

AMENDED IN ASSEMBLY MAY 24, 2013

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 17, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 484

Introduced by Assembly Member Bonilla

February 19, 2013

An act to amend Sections 60601, 60602, 60603, 60604, 60607, 60610, 60611, 60612, ~~60614, 60630~~, 60614, 60630, 60640, 60640.2, 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~~). (*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~~) (*CalMAPP21*), which would succeed the STAR Program, and specify procedures and policies for ~~CALMAPP21~~ *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~~-no. 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

1 for the California education system as a whole. The performance
2 standards shall be designed to lead to specific grade level
3 benchmarks of academic achievement for each subject area tested
4 within each grade level, and shall be based on the knowledge and
5 skills that pupils will need in order to succeed in the
6 information-based, global economy of the 21st century.

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

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

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

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

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

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

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

39 (c) It is the intent of the Legislature that parents, classroom
40 teachers, other educators, governing board members of school

1 districts, and the public be involved, in an active and ongoing basis,
2 in the design and implementation of the statewide pupil assessment
3 program and the development of assessment instruments.

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

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

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

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

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

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

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

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

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

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

35 (5) When administered as a census administration, results should
36 be reported in terms describing a pupil's academic performance
37 in relation to the statewide academically rigorous content and
38 performance standards and in terms of college and career readiness
39 skills possessed by the pupil, in addition to being reported as
40 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, *pupil representatives, institutions of*
16 *higher education*, business community members, and the public
17 be involved, in an active and ongoing basis, in the design and
18 implementation of the statewide pupil assessment system and the
19 development of assessment instruments. The Legislature recognizes
20 the important role that these stakeholders play in the success of
21 the statewide pupil assessment system and the importance of
22 providing them with information and resources about the new
23 statewide system including the goals and appropriate uses of the
24 system.

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

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

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

1 SEC. 4. Section 60603 of the Education Code is amended to
2 read:

3 60603. As used in this chapter:

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

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

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

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

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

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

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

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

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

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

38 (k) “ESEA nonrequired subject area” means, exclusive of subject
39 areas required by the federal Elementary and Secondary Education
40 Act (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.), also known

1 as ESEA, the academic content areas and grades for which there
2 are state-adopted content standards or in areas such as technology,
3 instances where state-adopted content standards across the
4 curriculum could be assembled in a meaningful fashion to create
5 a body of state-adopted content standards for assessment purposes.

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

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

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

21 (1) Enable measurement of pupil achievement and pupil growth
22 to the extent feasible.

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

25 (3) Incorporate technology where appropriate.

26 (4) Include the assessment of pupils with disabilities and English
27 learners.

28 (5) Use, to the extent feasible, universal design principles, as
29 defined in Section 3 of the federal Assistive Technology Act of
30 1998 (29 U.S.C. Sec. 3002) in its development and administration.

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

38 (p) “Matrix sampling” means administering different portions
39 of a single assessment to different groups of pupils for the purpose

1 of sampling a broader representation of content and reducing
2 testing time.

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

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

13 (s) *“Personally identifiable information” includes a pupil’s*
14 *name and other direct personal identifiers, such as the pupil’s*
15 *identification number. Personally identifiable information also*
16 *includes indirect identifiers, such as the pupil’s address and*
17 *personal characteristics, or other information that would make*
18 *the pupil’s identity easily traceable through the use of a single or*
19 *multiple data sources, including publicly available information.*

20 (s)

21 (t) “Population sampling” means administering assessments to
22 a representative sample of pupils instead of the entire pupil
23 population.

24 (t)

25 (u) “Recently arrived English learner” means a pupil designated
26 as an English learner who is in his or her first 12 months of
27 attending a school in the United States.

28 (u)

29 (v) “State-determined assessment calendar” means the
30 scheduling of assessments, exclusive of the consortium
31 assessments, over several years on a predetermined schedule.
32 Content areas and grades shall only be assessed after being publicly
33 announced at least two school years in advance of the assessment.

34 (v)

35 (w) “Summative assessment” means an assessment designed to
36 be given near the end of the school year to evaluate a pupil’s
37 knowledge and skills relative to a specific set of academic
38 standards.

39 SEC. 5. Section 60604 of the Education Code is amended to
40 read:

1 60604. (a) The Superintendent shall design and implement,
2 consistent with the timetable and plan required pursuant to
3 subdivision (b), a statewide pupil assessment system consistent
4 with the testing requirements of this article in accordance with the
5 objectives set forth in Section 60602.5. That system shall include
6 all of the following:

7 (1) Exclusive of the consortium assessments, a plan for
8 producing or adopting valid, fair, and reliable achievement tests
9 of the ESEA required and ESEA nonrequired subject areas as
10 recommended by the Superintendent and adopted by the state board
11 pursuant to the California Measurement of Academic Performance
12 and Progress for the 21st Century (~~CALMAPP21~~) (*CalMAPP21*)
13 established by Article 4 (commencing with Section 60640).

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

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

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

26 (5) The alignment of assessment with the statewide academically
27 rigorous content and performance standards adopted by the state
28 board.

29 (6) The active, ongoing involvement of parents, classroom
30 teachers, administrators, other educators, governing board members
31 of school districts, business community members, institutions of
32 higher education, and the public in all phases of the design and
33 implementation of the statewide pupil assessment system.

34 (7) A plan for ensuring the security and integrity of the
35 ~~CALMAPP21~~ *CalMAPP21* assessments.

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

39 (b) The Superintendent shall develop and annually update for
40 the Legislature a five-year cost projection, implementation plan

1 *for ESEA required and ESEA nonrequired subject areas*, and
2 timetable for implementing the system described in Section 60640.
3 The annual update shall be submitted on or before March 1 of each
4 year to the chairperson of the fiscal subcommittee considering
5 budget appropriations in each house *and the appropriate policy*
6 *committees of the Legislature*. The update shall explain any
7 significant variations from the five-year cost projection for the
8 current year budget and the proposed budget.

9 (c) The Superintendent shall make resources available designed
10 to assist with the interpretation and use of the ~~CALMAPP21~~
11 *CalMAPP21* results to promote the use of the results for the
12 purposes of improving pupil learning and educational programs
13 across the full curriculum.

14 (d) The Superintendent shall make information and resources
15 available to the public regarding the ~~CALMAPP21~~ *CalMAPP21*,
16 including, but not limited to, system goals and purposes and
17 program results and information on the relationship between
18 performance on the previous state assessments and the
19 ~~CALMAPP21~~ *CalMAPP21*.

20 (e) The Superintendent and the state board shall consider
21 comments and recommendations from teachers, administrators,
22 *pupil representatives, institutions of higher education*, and the
23 public in the development, adoption, and approval of assessment
24 instruments.

25 (f) The results of the achievement tests, exclusive of the
26 consortium summative assessments, administered pursuant to
27 Article 4 (commencing with Section 60640) shall be returned to
28 the school district within the period of time specified by the state
29 board.

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

31 SEC. 7. Section 60606 of the Education Code is repealed.

32 SEC. 8. Section 60607 of the Education Code is amended to
33 read:

34 60607. (a) Each pupil shall have an individual record of
35 accomplishment by the end of grade 12 that includes the results
36 of the achievement test required and administered annually as part
37 of the California Measurement of Academic Performance and
38 Progress for the 21st Century ~~(CALMAPP21)~~ (*CalMAPP21*)
39 established pursuant to Article 4 (commencing with Section
40 60640), results of end-of-course exams he or she has taken, and

1 the vocational education certification exams he or she chose to
2 take.

3 (b) It is the intent of the Legislature that school districts and
4 schools use the results of the academic achievement tests
5 administered annually as part of ~~CALMAPP21~~ *CalMAPP21* to
6 provide support to pupils and parents or guardians in order to assist
7 pupils in strengthening their development as learners, and thereby
8 to improve their academic achievement and performance in
9 subsequent assessments.

10 (c) (1) Any ~~pupil~~ *personally identifiable information that*
11 *includes a pupil's* results or a record of accomplishment shall be
12 private, and may not be released to any person, other than the
13 pupil's parent or guardian and a teacher, counselor, or administrator
14 directly involved with the pupil, without the express written consent
15 of either the parent or guardian of the pupil if the pupil is a minor,
16 or the pupil if the pupil has reached the age of majority or is
17 emancipated.

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

22 (B) Notwithstanding paragraph (1), the results of an individual
23 pupil on ~~CALMAPP21~~ *CalMAPP21* assessments, inclusive of
24 consortium summative assessments, may be released to a
25 postsecondary educational institution for the purposes of credit,
26 placement, or admission.

27 SEC. 9. Section 60610 of the Education Code is amended to
28 read:

29 60610. At the request of the state board, and in accordance
30 with rules and regulations that the state board may adopt, each
31 county superintendent of schools shall cooperate with and assist
32 school districts and charter schools under his or her jurisdiction in
33 carrying out the testing programs of those school districts and
34 charter schools and other duties imposed on school districts by
35 this chapter.

36 SEC. 10. Section 60611 of the Education Code is amended to
37 read:

38 60611. A city, county, city and county, district superintendent
39 of schools, or principal or teacher of any elementary or secondary
40 school, including a charter school, shall not carry on any program

1 for the sole purpose of test preparation of pupils for the statewide
2 pupil assessment system or a particular test used therein. Nothing
3 in this section excludes the use of materials to familiarize pupils
4 with item types or the computer-based testing environment used
5 in the California Measurement of Academic Performance and
6 Progress for the 21st Century.

7 SEC. 11. Section 60612 of the Education Code is amended to
8 read:

9 60612. Upon adoption or approval of assessments pursuant to
10 this chapter, the Superintendent shall prepare and make available
11 to parents, teachers, pupils, administrators, school board members,
12 and the public easily understood materials describing the nature
13 and purposes of the assessments, the systems of scoring, and the
14 valid uses to which the assessments will be put. ~~Upon determining~~
15 ~~that funds are available for this purpose, the~~ *The Superintendent*
16 shall produce the materials for parents in languages other than
17 English. *It is the intent of the Legislature that the department utilize*
18 *the clearinghouse for multilingual documents to meet this*
19 *requirement.*

20 SEC. 12. Section 60614 of the Education Code is amended to
21 read:

22 60614. Notwithstanding Section 51513, no test, examination,
23 or assessment given as part of the California Measurement of
24 Academic Performance and Progress for the 21st Century shall
25 contain any questions or items that solicit or invite disclosure of
26 a pupil's, or his or her parents' or guardians', personal beliefs or
27 practices in sex, family life, morality, or religion nor shall it contain
28 any question designed to evaluate personal behavioral
29 characteristics, including, but not limited to, honesty, integrity,
30 sociability, or self-esteem.

31 SEC. 13. Section 60630 of the Education Code is amended to
32 read:

33 60630. (a) The Superintendent shall prepare and submit an
34 annual report to the state board containing an analysis of the results
35 and test scores of the summative assessments adopted pursuant to
36 subdivision (b) of Section 60605. ~~The report simultaneously shall~~
37 ~~be made available in an electronic medium on the Internet.~~

38 (b) *The Superintendent shall provide a periodic update on the*
39 *implementation of CalMAPP21.*

1 (c) *The report required by this section simultaneously shall be*
2 *made available in an electronic medium on the Internet.*

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

6
7 Article 4. California Measurement of Academic Performance
8 and Progress for the 21st Century (~~CALMAPP21~~) (*CalMAPP21*)

9
10 SEC. 15. Section 60640 of the Education Code is amended to
11 read:

12 60640. (a) There is hereby established the California
13 Measurement of Academic Performance and Progress for the 21st
14 Century, to be known as ~~CALMAPP21~~ *CalMAPP21*.

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

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

37 (d) From the funds available for that purpose, school districts,
38 charter schools, and county offices of education shall administer
39 field tests and pilot tests to support the ~~CALMAPP21~~ *CalMAPP21*.

1 These administrations shall be conducted in a manner to minimize
2 the testing burden on individual schools.

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

6 (f) *The governing board of a school district may administer a*
7 *primary language assessment aligned to the English language arts*
8 *standards adopted pursuant to Section 60605 to a pupil identified*
9 *as limited English proficient enrolled in any of grades 2 to 11,*
10 *inclusive, who either receives instruction in his or her primary*
11 *language or has been enrolled in a school in the United States for*
12 *more than 12 months until a subsequent primary language*
13 *assessment aligned to the common core standards in English*
14 *language arts adopted pursuant to Section 60605.8 is developed*
15 *pursuant to Section 60642.7. If the governing board of a school*
16 *district chooses to administer this assessment, it shall notify the*
17 *department in a manner determined by the department.*

18 ~~(f)~~

19 (g) Pursuant to Section 1412(a)(16) of Title 20 of the United
20 States Code, individuals with exceptional needs, as defined in
21 Section 56026, shall be included in the testing requirement of
22 subdivision (b) with appropriate accommodations in administration,
23 where necessary, and those individuals with exceptional needs
24 who are unable to participate in the testing, even with
25 accommodations, shall be given an alternate assessment.

26 ~~(g)~~

27 (h) (1) The Superintendent shall apportion funds to school
28 districts to enable school districts to meet the requirements of
29 subdivisions (b), (c), ~~and (d)~~ (f), and (g).

30 (2) The state board annually shall establish the amount of
31 funding to be apportioned to school districts for each test
32 administered and annually shall establish the amount that each
33 publisher shall be paid for each test administered under the
34 contracts required pursuant to Section 60643. The amounts to be
35 paid to the publishers shall be determined by considering the cost
36 estimates submitted by each publisher each September and the
37 amount included in the annual Budget Act, and by making
38 allowance for the estimated costs to school districts for compliance
39 with the requirements of subdivisions (b), (c), ~~and (d)~~ (f), and (g).

1 (3) An adjustment to the amount of funding to be apportioned
2 per test shall not be valid without the approval of the Director of
3 Finance. A request for approval of an adjustment to the amount
4 of funding to be apportioned per test shall be submitted in writing
5 to the Director of Finance and the chairpersons of the fiscal
6 committees of both houses of the Legislature with accompanying
7 material justifying the proposed adjustment. The Director of
8 Finance is authorized to approve only those adjustments related
9 to activities required by statute. The Director of Finance shall
10 approve or disapprove the amount within 30 days of receipt of the
11 request and shall notify the chairpersons of the fiscal committees
12 of both houses of the Legislature of the decision.

13 ~~(h)~~

14 (i) For purposes of making the computations required by Section
15 8 of Article XVI of the California Constitution, the appropriation
16 for the apportionments made pursuant to paragraph (1) of
17 subdivision ~~(g)~~ (h), and the payments made to the publishers under
18 the contracts required pursuant to Section 60643 or subparagraph
19 (C) of paragraph (1) of subdivision (a) of Section 60605 between
20 the department and the contractor, are “General Fund revenues
21 appropriated for school districts,” as defined in subdivision (c) of
22 Section 41202, for the applicable fiscal year, and included within
23 the “total allocations to school districts and community college
24 districts from General Fund proceeds of taxes appropriated pursuant
25 to Article XIII B,” as defined in subdivision (e) of Section 41202,
26 for that fiscal year.

27 ~~(i)~~

28 (j) As a condition to receiving an apportionment pursuant to
29 subdivision ~~(g)~~ (h), a school district shall report to the
30 Superintendent ~~via the California Longitudinal Pupil Achievement~~
31 ~~Data System~~ all of the following:

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

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

36 (3) The pupils in paragraph (1) who were exempted from the
37 test ~~at the request of their parents or guardians pursuant to Section~~
38 ~~60640.~~

39 ~~(j)~~

1 (k) The Superintendent and the state board are authorized and
 2 encouraged to assist postsecondary educational institutions to use
 3 the assessment results of ~~CALMAPP21~~ *CalMAPP21*, including,
 4 but not necessarily limited to, the grade 11 consortium summative
 5 assessments in English language arts and mathematics, for
 6 academic credit, placement, or admissions processes.

7 ~~(k)~~

8 (l) Subject to the availability of funds in the annual Budget Act
 9 for this purpose and exclusive of the consortium assessments, the
 10 Superintendent, with the approval of the state board, annually shall
 11 release to the public test items from the achievement tests pursuant
 12 to Section 60642.5 administered in previous years. Where feasible
 13 and practicable, the minimum number of test items released per
 14 year shall be equal to 25 percent of the total number of test items
 15 on the test administered in the previous year.

16 ~~(l)~~

17 (m) On or before July 1, 2014, Sections 850 to 868, inclusive,
 18 of Title 5 of the California Code of Regulations shall be revised
 19 by the state board to conform to the changes made to this section
 20 in the first year of the 2013–14 Regular Session. The state board
 21 shall adopt initial regulations as emergency regulations to
 22 immediately implement the ~~CALMAPP21~~ *CalMAPP21*
 23 assessments, including, but not necessarily limited to, the
 24 administration, scoring, and reporting of the tests, as the adoption
 25 of emergency regulations is necessary for the immediate
 26 preservation of the public peace, health, safety, or general welfare
 27 within the meaning of Section 11346.1 of the Government Code.
 28 The emergency regulations shall be followed by the adoption of
 29 permanent regulations, in accordance with the Administrative
 30 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
 31 Part 1 of Division 3 of Title 2 of the Government Code).

32 ~~SEC. 16. Section 60640.2 of the Education Code is repealed.~~

33 *SEC. 16. Section 60640.2 of the Education Code is amended*
 34 *to read:*

35 60640.2. (a) ~~Subject to the approval of the state board, the~~ *The*
 36 *department may make available to school districts and charter*
 37 *schools a primary language assessment developed pursuant to*
 38 *subparagraph (A) of paragraph (3) of subdivision (f) of Section*
 39 ~~60640~~ *aligned to the English language arts standards adopted*
 40 *pursuant to Section 60605 for assessing pupils who are enrolled*

1 in a dual language immersion program that includes the primary
2 language of the assessment and who are either nonlimited English
3 proficient or redesignated fluent English proficient. The cost for
4 the assessment shall be the same for all school districts and charter
5 schools, and shall not exceed the marginal cost of the assessment,
6 including any cost the department incurs to implement this section.

7 (b) A school district or charter school that chooses to administer
8 a primary language assessment pursuant to this section shall do so
9 at its own expense, and shall enter into an agreement for that
10 purpose ~~with the state testing contractor, as described in~~
11 ~~subparagraph (C) of paragraph (3) of subdivision (f) of Section~~
12 ~~60640, subject to the approval of~~ *with* the department.

13 SEC. 17. Section 60640.3 is added to the Education Code, to
14 read:

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

28 ~~(B) In the 2014–15 school year, school districts and charter~~
29 ~~schools shall receive the same Standardized Testing and Reporting~~
30 ~~Program apportionment as was received for the 2013–14 school~~
31 ~~year with the requirement that school districts and charter schools~~
32 ~~use the funds from the suspended assessments on common core~~
33 ~~implementation. These funds may be used for common core~~
34 ~~professional development, technology to implement CALMAPP21,~~
35 ~~or other activities to aid in the common core implementation.~~

36 (2) Commencing with the 2013–14 school year, the department
37 may make available to school districts and charter schools
38 suspended Standardized Testing and Reporting Program test forms.
39 The cost, including, but not necessarily limited to, shipping,
40 printing, scoring, and reporting per pupil shall be the same for all

1 school districts and charter schools, and shall not exceed the
2 marginal cost of the assessment, including any cost the department
3 incurs to implement this section. A school district or charter school
4 that chooses to administer an assessment pursuant to this section
5 shall do so at its own expense, and shall enter into an agreement
6 for that purpose with a contractor, subject to the approval of the
7 department.

8 (b) Notwithstanding any other law, commencing with the
9 2014–15 school year, all local educational agencies and charter
10 schools shall administer the consortium assessments in English
11 language arts and mathematics summative assessments in grades
12 3 to 8, inclusive, and grade 11, and use these assessments to replace
13 previously administered Standardized Testing and Reporting
14 Program assessments in those subject areas to satisfy the federal
15 accountability requirements of the federal Elementary and
16 Secondary Education Act (Public Law 107-110; 20 U.S.C. Sec.
17 6301 et seq.).

18 (c) Notwithstanding any other law, the department is authorized
19 to enter into contracts to implement this section. The contracts are
20 exempt from the requirements of Part 2 (commencing with Section
21 10100) of Division 2 of the Public Contract Code and from the
22 requirements of Article 6 (commencing with Section 999) of
23 Chapter 6 of Division 4 of the Military and Veterans Code.

24 (d) Sections 850 to 868, inclusive, of Title 5 of the California
25 Code of Regulations shall be revised by the state board as it deems
26 necessary to conform with the changes made by the act that adds
27 this section. The state board shall adopt regulations as emergency
28 regulations to immediately implement the suspension of certain
29 Standardized Testing and Reporting Program assessments for the
30 2013–14 school year as outlined in this section as the adoption of
31 emergency regulations is necessary for the immediate preservation
32 of the public peace, health, safety, or general welfare within the
33 meaning of Section 11346.1 of the Government Code.

34 SEC. 18. Section 60641 of the Education Code is amended to
35 read:

36 60641. (a) The department shall ensure that school districts
37 comply with each of the following requirements:

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

1 (2) For assessments that produce individual pupil results, the
2 individual results of each pupil tested pursuant to Section 60640
3 shall be reported *in writing* to the parent or guardian of the pupil.
4 The report shall include a clear explanation of the purpose of the
5 test, the score of the pupil, and the intended use by the school
6 district of the test score. This subdivision does not require teachers
7 or other school district personnel to prepare individualized
8 explanations of the test score of each pupil. It is the intent of the
9 Legislature that nothing in this section shall preclude a school or
10 school district from meeting the reporting requirement by the use
11 of electronic media formats that secure the confidentiality of the
12 pupil and the pupil's results.

13 (3) (A) For assessments that produce individual pupil results,
14 the individual results of each pupil tested pursuant to Section 60640
15 also shall be reported to the school and teachers of a pupil. The
16 school district shall include the test results of a pupil in his or her
17 pupil records. However, except as provided in this section,
18 ~~individual~~ *personally identifiable* pupil test results only may be
19 released with the permission of either the pupil's parent or guardian
20 if the pupil is a minor, or the pupil if the pupil has reached the age
21 of majority or is emancipated.

22 (B) Notwithstanding subparagraph (A) and pursuant to
23 *subdivision (c) of Section 60607*, a pupil or his or her parent or
24 guardian may authorize the release of individual pupil results to a
25 postsecondary educational institution for the purpose of credit,
26 placement, determination of readiness for college-level coursework,
27 or admission.

28 (4) The districtwide, school-level, and grade-level results of
29 ~~CALMAPP21~~ *CalMAPP21* in each of the grades designated
30 pursuant to Section 60640, but not the score or relative position
31 of any individually ascertainable pupil, shall be reported to the
32 governing board of the school district at a regularly scheduled
33 meeting, and the countywide, school-level, and grade-level results
34 for classes and programs under the jurisdiction of the county office
35 of education shall be similarly reported to the county board of
36 education at a regularly scheduled meeting.

37 (b) The Superintendent shall recommend, and the state board
38 shall adopt, a calendar for delivery and receipt of summative
39 assessment results at the pupil, school, grade, district, county, and

1 state levels. The calendar shall include delivery dates to the
2 department and to local educational agencies.

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

8 SEC. 19. Section 60642.5 of the Education Code is amended
9 to read:

10 60642.5. (a) (1) The Superintendent, with the approval of the
11 state board, shall provide for the development of assessments or
12 the designation of assessments, including an alternate assessment
13 pursuant to Section 60640, that measure the degree to which pupils
14 are achieving the academically rigorous content standards adopted
15 by the state board pursuant to Sections 60605, 60605.1, 60605.2,
16 60605.3, 60605.8, and 60605.85.

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

21 (3) (A) For science assessments used to satisfy federal
22 accountability requirements, the Superintendent shall make a
23 recommendation to the state board within 6 months of the adoption
24 of science content standards pursuant to Section 60605.85. *The*
25 *recommendations shall include a plan for test development*
26 *beginning in July 2014, including cost estimates for the*
27 *development and implementation of these assessments.*

28 (B) In consultation with stakeholders, including, but not limited
29 to, California science teachers, individuals with expertise in
30 assessing English learners and pupils with disabilities, parents,
31 and measurement experts, the Superintendent shall make
32 recommendations regarding the grade level, content, and type of
33 assessment. The Superintendent shall consider the use of
34 consortium developed assessments, innovative item types,
35 computer-based testing, and a timeline for implementation.

36 (4) For ESEA nonrequired subject areas, including, but not
37 limited to, science, mathematics, history-social science, technology,
38 and visual and performing arts, the Superintendent shall consult
39 with stakeholders and subject matter experts to develop a plan for
40 assessing these content areas in a manner that models high-quality

1 teaching and learning activities. The plan shall be presented to the
2 state board for consideration and approval on or before January
3 15, 2015. The state board-approved plan shall be submitted to the
4 Governor, chairs of the education committees in both houses of
5 the Legislature, and the chairs of the fiscal committees of both
6 houses of the Legislature no later than March 1, 2015.

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

10 (B) The plan shall explore the use of a state-determined
11 assessment calendar that would schedule the assessment of ESEA
12 nonrequired subject areas over several years, the use of matrix
13 sampling, and the use of population sampling.

14 (C) The plan shall include a timeline for *test development*
15 *beginning in July 2015*, implementation, and cost estimates.

16 (D) Upon the appropriation of funding for this purpose, the
17 Superintendent shall develop and administer ESEA nonrequired
18 subject area assessments. For each ESEA nonrequired subject area
19 assessment, the state board shall approve test blueprints,
20 achievement level descriptors, testing periods, performance
21 standards, and a reporting plan.

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

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

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

28 (3) Exclusive of consortium assessments, the ability of the
29 contractor to ensure alignment between the achievement test and
30 the academically rigorous content and performance standards as
31 those standards are adopted by the state board. This criterion shall
32 include the ability of the contractor to implement a process to
33 establish and maintain alignment between the test items and the
34 standards.

35 (4) The per-pupil cost estimates of developing and, if
36 appropriate, administering the proposed assessment with a system
37 to facilitate the determination of future per-pupil cost
38 determinations.

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

1 (6) The experience of the contractor in successfully conducting
 2 testing programs adopted and administered by other states. For
 3 experience to be considered, the number of grades and pupils tested
 4 shall be provided.

5 SEC. 20. Section 60642.6 is added to the Education Code, to
 6 read:

7 60642.6. Contingent on the appropriation of funding for this
 8 purpose, the department shall acquire and offer at no cost to school
 9 districts interim and formative assessment tools offered through
 10 the consortium membership pursuant to Section 60605.7.

11 SEC. 21. Section 60642.7 is added to the Education Code, to
 12 read:

13 ~~60642.7. Contingent on the appropriation of funding for this~~
 14 ~~purpose, the~~ (a) *The Superintendent shall consult with*
 15 *stakeholders, including assessment and English learner experts,*
 16 *to determine if the content and purpose of a stand-alone English*
 17 *language arts and mathematics summative assessments assessment*
 18 *in primary languages, languages other than English, are needed to*
 19 *supplement the consortium assessments. If it is determined that*
 20 *supplemental summative assessments are needed, the* *The*
 21 *Superintendent shall consider the appropriate uses for these*
 22 *assessments use for this assessment, including, but not necessarily*
 23 *limited to, support for the State Seal of Biliteracy and*
 24 *accountability. The Superintendent shall report to the state board*
 25 *at a public meeting no later than November 30, 2014, on the*
 26 *determination of the need for stand-alone academic assessments*
 27 *in primary languages other than English, including, but not*
 28 *necessarily limited to, summative assessments in English language*
 29 *arts and mathematics. It is the intent of the Legislature that an*
 30 *assessment developed pursuant to this section be included in the*
 31 *state accountability system.*

32 (b) *The Superintendent shall report and make recommendations*
 33 *to the state board at a regularly scheduled public meeting no later*
 34 *than November 30, 2014, regarding an implementation timeline*
 35 *and estimated costs of a stand-alone English language arts*
 36 *summative assessment in primary languages other than English.*

37 (c) *The Superintendent shall develop and administer a primary*
 38 *language assessment no later than the 2016–17 school year.*

1 (d) *This section shall be operative only to the extent that funding*
2 *is provided in the annual budget act or another statute for the*
3 *purpose of this section.*

4 SEC. 22. Section 60642.8 is added to the Education Code, to
5 read:

6 60642.8. The Superintendent shall make recommendations to
7 the state board regarding ~~the suitability and sustainability of the a~~
8 *transitional Academic Performance Index, as defined in Section*
9 *52052, in the transition as California transitions from the STAR*
10 *Program to CALMAPP21. CalMAPP21. The recommendations*
11 *shall take into account any suspended assessments to ensure*
12 *credibility within the measure.*

13 SEC. 23. Section 60643 of the Education Code is amended to
14 read:

15 60643. (a) Notwithstanding any other law, the contractor or
16 contractors of the achievement tests provided for in Section
17 60642.5 or any contractor or contractors under subdivision (b)
18 shall comply with all of the conditions and requirements of the
19 contract to the satisfaction of the Superintendent and the state
20 board.

21 (b) (1) A contractor shall not provide a test described in Section
22 60642.5 for use in California public schools, unless the contractor
23 enters into a written contract with the department as set forth in
24 this subdivision.

25 (2) The department shall develop, and the Superintendent and
26 the state board shall approve, a contract or contracts to be entered
27 into with a contractor pursuant to paragraph (1). The department
28 may develop the contract through negotiations.

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

35 (4) The contracts shall include provisions for progress payments
36 to the contractor for work performed or costs incurred in the
37 performance of the contract. Not less than 10 percent of the amount
38 budgeted for each separate and distinct component task provided
39 for in each contract shall be withheld pending final completion of
40 all component tasks by that contractor. The total amount withheld

1 pending final completion shall not exceed 10 percent of the total
 2 contract price for that fiscal year.

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

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

11 (7) The contractors shall submit, as part of the contract
 12 negotiation process, a proposed budget and invoice schedule, that
 13 includes a detailed listing of the costs for each component task
 14 and the expected date of the invoice for each completed component
 15 task.

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

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

19 (B) Test materials production or publication.

20 (C) Delivery or electronic distribution of test materials to school
 21 districts.

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

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

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

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

31 SEC. 24. Section 60643.1 of the Education Code is repealed.

32 SEC. 25. Section 60643.5 of the Education Code is repealed.

33 SEC. 26. Section 60644.3 is added to the Education Code, to
 34 read:

35 60644.3. Contingent on the receipt of funding for this purpose,
 36 on or before December 1, 2014, the department shall identify
 37 existing assessments in language arts and mathematics available
 38 for purchase by schools and school districts that are appropriate
 39 for pupils in grade 2 for diagnostic use by classroom teachers. The
 40 purpose of these assessments shall be to aid teachers and to gain

1 information about the developing language arts and mathematical
2 skills of pupils in grade 2.

3 SEC. 27. Section 60645 of the Education Code is repealed.

4 SEC. 28. Section 60648 of the Education Code is amended to
5 read:

6 60648. Exclusive of consortium summative assessments, the
7 Superintendent shall recommend, and the state board shall adopt,
8 levels of pupil performance on summative achievement tests
9 administered pursuant to this article in ESEA required and ESEA
10 nonrequired subject areas at each grade level. The performance
11 levels shall identify and establish the minimum performance
12 required for meeting a particular achievement-level expectation.
13 Once adopted, these standards shall be reviewed every five years
14 to determine whether adjustments are necessary.

15 SEC. 29. Section 60648.5 is added to the Education Code, to
16 read:

17 60648.5. The department shall administer a survey of local
18 educational agencies to determine how school districts are
19 progressing toward implementation of a technology-enabled
20 assessment system, and update the survey results biannually. The
21 Superintendent shall make recommendations to the Legislature on
22 or before January 31, 2014, to identify local educational agencies'
23 needs in order to be capable of fully implementing a
24 technology-enabled assessment system.

25 SEC. 30. Section 60649 of the Education Code is repealed.

26 SEC. 31. Section 60649 is added to the Education Code, to
27 read:

28 60649. (a) The department shall develop a three-year plan of
29 activities supporting the continuous improvement of the
30 assessments developed and administered pursuant to Section 60640.
31 The plan shall include a process for obtaining independent,
32 objective technical advice and consultation on activities to be
33 undertaken. Activities may include, but not necessarily be limited
34 to, a variety of internal and external studies such as validity studies,
35 alignment studies, studies evaluating test fairness, testing
36 accommodations, testing policies, reporting procedures, and
37 consequential validity studies specific to pupil populations such
38 as English learners and pupils with disabilities.

39 (b) The department shall contract for a multiyear independent
40 evaluation of the assessments. ~~Annual independent evaluation~~

1 ~~reports~~ *Independent evaluation reports shall be done every three*
2 *years, and shall include, but not necessarily be limited to,*
3 *recommendations to improve the quality, fairness, validity, and*
4 *reliability of the assessments.*

5 (c) The independent evaluator shall report to the Governor, the
6 Superintendent, the state board, and the chairs of the education
7 policy committees in both houses of the Legislature by October
8 31 each year.

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

14 SEC. 32. Section 99300 of the Education Code is amended to
15 read:

16 99300. (a) (1) The Legislature finds and declares that,
17 commencing with the 2014–15 school year and for purposes of
18 the Early Assessment Program established by this chapter, the
19 California Standards Test and the augmented California Standards
20 tests in English language arts and mathematics should be replaced
21 with the grade 11 consortium assessments in English language and
22 mathematics.

23 (2) The Legislature further finds and declares that, in 2004, the
24 California State University (CSU) established the Early Assessment
25 Program (EAP), a collaborative effort among the State Board of
26 Education, the State Department of Education, and CSU, to enable
27 pupils to learn about their readiness for college-level English and
28 mathematics before their senior year of high school. It is the intent
29 of the Legislature that the office of the Chancellor of the California
30 Community Colleges, the office of the Chancellor of the California
31 State University, the State Board of Education, and the State
32 Department of Education work together to modify the existing
33 EAP to expand it to include the California Community Colleges
34 (CCC) so that, beginning in the 2009–10 school year, high school
35 juniors who are considering attending either system can take the
36 EAP and receive information in the summer before their senior
37 year concerning their preparation for college-level work at both
38 CSU and CCC.

39 (b) It is also the intent of the Legislature that the existing EAP
40 student notification system, as currently operated by agreement

1 between CSU and the State Department of Education, be modified
2 to do both of the following:

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

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

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

13 (1) That the participating community college districts utilize
14 the existing EAP secure data repository and clearinghouse for test
15 score distribution of the assessment, as referenced in Section
16 60641.

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

21 (3) That the modified EAP be titled the “Early Assessment
22 Program.”

23 SEC. 33. Section 99301 of the Education Code is amended to
24 read:

25 99301. (a) Notwithstanding subdivision (a) of Section 78213,
26 the individual assessment results, as referenced in Section 60641,
27 in addition to any other purposes, may be used by community
28 college districts to provide diagnostic advice to, or for the
29 placement of, prospective community college students participating
30 in the EAP.

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

35 (2) The office of the Chancellor of the California Community
36 Colleges shall coordinate with community college districts that
37 choose to voluntarily participate in the EAP as follows, and, to the
38 extent possible, shall accomplish all of the following activities
39 using existing resources:

1 (A) Encourage community college districts to choose to
2 voluntarily participate in the EAP and notify them of the
3 requirements of subdivision (c), including the requirements that
4 the standards utilized by CSU to assess readiness for college-level
5 English and mathematics courses, as expressed in the assessment
6 referenced in Section 60641, shall also be used for the purposes
7 of the EAP.

8 (B) Coordinate the progress of the program, provide technical
9 assistance to participating community college districts pursuant
10 to subdivision (c) as needed, identify additional reporting and
11 program criteria as needed, and provide a report to the Legislature
12 and Governor on or before February 15, 2015, on the
13 implementation and results of the EAP for community college
14 students.

15 (C) Provide access to the individual assessment results, as
16 referenced in Section 60641, to participating community college
17 districts.

18 (c) For those community college districts that choose to work
19 directly with high school pupils within their respective district
20 boundaries who took the assessment, as referenced in Section
21 60641, and choose to offer assistance to these pupils in
22 strengthening their college readiness skills, all of the following
23 provisions apply:

24 (1) The individual results of the assessment, as referenced in
25 Section 60641, shall be released by the office of the Chancellor
26 of the California Community Colleges, as authorized pursuant to
27 subparagraph (B) of paragraph (3) of subdivision (a) of Section
28 60641, to participating community college districts upon their
29 request for this information and may be used to provide diagnostic
30 advice to prospective community college students participating in
31 the EAP.

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

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

38 (4) Participating community college districts are encouraged to
39 consult with the Academic Senate for the California Community
40 Colleges to work toward sequencing their precollegiate level

1 courses and transfer-level courses in English and mathematics to
2 the elementary and secondary education academic content standards
3 adopted pursuant to Section 60605.

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

11 (6) In order to provide high school pupils with an indicator of
12 their college readiness, a community college district participating
13 in the EAP shall use individual assessment results provided to that
14 college pursuant to paragraph (1) of, and subparagraph (C) of
15 paragraph (2) of, subdivision (b) to provide diagnostic advice to
16 prospective community college students participating in the EAP.

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

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

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

25 (1) The individual results of the assessment, as referenced in
26 Section 60641, as authorized pursuant to subparagraph (B) of
27 paragraph (3) of subdivision (a) of Section 60641, shall be released
28 to, and in addition to any other purposes may be used by, CSU to
29 provide diagnostic advice to, or for the placement of prospective
30 CSU students participating in the EAP.

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

34 ~~SEC. 34. Notwithstanding any other law, funds appropriated~~
35 ~~in Schedule 2 of Item 6110-113-0001 of Section 2.00 of the Budget~~
36 ~~Act of 2012 (Chapter 21 of the Statutes of 2012), and~~
37 ~~unenumerated as of the operative date of the act that adds this~~
38 ~~section, shall be available during the 2013-14 fiscal year for the~~
39 ~~development of assessments addressing the common core state~~
40 ~~standards and the next generation science standards to satisfy the~~

1 assessment requirements of the federal Elementary and Secondary
2 Education Act (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.).
3 ~~SEC. 35.~~
4 *SEC. 34.* This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety within
6 the meaning of Article IV of the Constitution and shall go into
7 immediate effect. The facts constituting the necessity are:
8 In order for the suspension of assessments, and the other
9 important education initiatives, required by this act to be in effect
10 in time for the beginning of the 2013–14 school year, it is necessary
11 that this act take effect immediately.

O