

AMENDED IN SENATE JULY 10, 2013

AMENDED IN ASSEMBLY MAY 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 928

Introduced by Assembly Member Olsen

February 22, 2013

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~~ *assessments*.

LEGISLATIVE COUNSEL'S DIGEST

AB 928, as amended, Olsen. ~~Standardized tests~~ *assessments*: sale to private schools or private school organizations.

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~~ *design and implement a statewide pupil assessment program based on content standards and performance standards, to the extent standards have been* adopted by the State Board of Education. *Existing law establishes the Standardized Testing and Reporting Program, which includes various assessments, such as the California Standards Tests.* 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. *Existing law makes those provisions inoperative on July 1, 2014, and repeals them on January 1, 2015.*

This bill would allow standardized ~~tests~~ *assessments* created for use in California public schools in kindergarten and grades 1 to 12, inclusive, to be available for purchase by a private school or a private school organization *that has a certain affidavit or statement on file with the Superintendent*, to the extent that the purchase would not violate the terms of any contract entered into between the publisher *or vendor* of the ~~test~~ *assessment* and the State of California. The bill would require a private school or private school organization that chooses to purchase a standardized ~~test~~ *assessment* to be responsible for the costs associated with the ~~test~~, *assessment*, including administration costs, and to obtain a surety bond, as provided. The bill would require the Superintendent to determine the principal sum of the bond, as provided. The bill would require the private school or private school organization that chooses to purchase and administer a standardized ~~test~~ *assessment* to make the results of the ~~test~~ *assessment* available to the public on its Internet Web site and to the department for posting on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
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~~ *ASSESSMENT*
6 MATERIALS

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

1 entered into between the publisher *or vendor* of the ~~test~~ *assessment*
2 and the State of California.

3 (b) If a private school or private school organization chooses
4 to purchase a standardized ~~test~~ *assessment* pursuant to subdivision
5 (a), the private school or private school organization shall be
6 responsible for all costs associated with the ~~test~~, *assessment*,
7 including administering the ~~test~~, *assessment*, training, posting ~~test~~
8 *assessment* results on the department's Internet Web site, and
9 security costs, and shall obtain a surety bond issued by a surety
10 company admitted to do business in this state. The principal sum
11 of the bond shall be determined by the Superintendent but shall
12 not exceed one million dollars (\$1,000,000). The bond shall be in
13 favor of and payable to the people of the State of California when
14 a breach of security has compromised the validity or the reliability,
15 or both, of the ~~test~~, *assessment*, the ~~test~~ *assessment* items, or the
16 ~~test~~ *assessment* scale.

17 (c) A private school or private school organization that chooses
18 to purchase and administer a standardized ~~test~~ *assessment* pursuant
19 to subdivision (a) shall make the results of that ~~test~~ *assessment*
20 available to the public on its Internet Web site and to the
21 department for posting on its Internet Web site.

22 (d) *The purchase of a standardized assessment under this section*
23 *is available only to a private school or entity that has a current*
24 *affidavit or statement on file with the Superintendent in accordance*
25 *with Section 33190.*