

AMENDED IN ASSEMBLY APRIL 3, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2167

Introduced by Assembly Member Arambula

February 21, 2006

An act to ~~add Section 52891 to~~ to amend Sections 52052 and 60900 of, to add Section 52891 to, to add the heading for Article 1 (commencing with Section 60900) of, and to add Article 2 (commencing with Section 60905) to, Chapter 10 of Part 33 of, the Education Code, relating to pupil ~~dropout prevention~~ achievement.

LEGISLATIVE COUNSEL'S DIGEST

AB 2167, as amended, Arambula. ~~Dropouts.~~ *Pupil achievement: measurement, tracking, reporting, and analyzing.*

(1) Existing law requires school districts to report certain information to the State Department of Education relating to, among other things, pupils, pupil attendance, and staff. Existing law requires the department to collect certain information from school districts and, pursuant to this law, the department gathers data from school districts on school staff and pupil enrollment in the annual California Basic Educational Data System report (CBEDS report).

~~Existing law requires the department to compile an attrition rate, in addition to the dropout rate the department compiles pursuant to the federal No Child Left Behind Act of 2001, for high school pupils according to a specified formula.~~

~~This bill would make findings and declarations relating to pupil dropouts.~~

~~Existing law requires the Superintendent to develop the Academic Performance Index (API), which consists of a variety of indicators~~

currently reported to the department, to track the achievement of schools and their pupils.

This bill would establish the specific calculation for graduation rates to be included within the API and would require the Superintendent to provide an annual report to the Legislature on the graduation and dropout rates in California and to make the same report available to the public, as specified.

(2) Existing law requires the department to contract for the development of proposals that will provide for the retention and analysis of longitudinal pupil achievement data on the STAR Program, English language development tests, and the high school exit examination, known as the California longitudinal pupil achievement data system.

The bill would remove the requirement that the California longitudinal pupil achievement data system be implemented using specified federal funds, the release of which is contingent upon approval of an expenditure plan by the Department of Finance.

This bill would require the department to allocate specified funding to all local educational agencies that complete specified acts. Local educational agencies would be limited in the use of these funds to specified activities.

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 52052 of the Education Code is
- 2 amended to read:
- 3 52052. (a) (1) The Superintendent, with approval of the
- 4 ~~State Board of Education~~ state board, shall develop an Academic
- 5 Performance Index (API), to measure the performance of
- 6 schools, especially the academic performance of pupils.
- 7 (2) A school shall demonstrate comparable improvement in
- 8 academic achievement as measured by the API by all
- 9 numerically significant pupil subgroups at the school, including:
- 10 (A) Ethnic subgroups.
- 11 (B) Socioeconomically disadvantaged pupils.
- 12 (C) English language learners.
- 13 (D) Pupils with disabilities.

1 (3) (A) For purposes of this section, a numerically significant
2 pupil subgroup is one that meets both of the following criteria:

3 (i) The subgroup consists of at least 50 pupils each of whom
4 has a valid test score.

5 (ii) The subgroup constitutes at least 15 percent of a school's
6 *the* total population of pupils *at a school* who have valid test
7 scores.

8 (B) If a subgroup does not constitute 15 percent of the
9 ~~school's~~ total population of pupils ~~with~~ *at a school who have*
10 valid test scores, the subgroup may constitute a numerically
11 significant pupil subgroup if it has at least 100 valid test scores.

12 (C) For a school with an API score that is based on no fewer
13 than 11 and no more than 99 pupils with valid test scores,
14 numerically significant subgroups shall be defined by the
15 Superintendent, with approval by the ~~State Board of Education~~
16 *state board*.

17 (4) The API shall consist of a variety of indicators currently
18 reported to the department, including, but not limited to, the
19 results of the achievement test administered pursuant to Section
20 60640, attendance rates for pupils in elementary schools, middle
21 schools, and secondary schools, and the graduation rates for
22 pupils in secondary schools.

23 (A) *Graduation rates for pupils in secondary schools shall be*
24 *calculated for the API as follows:*

25 (1) *The number of pupils who graduated on time for the*
26 *current school year, which is considered to be three school years*
27 *after the pupils entered 9th grade for the first time, divided by the*
28 *total calculated in paragraph (2).*

29 (2) *The number of pupils entering 9th grade for the first time in*
30 *the school year three school years prior to the current school*
31 *year, plus the number of pupils who transferred into the class*
32 *graduating at the end of the current school year between the*
33 *school year that was three school years prior to the current*
34 *school year and the date of graduation, less the number of pupils*
35 *who transferred out the school between the school year that was*
36 *three school years prior to the current school year and the date*
37 *of graduation who were members of the class that is graduating*
38 *at the end of the current school year.*

39 (A)

1 (B) The pupil data collected for the API that comes from the
2 achievement test administered pursuant to Sections 60640 and
3 60644 and the high school exit examination administered
4 pursuant to Section 60851, when fully implemented, shall be
5 disaggregated by special education status, English language
6 learners, socioeconomic status, gender and ethnic group. Only
7 the test scores of pupils who were counted as part of the
8 enrollment in the annual ~~California Basic Education Data~~
9 ~~System's~~ data collection *of the California Basic Education Data*
10 *System* for the current fiscal year and who were continuously
11 enrolled during that year may be included in the test result
12 reports in the ~~school's~~ *API score of the school*. Results of the
13 achievement test and other tests specified in subdivision (b) shall
14 constitute at least 60 percent of the value of the index.

15 ~~(B)~~

16 (C) Before including high school graduation rates and
17 attendance rates in the index, the Superintendent shall determine
18 the extent to which the data are currently reported to the state and
19 the accuracy of the data.

20 (D) *The Superintendent shall provide an annual report to the*
21 *Legislature on the graduation and dropout rates in California*
22 *and shall make the same report available to the public. The*
23 *report shall be accompanied by the release of publicly accessible*
24 *data for each school district and school in a manner that*
25 *provides for disaggregation based upon socioeconomically*
26 *disadvantaged pupils and numerically significant subgroups*
27 *scoring below average on statewide standards aligned*
28 *assessments. In addition, the data shall be made available in a*
29 *manner that provides for comparisons of a minimum of three*
30 *years of data.*

31 (b) Pupil scores from the following tests, when available and
32 when found to be valid and reliable for this purpose, shall be
33 incorporated into the API:

34 (1) The assessment of the applied academic skills matrix test
35 developed pursuant to Section 60604.

36 (2) The nationally normed test designated pursuant to Section
37 60642.

38 (3) The standards-based achievement tests provided for in
39 Section 60642.5.

40 (4) The high school exit examination.

1 (c) Based on the API, the Superintendent shall develop, and
2 ~~the State Board of Education~~ *state board* shall adopt, expected
3 annual percentage growth targets for all schools based on their
4 API baseline score from the previous year. Schools are expected
5 to meet these growth targets through effective allocation of
6 available resources. For schools below the statewide API
7 performance target adopted by the ~~State Board of Education~~ *state*
8 *board* pursuant to subdivision (d), the minimum annual
9 percentage growth target shall be 5 percent of the difference
10 between ~~a school's~~ *the* actual API score *of a school* and the
11 statewide API performance target, or one API point, whichever is
12 greater. Schools at or above the statewide API performance
13 target shall have, as their growth target, maintenance of their API
14 score above the statewide API performance target. However, the
15 ~~State Board of Education~~ *state board* may set differential growth
16 targets based on grade level of instruction and may set higher
17 growth targets for the lowest performing schools because they
18 have the greatest room for improvement. To meet its growth
19 target, a school shall demonstrate that the annual growth in its
20 API is equal to or more than its schoolwide annual percentage
21 growth target and that all numerically significant pupil
22 subgroups, as defined in subdivision (a), are making comparable
23 improvement.

24 (d) Upon adoption of state performance standards by the ~~State~~
25 ~~Board of Education~~ *state board*, the Superintendent shall
26 recommend, and the ~~State Board of Education~~ *state board* shall
27 adopt, a statewide API performance target that includes
28 consideration of performance standards and represents the
29 proficiency level required to meet the state performance target.
30 When the API is fully developed, schools must, at a minimum,
31 meet their annual API growth targets to be eligible for the
32 Governor's Performance Award Program as set forth in Section
33 52057. The ~~State Board of Education~~ *state board* may establish
34 additional criteria that schools must meet to be eligible for the
35 Governor's Performance Award Program.

36 (e) The API shall be used for both of the following:

37 (1) Measuring the progress of schools selected for
38 participation in the Immediate Intervention/Underperforming
39 Schools Program pursuant to Section 52053.

1 (2) Ranking all public schools in the state for the purpose of
2 the High Achieving/Improving Schools Program pursuant to
3 Section 52056.

4 (f) (1) A school with 11 to 99 pupils with valid test scores
5 shall receive an API score with an asterisk that indicates less
6 statistical certainty than API scores based on 100 or more test
7 scores.

8 (2) A school shall annually receive an API score, unless the
9 Superintendent determines that an API score would be an invalid
10 measure of the ~~school's~~ performance *of the school* for one or
11 more of the following reasons:

12 (A) Irregularities in testing procedures occurred.

13 (B) The data used to calculate the ~~school's~~ API score *of the*
14 *school* are not representative of the pupil population at the
15 school.

16 (C) Significant demographic changes in the pupil population
17 render year-to-year comparisons of pupil performance invalid.

18 (D) The department discovers or receives information
19 indicating that the integrity of the API score has been
20 compromised.

21 (E) Insufficient pupil participation in the assessments included
22 in the API.

23 (3) If a school has less than 100 pupils with valid test scores,
24 the calculation of the API or adequate yearly progress pursuant to
25 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec.
26 6301 et seq.) and federal regulations may be calculated over
27 more than one annual administration of the tests administered
28 pursuant to Sections 60640 and 60644 and the high school exit
29 exam administered pursuant to Section 60851, consistent with
30 regulations adopted by the ~~State Board of Education~~ *state board*.

31 (g) Only schools with 100 or more test scores contributing to
32 the API may be included in the API rankings.

33 (h) The Superintendent, with the approval of the ~~State Board~~
34 ~~of Education~~ *state board*, shall develop an alternative
35 accountability system for schools under the jurisdiction of a
36 county board of education or a county superintendent of schools,
37 community day schools, nonpublic, nonsectarian schools
38 pursuant to Section 56366, and alternative schools serving
39 high-risk pupils, including continuation high schools and
40 opportunity schools. Schools in the alternative accountability

1 system may receive an API score, but shall not be included in the
2 API rankings.

3 ~~SECTION 1.~~

4 *SEC. 2.* Section 52891 is added to the Education Code, to
5 read:

6 52891. (a) The Legislature finds and declares all of the
7 following:

8 (a)

9 (1) In 2005, the Harvard Civil Rights Project released a paper,
10 “Confronting the Graduation Rate Crisis in California.”

11 ~~(b) The report’s impact~~

12 (2) *The impact of the report* reached far beyond the dispute
13 over the formulaic calculation used for reporting rates in
14 California, and truly elevated awareness, debate, and the desire
15 for action on this critical issue by highlighting huge disparities in
16 the graduation and dropout rates for various pupil populations in
17 California.

18 ~~(c)~~

19 (3) School districts are best positioned to provide pupil
20 focused programs, services, and interventions;. *However*, there is
21 currently no accountability mechanism to ensure ~~such~~ *this* focus.

22 ~~(d)~~

23 (4) Accurate pupil level data on dropouts and graduates,
24 including the accurate reporting of the purpose for the exit or
25 withdrawal by a pupil from a school is critical to understanding
26 the extent of the dropout rate in California.

27 ~~(e)~~

28 (5) It is in the best interests for California to elevate the
29 importance of decreasing dropout rates and increasing graduation
30 rates and establish a coherent and systemic approach towards
31 addressing the graduation and dropout challenges with the
32 appropriate combination of incentives, policy levers, and
33 accountability measures to ensure pupil retention.

34 (b) *Therefore, it is the intent of the Legislature to do all of the*
35 *following:*

36 (1) *Ensure that any funding related to programs and services*
37 *intended to increase graduation rates have performance*
38 *evaluation measures linked to the stated goals.*

39 (2) *Link efforts to provide greater local control and fiscal*
40 *programmatic flexibility to measurable improvements in*

1 graduation rates, particularly as they relate to
 2 socioeconomically disadvantaged pupils and numerically
 3 significant minority subgroups scoring below average on
 4 statewide performance tests.

5 (3) Provide local educational agencies with the funding
 6 necessary to support activities related to data entry, tracking,
 7 reporting, and analysis of pupil-level data.

8 SEC. 3. The heading of Article 1 (commencing with Section
 9 60900) is added to Chapter 10 of Part 33 of the Education Code,
 10 to read:

11
 12 *Article 1. System Development*

13
 14 SEC. 4. Section 60900 of the Education Code is amended to
 15 read:

16 60900. (a) ~~The State Department of Education~~ *department*
 17 shall contract for the development of proposals which will
 18 provide for the retention and analysis of longitudinal pupil
 19 achievement data on the tests administered pursuant to Chapter 5
 20 (commencing with Section 60600), Chapter 7 (commencing with
 21 Section 60810), and Chapter 9 (commencing with Section
 22 60850). The longitudinal data shall be known as the California
 23 longitudinal pupil achievement data system.

24 (b) The proposals developed pursuant to subdivision (a) shall
 25 evaluate and determine whether it would be most effective, from
 26 both a fiscal and a technological perspective, for the state to own
 27 the California longitudinal pupil achievement data system. The
 28 proposals shall additionally evaluate and determine the most
 29 effective means of housing the California longitudinal pupil
 30 achievement data system.

31 (c) The California longitudinal pupil achievement data system
 32 shall be developed and implemented in accordance with all state
 33 rules and regulations governing information technology projects.

34 (d) The system or systems developed pursuant to this section
 35 shall be used to accomplish all of the following goals:

36 (1) To provide ~~school districts~~ *local educational agencies* and
 37 ~~the State Department of Education~~ *department* access to data
 38 necessary to comply with federal reporting requirements
 39 delineated in the No Child Left Behind Act of 2001 (20 U.S.C.
 40 Sec. 6301 et seq.).

1 (2) To provide a better means of evaluating educational
2 progress and investments over time.

3 (3) To provide local educational agencies information that can
4 be used to improve pupil achievement.

5 (4) To provide an efficient, flexible, and secure means of
6 maintaining longitudinal statewide pupil level data.

7 (e) In order to comply with federal law as delineated in the No
8 Child Left Behind Act of 2001 (~~20 U.S.C. Sec. 6301 et seq.~~), the
9 local educational agency shall retain individual pupil records ~~for~~
10 ~~each test taker~~, including all of the following:

11 (1) All demographic data collected from the *STAR Program*
12 test, high school exit examination, and English language
13 development test.

14 (2) Pupil achievement data from assessments administered
15 pursuant to the STAR, high school exit examination, and English
16 language development testing programs. To the extent feasible,
17 data should include subscore data within each content area.

18 (3) A unique *statewide* pupil identification number to be
19 identical to the pupil identifier developed pursuant to the
20 California School Information Services, which shall be retained
21 *and maintained* by each local educational agency and used to
22 ensure the accuracy of information on the ~~header sheets~~ *answer*
23 *documents* of the *STAR Program* tests, high school exit
24 examination, and the English language development test.

25 (4) All data necessary to compile reports required by the
26 federal No Child Left Behind Act of 2001 (~~20 U.S.C. Sec. 6301~~
27 ~~et seq.~~), including, but not limited to, dropout and graduation
28 rates.

29 (5) Other data elements deemed necessary by the
30 ~~Superintendent of Public Instruction~~, with approval of the ~~State~~
31 ~~Board of Education~~ *state board*, to comply with the federal
32 reporting requirements delineated in the No Child Left Behind
33 Act of 2001 (~~20 U.S.C. Sec. 6301 et seq.~~), after review and
34 comment by the advisory board convened pursuant to
35 subdivision (h).

36 (f) The California longitudinal pupil achievement data system
37 or systems shall have all of the following characteristics:

38 (1) The ability to sort by demographic element collected from
39 the *STAR Program* tests, high school exit examination, and
40 English language development test.

1 (2) The capability to be expanded to include pupil
2 achievement data from multiple years.

3 (3) The capability to monitor pupil achievement on the STAR
4 *Program* tests, high school exit examination, and English
5 language development test from year to year and school to
6 school.

7 (4) The capacity to provide data to the state and local
8 educational agencies upon their request.

9 (g) Data elements and codes included in the system shall
10 comply with Sections 49061 to 49079, inclusive, and Sections
11 49602 and 56347, with Sections 430 to 438, inclusive, of Title 5
12 of the California Code of Regulations, with the Information
13 Practices Act of 1977 (Chapter 1 (commencing with Section
14 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code), and
15 with the Family-~~Education~~ *Educational Rights and Privacy Act*
16 *of 1974 and a related statute* (20 U.S.C. Secs. 1232g and 1232h)
17 and related federal regulations.

18 (h) The ~~State Department of Education~~ *department* shall
19 convene an advisory board consisting of representatives from the
20 ~~State Board of Education~~ *state board*, the Secretary for
21 Education, the Department of Finance, the State Privacy
22 Ombudsman, the Legislative Analyst's ~~office~~ *Office*,
23 representatives of parent groups, ~~school districts~~, and local
24 educational agencies, and education researchers to establish
25 privacy and access protocols, provide general guidance, and
26 make recommendations relative to data elements. The
27 department is encouraged to seek representation broadly
28 reflective of the general public of California.

29 (i) Subject to funding being provided in the annual Budget
30 Act, the ~~State Department of Education~~ *department* shall contract
31 with a consultant for independent project oversight. The Director
32 of Finance shall review the request for proposals for the contract.
33 The consultant hired to conduct the independent project oversight
34 shall twice annually submit a written report to the Superintendent
35 ~~of Public Instruction~~, the ~~State Board of Education~~ *state board*,
36 the advisory board, the Director of Finance, the Legislative
37 Analyst, and the appropriate policy and fiscal committees of the
38 Legislature. The report shall include an evaluation of the extent
39 to which the California longitudinal pupil achievement data
40 system is meeting the goals described in subdivision (b) and

1 recommendations to improve the data system in ensuring the
2 privacy of individual pupil information and providing the data
3 needed by the state and ~~school districts~~ *local educational*
4 *agencies.*

5 ~~(j) This section shall be implemented using federal funds~~
6 ~~received pursuant to the federal No Child Left Behind Act of~~
7 ~~2001 (20 U.S.C. Sec. 6301 et seq.), which are appropriated for~~
8 ~~purposes of this section in Item 6110-113-0890 of Section 2.00~~
9 ~~of the Budget Act of 2002 (Chapter 379 of the Statutes of 2002).~~
10 ~~The release of these funds is contingent on approval of an~~
11 ~~expenditure plan by the Department of Finance.~~

12 ~~(k)~~

13 (j) For purposes of this chapter, a local educational agency
14 shall include a county office of education, a school district, or a
15 charter school *that is a direct-funded charter school pursuant to*
16 *Section 47651. A charter school that is funded through a school*
17 *district or county office of education pursuant to Section 47561*
18 *shall be considered part of the school district or county office of*
19 *education for purposes of this chapter.*

20 *SEC. 5. Article 2 (commencing with Section 60905) is added*
21 *to Chapter 10 of Part 33 of the Education Code, to read:*

22

23 *Article 2. Local Data Management Support Program*

24

25 *60905. The Legislature finds and declares all of the*
26 *following:*

27 (a) *The multibillion dollar kindergarten and grades 1 to 12,*
28 *inclusive, educational enterprise of California is held*
29 *accountable based on data received from local educational*
30 *agencies.*

31 (b) *National and state educational reform efforts revolve*
32 *around using data at both the state and local levels to better*
33 *inform decisionmaking.*

34 (c) *The feasibility study report developed pursuant to*
35 *subdivision (a) of Section 60900 found that poor quality data*
36 *submitted by local educational agencies is a high impact risk to*
37 *the California longitudinal pupil achievement data system.*

38 (d) *The state desires more accurate graduation and dropout*
39 *rates. The California longitudinal pupil achievement data system*

1 can provide this information if local educational agencies
2 provide quality data to the system.

3 60906. It is the intent of the Legislature to support local
4 educational agency data management activities to enhance the
5 quality of the data that is used locally and submitted to meet state
6 and federal reporting and accountability requirements.

7 60907. (a) In order to support the requirements specified in
8 subdivision (e) of Section 60900, local educational agencies may
9 receive a local data management support program annual
10 entitlement, subject to funds being appropriated for this purpose
11 in the annual Budget Act.

12 (1) Local educational agencies with enrollment of less than
13 1,000 shall receive five thousand dollars (\$5,000) annually.

14 (2) Local educational agencies with enrollment of 1,001 or
15 greater shall receive at least five dollars (\$5) per pupil enrolled
16 within the agency, based on the annual enrollment update for the
17 prior year, as certified by the department.

18 (b) The department shall allocate this funding annually to all
19 local educational agencies that do all of the following:

20 (1) Submit an annual enrollment update, as defined by the
21 Superintendent, by the deadline established by the
22 Superintendent, in the fiscal year in which funds are allocated.

23 (2) Resolve anomalies related to the statewide pupil identifier
24 required by paragraph (5) of subdivision (e) of Section 60900
25 assigned to enrolled pupils in order to maintain a validity rate
26 specified by the Superintendent.

27 (3) Maintain one generic electronic mail address for local
28 data management or information technology directors or
29 personnel in order to facilitate communication between the
30 department and the appropriate personnel of the local
31 educational agency.

32 60908. Local educational agencies shall use funds received
33 pursuant to this article to support staff, hardware and software
34 acquisitions, training, and other activities related to meeting the
35 requirements specified in subdivision (e) of Section 60900.