

RESOLUTION NO. R-2018-32

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI, FLORIDA, OPPOSING  
THE EVERY STUDENT SUCCEEDS ACT (ESSA)  
SUBMITTED BY THE FLORIDA DEPARTMENT OF  
EDUCATION; PROVIDING FOR AN EFFECTIVE DATE  
AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, the Every Student Succeeds Act (ESSA) is the latest reauthorization of the Elementary and Secondary Education Act of 1965, whose purpose is to strengthen and improve educational quality and educational opportunities in the nation's elementary and secondary schools; and

**WHEREAS**, the law has been reauthorized approximately every five years since 1965 yet the central focus on student academic achievement and vulnerable children has remained the same; and

**WHEREAS**, states plans for implementation of ESSA are developed by each state's department of education, reviewed, approved, or rejected by each state's governor, and submitted to the Secretary of Education in Washington DC for review to ensure compliance with the law; and

**WHEREAS**, ESSA requires meaningful stakeholder engagement, however, the U. S. Department of Education does not compel states to include a description of how they are engaging stakeholders while developing their plans; and

**WHEREAS**, the Florida plan, submitted on September 20, 2017, denies students access to native language assessments on state content area tests, thereby failing to provide valid means to permit English language learners to demonstrate what they know in a language they understand; and

**WHEREAS**, the Florida plan excludes subgroups defined by race/ethnicity, language, disability and family income from the accountability system, thereby failing to provide assurance that all schools with consistently low performing subgroups will be identified for targeted support; and

**WHEREAS**, the Florida plan excludes the state's measure of English language proficiency from the accountability system, thereby eliminating any accountability measure for the schools' important role in teaching the English language to English Language Learners; and

**WHEREAS**, national civil rights organizations such as the Leadership Conference for Civil and Human Rights, LULAC National, and UnidosUS published statements decrying Florida's major deviations from the ESSA law enacted by Congress; and

**WHEREAS**, organizations composed of experts in English language teaching and in policy development for education languages such as Teachers of English to Speakers of Other Language (TESOL) and the Joint National Council on Languages (JNCL) shared their concerns about these flaws in the Florida ESSA plan from the perspective of the academic community; and

**WHEREAS**, education reform organizations such as the Education Trust and Bellwether Education Partners joined the chorus of critics of the Florida ESSA plan; and

**WHEREAS**, diverse national organizations such as the NAACP, the National School Boards Association, the PTA, the Urban League, and the Leadership Conference on Civil and Human Rights prioritize the importance of parent and community engagement in the development and implementation of ESSA plans; and

**WHEREAS**, 90 Florida organizations and advocates, including the Florida PTA, the NAACP Florida State Conference, the Florida League of Women Voters, Fanm Ayisyen nan Miyami/ Haitian Women of Miami, Americans for Immigration Justice, LULAC Florida, Bay Area Regional ESOL, Catalyst Miami, Sant La Haitian Neighborhood Center, the Central and South Florida Councils for Latin American Advancement, the Institute of Mexicans in the Exterior Consultative Committee, Decoding Dyslexia Florida, the Area 4 Family Care Center, the Farmworker Association of Florida, UnidosUS, United Filipino and American Association, United Teachers of Dade, UTD Retired Chapter, the Florida Association of Bilingual/ESOL Supervisors, the Florida Association of Special Education Attorneys, the Florida Foreign Language Association, the Florida Justice Institute, the Florida Chapter of the National Conference of Puerto Rican Women, Florida Legal Services, International Embassy of the League of United Latin American Citizens, the Hispanic Health Initiatives, Hispanic Services Council, Hispanic Unity of Florida, Latino Justice/PRLDEF, the Legal Aid Society of Palm Beach, Miami-Dade TESOL and Bilingual Education Association, Organize Florida, Pilot Club of Florida, Pinellas

County Urban League; Florida Real Talk Coalition for Educational Equity, ReDefiners World Languages, Saint Leo University Bridge Program, Southern Conference on Language Teaching, Spanish American League Against Discrimination, and Sunshine State TESOL, sent a letter outlining their major issues with Florida's ESSA plan to state and national policy makers; and

**WHEREAS**, at the July 30, 2012 conference call meeting of the ELL Subcommittee of the state's Task Force on Inclusion and Accountability, nationally recognized Miami-Dade Superintendent and Task Force member Alberto Carvalho summarized the subcommittee's priorities for Florida Department of Education draft legislation, including two recommendations now incorporated into ESSA: students' access to native language assessments on state content area tests and inclusion in the accountability system of the state's measure of English language proficiency (Available at Subcommittee on English Language Learners Conference Call - July 30, 2012; and

**WHEREAS**, state accountability system law doesn't factor in student subgroups' test scores, English Language Proficiency exam scores, or native language assessments as ESSA now requires; therefore, Florida law is in conflict with federal law; and

**WHEREAS**, the Florida plan and Florida statutes do not meet the letter and intent of the law to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and close educational achievement gaps; and

**WHEREAS**, strengthening historically underserved communities and fostering economic development through quality education is consistent with the principles of this body and relevant to our major activities;

**NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

**Section 1. Recommendation.** Urges elected and appointed state policy makers to amend accountability system legislation to resolve conflicts between state and federal law, revise the state ESSA plan to bring about congruence with ESSA requirements, and adopt a statutory definition of meaningful stakeholder engagement so that all students receive the support and attention they deserve through the implementation of ESSA. Insists that the U.S. Office of Education reject any ESSA plan that fails to serve the interests of marginalized students in the

state, fails to document meaningful stakeholder engagement, and fails to comply with requirements of ESSA described above.

**Section 2. Direction to City Clerk.** Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, the Chair and Members of the State Board of Education, the Commissioner of the Florida Department of Education, and the members of our state and congressional delegations.

**Section 3. Direction to Lobbyists.** Directs our state lobbyists to advocate for the remedies described in Sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2018-2020 State Legislature Package to include this item.

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**PASSED AND ADOPTED** by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 13th day of March, 2018.

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DR. SMITH JOSEPH  
MAYOR 

ATTEST:   
\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:  
  
\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin  
Seconded by: Keys

**Vote:**

Mayor Smith Joseph, D.O., Pharm. D.  
Vice Mayor Carol Keys, Esq.  
Councilman Scott Galvin  
Councilman Philippe Bien-Aime  
Councilman Alix Desulme

<u>  X  </u>	(Yes)	<u>      </u>	(No)
<u>  X  </u>	(Yes)	<u>      </u>	(No)
<u>  X  </u>	(Yes)	<u>      </u>	(No)
<u>  X  </u>	(Yes)	<u>      </u>	(No)
<u>      </u>	(Yes)	<u>  X  </u>	(No)