

AMENDED IN ASSEMBLY JUNE 19, 2007

AMENDED IN SENATE MAY 16, 2007

AMENDED IN SENATE MARCH 29, 2007

**SENATE BILL**

**No. 679**

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**Introduced by Senator Romero**

February 23, 2007

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An act to amend Section 52052 of, and to add Section 51745.5 to, the Education Code, relating to public education.

LEGISLATIVE COUNSEL'S DIGEST

SB 679, as amended, Romero. Public education: independent study and alternative accountability systems.

(1) Existing law authorizes a school district or county office of education to offer independent study to meet the educational needs of certain pupils.

This bill would require school districts and county offices of education, as a condition of using independent study, to participate in an independent study monitoring program to evaluate the performance of low-performing independent study pupils, based on specified criteria. The bill would require the State Department of Education to report to the Legislature on the use of independent study on January 1, 2009, and every 2 years thereafter.

(2) Existing law requires the Superintendent of Public Instruction to develop an Academic Performance Index (API) to measure school and pupil performance, and also requires the superintendent to develop an alternative accountability system for certain schools, *including specified nonpublic nonsectarian schools*.

This bill would *delete those non public nonsectarian schools from these requirements. The bill would* require the alternative accountability system to include certain components and, subject to funding in the annual Budget Act, to include pre-post assessments, as determined by the department, in mathematics and English. The bill would require the department to submit an alternative education accountability plan by March 1, 2008, to the fiscal and policy committees of the Legislature and to specified other entities.

Because this bill would impose additional requirements on school districts and county offices of education, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

- 1 SECTION 1. Section 51745.5 is added to the Education Code,
- 2 to read:
- 3 51745.5. (a) As a condition of using independent study, school
- 4 districts and county offices shall participate in an independent
- 5 study monitoring program as specified in this section. The
- 6 department shall implement a monitoring program to promote the
- 7 academic progress of low-performing pupils enrolled in
- 8 independent study programs who have scored at the below basic
- 9 or far below basic levels on the most recent Standardized Testing
- 10 and Reporting (STAR) program tests in mathematics or English
- 11 language arts.
- 12 (b) The monitoring program shall treat all independent study
- 13 pupils in a district as a school. For county offices of education, the
- 14 department shall treat court schools separately from community
- 15 schools.
- 16 (c) The monitoring program shall evaluate the performance of
- 17 low performing independent study pupils in each district at least

1 annually. The department shall evaluate programs based on the  
2 following:

3 (1) Student achievement in mathematics and English language  
4 arts as measured on the annual STAR tests.

5 (2) The amount of time pupils are enrolled in independent study.

6 (3) The proportion of pupils who drop out of school while  
7 enrolled in independent study.

8 (d) On January 1, 2009, and every two years thereafter, the  
9 department shall report to the Legislature on the use of independent  
10 study by school districts and county offices of education with a  
11 special focus on the effectiveness of independent study for  
12 low-performing students. The report shall use data collected as  
13 part of the monitoring program or from other sources to assess the  
14 quality of each district and county office program. The report also  
15 shall include any recommendations for improving the monitoring  
16 of independent study programs or for improving the quality of  
17 local independent study programs.

18 SEC. 2. Section 52052 of the Education Code is amended to  
19 read:

20 52052. (a) (1) ~~The superintendent~~ *Superintendent*, with  
21 approval of the state board, shall develop an Academic  
22 Performance Index (API), to measure the performance of schools,  
23 especially the academic performance of pupils.

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

27 (A) Ethnic subgroups.

28 (B) Socioeconomically disadvantaged pupils.

29 (C) English language learners.

30 (D) Pupils with disabilities.

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

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

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

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

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

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

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

13 (i) The number of pupils who graduated on time for the current  
14 school year, which is considered to be three school years after the  
15 pupils entered 9th grade for the first time, divided by the total  
16 calculated in paragraph (2).

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

27 (B) The pupil data collected for the API that comes from the  
28 achievement test administered pursuant to Sections 60640 and  
29 60644 and the high school exit examination administered pursuant  
30 to Section 60851, when fully implemented, shall be disaggregated  
31 by special education status, English language learners,  
32 socioeconomic status, gender and ethnic group. Only the test scores  
33 of pupils who were counted as part of the enrollment in the annual  
34 data collection of the California Basic Educational Data System  
35 for the current fiscal year and who were continuously enrolled  
36 during that year may be included in the test result reports in the  
37 API score of the school. Results of the achievement test and other  
38 tests specified in subdivision (b) shall constitute at least 60 percent  
39 of the value of the index.

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

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

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

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

25 (2) The nationally normed test designated pursuant to Section  
26 60642.

27 (3) The standards-based achievement tests provided for in  
28 Section 60642.5.

29 (4) The high school exit examination.

30 (c) Based on the API, the ~~superintendent~~ *Superintendent* shall  
31 develop, and the state board shall adopt, expected annual  
32 percentage growth targets for all schools based on their API  
33 baseline score from the previous year. Schools are expected to  
34 meet these growth targets through effective allocation of available  
35 resources. For schools below the statewide API performance target  
36 adopted by the state board pursuant to subdivision (d), the  
37 minimum annual percentage growth target shall be 5 percent of  
38 the difference between the actual API score of a school and the  
39 statewide API performance target, or one API point, whichever is  
40 greater. Schools at or above the statewide API performance target

1 shall have, as their growth target, maintenance of their API score  
2 above the statewide API performance target. However, the state  
3 board may set differential growth targets based on grade level of  
4 instruction and may set higher growth targets for the lowest  
5 performing schools because they have the greatest room for  
6 improvement. To meet its growth target, a school shall demonstrate  
7 that the annual growth in its API is equal to or more than its  
8 schoolwide annual percentage growth target and that all  
9 numerically significant pupil subgroups, as defined in subdivision  
10 (a), are making comparable improvement.

11 (d) Upon adoption of state performance standards by the state  
12 board, the Superintendent shall recommend, and the state board  
13 shall adopt, a statewide API performance target that includes  
14 consideration of performance standards and represents the  
15 proficiency level required to meet the state performance target.  
16 When the API is fully developed, schools must, at a minimum,  
17 meet their annual API growth targets to be eligible for the  
18 Governor's Performance Award Program as set forth in Section  
19 52057. The state board may establish additional criteria that schools  
20 must meet to be eligible for the Governor's Performance Award  
21 Program.

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

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

26 (2) Ranking all public schools in the state for the purpose of the  
27 High Achieving/Improving Schools Program pursuant to Section  
28 52056.

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

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

36 (A) Irregularities in testing procedures occurred.

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

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

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

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

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

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

15 (h) (1) ~~The superintendent~~ *Superintendent*, with the approval  
16 of the state board, shall develop an alternative accountability  
17 system for schools under the jurisdiction of a county board of  
18 education or a county superintendent of schools, community day  
19 schools, ~~nonpublic, nonsectarian schools pursuant to Section 56366,~~  
20 and alternative schools serving high-risk pupils, including  
21 continuation high schools and opportunity schools. Schools in the  
22 alternative accountability system may receive an API score, but  
23 shall not be included in the API rankings.

24 (2) Upon the implementation of pre-post tests as set forth in  
25 paragraph (4), the alternative accountability system shall include  
26 all of the following:

27 (A) A ranking of the performance of schools that reflects the  
28 progress of pupils in improving academic performance. The  
29 ranking shall be based on indicators that provide comparable data  
30 for all schools in the alternative system.

31 (B) Growth targets for all schools based on increased student  
32 achievement while attending the school and after returning to a  
33 student's school of residence. Schools are expected to meet these  
34 growth targets through effective allocation of existing resources.

35 (C) A prescribed process of improvement for schools that fail  
36 to meet growth targets in at least three successive years and  
37 consequences for schools that do not implement the improvement  
38 process as specified.

39 (3) Pursuant to paragraph (1), the department shall include  
40 pre-post assessments, as determined by the department, in

1 mathematics and English as indicators of academic achievement  
2 while pupils attend a school or program subject to these  
3 requirements. Testing shall be conducted approximately every 30  
4 schooldays, and schools or programs shall provide the results of  
5 each administration to the department for inclusion in the school  
6 ranking system. These requirements shall be effective only if funds  
7 are provided in the annual Budget Act for the costs of the  
8 assessments.

9 (4) By March 1, 2008, the department shall submit to the fiscal  
10 and policy committees of the Legislature, the Legislative Analyst's  
11 Office, and the Department of Finance an alternative education  
12 accountability plan that includes a description of the proposed  
13 changes to the alternative education accountability model and the  
14 development of a state-owned pre-post assessment that meets the  
15 state's needs for alternative education program accountability. It  
16 is the intent of the Legislature that this test be aligned to state  
17 standards and be consistent in format and content with other state  
18 assessments. As part of this plan, the department also shall assess  
19 the costs and benefits of using computer-based testing as a way to  
20 make the pre-post tests easy for local administrators to administer  
21 and to improve test security and collection of pupil scores by the  
22 state. The plan also shall identify a process for choosing an existing  
23 commercial pre-post assessment that best fulfills the Legislature's  
24 goals in enacting this paragraph that could be used to provide data  
25 on pupil gains until a state-owned assessment is developed. The  
26 department also shall include an estimate of the annual cost to the  
27 state of using this assessment in the alternative accountability  
28 system.

29 SEC. 3. If the Commission on State Mandates determines that  
30 this act contains costs mandated by the state, reimbursement to  
31 local agencies and school districts for those costs shall be made  
32 pursuant to Part 7 (commencing with Section 17500) of Division  
33 4 of Title 2 of the Government Code.

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