

March 24, 2023

The Honorable Josh Newman  
Chair, Senate Committee on Education  
1021 O St. Room 6740

**Re: SB 691 (Portantino)**  
**Position: Oppose**

Dear Chair Newman:

The California Teachers Association (CTA) must unfortunately oppose SB 691 (Portantino) unless it is amended. While CTA supports the overarching intent of the legislation, we believe its practical implications, as currently drafted, make it unworkable for local education agencies (LEAs) and impossible to implement with efficacy. When implementing a mandatory statewide policy for universal screening, it is crucial that the legislation provide clear expectations with a balance of local implementation; provide state resources; and reflect the voice of educators.

CTA believes all students can be successful and one of the keys to student success is the ability to read at grade level. Screening students who are experiencing reading difficulties, identifying the potential issues, and providing the appropriate supports, would be most helpful for students. However, in its current form, SB 691 does not account for implementation for neither LEAs nor educators. In addition to screening for risk of learning difficulties, the types of screeners that SB 691 would mandate also generally require that teachers and administrators be trained in order to implement the screener, interpret results, and recommend instructional strategies to help students identified as being at-risk. SB 691 provides no requirements nor funding for LEAs to provide appropriate training and support for educators to deliver the evidence-based literacy instruction, monitor progress and introduce early intervention strategies into the general education program.

Educators work tirelessly every day to provide California students with the quality education they need and deserve. We want to be partners in fulfilling the promise of public education because our students benefit most when we work together. In that spirit of collaboration, we offer some ideas for consideration and adoption in the future drafting of SB 691.

SB 691 calls for LEAs to administer a screener from a newly established approved list from the State Board of Education (SBE) in the 2024-25 school year. As currently written, this bill would become law January 1<sup>st</sup>, 2024, and requires the SBE to establish the approved list by June 30<sup>th</sup>, 2024.

**Is that enough time to appropriately identify evidence-based culturally, linguistically, and developmentally appropriate screening instruments? How will the legislation ensure that there are**

**current practitioners as a part of an expert panel the SBE can work with to identify the list of valid and reliable screening instruments?**

Other states have implemented similar initiatives and their list of valid and reliable screeners are intended to help identify students with reading difficulties while also serving as a screener for dyslexia. This comprehensive approach will be a beneficial first step to providing students the supports they need to succeed, but there remain key implementation questions that must be addressed from the outset.

**How are LEAs expected to select a screening instrument, train their educators to administer, score and deliver the results to parents and guardians of students within 90 days from the start of the 2024-25 school year? There should be on-going support and not a one-time activity simply to check a box. There is too much at stake.**

As currently drafted, SB 691 requires LEAs to administer the screening instruments to all students in kindergarten, 1<sup>st</sup> and 2<sup>nd</sup> grades regardless of prior screening, regardless of current reading level and regardless of potentially being flagged previously. As written, the bill would also require screening for students in transitional kindergarten, which is legally defined as the first year of a two-year kindergarten program.

**Is it prudent to screen students in kindergarten or transitional kindergarten (within 90 days of the start of the school year) when our compulsory age of attendance is six years old?**

**Is the state risking a slew of “false positives” that are more closely aligned with this potentially being a student’s first formal educational experience as opposed to true reading difficulties?**

Perhaps a better time to start screening would either be 1<sup>st</sup> grade or the last half of the kindergarten year.

**Why is it necessary to spend more instructional time to screen students if they were flagged in a previous year and are receiving the supports outlined in the bill? What if the student is now reading at grade level? Why would they need to be screened again?**

CTA is also concerned that the current approach will lead to unintended consequences that could disproportionately harm English Learners (ELs). California’s ELs are a diverse group with a wide range of primary languages. The current approach could lead to over identifying ELs as at-risk for reading difficulties and at-risk for dyslexia. This could then lead to a narrowing of their instructional program to focus only on foundational skills and not on other areas necessary for acquiring literacy such as comprehension and English language development.

**How do you propose to address these significant concerns given that nearly one-fifth of all students are English Learners, and that percentage is even higher in the earliest grades?**

Also, SB 691 does not accommodate the needs of English language learners. While the bill mentions the consideration of a student’s home language in the screening process, it does not include language that protects English learners from potential over-identification for reading difficulties. Students may be

proficient in reading in their home language, but if they are not proficient in the language that the screener is developed for, they could be incorrectly identified as being at-risk for reading difficulties.

The California Dyslexia Guidelines cover this in depth. Chapter Seven-Dyslexia in English Learners specifically states, *“Because language background and exposure are environmental factors, the difficulties that these young English learners may demonstrate should not be confused with the reading difficulties of dyslexia”*.

The guidelines continue with, *“Additional considerations when evaluating English learners include the following items:*

- *For a student’s increased comprehension, someone who is competent in the student’s native language should administer the evaluation.*
- *Whenever possible, the language or writing system to be evaluated should be English as well as the student’s native language (especially if the native language is Spanish, for which many norm-referenced tests exist).”*

The bill must include a structure that protects English learners from misidentification and requires that screeners that are used with English Learners must be available in their home language.

**How are LEAs going to accomplish this and ensure that the results and accompanying information is accessible in the myriad home languages spoken in our state?**

**How will the bill ensure that student screener results are provided to families in a way that is not alarming, helps them interpret the meaning of the results correctly (there is generally quite a bit of nuance in these screener results), and provides them with the information they need to take the proper next steps if their child is identified as being at-risk?**

At this time, CTA urges you to vote “NO” on SB 691 (Portantino) when it is heard by the Senate Education Committee unless the bill is amended to provide a comprehensive and systematic approach to screening for reading difficulties. Should you have any questions regarding our requests, feel free to reach out to CTA’s Legislative Advocate Efrain Mercado at [emercado@cta.org](mailto:emercado@cta.org).

Sincerely,



Efrain Mercado  
CTA Legislative Advocate