
SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair
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Subject: English learners: reclassification

SUMMARY

This bill deletes the requirement for the California Department of Education (CDE) to establish procedures for the reclassification of a student from English learner to English proficient and would instead require a local educational agency to determine reclassification according to the specified criteria for purposes of establishing statewide standards for reclassifying English learners.

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 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 deletes the requirement for the Department of Education (CDE) to establish procedures for the reclassification of a student from English learner to English proficient and would instead require a local educational agency (LEA) to determine reclassification according to the specified criteria for purposes of establishing statewide standards for reclassifying English learners. Specifically, it:

- 1) Commencing with the 2018-2019 school year requires a LEA that has one or more students who are English learners in grades 3 to 12, and who do not have an individualized education program (IEP) or a student disability accommodation plan, as specified, to determine whether to reclassify according to the following:
 - a) Assessment of language proficiency using the English language development assessment that is identified or developed pursuant to existing law.
 - b) Teacher evaluation of the student's English language arts curriculum mastery.
 - c) The opinion of and consultation with, parents and guardians.
 - d) Comparison of the performance of the student in English language arts against an empirically established range of performance in basic skills based upon the performance of English proficient students of the same age using the results from English Language Arts California Assessment of Student Performance and Progress.
- 2) Commencing with the 2018-2019 school year, authorizes a LEA to determine whether to reclassify an English learner in grades K to 2 who does not have an IEP or a student disability accommodation plan according to the following:
 - a) Assessment of language proficiency using the English language development assessment that is identified or developed pursuant to existing law.
 - b) Teacher evaluation of the students English language arts curriculum mastery.

- c) The opinion of, and consultation with, parents and guardians.
 - d) Academic performance of the students in English language arts as measured by grades or locally developed assessments.
- 3) On or before March 1, 2018, requires the California Department of Education (CDE), with the approval of the state board of education (SBE), to develop guidance related to the provisions of this bill that includes but not limited to:
 - a) A definition of a student's "curriculum mastery" in English language arts.
 - b) Detailed information on the implementation of parent consultation.
- 4) On or before September 1, 2018, the CDE, in consultation with SBE, to develop and submit recommendations to the Legislature regarding the appropriate reclassification criteria for English learner students with individualized education programs or student disability accommodation plans adopted pursuant to federal law, as specified.
- 5) On or before July 1, 2018 requires the SBE in consultation with the CDE, to determine minimum scores on specified assessments for reclassification of a student as English proficient.
- 6) Provides that an English learner is immediately eligible for reclassification if the student attains those minimum scores on the assessment, unless the local education agency (LEA) determines there is academic related evidence the student will not be successful in a mainstream curriculum.
- 7) Requires a LEA that has a numerically significant student subgroup of English learners or that includes specific goals and actions of that student subgroup in its local control and accountability plan to complete specific actions for purposes of reclassifying students as English proficient to do all of the following:
 - a) Identify a group of teachers and administrators with expertise relating English learners to meet regularly for purposes of ensuring English learners are being reclassified, as specified. A LEA with an average daily attendance of fewer than 1,000 students may form a partnership with another LEA's.
 - b) Develop a process and procedures to monitor the academic performance of students four years after their reclassification as English proficient.
 - c) Review current process and procedures for the placement of English learners in a special education program, as specified.
- 8) States the intent of the Legislature that school district and school site staff receive professional development on English learner reclassification criteria prior to implementation of the provisions of this bill.

- 9) Deletes obsolete provisions relating to the reclassification of a student from English learner to English proficient.
- 10) Makes other technical changes.

STAFF COMMENTS

- 1) ***Need for the bill.*** Criteria for the reclassification of a student from English learner to English proficient vary widely among school districts across the state. According to the author, disparate reclassification policies often create confusion and conflict between districts, teachers, and parents. When a student moves to a new school district, they may have been reclassified as English proficient in their prior school, but do not meet the standards in their new school. With the passage of Local Control Funding Formula, school districts are required to meet eight state priorities for all students, with particular emphasis on English learner and low-income students. The author asserts, that with greater priority and emphasis on English learner reclassification and achievement, the existing system does not allow for a comparison of district.

This bill seeks to establish statewide criteria for reclassifying English learners and ensure students are appropriately reclassified, receive adequate support and are prepared to participate in mainstream instructional programs.

- 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) ***English learners and reclassification.*** According to the California Department of Education (CDE), in the 2015-16 school year there were approximately 1.4 million English learners in California public schools, constituting 22.1 percent of the total enrollment. The statewide average rate of annual reclassification of English learners to English proficient is approximately 11 percent.

Although English learner data is collected for 60 language groups, 94 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.

- 4) **Assessment of English learners.** The current statewide assessment, as required by federal and state laws, is the California English Language Development Test (CELDT). The test is designed to measure listening, speaking, reading and writing proficiencies in English and results from the test are used to identify new students who are English learners, measure progress towards English proficiency on an annual basis, and help determine when a student is eligible for reclassification and can sufficiently participate in the mainstream classes.

In 2015, the state began the development of a new English Language Development Test, called the English Language Proficiency Assessment for California (ELPAC). The new ELPAC is aligned to the new English Language Development (ELD) standards, includes two different tests; an initial screener and an annual summative assessment. Field testing of the ELPAC is scheduled to begin in March 2017, and results from the field testing will be used for the initial standards setting. The summative ELPAC will be given in the spring, allowing for more days of instruction, and possible reclassification before the start of the next school year as opposed to the CELDT which was given in the fall. The ELPAC is anticipated to be more rigorous than its predecessor. English learners are also subject to the same state assessments in academic content areas as other non-English learner students. English learners do have some access to supports, including translation of test instruction.

- 5) **Special education and English learners.** According to the California Department of Education (CDE), while 10 percent of California students qualify for special education services, 9.1 percent of English proficient students and 14.4 percent of English learners qualify for these services. This shows that English learners are identified for special education services at a higher rate than for non-English learners. Compared to other states, California has an above average percentage of English learners in special education and 35 percent of all English

learners in special education in the country. The identification, assessment and instruction of English learners who may qualify for special education services is a complex process and inappropriate placements may cause a spike in rates. In recognition of those complexities, this bill requires the California Department of Education (CDE) to develop and submit recommendations to the Legislature regarding the appropriate reclassification criteria for English learner students with individualized education programs or student disability accommodation, in consultation experts in both language development and special education.

6) *Prior and related legislation.*

AB 785 (O'Donnell, Chapter 579, Statutes of 2016) requires, by July 1, 2018, the California Department of Education to develop a manual for the purpose of providing guidance to local educational agencies on identifying, assessing, supporting and reclassifying English learners who may qualify for special education services and students with disabilities who may be classified as English learners.

SB 1108 (Padilla, 2014) would have extended the deadline for the California Department of Education to issue the report on English learner reclassification established by SB 1108 (Padilla, Chapter 434, statutes of 2012) and also added "reclassified English learners" as a numerically significant pupil subgroup for the purposes of the Academic Performance Index. SB 1108 was held in Senate Appropriations.

SUPPORT

Association of California School Administrators
California Federation of Teachers (CFT)
Families in School
Riverside County Superintendent of Schools
San Francisco Unified School District (SFUSD)

OPPOSITION

None received.

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