

Introduced by Senator PadillaFebruary 23, 2007

An act to amend Section 60810 of the Education Code, relating to pupil testing, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 827, as introduced, Padilla. Pupil testing: English language learners.

(1) 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. Pupils in kindergarten and grade 1 are required 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 instead would 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 developing the test for pupils in kindergarten and grade 1, to minimize any additional testing time and to ensure that the test is age and developmentally appropriate, as specified. The bill would require the tests to be age and developmentally appropriate for pupils and would make other nonsubstantive, technical changes.

The bill would require the department to report to the Legislature on the administration of the kindergarten and grade 1 English listening, speaking, and early literacy assessment results, as well as on the administrative process, as specified.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 60810 of the Education Code is amended
2 to read:

3 60810. (a) (1) ~~The Superintendent of Public Instruction~~ shall
4 review existing tests that assess the English language development
5 of pupils whose primary language is a language other than English.
6 The tests shall include, but not be limited to, an assessment of
7 achievement of these pupils in English reading, speaking, and
8 written skills. ~~The superintendent~~ *Superintendent* shall determine
9 which tests, if any, meet the requirements of subdivisions (b) and
10 (c). If any existing test or series of tests meets these criteria, the
11 ~~superintendent~~ *Superintendent*, with approval of the State Board
12 ~~of Education~~, shall report to the Legislature on its findings and
13 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 costs.
17 If no suitable test exists, ~~the superintendent~~ *Superintendent*, with
18 approval of the State Board ~~of Education~~, may contract with a
19 ~~local education~~ *educational* agency to develop a test or series of
20 tests that meets the criteria of subdivisions (b) and (c) or may
21 contract to modify an existing test or series of tests so that it will
22 meet the requirements of subdivisions (b) and (c).

23 (3) ~~Not later than August 15, 1999, the~~ *The* Superintendent ~~of~~
24 ~~Public Instruction~~ and the State Board ~~of Education~~ shall release
25 a request for proposals for the development of the test or series of
26 tests required by this subdivision. ~~Not later than September 15,~~
27 ~~1999, the State Board of Education~~ *The State Board* shall select a
28 contractor or contractors for the development of the test or series

1 of tests required by this subdivision, to be available for
2 administration during the 2000–01 school year.

3 (4) ~~The Superintendent of Public Instruction shall apportion~~
4 ~~funds appropriated to enable school districts to meet the~~
5 ~~requirements of subdivision (d). The State Board of Education~~
6 ~~shall establish the amount of funding to be apportioned per test~~
7 ~~administered, based on a review of the cost per test.~~

8 (5) An adjustment to the amount of funding to be apportioned
9 per test is not valid without the approval of the Director of Finance.
10 A request for approval of an adjustment to the amount of funding
11 to be apportioned per test shall be submitted in writing to the
12 Director of Finance and the chairpersons of the fiscal committees
13 of both houses of the Legislature with accompanying material
14 justifying the proposed adjustment. The Director of Finance is
15 authorized to approve only those adjustments related to activities
16 required by statute. The Director of Finance shall approve or
17 disapprove the amount within 30 days of receipt of the request and
18 shall notify the chairpersons of the fiscal committees of both houses
19 of the Legislature of the decision.

20 (b) (1) ~~The test or series of tests developed or acquired pursuant~~
21 ~~to subdivision (a) shall have sufficient range to assess pupils in~~
22 ~~kindergarten and grades 1 to 12, inclusive, in English reading,~~
23 ~~listening, speaking, reading, and written writing skills, except that~~
24 ~~pupils. Pupils in kindergarten and grade 1 shall be assessed in~~
25 ~~reading and written communication only to the extent that~~
26 ~~comparable standards and assessments in English and language~~
27 ~~arts are used for native speakers of English. English listening,~~
28 ~~speaking, and early literacy skills for a period of three years~~
29 ~~beginning after the initial administration of the assessment or until~~
30 ~~July 1, 2012, whichever occurs first. Thereafter, six months after~~
31 ~~the last administered assessment results are collected, but no later~~
32 ~~than January 1, 2013, the department shall report to the~~
33 ~~Legislature on the administration of the kindergarten and grade~~
34 ~~1 English listening, speaking, and early literacy assessment results,~~
35 ~~as well as on the administrative process, in order to determine~~
36 ~~whether reauthorization of the assessment is appropriate.~~

37 (2) *In the development and administration of the assessment*
38 *for pupils in kindergarten and grade 1, the department shall*
39 *minimize any additional assessment time, to the extent possible.*
40 *The department shall ensure that the test and procedures for its*

1 *administration are age and developmentally appropriate. Age and*
2 *developmentally appropriate procedures for administration may*
3 *include, but are not limited to, one-on-one administration, a small*
4 *group setting, and orally responding or circling a response to a*
5 *question.*

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 over
18 time, can be tied to readiness for various instructional options, and
19 can be aggregated for use in the evaluation of program
20 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 pursuant to
24 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 SEC. 2. This act is an urgency statute necessary for the
34 immediate preservation of the public peace, health, or safety within
35 the meaning of Article IV of the Constitution and shall go into
36 immediate effect. The facts constituting the necessity are:

37 In order to ensure immediate compliance with the federal No
38 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and
39 eligibility to receive funding under that act by developing certain
40 necessary components of the California English language

- 1 development test as proposed by this act, it is necessary that this
- 2 act take effect immediately.

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