



MEMORANDUM

Agenda Item No. 11(A)(8)

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

**DATE:** May 15, 2012

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

**SUBJECT:** Resolution urging the Florida  
Education Commissioner to review  
out-of-school suspension in public  
schools

Resolution No. R-443-12

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.

A handwritten signature in black ink, appearing to read "R. A. Cuevas, Jr.", is written over a horizontal line. The signature is cursive and somewhat stylized.

R. A. Cuevas, Jr.  
County Attorney

RAC/cp



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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)(8)  
5-15-12

RESOLUTION NO. R-443-12

RESOLUTION URGING THE FLORIDA EDUCATION  
COMMISSIONER TO REVIEW OUT-OF-SCHOOL  
SUSPENSION IN PUBLIC SCHOOLS

**WHEREAS**, data collected by the U.S. Department of Education's Office of Civil Rights shows minority students face harsher school discipline, with African American boys far more likely to be suspended or expelled from school than their peers; and

**WHEREAS**, the newest data available from a 2009 survey of public schools show African American students make up 18 percent of the sample population but 35 percent of the total who are suspended at least once, and 39 percent who are expelled; and

**WHEREAS**, under Florida law, out-of-school suspension is the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal's designee, for a period not to exceed ten (10) school days and remanding of the student to the custody of the student's parent with specific homework assignments for the student to complete; and

**WHEREAS**, in-school suspension is the temporary removal of a student from the student's regular school program and placement in an alternative program under the supervision of school district personnel for a period not to exceed ten (10) school days; and

**WHEREAS**, Florida law leaves it up to local school officials to determine whether and when to issue out-of-school as opposed to in-school suspensions; and

**WHEREAS**, in-school suspension does not deprive students of the educational experience by providing a disciplinary consequence within the learning environment; and

**WHEREAS**, through in-school suspension, students still have access to required coursework, teacher input, and adult guidance to continue to make academic progress; and

**WHEREAS**, studies have shown that in-school suspension may help reduce the dropout rate; and

**WHEREAS**, in-school suspension also may help reduce the daytime juvenile crime rate; and

**WHEREAS**, data from the Miami-Dade County Public Schools indicates that while both out-of-school and in-school suspensions have declined in the last three years, African American students receive out-of-school suspension at a higher rate than Hispanic or White students; and

**WHEREAS**, the Superintendent of the Miami-Dade County Public Schools recently empanelled an Ad Hoc Committee to review the Code of Student Conduct, including the use of out-of-school and in-school suspension; and

**WHEREAS**, this Board would like to commend the Superintendent for undertaking this effort, and would urge the Florida Education Commissioner to undertake a similar review,

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

**Section 1.** Urges the Florida Education Commissioner to review out-of-school suspension in public schools.

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

**Section 3.** Directs the County's state lobbyists to advocate for the issue identified in section 1 above, and authorizes and directs the Office of Intergovernmental Affairs 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 Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption.

The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

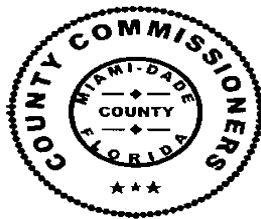
Joe A. Martinez, Chairman			<b>aye</b>
Audrey M. Edmonson, Vice Chairwoman			<b>aye</b>
Bruno A. Barreiro	<b>aye</b>	Lynda Bell	<b>aye</b>
Esteban L. Bovo, Jr.	<b>aye</b>	Jose "Pepe" Diaz	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Barbara J. Jordan	<b>aye</b>
Jean Monestime	<b>aye</b>	Dennis C. Moss	<b>aye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

The Chairperson thereupon declared the resolution duly passed and adopted this 15<sup>th</sup> day of May, 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: **Christopher Agrippa**  
Deputy Clerk



Approved by County Attorney as <sup>s</sup>  
to form and legal sufficiency.

Jess M. McCarty

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