

Ms. Raquel Regalado, Board Member

**SUBJECT: AUTHORIZE SCHOOL BOARD ATTORNEY OR HIS
DESIGNEE TO INITIATE ANY AND ALL NECESSARY
LEGAL ACTION TO CHALLENGE UNITED STATES
CENSUS 2010 RESULTS FOR MIAMI-DADE COUNTY**

**COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL
RELATIONS**

**LINK TO STRATEGIC
FRAMEWORK: FINANCIAL EFFICIENCY/STABILITY**

The 2010 Census count, though substantially lower than the estimate, becomes the official baseline for cities and counties. However, most demographers consider the estimates to be more reliable than the headcount, which is notorious for missing minorities and the poor.

Local governments have a unique opportunity to begin ensuring that in the 2010-2020 decade each of its residents are counted and, consequently, factored into federal and state funding formulae and the market demographics used by retailers and banks that, combined, will leverage billions of dollars of funding and investment.

In the case of the Miami-Dade County School Board, the census figures have an impact on our ability to secure funding for Title I and Title II programs. Specifically, these figures are used as part of the paradigm to determine need. In these difficult economic times it is imperative that we do everything possible to retain our district's Title I and Title II program.

For example in 2010-2011 the Title I Allocation for our district was \$122,923,341 (including 20% set-aside for NCLB Choice/Supplemental Educational Services). These funds are used to provide meals for our students but are also utilized to provide supplementary educational services for Pre-K students in Title I schools, eligible students in non-public schools and preschool age children residing within the attendance boundary of Title I schools. Similarly, the Title II allocation 2010-11 was \$22,287,206 and is grant based.

Given the indispensable nature of these funds to our district we must take the necessary steps to insure that all our residents are counted. At present, there are three programs that local jurisdictions can participate in to address an undercount in either their decennial census or the annual estimates.

The first program named Census Count Question Resolution program allows a local government to participate in challenging the direct count on the decennial Census. The decennial Census can make mistakes for different reasons. If the annual estimates are inaccurate it is because the Census had erroneous data about the change in the number of homes due to constructions and demolitions. If the decennial count is inaccurate, it is because the Census had erroneous data on one or more of the following three areas:

1 - The boundaries for cities and counties: City limits sometimes grow or shrink and unincorporated areas can sometimes be unclear about what jurisdiction they fall under.

2 - Specific locations for buildings: Geocoding usually goes by where the postal service delivers mail. In some cases though, the mail goes somewhere other than the building. If this is geocoded improperly the Census might incorrectly think that there is one enormous building where the mailboxes are surrounded by empty land.

3 - Errors on their lists of addresses: The Census may have accidentally deleted some addresses due to processing errors.

The census has appeared to have altered this program in that they will not provide a master address file list. It will be incumbent on a local jurisdiction to gauge what addresses they believe were omitted or overlooked. A master address file of all residential addresses will need to be assembled from as many sources as possible.

The second program that a local government can participate in is to re-canvas its population. The City of Hialeah followed that course of action after the 2000 census. This a costly and time consuming exercise that assumes that a local government will hire census workers to re-enumerate its population.

The third program is based on the annual estimates the census conducts each year to track change in population in the years in between each decennial Census. The method they use is different than in the Decennial Census. Because they lack the resources to directly survey and canvass to count people up every year, they use building permits to count the number of new homes built and homes demolished to arrive at a rough estimate to gauge how the population has changed.

The program allows local governments to contest current year population estimates through local data documenting changes in the local housing stock. Typically, this is accomplished through careful inventory of local building permit data, but may also include other data sources tracking potential change to the local housing stock such as certificates of occupancy, residential utility connections, group quarters populations, voter registration records, department of motor vehicle registrations, and/or property tax assessments.

In 2008, for example, a total of 39 challenges by local governments were recognized by the Census Bureau until resulting in population adjustments of roughly 400,000 people (or a 4% increase) back to the contesting jurisdictions.

Historically, only the local government can submit a Census Challenge to the Census Bureau through the Census Challenge Program, therefore the maker of this item proposes that the Miami-Dade County School Board should participate in the Challenge program to ensure accurate local-level indicators, efficient distribution of resources, and to endorse annual Challenges as a method of ensuring the best updated Census data.

Given the current budget constraints and the Census results, Miami-Dade Public Schools stand to be shortchanged millions of dollars in federal funding for low-income students if the official population number is lower than estimated. However, the authority granted to the School Board attorney in this item is limited to legal action in the administrative process of challenging the sense and does not extended to the drafting and filing of a complaint without Board approval. Similarly, this item also contemplates the possibility of endorsing the administrative challenges of other municipalities if it is deemed cost effective by our School Board Attorney.

**ACTION PROPOSED BY
MS. RAQUEL A. REGALADO:**

That The School Board of Miami-Dade County, Florida authorizes the School Board Attorney or his designee to initiate any and all necessary legal action to challenge the 2010 United States Census results for Miami-Dade County.