

T.R. Hainline

From: Mike.McDaniel@dca.state.fl.us
Sent: Tuesday, October 24, 2006 9:54 AM
To: T.R. Hainline
Subject: Re: Additional info for conf. call tomorrow



DCA letter.pdf (51 KB)

I have already responded to the attached letter as follows:

Dear Jeanne and David,

In addition, I have looked at the questions David posed in his letter of September 15, 2006, regarding the use of tiered level of service standards and my answers are as follows:

1. The first question is whether a tiered level of service standard can be established at, for example, 125%, but then for those schools whose capacity is at or below 100%, not to issue development orders that would cause the schools to exceed 100%. In effect there would be some schools of the same type whose level of service standard is 125% while others would have a level of service standard of 100%. This is not consistent with s. 163.3180(13)(b)2 which states that level of service standards shall apply districtwide to all schools of the same type.

2. The second question is with regards to those schools who enrollment already exceeds 100%. The question is, even though the tiered level of service standard may be 130%, whether development can be denied for not meeting the level of service standard if the development would cause the enrollment to increase by more than 2% or exceed the tiered level of service standard, whichever is less. Again, in effect there would be multiple level of service standards in existence throughout the county which would be inconsistent with the cited statute.

There are other approaches Clay County could pursue to deal with level of service issues which I would be happy to discuss with you. Please give me a call and we can set up a time to have that discussion.

"T.R. Hainline"
<THainline@rtlaw.com>

10/24/2006 09:25 AM

To
<Mike.McDaniel@dca.state.fl.us>

cc
"Susan Fraser"
<slfraser@bellsouth.net>

Subject
Additional info for conf. call tomorrow

Mike--

As I mentioned in my 10/19 e-mail to you, one of the issues we will be discussing with you tomorrow morning involves a comment in the Department's ORC (dated 9/8/06) on the Clay County amendments regarding school capacity. The Clay County School Board has posed the attached inquiry to the Department. We are meeting with the School Board staff today, and they know that we are talking to you tomorrow. We hope to be able to get some feedback from you on the issue raised in the School Board's inquiry.

We look forward to the conf. call tomorrow morning. Thank you.

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Thank you.

Rogers Towers, P.A. (904) 398-3911
(See attached file: DCA letter.pdf)

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