

AMENDED IN SENATE AUGUST 30, 2011

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 532

Introduced by Assembly Member V. Manuel Pérez

February 15, 2011

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

LEGISLATIVE COUNSEL'S DIGEST

AB 532, as amended, V. Manuel Pérez. Pupil assessments.

Existing law, the Public Schools Accountability Act of 1999, 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 California's assessments to be valid, reliable, and comparable for pupils who are limited English proficient and for pupils with developmental disabilities. The bill would require any primary language assessment developed by the State Department of Education and administered to limited-English-proficient pupils, as identified pursuant to existing law, to be ~~included~~ *considered for inclusion* in the state's assessment system, or in any successor system, and in any measure or index developed or used for the state's federal and state accountability system and any successor system. The bill would also require any successor system to the state's assessment system

adopted on or after the effective date of this act to include ~~modifications and accommodations and variations~~ for limited-English-proficient pupils, as determined by the Superintendent of Public Instruction. ~~The bill would require, if California joins a national testing consortium as a governing state, that the Superintendent recommend to the consortium that a state assessment system include modifications to achievement tests in order to eliminate linguistic complexity.~~

The bill would require any *existing* advisory committee, work group, task force, ~~and or~~ technical assistance group ~~in existence on or after July 1, 2012, that provides is operating on or after July 1, 2012, and that is either required by the Legislature or the Governor or established by the Superintendent or the State Board of Education, to provide recommendations to the Superintendent and the State Board of Education state board on future state and federal assessment and accountability systems to make specified determinations.~~ The bill would require the testing contractor chosen for the purpose of developing the primary language assessments to report to the state board in writing as to ~~how certain requirements regarding validity, reliability, and comparability were met.~~ *state or federal assessment or accountability systems, to provide to the Superintendent and the state board additional recommendations relating to systems of assessment and accountability.*

The bill would make these provisions operative on July 1, 2012.

This bill would also make various findings and declarations.

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. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) The federal No Child Left Behind Act of 2001 (20 U.S.C.
- 4 Sec. 6301 et seq.) requires states to test all pupils in a valid and
- 5 reliable manner and requires, to the extent practicable, that pupils
- 6 with limited English proficiency be tested in the language and
- 7 form most likely to yield accurate data on their academic subject
- 8 area knowledge.
- 9 (2) Approximately one of every four pupils enrolled in
- 10 California's public schools is identified as a pupil with limited
- 11 English proficiency.

1 (3) The current academic assessment system does not allow
2 pupils with limited English proficiency to accurately demonstrate
3 their abilities in academic subject areas.

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

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

13 (6) An accountability system that would yield more accurate
14 data on the academic ability of pupils with limited English
15 proficiency is needed for instructional use and to meet federal
16 requirements.

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

22 (b) California’s current assessment and accountability system
23 will sunset in 2013 and the development of a new generation of
24 assessments aligned to the recently approved common core
25 academic content standards is occurring at the ~~federal~~ *national*
26 level. ~~Thus, now is the time to comprehensively address the issue~~
27 ~~of valid and reliable assessments for limited-English-proficient~~
28 ~~pupils.~~

29 (c) It is therefore the intent of the Legislature to bring the system
30 of assessing the academic progress of pupils with limited English
31 proficiency into alignment with the requirements of the federal
32 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
33 including the requirement that states test all pupils in a valid and
34 reliable manner and, to the extent practicable, in the language and
35 form most likely to yield accurate data on academic ability in
36 academic subject areas.

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

39 52052.7. (a) California’s state assessments shall be valid,
40 reliable, and comparable for pupils who are

1 ~~limited-English-proficient~~ *limited English proficient* and for pupils
2 with developmental disabilities, and the provision of
3 accommodations shall enable their participation in these state
4 assessments pursuant to the core assurances of the federal American
5 Recovery and Reinvestment Act of 2009 (Public Law 111-5).

6 ~~(b) If California joins a national testing consortium as a~~
7 ~~governing state, the Superintendent shall recommend to the~~
8 ~~consortium that a state assessment system include modifications~~
9 ~~to achievement tests in order to eliminate linguistic complexity,~~
10 ~~to the extent practicable. The proposed modifications shall be~~
11 ~~based upon research and be designed to maintain the rigor of the~~
12 ~~test.~~

13 ~~(e)~~

14 *(b)* Any successor system to the state assessment system adopted
15 on or after the effective date of this section shall include
16 accommodations and ~~modifications~~ *variations* for
17 limited-English-proficient pupils that will allow for meaningful
18 participation in the English language assessments and that address
19 the unique linguistic and sociocultural needs of the
20 limited-English-proficient pupil without altering the test construct.
21 The Superintendent, in consultation with persons with demonstrated
22 experience in developing academic assessments specific to English
23 learners, shall determine the accommodations and ~~modifications~~
24 *variations* used in any successor system.

25 ~~(d)~~

26 *(c)* (1) Any primary language assessment developed by the
27 department and administered to pupils identified as
28 ~~limited-English-proficient~~ *limited English proficient*, pursuant to
29 subdivision (m) of Section 52163 and Sections 52164.1 and 60810,
30 shall be ~~included~~ *considered for inclusion* in the state's assessment
31 system, or in any successor system, and shall be ~~included~~
32 *considered for inclusion* in any measure or index that is developed
33 or used for the purposes of the state's federal and state
34 accountability system or any successor system.

35 *(2) The primary language assessment developed pursuant to*
36 *this section shall meet the requirements regarding validity,*
37 *reliability, and comparability as specified by the testing standards*
38 *jointly developed by the American Educational Research*
39 *Association, the American Psychological Association, and the*
40 *National Council on Measurement in Education.*

1 ~~(2) In addition to being~~

2 ~~(3) Pupils identified as limited-English-proficient~~ *limited English*
3 *proficient* pursuant to subdivision (m) of Section 52163 and
4 Sections 52164.1 and 60810, ~~limited-English-proficient pupils and~~
5 who either receive instruction in their primary language or have
6 been enrolled in a school in the United States for less than 12
7 months, shall be authorized to take the primary language
8 assessment.

9 ~~(e) (1) Any~~

10 ~~(d) (1) Any existing~~ advisory committee, work group, task force,
11 or technical assistance group that is ~~in existence~~ *operating* on or
12 after July 1, 2012, and *that* is either required by the Legislature or
13 the Governor, or established by the Superintendent or the state
14 board, to provide recommendations to the Superintendent and the
15 state board on ~~the future state assessment and accountability~~
16 ~~systems and federal accountability system shall determine all of~~
17 ~~the following:~~ *state or federal assessment or accountability*
18 *systems, shall provide recommendations to the Superintendent and*
19 *the state board on all of the following:*

20 (A) ~~How~~ *Whether* to include primary language assessments and
21 their scores in the state's ~~assessment system and any successor~~
22 ~~assessment system and in the state and federal accountability~~
23 ~~system and any successor accountability system.~~ *systems of*
24 *assessment and in any successor state or federal systems of*
25 *assessment and accountability.*

26 ~~(C)~~

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

29 (B) *How to include the accommodations and modifications*
30 *variations in the state's successor assessment system as specified*
31 *in subdivision (e) (b).*

32 ~~(D)~~

33 (C) *How to provide include data on pupils who are English*
34 *learners, their program of instruction, and their English proficiency*
35 *level as determined by the California English Language*
36 *Development Test in the current state system of public school*
37 *accountability, or any successor system.*

38 ~~(E) How to provide disaggregated scores, based on~~

39 (D) *Whether to include disaggregated scores, based on*
40 *limited-English-proficient status, English language proficiency*

1 levels, English-only pupils, fluent-English-proficient pupils, and
2 limited-English-proficient pupils who have been redesignated as
3 fluent-English-proficient *in the current state system of public*
4 *school accountability, or any successor system.*

5 (2) Any group identified in paragraph (1) shall include persons
6 with demonstrated expertise in developing academic assessments
7 specific to English learners and persons with demonstrated
8 experience in research and data specific to English learners.

9 ~~(g)~~

10 ~~(f) The primary language assessments developed pursuant to~~
11 ~~this section shall meet the requirements regarding validity,~~
12 ~~reliability, and comparability as specified by the testing standards~~
13 ~~jointly developed by the American Psychological Association, the~~
14 ~~American Educational Research Association, and the National~~
15 ~~Council on Measurement in Education. The testing contractor~~
16 ~~chosen for the purpose of developing the primary language~~
17 ~~assessments shall report to the state board in writing as to how~~
18 ~~these requirements have been met.~~

19 (e) This section shall become operative on July 1, 2012.