

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 476

Introduced by Assembly Member Torlakson

February 24, 2009

An act to amend Sections 60603, 60604, 60640, 60642.5, 60643, 60643.1, 60643.5, 60648, and 60649 of, and to add ~~Sections~~ *Section* 60649.1 and 60649.2 to, the Education Code, relating to the Standardized Testing and Reporting Program.

LEGISLATIVE COUNSEL'S DIGEST

AB 476, as amended, Torlakson. The Standardized Testing and Reporting Program.

Existing law 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 ~~its~~ *their* pupils, as specified. The tests are required to be administered to pupils in grades 2 to 11, inclusive, as specified.

This bill would eliminate the requirement that the tests be administered to pupils in grade 2.

The bill would, in addition, require the Superintendent of Public Instruction, on or before ~~July~~ *April* 1, 2010, to contract with an independent evaluator for evaluation of the STAR Program, as specified. The bill would require the *independent* evaluator to complete a report containing the findings of his or her ~~first evaluation, and to request those findings to the Superintendent, on or before October 1, 2010 evaluation. The Superintendent would be required to provide this evaluation to the Legislature, the Governor, and the state board on or~~

~~before November 1, 2010. The Superintendent would be required to present the findings contained in the report to the Legislature and the State Board of Education on or before January 1, 2011. The bill would also require the Superintendent to convene a panel~~ *The bill would require an existing advisory committee to advise the department Superintendent on the independent evaluation of the STAR Program, including making recommendations regarding the selection of the independent evaluator and the evaluation parameters. The bill would require the Superintendent to appoint 4 additional members to the advisory committee for these purposes. The bill would require the State Department of Education to use funds, not exceeding the amount of \$150,000 made available by the elimination of STAR testing in grade 2, for the purpose of contracting for this evaluation.* The bill would make other conforming, technical, and clarifying changes.

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 is amended
- 2 to read:
- 3 60603. (a) As used in this chapter:
- 4 (1) "Achievement test" means any standardized test that
- 5 measures the level of performance that a pupil has achieved in the
- 6 core curriculum areas.
- 7 (2) "Assessment of applied academic skills" means a form of
- 8 assessment that requires pupils to demonstrate their knowledge
- 9 of, and ability to apply, academic knowledge and skills in order
- 10 to solve problems and communicate. It may include, but is not
- 11 limited to, writing an essay response to a question, conducting an
- 12 experiment, or constructing a diagram or model. An assessment
- 13 of applied academic skills may not include assessments of personal
- 14 behavioral standards or skills, including, but not limited to, honesty,
- 15 sociability, ethics, or self-esteem.
- 16 (3) "Basic academic skills" means those skills in the subject
- 17 areas of reading, spelling, written expression, and mathematics
- 18 that provide the necessary foundation for mastery of more complex
- 19 intellectual abilities, including the synthesis and application of
- 20 knowledge.

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

5 (5) “Core curriculum areas” means the areas of reading, writing,
6 mathematics, history-social science, and science.

7 (6) “Diagnostic assessment” means interim assessments of the
8 current level of achievement of a pupil that serves both of the
9 following purposes:

10 (A) The identification of particular academic standards or skills
11 a pupil has or has not yet achieved.

12 (B) The identification of possible reasons that a pupil has not
13 yet achieved particular academic standards or skills.

14 (7) “Direct writing assessment” means an assessment of applied
15 academic skills that requires pupils to use written expression to
16 demonstrate writing skills, including writing mechanics, grammar,
17 punctuation, and spelling.

18 (8) “End of course exam” means a comprehensive and
19 challenging assessment of pupil achievement in a particular subject
20 area or discipline.

21 (9) “Performance standards” are standards that define various
22 levels of competence at each grade level in each of the curriculum
23 areas for which content standards are established. Performance
24 standards gauge the degree to which a pupil has met the content
25 standards and the degree to which a school or school district has
26 met the content standards.

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

31 (11) “Statewide pupil assessment program” means the systematic
32 achievement testing of pupils in grades 3 to 11, inclusive, pursuant
33 to the standardized testing and reporting program under Article 4
34 (commencing with Section 60640) and the assessment of basic
35 academic skills and applied academic skills, required by this
36 chapter in all schools within each school district by means of tests
37 designated by the state board.

38 (b) This section shall become inoperative on July 1, 2011.

39 SEC. 2. Section 60604 of the Education Code is amended to
40 read:

1 60604. (a) The Superintendent shall design and implement,
2 consistent with the timetable and plan required pursuant to
3 subdivision (b), a statewide pupil assessment program consistent
4 with the testing requirements of this article in accordance with the
5 objectives set forth in Section 60602. That program shall include
6 all of the following:

7 (1) A plan for producing valid, reliable, and comparable
8 individual pupil scores in grades 3 to 11, inclusive, and a
9 comprehensive analysis of these scores based on the results of the
10 achievement test designated by the state board that assesses a broad
11 range of basic academic skills pursuant to the Standardized Testing
12 and Reporting (STAR) Program established by Article 4
13 (commencing with Section 60640).

14 (2) A method of working with publishers to ensure valid,
15 reliable, and comparable individual, grade-level, school-level,
16 district-level, county-level, and statewide scores in grades 3 to 11,
17 inclusive.

18 (3) Statewide academically rigorous content and performance
19 standards that reflect the knowledge and skills that pupils will need
20 in order to succeed in the information-based, global economy of
21 the 21st century. These skills shall not include personal behavioral
22 standards or skills, including, but not limited to, honesty,
23 sociability, ethics, or self-esteem.

24 (4) A statewide system that provides the results of testing in a
25 manner that reflects the degree to which pupils are achieving the
26 academically rigorous content and performance standards adopted
27 by the state board.

28 (5) The alignment of assessment with the statewide academically
29 rigorous content and performance standards adopted by the state
30 board.

31 (6) The active, ongoing involvement of parents, classroom
32 teachers, administrators, other educators, governing board members
33 of school districts, and the public in all phases of the design and
34 implementation of the statewide pupil assessment program.

35 (7) The development of a contract or contracts with a publisher
36 or publishers, after the approval of statewide academically rigorous
37 content standards by the state board, for the development of
38 performance standards and assessments of applied academic skills
39 designed to test pupils' knowledge of academic skills and abilities

1 to apply that knowledge and those skills in order to solve problems
2 and communicate.

3 (b) The Superintendent shall develop and annually update for
4 the Legislature a five-year cost projection, implementation plan,
5 and timetable for implementing the program described in
6 subdivision (a). The annual update shall be submitted on or before
7 March 1 of each year to the chairperson of the fiscal subcommittee
8 considering budget appropriations in each house. The update shall
9 explain any significant variations from the five-year cost projection
10 for the current year budget and the proposed budget.

11 (c) The Superintendent shall provide each school district with
12 guidelines for professional development that are designed to assist
13 classroom teachers to use the results of the assessments
14 administered pursuant to this chapter to modify instruction for the
15 purpose of improving pupil learning. These guidelines shall be
16 developed in consultation with classroom teachers and approved
17 by the state board before dissemination.

18 (d) The Superintendent and the state board shall consider
19 comments and recommendations from school districts and the
20 public in the development, adoption, and approval of assessment
21 instruments.

22 (e) The results of the achievement test administered pursuant
23 to Article 4 (commencing with Section 60640) shall be returned
24 to the school district within the period of time specified by the
25 state board.

26 (f) This section shall become inoperative on July 1, 2011.

27 SEC. 3. Section 60640 of the Education Code is amended to
28 read:

29 60640. (a) There is hereby established the Standardized Testing
30 and Reporting Program, to be known as the STAR Program.

31 (b) From the funds available for that purpose, each school
32 district, charter school, and county office of education shall
33 administer to each of its pupils in grades 3 to 11, inclusive, the
34 standards-based achievement test provided for in Section 60642.5.
35 The state board shall establish a testing period to provide that all
36 schools administer these tests to pupils at approximately the same
37 time during the instructional year, except as necessary to ensure
38 test security and to meet the final filing date.

1 (c) The publisher and the school district shall provide two
2 makeup days for the testing of previously absent pupils within the
3 testing period established by the state board in subdivision (b).

4 (d) The governing board of the school district may administer
5 achievement tests in grades other than those required by
6 subdivision (b) as it deems appropriate.

7 (e) Pursuant to Section ~~1412(a)(16)~~ *1412(a)(16)* of Title 20 of
8 the United States Code, individuals with exceptional needs, as
9 defined in Section 56026, shall be included in the testing
10 requirement of subdivision (b) with appropriate accommodations
11 in administration, where necessary, and those individuals with
12 exceptional needs who are unable to participate in the testing, even
13 with accommodations, shall be given an alternate assessment.

14 (f) (1) At the option of the school district, pupils with limited
15 English proficiency who are enrolled in any of grades 3 to 11,
16 inclusive, may take a second achievement test in their primary
17 language. Primary language tests administered pursuant to this
18 subdivision and subdivision (g) shall be subject to the requirements
19 of subdivision (a) of Section 60641. These primary language tests
20 shall produce individual pupil scores that are valid and reliable.

21 (2) Notwithstanding any other law, the state board shall
22 designate for use, as part of this program, a single primary language
23 test in each language for which a test is available for grades 3 to
24 11, inclusive, pursuant to the process used for designation of the
25 assessment chosen in the 1997–98 fiscal year, as specified in
26 Section 60643, as applicable.

27 (3) (A) The department shall use funds made available pursuant
28 to Title VI of the federal No Child Left Behind Act of 2001 (20
29 U.S.C. Sec. 6301 et seq.) and appropriated by the annual Budget
30 Act for the purpose of developing and adopting primary language
31 assessments that are aligned to the state academic content
32 standards. Subject to the availability of funds, primary language
33 assessments shall be developed and adopted for reading/language
34 arts and mathematics in the dominant primary language of
35 limited-English-proficient pupils. The dominant primary language
36 shall be determined by the count in the annual language census of
37 the primary language of each limited-English-proficient pupil
38 enrolled in the California public schools.

39 (B) Once a dominant primary language assessment is available
40 for use for a specific grade level, it shall be administered in place

1 of the assessment designated pursuant to paragraph (1) for that
2 grade level.

3 (C) In choosing a contractor to develop a primary language
4 assessment the state board shall consider the criteria for choosing
5 a contractor or test publisher as specified by Section 60643, and
6 as specified by Section 60642.5, as applicable.

7 (D) Subject to the availability of funds, the assessments shall
8 be developed in grade order starting with the lowest grade subject
9 to the STAR Program.

10 (E) If the state board contracts for the development of primary
11 language assessments or test items to augment an existing
12 assessment, the state shall retain ownership rights to the assessment
13 and the test items. With the approval of the state board, the
14 department may license the test for use in other states subject to a
15 compensation agreement approved by the Department of Finance.

16 (F) On or before January 1, 2006, the department shall submit
17 to the Legislature a report on the development and implementation
18 of the initial primary language assessments and recommendations
19 on the development and implementation of future assessments and
20 funding requirements.

21 (g) A pupil identified as limited English proficient pursuant to
22 the administration of a test made available pursuant to Section
23 60810 who is enrolled in any of grades 3 to 11, inclusive, and who
24 either receives instruction in his or her primary language or has
25 been enrolled in a school in the United States for less than 12
26 months shall be required to take a test in his or her primary
27 language if a test is available.

28 (h) (1) The Superintendent shall apportion funds to school
29 districts to enable school districts to meet the requirements of
30 subdivisions (b), (e), (f), and (g).

31 (2) The state board annually shall establish the amount of
32 funding to be apportioned to school districts for each test
33 administered and annually shall establish the amount that each
34 publisher shall be paid for each test administered under the
35 agreements required pursuant to Section 60643. The amounts to
36 be paid to the publishers shall be determined by considering the
37 cost estimates submitted by each publisher each September and
38 the amount included in the annual Budget Act, and by making
39 allowance for the estimated costs to school districts for compliance
40 with the requirements of subdivisions (b), (e), (f), and (g).

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

13 (i) For purposes of making the computations required by Section
14 8 of Article XVI of the California Constitution, the appropriation
15 for the apportionments made pursuant to paragraph (1) of
16 subdivision (h), and the payments made to the publishers under
17 the contracts required pursuant to Section 60643 or subparagraph
18 (C) of paragraph (1) of subdivision (a) of Section 60605 between
19 the department and the contractor, are “General Fund revenues
20 appropriated for school districts,” as defined in subdivision (c) of
21 Section 41202, for the applicable fiscal year, and included within
22 the “total allocations to school districts and community college
23 districts from General Fund proceeds of taxes appropriated pursuant
24 to Article XIII B,” as defined in subdivision (e) of Section 41202,
25 for that fiscal year.

26 (j) As a condition to receiving an apportionment pursuant to
27 subdivision (h), a school district shall report to the Superintendent
28 all of the following:

29 (1) The number of pupils enrolled in the school district in grades
30 3 to 11, inclusive.

31 (2) The number of pupils to whom an achievement test was
32 administered in grades 3 to 11, inclusive, in the school district.

33 (3) The number of pupils in paragraph (1) who were exempted
34 from the test at the request of their parents or guardians.

35 (k) The Superintendent and the state board are authorized and
36 encouraged to assist postsecondary educational institutions to use
37 the assessment results of the California Standards Tests, including,
38 but not limited to, the augmented California Standards Tests, for
39 academic credit, placement, or admissions processes.

1 (l) The Superintendent, with the approval of the state board,
2 annually shall release to the public test items from the
3 standards-based achievement tests pursuant to Section 60642.5
4 administered in previous years. The minimum number of test items
5 released per year shall be equal to 25 percent of the total number
6 of test items on the test administered in the previous year.

7 (m) This section shall become inoperative on July, 1, 2011.

8 SEC. 4. Section 60642.5 of the Education Code is amended to
9 read:

10 60642.5. (a) The Superintendent, with approval of the state
11 board, shall provide for the development of an assessment
12 instrument, to be called the California Standards Tests, that
13 measures the degree to which pupils are achieving the academically
14 rigorous content standards and performance standards, to the extent
15 standards have been adopted by the state board. These
16 standards-based achievement tests shall contain the subject areas
17 specified in paragraph (3) of subdivision (a) of Section 60603 for
18 grades 3 to 8, inclusive, and shall include an assessment in
19 history/social science in at least one elementary or middle school
20 grade level selected by the state board and science in at least one
21 elementary or middle school grade level selected by the state board,
22 and the core curriculum areas specified in paragraph (5) of
23 subdivision (a) of Section 60603 for grades 9 to 11, inclusive,
24 except that history-social science shall not be included in the grade
25 9 assessment unless the state board adopts academic content
26 standards for a grade 9 history-social science course, and shall
27 include, at a minimum, a direct writing assessment once in
28 elementary school and once in middle or junior high school and
29 other items of applied academic skill if deemed valid and reliable
30 and if resources are made available for their use.

31 (b) In approving a contract for the development or administration
32 of the California Standards Tests, the state board shall consider
33 each of the following criteria:

34 (1) The ability of the contractor to produce valid, reliable
35 individual pupil scores.

36 (2) The ability of the contractor to report results pursuant to
37 subdivision (a) of Section 60643 by August 8.

38 (3) The ability of the contractor to ensure alignment between
39 the standards-based achievement test and the academically rigorous
40 content and performance standards as those standards are adopted

1 by the state board. This criterion shall include the ability of the
2 contractor to implement a process to establish and maintain
3 alignment between the test items and the standards.

4 (4) The per pupil cost estimates of developing and, if
5 appropriate, administering the proposed assessment with a system
6 to facilitate the determination of future per pupil cost
7 determinations.

8 (5) The procedures of the contractor to ensure the security and
9 integrity of test questions and materials.

10 (6) The experience of the contractor in successfully conducting
11 testing programs adopted and administered by other states. For
12 experience to be considered, the number of grades and pupils tested
13 shall be provided.

14 (c) The standards-based achievement tests may use items from
15 other tests.

16 SEC. 5. Section 60643 of the Education Code is amended to
17 read:

18 60643. (a) To be eligible for consideration under Section
19 60642.5 by the state board, test publishers shall agree in writing
20 each year to meet the following requirements, as applicable, if
21 selected:

22 (1) Enter into an agreement, pursuant to subdivision (e) or (f),
23 with the department by October 15 of that year.

24 (2) Align the standards-based achievement test provided for in
25 Section 60642.5 to the academically rigorous content and
26 performance standards adopted by the state board.

27 (3) Comply with subdivisions (c) and (d) of Section 60645.

28 (4) Provide valid and reliable individual pupil scores to parents
29 or guardians, teachers, and school administrators.

30 (5) Provide valid and reliable aggregate scores to school districts
31 and county boards of education in all of the following forms and
32 formats:

33 (A) Grade level.

34 (B) School level.

35 (C) District level.

36 (D) Countywide.

37 (E) Statewide.

38 (F) Comparison of statewide scores relative to other states.

39 (6) Provide disaggregated scores, based on
40 limited-English-proficient status and nonlimited-English-proficient

1 status. For purposes of this section, pupils with
2 “nonlimited-English-proficient status” shall include the total of
3 those pupils who are English-only pupils, fluent-English-proficient
4 pupils, and redesignated fluent-English-proficient pupils. These
5 scores shall be provided to school districts and county boards of
6 education in the same forms and formats listed in paragraph (5).

7 (7) Provide disaggregated scores by pupil gender and ethnicity
8 and provide disaggregated scores based on whether pupils are
9 economically disadvantaged or not. These disaggregated scores
10 shall be in the same forms and formats as listed in paragraph (5).
11 In any one year, the disaggregation shall entail information already
12 being collected by school districts, county offices of education, or
13 charter schools.

14 (8) Provide disaggregated scores for pupils who have
15 individualized education programs and have enrolled in special
16 education, to the extent required by federal law. These scores shall
17 be provided in the same forms and formats listed in paragraph (5).
18 This section shall not be construed to exclude the scores of special
19 education pupils from any state or federal accountability system.

20 (9) Provide information listed in paragraphs (5), (6), (7), and
21 (8) to the department and the state board in the medium requested
22 by each entity, respectively.

23 (b) It is the intent of the Legislature that the publisher work with
24 the Superintendent and the state board in developing a methodology
25 to disaggregate statewide scores as required in paragraphs (6) and
26 (7) of subdivision (a), and in determining which variable indicated
27 on the STAR testing document shall serve as a proxy for
28 “economically disadvantaged” status pursuant to paragraph (7) of
29 subdivision (a).

30 (c) Access to information about individual pupils or their
31 families shall be granted to the publisher only for purposes of
32 correctly associating test results with the pupils who produced
33 those results or for reporting and disaggregating test results as
34 required by this section. School districts are prohibited from
35 excluding a pupil from the test if a parent or parents decline to
36 disclose income. This chapter does not abridge or deny rights to
37 confidentiality contained in the federal Family Educational Rights
38 and Privacy Act of 1974 (20 U.S.C. Sec. 1232g) or other applicable
39 state and federal law that protect the confidentiality of information
40 collected by educational institutions.

1 (d) Notwithstanding any other law, the publisher of the
2 standards-based achievement test provided for in Section 60642.5
3 or any contractor under subdivision (f) shall comply with all of
4 the conditions and requirements enumerated in subdivision (a), as
5 applicable, to the satisfaction of the state board.

6 (e) (1) A publisher shall not provide a test described in Section
7 60642.5 or in subdivision (f) of Section 60640 for use in California
8 public schools, unless the publisher enters into a written contract
9 with the department as set forth in this subdivision.

10 (2) The department shall develop, and the state board shall
11 approve, a contract to be entered into with a publisher pursuant to
12 paragraph (1). The department may develop the contract through
13 negotiations with the publisher.

14 (3) For purposes of the contracts authorized pursuant to this
15 subdivision, the department is exempt from the requirements of
16 Part 2 (commencing with Section 10100) of Division 2 of the
17 Public Contract Code and from the requirements of Article 6
18 (commencing with Section 999) of Chapter 6 of Division 4 of the
19 Military and Veterans Code.

20 (4) The contracts shall include provisions for progress payments
21 to the publisher for work performed or costs incurred in the
22 performance of the contract. Not less than 10 percent of the amount
23 budgeted for each separate and distinct component task provided
24 for in each contract shall be withheld pending final completion of
25 all component tasks by that publisher. The total amount withheld
26 pending final completion shall not exceed 10 percent of the total
27 contract price.

28 (5) The contracts shall require liquidated damages to be paid
29 by the publisher in the amount of up to 10 percent of the total cost
30 of the contract for any component task that the publisher through
31 its own fault or that of its subcontractors fails to substantially
32 perform by the date specified in the agreement.

33 (6) The contracts shall establish the process and criteria by
34 which the successful completion of each component task shall be
35 recommended by the department and approved by the state board.

36 (7) The publishers shall submit, as part of the contract
37 negotiation process, a proposed budget and invoice schedule that
38 includes a detailed listing of the costs for each component task
39 and the expected date of the invoice for each completed component
40 task.

1 (8) The contracts shall specify the following component tasks,
2 as applicable, that are separate and distinct:

3 (A) Development of new tests or test items as required by
4 paragraph (2) of subdivision (a).

5 (B) Test materials production or publication.

6 (C) Delivery of test materials to school districts.

7 (D) Test processing, scoring, and analyses.

8 (E) Reporting of test results to the school districts, including,
9 but not limited to, all reports specified in this section.

10 (F) Reporting of test results to the department, including, but
11 not limited to, the electronic files required pursuant to this section.

12 (G) All other analyses or reports required by the Superintendent
13 to meet the requirements of state and federal law and set forth in
14 the agreement.

15 (9) The contracts shall specify the specific reports and data files,
16 if any, that are to be provided to school districts by the publisher
17 and the number of copies of each report or file to be provided.

18 (10) The contracts shall specify the means by which any delivery
19 date for materials to each school district shall be verified by the
20 publisher and the school district.

21 (11) School districts may negotiate a separate agreement with
22 the publisher for any additional materials or services not within
23 the contracts specified in this subdivision, including, but not limited
24 to, the administration of the tests to pupils in grade levels other
25 than grades 3 to 11, inclusive. Any separate agreement is not within
26 the scope of the contract specified in this subdivision.

27 (f) The department, with approval of the state board, may enter
28 into a separate contract for the development or administration of
29 a test authorized pursuant to this part, including, but not limited
30 to, item development, coordination of tests, assemblage of tests
31 or test items, scoring, or reporting. The liquidated damages
32 provision set forth in paragraph (5) of subdivision (e) shall apply
33 to a contract entered into pursuant to this subdivision.

34 (g) This section shall become inoperative on July 1, 2011.

35 SEC. 6. Section 60643.1 of the Education Code is amended to
36 read:

37 60643.1. (a) (1) The test publisher designated by the state
38 board pursuant to Section 60642.5 shall make available a reading
39 list on the Internet by June 1 of the applicable school year. The
40 reading list shall include an index that correlates ranges of pupil

1 reading scores on the English language arts portion of the
2 achievement test designated pursuant to Section 60642.5 to titles
3 of materials that would be suitable for pupils in each of grades 3
4 to 11, inclusive, to read in order to improve their reading skills.
5 This reading list shall include titles of books that allow a pupil to
6 practice reading at his or her current reading level and that will
7 assist the pupil in achieving a higher level of proficiency. To the
8 extent possible, the index also shall include information related to
9 the subject matter of each title. At a minimum, the reading list also
10 shall categorize titles by subject matter and identify age-appropriate
11 distinctions in the list.

12 (2) The test publisher, in each school year, shall make available
13 for purchase by school districts a report that provides a numerical
14 distribution of the reading scores of all pupils in California who
15 took the achievement test designated pursuant to Section 60642.5.

16 (3) The test publisher, in each school year, shall make available
17 for purchase by school districts reading lists that can be distributed
18 to pupils based on a pupil's age and the ranges of scores on the
19 English language arts portion of the achievement test designated
20 pursuant to Section 60642.5.

21 (4) The requirements of this subdivision shall become operative
22 only upon a determination by the Director of Finance that funds
23 are available to make an adjustment pursuant to subdivision (h)
24 of Section 60640.

25 (b) The state board and the Superintendent jointly shall certify
26 that the process used by the publisher to determine the reading
27 levels of the corresponding reading list pursuant to paragraph (1)
28 of subdivision (a) meets the following criteria:

29 (1) The process is educationally valid.

30 (2) The process results in a reading list for each reading span
31 that provides titles at the pupil's current reading level and the next
32 higher level for challenging practice.

33 (3) The process results in a selection from the universe of titles
34 from the list developed pursuant to subdivision (d) that matches
35 each reading level.

36 (4) The process is unbiased in the selection of publishers' titles
37 from the legal compliance list.

38 (c) The titles listed at each reading level range posted on the
39 Internet and the reading lists made available to school districts
40 pursuant to subdivision (a), at a minimum, shall include all relevant

1 literature materials approved as of September 1, 1999, as being
2 legally compliant pursuant to Article 3 (commencing with Section
3 60040) of Chapter 1, and the titles listed in all of the content area
4 reading and literature lists that are developed and published by the
5 department and that have been determined by the department to
6 meet the relevant reading level as certified pursuant to subdivision
7 (b).

8 (d) By imposing the requirements of this section on publishers,
9 it is not the intent of the Legislature to unfairly disadvantage any
10 publisher who has otherwise met the requirements of this section
11 or of Article 3 (commencing with Section 60040) of Chapter 1.

12 (e) This section shall become inoperative on July 1, 2011.

13 SEC. 7. Section 60643.5 of the Education Code is amended to
14 read:

15 60643.5. (a) A school shall be reimbursed by the test publisher
16 selected pursuant to this article for any unexpected expenses
17 incurred due to scheduling changes that resulted from the late
18 delivery of testing materials in connection with the STAR Program.

19 (b) The department shall monitor and report to the state board
20 regarding the publisher's production, processing, and delivery
21 system to ensure that a timely delivery of testing materials to all
22 schools occurs during the 1999–2000 testing cycle.

23 SEC. 8. Section 60648 of the Education Code is amended to
24 read:

25 60648. The Superintendent shall recommend, and the state
26 board shall adopt, levels of pupil performance on achievement
27 tests administered pursuant to this article in reading, English
28 language arts, and mathematics at each grade level. The
29 performance levels shall identify and establish the level of
30 performance that is deemed to be the minimum level required for
31 satisfactory performance in the next grade. These levels of
32 performance shall only be adopted after the standards-based
33 achievement tests have been aligned, pursuant to paragraph (2) of
34 subdivision (a) of Section 60643, to the content and performance
35 standards adopted by the state board pursuant to subdivision (a)
36 of Section 60605.

37 SEC. 9. Section 60649 of the Education Code is amended to
38 read:

39 60649. On or before March 1, 2001, the Superintendent and
40 the state board shall report to the Legislature and the Governor on

1 the status of implementation of this chapter. The report shall
2 include, but not be limited to, the following:

3 (a) Description of the actions taken to ensure full coverage of
4 academic content standards in assessments developed pursuant to
5 this chapter.

6 (b) Identification of the types of test items designed to measure
7 applied academic skills, as defined in subdivision (a) of Section
8 60603.

9 (c) The means by which the Superintendent and the state board
10 determine assessments are valid, reliable, and provide consistent
11 year-to-year comparisons of student progress, consistent with
12 nationally recognized and accepted test construction and
13 implementation methodologies, as applicable.

14 (d) Recommendations to improve the state’s assessment system,
15 identifying related costs or savings, and increases or decreases in
16 testing time.

17 SEC. 10. Section 60649.1 is added to the Education Code, to
18 read:

19 60649.1. (a) On or before—~~July~~ *April* 1, 2010, the
20 Superintendent shall contract with an independent evaluator, who
21 shall report to him or her, for evaluation of the STAR Program.
22 The evaluation shall be based upon information gathered in field
23 testing and annual administrations of the STAR assessments, state
24 and federal requirements, and a review of research-based alternative
25 assessment models.

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

28 (1) An independent evaluation of alignment between the
29 assessment used to calculate adequate yearly progress (AYP) or
30 academic performance index (API) and the content standards on
31 which the assessment is based.

32 (2) An independent analysis of the alignment between the STAR
33 assessments and the full range of the content standards and a
34 determination of whether the STAR Program assesses pupil
35 knowledge in the same manner and at the same level of complexity
36 as expected in the content standards. An independent evaluation
37 of each assessment alignment shall be conducted at least every
38 five years.

1 (3) An independent analysis of pupil performance, broken down
2 by assessment, grade level, race or ethnicity, and end-of-course
3 assessments, including any trends that become apparent over time.

4 (4) An independent analysis of the degree to which the STAR
5 Program complies with professional testing standards and satisfies
6 *or exceeds* state and federal requirements for assessments for each
7 grade level.

8 (5) An independent analysis of the usefulness of the STAR
9 Program in terms of state and local program evaluations as well
10 as pupil-level information.

11 (6) An independent analysis of the usefulness of the STAR
12 Program in terms of providing a diagnostic assessment for
13 classroom use.

14 (7) An independent analysis of the feasibility and cost of the
15 development and administration of a diagnostic alternative test in
16 grade levels and content standard areas that are not required to
17 have an assessment under federal law.

18 (c) An evaluation separately shall consider test results for each
19 of the following pupil subgroups, provided that information
20 concerning individual pupils shall not be gathered or disclosed in
21 the process of preparing the evaluation:

22 (1) English learners and non-English learners.

23 (2) Individuals with exceptional needs and individuals without
24 exceptional needs.

25 (3) Pupils who qualify for free or reduced-price meals and are
26 enrolled in schools that qualify for assistance under Title 1 of the
27 federal Improving America's Schools Act of 1994 (P.L. 103-382)
28 and pupils who do not qualify for free or reduced-price meals and
29 are not enrolled in schools that qualify for assistance under Title
30 1 of the federal Improving America's Schools Act of 1994 (P.L.
31 103-382).

32 (4) Any group of pupils that has been determined by the
33 independent evaluator to be differentially affected by the STAR
34 Program assessments established pursuant to this article.

35 (d) The report by the independent evaluator containing the
36 findings of his or her evaluation shall include, but shall not
37 necessarily be limited to, all of the following:

38 (1) Recommendations to improve the quality, fairness, validity,
39 and reliability of the examinations.

1 (2) Recommendations for revisions in design, administration,
2 scoring, processing, or use of the examinations to ensure
3 compliance with state and federal requirements in an efficient
4 manner.

5 (3) Recommendations to improve the usefulness of the test to
6 the state, local educational agencies, schools, teachers, pupils, and
7 parents.

8 (4) Recommendations regarding revisions that would allow the
9 STAR Program to provide pupil-level diagnostic information and
10 to provide a diagnostic assessment for classroom use.

11 (5) Recommendations regarding alternative diagnostic
12 assessments that align with state academic content standards.

13 ~~(e) A report by the independent evaluator containing the findings~~
14 ~~of his or her first evaluation shall be completed and reported to~~
15 ~~the Superintendent on or before October 1, 2010, in order to~~
16 ~~provide the Legislature with adequate information to consider~~
17 ~~reauthorization of the STAR Program.~~

18 ~~(f) The Superintendent shall present the findings contained in~~
19 ~~the independent evaluator's first report to the Legislature and the~~
20 ~~state board on or before January 1, 2011.~~

21 *(e) In order to provide the Legislature with adequate information*
22 *to consider reauthorization of the STAR Program, the*
23 *Superintendent shall provide the evaluation to the Legislature, the*
24 *Governor, and the state board on or before November 1, 2010.*

25 *(f) The advisory committee established pursuant to Section*
26 *52052.5 shall advise the Superintendent on the independent*
27 *evaluation by providing all of the following:*

28 *(1) Recommendations regarding the parameters of the*
29 *evaluation.*

30 *(2) Recommendations regarding any request for proposals or*
31 *request for applications used to solicit contract proposals.*

32 *(3) Recommendations regarding the selection of the contractor.*

33 *(4) A review of any reports submitted by the independent*
34 *evaluator, including any mid-term reports as well as the final*
35 *evaluation.*

36 *(g) The Superintendent shall appoint four additional members,*
37 *who shall be educators or individuals having expertise in*
38 *large-scale assessment and who shall serve only for the purposes*
39 *of subdivision (f), to the advisory committee established pursuant*
40 *to Section 52052.5.*

1 *(h) The department shall use funds, not to exceed one hundred*
2 *fifty thousand dollars (\$150,000) made available by the elimination*
3 *of STAR testing in grade 2, for the purpose of contracting for this*
4 *evaluation.*

5 SEC. 11. Section 60649.2 is added to the Education Code, to
6 read:

7 ~~60649.2.—(a) The Superintendent shall convene a panel to~~
8 ~~advise the department on an independent evaluation of the STAR~~
9 ~~Program.~~

10 ~~(b) The panel shall be composed of educators and other~~
11 ~~individuals who have expertise with multiple forms of assessment.~~

12 ~~(c) The panel shall reflect the demographic and geographic~~
13 ~~diversity of California.~~

14 ~~(d) The panel shall make recommendations regarding the~~
15 ~~selection of the independent evaluator by the Superintendent~~
16 ~~pursuant to subdivision (a) of Section 60649.1, and the evaluation~~
17 ~~parameters.~~

18 ~~(e) Members of the panel shall serve without compensation,~~
19 ~~except for actual and necessary travel expenses.~~