

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

ofab-msd-may23item01

# California State Board of Education May 2023 Agenda Item #03

## Subject

Approval of the Recommended Summative Alternate English Language Proficiency Assessments for California Threshold for Meeting Reclassification Criterion 1 (Assessment of English Language Proficiency) for English Learner Students with the Most Significant Cognitive Disabilities.

**Type of Action**

Action, Information

## Summary of the Issue(s)

California *Education Code* (*EC*) Section 313(b) provides that “The department, with the approval of the state board, shall establish procedures for conducting the assessment required pursuant to subdivision (a) and for the reclassification of a pupil from English learner to English proficient.”

The California Department of Education (CDE) has identified the Summative Alternate English Language Proficiency Assessments for California (ELPAC) threshold for reclassification Criterion 1 for each grade level or grade span to guide reclassification decision-making for those students with the most significant cognitive disabilities, as set forth in *EC* Section 313(f)(1). This recommendation is based on the Summative Alternate ELPAC threshold scores approved by the California State Board of Education (SBE) in May 2022 and supported by a threshold validation study and supplemental empirical analyses conducted using data from the first administration of the Summative Alternate ELPAC.

## Recommendation

The CDE recommends that the SBE approve the State Superintendent of Public Instruction’s (SSPI’s) proposed use of Summative Alternate ELPAC Overall Performance Level (PL) 3, Fluent English Proficient, to satisfy the English language proficiency criterion for reclassification decision-making beginning with the 2022–23 Summative Alternate ELPAC administration for English learner (EL) students with the most significant cognitive disabilities, enrolled in kindergarten through grade twelve. The CDE has elicited the input of interest holders based on experience with the interim threshold in preparation for making this recommendation.

## Brief History of Key Issues

Both state and federal law require local educational agencies (LEAs) to ensure English learners make progress toward English proficiency, and remedy any academic deficits incurred while learning English, within a reasonable amount of time.

Pursuant to *EC* Section 313(b), the department, with the approval of the SBE, shall establish procedures for conducting the assessment required pursuant to subdivision (a) and for the reclassification of a pupil from English learner to English proficient.

Currently, California has four reclassification criteria established in statute. *EC* Section 313(f) defines the criteria required for determining whether to reclassify a student as fluent proficient in English. The four criteria are as follows:

1. Assessment of language proficiency using the state test of English language proficiency;
2. Teacher evaluation including a review of the student’s curriculum mastery;
3. Parent opinion and consultation; and
4. Comparison of student performance in basic skills against an empirically established range of performance in basic skills based on the performance of English proficient students of the same age.

Additionally, Section 3113(b)(2) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, requires each state agency to establish standardized entrance and exit procedures for English learners.

In May 2022, the SBE approved the Summative Alternate ELPAC threshold scores for use beginning with the 2021–22 administration. The Summative Alternate ELPAC threshold scores were set by grade level for kindergarten, grade one, grade two and grade span for grades three through five, grades six through eight, grades nine and ten, and grades eleven and twelve, which are reported on a Level 1–3 scale. The threshold scores will be used to determine the overall performance level for English language proficiency using performance level descriptors: Level 1 (Novice EL), Level 2 (Intermediate EL), and Level 3 (Fluent English Proficient).

With the approval of the SBE, the CDE will update reclassification guidance to LEAs regarding use of Summative Alternate ELPAC results to determine whether a student has met the English language proficiency criterion for EL students with the most significant cognitive disabilities. Additionally, the CDE will report annually to the U.S. Department of Education, the number of English learners meeting proficiency on the Summative Alternate ELPAC, and the number of students making progress towards proficiency.

### Proposal of Alternate English Language Proficiency Assessments for California Overall Performance Level Based on Threshold Score Validation Study and Supplemental Empirical Analyses for Reclassification Criterion 1

In the April 2023 information memorandum, the Multilingual Support Division, in collaboration with the Assessment Development and Administration Division, shared two studies related to threshold scores using the first operational Summative Alternate ELPAC scores with the SBE for information. The purpose of the first study was to evaluate the degree to which threshold scores and performance levels of the Summative Alternate ELPAC agree with levels of students’ English proficiency based on the test examiner ratings (see Attachment 1 of April 2023 Memorandum). The second study consisted of supplemental empirical analyses conducted by the CDE with coaching and technical support from the Regional Education Laboratory West (REL West) at WestEd. It examined the relationship between student performance on the first Summative Alternate ELPAC operational field test relative to student performance on the California Alternate Assessment for English language arts/literacy using the 2021–22 threshold scores and results (see Attachment 2 of April 2023 Memorandum).

Altogether, the goal of these studies was to evaluate whether to maintain the current threshold score of the Summative Alternate ELPAC Overall PL 3 (Fluent English Proficient) for Criterion 1 (assessment of English language proficiency) of the four required criteria in reclassification decisions for EL students with the most significant cognitive disabilities.

As part of the validation study process, the CDE engaged in communication with various education partners with interests in assessment, multilingual programs, and dually-identified learners who are eligible to take the Summative Alternate ELPAC.

Taken together, the results of the analyses support the use of Overall PL 3 on the Summative Alternate ELPAC as the recommended threshold for Criterion 1 of the reclassification criteria. Because the current analyses are based on the first statewide administration of the Alternate ELPAC, the CDE proposes to conduct follow-up analyses with future years of data to monitor the findings of these two studies.

### Next Steps

Contingent on the SBE’s approval of the use of Overall PL 3 on the Summative Alternate ELPAC to satisfy the English language proficiency criterion for reclassification decisions for EL students with the most significant cognitive disabilities, the CDE will notify superintendents and charter school administrators of the policy decision regarding the 2022–23 Summative Alternate ELPAC criterion for EL reclassification as well as develop and disseminate guidance for LEAs on the statewide criterion for determining proficiency using the Summative Alternate ELPAC per *EC* Section 313(f)(1).

## Summary of Previous State Board of Education Discussion and Action

In April 2023, the CDE provided the SBE with an Information Memorandum that gave a summary of two research studies which utilized data from the Summative Alternate ELPAC to determine whether to use the current threshold of Overall PL 3 on the Summative Alternate ELPAC for use as Criterion 1 in reclassification decisions (<https://www.cde.ca.gov/be/pn/im/documents/apr23memomsd01.docx>).

In May 2022, the SBE approved the Initial and Summative Alternate ELPAC Threshold Scores which are used to report results to students, parents, and educators (<https://www.cde.ca.gov/be/ag/ag/yr22/documents/may22item03.docx>).

In May 2020, the SBE approved the Alternate ELPAC Test Blueprint that was used to develop test forms for both the Initial Alternate ELPAC and the Summative Alternate ELPAC (<https://www.cde.ca.gov/be/ag/ag/yr20/documents/may20item01.docx>).

In May 2019, the SBE approved the High-Level Test Design and general PL Descriptors for the Alternate ELPAC (<https://www.cde.ca.gov/be/ag/ag/yr19/documents/may19item01.docx>).

In January 2019, the SBE approved the SSPI’s proposed use of ELPAC Overall PL 4 as the English language proficiency criterion for reclassification decision-making beginning with the 2018–19 Summative ELPAC administration for grades K–12. (<https://www.cde.ca.gov/be/ag/ms/index.asp>)

In December 2018, the CDE provided the SBE with an Information Memorandum that gave a summary of the Updated Supplemental Empirical Analyses of the Summative ELPAC utilizing the 2018–19 SBE-approved threshold scores (<https://www.cde.ca.gov/be/pn/im/index.asp>).

In November 2018, the SBE approved the Summative ELPAC Threshold Scores which included details on the threshold validation study and supplemental empirical analyses (<https://www.cde.ca.gov/be/ag/ag/yr18/documents/nov18item09.docx>).

In December 2017, an Information Memorandum provided the SBE with an update on the development of the ELPAC, including a detailed timeline (<https://www.cde.ca.gov/be/pn/im/documents/memo-pptb-adad-dec17item03.docx>).

In November 2017, the SBE approved the SSPI’s recommended Summative ELPAC threshold scores establishes through an ELPAC standard setting workshop (<https://www.cde.ca.gov/be/ag/ag/yr17/documents/nov17item08.doc>).

## Fiscal Analysis (as appropriate)

None.

## Attachment(s)

* None.