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

**MEMORANDUM**

Agenda Item No. 11(A)(5)

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

**DATE:** September 15, 2009


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

**SUBJECT:** Resolution urging the  
Florida Legislature, the  
Governor and Education  
Commissioner to provide more  
flexibility related to the FCAT  
and recent immigrant students  
with limited English proficiency  
by providing such students a  
four-year period of time before  
they are required to take the  
FCAT

**Resolution No. R-1116-09**

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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)

**TO:** Honorable Chairman Dennis C. Moss      **DATE:** September 15, 2009  
and Members, Board of County Commissioners

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County Attorney

**SUBJECT:** Agenda Item No. 11(A)(5)

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)(5)  
9-15-09

RESOLUTION NO. R-1116-09

RESOLUTION URGING THE FLORIDA LEGISLATURE, THE GOVERNOR AND EDUCATION COMMISSIONER TO PROVIDE MORE FLEXIBILITY RELATED TO THE FCAT AND RECENT IMMIGRANT STUDENTS WITH LIMITED ENGLISH PROFICIENCY BY PROVIDING SUCH STUDENTS A FOUR-YEAR PERIOD OF TIME BEFORE THEY ARE REQUIRED TO TAKE THE FCAT

**WHEREAS**, the Florida Comprehensive Assessment Test (FCAT) is a statewide test, given to all public school students, which measures the knowledge and skills students are expected to acquire between grades K through 12; and

**WHEREAS**, the State of Florida also uses the FCAT to decide whether third grade students will advance to the fourth grade and twelfth grade students will graduate from high school; and

**WHEREAS**, FCAT scores are also used to grade schools, and a low FCAT grade for a school can have significant impacts on schools for funding and staffing and schools can be closed if they have multiple failing FCAT grades; and

**WHEREAS**, the FCAT is generally required of all students, including students of limited English proficiency, and the scores of all students are considered when grading a particular school; and

**WHEREAS**, in 2003, the Legislature passed HB 23-B, Chapter 2003-413, Laws of Florida, which provided some relief to students of limited English proficiency related to the FCAT, allowing such students to graduate from high school despite not passing the FCAT if certain conditions are met, such as passing a different standardized test like the SAT, ACT, other college placement test or military entrance exam; and

**WHEREAS**, HB 23-B also provided limited English proficiency students with the opportunity to receive immersion English language instruction during the summer following their senior year; and

**WHEREAS**, the Florida Department of Education also has promulgated rules that allow for accommodations for limited English proficiency students taking the FCAT that allows more time to take the exam, access to English to heritage language/heritage language to English dictionaries and the ability to asked instructors questions about the exam; and

**WHEREAS**, more can be done to assist limited English proficiency students and prevent schools with large populations of such students from receiving skewed FCAT grades,

**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 Florida Education Commissioner to change the state's policy related to the FCAT and recent immigrant students with limited English proficiency so as to (1) allow such students more flexibility related to the FCAT by providing them four years of transition time from the time they come to the U.S. before they are required to take the FCAT; and (2) provide schools with large populations of limited English proficiency students additional flexibility related to FCAT grades for such schools.

**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 **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Dennis C. Moss** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 15<sup>th</sup> 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.

**JMM**

Jess M. McCarty

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