

AMENDED IN SENATE JUNE 30, 2009

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 476**

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**Introduced by Assembly Member Torlakson**

February 24, 2009

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An act to add Section 60649.1 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 their pupils, as specified. ~~The tests are required to be administered to pupils in grades 2 to 11, inclusive, as specified.~~

*This bill would require the Superintendent of Public Instruction, on or before 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 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 bill would require an existing advisory committee to advise the 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 specified federal funds, not exceeding the amount of \$150,000, 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 60649.1 is added to the Education Code,
- 2 to read:
- 3 60649.1. (a) On or before April 1, 2010, the Superintendent
- 4 shall contract with an independent evaluator, who shall report to
- 5 him or her, for evaluation of the STAR Program. The evaluation
- 6 shall be based upon ~~information gathered in field testing and annual~~
- 7 ~~administrations of the STAR assessments, state and federal~~
- 8 ~~requirements, and a review of research-based alternative assessment~~
- 9 ~~models.~~ *the following:*
- 10 (1) *Information gathered in field testing and annual*
- 11 *administrations of the STAR assessments.*
- 12 (2) *Existing technical reports, peer reviews, and other studies,*
- 13 *reports, and evaluations of the STAR program conducted by or at*
- 14 *the request of the department, the Legislature, or the state board.*
- 15 (3) *State and federal requirements.*
- 16 (4) *A review of research-based alternative assessment models.*
- 17 (b) The evaluation shall include, but shall not necessarily be
- 18 limited to, all of the following:
- 19 (1) An independent evaluation of alignment between the
- 20 assessment used to calculate adequate yearly progress (AYP) or
- 21 academic performance index (API) and the content standards on
- 22 which the assessment is based.
- 23 (2) An independent analysis of the alignment between the STAR
- 24 assessments and the full range of the content standards and a
- 25 determination of whether the STAR Program assesses pupil
- 26 knowledge in the same manner and at the same level of complexity
- 27 as expected in the content standards. An independent evaluation

1 of each assessment alignment shall be conducted at least every  
2 five years.

3 *(3) An independent analysis of the grade level continuity and*  
4 *vertical alignment of standards-aligned test content, and the ability*  
5 *of the tests to produce scores for an individual pupil that can be*  
6 *validly compared from year to year.*

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

9 ~~(3)~~

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

13 ~~(4)~~

14 (6) An independent analysis of the degree to which the STAR  
15 Program complies with professional testing standards and satisfies  
16 or exceeds state and federal requirements for assessments for each  
17 grade level.

18 ~~(5)~~

19 (7) An independent analysis of the usefulness of the STAR  
20 Program in terms of state and local program evaluations as well  
21 as pupil-level information.

22 ~~(6)~~

23 (8) An independent analysis of the usefulness of the STAR  
24 Program in terms of providing a diagnostic assessment for  
25 classroom use.

26 ~~(7)~~

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

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

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

36 (2) Individuals with exceptional needs and individuals without  
37 exceptional needs.

38 (3) Pupils who qualify for free or reduced-price meals and are  
39 enrolled in schools that qualify for assistance under Title 1 of the  
40 federal Improving America's Schools Act of 1994 ~~(P.L.~~ (*Public*

1 *Law 103-382*) and pupils who do not qualify for free or  
 2 reduced-price meals and are not enrolled in schools that qualify  
 3 for assistance under Title 1 of the federal Improving America's  
 4 Schools Act of 1994-~~(P.L.~~ (*Public Law 103-382*).

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

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

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

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

17 (3) *Recommendations for revisions of the examinations to*  
 18 *improve grade level continuity and vertical alignment of*  
 19 *standards-aligned test content and the ability of the tests to produce*  
 20 *scores for an individual pupil that can be validly compared from*  
 21 *year to year.*

22 (4) *Recommendations for revisions of the examination to*  
 23 *improve integration of content standards in other core curriculum*  
 24 *areas for testing items, as applicable.*

25 ~~(3)~~

26 (5) Recommendations to improve the usefulness of the test to  
 27 the state, local educational agencies, schools, teachers, pupils, and  
 28 parents.

29 ~~(4)~~

30 (6) Recommendations regarding revisions that would allow the  
 31 STAR Program to provide pupil-level diagnostic information and  
 32 to provide a diagnostic assessment for classroom use.

33 ~~(5)~~

34 (7) Recommendations regarding alternative diagnostic  
 35 assessments that align with state academic content standards.

36 (e) In order to provide the Legislature with adequate information  
 37 to consider reauthorization of the STAR Program, the  
 38 Superintendent shall provide the evaluation to the Legislature, the  
 39 Governor, and the state board on or before November 1, 2010.

1 (f) The advisory committee established pursuant to Section  
2 52052.5 shall advise the Superintendent on the independent  
3 evaluation by providing all of the following:

4 (1) Recommendations regarding the parameters of the  
5 evaluation.

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

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

9 (4) A review of any reports submitted by the independent  
10 evaluator, including any ~~mid-term~~ *midterm* reports as well as the  
11 final evaluation.

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

17 (h) The department shall use federal Flexibility and  
18 Accountability funds pursuant to the federal No Child Left Behind  
19 Act of 2001 (20 U.S.C. Sec. 6301), not to exceed one hundred fifty  
20 thousand dollars (\$150,000), for the purpose of contracting for  
21 this evaluation.