

AMENDED IN ASSEMBLY SEPTEMBER 7, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1483**

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**Introduced by Assembly Member Arambula**

February 22, 2005

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~~An act relating to the Fresno Unified School District. An act to amend Section 60810 of the Education Code, relating to pupil testing.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1483, as amended, Arambula. ~~Fresno Unified School District; restricted accounts.~~ *Pupil testing: English language learners.*

*Existing law requires the Superintendent of Public Instruction to review existing tests that assess the English language development of pupils whose primary language is a language other than English and to determine if those tests have sufficient range to assess pupils in kindergarten and grades 1 to 12, inclusive, in English reading, speaking, and written skills, and requires pupils in kindergarten and grade 1 to be assessed in reading and written communication only to the extent that comparable standards and assessments in English and language arts are used for native speakers of English.*

*This bill would instead require the tests to have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills, and would require pupils in kindergarten and grade 1 to be assessed in English listening, speaking, and early literacy skills. The bill would require the State Department of Education, in the development of the test for pupils in kindergarten and grade 1, to consider minimizing testing time and to ensure that the test is age and developmentally appropriate.*

*Existing law requires those assessment tests to meet specified requirements.*

*This bill would additionally require the tests to be age and developmentally appropriate for pupils.*

~~Existing law requires the State Board of Education to adopt standards and criteria to be used by local educational agencies in the development of annual budgets and the management of subsequent expenditures from that budget. Existing law requires those standards and criteria to include comparisons and reviews of reserves and fund balances:~~

~~This bill would, for the 2005-06 fiscal year only, authorize the Fresno Unified School District to use up to 100% of the balances, as of June 30, 2005, of restricted accounts in its General Fund or cafeteria fund to apply to its state-mandated reserve levels, excluding restricted reserves committed for capital outlay, bond funds, sinking funds, federal funds, and funds relating to specified categorical programs.~~

~~This bill would make certain findings and declarations regarding the inapplicability of a general statute within the meaning of Section 16 of Article IV of the California Constitution.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 60810 of the Education Code is  
2     amended to read:  
3     60810. (a) (1) The Superintendent of Public Instruction shall  
4     review existing tests that assess the English language  
5     development of pupils whose primary language is a language  
6     other than English. The tests shall include, but not be limited to,  
7     an assessment of achievement of these pupils in English reading,  
8     speaking, and written skills. ~~The superintendent~~ Superintendent  
9     shall determine which tests, if any, meet the requirements of  
10    subdivisions (b) and (c). If any existing test or series of tests  
11    meets these criteria, ~~the superintendent~~ Superintendent, with  
12    approval of the ~~State Board of Education~~ state board, shall report  
13    to the Legislature on its findings and recommendations.  
14    (2) If no suitable test exists, ~~the superintendent~~ Superintendent  
15    shall explore the option of a collaborative effort with other states  
16    to develop a test or series of tests and share test development  
17    costs. If no suitable test exists, ~~the superintendent~~

1 *Superintendent*, with approval of the ~~State Board of Education~~  
 2 *state board*, may contract with a local ~~education~~ *educational*  
 3 agency to develop a test or series of tests that meets the criteria of  
 4 subdivisions (b) and (c) or may contract to modify an existing  
 5 test or series of tests so that it will meet the requirements of  
 6 subdivisions (b) and (c).

7 (3) ~~Not later than August 15, 1999, the~~ *The Superintendent of*  
 8 ~~Public Instruction and the State Board of Education~~ *state board*  
 9 shall release a request for proposals for the development of the  
 10 test or series of tests required by this subdivision. ~~Not later than~~  
 11 ~~September 15, 1999, the State Board of Education~~ *The state*  
 12 *board* shall select a contractor or contractors for the development  
 13 of the test or series of tests required by this subdivision, to be  
 14 available for administration during the ~~2000-01~~ *2000-01* school  
 15 year.

16 (4) The Superintendent ~~of Public Instruction~~ shall apportion  
 17 funds appropriated to enable school districts to meet the  
 18 requirements of subdivision (d). The ~~State Board of Education~~  
 19 *state board* shall establish the amount of funding to be  
 20 apportioned per test administered, based on a review of the cost  
 21 per test.

22 (5) An adjustment to the amount of funding to be apportioned  
 23 per test is not valid without the approval of the Director of  
 24 Finance. A request for approval of an adjustment to the amount  
 25 of funding to be apportioned per test shall be submitted in writing  
 26 to the Director of Finance and the chairpersons of the fiscal  
 27 committees of both houses of the Legislature with accompanying  
 28 material justifying the proposed adjustment. The Director of  
 29 Finance is authorized to approve only those adjustments related  
 30 to activities required by statute. The Director of Finance shall  
 31 approve or disapprove the amount within 30 days of receipt of  
 32 the request and shall notify the chairpersons of the fiscal  
 33 committees of both houses of the Legislature of the decision.

34 (b) The test or series of tests developed or acquired pursuant to  
 35 subdivision (a) shall have sufficient range to assess pupils in  
 36 ~~kindergarten and grades 1~~ 2 to 12, inclusive, in English ~~reading,~~  
 37 *listening*, speaking, *reading*, and ~~written~~ *writing* skills, ~~except~~  
 38 ~~that pupils~~. *Pupils* in kindergarten and grade 1 shall be assessed  
 39 in ~~reading and written communication only to the extent that~~  
 40 ~~comparable standards and assessments in English and language~~

1 ~~arts are used for native speakers of English~~ *English listening,*  
2 *speaking, and early literacy skills. In the development of the test*  
3 *for pupils in kindergarten and grade 1, the department shall*  
4 *consider minimizing testing time and ensure that the test is age*  
5 *and developmentally appropriate.*

6 (c) The test or series of tests shall meet all of the following  
7 requirements:

8 (1) Provide sufficient information about pupils at each grade  
9 level to determine levels of proficiency ranging from no English  
10 proficiency to fluent English proficiency with at least two  
11 intermediate levels.

12 (2) Have psychometric properties of reliability and validity  
13 deemed adequate by technical experts.

14 (3) Be capable of administration to pupils with any primary  
15 language other than English.

16 (4) Be capable of administration by classroom teachers.

17 (5) Yield scores that allow comparison of a pupil's growth  
18 over time, can be tied to readiness for various instructional  
19 options, and can be aggregated for use in the evaluation of  
20 program effectiveness.

21 (6) Not discriminate on the basis of race, ethnicity, or gender.

22 (7) Be aligned with the standards for English language  
23 development adopted by the ~~State Board of Education~~ *state*  
24 *board* pursuant to Section 60811.

25 (8) *Be age and developmentally appropriate for pupils.*

26 (d) The test shall be used for the following purposes:

27 (1) To identify pupils who are limited English proficient.

28 (2) To determine the level of English language proficiency of  
29 pupils who are limited English proficient.

30 (3) To assess the progress of limited-English-proficient pupils  
31 in acquiring the skills of listening, reading, speaking, and writing  
32 in English.

33 ~~SECTION 1. (a) For the 2005-06 fiscal year only, in order to~~  
34 ~~provide local budgeting flexibility as a result of cost pressures~~  
35 ~~and declining enrollment, the governing board of the Fresno~~  
36 ~~Unified School District may use up to 100 percent of the~~  
37 ~~balances as of June 30, 2005, of restricted accounts in its General~~  
38 ~~Fund or cafeteria fund to apply to its state-mandated reserve~~  
39 ~~levels, excluding restricted reserves committed for capital outlay,~~

1 ~~bond funds, sinking funds, and federal funds, and excluding~~  
2 ~~balances in the following programs:~~

3 ~~(1) Public Schools Accountability Act (Ch. 6.1 (commencing~~  
4 ~~with Sec. 52050), Pt. 28, Ed. C.);~~

5 ~~(2) Economic Impact Aid (Art. 2 (commencing with Sec.~~  
6 ~~54020) Ch. 1, Pt. 29, Ed. C.);~~

7 ~~(3) Targeted Instructional Improvement Grant (Ch. 2.5~~  
8 ~~(commencing with Sec. 54200), Ch. 2, Pt. 29, Ed. C.);~~

9 ~~(4) Instructional materials;~~

10 ~~(5) Special education.~~

11 ~~(b) For purposes of this section, balances of restricted accounts~~  
12 ~~do not include the amounts deferred from the 2003-04 fiscal year~~  
13 ~~to the 2004-05 fiscal year or the amounts deferred from the~~  
14 ~~2004-05 fiscal year to the 2005-06 fiscal year.~~

15 ~~(c) The governing board may not use the ending balance in~~  
16 ~~any restricted account if that use would violate a federal~~  
17 ~~maintenance-of-effort requirement.~~

18 ~~(d) This section does not obligate the state to refund or repay~~  
19 ~~funds used pursuant to this section. If the Fresno Unified School~~  
20 ~~District uses an ending balance in a restricted account that~~  
21 ~~consists, in whole or in part, of funds reimbursed to the district as~~  
22 ~~a subvention of funds for a state-mandated local program, the~~  
23 ~~school district may not submit a claim to the state for a~~  
24 ~~subsequent reimbursement of the funds that were reimbursed~~  
25 ~~pursuant to Section 6 of Article XIII B of the California~~  
26 ~~Constitution and used pursuant to the authority granted to a~~  
27 ~~school district pursuant to this section.~~

28 ~~SEC. 2. Due to the unique circumstances concerning the~~  
29 ~~Fresno Unified School District, the Legislature finds and declares~~  
30 ~~that a general statute cannot be made applicable within the~~  
31 ~~meaning of Section 16 of Article IV of the California~~  
32 ~~Constitution.~~