

**ASSEMBLY BILL**

**No. 928**

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**Introduced by Assembly Member Olsen**

February 22, 2013

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An act to add Chapter 11 (commencing with Section 60910) to Part 33 of Division 4 of Title 2 of the Education Code, relating to standardized tests.

LEGISLATIVE COUNSEL'S DIGEST

AB 928, as introduced, Olsen. Standardized tests: sale to private schools.

Existing law requires the Superintendent of Public Instruction to provide for the development of an assessment instrument, to be called the California Standards Tests, that measures the degree to which pupils are achieving the academically rigorous content standards and performance standards, to the extent standards have been adopted by the State Board of Education. Existing law requires, in approving a contract for the development or administration of the California Standards Tests, the state board to consider certain things, including the ability of the contractor to produce valid, reliable individual pupil scores. Existing law requires test publishers to agree in writing to meet certain requirements, including the requirement that the tests be aligned to the academically rigorous content and performance standards adopted by the state board. Existing law authorizes the State Department of Education to develop the contract through negotiations with the publisher.

This bill would allow standardized tests created for use in California public schools in kindergarten and grades 1 to 12, inclusive, to be available for purchase by a private school from the test publisher to the

extent that the purchase would not violate the terms of any contract entered into between the publisher and the State of California. The bill would require a private school that chooses to purchase a standardized test to be responsible for the costs associated with the test, including administration costs.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Chapter 11 (commencing with Section 60910)  
2 is added to Part 33 of Division 4 of Title 2 of the Education Code,  
3 to read:

4  
5 CHAPTER 11. SALE OF STANDARDIZED TESTING MATERIALS

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7 60910. (a) Standardized tests created for use in kindergarten  
8 and grades 1 to 12, inclusive, in the state’s public schools, including  
9 tests required pursuant to Chapter 5 (commencing with Section  
10 60600), shall be available for purchase from the publisher of the  
11 test by a private school, to the extent that the purchase would not  
12 violate the terms of any contract entered into between the publisher  
13 and the State of California.

14 (b) If a private school chooses to purchase a standardized test  
15 pursuant to subdivision (a), the private school shall be responsible  
16 for all costs associated with the test, including administering the  
17 test, training, and security costs.