



## *League of United Latin American Citizens*

### **RESOLUTION IN OPPOSITION TO LOWERING THE DEFINITION OF PROFICIENCY ON THE ELP FOR PROGRAM EXIT QUALIFICATION**

**WHEREAS**, the League of United Latin American Citizens is this nation's oldest and largest Latino organization, founded in Corpus Christi, Texas on February 17, 1929; and,

**WHEREAS**, LULAC throughout its history has committed itself to the principles that Latinos have equal access to opportunities in employment, education, housing and healthcare; and,

**WHEREAS**, the Florida Council of the League of United Latin American Citizens (LULAC Florida) has worked for decades to improve state policies affecting access to equal educational opportunities for English Language Learners (ELLs); and,

**WHEREAS**, LULAC Florida is the first named plaintiff in *LULAC v. Florida Board of Education*, the source of the 1990 Consent Decree; and,

**WHEREAS**, state ESOL rules must be consistent with the Consent Decree's dual mandate to provide instruction leading to English language acquisition and academic achievement and offer guidelines to help district personnel accurately identify and classify ELLs who need to be in the ESOL program and those who are ready to achieve academically without program support; and,

**WHEREAS**, ELLs' rights to specialized language and academic support services end when they exit English language support programs; and,

**WHEREAS**, performance at the state determined proficiency level on WIDA's ACCESS for ELLs 2.0, the state's English Language Proficiency (ELP) test, is the only required criterion for program exit for ELLs in the primary grades and one of the required qualifications for program exit for all the upper grades; and,

**WHEREAS**, in 2016, WIDA, the source of our ELP tests, engaged in a standard revision study so that the rigor of the ELP would match the increased academic and linguistic difficulty of current instruction under college and career ready standards; and,

**WHEREAS**, almost all of the 54 panelists involved in WIDA's standard setting study advocated for these more robust standards and WIDA has implemented these results and recommendations for the 2016–17 administration of ACCESS for ELLs 2.0; and,

**WHEREAS**, on April 26, the State Board of Education nevertheless adopted a change to rule 6A-6.09021 that lowers the definition of proficiency for exit qualification from a Level 5 composite score on the ACCESS for ELLs 2.0 and a score of 4 or above on each sub-test to a level 4 composite score on the ACCESS for ELLs 2.0 and 4 or above in reading; and,

**WHEREAS**, changes to the rules on eligibility criteria for ESOL services should not take place before baseline information is available on outcomes from full implementation of the Consent Decree; yet annual reports on the multiple monitoring and evaluation tasks detailed in Sections III, V, and VI of the Consent Decree tasks have not been published; and

**WHEREAS**, there is no data on how exited ELLs fare after exit and through graduation or postsecondary study to justify this rule change although the Task Force on Inclusion and Accountability established by State Board of Education action recommended in March 2012 tracking former ESOL students for as long as they are in Florida schools to get a full picture of their performance and of the effectiveness of ELL services; and,

**WHEREAS**, the lower definition of proficiency on the ELP for exit qualification entails the risk of premature termination of language support services causing academic failure and reduced life chances for Florida's quarter million ELLs, thereby denying rather than providing access to equal educational opportunities for this vulnerable group of students;

**THEREFORE BE IT RESOLVED** that the LULAC Florida State Board of Directors takes all appropriate measures, including viable legal action, to continue to advocate for ELP qualifications for exit from ESOL programs that match the rigor of the curriculum to protect access to equal educational opportunity for Florida's quarter million English Language Learners.

**BE IT FURTHER RESOLVED** that

- 1) LULAC National Board of Directors and officers and members take all appropriate measures to advocate against regulatory or legislative measures which could reduce program exit criteria and thereby erode access to educational equity for English language Learners;
- 2) National LULAC Educational Committee update and monitor educational bills and regulations affecting English Language Learners in the various states, and report them to the National Board for immediate approval and/or opposition to them.

Voted & approved by the National Assembly of the 2017 LULAC National Convention on July 8, 2017.



---

Roger C. Rocha, Jr.  
LULAC National President