

AMENDED IN ASSEMBLY APRIL 12, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 400**

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**Introduced by Assembly Member Nunez**

February 15, 2007

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An act to amend Section 52052 of the Education Code, relating to public school accountability.

LEGISLATIVE COUNSEL'S DIGEST

AB 400, as amended, Nunez. Public school accountability.

~~Existing law establishes the~~

~~The Public Schools Accountability Act of 1999 and requires the Superintendent of Public Instruction to develop an Academic Performance Index (API), which consists in part of the results of the tests administered pursuant to the Standardized Testing and Reporting (STAR) Program, to measure the performance of schools, to demonstrate comparable improvement in academic achievement by all numerically significant ethnic and socioeconomically disadvantaged subgroups within schools, and to rank schools based on the value of the API. The API measures the performance of schools and the academic performance of pupils and consists of a variety of indicators, including pupil scores from a list of specified tests. *The results of those specified tests constitute 60% of the value of the API.*~~

~~Existing law requires a school district maintaining any of grades 7 to 12, inclusive, to offer to all otherwise qualified pupils in those grades a course of study fulfilling the requirements and prerequisites for admission to the California public institutions of postsecondary education and to provide a timely opportunity to each of those pupils to enroll within a 4-year period in each course necessary to fulfill those~~

~~requirements and prerequisites before graduating from high school. Existing law also requires those school districts to offer to all otherwise qualified pupils in those grades a course of study that provides an opportunity for those pupils to attain entry-level employment skills in business or industry upon graduation from high school.~~

~~This bill, commencing with the 2008–09 fiscal year, instead would require the that the results of those test constitute 50% of the value of the API. Commencing with the 2008–09 fiscal year, the Superintendent of Public Instruction would be required to incorporate, various indicators into the API, including high school graduation rates, attendance rates, rates by which pupils are offered and actually complete a course of study that fulfills the requirements and prerequisites for admission to California public institutions of postsecondary education, and rates by which pupils are offered and actually complete a course of study that provides the skills and knowledge necessary to attain entry-level employment in business or industry when they graduate from high school. The indicators incorporated by the Superintendent would constitute the other 50% of the API.~~

Vote: majority. Appropriation: no. Fiscal committee: 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 amended
- 2 to read:
- 3 52052. (a) (1) The Superintendent, with approval of the state
- 4 board, shall develop an Academic Performance Index (API), to
- 5 measure the performance of schools, especially the academic
- 6 performance of pupils.
- 7 (2) A school shall demonstrate comparable improvement in
- 8 academic achievement as measured by the API by all numerically
- 9 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.
- 14 (3) (A) For purposes of this section, a numerically significant
- 15 pupil subgroup is one that meets both of the following criteria:
- 16 (i) The subgroup consists of at least 50 pupils each of whom
- 17 has a valid test score.

1 (ii) The subgroup constitutes at least 15 percent of the total  
2 population of pupils at a school who have valid test scores.

3 (B) If a subgroup does not constitute 15 percent of the total  
4 population of pupils at a school who have valid test scores, the  
5 subgroup may constitute a numerically significant pupil subgroup  
6 if it has at least 100 valid test scores.

7 (C) For a school with an API score that is based on no fewer  
8 than 11 and no more than 99 pupils with valid test scores,  
9 numerically significant subgroups shall be defined by the  
10 Superintendent, with approval by the State Board.

11 (4) The API shall consist of a variety of indicators currently  
12 reported to the department, including, but not limited to, the results  
13 of the achievement test administered pursuant to Section 60640;  
14 ~~attendance rates for pupils in elementary schools, middle schools,~~  
15 ~~and secondary schools,~~ and the graduation rates for pupils in  
16 secondary schools.

17 (A) Graduation rates for pupils in secondary schools shall be  
18 calculated for the API as follows:

19 (i) The number of pupils who graduated on time for the current  
20 school year, which is considered to be three school years after the  
21 pupils entered 9th grade for the first time, divided by the total  
22 calculated in ~~paragraph (2) clause (ii)~~.

23 (ii) The number of pupils entering 9th grade for the first time  
24 in the school year three school years prior to the current school  
25 year, plus the number of pupils who transferred into the class  
26 graduating at the end of the current school year between the school  
27 year that was three school years prior to the current school year  
28 and the date of graduation, less the number of pupils who  
29 transferred out of the school between the school year that was three  
30 school years prior to the current school year and the date of  
31 graduation who were members of the class that is graduating at  
32 the end of the current school year.

33 (B) The pupil data collected for the API that comes from the  
34 achievement test administered pursuant to Sections 60640 and  
35 60644 and the high school exit examination administered pursuant  
36 to Section 60851, when fully implemented, shall be disaggregated  
37 by special education status, English language learners,  
38 socioeconomic status, gender and ethnic group. Only the test scores  
39 of pupils who were counted as part of the enrollment in the annual  
40 data collection of the California Basic Educational Data System

1 for the current fiscal year and who were continuously enrolled  
2 during that year may be included in the test result reports in the  
3 API score of the school. ~~Results of the achievement test and other~~  
4 ~~tests specified in subdivision (b) shall constitute at least 60 percent~~  
5 ~~of the value of the index.~~

6 (C) Before including high school graduation rates ~~and attendance~~  
7 ~~rates~~ in the API, the Superintendent shall determine the extent to  
8 which the data are currently reported to the state and the accuracy  
9 of the data. Notwithstanding any other provision of law, graduation  
10 rates for pupils in dropout recovery high schools shall not be  
11 included in the API. For purposes of this subparagraph, “dropout  
12 recovery high school” means a high school in which 50 percent  
13 or more of its pupils have been designated as dropouts pursuant  
14 to the exit/withdrawal codes developed by the department.

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

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

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

30 (2) The nationally normed test designated pursuant to Section  
31 60642.

32 (3) The standards-based achievement tests provided for in  
33 Section 60642.5.

34 (4) The high school exit examination.

35 (c) In addition to the pupil scores from the tests set forth in  
36 subdivision (b) and commencing with the 2008–09 fiscal year, the  
37 Superintendent shall incorporate the following indicators into the  
38 API using the best available data:

39 (1) ~~High school graduation rates and attendance rates, as~~  
40 ~~required pursuant to paragraph (4) of subdivision (a), with~~

1 graduation rates calculated as specified in subparagraph (A) of  
2 paragraph (4) of subdivision (a).

3 (2) Rates by which pupils are offered and actually complete a  
4 course of study that fulfills the requirements and prerequisites for  
5 admission to California public institutions of postsecondary  
6 education, as set forth in subdivision (a) of Section 51228.

7 (3) Rates by which pupils are offered and actually complete a  
8 course of study that provides the skills and knowledge necessary  
9 to attain entry-level employment in business or industry when they  
10 graduate from high school, as set forth in subdivision (b) of Section  
11 51228.

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

32 (e) Upon adoption of state performance standards by the State  
33 Board, the Superintendent shall recommend, and the State Board  
34 shall adopt, a statewide API performance target that includes  
35 consideration of performance standards and represents the  
36 proficiency level required to meet the state performance target.  
37 When the API is fully developed, schools, at a minimum, must  
38 meet their annual API growth targets to be eligible for the  
39 Governor's Performance Award Program as set forth in Section  
40 52057. The State Board may establish additional criteria that

1 schools must meet to be eligible for the Governor's Performance  
2 Award Program.

3 (f) The API shall be used for both of the following:

4 (1) Measuring the progress of schools selected for participation  
5 in the Immediate Intervention/Underperforming Schools Program  
6 pursuant to Section 52053.

7 (2) Ranking all public schools in the state for the purpose of the  
8 High Achieving/Improving Schools Program pursuant to Section  
9 52056.

10 (g) (1) A school with 11 to 99 pupils with valid test scores shall  
11 receive an API score with an asterisk that indicates less statistical  
12 certainty than API scores based on 100 or more test scores.

13 (2) A school annually shall receive an API score, unless the  
14 Superintendent determines that an API score would be an invalid  
15 measure of the performance of the school for one or more of the  
16 following reasons:

17 (A) Irregularities in testing procedures occurred.

18 (B) The data used to calculate the API score of the school are  
19 not representative of the pupil population at the school.

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

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

24 (E) Insufficient pupil participation in the assessments included  
25 in the API.

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

34 (h) Only schools with 100 or more test scores contributing to  
35 the API may be included in the API rankings.

36 (i) The Superintendent, with the approval of the State board,  
37 shall develop an alternative accountability system for schools under  
38 the jurisdiction of a county board of education or a county  
39 superintendent of schools, community day schools, nonpublic,  
40 nonsectarian schools pursuant to Section 56366, and alternative

1 schools serving high-risk pupils, including continuation high  
2 schools and opportunity schools. Schools in the alternative  
3 accountability system may receive an API score, but shall not be  
4 included in the API rankings.

5 *(j) (1) Results of the achievement test and other tests specified*  
6 *in subdivision (b) shall constitute 50 percent of the value of the*  
7 *index.*

8 *(2) The indicators described in subdivision (c) collectively shall*  
9 *constitute 50 percent of the value of the index.*

10 *(3) Except as provided in paragraph (4), the indicators*  
11 *described in subdivision (c) shall be assigned equal weight in the*  
12 *index.*

13 *(4) The Superintendent shall design the indicators described in*  
14 *subdivision (c) in a manner that gives additional weight to the*  
15 *combined rate by which pupils satisfy the conditions described in*  
16 *paragraphs (2) and (3) of that subdivision.*

17 *(k) For purposes of paragraph (3) of subdivision (c), the*  
18 *Superintendent shall use indicators derived from one or more of*  
19 *the following:*

20 *(1) Satisfactory completion of a designated career and technical*  
21 *education course or series of courses.*

22 *(2) The number or percentage of pupils who earn a certificate,*  
23 *license, or the equivalent in the designated occupation for which*  
24 *it is issued.*

25 *(3) The scores of pupils on valid and reliable assessments,*  
26 *including portfolio assessments, that are designed to assess the*  
27 *degree to which pupils have acquired the skills and knowledge*  
28 *necessary to be successful in a specific occupation or in the general*  
29 *workforce.*

30 *(4) Workforce outcomes for pupils graduating from high school*  
31 *may include, but are not limited to, employment rates and earnings.*

32 *(5) The number of courses offered to pupils that meet the career*  
33 *technical education content standards adopted by the State Board.*