
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

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Fiscal: Yes

Subject: English learners: reclassification

SUMMARY

This bill modifies the reporting requirements established by SB 1108 (Padilla, Chapter 434, Statutes of 2012) regarding the reclassification of English learners to align them with the newly adopted Local Control Funding Formula (LCFF), the eight state priorities and Local Control Accountability Plan requirements and establishes a new due date for the report of January 1, 2017.

BACKGROUND

Existing federal and State law require that each school district with English language learners annually assess these students' English language development until they are redesignated as English proficient. The assessment, the California English Language Development Test (CELDT), must be administered to all students whose primary language is not English within 30 calendar days after they are enrolled in a California public school for the first time, and annually thereafter during a period of time determined by the Superintendent of Public Instruction and the State Board of Education (SBE) until they are reclassified as fluent English proficient.

Existing law requires the California Department of Education (CDE), with the approval of the State Board of Education (SBE), to establish procedures for conducting the CELDT and for the reclassification of a pupil from English learner to English proficient. Current law requires the reclassification procedures developed by the CDE to use multiple criteria, including, but not limited to, all of the following:

1. An assessment of language proficiency.
2. Teacher evaluation, including, but not limited to, a review of the pupil's curriculum mastery.
3. Parental opinion and consultation.
4. Comparison of the student's performance in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient pupils of the same age that demonstrates whether the pupil is sufficiently proficient in English to participate effectively in a curriculum designed for pupils of the same age whose native language is English.
(Education Code § 313)

Existing law, enacted by SB 1108 (Padilla, Chapter 434, Statutes of 2012), requires the California Department of Education (CDE), if state federal or private funds are provided for this purpose, to review and analyze the criteria, policies and practices that school districts use to reclassify English learners and to recommend any policy changes necessary to identify when English learners are prepared for reclassification. The CDE was required to issue a report of its findings, research, analysis, recommendations, and best practices by January 1, 2014, and by January 1, 2017, to issue an updated report that reflects changes in the analysis and recommendations as the result of the adoption of the common core standards and in the adoption of a common core standards aligned English language development test. (Education Code § 313.5)

ANALYSIS

This bill modifies the reporting requirements established by SB 1108 (Padilla, Chapter 434, Statutes of 2012). Specifically it:

1. Changes the due date of the report from January 1, 2014 to January 1, 2017.
2. Expands the reporting requirements to additionally require the review and analysis of the reclassification activities used by a sampling of districts to meet the eight state priorities in their local control accountability plans (LCAPS) in relation to the education of English learners.
3. Deletes the requirement that the CDE report to the State Board of Education regarding guidelines, regulatory or statutory changes necessary to identify when English learners are ready to be reclassified and instead requires the CDE to recommend any policy changes regarding reclassification of English learners to the Legislature.
4. Updates reporting requirements to include a reference to the newly adopted common core aligned English language development standards.
5. Requires the California Department of Education (CDE) to additionally:
 - A. Report on how implementation of the eight state priorities in the districts' LCAPs supports the transition of English learners to classrooms and curricula that require English proficiency.
 - B. Examine and report on the extent to which school districts are following the guidelines and regulations established by the State Board of Education for implementation of their LCAPs.
 - C. Identify pupil outcome measures related to meeting the eight state priorities, as related to the education of English language learners that indicate an English learner is prepared to successfully transition in classes and curricula that require English proficiency.

STAFF COMMENTS

1. ***Need for the bill.*** As of April 23, 2015, the California Department of Education (CDE) has failed to issue the report required as a result of the enactment of SB 1108 (Padilla, Chapter 434, Statutes of 2012). This bill proposes to establish a new due date and align the requirements of the report on best practices regarding the instruction of English learner (EL) pupils in California schools with the newly adopted funding model, state priorities and local control accountability plans (LCAPS) requirements.

With the passage of Local Control Funding Formula (LCFF), school districts are required to meet eight state priorities for all students, with particular emphasis on English learner and low-income pupils. Under the LCFF, local educational agencies will receive between \$1400 and \$1700 in supplemental grant funding per English learner pupil, which is four times the amount received previously, making it important to understand how school districts are meeting the state priorities for these students.

The author is concerned that the longer an English learner remains in English language development-only classes, the greater the limits to their ability to access a full curriculum and A-G coursework, both predictors of college readiness. The author cites recent data that indicates that 25 percent of English learners drop out of school and only 60 percent graduate from high school within four years. According to the author, given the significant number of English learners in California's public schools, their academic performance directly impacts the future economic success of the state.

2. ***Recent related report.*** In January 2014, the Public Policy Institute of California (PPIC) issued a report, *Reclassification of English Learners in California Schools*, which provided a longitudinal analysis of the transition from English learner to Reclassified Fluent English Proficient (RFEP) in California school districts. According to the report:
 - A. Reclassified Fluent English Proficient (RFEP) students not only outperform English learner students, but also often do as well as native English speakers when it comes to measures of academic outcomes, such as standardized tests and on-time grade progression.
 - B. A survey of school districts indicates that more than 90 percent of responding districts report using more demanding reclassification criteria than are suggested by the State Board of Education (SBE) guidelines.
 - C. Districts using more stringent reclassification criteria have lower reclassification rates. However, using stricter criteria is also associated with slightly better outcomes (in terms of ongoing language proficiency, for example) for RFEP students. Stricter criteria are also associated with a greater likelihood of on-time grade progress among students reclassified in the 8th grade.

3. **California Department of Education (CDE) compliance.** In response to the requirements of SB 1108 (2012), the CDE entered a memorandum of understanding with the Public Policy Institute of California (PPIC) to provide data from the California Longitudinal Pupil Achievement Data System for purposes of their analysis of reclassification practices in California school districts. While the CDE anticipated that the PPIC report noted in staff comment #2 might assist in meeting the requirements of the legislation, the CDE believes that the scope of the report did not fulfill the statutory requirements outlined in SB 1108 and the research and analysis were not aligned with the information necessary for the CDE to make recommendations or identify best practices regarding the reclassification of English learners. According to the CDE, conducting the comprehensive study envisioned by the bill requires additional resources. Staff notes that although the CDE requested funding through the budget process to conduct the more extensive research and analysis envisioned by SB 1108 (2012), no such funding was proposed in the 2014-15 Budget.

In addition, SB 1108 (Padilla, 2014) proposed an extension of the deadline for the CDE to issue its report and added Reclassified Fluent English Proficient (RFEPs) as a numerically significant pupil subgroup for the purposes of the Academic Performance Index (API). SB 1108 was heard and passed by this Committee in March 2014 by a vote of 9-0, but was subsequently held under submission in the Senate Appropriations Committee.

4. **English learners and reclassification.** According to the CDE, in the 2013-14 school year there were approximately 1.4 million English learners in California public schools, constituting 22.7 percent of the total enrollment. In 2012-13 and 2013-14, approximately 12 percent of English learners were reclassified as English proficient. Prior to that approximately 11 percent of English learners were annually reclassified, with the notable exception that in 2011-12, 16.3 percent were reclassified.

Although English learner data is collected for 60 language groups, 95 percent speak one of the top ten languages in the state, which include Spanish (84.24 percent), Vietnamese, Pilipino (Filipino or Tagalog), Cantonese, Mandarin, Arabic, Hmong, Korean, Punjabi, and Russian. Research shows that reclassification rates are lower among Spanish-speaking and low-income students. In 2004, the proportion of Spanish-speaking students reclassified by 4th grade in California was roughly two-thirds that of non-Spanish speaking English learners.

California does not have a uniform standard for reclassifying English learner pupils. Instead, the State Board of Education has issued guidelines to school districts recommending the metrics/information a district uses when making this decision. No comprehensive information is available on what criteria are currently utilized by school districts, whether districts follow the guidelines issued by the State Board, or whether the reclassification criteria utilized have any relationship to the successful transition of English learners into classrooms and curricula that require English proficiency. It appears that districts use a variety of criteria for determining whether or not to reclassify a student.

SUPPORT

California Teachers Association
Californians Together
Public Advocates

OPPOSITION

None received.

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