

Assembly Bill No. 400

Passed the Assembly September 12, 2007

Chief Clerk of the Assembly

Passed the Senate September 11, 2007

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2007, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

AB 400, Nunez. Public school accountability.

The Public Schools Accountability Act of 1999 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. 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.

This bill instead would require that between July 1, 2009, and June 30, 2014, the results of those tests constitute at least 50% of the value of the API. Commencing with the 2009–10 fiscal year, the Superintendent, in consultation with the State Board of Education, would be required to incorporate various indicators into the API, including high school graduation rates, rates by which pupils complete a course of study at an achievement level that fulfills the requirements and prerequisites for admission to California public institutions of postsecondary education, and rates by which pupils 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. The Superintendent would be required to implement the percentage adjustments to the API on or before June 30, 2014. The Superintendent would be authorized to convene an advisory committee of recognized experts to provide recommendations for implementing the requirements imposed by this bill. The advisory committee, once convened, also would be required to develop recommendations for the inclusion of multiple measures in the API of middle and junior high schools.

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

SECTION 1. Section 52052 of the Education Code is amended to read:

52052. (a) (1) Except as provided pursuant to subdivision (c), the Superintendent, with approval of the state board, shall develop an Academic Performance Index (API), to measure the performance of schools, especially the academic performance of pupils.

(2) A school shall demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school, including:

- (A) Ethnic subgroups.
- (B) Socioeconomically disadvantaged pupils.
- (C) English language learners.
- (D) Pupils with disabilities.

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

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

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

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

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

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

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

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

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

(B) The pupil data collected for the API that comes from the achievement test administered pursuant to Sections 60640 and 60644 and the high school exit examination administered pursuant to Section 60851, when fully implemented, shall be disaggregated by special education status, English language learners, socioeconomic status, gender and ethnic group. Only the test scores of pupils who were counted as part of the enrollment in the annual data collection of the California Basic Educational Data System for the current fiscal year and who were continuously enrolled during that year may be included in the test result reports in the API score of the school.

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

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

(b) (1) Pupil scores from the following tests, when available and when found to be valid and reliable for this purpose, shall be incorporated into the API:

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

(B) The nationally normed test designated pursuant to Section 60642.

(C) The standards-based achievement tests provided for in Section 60642.5.

(D) The high school exit examination.

(2) (A) Until July 1, 2009, results of the tests identified in paragraph (1) shall constitute at least 60 percent of the value of the index.

(B) Between July 1, 2009, and June 30, 2014, results of tests identified in paragraph (1) shall constitute at least 50 percent of the value of the index.

(c) In addition to the pupil scores from the tests set forth in subdivision (b) and commencing with the 2009–10 fiscal year, the Superintendent, in consultation with the state board, shall incorporate the following indicators into the API for schools serving any of grades 9 to 12, inclusive, using the best available data:

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

(2) Rates by which pupils complete a course of study at an achievement level that fulfills the requirements and prerequisites for admission to California public institutions of postsecondary education, as set forth in subdivision (a) of Section 51228.

(3) Rates by which pupils 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, as set forth in subdivision (b) of Section 51228. For purposes of this paragraph, the Superintendent shall use indicators derived from one or more of the following:

(A) Satisfactory completion of a designated career and technical education course or series of courses that meets the career technical education content standards adopted by the state board.

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

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

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

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

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

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

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

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

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

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

(A) Irregularities in testing procedures occurred.

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

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

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

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

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

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

(i) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative

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

(j) On or before June 30, 2014, the Superintendent shall implement all of the following:

(1) Results of the achievement test and other tests specified in subdivision (b) shall constitute 50 percent of the value of the API.

(2) The indicators described in subdivision (c) shall collectively constitute 50 percent of the value of the API.

(3) Except as provided in paragraph (4), the indicators described in subdivision (c) shall be assigned equal weight in the API.

(4) The indicators described in subdivision (c) shall be designed in a manner that gives additional weight to the combined rates by which pupils satisfy the conditions described in paragraphs (2) and (3) of subdivision (c).

(k) The Superintendent may convene an advisory committee of recognized experts to provide recommendations for the implementation of subdivisions (c) and (j). The advisory committee, once convened, also shall develop recommendations for the inclusion of multiple measures in the API of middle and junior high schools.

Approved _____, 2007

Governor