California Department of Education

Executive Office

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# **MEMORANDUM**

**DATE:** October 16, 2023

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

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

**SUBJECT:** Observation Protocol for Teachers of English Learners: Validation Study Report to Inform Reclassification of English Learner Students

## Summary of Key Issues

This memorandum provides a summary of a validation study of the Observation Protocol for Teachers of English Learners (OPTEL). Results of the study will be used to inform a proposed recommendation to the California State Board of Education (SBE) in November 2023 to standardize Criterion 2 (teacher evaluation of English learner [EL] students) and Criterion 3 (parent opinion and consultation) for the purpose of reclassification of EL students.

## Background

State and federal law requires local educational agencies (LEAs) to ensure that EL students make progress toward English language proficiency as rapidly and as effectively as possible and remedy any academic deficits incurred while learning English. Reclassification is the process whereby a student is reclassified from EL status to Fluent English Proficient status. Reclassification can take place at any time during the academic year, immediately upon the student meeting all the criteria.

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

1. Assessment of language proficiency using the state test of English language proficiency (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.

Under Title III, Part A, Section 3113(b)(2) of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, each State educational agency is required to establish and implement standardized statewide reclassification criteria for EL students.

Pursuant to *EC* Section 313(b), the California Department of Education (CDE), with approval of the SBE, shall establish procedures for conducting the ELP assessment required and for the reclassification of a pupil from English learner to fluent English proficient. Criterion 1, Assessment of ELP, is now standardized, and CDE guidance recommends that students who score at Overall Performance Level 4 on the Summative English Language Proficiency Assessments for California (ELPAC), and students who score at Overall Performance Level 3 on the Summative Alternate ELPAC, be considered for reclassification. For more information on the reclassification process, please visit the CDE Reclassification web page at <https://www.cde.ca.gov/sp/el/rd/>

Per the requirements of EC Section 313.3, the OPTEL is a classroom observation protocol designed to support educators in monitoring and evaluating the use of the academic language of EL students. The OPTEL would standardize Criterion 2, teacher evaluation of EL students, and Criterion 3, parent opinion and consultation, and move California closer to the statewide standardization of reclassification criteria. More information is available on the OPTEL web page at <https://www.cde.ca.gov/sp/el/t3/optel.asp>.

### OPTEL Development and Validation

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

In October 2020, the CDE presented an Informational Memorandum to the SBE that provided a summary of the steps taken by the CDE to halt the field test due to the COVID-19 pandemic stay-at-home orders and to extend the completion date. This memorandum is available on the CDE October 2020 Information Memoranda web page at <https://www.cde.ca.gov/be/pn/im/documents/oct20elsd01.docx>.

Resuming the development in July 2022, the CDE, in collaboration with WestEd, conducted a field test from January to May 2023 to collect evidence of the OPTEL’s usability, reliability, and validity to support reclassification decisions for EL students. The field test was initiated to ensure the OPTEL protocol appropriately assesses the intended target language constructs, demonstrates a meaningful relationship to the performance levels for the ELPAC, assesses classroom language use, and reflects student progress toward attaining targeted constructs.

The following are the OPTEL field test research questions:

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

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

### Teacher Certifications

The OPTEL Final Validation Study Report (see Attachment 2) includes findings from the field test and recommendations for approval of the OPTEL as a standardized tool for reclassification for students who take the Summative ELPAC, including WestEd’s recommendation that students who receive expressive and receptive OPTEL ratings at Level 3 or Level 4 be considered for reclassification. In alignment with the statutory requirements on the development and use of the OPTEL, the report documents the ways in which evidence from the field test of the OPTEL tool across California schools in 2023 supports the use of the OPTEL tool as designed.

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

As part of the validation study process, the CDE engaged in the collaboration and feedback of various internal and external partners with interests in multilingual programs, EL services, assessment, and special education.

## Next Steps

In November 2023, the CDE will provide the SBE a recommendation for approval of the OPTEL tool to standardize Criterion 2 (teacher evaluation of EL students) and Criterion 3 (parent opinion and consultation) for reclassification of EL students who take the Summative ELPAC. If the SBE approves the recommended use of the tool, the CDE will provide guidance and resources to support educators with implementation.

## Attachment(s)

* Attachment 1: OPTEL Tool and Parent Consultation Form (4 pages)
* Attachment 2: OPTEL Final Validation Study Report (84 pages)