

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education July 2024 Agenda Item #03

## Subject

Update on Transitional Kindergarten Students and Changes to English Learner Identification and English Language Proficiency Testing

## Type of Action

Information, Action

## Summary of the Issue(s)

Assembly Bill (AB) 2268 was enacted into law on June 14, 2024, which amended California *Education Code (EC)* Section 60810(b)(3), stating that the English Language Proficiency Assessments for California (ELPAC) requirements no longer apply to transitional kindergarten (TK) students, starting with the 2024–25 school year. As such, TK students will not be administered the ELPAC going forward.

On June 21, 2024, the California State Board of Education (SBE) published an Information Memorandum, prepared by the California Department of Education (CDE), that covers the possible impacts of this legislation. This includes fiscal, data, and accountability implications related to not administering the ELPAC to TK students, as well as possible interim steps local educational agencies (LEAs) can take to support potential EL students, and possible long-term policy considerations for identifying and supporting younger EL students.

In this item, the CDE will present on the content set forth in the June 21, 2024, Information Memorandum, including additional information on how the CDE is supporting the field in its implementation, as well as laying out some possible next steps for identifying potential EL TK students for additional supports and services.

## Recommendation

The CDE recommends that the SBE provide feedback on any further interim guidance to provide to LEAs to support TK students in light of the passage of AB 2268. In addition, the CDE recommends that the SBE provide feedback on the longer-term methods of identification of TK EL students for programs and services, including those outlined in the June 21, 2024, Information Memorandum.

## Brief History of Key Issues

*EC* Section 313 requires each school district in the state to assess the English language proficiency (ELP) of each eligible student upon initial enrollment in a California public school and annually, thereafter, until the pupil is reclassified as Fluent English Proficient. The statewide assessment must be aligned with SBE approved English language development (ELD) standards that reflect what students know and can do. The assessment must be fair, valid, and reliable as required in the Standards for Educational and Psychological Testing per *EC* Section 60810. The current ELP assessment, the ELPAC, is based on the 2012 California ELD Standards written for use with students in kindergarten through grade twelve (K–12). The ELPAC meets current federal requirements to assess students across the four domains of language development: Reading, Writing, Listening, and Speaking. Students with the most significant cognitive disabilities are administered the Alternate ELPAC if their individualized education program teams have determined that the Alternate ELPAC is the most appropriate assessment. The Alternate ELPAC is aligned to the ELD Connectors which are reduced in depth, breadth, and complexity for this population. The Initial ELPAC and the Initial Alternate ELPAC are the assessments used to determine whether a student is identified as an English learner or initial fluent English proficient. This designation is used in both state and federal reporting to ensure additional and appropriate programs and services are provided to these students.

LEAs have an obligation to continue to provide programs and services to all EL students in grades K–12 for the purposes of overcoming language barriers until students have demonstrated ELP comparable to that of the school district's average native English language speakers and have recouped any academic deficits which may have been incurred in other areas of the core curriculum as a result of language barriers (*EC* Section 305; Title 5, *California Code of Regulations* sections 11302, 11309).

TK is defined in *EC* Section 48000(d) as the first year of a two-year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate. Thus, prior to the 2024–25 school year, eligible TK students have been administered the Initial and Summative ELPAC or Initial and Summative Alternate ELPAC. However, AB 2268, which was enacted and took effect June 14, 2024, in response to concerns about the developmental appropriateness of the ELPAC for younger students enrolled in TK programs, separates TK from kindergarten for the state ELP assessment requirement. AB 2268 provides that the ELPAC requirements no longer apply to TK students, starting with the 2024–25 school year.

### Support for the Field

AB 2268’s impact on LEAs will be varied, and more will be known as its implementation proceeds. To support LEAs and educators, the CDE has responded to this change in the following ways:

* On June 17, 2024, the California Longitudinal Pupil Achievement Data System (CALPADS) Office released an Update FLASH #280 to LEA representatives to advise the field to use a new Grade Level Code, TK, when submitting enrollment records to CALPADS. The Update FLASH urges the importance of correctly coding TK students due to the new requirements to exempt TK students from taking the Initial and Summative ELPAC and Alternate ELPAC. In addition, the Update FLASH notifies the field that all students coded correctly as TK will be automatically exempt from all ELPAC assessments in the Testing Operations Management System until they are enrolled in kindergarten. The Update FLASH #208 is posted on the CDE CALPADS web page at <https://www.cde.ca.gov/calpads> via the Communications link.
* On June 20, 2024, the CDE released a letter to county and district superintendents and charter school administrators to notify the field that the obligation to identify and assess all students who may be English learners upon initial enrollment in a California school no longer applies to enrollment in a TK program (Attachment 1). The letter advised LEAs to continue to conduct the HLS during TK enrollment to identify whether the primary or native language of a student is a language other than English and, when submitting enrollment records to CALPADS, to populate the English Language Acquisition Status (ELAS) field with “To Be Determined (TBD)” where the HLS indicates a primary language other than English or American Sign Language on any of the first three questions, when applicable. This letter also recommended that LEAs provide language support to all TK students as appropriate.
* The CDE provided an information memorandum (memo) to the SBE in June 2024 that includes background on the issue and provides a preliminary analysis of potential screeners LEAs may choose to use to identify potential EL students in TK. The memo is posted on the SBE web page, June 2024 Information Memorandum (Item 01) at <https://www.cde.ca.gov/be/pn/im/infomemojun2024.asp>.
* The CDE advised the 11 Regional County Office of Education English Learner Specialists (RELS) across the State of the changes in legal requirements due to AB 2268 and provided an update on the guidance issued to the field The RELS have been asked to provide technical assistance to their respective regions regarding this issue. In addition, the RELS are collecting frequently asked questions on behalf of the CDE to support the development of additional guidance and support for the field. The CDE plans to update the statewide Bilingual Coordinators Network at the next quarterly meeting in August 2024.
* The CDE plans to host an on-going webinar series on topics including ELD and TK programs to support educators in the field.

## Next Steps

As an immediate first response to the enactment of AB 2268, the CDE is promoting a “services first’ approach to LEAs serving potential EL students in TK, consistent with the support for the field and guidance outlined above and included in Attachment 1. The CDE seeks the SBE’s input on possible next steps.

### Utilizing Existing Processes for Pre-Identification

The CDE recently disseminated guidance to LEAs to continue to conduct the HLS to encourage identification in TK of potential English learners for purposes of providing TK students with additional support for language development (Attachment 1). The CDE believes that utilizing this existing process will lead to the least disruption of local procedures and requires the least amount of training and resources.

### “Services First” Approach for Students in Transitional Kindergarten

The CDE recommends that LEAs provide language support to all TK students as appropriate. For potential EL students in TK (i.e., students whose ELAS is TBD per the results of the HLS), LEAs could provide targeted language development services based on the student’s experience with a home language other than English. Their TBD status would make these students visible to the LEA. This approach would align with the SBE-adopted *English Learner Roadmap Policy: Educational Programs and Services for English Learners* and support English language acquisition as part of a high-quality TK experience.

### Focusing on High-Quality Language Support

### The CDE could support the field in developing the capacity to provide high-quality language support and creating instructional resources for educators that are developmentally appropriate for all TK students. Implementing and training teachers to use the expanded Desired Results Development Profile, for example, to inform instruction could be another area of focus to enhance language development opportunities for children in TK.

### New Method of English Learner Identification in Transitional Kindergarten

As set forth in the June 21, 2024, Information Memorandum, without the use of the ELPAC in TK, there is no longer a valid, reliable, and consistent method for identifying TK students as English learners for federal and state funding and accountability purposes. A new method of identification of EL students in TK would require legislative action and funding to implement.

These considerations, as well as options for different methods of identification, are included on pages 28-34 of the June 2024 Information Memorandum, and CDE intends to discuss them during its presentation of the item.

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

In June 2024, the CDE provided to the SBE an Information Memorandum providing background on the issue of TK, EL identification, and ELPAC. Please see the SBE item from June 2024 Information Memorandum (Item 01) on the CDE web page at <https://www.cde.ca.gov/be/pn/im/infomemojun2024.asp>.

In May 2024, the CDE presented to the SBE initial details surrounding concern regarding TK Participation on the ELPAC. Please see the SBE item from May 2024 (Item 03) on the CDE web page at <https://www.cde.ca.gov/be/ag/ag/yr24/agenda202405.asp>.

In January 2023, the CDE presented to the SBE details on the expansion of TK and some of its implications. Please see the SBE item from January 2023 (Item 10) on the CDE web page at <https://www.cde.ca.gov/be/ag/ag/yr23/agenda202301.asp>.

## Attachment(s)

* Attachment 1: Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing Letter, Dated June 19, 2024 (2 pages)