

Assembly Bill No. 1919

Passed the Assembly August 28, 2012

Chief Clerk of the Assembly

Passed the Senate August 23, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 60607 and 60641 of, and to add Sections 60810.5 and 60851.5 to, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1919, Brownley. Pupils: achievement data: charter schools.

Existing law establishes various programs for measuring pupil achievement, including the Standardized Testing and Reporting (STAR) Program, the high school exit examination, and English language development testing programs.

Existing law requires that each pupil have an individual record of accomplishment by the end of grade 12 that includes the results of specified achievement tests, end-of-course exams, and vocational education certification exams. Existing law requires that pupil results or a record of accomplishment be private, and prohibits the release to any person without express written parental consent, subject to certain exceptions.

This bill would require the State Department of Education to provide to a school district that is the chartering authority of a charter school, in accordance with a specified federal law relating to the disclosure of pupil records, individual pupil achievement data, including test results from the STAR Program, high school exit examination, and English language development tests, as well as pupil demographic data and program data, relating to pupils who attend the charter school, except as specified. The bill would require the department to provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district.

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

SECTION 1. Section 60607 of the Education Code is amended to read:

60607. (a) Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part

of the Standardized Testing and Reporting (STAR) Program established pursuant to Article 4 (commencing with Section 60640), results of end-of-course exams he or she has taken, and the vocational education certification exams he or she chose to take.

(b) It is the intent of the Legislature that school districts and schools use the results of the academic achievement tests administered annually as part of the statewide pupil assessment program to provide support to pupils and parents or guardians in order to assist pupils in strengthening their development as learners, and thereby to improve their academic achievement and performance in subsequent assessments.

(c) (1) Any pupil results or a record of accomplishment shall be private, and may not be released to any person, other than the pupil's parent or guardian and a teacher, counselor, or administrator directly involved with the pupil, without the express written consent of either the parent or guardian of the pupil if the pupil is a minor, or the pupil if the pupil has reached the age of majority or is emancipated.

(2) (A) Notwithstanding paragraph (1), a pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for purposes of credit, placement, or admission.

(B) Notwithstanding paragraph (1), the results of an individual pupil on the California Standards Test may be released to a postsecondary educational institution for purposes of credit, placement, or admission.

(C) Notwithstanding paragraph (1), the department shall provide to a school district individual pupil demographic data, program data, and achievement data, including, but not limited to, the results of the standards-based achievement tests that are part of the STAR Program, relating to pupils who attend a charter school for which the school district is the chartering authority, but shall not include data from a charter school that is described in subdivision (g) of Section 47605.1. The department shall provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district in accordance with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g).

SEC. 2. Section 60641 of the Education Code is amended to read:

60641. (a) The department shall ensure that school districts comply with each of the following requirements:

(1) The standards-based achievement test provided for in Section 60642.5 is scheduled to be administered to all pupils during the period prescribed in subdivision (b) of Section 60640.

(2) The individual results of each pupil test administered pursuant to Section 60640 shall be reported, in writing, to the parent or guardian of the pupil. The written report shall include a clear explanation of the purpose of the test, the score of the pupil, and the intended use by the school district of the test score. This subdivision does not require teachers or other school district personnel to prepare individualized explanations of the test score of each pupil.

(3) (A) The individual results of each pupil test administered pursuant to Section 60640 also shall be reported to the school and teachers of a pupil. The school district shall include the test results of a pupil in his or her pupil records. However, except as provided in this section, individual pupil test results only may be released with the permission of either the pupil's parent or guardian if the pupil is a minor, or the pupil if the pupil has reached the age of majority or is emancipated.

(B) Notwithstanding subparagraph (A), a pupil or his or her parent or guardian may authorize the release of individual pupil results to a postsecondary educational institution for the purpose of credit, placement, determination of readiness for college-level coursework, or admission.

(C) Notwithstanding subparagraph (A), the department shall provide to a school district individual pupil results for pupils attending a charter school for which the school district is the chartering authority, but shall not include data from a charter school that is described in subdivision (g) of Section 47605.1. The department shall provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district in accordance with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g).

(4) The districtwide, school-level, and grade-level results of the STAR Program in each of the grades designated pursuant to Section

60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.

(b) The publisher of the standards-based achievement tests provided for in Section 60642.5 shall make the individual pupil, grade, school, school district, and state results available to the department pursuant to paragraph (9) of subdivision (a) of Section 60643 by August 8 of each year in which the achievement test is administered for those schools for which the last day of test administration, including makeup days, is on or before June 25. The department shall make the grade, school, school district, and state results available on the Internet by August 15 of each year in which the achievement test is administered for those schools for which the last day of test administration, including makeup days, is on or before June 25.

(c) The department shall take all reasonable steps to ensure that the results of the test for all pupils who take the test by June 25 are made available on the Internet by August 15, as set forth in subdivision (b).

(d) The department shall ensure that a California Standards Test that is augmented for the purpose of determining credit, placement, or readiness for college-level coursework of a pupil in a postsecondary educational institution inform a pupil in grade 11 that he or she may request that the results from that assessment be released to a postsecondary educational institution.

SEC. 3. Section 60810.5 is added to the Education Code, to read:

60810.5. The department shall provide to a school district the individual results of the English language development tests administered pursuant to Section 60810 for pupils who attend a charter school for which the school district is the chartering authority. The department shall provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district in accordance with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g).

SEC. 4. Section 60851.5 is added to the Education Code, to read:

60851.5. The department shall provide to a school district the individual results of the high school exit examination for pupils who attend a charter school for which the school district is the chartering authority. The department shall provide this data, to the extent it has the data, along with the unique pupil identification number of each of those pupils, to the school district in accordance with the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Sec. 1232g).

Approved _____, 2012

Governor