California Department of Education

Executive Office

SBE-002 (REV. 11/2017)

memo-gacsb-gad-jun19item02

# **MEMORANDUM**

**DATE:** June 14, 2019

**TO:** MEMBERS, State Board of Education

**FROM:** TONY THURMOND, State Superintendent of Public Instruction

**SUBJECT:** California’s Accountability and Continuous Improvement System: Update on the Implementation of the California State Plan for the Every Student Succeeds Act.

## Summary of Key Issues

On June 3, 2019, the State Board of Education (SBE) and California Department of Education (CDE), collectively California, received notification that the U.S. Department of Education (ED) had designated California’s Title I, Part A grant award as “high risk”.

The ED’s rationale for this designation is that California did not include the Progress in Achieving English Language Proficiency Indicator (known as the English Learner Progress Indicator [ELPI]) in its system of annual meaningful differentiation pursuant to the Elementary and Secondary Education Act amended by the ESSA (hereinafter ESEA) Section 1111(c)(4)(B)(iv).

This designation effectively serves as a condition on the grant, based on the ELPI calculation issue. The condition to lift the high-risk finding is that California calculate the ELPI and use it for school identification for 2019-20, which California already committed to do through our plan amendments.

The correspondence attached to this memorandum contains both the history and substantial background on this issue, but the key points are as follows.

* The high-risk designation will not impact California’s federal funding for 2018-2019. The letter indicates that ED may withhold a portion of Title I administrative funding if we do not meet the condition for 2019-20, which the SBE already committed to doing.
* Over 18 months of conversation with ED, federal staff did not raise concerns that California’s approach to this transition was not compliant with the accountability provisions in ESSA.
* Even before ED raised this concern, the SBE took action that ensures we will use the ELPI for accountability purposes, based on a valid and reliable methodology, at the earliest feasible time.
* The SBE also took action to identify schools for assistance again in 2019 to ensure that the ELPI was used for school accountability as soon as possible.
* California’s plan has always been to incorporate two years of ELPAC data into the ELPI indicator once we have it, for the 2019 Dashboard, which is the condition identified as being necessary to lift the high-risk designation.
* ED suggests that we should have used results from two different tests – the old CELDT and the new ELPAC -- to calculate the ELPI.
* California consulted with assessment experts who said using two different tests would have invalidated the results.
* Experts said the risk of mismeasurement was too high for use in a high-stakes accountability system.
* With this spring’s second administration of the ELPAC exam, California now has two years of student results.
* As such, California will fully address the federal government’s concerns with the 2019 Dashboard.

## Attachment(s)

**Attachment 1:** U.S. Department of Education’s February 26, 2019 letter regarding California’s Progress in Achieving English Language Proficiency Indicator (2 pages)

**Attachment 2:** CDE’s March 8, 2019 response to the U.S. Department of Education regarding the Progress in Achieving English Language Proficiency Indicator (5 pages)

**Attachment 3:** U.S. Department of Education’s June 3, 2019 Title I, Part A “high risk” designation letter (3 pages)

**Attachment 4:** CDE’s June 14, 2019 response to the Title I, Part A “high risk” (4 pages)

**Attachment 1: U.S. Department of Education’s Letter regarding Achieving English Language Proficiency Indicator**



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**FEB 2 6 2019**

The Honorable Tony Thurmond Superintendent

California Department of Education 1430 N Street

Sacramento, CA 95814

Dr. Ilene Straus

State Board Vice President State Board of Education 1430 N Street, Room 5111

Sacramento, CA 95814

Dear Superintendent Thurmond and Dr. Straus:

I am writing in response to the California Department of Education ' s (CDE's) request on December 10, 2018, to the U.S. Department of Education (Department) to amend its approved consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). Specifically, COE requested to exclude the Progress in Achieving English Language Proficiency indicator that is required under ESEA section 1111(c)(4)(B)(iv) from its system of annual meaningful differentiation for identification of schools until the 2020-2021 school year based on data from the 2019-2020 school year due to the fact that State is transitioning to a new English language proficiency assessment.

Annually differentiating the performance of each public school in the State using an accountability system that includes all relevant indicator areas, including the Progress in Achieving English Language Proficiency indicator, is important to ensure that the

determinations are based on all of the relevant information as determined by the State and consistent with the ESEA. Delaying implementation of these requirements would undermine the intent of the statute that States set high expectations that apply to all students and hold schools accountable for reaching those expectations. As a result, the Department is not able to approve a request to exclude or delay incorporation of any indicator required under ESEA section l 1l l(c)(4)(B) in its system of annual meaningful differentiation.

We understand COE recently notified local educational agencies (LEAs) of schools identified for comprehensive support and improvement and additional targeted support and improvement for the 2018-2019 school year based on data from the 2017-2018 school year. Under the ESEA and your approved consolidated State plan, this identification must be based on all required indicators, including the Progress in Achieving English Language Proficiency indicator. To ensure that CDE is complying with these requirements and its approved consolidated State plan, please submit documentation within 10 days of receipt of this letter to [OSS.California@ed.gov](mailto:OSS.California@ed.gov) that demonstrates that the identification of those schools included the Progress in Achieving English Language Proficiency indicator.

Thank you for your commitment to and continued focus on enhancing education for all of California's students. If you have any questions, please do not hesitate to reach out to Nkemjika Ofodile-Carruthers of my staff at: [OSS.Califomia@ed.gov.](mailto:OSS.Califomia@ed.gov.)

Sincerely,

Signature of Frank T. Brogan Assistant Secretary for Elementary and Secondary Education


Frank T. Brogan

Assistant Secretary

for Elementary and Secondary Education

cc: Shanine Coats, Education Administrator, Performance, Planning and Technology Branch, CDE

**Attachment 2: ESSA Amendment: English Language Proficiency Indicator Letter**



March 8, 2019

Frank T. Brogan, Assistant Secretary for Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, S.W.   
Washington, D.C. 20202

Dear Assistant Secretary Brogan:

Subject: Every Student Succeeds Act (ESSA) Amendment: Incorporation of the Progress in Achieving English Language Proficiency Indicator in the Annual Meaningful Differentiation of Schools

The California Department of Education (CDE) and the State Board of Education (SBE) (collectively, California) are in receipt of the U.S. Department of Education’s (ED) letter dated February 26, 2019, and received on February 27, 2019, regarding incorporation of the Progress in Achieving English Language Proficiency Indicator pursuant to ESSA(c)(4)(B)(iv) in the identification of schools for support and improvement. The ED letter requires a response from California that demonstrates that the identification of Comprehensive Support and Improvement (CSI) and Additional Targeted Support and Improvement (ATSI) schools for 2018–19 included the English Learner Progress Indicator (ELPI).

Prior to discussing the various issues, California would like to clarify two points pertaining to our proposed State Plan amendments.

First, ED’s letter states that our request is for the exclusion of the ELPI from our system of annual meaningful differentiation of schools until the 2020–21 school year, based on data from the 2019–20 school year. However, California’s amendment request is to identify CSI and ATSI schools for a second consecutive year in the 2019–20 school year (rather than every three years as currently proposed, in which case the next identification would occur in the 2021–22 school year) based on data from the 2018–19 school year due to the transition to a new English Language Proficiency (ELP) assessment.

Second, the ELPI was included as part of California’s 2018–19 identification of schools based on available data. Additionally, the identification of ATSI schools includes the ELPI as it is based on data from 2016–17 and 2017–18. California’s 2017 Dashboard contained information from the previous ELP assessment and that performance was considered in identifying schools for ATSI.

California is committed to serving our approximately 1.3 million English learner (EL) students, who comprise over 20 percent of California’s total school enrollment. Thus, it has been and continues to be California’s priority to design the annual measurement in Progress in Achieving English Language Proficiency, known in California as the ELPI, in such a way that the indicator is valid, reliable, of technical quality and as such, does not misidentify schools. As stated in our ESSA State Plan, which was first submitted to ED in September 2017, California is transitioning to a new ELP assessment. The first operational administration of the new summative ELP assessment, the English Language Proficiency Assessments for California (ELPAC), occurred in spring 2018.

California proposes in the amendments to the State Plan to use the Status component of California’s ELPI, rather than using the color-coded performance level that combines Status and Change, on the 2019 California School Dashboard (Dashboard) for identification in 2019–20. The proposed amendments clarify that Status is based on the first two years of ELPAC results, as this indicator requires two years of comparable assessment results to be calculated reliably.

As background, prior to initially submitting the State Plan in September 2017, California engaged in a number of proactive steps over a period of nearly two years in developing the ELPI, with a particular focus on ensuring the indicator is valid and reliable and appropriate to the particular context of California’s ELs and language acquisition programs. In addition to seeking guidance and input from our robust and diverse stakeholder groups, the CDE convened an ELPI Workgroup that advised California on the development of the indicator. The ELPI Workgroup was composed of notable California EL practitioners, educators, and researchers, including Robert Linquanti from the California Comprehensive Center. The CDE also held a stand-alone session with national EL accountability and assessments experts Pete Goldschmidt from California State University, Northridge and Fen Chou from the Council of Chief State School Officers. Additionally, the CDE has worked extensively with the California Comprehensive Center on these issues, beyond the involvement of Robert Linquanti as an active member of the ELPI Workgroup since its inception. Finally, the CDE regularly consulted with its Technical Design Group, a group that includes psychometricians and data experts and advises the CDE on issues of technical reliability and validity of measures being considered for use in the accountability system, and sought guidance from the ELPAC Technical Advisory Group (TAG), comprised of national experts in measurement, psychometrics and language acquisition.

This work also encompassed the issue of California’s transition to the ELPAC from the former assessment, known as the California English Language Development Test (CELDT). Because the ELPI requires two years of comparable ELP assessment results to calculate Status and a third year of results to calculate Change and receive a color on the California School Dashboard, the CDE explored various options for calculating the ELPI in the initial years after California transitioned to the ELPAC. One option considered was to use the final year of CELDT results and initial year of ELPAC results. The technical experts referenced above uniformly agreed that although it would be possible to do so, such an approach was not technically valid or reliable and created a high risk of mismeasurement due to the significant differences between the assessments and the underlying standards that the assessments were designed around. Further, the ELPAC TAG provided guidance that a concordance table for CELDT and ELPAC would be inappropriate given the difference in content and timing of administration. On October 30, 2018, ED and staff from the CDE and the SBE held a telephone conference to discuss how California’s transition to the ELPAC would impact accountability. In the course of that discussion, CDE and SBE staff noted that California had only one year of ELPAC results and would have a second year of results at the conclusion of the 2018–19 school year. When ED staff raised the possibility of using both CELDT and ELPAC data to calculate the indicator, CDE and SBE noted concerns about the validity and reliability of such an approach, in light of California’s consultation with leading national experts in this area, and expressed interest in seeing any additional information that demonstrated it would be technically valid and reliable, without an unacceptable risk of mismeasurement, for California to proceed in such a manner.

On December 12, 2018, California received an email from ED providing information regarding transitioning to the new ELP assessment and how that could be accounted for in our system of annual meaningful differentiation and in the identification of schools for comprehensive or targeted supported and improvement. The ED provided an example of what other states have done to manage the transition, which was based on the utilization of the World-Class Instructional Design and Assessment Consortium (WIDA) ACCESS for ELLs. WIDA created a concordance table which allows the comparison of scores from the prior ELP assessment ACCESS for ELLs and scores from the updated ELP assessment ACCESS for ELLs 2.0. ACCESS for ELLs 2.0 was updated to apply three major changes: (1) the results of the standard setting study that reflect the increased level of test difficulty for all domains of ACCESS 2.0; (2) the score scale adjustments for online versus paper-based administrations; and (3) the introduction of a new Speaking test which required a new score scale. The ED stated in its email that establishing a relationship between scores on old ELP and new ELP assessments using a concordance table would allow for the calculation of the Progress in Achieving ELP indicator during a transition year until the State has data from multiple administrations of its new ELP assessment. The ED also provided the state of Massachusetts as an example of a state utilizing the WIDA concordance table and provided a link with information on their approach. ED further advised the CDE to seek information on possible approaches to the work from experts in the field of EL, CDE’s Technical Design Group (TDG), the California Comprehensive Center, and identified other experts with whom the CDE could consult.

As noted, between 2016 and 2018, California had already consulted with the TDG on six separate occasions and with national EL experts, including those recommended by ED, on three separate occasions.

California sought the expertise of these individuals, not to determine “how” to calculate the progress during a transition year, but to determine the appropriateness of doing so in a manner that is consistent with our primary goal of putting forth an indicator that is valid, reliable, of technical quality, and that does not misidentify schools or provide potentially misleading information that could impact program planning and implementation at the local level. We believe that the latter point, in particular, has been a significant concern not only for California but also for ED, as several prior communications from ED with feedback to California’s State Plan or the ELPI waiver have identified potential misidentification of schools as a primary consideration.

The aforementioned email from ED explained that concordance is typically a viable option when two related yet distinct assessments are measuring similar constructs, administered to a similar population, and used for the same purpose. Although the CELDT and ELPAC meet some of the requirements necessary to establish concordance, the two ELP assessments are distinct enough such that linking would not be valid, reliable, or of sound technical quality, consistent with the advice that the CDE received from national experts on this issue. This is due to two main differences between the CELDT and ELPAC: (1) the CELDT and ELPAC are administered at different times of year, with the CELDT being administered annually in fall of each year and the ELPAC being administered in spring of each year; and (2) the CELDT was developed based on English language development (ELD) standards adopted by California in 1999 and the ELPAC was developed using ELD standards adopted by California in 2012. Therefore, the standards underlying the CELDT are grossly outdated and vastly different than the standards underlying the ELPAC. The team of experts California consulted with concluded that California’s circumstance is unique among states transitioning to a new ELP assessment, including those states utilizing the WIDA concordance table, and that establishing concordance between the two ELP assessments should not be pursued. Linking two vastly different assessments would undermine the goal of the law which is to meaningfully differentiate the progress of achieving English language proficiency amongst ELs in California’s schools. To date, ED has not provided information addressing California’s concern that using a concordance table is technically unsound and creates an unacceptable risk of mismeasurement and therefore misidentification of schools in need of assistance.

California understands the importance of ensuring that annual meaningful differentiation of the performance of each public school in the State includes all relevant indicators, including the Progress in Achieving English Language Proficiency Indicator. Thus, California has committed to, and proposed amendments to the State Plan to reflect, a second consecutive year of CSI and ATSI identification for 2019–20, rather than the every-three-year timeline reflected in California’s currently approved State Plan. As you know, CSI and ATSI identification is required every three years under ESSA. However, California modified its timeline for identifying schools for CSI and ATSI to include an additional consecutive identification in the 2019–20 school year (based on the 2018 and 2019 Dashboard), before transitioning to the every-three-year cycle. This will allow the ELPI to be used for the identification of CSI schools based on Status in the 2019 Dashboard. This also ensures that California will be able to use the ELPI in assistance and support determinations for schools at the earliest point practicable after transitioning to the new assessment.

Thank you for your time and efforts in assisting California with this challenge of ensuring that our school identification determinations are valid, reliable and of technical quality, while meeting the intent of the ESSA.

For questions related to this letter, please contact Shanine Coats, Federal Policy Liaison, by phone at 916-319-0570 or by email at [scoats@cde.ca.gov](mailto:scoats@cde.ca.gov).

Sincerely,

/s/

Keric Ashley, Deputy Superintendent   
Performance, Planning, and Technology Branch

KS:sc

**Attachment 3: U.S. Department of Education’s Title I, Part A “High Risk” Designation Letter**



UNITED STATES D EPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**JUN 3 2019**

The Honorable Tony Thurmond Superintendent

California Department of Education 1430 N Street

Sacramento, CA 95814

Dr. Linda Darling-Hammond President

State Board of Education 1430 N Street, Room 5111

Sacramento, CA 95814

Dear Superintendent Thurmond and Dr. Darling-Hammond:

I am writing regarding the California Department of Education's (CDE's) recent clarification to the U.S. Department of Education (Department) that it did not use all indicators in its system of annual meaningful differentiation to identify schools for comprehensive and targeted support and improvement for the 2018-2019 school year. The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), requires a State educational agency (SEA) to establish a system of annually meaningfully differentiating all public schools in a State that is based on all indicators in a State's accountability system. Based on the system of annual meaningful differentiation, the SEA must identify schools for comprehensive support and improvement and, using the same methodology but applied to subgroups, schools for additional targeted support no later than the beginning of the 2018-2019 school year. (ESEA sections 1 l l l (c)(4)(D) and 11l l(d)(2)(C)-(D); dear colleague letter dated April 10, 2017, available at: www2.ed.gov/policy/elsec/leg/essa/dcltr410207.pdf )

In its State plan, CDE described that it would identify schools for comprehensive support and improvement and additional targeted support for the 2018-2019 school year using all indicators required in ESEA section 111 l(c)(4)(B). However, on December 10, 2018, California requested to amend its State plan to delay use of the Progress in Achieving English Language Proficiency (ELP) indicator for purposes of identifying schools for comprehensive support and improvement until the 2019-2020 school year, *i.e.,* one year later than required. California made this request because it transitioned to a new ELP assessment in the 2017-2018 school year.

The Department denied CDE's request to exclude the Progress in Achieving ELP indicator on February 26, 2019, and requested that the State provide documentation that demonstrates that the system of annual meaningful differentiation, including the identification of schools for comprehensive and targeted support and improvement, included the Progress in Achieving ELP indicator, as required. CDE provided documentation that indicates that it did not use the Progress in Achieving ELP indicator, as required under ESEA section l l l l(c)(4)(B)(iv) to identify schools comprehensive support and improvement for the 2018-2019 school year. Further, California did not use the approved methodology for identifying schools for additional targeted support and improvement (i.e., California used a different methodology than the one approved in the California State plan to identify comprehensive support and improvement schools, which did not include current data on the ELP assessment.

While I appreciate your commitment to resolving this issue going forward by including all indicators in your accountability system for purposes of identifying schools for comprehensive support and improvement for the 2019-2020 school year based on data from the 2018-2019 school year, CDE did not include all indicators in its system of differentiation last year. As a result, because California did not include all of the required indicators in its accountability system and use all of them to identify schools for comprehensive support and improvement (specifically the Progress in Achieving ELP indicator) within the required timeframe, nor did it identify additional targeted support and improvement schools in a compliant manner, pursuant to the authority in 2 C.F.R. §§ 200.207 and 3474.10, I am placing California's fiscal year 2018 Title I, Part A grant award on "high-risk" status.

In order to remove the high-risk status for Title I, Part A, California must provide evidence that, no later than the beginning of the 2019-2020 school year, it has identified schools for comprehensive support and improvement and additional targeted support and improvement based on a system of annual meaningful differentiation that meets the requirements in ESEA section 111 l(c)(4)(C) and includes all indicators consistent with ESEA section 111l(c)(4)(B), including the Progress in Achieving ELP indicator. If California fails to implement a compliant system of annual meaningful differentiation and identify schools based on that system by the beginning of the 2019-2020 school year, the Department may withhold a portion of the State's Title I, Part A administrative funds, consistent with section 111 l(a)(7) of the ESEA.

California may request reconsideration of its "high-risk" designation for Title I, Part A by submitting to me in writing, no later than 10 business days from the date of this letter, a detailed description setting forth the basis for its belief that this designation is improper, including the specific facts that support its position. If California chooses to request such reconsideration, that request must be submitted to [California.OESE@ed.gov.](mailto:California.OESE@ed.gov) [If](mailto:California.OESE@ed.gov) I do not receive a request for reconsideration within 10 business days, California's "high-risk" status for Title I, Part A will be considered final, and will be lifted only upon completing the actions set forth above.

If you have any questions regarding this letter, or the implementation of California Title I, Part A program, please contact my staff at: [California.OESE@ed.gov.](mailto:California.OESE@ed.gov)Thank you for your commitment and continued focus on enhancing education for all of California's students.

Sincerely,

Signature of Frank T. Brogan Assistant Secretary for Elementary and Secondary Education


Frank T. Brogan

Assistant Secretary

for Elementary and Secondary Education

cc: Shanine Coats, Education Administrator, Performance, Planning and Technology Branch, CDE

**Attachment 4: CDE’s response to Title I, Part A “High Risk” Designation Letter**



June 13, 2019

Frank T. Brogan, Assistant Secretary for Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW   
Washington, D.C. 20202

Dear Assistant Secretary Brogan:

Subject: Title I, Part A High-Risk Designation

The California Department of Education (CDE) and the State Board of Education (SBE) (collectively, California) are in receipt of the U.S. Department of Education’s (ED) letter dated June 3, 2019, and received on June 4, 2019, regarding the ED’s decision to place California’s Title I, Part A grant award in “high-risk” designation related to the Progress in Achieving English Language Proficiency Indicator pursuant to the Every Student Succeeds Act (ESSA) section 1111(c)(4)(B)(iv).

The CDE and SBE do not believe this designation is necessary as California provided the ED in December 2018 with a proposed Amendment to our ESSA State Plan detailing our commitment to incorporate the English Learner Progress Indicator (ELPI) into the identification of Comprehensive Support and Improvement (CSI) and Additional Targeted Support and Improvement (ATSI) schools for the 2019–20 school year, which is the specific condition that ED noted as necessary to remove the high-risk determination on the Title I grant.

As acknowledged in ED’s letter, California affirmatively proposed this approach prior to receiving formal correspondence from ED on this issue. Thus, we respectfully request a reconsideration of this designation. As noted to your staff when California applied for a waiver on this same topic, the English Language Proficiency Assessment for California (ELPAC) requires two years of data to determine Status. California’s plan for inclusion of the ELPI Status data ensures that the ELPI Status can be incorporated in our annual meaningful differentiation of schools as soon as the second year of data is available which will be the 2019 California School Dashboard (Dashboard). As articulated in the most recent letter to the ED dated March 8, 2019, our proposed amendments to the State Plan affirm our commitment to use the Status component of California’s ELPI, rather than using the color-coded performance level that combines Status and Change, on the 2019 Dashboard for identification in 2019–20.

Additionally, California has committed to, and proposed amendments to the State Plan to reflect a second consecutive year of CSI and ATSI identification for 2019–20 rather than the every-three-year timeline as required by ESSA and reflected in California’s currently approved State Plan. California proactively modified its timeline for identifying schools for CSI and ATSI to include a consecutive identification in the 2019–20 school year (based on the 2018 and 2019 Dashboard), before transitioning to the every-three-year cycle, to ensure that the ELPI Status is included in the designation of schools at the earliest practical time given California’s transition to the ELPAC.

California recently completed the ELPAC summative testing for approximately 1.1 million students and is committed to conducting the necessary quality control processes to ensure accuracy in the identification of schools in the 2019–20 school year for all measures (e.g. Academic Indicator for Mathematic and English Language Arts, Graduation Rate, Chronic Absenteeism, College/Career, and Suspension Rate). Each of these measures include English learners as a student group. As articulated in Table 1, there are extensive steps involved prior to publicly releasing a data file of the schools eligible for assistance.

Table 1: Timeline for Key Activities for Identification of Schools Under the Every Student Succeeds Act for the 2019–20 School Year

| **Description of Activity** | **Anticipated Completion Date** |
| --- | --- |
| ELPAC Summative Testing Window | February to May 2019 |
| California Longitudinal Pupil Achievement Data System (CALPADS) End of Year Submission Deadline | August 30, 2019 |
| ELPAC File Data Available from Assessment Contractor | September 2019 |
| ELPAC Data Processing for inclusion in annual meaningful differentiation including State Board of Education action and stakeholder meetings | October/November 2019 |
| Dashboard Local Educational Agency Private Preview | November 2019 |
| Release of 2019 California School Dashboard | December 2019 |
| Release of the Fiscal Year (FY) 2019–20 School Identification Assistance File | January 2020 |
| Notification of Funding and FY 2019–20 Applications for Funding Released to Local Educational Agencies (LEAs) | February 2020 |
| FY 2019–20 Applications for Funding Due to the CDE | March 2020 |
| FY 2019–20 Applications for Funding Approved by the CDE | March/April 2020 |
| First Apportionment to the LEA (subsequent apportionments are made quarterly throughout the grant period). | May/June 2020 |
| \*FY 2019–20 CSI Grant Period | March/April 2020 to June 30, 2021 |

\*The start of the FY 2019–20 CSI grant period begins at the time of an approved Application for Funding.

Based on the timeline in Table 1, California has a plan in process to designate schools for CSI/ATSI utilizing the ELPAC data for the 2019–20 school year, the earliest feasible timing based on the transition to the ELPAC. Furthermore, LEAs and schools have already received funding for the 2018–19 fiscal year and begun school improvement and planning activities consistent with the requirements under the ESSA.

Additionally, California would like to again note two issues that California raised in conversations with ED staff and in our formal correspondence with ED regarding this matter and express disappointment that ED has not substantively responded to either issue, formally or informally.

First, California informed ED of the transition from the California English Language Development Test (CELDT) to the ELPAC during the original submission of California’s ESSA State Plan in September 2017, as well as the timing of school identification for both CSI and ATSI, which was subsequently approved by ED in July 2018. It is not clear to us why this was approved previously but is now the basis for this designation, and why concerns were not raised sooner. As noted above, California is already in the process of complying with ED’s request to include the ELPI for identification starting in the 2019–20 school year, which is the resolution ED requested.

Second, ED has previously suggested that California provide a concordance table between the two assessments. California informed ED that concordance is typically a viable option when two related yet distinct assessments are measuring similar constructs, administered to a similar population, and used for the same purpose. Although the CELDT and ELPAC meet some of the requirements necessary to establish concordance, the two ELP assessments are distinct enough such that linking the two would not be valid, reliable, or of sound technical quality. This is due to two main differences between the CELDT and ELPAC: (1) the CELDT and ELPAC are administered at different times of year, with the CELDT being administered annually in fall of each year and the ELPAC being administered in spring of each year; and (2) the CELDT was developed based on English language development (ELD) standards adopted by California in 1999 and the ELPAC was developed using ELD standards adopted by California in 2012. Therefore, the standards underlying the CELDT are based on significantly different research and vastly different than the standards underlying the ELPAC. The team of experts California consulted with—including experts recommended by the ED—concluded that California’s circumstance is unique among states transitioning to a new ELP assessment and that establishing concordance between the two ELP assessments should not be pursued. Linking two vastly different assessments would undermine the goal of the law which is to meaningfully differentiate the progress of achieving English language proficiency amongst English learners in California’s schools and could be misleading to parents and other stakeholders, as well as calling into question the validity of the measure. To date, ED has not provided information addressing California’s concern that using a concordance table is technically unsound and creates an unacceptable risk of mismeasurement and therefore misidentification of schools in need of assistance.

In summary, California has ensured that any measure included in the determination and identification of schools for CSI and ATSI under ESSA use only reliable and technically sound methods and is already taking steps to meet the condition identified in ED’s letter. And for the reasons outlined above, we respectfully request the removal of the high-risk designation for California’s Title 1, Part A grant. We would, however, welcome having a condition to the grant that is similar to the one that was imposed on the Title III grant when we transitioned to the ELPAC. The condition of having quarterly progress monitoring calls allowed the ED to monitor closely our progress which we are confident is meeting the requirements of the law and provide you with the assurance we believe you are seeking.

For questions related to this letter, please contact Shanine Coats, Federal Policy Liaison, by phone at 916-319-0570 or by email at [scoats@cde.ca.gov](mailto:scoats@cde.ca.gov).

Sincerely,

/s/

Tony Thurmond

State Superintendent of Public Instruction

California Department of Education

/s/

Linda Darling-Hammond

President

California State Board of Education

TT/LDH:sc  
2019-03928