

## Critical Legislation that Protects Dual Language Learners is Signed by the Governor



[Assembly Bill \(AB\) 2268](#) ensures that the language proficiency of the state's youngest emerging bilingual students is not evaluated with developmentally inappropriate assessments.

AB 2268, authored by Assemblymember Al Muratsuchi, was signed by Governor Gavin Newsom on June 14, 2024. The bill is now in immediate effect to exempt Transitional Kindergarten (TK) students from taking the English Language Proficiency Assessment of California (ELPAC) in the 2024-25 school year. You can read the press release from Asm. Muratsuchi's office [here](#).

### BACKGROUND

By 2025-26, California will become the state with the largest universal preschool program in the nation with the expansion of Transitional Kindergarten (TK). The state is home to the largest percentage of children ages birth to 5 years who speak or are exposed to multiple languages in their homes. Emerging bilingual students entering TK must be appropriately identified and supported in ways that promote their unique linguistic and cultural assets.

TK is defined in law as the first year of a two-year kindergarten program. As a result, kindergarten-specific state and federal mandates apply to TK. Specifically, the Every Student Succeeds Act (ESSA) includes a number of requirements for the education of English Learners (ELs), including standardized criteria for identifying and evaluating EL students through the use of an English language proficiency assessment. California uses the English Language Proficiency Assessments for California (ELPAC) assessment, which assesses children's listening, speaking, reading, and writing skills in English.

### WHY DOES THIS MATTER?

Research and analysis suggest that the current application of the ELPAC in TK settings is not developmentally appropriate, may not be a valid instrument for assessing language acquisition, and perhaps most importantly, may have unintended long-term consequences on the students the universal TK program is intended to benefit.

The ELPAC assessments were developed specifically for students who are five years old or four-year-old students who would turn five by December 2nd. As California makes progress toward universal TK, an increasingly younger population of four-year-olds is required to undergo the assessment to be identified as ELs. The ELPAC requires a child to be able to write letters and read and write simple words. TK students are typically navigating the early stages of language development, including beginning to master pre-literacy skills, such as recognizing letters and sounds. Using assessment instruments designed and intended for older students invalidates assessment results and can lead to placing TK students on educational tracks that may not correspond to their abilities and needs.



## NEW LAW REQUIREMENTS

**AB 2268 exempts Transitional Kindergarten (TK) students from being administered either the initial or summative English Language Proficiency Assessment of California (ELPAC) for the purposes of English Learner (EL) identification.**

## GUIDANCE AND NEXT STEPS

We are currently awaiting official guidance from the California Department of Education (CDE) for the 2024-25 school year. In the meantime, the CDE has published this [interim guidance](#) on June 20, 2024 which advises on immediate implementation and provides CDE contact information.

The State is currently working to identify a long-term solution for alternative methods to identify and support multilingual children in TK programs that are developmentally appropriate.

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### AB 2268 is co-sponsored by:

Early Edge California, Californians Together, and the California Association for Bilingual Education



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**For more information about AB 2268, contact us at [info@earlyedgecalifornia.org](mailto:info@earlyedgecalifornia.org).**