

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 limited English proficient (LEP) 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 Castaneda v. Pickard 1981
- Requirements based on the Supreme Court decision in Plyler v. Doe, 1982
- Americans with Disabilities Act (ADA) (PL 101-336)
- Individuals with Disabilities Education Act (PL 94-142)
- Florida Education Equity Act, 1984
- Section 504 of the Rehabilitation Act of 1973

Florida's authority for the implementation of the Consent Decree is found in **Section 233.058, 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.**

The Consent Decree addresses the civil rights of LEP 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 LEP students are entitled.

- **Preamble:** Court Order Settlement Agreement
- **Section I: Identification and Assessment**

Synopsis: All students with limited English proficiency must be properly identified and assessed to ensure the provision of appropriate services. The Consent Decree details the procedures for placement of students in the English for Speakers of Other Languages (ESOL) program, their exit from the program, and the monitoring of students who have been exited.

- **Section II: Equal Access to Appropriate Programing**

Synopsis: All LEP students enrolled in Florida public schools are entitled to programming which is appropriate to their level of English proficiency, their level of academic achievement, and any special needs they may have. LEP students shall have equal access to appropriate English language instruction in basic subject areas, which is understandable to the students given their level of English proficiency, and equal and comparable in amount, scope, sequence and quality to that provided to English proficient (non-LEP) students.

- **Section III: Equal Access to Appropriate Categorical and Other Programs for LEP Students**

Synopsis: LEP students are entitled to equal access to all programs appropriate to their academic needs, such as compensatory, exceptional, adult, vocational or early childhood education, as well as dropout prevention and other support services, without regard to their level of English proficiency.

- **Section IV: Personnel**

Synopsis: This section details the certificate coverage and inservice training teachers must have in order to be qualified to instruct ESOL students. Teachers may obtain the necessary training through university course work or through school district provided inservice training. The Consent Decree details specific requirements for ESOL certification and inservice training and sets standards for personnel delivering ESOL instruction.

- **Section V: Monitoring Issues**

Synopsis: The Florida Department of Education is charged with the monitoring of local school districts to ensure compliance with the provisions of the Consent Decree pursuant to federal and state law and regulations including Section 229.565, Florida Statutes (Educational Evaluation Procedures) and Section 228.2001, Florida Statutes (Florida Educational Equity Act). This monitoring is carried out by the Office of Multicultural Student Language Education (OMSLE), Division of Public Schools, Florida Department of Education.

- **Section VI: Outcome Measures**

Synopsis: The Florida Department of Education is required to develop an evaluation system to address equal access and program effectiveness. This evaluation system is to collect and analyze data regarding the progress of LEP students and include comparisons between the LEP population and the non-LEP population regarding retention rates, graduation rates, dropout rates, grade point averages and state assessment scores.

The complete version of the Consent Decree can be read online: <http://www.fldoe.org/aala/pdf/stipulation.pdf>