

**ASSEMBLY BILL**

**No. 1246**

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**Introduced by Assembly Member Brownley**

February 18, 2011

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An act to amend Section 60810 of the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1246, as introduced, Brownley. Pupil assessment: English language development.

Existing law requires the Superintendent of Public Instruction to review tests that assess the English language development of pupils whose primary language is a language other than English. Existing law requires the tests or series of tests to meet specified requirements, including, but not limited to, a requirement that the test or series of tests be aligned with the standards for English language development adopted by the State Board of Education pursuant to specified law.

This bill would require that the test or series of tests be aligned with the standards for English language development adopted by the state board pursuant to specified law, and revised thereafter.

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 60810 of the Education Code is amended
- 2 to read:
- 3 60810. (a) (1) The Superintendent shall review existing tests
- 4 that assess the English language development of pupils whose

1 primary language is a language other than English. The tests shall  
2 include, but not be limited to, an assessment of achievement of  
3 these pupils in English reading, speaking, and written skills. The  
4 Superintendent shall determine which tests, if any, meet the  
5 requirements of subdivisions (b) and (c). If any existing test or  
6 series of tests meets these criteria, the Superintendent, with  
7 approval of the state board, shall report to the Legislature on its  
8 findings and recommendations.

9 (2) If no suitable test exists, the Superintendent shall explore  
10 the option of a collaborative effort with other states to develop a  
11 test or series of tests and share test development costs. If no suitable  
12 test exists, the Superintendent, with approval of the state board,  
13 may contract to develop a test or series of tests that meets the  
14 criteria of subdivisions (b) and (c) or may contract to modify an  
15 existing test or series of tests so that it will meet the requirements  
16 of subdivisions (b) and (c).

17 (3) The Superintendent and the state board shall release a request  
18 for proposals for the development of the test or series of tests  
19 required by this subdivision. The state board shall select a  
20 contractor or contractors for the development of the test or series  
21 of tests required by this subdivision, to be available for  
22 administration during the 2000–01 school year.

23 (4) The Superintendent shall apportion funds appropriated to  
24 enable school districts to meet the requirements of subdivision (d).  
25 The state board shall establish the amount of funding to be  
26 apportioned per test administered, based on a review of the cost  
27 per test.

28 (5) An adjustment to the amount of funding to be apportioned  
29 per test is not valid without the approval of the Director of Finance.  
30 A request for approval of an adjustment to the amount of funding  
31 to be apportioned per test shall be submitted in writing to the  
32 Director of Finance and the chairpersons of the fiscal committees  
33 of both houses of the Legislature with accompanying material  
34 justifying the proposed adjustment. The Director of Finance is  
35 authorized to approve only those adjustments related to activities  
36 required by statute. The Director of Finance shall approve or  
37 disapprove the amount within 30 days of receipt of the request and  
38 shall notify the chairpersons of the fiscal committees of both houses  
39 of the Legislature of the decision.

1 (b) (1) The test or series of tests developed or acquired pursuant  
2 to subdivision (a) shall have sufficient range to assess pupils in  
3 grades 2 to 12, inclusive, in English listening, speaking, reading,  
4 and writing skills. Pupils in kindergarten and grade 1 shall be  
5 assessed in English listening and speaking, and, once an assessment  
6 is developed, early literacy skills. The early literacy assessment  
7 shall be administered for a period of three years beginning after  
8 the initial administration of the assessment or until July 1, 2012,  
9 whichever occurs first. Six months after the results of the last  
10 administered assessment are collected, but no later than January  
11 1, 2013, the department shall report to the Legislature on the  
12 administration of the kindergarten and grade 1 early literacy  
13 assessment results, as well as on the administrative process, in  
14 order to determine whether reauthorization of the early literacy  
15 assessment is appropriate.

16 (2) In the development and administration of the assessment  
17 for pupils in kindergarten and grade 1, the department shall  
18 minimize any additional assessment time, to the extent possible.  
19 To the extent that it is technically possible, items that are used to  
20 assess listening and speaking shall be used to measure early literacy  
21 skills. The department shall ensure that the test and procedures for  
22 its administration are age and developmentally appropriate. Age  
23 and developmentally appropriate procedures for administration  
24 may include, but are not limited to, one-on-one administration, a  
25 small group setting, and orally responding or circling a response  
26 to a question.

27 (c) The test or series of tests shall meet all of the following  
28 requirements:

29 (1) Provide sufficient information about pupils at each grade  
30 level to determine levels of proficiency ranging from no English  
31 proficiency to fluent English proficiency with at least two  
32 intermediate levels.

33 (2) Have psychometric properties of reliability and validity  
34 deemed adequate by technical experts.

35 (3) Be capable of administration to pupils with any primary  
36 language other than English.

37 (4) Be capable of administration by classroom teachers.

38 (5) Yield scores that allow comparison of the growth of a pupil  
39 over time, can be tied to readiness for various instructional options,

1 and can be aggregated for use in the evaluation of program  
2 effectiveness.

3 (6) Not discriminate on the basis of race, ethnicity, or gender.

4 (7) Be aligned with the standards for English language  
5 development adopted by the state board pursuant to Section 60811,  
6 *and revised thereafter*.

7 (8) Be age and developmentally appropriate for pupils.

8 (d) The test shall be used for the following purposes:

9 (1) To identify pupils who are limited English proficient.

10 (2) To determine the level of English language proficiency of  
11 pupils who are limited English proficient.

12 (3) To assess the progress of limited-English-proficient pupils  
13 in acquiring the skills of listening, reading, speaking, and writing  
14 in English.