

**PASCO SCHOOLS RESPONSE TO LOWER COST
REGULATORY ALTERNATIVE SUBMITTED BY:
James J. Stanley, Cecilia Loyola, Kimberly Kaye Kizer,
Catherine Unger, and Michele McPheron**

An alternate statement of regulatory cost was submitted by the above named individuals on March 4th, 2018, and is available for viewing at <http://www.pasco.k12.fl.us/planning/rezoning/>. The following is the District's response thereto:

I. The Assertions Regarding Statement of Estimated Regulatory Cost are rejected, and the District's statement of Estimated Regulatory Costs has been published and is available for viewing at <http://www.pasco.k12.fl.us/planning/rezoning/>. More specifically, with regard to each section of the Alternative Statement, the District's response is as follows:

1(a) Additional Transportation Costs

The assertions regarding additional transportation costs, whether such constitute regulatory costs and financial impacts asserted therein, are rejected as speculative. The assertions regarding the transportation costs are addressed in the District's statement of estimated regulatory costs.

1(b) Lower Property values.

The assertions regarding the impact on property values, whether such constitute regulatory costs and the financial impacts asserted therein, are rejected as speculative.¹

1(c) Litigation costs and damages

The assertions regarding the cost of threatened litigation, and

¹ This issue was litigated regarding substantially the same geographical area in Linares v. DSBPC, DOAH Case No. 17-00495RP, in which the Administrative Law Judge stated, "Several parents, including one who is a realtor, expressed a concern that the value of their homes would decline since buyers would not choose to purchase a home if their children could not attend the schools closest to their homes. However, the record gives no indication that any homes have been offered for sale, any homes have been sold at a distressed price, or any homeowners have not been able to sell their homes due to the proposed rezoning."

whether such are a regulatory costs, are rejected as speculative.²

Any additional alternatives that are received will also be posted at the District website under the rezoning section at <http://www.pasco.k12.fl.us/planning/rezoning/>.

II. The assertions of Lower Cost Regulatory Alternatives are rejected for reasons that follow:

The portion of the Lower Cost Regulatory Alternative that addresses the earlier construction of new wings or reliever schools was rejected because it is not a lower cost alternative and does not substantially accomplish the objectives of sections 1001.41 and 1001.42, Florida Statutes. There are no budgeted funds to “immediately begin design and construction of (a) new wings at the MHS or SSMS campus,... and/or (c) the new high school north of S.R. 54....” District funds have been budgeted for the Starkey K-8 which is currently projected to open in August 2021. Even if such funds were available for all identified projects, the typical time for construction would make any resulting relief at least three years from date commenced, and rezoning would still be required to distribute students among the then existing schools. Additionally, the School Board’s long term existent capital plans address needs through the entire School District which encompasses all of Pasco County, Florida, not just the impacted area in West Pasco County. Given the uncertainty of state funding for capital improvements, the relief under the proposed rezoning plan provides short term relief to school capacity, and is consistent with the longer term capital budget plan of the School Board. The Alternative offers no solution to address current overcrowding at west side schools or more consistent utilization of District facilities.

The portion of the Lower Cost Regulatory Alternative that addresses “meaningful address verification” was rejected because it is not a lower cost alternative and does not substantially accomplish the objectives of sections 1001.41 and 1001.42, Florida Statutes. There has been no evidence provided to demonstrate that the current levels of

² This issue was litigated regarding substantially the same geographical area in Linares v. DSBPC, DOAH Case No. 17-00495RP, in which the Administrative Court stated, “The School Board's proposed rule was the product of thoughtful consideration by the committee and Superintendent during an extensive rulemaking development process. There is no credible evidence that the proposed rule is capricious or that it was taken without thought or reason or irrationally. The rule is not invalid under section 120.52(8)(e).”

school overcrowding in the impacted schools are the result of misrepresentations of student resident addresses.³ As such, the assertion of this as a cause of the underlying overcrowding is speculative. Student population data shows an annual increase in students of approximately five (5) percent.⁴ Moreover, notwithstanding any potential merit to the program utilized in the Broward County School District, the proposed enhanced address verification represents a cost increase to the School Board regarding software licensing, and additional investigative and staffing costs to enforce address verification and student assignment. The Alternative fails to identify funds to implement such an enhanced “address verification” procedure, and there is no indication that such a policy would address, or substantially reduce, overcrowding at the subject west side schools. Unconnected to the proposed rezoning process, the School District has existing procedures which require parents to authenticate and corroborate resident address for students enrolling into Pasco Schools. (Additional information regarding this matter is available at http://www.pasco.k12.fl.us/comm/registration_requirements). Under the existing procedure, enrolling students are required to provide documentation to corroborate residential address information, and when suspected, claims of violations are referred to law enforcement for criminal investigation as appropriate, at no cost or expense to the School Board. Moreover, the School Board’s existing procedures are consistent with, and sensitive to, applicable Federal Laws (e.g., the McKinney-Vento Act, 42. U.S.C. 11301 et. Seq.), and with the financial and staffing resources available within the District.

The portion of the Lower Cost Regulatory Alternative that addresses “administrative rezoning” was rejected because it does not substantially accomplish the objectives of sections 1001.41 and 1001.42, Florida Statutes. Administrative rezoning would not address overcrowding at the subject west side schools.

The portion of the Lower Cost Regulatory Alternative that

³ This issue was litigated regarding substantially the same geographical area in Linares v. DSBPC, DOAH Case No. 17-00495RP, in which the Administrative Court stated, “It was contended that some parents provide a false address to the School Board in order to have their children enrolled in Mitchell and Seven Springs, rather than their assigned schools under the current school attendance plan. Petitioners assert that if all addresses are verified, those students can be removed, and the overcrowding at Mitchell and Seven Springs alleviated. However, no evidence to support this assertion was produced.”

⁴ District data demonstrates K-12 students in JWMHS Boundary has had a 4.89% average growth per year over past 5 school years, 2012/2013-2017/2018)

addresses the use of an outside Consultant to revise attendance boundaries was rejected because it is not required under the Florida Constitutional or Statutory framework. Additionally, it does not substantially accomplish the objectives of sections 1001.41 and 1001.42, Florida Statutes, and it is not a lower cost alternative. Additionally, there are no budgeted funds to retain the services of an external consultant to develop revised attendance boundaries, and doing so would constitute additional costs to the School Board, rather than a savings.