California Department of Education

Executive Office

SBE-002 (REV. 11/2017)

# memo-ofab-msd-jun24item01

# **MEMORANDUM**

**DATE:** June 21, 2024

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

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

**SUBJECT:** Transitional Kindergarten and Changes to English Learner Identification and English Language Proficiency Testing

## 1. Summary of Key Issues

Recently, as the state has taken action to expand access to transitional kindergarten (TK) for younger four-year-olds, the State Board of Education (SBE), the State Legislature, and education partners have raised concerns on the developmental appropriateness of the English Language Proficiency Assessments for California (ELPAC) in TK. With these concerns in mind, the SBE requested that the California Department of Education (CDE) provide background information on this issue, including the potential impacts of not administering the ELPAC in TK, alternative identification tools for English language proficiency (ELP), and other assessments to support young, multilingual learners in TK and kindergarten. Additionally, legislation – Assembly Bill (AB) 2268 by Assembly Member Muratsuchi – signed by Governor Gavin Newsom on June 14, 2024, amended California *Education Code* (*EC*) Section 60810(b)(3) which states that the ELPAC requirements no longer apply to TK students, effective immediately. The CDE anticipates providing further information on the impacts and implementation of AB 2268 at the SBE’s July 2024 meeting.

Prior to the legislation, TK students were administered the same ELPAC assessment as kindergarten students. Using the kindergarten ELPAC assessments for four-year-olds is of concern not only because they are based on kindergarten standards for five-year-old students, but also because assessments for young children, in particular, need to be developmentally appropriate, including a testing experience that is engaging, playful, and stress-free.

However, if the ELPAC is not administered to TK students, in the absence of other identification tools, local educational agencies (LEAs) will not be able to identify potential English learner (EL) students. Without this designation, LEAs would no longer be obligated to provide language development programs and services to TK EL students. Further, the potential resulting decrease in designated EL students enrolled in California may impact both state and federal funding and accountability.

There are both existing and new processes that may be adapted to facilitate identification of potential TK EL student needs for programs and services. These options are presented and discussed below, based on the resources and training necessary to implement them. Additionally, LEAs have the option of providing additional language acquisition services to students at their discretion.

## 2. Overview of Transitional Kindergarten in California

The Kindergarten Readiness Act of 2010 gradually changed the age cut-off for children entering kindergarten, so kindergarten would progressively serve older students than it had previously. Since 2014, children enrolling in kindergarten are required to have turned five by September 1 (as opposed to turning five by December 2, which was the prior cut-off), bringing California’s minimum kindergarten age requirements in alignment with 42 other states that have a fifth birthday cut-off date of September 30 or earlier.

As a result of the Kindergarten Readiness Act, children with birthdays between September 2 and December 2—who were previously age-eligible—had their kindergarten entry delayed by a year. To support these children, the Act also created TK, the first year of a two-year kindergarten program, defined in *EC S*ection 48000(d), which was initially available for students born between September 2 and December 2. The 2015–16 budget additionally allowed school districts to enroll students born after December 2 until the end of the school year through Early Admittance TK, so the TK program served approximately 80,000 students annually, on average.

In 2021, California passed landmark legislation to offer TK to all children who turn four by September 1, by the year 2025–26[[1]](#footnote-2). In 2021–22, TK enrollment was 75,465 statewide. In 2023–24, this number doubled to 151,491 students.

The expansion of TK to serve younger four-year-old students has created a prekindergarten cohort of students eligible for free public education and has raised implications for how instruction, assessment, facilities, teacher qualifications, and other aspects of educating this younger age group should be modified/adjusted to be more developmentally appropriate and better support these younger learners. For more details on the expansion of TK and some of its implications, see the prior SBE item from January 2023 (Item 10) on the CDE web page at <https://www.cde.ca.gov/be/ag/ag/yr23/agenda202301.asp>.

## 3. Overview of Current English Learner Identification Process

Under federal and state law, LEAs must take appropriate steps to identify students who may be English learners and assess students for such status within 30 days of enrollment.[[2]](#footnote-3) Note: Prior to the enactment of AB 2268 this applied to TK students; AB 2268 specifically amended *EC* Section 313(h), to state that “initial enrollment” does not include enrollment in a TK program.

Existing federal law requires that, at or before the time of a student’s initial California enrollment, an LEA shall conduct, in writing, a Home Language Survey (HLS) to identify whether the primary or native language of a student is a language other than English.[[3]](#footnote-4) If a parent or guardian’s HLS response indicates a primary or native language other than English, and the LEA determines the student is eligible for initial assessment, the LEA will assess the student with the state-approved initial ELP assessment, which is the Initial ELPAC or the Initial Alternate ELPAC (for any student with an individualized education program [IEP] indicating an alternate assessment as the most appropriate for that student). To begin the initial assessment process, each LEA shall promptly notify the parent or guardian, in writing, prior to the administration of the initial state-approved assessment.[[4]](#footnote-5)

Existing state law requires each LEA to administer the Initial ELPAC to each student eligible for the initial assessment, locally produce the official score in accordance with the directions of the test contractor, and notify the parent or guardian, in writing, of the results of the initial assessment within 30 calendar days after the student’s initial date of California enrollment. The results of the initial ELP assessments determine if a student is initially fluent English Proficient (IFEP) or if the student is identified as an English learner.[[5]](#footnote-6)

### Overview of the Current Initial Identification Process in California

1. Upon enrolling in a California kindergarten through grade 12 public school, parents or guardians complete an HLS about their child’s primary language.
2. If the HLS indicates a language other than English, the child’s parent or guardian is then notified in writing.
3. The child is administered the Initial ELPAC or Initial Alternate ELPAC following the requirements set forth in the Initial ELPAC or Initial Alternate ELPAC *Directions for Administration* and online Test Administration Manual.
4. The child’s parent or guardian is notified of the results, which will be one of the following:
   1. English learner, resulting in EL programs and services; or
   2. IFEP, resulting in placement in regular instruction.

Students in TK are administered the Initial ELPAC or Initial Alternate ELPAC for kindergarten, which is aligned to the kindergarten English Language Development (ELD) standards approved by the SBE in 2012, or ELD Connectors that are reduced in depth, breadth, and complexity for students who take the Initial Alternate ELPAC. More information on the ELPAC, including development and alignment to standards, can be found in Section 4.

On the Initial ELPAC or Initial Alternate ELPAC, accurate identification of a student as an EL or as IFEP is critical for supporting the student’s academic success, social integration, resource allocation, and policy compliance, all of which are essential for the effective education of students in California. Misidentification can lead to inappropriate placement, which can hinder a student’s academic progress and language development. For instance, failing to provide necessary support to an EL student can impede their academic and social success. An accurate ELP threshold ensures that students who need additional language instruction are identified and supported appropriately, while those who are proficient are not placed in programs that do not match their needs. For these reasons, California students are administered all four domains (i.e., Listening, Speaking, Reading (or prereading), and Writing (or prewriting) when taking the ELPAC.

### Annual English Language Proficiency Assessment Process

Federal law additionally requires that LEAs use the state-approved assessment to annually assess the English language proficiency, including reading, writing, speaking, and listening skills, of all English learners in kindergarten through grade twelve (K–12).[[6]](#footnote-7) In California, the approved assessment is the Summative ELPAC[[7]](#footnote-8) or, for any student with an IEP indicating an alternate assessment as the most appropriate for that student, the Summative Alternate ELPAC.[[8]](#footnote-9)

The process for annual assessment is as follows:

1. All EL students enrolled during the summative testing window from February 1 through May 31, are required to be tested with the Summative ELPAC or Summative Alternate ELPAC.
2. They are administered the Summative ELPAC or Summative Alternate ELPAC annually to measure their progress toward meeting the four criteria to be reclassified as fluent English proficient (RFEP).
3. When reclassification occurs, the LEA is obligated to ensure the student is provided ongoing academic support, and any other necessary support, designed to recuperate and remedy any such deficits, during the four-year RFEP monitoring period or beyond.

Students identified as English learners are required to receive programs and services at least until they meet the reclassification criteria pursuant to *EC* Section 313 (See CDE Reclassification web page at <https://www.cde.ca.gov/sp/el/rd/>). 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.

State and federal laws require LEAs to monitor students who have exited EL status for a period of four years after they have RFEP status.[[9]](#footnote-10)

### English Learner Programs and Services

LEAs have an obligation to provide additional and appropriate educational services to EL students in K–12 for the purposes of overcoming language barriers until EL 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.[[10]](#footnote-11) LEAs are required to provide EL students with effective and appropriate instructional methods, including but not limited to establishing language acquisition programs, to ensure that all EL students have access to the core academic content standards and ELD standards to become proficient in English.[[11]](#footnote-12) The language acquisition programs provided to EL students must be informed by research and lead to grade-level proficiency and academic achievement in both English and another language, where applicable.[[12]](#footnote-13) Language acquisition programs may include dual language immersion, transitional or developmental, or structured English immersion programs.[[13]](#footnote-14)

All language acquisition programs include designated and integrated ELD.[[14]](#footnote-15) Designated ELD instruction is provided during the regular school day for focused instruction based on the state-adopted ELD standards to assist EL students in developing critical English language skills necessary for academic content learning in English.[[15]](#footnote-16) Integrated ELD instruction uses the state-adopted ELD standards in tandem with the state-adopted academic standards.[[16]](#footnote-17)

As stated above, each LEA must annually assess the ELP and academic progress of each identified EL student by administering the Summative ELPAC or Summative Alternate ELPAC assessments during the annual summative assessment window.[[17]](#footnote-18)

For more information about the requirements regarding EL students under federal and state law, see attachment 1.

## 4. Overview of the English Language Proficiency Assessments for California

### State and Federal Requirements

Federal law requires that, if receiving federal funds, a state must submit a plan to the U.S. Department of Education (ED) that demonstrates the adoption of ELP standards that are derived from the four domains of Speaking, Listening, Reading, and Writing; address the different proficiency levels of EL students; and align with the challenging state academic standards. In addition, each state plan must demonstrate that LEAs provide for an annual assessment of English proficiency of all EL students in the schools served by the state educational agency and that the assessment is aligned with the state’s ELP standards. States must administer its ELP assessments annually to all English learners in schools served by the State, in all grades in which there are English learners, K–12.[[18]](#footnote-19)

Furthermore, ED and the U.S. Department of Justice provided guidance in the January 2015 Dear Colleague Letter that states:

ELP assessments must assess the proficiency of students in all four domains of English (i.e., Speaking, Listening, Reading, and Writing). The Departments recognize that some SEAs [State educational agencies] and school districts use ELP assessments for entering kindergarten PHLOTE [Primary or Home Language Other than English] students that evaluate Listening, Speaking, pre-Reading, and pre-Writing.

That letter can be found on the ED web page at [<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>](https://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf).

*EC* sections 313 and 60810 outline the requirements for the state’s ELP assessments. More information on ELPAC test administration can be found in the ELPAC Information Guide located on CDE’s ELPAC web page at <https://www.cde.ca.gov/ta/tg/ep/>. These statutes require that the ELP assessments must align with standards adopted and approved by the SBE, and that these assessments must be fair, valid, and reliable. The California Assessment System contract that was approved by the SBE requires that the testing contractor follows the *Standards for Educational and Psychological Testing* which define critical types of validity and ways to accurately measure different constructs to ensure they are fair and reliable for all students, including English learners.

### Development of the Assessment

The SBE adopted the Common Core State Standards (CCSS) for English language arts (ELA)/literacy in August 2010. The State Superintendent of Public Instruction (SSPI), in consultation with the SBE, then updated, revised, and aligned the ELD standards to the SBE-adopted CCSS for ELA.

The SBE approved the ELD standards in 2012, as published in the *California English Language Development Standards: Kindergarten Through Grade 12.* Once the new ELD standards were approved, the CDE shifted its focus to developing a new ELP assessment to align with the 2012 ELD standards. A timeline of the key ELPAC development activities can be found in Attachment 2.

As part of the development process, the SBE is responsible for approving the test blueprints, the performance level descriptors (PLDs), and the SSPI-recommended threshold scores. The test blueprints identify the number of items and points by task type. The general ELPAC PLDs provide sufficient information about pupils at each grade level to determine levels of proficiency ranging from “no English proficiency” to “fluent English proficiency.”

The approved threshold scores include information on the composite weights. The composite weights define the proportion of the overall score that consists of oral (Listening and Speaking domains) and written (Reading and Writing domains) language skills. The threshold scores determine the “entry” and “exit” points between the respective performance levels that describe three levels of performance on the Initial ELPAC and four levels of performance on the Summative ELPAC.

#### *Standard Setting Process Overview for the English Language Proficiency Assessments for California*

Standard setting is the process of establishing threshold (i.e., cut) scores to differentiate the performance levels of an assessment. Prior to the SBE’s approval of the ELPAC threshold scores, a Summative ELPAC and an Initial ELPAC standard-setting workshop were conducted. The Summative ELPAC standard-setting workshop took place in October 2017, and 84 California educators participated in this workshop. The Initial ELPAC standard-setting workshop took place in February 2018, and 62 California educators participated. These educators represented all regions of the state and had extensive experience in working with students learning English. See Attachment 2 for the links to these pertinent SBE memoranda and agenda items.

During each of the standard-setting workshops for the Initial ELPAC and Summative ELPAC, educator panelists were placed in grade-level or grade span groups. As a part of the standard-setting process, these educators developed a common understanding of what a student at the entry point of each level can do (i.e., “borderline student” definitions). Each definition describes a student who is at the beginning of each level, which contains the lowest level of knowledge, skills, and abilities for each ELPAC level. The educators referred to the specific PLDs that describe the full range for each level when creating their definitions. By the end of the workshop, the educator panelists made recommendations that were the product of professional judgments used by the CDE in setting the recommended threshold scores that were later approved by the SBE.

All students enrolled in kindergarten took the field test, which was aligned with the state-adopted kindergarten ELD standards. The field test included all enrolled K students, including TK students (who were turning five between September 1 and December 1) as part of the kindergarten data used during the standard-setting process.

#### However, at that time, only the oldest four-year-old children were eligible to be enrolled in TK, so only those children were included in the field test.

#### *Initial and Summative English Language Proficiency Assessments for California Composite Weights*

The educator panel reviewed the impact data based upon its recommended professional judgments during each of the standard-setting workshops. The panels then made recommendations for weight calculations based upon this information. Educators emphasized that oral language skills are developed before written language skills in the lower grades, and without formal instruction, the focus should begin with oral and transition to equal weighting once they reached second grade. The CDE, in consultation with the Technical Advisory Group, then used the panels’ judgments to determine the recommended composite weights. The Oral and Written language composite percentages are used for determining the overall scale score and performance level on the Initial ELPAC and Summative ELPAC for individual and group results. As a result of this consultation, the kindergarten Initial ELPAC Reading and Writing domains together are weighted at 10 percent of the overall score and increases to 30 percent for the Summative ELPAC. Table 1 includes the SBE-approved Initial ELPAC composite weights and table 2 includes the Summative ELPAC composite weights.

**Table 1: State Board of Education-Approved Initial Composite Weights for the English Language Proficiency Assessments for California**

| **Grade Levels/Grade Span** | **Oral Language Composites**  **(Listening and Speaking)** | **Written Language Composites** **(Reading and Writing)** |
| --- | --- | --- |
| Kindergarten | 90 | 10 |
| Grade 1 | 70 | 30 |
| Grades 2–12 | 50 | 50 |

**Table 2: State Board of Education-Approved Summative Composite Weights for the English Language Proficiency Assessments of California**

| **Grade Level/Grade Span** | **Oral Language Composites**  **(Listening and Speaking)** | **Written Language Composites**  **(Reading and Writing)** |
| --- | --- | --- |
| Kindergarten | 70 | 30 |
| Grades 1–12 | 50 | 50 |

#### *Overview of the Federal Peer Review Process*

The Summative ELPAC has been reviewed by the ED through a group of assessment experts under a process known as assessment peer review. During this review process, the CDE submits documents to the ED demonstrating that the assessment meets federal requirements for validity, reliability, and fairness established for states by the Every Student Succeeds Act (ESSA). For ELP assessments, documentation includes evidence of alignment between the assessment and the state-adopted ELD standards, measurement of all four language domains (i.e., Reading, Writing, Speaking, and Listening), and grade-appropriate measurement in all grades from K–12.

In December 2022, California received “Substantially meets requirements of the Elementary and Secondary Education Act” for the Summative ELPAC through the federal peer review. This means that the components of California’s assessment system meet most of the requirements of the statute and regulations. At the request of the ED, in June 2023, the CDE submitted additional documentation to fulfill a few outstanding requirements. Overall, per ED, the peer review of the Summative ELPAC is valid, reliable, and fair for all grades K–12.

### Kindergarten English Language Proficiency Assessments for California Administration Results Disaggregated

Currently, pursuant to *EC* Section 48000, kindergarten includes TK as year one of a two-year kindergarten program. Therefore, eligible TK students have been administered the kindergarten ELPAC and have been included in the administration of the kindergarten ELPAC since the assessment became operational in 2018. Prior to 2018, the California English Language Development Test was administered to all students. Consistent with the expansion of TK to younger students under the 2022–23 budget discussed above in section 2, the use of the ELPAC for younger TK students began with the 2022–23 administration of the kindergarten ELPAC. The enactment of AB 2268 means that TK students will no longer be administered the ELPAC beginning with the 2024–25 school year.

The following results demonstrate the performance on the kindergarten Initial ELPAC and Summative ELPAC since the assessment became operational in 2018. For the purposes of this Information Memorandum, the kindergarten ELPAC results have been disaggregated to show kindergarten student results separate from the TK student results based on the TK indicator flag or student date of birth, depending on the administration year.

Tables 3–5 display the distributions of student performance on the Initial ELPAC for Overall, Oral Language, and Written Language by level (i.e., Level 1 is Novice English Learner, Level 2 is Intermediate English Learner, and Level 3 is Initial Fluent English Proficient). The TK Indicator Flag reported by LEAs in the California Longitudinal Pupils Achievement Data System (CALPADS) was unavailable prior to the 2020–21 test administration. For the 2018–19 test administration, TK was defined as any student with a date of birth of September 1, 2013, or after. For the 2019–20 test administration, TK was defined as any student with a date of birth of September 1, 2014, or after.

Overall, tables 3–5 show that the average scale score for TK students is consistently lower than that for kindergarten students, and fewer TK students are at the highest performance level, meaning that, in general, a higher percentage of students are identified as English learners in TK than in kindergarten. An important note is that the age cutoff for TK expanded to serve younger 4-year-olds beginning in 2022–23.

**Table 3. Initial English Language Proficiency Assessments for California Overall Scale Score Summary for Transitional Kindergarten and Kindergarten Students**

| **Admin Year** | **TK or K** | **Number of Students** | **Scale Score Mean** | **Percent Level 1** | **Percent  Level 2** | **Percent Level 3** |
| --- | --- | --- | --- | --- | --- | --- |
| 2018–19 | TK1 | 34,808 | 313 | 69 | 20 | 11 |
| 2018–19 | K | 114,784 | 353 | 54 | 26 | 20 |
| 2019–20 | TK1 | 34,064 | 312 | 69 | 20 | 11 |
| 2019–20 | K | 112,145 | 354 | 53 | 26 | 22 |
| 2020–21 | TK1 | 9,193 | 301 | 71 | 18 | 10 |
| 2020–21 | K | 114,664 | 336 | 59 | 22 | 19 |
| 2021–22 | TK1 | 19,921 | 278 | 77 | 15 | 8 |
| 2021–22 | K | 113,731 | 317 | 64 | 20 | 15 |
| 2022–23 | TK2 | 17,747 | 266 | 81 | 12 | 7 |
| 2022–23 | K | 119,328 | 307 | 67 | 18 | 14 |
| 2023–24 | TK3 | 50,128 | 261 | 81 | 12 | 7 |
| 2023–24 | K | 83,144 | 304 | 67 | 18 | 15 |

1 TK student whose 5th birthday is between Sept. 2–Dec. 2

2 TK student whose 5th birthday is between Sept. 2–Feb. 2

3 TK student whose 5th birthday is between Sept. 2–April 2

**Table 4. Initial English Language Proficiency Assessments for California Oral Language Skill Scale Score Summary for Transitional Kindergarten and Kindergarten Students**

| **Admin Year** | **TK or K** | **Number of Students** | **Scale Score Mean** | **Percent Level 1** | **Percent Level 2** | **Percent Level 3** |
| --- | --- | --- | --- | --- | --- | --- |
| 2018–19 | TK1 | 34,808 | 320 | 67 | 20 | 12 |
| 2018–19 | K | 114,784 | 361 | 52 | 26 | 22 |
| 2019–20 | TK1 | 34,064 | 320 | 66 | 21 | 13 |
| 2019–20 | K | 112,145 | 363 | 51 | 25 | 24 |
| 2020–21 | TK1 | 9,193 | 306 | 70 | 19 | 11 |
| 2020–21 | K | 114,664 | 341 | 58 | 22 | 19 |
| 2021–22 | TK1 | 19,921 | 283 | 76 | 16 | 9 |
| 2021–22 | K | 113,731 | 323 | 63 | 21 | 16 |
| 2022–23 | TK2 | 17,747 | 270 | 80 | 13 | 7 |
| 2022–23 | K | 119,328 | 312 | 66 | 19 | 15 |
| 2023–24 | TK3 | 50,128 | 264 | 80 | 13 | 7 |
| 2023–24 | K | 83,144 | 309 | 66 | 18 | 16 |

1 TK student whose 5th birthday is between Sept. 2–Dec. 2

2 TK student whose 5th birthday is between Sept. 2–Feb. 2

3 TK student whose 5th birthday is between Sept. 2–April 2

**Table 5. Initial English Language Proficiency Assessments for California Written Language Skill Scale Score Summary for Transitional Kindergarten and Kindergarten Students**

| **Admin Year** | **TK or K** | **Number of Students** | **Scale Score Mean** | **Percent Level 1** | **Percent Level 2** | **Percent Level 3** |
| --- | --- | --- | --- | --- | --- | --- |
| 2018–19 | TK1 | 34,808 | 241 | 94 | 4 | 2 |
| 2018–19 | K | 114,784 | 278 | 86 | 9 | 6 |
| 2019–20 | TK1 | 34,064 | 240 | 94 | 4 | 2 |
| 2019–20 | K | 112,145 | 277 | 86 | 9 | 6 |
| 2020–21 | TK1 | 9,193 | 259 | 88 | 8 | 4 |
| 2020–21 | K | 114,664 | 293 | 79 | 12 | 9 |
| 2021–22 | TK1 | 19,921 | 232 | 94 | 4 | 2 |
| 2021–22 | K | 113,731 | 265 | 86 | 8 | 6 |
| 2022–23 | TK2 | 17,747 | 227 | 95 | 4 | 2 |
| 2022–23 | K | 119,328 | 259 | 87 | 7 | 5 |
| 2023–24 | TK3 | 50,128 | 226 | 95 | 4 | 2 |
| 2023–24 | K | 83,144 | 263 | 86 | 8 | 6 |

1 TK student whose 5th birthday is between Sept. 2–Dec. 2

2 TK student whose 5th birthday is between Sept. 2–Feb. 2

3 TK student whose 5th birthday is between Sept. 2–April 2

Tables 6–8 display the distributions of student performance on the Summative ELPAC for Overall, Oral Language, and Written Language by level. The TK Indicator Flag was unavailable prior to the 2019–20 test administration. For the 2017–18 test administration, TK was defined as any student turning five by September 1, 2012, or after. For the 2018–19 test administration, TK was defined as any student turning five by September 1, 2013, or after. The results for the 2023–24 test administration are based on the data available as of May 15, 2024. Additionally, the thresholds changed and were adjusted to be grade-specific (instead of grade span-specific) between 2017–18 and 2018–19 after a validation study found that this would more appropriately capture student performance. Empirical studies were conducted by Robert Linquanti and WestEd, that evaluated ELP performance compared to ELA performance. For reference, student performance on the Summative ELPAC is sorted into four overall performance levels (with Level 4 indicating proficiency) and is also described as a Scale Score. More information on the reporting structure of the Summative ELPAC can be found at [https://www.cde.ca.gov/ta/tg/ep/documents/summativescalescores.pdf.](https://www.cde.ca.gov/ta/tg/ep/documents/summativescalescores.pdf)

Overall, tables 6–8 show that the average scale score for TK students is consistently lower than that for kindergarten students, and fewer TK students are at the highest performance level, meaning that, in general, fewer TK students are eligible for reclassification. An important note is that the age cutoff for TK expanded to serve younger 4-year-olds beginning in 2022–23.

**Table 6. Summative English Language Proficiency Assessments of California Overall Scale Score Summary for Transitional Kindergarten and Kindergarten Students**

| **Admin Year** | **TK or K** | **Number of students** | **Scale Score Mean** | **Percent Level 1** | **Percent Level 2** | **Percent Level 3** | **Percent Level 4** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 2017–18 | TK1 | 33,828 | 1406 | 22 | 35 | 26 | 17 |
| 2017–18 | K | 141,961 | 1437 | 10 | 22 | 28 | 40 |
| 2018–19 | TK1 | 30,103 | 1400 | 20 | 48 | 27 | 4 |
| 2018–19 | K | 124,495 | 1432 | 10 | 32 | 41 | 17 |
| 2019–20 | TK1 | 6,446 | 1399 | 21 | 51 | 24 | 4 |
| 2019–20 | K | 38,312 | 1429 | 11 | 34 | 37 | 18 |
| 2020–21 | TK1 | 7,084 | 1393 | 30 | 40 | 23 | 7 |
| 2020–21 | K | 111,077 | 1414 | 20 | 35 | 31 | 14 |
| 2021–22 | TK1 | 22,012 | 1394 | 28 | 43 | 23 | 6 |
| 2021–22 | K | 107,159 | 1424 | 17 | 33 | 33 | 17 |
| 2022–23 | TK2 | 32,787 | 1390 | 32 | 41 | 20 | 7 |
| 2022–23 | K | 106,376 | 1424 | 18 | 32 | 31 | 19 |
| 2023–24 | TK3 | 17,666 | 1372 | 41 | 38 | 17 | 4 |
| 2023–24 | K | 42,847 | 1417 | 20 | 32 | 32 | 16 |

1 TK student whose 5th birthday is between Sept. 2–Dec. 2

2 TK student whose 5th birthday is between Sept. 2–Feb. 2

3 TK student whose 5th birthday is between Sept. 2–April 2

**Table 7. Summative English Language Proficiency Assessments of California Oral Language Skill Scale Score Summary for Transitional Kindergarten and Kindergarten Students**

| **Admin Year** | **TK or K** | **Number of Student** | **Scale Score Mean** | **Percent Level 1** | **Percent Level 2** | **Percent Level 3** | **Percent Level 4** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 2017–18 | TK1 | 33,828 | 1421 | 19 | 23 | 31 | 27 |
| 2017–18 | K | 141,961 | 1443 | 11 | 15 | 29 | 45 |
| 2018–19 | TK1 | 30,103 | 1416 | 18 | 38 | 34 | 10 |
| 2018–19 | K | 124,495 | 1439 | 11 | 27 | 40 | 22 |
| 2019–20 | TK1 | 6,446 | 1416 | 18 | 38 | 36 | 7 |
| 2019–20 | K | 38,312 | 1436 | 12 | 26 | 44 | 18 |
| 2020–21 | TK1 | 7,084 | 1410 | 25 | 31 | 33 | 10 |
| 2020–21 | K | 111,077 | 1426 | 19 | 27 | 38 | 17 |
| 2021–22 | TK1 | 22,012 | 1409 | 25 | 37 | 28 | 10 |
| 2021–22 | K | 107,159 | 1430 | 17 | 29 | 34 | 21 |
| 2022–23 | TK2 | 32,787 | 1403 | 30 | 35 | 26 | 10 |
| 2022–23 | K | 106,376 | 1427 | 20 | 28 | 33 | 19 |
| 2023–24 | TK3 | 17,666 | 1390 | 36 | 34 | 22 | 7 |
| 2023–24 | K | 42,847 | 1426 | 21 | 28 | 31 | 21 |

1 TK student whose 5th birthday is between Sept. 2–Dec. 2

2 TK student whose 5th birthday is between Sept. 2–Feb. 2

3 TK student whose 5th birthday is between Sept. 2–April 2

**Table 8. Summative English Language Proficiency Assessments for California Written Language Skill Scale Score Summary for Transitional Kindergarten and Kindergarten Students**

| **Admin Year** | **TK or K** | **Number of students** | **Scale Score Mean** | **Percent Level 1** | **Percent Level 2** | **Percent Level 3** | **Percent Level 4** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 2017–18 | TK1 | 33,828 | 1369 | 36 | 47 | 8 | 10 |
| 2017–18 | K | 141,961 | 1422 | 11 | 38 | 17 | 34 |
| 2018–19 | TK1 | 30,103 | 1362 | 30 | 56 | 12 | 3 |
| 2018–19 | K | 124,495 | 1415 | 10 | 43 | 34 | 14 |
| 2019–20 | TK1 | 6,446 | 1361 | 35 | 53 | 8 | 4 |
| 2019–20 | K | 38,312 | 1412 | 15 | 47 | 21 | 16 |
| 2020–21 | TK1 | 7,084 | 1354 | 44 | 43 | 8 | 6 |
| 2020–21 | K | 111,077 | 1386 | 28 | 45 | 16 | 12 |
| 2021–22 | TK1 | 22,012 | 1358 | 41 | 46 | 11 | 3 |
| 2021–22 | K | 107,159 | 1409 | 20 | 43 | 27 | 10 |
| 2022–23 | TK2 | 32,787 | 1360 | 42 | 46 | 9 | 4 |
| 2022–23 | K | 106,376 | 1417 | 18 | 45 | 24 | 12 |
| 2023–24 | TK3 | 17,666 | 1331 | 48 | 44 | 6 | 2 |
| 2023–24 | K | 42,847 | 1395 | 18 | 46 | 23 | 13 |

1 TK student whose 5th birthday is between Sept. 2–Dec. 2

2 TK student whose 5th birthday is between Sept. 2–Feb. 2

3 TK student whose 5th birthday is between Sept. 2–April 2

During the May 2024 SBE meeting, members of the board requested additional information on reclassification rates available for students enrolled in first and second grade. The “2023–24 Enrollment by English Language Acquisition Status (ELAS) and Grade” report provides a percentage of those students enrolled at those grade levels who have reclassified but does not provide how many of those students were enrolled as TK or kindergarteners in the previous years. That report can be found on the CDE DataQuest website at: <https://dq.cde.ca.gov/dataquest/dqcensus/EnrAgeGrd.aspx?cds=00&agglevel=state&year=2023-24>.

Prior to the 2023–24 school year, all data was reported at the kindergarten level. Since the ELPAC is aligned with the kindergarten standards based on state and federal law, the test may be over identifying TK students as EL versus IFEP, as such students have not had the opportunity to learn enough English compared to kindergarten students, and they have one less year of language development overall. If the ELP assessment requirements no longer apply to TK students, then students tested with the ELPAC in kindergarten should have gained more English, and it is anticipated that the percentage of those meeting IFEP will increase.

With respect to how students in first and second grade are performing on the ELA assessment, as it pertains to reclassification, California does not administer a statewide ELA assessment to students enrolled in kindergarten through second grade as it is not a federal requirement. Furthermore, the CDE does not collect scores from locally determined assessments at any grade for meeting Criterion 4: Basic Skills Relative to English Proficient Students.

### Transitional Kindergarten English Language Proficiency Assessment

The TK program's expansion to include younger students raised some concerns about the developmental appropriateness of administering the ELPAC to younger TK students. AB 2268 was enacted to address some of these issues; specifically, *EC* sections 313 and 60810 were amended so that TK students would no longer be assessed for ELP using the ELPAC and Alternate ELPAC (Initial and Summative). Administration of the ELPAC would commence when students are in kindergarten (i.e., year two of a 2-year kindergarten program and the year prior to first grade). The amendment takes effect immediately, so it applies beginning in the 2024–25 school year.

To date, CDE has followed federal and state requirements around assessing TK students with the ELPAC upon enrollment. However, the CDE has also provided districts with guidance [on how to choose additional screeners, assessments, and tools in TK that are more developmentally appropriate, engaging, strength-based, and aligned to the Preschool Learning Foundations.](https://www.caeducatorstogether.org/resources/115000/california-department-of-education-cde-guidance-for-universal-prekindergarten-curriculum-and-assessment-selection) These learning foundations, which are recommended for use in TK, outline key knowledge and skills that most children ages three to five and a half years old can achieve when provided with the kinds of interactions, instruction, and environments that research has shown to promote early learning and development. The foundations provide a clear understanding of the wide range of knowledge and skills that children typically attain when given the benefits of a high-quality preschool program, whether it be in center-based or home-based settings, as well as TK settings.[[19]](#footnote-20)

The CDE has also emphasized the importance of formative assessment in guiding instruction and how using both observational and direct assessments can meet these goals for young children. The CDE has provided some assessments to consider for TK, such as those used by some California State Preschool Programs (CSPPs) which have been outlined in Focus Area D of CDE’s Universal Prekindergarten (UPK) Planning & Implementation Guidance developed in 2021–22 to guide LEAs in implementing UPK, including TK (link to guidance mentioned in above paragraph). For example, there is the CDE-developed Desired Results Development Profile (DRDP) observational and formative assessment which aligns to the Preschool Learning Foundations and covers several domains of children’s learning, such as language and literacy, mathematics, social and emotional development, approaches to learning skills, physical development, and an ELD measure for children who have a home language other than English. The DRDP is required in CSPPs for all children, as well as for all children up to age five (including students enrolled in TK and kindergarten) who have an Individual Family Service Plan (IFSP) or IEP, as part of federal Office of Special Education Programs reporting. See the following link for access to the DRDP measure for preschool-aged children: [https://www.cde.ca.gov/sp/cd/ci/documents/drdp2015preschool.pdf](https://www.desiredresults.us/desired-results-system/drdp-instrument-and-forms).

The CDE also provided grants to help LEAs implement TK in the form of the UPK Planning and Implementation Grants. Data from these grantees from 2022–23 indicates that 20 percent of LEAs are using the DRDP assessment in TK, 13 percent are using work sampling methods (e.g., building portfolios of children’s work to document progress), 13 percent are using either Brigance or the Ages and Stages Questionnaire to identify developmental delays, 66 percent are using informal assessments or report cards, and 24 percent are using “other” assessments. Some examples include the Northwest Evaluation Association Measures of Academic Progress (NWEA MAP), Heggerty Phonemic Awareness, Core Growth, Preschool Early Literacy Indicators, STAR Literacy, i-Ready, Dynamic Indicators of Basic Early Literacy Skills (DIBELS), Basic Phonics Skills Test and other curriculum-based assessments.

#### *Initial English Learner Identification Processes and Assessments for Pre-Kindergarten (as applicable), Transitional Kindergarten, and Kindergarten in Other States*

The National Institute for Early Education Research (NIEER) provided a Memorandum to Early Edge on April 26, 2024, regarding the results of a state scan around the ELP Assessment for TK Students (Attachment 3). The memo articulates an important tension between the assessment research and the federal requirements to identify and assess EL students upon enrollment. Specifically, for children younger than age five, there is no common understanding among educators of what “English proficiency” means, given that language, in general, is still developing for these children. There is a critical need for research in this area to understand the language development of young, multilingual children.

Other than California, only Michigan and Washington operate statewide TK programs, and the design of these programs varies by each state. In Michigan, TK is defined as a free-of-cost program to provide children with an additional year of early education before the start of traditional kindergarten. Washington defines TK as a kindergarten program for children not yet age five who do not have access to high-quality early learning experiences before kindergarten and have been deemed by a school district, through a screening process, to need additional preparation to be successful in kindergarten. Washington state LEAs are not required to offer TK programs. The NIEER memo provides information on how these states approach ESSA requirements for EL identification and ELP assessments for children in kindergarten.

Washington and Michigan are both members of the WIDA Consortium and use WIDA (not California) ELD standards and assessments to maintain compliance with ESSA. The WIDA consortium is an educational consortium made up of 42 states, territories, and federal agencies. WIDA designs and implements its own ELD standards framework and assessments for K–12 students who are English learners. The WIDA ELD standards framework consists of four components: WIDA ELD Standards Statements, Key Language Uses, Language Expectations, and Proficiency Level Descriptors. These standards are different from the California ELD Standards. For more information on the WIDA ELD Standards Framework, please refer to the WIDA ELD Standards Framework web page at <https://wida.wisc.edu/teach/standards/eld>.

WIDA provides several assessments to consortium members and non-member states, districts, and schools for use with English learners. The WIDA Screener assessment is used as a screening test to determine the language proficiency level of students entering the school system. The results of the WIDA screener help to determine if a student is eligible for EL services. The WIDA Screener for Kindergarten is a paper-based test administered one time to help identify students when they enter a school or district as they start Kindergarten or first grade. The WIDA Screener for Kindergarten can be used as either a two-domain (listening and speaking) or a four-domain (listening, speaking, reading, and writing) test. Member states develop their own screening policies and guidance on test administration for the WIDA Screener.

The ACCESS for English language learners (ELLs) test is an annual assessment administered to students identified as English learners, and the results are used to determine the students' growth and progress. The Kindergarten ACCESS for ELLs is a paper-based annual assessment administered to identified EL kindergarten students across the four language domains. The ACCESS assessments meet federal requirements for reporting EL student progress toward ELP and establishing a baseline to monitor students’ future growth. The WIDA MODEL is a computer-based interim assessment intended for identified EL students in grades one through twelve. It can be administered up to two times a year to monitor students’ progress across the four language domains of listening, speaking, reading, and writing. The WIDA MODEL for Kindergarten is a paper-based interim assessment administered individually to identified EL kindergarten students in a game-like, interactive format, which can be used two times a year to monitor students’ progress in the four language domains. For more information on the WIDA assessments, please refer to the WIDA Assessments web page at <https://wida.wisc.edu/assess/wida-assessments>.

As with many WIDA Consortium states, Michigan and Washington both administer the WIDA Screener for Kindergarten as a two-domain (Listening and Speaking) and a four-domain (Listening, Speaking, Reading, and Writing) test, depending on the time in the academic year in which young children enroll, to identify students for EL services. Their processes for administering the WIDA Screener assessments to young children in TK and kindergarten are detailed in the NIEER memo (Attachment 3).

The NIEER memo also provided information about early EL student identification from two non-WIDA states, Texas and New York, which are both states that do not have TK, and so continue to test students in a traditional kindergarten setting. For more information on these states, see Attachment 3.

Additional processes (not addressed in the NIEER memo) for identification of early EL students are captured below:

**Table 9. State Scan of Transitional Kindergarten/Kindergarten Procedures for Transitional Kindergarten/Kindergarten Identification and Assessment**

| **State** | **Identification Screener** | **Domains Assessed** | **Grade Levels** | **Process** |
| --- | --- | --- | --- | --- |
| Wyoming | WIDA Screener for Kindergarten or WIDA MODEL Screener | 1st Semester of K: Listening and Speaking  2nd Semester of K: Listening, Speaking, Reading, and Writing | K | Districts may decide which assessment screener to use. Refer to the Wyoming EL Guidebook 2023–24  Assessment and Title III: Identifying, Serving and Reporting at <https://edu.wyoming.gov/wp-content/uploads/2023/10/2023-ELL-Guidebook.pdf>. |
| Mississippi | LAS Links Placement Test | Listening, Speaking, Reading, Writing | K | LAS Links Placement Test is administered within 30 days of calendar enrollment. For more information, refer to the Mississippi English Learner Guidelines: Regulations, Funding Guidance, and Instructional Supports document at <https://www.mdek12.org/sites/default/files/Offices/MDE/OAE/OEER/EL/EL%20Guidance%2C%20Funding%2C%20and%20Instructional%20Supports_combinedAug2018.pdf>. |
| Wisconsin | WIDA Screener for Kindergarten | Listening, Speaking, Reading, and Writing | K | For more information, refer to the Wisconsin Department of Education English Language Proficiency Screening Process at [https://docs.google.com/document/d/1JiS4fDm\_pVkwn0kt9v3I8KjybJXJbuiMLdMFn92a824/edit?usp=sharing and the](https://docs.google.com/document/d/1JiS4fDm_pVkwn0kt9v3I8KjybJXJbuiMLdMFn92a824/edit?usp=sharing) Wisconsin Department of Education Flow Chart for Identifying and Reclassifying English Learners at [<https://docs.google.com/document/d/1JiS4fDm_pVkwn0kt9v3I8KjybJXJbuiMLdMFn92a824/edit?usp=sharing>.](https://docs.google.com/document/d/1JiS4fDm_pVkwn0kt9v3I8KjybJXJbuiMLdMFn92a824/edit?usp=sharing) |
| Connecticut | Pre-LAS or the LAS Links Placement 2nd edition. | Pre-K: Listening, Speaking. | Pre-K (optional); K | Pre-K students enrolled in public preschool programs may be screened (at district discretion) with the Pre-LAS 2000 English version. Students in kindergarten are assessed with either the LAS Placement Test or the pre-LAS 2000.For more information refer to the State of Connecticut Department of Education English Learner Policy Update and Identification Memorandum at <https://portal.ct.gov/-/media/sde/student-assessment/special-populations/english-learner-identification-policy-update-and-ordering--6-13-18-final.pdf?la=en>. |
| Massachusetts | Pre-K: Department-created Pre-K Identification Screening Tool (<https://www.doe.mass.edu/ele/resources/prek-identification-screening-tool.docx>)  K: WIDA Screener for Kindergarten | Pre-K: Listening, Speaking.  K: Listening, Speaking (beginning of the year); Listening, Speaking, Reading, Writing (middle of the year) with WIDA screener. | Pre-K, K | Refer to the Massachusetts Department of Elementary and Secondary Education’s Guidance Document for English Learner Services and Programming at [https://www.doe.mass.edu/ele/guidance/services-programming.docx.](https://www.doe.mass.edu/ele/guidance/services-programming.docx) |
| New Jersey | Pre-K: Home Language Survey and Record Review with parent or student; no testing at pre-school level  K: WIDA Screener for Kindergarten or WIDA MODEL for Kindergarten | K: Listening, Speaking, Reading, Writing | Pre-K (optional), K | For Pre-K, refer to the New Jersey Department of Education Identification of Preschool Students as Multilingual Learners web page at <https://www.nj.gov/education/title3/district/chapter2.shtml>.  For K, refer to the New Jersey Department of Education Identification of Students as Multilingual Learners web page at [<https://www.nj.gov/education/title3/district/chapter1.shtml>.](https://www.nj.gov/education/title3/district/chapter1.shtml) |
| Ohio | Ohio English Language Proficiency Screener (OELPS) | Listening, Speaking, Reading, Writing | K–12 | Districts and schools enrolling students who will enter kindergarten in the fall may administer the OELPS any time after the last day of preschool. For more information, please refer to the Ohio English Language Proficiency Screener web page at [<https://education.ohio.gov/Topics/Testing/Ohio-English-Language-Proficiency-Screener-OELPS>](https://education.ohio.gov/Topics/Testing/Ohio-English-Language-Proficiency-Screener-OELPS). |
| Maine | Pre-K: Local decision of psychometric-ally valid English language proficiency screener.  K: WIDA Screener for Kindergarten | 1st Semester K: Listening and Speaking  2nd Semester K: Listening, Speaking, Reading, Writing | K–12 | EL students (referred to in Maine as Multilingual Learners) are identified through the Language Use Survey and an administration of an English language proficiency screener. For more information about the EL student identification process, refer to the Maine Multilingual Learner Identification and Placement Guidance Document at <https://wida.wisc.edu/sites/default/files/id-placement/ME-ID-Placement-Guidance.pdf>. |

The information in table 9 is not exhaustive and is intended to provide initialmaterial for consideration. While the CDE endeavored to verify the accuracy of the information referenced in the table, informed, continued investigation is needed. As evidenced in attachment 3 and table 9, while states vary in how they meet the requirements of ESSA for young children in TK and kindergarten programs, a trend with some states is to assess the Listening and Speaking domains upon enrollment in kindergarten in the first semester, and in all four domains in the second semester.

## 5. Policy Impact and Considerations

One consideration regarding the developmental appropriateness of ELP assessment in TK centers on the use of an assessment of four-year-old students based on kindergarten content standards. The SBE has not adopted differential state content standards for TK because TK programs are currently covered under existing SBE-adopted kindergarten standards, as well as the intent to use the Preschool Learning Foundations noted above.

### Observation Protocol for Teachers of English Learners

Another important tool for educators to evaluate EL students’ English language proficiency in California is the Observation Protocol for Teachers of English Learners (OPTEL). The CDE developed the OPTEL for use in reclassification, and specifically to facilitate Criterion 2 (teacher evaluation of EL students) and Criterion 3 (parent opinion and consultation), including transitional kindergarten/kindergarten students, who take the Summative ELPAC. The OPTEL is a classroom observation protocol designed to support educators in monitoring and evaluating the use of the academic language of EL students. It can also be used:

* As a formative assessment tool to support student progress toward English proficiency;
* In consultation with parents of EL students regarding their progress toward proficiency; and
* By institutions of higher education that prepare educators in teacher preparation programs.

The OPTEL is aligned with the ELD standards and the performance levels for the ELPAC. It can be used by content area teachers at all grade levels, ELD teachers, bilingual teachers, and special education teachers. The SBE approved the OPTEL on November 8, 2023, as the statewide standardized protocol for reclassification Criterion and Criterion 3 with recommended thresholds of Level 3 or above on expressive and receptive OPTEL ratings for reclassification.

The OPTEL is designed and validated for use with EL students identified with the initial ELPAC. For more information about the validation of the OPTEL, refer to the OPTEL Validation Study, available at <https://www.cde.ca.gov/be/pn/im/documents/oct23memomsd01a2.docx>. The OPTEL may be a helpful tool to TK teachers as they seek to understand where students may need support.

### Potential Implications of Not Identifying and Assessing Transitional Kindergarten Students for English Learner Services

The following are anticipated effects of California ceasing to assess TK students for ELP:

* TK students whose parents state a language other than, or in addition to, English on the HLS would be assigned a to-be-determined (TBD) status for that year. Only upon beginning grade kindergarten, students would then, if eligible, be assessed with the Initial ELPAC to determine their status (EL or IFEP).
* LEAs would not be required to provide services to these multilingual TBD TK students. All students classified as EL are entitled to receive an English language acquisition program, which must include both designated and integrated ELD instruction based on the California ELD Standards. Thus, foregoing ELPAC assessment of ELP in TK could lead to potential EL students missing an opportunity for a year of language development instruction, except where LEAs choose to provide such services or programs to TK students.
* TK students who are TBD status cannot be identified as EL and will not appear in the EL student group for purposes of accountability (e.g., California School Dashboard) or in our state data reports (e.g., annual enrollment, chronic absenteeism, discipline) as EL students. This may mask outcomes unique to this student group and not provide a full picture of what is happening at a school or district for EL students. Additionally, state data reporting to ED may show significant variance when compared to prior years.

### Fiscal Implications for Local Educational Agencies and California

In 2023–24, 40,315, or 3.75 percent, of the 1,074,833 EL students enrolled in California schools were enrolled in TK. The following sections consider potential impacts on the Local Control Funding Formula (LCFF) and on federal funding of California and its LEAs.

### *Local Control Funding Formula Funding Implications*

All TK students generate base grant funding and TK add-on funding. Only “unduplicated pupils” (i.e., the unduplicated count of students who are classified as EL, meet income requirements to receive a free or reduced-price meal, foster youth, or any combination of these factors) generate supplemental and concentration grant funding. A preliminary analysis suggests the impact of a TK student not being identified as EL would result in the loss of supplemental grant funding and, if applicable, concentration grant funding for that student and the LEA where they are enrolled. However, it is anticipated that, even if not identified as EL students, such students may still be counted as unduplicated pupils if they also meet income requirements to receive a free or reduced-price meal, or are in foster care. Additionally, unduplicated pupil counts are calculated on a three-year average of unduplicated pupils over enrollment, and average daily attendance is funded under LCFF using the greater of current year, prior year, or the three prior-year average. Therefore, any loss of funding for an LEA associated with a TK student not being identified as EL is likely significantly mitigated in a given year.

### *Federal Title III Funding Implications*

The purpose of the Title III EL Student Program is to ensure that all EL students attain English proficiency, develop high levels of academic attainment in English, and meet the same challenging state academic standards as all other students.

Should California cease to assess and identify EL students in TK, the State will report fewer EL students enrolled. This may result in less Title III funding to the State as the ED determines the federal grant amount based on a formula that takes into account the number of immigrant and EL students enrolled in the State. A reduced Title III grant may also impact the operational resources CDE has available for providing technical assistance and other forms of assistance to eligible entities that are receiving subgrants, including assistance in:

* Identifying and implementing effective language instruction educational programs and curricula for teaching English learners;
* Helping English learners meet the same challenging State academic standards that all children are expected to meet;
* Identifying or developing, and implementing, measures of English proficiency; and
* Strengthening and increasing parent, family, and community engagement in programs that serve English learners. (20 U.S.C. 6821[D]).

With respect to Title III funding that goes to LEAs, the CDE expects that some LEAs will report lower EL enrollment as a result of not assessing and identifying EL students in TK, as the TK grade would not apply when determining EL enrollment. This would affect the amount of Title III EL Student Program funds for which LEAs are eligible. For the 2023–24 funding year, California received $161,156,417 in federal Title III funds, which are apportioned on a per-pupil basis. For funding year 2024–25, California is scheduled to receive $160,024,375. For each funding year, the ED allocates Title III funds to states based on EL student counts each state reports on the United States Census Bureau’s American Community Survey (ACS), available at <https://www.census.gov/programs-surveys/acs/>. If California does not assess and identify TK students, the state will report fewer EL students on the ACS. As a result, California will experience a loss in Title III funding moving forward. For more information about the ACS and how federal funds are allocated to states to support EL students, please refer to the National Academies Press publication on Allocating Federal Funds for State Programs for English Language Learners at <https://nap.nationalacademies.org/read/13090/chapter/2>.

### Data and Accountability Implications of Not Assessing in Transitional Kindergarten

School districts and charter schools report enrollment information for every student enrolled in a California public school into the CALPADS. Current CALPADS functionality requires every student enrolled to have an accompanying ELAS regardless of their age or grade level. When a student first enrolls in a California public school, their primary home language is used to determine whether the student’s ELAS is (1) "English Only” (the student’s primary home language is English) or (2) TBD (the student’s primary home language is a language other than English). When a student's ELAS is TBD, the student needs to be assessed using the Initial ELPAC to determine if the student is an English Learner. While a student’s ELAS is TBD, the student is not identified as an EL student, and not identified as not being an EL student. The initial ELPAC is used to determine whether a student’s ELAS is IFEP or EL. This designation is used in both state and federal reporting to identify whether students are English Learners and, most importantly, to ensure additional and appropriate educational services are provided to these students.

Current state law requires data for TK students to be collected separately from kindergarten students.[[20]](#footnote-21) Due to this recent change in data collection, the CDE was able to report, for the first time, the annual enrollment of TK and kindergarten separately and highlight the doubling of enrollment in TK over the last two years. For more information, please see the Information Memorandum provided to the SBE in December 2023 and the CDE’s press release on May 16, 2024, located at <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.cde.ca.gov%2Fbe%2Fpn%2Fim%2Fdocuments%2Fdec23memoamard01.docx&wdOrigin=BROWSELINK> and <https://www.cde.ca.gov/nr/ne/yr24/yr24rel30.asp>.

Specifically, in the 2023–24 school year, there are 151,491 students enrolled in TK, of which 40,315 students (26 percent) are identified as EL students. Within this grade and the EL student group, an additional 4,844 students (12 percent of EL students) are also identified as students with disabilities. Additionally, in the 2023–24 school year, there are 370,750 students enrolled in kindergarten, of which 98,358 students (26 percent) are identified as EL students. Within this grade and the EL student group, an additional 11,363 students (11 percent of EL students) are also identified as students with disabilities. If EL students were to be placed into the TBD category, California would experience a decrease in these enrollment numbers for EL students who would have otherwise been first identified as EL students in grade TK.

### California School Dashboard

For accountability purposes, TK students are included in the California School Dashboard (Dashboard) as follows.

The directory details for districts and schools on the Dashboard is based on information from the California School Directory (<https://www.cde.ca.gov/SchoolDirectory/>). Specifically, since TK is not considered a grade level, the “grades served”, which is the low- and high-grade levels offered and reported in the district and school details on the Dashboard, this section will remain unchanged.

Currently, there are two state measures that report outcomes for Kindergarteners: the *Suspension Rate and Chronic Absenteeism* state indicators. The CDE is exploring the continued inclusion of TK in these indicators for the 2024 Dashboard and closely monitoring the potential impact of identifying EL students as TBD within the accountability system. Should this change in identification occur (i.e., a shift to the use of TBD in lieu of being designed as an EL), there would likely be a decrease in the number of EL students for these measures and underreporting of student performance of EL students as a student group on the Dashboard.

The English Learner Progress Indicator (ELPI) measures progress toward English language proficiency by comparing EL students’ results from the current Summative ELPAC and Summative Alternate ELPAC to the prior year Summative ELPAC and Summative Alternate ELPAC results. The ELPI applies to LEAs and schools that have 30 or more Summative Assessment ELPAC and Alternative ELPAC takers in grades 1–12 with an overall performance level in both the current and prior year. In prior years the ELPI was limited to measuring performance beginning in grade one due to the requirement to have two years of data for each student to create a status.

With the ability to distinguish TK students in CALPADS, the SBE may consider expanding the ELPI to include kindergarten students and measure their progress from TK to kindergarten. However, should a change in the identification process occur, such as identifying students as TBD and not EL students when students enter the public school system in grade TK would prevent expanding the first year of measuring a student’s language acquisition until grade one.

The 2024 Dashboard will welcome Long-Term English Learners (LTEL) as the 14th student group. LTEL is defined for accountability purposes as, “as a pupil who has not attained English language proficiency within seven years of initial classification as an English learner.” On the current Dashboard, LTELs would also belong to the EL student group, in addition to their respective race/ethnicity or eligible program student groups.

The impact of identifying students who may be EL students as TBD in TK would mean that these students may not be eligible to be considered LTEL until sixth grade, versus fifth grade if initial identification were to happen in TK. Senate Bill (SB) 141 (Chapter 194, Statues of 2023) provided that LTELs are a significant student group with only 15 students at the LEA level, so this may impact schools and districts that would have had a statistically significant student group with the inclusion of TK EL students. CDE is exploring the impact on both the EL and LTEL student groups by utilizing prior year Dashboard data and will share this information with the SBE at their July meeting.

### Considerations for Identification of English Learner Students in Transitional Kindergarten and Policy Impacts

Prior to the year before first grade, California might offer guidance on alternative methods to identify and support multilingual learners. Federal law does not specifically address, or require, TK, resulting in a lack of clarity or direction around identification processes for these young students. In lieu of using the ELPAC as an ELP identifier, the state might consider the administration of a “pre-identification” process for multilingual learners who are neither dual language learner (DLL) nor EL-identified. These considerations can be categorized into utilizing existing processes and developing new processes.

## Next Steps

The following section considers possible next steps with the enactment of AB 2268, which states that the ELPAC requirements no longer apply to TK students, effective immediately.

### Utilizing Existing Identification Processes

An immediate solution is to encourage pre-identification of English learners for TK using the HLS and provide guidance to LEAs to use this process for purposes of providing TK students with additional support for language development. Utilizing this existing process would lead to the least disruption of local procedures and require the least amount of training and resources in a short time frame. LEAs are familiar with this process, and minimal, if any, additional training would be required to adapt this existing process to the immediate need for pre-identifying EL students.

Students whose parents indicate a language other than English on the HLS would be placed in TBD status and maintain this status for the TK school year. Upon enrolling in kindergarten, students would then go through the existing EL-identification process which includes identifying all TBD-status students, notifying the child’s parent or guardian in writing of impending assessment, administering the Initial ELPAC in accordance with the Directions for Administration and online Test Administration Manual, and, lastly, notifying the child’s parent or guardian of ELAS results.

#### *“Services First” Approach for Multilingual Learners in TK*

### For multilingual learner TK students (i.e., students whose EL status is still TBD), LEAs could provide language development services to TK students with a TBD status, based on having a home language other than English. These students would be identifiable by their TBD status based on the results of the HLS. 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.

### Adapting or Developing Transitional Kindergarten Processes and Procedures

There are several other options that would require research, statewide training and calibration, and, in some cases, significant funding and resources to implement and administer in the TK–12 context. For example, CSPPs administer the Family Language Instrument and Interest Interview and determinations made for preschool dual language learner (DLL) status are based on the results of this instrument and are distinct from the EL designation in the TK–12 system. DLL identification in preschool does not establish EL designation or secure EL services in TK–12. The Family Language Instrument is a four-question survey, similar to the HLS used in TK–12. CSPP contractors must determine DLL status for every child enrolled in CSPP by either conducting the Family Language Instrument, or by obtaining information on the child’s designation as an EL in TK or kindergarten.

In CSPP, a child is determined to be a DLL student if the Family Language Instrument determines that the child is exposed to a language other than English in their home, the child understands a language other than English, or the child is able to speak a language other than English. Once contractors determine whether a child is a DLL student, contractors must conduct the Family Language and Interest Interview for these children. The purpose is to support relationship building with families with children who are identified as DLL students and learn more about each child’s experiences with language. For more information on the Family Language Instrument and Interest Interview, see the Updated Guidance on Identification of Dual Language Learners for Management Bulletin 23-03 (or any guidance superseding) at <https://www.cde.ca.gov/sp/cd/ci/dllsupport.asp>.

For the identification of young multilingual learners, other screeners and assessments exist that are more closely aligned with the Language and Literacy expectations for four-year-old students. Additionally, developmentally appropriate measures are typically short, engaging, or game-like, and in some cases, observational or embedded in play or conversation with a child to reduce testing anxiety. While this is not an exhaustive list, table 10 provides an overview of potential options. As a disclaimer, these options (except for the DRDP) have not been vetted by the CDE.

**Table 10. Overview of Assessments or Screeners to Assess English Language Proficiency for Preschool-Aged Children**

| **Name** | **Description** | **Potential Costs** | **Relevant Links and Other State(s) that Use** |
| --- | --- | --- | --- |
| Oklahoma PKST | Ten-question direct assessment screening tool focused on Listening and Speaking domains of English language development. Developed by Oklahoma and used by several other WIDA states for preK. | Appears free (publicly available) but would require training to ensure reliable administration. | The Oklahoma Pre-Kindergarten Screening tool is available at: <https://sde.ok.gov/sites/default/files/PKST%20August%202021%20Update%20.pdf> .  Used by Massachusetts as well. |
| Pre-IPT Oral English (6th Edition) | Direct assessment screening tool focused on Listening and Speaking domains of English language development. On Illinois' list of allowable assessments for preschool. | $222 for 50 test booklets (or $214 online), plus $198 one-time costs for storyboard and materials. | The Pre-IPT, Oral English 6th Edition is available at: <https://www.ballard-tighe.com/ipt/about/ipt-oral-english/pre-ipt/>. <https://www.nysed.gov/sites/default/files/bilingual/ellidchartrev.pdf>. |
| DRDP Preschool ELD measures | Four-measure observational assessment focused on Listening and Speaking domains of English language development, as well as engagement in literacy activities (but not Reading and Writing skills). | Free tool, but would require training to ensure reliable administration as well as additional psychometric work to establish a scoring system used for purposes of EL identification. | The DRDP Preschool English Language Development tool is available at: [https://www.desiredresults.us/TNKEI/KEI%20ELD%20Measures\_Aug17.pdf](https://www.cde.ca.gov/be/pn/im/documents/memo-pptb-adad-apr18item01.docx). |
| DRDP Preschool Language & Literacy measures  (page 31 – 40) | Six-measure observational assessment focused on Listening, Speaking, Reading, and Writing domains of Language & Literacy. This measure is currently used to assess language and literacy skills for children in their home language, so if this were to be used for English language development, examples would have to be changed to only include English. | Free tool, but would require training to ensure reliable administration as well as additional psychometric work to establish a scoring system used for purposes of EL identification. | The DRDP Preschool Language & Literacy Measures are available at: <https://www.cde.ca.gov/sp/cd/ci/documents/drdp2015preschool.pdf>. |
| Pre-Language Assessment System (preLAS) | Game-based direct assessment focused on Listening and Speaking (with optional Reading and Writing skills) for children ages 3 – 6. | Cost is subject to change and the publisher may be able to offer discounted state deals, but online sources note that the cost is $2.20 per student. This option would also need additional consultation with the publisher for how it should be used for purposes of EL identification. | The preLAS assessment information is available at: [https://laslinks.com/prelas/.](https://laslinks.com/prelas/)  Texas administers the preLAS for EL identification in preK and K. Connecticut administers for preK. |
| myIGDIs | Game-based direct assessment focused on Listening, Speaking and Reading (not Writing) for children ages 3–5. | Cost is subject to change, and publishers may be able to offer discounted state deals, but online sources note that the cost is $4.00 per student. This option would also need additional consultation with the publisher for how it should be used for the purposes of EL identification. | The myIGDIs assessment information is available at: <https://www.renaissance.com/products/myigdis-for-preschool/>. |

As detailed in table 10, there are both observational and direct assessment options. There are benefits and drawbacks to using these different modalities of assessment. For example, observational assessments tend to have more issues of reliability (and thus validity) as the administration can vary widely across individuals, and there is greater potential for bias. However, a benefit of observational assessments is that they can be embedded in young students’ everyday interactions over periods of time, which can reduce testing anxiety and provide multiple opportunities for students to demonstrate their skills. For direct assessments, the benefit is increased validity and potentially less bias in administration. The drawback is that students only have one opportunity to demonstrate their knowledge, and some options can be stressful for students if the administration is too long, or the direct questions are too difficult or not engaging. There are many direct assessment options, like the ones listed in table 10, that have been developed to be more game-like and engaging for children so it feels less like a “test”. Overall, it is important to weigh the pros and cons of different options and ensure that, regardless of which type is used, the assessment is valid, reliable, fair, and developmentally appropriate for four-year-old students and that individuals administering the assessment are well-trained to ensure reliability.

A more permanent solution regarding the ELP identification of TK would entail obtaining additional resources in order to curate a list of vetted screening tools, like the examples provided in table 10, to standardize a statewide pre-identification process for students in TK. A screener assessment could then serve as the TK version of the statewide ELP assessment. As evidenced by table 10, there are varying costs associated with this, from more minimal to extensive, and the CDE would require additional time to properly study the screening tools, including by ensuring the necessary educational partner input.

Finally, the state could consider whether to develop a new assessment specifically for TK students. The assessment would need to be valid, reliable, and developmentally appropriate for four-year-old students. However, it is anticipated that this will be at least a multi-year process, as the timeline typically associated with assessment development and validation is lengthy, and there may also be a need for legislation and/or additional funding to mandate the use of such a tool statewide.

### Kindergarten English Learner Assessment

As described herein, there is an urgent need to ensure LEAs are appropriately identifying and supporting California’s youngest multilingual learners in TK. While SBE Members expressed an interest in examining whether the assessment of kindergarten students with the ELPAC should be considered alongside considerations of assessing TK students, there is no legislation, such as the recently enacted AB 2268 which affects TK, that would alter existing law regarding assessment of kindergarten students with the ELPAC. However, as discussions occur around the developmental appropriateness of how to better assess TK students, a long-term solution for TK could consider whether to revisit ELPAC administration in kindergarten.

## Attachment(s)

* Attachment 1: Federal and State Law Regarding English Learners (2 pages)
* Attachment 2: Timeline of the Key Development Activities for the English Language Proficiency Assessments of California (3 pages)
* Attachment 3: National Institute for Early Education Research (NIEER) Memorandum to Early Edge, dated April 26, 2024, Regarding the English Language Proficiency Assessment for Transitional Kindergarten Students in CA (8 pages)

1. *EC* Section 48000; AB 130 (Chapter 44, Statutes of 2021) [↑](#footnote-ref-2)
2. 20 United States Code (U.S.C.) 6823(b)(2); *EC* Section 313 [↑](#footnote-ref-3)
3. 20 U.S.C. 6823(b)(2); Title 5, California *Code of Regulations* (5 *CCR*)Section 11518.5(a) [↑](#footnote-ref-4)
4. 20 U.S.C. 6823(b)(2); 5 *CCR* Section 11518.5(c) [↑](#footnote-ref-5)
5. 5 *CCR* Section 11518.5 [↑](#footnote-ref-6)
6. 34 *Code of Federal Regulations* (*CFR*), Section 200.5(a)(2) [↑](#footnote-ref-7)
7. 5 *CCR* Section 11518.15 [↑](#footnote-ref-8)
8. 5 *CCR* sections 11518.25 and 11518.30 [↑](#footnote-ref-9)
9. 20 United States Code Section 6841(a)(4)(5); 5 *CCR* Section 11304 [↑](#footnote-ref-10)
10. Castañeda v. Pickard 5th Circuit (Cir.) 648 F.2d 989, (1981); *EC* Section 305; 5 *CCR* sections 11302, 11309 [↑](#footnote-ref-11)
11. *EC* Section 305 [↑](#footnote-ref-12)
12. 5 *CCR* Section 11309(c)(1), (3)(A-B) [↑](#footnote-ref-13)
13. 5 *CCR* Section 11300(d) [↑](#footnote-ref-14)
14. *EC* Section 306; 5 *CCR* Section 11309 [↑](#footnote-ref-15)
15. 5 *CCR* Section 11300(a) [↑](#footnote-ref-16)
16. 5 *CCR* Section 11300c). [↑](#footnote-ref-17)
17. 20 U.S.C. sections 6311(b)(2)(G), 6823(b)(3)(B); *EC* sections 313, 60810; 5 *CCR* sections 11306, 11518.15(a). [↑](#footnote-ref-18)
18. Elementary and Secondary Education Act (ESEA), as amended by Every Student Succeeds Act (ESSA), Section 1111(b)(1)(F), (b)(2)(G); 34 *CFR*, Section 200.5(a)(2). [↑](#footnote-ref-19)
19. The CDE will soon be releasing updated and revised learning foundations – The Preschool/Transitional Kindergarten Learning Foundations – and will provide additional information to the SBE on this document in an upcoming memorandum. [↑](#footnote-ref-20)
20. *EC* Section 60900(d)(4)(A) [↑](#footnote-ref-21)