AMENDED IN ASSEMBLY JUNE 30, 2011

AMENDED IN SENATE APRIL 13, 2011

SENATE BILL   No. 512

Introduced by Senator Price

February 17, 2011

An act to amend Section 52052 of the Education Code, relating to *An act to add Section 52052.05 to the Education Code, relating to* school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as amended, Price. Academic Performance Index: pupil subgroups: performance data.

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% of the total population of pupils at a school who have valid test scores, except as specified.

This bill would require that reporting conducted pursuant to these provisions include performance data for pupil subgroups consisting of 10 or more pupils with valid test scores. *The bill would require that reporting conducted pursuant to these provisions for any pupil subgroup that is not numerically significant, as defined, be marked with an asterisk*

that indicates less statistical certainty than data based on a numerically significant subgroup. The bill would require that this reporting be conducted in accordance with specified federal privacy laws, and would state the Legislature's intent that this data not be used for federal or state accountability purposes.

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 52052.05 is added to the Education Code,*
2   *to read:*
3   *52052.05. (a) Reporting conducted pursuant to Section 52052*
4   *shall include performance data for any pupil subgroup, pursuant*
5   *to the categories designated in paragraph (2) of subdivision (a)*
6   *of Section 52052, that includes 10 or more pupils with valid test*
7   *scores.*
8   *(b) Reporting conducted pursuant to this section for any pupil*
9   *subgroup that is not numerically significant, as defined in*
10 *paragraph (3) of subdivision (a) of Section 52052, shall be marked*
11 *with an asterisk that indicates less statistical certainty than data*
12 *based on a numerically significant subgroup.*
13   *(c) Reporting conducted pursuant to this section shall be in*
14 *accordance with both state and federal law protecting pupil*
15 *privacy, including, but not limited to, the federal Family*
16 *Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g), and*
17 *any regulations adopted pursuant to that act.*
18   *(d) It is the intent of the Legislature that the reporting conducted*
19 *pursuant to this section be for reporting purposes only, and not*
20 *be used for purposes of federal and state accountability.*
21   *(e) Nothing in this section shall be construed to modify any*
22 *reporting requirements pursuant to Section 52052 for numerically*
23 *significant pupil subgroups, as defined in paragraph (3) of*
24 *subdivision (a) of Section 52052.*
25 ~~SECTION 1.   Section 52052 of the Education Code is amended~~
26 ~~to read:~~
27 ~~52052. (a) (1) The Superintendent, with approval of the state~~
28 ~~board, shall develop an Academic Performance Index (API), to~~
29 ~~measure the performance of schools, especially the academic~~
30 ~~performance of pupils.~~

1   (2) A school shall demonstrate comparable improvement in
2   academic achievement as measured by the API by all numerically
3   significant pupil subgroups at the school, including:
4   (A) Ethnic subgroups.
5   (B) Socioeconomically disadvantaged pupils.
6   (C) English learners.
7   (D) Pupils with disabilities.
8   (3) (A) For purposes of this section, a numerically significant
9   pupil subgroup is one that meets both of the following criteria:
10 (i) The subgroup consists of at least 50 pupils each of whom
11 has a valid test score.
12 (ii) The subgroup constitutes at least 15 percent of the total
13 population of pupils at a school who have valid test scores.
14 (B) If a subgroup does not constitute 15 percent of the total
15 population of pupils at a school who have valid test scores, the
16 subgroup may constitute a numerically significant pupil subgroup
17 if it has at least 100 valid test scores.
18 (C) For a school with an API score that is based on no fewer
19 than 11 and no more than 99 pupils with valid test scores,
20 numerically significant subgroups shall be defined by the
21 Superintendent, with approval by the state board.
22 (4) The API shall consist of a variety of indicators currently
23 reported to the department, including, but not limited to, the results
24 of the achievement test administered pursuant to Section 60640,
25 attendance rates for pupils in elementary schools, middle schools,
26 and secondary schools, and the graduation rates for pupils in
27 secondary schools.
28 (A) Graduation rates for pupils in secondary schools shall be
29 calculated for the API as follows:
30 (i) Four-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 three school years after the pupils
33 entered grade 9 for the first time, and dividing that number by the
34 total calculated in clause (ii).
35 (ii) The number of pupils entering grade 9 for the first time in
36 the school year three school years prior to the current school year,
37 plus the number of pupils who transferred into the class graduating
38 at the end of the current school year between the school year that
39 was three school years prior to the current school year and the date
40 of graduation, less the number of pupils who transferred out of the

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

1   (iii) ~~Notwithstanding clauses (i) and (ii), schools shall be granted~~
2   ~~full credit in their API scores for graduating in five or six years a~~
3   ~~pupil with disabilities who graduates in accordance with his or her~~
4   ~~individualized education program (IEP).~~
5   ~~(C) The pupil data collected for the API that comes from the~~
6   ~~achievement test administered pursuant to Section 60640 and the~~
7   ~~high school exit examination administered pursuant to Section~~
8   ~~60851, when fully implemented, shall be disaggregated by special~~
9   ~~education status, English learners, socioeconomic status, gender,~~
10   ~~and ethnic group. Only the test scores of pupils who were counted~~
11   ~~as part of the enrollment in the annual data collection of the~~
12   ~~California Basic Educational Data System for the current fiscal~~
13   ~~year and who were continuously enrolled during that year may be~~
14   ~~included in the test result reports in the API score of the school.~~
15   ~~Results of the achievement test and other tests specified in~~
16   ~~subdivision (b) shall constitute at least 60 percent of the value of~~
17   ~~the index.~~
18   ~~(D) Before including high school graduation rates and attendance~~
19   ~~rates in the API, the Superintendent shall determine the extent to~~
20   ~~which the data currently are reported to the state and the accuracy~~
21   ~~of the data. Notwithstanding any other law, graduation rates for~~
22   ~~pupils in dropout recovery high schools shall not be included in~~
23   ~~the API. For purposes of this subparagraph, "dropout recovery~~
24   ~~high school" means a high school in which 50 percent or more of~~
25   ~~its pupils have been designated as dropouts pursuant to the~~
26   ~~exit/withdrawal codes developed by the department.~~
27   ~~(E) The Superintendent shall provide an annual report to the~~
28   ~~Legislature on the graduation and dropout rates in California and~~
29   ~~shall make the same report available to the public. The report shall~~
30   ~~be accompanied by the release of publicly accessible data for each~~
31   ~~school district and school in a manner that provides for~~
32   ~~disaggregation based upon socioeconomically disadvantaged pupils~~
33   ~~and numerically significant subgroups scoring below average on~~
34   ~~statewide standards-aligned assessments. In addition, the data shall~~
35   ~~be made available in a manner that provides for comparisons of a~~
36   ~~minimum of three years of data.~~
37   ~~(b) Pupil scores from the following tests, when available and~~
38   ~~when found to be valid and reliable for this purpose, shall be~~
39   ~~incorporated into the API:~~

1 (1) The standards-based achievement tests provided for in
2 Section 60642.5.
3 (2) The high school exit examination.
4 (c) Based on the API, the Superintendent shall develop, and the
5 state board shall adopt, expected annual percentage growth targets
6 for all schools based on their API baseline score from the previous
7 year. Schools are expected to meet these growth targets through
8 effective allocation of available resources. For schools below the
9 statewide API performance target adopted by the state board
10 pursuant to subdivision (d), the minimum annual percentage growth
11 target shall be 5 percent of the difference between the actual API
12 score of a school and the statewide API performance target, or one
13 API point, whichever is greater. Schools at or above the statewide
14 API performance target shall have, as their growth target,
15 maintenance of their API score above the statewide API
16 performance target. However, the state board may set differential
17 growth targets based on grade level of instruction and may set
18 higher growth targets for the lowest performing schools because
19 they have the greatest room for improvement. To meet its growth
20 target, a school shall demonstrate that the annual growth in its API
21 is equal to or more than its schoolwide annual percentage growth
22 target and that all numerically significant pupil subgroups, as
23 defined in subdivision (a), are making comparable improvement.
24 (d) Reporting conducted pursuant to this section shall include
25 performance data for any pupil subgroup, pursuant to the categories
26 designated in paragraph (2) of subdivision (a), that includes 10 or
27 more pupils with valid test scores.
28 (1) Reporting conducted pursuant to this subdivision shall be
29 in accordance with the federal Family Educational Rights and
30 Privacy Act (20 U.S.C. Sec. 1232g), and any regulations adopted
31 pursuant to that act.
32 (2) It is the intent of the Legislature that the reporting conducted
33 pursuant to this subdivision be for reporting purposes only, and
34 not be used for purposes of federal and state accountability.
35 (e) Upon adoption of state performance standards by the state
36 board, the Superintendent shall recommend, and the state board
37 shall adopt, a statewide API performance target that includes
38 consideration of performance standards and represents the
39 proficiency level required to meet the state performance target.
40 When the API is fully developed, schools, at a minimum, shall

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

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

O