



## The School District of Lee County

**Denise M. Carlin, Ed.D., Superintendent**

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October 13, 2025

Via E-Mail @ Will.McKannay@fmbgov.com

and Certified Mail Return Receipt Requested # 9214 8901 9403 8337 6869 31

Mr. William McKannay, Town Manager  
Town of Fort Myers Beach  
2525 Estero Boulevard  
Fort Myers Beach, FL 33931

Re: Response to the Town of Fort Myers Beach Correspondence dated  
October 8, 2025, and October 10, 2025  
Regarding Fort Myers Beach Elementary School

Dear Mr. McKannay:

The School District of Lee County, Florida ("School District" or "District") acknowledges receipt of your correspondence dated October 8, 2025, and October 10, 2025, concerning the Fort Myers Beach Elementary School ("FMBE"). The School Board and Superintendent appreciate the Town's continued interest in the future of this site and share the mutual goal of acting in a manner consistent with state and federal law, fiscal responsibility, and the commitments reflected in the Interlocal Agreement ("ILA") between the Town and the School Board.

### **I. Ongoing Commitment to Cooperation**

The School District remains committed to cooperative engagement with the Town. The ILA expressly contemplates collaboration to explore the feasibility of educational uses at the Fort Myers Beach site, subject to enrollment goals, fiscal responsibility, applicable laws, and the School District's authority over District facilities.

### **II. Chapter 164- Dispute Resolution**

The School District acknowledges the Town's request to proceed with the government dispute resolution process under Chapter 164, Florida Statutes, and notes that the conflict assessment meeting serves as the statutory forum for the parties' chief administrative officers to meet in good faith to

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identify issues in dispute, exchange relevant information, and explore potential resolutions prior to elevating the matter to their respective governing bodies.

In that regard, the School District confirms its attendance at the conflict assessment meeting scheduled for November 5, 2025, at 1:00 p.m., to be held at a mutually agreed-upon, neutral location. The District will be represented by Mr. Bill Ribble, Board Member; Dr. Denise Carlin, Superintendent; Dr. Ken Savage, Deputy Superintendent; and Ms. Kathy Dupuy-Bruno, School Board Attorney and General Counsel, along with relevant staff members who will be available to address any technical or operational questions that may arise. In addition, the School District requests a mutually agreed-upon facilitator to help with the discussions.

### III. Clarification of Legal Authority

Hurricane Ian (2022) was a catastrophic storm that caused unprecedented damage to Fort Myers Beach and the surrounding area. In the aftermath, both the School District and the Town demonstrated their shared commitment to rebuilding the school by entering into an ILA in 2023, as, per the ILA, there was a *"mutual desire to operate FMBE in a sound and fiscally responsible way"*. However, no one could have anticipated that, within just two years of Ian's devastation, two additional storms, Hurricane Helene (2024) and Hurricane Milton (2024), would strike the same region, further impacting the school site and resulting in millions of dollars in additional recovery and mitigation expenditures for the School District.

The School District notes that the ILA was established to promote continued dialogue and cooperation to assist in the rebuilding, operation, and maintenance of Fort Myers Beach Elementary School following the devastation caused by Hurricane Ian. However, the ILA does not confer authority upon either party to unilaterally direct or restrict the other's lawful actions or discretion, nor does it require the School District to continually rebuild, repair, or mitigate damage following multiple catastrophic storms that have repeatedly impacted the site. The ILA recognizes that all commitments are subject to the availability of funding, necessary regulatory approvals, and the School Board's constitutional and ultimate statutory authority.

While the School District fully intends to participate in good faith in the Chapter 164 dispute resolution process, it must be emphasized that the School Board is a constitutionally created independent agency vested with the authority to operate, control, and supervise all public schools within the District pursuant to Article IX, Section 4(b) of the Florida Constitution and Sections 1001.41–1001.43, Florida Statutes, along with the broader provisions of the Florida Education Code. In that light, the School Board cannot contract away or otherwise relinquish its constitutional or statutory authority or responsibilities. The Board retains sole discretion to determine the necessary actions regarding its educational facilities and exercises that authority in a manner that is both fiscally responsible and legally compliant.

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Accordingly, while the Town's invocation of Chapter 164 initiates a formal dispute resolution process, that process does not suspend, limit, or divest the School Board of its lawful authority over its property, operations, or decision-making. Nevertheless, the District remains committed to engaging in this process constructively, transparently, and in a manner that reflects respect for both agencies' distinct legal responsibilities.

In that same spirit, the School District remains open to exploring the Town's expressed interest in operating the school as a municipal charter school, consistent with the applicable provisions of Chapter 1002, Florida Statutes. The District likewise remains open to continued dialogue regarding potential educational or community partnerships for the site that align with state law, fiscal prudence, and the mutual goal of serving the Fort Myers Beach community.

#### **IV. Castaldi Report**

With respect to the Castaldi Report and demolition authorization, the District has not taken any action to demolish the structure. Instead, it has directed staff to proceed with the federally required assessments and state-level coordination to determine feasibility, safety, and fiscal prudence. The Florida Department of Education uses the Castaldi analysis, a generalized formula, to determine whether a facility should be razed, replaced, or renovated. These steps are state agency-required, preliminary, and will allow all options to be explored and considered.

Further, the District's request for state review should not come as a surprise. During the School Board Workshop held on August 5, 2025, District staff provided a public presentation on Fort Myers Beach Elementary School. Specifically, slide 5 of that presentation, titled "*State Operations Overview*," outlined the following items:

- Moving forward (post third-party assessment)
- Advanced Plant Survey (the Castaldi analysis)
- Florida Department of Education review and expectations
- Determination of state review forthcoming

This information was presented in an open session, consistent with Florida's Sunshine Law. Accordingly, the School District has not withheld or concealed any information from the public. For your convenience, a copy of Slide 5 is attached for reference. You may also view the presentation on the Lee County School District YouTube Channel, August 5th, 1:00 p.m. workshop, timestamp 2:29 p.m. - 2:33 p.m.

## V. Historic Preservation and FEMA Compliance

The School District acknowledges that FMBE is listed on the National Register of Historic Places. In coordination with FEMA, the Florida Division of Historical Resources, and other agencies, the District will ensure compliance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108) and related regulations. These processes must occur before any structural removal or new construction.

The School District has not received notice from FEMA or the State Historic Preservation Officer of any procedural violations, and all required consultations remain ongoing. The District is also mindful of its continuing eligibility for FEMA reimbursement and will not take any action that risks noncompliance.

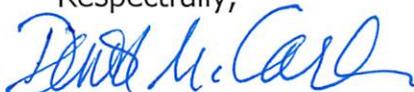
## VI. Path Forward

To ensure constructive resolution:

1. The District's representatives will attend the conflict assessment meeting on November 5<sup>th</sup> at 1 p.m. at a mutually agreed-upon and neutral location with an agreed upon facilitator.
2. The District will continue coordinating with the Florida Department of Education, FEMA, the Florida Division of Historical Resources, and other applicable agencies to ensure compliance with federal and state laws.
3. The District will continue to communicate directly with the Town regarding any substantive developments impacting the ILA or future use of the property.

The School District appreciates the Town's engagement and remains committed to lawful collaboration that honors both parties' respective responsibilities. The School District values the Town's continued partnership and remains optimistic that, through this statutory process, both entities can reach a resolution that honors the community's heritage and the educational mission we jointly serve.

Respectfully,



Denise M. Carlin, Ed.D.

Attachment

cc: The Lee County School Board  
Kathy Dupuy-Bruno, Esq., BCS, School Board Attorney and General Counsel  
Ken Savage, Ed.D., Deputy Superintendent

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# State Operations Overview

- **Moving forward (post third-party assessment)**
- **Advanced Plant Survey**
- **Florida DOE review and expectations**
- **Determination of state review forthcoming**

