

AMENDED IN SENATE JULY 3, 2013
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, 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.

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.

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 *and disaggregated* for the purpose of holding schools
21 and school districts accountable for the achievement of all their
22 pupils in learning the California academic content standards. The
23 system includes assessments or assessment tools for multiple grade
24 levels that cover the full breadth and depth of the curriculum and
25 promote the teaching of the full curriculum. In order to accomplish
26 these goals, the Legislature finds and declares that California
27 should adopt a coordinated and consolidated testing system to do
28 all of the 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 post~~
22 *on the Internet Web site of the department* an annual report ~~to the~~
23 ~~state board~~ containing an analysis of the results and test scores of
24 the summative assessments adopted pursuant to subdivision (b)
25 of Section 60605. *The Superintendent shall notify the state board*
26 *and the appropriate policy and fiscal committees of the Legislature*
27 *that the annual report is available on the Internet Web site of the*
28 *department.*

29 (b) The Superintendent shall ~~provide post~~ a periodic update on
30 the implementation of CalMAPP21 *on the Internet Web site of the*
31 *department, and notify the state board and the appropriate policy*
32 *and fiscal committees of the Legislature that the update is available*
33 *on the Internet Web site of the department.*

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

36 SEC. 14. The heading of Article 4 (commencing with Section
37 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the
38 Education Code is amended to read:

1 Article 4. California Measurement of Academic Performance
2 and Progress for the 21st Century (CalMAPP21)

3
4 SEC. 15. Section 60640 of the Education Code is amended to
5 read:

6 60640. (a) There is hereby established the California
7 Measurement of Academic Performance and Progress for the 21st
8 Century, to be known as CalMAPP21.

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

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

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

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

34 (f) The governing board of a school district may administer a
35 primary language assessment aligned to the English language arts
36 standards adopted pursuant to Section 60605 to a pupil identified
37 as limited English proficient enrolled in any of grades 2 to 11,
38 inclusive, who either receives instruction in his or her primary
39 language or has been enrolled in a school in the United States for
40 more than 12 months until a subsequent primary language

1 assessment aligned to the common core standards in English
2 language arts adopted pursuant to Section 60605.8 is developed
3 pursuant to Section 60642.7. If the governing board of a school
4 district chooses to administer this assessment, it shall notify the
5 department in a manner determined by the department.

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

13 (h) (1) The Superintendent shall apportion funds to school
14 districts to enable school districts to meet the requirements of
15 subdivisions (b), (c), (d), (f), and (g).

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

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

38 (i) For purposes of making the computations required by Section
39 8 of Article XVI of the California Constitution, the appropriation
40 for the apportionments made pursuant to paragraph (1) of

1 subdivision (h), and the payments made to the publishers under
2 the contracts required pursuant to Section 60643 or subparagraph
3 (C) of paragraph (1) of subdivision (a) of Section 60605 between
4 the department and the contractor, are “General Fund revenues
5 appropriated for school districts,” as defined in subdivision (c) of
6 Section 41202, for the applicable fiscal year, and included within
7 the “total allocations to school districts and community college
8 districts from General Fund proceeds of taxes appropriated pursuant
9 to Article XIII B,” as defined in subdivision (e) of Section 41202,
10 for that fiscal year.

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

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

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

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

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

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

34 (m) On or before July 1, 2014, Sections 850 to 868, inclusive,
35 of Title 5 of the California Code of Regulations shall be revised
36 by the state board to conform to the changes made to this section
37 in the first year of the 2013–14 Regular Session. The state board
38 shall adopt initial regulations as emergency regulations to
39 immediately implement the CalMAPP21 assessments, including,
40 but not necessarily limited to, the administration, scoring, and

1 reporting of the tests, as the adoption of emergency regulations is
2 necessary for the immediate preservation of the public peace,
3 health, safety, or general welfare within the meaning of Section
4 11346.1 of the Government Code. The emergency regulations shall
5 be followed by the adoption of permanent regulations, in
6 accordance with the Administrative Procedure Act (Chapter 3.5
7 (commencing with Section 11340) of Part 1 of Division 3 of Title
8 2 of the Government Code).

9 SEC. 16. Section 60640.2 of the Education Code is amended
10 to read:

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

21 (b) A school district or charter school that chooses to administer
22 a primary language assessment pursuant to this section shall do so
23 at its own expense, and shall enter into an agreement for that
24 purpose with the testing contractor.

25 SEC. 17. Section 60640.3 is added to the Education Code, to
26 read:

27 60640.3. (a) (1) Notwithstanding any other law, commencing
28 with the 2013–14 school year, the administration of assessments
29 required as part of the Standardized Testing and Reporting Program
30 shall be suspended, except for those assessments in the core
31 subjects necessary to satisfy the adequate yearly progress
32 requirements of the federal No Child Left Behind Act of 2001
33 (Public Law 107-110; 20 U.S.C. Sec. 6301 et seq.) in grades 3 to
34 8, inclusive, and grade 10, and those assessments augmented for
35 use as part of the Early Assessment Program established by Chapter
36 6 (commencing with Section 99300) of Part 65 of Division 14 of
37 Title 3 in grade 11, until new assessments addressing the common
38 core state standards are developed and implemented.

39 (2) Commencing with the 2013–14 school year, the department
40 may make available to school districts and charter schools

1 suspended Standardized Testing and Reporting Program test forms.
2 *The suspended California Standards Test forms, exclusive of the*
3 *forms used to satisfy the Early Assessment Program, in the areas*
4 *of English language arts and mathematics, may be available for*
5 *the 2013–14 school year. The suspended California Standards*
6 *Test forms in ESEA nonrequired subject areas may be available*
7 *until the implementation of CalMAPP21 assessments in the relevant*
8 *subject areas. The suspended California Modified Assessment test*
9 *forms may be available for the 2013–14 school year. The*
10 *suspended California Alternate Performance Assessment test forms*
11 *may be available until the implementation of an alternate*
12 *assessment linked to the common core state standards or the*
13 *science standards adopted pursuant to Section 60605.85. The cost*
14 *of implementing this paragraph, including, but not necessarily*
15 *limited to, shipping, printing, scoring, and reporting per pupil shall*
16 *be the same for all school districts and charter schools, and shall*
17 *not exceed the marginal cost of the assessment, including any cost*
18 *the department incurs to implement this section. A school district*
19 *or charter school that chooses to administer an assessment pursuant*
20 *to this section shall do so at its own expense, and shall enter into*
21 *an agreement for that purpose with a contractor, subject to the*
22 *approval of the department.*

23 (b) Notwithstanding any other law, commencing with the
24 2014–15 school year, all local educational agencies and charter
25 schools shall administer the consortium assessments in English
26 language arts and mathematics summative assessments in grades
27 3 to 8, inclusive, and grade 11, and use these assessments to replace
28 previously administered Standardized Testing and Reporting
29 Program assessments in those subject areas to satisfy the federal
30 accountability requirements of the federal Elementary and
31 Secondary Education Act (Public Law 107-110; 20 U.S.C. Sec.
32 6301 et seq.).

33 (c) Notwithstanding any other law, the department is authorized
34 to enter into contracts to implement this section. The contracts are
35 exempt from the requirements of Part 2 (commencing with Section
36 10100) of Division 2 of the Public Contract Code and from the
37 requirements of Article 6 (commencing with Section 999) of
38 Chapter 6 of Division 4 of the Military and Veterans Code.

39 (d) Sections 850 to 868, inclusive, of Title 5 of the California
40 Code of Regulations shall be revised by the state board as it deems

1 necessary to conform with the changes made by the act that adds
2 this section. The state board shall adopt regulations as emergency
3 regulations to immediately implement the suspension of certain
4 Standardized Testing and Reporting Program assessments for the
5 2013–14 school year as outlined in this section as the adoption of
6 emergency regulations is necessary for the immediate preservation
7 of the public peace, health, safety, or general welfare within the
8 meaning of Section 11346.1 of the Government Code.

9 SEC. 18. Section 60641 of the Education Code is amended to
10 read:

11 60641. (a) The department shall ensure that school districts
12 comply with each of the following requirements:

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

16 (2) For assessments that produce individual pupil results, the
17 individual results of each pupil tested pursuant to Section 60640
18 shall be reported in writing to the parent or guardian of the pupil.
19 The report shall include a clear explanation of the purpose of the
20 test, the score of the pupil, and the intended use by the school
21 district of the test score. This subdivision does not require teachers
22 or other school district personnel to prepare individualized
23 explanations of the test score of each pupil. It is the intent of the
24 Legislature that nothing in this section shall preclude a school or
25 school district from meeting the reporting requirement by the use
26 of electronic media formats that secure the confidentiality of the
27 pupil and the pupil's results.

28 (3) (A) For assessments that produce individual pupil results,
29 the individual results of each pupil tested pursuant to Section 60640
30 also shall be reported to the school and teachers of a pupil. The
31 school district shall include the test results of a pupil in his or her
32 pupil records. However, except as provided in this section,
33 personally identifiable pupil test results only may be released with
34 the permission of either the pupil's parent or guardian if the pupil
35 is a minor, or the pupil if the pupil has reached the age of majority
36 or is emancipated.

37 (B) Notwithstanding subparagraph (A) and pursuant to
38 subdivision (c) of Section 60607, a pupil or his or her parent or
39 guardian may authorize the release of individual pupil results to a
40 postsecondary educational institution for the purpose of credit,

1 placement, determination of readiness for college-level coursework,
2 or admission.

3 (4) The districtwide, school-level, and grade-level results of
4 CalMAPP21 in each of the grades designated pursuant to Section
5 60640, but not the score or relative position of any individually
6 ascertainable pupil, shall be reported to the governing board of the
7 school district at a regularly scheduled meeting, and the
8 countywide, school-level, and grade-level results for classes and
9 programs under the jurisdiction of the county office of education
10 shall be similarly reported to the county board of education at a
11 regularly scheduled meeting.

12 (b) The Superintendent shall recommend, and the state board
13 shall adopt, a calendar for delivery and receipt of summative
14 assessment results at the pupil, school, grade, district, county, and
15 state levels. The calendar shall include delivery dates to the
16 department and to local educational agencies.

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

22 SEC. 19. Section 60642.5 of the Education Code is amended
23 to read:

24 60642.5. (a) (1) The Superintendent, with the approval of the
25 state board, shall provide for the development of assessments or
26 the designation of assessments, including an alternate assessment
27 pursuant to subdivision (g) of Section 60640 for ESEA required
28 subject areas, that measure the degree to which pupils are achieving
29 the academically rigorous content standards adopted by the state
30 board pursuant to Sections 60605, 60605.1, 60605.2, 60605.3,
31 60605.7, 60605.8, and 60605.85.

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

36 (3) (A) For science assessments used to satisfy federal
37 accountability requirements, the Superintendent shall make a
38 recommendation to the state board within 6 months of the adoption
39 of science content standards pursuant to Section 60605.85. The
40 recommendations shall include a plan for test development

1 beginning in July 2014. The plan also shall include cost estimates
2 and a plan to ~~implement the assessments~~ *implement*, beginning in
3 the 2016–17 school year, *one assessment in each of the following*
4 *grade spans*:

5 (i) *Grades 3 to 5, inclusive.*

6 (ii) *Grades 6 to 9, inclusive.*

7 (iii) *Grades 10 to 12, inclusive.*

8 (B) In consultation with stakeholders, including, but not limited
9 to, California science teachers, individuals with expertise in
10 assessing English learners and pupils with disabilities, parents,
11 and measurement experts, the Superintendent shall make
12 recommendations regarding the grade level, content, and type of
13 assessment. The Superintendent shall consider the use of
14 consortium developed assessments, innovative item types,
15 computer-based testing, and a timeline for implementation.

16 (4) For ESEA nonrequired subject areas, including, but not
17 limited to, science, mathematics, history-social science, technology,
18 visual and performing arts, and other subjects as appropriate, the
19 Superintendent shall consult with stakeholders and subject matter
20 experts to develop a plan for assessing these content areas in a
21 manner that models high-quality teaching and learning activities.
22 The plan shall be presented to the state board for consideration
23 and approval on or before ~~February~~ *August 1, 2015*. The state
24 board-approved plan shall be submitted to the Governor, *the chairs*
25 *of the education committees in both houses of the Legislature, and*
26 *the chairs of the fiscal committees of both houses of the Legislature*
27 *no later than* ~~March~~ *September 1, 2015*.

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

31 (B) The plan shall include the use of a state-determined
32 assessment calendar that would schedule the assessment of ESEA
33 nonrequired subject areas over several years, the use of matrix
34 sampling, if appropriate, and the use of population sampling.

35 (C) The plan shall include a timeline for test development
36 beginning in ~~July 2015~~ *January 2016*. ~~The plan shall include cost~~
37 ~~estimates and a plan to implement history-social science~~
38 ~~assessments beginning in the 2018–19 school year.~~ The plan also
39 shall include cost estimates for other ESEA nonrequired subject
40 areas, as appropriate.

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

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

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

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

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

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

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

26 (6) The experience of the contractor in successfully conducting
27 testing programs adopted and administered by other states. For
28 experience to be considered, the number of grades and pupils tested
29 shall be provided.

30 SEC. 20. Section 60642.6 is added to the Education Code, to
31 read:

32 60642.6. Contingent on the appropriation of funding for this
33 purpose, the department shall acquire and offer at no cost to school
34 districts interim and formative assessment tools offered through
35 the consortium membership pursuant to Section 60605.7.

36 SEC. 21. Section 60642.7 is added to the Education Code, to
37 read:

38 60642.7. (a) The Superintendent shall consult with
39 stakeholders, including assessment and English learner experts,
40 to determine the content and purpose of a stand-alone English

1 language arts summative assessment in primary languages,
2 languages other than English. The Superintendent shall consider
3 the appropriate purpose for this assessment, including, but not
4 necessarily limited to, support for the State Seal of Biliteracy and
5 accountability. It is the intent of the Legislature that an assessment
6 developed pursuant to this section be included in the state
7 accountability system.

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

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

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

18 SEC. 22. Section 60642.8 is added to the Education Code, to
19 read:

20 60642.8. The Superintendent shall make recommendations to
21 the state board regarding transitioning the Academic Performance
22 Index, as defined in Section 52052, as California transitions from
23 the STAR Program to CalMAPP21. The recommendations shall
24 take into account any suspended assessments to ensure reliability
25 and credibility within the measure.

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

28 60643. (a) Notwithstanding any other law, the contractor or
29 contractors of the achievement tests provided for in Section
30 60642.5 or any contractor or contractors under subdivision (b)
31 shall comply with all of the conditions and requirements of the
32 contract to the satisfaction of the Superintendent and the state
33 board.

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

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

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

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

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

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

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

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

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

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

33 (B) Test materials production or publication.

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

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

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

1 (F) Reporting of *valid and reliable* test results to the department,
2 including, but not *necessarily* limited to, the *following* electronic
3 ~~files required pursuant to this section.~~ *files:*

4 (i) *Scores aggregated by statewide, county, school district,*
5 *school, and grade.*

6 (ii) *Disaggregated scores based on English proficiency status,*
7 *gender, ethnicity, socioeconomically disadvantaged, and special*
8 *education designation.*

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

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

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

14 SEC. 26. Section 60645 of the Education Code is repealed.

15 SEC. 27. Section 60648 of the Education Code is amended to
16 read:

17 60648. Exclusive of consortium summative assessments, the
18 Superintendent shall recommend, and the state board shall adopt,
19 levels of pupil performance on summative achievement tests
20 administered pursuant to this article in ESEA required and ESEA
21 nonrequired subject areas at each grade level. The performance
22 levels shall identify and establish the minimum performance
23 required for meeting a particular achievement-level expectation.
24 Once adopted, these standards shall be reviewed *by the state board*
25 every five years to determine whether adjustments are necessary.

26 SEC. 28. Section 60648.5 is added to the Education Code, to
27 read:

28 60648.5. The department shall administer a survey of local
29 educational agencies to determine how school districts are
30 progressing toward implementation of a technology-enabled
31 assessment system, and update the survey results biannually. The
32 Superintendent shall make recommendations to the Legislature on
33 or before January 31, 2014, to identify local educational agencies’
34 needs in order to be capable of fully implementing a
35 technology-enabled assessment system.

36 SEC. 29. Section 60649 of the Education Code is repealed.

37 SEC. 30. Section 60649 is added to the Education Code, to
38 read:

39 60649. (a) The department shall develop a three-year plan of
40 activities supporting the continuous improvement of the

1 assessments developed and administered pursuant to Section 60640.
2 The plan shall include a process for obtaining independent,
3 objective technical advice and consultation on activities to be
4 undertaken. Activities may include, but not necessarily be limited
5 to, a variety of internal and external studies such as validity studies,
6 alignment studies, studies evaluating test fairness, testing
7 accommodations, testing policies, reporting procedures, and
8 consequential validity studies specific to pupil populations such
9 as English learners and pupils with disabilities.

10 (b) The department shall contract for a multiyear independent
11 evaluation of the assessments. Independent evaluation reports shall
12 be done every three years, and shall include, but not necessarily
13 be limited to, recommendations to improve the quality, fairness,
14 validity, and reliability of the assessments.

15 (c) The independent evaluator shall report to the Governor, the
16 Superintendent, the state board, and the chairs of the education
17 policy committees in both houses of the Legislature by October
18 31 each year.

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

24 SEC. 31. Section 99300 of the Education Code is amended to
25 read:

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

33 (2) The Legislature further finds and declares that, in 2004, the
34 California State University (CSU) established the Early Assessment
35 Program (EAP), a collaborative effort among the State Board of
36 Education, the State Department of Education, and CSU, to enable
37 pupils to learn about their readiness for college-level English and
38 mathematics before their senior year of high school. It is the intent
39 of the Legislature that the office of the Chancellor of the California
40 Community Colleges, the office of the Chancellor of the California

1 State University, the State Board of Education, and the State
2 Department of Education work together to modify the existing
3 EAP to expand it to include the California Community Colleges
4 (CCC) so that, beginning in the 2009–10 school year, high school
5 juniors who are considering attending either system can take the
6 EAP and receive information in the summer before their senior
7 year concerning their preparation for college-level work at both
8 CSU and CCC.

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

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

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

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

23 (1) That the participating community college districts utilize
24 the existing EAP secure data repository and clearinghouse for test
25 score distribution of the assessment, as referenced in Section
26 60641.

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

31 (3) That the modified EAP be titled the “Early Assessment
32 Program.”

33 SEC. 32. Section 99301 of the Education Code is amended to
34 read:

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

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

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

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

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

24 (C) Provide access to the individual assessment results, as
25 referenced in Section 60641, to participating community college
26 districts.

27 (c) For those community college districts that choose to work
28 directly with high school pupils within their respective district
29 boundaries who took the assessment, as referenced in Section
30 60641, and choose to offer assistance to these pupils in
31 strengthening their college readiness skills, all of the following
32 provisions apply:

33 (1) The individual results of the assessment, as referenced in
34 Section 60641, shall be released by the office of the Chancellor
35 of the California Community Colleges, as authorized pursuant to
36 subparagraph (B) of paragraph (3) of subdivision (a) of Section
37 60641, to participating community college districts upon their
38 request for this information and may be used to provide diagnostic
39 advice to prospective community college students participating in
40 the EAP.

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

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

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

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

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

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

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

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

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

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

4 SEC. 33. 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.

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