STATE OF FLORIDA
FLORIDA HOUSING FINANCE CORPORATION

WINTER HAVEN LUCERNE PARK, LTD., LLP,

Petitioner,

vs.

FHFC Case No: 2006-324UC
Application No. 2006-050C

FLORIDA HOUSING FINANCE CORPORATION,

Respondent.

PETITION FOR INFORMAL ADMINISTRATIVE PROCEEDING

Petitioner, WINTER HAVEN LUCERNE PARK, LTD., LLP ("Lucerne"), pursuant to sections 120.569 and 120.57(2), Florida Statutes, and Rules 67-48.305 and 28-106.301, Florida Administrative Code ("F.A.C."), hereby requests an informal administrative proceeding to challenge the scoring of its Application for 2006 tax credit funding by Respondent, the FLORIDA HOUSING FINANCE CORPORATION ("FHFC"), and states:

1. The name and address of the agency affected by this action are:
   Florida Housing Finance Corporation
   City Center Building, Suite 5000
   227 N. Bronough Street
   Tallahassee, Florida 32301-1329
2. The address and telephone number of the Petitioner are:

Winter Haven Lucerne Park, Ltd., L.L.L.P
247 N. Westmonte Drive
Altamonte Springs, Florida 32792
Telephone No.: (407) 772-0200

3. The name, address, telephone number, and fax number of the Petitioner’s representative, which shall be the Petitioner’s address for service purposes during the course of this proceeding, are:

Warren H. Husband
Metz, Hauser, Husband & Daughton, P.A.
P.O. Box 10909
Tallahassee, Florida 32302-2909
Telephone No. (850) 205-9000
Fax No. (850) 205-9001

The Low-Income Housing Tax Credit Program

4. The United States Congress has created a program, governed by Section 42 of the Internal Revenue Code ("IRC"), by which federal income tax credits are allotted annually to each state on a per capita basis to help facilitate private development of affordable low-income housing for families. These tax credits entitle the holder to a dollar-for-dollar reduction in the holder’s federal tax liability, which can be taken for up to ten years if the project continues to satisfy all IRC requirements.

5. The tax credits allocated annually to each state are awarded by state “housing credit agencies” to single-purpose applicant entities created by real estate developers to construct and operate specific multi-family housing projects. The applicant entity then sells this ten-year stream of tax credits, typically to a “syndicator,” with the
sale proceeds generating much of the funding necessary for development and construction of the project. The equity produced by this sale of tax credits in turn reduces the amount of long-term debt required for the project, making it possible to operate the project at below-market-rate rents that are affordable to low-income and very-low-income tenants.

6. Pursuant to section 420.5099, Florida Statutes, FHFC is the designated "housing credit agency" for the State of Florida and administers Florida's low-income housing tax credit program. Through this program, FHFC allocates Florida's annual fixed pool of federal tax credits to developers of affordable housing.1

**The 2006 Universal Application Cycle**

7. Because FHFC's available pool of federal tax credits each year is limited, qualified projects must compete for this funding. To assess the relative merits of proposed projects, FHFC has established a competitive application process pursuant to Chapter 67-48, F.A.C. As set forth in Rules 67-48.002-.005, F.A.C., FHFC's application process for 2006 consisted of the following:

   a. the publication and adoption by rule of a "Universal Application Package," which applicants use to apply for a variety of FHFC-administered funding programs, including federal tax credits;

   b. the completion and submission of applications by developers;

   c. FHFC's preliminary scoring of applications;

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1 FHFC is a public corporation created by law in section 420.504, Florida Statutes, to provide and promote the financing of affordable housing and related facilities in Florida. FHFC is an "agency" as defined in section 120.52(1), Florida Statutes, and is therefore subject to the provisions of Chapter 120, Florida Statutes.
d. an initial round of administrative challenges in which an applicant may take issue with FHFC’s scoring of another application by filing a Notice of Possible Scoring Error (“NOPSE”);

e. FHFC’s consideration of the NOPSE’s submitted, with notice to applicants of any resulting change in their scores;

f. an opportunity for the applicant to submit additional materials to FHFC to “cure” any items for which the applicant received less than the maximum score;

g. a second round of administrative challenges whereby an applicant may raise scoring issues arising from another applicant’s cure materials by filing a Notice of Alleged Deficiency (“NOAD”);

h. FHFC’s consideration of the NOAD’s submitted, with notice to applicants of any resulting change in their scores;

i. an opportunity for an applicant to challenge, via informal or formal administrative proceedings, FHFC’s evaluation of any item in their own application for which the applicant received less than the maximum score;

j. final scores, ranking, and allocation of tax credit funding to applicants, adopted through final orders; and

k. an opportunity for applicants to challenge, via informal or formal administrative proceedings, FHFC’s final scoring and ranking of competing applications where such scoring and ranking resulted in a denial of FHFC funding to the challenger.

8. On or about February 1, 2006, numerous applications were submitted to FHFC seeking tax credit funding. Lucerne (FHFC Appl. #2006-050C) applied for $1,500,405 in annual tax credits to help finance its project, a 102-unit garden-style apartment complex located in Winter Haven, Florida, being developed in cooperation with the Winter Haven Housing Authority. All units in this project are dedicated to housing families earning 60% or less of the area median income.
9. At the conclusion of the NOPSE and NOAD processes outlined above, Lucerne met all of FHFC’s threshold application requirements, received the maximum possible application score of 66 points, and will compete for tax credits in the Large County Geographic Set-Aside.\(^2\)

**Issue Presented**

10. At the same time, however, FHFC awarded the Lucerne Application only 6.25 tie-breaker points out of the 7.5 points available. Half of these available tie-breaker points (3.75 points) are awarded to an application based upon the proximity of the proposed Development to certain services defined in FHFC’s Application Instructions – a bus or rail stop, grocery store, public school, medical facility, or pharmacy. In sum, the closer a proposed Development is to one of these services, the more tie-breaker points that application is entitled to receive.

11. When selecting land for a proposed Development, applicants seek to spend their resources only on sites that are located close enough to the designated services to qualify for maximum tie-breaker points. This is particularly true in the Large County Geographic Set-Aside in which the Lucerne Application is competing, as applications in this Set-Aside rarely obtain tax credit funding if they do not receive all of the 7.5 tie-breaker points available.

\(^2\) Aside from applicants proposing projects targeted to specific tenant populations (e.g., the Homeless) or located in specific areas (e.g., the Florida Keys), applicants generally compete against each other for funding within Geographic Set-Asides (Large, Medium, and Small) based upon the population of the county in which their project is located.
12. In Lucerne’s case, FHFC denied Lucerne the 1.25 tie-breaker points available for the proximity of its proposed Development to a “public school.”

13. FHFC has defined the term “public school” by rule on page 14 of its Application Instructions as follows:

Public School - For purposes of proximity tie-breaker points, a Public School means a public elementary, middle, junior and/or high school, where the principle [sic] admission criterion is the geographic proximity to the school, including a charter school, except for a charter school that is not generally available to appropriately aged children in the radius area.

14. In Lucerne’s original Application, the “Jewett Magnet School” in Winter Haven was identified on the surveyor certification form in Exhibit 25 as the public school for which Lucerne was seeking tie-breaker points. FHFC rejected this public school, however, and denied Lucerne any tie-breaker points for this service. In doing so, FHFC stated its specific grounds for the rejection, in relevant part, as follows:

The Public School listed on the Surveyor Certification Form does not meet the FHFC definition of a Public School because the principle [sic] admission criterion is not the geographic proximity to the school.

*FHFC Scoring Summary for Lucerne*, p. 2 (Item #2P).*

15. On April 10, 2006, Lucerne submitted in its cure materials a revised surveyor certification form, correcting the referenced name of the public school to the “Jewett Middle Academy.” Lucerne also submitted in its cure materials a new sketch of the public school’s location and information from the Polk County School Board.

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3 Lucerne received notice of FHFC’s initial scoring of the Application on March 3, 2006.
demonstrating that the Jewett Middle Academy is indeed a public middle school – a magnet school operated by the Polk County School Board – the principal admission criterion of which is proximity to the school. See Exhibit A.

16. While no NOPSE’s or NOAD’s were ever filed by competitors to challenge the qualification of the Jewett Middle Academy for tie-breaker points, FHFC again rejected this public school and the cure documentation supplied by Lucerne. FHFC stated its reasons for this rejection as follows:

The Applicant attempted to cure Item 2P by submitting a revised Surveyor Certification Form and sketch, as well as additional information about the admissions criteria of Jewett Middle Academy. This Cure is deficient because there are additional principal criteria in addition to geographic proximity to the school.

FHFC Scoring Summary for Lucerne, pp. 2-3 (Item #1C). 4

17. FHFC’s denial of the 1.25 tie-breaker points available for the proximity of Lucerne’s project to the Jewett Middle Academy has significantly diminished or eliminated Lucerne’s chance to obtain 2006 tax credit funding. As such, Lucerne’s substantial interests have been adversely affected.

Jewett Middle Academy Is a “Public School”

18. FHFC’s rejection of the Jewett Middle Academy is incorrect and must be reversed, because the Jewett Middle Academy satisfies all of FHFC’s express requirements to qualify as a “public school.”

4 Lucerne received notice of FHFC’s “final” scoring of the Application on May 5, 2006.
19. As noted above, FHFC defines a “public school” in relevant part as “a public . . . middle . . . school, where the principle [sic] admission criterion is the geographic proximity to the school.” FHFC Application Instructions, p. 14. There is no dispute that Jewett Middle Academy is a “public middle school” – a magnet school operated by the Polk County School Board. See Exhibits A & B (Materials from Polk County School Board website). In fact, the Jewett Middle Academy is an “A” rated public middle school, which seeks to attract students using the school’s special emphasis on math, science, and technology. See Exhibit B.

20. Although focusing on these special learning themes, Jewett Middle Academy provides “the standard required curriculum of general education” taught at all Polk County public schools. See Exhibit C (Polk County School Board Policy 4.017 (p. 1)). Jewett Middle Academy, like Polk County’s other public magnet schools, is a “choice” school that serves as a tool to voluntarily desegregate and achieve racial balance in targeted communities. See Exhibit C (Polk County School Board Policy 4.017.I. (p. 1)).

21. Jewett Middle Academy regularly serves only those students residing in the communities of Winter Haven and Auburndale. See Exhibit B; Exhibit C (Polk County School Board Policy 4.017.II.D.3 (p. 2)). As stated by the Polk County School Board:

All magnet schools [like Jewett Middle Academy] are “zoned” to serve targeted communities. Attendance or enrollment in a magnet school is based upon designated attendance areas or neighborhood areas. Applicants must be able to provide proof of residence within the zone of applications.
22. FHFC argues, however, that Jewett Middle Academy does not qualify as a public school, “because there are additional principal criteria in addition to geographic proximity to the school.” *FHFC Scoring Summary for Lucerne*, pp. 2-3 (Item #1C). FHFC’s determination in this case is incorrect, both as a matter of fact and of law, and is contrary to the plain language of its Application Instructions adopted by rule – rules by which FHFC is bound and on which Lucerne and other applicants are entitled to rely.

23. First, in accord with the express requirements of FHFC’s Application Instructions, Jewett Middle Academy is “a public . . . middle . . . school, where the principle [sic] admission criterion is the geographic proximity to the school.” Jewett Middle Academy regularly serves only those students residing in the communities of Winter Haven (the location of Lucerne’s proposed Development) and Auburndale. If a student does not live in those communities located in proximity to Jewett Middle Academy, that student cannot attend the school regardless of the student’s other qualifications. *See Exhibit C* (Polk County School Board Policy 4.017.ILD (p. 2)).

24. Thus, geographic proximity to Jewett Middle Academy is the “principal” admission criterion to that school. A “principal” criterion is that criterion which is “most important, consequential, or influential.” *See Exhibit D* (Excerpt from Merriam-Webster
CoLine Dictionary). Stated otherwise, the “principal” admission criterion is that criterion which is paramount and without which a student may not gain admission to the school. Geographic proximity to Jewett Middle Academy is thus the “principal” admission criteria to the school, because a student cannot attend Jewett Middle Academy unless that student resides in the Winter Haven and Auburndale communities located in proximity to the school. See Exhibit C (Polk County School Board Policy 4.017.II.D (p. 2)).

25. In fact, as the Polk County School Board makes clear, there are no other “admission requirements” into its magnet schools, like Jewett Middle Academy, beyond residence in the geographic areas served by the school. See Exhibit C (Polk County School Board Policy 4.917.II.I (p. 3)).

26. Second, the other steps in the enrollment of a student at Jewett Middle Academy are: (a) completion of a rudimentary application (attached as Exhibit E), similar to that required for registration of a student at any public school; and (b) the possibility that the student may end up on a waiting list because space in the school is limited – again, just like any other public school. See Exhibit C (Polk County School Board Policy 4.017.II. (pp. 1-3)). These steps in the enrollment process, however, are not separate “principal admission criteria,” as apparently seized upon by FHFC, and do not differ in any meaningful way from the enrollment process at any other public school.

27. FHFC’s Application Instructions state that a public school’s “principle [sic] admission criterion [must be] . . . the geographic proximity to the school.” FHFC Application Instructions, p. 14. On its face, this language does not exclude any school
where a parent must fill out an application or registration form, nor does it exclude any school where the number of students seeking enrollment in any given year may exceed the school’s capacity. Public schools may always fill up and exceed their physical capacity, forcing some children in that school zone to go to other schools that are somewhat farther away, but FHFC has never used this fact to declare that a particular school is not a “public school.”

28. Like any public school, any student residing in the area served by Jewett Middle Academy may seek admission to the school – making geographic proximity the principal admission criterion for that school. Moreover, like any public school, a student may actually enroll in Jewett Middle Academy only if the school has the physical capacity to accommodate that student. This situation is entirely unlike some others FHFC may have been presented with in the past where enrollment at a particular school was contingent upon a student’s test scores or an audition or was limited to students with specific behavioral or learning problems.

29. Further, even if the application and possible waiting list are considered “admission criteria,” FHFC’s Application Instructions state only that a public school’s “principle [sic] admission criterion [must be] . . . the geographic proximity to the school.” This language does not state that geographic proximity must be the only admission criterion to the school. FHFC Application Instructions, p. 14. FHFC’s Application Instructions, on their face, do not exclude a school where a parent must fill out an enrollment or registration form, nor do they exclude a school where the number of
students seeking enrollment in any given year may exceed the school’s capacity. Indeed, in identifying geographic proximity as the “principal” admission criterion, FHFC’s Application Instructions make clear that a student’s admission to a “public school” may be conditioned upon the satisfaction of other criteria, especially administrative or ministerial ones such as those at issue here.

30. While FHFC has sometimes tried to “interpret” its Application Instructions to create new requirements that are not actually expressed in those Instructions, such an effort is contrary to law. If FHFC wished to award tie-breaker points exclusively for those schools where geographic proximity is the “only admission criterion” or where the school has a demonstrated capacity to accept new students, then FHFC is required to expressly state that requirement in its Application Instructions. FHFC “is responsible for its own chosen and adopted definition” of a public school, and FHFC may not “enlarge, modify, or change that definition to the detriment of applicants who relied upon the definition provided.” The Landings on Millennia Blvd. v. FHFC, Case No. 2002-0057, Rec. Order at pp. 7-8 (FHFC Oct. 10, 2002) (FHFC bound by its adopted definition of “grocery store”). Similarly, Lucerne relied upon, and was entitled to rely upon, FHFC’s adopted definition of “public school” in securing its Development site and

submitting its Application and cure materials, and FHFC may not now engraft new requirements onto that definition to deny Lucerne its tie-breaker points.

31. Thus, contrary to FHFC’s scoring determination, Jewett Middle Academy satisfies all of FHFC’s express requirements for consideration as a “public school.” As such, Lucerne is entitled to the full 1.25 tie-breaker points available for the proximity of its proposed Development to Jewett Middle Academy, and FHFC’s contrary scoring decision must be reversed.
WHEREFORE, Petitioner, Winter Haven Lucerne Park, Ltd., LLP, requests that:

a. FHFC revise its scoring and award Lucerne the full 1.25 tie-breaker points available to it for the proximity of its proposed Development to a “public school”;

b. FHFC conduct an informal hearing on the matters presented in this Petition if there are no disputed issues of material fact to be resolved;

c. FHFC forward this Petition to DOAH for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes, if there are disputed issues of material to be resolved, or if non-rule policy forms the basis of any FHFC actions complained of herein;

d. FHFC’s designated hearing officer or an Administrative Law Judge, as appropriate, enter a Recommended Order directing FHFC to award Lucerne the full 1.25 tie-breaker points available to it for the proximity of its proposed Development to a “public school”;

e. FHFC enter a Final Order revising its scoring to award Lucerne the full 1.25 tie-breaker points available to it for the proximity of its proposed Development to a “public school”; and

f. Lucerne be granted such other and further relief as may be deemed just and proper.
Respectfully submitted on this 26th day of May, 2006.

WARRREN H. HUSBAND
FL BAR No. 0979889
Metz, Husband & Daughton, P.A.
P.O. Box 10909
Tallahassee, Florida 32302-2909
850/205-9000
850/205-9001 (Fax)
Attorneys for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original and a true and correct copy of the foregoing document were served via hand delivery to the CORPORATION CLERK, Florida Housing Finance Corporation, 227 N. Bronough Street, City Center Building, Suite 5000, Tallahassee, Florida, 32301-1329, on this 26th day of May, 2006.

Attorney

15
2006 CURE FORM

(Submit a SEPARATE form for EACH reason relative to EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to Application No. 2006-050C and pertains to:

Part_III_ Section_A_ Subsection_10.a_ Exhibit No. 25 (if applicable)

The attached information is submitted in response to the 2006 Universal Scoring Summary Report because:

1. Preliminary Scoring and/or NOPSF scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

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☐ 2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a cure to Part Section Subsection Exhibit ____ (if applicable).

EXHIBIT A
Brief Statement of Explanation regarding
Application 2006 – 050C

Provide a separate brief statement for each Cure

Applicant submits as a cure an updated/corrected Surveyor Certification form in
which the proper name of the school is listed and updated/corrected sketches.


**SURVEYOR CERTIFICATION**

Name of Development: _Lumare Park Apartments_

Development Location: - N. Side of Avenue V NE at the intersection with 6th Street, Winter Haven, FL 33881

The undersigned Florida licensed surveyor certifies that the methods used to determine the following latitude and longitude coordinates conforms to Rule 14-23.164, F.A.C.

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*If the Development consists of Scattered Sites, the Development Location must be shown relative to the site where the Topographic Measurement Point is located.*

The undersigned Florida licensed surveyor certifies that the methods used to determine the following latitude and longitude coordinates conforms to Rule 14-23.164, F.A.C.

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<td>South Pole</td>
<td>90° 00' 00&quot; S</td>
<td>180° 00' 00&quot; W</td>
</tr>
<tr>
<td>Equator</td>
<td>0° 00' 00&quot;</td>
<td>0° 00' 00&quot;</td>
</tr>
</tbody>
</table>

If the Development consists of Scattered Sites, the methods used to determine the following latitude and longitude coordinates conforms to Rule 14-23.164, F.A.C.

<table>
<thead>
<tr>
<th>Description</th>
<th>Latitude</th>
<th>Longitude</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Pole</td>
<td>0° 00' 00&quot; N</td>
<td>0° 00' 00&quot; W</td>
</tr>
<tr>
<td>South Pole</td>
<td>90° 00' 00&quot; S</td>
<td>180° 00' 00&quot; W</td>
</tr>
<tr>
<td>Equator</td>
<td>0° 00' 00&quot;</td>
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<tr>
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<td>0° 00' 00&quot;</td>
<td>0° 00' 00&quot;</td>
</tr>
</tbody>
</table>
2006 CURE FORM

(Submit a SEPARATE form for EACH reason relative to EACH Application Part, Section, Subsection, and Exhibit)

This Cure Form is being submitted with regard to Application No. 2006-050C and pertains to:

Part III  Section A  Subsection 10.a  Exhibit No. 25 (if applicable)

The attached information is submitted in response to the 2006 Universal Scoring Summary Report because:

☒ 1. Preliminary Scoring and/or NOPSE scoring resulted in the imposition of a failure to achieve maximum points, a failure to achieve threshold, and/or a failure to achieve maximum proximity points relative to the Part, Section, Subsection, and/or Exhibit stated above. Check applicable item(s) below:

<table>
<thead>
<tr>
<th>2006 Universal Scoring Summary Report</th>
<th>Created by:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reason Score Not Maxed</td>
<td>Preliminary Scoring</td>
</tr>
<tr>
<td>☐ Item No. ___ S</td>
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</tr>
<tr>
<td>☐ Reason Failed Threshold</td>
<td></td>
</tr>
<tr>
<td>☐ Item No. ___ T</td>
<td></td>
</tr>
<tr>
<td>☒ Reason Proximity Points Not Maxed</td>
<td>☒ Item No. 2P</td>
</tr>
</tbody>
</table>

☒ 2. Other changes are necessary to keep the Application consistent:

This revision or additional documentation is submitted to address an issue resulting from a cure to Part _____ Section _____ Subsection_____
Exhibit _____ (if applicable).
Brief Statement of Explanation regarding Application 2006 – 050C

Provide a separate brief statement for each Cure

Applicant is providing, as a cure, evidence that the school listed on the Surveyor Certification form does meet the FHFC definition of a Public School.
Response to Reason(s) for Failure to Achieve Selected Proximity Tie-Breaker Points item 2P – Admission Criterion

Lucerne Park Apartments 2006-050C

Taken directly from...
The School Board of Polk County, Florida

The School Board of Polk County, Florida
Policy 4.017

6Gx53-4.017 MAGNET SCHOOLS:

All magnet schools are "zoned" to serve targeted communities. Attendance or enrollment in a magnet school is based upon designated attendance areas or neighborhood areas. Applicants must be able to provide proof of residence within the zone of application. Magnet schools are zoned to serve communities as follows:

1. Lawton Chiles Middle Academy (6-8), Lincoln Academy (K-8), and Rochester School of the Arts (K-8) will serve the areas bound by the four Lakeland high schools: Kathleen, Lake Gibson, Lakeland High, and George Jenkins.

2. Bartow Elementary Academy (K-5) and Union Academy (6-8) will serve the communities feeding into the secondary schools of Bartow, Lake Wales, Frostproof, Fort Meade and Mulberry.

3. Brigham Academy (K-5) and Jewett Middle Academy (6-8) will serve the communities feeding into the secondary schools of Auburndale and Winter Haven. Jewett Middle Academy may serve the students from the Haines City attendance area on a "space available" basis.

4. Bethune Academy (K-5) will serve the communities feeding into the secondary schools of Ridge Community and Haines City.

The above listed criterion is taken directly from the School Board of Polk County ... therefore this school meets the definition of a Public School because it is not only listed as a Public School but the principal admission criterion is the geographic proximity to the school.

Statutory Authority: Florida Statutes 1002.32, 1001.41, 1001.42, and 1001.43

Laws Implemented: Florida Statute 1002.31 and Hills et al. vs. The School Board of Polk County, Florida
Polk County Schools, Florida

**SCHOOLfinder**  **ZONEfinder**  **Calendars**

*School Codes listed at the bottom of this page.

**Elementary**  **Middle**  **High**  **Adult**  **Technical**  **ESE**  **Alternative Ed**  **Charter**  **Choice**

**Pre-Kindergarten & Elementary**

- Alta Vista Elementary
- Auburndale Central Elementary
- Ben Hill Griffin Jr Elementary
- Boswell Elementary
- Caldwell Elementary
- Chain of Lakes Elementary
- Cleveland Court Elementary
- Crystal Lake Elementary
- Dr. N.E. Roberts Elementary
- Eagle Lake Elementary
- Elbert Elementary
- Frostproof Elementary
- Garner Elementary
- Gibbons Street Elementary
- Highland City Elementary
- Jesse Keen Elementary (r/n)
- Kingsford Elementary
- Lake Marion Creek Elementary - Opening Fall 2006
- Lena Vista Elementary
- Lewis Anna Woodbury Elementary - Anna
- Lincoln Avenue Academy Magnet (w/o)
- Medulla Elementary
- Oscar J Pope Elementary (s/a)
- Pinewood Elementary
- Purcell Elementary
- Rachelle School of the Arts (w, c, o)
- Scott Lake Elementary
- Aturas Elementary
- Bartow Elementary Academy (w/o)
- Bette Academy (w/c)
- Brigham Academy (w/o)
- Carlton Paimore Elementary
- Churchwell Elementary
- Combee Elementary (r/n)
- Dixieland Elementary
- Dundee Elementary
- Eastside Elementary (r/n)
- Floral Avenue Elementary
- Garden Grove Elementary
- Gause Riverside Academy (w, a)
- Griffin Elementary
- Inwood Elementary
- Kathleen Elementary
- Lake Alfred Elementary
- Lake Peipp Elementary
- Lewis Anna Woodbury Elementary - Anna
- Loughman Oaks Elementary
- North Lakeland Elementary (c/o)
- Padgett Elementary
- Polk City Elementary
- R. Bruce Wagner Elementary
- Sandhill Elementary
- Sikes Elementary

**District**  **Board**

- District Offices
- STAFFfinder
- Search
- Contact Us

[http://www.pcab.k12.fl.us/](http://www.pcab.k12.fl.us/)  

3/36/2006
Middle Schools

Bartow Middle
Crystal Lake Middle
Dundee Ridge Middle
Kathleen Middle
Lakeland Highlands Middle
McLaughlin Middle
Sleepy Hill Middle
Stambaugh Middle
Westwood Middle

Boone Middle
Denison Middle
Hawthorn Middle Academy
Lake Gibson Middle
Lawton Chiles Middle Academy
Mulberry Middle
Southwest Middle
Union Academy Magnet

Middle - Senior High Schools

Frostproof Middle-Senior
Homer K Adair Career Academy

High Schools

Barrow Senior
Haines City Senior
International Baccaulaurate
Lake Gibson Senior
Lakeland Senior
Ridge Community Senior

Vocational Technical

Ridge Career Center (A, O2)

Alternative Education

ACS - Bill Duncan Opportunity Center
ACS - Donald E. Woods Opportunity Center
Best Program - Lake Alfred
Best Program - Lakeland
Mack Wilcox Center (M, H)
New Horizons
South County Center
Teen Parent - Dwight Smith Center

Travis Career Center (H, A2)

Adult Schools

East Area Adult School (AE)

Exceptional Student Education

Doris A Sanders Learning Center (E, M, H, YP)
Polk Life and Learning Center (E, M, H)

Karen M. Siegel Academy (E, M, H)
Roosevelt Academy (PK, M, H)

A.C.E. Charter School (PK, YK)
Achievement Academy - Lakeland (PK)
Achievement Academy - Bartow (PK)
Apple School (E, M)
Barton Park Elementary (PK, F)
Berkeley Accelerated Middle (M)
Berkeley Elementary (K)
Central Florida Speech and Hearing (PK, YK)
Discovery Academy (M)
Compass Middle Charter
Foundation Charter School (M, H)

http://www.pcsb.k12.fl.us/school-list/default.asp

3/30/2006
<table>
<thead>
<tr>
<th>School Name</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Haines City Literacy Learning Academy (PK)</td>
<td></td>
</tr>
<tr>
<td>Hilcrest Elementary (PK, F)</td>
<td></td>
</tr>
<tr>
<td>Lake Wales Senior (K)</td>
<td></td>
</tr>
<tr>
<td>Life Skills Center (K)</td>
<td></td>
</tr>
<tr>
<td>McKeel Elementary (E)</td>
<td></td>
</tr>
<tr>
<td>Polk Avenue Elementary (PK, F)</td>
<td></td>
</tr>
<tr>
<td>STAR Charter School - Winter Haven (K)</td>
<td></td>
</tr>
</tbody>
</table>

**Choice**

<table>
<thead>
<tr>
<th>School Name</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blake Academy (E)</td>
<td></td>
</tr>
<tr>
<td>Daniel Jenkins Academy Middle (M)</td>
<td></td>
</tr>
<tr>
<td>Jewett School of the Arts (PK, E, M)</td>
<td></td>
</tr>
</tbody>
</table>

**Key for School Codes**

- **E = Elementary**
- **AE = Alternative Education**
- **M = Middle**
- **YR = Year Round**
- **H = High**
- **T = Technical/Vocational**
- **AD = Adult**
- **CA = Charter**
- **CO = Choice**
- **MG = Magnet**
- **ESE = Exceptional Student Education**

http://www.pcsb.k12.fl.us/school-list/default.asp

3/30/2006
Jewett Middle Academy
Principal: Gary McDaniels
School Number: 0711
Grades: 6-8
Address: 601 Avenue T NE
Winter Haven 33881
Phone: (863) 291-5320,
Fax: (863) 297-3049
Bell Schedule: 8:10 a.m. and 3:10 p.m.
2003-2004 School Grade: A
Website: http://www.polk-fl.net/jewettacademy

School Zone Map
NCLB-SPAR Report - School Public Accountability Report
Paper copies available at school site and district office.
SIP - School Financial Report Addendum
Curriculum: [ ] Go

Enrollment Count:

<table>
<thead>
<tr>
<th>Grade</th>
<th>06</th>
<th>07</th>
<th>08</th>
<th>Total</th>
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<tr>
<td></td>
<td>186</td>
<td>187</td>
<td>188</td>
<td>561</td>
</tr>
</tbody>
</table>

The enrollment information listed is intended to give a general idea of individual school size. Enrollment data does not reflect student mobility since posting.

Return to Polk County School List

EXHIBIT B

http://www.pcsb.k12.fl.us/school-list/SchoolGenInfo.asp?School=0711&ID=49

5/22/2006
## Magnet Schools

The Mission of Polk County Public Schools is to ensure rigorous, relevant learning experiences for our students that result in high achievement. The Office of Magnet, Choice, and Charter Schools is within the School Based Operations Department.

### Definition of a Magnet School:
A distinctive theme and/or other program feature characterize Magnet schools. Magnet schools are schools of choice that provide the standard required curriculum of general education to students while using special learning themes, such as science and technology. These themes serve to attract students to the magnet schools.

### Purpose of a Magnet School:
The magnet schools in Polk County serve as a tool to voluntarily desegregate schools in targeted communities. Through controlled admission procedures, pre-determined racial balance is maintained as a part of a community-wide desegregation plan. The result is a site-specific educational program that enhances the educational experiences of children while providing a multicultural environment and a special focus.

### Magnet Schools at a Glance
Click Here

### Frequently Asked Questions From Parents Regarding Magnet Schools
Click Here

### List of Magnet Schools in Polk County, Florida
All numbers are within the 863 area code.

<table>
<thead>
<tr>
<th>Magnet Schools</th>
<th>Address</th>
<th>Phone Number</th>
<th>Fax Number</th>
<th>Grade Levels</th>
<th>Principal</th>
<th>Special Focus</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Lakeland</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lincoln Avenue Academy</td>
<td>1330 N. Lincoln Avenue</td>
<td>499-2955</td>
<td>499-2959</td>
<td>Kg through 6th</td>
<td>Evelyn Hollien</td>
<td>*Emphasis in Math and Science with Traditional Academics Approach</td>
</tr>
<tr>
<td>Rochelle School of the Arts</td>
<td>1501 Martin Luther King, Jr. Avenue</td>
<td>499-2810</td>
<td>499-2797</td>
<td>Kg through 8th</td>
<td>Jacquelyn Moore</td>
<td>*Emphasis in the Arts</td>
</tr>
<tr>
<td><strong>Lawton Chiles Middle Academy</strong></td>
<td>400 N. Florida Avenue</td>
<td>499-2774</td>
<td></td>
<td>6th through 8th</td>
<td>Sharon Neuman</td>
<td>*Emphasis in Math, Science, and Technology</td>
</tr>
<tr>
<td><strong>Winter Haven</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brigham Academy</td>
<td>601 Avenue C, SE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

http://www.polk-fl.net/schoolchoice/magnet.htm

5/22/2006
<table>
<thead>
<tr>
<th>Magnet Schools</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>School Name</th>
<th>Address</th>
<th>Phone</th>
<th>Fax</th>
<th>Grade Levels</th>
<th>Principal</th>
<th>Emphasis</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Jewett Academy</strong></td>
<td>601 Avenue T, NE</td>
<td>291-5300</td>
<td>297-3049</td>
<td>6th through 8th</td>
<td>Gary McDaniel</td>
<td>Emphasis in Math, Science, and Technology</td>
</tr>
<tr>
<td><strong>Haines City</strong></td>
<td>900 Avenue F</td>
<td>421-3334</td>
<td>421-3243</td>
<td>Kg through 6th</td>
<td>Sharon Knowles</td>
<td>Emphasis in Math, Science, and Technology</td>
</tr>
<tr>
<td><strong>Bartow</strong></td>
<td>590 S. Wilson Avenue</td>
<td>534-7410</td>
<td>534-7218</td>
<td>Kg through 5th</td>
<td>Carol Borders</td>
<td>Traditional Academics with Enrichment in Science, Technology, and the Arts</td>
</tr>
<tr>
<td><strong>Union Academy</strong></td>
<td>1795 E. Wabash Street</td>
<td>534-7435</td>
<td>534-7487</td>
<td>6th through 8th</td>
<td>Steve Petrie</td>
<td>Emphasis in Math, Science, and Technology</td>
</tr>
</tbody>
</table>

http://www.polk-fl.net/schoolchoice/magnet.htm

5/22/2006
6Gx53-4.017 MAGNET SCHOOLS:

A distinctive theme and/or other program feature characterize Magnet schools. Magnet schools are schools of choice that provide the standard required curriculum of general education to students while using special teaching themes, such as science and technology. These themes serve to attract students from other schools.

I. Purpose: The magnet schools in Polk County serve as a tool to voluntarily desegregate schools in targeted communities. Through controlled admission procedures, pre-determined racial balance is maintained as a part of a community-wide desegregation plan. The result is a site-specific educational program that enhances the educational experiences of children while providing a multicultural environment and a special focus.

II. Admission Procedures: The admission procedures for magnet schools are governed by the Order entered by the United States District Court for the Middle District of Florida, Tampa Division, on July 8, 1992 in the case of Herman Henry Milis, et al. vs. The School Board of Polk County, Florida, et al., Case Number 63-160 Civ-T-H, which incorporated a proposed order (commonly called "the consent decree" or "consent order") dated June 5, 1992, and shall include the following directives:

A. Applications will be accepted during three prescribed application periods each year. These periods will run for the duration of four weeks each. The first application period of each year shall be called the open enrollment period. All applications received during the first week of this application period with a postmark inclusive of said week are considered to be the same date for the purposes of establishing priority. If more students apply during this period than seats are available, a computer will assign a number for each student by grade and race to execute a random sort. This week is referred to as the lottery week and will occur once annually. Students who apply after the first week of the open enrollment period will be assigned a number based on postmark of application. The second application period shall be considered the summer application period and the third application period considered the fall application period. These application periods will be executed in the same manner as the open enrollment period with the exception of the lottery week. No hand deliveries will be accepted since each application must reflect a postmark.

B. A waiting list for each school will be maintained through the Office of Magnet, Choice and Charter Schools. Students will be notified when a vacancy occurs at their grade and race in the order of the waiting list number assigned to them. If a student is not selected for entry into a magnet program in the year for which he/she has applied, his or her
priority status may be maintained for the following year. Applicants may request to have their name removed from the waiting list.

C. Students applying for more than one school will be placed into the school of first opportunity and the status on a waiting list for any other magnet and/or choice school will be canceled. Applicants should be prepared to accept placement into any school for which they have applied; however, they will have the opportunity to make a decision at the same time of the opening. Failure to accept at the time of the opening will result in removal from the waiting list.

D. All magnet schools are "zoned" to serve targeted communities. Attendance or enrollment in a magnet school is based upon designated attendance areas or neighborhood areas. Applicants must be able to provide proof of residence within the zone of applications. Magnet schools are zoned to serve communities as follows:

1. Lawton Chiles Middle Academy (6-8), Lincoln Academy (K-5) and Rochelle School of the Arts (K-5) will serve the areas bound by the four Lakeland high schools; Kathleen, Lake Gibson, Lakeland High, and George Jenkins.

2. Bartow Elementary Academy (K-5) and Union Academy (6-8) will serve the communities feeding into the secondary schools of Bartow, Lake Wales, Frostproof, Fort Meade and Mulberry.

3. Brigham Academy (K-5) and Jewett Middle Academy (6-8) will serve the communities feeding into the secondary schools of Auburndale and Winter Haven. Jewett Middle Academy may serve the students from the Haines City attendance area on a "space available" basis.

4. Isthme Academy (K-5) will serve the communities feeding into the secondary schools of Ridge Community and Haines City.

Students enrolled in a magnet school, who move outside of the zoned area for the magnet after October 1, may continue in that school for the balance of the school year; however, transportation will be the responsibility of the parent. Magnet students who move from one zone to another must reapply for the appropriate magnet school in the new zone. Priority from one zone does not carry into the new magnet zone.

E. Students who are enrolled in the elementary magnet schools and are eligible for promotion will move automatically into the related zoned middle school magnet as listed below. For the purposes of desegregation and student enrollment, these schools are treated as a single site.
1. Lincoln Academy into Lawton Chiles Middle Academy.

2. Bartow Elementary Academy into Union Academy Middle.

3. Brigham Academy into Jewett Middle Academy.

4. Bethune Academy into Jenkins Academy of Technology.

F. All students who make application for a magnet school are given a priority number for the grade, race, and school of application. This number only applies for that grade, race, and school. If a student is retained in a grade, there is no status for that child other than that which was established during the application process. Each student is offered a seat in a specific grade of application and not to the school in general. Therefore, students who are retained do not have access to the grade of retention and must reapply to be eligible in that grade.

G. Kindergarten applicants with siblings already in the magnet school of application will receive guaranteed admission within the same school to permit families to remain together in the same school facility.

H. Children of employees at a magnet school shall be considered for admission into that magnet school with only the racial balance being the limiting factor.

I. While there are no admission requirements into the magnet school, individual school sites may require parents and/or students to sign contracts of commitment and expectation.

III. Annual Review: The Office of Magnet, Choice and Charter Schools shall review the Operating Guidelines and Admission Procedures on an annual basis and propose revisions as necessary for approval by the School Board.

IV. Staff Selection: Selection of magnet school administrators and staff shall be in accordance with School Board policy.

V. Student Transportation: Transportation shall be provided for magnet school students on the same basis as that provided for students in non-magnet schools in the District.

VI. Zone Modification: The School Board reserves the right to make adjustments or modifications in the magnet school zones if such is necessary in order to maintain acceptable racial balance in accordance with Court-ordered desegregation requirements.
Statutory Authority: Florida Statutes 1002.32, 1001.41, 1001.42, and 1001.43

Laws Implemented: Florida Statute 1002.31; and Mills, et al. vs. The School Board of Polk County, Florida

Adopted: September 12, 1995

Amended:

April 22, 2003

September 27, 2005
4 entries found for principal.
To select an entry, click on it.

principal [adjective]
principal [noun]
principal diagonal
principal parts

Main Entry: principal
Pronunciation: 'prin-sip-əl
Function: adjective
Etymology: Middle English, from Old French, from Latin principalis, from principe, princeps
1: most important, consequential, or influential: CHIEF
2: of, relating to, or constituting principal or a principal usage see PRINCIPLE
- principally adv

For More Information on "principal" go to Britannica.com
Get the Top 10 Search Results for "principal"

Ads by Google
Audit Procedures
Checklists, questionnaires, audit programs, model letters & more
www.accountingresearchmanager.com

Guatemala Grand Tour $995
All inclusive 10 Day Tour/ $995. Free 28 Page Brochure
Caravan.com

Principal
Free Principal info from the Law Encyclopedia!

http://www.m-w.com/dictionary/principal

EXHIBIT D 5/23/2006
Student Information

Student ID: 530

Legal Last Name: [Field]
First: [Field]
Middle: [Field]

Student's Residence Address
Number/Street: [Field]
Apt./Suite/Unit: [Field]
City: Alturas
State: FL
ZIP: [Field]

Student's Mailing Address
Number/Street: [Field]
Apt./Suite/Unit: [Field]
City: [Field]
State: [Field]
ZIP: [Field]

Sex: Male [Field] Female [Field]
Possible retention?: Yes [Field] No [Field]
Racial/Ethnic: African-American [Field]
Asian/Pacific Islander [Field]
American Indian, Alaskan Native [Field]
Hispanic [Field]
Multiracial - Black [Field]
Multiracial - Non-black [Field]
White, Non-Hispanic [Field]

Date of Birth: [mm/dd/yyyy]
Example: 09-08-1994

Does this student have a twin, triplet, etc.? Yes [Field] No [Field]

What grade level is the student applying for? (K-12)

EXHIBIT E

https://pds.polk-fl.net/magnet/app_2.asp

5/23/2006
Magnet and Choice School Information
To which school(s) is the student applying? (check one or more)...
☐ Jewett Academy
☐ Jewett School of the Arts

Sibling Information
Are siblings (brothers or sisters) currently enrolled or applying at any of the chosen magnet or choice schools? (If yes, please list each of those siblings separately using the form provided below...)
☐ Yes ☐ No

Siblings you have listed appear below (if you have made an error or duplicated a sibling, click the Delete button next to the appropriate sibling):

NO SIBLINGS LISTED
You may add a sibling to the listing above by entering the appropriate information in the boxes below and clicking 'Add Sibling.'

<table>
<thead>
<tr>
<th>Sibling's Last Name</th>
<th>First Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sibling's Date of Birth</td>
<td>(month/day/year)</td>
</tr>
<tr>
<td>This student is currently ☐ Enrolled at school ☐ Applying or on Waiting List</td>
<td></td>
</tr>
<tr>
<td>Sibling's current grade level</td>
<td>Kindergarten</td>
</tr>
</tbody>
</table>

Previous | Next |

Crase All Info Entered