

Senate Bill No. 930

Passed the Senate August 25, 2010

Secretary of the Senate

Passed the Assembly August 23, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 52052.7 to the Education Code, relating to pupil assessments.

LEGISLATIVE COUNSEL'S DIGEST

SB 930, Ducheny. Pupil assessments.

Existing law, the Public School Performance Accountability Program, provides a state assessment program for schools, an intervention program for low-performing schools, and a reward system for high-achieving schools, as specified.

This bill would require that any primary language assessment developed by the department and administered to limited-English-proficient students, as identified pursuant to existing law, on or after July 1, 2013, be included in the state's assessment system or any successor system and in the state's federal and state accountability system and any successor system. The bill would require the results of the primary language assessment to be used in any successor measure or results reported for the state's assessment systems and in any other successor measure, as specified. The bill would also require the results to be used in any measure, index, or results reported for the state's federal and state accountability system, or any successor system. These provisions would become operative on July 1, 2013.

This bill would make various findings and declarations.

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

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) The federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) requires states to test all pupils in a valid and reliable manner and requires, to the extent practicable, that pupils with limited English proficiency be tested in the language and form most likely to yield accurate data on academic subject areas.

(2) Approximately one of every four pupils enrolled in California's public schools is identified as a pupil with limited English proficiency.

(3) The current academic assessment system does not allow pupils with limited English proficiency to show academic ability in academic subject areas.

(4) Exclusive reliance on academic assessments designed for native English speakers to gauge the academic progress of pupils with limited English proficiency violates standards for educational testing established by recognized national educational institutions, including the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.

(5) Valid and reliable academic assessment data is critical to the education accountability system.

(6) An accountability system that would yield more accurate data on the academic ability of pupils with limited English proficiency is needed.

(7) Local educational agencies should not experience negative consequences solely based on the scores of recent immigrant pupils on tests that do not provide valid and reliable diagnostic information about what these pupils know and can do in academic subject areas.

(b) It is therefore the intent of the Legislature to bring the system of assessing the academic progress of pupils with limited English proficiency into alignment with the requirements of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), including the requirement that states test all pupils in a valid and reliable manner and, to the extent practicable, in the language and form most likely to yield accurate data on academic ability in academic subject areas. It is also the intent of the Legislature that California's state assessments be valid and reliable assessments for pupils who are English learners and for pupils with developmental disabilities and that the provision of accommodations enable their participation in these state assessments pursuant to the core assurances of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

SEC. 2. Section 52052.7 is added to the Education Code, to read:

52052.7. (a) Any primary language assessment developed by the department and administered to pupils identified as limited English proficient pursuant to Section 60810 on or after July 1, 2013, shall be included in the state's assessment system or in any

successor system and shall be included in any measure or index that is developed or used for the purposes of the state's federal and state accountability system or any successor system. In addition to being identified as limited English proficient pursuant to Section 60810, limited-English-proficient pupils who either receive instruction in their primary language or are literate in their primary language as determined by the results of the first administration of the primary language assessment and have been enrolled in a school in the United States for less than three consecutive years shall be included. Additionally, pupils who are not limited English proficient and who are enrolled in public schools providing dual language immersion programs shall be included. The results of the primary language assessment shall be used in any measure or results reported for the state's assessment system or any successor system, and shall be used in any measure, index, or results reported for the state's federal and state accountability system or any successor system.

(b) Any successor system to the state's assessment system adopted on or after July 1, 2013, shall modify the achievement test administered pursuant to Section 60642.5 in order to eliminate linguistic complexity, to the extent practicable. The modifications shall be based upon research and be designed to maintain the rigor of the test.

(c) Any successor system to the state assessment system adopted on or after July 1, 2013, shall include accommodations and modifications for English learners that will allow for meaningful participation in the assessments and that address the unique linguistic and sociocultural needs of the English learner without altering the test construct. The accommodations and modifications shall include:

(1) A word-to-word glossary, without definitions, in English and in the top five primary languages as determined by the language language census taken pursuant to Section 52164 and submitted to the department by the districts. The glossary shall include frequently used general academic words as well as discipline-specific words used in the assessments.

(2) The repetition of test directions at the request of a pupil.

(3) Translations of the test directions in the top primary five languages as determined by the language census taken pursuant to Section 52164 and submitted to the department by the districts.

(d) The department shall provide to the districts the bilingual glossaries prepared pursuant to paragraph (1) of subdivision (c) and the translations of test directions prepared pursuant to paragraph (3) of subdivision (c).

(e) (1) Any advisory committee, work group, task force, or technical assistance group required by the Legislature or Governor or established by the Superintendent or state board for the purpose of providing recommendations to the Superintendent and the state board on the future state assessment and accountability systems and federal accountability system also shall determine all of the following:

(A) How to include primary language assessments and their scores in the state's assessment system and any successor assessment system and in the state and federal accountability system and any successor accountability system.

(B) How to modify the state's successor assessment system as specified in subdivision (b).

(C) How to include the accommodations and modifications in the state's successor assessment system as specified in subdivision (c).

(D) How to provide data on pupils who are English learners, their program of instruction, and their English proficiency level as determined by the California English Language Development Test.

(E) How to provide disaggregated scores, based on limited-English-proficient status and nonlimited-English-proficient status. For purposes of this section, pupils with "nonlimited-English-proficient status" shall include the total of those pupils who are English-only pupils, fluent-English-proficient pupils, and redesignated fluent-English-proficient pupils.

(2) Any group identified in paragraph (1) of subdivision (e) shall include persons with demonstrated expertise in developing academic assessments specific to English learners and persons with demonstrated experience in research and data specific to English learners.

(f) The primary language assessments developed pursuant to this section shall meet the requirements regarding validity, reliability, and comparability as specified by the testing standards jointly developed by the American Psychological Association, the American Educational Research Association, and the National

Council on Measurement in Education. The testing contractor chosen for the purpose of developing the primary language assessments shall report to the state board in writing as to how these requirements have been met.

(g) This section shall become operative on July 1, 2013.

Approved _____, 2010

Governor