

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education November 2023 Agenda Item #09

## Subject

Approval of the Recommended Observation Protocol for Teachers of English Learners to Satisfy Criterion 2 (Teacher Evaluation of English Learner Students) and Criterion 3 (Parent Opinion and Consultation) for Reclassification, per the requirements of Education Code Sections 313 and 313.3

## 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.”

Additionally, *EC* Section 313.3(a) provides that, “On or before December 31, 2023, the California Department of Education (CDE) shall develop a standardized English language teacher observation protocol for use by teachers in evaluating a pupil’s English language proficiency, as required by paragraph (2) of subdivision (f) of Section 313.”

The CDE has developed the Observation Protocol for Teachers of English Learners (OPTEL) for reclassification Criterion 2 (teacher evaluation of English learner [EL] students) and Criterion 3 (parent opinion and consultation) to guide reclassification decision-making for students who take the Summative English Language Proficiency Assessments for California (ELPAC). This recommendation is supported by the results of a validation study conducted by WestEd using data from the OPTEL field test.

The adoption and statewide implementation of the OPTEL will help move California closer to the standardization of reclassification criteria required per Title III, Part A, Section 3113(b)(2) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA).

## Recommendation

The CDE recommends that the State Board of Education (SBE) approve the proposed use of the OPTEL to satisfy the requirements of Criterion 2 (teacher evaluation of EL students) and Criterion 3 (parent opinion and consultation) for reclassification decision-making for students who take the Summative ELPAC. Based on the field test and validation study, the CDE also recommends that the SBE approve the thresholds of Level 3 or Level 4 on expressive and receptive OPTEL ratings for reclassification. The CDE further recommends that the SBE authorize CDE staff, with approval from the Executive Director of the SBE, to make technical edits, as necessary, to the OPTEL tool.

## Brief History of Key Issues

State and federal law requires local educational agencies (LEAs) to ensure EL students make progress toward English language proficiency (ELP) and remedy any academic deficits incurred while learning English as rapidly and as effectively as possible.

Under Title III, Part A, Section 3113(b)(2) of the ESEA of 1965, as amended by the ESSA, each state educational agency is required to establish and implement standardized statewide reclassification procedures for EL students.

*EC* Section 313(f) mandates the use of multiple criteria for determining whether to reclassify a student as proficient in English. In California, reclassification is based on the following four criteria:

1. Assessment of language proficiency using the state test of ELP;
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.

In January 2019, the SBE approved the use of ELPAC Overall Performance Level (PL) 4 as the ELP criterion for reclassification decision-making. In May 2023, the SBE approved the Summative Alternate ELPAC Overall PL 3 to satisfy the ELP criterion for reclassification decision-making for EL students with the most significant cognitive disabilities.

*EC* Section 313.3 requires the CDE to develop a standardized protocol for teachers to use for reclassification Criterion 2 (teacher evaluation of EL students). Additionally, the CDE proposes the use of the OPTEL for reclassification Criterion 3 (parent opinion and consultation). The CDE contracted with WestEd to 1) co-develop, 2) pilot, and 3) validate an observation protocol to support teacher evaluation of EL student proficiency, and parent opinion and consultation as it pertains to reclassification.

The CDE initially convened an OPTEL Advisory Committee (OAC) in April 2019. The OAC members participated in a prototyping study to provide initial feedback on the instrument’s clarity and usability. The OAC is a group of educators and education experts from across the state of California who were convened three times over the course of the OPTEL instrument’s development to review evidence on the OPTEL instrument and provide feedback and recommendations to inform development. *EC* Section 313.3 requires that a majority of the OAC be composed of classroom educators. The OAC was comprised of 16 classroom teachers, 12 multilingual experts at the COE and district administrative level, and 2 multilingual experts from institutions of higher education.

Between April and August 2019, the CDE and WestEd collected additional comments and feedback from various interest holders, including: teacher focus groups, expert English Language Development (ELD) coaches and trainers, the Title III County Office of Education Regional English Learner Specialists, state and federal programs directors, the Migrant Education State Parent Advisory Council members, the Bilingual Coordinators Network (BCN), the Curriculum and Instruction Steering Committee, representatives from the Association of California School Administrators, and the California Teachers Association.

In August 2019 and September 2019, 41 teachers throughout the state rated EL students using the OPTEL as part of a pilot study to support preliminary analyses of the usability, reliability, and validity of the instrument. Many participants reported that the OPTEL was easy or very easy to use (83 percent of respondents) and that it was clear or very clear how to use it (93 percent of respondents). One hundred percent of the 41 teacher respondents also stated that the wording and meaning of the OPTEL performance descriptors were either clear or very clear. A summary of the pilot study can be found in the SBE December 2019 information memorandum on the SBE Information Memoranda web page at <https://www.cde.ca.gov/be/pn/im/documents/dec19memoelsd01.docx>.

In October 2019, the OAC members met to provide feedback on the most current version of the OPTEL, review the results of the 2019 summer pilot, provide input on the Field Test Plan, and inform the development of guidance documents necessary for statewide implementation.

In December 2019, the SBE received a memorandum with updates on the OPTEL. This memorandum is available on the CDE Information Memoranda web page at <https://www.cde.ca.gov/be/pn/im/documents/dec19memoelsd01.docx>. A draft of the OPTEL instrument can also be accessed on the CDE website at <https://www.cde.ca.gov/be/pn/im/documents/oct23memomsd01a1.pdf>.

Field test activities began in February 2020. On March 4, 2020, Governor Newsom declared a State of Emergency in response to the Coronavirus (COVID-19) pandemic. The subsequent school closures resulted in a considerable delay of the field test and validation study.

In June 2020, per Senate Bill (SB) 98, the contract was amended to extend the project completion date to December 31, 2021, and SB 115 authorized the allocation of an additional $250,000 to complete the project goals. Per SB 820, a contract amendment approved an extension of the completion date to December 31, 2022. Due to the shelter-in-place and/or stay-at-home orders issued as a result of the ongoing COVID-19 pandemic, the CDE postponed OPTEL field test activities until the 2021–2022 school year to ensure full participation in the field test.

In October 2020, the CDE presented a memorandum to the SBE providing an update on OPTEL’s progress. This memorandum is available on the SBE October 2020 Information Memoranda web page at <https://www.cde.ca.gov/be/pn/im/documents/oct20elsd01.docx>.

California Assembly Bill 181, signed by the Governor on June 30, 2022, extended the timeline to complete a larger-scale field test and validation study to December 31, 2023.

The CDE, in collaboration with WestEd, conducted a field test from January to May 2023 to collect evidence of the OPTEL’s usability, reliability, and validity to support reclassification decisions for EL students. The 2023 OPTEL field test was designed to have the same goals and overall structure as the cancelled 2020 OPTEL field test.

Teachers who wished to participate in the field test were required to sign up in pairs. Each pair was asked to identify two EL students at each ELPAC level (using 2021–22 academic year achievement levels) to observe a total of eight students. After identifying their eight students, teacher pairs were instructed to work independently to observe each student and submit ratings without consultation with their partners. The purpose of this design was to maintain teachers’ independence as raters so that we could measure agreement across raters.

The field test participants included 189 educators from 45 school districts. Of these, 109 educators were from the southern region, 50 from the central region, and 30 from the northern region of California. Of the 146 educators who submitted information about their background, 132 educators reported that they were classroom teachers. Only 8 educators were school or district-level administrators, and 6 educators were both classroom teachers and school or district-level administrators. The educators averaged 16.1 years working in the field of education, with an average of 13.4 years spent teaching. Of the 138 educators who indicated that they were classroom teachers, participants were asked to select all areas in which they hold certifications. Almost 48 percent of educators reported holding certifications in multiple subject elementary, 33.3 percent reported holding certifications in ELD, 30.4 percent reported holding certifications in English language arts, reading or literacy, and 5.1 percent held a certification in Special Education. Refer to the table below for a complete breakdown of teacher certifications.

**Teacher Certifications**

The validation study is available as attachment 2 in the SBE October 2023 information memorandum, available on the SBE October 2023 Information Memoranda web page at <https://www.cde.ca.gov/be/pn/im/>.

In May 2023, the OAC members met to provide feedback regarding the field test findings. The OAC members also provided recommendations regarding modifications to the OPTEL tool, technical support, or professional learning to support teachers in implementing the OPTEL, and how the OPTEL should be implemented to support reclassification decisions for Criterion 2 and Criterion 3.

In August 2023, the CDE received feedback and recommendations from participants of the BCN meeting regarding the statewide rollout and implementation of the OPTEL. The CDE considered the OAC and BCN members’ feedback regarding the finalization of the OPTEL tool. The CDE will also consider this feedback to inform the future rollout and implementation of the OPTEL.

In October 2023, the CDE presented the OPTEL tool and validation study to the Advisory Commission on Special Education (ACSE). The CDE received feedback and will consider this feedback to inform the future rollout and implementation of the OPTEL.

With the approval of the SBE, the CDE will update its reclassification guidance, finalize training, and make trainings and professional development tools available to support the use of the OPTEL to guide the teacher evaluation criterion, including a review of the student’s curriculum mastery, and the parent opinion and consultation criterion.

*EC* Section 313.3(f) requires the CDE to develop and make available to school districts, COEs, and charter schools professional development tools to train teachers on the use of the OPTEL tool. The CDE is developing resources to support implementation of the OPTEL that include, but are not limited to, webinars, pre-recorded training videos, and an implementation guide, which will include classroom scenarios demonstrating how educators can use the OPTEL tool to calibrate judgments about observed language use. Guidance and professional development tools will include differentiated focus for elementary and secondary grades, and for students with disabilities. The CDE will be responsive to feedback from the ACSE and the BCN members to enhance the implementation guidance and professional development tools to train teachers on the use of the OPTEL protocol.

### Proposal of the Observation Protocol for Teachers of English Learners for Reclassification of English Learner Students

In the October 2023 information memorandum, the Multilingual Support Division, in collaboration with the Assessment Development and Administration Division and WestEd, shared a study of the OPTEL field test results with the SBE. The purpose of the validation study was to determine whether the OPTEL protocol appropriately:

* assesses the intended target language constructs,
* demonstrates a meaningful relationship to the performance levels of the ELPAC,
* assesses classroom language use, and
* reflects student progress toward attaining targeted constructs.

This was investigated through the following research questions:

1. How consistently do raters score EL students’ ability to use grade-level academic English language in the classroom setting using the OPTEL?
2. What is the relationship between OPTEL scores and achievement on the Summative ELPAC?
3. How much do scores on the OPTEL vary based on educator and student characteristics?
4. To what extent do educators report that the OPTEL instrument is feasible for use in the classroom?

The first research question evaluates how consistently raters use the OPTEL to score EL students’ ability to use grade-level academic English language in the classroom setting. Quantitative analyses were conducted to provide evidence on whether students’ OPTEL ratings reflect actual differences in students’ English language skills, rather than differences in the users who administered the observation. The analyses demonstrated that educator ratings of students’ expressive ELP skills were aligned (the same rating value), or adjacent (differed by one level), 94.9 percent of the time. Educator ratings of student receptive skills were aligned or adjacent 95.5 percent of the time. Findings of this study demonstrated that educator ratings of student ELP skills on the OPTEL were aligned a majority of the time.

The second research question examines the relationship between student OPTEL ratings and achievement on the Summative ELPAC. The intent of the analyses for this question was to provide evidence on the extent to which the OPTEL is measuring the target language constructs in the classroom. Findings showed that educator ratings of student expressive skills aligned to ELPAC performance levels at a rate of 48.1 percent. Receptive ratings aligned at a rate of 47.0 percent. The moderate correlation of student scores on the two different instruments indicates that the OPTEL tool is measuring a similar language construct to the ELPAC and is providing additional information on student ELP not captured on the ELPAC assessment.

Additionally, the same analyses were conducted examining the relationship between students’ OPTEL ratings and educator perception of student proximity to reclassification to investigate the extent to which educator perceptions are in line with, or diverge from, reclassification decisions that would be made from student ELPAC results. Evidence demonstrated that educators’ perceptions of student proximity to reclassification tend to be aligned with the conclusions that would be drawn from their ELPAC performance level, although there was some divergence. For students scoring at OPTEL Expressive rating of Level 3, a little over half were reported by educators to be somewhat close to reclassification with an additional 37.4 percent reported to be very close. Of the students who received OPTEL expressive ratings of Level 4, 89.3 percent were reported as being very close to reclassification. Of the students who received OPTEL receptive ratings of Level 3, 61.8 percent were reported to be somewhat close to reclassification with an additional 29.7 percent reported to be very close. Similarly, for students who received OPTEL receptive ratings of Level 4, 89.0 percent were reported as being very close to reclassification. These results demonstrate that the OPTEL captured relevant information on educator judgement of student ELP skills. In addition, this evidence lends credibility to the fact that the ELPAC and the OPTEL may capture different elements of students’ ELP and readiness for reclassification. Together, these pieces of evidence provide support for the construct validity of the OPTEL and the provision of guidance and supports for educators to implement the OPTEL tool in a way that ensures it is being used appropriately.

The third research question examines variation in student OPTEL scores by educator and student characteristics. The analyses provide evidence on the extent to which OPTEL ratings reflect actual differences in students’ ELP skills, as opposed to factors that should not be related to their ELP, such as whether the educator has relatively little awareness of the ELD standards, or whether the student has an Individualized Education Program (IEP) or Section 504 Plan. On average, there were no significant rating differences between teachers who did or did not hold an ELD or Bilingual, Cross-cultural, and Academic Development (BCLAD) certification. OPTEL expressive and receptive ratings, on average, did not consistently vary by student characteristics but did vary in some instances. Students at ELPAC Level 3 without an IEP or Section 504 plan received, on average, higher expressive and receptive ratings than students with an IEP. A goal of this study was to ensure that the OPTEL can be used as a standardized protocol supporting teacher evaluation of ELP and parent opinion and consultation for reclassification decision-making of EL students with IEPs or Section 504 plans who take the Summative ELPAC. (see Attachment 2 of October 2023 Memorandum). These findings provide evidence that the OPTEL rating reliability may be strengthened with additional training and resources for observing students with IEPs or Section 504 plans.

The fourth research question examines educators’ feedback on the usability of the OPTEL instrument. The intent behind analyses conducted for this question was to gather evidence on the feasibility of the tool in the classroom as well as to determine the extent to which implementation and widespread use of the OPTEL was feasible. Overall, the majority of participating educators reported that the OPTEL was easy or very easy to use.

The results of quantitative analyses conducted by WestEd support the use of the OPTEL as the statewide standardized protocol for Criterion 2 (teacher evaluation of EL students) and Criterion 3 (parent opinion and consultation) for reclassification of students who take the Summative ELPAC.

As part of the validation study process, the CDE engaged with various education partners interested in assessment, multilingual programs, and dually identified learners. The CDE also provided opportunities for local engagement around the OPTEL and collected that feedback to refine and inform guidance.

The OPTEL is not validated for use for students who take the Summative Alternate ELPAC due to the overlapping development of the OPTEL and the Summative Alternate ELPAC. In addition, per the validation study, though educators were encouraged to include students who took the Summative Alternate ELPAC in the field test, less than 1 percent of students observed took the Summative Alternate ELPAC in 2022–23, resulting in too small of a sample size to determine validity for this student group. Future guidance and support should consider next steps to support the use of a standardized observation instrument to observe students with the most significant cognitive disabilities who take the Summative Alternate ELPAC. The CDE proposes to conduct follow-up analyses, in future years, with data to monitor the findings of the validation study.

## Next Steps

Contingent upon the SBE’s approval of the OPTEL to satisfy Criterion 2 (teacher evaluation of EL students) and Criterion 3 (parent opinion and consultation) for reclassification decisions for students who take the Summative ELPAC, the CDE will inform superintendents and charter schools school administrators of the instrument. The CDE will also develop and disseminate guidance, including threshold guidance, to LEAs for using the OPTEL instrument to evaluate an EL student’s use of English while engaging in academic content learning and for parent opinion and consultation for reclassification.

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

In October 2023, the CDE provided the SBE with an Informational Memorandum that summarized the OPTEL validation study. Results of the study were used to inform this proposed recommendation to the SBE to standardize Reclassification Criterion 2 (teacher evaluation) and Criterion 3 (parent opinion and consultation). This memorandum is available on the SBE October 2023 Information Memoranda web page at <https://www.cde.ca.gov/be/pn/im/infomemooct2023.asp>.

In May 2023, the SBE approved the Summative Alternate ELPAC Overall PL 3 to satisfy the ELP criterion for reclassification decision-making for EL students with the most significant cognitive disabilities. This item is available at the SBE May 2023 Meeting Agendas web page at <https://www.cde.ca.gov/be/ag/ag/yr23/documents/may23item03.docx>.

In April 2023, the CDE provided the SBE with an Informational 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. This memorandum is available on the SBE April 2023 Information Memoranda web page at <https://www.cde.ca.gov/be/pn/im/documents/apr23memomsd01.docx>.

In October 2020, the CDE provided the SBE with an Informational Memorandum that summarized the steps taken by the CDE to halt the field test due to the COVID-19 pandemic stay-at-home orders and to extend the completion date to

December 31, 2022. (Note that the completion date was later extended to December 31, 2023.) This memorandum is available on the SBE October 2020 Information Memoranda web page at <https://www.cde.ca.gov/be/pn/im/documents/oct20elsd01.docx>.

In December 2019, the CDE provided the SBE with an Informational Memorandum summarizing a pilot study to support preliminary analysis of the OPTEL instrument’s usability, reliability, and validity. This memorandum is available on the SBE December 2019 Information Memoranda web page at <https://www.cde.ca.gov/be/pn/im/documents/dec19memoelsd01.docx>.

In January 2019, the SBE approved the use of the ELPAC Overall PL 4 as the ELP criterion for reclassification decision-making. This item is available on the SBE January 2019 Meeting Agendas web page at <https://www.cde.ca.gov/be/ag/ag/yr19/documents/jan19item09.docx>.

## Fiscal Analysis (as appropriate)

None.

## Attachment(s)

* OPTEL Tool and Parent Consultation Form (4 pages)