

MEMORANDUM

Agenda Item No. 11(A)(26)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

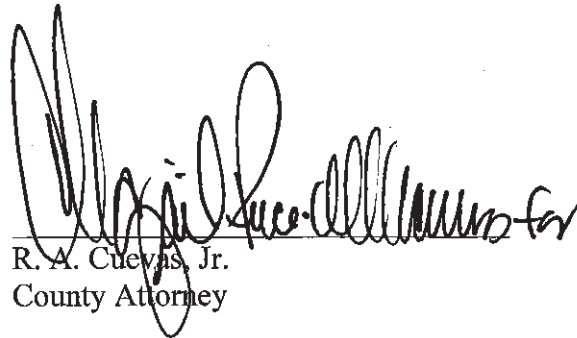
DATE: June 30, 2015

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

SUBJECT: Resolution supporting
Congressman Carlos Curbelo's
amendment to the "Student
Success Act," or similar
legislation that would allow
students who are English learners
adequate time to learn the
English language before their test
scores are included in school and
teacher proficiency calculations

Resolution No. R-615-15

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/smm



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: June 30, 2015

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

SUBJECT: Agenda Item No. 11(A)(26)

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 Mayor'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)(26)
6-30-15

RESOLUTION NO. R-615-15

RESOLUTION SUPPORTING CONGRESSMAN CARLOS CURBELO'S AMENDMENT TO THE "STUDENT SUCCESS ACT," OR SIMILAR LEGISLATION THAT WOULD ALLOW STUDENTS WHO ARE ENGLISH LEARNERS ADEQUATE TIME TO LEARN THE ENGLISH LANGUAGE BEFORE THEIR TEST SCORES ARE INCLUDED IN SCHOOL AND TEACHER PROFICIENCY CALCULATIONS

WHEREAS, the "Student Success Act" (H.R. 5) has been introduced in the United States Congress by Congressman John Kline (R - Minnesota) as successor legislation to the "No Child Left Behind Act," which was signed into law by President George W. Bush in 2002; and

WHEREAS, the "No Child Left Behind Act" expanded the use of data pertaining to student learning to assist superintendents, school leaders, and teachers in identifying students most in need of additional instruction and offered parents access to important information about the quality of their schools; and

WHEREAS, despite many positive provisions, the "No Child Left Behind Act" has been criticized for, among other things, imposing a one-size-fits-all accountability metric that restricts the ability of states and local school districts to appropriately gauge student learning and to tailor their curriculums, while failing to permit necessary flexibility in how they use federal dollars to meet their own unique needs at the local level; and

WHEREAS, according to the official fact sheet released by the House Committee on Education and the Workforce, the "Student Success Act" would address the deficiencies in the current law by, for example:

- replacing the current national accountability scheme based on high stakes tests with state-led accountability systems, returning responsibility for measuring student and school performance to states and local school districts;

- supporting local efforts to measure teacher effectiveness;
- eliminating more than 65 ineffective, duplicative, and unnecessary federal programs and replacing them with a Local Academic Flexible Grant, helping schools better support students;
- protecting state and local autonomy over decisions in the classroom by preventing the U.S. Secretary of Education from coercing states into adopting Common Core or any other common standards or assessments, as well as reining in the Secretary's regulatory authority; and
- strengthening existing efforts to improve student performance among targeted student populations, including English learners and homeless children; and

WHEREAS, there is a perception that, under current law, English learners are not given adequate time to become proficient in the language and that accountability systems are too quick to hold teachers and schools responsible for what is seen as poor performance by students new to the English language; and

WHEREAS, to address this concern, Congressman Carlos Curbelo (R - Florida) has proposed an amendment to the "Student Success Act" that would provide students new to the English language adequate time to learn the language before their test scores are included in school and teacher proficiency calculations; and

WHEREAS, under Congressman Curbelo's proposed amendment, a copy of which is attached hereto, individual states would be able to delay the inclusion of English learners in their proficiency calculations for two years for math and three years for reading and language arts, except where a state elects to measure growth itself, in which case such students would be included in the calculations without delay; and

WHEREAS, the U.S. House Committee on Education and the Workforce recently passed the "Student Success Act," along with Congressman Curbelo's proposed amendment; and

WHEREAS, to take effect, the proposed legislation, including Congressman Curbelo's amendment, would need to pass the full U.S. House of Representatives and the U.S. Senate, as well as be signed into law by President Barack Obama; and

WHEREAS, this Board wishes to support Congressman Curbelo's proposed amendment to the "Student Success Act,"

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

Section 1. Supports Congressman Carlos Curbelo's amendment to the "Student Success Act," or similar legislation that would allow students who are English learners adequate time to learn the English language before their test scores are included in school and teacher proficiency calculations.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, the Majority and Minority Leaders of the U.S. Senate, the Speaker of the U.S. House of Representatives, Congressman Carlos Curbelo (R - Florida), Congressman John Kline (R - Minnesota), and the U.S. Secretary of Education.

Section 3. Directs the County's federal lobbyists to advocate for the legislation set forth in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2015 Federal Legislative Package 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 **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

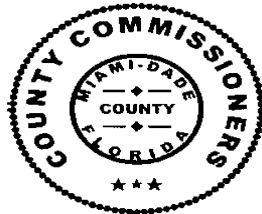
Jean Monestime, Chairman	aye		
Esteban L. Bovo, Jr., Vice Chairman	aye		
Bruno A. Barreiro	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	absent	Audrey M. Edmonson	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Dennis C. Moss	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye	Xavier L. Suarez	aye
Juan C. Zapata	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 30th day of June, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***
 Deputy Clerk



Approved by County Attorney as
 to form and legal sufficiency.

James Eddie Kirtley

**AMENDMENT THE AMENDMENT IN THE NATURE
OF A SUBSTITUTE TO H.R. 5
OFFERED BY MR. CURBELO OF FLORIDA**

Page 37, after line 18, insert the following:

1 “(E) RECENTLY ARRIVED ENGLISH
2 LEARNERS.—A State may delay inclusion of the
3 academic achievement of English learners for
4 purposes of the evaluation and identification de-
5 scribed in subparagraph (B)(ii) if such students
6 have attended schools in the 50 states or the
7 District of Columbia for less than two years (in
8 the case of mathematics) and less than three
9 years (in the case of reading or language arts),
10 except that if the State uses growth calculations
11 as described in clause (i) of such subparagraph
12 in such evaluation and identification, the State
13 shall include such students in such calcula-
14 tions.”.

☒