

**OFFICE OF CHIEF OF RESEARCH AND DEVELOPMENT**  
**Summary of State Board of Education Agenda Items**  
**January 19, 2017**

**OFFICE OF STUDENT ASSESSMENT**

07. Action: Revise English Language Proficiency Test (ELPT) score requirements for English Learners (EL) to exit EL status [Goals 1, 2, 3, and 4 – MBE Strategic Plan]

Background Information: The *Every Student Succeeds Act (ESSA)*, which reauthorizes the *Elementary and Secondary Education Act (ESEA)*, requires that states establish and implement standardized English Learner entrance and exit procedures. On July 14, 2016, the State Board of Education approved the exit criteria for English Learners (EL) to exit EL status. The student is required to obtain the following proficiency levels on the LAS Links ELPT and ELA portion of the Mississippi Assessment Program (MAP):

LAS Links: Overall 4-5, Reading 4-5, Writing 4-5  
MAP ELA: Level 3

In accordance with recent ESSA guidance, the Office of Student Assessment and Office of Elementary Education and Reading requests approval to remove the MAP ELA requirement from the exit criteria for English Learners. It has been advised that the inclusion of a content assessment within the exit criteria for English learners is not best practice. Page 100 of the notice of proposed rulemaking document for 34 CFR Parts 200 and 299 states “relying on content assessments may result in students being included in the English Learner subgroup beyond the point when they are actually English learners, which may lead to negative academic outcomes for an individual student, and if a student held in English learner status is denied the opportunity to meaningfully participate in the full curriculum, may constitute a civil rights violation.”

This item references Goals 1, 2, 3 and 4 of the *Mississippi Board of Education 2016-2020 Strategic Plan*.

Recommendation: Approval

Back-up material attached

**U.S. DEPARTMENT OF EDUCATION**

**34 CFR Parts 200 and 299**

**RIN 1810-AB27**

**[Docket ID ED-2016-OESE-0032]**

Elementary and Secondary Education Act of 1965, As Amended By the Every Student Succeeds Act--Accountability and State Plans

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Secretary proposes to amend the regulations implementing programs under title I of the Elementary and Secondary Education Act of 1965 (ESEA) to implement changes to the ESEA by the Every Student Succeeds Act (ESSA) enacted on December 10, 2015. The Secretary also proposes to update the current ESEA general regulations to include requirements for the submission of State plans under ESEA programs, including optional consolidated State plans.

Page 100 of the notice of proposed rulemaking document linked below includes the following:

*Regarding the title III entrance and exit procedures required by section 3113(b)(2) of the ESEA, as amended by the ESSA, proposed §299.19(c)(3) would clarify that this statutory provision requires a State to set uniform procedures that include criteria for both entrance into and exit from the English learner subgroup that are applied statewide, and prohibits a “local option,” which cannot be standardized and under which LEAs could have widely varying criteria. We consider this clarification essential so that each State will adopt uniform procedures that will increase transparency around how students are identified, ensure consistency within a State with respect to which students are identified as English learners, and promote better outcomes for English learners. Specifically, the proposed regulations would clarify that exit procedures must include objective, valid, and reliable criteria, including a score of proficient on the State’s annual English language proficiency assessment, to ensure each State implements the statutory requirement regarding exit from the English learner subgroup and to ensure consistency with civil rights obligations for English learners. Though performance on content assessments may be affected by a student’s level of English language proficiency, content assessments are not valid and reliable measures of English language proficiency. **Relying on content assessments may result in students being included in the English learner subgroup beyond the point when they are actually English learners, which may lead to negative academic outcomes for an individual student, and, if a student held in English learner status is denied the opportunity to meaningfully participate in the full curriculum, may constitute a civil rights violation. Thus, the proposed regulations would make it clear that scores on content assessments cannot be included as part of a State’s exit criteria.***