



FEBRUARY 2003 AGENDA

SUBJECT California English Language Development Test (CELDT): Title 5 Regulations.	X	ACTION
		INFORMATION
	X	PUBLIC HEARING

Recommendation:

Adoption of the proposed amendments to the CELDT regulations.

Summary of Previous State Board of Education Discussion and Action

In November of 2002, the State Board of Education (SBE) reviewed the proposed amendments to the CELDT regulations. After the SBE meeting, the proposed amendments were available for public comment. The California Department of Education has not received any comments to this date.

Summary of Key Issue(s)

The proposed amendments eliminate an unnecessary definition for proctors, clarify the definition of "Home Language Survey," modify data reported for analysis of pupil proficiency regarding time enrolled in school, and adjust the period of time for reporting counts of students who were administered the CELDT for the purposes of calculating apportionments.

Fiscal Analysis (as appropriate)

None.

Attachment(s)

- [Attachment 1:](#) Title 5. Education
California State Board of Education
Notice of Proposed Rulemaking
California English Language Development Test (Pages 1-3)
- [Attachment 2:](#) Initial Statement of Reasons (Pages 1-2)
- [Attachment 3:](#) Title 5. Education
Division 1. State Department of Education
Chapter 11. Special Programs
Subchapter 7.5. California English Language Development Test
Article 1. General (Pages 1-2)

CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street; P.O. Box 944272
Sacramento, CA 94244-2720



TITLE 5. EDUCATION

CALIFORNIA STATE BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

California English Language Development Test

[Notice published _____, 2002]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PUBLIC HEARING

The State Board will hold a public hearing beginning at 11:00 a.m. on Thursday, February 6, 2003, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. All written comments must be received by the Regulations Adoption Coordinator no later than the close of the public hearing scheduled to start at 11:00 a.m. on Thursday, February 6, 2003. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Room 5319
Sacramento, California 94244-2720
Telephone : (916) 319-0641
FAX: (916) 319-0155
E-mail: dstrain@cde.ca.gov

AUTHORITY AND REFERENCE

Education Code sections 60810 – 60812 require the State Board to select or develop a test that assesses the English language development of pupils whose primary language is other than English. Education Code section 313 requires school districts to assess the English language development of all English learners using the test specified in Education Code section 60810.

Reference: Sections 313 and 60810, et. seq., Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed amendments to the regulations are intended to clarify what is required of school districts in order to administer the assessment of English language development required by Education Code section 313 and 60810, et seq. The assessment is referred to in the existing regulations as the CELDT. The proposed amendments include eliminating unnecessary definitions, clarifying the definition of “Home Language Survey,” modifying data reported for analysis of pupil proficiency regarding time enrolled in school, and adjust the period of time for reporting counts of students who were administered the CELDT for the purposes of calculating apportionments.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The regulations and proposed amendments have no affect on small businesses because they relate only to internal school district student testing practices, and do not relate to small business practices, nor to interactions between school districts and small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulations should be directed to:

Michelle Center
California Department of Education
Standards and Assessment Division
1430 N Street, Suite 5408
Sacramento, CA 94244-2720
E-mail: mcenter@cde.ca.gov
Telephone: (916) 319-0334
FAX: (916) 319-0968

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to Regulations Adoption Coordinator.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

Initial Statement of Reasons

SECTIONS 11510(f), 11510(j), 11512.5(a)(11), and 11517.

SPECIFIC PURPOSE OF THE REGULATION.

The proposed amendments to the regulations are intended to clarify what is required of school districts in order to administer the assessment of English language development required by Education Code section 313. The assessment is referred to in the existing regulations as the CELDT. The proposed amendments eliminate an unnecessary definition for proctors, clarify the definition of “Home Language Survey,” modify data reported for analysis of pupil proficiency regarding time enrolled in school, and adjust the period of time for reporting counts of students who were administered the CELDT for the purposes of calculating apportionments.

NECESSITY/RATIONALE

The CELDT has consequences for individual students, schools, and school districts. Identification of a student’s English language proficiency level may affect the instructional program. Identification of students as English learners affects district funding. Apportionments for school districts are calculated, based on pupil participation in the assessment. The regulations are designed to assure that the test is administered in a consistent, reliable, valid, and fair manner statewide.

Section 11510(f)

The amendment to this section is necessary to clarify that the “home language survey” is administered by school districts and is not a form prepared by school districts.

Section 11510(j)

The deletion of this section is necessary to remove a requirement that test proctors be trained, thereby reducing the potential burden on districts of administering the test. The duties of a test proctor do not require training in administration of the test.

Section 11512.5(a)(11)

The amendment of this section is intended to align CELDT regulations more closely to the requirements of the Standardized Testing and Reporting (STAR) program administered by the California Department of Education. Additionally, the federal Title I of the No Child Left Behind Act of 2002, Sec 1111(b)(3)(C)(x) relating to requirements for academic assessments references the requirement that all English learners participate, with the possible exception of English language arts assessments for students who have attended United States schools for less than three years. One purpose of the federal requirement is to monitor the English language proficiency of English learners in relation to the amount of time students spend in United States schools, not just in California schools.

SECTION 11517

The amendment of this section is designed to bring the apportionment reporting period into agreement with the fiscal year and to align more closely with the traditional school year. There are several benefits of aligning the apportionment window with the school year. First, counts of students assessed with CELDT will be easier for districts to track with the new window. Additionally, the new window will reduce the counts of students who received the test twice during the apportionment period, once for initial assessment and subsequently for an annual assessment. Finally, the apportionment window will align with the reporting cycle for the test, allowing the California Department of Education (CDE) to verify more accurately a district's apportionment count with the count scored by the test publisher.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS.

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the amendment of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented to or considered by the State Board.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Board has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS.

The proposed regulations would not have a significant adverse economic impact on any business.

TITLE 5. Education

Division 1. State Department of Education

CHAPTER 11. SPECIAL PROGRAMS

Subchapter 7.5. California English Language Development Test

Article 1. General

Amend Section 11510(f) to read:

§ 11510. Definitions

(f) “Home language survey” is a form ~~prepared~~ administered by the school district to be completed by the pupil’s parent or guardian indicating language use by the pupil or family.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306(a), 313, 52164.1 and 60810, Education Code.

Delete Section 11510(j).

~~(j) “Test proctor” is an employee of a school district who has received training specifically designed to prepare him or her to assist the test examiner in administration of the California English Language Development Test.~~

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306(a), 313, 52164.1 and 60810, Education Code.

Amend Section 11512.5(a)(11) to read:

§ 11512.5. Data for Analysis of Pupil Proficiency.

(11) Time enrolled in ~~California~~ United States schools; and

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 313, 60810(c) and 60812, Education Code.

Amend Section 11517 to read:

§ 11517. Apportionment.

(a) Each school district shall report to the California Department of Education the unduplicated count of the number of pupils to whom the California English Language Development Test was administered for annual or initial assessment from November 1, 2002 through June 30, 2003.

Thereafter, ~~E~~each school district shall report the unduplicated count of the number of pupils to whom the California English Language Development Test was administered for annual or initial assessment during the twelve-month period prior to ~~October 31~~ June 30 of each year.

(b) The superintendent of each school district shall certify the accuracy of all information submitted to the California Department of Education.

(c) The report required by subdivision (a) shall be filed with the State Superintendent of Public Instruction within thirty (30) calendar days after ~~October 31~~ June 30 of each year.

NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 313 and 60810(d), Education Code.