



February 7, 2025

Dear County and District Superintendents and Charter School Administrators:

Guidance on Reclassification for Dually Identified Students

Under Title III, Part A of the Every Student Succeeds Act (20 United States Code [U.S.C.] Section 6821 et seq.), state educational agencies must establish and implement standardized, statewide reclassification procedures for English learner (EL) students to exit from EL programs, services, and status. In California, there are four required criteria that local educational agencies (LEAs) must use to establish reclassification policies and procedures.

This letter provides guidance on the reclassification process for those dually identified students who are identified as EL students and are also students with disabilities under the Individuals with Disabilities Education Act (IDEA) as defined in 20 U.S.C. Section 1401(3)(A). This guidance will assist with the consistent application of federal and state guidelines. All students, including dually identified students or EL students with disabilities, must meet all four state-mandated reclassification criteria to exit EL status. These criteria are:

1. Assessment of English language proficiency (ELP) using an objective assessment instrument developed pursuant to California *Education Code* (EC) Section 60810, which, in California, is the Summative English Language Proficiency Assessments for California (ELPAC) and Summative Alternate ELPAC (EC Section 313[f][1]);
2. Teacher evaluation, including, but not limited to, a review of the student's curriculum mastery (EC Section 313[f][2]);
3. Parent opinion and consultation (EC Section 313[f][3]); and
4. Comparison of student performance in basic skills against an empirically established range of performance in basic skills of English proficient students of the same age that demonstrates whether the pupil is sufficiently proficient in English to participate in a curriculum designed for pupils of the same age whose native language is English (EC Section 313[f][4]).

Criterion 1 Guidance

In January 2019, the State Board of Education (SBE) adopted the use of Summative ELPAC Overall Performance Level (PL) 4 as the ELP criterion for reclassification decision-making. In May 2023, the SBE adopted the Summative Alternate ELPAC Overall PL 3 to satisfy the ELP criterion for reclassification decision-making for EL students with the most significant cognitive

disabilities. To be eligible for reclassification for California's standardized Criterion 1, an EL student must achieve a Summative ELPAC Overall PL 4 or Summative Alternate ELPAC Overall PL 3, and educators making reclassification decisions, including Individual Education Program (IEP) teams, must utilize these thresholds. For more information, please see Item 09 on the California Department of Education (CDE) SBE January 2019 Agenda web page at <https://www.cde.ca.gov/be/ag/ag/yr19/agenda201901.asp> and Item 03 on the CDE SBE May 2023 Agenda web page at <https://www.cde.ca.gov/be/ag/ag/yr23/agenda202305.asp>.

Several resources are available to assist IEP teams in making informed decisions about the most appropriate assessment to use for different groups of dually identified students. For more information, please see the following:

- The CDE California Assessment Accessibility Resources Matrix web page at <https://www.cde.ca.gov/ta/tg/ca/accessibilityresources.asp>;
- The Alternate Assessment Decision Confirmation Worksheet on the CDE Alternate Assessment IEP Team Guidance web page at <https://www.cde.ca.gov/ta/tg/ca/caaiepteamrev.asp>;
- The Domain Exemption Decision-Making Tool under the Accessibility Resources section of the CDE ELPAC web page at <https://www.cde.ca.gov/ta/tg/ep/>;
- The Accessibility and Usability for the English Language Proficiency Assessments for California: A Cognitive Lab Study with Students Who Are Deaf or Hard of Hearing and Students Who Are Blind or Have Low Vision report under the Technical Documents section on the CDE ELPAC web page at <https://www.cde.ca.gov/ta/tg/ep/>; and
- The Alternate ELPAC Accessibility and Accommodations Guidelines document on the CAASPP and ELPAC Accessibility Resources web page at <https://www.caaspp-elpac.org/resources/preparation/accessibility-resources>.

Reclassification for Dually Identified Students

The IEP team may be designated, in accordance with local policy, to make reclassification decisions provided that team members utilize codified state reclassification criteria and apply those criteria to students with disabilities according to state guidelines. IEP teams may not modify Criterion 1 for reclassification, which requires meeting the SBE-adopted Overall PL 4 on the Summative ELPAC or PL 3 on the Summative Alternate ELPAC. This allows for all students to be held to a consistent and rigorous standard in demonstrating ELP in order to be exited from EL services.

LEAs establish policies and procedures to designate the staff responsible for reclassification of dually identified students. The IEP team should include an EL specialist with knowledge of second language acquisition. Best practices suggest following a collaborative and integrated approach with English learner or multilingual departments and IEP teams that place the student's individual needs and abilities at the forefront. For more information, please see the U.S. Office of Special Education Programs (OSEP) Policy Letter 21-03 at

<https://sites.ed.gov/idea/idea-files/policy-letter-november-15-2021-to-boals>, as well as the U.S. Department of Education, Office for Civil Rights, and the U.S. Department of Justice, Civil Rights Division's Dear Colleague Letter: English Learner Students and Limited English Proficient Parents, at <https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/race-color-and-national-origin-discrimination-key-issues/equal-education-opportunities-english>.

IEP teams have a significant role in identifying when domain exemptions on the ELPAC are necessary, ensuring that the assessment process accurately reflects the student's abilities in alignment with their IEP goals. Furthermore, IEP teams are responsible for ensuring that appropriate accommodations are provided during state assessments, such as determining specific accommodations for the ELPAC and other standardized tests. Parental participation is an important element of the IEP team to ensure that the dually identified student's needs are considered when developing the student's IEP (34 *Code of Federal Regulations* [CFR] sections 300.320–300.324).

Dually identified students are entitled to both language assistance and disability-related services under federal law (20 U.S.C. 6811 et seq.; 34 CFR Part 300). A parent declining disability-related services under IDEA or Section 504 does not affect the student's access to language assistance services, including the required participation in the annual language assessment and the goal/expectation of reclassification (20 U.S.C. 6821; EC Section 313). For more information, see the following:

- OSEP Guidance: Question and Answer Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives (August 3, 2015) – Individuals with Disabilities Education Act at <https://sites.ed.gov/idea/idea-files/ga-regarding-inclusion-of-english-learners-with-disabilities-in-english-language-proficiency-assessments-and-title-iii-annual-measurable-achievement-objectives/>.
- Addendum to Questions and Answers Regarding Inclusion of English Learners with Disabilities in English Language Proficiency Assessments and Title III Annual Measurable Achievement Objectives at <https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcltrs/addendum-q-and-a-on-elp-swd.pdf>.

Prior Criterion 1 Guidance

Previous guidance found in the California Practitioners' Guide for Educating English Learners with Disabilities as it relates to Criterion 1 is now obsolete and superseded by the SBE adoption of the Summative Alternate ELPAC Overall PL 3. However, the remaining three other reclassification criteria continue to be locally determined. Educational professionals are encouraged to familiarize themselves with the updated guidelines for reclassification to ensure equitable and appropriate reclassification processes for dually identified students and effective implementation of Criterion 1. LEAs are encouraged to use their legal counsel to determine whether local programs meet current statutory requirements.

February 7, 2025

Page 4

Additional Resources

For the most up-to-date information, please refer to the CDE Multilingual Learners, Reclassification web page at <https://www.cde.ca.gov/sp/ml/reclassification.asp>.

Questions related to the reclassification of dually identified students can be directed to the following contacts.

- For questions regarding programs and services for EL students, please contact the Language Policy and Leadership Office at LPLO@cde.ca.gov.
- For questions regarding the ELPAC assessment, the informational guide, or assessment materials, please contact the English Language Proficiency and Spanish Assessments Office at ELPAC@cde.ca.gov.
- For questions regarding special education and dually identified students, please contact Focused Monitoring and Technical Assistance Unit V at SpecialEducationLeads@cde.ca.gov.

We appreciate your dedication to supporting our diverse learner population and thank you for your attention to these important clarifications.

Sincerely,

Signed by

Dr. Ingrid Roberson
Chief Deputy Superintendent
California Department of Education