SENATE BILL   No. 512

Introduced by Senator Price

February 17, 2011

An act to amend Section 52052 of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as introduced, Price. Academic Performance Index: numerically significant pupil subgroups.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) to measure school and pupil performance. Existing law requires a school to demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school, including ethnic subgroups, socioeconomically disadvantaged pupils, English learners, and pupils with disabilities. For purposes of these provisions, existing law defines a numerically significant pupil subgroup as one that either consists of at least 50 pupils each of whom has a valid test score, or one that constitutes at least 15 percent of the total population of pupils at a school who have valid test scores, except as specified.

This bill would instead define a numerically significant pupil subgroup as one that consists of at least 10 pupils each of whom has a valid test score.

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 52052 of the Education Code is amended
2   to read:
3   52052.   (a)   (1)   The Superintendent, with approval of the state
4   board, shall develop an Academic Performance Index (API), to
5   measure the performance of schools, especially the academic
6   performance of pupils.
7   (2)   A school shall demonstrate comparable improvement in
8   academic achievement as measured by the API by all numerically
9   significant pupil subgroups at the school, including:
10   (A)   Ethnic subgroups.
11   (B)   Socioeconomically disadvantaged pupils.
12   (C)   English ~~language~~ learners.
13   (D)   Pupils with disabilities.
14   (3)   ~~(A)~~ For purposes of this section, a numerically significant
15   pupil subgroup is one that ~~meets both of the following criteria:~~
16   ~~(i) The subgroup consists of at least 50 pupils each of whom~~
17   ~~has a valid test score.~~
18   ~~(ii) The subgroup constitutes at least 15 percent of the total~~
19   ~~population of pupils at a school who have valid test scores.~~
20   ~~(B) If a subgroup does not constitute 15 percent of the total~~
21   ~~population of pupils at a school who have valid test scores, the~~
22   ~~subgroup may constitute a numerically significant pupil subgroup~~
23   ~~if it has at least 100 valid test scores.~~ *consists of at least 10 pupils*
24   *each of whom has a valid test score.*
25   ~~(C)~~
26   *(4)* For a school with an API score that is based on no fewer
27   than 11 and no more than 99 pupils with valid test scores,
28   numerically significant subgroups shall be defined by the
29   Superintendent, with approval by the state board.
30   ~~(4)~~
31   *(5)* The API shall consist of a variety of indicators currently
32   reported to the department, including, but not limited to, the results
33   of the achievement test administered pursuant to Section 60640,
34   attendance rates for pupils in elementary schools, middle schools,
35   and secondary schools, and the graduation rates for pupils in
36   secondary schools.
37   (A)   Graduation rates for pupils in secondary schools shall be
38   calculated for the API as follows:

1   (i) Four-year graduation rates shall be calculated by taking the
2 number of pupils who graduated on time for the current school
3 year, which is considered to be three school years after the pupils
4 entered grade 9 for the first time, and dividing that number by the
5 total calculated in clause (ii).
6   (ii) The number of pupils entering grade 9 for the first time in
7 the school year three school years prior to the current school year,
8 plus the number of pupils who transferred into the class graduating
9 at the end of the current school year between the school year that
10 was three school years prior to the current school year and the date
11 of graduation, less the number of pupils who transferred out of the
12 school between the school year that was three school years prior
13 to the current school year and the date of graduation who were
14 members of the class that is graduating at the end of the current
15 school year.
16   (iii) Five-year graduation rates shall be calculated by taking the
17 number of pupils who graduated on time for the current school
18 year, which is considered to be four school years after the pupils
19 entered grade 9 for the first time, and dividing that number by the
20 total calculated in clause (iv).
21   (iv) The number of pupils entering grade 9 for the first time in
22 the school year four years prior to the current school year, plus the
23 number of pupils who transferred into the class graduating at the
24 end of the current school year between the school year that was
25 four school years prior to the current school year and the date of
26 graduation, less the number of pupils who transferred out of the
27 school between the school year that was four years prior to the
28 current school year and the date of graduation who were members
29 of the class that is graduating at the end of the current school year.
30   (v) Six-year graduation rates shall be calculated by taking the
31 number of pupils who graduated on time for the current school
32 year, which is considered to be five school years after the pupils
33 entered grade 9 for the first time, and dividing that number by the
34 total calculated in clause (vi).
35   (vi) The number of pupils entering grade 9 for the first time in
36 the school year five years prior to the current school year, plus the
37 number of pupils who transferred into the class graduating at the
38 end of the current school year between the school year that was
39 five school years prior to the current school year and the date of
40 graduation, less the number of pupils who transferred out of the

1 school between the school year that was five years prior to the
2 current school year and the date of graduation who were members
3 of the class that is graduating at the end of the current school year.
4 (B) The inclusion of five- and six-year graduation rates for
5 pupils in secondary schools shall meet the following requirements:
6 (i) Schools shall be granted one-half the credit in their API
7 scores for graduating pupils in five years that they are granted for
8 graduating pupils in four years.
9 (ii) Schools shall be granted one-quarter the credit in their API
10 scores for graduating pupils in six years that they are granted for
11 graduating pupils in four years.
12 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted
13 full credit in their API scores for graduating in five or six years a
14 pupil with disabilities who graduates in accordance with his or her
15 individualized education program (IEP).
16 (C) The pupil data collected for the API that comes from the
17 achievement test administered pursuant to Section 60640 and the
18 high school exit examination administered pursuant to Section
19 60851, when fully implemented, shall be disaggregated by special
20 education status, English language learners, socioeconomic status,
21 gender, and ethnic group. Only the test scores of pupils who were
22 counted as part of the enrollment in the annual data collection of
23 the California Basic Educational Data System for the current fiscal
24 year and who were continuously enrolled during that year may be
25 included in the test result reports in the API score of the school.
26 Results of the achievement test and other tests specified in
27 subdivision (b) shall constitute at least 60 percent of the value of
28 the index.
29 (D) Before including high school graduation rates and attendance
30 rates in the API, the Superintendent shall determine the extent to
31 which the data currently are reported to the state and the accuracy
32 of the data. Notwithstanding any other provision of law, graduation
33 rates for pupils in dropout recovery high schools shall not be
34 included in the API. For purposes of this subparagraph, "dropout
35 recovery high school" means a high school in which 50 percent
36 or more of its pupils have been designated as dropouts pursuant
37 to the exit/withdrawal codes developed by the department.
38 (E) The Superintendent shall provide an annual report to the
39 Legislature on the graduation and dropout rates in California and
40 shall make the same report available to the public. The report shall

1   be accompanied by the release of publicly accessible data for each
2   school district and school in a manner that provides for
3   disaggregation based upon socioeconomically disadvantaged pupils
4   and numerically significant subgroups scoring below average on
5   statewide standards-aligned assessments. In addition, the data shall
6   be made available in a manner that provides for comparisons of a
7   minimum of three years of data.
8   (b) Pupil scores from the following tests, when available and
9   when found to be valid and reliable for this purpose, shall be
10 incorporated into the API:
11   (1) The standards-based achievement tests provided for in
12 Section 60642.5.
13   (2) The high school exit examination.
14   (c) Based on the API, the Superintendent shall develop, and the
15 state board shall adopt, expected annual percentage growth targets
16 for all schools based on their API baseline score from the previous
17 year. Schools are expected to meet these growth targets through
18 effective allocation of available resources. For schools below the
19 statewide API performance target adopted by the state board
20 pursuant to subdivision (d), the minimum annual percentage growth
21 target shall be 5 percent of the difference between the actual API
22 score of a school and the statewide API performance target, or one
23 API point, whichever is greater. Schools at or above the statewide
24 API performance target shall have, as their growth target,
25 maintenance of their API score above the statewide API
26 performance target. However, the state board may set differential
27 growth targets based on grade level of instruction and may set
28 higher growth targets for the lowest performing schools because
29 they have the greatest room for improvement. To meet its growth
30 target, a school shall demonstrate that the annual growth in its API
31 is equal to or more than its schoolwide annual percentage growth
32 target and that all numerically significant pupil subgroups, as
33 defined in subdivision (a), are making comparable improvement.
34   (d) Upon adoption of state performance standards by the state
35 board, the Superintendent shall recommend, and the state board
36 shall adopt, a statewide API performance target that includes
37 consideration of performance standards and represents the
38 proficiency level required to meet the state performance target.
39 When the API is fully developed, schools, at a minimum, shall
40 meet their annual API growth targets to be eligible for the

1 Governor's Performance Award Program as set forth in Section
2 52057. The state board may establish additional criteria that schools
3 must meet to be eligible for the Governor's Performance Award
4 Program.
5 (e) The API shall be used for both of the following:
6 (1) Measuring the progress of schools selected for participation
7 in the Immediate Intervention/Underperforming Schools Program
8 pursuant to Section 52053.
9 (2) Ranking all public schools in the state for the purpose of the
10 High Achieving/Improving Schools Program pursuant to Section
11 52056.
12 (f) (1) A school with 11 to 99 pupils with valid test scores shall
13 receive an API score with an asterisk that indicates less statistical
14 certainty than API scores based on 100 or more test scores.
15 (2) A school annually shall receive an API score, unless the
16 Superintendent determines that an API score would be an invalid
17 measure of the performance of the school for one or more of the
18 following reasons:
19 (A) Irregularities in testing procedures occurred.
20 (B) The data used to calculate the API score of the school are
21 not representative of the pupil population at the school.
22 (C) Significant demographic changes in the pupil population
23 render year-to-year comparisons of pupil performance invalid.
24 (D) The department discovers or receives information indicating
25 that the integrity of the API score has been compromised.
26 (E) Insufficient pupil participation in the assessments included
27 in the API.
28 (3) If a school has fewer than 100 pupils with valid test scores,
29 the calculation of the API or adequate yearly progress pursuant to
30 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
31 et seq.) and federal regulations may be calculated over more than
32 one annual administration of the tests administered pursuant to
33 Section 60640 and the high school exit examination administered
34 pursuant to Section 60851, consistent with regulations adopted by
35 the state board.
36 (g) Only schools with 100 or more test scores contributing to
37 the API may be included in the API rankings.
38 (h) The Superintendent, with the approval of the state board,
39 shall develop an alternative accountability system for schools under
40 the jurisdiction of a county board of education or a county

1 superintendent of schools, community day schools, nonpublic,
2 nonsectarian schools pursuant to Section 56366, and alternative
3 schools serving high-risk pupils, including continuation high
4 schools and opportunity schools. Schools in the alternative
5 accountability system may receive an API score, but shall not be
6 included in the API rankings.

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