

AMENDED IN SENATE JUNE 17, 2013

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, 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, 60643.1, 60643.5, and 60645 of, and to repeal, add, and repeal Section 60649 of, the Education Code, relating to pupil assessments, 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~~

This 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~~

This 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: 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
32 for the California education system as a whole. The performance
33 standards shall be designed to lead to specific grade level
34 benchmarks of academic achievement for each subject area tested
35 within each grade level, and shall be based on the knowledge and
36 skills that pupils will need in order to succeed in the
37 information-based, global economy of the 21st century.

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

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

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

20 (6) Assess pupils for a broad range of academic skills and
21 knowledge including both basic academic skills and the ability of
22 pupils to apply those skills.

23 (7) Include an appropriate balance of types of assessment
24 instruments, including, but not limited to, multiple choice
25 questions, short answer questions, and assessments of applied
26 academic skills.

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

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

33 (c) It is the intent of the Legislature that parents, classroom
34 teachers, other educators, governing board members of school
35 districts, and the public be involved, in an active and ongoing basis,
36 in the design and implementation of the statewide pupil assessment
37 program and the development of assessment instruments.

38 (d) It is the intent of the Legislature, insofar as is practically
39 feasible and following the completion of annual testing, that the
40 content, test structure, and test items in the assessments that are

1 part of the Standardized Testing and Reporting Program become
2 open and transparent to teachers, parents, and pupils, to assist all
3 the stakeholders in working together to demonstrate improvement
4 in pupil academic achievement. A planned change in annual test
5 content, format, or design, should be made available to educators
6 and the public well before the beginning of the school year in
7 which the change will be implemented.

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

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

13 SEC. 3. Section 60602.5 is added to the Education Code, to
14 read:

15 60602.5. (a) It is the intent of the Legislature in enacting this
16 chapter to provide a comprehensive assessment system that has
17 the primary purpose to model and promote high-quality teaching
18 and learning using a variety of assessment approaches and item
19 types. The assessments should produce scores that can be
20 aggregated for the purpose of holding schools and school districts
21 accountable for the achievement of all their pupils in learning the
22 California academic content standards. The system includes
23 assessments or assessment tools for multiple grade levels that cover
24 the full breadth and depth of the curriculum and promote the
25 teaching of the full curriculum. In order to accomplish these goals,
26 the Legislature finds and declares that California should adopt a
27 coordinated and consolidated testing system to do all of the
28 following:

29 (1) Develop and adopt a set of statewide academically rigorous
30 content standards in all major subject areas to serve as the basis
31 for modeling and promoting high-quality teaching and learning
32 activities across the entire curriculum and assessing the academic
33 achievement of pupils, as well as for schools, school districts, and
34 for the California education system as a whole. Exclusive of those
35 assessments established by a multistate consortium, produce
36 performance standards to be adopted by the state board designed
37 to lead to specific grade level benchmarks of academic achievement
38 for each subject area tested within each grade level based on the
39 knowledge, skills, and processes that pupils will need in order to

1 succeed in the information-based, global economy of the 21st
2 century.

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

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

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

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

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

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

5 (b) It is the intent of the Legislature, pursuant to this article, to
6 initiate planning for the implementation process to enable the
7 Superintendent to accomplish the goals set forth in this section as
8 soon as feasible.

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

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

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

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

35 SEC. 4. Section 60603 of the Education Code is amended to
36 read:

37 60603. As used in this chapter:

38 (a) "Achievement level descriptors" means a narrative
39 description of the knowledge, skills, and processes expected of

1 pupils at different grades and at different performance levels on
2 achievement tests.

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

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

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

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

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

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

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

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

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

33 (k) “ESEA nonrequired subject area” means, exclusive of subject
34 areas required by the federal Elementary and Secondary Education
35 Act (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.), also known
36 as ESEA, the academic content areas and grades for which there
37 are state-adopted content standards or in areas such as technology,
38 instances where state-adopted content standards across the
39 curriculum could be assembled in a meaningful fashion to create
40 a body of state-adopted content standards for assessment purposes.

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

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

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

17 (1) Enable measurement of pupil achievement and pupil growth
18 to the extent feasible.

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

21 (3) Incorporate technology where appropriate.

22 (4) Include the assessment of pupils with disabilities and English
23 learners.

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

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

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

38 (q) “Performance standards” are standards that define various
39 levels of competence at each grade level in each of the curriculum
40 areas for which content standards are established. Performance

1 standards gauge the degree to which a pupil has met the content
2 standards and the degree to which a school or school district has
3 met the content standards.

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

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

15 (t) “Population sampling” means administering assessments to
16 a representative sample of pupils instead of the entire pupil
17 population.

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

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

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

30 SEC. 5. Section 60604 of the Education Code is amended to
31 read:

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

38 (1) Exclusive of the consortium assessments, a plan for
39 producing or adopting valid, fair, and reliable achievement tests
40 of the ESEA required and ESEA nonrequired subject areas as

1 recommended by the Superintendent and adopted by the state board
2 pursuant to the California Measurement of Academic Performance
3 and Progress for the 21st Century (CalMAPP21) established by
4 Article 4 (commencing with Section 60640).

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

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

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

17 (5) The alignment of assessment with the statewide academically
18 rigorous content and performance standards adopted by the state
19 board.

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

25 (7) A plan for ensuring the security and integrity of the
26 CalMAPP21 assessments.

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

30 (b) The Superintendent shall develop and annually update for
31 the Legislature a five-year cost projection, implementation plan
32 for ESEA required and ESEA nonrequired subject areas, and
33 timetable for implementing the system described in Section 60640.
34 The annual update shall be submitted on or before March 1 of each
35 year to the chairperson of the fiscal subcommittee considering
36 budget appropriations in each house and the appropriate policy
37 committees of the Legislature. The update shall explain any
38 significant variations from the five-year cost projection for the
39 current year budget and the proposed budget.

1 (c) The Superintendent shall make resources available designed
2 to assist with the interpretation and use of the CalMAPP21 results
3 to promote the use of the results for the purposes of improving
4 pupil learning and educational programs across the full curriculum.

5 (d) The Superintendent shall make information and resources
6 available to the public regarding the CalMAPP21, including, but
7 not limited to, system goals and purposes and program results and
8 information on the relationship between performance on the
9 previous state assessments and the CalMAPP21.

10 (e) The Superintendent and the state board shall consider
11 comments and recommendations from teachers, administrators,
12 pupil representatives, institutions of higher education, and the
13 public in the development, adoption, and approval of assessment
14 instruments.

15 (f) The results of the achievement tests, exclusive of the
16 consortium summative assessments, administered pursuant to
17 Article 4 (commencing with Section 60640) shall be returned to
18 the school district within the period of time specified by the state
19 board.

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

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

22 SEC. 8. Section 60607 of the Education Code is amended to
23 read:

24 60607. (a) Each pupil shall have an individual record of
25 accomplishment by the end of grade 12 that includes the results
26 of the achievement test required and administered annually as part
27 of the California Measurement of Academic Performance and
28 Progress for the 21st Century (CalMAPP21) established pursuant
29 to Article 4 (commencing with Section 60640), results of
30 end-of-course exams he or she has taken, and the vocational
31 education certification exams he or she chose to take.

32 (b) It is the intent of the Legislature that school districts and
33 schools use the results of the academic achievement tests
34 administered annually as part of CalMAPP21 to provide support
35 to pupils and parents or guardians in order to assist pupils in
36 strengthening their development as learners, and thereby to improve
37 their academic achievement and performance in subsequent
38 assessments.

39 (c) (1) Any personally identifiable information that includes a
40 pupil's results or a record of accomplishment shall be private, and

1 may not be released to any person, other than the pupil's parent
2 or guardian and a teacher, counselor, or administrator directly
3 involved with the pupil, without the express written consent of
4 either the parent or guardian of the pupil if the pupil is a minor, or
5 the pupil if the pupil has reached the age of majority or is
6 emancipated.

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

11 (B) Notwithstanding paragraph (1), the results of an individual
12 pupil on CalMAPP21 assessments, inclusive of consortium
13 summative assessments, may be released to a postsecondary
14 educational institution for the purposes of credit, placement, or
15 admission.

16 SEC. 9. Section 60610 of the Education Code is amended to
17 read:

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

25 SEC. 10. Section 60611 of the Education Code is amended to
26 read:

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

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

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

1 and the public easily understood materials describing the nature
2 and purposes of the assessments, the systems of scoring, and the
3 valid uses to which the assessments will be put. The Superintendent
4 shall produce the materials for parents in languages other than
5 English. It is the intent of the Legislature that the department utilize
6 the clearinghouse for multilingual documents to meet this
7 requirement.

8 SEC. 12. Section 60614 of the Education Code is amended to
9 read:

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

19 SEC. 13. Section 60630 of the Education Code is amended to
20 read:

21 60630. (a) The Superintendent shall prepare and submit an
22 annual report to the state board containing an analysis of the results
23 and test scores of the summative assessments adopted pursuant to
24 subdivision (b) of Section 60605.

25 (b) The Superintendent shall provide a periodic update on the
26 implementation of CalMAPP21.

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

29 SEC. 14. The heading of Article 4 (commencing with Section
30 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the
31 Education Code is amended to read:

32
33 Article 4. California Measurement of Academic Performance
34 and Progress for the 21st Century (CalMAPP21)
35

36 SEC. 15. Section 60640 of the Education Code is amended to
37 read:

38 60640. (a) There is hereby established the California
39 Measurement of Academic Performance and Progress for the 21st
40 Century, to be known as CalMAPP21.

1 (b) From the funds available for that purpose, each school
2 district, charter school, and county office of education shall
3 administer ESEA required subject area tests to each of its pupils
4 ~~in grades 3 to 8, inclusive, and shall administer the achievement~~
5 ~~tests provided for in Section 60642.5 to each of its pupils in grade~~
6 ~~4~~ *pupils pursuant to Section 60640.3*. As allowable by federal
7 statute, recently arrived English learner pupils are exempted from
8 taking the ~~consortium~~ *ESEA required* assessment in English
9 language arts. The state board shall establish a testing period to
10 provide that all schools administer these tests to pupils at
11 approximately the same time during the instructional year. The
12 testing period established by the state board shall take into
13 consideration the need of school districts to provide makeup days
14 for pupils who were absent during testing, as well as the need to
15 schedule testing on electronic computing devices.

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

20 (d) From the funds available for that purpose, school districts,
21 charter schools, and county offices of education shall administer
22 field tests and pilot tests to support the CalMAPP21. These
23 administrations shall be conducted in a manner to minimize the
24 testing burden on individual schools.

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

28 (f) The governing board of a school district may administer a
29 primary language assessment aligned to the English language arts
30 standards adopted pursuant to Section 60605 to a pupil identified
31 as limited English proficient enrolled in any of grades 2 to 11,
32 inclusive, who either receives instruction in his or her primary
33 language or has been enrolled in a school in the United States for
34 more than 12 months until a subsequent primary language
35 assessment aligned to the common core standards in English
36 language arts adopted pursuant to Section 60605.8 is developed
37 pursuant to Section 60642.7. If the governing board of a school
38 district chooses to administer this assessment, it shall notify the
39 department in a manner determined by the department.

1 (g) Pursuant to Section 1412(a)(16) of Title 20 of the United
2 States Code, individuals with exceptional needs, as defined in
3 Section 56026, shall be included in the testing requirement of
4 subdivision (b) with appropriate accommodations in administration,
5 where necessary, and those individuals with exceptional needs
6 who are unable to participate in the testing, even with
7 accommodations, shall be given an alternate assessment.

8 (h) (1) The Superintendent shall apportion funds to school
9 districts to enable school districts to meet the requirements of
10 subdivisions (b), (c), (f), and (g).

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

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

33 (i) For purposes of making the computations required by Section
34 8 of Article XVI of the California Constitution, the appropriation
35 for the apportionments made pursuant to paragraph (1) of
36 subdivision (h), and the payments made to the publishers under
37 the contracts required pursuant to Section 60643 or subparagraph
38 (C) of paragraph (1) of subdivision (a) of Section 60605 between
39 the department and the contractor, are “General Fund revenues
40 appropriated for school districts,” as defined in subdivision (c) of

1 Section 41202, for the applicable fiscal year, and included within
2 the “total allocations to school districts and community college
3 districts from General Fund proceeds of taxes appropriated pursuant
4 to Article XIII B,” as defined in subdivision (e) of Section 41202,
5 for that fiscal year.

6 (j) As a condition to receiving an apportionment pursuant to
7 subdivision (h), a school district shall report to the Superintendent
8 all of the following:

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

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

13 (3) The pupils in paragraph (1) who were exempted from the
14 test pursuant to Section 60640.

15 (k) The Superintendent and the state board are authorized and
16 encouraged to assist postsecondary educational institutions to use
17 the assessment results of CalMAPP21, including, but not
18 necessarily limited to, the grade 11 consortium summative
19 assessments in English language arts and mathematics, for
20 academic credit, placement, or admissions processes.

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

29 (m) On or before July 1, 2014, Sections 850 to 868, inclusive,
30 of Title 5 of the California Code of Regulations shall be revised
31 by the state board to conform to the changes made to this section
32 in the first year of the 2013–14 Regular Session. The state board
33 shall adopt initial regulations as emergency regulations to
34 immediately implement the CalMAPP21 assessments, including,
35 but not necessarily limited to, the administration, scoring, and
36 reporting of the tests, as the adoption of emergency regulations is
37 necessary for the immediate preservation of the public peace,
38 health, safety, or general welfare within the meaning of Section
39 11346.1 of the Government Code. The emergency regulations shall
40 be followed by the adoption of permanent regulations, in

1 accordance with the Administrative Procedure Act (Chapter 3.5
2 (commencing with Section 11340) of Part 1 of Division 3 of Title
3 2 of the Government Code).

4 SEC. 16. Section 60640.2 of the Education Code is amended
5 to read:

6 60640.2. (a) The department may make available to school
7 districts and charter schools a primary language assessment aligned
8 to the English language arts standards adopted pursuant to Section
9 60605 for assessing pupils who are enrolled in a dual language
10 immersion program that includes the primary language of the
11 assessment and who are either nonlimited English proficient or
12 redesignated fluent English proficient. The cost for the assessment
13 shall be the same for all school districts and charter schools, and
14 shall not exceed the marginal cost of the assessment, including
15 any cost the department incurs to implement this section.

16 (b) A school district or charter school that chooses to administer
17 a primary language assessment pursuant to this section shall do so
18 at its own expense, and shall enter into an agreement for that
19 purpose with the ~~department~~ *testing contractor*.

20 SEC. 17. Section 60640.3 is added to the Education Code, to
21 read:

22 60640.3. (a) (1) Notwithstanding any other law, commencing
23 with the 2013–14 school year, the administration of assessments
24 required as part of the Standardized Testing and Reporting Program
25 shall be suspended, except for those assessments in the core
26 subjects necessary to satisfy the adequate yearly progress
27 requirements of the federal No Child Left Behind Act of 2001
28 (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.) in grades 3 to
29 8, inclusive, and grade 10, and those assessments augmented for
30 use as part of the Early Assessment Program established by Chapter
31 6 (commencing with Section 99300) of Part 65 of Division 14 of
32 Title 3 in grade 11, until new assessments addressing the common
33 core state standards are developed and implemented.

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

1 incurs to implement this section. A school district or charter school
2 that chooses to administer an assessment pursuant to this section
3 shall do so at its own expense, and shall enter into an agreement
4 for that purpose with a contractor, subject to the approval of the
5 department.

6 (b) Notwithstanding any other law, commencing with the
7 2014–15 school year, all local educational agencies and charter
8 schools shall administer the consortium assessments in English
9 language arts and mathematics summative assessments in grades
10 3 to 8, inclusive, and grade 11, and use these assessments to replace
11 previously administered Standardized Testing and Reporting
12 Program assessments in those subject areas to satisfy the federal
13 accountability requirements of the federal Elementary and
14 Secondary Education Act (Public Law 107-110; 20 U.S.C. Sec.
15 6301 et seq.).

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

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

32 SEC. 18. Section 60641 of the Education Code is amended to
33 read:

34 60641. (a) The department shall ensure that school districts
35 comply with each of the following requirements:

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

39 (2) For assessments that produce individual pupil results, the
40 individual results of each pupil tested pursuant to Section 60640

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

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

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

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

35 (b) The Superintendent shall recommend, and the state board
36 shall adopt, a calendar for delivery and receipt of summative
37 assessment results at the pupil, school, grade, district, county, and
38 state levels. The calendar shall include delivery dates to the
39 department and to local educational agencies.

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

6 SEC. 19. Section 60642.5 of the Education Code is amended
7 to read:

8 60642.5. (a) (1) The Superintendent, with the approval of the
9 state board, shall provide for the development of assessments or
10 the designation of assessments, including an alternate assessment
11 pursuant to *subdivision (g) of Section 60640 for ESEA required*
12 *subject areas*, that measure the degree to which pupils are
13 achieving the academically rigorous content standards adopted by
14 the state board pursuant to Sections 60605, 60605.1, 60605.2,
15 60605.3, 60605.7, 60605.8, and 60605.85.

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

20 (3) (A) For science assessments used to satisfy federal
21 accountability requirements, the Superintendent shall make a
22 recommendation to the state board within 6 months of the adoption
23 of science content standards pursuant to Section 60605.85. The
24 recommendations shall include a plan for test development
25 beginning in July 2014, ~~including cost estimates for the~~
26 ~~development and implementation of these assessments 2014. The~~
27 *plan also shall include cost estimates and a plan to implement the*
28 *assessments beginning in the 2016–17 school year.*

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

37 (4) For ESEA nonrequired subject areas, including, but not
38 limited to, science, mathematics, history-social science, technology,
39 ~~and~~ visual and performing arts, *and other subjects as appropriate*,
40 the Superintendent shall consult with stakeholders and subject

1 matter experts to develop a plan for assessing these content areas
2 in a manner that models high-quality teaching and learning
3 activities. The plan shall be presented to the state board for
4 consideration and approval on or before ~~January 15~~ *February 1*,
5 2015. The state board-approved plan shall be submitted to the
6 Governor, chairs of the education committees in both houses of
7 the Legislature, and the chairs of the fiscal committees of both
8 houses of the Legislature no later than March 1, 2015.

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

12 (B) The plan shall ~~explore~~ *include* the use of a state-determined
13 assessment calendar that would schedule the assessment of ESEA
14 nonrequired subject areas over several years, the use of matrix
15 sampling, *if appropriate*, and the use of population sampling.

16 (C) The plan shall include a timeline for test development
17 beginning in July ~~2015~~, ~~implementation, and cost estimates 2015~~.
18 *The plan shall include cost estimates and a plan to implement*
19 *history-social science assessments beginning in the 2018–19 school*
20 *year. The plan also shall include cost estimates for other ESEA*
21 *nonrequired subject areas, as appropriate.*

22 (D) Upon the appropriation of funding for this purpose, the
23 Superintendent shall develop and administer ESEA nonrequired
24 subject area assessments. For each ESEA nonrequired subject area
25 assessment, the state board shall approve test blueprints,
26 achievement level descriptors, testing periods, performance
27 standards, and a reporting plan.

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

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

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

34 (3) Exclusive of consortium assessments, the ability of the
35 contractor to ensure alignment between the achievement test and
36 the academically rigorous content and performance standards as
37 those standards are adopted by the state board. This criterion shall
38 include the ability of the contractor to implement a process to
39 establish and maintain alignment between the test items and the
40 standards.

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

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

7 (6) The experience of the contractor in successfully conducting
8 testing programs adopted and administered by other states. For
9 experience to be considered, the number of grades and pupils tested
10 shall be provided.

11 SEC. 20. Section 60642.6 is added to the Education Code, to
12 read:

13 60642.6. Contingent on the appropriation of funding for this
14 purpose, the department shall acquire and offer at no cost to school
15 districts interim and formative assessment tools offered through
16 the consortium membership pursuant to Section 60605.7.

17 SEC. 21. Section 60642.7 is added to the Education Code, to
18 read:

19 60642.7. (a) The Superintendent shall consult with
20 stakeholders, including assessment and English learner experts,
21 to determine ~~if~~ the content and purpose of a stand-alone English
22 language arts summative assessment in primary languages,
23 languages other than English, ~~are needed to supplement the~~
24 ~~consortium assessments~~ *English*. The Superintendent shall consider
25 the appropriate *use purpose* for this assessment, including, but not
26 necessarily limited to, support for the State Seal of Biliteracy and
27 accountability. It is the intent of the Legislature that an assessment
28 developed pursuant to this section be included in the state
29 accountability system.

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

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

37 (d) This section shall be operative only to the extent that funding
38 is provided in the annual Budget Act or another statute for the
39 purpose of this section.

1 SEC. 22. Section 60642.8 is added to the Education Code, to
2 read:

3 60642.8. The Superintendent shall make recommendations to
4 the state board regarding ~~a transitional~~ *transitioning the Academic*
5 Performance Index, as defined in Section 52052, as California
6 transitions from the STAR Program to CalMAPP21. The
7 recommendations shall take into account any suspended
8 assessments to ensure *reliability and* credibility within the
9 measure.

10 SEC. 23. Section 60643 of the Education Code is amended to
11 read:

12 60643. (a) Notwithstanding any other law, the contractor or
13 contractors of the achievement tests provided for in Section
14 60642.5 or any contractor or contractors under subdivision (b)
15 shall comply with all of the conditions and requirements of the
16 contract to the satisfaction of the Superintendent and the state
17 board.

18 (b) (1) A contractor shall not provide a test described in Section
19 60642.5 for use in California public schools, unless the contractor
20 enters into a written contract with the department as set forth in
21 this subdivision.

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

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

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

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

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

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

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

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

17 (B) Test materials production or publication.

18 (C) Delivery or electronic distribution of test materials to school
19 districts.

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

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

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

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

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

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

31 ~~SEC. 26. Section 60644.3 is added to the Education Code, to~~
32 ~~read:~~

33 ~~60644.3. Contingent on the receipt of funding for this purpose,~~
34 ~~on or before December 1, 2014, the department shall identify~~
35 ~~existing assessments in language arts and mathematics available~~
36 ~~for purchase by schools and school districts that are appropriate~~
37 ~~for pupils in grade 2 for diagnostic use by classroom teachers. The~~
38 ~~purpose of these assessments shall be to aid teachers and to gain~~
39 ~~information about the developing language arts and mathematical~~
40 ~~skills of pupils in grade 2.~~

1 ~~SEC. 27.~~

2 *SEC. 26.* Section 60645 of the Education Code is repealed.

3 ~~SEC. 28.~~

4 *SEC. 27.* 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.~~

16 *SEC. 28.* Section 60648.5 is added to the Education Code, to
17 read:

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

26 ~~SEC. 30.~~

27 *SEC. 29.* Section 60649 of the Education Code is repealed.

28 ~~SEC. 31.~~

29 *SEC. 30.* Section 60649 is added to the Education Code, to
30 read:

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

1 consequential validity studies specific to pupil populations such
2 as English learners and pupils with disabilities.

3 (b) The department shall contract for a multiyear independent
4 evaluation of the assessments. Independent evaluation reports shall
5 be done every three years, and shall include, but not necessarily
6 be limited to, recommendations to improve the quality, fairness,
7 validity, and reliability of the assessments.

8 (c) The independent evaluator shall report to the Governor, the
9 Superintendent, the state board, and the chairs of the education
10 policy committees in both houses of the Legislature by October
11 31 each year.

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

17 ~~SEC. 32.~~

18 *SEC. 31.* Section 99300 of the Education Code is amended to
19 read:

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

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

1 year concerning their preparation for college-level work at both
2 CSU and CCC.

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

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

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

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

17 (1) That the participating community college districts utilize
18 the existing EAP secure data repository and clearinghouse for test
19 score distribution of the assessment, as referenced in Section
20 60641.

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

25 (3) That the modified EAP be titled the “Early Assessment
26 Program.”

27 ~~SEC. 33.~~

28 *SEC. 32.* Section 99301 of the Education Code is amended to
29 read:

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

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

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

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

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

20 (C) Provide access to the individual assessment results, as
21 referenced in Section 60641, to participating community college
22 districts.

23 (c) For those community college districts that choose to work
24 directly with high school pupils within their respective district
25 boundaries who took the assessment, as referenced in Section
26 60641, and choose to offer assistance to these pupils in
27 strengthening their college readiness skills, all of the following
28 provisions apply:

29 (1) The individual results of the assessment, as referenced in
30 Section 60641, shall be released by the office of the Chancellor
31 of the California Community Colleges, as authorized pursuant to
32 subparagraph (B) of paragraph (3) of subdivision (a) of Section
33 60641, to participating community college districts upon their
34 request for this information and may be used to provide diagnostic
35 advice to prospective community college students participating in
36 the EAP.

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

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

4 (4) Participating community college districts are encouraged to
5 consult with the Academic Senate for the California Community
6 Colleges to work toward sequencing their precollegiate level
7 courses and transfer-level courses in English and mathematics to
8 the elementary and secondary education academic content standards
9 adopted pursuant to Section 60605.

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

17 (6) In order to provide high school pupils with an indicator of
18 their college readiness, a community college district participating
19 in the EAP shall use individual assessment results provided to that
20 college pursuant to paragraph (1) of, and subparagraph (C) of
21 paragraph (2) of, subdivision (b) to provide diagnostic advice to
22 prospective community college students participating in the EAP.

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

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

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

31 (1) The individual results of the assessment, as referenced in
32 Section 60641, as authorized pursuant to subparagraph (B) of
33 paragraph (3) of subdivision (a) of Section 60641, shall be released
34 to, and in addition to any other purposes may be used by, CSU to
35 provide diagnostic advice to, or for the placement of prospective
36 CSU students participating in the EAP.

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

1 ~~SEC. 34.~~

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

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

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