

# MEMORANDUM

Agenda Item No. 11(A)(40)

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**TO:** Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

**DATE:** July 3, 2012

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution urging the Governor and the State Board of Education to adopt and implement the recommendations of the Education Commissioner's Task Force on Inclusion and Accountability related to English Language Learners and Students with Disabilities

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



**MEMORANDUM**  
(Revised)

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(40)  
7-3-12

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE GOVERNOR AND THE STATE BOARD OF EDUCATION TO ADOPT AND IMPLEMENT THE RECOMMENDATIONS OF THE EDUCATION COMMISSIONER'S TASK FORCE ON INCLUSION AND ACCOUNTABILITY RELATED TO ENGLISH LANGUAGE LEARNERS AND STUDENTS WITH DISABILITIES

**WHEREAS**, federal approval of Florida's application for waiver of certain requirements of the federal Elementary and Secondary Education Act ("ESEA"), also referred to as No Child Left Behind, is contingent on full inclusion in Florida's school accountability system by July 27, 2012 of English Language Learners and Students with Disabilities; and

**WHEREAS**, at its February 28, 2012 meeting, the Florida State Board of Education requested that Florida's Education Commissioner create a Task Force on Inclusion and Accountability to develop an implementation plan to include in Florida's school accountability system Students with Disabilities, English Language Learners and Students with Disabilities enrolled in Exceptional Student Education centers; and

**WHEREAS**, the Task Force also was asked to develop recommendations regarding Florida's ESEA waiver for consideration by the U.S. Department of Education; and

**WHEREAS**, the Education Commissioner's Task Force had 22 members from a diverse cross-section of stakeholders including district superintendents and staff, principals, teachers and parents, as well as representatives from profit and non-profit organizations; and

**WHEREAS**, the Task Force developed dozens recommendations related to accountability for Students with Disabilities, English Language Learners, and Students with Disabilities at Exceptional Student Education centers; and

**WHEREAS**, the following recommendations received support from at least 15 of the 22

Task Force members:

**1. Students with Disabilities**

- The state should establish the minimum level or hours of training required for all teachers and principals who have a student with disabilities in their classroom, and this minimum should be incorporated in all teacher preparation programs and educational leadership programs;
- In the school grades learning gains calculation, additional weight should be provided for students in level 1 and 2 on the Florida Comprehensive Assessment Test (“FCAT”) and levels 1, 2, and 3 on the Florida Alternate Assessment (FAA) who make gains beyond the minimum expected gains;
- For the 2011-12 school grades, no school shall drop more than one letter grade;

**2. English Language Learners**

- Use a weighted measure of FCAT performance in School Grades until English language proficiency is achieved;
- For students in the program five years or less; bonus if proficient in less; consider proficiency on Comprehensive English Language Learning Assessment (“CELLA”); if not proficient in CELLA only include in the numerator of the calculation;
- Use multiple outcome measures to ensure a comprehensive picture for English Language Learners in School Grades, including English Language Proficiency (e.g., CELLA results);
- Ensure appropriate resources for high quality instruction programs for English Language Learners;
- Make modifications to the School Grades performance calculation for English Language Learners based on English language proficiency or five years in an English for Speakers of Other Languages (“ESOL”) program. Schools would earn a bonus for English Language Learners who are not yet proficient in English (i.e., not proficient on CELLA) within 5 years in an ESOL program yet score Level 3 or higher on FCAT;
- Use multiple outcome measures to ensure a comprehensive picture of English Language Learners progress such as; closing the achievement gap, improving an achievement level, maintaining proficiency, increasing from Level 1 to Level 2, a longitudinal cohort analysis, tracking a participation, gain, or proficiency count, disaggregating data by level of proficiency; growth of proficiency; growth over time in program;

- Revisit the federal policy for accountability of entry into country vs. state (the current practice is entry into ESOL program for determining entry point for ELLs);

### **3. Exceptional Student Education Center Schools**

- For students performing on the Emergent level on FAA, proficiency should be determined by learning gains for school accountability purposes. Define learning gains as meeting state average or higher for emergent students at each grade;
- Define " Exceptional Student Education Center and Cluster schools"; and

**WHEREAS**, the Education Commissioner brought to the State Board of Education for approval at its May 10, 2012 meeting only five recommendations of the Task Force, which included only part of one recommendation for English Language Learners; and

**WHEREAS**, the current accountability rules are not fair or accurate for special populations of students, but nonetheless threaten serious consequences for students, schools and communities, such as:

- Increased failure rates for students, increased numbers of dropouts,
- Inaccurate results on teacher evaluations,
- Lower school report card grades disproportionately applied to districts with large populations of English Language Learners or students in Special Education programs,
- School closures,
- Reduced property values, and
- Disincentives for business relocation; and

**WHEREAS**, this Board, like the Florida School Boards Association, is not against accountability, but provisions of the current accountability system are not productive when applied to Exceptional Student Education programs and English Language Learners; and

**WHEREAS**, Governor Rick Scott assured State Senator David Simmons (R – Altamonte Springs), who is Chairman of the Budget Subcommittee on Education Pre-K - 12

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Appropriations, that Simmons' concerns about the consequences of the current accountability system would be addressed administratively; and

**WHEREAS**, Governor Scott also has called for review of FCAT issues and an action plan, and stated that our education system must be able to measure and benchmark students' progress so that clear education goals can be set; and

**WHEREAS**, the Task Force recommendations included accountability action plans for special populations, but these recommendations have not been adopted; and

**WHEREAS**, according to school district superintendents, the Florida Education Association and professional education organizations, the Task Force recommendations are more just and would yield more accurate results than the state's current rules for school accountability; and

**WHEREAS**, requests for consideration of the Task Force Recommendations have come from elected officials such as Congresswoman Ileana Ros-Lehtinen, Chair of the Florida Hispanic Legislative Caucus Senator Rene Garcia, and Florida House of Representatives Majority Leader Carlos Lopez-Cantera; and

**WHEREAS**, requests for consideration of the Task Force Recommendations have also come from highly respected community based organizations such as ASPIRA of Florida, Inc., a non-profit 501(c)(3) charitable organization that fosters the social advancement of the Puerto Rican/Latino community; the Institute for Mexicans in the Exterior; the League of United Latin American Citizens ("LULAC") Florida; the Florida Conference of the NAACP; the National Association of Cuban American Educators; Sant La Haitian Neighborhood Center and the Spanish American League Against Discrimination, Inc ("SALAD"), as well as from parents, educators and other concerned citizens; and

**WHEREAS**, this Board supports implementation of the recommendations of the Commissioner's Task Force on Inclusion and Accountability,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Urges Governor Scott and the Chairman and Members of the State Board of Education to adopt and implement the recommendations of the Commissioner's Task Force on Inclusion and Accountability related to English Language Learners and Students with Disabilities.

**Section 2.** Urges Governor Scott to initiate face-to-face meetings with the U. S. Department of Education and Task Force Members to negotiate recommendations that require federal approval in time for the July 27, 2012 Elementary and Secondary Education Act flexibility waiver deadline.

**Section 3.** Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, the Chairperson and Members of the State Board of Education, Florida's Education Commissioner and the Executive Director of the Miami-Dade League of Cities.

**Section 4.** Directs the County's state lobbyists to advocate for the action set forth in sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2012 State Legislative Package to include this and to include this item in the 2013 State Legislative Package when it is presented to the Board.



The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

- |                                     |                      |
|-------------------------------------|----------------------|
| Joe A. Martinez, Chairman           |                      |
| Audrey M. Edmonson, Vice Chairwoman |                      |
| Bruno A. Barreiro                   | Lynda Bell           |
| Esteban L. Bovo, Jr.                | Jose "Pepe" Diaz     |
| Sally A. Heyman                     | Barbara J. Jordan    |
| Jean Monestime                      | Dennis C. Moss       |
| Rebeca Sosa                         | Sen. Javier D. Souto |
| Xavier L. Suarez                    |                      |

The Chairperson thereupon declared the resolution duly passed and adopted this 3<sup>rd</sup> day of July, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Jess M. McCarty

