

AMENDED IN SENATE JUNE 30, 2010

AMENDED IN ASSEMBLY JANUARY 25, 2010

AMENDED IN ASSEMBLY JANUARY 15, 2010

AMENDED IN ASSEMBLY JANUARY 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 391

**Introduced by Assembly Member Torlakson
(Coauthor: Assembly Member Brownley)**

February 23, 2009

An act to amend Section 60603 of, and to add Section 60604.6 to, the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

AB 391, as amended, Torlakson. Pupil assessment: STAR Program.

(1) The Leroy Greene California Assessment of Academic Achievement Act provides for the development of a statewide pupil assessment program, and defines various terms for those purposes.

This bill would define additional terms for those purposes.

(2) The act establishes the Standardized Testing and Reporting Program (the STAR Program), pursuant to which school districts, charter schools, and county offices of education are required to administer achievement tests to each of their pupils in grades 2 to 11, inclusive.

This bill would require the Superintendent of Public Instruction, on or before April 1, 2011, to contract for an independent evaluation of the STAR Program, as specified. The Superintendent would be required to provide ~~this~~ *the* evaluation *report* to the Legislature, the Governor, and the State Board of Education on or before November 1, 2011. The

bill would require the State Department of Education to use federal funds for the purpose of contracting for the evaluation. The bill would make the operation of these provisions contingent upon an appropriation for their purposes in the annual Budget Act or another statute.

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 60603 of the Education Code, as amended
2 by Section 10 of Chapter 2 of the Fifth Extraordinary Session of
3 the Statutes of 2009, is amended to read:

4 60603. As used in this chapter:

5 (a) “Achievement test” means any standardized test that
6 measures the level of performance that a pupil has achieved in the
7 core curriculum areas.

8 (b) “Assessment of applied academic skills” means a form of
9 assessment that requires pupils to demonstrate their knowledge
10 of, and ability to apply, academic knowledge and skills in order
11 to solve problems and communicate. It may include, but is not
12 limited to, writing an essay response to a question, conducting an
13 experiment, or constructing a diagram or model. An assessment
14 of applied academic skills may not include assessments of personal
15 behavioral standards or skills, including, but not limited to, honesty,
16 sociability, ethics, or self-esteem.

17 (c) “Basic academic skills” means those skills in the subject
18 areas of reading, spelling, written expression, and mathematics
19 that provide the necessary foundation for mastery of more complex
20 intellectual abilities, including the synthesis and application of
21 knowledge.

22 (d) “Content standards” means the specific academic knowledge,
23 skills, and abilities that all public schools in this state are expected
24 to teach and all pupils expected to learn in each of the core
25 curriculum areas, at each grade level tested.

26 (e) “Core curriculum areas” means the areas of reading, writing,
27 mathematics, ~~history-social~~ history/social science, and science.

28 (f) “Diagnostic assessment” means interim assessments of the
29 current level of achievement of a pupil that ~~serve~~ serve both of
30 the following purposes:

1 (1) The identification of particular academic standards or skills
2 a pupil has or has not yet achieved.

3 (2) The identification of possible reasons that a pupil has not
4 yet achieved particular academic standards or skills.

5 (g) “Direct writing assessment” means an assessment of applied
6 academic skills that requires pupils to use written expression to
7 demonstrate writing skills, including writing mechanics, grammar,
8 punctuation, and spelling.

9 (h) ~~“End-of-course”~~ “*End-of-course* exam” means a
10 comprehensive and challenging assessment of pupil achievement
11 in a particular subject area or discipline.

12 (i) “Formative assessment” means assessment questions, tools,
13 and processes that are embedded in instruction and are used by
14 teachers and pupils to provide timely feedback for purposes of
15 adjusting instruction to improve learning.

16 (j) “High-quality assessment” means an assessment designed
17 to measure a pupil’s knowledge of, understanding of, and ability
18 to apply, critical concepts through the use of a variety of item types
19 and formats, such as open-ended responses and performance-based
20 tasks. The assessments should enable measurement of pupil
21 achievement and pupil growth; be of high-technical quality by
22 being valid, reliable, fair, and aligned to standards; incorporate
23 technology where appropriate; include the assessment of pupils
24 with disabilities and English learners; and, to the extent feasible,
25 use universal design principles, as defined in Section 3 of the
26 federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002)
27 in development and administration.

28 (k) “Interim assessment” means an assessment that is given at
29 regular and specified intervals throughout the school year, is
30 designed to evaluate a pupil’s knowledge and skills relative to a
31 specific set of academic standards, and produces results that can
32 be aggregated by course, grade level, school, or local educational
33 agency, in order to inform teachers and administrators at the pupil,
34 classroom, school, and local educational agency levels.

35 (l) “Performance standards” are standards that define various
36 levels of competence at each grade level in each of the curriculum
37 areas for which content standards are established. Performance
38 standards gauge the degree to which a pupil has met the content
39 standards and the degree to which a school or school district has
40 met the content standards.

(m) “Publisher” means a commercial publisher or any other public or private entity, other than the department, which is able to provide tests or test items that meet the requirements of this chapter.

(n) “Statewide pupil assessment program” means the systematic achievement testing of pupils in grades 2 to 11, inclusive, pursuant to the ~~standardized testing and reporting~~ *Standardized Testing and Reporting* program under Article 4 (commencing with Section 60640) and the assessment of basic academic skills and applied academic skills, administered to pupils in grade levels specified in subdivision (c) of Section 60605, required by this chapter in all schools within each school district by means of tests designated by the state board.

SEC. 2. Section 60604.6 is added to the Education Code, to read:

60604.6. (a) On or before April 1, 2011, the Superintendent shall contract with an independent evaluator, who shall ~~report to him or her, for~~ *conduct an evaluation of the STAR Program and submit a report regarding the evaluation to the Superintendent.*

The evaluation shall be a meta-analysis of existing information and data from the STAR Program based upon all of the following:

(1) Information gathered in field testing and annual administrations of the STAR assessments.

(2) Existing technical reports, peer reviews, and other studies, reports, and evaluations of the STAR Program conducted by or at the request of the department, the Legislature, or the state board.

(3) State and federal requirements.

(4) A review of research-based alternative assessment models.

(5) A review of existing and emerging practices in large-scale assessment from across the nation.

(b) The evaluation shall include, but shall not necessarily be limited to, all of the following:

(1) A report on the results of prior analyses regarding the alignment between the STAR assessments and the full range of the content standards adopted pursuant to Sections 60605 and 60605.8, and a determination of whether the STAR Program assesses pupil knowledge in the same manner and at the same level of complexity as expected in those content standards.

(2) An independent analysis of the grade level continuity and vertical articulation of the content standards.

1 (3) An independent analysis of the ability of the tests to produce
2 scores for an individual pupil that can be validly compared from
3 year to year for both groups and individuals.

4 (4) An independent analysis of the use of content standards in
5 other core curriculum areas for testing items, as applicable.

6 (5) A report on the results of prior analyses regarding pupil
7 performance, broken down by assessment, grade level, race or
8 ethnicity, and end-of-course assessments, including any trends that
9 become apparent over time.

10 (6) An independent analysis of the degree to which the STAR
11 Program complies with professional testing standards and satisfies
12 or exceeds state and federal requirements for assessments for each
13 grade level.

14 (7) An independent analysis of the usefulness of the STAR
15 Program in terms of state and local program evaluations.

16 (8) An independent analysis of the usefulness of the STAR
17 Program in providing individual results, providing a diagnostic
18 assessment for classroom use, and providing formative and interim
19 assessments in order to better inform instruction and improve
20 learning.

21 (9) An independent analysis of the feasibility and cost of the
22 development and administration of a diagnostic alternative test in
23 grade levels and content standard areas that are not required to
24 have an assessment under federal law.

25 (c) The report by the independent evaluator ~~containing~~ *described*
26 *in subdivision (a) shall include* the findings of his or her evaluation
27 ~~shall include, but shall not be limited to, all of the following and~~
28 *recommendations regarding, at a minimum, each of the following:*

29 (1) Improving the quality, fairness, validity, and reliability of
30 the examinations for both groups and individuals, including pupils
31 with disabilities and English learners.

32 (2) Revising the design, administration, scoring, processing, or
33 use of the examinations to ensure compliance with state and federal
34 requirements in an efficient manner.

35 (3) Revising the examinations to improve grade level continuity
36 and vertical alignment of standards-aligned test content and the
37 ability of the tests to produce scores for an individual pupil that
38 can be validly compared from year to year.

- 1 (4) Revising the examination to improve integration of content
2 standards in other core curriculum areas for testing items, as
3 applicable.
- 4 (5) Improving the usefulness of the test to the state, local
5 educational agencies, schools, teachers, pupils, and parents,
6 including making use of test administration and scoring
7 technologies that will allow the return of test results to parents and
8 teachers as soon as possible in order to support instructional
9 improvement.
- 10 (6) Revising the STAR Program to provide pupil-level
11 diagnostic information, to provide a diagnostic assessment for
12 classroom use, and to provide formative and interim assessments
13 in order to better inform instruction and improve learning.
- 14 (7) Developing and implementing alternative diagnostic
15 assessments that align with state academic content standards.
- 16 (8) Developing and implementing alternatives to the current
17 testing format to allow the greatest aggregate base for assessing
18 districtwide performance on content standards.
- 19 (9) Transitioning to a system of high-quality assessments, as
20 defined in this chapter.
- 21 (10) Aligning the assessments with the content standards adopted
22 pursuant to Sections 60605 and 60605.8, and the performance
23 standards adopted pursuant to Section 60605.5.
- 24 (11) Ensuring that no aspect of the system creates any bias with
25 respect to race, ethnicity, culture, religion, gender, or sexual
26 orientation.
- 27 (12) Incorporating a variety of item types and formats, including,
28 but not limited to, open-ended responses and performance-based
29 tasks.
- 30 (13) Generating multiple measures of pupil achievement, which,
31 when combined with other measures, can be used to determine the
32 effectiveness of instruction and the extent of learning.
- 33 (14) Assessing a pupil's understanding of and ability to use the
34 technology necessary for success in the 21st century classroom
35 and workplace.
- 36 (15) Minimizing testing time, while not jeopardizing the validity,
37 reliability, fairness, or instructional usefulness of the assessment
38 results.
- 39 (d) In order to provide the Legislature with adequate information
40 to consider reauthorization of the STAR Program, the

1 Superintendent shall provide the evaluation *report* to the
2 Legislature, the Governor, and the state board on or before
3 November 1, 2011.

4 (e) The advisory committee established pursuant to Section
5 52052.5 shall advise the Superintendent on the independent
6 evaluation by providing all of the following:

7 (1) Recommendations regarding the parameters of the
8 evaluation.

9 (2) Recommendations regarding any request for proposals or
10 request for applications used to solicit contract proposals.

11 (3) Recommendations regarding the selection of the contractor.

12 (4) A review of any reports submitted by the independent
13 evaluator, including any midterm reports as well as the final
14 evaluation.

15 (f) The Superintendent shall appoint four additional members,
16 who shall be educators or individuals having expertise in
17 large-scale assessment and who shall serve only for the purposes
18 of subdivision (f), to the advisory committee established pursuant
19 to Section 52052.5.

20 (g) The department shall use federal funds for the purpose of
21 contracting for this evaluation. This section shall become operative
22 only if an appropriation is provided for its purposes in the annual
23 Budget Act or another statute.