

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: RN 11 23856
POSITION: Oppose
SPONSOR: Los Angeles Unified School District

BILL NUMBER: SB 753
AUTHOR: A. Padilla

BILL SUMMARY: Pupils: English Learners: Assessment

Beginning in 2013-14, this bill would move the testing window for the annual census administration of the California English Language Development Test (CELDT) from the beginning of the year to a period commencing on the day that 55 percent of the school year is completed through July 1 of the calendar year. In addition, the bill would require that English learner (EL) students be tested for English proficiency upon initial enrollment or use the student's prior year CELDT test results for placement purposes. The bill would also, to the extent allowable under federal law and upon expiration of the current test publisher's contract, prohibit an EL student in grades 3 through 12 from being required to retake the portions of the CELDT test that a student has previously passed as advanced and, for grades 10 through 12, early advanced.

FISCAL SUMMARY

The State Department of Education (SDE) estimates that there would be one-time Proposition 98 General Fund costs of \$5.4 million to modify the current CELDT for the new test window and to develop a new initial identification test. Although the bill would specify the use of the current CELDT during the new test window, the SDE notes that, in order to meet the state's EL identification requirements, a new initial identification test would need to be developed.

The Department of Finance (Finance) estimates that the bill would create new ongoing CELDT costs of \$2.5 million Proposition 98 General Fund. Finance believes that moving the test window would be cost neutral because the annual census test administration would assess the same number of students regardless of whether the test is held in the fall or spring. Furthermore, we do not anticipate increased costs for mobile EL students because the bill would require the use the student's prior year CELDT test results for placement purposes. However, each new cohort of EL Kindergarteners that would be required to take the initial test upon enrollment in the fall and the census administration in the spring would create new Proposition 98 General Fund costs of about \$2.5 million. This assumes 212,000 EL Kindergarteners at \$5.00 per student for apportionment costs and \$6.70 per student for test materials. In addition, it is likely there would be indeterminable new Proposition 98 General Fund costs to test newly enrolling immigrant EL students upon enrollment in the fall and in the census administration in the spring.

By exempting students from portions of the CELDT based on a passing score in one or more domains from a previous year, the SDE estimates the bill would result in about \$1.6 million Proposition 98 General Fund costs annually to track banked scores, distribute separate test materials, and increase training time for proctors. In addition, the SDE reports the bill would likely result in indeterminable contract costs for the test developer to track test components.

COMMENTS

Finance is opposed to this bill for the following reasons:

- This bill would create one-time costs of \$5.4 million and new ongoing costs of about \$4.1 million Proposition 98 General Fund at a time when state funding is significantly constrained.

Analyst/Principal (0363) Date Program Budget Manager Nick Schweizer Date

Department Deputy Director Date

Governor's Office: By: Date: Position Approved Position Disapproved

BILL ANALYSIS Form DF-43 (Rev 03/95 Buff)

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- By prohibiting a student from retaking previously passed portions, or domains, of the CELDT, this bill could jeopardize state receipt of \$1.6 billion federal Title I funds and \$171 million federal Title III funds by disregarding both Title I and Title III requirements that EL students be tested annually in all four language domains of speaking, listening, reading, and writing until redesignated English proficient.
- It is unlikely that the new test window proposed in this bill would achieve the author's intent of improving EL redesignation rates and increase fluent English-proficient student participation in college and career readiness courses. The CELDT is a point-in-time test and only one of four factors used by schools and districts in evaluating English language proficiency. Some EL students may test proficient in the spring but presumably these students would have tested proficient when the test is normally given at the beginning of the next academic year, unless they are not truly English proficient.
- The bill would conflict with this Administration's goal to minimize student test times. This bill would increase testing time for EL students (principally Kindergarteners) by requiring them to take an initial identification test and the census administration later in the school year. Currently the CELDT serves as both the initial identification test and the annual test of ELs because it is given at the beginning of the school year. For those students that would be affected by the bill, the loss of instructional time would be detrimental given the challenges they face in learning English in addition to the normal curriculum.

The CELDT is currently used as a diagnostic tool to identify EL students and monitor their progress toward English proficiency. LEAs consider CELDT scores, teacher evaluations, parental consultation, and student performance on core curriculum when reclassifying EL students as English proficient. Currently, the CELDT is administered annually to EL students at the beginning of the school year and to any new student with a home language other than English within 30 days of enrollment.

The CELDT is a required component of the federal No Child Left Behind Act of 2001. Specifically, a statewide English learner test is required for the annual receipt of about \$171 million federal Title III funds. Federal law requires that all EL students be tested annually with a test or tests that measure the language domains of speaking, listening, reading, and writing. Federal guidance specifically prohibits states from exempting a student from an annual English language proficiency test in any domain, or to "bank" the proficient scores of an EL student.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)								Fund Code
	LA	(Dollars in Thousands)								
	CO	PROP	2011-2012		2012-2013		2013-2014			
	RV	98	FC	FC	FC	FC	FC			
6110/Dept of Educ	LA	Yes	C	\$4,750	C	\$9,500	C	\$4,100	0001	