

AMENDED IN SENATE APRIL 24, 2012

SENATE BILL

No. 1497

Introduced by Senator Negrete McLeod

February 24, 2012

An act to amend ~~Section~~ *Sections 48070.6 and 60900* of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1497, as amended, Negrete McLeod. Pupil data: dropouts: report.

Existing law establishes the California Longitudinal Pupil Achievement Data System (CALPADS), and requires a local educational agency to retain all data necessary to compile reports required by specified federal laws, including, but not limited to, dropout and graduation rates. Existing law requires the Superintendent of Public Instruction to annually submit to the Governor, the Legislature, and the State Board of Education a report on dropouts using the data produced by CALPADS.

This bill would *prohibit CALPADS from including an individual pupil in dropout rate data more than one time, and would also prohibit the inclusion of a pupil in the dropout rates indicated in the report on dropouts more than one time.*

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 48070.6 of the Education Code is
2 amended to read:

1 48070.6. (a) On or before August 1, 2011, and annually
2 thereafter, utilizing data produced by the California Longitudinal
3 Pupil Achievement Data System pursuant to Section 60900 and
4 other available data, the Superintendent shall submit to the
5 Governor, the Legislature, and the state board a report that shall
6 be called the Annual Report on Dropouts in California. The report
7 shall include, but not be limited to, all of the following:

- 8 (1) One-year dropout rates for each of grades 7 to 12, inclusive.
- 9 (2) Four-year cohort dropout rates for grades 9 to 12, inclusive.
- 10 (3) Two- or three-year cohort dropout rates, as appropriate, for
11 middle schools.
- 12 (4) Grade 9 to grade 10 promotion rates.
- 13 (5) Percentage of high school pupils for each of grades 9 to 12,
14 inclusive, who are on track to earn sufficient credits to graduate.
- 15 (6) The average number of nonpromotional school moves that
16 pupils make between grades 6 to 12, inclusive.
- 17 (7) “Full-year” dropout rates for alternative schools, including
18 dropout recovery high schools, calculated using a methodology
19 developed by the Superintendent to appropriately reflect dropout
20 rates in each type of alternative school.
- 21 (8) An explanation of the methodology or methodologies used
22 to calculate “full-year” dropout rates for alternative schools
23 pursuant to paragraph (7).
- 24 (9) Passage rates on the high school exit examination adopted
25 pursuant to subdivision (a) of Section 60850.
- 26 (10) Other available data relating to dropout or graduation rates
27 or pupil progress toward high school graduation.

28 (b) When cohort dropout rates can be calculated accurately
29 using longitudinal data, the rates described in paragraph (3) of
30 subdivision (a) shall be replaced by dropout rates for cohorts of
31 pupils entering middle school.

32 (c) When data is available, the report shall also include all of
33 the following:

- 34 (1) Rates at which pupils graduate in four, five, and six years,
35 pursuant to subparagraph (A) of paragraph (4) of subdivision (a)
36 of Section 52052.
- 37 (2) Percentage of high school graduates and dropouts who
38 completed courses that are certified by the University of California
39 as meeting admission requirement criteria for the University of
40 California and California State University systems.

- 1 (3) Percentage of high school graduates and dropouts who
2 completed two or more classes in career technical education.
- 3 (4) Percentage of high school graduates and dropouts who
4 completed both course sequences described in paragraphs (2) and
5 (3).
- 6 (5) Behavioral data by school and district, including suspensions
7 and expulsions.
- 8 (6) Truancy rates.
- 9 (7) GED earning rates.
- 10 (8) Chronic absentee rates, as defined in Section 60901.
- 11 (d) If possible, the data listed in subdivisions (a) and (b) shall
12 be presented in the report, organized as follows:
- 13 (1) By state.
- 14 (2) By county.
- 15 (3) By district, both including and excluding charter schools.
- 16 (4) By school.
- 17 (e) The report shall include data from alternative middle and
18 high schools, including continuation high schools, community day
19 schools, juvenile court schools, special schools, opportunity
20 schools, and schools attended by wards of the Department of
21 Corrections and Rehabilitation, Division of Juvenile Justice.
- 22 (f) The report may include relevant data on school climate and
23 pupil engagement from the California Healthy Kids Survey.
- 24 (g) If possible, the data listed in subdivisions (a) and (b) shall
25 be presented for the following subgroups, if the subgroup consists
26 of at least 50 pupils, and the subgroup constitutes at least 15 percent
27 of the total population of pupils at a school:
- 28 (1) Grade level.
- 29 (2) Ethnicity.
- 30 (3) Gender.
- 31 (4) Low socioeconomic status.
- 32 (5) English learners.
- 33 (6) Special education status.
- 34 (h) The first Annual Report on Dropouts in California shall
35 include data from the most recent year. Subsequent annual reports
36 shall include data from the most recent year and, at a minimum,
37 the two prior years, so that comparisons can be made easily.
- 38 (i) The Superintendent or his or her designee shall make an oral
39 presentation of the contents of the report to the state board at a
40 regularly scheduled meeting of the board.

1 (j) The Superintendent shall make the contents of the report
2 available on the department's Internet Web site in a format that is
3 easy for the public to access and understand.

4 (k) If inclusion of school-level data would render the written
5 report unwieldy, the data may be omitted from the written report
6 and posted on the department's Internet Web site.

7 (l) It is the intent of the Legislature that the report prepared by
8 the Superintendent be usable by schools, districts, policymakers,
9 researchers, parents, and the public, for purposes of identifying
10 and understanding trends, causal relations, early warning indicators,
11 and potential points of intervention to address the high rate of
12 dropouts in California.

13 (m) For purposes of this section, dropouts shall be defined using
14 the exit/withdrawal codes developed by the department.

15 (n) A pupil shall not be included in the dropout rates indicated
16 in the report more than one time.

17 (o) For purposes of this section, "dropout recovery high school"
18 has the same meaning as defined in subparagraph (C) of paragraph
19 (4) of subdivision (a) of Section 52052.

20 *SEC. 2. Section 60900 of the Education Code is amended to*
21 *read:*

22 60900. (a) The department shall contract for the development
23 of proposals ~~which~~ *that* will provide for the retention and analysis
24 of longitudinal pupil achievement data on the tests administered
25 pursuant to Chapter 5 (commencing with Section 60600), Chapter
26 7 (commencing with Section 60810), and Chapter 9 (commencing
27 with Section 60850). The longitudinal data shall be known as the
28 California Longitudinal Pupil Achievement Data System.

29 (b) The proposals developed pursuant to subdivision (a) shall
30 evaluate and determine whether it would be most effective, from
31 both a fiscal and a technological perspective, for the state to own
32 the system. The proposals shall additionally evaluate and determine
33 the most effective means of housing the system.

34 (c) The California Longitudinal Pupil Achievement Data System
35 shall be developed and implemented in accordance with all state
36 rules and regulations governing information technology projects.

37 (d) The system or systems developed pursuant to this section
38 shall be used to accomplish all of the following goals:

39 (1) To provide school districts and the department access to
40 data necessary to comply with federal reporting requirements

1 delineated in the federal No Child Left Behind Act of 2001 (20
2 U.S.C. Sec. 6301 et seq.).

3 (2) To provide a better means of evaluating educational progress
4 and investments over time.

5 (3) To provide local educational agencies information that can
6 be used to improve pupil achievement.

7 (4) To provide an efficient, flexible, and secure means of
8 maintaining longitudinal statewide pupil level data.

9 (5) To facilitate the ability of the state to publicly report data,
10 as specified in Section 6401(e)(2)(D) of the federal America
11 COMPETES Act (20 U.S.C. Sec. 9871) and as required by the
12 federal American Recovery and Reinvestment Act of 2009 (Public
13 Law 111-5).

14 (6) To ensure that any data access provided to researchers, as
15 required pursuant to the federal Race to the Top regulations and
16 guidelines is provided, only to the extent that the data access is in
17 compliance with the federal Family Educational Rights and Privacy
18 Act of 1974 (20 U.S.C. Sec. 1232g).

19 (e) In order to comply with federal law as delineated in the No
20 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), the
21 local educational agency shall retain individual pupil records for
22 each test taker, including all of the following:

23 (1) All demographic data collected from the STAR Program
24 test, high school exit examination, and English language
25 development tests.

26 (2) Pupil achievement data from assessments administered
27 pursuant to the STAR Program, high school exit examination, and
28 English language development testing programs. To the extent
29 feasible, data should include subscore data within each content
30 area.

31 (3) A unique pupil identification number to be identical to the
32 pupil identifier developed pursuant to the California School
33 Information Services, which shall be retained by each local
34 educational agency and used to ensure the accuracy of information
35 on the header sheets of the STAR Program tests, high school exit
36 examination, and the English language development test.

37 (4) All data necessary to compile reports required by the federal
38 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
39 including, but not limited to, dropout and graduation rates.

1 (5) Other data elements deemed necessary by the
2 Superintendent, with approval of the state board, to comply with
3 the federal reporting requirements delineated in the No Child Left
4 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), and the
5 American Recovery and Reinvestment Act of 2009 (Public Law
6 111-5), after review and comment by the advisory board convened
7 pursuant to subdivision (h). Before the implementation of this
8 paragraph with respect to adding data elements to the California
9 Longitudinal Pupil Achievement Data System for the purpose of
10 complying with the federal American Recovery and Reinvestment
11 Act of 2009 (Public Law 111-5), the department and the
12 appropriate postsecondary education agencies shall submit an
13 expenditure plan to the Department of Finance detailing any
14 administrative costs to the department and costs to any local
15 educational agency, if applicable. The Department of Finance shall
16 provide to the Joint Legislative Budget Committee a copy of the
17 expenditure plan within 10 days of receipt of the expenditure plan
18 from the department.

19 (6) To enable the department, the University of California, the
20 California State University, and the Chancellor of the California
21 Community Colleges, to meet the requirements prescribed by the
22 federal American Recovery and Reinvestment Act of 2009 (Public
23 Law 111-5), these entities shall be authorized to obtain quarterly
24 wage data, commencing July 1, 2010, on students who have
25 attended their respective systems, to assess the impact of education
26 on the employment and earnings of those students, to conduct the
27 annual analysis of district-level and individual district or
28 postsecondary education system performance in achieving priority
29 educational outcomes, and to submit the required reports to the
30 Legislature and the Governor. The information shall be provided
31 to the extent permitted by federal statutes and regulations.

32 (f) The California Longitudinal Pupil Achievement Data System
33 shall have all of the following characteristics:

34 (1) The ability to sort by demographic element collected from
35 the STAR Program tests, high school exit examination, and English
36 language development test.

37 (2) The capability to be expanded to include pupil achievement
38 data from multiple years.

1 (3) The capability to monitor pupil achievement on the STAR
2 Program tests, high school exit examination, and English language
3 development test from year to year and school to school.

4 (4) The capacity to provide data to the state and local educational
5 agencies upon their request.

6 (5) *The system shall not include an individual pupil in dropout*
7 *rate data more than one time.*

8 (g) Data elements and codes included in the system shall comply
9 with Sections 49061 to 49079, inclusive, and Sections 49602 and
10 56347, with Sections 430 to 438, inclusive, of Title 5 of the
11 California Code of Regulations, with the Information Practices
12 Act of 1977 (Chapter 1 (commencing with Section 1798) of Title
13 1.8 of Part 4 of Division 3 of the Civil Code), and with the federal
14 Family Education Rights and Privacy Act (20 U.S.C. Sec. 1232g),
15 Section ~~1242h~~ 1232h of Title 20 of the United States Code, and
16 related federal regulations.

17 (h) The department shall convene an advisory board consisting
18 of representatives or designees from the state board, the Department
19 of Finance, the State Privacy Ombudsman, the Legislative
20 Analyst's Office, representatives of parent groups, school districts,
21 and local educational agencies, and education researchers to
22 establish privacy and access protocols, provide general guidance,
23 and make recommendations relative to data elements. The
24 department is encouraged to seek representation broadly reflective
25 of the general public of California.

26 (i) Subject to funding being provided in the annual Budget Act,
27 the department shall contract with a consultant for independent
28 project oversight. The Director of Finance shall review the request
29 for proposals for the contract. The consultant hired to conduct the
30 independent project oversight shall twice annually submit a written
31 report to the Superintendent, the state board, the advisory board,
32 the Director of Finance, the Legislative Analyst, and the
33 appropriate policy and fiscal committees of the Legislature. The
34 report shall include an evaluation of the extent to which the
35 California Longitudinal Pupil Achievement Data System is meeting
36 the goals described in subdivision (d) and recommendations to
37 improve the data system in ensuring the privacy of individual pupil
38 information and providing the data needed by the state and school
39 districts.

1 (j) This section shall be implemented using federal funds
2 received pursuant to the No Child Left Behind Act of 2001 (20
3 U.S.C. Sec. 6301 et seq.), which are appropriated for purposes of
4 this section in Item 6110-113-0890 of Section 2.00 of the Budget
5 Act of 2002 (Chapter 379 of the Statutes of 2002). The release of
6 these funds is contingent on approval of an expenditure plan by
7 the Department of Finance.

8 (k) For purposes of this chapter, a local educational agency shall
9 include a county office of education, a school district, and a charter
10 school.