

Ms. Iraida Mendez Cartaya, Assistant Superintendent
Office of Intergovernmental Affairs, Grants Administration, and Community Engagement

SUBJECT: AMENDMENT OF THE ADOPTED STATE LEGISLATIVE PLATFORM TO INCLUDE SUPPORT FOR RELEASING SCHOOL DISTRICTS FROM THE STATE OF FLORIDA MANDATE TO PROVIDE SUPPLEMENTAL EDUCATIONAL SERVICES (SES), AS PRESCRIBED UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) FLEXIBILITY WAIVER

LINK TO STRATEGIC FRAMEWORK: STUDENT, PARENT, AND COMMUNITY ENGAGEMENT

Last year, the State of Florida applied to the United States Department of Education (USDE) for, and received approval of, a waiver to certain provisions of the Elementary and Secondary Education Act (ESEA) of 1965 and its associated regulatory and reporting requirements. In addition to other flexibility, this waiver relieved school districts from the requirement to spend twenty percent (20%) of its Title I, Part A, allocation on Choice-related Transportation and Supplemental Educational Services (SES). However, the Florida Legislature passed HB 7127, effective July 2012, requiring school districts to continue to use an amount equal to fifteen percent (15%) of Title I funds allocated to schools for SES, effectively turning SES into a state program codified in Statute 1008.331 and State Board Rules 6A-1.039 and 6A-1.0391.

Under these state requirements, Miami-Dade County Public Schools (M-DCPS) was required to set-aside \$6,665,869 this year alone for use in the SES program; a program made up primarily of for-profit providers delivering tutoring to students with limited accountability for improving academic outcomes. Further, recent reports in the media have highlighted concerns regarding violations of federal requirements, state ethics rules, and fraudulent accounting practices throughout the SES industry.

It is clear that the intent of the ESEA waiver process was to provide states and local school districts with the flexibility to use federal funding to enhance local reform efforts designed to improve academic achievement and increase the quality of instruction for all students. Maintaining a state-mandated requirement to implement SES runs counter to the intent of the waiver process, and therefore should be repealed allowing local districts such as M-DCPS to use its funding allocation on proven, data-driven, research-based activities in high-poverty schools, as allowable under Title I, Part A.

Lastly, two of the District's School Improvement Grants (SIG) are scheduled to end this fiscal year. Much of this revenue has been used to fund the remarkably successful programs used throughout many the District's most fragile schools. Funding which currently must be set-aside for payment to private-SES providers, would be better used to support the continuation of the proven programs and strategies so successfully implemented in this District. Therefore, it is recommended that the Board's 2013 state legislative platform be amended to support legislation which would release school districts from the state mandate to continue to provide SES, as prescribed under the approved ESEA flexibility waiver.

This item does not appear in the published Agenda. There is good cause to vary from the Agenda as the state legislative session is due to commence prior to the next regularly scheduled Board meeting.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, amend its adopted state legislative platform to include support for releasing school districts from the State of Florida mandate to provide Supplemental Education Services (SES), as prescribed under the Elementary and Secondary Education Act (ESEA) Flexibility Waiver.

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