

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 17, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 484**

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**Introduced by Assembly Member Bonilla**

February 19, 2013

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An act to amend Sections 60601, 60602, 60603, 60604, ~~60605.85~~, 60607, 60610, 60611, 60612, 60614, ~~60615~~, 60630, 60640, 60641, 60642.5, 60643, 60648, 99300, and 99301 of, to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, to add Sections 60602.5, 60640.3, 60642.6, 60642.7, 60642.8, 60644.3, and 60648.5 to, to repeal Sections 60605.5, 60606, 60640.2, 60643.1, 60643.5, and 60645 of, and to repeal, add, and repeal Section 60649 of, the Education Code, relating to pupil assessments, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 484, as amended, Bonilla. Pupil assessments: California Measurement of Academic Performance and Progress for the 21st Century (CALMAPP21).

(1) Existing law, the Leroy Greene California Assessment of Academic Achievement Act, requires the Superintendent of Public Instruction to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting

(STAR) Program. Existing law makes the Leroy Greene California Assessment of Academic Achievement Act inoperative on July 1, 2014, and repeals it on January 1, 2015.

Existing federal law, the No Child Left Behind Act of 2001, contains provisions generally requiring states to adopt performance goals for their public elementary and secondary schools, and to demonstrate that these public schools are making adequate yearly progress, as measured by pupil performance on standardized tests as well as other measures, to satisfy those goals.

Existing law, the Early Assessment Program, establishes a collaborative effort, headed by the California State University, to enable pupils to learn about their readiness for college-level English and mathematics before their senior year of high school.

This bill would revise and recast numerous statutes relating to pupil assessment. The bill would establish the California Measurement of Academic Performance and Progress for the 21st Century (CALMAPP21), which would succeed the STAR Program, and specify procedures and policies for CALMAPP21. These provisions would become inoperative on July 1, 2024, and would be repealed on January 1, 2025, except for a specified reporting provision, which would become inoperative and be repealed one year later.

The bill would provide that, notwithstanding any other laws, commencing with the 2013–14 school year, the administration of assessments required as part of the STAR Program would be suspended, except for those assessments in the core subjects necessary to satisfy the adequate yearly progress requirements of the federal No Child Left Behind Act of 2001 in grades 3 to 8, inclusive, and grade 10, and those assessments augmented for use as part of the Early Assessment Program in grade 11, until new assessments addressing the common core state standards are developed and implemented.

The bill would require unencumbered funds appropriated in a specified item of the Budget Act of 2012 for purposes of California’s pupil testing program to be available during the 2013–14 fiscal year for the development of assessments addressing the common core state standards and next generation science standards to satisfy the assessment requirements of a specified federal statute, thereby making an appropriation.

The bill would make conforming and other related changes and nonsubstantive changes.

(2) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. Section 60601 of the Education Code is amended  
2 to read:

3 60601. This chapter shall become inoperative on July 1, 2024,  
4 and as of January 1, 2025, is repealed, unless a later enacted statute  
5 that is enacted before January 1, 2025, deletes or extends the dates  
6 on which it becomes inoperative and is repealed.

7 SEC. 2. Section 60602 of the Education Code is amended to  
8 read:

9 60602. (a) It is the intent of the Legislature in enacting this  
10 chapter to provide a system of individual assessment of pupils that  
11 has the primary purpose of assisting teachers, administrators,  
12 pupils, and their parents, to improve teaching and learning. In order  
13 to accomplish these goals, the Legislature finds and declares that  
14 California should adopt a coordinated and consolidated testing  
15 program to do all of the following:

16 (1) First and foremost, provide information on the academic  
17 status and progress of individual pupils to those pupils, their  
18 parents, and their teachers. This information should be designed  
19 to assist in the improvement of teaching and learning in California  
20 public classrooms. The Legislature recognizes that, in addition to  
21 statewide assessments that will occur as specified in this chapter,  
22 school districts will conduct additional ongoing pupil diagnostic  
23 assessment and provide information regarding pupil performance  
24 based on those assessments on a regular basis to parents or  
25 guardians and schools. The Legislature further recognizes that  
26 local diagnostic assessment is a primary mechanism through which  
27 academic strengths and weaknesses are identified.

28 (2) Develop and adopt a set of statewide academically rigorous  
29 content standards and performance standards in all major subject  
30 areas to serve as the basis for assessing the academic achievement  
31 of individual pupils, as well as for schools, school districts, and  
32 for the California education system as a whole. The performance  
33 standards shall be designed to lead to specific grade level

1 benchmarks of academic achievement for each subject area tested  
2 within each grade level, and shall be based on the knowledge and  
3 skills that pupils will need in order to succeed in the  
4 information-based, global economy of the 21st century.

5 (3) Ensure that all assessment procedures, items, instruments,  
6 and scoring systems are independently reviewed to ensure that  
7 they meet high standards of statistical reliability and validity and  
8 that they do not use procedures, items, instruments, or scoring  
9 practices that are racially, culturally, or gender biased.

10 (4) Provide information to pupils, parents or guardians, teachers,  
11 schools, and school districts on a timely basis so that the  
12 information can be used to further the development of the pupil  
13 and to improve the educational program.

14 (5) Develop assessments that are comparable to the National  
15 Assessment of Educational Progress and other national and  
16 international assessment efforts, so that California's local and state  
17 test results are reported in a manner that corresponds to the national  
18 test results. Test results should be reported in terms describing a  
19 pupil's academic performance in relation to the statewide  
20 academically rigorous content and performance standards adopted  
21 by the state board and in terms of employment skills possessed by  
22 the pupil, in addition to being reported as numerical or percentile  
23 scores.

24 (6) Assess pupils for a broad range of academic skills and  
25 knowledge including both basic academic skills and the ability of  
26 pupils to apply those skills.

27 (7) Include an appropriate balance of types of assessment  
28 instruments, including, but not limited to, multiple choice  
29 questions, short answer questions, and assessments of applied  
30 academic skills.

31 (8) Minimize the amount of instructional time devoted to  
32 assessments administered pursuant to this chapter.

33 (b) It is the intent of the Legislature, pursuant to this article, to  
34 begin a planning and implementation process to enable the  
35 Superintendent to accomplish the goals set forth in this section as  
36 soon as feasible.

37 (c) It is the intent of the Legislature that parents, classroom  
38 teachers, other educators, governing board members of school  
39 districts, and the public be involved, in an active and ongoing basis,

1 in the design and implementation of the statewide pupil assessment  
2 program and the development of assessment instruments.

3 (d) It is the intent of the Legislature, insofar as is practically  
4 feasible and following the completion of annual testing, that the  
5 content, test structure, and test items in the assessments that are  
6 part of the Standardized Testing and Reporting Program become  
7 open and transparent to teachers, parents, and pupils, to assist all  
8 the stakeholders in working together to demonstrate improvement  
9 in pupil academic achievement. A planned change in annual test  
10 content, format, or design, should be made available to educators  
11 and the public well before the beginning of the school year in  
12 which the change will be implemented.

13 (e) It is the intent of the Legislature that the results of the  
14 California Standards Tests be available for use, after appropriate  
15 validation, academic credit, or placement and admissions processes,  
16 or both, at postsecondary educational institutions.

17 (f) This section shall become inoperative on July 1, 2014.

18 SEC. 3. Section 60602.5 is added to the Education Code, to  
19 read:

20 60602.5. (a) It is the intent of the Legislature in enacting this  
21 chapter to provide a comprehensive assessment system that has  
22 the primary purpose to model and promote high-quality teaching  
23 and learning using a variety of assessment approaches and item  
24 types. The assessments should produce scores that can be  
25 aggregated for the purpose of holding schools and school districts  
26 accountable for the achievement of all their pupils in learning the  
27 California academic content standards. The system includes  
28 assessments or assessment tools for multiple grade levels that cover  
29 the full breadth and depth of the curriculum and promote the  
30 teaching of the full curriculum. In order to accomplish these goals,  
31 the Legislature finds and declares that California should adopt a  
32 coordinated and consolidated testing system to do all of the  
33 following:

34 (1) Develop and adopt a set of statewide academically rigorous  
35 content standards in all major subject areas to serve as the basis  
36 for modeling and promoting high-quality teaching and learning  
37 activities across the entire curriculum and assessing the academic  
38 achievement of pupils, as well as for schools, school districts, and  
39 for the California education system as a whole. Exclusive of those  
40 assessments established by a multistate consortium, produce

1 performance standards to be adopted by the state board designed  
2 to lead to specific grade level benchmarks of academic achievement  
3 for each subject area tested within each grade level based on the  
4 knowledge, skills, and processes that pupils will need in order to  
5 succeed in the information-based, global economy of the 21st  
6 century.

7 (2) Provide information and resources to schools and school  
8 districts to assist with the selection of local benchmark assessments,  
9 diagnostic assessments, and formative tools aligned with the  
10 state-adopted California academic content standards. The  
11 Legislature recognizes the importance of local tools and  
12 assessments used by schools and school districts to monitor pupil  
13 achievement and to identify individual pupil strengths and  
14 weaknesses. The Legislature further recognizes the role the state  
15 may play in leveraging resources to provide schools and school  
16 districts with information and tools for use at their discretion.

17 (3) Ensure that all assessment procedures, items, instruments,  
18 scoring systems, and results meet high standards of statistical  
19 reliability and validity and that they do not use procedures, items,  
20 instruments, or scoring practices that are racially, culturally,  
21 socioeconomically, or gender biased.

22 (4) Provide information to pupils, parents and guardians,  
23 teachers, schools, and school districts on a timely basis so the  
24 information can be used to further the development of the pupil  
25 or to improve the educational program. The Legislature recognizes  
26 that the majority of the assessments in the system will generate  
27 individual pupil scores that will provide information on pupil  
28 achievement to pupils, their parents or guardians, teachers, schools,  
29 and school districts. The Legislature further recognizes that some  
30 assessments in the system may solely generate results at the school,  
31 school district, county, or state level for purposes of improving  
32 the education program and promoting the teaching and learning  
33 of the full curriculum.

34 (5) When administered as a census administration, results should  
35 be reported in terms describing a pupil's academic performance  
36 in relation to the statewide academically rigorous content and  
37 performance standards and in terms of college and career readiness  
38 skills possessed by the pupil, in addition to being reported as  
39 numerical. When appropriate, the reports should include a measure

1 of growth that describes a pupil’s current status in relation to past  
2 performance.

3 (6) Where feasible, administer assessments via technology to  
4 enhance the assessment of challenging content using innovative  
5 item types and to facilitate expedited scoring.

6 (7) Minimize the amount of instructional time devoted to  
7 assessments administered pursuant to this chapter. It is the intent  
8 of the Legislature that any redundancies in statewide testing be  
9 eliminated as soon as is feasible.

10 (b) It is the intent of the Legislature, pursuant to this article, to  
11 initiate planning for the implementation process to enable the  
12 Superintendent to accomplish the goals set forth in this section as  
13 soon as feasible.

14 (c) It is the intent of the Legislature that parents, classroom  
15 teachers, other educators, business community members, and the  
16 public be involved, in an active and ongoing basis, in the design  
17 and implementation of the statewide pupil assessment system and  
18 the development of assessment instruments. The Legislature  
19 recognizes the important role that these stakeholders play in the  
20 success of the statewide pupil assessment system and the  
21 importance of providing them with information and resources  
22 about the new statewide system including the goals and appropriate  
23 uses of the system.

24 (d) It is the intent of the Legislature, insofar as is practically  
25 and fiscally feasible and following the completion of annual testing,  
26 that the content, test structure, and test items in the assessments  
27 that are part of the statewide pupil assessment system become open  
28 and transparent to teachers, parents, and pupils, to assist  
29 stakeholders in working together to demonstrate improvement in  
30 pupil academic achievement. A planned change in annual test  
31 content, format, or design should be made available to educators  
32 and the public well before the beginning of the school year in  
33 which the change will be implemented.

34 (e) It is the intent of the Legislature that the results of the  
35 statewide pupil assessments be available for use, after appropriate  
36 validation, for academic credit, or placement and admissions  
37 processes, or both, at postsecondary educational institutions.

38 (f) This section shall become operative on July 1, 2014.

39 SEC. 4. Section 60603 of the Education Code is amended to  
40 read:

1 60603. As used in this chapter:

2 (a) “Achievement level descriptors” means a narrative  
3 description of the knowledge, skills, and processes expected of  
4 pupils at different grades and at different performance levels on  
5 achievement tests.

6 (b) “Achievement test” means any standardized test that  
7 measures the level of performance that a pupil has achieved on  
8 state-adopted content standards.

9 (c) “California Measurement of Academic Performance and  
10 Progress for the 21st Century” means the comprehensive  
11 assessment system that has the primary purpose of modeling and  
12 promoting high-quality teaching and instruction using a variety of  
13 assessment approaches and item types in both ESEA required and  
14 ESEA nonrequired subject areas.

15 (d) “Census administration” means a test administration in which  
16 all pupils take comparable assessments of the same content and  
17 where results of individual performance are appropriate and  
18 meaningful to parents and teachers.

19 (e) “Consortium” means a multistate collaborative organized  
20 to develop a comprehensive system of assessments or formative  
21 tools such as defined by Section 60605.7.

22 (f) “Constructed-response questions” are a type of assessment  
23 item that require pupils to construct their own answer.

24 (g) “Content standards” means the specific academic knowledge,  
25 skills, and abilities that all public schools in this state are expected  
26 to teach and all pupils expected to learn in each of the core  
27 curriculum areas, at each grade level tested.

28 (h) “Core curriculum areas” means the areas of reading, writing,  
29 mathematics, history-social science, and science.

30 (i) “Diagnostic assessment” means assessments of particular  
31 knowledge or skills a pupil has or has not yet achieved for the  
32 purpose of informing instruction and making placement decisions.

33 (j) “End of course exam” means a comprehensive and  
34 challenging assessment of pupil achievement in a particular subject  
35 area or discipline.

36 (k) “ESEA nonrequired subject area” means, exclusive of subject  
37 areas required by the federal Elementary and Secondary Education  
38 Act (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.), also known  
39 as ESEA, the academic content areas and grades for which there  
40 are state-adopted content standards or in areas such as technology,

1 instances where state-adopted content standards across the  
2 curriculum could be assembled in a meaningful fashion to create  
3 a body of state-adopted content standards for assessment purposes.

4 (l) “ESEA required subject areas” means the areas and grades  
5 required to be assessed to satisfy the accountability requirements  
6 of the federal Elementary and Secondary Education Act, also  
7 known as ESEA, or any future reauthorization of the ESEA.

8 (m) “Formative assessment tools” means assessment tools and  
9 processes that are embedded in instruction and are used by teachers  
10 and pupils to provide timely feedback for purposes of adjusting  
11 instruction to improve learning.

12 (n) “High-quality assessment” means an assessment designed  
13 to measure a pupil’s knowledge of, understanding of, and ability  
14 to apply critical concepts through the use of a variety of item types  
15 and formats, including, but not limited to, items that allow for  
16 constructed responses and items that require the completion of  
17 performance tasks. A high-quality assessment should have the  
18 following characteristics:

19 (1) Enable measurement of pupil achievement and pupil growth  
20 to the extent feasible.

21 (2) Be of high technical quality by being valid, reliable, fair,  
22 and aligned to standards.

23 (3) Incorporate technology where appropriate.

24 (4) Include the assessment of pupils with disabilities and English  
25 learners.

26 (5) Use, to the extent feasible, universal design principles, as  
27 defined in Section 3 of the federal Assistive Technology Act of  
28 1998 (29 U.S.C. Sec. 3002) in its development and administration.

29 (o) “Interim assessment” means an assessment that is designed  
30 to be given at regular and specified intervals throughout the school  
31 year to evaluate a pupil’s knowledge and skills relative to a specific  
32 set of academic standards, and produces results that can be  
33 aggregated by course, grade level, school, or local educational  
34 agency in order to inform teachers and administrators at the pupil,  
35 classroom, school, and local educational agency levels.

36 (p) “Matrix sampling” means administering different portions  
37 of a single assessment to different groups of pupils for the purpose  
38 of sampling a broader representation of content and reducing  
39 testing time.

1 (q) “Performance standards” are standards that define various  
2 levels of competence at each grade level in each of the curriculum  
3 areas for which content standards are established. Performance  
4 standards gauge the degree to which a pupil has met the content  
5 standards and the degree to which a school or school district has  
6 met the content standards.

7 (r) “Performance tasks” are a collection of questions or activities  
8 that relate to a single scenario that include pupil interaction with  
9 stimulus. Performance tasks are a means to assess more complex  
10 skills such as writing, research, and analysis.

11 (s) “Population sampling” means administering assessments to  
12 a representative sample of pupils instead of the entire pupil  
13 population.

14 (t) “Recently arrived English learner” means a pupil designated  
15 as an English learner who is in his or her first 12 months of  
16 attending a school in the United States.

17 (u) “State-determined assessment calendar” means the  
18 scheduling of assessments, exclusive of the consortium  
19 assessments, over several years on a predetermined schedule.  
20 Content areas and grades shall only be assessed after being publicly  
21 announced at least two school years in advance of the assessment.

22 (v) “Summative assessment” means an assessment designed to  
23 be given near the end of the school year to evaluate a pupil’s  
24 knowledge and skills relative to a specific set of academic  
25 standards.

26 SEC. 5. Section 60604 of the Education Code is amended to  
27 read:

28 60604. (a) The Superintendent shall design and implement,  
29 consistent with the timetable and plan required pursuant to  
30 subdivision (b), a statewide pupil assessment system consistent  
31 with the testing requirements of this article in accordance with the  
32 objectives set forth in Section 60602.5. That system shall include  
33 all of the following:

34 (1) Exclusive of the consortium assessments, a plan for  
35 producing or adopting valid, fair, and reliable achievement tests  
36 of the ESEA required and ESEA nonrequired subject areas as  
37 recommended by the Superintendent and adopted by the state board  
38 pursuant to the California Measurement of Academic Performance  
39 and Progress for the 21st Century (CALMAPP21) established by  
40 Article 4 (commencing with Section 60640).

1 (2) A plan for administering the consortium summative  
2 assessments as outlined by the joint agreement of the consortium.

3 (3) Statewide academically rigorous content and performance  
4 standards that reflect the knowledge and complex skills that pupils  
5 will need in order to succeed in the information-based, global  
6 economy of the 21st century. These skills shall not include personal  
7 behavioral standards or skills, including, but not limited to, honesty,  
8 sociability, ethics, or self-esteem.

9 (4) A statewide system that provides the results of testing in a  
10 manner that reflects the degree to which pupils are achieving the  
11 academically rigorous content and performance standards adopted  
12 by the state board.

13 (5) The alignment of assessment with the statewide academically  
14 rigorous content and performance standards adopted by the state  
15 board.

16 (6) The active, ongoing involvement of parents, classroom  
17 teachers, administrators, other educators, governing board members  
18 of school districts, business community members, institutions of  
19 higher education, and the public in all phases of the design and  
20 implementation of the statewide pupil assessment system.

21 (7) A plan for ensuring the security and integrity of the  
22 CALMAPP21 assessments.

23 (8) The development of a contract or contracts with a vendor  
24 for the development or administration of achievement tests and  
25 performance standards aligned to state-adopted content standards.

26 (b) The Superintendent shall develop and annually update for  
27 the Legislature a five-year cost projection, implementation plan,  
28 and timetable for implementing the system described in Section  
29 60640. The annual update shall be submitted on or before March  
30 1 of each year to the chairperson of the fiscal subcommittee  
31 considering budget appropriations in each house. The update shall  
32 explain any significant variations from the five-year cost projection  
33 for the current year budget and the proposed budget.

34 (c) The Superintendent shall make resources available designed  
35 to assist with the interpretation and use of the CALMAPP21 results  
36 to promote the use of the results for the purposes of improving  
37 pupil learning and educational programs across the full curriculum.

38 (d) The Superintendent shall make information and resources  
39 available to the public regarding the CALMAPP21 including, but  
40 not limited to, system goals and purposes and program results and

1 information on the relationship between performance on the  
2 previous state assessments and the CALMAPP21.

3 (e) The Superintendent and the state board shall consider  
4 comments and recommendations from teachers, administrators,  
5 and the public in the development, adoption, and approval of  
6 assessment instruments.

7 (f) The results of the achievement tests, exclusive of the  
8 consortium summative assessments, administered pursuant to  
9 Article 4 (commencing with Section 60640) shall be returned to  
10 the school district within the period of time specified by the state  
11 board.

12 SEC. 6. Section 60605.5 of the Education Code is repealed.

13 ~~SEC. 7. Section 60605.85 of the Education Code is amended~~  
14 ~~to read:~~

15 ~~60605.85. (a) Notwithstanding any other law, the state board~~  
16 ~~shall adopt science content standards pursuant to the following~~  
17 ~~requirements:~~

18 ~~(1) The Superintendent, in consultation with the state board,~~  
19 ~~shall convene a group of science experts. The Superintendent shall~~  
20 ~~ensure that the members of the group of science experts include,~~  
21 ~~but are not limited to, individuals who are elementary and~~  
22 ~~secondary science teachers, schoolsite principals, school district~~  
23 ~~or county office of education administrators, and university~~  
24 ~~professors. The Superintendent and the group of science experts~~  
25 ~~shall recommend science content standards for adoption to the~~  
26 ~~state board and shall utilize the Next Generation Science Standards~~  
27 ~~as the basis for their deliberations and recommendations to the~~  
28 ~~state board.~~

29 ~~(2) The Superintendent shall hold a minimum of two public~~  
30 ~~meetings pursuant to the Bagley-Keene Open Meeting Act (Article~~  
31 ~~9 (commencing with Section 11120) of Chapter 1 of Part 1 of~~  
32 ~~Division 3 of Title 2 of the Government Code) in order for the~~  
33 ~~public to provide input on the science content standards that would~~  
34 ~~be recommended pursuant to paragraph (1).~~

35 ~~(3) The Superintendent shall present the recommended science~~  
36 ~~content standards to the state board on or before July 31, 2013.~~

37 ~~(4) On or before November 30, 2013, the state board shall adopt,~~  
38 ~~reject, or modify the science content standards presented by the~~  
39 ~~Superintendent.~~

1 ~~(5) If the state board modifies the science content standards~~  
2 ~~presented by the Superintendent, it shall provide written reasons~~  
3 ~~for its modifications in a public meeting. The state board shall~~  
4 ~~adopt its modifications to the science content standards at a~~  
5 ~~subsequent public meeting held no later than November 30, 2013.~~  
6 ~~The public meetings required by this paragraph shall be held~~  
7 ~~pursuant to the Bagley-Keene Open Meeting Act (Article 9~~  
8 ~~(commencing with Section 11120) of Chapter 1 of Part 1 of~~  
9 ~~Division 3 of Title 2 of the Government Code).~~

10 ~~(b) The Superintendent and the state board shall present to the~~  
11 ~~Governor and the appropriate policy and fiscal committees of the~~  
12 ~~Legislature a schedule and implementation plan for integrating the~~  
13 ~~science content standards adopted pursuant to this section into the~~  
14 ~~state educational system.~~

15 ~~SEC. 8.~~

16 ~~SEC. 7.~~ Section 60606 of the Education Code is repealed.

17 ~~SEC. 9.~~

18 ~~SEC. 8.~~ Section 60607 of the Education Code is amended to  
19 read:

20 60607. (a) Each pupil shall have an individual record of  
21 accomplishment by the end of grade 12 that includes the results  
22 of the achievement test required and administered annually as part  
23 of the California Measurement of Academic Performance and  
24 Progress for the 21st Century (CALMAPP21) established pursuant  
25 to Article 4 (commencing with Section 60640), results of  
26 end-of-course exams he or she has taken, and the vocational  
27 education certification exams he or she chose to take.

28 (b) It is the intent of the Legislature that school districts and  
29 schools use the results of the academic achievement tests  
30 administered annually as part of CALMAPP21 to provide support  
31 to pupils and parents or guardians in order to assist pupils in  
32 strengthening their development as learners, and thereby to improve  
33 their academic achievement and performance in subsequent  
34 assessments.

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

1 or the pupil if the pupil has reached the age of majority or is  
2 emancipated.

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

7 (B) Notwithstanding paragraph (1), the results of an individual  
8 pupil on CALMAPP21 assessments, inclusive of consortium  
9 summative assessments, may be released to a postsecondary  
10 educational institution for the purposes of credit, placement, or  
11 admission.

12 ~~SEC. 10.~~

13 *SEC. 9.* Section 60610 of the Education Code is amended to  
14 read:

15 60610. At the request of the state board, and in accordance  
16 with rules and regulations that the state board may adopt, each  
17 county superintendent of schools shall cooperate with and assist  
18 school districts and charter schools under his or her jurisdiction in  
19 carrying out the testing programs of those school districts and  
20 charter schools and other duties imposed on school districts by  
21 this chapter.

22 ~~SEC. 11.~~

23 *SEC. 10.* Section 60611 of the Education Code is amended to  
24 read:

25 60611. A city, county, city and county, district superintendent  
26 of schools, or principal or teacher of any elementary or secondary  
27 school, including a charter school, shall not carry on any program  
28 for the sole purpose of test preparation of pupils for the statewide  
29 pupil assessment system or a particular test used therein. Nothing  
30 in this section excludes the use of materials to familiarize pupils  
31 with item types or the computer based testing environment used  
32 in the California Measurement of Academic Performance and  
33 Progress for the 21st Century.

34 ~~SEC. 12.~~

35 *SEC. 11.* Section 60612 of the Education Code is amended to  
36 read:

37 60612. Upon adoption or approval of assessments pursuant to  
38 this chapter, the Superintendent shall prepare and make available  
39 to parents, teachers, pupils, administrators, school board members,  
40 and the public easily understood materials describing the nature

1 and purposes of the assessments, the systems of scoring, and the  
2 valid uses to which the assessments will be put. Upon determining  
3 that funds are available for this purpose, the Superintendent shall  
4 produce the materials for parents in languages other than English.

5 ~~SEC. 13.~~

6 *SEC. 12.* Section 60614 of the Education Code is amended to  
7 read:

8 60614. Notwithstanding Section 51513, no test, examination,  
9 or assessment given as part of the California Measurement of  
10 Academic Performance and Progress for the 21st Century shall  
11 contain any questions or items that solicit or invite disclosure of  
12 a pupil's, or his or her parents' or guardians', personal beliefs or  
13 practices in sex, family life, morality, or religion nor shall it contain  
14 any question designed to evaluate personal behavioral  
15 characteristics, including, but not limited to, honesty, integrity,  
16 sociability, or self esteem.

17 ~~SEC. 14.~~ Section 60615 of the Education Code is amended to  
18 read:

19 ~~60615.~~ Notwithstanding any other law, exclusive of  
20 assessments used to meet federal accountability requirements, a  
21 parent's or guardian's written request to school officials to excuse  
22 his or her child from any or all parts of the assessments  
23 administered pursuant to this chapter shall be granted. These  
24 parental requests shall be honored for a full year after receipt.

25 ~~SEC. 15.~~

26 *SEC. 13.* Section 60630 of the Education Code is amended to  
27 read:

28 60630. The Superintendent shall prepare and submit an annual  
29 report to the state board containing an analysis of the results and  
30 test scores of the summative assessments adopted pursuant to  
31 subdivision (b) of Section 60605. The report simultaneously shall  
32 be made available in an electronic medium on the Internet.

33 ~~SEC. 16.~~

34 *SEC. 14.* The heading of Article 4 (commencing with Section  
35 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the  
36 Education Code is amended to read:

37  
38 Article 4. California Measurement of Academic Performance  
39 and Progress for the 21st Century (CALMAPP21)  
40

1     ~~SEC. 17.~~

2     *SEC. 15.* Section 60640 of the Education Code is amended to  
3 read:

4     60640. (a) There is hereby established the California  
5 Measurement of Academic Performance and Progress for the 21st  
6 Century, to be known as CALMAPP21.

7     (b) From the funds available for that purpose, each school  
8 district, charter school, and county office of education shall  
9 administer to each of its pupils in grades 3 to 8, inclusive, and  
10 grade 11, the achievement tests provided for in Section 60642.5  
11 that are used to satisfy the accountability requirements of the  
12 federal Elementary and Secondary Education Act ((ESEA) Public  
13 Law 107-110; 20 U.S.C. Sec. 6301 et seq.) or any future  
14 reauthorization of the ESEA. As allowable by federal statute,  
15 recently arrived English learner pupils are exempted from taking  
16 the consortium assessment in English language arts. The state  
17 board shall establish a testing period to provide that all schools  
18 administer these tests to pupils at approximately the same time  
19 during the instructional year. The testing period established by the  
20 state board shall take into consideration the need of school districts  
21 to provide makeup days for pupils who were absent during testing,  
22 as well as the need to schedule testing on electronic computing  
23 devices.

24     (c) From the funds available for that purpose, each school  
25 district, charter school, and county office of education shall  
26 administer ESEA nonrequired subject area achievement tests as  
27 determined by the state board.

28     (d) From the funds available for that purpose, school districts,  
29 charter schools, and county offices of education shall administer  
30 field tests and pilot tests to support the CALMAPP21. These  
31 administrations shall be conducted in a manner to minimize the  
32 testing burden on individual schools.

33     (e) The governing board of a school district may administer  
34 achievement tests in grades other than those required by this section  
35 as it deems appropriate.

36     (f) Pursuant to Section 1412(a)(16) of Title 20 of the United  
37 States Code, individuals with exceptional needs, as defined in  
38 Section 56026, shall be included in the testing requirement of  
39 subdivision (b) with appropriate accommodations in administration,  
40 where necessary, and those individuals with exceptional needs

1 who are unable to participate in the testing, even with  
2 accommodations, shall be given an alternate assessment.

3 (g) (1) The Superintendent shall apportion funds to school  
4 districts to enable school districts to meet the requirements of  
5 subdivisions (b), (c), and (d).

6 (2) The state board annually shall establish the amount of  
7 funding to be apportioned to school districts for each test  
8 administered and annually shall establish the amount that each  
9 publisher shall be paid for each test administered under the  
10 contracts required pursuant to Section 60643. The amounts to be  
11 paid to the publishers shall be determined by considering the cost  
12 estimates submitted by each publisher each September and the  
13 amount included in the annual Budget Act, and by making  
14 allowance for the estimated costs to school districts for compliance  
15 with the requirements of subdivisions (b), (c), and (d).

16 (3) An adjustment to the amount of funding to be apportioned  
17 per test shall not be valid without the approval of the Director of  
18 Finance. A request for approval of an adjustment to the amount  
19 of funding to be apportioned per test shall be submitted in writing  
20 to the Director of Finance and the chairpersons of the fiscal  
21 committees of both houses of the Legislature with accompanying  
22 material justifying the proposed adjustment. The Director of  
23 Finance is authorized to approve only those adjustments related  
24 to activities required by statute. The Director of Finance shall  
25 approve or disapprove the amount within 30 days of receipt of the  
26 request and shall notify the chairpersons of the fiscal committees  
27 of both houses of the Legislature of the decision.

28 (h) For purposes of making the computations required by Section  
29 8 of Article XVI of the California Constitution, the appropriation  
30 for the apportionments made pursuant to paragraph (1) of  
31 subdivision (g), and the payments made to the publishers under  
32 the contracts required pursuant to Section 60643 or subparagraph  
33 (C) of paragraph (1) of subdivision (a) of Section 60605 between  
34 the department and the contractor, are “General Fund revenues  
35 appropriated for school districts,” as defined in subdivision (c) of  
36 Section 41202, for the applicable fiscal year, and included within  
37 the “total allocations to school districts and community college  
38 districts from General Fund proceeds of taxes appropriated pursuant  
39 to Article XIII B,” as defined in subdivision (e) of Section 41202,  
40 for that fiscal year.

1 (i) As a condition to receiving an apportionment pursuant to  
2 subdivision (g), a school district shall report to the Superintendent  
3 via the California Longitudinal Pupil Achievement Data System  
4 all of the following:

5 (1) The pupils enrolled in the school district in the grades in  
6 which assessments were administered pursuant to subdivision (b).

7 (2) The pupils to whom an achievement test was administered  
8 pursuant to subdivision (b) in the school district.

9 (3) The pupils in paragraph (1) who were exempted from the  
10 test at the request of their parents or guardians.

11 (j) The Superintendent and the state board are authorized and  
12 encouraged to assist postsecondary educational institutions to use  
13 the assessment results of CALMAPP21, including, but not  
14 necessarily limited to, the grade 11 consortium summative  
15 assessments in English language arts and mathematics, for  
16 academic credit, placement, or admissions processes.

17 (k) Subject to the availability of funds in the annual Budget Act  
18 for this purpose and exclusive of the consortium assessments, the  
19 Superintendent, with the approval of the state board, annually shall  
20 release to the public test items from the achievement tests pursuant  
21 to Section 60642.5 administered in previous years. Where feasible  
22 and practicable, the minimum number of test items released per  
23 year shall be equal to 25 percent of the total number of test items  
24 on the test administered in the previous year.

25 (l) On or before July 1, 2014, Sections 850 to 868, inclusive, of  
26 Title 5 of the California Code of Regulations shall be revised by  
27 the state board to conform to the changes made to this section in  
28 the first year of the 2013–14 Regular Session. The state board shall  
29 adopt initial regulations as emergency regulations to immediately  
30 implement the CALMAPP21 assessments, including, but not  
31 necessarily limited to, the administration, scoring, and reporting  
32 of the tests, as the adoption of emergency regulations is necessary  
33 for the immediate preservation of the public peace, health, safety,  
34 or general welfare within the meaning of Section 11346.1 of the  
35 Government Code. The emergency regulations shall be followed  
36 by the adoption of permanent regulations, in accordance with the  
37 Administrative Procedure Act (Chapter 3.5 (commencing with  
38 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
39 Code).

1 ~~SEC. 18.~~

2 *SEC. 16.* Section 60640.2 of the Education Code is repealed.

3 ~~SEC. 19.~~

4 *SEC. 17.* Section 60640.3 is added to the Education Code, to  
5 read:

6 60640.3. (a) (1) (A) Notwithstanding any other law,  
7 commencing with the 2013–14 school year, the administration of  
8 assessments required as part of the Standardized Testing and  
9 Reporting Program shall be suspended, except for those  
10 assessments in the core subjects necessary to satisfy the adequate  
11 yearly progress requirements of the federal No Child Left Behind  
12 Act of 2001 (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.) in  
13 grades 3 to 8, inclusive, and grade 10, and those assessments  
14 augmented for use as part of the Early Assessment Program  
15 established by Chapter 6 (commencing with Section 99300) of  
16 Part 65 of Division 14 of Title 3 in grade 11, until new assessments  
17 addressing the common core state standards are developed and  
18 implemented.

19 (B) In the 2014–15 school year, school districts and charter  
20 schools shall receive the same Standardized Testing and Reporting  
21 Program apportionment as was received for the 2013–14 school  
22 year with the requirement that school districts and charter schools  
23 use the funds from the suspended assessments on common core  
24 implementation. These funds may be used for common core  
25 professional development, technology to implement CALMAPP21,  
26 or other activities to aid in the common core implementation.

27 (2) Commencing with the 2013–14 school year, the department  
28 may make available to school districts and charter schools  
29 suspended Standardized Testing and Reporting Program test forms.  
30 The cost, including, but not necessarily limited to, shipping,  
31 printing, scoring, and reporting per pupil shall be the same for all  
32 school districts and charter schools, and shall not exceed the  
33 marginal cost of the assessment, including any cost the department  
34 incurs to implement this section. A school district or charter school  
35 that chooses to administer an assessment pursuant to this section  
36 shall do so at its own expense, and shall enter into an agreement  
37 for that purpose with a contractor, subject to the approval of the  
38 department.

39 (b) Notwithstanding any other law, commencing with the  
40 2014–15 school year, all local educational agencies and charter

1 schools shall administer the consortium assessments in English  
2 language arts and mathematics summative assessments in grades  
3 3 to 8, inclusive, and grade 11, and use these assessments to replace  
4 previously administered Standardized Testing and Reporting  
5 Program assessments in those subject areas to satisfy the federal  
6 accountability requirements of the federal Elementary and  
7 Secondary Education Act (Public Law 107-110; 20 U.S.C. Sec.  
8 6301 et seq.).

9 (c) Notwithstanding any other law, the department is authorized  
10 to enter into contracts to implement this section. The contracts are  
11 exempt from the requirements of Part 2 (commencing with Section  
12 10100) of Division 2 of the Public Contract Code and from the  
13 requirements of Article 6 (commencing with Section 999) of  
14 Chapter 6 of Division 4 of the Military and Veterans Code.

15 (d) Sections 850 to 868, inclusive, of Title 5 of the California  
16 Code of Regulations shall be revised by the state board as it deems  
17 necessary to conform with the changes made by the act that adds  
18 this section. The state board shall adopt regulations as emergency  
19 regulations to immediately implement the suspension of certain  
20 Standardized Testing and Reporting Program assessments for the  
21 2013–14 school year as outlined in this section as the adoption of  
22 emergency regulations is necessary for the immediate preservation  
23 of the public peace, health, safety, or general welfare within the  
24 meaning of Section 11346.1 of the Government Code.

25 ~~SEC. 20.~~

26 *SEC. 18.* Section 60641 of the Education Code is amended to  
27 read:

28 60641. (a) The department shall ensure that school districts  
29 comply with each of the following requirements:

30 (1) The achievement tests provided for in Section 60640 are  
31 scheduled to be administered to all pupils during the period  
32 prescribed in subdivision (b) of Section 60640.

33 (2) For assessments that produce individual pupil results, the  
34 individual results of each pupil tested pursuant to Section 60640  
35 shall be reported to the parent or guardian of the pupil. The report  
36 shall include a clear explanation of the purpose of the test, the  
37 score of the pupil, and the intended use by the school district of  
38 the test score. This subdivision does not require teachers or other  
39 school district personnel to prepare individualized explanations of  
40 the test score of each pupil. It is the intent of the Legislature that

1 nothing in this section shall preclude a school or school district  
2 from meeting the reporting requirement by the use of electronic  
3 media formats that secure the confidentiality of the pupil and the  
4 pupil's results.

5 (3) (A) For assessments that produce individual pupil results,  
6 the individual results of each pupil tested pursuant to Section 60640  
7 also shall be reported to the school and teachers of a pupil. The  
8 school district shall include the test results of a pupil in his or her  
9 pupil records. However, except as provided in this section,  
10 individual pupil test results only may be released with the  
11 permission of either the pupil's parent or guardian if the pupil is  
12 a minor, or the pupil if the pupil has reached the age of majority  
13 or is emancipated.

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

19 (4) The districtwide, school-level, and grade-level results of  
20 CALMAPP21 in each of the grades designated pursuant to Section  
21 60640, but not the score or relative position of any individually  
22 ascertainable pupil, shall be reported to the governing board of the  
23 school district at a regularly scheduled meeting, and the  
24 countywide, school-level, and grade-level results for classes and  
25 programs under the jurisdiction of the county office of education  
26 shall be similarly reported to the county board of education at a  
27 regularly scheduled meeting.

28 (b) The Superintendent shall recommend, and the state board  
29 shall adopt, a calendar for delivery and receipt of summative  
30 assessment results at the pupil, school, grade, district, county, and  
31 state levels. The calendar shall include delivery dates to the  
32 department and to local educational agencies.

33 (c) The department shall ensure that pupils in grade 11, or  
34 parents or legal guardians of those pupils, may request results from  
35 assessments administered as part of this program for the purpose  
36 of determining credit, placement, or readiness for college-level  
37 coursework be released to a postsecondary educational institution.

38 ~~SEC. 21.~~

39 *SEC. 19.* Section 60642.5 of the Education Code is amended  
40 to read:

1 60642.5. (a) (1) The Superintendent, with the approval of the  
2 state board, shall provide for the development of assessments or  
3 the designation of assessments, including an alternate assessment  
4 pursuant to Section 60640, that measure the degree to which pupils  
5 are achieving the academically rigorous content standards adopted  
6 by the state board pursuant to Sections 60605, 60605.1, 60605.2,  
7 60605.3, 60605.8, and 60605.85.

8 (2) For the subject areas of English language arts and  
9 mathematics for grades 3 to 8, inclusive, and grade 11, the  
10 department shall administer consortium summative assessments  
11 pursuant to the consortium administration directions.

12 (3) (A) For science assessments used to satisfy federal  
13 accountability requirements, the Superintendent shall make a  
14 recommendation to the state board within 6 months of the adoption  
15 of science content standards pursuant to Section 60605.85.

16 (B) In consultation with stakeholders, including, but not limited  
17 to, California science teachers, individuals with expertise in  
18 assessing English learners and pupils with disabilities, parents,  
19 and measurement experts, the Superintendent shall make  
20 recommendations regarding the grade level, content, and type of  
21 assessment. The Superintendent shall consider the use of  
22 consortium developed assessments, innovative item types,  
23 computer-based testing, and a timeline for implementation.

24 (4) For ESEA nonrequired subject areas, including, but not  
25 limited to, science, mathematics, history-social science, technology,  
26 and visual and performing arts, the Superintendent shall consult  
27 with stakeholders and subject matter experts to develop a plan for  
28 assessing these content areas in a manner that models high-quality  
29 teaching and learning activities. The plan shall be presented to the  
30 state board for consideration and approval on or before January  
31 15, ~~2014~~ 2015. The state board-approved plan shall be submitted  
32 to the Governor, chairs of the education committees in both houses  
33 of the Legislature, and the chairs of the fiscal committees of both  
34 houses of the Legislature no later than March 1, 2015.

35 (A) The plan shall consider the use of various assessment  
36 options, including, but not limited to, computer-based tests, locally  
37 scored performance tasks, and portfolios.

38 (B) The plan shall explore the use of a state-determined  
39 assessment calendar that would schedule the assessment of ESEA

1 nonrequired subject areas over several years, the use of matrix  
2 sampling, and the use of population sampling.

3 (C) The plan shall include a timeline for implementation and  
4 cost estimates.

5 (D) Upon the appropriation of funding for this purpose, the  
6 Superintendent shall develop and administer ESEA nonrequired  
7 subject area assessments. For each ESEA nonrequired subject area  
8 assessment, the state board shall approve test blueprints,  
9 achievement level descriptors, testing periods, performance  
10 standards, and a reporting plan.

11 (b) In approving a contract for the development or administration  
12 of the assessments, the Superintendent and the state board shall  
13 consider each of the following criteria:

14 (1) The ability of the contractor to produce valid, reliable scores.

15 (2) The ability of the contractor to report results pursuant to  
16 subdivision (b) of Section 60641.

17 (3) Exclusive of consortium assessments, the ability of the  
18 contractor to ensure alignment between the achievement test and  
19 the academically rigorous content and performance standards as  
20 those standards are adopted by the state board. This criterion shall  
21 include the ability of the contractor to implement a process to  
22 establish and maintain alignment between the test items and the  
23 standards.

24 (4) The per pupil cost estimates of developing and, if  
25 appropriate, administering the proposed assessment with a system  
26 to facilitate the determination of future per pupil cost  
27 determinations.

28 (5) The procedures of the contractor to ensure the security and  
29 integrity of test questions and materials.

30 (6) The experience of the contractor in successfully conducting  
31 testing programs adopted and administered by other states. For  
32 experience to be considered, the number of grades and pupils tested  
33 shall be provided.

34 ~~SEC. 22.~~

35 *SEC. 20.* Section 60642.6 is added to the Education Code, to  
36 read:

37 60642.6. Contingent on the appropriation of funding for this  
38 purpose, the department shall acquire and offer at no cost to school  
39 districts interim and formative assessment tools offered through  
40 the consortium membership pursuant to Section 60605.7.

1     ~~SEC. 23.~~

2     *SEC. 21.* Section 60642.7 is added to the Education Code, to  
3 read:

4     60642.7. Contingent on the appropriation of funding for this  
5 purpose, the Superintendent shall consult with stakeholders,  
6 including assessment and English learner experts, to determine if  
7 stand-alone English language arts and mathematics summative  
8 assessments in primary languages, languages other than English,  
9 are needed to supplement the consortium assessments. If it is  
10 determined that supplemental summative assessments are needed,  
11 the Superintendent shall consider the appropriate uses for these  
12 assessments, including, but not necessarily limited to, support for  
13 the State Seal of Biliteracy and accountability. The Superintendent  
14 shall report to the state board at a public meeting no later than  
15 November 30, ~~2015~~ 2014, on the determination of the need for  
16 stand-alone academic assessments in primary languages other than  
17 English, including, but not necessarily limited to, summative  
18 assessments in English language arts and mathematics.

19     ~~SEC. 24.~~

20     *SEC. 22.* Section 60642.8 is added to the Education Code, to  
21 read:

22     60642.8. The Superintendent shall make recommendations to  
23 the state board regarding the suitability and sustainability of the  
24 Academic Performance Index, as defined in Section 52052, in the  
25 transition from the STAR Program to CALMAPP21.

26     ~~SEC. 25.~~

27     *SEC. 23.* Section 60643 of the Education Code is amended to  
28 read:

29     60643. (a) Notwithstanding any other law, the contractor or  
30 contractors of the achievement tests provided for in Section  
31 60642.5 or any contractor or contractors under subdivision (b)  
32 shall comply with all of the conditions and requirements of the  
33 contract to the satisfaction of the Superintendent and the state  
34 board.

35     (b) (1) A contractor shall not provide a test described in Section  
36 60642.5 for use in California public schools, unless the contractor  
37 enters into a written contract with the department as set forth in  
38 this subdivision.

39     (2) The department shall develop, and the Superintendent and  
40 the state board shall approve, a contract or contracts to be entered

1 into with a contractor pursuant to paragraph (1). The department  
2 may develop the contract through negotiations.

3 (3) For purposes of the contracts authorized pursuant to this  
4 subdivision, the department is exempt from the requirements of  
5 Part 2 (commencing with Section 10100) of Division 2 of the  
6 Public Contract Code and from the requirements of Article 6  
7 (commencing with Section 999) of Chapter 6 of Division 4 of the  
8 Military and Veterans Code.

9 (4) The contracts shall include provisions for progress payments  
10 to the contractor for work performed or costs incurred in the  
11 performance of the contract. Not less than 10 percent of the amount  
12 budgeted for each separate and distinct component task provided  
13 for in each contract shall be withheld pending final completion of  
14 all component tasks by that contractor. The total amount withheld  
15 pending final completion shall not exceed 10 percent of the total  
16 contract price for that fiscal year.

17 (5) The contracts shall require liquidated damages to be paid  
18 by the contractor in the amount of up to 10 percent of the total cost  
19 of the contract for any component task that the contractor through  
20 its own fault or that of its subcontractors fails to substantially  
21 perform by the date specified in the agreement.

22 (6) The contracts shall establish the process and criteria by  
23 which the successful completion of each component task shall be  
24 recommended by the department and approved by the state board.

25 (7) The contractors shall submit, as part of the contract  
26 negotiation process, a proposed budget and invoice schedule, that  
27 includes a detailed listing of the costs for each component task  
28 and the expected date of the invoice for each completed component  
29 task.

30 (8) The contracts shall specify the following component tasks,  
31 as applicable, that are separate and distinct:

32 (A) Development of new tests or test items.

33 (B) Test materials production or publication.

34 (C) Delivery or electronic distribution of test materials to school  
35 districts.

36 (D) Test processing, scoring, and analyses.

37 (E) Reporting of test results to the local educational agencies,  
38 including, but not necessarily limited to, all reports specified in  
39 this section.

1 (F) Reporting of test results to the department, including, but  
2 not limited to, the electronic files required pursuant to this section.

3 (G) All other analyses or reports required by the Superintendent  
4 to meet the requirements of state and federal law and set forth in  
5 the agreement.

6 ~~SEC. 26.~~

7 *SEC. 24.* Section 60643.1 of the Education Code is repealed.

8 ~~SEC. 27.~~

9 *SEC. 25.* Section 60643.5 of the Education Code is repealed.

10 ~~SEC. 28.~~

11 *SEC. 26.* Section 60644.3 is added to the Education Code, to  
12 read:

13 60644.3. Contingent on the receipt of funding for this purpose,  
14 on or before December 1, 2014, the department shall identify  
15 existing assessments in language arts and mathematics available  
16 for purchase by schools and school districts that are appropriate  
17 for pupils in grade 2 for diagnostic use by classroom teachers. The  
18 purpose of these assessments shall be to aid teachers and to gain  
19 information about the developing language arts and mathematical  
20 skills of pupils in grade 2.

21 ~~SEC. 29.~~

22 *SEC. 27.* Section 60645 of the Education Code is repealed.

23 ~~SEC. 30.~~

24 *SEC. 28.* Section 60648 of the Education Code is amended to  
25 read:

26 60648. Exclusive of consortium summative assessments, the  
27 Superintendent shall recommend, and the state board shall adopt,  
28 levels of pupil performance on summative achievement tests  
29 administered pursuant to this article in ESEA required and ESEA  
30 nonrequired subject areas at each grade level. The performance  
31 levels shall identify and establish the minimum performance  
32 required for meeting a particular achievement-level expectation.  
33 Once adopted, these standards shall be reviewed every five years  
34 to determine whether adjustments are necessary.

35 ~~SEC. 31.~~

36 *SEC. 29.* Section 60648.5 is added to the Education Code, to  
37 read:

38 60648.5. The department shall administer a survey of local  
39 educational agencies to determine how school districts are  
40 progressing toward implementation of a technology-enabled

1 assessment system, and update the survey results biannually. The  
2 Superintendent shall make recommendations to the Legislature on  
3 or before January 31, 2014, to identify local educational agencies’  
4 needs in order to be capable of fully implementing a  
5 technology-enabled assessment system.

6 ~~SEC. 32.~~

7 *SEC. 30.* Section 60649 of the Education Code is repealed.

8 ~~SEC. 33.~~

9 *SEC. 31.* Section 60649 is added to the Education Code, to  
10 read:

11 60649. (a) The department shall develop a three-year plan of  
12 activities supporting the continuous improvement of the  
13 assessments developed and administered pursuant to Section 60640.  
14 The plan shall include a process for obtaining independent,  
15 objective technical advice and consultation on activities to be  
16 undertaken. Activities may include, but not necessarily be limited  
17 to, a variety of internal and external studies such as validity studies,  
18 alignment studies, studies evaluating test fairness, testing  
19 accommodations, testing policies, reporting procedures, and  
20 consequential validity studies specific to pupil populations such  
21 as English learners and pupils with disabilities.

22 (b) The department shall contract for a multiyear independent  
23 evaluation of the assessments. Annual independent evaluation  
24 reports shall include, but not necessarily be limited to,  
25 recommendations to improve the quality, fairness, validity, and  
26 reliability of the assessments.

27 (c) The independent evaluator shall report to the Governor, the  
28 Superintendent, the state board, and the chairs of the education  
29 policy committees in both houses of the Legislature by October  
30 31 each year.

31 (d) Notwithstanding Section 60601, this section shall become  
32 inoperative on July 1, 2025, and, as of January 1, 2026, is repealed,  
33 unless a later enacted statute, that becomes operative on or before  
34 January 1, 2026, deletes or extends the dates on which it becomes  
35 inoperative and is repealed.

36 ~~SEC. 34.~~

37 *SEC. 32.* Section 99300 of the Education Code is amended to  
38 read:

39 99300. (a) (1) The Legislature finds and declares that,  
40 commencing with the 2014–15 school year and for purposes of

1 the Early Assessment Program established by this chapter, the  
2 California Standards Test and the augmented California Standards  
3 tests in English language arts and mathematics should be replaced  
4 with the grade 11 consortium assessments in English language and  
5 mathematics.

6 (2) The Legislature further finds and declares that, in 2004, the  
7 California State University (CSU) established the Early Assessment  
8 Program (EAP), a collaborative effort among the State Board of  
9 Education, the State Department of Education, and CSU, to enable  
10 pupils to learn about their readiness for college-level English and  
11 mathematics before their senior year of high school. It is the intent  
12 of the Legislature that the office of the Chancellor of the California  
13 Community Colleges, the office of the Chancellor of the California  
14 State University, the State Board of Education, and the State  
15 Department of Education work together to modify the existing  
16 EAP to expand it to include the California Community Colleges  
17 (CCC) so that, beginning in the 2009–10 school year, high school  
18 juniors who are considering attending either system can take the  
19 EAP and receive information in the summer before their senior  
20 year concerning their preparation for college-level work at both  
21 CSU and CCC.

22 (b) It is also the intent of the Legislature that the existing EAP  
23 student notification system, as currently operated by agreement  
24 between CSU and the State Department of Education, be modified  
25 to do both of the following:

26 (1) Reassure pupils that they are eligible to attend a community  
27 college and that taking the EAP test has no bearing on their  
28 eligibility to attend a community college.

29 (2) Inform pupils of their readiness for college-level coursework  
30 in English or mathematics, or both, and recommend the next  
31 appropriate steps as they pertain to achieving success at a  
32 community college, similar to how CSU communicates with pupils  
33 who take the EAP test and are prospective CSU students.

34 (c) It is also the intent of the Legislature that the EAP be  
35 modified to include all of the following requirements:

36 (1) That the participating community college districts utilize  
37 the existing EAP secure data repository and clearinghouse for test  
38 score distribution of the assessment, as referenced in Section  
39 60641.

1 (2) That the modified EAP not affect the statutory reporting  
2 requirements provided in Section 60641, or increase the costs of  
3 either the assessment program referenced in Section 60640 or the  
4 State Department of Education.

5 (3) That the modified EAP be titled the “Early Assessment  
6 Program.”

7 ~~SEC. 35.~~

8 *SEC. 33.* Section 99301 of the Education Code is amended to  
9 read:

10 99301. (a) Notwithstanding subdivision (a) of Section 78213,  
11 the individual assessment results, as referenced in Section 60641,  
12 in addition to any other purposes, may be used by community  
13 college districts to provide diagnostic advice to, or for the  
14 placement of, prospective community college students participating  
15 in the EAP.

16 (b) (1) As authorized pursuant to subparagraph (B) of paragraph  
17 (3) of subdivision (a) of Section 60641, the individual assessment  
18 results, as referenced in Section 60641, shall be provided to the  
19 office of the Chancellor of the California Community Colleges.

20 (2) The office of the Chancellor of the California Community  
21 Colleges shall coordinate with community college districts that  
22 choose to voluntarily participate in the EAP as follows, and, to the  
23 extent possible, shall accomplish all of the following activities  
24 using existing resources:

25 (A) Encourage community college districts to choose to  
26 voluntarily participate in the EAP and notify them of the  
27 requirements of subdivision (c), including the requirements that  
28 the standards utilized by CSU to assess readiness for college-level  
29 English and mathematics courses, as expressed in the assessment  
30 referenced in Section 60641, shall also be used for the purposes  
31 of the EAP.

32 (B) Coordinate the progress of the program, provide technical  
33 assistance to participating community college districts pursuant  
34 to subdivision (c) as needed, identify additional reporting and  
35 program criteria as needed, and provide a report to the Legislature  
36 and Governor on or before February 15, 2015, on the  
37 implementation and results of the EAP for community college  
38 students.

1 (C) Provide access to the individual assessment results, as  
2 referenced in Section 60641, to participating community college  
3 districts.

4 (c) For those community college districts that choose to work  
5 directly with high school pupils within their respective district  
6 boundaries who took the assessment, as referenced in Section  
7 60641, and choose to offer assistance to these pupils in  
8 strengthening their college readiness skills, all of the following  
9 provisions apply:

10 (1) The individual results of the assessment, as referenced in  
11 Section 60641, shall be released by the office of the Chancellor  
12 of the California Community Colleges, as authorized pursuant to  
13 subparagraph (B) of paragraph (3) of subdivision (a) of Section  
14 60641, to participating community college districts upon their  
15 request for this information and may be used to provide diagnostic  
16 advice to prospective community college students participating in  
17 the EAP.

18 (2) Pursuant to subparagraph (A) of paragraph (2) of subdivision  
19 (b), the same standards utilized by CSU to assess readiness shall  
20 also be used for purposes of this section.

21 (3) The assessment, as referenced in Section 60641, and  
22 currently utilized by CSU for purposes of early assessment, shall  
23 be used to assess the college readiness of pupils in the EAP.

24 (4) Participating community college districts are encouraged to  
25 consult with the Academic Senate for the California Community  
26 Colleges to work toward sequencing their precollegiate level  
27 courses and transfer-level courses in English and mathematics to  
28 the elementary and secondary education academic content standards  
29 adopted pursuant to Section 60605.

30 (5) Participating community college districts shall identify an  
31 EAP coordinator and shall coordinate with CSU campuses and  
32 schools offering instruction in kindergarten and any of grades 1  
33 to 12, inclusive, in their respective district boundaries on  
34 EAP-related activities that assist pupils in making decisions that  
35 increase their college readiness skills and likelihood of pursuing  
36 a postsecondary education.

37 (6) In order to provide high school pupils with an indicator of  
38 their college readiness, a community college district participating  
39 in the EAP shall use individual assessment results provided to that  
40 college pursuant to paragraph (1) of, and subparagraph (C) of

1 paragraph (2) of, subdivision (b) to provide diagnostic advice to  
2 prospective community college students participating in the EAP.

3 (7) The individual results of the assessment, as referenced in  
4 Section 60641 for purposes of the EAP, shall not be used by a  
5 community college as a criterion for admission.

6 (8) Participating community college districts shall utilize the  
7 existing infrastructure of academic opportunities, as developed by  
8 CSU, to provide additional preparation in grade 12 for prospective  
9 community college students participating in the EAP.

10 (d) Both of the following provisions apply to CSU:

11 (1) The individual results of the assessment, as referenced in  
12 Section 60641, as authorized pursuant to subparagraph (B) of  
13 paragraph (3) of subdivision (a) of Section 60641, shall be released  
14 to, and in addition to any other purposes may be used by, CSU to  
15 provide diagnostic advice to, or for the placement of prospective  
16 CSU students participating in the EAP.

17 (2) The individual results of the assessment, as referenced in  
18 Section 60641 for purposes of the EAP, shall not be used by CSU  
19 as a criterion for admission.

20 ~~SEC. 36.~~

21 *SEC. 34.* Notwithstanding any other law, funds appropriated  
22 in Schedule 2 of Item 6110-113-0001 of Section 2.00 of the Budget  
23 Act of 2012 (Chapter 21 of the Statutes of 2012), and  
24 unencumbered as of the operative date of the act that adds this  
25 section, shall be available during the 2013–14 fiscal year for the  
26 development of assessments addressing the common core state  
27 standards and the next generation science standards to satisfy the  
28 assessment requirements of the federal Elementary and Secondary  
29 Education Act (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.).

30 ~~SEC. 37.~~

31 *SEC. 35.* This act is an urgency statute necessary for the  
32 immediate preservation of the public peace, health, or safety within  
33 the meaning of Article IV of the Constitution and shall go into  
34 immediate effect. The facts constituting the necessity are:

35 In order for the suspension of assessments, and the other  
36 important education initiatives, required by this act to be in effect  
37 in time for the beginning of the 2013–14 school year, it is necessary  
38 that this act take effect immediately.

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