

Consent Decree

League of United Latin American Citizens (LULAC) et al. v. State Board of Education Consent Decree, United States District Court for the Southern District of Florida, August 14, 1990

The Consent Decree is the state of Florida's framework for compliance with the following federal and state laws and jurisprudence regarding the education of English language learner students:

- ◆ Title VI and VII Civil Rights Act of 1964
- ◆ Office of Civil Rights Memorandum (Standards for Title VI Compliance) of May 25, 1970
- ◆ Requirements based on the Supreme Court decision in Lau v. Nichols, 1974
- ◆ Equal Education Opportunities Act of 1974
- ◆ Requirements of the Vocational Education Guidelines, 1979
- ◆ Requirements based on the Fifth Circuit court decision in Castañeda v. Pickard, 1981
- ◆ Requirements based on the Supreme Court decision in Plyler v. Doe, 1982
- ◆ Americans with Disabilities Act (PL 94-142)
- ◆ Florida Education Equity Act, 1984
- ◆ Section 504 of the Rehabilitation Act of 1973

The Consent Decree addresses the civil rights of ELL students, foremost among those their right to equal access to all education programs. In addressing these rights, the Consent Decree provides a structure that ensures the delivery of the comprehensible instruction to which ELL students are entitled.

Please call the ESOL office with questions or concerns regarding enrollment of foreign born students without records.

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Manatee County

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Enrolling Foreign Born Students: A Quick Reference Guide



School District of
Manatee County
2018-2019

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Enrolling Students without Records

Transfer Students from Out of Country

Students who transfer to a School District of Manatee County site without records should be placed age appropriately. The student's age on September 1st of the school year in which enrollment occurs should be used to determine "age" at entry. Coordination with the school-based ELL Committee is recommended to assist in issues regarding course placement for such students. Students cannot be denied access to free and appropriate education due to lack of academic records.

Students who signify "yes" on the Home Language Survey during enrollment must be assessed for English language proficiency within the first 20 days of enrollment. Students eligible for English Language Learner (ELL) services are entitled to equal access to programs, such as early childhood, vocational, and adult education programs. ELL students must not be restricted for reasons related to limited English proficiency. Students must receive understandable instructions and assessment, not necessarily in their native language.

Age (s)	Appropriate Level
5-10	Elementary School
11-13	Middle School
14 & older	High School

*** Please note that Out-of-Country transfer students cannot be automatically placed in the lowest grade at that level.**

State Uniform Transfer of Credit Guidelines for Middle School

The procedures relating to the transfer of work and courses for students entering Florida's public schools composed of middle grades 6, 7 and 8 from out of state or out of country are as follows:

If a student does not possess an official transcript or is a home education student, successful completion of courses shall be validated through performance through the first grading period as outlined in the **Student Progression Plan (pages 17 and 18)**.

Validation of courses shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should be passing each required course at the end of the first grading period. Students who do not meet this requirement shall have courses validated using the Alternative Validation Procedure, as outlined in the **Student Progression Plan (pages 17 and 18)**.

Information Contained in this brochure is based on:

- Manatee County Student Progression Plan
- The Meta Consent Decree
- Florida State Board Rules: [Section 1003.56, F.S. English Language Instruction for Limited English Proficient Students](#) and Rules 6A-6.0900 to 6A-6.0909, F.A.C., Programs for Limited English Proficient Students.
- A variety of Federal Laws (see back of brochure)

State Uniform Transfer of Credit Guidelines for High School

The procedures for students transferring from out-of-state or out-of-country into a Florida public school are as follows:

1. Grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value. Credits for courses requiring an EOC will be accepted based on state statute.
2. If a student does not possess an official transcript and validation is necessary, successful completion of courses shall be validated through performance during the first grading period. Validation shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should earn a grade of C or better criteria will receive a Pass (P) grade on the academic history for the validated courses. Students who do not meet the validation based on performance requirement shall have courses validated using the Alternative Validation Procedure as described in the **Student Progression Plan (page 18)**.
3. Students must be provided at least 90 days from date of transfer to prepare for assessment if required.
4. Students who enter a Florida public school at the 11th or 12th grade from out of state or from a foreign country shall not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state or country from which they are transferring. However, to receive a standard high school diploma, a transfer student must earn a 2.0 grade point average and pass the required state assessment or an approved alternative assessment. The approved alternative assessments are the PERT, ACT and SAT.