

Practice Update

OCPS Implements Changes to Capacity Enhancement & School Concurrency Processes

May 26, 2016

By Carolyn R. Haslam

Orange County Public Schools (OCPS) recently implemented a number of changes to the Capacity Enhancement and School Concurrency review processes, which should result in shortened approval timeframes and other cost and time savings for builders and developers, as detailed below:

1. OCPS created a shortened School Concurrency review process for projects which (i) have a Capacity Enhancement Agreement (CEA) in place or are in the process of obtaining a CEA and (ii) the Proportionate Share is less than or equal to the Capital Contribution. Projects that meet these criteria will only need to submit email correspondence indicating the desire to begin the School Concurrency review process, in lieu of the formal Capacity Encumbrance Letter (CEL) Application (County) or OCPS Application for Capacity Determination and Concurrency Recommendation (for Cities and Towns subject to the Interlocal Agreement). The outcome of this streamlined process will provide a CEL, instead of a Concurrency Mitigation Agreement (CMA) (which requires public hearings before both the School Board and the applicable local government);

Related People

Carolyn R. Haslam
Christopher P. Roper

Related Work

Land Use and
Development
Real Estate

2. The number of public hearings before the School Board required for both a CEA and CMA is now only one (1) reading, in lieu of the two (2) readings previously required before the School Board; and
3. Wire transfers are now available as an option for payment to OCPS of Proportionate Share and Mitigation fees.

Additionally, OCPS is currently developing version 2.0 of its internal Capacity Analysis, Review and Monitoring Application (CARMA), the system they use to conduct Capacity Enhancement and School Concurrency review. CARMA 2.0 will have a public platform that will allow for online submission of applications and electronic payment of application fees. More information on this system will be provided in a follow up update as it becomes available.

This Akerman Practice Update is intended to inform firm clients and friends about legal developments. Nothing in this Practice Update should be construed as legal advice or a legal opinion, and readers should not act upon the information contained in this Practice Update without seeking the advice of legal counsel. Prior results do not guarantee a similar outcome.