



June 20, 2024

Dear County and District Superintendents and Charter School Administrators:

## **Interim Guidance on Transitional Kindergarten Students and English Language Proficiency Testing**

The California Department of Education (CDE) is writing to advise that Assembly Bill 2268, amending California *Education Code (EC)* sections 60810 and 313, was signed into law on June 14, 2024. The new law amends state requirements regarding English Language Proficiency Assessments for California (ELPAC), affecting the testing of transitional kindergarten (TK) students beginning with the 2024–25 school year.

Existing federal and state laws require local educational agencies (LEAs) to identify and assess all students who may be English learners upon initial enrollment in a California school. Per *EC* Section 313(h), “initial enrollment” does not include enrollment in a transitional kindergarten program. LEAs should:

- Continue to conduct the Home Language Survey (HLS) during TK enrollment to identify whether the primary or native language of a student is a language other than English.
- Populate the English Language Acquisition Status (ELAS) field with “To Be Determined (TBD)” if the HLS indicates a primary language other than English or American Sign Language on any of the first three questions of the HLS when submitting enrollment records to the California Longitudinal Pupil Achievement Data System (CALPADS), when applicable.

**Effective immediately, state ELPAC requirements will no longer apply to TK students (*EC* Section 60810[b][3]).** LEAs should consult their legal counsel with questions about the specific implications of these amendments with respect to English language proficiency assessments and related issues under federal and state law, including potential impacts to Title I and/or Title III recipients.

The CDE recommends that LEAs provide language support to all TK students as appropriate. Once these students enroll in kindergarten, they will be eligible to be tested with the Initial ELPAC or Initial Alternate ELPAC. Upon completion of testing in kindergarten, the students’ ELAS of English Learner (EL) or Initial Fluent English Proficient will be determined.

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As the requirements for TK programs evolve, the CDE will continue to communicate with LEAs as needed.

If you have questions regarding the HLS and EL programs and services, please email the Language Policy and Leadership Office at [lplo@cde.ca.gov](mailto:lplo@cde.ca.gov).

If you have questions regarding the ELPAC, please email the English Language Proficiency and Spanish Assessments Office at [elpac@cde.ca.gov](mailto:elpac@cde.ca.gov).

Sincerely,

*Signed by*

Cheryl Cotton, Deputy Superintendent  
Instruction, Measurement, and Administration Branch

*Signed by*

Sarah Neville-Morgan, Deputy Superintendent  
Opportunities for All Branch

CC/SNM:lk