

Assembly Bill No. 250

Passed the Assembly September 6, 2011

Chief Clerk of the Assembly

Passed the Senate August 31, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 33530, 33539, 60010, 60204, 60601, 60603, and 60604.5 of, to add Sections 60207 and 60208 to, and to repeal Section 60200.1 of, the Education Code, relating to instructional materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 250, Brownley. Instructional materials: pupil assessment.

(1) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, as defined, and authorizes the state board to establish criteria for that purpose. Existing law sets forth a schedule for the submission of instructional materials to the state board for adoption. Notwithstanding this schedule, existing law prohibits the state board from adopting instructional materials or following the procedures related to that adoption until the 2015–16 school year.

This bill would delete the schedule for submission of instructional materials for foreign languages and health and the exception to the requirement that criteria for the evaluation of instructional materials be approved when curriculum frameworks are approved or at least 30 months before the date that the materials are to be approved for adoption.

(2) Existing law establishes the Academic Content Standards Commission and requires the commission to develop internationally benchmarked academic content standards, at least 85% of which are required to be the common core academic standards developed by the Common Core State Standards Initiative consortium or another specified interstate collaboration. Existing law requires the state board by August 2, 2010, to either adopt the standards proposed by the commission or reject them.

This bill would require the state board to adopt revised curriculum frameworks and evaluation criteria that are aligned to the common core academic content standards developed by the consortium and adopted by the board for mathematics and English language arts no later than May 30, 2013, and May 30, 2014, respectively. The bill would require state board policies to ensure

that the English language arts curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include the English language development standards as adopted by the state board in 1997 and revised thereafter, and English language development strategies in the core subjects of mathematics, science, and history-social science. The bill also would require state board policies to ensure that curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include strategies to address the needs of pupils with disabilities in the 4 core subjects of mathematics, science, history-social science, and English language arts. The bill would require the curriculum frameworks to describe the manner in which content can be delivered to intentionally build pupil creativity, innovation, critical thinking, problem solving, collaboration, and communication into and across each content area.

(3) Existing law requires the Curriculum Development and Supplemental Materials Commission to recommend curriculum frameworks for adoption by the state board, develop criteria for evaluating instructional materials, study and evaluate instructional materials submitted for adoption, recommend to the state board instructional materials that it approves for adoption, and review specified educational films or video recordings.

This bill would rename the commission the Instructional Quality Commission and would make conforming changes. The bill also would delete the requirement that the commission review specified educational films or video recordings. The bill would require the criteria developed for evaluating instructional materials to include specified directions to publishers and would require the commission to perform additional prescribed functions.

The bill would state the intent of the Legislature to ensure that school districts are provided with as many standards-aligned instructional material options as possible. The bill would require the Superintendent to develop model professional development modules, as specified, and to report to the state board on the development of those modules.

(4) Existing law, the Leroy Greene California Assessment of Academic Achievement Act (hereafter the Greene Act), requires the Superintendent to design and implement a statewide pupil

assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program. Existing law makes the Greene Act inoperative on July 1, 2013, and repeals it on January 1, 2014.

This bill would require the Superintendent to develop recommendations, to be reported to the fiscal and appropriate policy committees of both houses of the Legislature on or before November 1, 2012, for the reauthorization of the statewide pupil assessment program and would require the recommendations to include a plan for transitioning to a system of high-quality assessments. The bill would require the recommendations to consider including specified characteristics in the reauthorized assessment system.

The bill would define, for purposes of the Greene Act, formative assessment, high-quality assessment, and interim assessment.

The bill would make the Greene Act inoperative on July 1, 2014, and would repeal the act as of January 1, 2015. By extending the time period during which school districts are required to perform various duties relating to the administration of achievement tests, the bill would impose a state-mandated local program.

(5) This bill would require the State Department of Education to use certain federal funds, and any other available state and federal funds, to implement the provisions of this bill.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. This act shall be known and may be cited as the Curriculum Support and Reform Act of 2011.

SEC. 2. (a) The Legislature finds and declares all of the following:

(1) California's pupils need and deserve access to instructional programs that reflect the knowledge and skills that will prepare them to be successful in college, careers, citizenship, and the global economy.

(2) To ensure that all pupils are successful in college, careers, and citizenship, it is vital for educators to move beyond a focus on basic competency in core subjects to promote deeper learning and understanding of academic content at significantly higher levels by focusing on critical thinking, communications, collaboration, and creativity.

(3) To ensure that all pupils are provided with resources and learning expectations necessary to succeed and be competitive in the 21st century, it is imperative that the state's curriculum and assessment system be based on high-quality, research- and evidence-based academic content standards and promote creativity, innovation, critical thinking, problem solving, collaboration, and communication skills in all content areas.

(4) To ensure that all California pupils are provided the curriculum content necessary to be competitive in the 21st century, it is essential that these pupils be taught by highly qualified and effective teachers who are trained in strategies that promote creativity, exploration, innovation, critical thinking, problem solving, collaboration, and communication skills as well as the academic content standards.

(5) To ensure that California schools will prepare pupils to be competitive in the 21st century, it is necessary that school and school district administrators be trained not only in the academic content standards and the state's high-quality assessment system, but also in instructional leadership and management strategies that include, but are not limited to, pedagogies of learning, motivation of pupil learning, collaboration, respect for diversity, parental involvement, staff relations and morale, and general training in day-to-day school operations.

(6) The state's current testing system includes grade level and course specific tests, alternative and modified assessments for pupils with special needs, primary language content tests in Spanish, an English language development test, a high school exit examination, and physical fitness tests.

(7) Extending much of the state assessment system by an additional year will allow the Legislature to examine current federal initiatives and the call for the development of common assessments, and to position the state's assessments in a manner that will allow the state to adapt to changes in federal law, including the reauthorization of the federal Elementary and Secondary Education Act, before considering proposals for the reauthorization of the state assessment system.

(8) The recent adoption of California's new common core academic content standards will only have an impact on the academic achievement of the state's pupils if the state works to support teachers and improve instruction by developing and adopting curriculum frameworks, instructional materials, professional development, and assessments that are aligned to the standards and appropriate for all pupils.

(b) It is the intent of the Legislature, in enacting this act, to do all of the following:

(1) Develop a curriculum, instruction, and assessment system to implement the common core state standards that intentionally does both of the following:

(A) Focuses on integrating 21st century skills, including critical thinking, problem solving, communication, collaboration, creativity, and innovation, as a competency-based approach to learning in all core academic content areas, including English language arts, mathematics, history-social science, science, health education, visual and performing arts, and world languages.

(B) Promotes higher order thinking skills and interdisciplinary approaches that integrate the use of supportive technologies, inquiry, and problem-based learning to provide contexts for pupils to apply learning in relevant, real-world scenarios and that prepare pupils for college, career, and citizenship in the 21st century.

(2) Start a process for the development and adoption of curriculum frameworks that are aligned to the state's common core academic content standards, build upon the state's previous accomplishments, and integrate successful practices from other state initiatives implementing the common core academic content standards.

(3) Create and sustain professional development training opportunities that support teachers and administrators in delivering

to all pupils curriculum and instruction that are aligned to the state's common core academic content standards.

(4) Extend the operative date of the state's assessment system by one year and position the state's assessments in a manner that will give the state flexibility to adapt to changes in federal law and transition to high-quality assessments that are aligned to the common core academic content standards.

SEC. 3. Section 33530 of the Education Code is amended to read:

33530. (a) There is in the state government the Instructional Quality Commission consisting of a Member of the Assembly appointed by the Speaker of the Assembly, a Member of the Senate appointed by the Senate Committee on Rules, one public member appointed by the Speaker of the Assembly, one public member appointed by the Senate Committee on Rules, one public member appointed by the Governor, and 13 public members appointed by the state board upon the recommendation of the Superintendent or the members of the state board.

(b) So far as is practical and consistent with the duties assigned to the commission by the state board, at least 7 of the 13 public members appointed by the state board shall be persons, who because they have taught, written, or lectured on the subject matter fields specified in Section 33533, in the course of public or private employment, have become recognized authorities or experienced practitioners in those fields. The state board shall make its appointments to ensure that, at any one time, at least seven of the public members shall be current classroom teachers, or mentor teachers, or both assigned to teach kindergarten or any of grades 1 to 12, inclusive.

(c) Notwithstanding the requirement that seven of the public members shall be current classroom teachers or mentor teachers, current members of the commission who were appointed on or before December 31, 1989, shall be allowed to complete their terms.

(d) In making the remaining appointments to the commission, and in establishing the commission's advisory task forces or committees, the state board is encouraged to consider the role of other representatives of the educational community in the development of curriculum and instructional materials, including, but not limited to, administrators, governing school board members,

and parents who are reflective of the various ethnic groups and types of school districts in California.

SEC. 4. Section 33539 of the Education Code is amended to read:

33539. As used in this article, “commission” means the Instructional Quality Commission.

SEC. 5. Section 60010 of the Education Code is amended to read:

60010. For purposes of this part, the following terms have the following meanings unless the context in which they appear clearly requires otherwise:

(a) “Basic instructional materials” means instructional materials that are designed for use by pupils as a principal learning resource and that meet in organization and content the basic requirements of the intended course.

(b) “Commission” means the Instructional Quality Commission.

(c) “Curriculum framework” means an outline of the components of a given course of study designed to provide state direction to school districts in the provision of instructional programs.

(d) “District board” means the board of education or governing board of a county, city and county, city, or other district that has the duty to provide for the education of the children in its county, city and county, city, or district.

(e) “Elementary school” means all public schools in which instruction is given through grade 8 or in any one or more of those grades.

(f) “Governing boards” means the state board and any one or more district boards.

(g) “High school” means all public schools other than elementary schools in which instruction is given through grade 12, or in any one or more of those grades.

(h) “Instructional materials” means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils to acquire facts, skills, or opinions or to develop cognitive processes. Instructional materials may be printed or nonprinted, and may include textbooks, technology-based materials, other educational materials, and tests.

(i) “Nonpublic school” means a school that both satisfies the requirements of Section 48222, and is exempt from taxation under Section 214 of the Revenue and Taxation Code.

(j) “School official” means a member of a governing board, a city, county, city and county, or district superintendent of schools, and a principal, teacher, or other employee under his or her charge.

(k) “State board” means the State Board of Education.

(l) “Supplementary instructional materials” means instructional materials designed to serve, but not be limited to, one or more of the following purposes, for a given subject, at a given grade level:

(1) To provide more complete coverage of a subject or subjects included in a given course.

(2) To provide for meeting the various learning ability levels of pupils in a given age group or grade level.

(3) To provide for meeting the diverse educational needs of pupils with a language disability in a given age group or grade level.

(4) To provide for meeting the diverse educational needs of pupils reflective of a condition of cultural pluralism.

(5) To use current, relevant technology that further engages interactive learning in the classroom and beyond.

(m) (1) “Technology-based materials” means basic or supplemental instructional materials that are designed for use by pupils and teachers as learning resources and that require the availability of electronic equipment in order to be used as a learning resource. Technology-based materials include, but are not limited to, software programs, video disks, compact disks, optical disks, video and audiotapes, lesson plans, and databases.

(2) Technology-based materials do not include the electronic equipment required to make use of those materials, unless that equipment is to be used by pupils and teachers as a learning resource. However, this shall not be construed to authorize a school district to replace computers or related equipment in an existing computer lab or allow a school district to establish a new computer lab.

(3) This subdivision does not relieve a school district of the obligation to provide pupils with sufficient textbooks or instructional materials pursuant to paragraph (1) of subdivision (c) of Section 60119. If a county office of education determines that a school district is out of compliance with paragraph (1) of subdivision (c) of Section 60119, that school district is not authorized to procure electronic equipment pursuant to paragraph (2) of this subdivision.

(n) “Test” means a device used to measure the knowledge or achievement of pupils.

SEC. 6. Section 60200.1 of the Education Code is repealed.

SEC. 7. Section 60204 of the Education Code is amended to read:

60204. The Instructional Quality Commission established pursuant to Section 33530 shall do all of the following:

(a) Recommend curriculum frameworks to the state board.

(b) Develop criteria for evaluating instructional materials submitted for adoption so that the materials adopted shall adequately cover the subjects in the indicated grade or grades and comply with the provisions of Article 3 (commencing with Section 60040) of Chapter 1. The criteria developed by the commission shall be consistent with the duties of the state board pursuant to Section 60200. The criteria shall be public information and shall be provided in written or printed form to any person requesting that information.

(1) The criteria for English language arts instructional materials shall include directions to publishers to align both lessons and teacher’s editions, as appropriate, with English language development standards and incorporate strategies to address, at every grade level, the needs of all English learners. The criteria for other subject areas shall include directions to publishers to incorporate strategies for English learners that are consistent with the English language development standards.

(2) The criteria also shall include directions to publishers to incorporate instructional strategies to address the needs of pupils with disabilities in both lessons and teacher’s editions, as appropriate, at every grade level and subject.

(c) Study and evaluate instructional materials submitted for adoption.

(d) Recommend instructional materials for adoption to the state board.

(e) Recommend to the state board policies and activities to assist the department and school districts in the use of the curriculum framework and other available model curriculum materials for the purpose of guiding and strengthening the quality of instruction in the public schools.

(f) Advise and make recommendations to the state board, including, but not limited to, what policies and activities are needed

to implement the state's academic content standards, and bring the state's curriculum frameworks, instructional materials, professional development programs, pupil assessments, and academic accountability systems into alignment with those standards.

SEC. 8. Section 60207 is added to the Education Code, to read:

60207. (a) Notwithstanding Section 60200.7, the state board shall adopt revised curriculum frameworks and evaluation criteria that are aligned to the content standards adopted pursuant to Section 60605.8 for mathematics and English language arts no later than May 30, 2013, and May 30, 2014, respectively.

(b) State board policies shall ensure that the English language arts curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include the English language development standards as adopted by the state board in 1997 and revised thereafter, and English language development strategies in the core subjects of mathematics, science, and history-social science.

(c) State board policies shall ensure that curriculum frameworks for kindergarten and grades 1 to 12, inclusive, and instructional materials for kindergarten and grades 1 to 8, inclusive, include strategies to address the needs of pupils with disabilities in the four core subjects of mathematics, science, history-social science, and English language arts.

(d) Each curriculum framework that the state board adopts shall describe, to the extent the state board deems appropriate, the manner in which content can be delivered to intentionally build all of the following skills into and across each content area:

(1) Creativity and innovation, including, but not limited to, thinking creatively, working creatively with others, and implementing innovations.

(2) Critical thinking and problem solving, including, but not limited to, reasoning effectively, using systems thinking, making judgments and decisions, and solving problems.

(3) Collaboration, including, but not limited to, working effectively in diverse teams, adapting to change and being flexible, demonstrating initiative and self-direction, working independently, demonstrating productivity and accountability, and demonstrating leadership and responsibility.

(4) Communication, including, but not limited to, communicating clearly and effectively through reading, writing, and speaking.

(5) Construction and exploration of new understandings of knowledge through the integration of content from one subject area to another and to provide pupils with multiple modes for demonstrating innovative learning.

SEC. 9. Section 60208 is added to the Education Code, to read:

60208. (a) It is the intent of the Legislature to do both of the following:

(1) Provide to local educational agencies a process that involves teachers, and is consistent with the implementation of standards-based curricula and the principle of local control.

(2) Consistent with Section 60200.7, ensure that school districts are provided with as many high-quality standards-aligned instructional material options as possible, so that educators may have many rigorous options in choosing the best materials that meet the needs of all pupils, including English learners and pupils with disabilities, and that ensure that their pupils are able to master the academic content standards adopted by the state board pursuant to Section 60605.8.

(b) The Superintendent, in collaboration with the state board, teachers of various grade levels and subject areas, district and county office of education curriculum administrators selected from various geographic areas, professional development training experts, and representatives from postsecondary institutions or other educational agencies and organizations, as deemed appropriate by the Superintendent, shall do all of the following:

(1) Develop criteria to guide the development of model professional development modules that provide critical information and strategies to be used as the common core academic content standards are implemented. The criteria shall be based on the California Standards for the Teaching Professions and developed in consideration of the National Staff Development Council's Standards for Staff Development.

(2) Develop model professional development modules for teachers, principals, and school leaders that incorporate, make use of, and build upon existing professional development programs and opportunities currently available at the local, state, and national levels to deepen the understanding of at least all of the following:

(A) The common core academic content standards.

(B) Instructional strategies to support the learning of all pupils, including English learners, pupils with disabilities, and underperforming pupils.

(C) Instructional strategies that promote creativity, innovation, critical thinking, problem solving, collaboration, and communication skills in all academic content areas.

(D) The integration of subject content knowledge.

(E) Instructional leadership and coaching.

(c) Model professional development modules shall be designed for delivery through various methods, including, but not limited to, school-based and web-based delivery.

(d) The Superintendent shall report to the state board on the development pursuant to subdivision (b) of the model professional development modules.

SEC. 10. Section 60601 of the Education Code is amended to read:

60601. This chapter shall become inoperative on July 1, 2014, and as of January 1, 2015, is repealed, unless a later enacted statute that is enacted before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 11. Section 60603 of the Education Code is amended to read:

60603. As used in this chapter:

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

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

(c) “Basic academic skills” means those skills in the subject areas of reading, spelling, written expression, and mathematics that provide the necessary foundation for mastery of more complex

intellectual abilities, including the synthesis and application of knowledge.

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

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

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

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

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

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

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

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

(j) “High-quality assessment” means an assessment designed to measure a pupil’s knowledge of, understanding of, and ability to apply critical concepts through the use of a variety of item types and formats, including, but not limited to, items that allow for open-ended responses and items that require the completion of performance-based tasks. A high-quality assessment should have the following characteristics:

(1) Enable measurement of pupil achievement and pupil growth.

(2) Be of high technical quality by being valid, reliable, fair, and aligned to standards.

(3) Incorporate technology where appropriate.

(4) Include the assessment of pupils with disabilities and English learners.

(5) Use, to the extent feasible, universal design principles, as defined in Section 3 of the federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002) in its development and administration.

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

(l) “Performance standards” are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has 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 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. 12. Section 60604.5 of the Education Code is amended to read:

60604.5. (a) It is the intent of the Legislature that the reauthorization of the statewide pupil assessment program include all of the following:

(1) A plan for transitioning to a system of high-quality assessments.

(2) Alignment with the standards developed pursuant to subdivision (d) of Section 60605.8.

(3) Any common assessments aligned with the standards developed pursuant to subdivision (d) of Section 60605.8.

(4) Conformity to the assessment requirements of any reauthorization of the federal Elementary and Secondary Education Act or any other federal law that effectively replaces that act.

(b) The Superintendent shall develop recommendations for the reauthorization of the statewide pupil assessment program. The recommendations shall include, but not be limited to, a plan for transitioning to a system of high-quality assessments. The recommendations shall consider including all of the following in the reauthorized assessment system:

(1) Aligning the assessments to the standards adopted or revised pursuant to Section 60605.8.

(2) Implementing and incorporating any common assessments aligned with the common set of standards developed by the Common Core State Standards Initiative consortium or other interstate collaboration in which the state participates.

(3) Conforming to the assessment requirements of any reauthorization of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) or any other federal law that effectively replaces that act.

(4) Enabling the valid, reliable, and fair measurement of achievement at a point in time and over time for groups and subgroups of pupils, and for individual pupils.

(5) Allowing the comparison from one year to the next of an individual pupil's scale scores in each content area tested, so as to reflect the growth in that pupil's actual scores over time.

(6) Enabling and including the valid, reliable, and fair measurement of achievement of all pupils, including pupils with disabilities and English learners.

(7) Providing for the assessment of English learners using primary language assessments.

(8) Ensuring that no aspect of the system creates any bias with respect to race, ethnicity, culture, religion, gender, or sexual orientation.

(9) Incorporating a variety of item types and formats, including, but not limited to, open-ended responses and performance-based tasks.

(10) Generating multiple measures of pupil achievement, which, when combined with other measures, can be used to determine the effectiveness of instruction and the extent of learning.

(11) Including the assessment of science and history-social science in all grade levels at or above grade 4.

(12) Assessing a pupil's understanding of and ability to use the technology necessary for success in the 21st century classroom and workplace.

(13) Providing for both formative and interim assessments, as those terms are defined in this chapter, in order to provide timely feedback for purposes of continually adjusting instruction to improve learning.

(14) Making use of test administration and scoring technologies that will allow the return of test results to parents and teachers as soon as is possible in order to support instructional improvement.

(15) Minimizing testing time while not jeopardizing the validity, reliability, fairness, or instructional usefulness of the assessment results.

(16) Including options for diagnostic assessments for pupils in grade 2.

(c) In developing the recommendations pursuant to this section, the Superintendent shall consult with all of the following:

(1) The state board.

(2) The committee advising the Superintendent on the Academic Performance Index pursuant to subdivision (a) of Section 52052.5.

(3) Measurement experts from California's public and private universities.

(4) Individuals with expertise in assessing pupils with disabilities and English learners.

(5) Teachers, administrators, and governing board members, from California's local educational agencies.

(6) Parents.

(d) The Superintendent shall report the recommendations developed pursuant to this section to the fiscal and appropriate policy committees of both houses of the Legislature on or before November 1, 2012.

SEC. 13. The State Department of Education shall use federal carryover funds received pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and any other available state and federal funds, to implement this act.

SEC. 14. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made

pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2011

Governor