California Department of Education

Executive Office

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# MEMORANDUM

**DATE:** October 8, 2020

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

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

**SUBJECT:** Observation Protocol for Teachers of English Learners Update.

## Summary of Key Issues

This memorandum provides an update on the development of the Observation Protocol for Teachers of English Learners (OPTEL). On March 4, 2020, Governor Newsom declared a State of Emergency in response to the Coronavirus (COVID-19) pandemic produced by the spread of the virus and schools began to close. The school closures halted the field test and validation study that would fulfill the requirements of California *Education Code* (*EC*) Section 313.3. Senate Bill (SB) 820, signed by the Governor on September 18, 2020, extended the timeline to complete the field test and validation study to December 31, 2022.

The OPTEL fulfills the requirement of *EC* Section 313.3, as added by Assembly Bill (AB) 1808, Chapter 32, Statutes of 2018 and is designed to move California closer to statewide standardization of exit criteria to meet Section 3111(b)(2)(A) of the Every Student Succeeds Act (ESSA). The OPTEL will be recommended to the State Board of Education (SBE) in fall of 2022 to be considered for approval as the statewide standardized protocol for criterion 2 (teacher evaluation of English learner students) and criterion 3 (parent opinion and consultation) for the purpose of reclassification.

## Brief History of Key Issues

Both state and federal law require local educational agencies (LEAs) to ensure that English learners make progress toward English proficiency within a reasonable amount of time and remedy any academic deficits incurred while learning English. Pursuant to *EC* Section 313(b), the department, with 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 fluent English proficient.

*EC* Section 313(f) mandates the use of multiple criteria for determining whether to reclassify a pupil as proficient. These criteria include the following:

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

In December 2018, the CDE contracted with WestEd to co-develop, pilot, and validate an observation protocol to support teacher evaluation of English learner proficiency, and parent opinion and consultation as it pertains to English learner reclassification.

In December 2019, the State Board of Education received a memorandum with updates on the OPTEL. This memorandum is available from the California Department of Education (CDE) December 2019 Information Memoranda web page at <https://www.cde.ca.gov/be/pn/im/documents/dec19memoelsd01.docx>. A draft of the OPTEL tool can also be accessed from the CDE website at <https://www.cde.ca.gov/be/pn/im/documents/dec19memoelsd01a02.pdf>.

Field test activities began in February 2020 and were halted in March 2020 as a result of school closures due to the COVID-19 pandemic. In June 2020, per SB 98, the contract was amended to extend the project completion date to December 31, 2021, and SB 115 authorized allocation of an additional $250,000 to complete the project goals. The contract includes the development of guidance and training materials for the OPTEL’s implementation. Currently, per SB 820, a contract amendment is underway for 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, CDE and the contractor agree to postpone OPTEL field test activities until the 2021–2022 school year to ensure full participation in the field test.

## Purpose of the OPTEL

*EC* Section 313.3 states that the OPTEL is intended for use by teachers in evaluating both a pupil’s English language proficiency and use of English while engaging in academic content learning, including interactive academic language use with peers, as well as assessing language practices across a range of proficiency levels.

The OPTEL is designed to be used for all English learner students, including those with an Individualized Education Program (IEP). It is designed to be used with ease by content area teachers at all grade levels as it is aligned with the English language development (ELD) standards and the performance levels of the English Language Proficiency Assessments for California (ELPAC). The legislation includes intent language identifying the following additional uses for the OPTEL: (1) use as a formative assessment tool to support student progress toward English proficiency; (2) use during consultation with parents of English learners regarding progress toward proficiency; and (3) use by institutions of higher education in the preparation of new teachers. The CDE will conduct a validation process to ensure that the OPTEL appropriately assesses and reflects pupil progress towards the intended target language constructs, as well as demonstrates a meaningful relationship to the ELPAC performance levels, thus supporting reclassification decisions.

## Next Steps

The OPTEL field test activities have been postponed until the 2021–2022 school year. The contractor will engage in monthly meetings with CDE until June 2021, to review the field-testing plan for modifications that might need to take place due to environmental circumstances due to COVID-19 in July 2021. Recruitment will begin July 1, 2021, and end December 3, 2021, and active field testing will occur January through April 2022.

WestEd will conduct this larger scale field test to evaluate the OPTEL’s usability, reliability, and validity to support reclassification decisions. This evaluation will help to ensure that the OPTEL appropriately assesses the intended target language constructs for students across a range of proficiency levels, demonstrates a meaningful relationship to the performance levels for the ELPAC, and informs standard implementation of the OPTEL.

In order to facilitate the standardized implementation of the OPTEL, for the purposes outlined in *EC* Section 313.3, additional guidance and extensive professional development will be developed to ensure that teachers implement the OPTEL following an aligned protocol. WestEd will develop preliminary training materials and guides as part of the current development work.

Once the OPTEL is operational, more extensive materials and resources will be needed to support statewide implementation. The CDE will continue to seek funding to develop additional tools and deliver extensive training to LEAs to support standardized implementation and use of the OPTEL. The CDE will also explore development of additional materials and conduct additional studies to support and validate the intended additional uses for the OPTEL, including use as a formative assessment tool.

## Attachment(s)

Attachment 1: WestEd Project Summary of OPTEL Work (4 pages)

# WestEd Project Summary of Observation Protocol for Teachers of English Learners Work

In November 2019, WestEd began official communication and recruitment efforts for the OPTEL field test. This involved reaching out to local educational agency (LEA) leaders and to individuals who had expressed interest in participating in the field test via a publicly posted interest form or in-person communications at meetings and conferences, including the Bilingual Coordinators’ Network. Across the state, the CDE and its contractor had planned to collect teacher ratings for a minimum of **1,120 students** across the TK–12 span.

* Each student was scheduled to be rated independently by two different teachers, for a minimum total of **2,240 student ratings**.
* Based on the field test design, this student-level target required recruiting a minimum of **280 teachers**.

These numbers and design were informed by the legislation that mandated the OPTEL’s creation, and the recommendations of the CDE Assessment Development and Administration Division.

In December 2019, the State of Board of Education received a memorandum with updates on the Observation Protocol for Teachers of English Learners (OPTEL). This memorandum with updates is posted on the California Department of Education (CDE) website at <https://www.cde.ca.gov/be/pn/im/documents/dec19memoelsd01.docx>. A draft of the OPTEL tool can also be accessed from the CDE website at <https://www.cde.ca.gov/be/pn/im/documents/dec19memoelsd01a02.pdf>.

Data collection for the OPTEL field test officially began on February 4, 2020, and was scheduled to continue through April 10, 2020, with extensions through the end of the month for LEA participants upon request. During this window, participating teachers were allowed to complete and submit their ratings at any time based on their own convenience.

On March 4, 2020, Governor Newsom declared a State of Emergency in response to the spread of the Coronavirus (COVID-19). On March 19, 2020, the Governor issued Executive Order N-33-20 urging citizens to shelter-in-place to mitigate the spread of the virus that produced the COVID-19 pandemic. In response to these mandates, LEAs began closing schools as early as March 13, 2020, with more than 1,000 LEAs closed by March 30, 2020, according to a March 2020 EdSource article at <https://edsource.org/2020/california-k-12-schools-closed-due-to-the-coronavirus/624984>.

As of March 25, 2020, WestEd had obtained LEA permission and individual consent for **118 teacher participants** (42% of the minimum target). These teachers were expected to produce **944 ratings** on **472 students**.As noted above, however, WestEd provided teachers with an extended window to provide ratings so as to ease the burden of field test participation (and to replicate authentic administration conditions, as it is expected that the OPTEL will be recommended for use during a pre-specified observation window once it is made operational). As a result of this fact, only **14 teacher participants** (5.0% of the minimum target) had submitted **104 ratings** (4.6% of the minimum target) on **80 students** (7.1% of the minimum target) as of March 25, 2020. The students with ratings were in grades 1, 2, 3, 4, 6, 7, and 8. No ratings had yet been submitted for any students in grades TK/K, 5, or high school.

| **Unit** | **Minimum Target** | **# Recruited (%)**  **(as of March 25, 2020)** | **# with Submitted Data (%)**  **(as of March 25, 2020)** |
| --- | --- | --- | --- |
| Teacher | 280 | 118 (42%) | 14 (5.0%) |
| Student | 1120 | 472 (42%) | 80 (7.1%) |
| Rating | 2240 | 944 (42%) | 104 (4.6%) |

In response to these numbers and the ongoing disruptions from COVID-19, WestEd and the CDE mutually agreed to stop work on the OPTEL field test in March 2020 and explore options for completing the work on a different timeline. Pursuant to SB 820, the OPTEL field test activities will be postponed until the 2021–2022 school year to ensure full participation in the field test. In addition to the logistical challenges due to distance learning, this decision was motivated by the following psychometric and scientific considerations:

* Given that the OPTEL is being designed for wide use to support a high-stakes decision for English learner students (specifically: reclassification to fluent English proficient), it is important that the OPTEL be field tested on a large sample of students and teachers to ensure that it is a valid, fair, and reliable representation of teacher judgments and students’ language skills.
* The OPTEL field test activities have been postponed until the 2021–2022 school year, most notably because:
  + Given disruptions from COVID-19 closures, many students may be returning to school with weeks if not months of lost learning time, which may affect their learning and performance, as well as their representativeness of future students for whom the OPTEL will be used;
  + Given disruptions from COVID-19 school closures, many districts may lack the bandwidth or the will to participate in any non-essential activities such as a field test during the fall or spring semester;
* To help validate the OPTEL’s use for reclassification decisions, it is important to collect student ratings during the same or a similar window to when the English Language Proficiency Assessments for California assessment is administered.

As noted in the Summary of Key Issues of this memorandum, per SB 98, the project completion date was extended to December 31, 2021, and SB 115 authorized allocation of an additional $250,000 in the 2020‒21 state budget to complete the project goals. Currently, a contract amendment is pending approval for an extension of the completion date until December 31, 2022, per SB 820. An amended timeline for completion of the OPTEL is provided below. The target field test numbers will remain the same as those noted above on page 2 of this Attachment.

## Timeline

**November 2019‒March 2020:** Recruitment for field testing (halted March 16, 2020, due to school closures as a result of the COVID-19 pandemic).

**April‒June 2020:** WestEd plans for postponed field test timelines that considers multiple scenarios of schools returning to face-to-face instruction (late spring/early fall 2020 or winter 2021).

**July 2020:** CDE and WestEd determine that recruitment and the field test should be postponed until the 2021‒2022 school year.

**July 31, 2020:** WestEd submits a summary report of teacher participation in the field test from February 4, 2020, through March 16, 2020.

**August 2020–June 2021:** WestEd participates in monthly meetings with CDE to review field testing plan for modifications, plan for the development of associated guidance document, complete implementation and distribution tasks, and prepare SBE memoranda.

**July****‒December 2021**: WestEd recruits and trains LEAs/teachers for OPTEL field test.

**January–April 2022:** Spring Field Testing.

**May 31, 2022:** WestEd submits interim validation study executive summary report summarizing field test aims, validation study process methods, and preliminary results.

**June 2022:** OPTEL Advisory Committee (OAC) meeting at WestEd (in-person).

**June 30, 2022:** WestEd submits comprehensive report summarizing participating teacher feedback from the 2022 field testing, a summary of OAC discussion, and recommendations of edits to the OPTEL.

**July 31, 2022:** WestEd submits the final validation study executive summary report.

**September 2022**: CDE item to the SBE to recommend approval of the OPTEL tool for the teacher evaluation and parent consultation elements of reclassification decision-making based on outcomes of the validation.

**December 31, 2022:** WestEd submits finalized guidance for OPTEL uses and other necessary OPTEL training materials.