

## CONCURRENCE IN SENATE AMENDMENTS

AB 2555 (Patel)

As Amended August 20, 2026

2/3 vote. Urgency

**SUMMARY**

As an urgency measure, makes changes to the system of reclassifying English learners (ELs) as English proficient, 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 statewide 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.

**Senate Amendments**

- 1) Require that students who meet the new reclassification criteria on the 2025-26 and 2026-27 administrations of the English language proficiency assessment be reclassified.
- 2) Require that, for students with disabilities to use alternate means for purposes of reclassification, they score one level below the performance threshold required for reclassification on either of the assessments of English language proficiency.
- 3) Require that the SBE identify means of monitoring reclassified students who are not meeting challenging academic standards after reclassifying.
- 4) Remove the requirement that the CDE report certain outcomes of reclassified students and instead requires that this data be included in the evaluation required by the bill, and limit reporting on chronic absenteeism and other outcomes to state level data.
- 5) Authorize the development of the alternate means for reclassification using funding appropriated in the 2026-27 budget, by the Sacramento County Office of Education.
- 6) Add chaptering out amendments with SB 1412.
- 7) Add an urgency clause.
- 8) Make other technical and conforming changes.

**COMMENTS**

*Major provisions of this bill.* This bill makes numerous changes to the system for reclassifying ELs, including:

- 1) **Reclassification criteria:** Repeals existing reclassification criteria and makes the English Language Proficiency Assessments for California (ELPAC) the sole criterion for reclassification;

- 2) 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;
- 3) Reclassification of ELs with Individualized Education Programs (IEPs): Permits ELs with disabilities who 1) have used all accommodations and any domain exemptions required by their IEP, and 2) fail to achieve the score on the ELPAC necessary for reclassification, to reclassify by showing proficiency in one or more of the domains of the ELPAC through alternate pupil work and performance tasks (known as alternate means). Authorizes funding appropriated in the 2026-27 budget to be used for this purpose.
- 4) Parent engagement: Requires local educational agencies (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, emphasizes that reclassification can be seen as a milestone on the path to biliteracy and the State Seal of Biliteracy, and establishes parent rights to be informed of their children's progress in developing English proficiency;
- 5) 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 who are not succeeding are monitored. Also requires the CDE to identify appropriate interventions for reclassified students when needed;
- 6) 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
- 7) 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 schools 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 Assembly 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 schools 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. 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.

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.

*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, 44 states used one criterion, 3 states used two criteria, 3 states used 3 criteria, and one state (California) used 4 criteria.

*Many English learners who do not reclassify are actually proficient in English.* Research has found 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 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 (LTEs) were English proficient. (Novicoff, 2024, 2025)

*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 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.

*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:

- 1) Mandarin: 77%
- 2) Cantonese: 74%
- 3) Vietnamese: 70%
- 4) Korean: 68%
- 5) Arabic: 50%
- 6) Spanish: 46%

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.

### **According to the Author**

"AB 2555 will reform California's nearly 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 nearly 50 years ago 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."

### **Arguments in Support**

Californians Together writes, "EL reclassification policy must be carefully designed to avoid reclassifying students too early, which can leave students with insufficient English proficiency to succeed, and reclassifying too late, which can restrict their opportunity to learn and segregate them from their peers.

Research shows that the current system is characterized by inconsistency, redundancy, subjectivity, and complexity, and is highly influenced by mindsets about reclassification.

Currently, the lack of a standardized process can lead to delays and disparities in how students transition out of EL status. Implementing a clear, uniform reclassification process is essential. AB 2555 will establish a coherent, consistent, efficient reclassification system which is consistent with the EL Roadmap Policy."

### **Arguments in Opposition**

None on file.

## **FISCAL COMMENTS**

According to the Senate Appropriations Committee:

- 1) This bill could result in Proposition 98 General Fund apportionment revenue losses to local educational agencies (LEAs) associated with reduced supplemental Local Control Funding Formula (LCFF) funding for students no longer designated as English learners. The extent of these costs is unknown and would depend on the number of students that are reclassified as English proficient based on the new reclassification criteria. Additionally, these costs may be offset by savings associated with LEAs no longer needing to provide English Language Development resources to English learners that have been reclassified as proficient.
- 2) The California Department of Education (CDE) estimates General Fund costs of \$3.5 million and a minimum of 8.0 positions across multiple divisions in the department to comply with the bill's requirements. However, staff notes that not all of these costs are attributed to this bill as CDE indicates that some of these divisions have been under-resourced with meeting existing workload.
- 3) This bill could result in one-time General Fund cost pressures, potentially in the hundreds of thousands to low millions of dollars, for the state to provide funding for CDE to contract for the development of content-aligned rubrics and sample alternative coursework, and an evaluation of the bill's reclassification reforms. These provisions are subject to an appropriation.

**VOTES:****ASM EDUCATION: 9-0-0**

**YES:** Patel, Hoover, Alvarez, Bonta, Castillo, Garcia, Lowenthal, Pellerin, Zbur

**ASM APPROPRIATIONS: 15-0-0**

**YES:** Wicks, Hoover, Aguiar-Curry, Calderon, Caloza, Dixon, Fong, Mark González, Krell, Pacheco, Pellerin, Sharp-Collins, Solache, Ta, Tangipa

**ASSEMBLY FLOOR: 78-0-2**

**YES:** Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

**ABS, ABST OR NV:** Muratsuchi, Celeste Rodriguez

**UPDATED**

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