

**Attachment 3: National Institute for Early Education Research (NIEER) Memorandum to Early Edge, dated April 26, 2024, Regarding the English Language Proficiency Assessment for Transitional Kindergarten Students in CA**



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**Memorandum**

To: Carolyne Crolotte, Early Edge

From: Alexandra Figueras-Daniel, Assistant Research Professor and Bilingual ECE Policy Specialist, & Ellen Frede, Senior-Co-Director, NIEER

Cc: Lori Connors-Tadros, Senior Research Fellow, NIEER  
Maki Park, Senior Policy Analyst, Migration Policy Institute

Date: April 26, 2024

Re: English Language Proficiency Assessment for Transitional Kindergarten Students in CA

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Carolyne Crolotte (Early Edge) initially requested NIEER's expertise on the following: *"California is moving towards universal preschool through our Transitional Kindergarten program. Here in CA, this program is defined in statute as year 1 of a 2-year kindergarten program, so it falls under ESSA Federal requirements, including assessing English proficiency (here we use the ELPAC assessment). Our team is looking into the issue of the appropriateness of the ELPAC assessment for TK as TK is expanding to include younger and younger 4-year-olds."* NIEER previously provided a first memo on December 15, 2023 (see Appendix) with an initial review of the ELPAC and other relevant considerations, insights based on existing research, and recommendations about assessments for young dual language learners (DLLs). NIEER subsequently met with representatives of the Early Edge team, the State Board of Education, and an assembly person on January 22, 2024, to further debrief that memo and to understand more deeply the questions in need of support. This memo is a follow-up to that call with additional questions raised by the CA team.

**SUMMARY OF FEDERAL POLICY AND LEGAL PROTECTIONS FOR ENGLISH LEARNERS**

Title I and Title III of the federal *Every Student Succeeds Act* (ESSA) of 2015 include provisions around the identification and assessment of English learners (ELs). Moreover, Title VI of the *Civil Rights Act of 1964* outlines obligations for states and districts to ensure ELs have meaningful access to education, which includes obligations to identify students as ELs. It is beyond the scope of this memo to go in-depth on federal policy and legal protections for ELs, however, below we highlight key points from these legal protections that are relevant to the content presented in subsequent sections:

- Identification of students as ELs must be done in a timely, valid, and reliable manner
- State education agencies (SEAs) receiving Title III grants must create and implement standardized, statewide entrance and exit procedures for ELs
- SEAs must adopt English language proficiency (ELP) standards that address four language domains (speaking, listening, reading, and writing), different levels of English proficiency, and align to state academic standards
- All students identified as ELs must be tested annually with an assessment aligned to the state’s ELP standards (ELP performance and growth data are included in ESSA reporting)

It is important to note, however, that while federal legislation requires states to identify ELs and assess proficiency yearly thereafter, an important caveat is that for young children (less than age 5), there is no common understanding of what “English proficiency” means given that young children between the ages of 0-5 are still developing language(s). To this end, we caution against the use of the term “proficient” for children not yet five years old as there exists a critical need for more research in this area to help stakeholders understand the language development of young multilingual children.

### **Brief Overview of TK in Other States**

Very few states operate a statewide transitional kindergarten (TK)/Developmental Kindergarten (TK) program (Friedman-Kraus, et al., 2023). Our scan of state programs revealed that at present only California, Michigan, and Washington operate TK programs. Despite similar conceptualizations of these programs, each has unique objectives and is defined differently in terms of how children are provided access to the program. Notably, only California’s program is defined in state policy as kindergarten for all children falling between the designated date ranges for birthdays. The table below provides brief descriptions of each program.

<b>State</b>	<b>Program Title</b>	<b>Description/Definition</b>
CA	Transitional Kindergarten	Transitional Kindergarten (TK) is the first year in a two-year Kindergarten program. Designed especially for four-year-olds, it will help prepare children to succeed in school, while also allowing them to meet new friends and provide care while parents work. TK is offered through the public school system. Classes take place at neighborhood elementary schools and are free to all students regardless of income, similar to kindergarten.  The cutoff day for entry in kindergarten is that children are age 5 by September 1.
MI	Transitional Kindergarten	Designed to provide children with an additional year of early education before the start of traditional kindergarten.

State	Program Title	Description/Definition
		<p>The program mostly serves children with summer/fall birthdays and is free of cost to families.</p> <p>The cutoff day for entry in kindergarten is that children are age 5 by September 1..</p>
WA	Transitional Kindergarten	<p>A kindergarten program for children, not yet age five, who do not have access to high-quality early learning experiences before kindergarten and have been deemed by a school district, through a screening process and/or another instrument (s), to need additional preparation to be successful in kindergarten the following year. Districts may select to offer TK programs, but they are not required.</p> <p>The cutoff day for entry in kindergarten is that children are age 5 by August 31.</p>

### How other states comply with Title I and Title III

Given that Michigan and Washington are two other states operating a TK program, as part of our technical assistance, we sought to understand how these states comply with ESSA requirements for EL identification and annual English language proficiency (ELP) assessments for children in kindergarten. Both states are members of the WIDA Consortium and use WIDA English language standards and assessments for compliance with ESSA. The WIDA Screener for kindergarten is an assessment designed for identifying young children entering kindergarten or first grade as ELs. The format of the screener is paper-and-pencil. The screener can be administered as either a two-domain (Listening and Speaking) or four-domain test (Listening, Speaking, Reading, Writing) assessment. A quick scan of the WIDA Consortium site revealed that several member states of the WIDA Consortium administer the WIDA Screener for kindergarten as a two-domain test to young children enrolling for the 1<sup>st</sup> semester of kindergarten (e.g., [IL](#), [NV](#), [WA](#)). For those children enrolling for the 2<sup>nd</sup> semester of kindergarten, all four language domains are administered for identification purposes. The WIDA Access for ELLs assessment is administered to K-12 students in Consortium states to meet the annual ELP assessment requirement in ESSA.

To explore how non-WIDA member states comply with ESSA requirements for EL identification and ELP assessment in kindergarten, we looked into Texas and New York. Again, while we are sharing our findings, we emphasize that these are not TK states and so these assessments and approaches are being used with older children in traditional kindergarten program settings. The

table below provides information on these two states with both information on screeners and ELP assessments.

<b>Texas</b>	
<p><u>Identification:</u> Pre-LAS LAS Links LAS Links for grades</p> <p><u>ELP:</u> <a href="#">Texas English Language Proficiency Assessment System (TELPAS)</a></p>	<p>Pre-K and Kindergarten Grade 1 (listening and speaking components) Grades 2-12(listening, speaking, reading, and writing components).</p> <p>Grades K-1: <a href="#">Holistically rated observational assessments of listening, speaking, reading and writing</a> through performance-based activities. Grades 2-12: Online test for listening, speaking, reading and writing.</p>
<b>New York</b>	
<p>Identification: <a href="#">New York State Identification Test for English Language Learners (NYSITELL)</a></p> <p>ELP: <a href="#">New York State English as a Second Language Achievement Test (NYSESLAT)</a></p>	<p>Administered within 10 school days of initial enrollment for initial identification of English Language Learners after administration of the Home Language Questionnaire (HLQ) and an individual interview. Used to determine if the student needs bilingual/ESP services and administration of the NYSESLAT</p> <p>Kindergarten- students are assessed on each section (Speaking, Listening, Reading, or Writing) in the spring of the kindergarten year. Administered untimed and over multiple days by a certified teacher trained to administer the NYSLAT (paper and pencil).</p>

**Summary**

For a program designated as Kindergarten, annual ELP assessments in all four language domain areas are required by ESSA as part of the annual English proficiency assessment (Title I). However, states meet this requirement in ways that acknowledge the developmental differences of children in Kindergarten. Some common threads to consider among the modifications are as follows:

- Administration of paper and pencil assessments given by a trained administrator rather than the use of an online screen-dependent assessment
- Use of performance-based style assessments

Given that TK in California aims to serve children younger than traditional kindergarten birthdate cutoffs, these and other considerations seem necessary.

### **NIEER Recommendations**

Given the unique nature of TK in California, we recommend careful consideration to the developmentally appropriate practices typically associated with assessing young children and recommendations for assessing young DLLs. Specifically, these would include: (1) use of assessments that are valid and reliable for the ages of children for which they are intended, (2) that tests rely more on a performance-based-style over direct assessment and (3) that they minimize use of screens for administration. Further complicating this matter is that while we recognize that is a growing presence of online assessments for this age group, they are also not yet well validated for this purpose. Finally, because language is used for communication naturally in classrooms, performance in typical situations does provide authentic results that allow for clear understanding of what children's linguistic capabilities are. Ultimately, we understand that final decisions rest on what the US Department of Education will allow for in ensuring compliance with ESSA but agree that assessments should accurately provide the information sought by their use and avoid exposing children to initial experiences in educational settings that may be uncomfortable or negative.

### **Additional Resource**

Shapiro, A., Cordoba Garcia, K., Jacob, B., Musaddiq, T., Owusu, S., & Weiland, C. (2023). Michigan Transitional Kindergarten: A First Look at Program Reach and Features. Policy Brief. Educational Policy Initiative, University of Michigan. Retrieved at: <https://edpolicy.umich.edu/research/epi-policy-briefs/michigan-transitional-kindergarten-first-look-program-reach-and-features>

Friedman-Krauss, A. H., Barnett, W. S., Hodges, K. S., Garver, K. A., Weisenfeld, G., Gardiner, B. A., Jost, T. M. (2023). The State of Preschool 2022: State Preschool Yearbook. New Brunswick, NJ: National Institute for Early Education Research. Retrieved at: <https://nieer.org/yearbook/2022>

## APPENDIX



### Memorandum

To: Carolyne Crolotte, Early Edge California  
From: Alexandra Figueras-Daniels and Ellen Frede, NIEER  
cc: Lori Connors-Tadros, NIEER; Maki Park and Kate Habben, MPI  
Date: December 15, 2023  
Re: TA Request for Reflections on the CA- ELPAC Test for English Proficiency in TK

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#### TA Request:

Carolyne Crolotte requested NIEER’s expertise on the following: California is moving towards universal preschool through our Transitional Kindergarten program. Here in CA, this program is defined in statute as year 1 of a 2-year kindergarten program, so it falls under ESSA Federal requirements, including assessing English proficiency (here we use the ELPAC assessment). Our team is looking into the issue of the appropriateness of the ELPAC assessment for TK as TK is expanding to include younger and younger 4-year-olds. We have put together a [one-pager](#) outlining this issue.

- What are your thoughts around using the ELPAC to assess English proficiency of 4-years-olds for the purposes of EL designation?
- Has your team done any research or know of any research on this topic?
- What do you and your team feel specifically is developmentally inappropriate about the ELPAC assessment for 4-year-olds?
- What are negative repercussions/implications of using it to identify 4-year-olds as ELs?

The current ELPAC is available beginning in kindergarten (sample kindergarten ELPAC assessment available [here](#)) and was developed specifically for children aged five and field tested with older 4-year-olds.

#### NIEER Response:

As a reference point: ESSA, Section 1111 (b)(1)(F) outlines that “each State plan shall demonstrate that the State has adopted English language proficiency standards that: (i) are derived from the 4 recognized domains of speaking, listening, reading, and writing; (ii) address the different proficiency levels of English learners; and (iii) are aligned with the challenging State academic standards.”

We understand that by extending Kindergarten into the four-year-old year, that younger four-year-olds in TK are impacted by ESSA regulations. ESSA regulations are intended to legislate state practices for schools beginning in kindergarten, which typically translates to children just turning five-years-old. Within our review of the CA ELPAC for use to assess English proficiency for TK children that are four years-old we make the following observations:

- It is important to note that research suggests that young bilingual children always be assessed in both their languages. In fact, researchers have cautioned that because there are no national definitions of what constitutes English proficiency during the preschool years, this means that the

tests used actually defacto dictate this cut-off (Barrueco, 2012) which is a clear violation of acceptable uses of assessment.

- While it is not unreasonable to test children on early reading skills as young as 4-year-olds, (as the EL-PAC does) we know that assessments of reading at this early age result in a floor effect because most children are not able to perform the skills. Thus, they do not discriminate abilities even for English monolingual children of the same age. This means that for some populations, assessing reading skills would result in low scores for all children. The consequences of this are that failure to meet thresholds for set for bilingual children will result in an early label of EL, but for monolingual children there would be no such label or longstanding consequence. This is particularly worrisome given that it could earn ELs a “long-term” EL classification.
- Another factor that should be considered is that typically, ESSA requires proficiency testing to identify ELs for targeted services in kindergarten and beyond. It is unclear the extent to which the results of the ELPAC are used for the provision of any particular placement in TK or services.

### **Considerations:**

While ESSA requires that all four domains of literacy (speaking, listening, reading, and writing) be tested for measuring proficiency, there are states that have been approved to use alternative measures and approaches, particularly within the first few months of the kindergarten year that do allow for just listening and speaking to be used as proxies of English proficiency. For example:

- Connecticut uses the [PreLAS](#) for their kindergarten English Learner identification. The PreLAS is normed for PreK through 1<sup>st</sup> grade. It promises the following:
  - *Consists of an oral language component and a pre-literacy component*
  - *May be used to assess students ages 3 to 6*
  - *Produces test results that may be used to:*
    - *Identify incoming students*
    - *Place second language learners in appropriate classroom settings*
    - *Monitor student progress along the stages of language acquisition*
    - *Report language acquisition/skills in early childhood dual language programs*
    - *Provides a standardized language proficiency measure for all students*
- Additionally, there are states that only test listening and speaking for first semester kindergarten kids – Illinois is one of them, and they also identify Pre-K children. These can be found [here](#), under Screener/English Language Proficiency Test.
- [Virginia screens](#) children just in listening and speaking through first semester of Kinder. For further information on their process see [here](#).

### **For Additional Reading:**

Barrueco, S., Lopez, M., Ong, C., & Lozano, P. (2012). *Assessing Spanish-English bilingual preschoolers: A guide to best approaches and measures*. Paul H Brookes Publishing.

Espinosa, L. M. (2014). *Perspectives on Assessment of DLLs Development & Learning, PreK-Third Grade*. McKnight Foundation.

National Academies of Sciences, Engineering, and Medicine. (2017). *Promoting the educational success of children and youth learning English: Promising futures*. National Academies Press.