."

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As recently as 2002, district officials marveled at the lack of crowded classrooms in Hillsborough.

"Up to the next 10 years, we're probably in pretty good shape," then-superintendent Earl Lennard told county commissioners during a meeting.

But even then, school officials knew that forecast could change. During the same meeting, Lennard was asked about the class-size amendment, which would require school districts to limit the number of children in each classroom. That reduces the capacity of each school and requires more space - a difficult situation for fast-growing districts like Hillsborough.

If that passes, Lennard said, "all bets are off, and we're back to the drawing board."

Voters approved the class-size amendment a few months later. Meanwhile, Hillsborough underwent a record housing surge that is still going strong.

In 2003, 15,579 housing permits were issued in the county. The School Board said nothing about how to relieve the stress on schools. In 2004, 13,819 permits were issued. School officials remained silent.

In the first quarter of 2005, another 4,070 permits were issued, a pace that would break the single-year record. School Board members held a meeting with commissioners in April, but nothing came of it.

Asked what the meeting accomplished, County Commissioner Kathy Castor replied: "Frankly, we didn't get to the heart of the matter. Impact fees never came up."

A day later, Castor called back to clarify her comments. She said the School Board did ask the county to pay for half of an impact fee study in 2004. That study, finished last year, said the going rate for impact fees on new homes should be about \$5,285, more than 25 times the current level. The higher fees would boost the amount collected from the current \$2.3-million to an estimated \$63-million.

Castor said some board members told her they're reluctant to confront commissioners on the issue because a majority of commissioners have made it clear they object to higher fees.

In the spring, board members asked Lennard to prepare a resolution supporting the concept of changing the level of school impact fees and revising the way they are calculated. But the resolution never surfaced.

"The ball is in the County Commission's court," Castor said. "But I would agree that the School Board needs to be more proactive in making its case."

While board members have provided little leadership, district officials have rarely alerted other governments about the ramifications of growth. Their silence is despite a 2003 pact that promised to better plan for classroom construction in new neighborhoods.

Educators agreed to evaluate each project and note whether there were enough nearby schools to hold the children of incoming residents. County officials were supposed to consider this information before approving projects that might swamp schools.

Instead, in the areas with the highest growth, reviewers said only 6 percent of the projects exceeded school capacity.

Tracking of the projects was so lax that county officials had to remind the district to conduct the reviews. Records show that in the last four months of 2004, reviews stopped altogether.

"We just weren't getting them for several months," said the county's zoning administrator, Paula Harvey. "Apparently, they had lost the staff and, for whatever reason, the people there didn't know they were to do this."

This year, state lawmakers passed a growth management law that might give local governments the ability to deny developments where schools are too full. Hillsborough is one of six districts that will test the new law.

Meanwhile, the crunch is getting worse. Hillsborough opened five new schools this year while registering a record enrollment of 190,179 students. That's up 5,155 students from last year.

Board members say they will soon take some action to get better control of bursting schools.

Sandy Coleman hopes so.

She has two children at Bryant Elementary, the county's most crowded school. It has about 50 percent more kids than it was built to hold.

Coleman said she would like to see the board redraw attendance boundaries, push for higher impact fees and even float a tax referendum to get more schools built.

"Bryant is a great school, but there are just too many kids in it," she said. "It looks like a small city when the children are being dismissed. Anything the board can do to get more schools built is agreeable to me."

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