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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

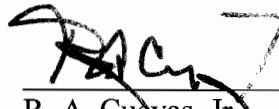
DATE: September 1, 2009

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

SUBJECT: Resolution urging the Florida
Legislature, the Governor and
the Commissioner of the Florida
Department of Education to
change the State's policy related
to the FCAT and schools for
children hospitalized and
homebound so that these
schools are not at risk of closing
because of FCAT scores

Resolution No. R-1081-09

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



R. A. Cuevas, Jr.
County Attorney


RAC/jls



MEMORANDUM
(Revised)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: September 1, 2009

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

SUBJECT: Agenda Item No. 11(A)(12)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Mayor's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)
9-1-09

RESOLUTION NO. R-1081-09

RESOLUTION URGING THE FLORIDA LEGISLATURE, THE GOVERNOR AND THE COMMISSIONER OF THE FLORIDA DEPARTMENT OF EDUCATION TO CHANGE THE STATE'S POLICY RELATED TO THE FCAT AND SCHOOLS FOR CHILDREN HOSPITALIZED AND HOMEBOUND FIGHTING ILLNESSES AND DISORDERS SO THAT THESE SCHOOLS ARE NOT AT RISK OF CLOSING BECAUSE OF FCAT SCORES

WHEREAS, the Merrick Education Center ("Merrick ") is a school dedicated to this community's most medically- and cognitively-challenged students, including students fighting cancer, cerebral palsy, brain injuries and psychological disorders; and

WHEREAS, Merrick provides students in Kindergarten through 12th grade the opportunity to continue their education despite the hardships they are facing by providing specially-designed programs that address students' unique challenges with instruction at the school site and in students' homes and hospital rooms; and

WHEREAS, like other students across the state, students at Merrick are required to take the Florida Comprehensive Assessment Test ("FCAT"); and

WHEREAS, Merrick students taking the FCAT present unique challenges as teachers must sometimes bring the FCAT to homes and hospitals; and

WHEREAS, Merrick received grades of F on the FCAT in 2005, 2007 and most recently in 2009; and

WHEREAS, multiple failing grades put Merrick at risk of the state stepping in or shutting down the school; and

WHEREAS, the Florida Department of Education recently announced that it would not close Merrick, but would give it a grade of incomplete until the state reviews its policies on school grades for schools targeted at hospitalized and homebound students; and

WHEREAS, given the unique and important role Merrick plays in the lives of children who are already facing significant challenges, the state should change its policy toward Merrick and schools like it around the state, and not allow such schools to be at risk of closing based on FCAT scores,

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

Section 1. Urges the Florida Legislature, the Governor and the Commissioner of the Florida Department of Education to change the state's policy related to the FCAT and schools for children hospitalized or homebound fighting illnesses and disorders so that these schools are not at risk of closing because of FCAT scores.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, the Chair and Members of the Miami-Dade County State Legislative Delegation and the Commissioner of the Florida Department of Education.

Section 3. Directs the County's state lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs that the 2009 and 2010 State Legislative Packages be amended to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Rebeca Sosa. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	aye	
	Jose "Pepe" Diaz, Vice-Chairman	aye	
Bruno A. Barreiro	absent	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrian D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2009. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jess M. McCarty