

**Introduced by Senator Price**February 19, 2010

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An act to add Sections 52050.7 and 52052.3 to the Education Code, relating to school accountability.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1448, as introduced, Price. School accountability: low-performing schools.

The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop the Academic Performance Index (API), consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils. Existing law requires the API to be used for specified purposes, including, but not limited to, ranking all public schools in the state. The Immediate Intervention/Underperforming Schools Program, the High Priority Schools Program, and the Quality Education Investment Act of 2006 are intended to provide support to schools ranked in the lower deciles of the API.

The federal No Child Left Behind Act of 2001 requires the state accountability system to ensure that all local educational agencies and public schools make adequate yearly progress, as defined. The State Department of Education is required to identify local educational agencies that are in danger of being identified within 2 years as program improvement local educational agencies under the federal No Child Left Behind Act of 2001.

This bill, subject to an appropriation of federal funds for this purpose, would require the State Department of Education to contract for the development of a new indicator that measures pupil-level growth in

academic achievement over time using specified statewide tests. The new indicator would be required to allow the state to comply with the federal No Child Left Behind Act of 2001 and to measure adequate yearly progress under that act.

The bill would require the department to convene an advisory board consisting of representatives from the state board, the Secretary for Education, the Department of Finance, the Legislative Analyst's Office, parent groups, school districts, and education researchers to provide general guidance and make recommendations relative to modifying assessments, academic content standards, performance expectations, and eligibility criteria for state support and resources.

The bill would require the department, subject to funding being provided in the annual Budget Act, to contract with a consultant for independent oversight of the project to develop a new academic performance indicator. The consultant would be required to twice annually submit a written report on the progress in developing the new indicator and how the new indicator is meeting specified goals to the Superintendent of Public Instruction, the state board, the advisory board, the Director of Finance, the Legislative Analyst, and the appropriate policy and fiscal committees of the Legislature.

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 52050.7 is added to the Education Code,  
2 to read:  
3 52050.7. (a) It is the intent of the Legislature to adopt a new  
4 academic performance indicator that does all of the following:  
5 (1) Measures pupil-level growth in achievement over time.  
6 (2) Replaces the Academic Performance Index developed  
7 pursuant to Section 52052.  
8 (3) Serves state accountability functions.  
9 (4) Complies with requirements under the federal No Child Left  
10 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) regarding  
11 measuring adequate yearly progress.  
12 (b) It is also the intent of the Legislature that the new  
13 performance indicator be ready for implementation by the 2015–16  
14 fiscal year.

1 SEC. 2. Section 52052.3 is added to the Education Code, to  
2 read:

3 52052.3. (a) Subject to an appropriation of federal funds for  
4 this purpose, the department shall contract for the development of  
5 a new indicator that accomplishes both of the following:

6 (1) Measures pupil-level growth in academic achievement over  
7 time using the tests administered pursuant to Chapter 5  
8 (commencing with Section 60600) of, Chapter 7 (commencing  
9 with Section 60810) of, and Chapter 9 (commencing with Section  
10 60850) of, Part 33.

11 (2) Evaluates and determines the most effective way to modify  
12 existing standardized tests to allow the new indicator to measure  
13 pupil-level growth over time.

14 (b) The new indicator developed pursuant to subdivision (a)  
15 shall allow the state to comply with the federal No Child Left  
16 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and to measure  
17 adequate yearly progress under that act.

18 (c) The new indicator developed pursuant to subdivision (a)  
19 shall be used to accomplish all of the following goals:

20 (1) Serve state accountability functions and be used to measure  
21 adequate yearly progress for purposes of complying with the federal  
22 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

23 (2) Allow the state to make the assurances required by the  
24 federal American Recovery and Reinvestment Act (Public Law  
25 111-5) by providing the state with a better means of evaluating  
26 the academic progress of pupils over time.

27 (3) Identify schools for program improvement pursuant to the  
28 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301  
29 et seq.).

30 (4) Distinguish among low-performing schools and local  
31 educational agencies to identify those schools that increase pupil  
32 learning above past performance levels and in this way allow for  
33 better targeting of state resources and support at schools most in  
34 need of improvement.

35 (5) Streamline eligibility criteria for state resources and support  
36 for schools and local educational agencies in need of improvement.

37 (d) The department shall convene an advisory board consisting  
38 of representatives from the state board, the Secretary for Education,  
39 the Department of Finance, the Legislative Analyst's Office, parent  
40 groups, school districts, and education researchers to provide

1 general guidance and make recommendations relative to modifying  
2 assessments, academic content standards, performance  
3 expectations, and eligibility criteria for state support and resources.  
4 The department is encouraged to seek representation broadly  
5 reflective of the general public of California.

6 (e) Subject to funding being provided in the annual Budget Act,  
7 the department shall contract with a consultant for independent  
8 oversight of the project to develop a new academic performance  
9 indicator. Before the department enters into a contract pursuant to  
10 this subdivision, the Director of Finance shall review the request  
11 for proposals for the contract. The consultant with whom the  
12 department contracts shall twice annually submit a written report  
13 to the Superintendent, the state board, the advisory board, the  
14 Director of Finance, the Legislative Analyst, and the appropriate  
15 policy and fiscal committees of the Legislature. The report shall  
16 include an evaluation of the progress in developing the new  
17 indicator and how the new indicator is meeting the goals described  
18 in subdivision (c).

19 (f) This section shall be implemented using federal funds  
20 received pursuant to the federal No Child Left Behind Act of 2001  
21 (20 U.S.C. Sec. 6301 et seq.). The release of these funds is  
22 contingent on approval of an expenditure plan by the Department  
23 of Finance.