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We are writing to express our deep concern with Senate Bill 463 regarding proposed procedures and criteria to reclassify California’s 1.3 million English learners (ELs). As researchers with substantial expertise in the education of English learners, and as close collaborators with EL educators in California and other states, we find this legislation, as currently drafted, contradicts current research evidence on EL reclassification; poses an invalid use of state assessment information; prolongs statewide inconsistency in defining ELs; and risks exacerbating the state’s long-term EL problem, as well as the underperformance of ELs at the secondary level. In what follows, we highlight relevant lessons from recent research, detail our concerns about specific aspects of the legislation, and suggest a productive way forward.

**Key Lessons from Recent Research**

A substantial amount of empirical research and policy analysis on EL reclassification in the past seven years provides the following key findings for policymaking:

1. Assigning or prolonging EL status, and particularly long-term\(^1\) EL status, to students close to meeting English language proficiency (ELP) criteria can impede equitable access to educational opportunities, which in turn can affect these students’ long-term academic outcomes. These negative effects are demonstrably worse for EL students at the secondary level.
2. Reclassification criteria not directly addressing ELs’ English language proficiency undermine the validity of exit decisions, and can contribute to long-term EL status. In particular, criteria based on academic content tests—which are neither designed nor intended to measure students’ English language proficiency—constitute an invalid use of these assessments. Indeed, many monolingual English-speaking students are currently unable to meet such criteria.
3. Non-standardized reclassification criteria and processes lead to varying EL definitions across and even within a state’s school districts, which in turn lead to inconsistent and inequitable education opportunities, particularly for the most mobile English learners.

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\(^1\) As defined in California Education Code 313.2, a long-term EL is: in grades 6-12; enrolled in US schools for six or more years; at the same CELDT level or lower for the past two or more years; and at level 1 on CAASPP-ELA (in grades 6-9). In 2016, 238,576 ELs (51.2%) were LTEL. Also, 380,995 ELs (82.4%) in grades 6-12 have been enrolled in US schools for six or more years.
4. Local educator judgments vary widely; if not standardized, calibrated, and monitored, they can lead to invalid decisions to exit (or not exit) students from EL status.

5. Standardized, statewide objective criteria for EL reclassification based exclusively on ELs’ English language proficiency can be calibrated to ensure that EL students, once reclassified, stand an equal chance of meeting academic proficiency standards, and performing no differently from their native English-speaking peers. Such a “sweet spot” should be determined empirically and used in state policymaking; subsequent performance of reclassified former ELs should also be monitored closely over time, and criteria adjusted when assessments or performance standards (i.e., what constitutes “proficient” in English language proficiency or academics) change.

SB 463 Draft Provisions Contradicted by Recent Research

Several provisions of SB 463 run counter to lessons from recent research. These include the following:

1. Requires use of CAASPP English language arts (ELA) assessment as a “basic skills” exit criterion. ELA, though related to English language proficiency, is a decidedly different construct. ELA measures such constructs as genre, thesis statements, and literary analysis, whereas English language proficiency measures the ability to listen, speak, read, and write across content areas using English. Using an ELA assessment as an exit criterion for ELs constitutes an invalid use of the assessment, and creates an unnecessary and unwise barrier to exit. (In 2016, 46% of monolingual English-speaking students did not meet the ELA standard (Level 3), and roughly one-third of such students did not meet the midpoint of Level 2 “standard nearly met” performance on CAASPP-ELA.)

2. Requires local educators to determine “curriculum mastery” in ELA. The ELA curriculum mastery construct is typically operationalized using grades or GPA, which are not standardized within and across districts. Also, grades often include such non-construct-related factors as attendance, behavior, or homework completed, none of which relate to whether an EL student has sufficient English knowledge and skills to be able to meaningfully engage in mainstream classroom learning.

3. Permits local educators to override the state ELP assessment performance criterion if local educators find unspecified “academic-related evidence” the EL student “will not be successful in mainstream curriculum.” As noted above, many monolingual English-speaking students are currently not successful in the mainstream curriculum, and evidence indicates that keeping students in the EL category when they no longer benefit from EL services can negatively impact graduation and other academic outcomes.

4. Allows non-standardized academic criteria (“grades or locally developed assessments”) for reclassification of K-2 EL students. In addition to being noncomparable across (and possibly within) districts, such non-construct-related criteria constitute an additional hurdle for EL students to clear in order to exit.

5. Offers ambiguous language on alternative reclassification criteria for EL students with disabilities that risks violating federal law. EL students with disabilities are required under federal law to receive appropriate accommodations on state ELP assessments. In those cases where accommodations are insufficient, the state is required to offer an alternative ELP assessment.
**Moving Forward**

We believe these issues can and must be addressed in order to develop new policies and practices aligned to research evidence and to advance California’s pursuit of educational equity and continuous improvement for its English learners. In response to research evidence, national efforts sponsored by the Council of Chief State School Officers to guide states in defining ELs, and ESSA Title III provisions, states are now moving to standardize EL entrance and exit procedures and criteria statewide, focus on ELP criteria, and not include academic content tests. Moreover, those states valuing local educator judgment are moving to develop standardized, statewide language use observation protocols that local educators can use to observe and provide complementary evidence on ELs’ interactive, collaborative language uses not easily measured in large-scale annual ELP tests. Such language uses are detailed in California’s ELD standards and college and career ready standards. California should be at the forefront of EL assessment and reclassification policy and practice nationally. We welcome the opportunity to dialogue and collaborate on addressing these concerns and strengthening the draft legislation. Please contact one of the corresponding researchers as indicated below by asterisk. Thank you very much.

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