

## ASSEMBLY THIRD READING

AB 1868 (Luz Rivas)

As Amended April 18, 2022

Majority vote

**SUMMARY**

Requires the California Department of Education (CDE) to annually report on its website specified data on English learners (ELs), including enrollment data by English language acquisition status and disability and specified student performance and outcome data by English language acquisition status.

**Major Provisions**

- 1) Requires the CDE to publicly report on an annual basis on its website, or a successor system, enrollment data by English language acquisition status and disability, including reporting on thirteen disability categories, as specified.
- 2) Requires the CDE to annually include a report that allows users of its website, to view data by English language acquisition status for all of the following subjects:
  - a) Assessment data, including California Assessment of Student Performance and Progress (CASPP) test results and English Language Proficiency Assessments for California (ELPAC);
  - b) Enrollment data, including annual enrollment data, EL data, and foster pupil data;
  - c) Graduation and dropout data, including four-year cohort graduation rates and outcomes, five-year cohort graduation rates, one-year graduation data, and one-year dropout data;
  - d) Postsecondary enrollment data, including college-going rates;
  - e) School climate data, including suspension and expulsion data, absenteeism data, and stability rates; and
  - f) Other reports, including free and reduced-price meals.
- 3) Defines "English language acquisition status" for purposes of this requirement to include but not be limited to ELs, separately reporting data for:
  - a) Long term English learners (LTELs);
  - b) Pupils at risk of becoming LTELs (ARLTELs);
  - c) ELs; and
  - d) Reclassified fluent English proficient pupils (RFEPs).

**COMMENTS**

*English learners with disabilities.* This bill requires that specified academic and other outcomes be disaggregated for ELs, LTELs, ARLTELs and RFEP students by the disability categories specified in the federal Individuals with Disabilities Education Act.

As noted in the Assembly Education Committee’s analysis of AB 2785 (O’Donnell), Chapter 579, Statutes of 2016, the inappropriate identification of ELs for special education has been a concern since at least the 1960’s, and has been the subject of numerous reports, court cases, and policy initiatives. Research points to a number of problems relating to the difficulty distinguishing between language learning and disability, reclassification, intervention, referral, assessment, and appropriate instruction.

Data comparing the percentage of ELs identified as having disabilities compared to non-ELs is shown below, both as an overall percentage and for several grades:

Special education identification by EL status, 2020-21 school year (Source: CDE)		
	Non-EL (English Only, Initial Fluent English Proficient, RFEP)	EL
All grades	11.2%	18.3%
Grade 2	10.5%	12.3%
Grade 4	12.1%	16.8%
Grade 8	11.3%	24.4%
Grade 12	13.3%	31.2%

In response to these concerns the state has invested in supporting schools through the California Practitioners’ Guide for Educating English Learners with Disabilities, a Special education resource lead project on ELs with disabilities, and the alternate English language assessment for some students with disabilities.

*No publicly available state data on outcomes by disability.* This bill would require the CDE to publish data about specified groups of ELs, disaggregated by disability group. While the CDE collects data on the progress of students with disabilities in English language arts in grades 3 - 8 and 11, this data is reported as the performance of all students with disabilities, with no disaggregation by disability. As a result it is not possible to examine the language development of any subgroup of students with disabilities (such as those who are visually impaired or on the Autism spectrum) or view trends over time to measure the impact of policy and programmatic changes.

**According to the Author**

"To ensure that our English learner students do not get left behind, AB 1868 will allow the state to better serve our students with highest needs. Specifically, by requiring the CDE to further separate achievement, enrollment, and other outcomes long-term English learners and students at risk of becoming long-term English learners. With these newly established strategies and reporting standards for California’s LTELs, the state can intervene at precisely the right moment

to strengthen our bilingual students' language capabilities and prepare them for future academic success."

### **Arguments in Support**

Californians Together writes, "The current accountability system combines Reclassified Fluent English Proficient (RFEPs) and EL students into a single EL indicator. This makes it difficult to distinguish ELs, LTELs, and RFEPs. The need to support ELs, LTELs, and RFEPs is masked. This is most problematic in grades 6-12 since there are many more RFEPs than ELs in these grades, making LTELs invisible...This bill will also allow us to see the breakdown of special education data by English language status and type of disability. Lastly, we will be able to see achievement, enrollment, and other outcomes by LTELs and students at risk of becoming an LTEL."

### **Arguments in Opposition**

None on file.

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, significant one-time cost in the hundreds of thousands of dollars to CDE to make changes to the California Longitudinal Pupil Achievement Data System (CALPADS) that would be required to generate the data required by this bill. Ongoing costs to maintain the system would be lower, but still significant.

## **VOTES**

### **ASM EDUCATION: 7-0-0**

**YES:** O'Donnell, Megan Dahle, Bennett, Chen, Lee, McCarty, Quirk-Silva

### **ASM APPROPRIATIONS: 16-0-0**

**YES:** Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

## **UPDATED**

VERSION: April 18, 2022

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