

**Introduced by Senator Wyland**

February 19, 2008

---

---

An act to amend Sections 60850 and 60851 of the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

SB 1275, as introduced, Wyland. Pupil assessment: high school exit examination.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the exit examination as a condition of graduation from high school. Existing law requires that each pupil take the high school exit examination in grade 10 beginning in the 2001–02 school year and allows each pupil to take the examination during each subsequent administration, until each section of the examination has been passed.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

- 1 SECTION 1. Section 60850 of the Education Code is amended
- 2 to read:

1 60850. (a) The Superintendent of ~~Public Instruction~~, with the  
2 approval of the ~~State Board of Education~~ *state board*, shall develop  
3 a high school exit examination in English language arts and  
4 mathematics in accordance with the statewide academically  
5 rigorous content standards adopted by the ~~State Board of Education~~  
6 *state board* pursuant to Section 60605. To facilitate the  
7 development of the examination, the ~~superintendent~~ *Superintendent*  
8 shall review ~~any~~ existing high school subject matter examinations  
9 that are linked to, or can be aligned with, the statewide  
10 academically rigorous content standards for English language arts  
11 and mathematics adopted by the ~~State Board of Education~~ *state*  
12 *board*. By October 1, 2000, the ~~State Board of Education~~ *state*  
13 *board* shall adopt a high school exit examination that is aligned  
14 with statewide academically rigorous content standards.

15 (b) The Superintendent of ~~Public Instruction~~, with the approval  
16 of the ~~State Board of Education~~ *state board*, shall establish a High  
17 School Exit Examination Standards Panel to assist in the design  
18 and composition of the exit examination and to ensure that the  
19 examination is aligned with statewide academically rigorous  
20 content standards. Members of the panel shall include, but are not  
21 limited to, teachers, administrators, school board members, parents,  
22 and the general public. Members of the panel shall serve without  
23 compensation for a term of two years and shall be representative  
24 of the state's ethnic and cultural diversity and gender balance. The  
25 ~~superintendent~~ *Superintendent* ~~also~~ shall ~~also~~ make the best effort  
26 to ensure representation of the state's diversity relative to urban,  
27 suburban, and rural areas. The ~~State Department of Education~~  
28 *department* shall provide staff to the panel.

29 (c) The Superintendent of ~~Public Instruction~~ shall require that  
30 the examination be field tested before actual implementation to  
31 ensure that the examination is free from bias and that its content  
32 is valid and reliable.

33 (d) Before the ~~State Board of Education~~ *state board* adopts the  
34 exit examination, the Superintendent of ~~Public Instruction~~ shall  
35 submit the examination to the Statewide Pupil Assessment Review  
36 Panel established pursuant to Section 60606. The panel shall review  
37 all items or questions to ensure that the content of the examination  
38 complies with the requirements of Section 60614.

1 (e) The exit examination prescribed in subdivision (a) shall  
2 conform to the following standards or it shall not be required as a  
3 condition of graduation:

4 (1) The examination ~~may~~ *shall* not be administered to a pupil  
5 who did not receive adequate notice as provided for in paragraph  
6 ~~(1)~~ (2) of subdivision (f) regarding the test.

7 (2) The examination, regardless of federal financial participation,  
8 shall comply with Title VI of the Civil Rights Act (42 U.S.C. Sec.  
9 2000d et seq.), its implementing regulations (34 C.F.R. Part 100),  
10 and the Equal Educational Opportunities Act of 1974 (20 U.S.C.  
11 Sec. 1701).

12 (3) The examination shall have instructional and curricular  
13 validity.

14 (4) The examination shall be scored as a criterion referenced  
15 examination.

16 (f) For purposes of this section, the following terms have the  
17 following meanings:

18 (1) “Accommodations” means ~~any~~ a variation in the assessment  
19 environment or process that does not fundamentally alter what the  
20 test measures or affect the comparability of scores.  
21 “Accommodations” may include variations in scheduling, setting,  
22 aids, equipment, and presentation format.

23 (2) “Adequate notice” means that the pupil and his or her parent  
24 or guardian have received written notice, at the commencement  
25 of the pupil’s ~~9<sup>th</sup>~~ grade 9, and each year thereafter through the  
26 annual notification process established pursuant to Section 48980,  
27 or if a transfer pupil, at the time the pupil transfers. A pupil who  
28 has taken the exit examination in ~~the 10<sup>th</sup>~~ grade 10 is deemed to  
29 have had “adequate notice” as defined in this paragraph.

30 (3) “Curricular validity” means that the examination tests for  
31 content found in the instructional textbooks. For ~~the~~ purposes of  
32 this section, ~~any~~ a textbook or other instructional material adopted  
33 pursuant to this code and consistent with the state’s adopted  
34 curriculum frameworks shall be deemed to satisfy this definition.

35 (4) “Instructional validity” means that the examination is  
36 consistent with what is expected to be taught. For ~~the~~ purposes of  
37 this section, instruction that is consistent with the state’s adopted  
38 curriculum frameworks for the subjects tested shall be deemed to  
39 satisfy this definition.

1 (5) “Modification” means ~~any~~ a variation in the assessment  
2 environment or process that fundamentally alters what the test  
3 measures or affects the comparability of scores.

4 (g) The examination shall be offered to individuals with  
5 exceptional needs, as defined in Section 56026, in accordance with  
6 ~~paragraph (17) of subsection (a) of~~ Section 1412(a)(17) of Title  
7 20 of the United States Code and Section 794 and following of  
8 Title 29 of the United States Code. Individuals with exceptional  
9 needs shall be administered the examination with appropriate  
10 accommodations, where necessary.

11 (h) Nothing in this chapter ~~shall prohibit~~ *prohibits* a school  
12 district from requiring pupils to pass additional exit examinations  
13 approved by the governing board of the school district as a  
14 condition for graduation.

15 SEC. 2. Section 60851 of the Education Code is amended to  
16 read:

17 60851. (a) Commencing with the 2003–04 school year and  
18 each school year thereafter, each pupil completing grade 12 ~~shall~~  
19 successfully *shall* pass the high school exit examination as a  
20 condition of receiving a diploma of graduation or a condition of  
21 graduation from high school. Funding for the administration of  
22 the high school exit examination shall be provided for in the annual  
23 Budget Act. The Superintendent shall apportion funds appropriated  
24 for this purpose to enable school districts to meet the requirements  
25 of this subdivision and subdivisions (b), (c), and (d). The state  
26 board shall establish the amount of funding to be apportioned per  
27 test administered, based on a review of the cost per test.

28 (b) Each pupil shall take the high school exit examination in  
29 grade 10 beginning in the 2001–02 school year and may take the  
30 examination during each subsequent administration, until each  
31 section of the examination has been passed.

32 (c) (1) At the parent or guardian’s request, a school principal  
33 shall submit a request for a waiver of the requirement to  
34 successfully pass the high school exit examination to the governing  
35 board of the school district for a pupil with a disability who has  
36 taken the high school exit examination with modifications that  
37 alter what the test measures and has received the equivalent of a  
38 passing score on one or both subject matter parts of the high school  
39 exit examination. A governing board of a school district may waive  
40 the requirement to successfully pass one or both subject matter

1 parts of the high school exit examination for a pupil with a  
2 disability if the principal certifies to the governing board of the  
3 school district that the pupil has all of the following:

4 (A) An individualized education program adopted pursuant to  
5 the federal Individuals with Disabilities Education Act (20 U.S.C.  
6 Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the  
7 federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) in place  
8 that requires the accommodations or modifications to be provided  
9 to the pupil when taking the high school exit examination.

10 (B) Sufficient high school level coursework either satisfactorily  
11 completed or in progress in a high school level curriculum  
12 sufficient to have attained the skills and knowledge otherwise  
13 needed to pass the high school exit examination.

14 (C) An individual score report for the pupil showing that the  
15 pupil has received the equivalent of a passing score on the high  
16 school exit examination while using a modification that  
17 fundamentally alters what the high school exit examination  
18 measures as determined by the state board.

19 (2) A school district shall report to the state board, in a manner  
20 and by a date determined by the Superintendent, the number and  
21 characteristics of waivers reviewed, granted, and denied under this  
22 subdivision and any additional information determined to be in  
23 furtherance of this subdivision.

24 (d) The high school exit examination shall be offered in each  
25 public school and state special school that provides instruction in  
26 grades 10, 11, or 12, on the dates designated by the Superintendent.  
27 An exit examination ~~may~~ *shall* not be administered on ~~any~~ *a* date  
28 other than those designated by the Superintendent as examination  
29 days or makeup days.

30 (e) The results of the high school exit examination shall be  
31 provided to each pupil taking the examination within eight weeks  
32 of the examination administration and in time for the pupil to take  
33 any section of the examination not passed at the next  
34 administration. A pupil shall take again only those parts of the  
35 examination *that* he or she has not previously passed and ~~may~~ *shall*  
36 not retake any portion of the exit examination that he or she has  
37 previously passed.

38 (f) Supplemental instruction shall be provided to ~~any~~ *a* pupil  
39 who does not demonstrate sufficient progress toward passing the  
40 high school exit examination. To the extent that school districts

1 have aligned their curriculum with the state academic content  
2 standards adopted by the state board, the curriculum for  
3 supplemental instruction shall reflect those standards and shall be  
4 designed to assist the pupils to succeed on the high school exit  
5 examination. This chapter does not require the provision of  
6 supplemental services using resources that are not ~~regularly~~  
7 available *regularly* to a school or school district, including summer  
8 school instruction provided pursuant to Section 37252. In no event  
9 shall ~~any~~ *an* action taken as a result of this subdivision cause or  
10 require reimbursement by the Commission on State Mandates.  
11 Sufficient progress shall be determined on the basis of either of  
12 the following:

13 (1) The results of the assessments administered pursuant to  
14 Article 4 (commencing with Section 60640) of Chapter 5 of Part  
15 33 and the minimum levels of proficiency recommended by the  
16 state board pursuant to Section 60648.

17 (2) The grades of the pupil and other indicators of academic  
18 achievement designated by the school district.