

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON EDUCATION
Darshana R. Patel, Chair
AB 2555 (Patel) – As Amended March 16, 2026

SUBJECT: English learners: reclassification

SUMMARY: Makes changes to the system of reclassifying English learners (ELs) as English proficient commencing on July 1, 2027, including: limiting the reclassification criteria to the assessment of English language development (ELD), permitting some ELs with disabilities to be reclassified using alternate means, shifting from a manual to automatic reclassification process, strengthening parent engagement, requiring the State Board of Education (SBE) to identify an appropriate instrument for monitoring reclassified ELs, requiring the California Department of Education (CDE) to post data on reclassification rates, reframing EL reclassification as a milestone on the path to biliteracy, and requiring an evaluation of these changes to EL reclassification. Specifically, **this bill:**

Reclassification criteria and process:

- 1) Repeals the existing criteria for EL reclassification as of July 1, 2027, and requires that, as of that date, ELs be reclassified as English proficient if they meet the score established by the SBE for purposes of reclassification on the ELD assessment, or the alternate ELD assessment, as applicable.
- 2) Requires the CDE, as student scores on the ELD assessment become available, and on or before May 30 of each year, to record the students who meet the requirement to reclassify as reclassified in the appropriate data system.
- 3) Requires local educational agencies (LEAs), when a student has been recorded as reclassified to:
 - a) Ensure that the student's instructional program and placement reflects that the student is a reclassified student. States that this includes, but is not limited to, making any necessary course placement adjustments for students in, or entering into, middle school or high school for the subsequent academic year to reflect the change in status; and
 - b) Communicate to the student's parent or guardian, and if applicable, translated into the parent or guardian's primary language, that their child has been reclassified, and provide information about the student's potential opportunity to earn the State Seal of Biliteracy (SSB).
- 4) Prohibits a student who has been reclassified as English proficient from being classified as an EL.
- 5) Encourages LEAs to 1) recognize a student and the student's family for the accomplishment of achieving proficiency in English and 2) encourage the student to pursue a course of study leading to biliteracy and an SSB, if offered by the LEA.

- 6) Defines LEA, for purposes of this section, to mean a school district, county office of education (COE), or charter school.

Reclassification of ELs with disabilities:

- 7) States that all ELs, including those with or without disabilities, are eligible to reclassify from EL to English proficient if they meet specified requirements.
- 8) Finds and declares that California has established alternative coursework and performance tasks for educators to use for students with disabilities who are not eligible for the statewide alternate assessments so that they may demonstrate completion of the state graduation requirements through alternate means and earn a high school diploma.
- 9) Declares the intent of the Legislature to enable the students with disabilities who are not eligible to take the alternate ELD assessment to demonstrate proficiency in English, in whole or in part, for purposes of reclassification, through alternate means aligned to the domains assessed by the ELD assessment.
- 10) Permits an EL student who has an individualized education program (IEP) to be eligible to be reclassified as English proficient by the LEA if they meet the following criteria:
 - a) The student does not take the alternate ELD assessment;
 - b) The student has used all test accommodations and any domain exemptions required by the student's IEP; and
 - c) The student has failed to achieve the score required by the SBE for purposes of reclassification.
- 11) Authorizes an LEA to report a student as reclassified to the CDE if they meet the above criteria and they have demonstrated, through the use of the alternate coursework and performance tasks, that they have reached a level of proficiency that is comparable to the threshold for reclassification on the English language assessment, through alternate means, the LEA shall report the student as reclassified as English proficient to the CDE.
- 12) States that this demonstration may apply to one or more of the domains of the assessment in which the student has not shown proficiency, and may be combined with proficient scores in other domains for purposes of meeting the overall threshold for reclassification.
- 13) Requires that the report of a student as reclassified to the CDE be made in a form and manner determined by the CDE. After receiving this report, requires the CDE to record any students in the appropriate data systems as reclassified.
- 14) Requires the CDE, subject to an appropriation for this purpose, on or before June 30, 2028, to develop and post on its website alternative coursework and performance tasks for students who are ELs, have IEPs, and do not qualify to take the statewide alternate assessment for English language proficiency to demonstrate proficiency in each of the domains of the ELD assessment for each of the grades or grade spans assessed using that assessment through alternate means.

15) Authorizes the alternative coursework and performance tasks to be used for purposes of reclassification.

Parent engagement:

16) Requires, commencing on July 1, 2027, that when a student is classified as an EL the LEA communicate to the student's parent or guardian in a clear, concise, and comprehensible manner, and if applicable, translated into the parent or guardian's primary language, all of the following:

- a) Their child has been classified as an EL;
- b) California's vision of success for ELs is that they attain high levels of English proficiency, mastery of grade level standards, and have opportunities to develop proficiency in multiple languages. California's schools value the culture and language that their child brings to their education;
- c) They are encouraged to engage as a partner with the school in supporting their child's language development and may request meetings with their child's teachers to discuss their child's progress;
- d) Their child is entitled to special support in order to help them learn English and succeed in school;
- e) Each year, their child will take an assessment to measure their progress toward becoming proficient in English. The results of the assessment will be used to determine if their child is ready to become reclassified as English proficient. After their child is reclassified, their progress will continue to be monitored for four years;
- f) Their child's reclassification as English proficient is an important accomplishment and may be seen as a step on the journey to becoming literate in two languages, also known as biliteracy; and
- g) If their child becomes biliterate, they may be eligible to earn the SSB, which is a special recognition in the form of a seal affixed to their high school diploma.

Monitoring of reclassified ELs:

17) Declares that existing federal law and state regulations require LEAs to monitor the progress of students who have been reclassified from EL to English proficient for four years.

18) Requires that, pursuant to federal law, a LEA monitor a reclassified student's progress to ensure all of the following:

- a) The student does not fail to progress academically because of insufficient proficiency in English;
- b) Any academic deficits the student incurred as a result of participation in an EL program have been remedied; and

- c) The student is meaningfully participating in the standard instructional program that is comparable to their peers who were never classified as ELs.

19) Requires the SBE, or before January 1, 2028, to identify both of the following:

- a) One or more appropriate instruments, including, but not limited to, the standardized English language observation protocol to be used for purposes of determining whether the English proficiency of a reclassified student is posing a barrier to the student's academic success; and
- b) Appropriate interventions for students who are determined to be in need of additional support for their English language in order to progress academically.

20) States that, for purposes of these requirements, "local education agency" means a school district, COE, or charter school.

21) Makes these requirements effective July 1, 2027.

Posting of EL reclassification data:

22) Requires the CDE, commencing with the 2027–28 school year, and subject to state and federal law regarding the privacy of student information, to annually post on its website both of the following:

- a) The reclassification rates of each school district, COE, and charter school; and
- b) Statewide reclassification rates disaggregated by grade, disability status, and the 10 most commonly spoken home languages of students.

Evaluation:

23) Requires the CDE, subject to an appropriation for this purpose to contract for an evaluation of the effects of the changes to the reclassification criteria and process required by the measure, to be completed and sent to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2032.

24) Requires the evaluation to include, but not be limited to, the effects on all of the following for students who have ever been classified as ELs:

- a) The number of students reclassified disaggregated by grade, language, and disability status as compared to prior years;
- b) The longitudinal achievement of ELs in English language arts (ELA) and mathematics, including pre- and post-reclassification;
- c) Core curriculum access, including course placement of reclassified middle school and high school students and including, at minimum, a comparison with students never classified as ELs with respect to enrollment in core academic subjects, enrollment in upper-level and remedial or lower-level courses, and enrollment in electives;

- d) The administration of reclassification procedures at the local level;
- e) Engagement of parents in their children's education and understanding of EL status and the reclassification process;
- f) Achievement of biliteracy, including receiving the SSB;
- g) Reclassification of ELs with disabilities;
- h) The monitoring practices of school districts, COEs, and charter schools;
- i) The quality of ELD instruction for ELs; and
- j) Enrollment in core academic subjects, enrollment in upper-level and remedial or lower-level courses, and enrollment in electives.

Teacher observation protocol for reclassification

- 25) Recasts the purposes of the English language teacher observation protocol by removing references to reclassification and instead stating that its purpose is for formative assessment and for monitoring of students reclassified as fully English proficient (RFEP).

Other changes:

- 26) In the section authorizing the assessments in ELD, adds a reference to the alternate assessment of ELD for students with significant cognitive disabilities.
- 27) Clarifies which assessments may be used for the initial and summative assessments of English language proficiency by removing the word "primarily."
- 28) Other technical and conforming changes.

EXISTING LAW:

- 1) Requires each school district that has one or more students who are ELs, and, to the extent required by federal law, each COE and each charter school, to assess the ELD of each student in order to determine the level of proficiency. Requires that the summative assessment be conducted annually during a four-month period after January 1st of each year, as determined by the SPI, and with approval by the SBE. Requires annual assessment to continue until students are redesignated as fully English proficient. (Education Code (EC) 313)
- 2) Requires the CDE, with the approval of the SBE, to establish procedures for conducting the assessment of English proficiency required and for the reclassification of a student from EL to English proficient. (EC 313)
- 3) Requires that the reclassification procedures developed by the CDE utilize multiple criteria in determining whether to reclassify a student as proficient in English, including, but not limited to, all of the following:

- a) Assessment of language proficiency using an objective assessment instrument, including, but not limited to, the ELD test that is developed or acquired;
 - b) Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery;
 - c) Parental opinion and consultation; and
 - d) Comparison of the performance of the student in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient students of the same age, which demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English. (EC 313)
- 4) Existing state regulations regarding reclassification require that:
- a) The teachers' evaluation for reclassification involves the participation of the student's classroom teacher and any other certificated staff with direct responsibility for teaching or placement decisions of the student;
 - b) Parental involvement in reclassification (the fourth criterion above) includes:
 - i) Notice to parents or guardians of language reclassification and placement, including a description of the reclassification process and the parent's opportunity to participate; and
 - ii) Encouragement of the participation of parents or guardians in the school district's reclassification procedure, including seeking their opinion and consultation during the reclassification process.
 - c) Until the statewide, empirically-established range of performance in basic ELA skills is established, evaluation of the student's performance as specified. (California Code of Regulations (CCR) Title V Section 11303)
- 5) Requires the CDE, by December 31, 2023, to develop a standardized English language teacher observation protocol for use by teachers in evaluating a student's English language proficiency, for purposes of reclassification. Requires that this protocol be designed to be used by teachers to evaluate a student's use of English while engaging in academic content learning, including interactive language use with peers. (EC 313.3)
- 6) In state regulations, requires that when administering an initial or summative assessment of ELD to a student with a disability, LEAs provide designated supports and accommodations in accordance with the student's IEP or Section 504 Plan. (5 CCR Section 11518.25)
- 7) When a student's IEP or Section 504 Plan specifies that the student has a disability that precludes assessment such that there are no appropriate accommodations for assessment in one or more of the listening, speaking, reading, and writing domains, requires that the student be assessed in the remaining domains. (5 CCR Section 11518.25)

- 8) Requires, through state regulations, that when a student's IEP team determines that they have a significant cognitive disability such that they are unable to participate in the initial or summative assessment of English language proficiency, or a section of either test, even with resources, the student be assessed using the statewide alternate assessment, as specified in the student's IEP. (5 CCR Section 11518.30)
- 9) In the federal Every Student Succeeds Act (ESSA) of 2015, requires that states establish and implement, with timely and meaningful consultation with LEAs representing the geographic diversity of the state, standardized statewide reclassification procedures for ELs to exit from EL programs, services, and status. (USC 20 U.S.C. Section 6821)
- 10) Includes the EL reclassification rate as part of the student achievement state priority for purposes of a school district's Local Control and Accountability Plan (LCAP). (EC 52060)
- 12) Requires, on or before July 1, 2018, the CDE to develop a manual providing guidance to LEAs on identifying, assessing, supporting, and reclassifying ELs who may qualify for special education services and students with disabilities who may be classified as ELs. (EC 56305)
- 13) In federal law, requires each eligible entity that receives a subgrant from a State Educational Agency (SEA) to provide the SEA, a report that includes the number and percentage of ELs meeting challenging state academic standards for each of the 4 years after they are no longer receiving services, in the aggregate and disaggregated, at a minimum, by ELs with a disability. (20 USC Section 3113(b))
- 14) Requires, in state regulations, school districts to monitor the progress of reclassified ELs to ensure correct classification and placement. (5 CCR Section 11304)
- 15) Requires the CDE, by January 1, 2014, the CDE to review and analyze the criteria, policies, and practices that a sampling of school districts that represent the geographic, socioeconomic, and demographic diversity of school districts in the state use to reclassify ELs, and recommend to the Legislature and SBE any guideline, regulatory, or statutory changes that it determines are necessary to identify when ELs are prepared for the successful transition to classrooms and curricula that require English proficiency. (EC 52164.6)
- 16) Requires, commencing in the 2019–20 school year, that a middle school or high school student who is classified as an EL, except for newcomer students, not be denied participation in the standard instructional program of a school, as specified.

FISCAL EFFECT: This bill has been keyed as a possible state-mandated local program by the Office of Legislative Counsel.

COMMENTS:

Need for the bill. The author states, “AB 2555 will reform California’s 50-year-old system for reclassifying English learners as fully English proficient, creating a coherent, consistent, transparent, and efficient reclassification system which is consistent with the California English Learner Roadmap.

California's vision for English learner success, as articulated in the English Learner Roadmap, is that English learners attain high levels of English proficiency, mastery of grade level standards, and have opportunities to develop proficiency in multiple languages. California's system for reclassifying students as fully English proficient is a critical part of realizing this vision.

California's reclassification system was established in 1976 and has not materially changed since. Research shows that the current system is characterized by inconsistency, redundancy, subjectivity, and complexity, and is highly influenced by different mindsets about reclassification. Research also shows that roughly half of all English learners who are not reclassified by the end of elementary school have scored proficient on the state's assessment of English language proficiency. Research further shows significant gaps in reclassification rates by home language, with Spanish-speaking students significantly less likely to reclassify than other students. On average, it takes 226 days for a student who has scored proficient in English to reclassify, and many students score proficient for multiple years before they are reclassified.

It is time for a comprehensive reform to this system. By streamlining the reclassification criteria, making reclassification automatic, better engaging parents, strengthening the monitoring of reclassified students, and reframing reclassification as a milestone on the path to biliteracy, AB 2555 will establish a coherent, consistent, efficient, and transparent reclassification system – one worthy of our students' potential.”

Major provisions of this bill. This bill makes numerous changes to the system for reclassifying ELs, most of which take effect as of the 2027-28 school year. They include:

- **Reclassification criteria:** Repeals existing reclassification criteria and makes the English Language Proficiency Assessments for California (ELPAC) the sole criterion for reclassification;
- **Automatic reclassification:** Replaces the local, manual process of reclassifying students with an automatic process in which the CDE records students as reclassified once they have achieved the ELPAC score required for reclassification;
- **Reclassification of ELs with IEPs:** Permits ELs with disabilities who are 1) not qualified to take the Alternate ELPAC, 2) have used all accommodations and any domain exemptions required by their IEP, and 3) fail to achieve the score on the ELPAC necessary for reclassification, to reclassify by showing proficiency one or more of the domains of the ELPAC through alternate coursework and performance tasks (known as alternate means). Requires, subject to an appropriation, the CDE to contract for the development of the alternate means;
- **Parent engagement:** Requires LEAs to notify parents, when a student is initially classified as an EL, of their child's entitlement to support to learn English, the reclassification process, and the requirement that LEAs monitor reclassified students, and emphasizes that reclassification can be seen as a milestone on the path to biliteracy and the SSB;
- **Monitoring of reclassified students:** Affirms current requirements that LEAs monitor ELs for four years after reclassification to determine if their English proficiency remains a barrier to academic progress. Requires the SBE to identify an instrument, including the Observation Protocol for Teachers of English Learners (OPTTEL), to designate as the means

by which reclassified students are monitored. Also requires the SBE to identify appropriate interventions for reclassified students when needed;

- **Reclassification data:** Requires the CDE to annually post on its website reclassification rates by each LEA and charter school, and statewide results disaggregated by grade, language, and disability; and
- **Evaluation:** Requires, subject to an appropriation, the CDE to contract for an evaluation of the effects of this measure, as specified.

Why is English learner reclassification important? For over fifty years, schools have been required to meet the needs of students learning English. In 1974 the U.S. Supreme Court found, in *Lau v. Nichols*, that the lack of supplemental language instruction in public school for ELs violated the Civil Rights Act of 1964, and required that districts provide appropriate relief. A few years later, the Chacon-Moscone Bilingual Bicultural Act of 1976 established the statutory framework to implement this decision. It included requirements for the identification, instruction, and reclassification of ELs.

Decades later, classification as an EL remains critical for students learning English, because it entitles them to specialized instruction which both helps them acquire English language skills and supports them as they learn academic content. Instruction in ELD, through designated and integrated ELD, delivered by qualified instructors, as well as annual progress monitoring through the state's assessment of English language proficiency are foundational elements of an appropriate and equitable education for these students.

Being reclassified appropriately is also critical, as it both marks the achievement of English proficiency and signifies that students are ready to engage with academic content without specialized support. Without the need for ELD instruction, students, particularly those in the secondary grades, no longer need to take special courses that might constrain their educational opportunities. They are often also better integrated into the academic and social life of the school. Reclassification is another critical part of an equitable education.

Beyond the effects on individual students, EL reclassification is also important for state policy purposes. The group of students classified as ELs is used in California's equity-based school finance system, the Local Control Funding Formula (LCFF), in the state's accountability system, including the California School Dashboard, the state's Statewide System of Support (SOS), the state's assessment systems, and for federal reporting purposes.

The ELs classification, both for individual students and for the public school system as a whole, is foundational. ***The Committee may wish to consider that*** without appropriate and consistent reclassification procedures, a state has a different definition of EL in every school district, in every school, and even in every classroom. This poses problems both for students and the public school alike.

The balancing act in EL reclassification. Due to the importance of EL status, policymakers need to strike a careful balance between reclassifying students too early and reclassifying them too late.

As shown in the graphic below, reclassifying too early can result in students struggling to succeed academically because of insufficient proficiency in English. Reclassifying students too

late can result in restricted opportunity to learn, segregation from peers, and damaged self-concept and lower teacher expectations.

Reclassify too early	Reclassify at the right time	Reclassify too late
<p>Students who are reclassified too early may struggle to succeed academically because of insufficient proficiency in English.</p>	<p>Students reclassify: Once they reach a level of English proficiency that allows them to succeed academically without specialized support; and Before EL status starts to limit opportunity to learn and causes segregation from peers.</p>	<p>Students who remain ELs too long experience restricted opportunity to learn, segregation from peers, damaged motivation and self-concept, and lowered teacher expectations.</p>

The consequences of reclassifying too early or too late. ELs who are reclassified before reaching proficiency in English lose access to specialized instruction, and may struggle academically as a result. This may have consequences for graduation and postsecondary success.

Conversely, when ELs reclassify too late, they can face restricted educational opportunity, segregation from their peers, lowered motivation and self-concept, and lower teacher expectations. Research identifies several risks of reclassifying too late, particularly in the secondary grades:

- Exclusion from core curriculum courses (Umansky, 2024; Umansky, 2016; Callahan, 2016, Umansky, 2016; Estrada, 2014; Olsen, 1992);
- Exclusion from college-preparatory and advanced courses (Kanno, 2014; Callahan, 2010; Callahan, 2009), courses required for graduation, and elective courses (Estrada, 2013);
- Tracking into lower-level courses and use of watered-down curriculum (Estrada, 2013; Zuniga, 2004; Harklau, 1994);
- Segregation from peers (Estrada, 2014; Estrada, 2013; Katz, 1999);
- Lower chances of graduating and enrolling in a postsecondary institution (Carlson, 2016); and
- Stigmatization, damaged motivation and self-concept, and lower teacher expectations. (Thompson, 2017; Estrada, 2017; Dabach, 2014; Dabach 2010).

California’s reclassification criteria were established in 1976 and have not materially changed since. California’s reclassification procedures were established in statute fifty years ago by the Chacon-Moscone Bilingual Bicultural Education Act of 1976. After this law sunset in 1987, the criteria were maintained in state regulations, and then re-established in statute through SB 638 (Alpert), Chapter 678, Statutes of 1999, essentially unchanged.

Current law establishes the following criteria for reclassification:

- 1) Assessment of language proficiency using an objective assessment instrument;
- 2) Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery;
- 3) Parental opinion and consultation; and
- 4) Comparison of the performance of the student in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient students of the same age, that demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English.

Current law allows LEAs to exceed these criteria. Research indicates that most California school districts have developed reclassification standards more rigorous than those recommended by the state. (Hill, 2014).

Federal law requires states to have standardized reclassification criteria. The federal Every Student Succeeds Act (ESSA) of 2015 requires states to “establish and implement, with timely and meaningful consultation with local educational agencies representing the geographic diversity of the state, standardized statewide reclassification procedures for English learners to exit from English learner programs, services, and status.”

Nearly all states have much simpler reclassification systems. According to WestEd, as of 2023, the following are the number of reclassification criteria used by other states:

- 1 criterion: 44 states
- 2 criteria: 3 states
- 3 criteria: 3 states
- 4 criteria: 1 state (California)

Research also shows that since the ESSA requirement to standardize reclassification criteria was enacted, the number of states with one criterion has doubled, and the number with three or more has declined by half. (Morales, 2024)

Many English learners who do not reclassify are actually proficient in English. Research highlights several outcomes of California's current system of reclassification, notably that many students who are not reclassified have achieved proficiency on the state's assessment of English proficiency:

- One statewide study of a kindergarten cohort found that although 72% of EL students had reached English proficiency on the CELDT by the end of fifth grade and thus were eligible for reclassification under criterion 1, barely 50% were actually reclassified, and as a result nearly half of all long-term ELs (LTELs) were English proficient. (Novikoff, 2024, 2025)

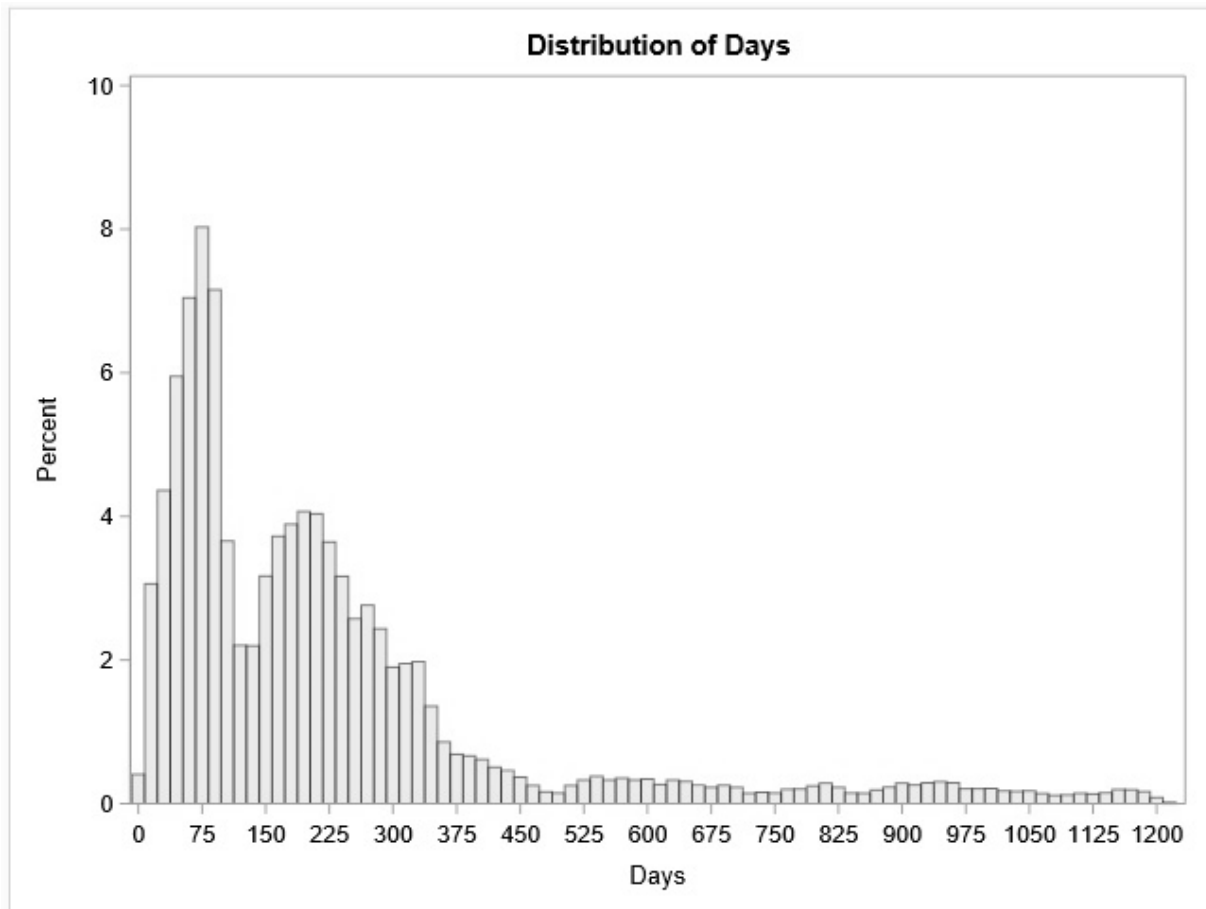
- A study of reclassification in nine school districts participating in a research partnership with Stanford University found that during the 2020-21 school year, only 61% of students achieving a proficient score on the ELPAC reclassified the following year. In addition, at least 25% of LTELs had obtained a proficient ELPAC score at some point in their academic careers. (Mercado-Garcia, 2026)
- A study of a large school district found that 50% of ELs met standardized-test criteria by the end of Grade 5, but only 38% of them were reclassified. (Umansky, 2014)
- An examination of data from two districts reported a high degree of discrepancy between the substantial percentage of ELs who meet state guidelines for ELD (37%) and ELA (60%) and the much smaller percentage reclassified (11%). (Estrada, 2017)
- A study on one medium sized district found that, of ELs meeting all criteria, 8% in year 1 and 33% in year 2 were not reclassified. (Estrada, 2014)
- A study on one large California district found that the reclassification rate among ELs meeting standardized-test criteria diminished across cohorts, from 91% in Grade 4 to 64% in Grade 10. (Robinson, 2011)
- A state audit of eight school districts representing a sizeable percentage of statewide EL enrollment found that in a subsample of 180 ELs, 62% were not reclassified despite meeting their district's criteria. In a single year across these districts, 42,000 candidates for reclassification were not reclassified. (Bureau of State Audits, 2005)

ELs are not reclassified for an average of 229 days after scoring proficient in English; some students score proficient for years before they are reclassified. An analysis by the CDE (2026) of the time to reclassification for students scoring proficient on the ELPAC indicates that significant time elapses before students are reclassified.

Using CALPADS data for over 140,000 EL students who were reclassified during the 2024–25 academic year, the CDE examined four years (2021–22 to 2024-25)) of summative ELPAC data to identify when these students first achieved a qualifying score.

As shown in the chart below, the CDE found that ELs reclassified in 2024–25 experienced an average delay of approximately 229 days after earning a qualifying ELPAC. While one-quarter of students were reclassified within 75 days—typically within the same academic year—the upper quartile of students waited more than nine months. Some students remained classified as EL for multiple years after first demonstrating proficiency, often earning Performance Level (PL) 4 scores in successive ELPAC administrations before reclassification occurred. At the 90th percentile, some students waited 532 days or more to be reclassified.

Percent of RFEP Students by the Number of Days between the ELPAC PL 4 Test Date to the Reclassification Date for 2024–25 RFEPs:



Source: CDE, 2026

Reclassification rates vary significantly by home language, even at the same proficiency level.

According to research published by the Learning Policy Institute (LPI, 2024), overall reclassification rates in elementary school vary significantly by home language:

- Mandarin: 77%
- Cantonese: 74%
- Vietnamese: 70%
- Korean: 68%
- Arabic: 50%
- Spanish: 46%

This research also shows the effect of these disparities on the percentage of students who become LTELs by language group, as shown below:

- Spanish: 49%
- Arabic: 38%
- Vietnamese: 26%
- Cantonese: 23%

- Mandarin: 15%
- Korean: 14%

While these disparities might be explained by initial levels of language proficiency, multiple studies have demonstrated that reclassification rates vary by home language even among students scoring at the same proficiency level:

- A study of one district found that students of Latino ethnicity were 20% less likely to reclassify than students of Chinese ethnicity in 4th grade, and 30% less likely to reclassify in 8th grade, even though both groups were eligible. (Umansky, 2020)
- A study of one district found that students reclassified compared to those not reclassified did not differ in performance but were more likely to be Asian than Latino. (Estrada, 2014)
- A study of one district found that native-Spanish speaking students were also less likely to be reclassified than other students, after controlling for other factors. (Thompson, 2015)

Reclassification Criterion 1 – Assessment of English Language Proficiency. This bill proposes to make the assessment of ELD (Criterion 1 under existing law) the sole criterion for reclassification. That assessment is currently known as the ELPAC.

Current law establishes the first criterion for EL reclassification, the “assessment of language proficiency using an objective assessment instrument, including, but not limited to, the English language development test that is developed or acquired pursuant to Section 60810.” Additionally, current regulations permit students with significant cognitive disabilities to take the Alternate ELPAC.

The SBE establishes the scores on these assessments to be used for purposes of reclassifying students. They are:

- Summative ELPAC: Overall Performance Level 4; and
- Summative Alternate ELPAC: Overall Performance Level 3

The SBE set the reclassification thresholds on the ELPAC to ensure that the proficiency level required to reclassify aligns with the ability to succeed in core content areas. A 2018 WestEd analysis confirmed that ELPAC Performance Level 4 corresponds to the ‘standard met’ level of performance on the state’s ELA assessment which would be expected of similarly situated English-only peers.

A 2026 WestEd analysis reached the same conclusion. *Finding the Sweet Spot for English Learner Reclassification: A Study of California’s Criteria* (Faulkner-Bond), found that ELs scoring a Performance Level 4 (the SBE’s threshold for reclassification) were at least as likely as their English-only peers with similar backgrounds to meet the proficiency standard (standard met) on the state’s ELA assessment, if not more likely. This held true for all levels of parental education, disability status, and socio-economic disadvantage. ELs scoring at this level outperformed all students except for those who were not socio-economically disadvantaged. The study also found that for ELs not reclassified there was no academic benefit to remaining in EL

status for an extra year. They also conclude that the use of a basic skills assessment as an additional criterion for reclassification may be redundant, unnecessary, or possibly unfair for ELs.

These analyses confirm that the ELPAC performance level chosen by the SBE for reclassification aligns with expected successful performance in basic skills. Measuring performance in basic skills is the purpose of Criterion 4 (Assessment of Basic Skills), which raises questions about whether Criterion 4 is truly necessary. Based on their analysis, WestEd recommended that California maintain the current ELPAC reclassification threshold, and consider changing or dropping Criterion 4.

While research (Public Policy Institute of California (PPIC), 2021) indicates that nearly 100% of LEAs administer the ELPAC and that 90% require a PL 4 for reclassification, it also indicates that roughly 20% of LEAs use another assessment in addition to the ELPAC. LEAs that use an additional assessment have lower reclassification rates (13% vs. 24%).

With respect to Criterion 1 (Assessment of English Language Proficiency), *the Committee may wish to consider that:*

- The ELPAC reclassification threshold adopted by the SBE aligns with expected successful performance in basic skills, making Criterion 4 (Assessment of Basic Skills) of questionable value.
- Criterion 1 is the only standardized measure in the reclassification system. Even so, one in five LEAs report using an additional assessment of ELD, resulting in lower reclassification rates.

Criterion 2 – Teacher Evaluation. This bill would eliminate the teacher evaluation (Criterion 2) from the state’s reclassification criteria.

Current law establishes a “teacher evaluation, including, but not limited to, a review of the student’s curriculum mastery,” as a required criterion for reclassification. Research indicates the following about local practices:

- There is a high degree of inconsistency among LEAs in the measures they include for purposes of the teacher evaluation. A sampling of LEA policies illustrates this variation:
 - District 1: Grade of C or better in ELA
 - District 2: Grade of C or better in ELA + 2.0 overall GPA
 - District 3: Student Oral Language Observation Matrix (SOLOM) of 3.5 or higher
 - District 4: Teacher agrees that student is performing successfully in all academic areas, report card shows approaching standards.
 - District 5: Passing grade in ELA, use of formative and summative assessments, and if the student has an IEP, progress toward linguistically appropriate goals.
 - District 6: OPTEL
 - District 7: For students who meet all other standardized criteria, teachers who disagree with reclassification are directed to complete an intervention plan “to stop the reclassification process.”

- Nearly all districts use criteria for the teacher evaluation that are more rigorous than necessary. For example, 40% of districts require at least two of the following in grades 9-12: grades, formative assessments, informal assessments, and other assessments. Use of multiple measures is associated with lower reclassification rates. (Hill, 2021)
- Districts frequently incorporate proficiency in subjects other than English. Half of LEAs use math performance as part of their teacher evaluation. (Hill, 2021)
- Non-academic factors are often included in the teacher evaluation (Hill, 2021), including measures of:
 - Attendance: 30% of districts
 - Behavior: 21% of districts
 - Discipline: 16% of districts
 - Homework: 38% of districts
 - Class participation: 62% of districts
- Grades are commonly used in the teacher evaluation. (Hill, 2021) Grades often include factors unrelated to proficiency, such as attendance, behavior, participation, and homework. Grading policies also vary by individual teacher, even among those teaching the same course at the same school.
- Educator mindsets regarding reclassification influence reclassification rates. Qualitative research (Estrada, 2017) identified two mindsets which influenced reclassification decisions. One, “Reclassification is urgent,” was characterized by clearly defined criteria, transparency and automaticity, increased standardization, and higher reclassification rates. The other, “Reclassification can wait,” was characterized by inadequate knowledge, ambiguous criteria, lack of data transparency, misapplication of criteria, unstandardized processes, and lower reclassification rates. In “reclassification can wait” districts, teachers often said ELs would benefit from another year of support, expected ELs to possess “native English speaker skills,” used nonacademic factors such as being “a high performer, but spacey.” They tended to disregard proficient or advanced scores as “single performances,” “luck,” possibly “cheating,” or an indication that some students “are just good test takers.” Recent research (PACE, 2026) indicates that when mindsets regarding reclassification shift, student outcomes improve.
- The OPTEL is now in use on a voluntary basis. Current law authorizes the CDE to develop a standardized language use observation protocol (the OPTEL) for use by teachers in reclassification of ELs as fully English proficient. The OPTEL was approved by the SBE in November, 2023. This bill proposes to change the purposes of the OPTEL to formative assessment, and requires the SBE to determine whether it is suitable for purposes of monitoring reclassified students.

With respect to Criterion 2 (Teacher Evaluation), *the Committee may wish to consider* that this criterion allows for:

- A high degree of inconsistency in implementation;
- The inappropriate use of factors unrelated to English proficiency;

- The use of a subjective measure to override as many as two objective assessments, functioning as a veto over reclassification; and
- Mindsets about reclassification influence students' likelihood of being reclassified, even when they meet all other criteria.

Criterion 3 - Parent opinion and consultation. This bill would replace Criterion 3, parent opinion and consultation, with a requirement to engage with parents when a student is initially identified as an EL.

Current law requires that, as part of the reclassification process, LEAs conduct a parent consultation. State regulations further specify that this consultation must include notice to parents or guardians of language reclassification and placement, including a description of the reclassification process and the parent's opportunity to participate.

Research has found significant variation in how this requirement is implemented. Some LEAs require in-person meetings or phone calls, while others require a parent's signature (which can delay or even stop reclassification). Research also indicates that the parental consultation was considered of limited importance in the reclassification process. (Hill, 2023)

The best portrait of how parents engage with the reclassification process comes from an organization called the Parent Organization Network (PON). Over a number of years, PON trained 370 parents in six Southern California school districts on how to support their children to reclassify. This organization found that:

- There is a major disconnect between families and schools regarding reclassification;
- Parent communication is one-way, disjointed, piecemeal;
- Very difficult for parents to understand their children's EL status;
- Students are not fully aware of whether they have reclassified;
- Too many requirements, too much variation across LEAs;
- Educators' beliefs about ELs and ELD instruction, formal training, and experience coordinating with others vary and matters;
- When educators help EL students understand the purpose of the ELPAC, their scores improve; and
- Supporting LTELs to reclassify becomes a major challenge for districts.

The PON recommended the following improvements to the reclassification system.

- Streamline Criterion 1 and Criterion 4 into a single criterion;
- Consider allowing students scoring at a PL 3 on the ELPAC to reclassify;
- Eliminate teacher evaluation and parent consultation as reclassification requirements;
- Require teacher evaluation and parent consultation twice a year until reclassification; and
- Automate the system so reclassification is less dependent on staff time and competency.

With respect to Criterion 3 (Parent Consultation), ***the Committee may wish to consider*** that:

- The current parent consultation requirement, which involves notification at the end of the reclassification process, is structured backwards, is often not meaningful, and deprives

parents of the opportunity to engage with schools to support their children’s progress toward English proficiency; and

- True parent engagement in reclassification would start at the beginning of the process, and involve a partnership between school and family throughout the student’s experience as an EL.

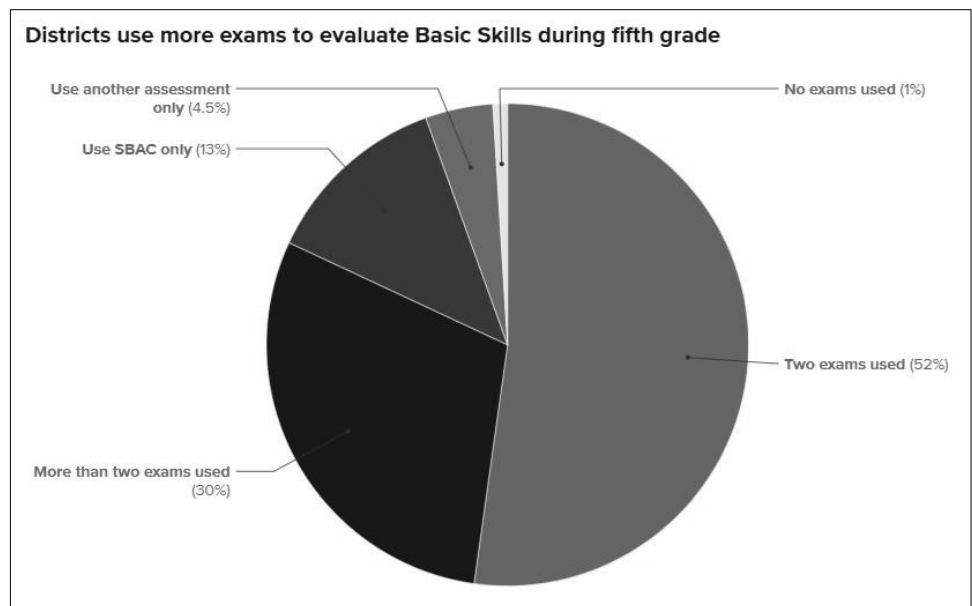
Criterion 4: Assessment of basic skills. This bill would eliminate Criterion 4, the assessment of basic skills, from the state’s reclassification criteria.

Current law requires that LEAs include in their reclassification process a comparison of the performance of the student in basic skills against an empirically established range of performance in basic skills based upon the performance of English proficient students of the same age, that demonstrates whether the student is sufficiently proficient in English to participate effectively in a curriculum designed for students of the same age whose native language is English.

Research on local practices regarding the basic skills criteria indicates:

- The basic skills criterion may be redundant, unnecessary, and possibly unfair for ELs. (Faulkner-Bond, 2026) As noted above, the SBE set its performance level for reclassification to align with expected successful performance in basic skills in ELA for similar students.

- Research has found that the assessment of basic skills is a major barrier to reclassification for students who score proficient on the assessment of English proficiency, and holds students in the EL category for reasons unrelated to English proficiency. (Mercado-Garcia, 2026; Umansky, 2026; Hill, 2014)



- Locally established requirements have sometimes held ELs to a higher standard than their English-only peers. (Mercado-Garcia, 2026, Faulkner-Bond, 2026)
- LEAs use many different assessments and different thresholds for this criterion. Research from the PPIC found that LEAs used 24 different national assessments, as well as district-written exams and report cards, just for students in 5th grade. (Hill, 2026)

- LEAs often use more than one assessment just for this criterion. The PPIC found that 82% of LEAs used more than one assessment, and 30% use three or more, as shown in the chart above. (Hill, 2026)
- In grades in which the SBAC is administered (grades 3-8, 11), LEAs most often use SBAC ELA performance for this criterion, but performance thresholds vary significantly, as shown on the table below. (Hill, 2021)

	<i>Far Below and Below</i>	<i>Nearly Met</i>	<i>Nearly Met+</i>	<i>Met</i>	<i>Exceeded</i>	<i>Grade level average</i>	<i>N/A</i>	<i>Total</i>
Grades 3–5	2.1	26.1	9.9	48.3	3.2	2.6	7.8	100
Grades 6–8	2.5	25.2	8.6	49.6	3.2	3.6	7.4	100
Grades 9–10	3.1	30.2	8.6	42.2	3	2	10.8	100
Grade 11	4.4	31.2	9.8	45.5	4.2	4	0.9	100
Grade 12	4.9	27.5	7.9	43.1	4.7	1.1	10.8	100

- Even in the SBAC grades most LEAs use another assessment in addition to the SBAC. For example, 55% of LEAs serving grades 3-5 required the use of another assessment (in addition to the SBAC) for this criterion. (Hill, 2021)
- In non-SBAC grades (kindergarten and grades 1, 2, 9, 10, and 12), a wide variety of assessments are used. For grades K–2 these include the DIBELS, iReady, NWEA, STAR early literacy, benchmarks, and writing samples. For grades 9, 10, and 12 LEAs use prior year’s SBAC score, PSAT/SAT, STAR, NWEA, and benchmarks. (Hill, 2021)
- This criterion adds significant complexity to the reclassification process, leading to a longer time to reclassification. (Mercado-Garcia, 2026; Estrada, 2018)
- The students most likely to be held back from reclassification are those in middle and high school and those attending school in rural areas. (Umansky, 2026)

With respect to Criterion 4, the assessment of basic skills requirement, *the Committee may wish to consider* that it:

- Is characterized by a high degree of inconsistency in both assessments and performance thresholds used;
- Is redundant with the ELPAC based on the performance thresholds adopted by the SBE for reclassification;
- Allows ELs to be held to a higher standard than non-ELs in order to reclassify;
- Is a major cause of the high rate of students not being reclassified who score proficient on the ELPAC; and
- Adds to the complexity of the system, which delays reclassification.

“Failure to push the button.” Complexity of the system leads to eligible students not reclassifying. To reclassify a student, LEAs must assemble at least four, and based on local practices, likely more, data points and evaluations. These pieces of information become available at different times, and may be held in different data systems.

The administrative complexity of reclassification is so significant that “failure to push the button,” is a documented cause of not reclassifying students when qualified (Estrada, 2017). In addition, local criteria change frequently in some LEAs – in some cases almost annually.

Recent research (Mercado-Garcia, 2026) demonstrates the complexity of this system:

Administrative Processes That Delay Reclassification

District leaders identified several bureaucratic procedures that resulted in missed or delayed reclassification. These are some of the challenges they mentioned as pertaining to each of the criteria for reclassification and the data systems for tracking reclassification.

English language proficiency:

- Timing of receiving ELPAC scores making it difficult to reclassify students before the end of the academic year (e.g., if scores are received after the end of the academic year, reclassification would have to occur during the fall of the next academic year)
- Treating the criteria as sequential, meaning that districts waited to confirm that a student had passed the ELPAC before beginning other parts of the process, so score-reporting delays could further hinder reclassification

Basic skills:

- Selecting assessments and determining how many are necessary
- Setting appropriate thresholds with minimal guidance from the state
- Gathering scores from multiple data systems (e.g., SBAC, i-Ready, NWEA MAP, etc.)
- Not knowing whether to review and consider multiple administrations of basic skills assessment results (e.g., fall, winter, spring)

Teacher consultation:

- Gathering teacher consultation information after receipt of spring ELPAC scores but before the end of the academic year
- Gathering teacher consultation information at the start of the academic year if that teacher had been teaching the student only for a few weeks
- Overcoming bias, misunderstandings, or inconsistencies among teachers about what the EL designation and reclassification should mean

Parent notification:

- Scheduling time to consult with parents and/or gathering written acknowledgement of their student’s readiness to reclassify after receipt of ELPAC scores but before the end of the academic year

Data systems:

- Tracking and monitoring EL progress using fragmented data systems, even when contracting through third-party vendors to streamline various data sources (such as Ellevation or Clever)

Source: PACE, 2026

Automatic reclassification leads to higher reclassification rates of eligible students and closes gaps in home language reclassification rates. This bill proposes to make the process of reclassifying eligible students occur automatically at the state level rather than at the local level.

Recent research (Bartlett, 2026) examining the experience of Michigan in switching from a manual process at the local level to an automatic process at the state level suggests that this has significant positive effects on the reclassification of eligible students. According to the authors, 9 states and the District of Columbia use an automatic process.

Michigan’s automatic reclassification process (Bartlet, 2026)	
Manual reclassification	Automatic reclassification
Once a student meets reclassification criteria, reclassification becomes an administrative procedure at the local level.	<p>State assumes responsibility for reclassifying students once they meet criteria.</p> <p>Alters the default choice toward reclassifying students rather than retaining.</p> <p>Districts can still override reclassification decisions.</p>

The authors documented the following results from Michigan’s shift to automatic reclassification:

- Reclassification of eligible students went up 36%;
- Language group disparities among students at same proficiency level were eliminated;
- Across all grade levels and time periods, students were more likely to reclassify; and
- There were very few district overrides of reclassification, and all were submitted in error.

The authors note that this policy was successful because it reduced administrative burden for districts, relied less on local districts’ capacity, and deemphasized subjective input. LEA staff expressed universally positive feedback about the automatic process, noting that it was less burdensome, more accurate, and allowed staff to focus on teaching students instead of managing a complex administrative process. LEA staff noted that there were particular benefits for students moving from one LEA to another, as mobility makes manual reclassification especially challenging.

Monitoring of reclassified students. This bill requires the SBE, on or before January 1, 2028, to identify 1) one or more appropriate instruments, including, but not limited to, the OPTEL, to be used for purposes of determining whether the English proficiency of a reclassified student is posing a barrier to the student’s academic success; and 2) appropriate interventions for students who are determined to be in need of additional support for their English language in order to progress academically.

Federal and state law require LEAs to monitor RFEPs for four years after reclassification. The goal of monitoring RFEP students is to identify students for whom English proficiency continues to pose a barrier to academic success.

Monitoring post-reclassification is an important part of the reclassification process because it functions as a safety net to “catch” students who are reclassified too early. Research indicates that students can experience a “reclassification shock” immediately after being reclassified (Umansky, 2016; Ma, 2025), further illustrating the importance of robust monitoring of RFEP performance.

Research from the PPIC (Hill, 2021) indicates inconsistency in the monitoring practices of LEAs. They found that LEAs use a range of measures to monitor RFEPs, including:

- Test scores (85%);
- Grades (91%);
- Courses taken (11%); and
- Attendance (60%)

The PPIC found that when monitoring reveals that reclassified students need extra support, districts often provide reading and language interventions as well as either integrated or designated ELD.

Unlike other states, California does not have a standardized RFEP monitoring system, with identified monitoring methods and interventions. According to the PPIC some states, such as those shown below, have standardized monitoring systems:

	Monitoring method(s)	Triggering measure	Outcome
Arizona (2023)	State assessment of reading, writing, math	Below standard	Written individual compensatory plan or EL referral process
Illinois (2019)	Teachers monitor	Communicate to parents. Only parent request can trigger retest	Return to EL services
Washington (2022)	Use more than one of: State, district, or classroom assessments, grades, teacher recommendations	Not meeting state standards, not meaningfully participating compared to never-EL peers	Homework supports, in-class support, extended day, extended year, and/or Saturday support services, other

Source: PPIC

Reclassification of English learners with disabilities. This bill would permit ELs with disabilities who are not eligible to take the Alternate ELPAC to reclassify using alternate coursework or performance tasks, under specified circumstances. The bill also requires the CDE to develop and post on its website these alternative coursework and performance tasks.

The over-identification of ELs as having disabilities has been a concern since at least the 1960’s. This is in part due to initial identification, and in part due to the difficulty these students have reclassifying, particularly if they have a language-based disability. This disproportionality becomes particularly acute in the high school grades.

The disproportionate share of ELs who have IEPs, vs. non-ELs who have IEPs, is shown below, for the 2024-25 school year:

English Learners and English-Only Students with IEPs, 2024-25 Source: CDE, 2026														
	TK	K	1	2	3	4	5	6	7	8	9	10	11	12
ELs with IEPs	19%	13%	15%	16%	16%	18%	19%	19%	19%	19%	19%	19%	19%	24%
Non-ELs with IEPs	12%	12%	13%	14%	15%	15%	15%	14%	13%	13%	12%	12%	12%	16%

State policy regarding the reclassification of ELs with disabilities has changed over time:

- The test administration manual for the prior ELD assessment (the CELDT) stated that multiple criteria could be used in concert with the four reclassification criteria authorized in statute, and authorized IEP teams to determine appropriate measures of English proficiency that would be equivalent to an English-proficient peer with similar disabilities.
- Recent CDE guidance, issued in 2025, states that all dually identified students (except those taking the alternate assessment/ELPAC) must score the same as all other ELs on the ELPAC to meet Criterion 1 for reclassification.
- In the 2022-23 school year, students with significant cognitive disabilities became eligible to take the Alternate ELPAC for purposes of reclassification.

SB 154 (Committee on Budget and Fiscal Review), Chapter 43, Statutes of 2022, authorized the development of alternative coursework and performance tasks for educators to use for students with disabilities who are not eligible for the statewide alternate assessments so that they may demonstrate completion of the state graduation requirements through alternate means and earn a high school diploma.

This bill proposes to establish a corresponding set of alternate means, which would enable ELs with disabilities who are not eligible to take the Alternate ELPAC, and who, even when using all assessment accommodations and any domain exemptions specified in their IEPs, cannot successfully show proficiency at the performance level required for reclassification. The bill proposes to authorize the reclassification of these students through a combination of performance on the ELPAC and through student work.

This policy would not change the content or proficiency level required for reclassification, but would allow students who are unable to show proficiency using the ELPAC to have an alternative way to show proficiency and reclassify.

Alignment with the EL Roadmap. California’s vision for EL success, as articulated in the California EL Roadmap Policy adopted by the SBE in 2017, is that ELs attain high levels of

English proficiency, mastery of grade level standards, and opportunities to develop proficiency in multiple languages. The EL Roadmap Policy also states that California schools should value and seek to build upon the cultural and linguistic assets pupils bring to their education.

The Committee may wish to consider that, in numerous ways, this bill aligns with this vision. By reframing reclassification as a milestone on the path to biliteracy, including earning the SSB, it promotes the linguistic assets students bring to their education. By enabling them to reclassify when they reach English proficiency it promotes mastery of grade level standards and access to a broad course of study. By promoting parent engagement, it builds stronger parent relationships. And by focusing educators on the instruction needed to enable students to reclassify, it promotes high levels of English proficiency.

Fiscal impact of reclassifying ELs when they score proficient on the ELPAC. This bill would reclassify ELs when they score proficient on the ELPAC.

California's funding system for K-12 education, the LCFF, provides supplemental funding for an unduplicated count of a school district's ELs, low-income students, and students in foster care. School districts are also eligible to receive concentration grant funding if their enrollment of these students exceeds 55%.

Because a school district's entitlement to supplemental funding is based on an unduplicated count, for every EL student who is reclassified and who is also low-income or in foster care, the school's supplemental funding does not change.

According to the CDE, 94% of ELs are also low-income. As a result, for 94% of ELs, there is no change in LCFF funding as a result of reclassification.

Additionally, of the 6% of students who are EL-only (not low-income), there would only be a fiscal impact for those ELs who are not currently being reclassified when they show proficiency on the ELPAC. Of those English-only students who achieved a Performance Level 4 in the 2023-24 school year, roughly 16,000 students remained ELs in the 2024-25 school year, out of the 3.8 million unduplicated students in the state. This represents approximately 0.4% of unduplicated enrollment.

Additionally, there are cost savings associated with not having to serve students who no longer require support. For every student who is English-proficient but not reclassified, schools must provide integrated and designated ELD (including a designated ELD class in the secondary grades), annually assess them using the ELPAC or Alternate ELPAC, purchase instructional materials, provide professional development, and administer the reclassification process. Not having to carry out these responsibilities when students no longer need them would save LEAs resources.

Arguments in support. The San Diego Unified School District writes, "Research clearly highlights critical shortcomings in California's current reclassification system, which is characterized by inconsistency, redundancy, subjectivity, and complexity, and is highly influenced by varying mindsets about reclassification. These flaws result in inequitable outcomes for English learners. Under the current system, even students who demonstrate English language fluency on the state's language proficiency assessment face numerous additional hurdles to

reclassify. Additionally, the current system does not recognize the unique needs of students with disabilities, which may pose barriers for them to reclassify through the established process.

AB 2555 will address these challenges by removing subjectivity, streamlining duplicative assessments, and creating a pathway that is responsive to the unique needs of students with disabilities. Importantly, this bill also represents a mindset shift by recognizing our English learner's home language skills as an asset and highlighting reclassification as a critical step in the path to achieving biliteracy.”

Recommended Committee amendments. Staff recommends that the bill be amended as follows:

- 1) Add the State Special Schools to the definition of LEA for purposes of the measure.
- 2) Remove the date by which the CDE would have to record students as reclassified, and establish the date of reclassification for a student as the day the student demonstrated proficiency on the ELPAC or Alternate ELPAC.
- 3) Add amendments to EC section 51101 to establish a right of parents to monitor their children's progress toward English proficiency and to be informed of the reclassification process.
- 4) Clarify that ELs a determination that an EL with significant cognitive may take the Alternate ELPAC does not require a determination that they are eligible to take the California Alternate Assessments (CAA) in English language arts and mathematics, and states the intent of the Legislature that IEP teams determine in advance of any initial or summative English language proficiency assessment which assessment they should take.
- 5) Specify that the alternate means developed by the CDE may be developed under contract, that the alternate means includes rubrics aligned to the content and performance levels of the domains ELPAC in each grade span. Require that the contract include professional development resources to train educators on their use. Clarify that students can use new or existing work for purposes of establishing proficiency using the alternate means.
- 6) Change the date upon which students would be able to use alternate means for reclassification to July 1, 2028, to align it to the completion of the alternate means.
- 7) Add to the criteria for use of alternate means that the student has received instruction in ELD which would otherwise be expected to result in proficiency in English. Require documentation of the alternate means in a student's IEP.
- 8) Align the parent notification requirements with other existing notifications to avoid duplication.
- 9) Delete the July 1 operative date for monitoring section. State that the requirements to monitor are declarative of existing law.
- 10) Clarify that the SBE would be required to consider the OPTEL for use in reclassification, and limit the identification to one instrument.
- 11) Add specified outcomes for RFEPs to the data the CDE would be required to annually post.

12) Technical and conforming changes.

Related legislation. AB 1360 (Arambula) of the 2025-26 Session would have authorized an English learner to be reclassified if they achieved an English Learner Progress Indicator (ELPI) score of 3H or above on the ELPAC and also satisfied the other criteria. This bill was held in the Assembly Education Committee.

AB 2268 (Muratsuchi), Chapter 15, Statutes of 2024, exempts students in transitional kindergarten (TK) from the requirement to be assessed for initial identification as an EL.

AB 1808 (Committee on Budget), Chapter 32, Statutes of 2018, requires the CDE to develop a standardized language use observation protocol for use by teachers in reclassification of ELs as fully English proficient.

AB 2763 (O'Donnell) of the 2017-18 Session would have required the CDE to develop a standardized language use observation protocol for use by teachers in reclassification of ELs as fully English proficient. This bill was held in the Senate Education Committee.

AB 2735 (O'Donnell), Chapter 304, Statutes of 2018, prohibits an EL from being denied enrollment in core curriculum courses and courses required for high school graduation, except for ELs who are enrolled in newcomer programs.

AB 2785 (O'Donnell), Chapter 579, Statutes of 2016, requires the CDE to develop a manual providing guidance to LEAs on identifying and supporting ELs with disabilities.

SB 463 (Lara) of the 2017-18 Session would have established new statewide criteria and processes for the reclassification of ELs as fully English proficient. This bill was later amended into another jurisdiction.

AB 491 (Gonzalez) of the 2015-16 Session would have required the CDE to recommend, and the SBE to adopt, best practices for the reclassification of ELs, by July, 2016. This bill was later amended to address another topic.

SB 1108 (Padilla), Chapter 434, Statutes of 2012, requires the CDE, if state, federal, or private funds are provided for this purpose, to review and analyze the criteria, policies and practices that school districts use to reclassify ELs and to recommend any policy changes necessary to identify when ELs are prepared for reclassification.

SB 542 (Wyland) of the 2013-14 Session would have required that a student in grades 3 to 11, be eligible to be reclassified if they attained the proficient level of performance on the ELA STAR test, a score of intermediate or above on all portions of the ELD assessment, a 3.0 grade point average at the end of the school year, and verified approval submitted by the student's parent. The bill would also have authorized a school district to continue to receive state funding designated for its ELs for up to 2 years after the student has been reclassified as fluent English proficient. This bill was held in the Senate Education Committee.

SB 753 (Padilla), Chapter 634, Statutes of 2011, prohibits a student in grades 3 to 11 from being required to retake those portions of the ELD test for which he or she has previously tested as advanced within each appropriate grade span, and a student in any of grades 10 to 12 from

retaking to retake those portions for which he or she has previously tested as early advanced or advanced.

SB 873 (Padilla) of the 2011-12 Session would have limited the criteria for reclassification to the four specified in statute. This bill was held in the Senate Education Committee.

AB 1767 (Norby) of the 2011-12 Session would have required ELs to be reclassified as English proficient if they meet the specified criteria and allows school districts to continue to receive state funding designated for ELs for up to two years after they have been reclassified as English proficient. This bill was later amended to address another topic. This bill was held in the Assembly Appropriations Committee.

AB 2077 (Fuentes) of the 2007-28 Session, in its introduced form, would have allowed students to demonstrate English language proficiency for purposes of reclassification using the student's consistent performance on both the ELD test and the California Standards Test. This bill was held in the Assembly Appropriations Committee.

AB 741 (Firebaugh) of the 2001-22 Session would have replaced the basic skills criterion for reclassification with an assessment of the student's mastery of academic content as measured by the California Standards Tests that are appropriate for the student's age or grade. This bill was vetoed by the Governor, who stated:

This bill would add new requirements on local education agencies and the State related to students of limited English language proficiency. The bill would change the criteria for reclassifying English learner students as English proficient. I believe that English literacy reclassification should continue to be based solely on students' English proficiency. With respect to instructional materials, the State Board of Education is already adopting instructional materials for English language arts and English language development that respond to the needs of English learners. Furthermore, development and purchase of separate materials would entail substantial costs beyond the State's current resources.

Finally, I have concerns that the bill would threaten the credibility of the state's accountability system for schools. While I agree with the bill's intent to promote improved academic performance among English learners, the bill's proposal to compare year-to-year growth in the Academic Performance Index scores for English learners does not consider changes in the English learner population due to literacy reclassification, and thus would not measure and reward schools for actual improvement in student performance. Also, and very importantly, this measure, according to the Department of Finance, would result in hundreds of millions of additional dollars for new instructional materials. For those reasons, I cannot support this measure.

SB 638 (Alpert), Chapter 678, Statutes of 1999, placed in statute regulations that had been in place prior to the sunset in 1987 of the Chacon-Moscone Bilingual Bicultural Act of 1976, including the reclassification provisions.

AB 1329 (Chacon and Moscone), Chapter 978, Statutes of 1976, the Chacon-Moscone Bilingual Bicultural Act of 1976, established the statutory framework for the *Lau v. Nichols* Supreme Court decision, including requirements for EL reclassification. Required that reclassification criteria be established by each school district utilizing multiple criteria, including teacher

evaluation, an objective assessment of language proficiency and reading and writing skills, parental opinion and consultation, and an empirically established range of performance in basic skills, based on non-minority English-proficient students of the same grade and age, which demonstrates that the student is sufficiently proficient in English to succeed in an English-only classroom.

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda County Office of Education
California Association for Bilingual Education
California Association of Suburban School Districts
California Immigrant Policy Center
California Teachers Association
Californians Together
California Federation of Teachers
Charitable Ventures of Orange County
Children Now
EDvance College
Fresno County Superintendent of Schools
Go Public Schools
Kern County Superintendent of Schools Office
Office of the Riverside County Superintendent of Schools
Parent Organization Network
Public Advocates
San Diego Unified School District
SELPA Administrators of California
Sobrato Early Academic Language
Teach Plus - California
The Education Trust - West
18 individuals

Opposition

None on file

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