

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1573**

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**Introduced by Assembly Member Jones-Sawyer**

January 30, 2014

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An act to amend ~~Sections 46201, 46300.8, and~~ Section 52052 of, and to add Article 5 (commencing with Section 52078) to Chapter 6.1 of Part 28 of Division 4 of Title 2 of, the Education Code, relating to alternative schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1573, as amended, Jones-Sawyer. Alternative schools: Student Achievement via Excellence accountability system: instructional time: system.

~~(1) Existing~~

*Existing* law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) to measure the performance of schools and school districts, especially the academic performance of pupils. Existing law also requires the Superintendent, with the approval of the state board, to develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Existing law provides that schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.

This bill would, by July 1, 2016, require the Superintendent, with the approval of the state board, to develop the Student Achievement via

Excellence (SAVE) accountability system for the schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, *certain charter schools*, nonpublic, nonsectarian schools, and alternative schools, including continuation high schools and opportunity schools. The bill would require the SAVE accountability system to be designed in conformity with certain requirements, and would provide that its purpose is to annually measure the positive outcome performance of a covered school, as expressed by the school's SAVE score. The bill would, among other things, require a school's SAVE score to be calculated based upon 3 weighted categories: learning readiness, save rate, and academic achievement, and would specify indicators for each of these categories. The bill would require the SAVE accountability system to be fully implemented beginning with the 2016–17 school year.

~~(2) Existing law requires the governing board of each high school district and each unified school district to establish and maintain within its boundaries special continuation education classes whenever there are any minors residing within the district who are subject to compulsory continuation education, as provided. Existing law specifies that a day of attendance at a continuation high school and continuation education classes is 180 minutes. Existing law requires the state funding for county superintendents of schools and school districts, and charter schools that previously received a general-purpose entitlement, to be calculated pursuant to a local control funding formula, as specified. Existing law further requires the Superintendent of Public Instruction to reduce the apportionment of certain school districts pursuant to a prescribed formula if the school district offers less than the required amount of instructional time, as specified. Existing law provides that the reduction shall not apply to continuation high schools, among others.~~

~~This bill would, for a school district that operates a continuation high school or provides continuation education classes to pupils, and that offers less than the required amount of instructional time, as specified, require the Superintendent to apply the same apportionment reduction formula to that school district that is applicable to certain other school districts, as specified. The bill would also make conforming changes.~~

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. This act shall be known, and may be cited, as  
2 The Fairness in Instruction Act.

3 ~~SEC. 2. Section 46201 of the Education Code is amended to~~  
4 ~~read:~~

5 ~~46201. (a) For each school district that received an~~  
6 ~~apportionment pursuant to subdivision (a) of this section, as it read~~  
7 ~~on January 1, 2013, or that operates a continuation high school or~~  
8 ~~provides continuation classes to pupils, and that reduces the amount~~  
9 ~~of instructional time offered below the minimum amounts specified~~  
10 ~~in subdivision (b), the Superintendent shall withhold from the~~  
11 ~~school district's local control funding formula grant apportionment~~  
12 ~~pursuant to Section 42238.02, as implemented by Section 42238.03,~~  
13 ~~for the average daily attendance of each affected grade level, the~~  
14 ~~sum of that apportionment multiplied by the percentage of the~~  
15 ~~minimum offered minutes at that grade level that the school district~~  
16 ~~failed to offer.~~

17 ~~(b) Commencing with the 2013-14 fiscal year:~~

18 ~~(1) Thirty-six thousand minutes in kindergarten.~~

19 ~~(2) Fifty thousand four hundred minutes in grades 1 to 3,~~  
20 ~~inclusive.~~

21 ~~(3) Fifty-four thousand minutes in grades 4 to 8, inclusive.~~

22 ~~(4) Sixty-four thousand eight hundred minutes in grades 9 to~~  
23 ~~12, inclusive.~~

24 *SEC. 2. The Legislature finds and declares all of the following:*

25 *(a) Alternative high schools provide significant social, economic,*  
26 *and academic benefits to their pupils and to California's*  
27 *population as a whole.*

28 *(b) Reengaged learners demonstrate higher civic achievement,*  
29 *contribute to the cultural strengths of their communities, and are*  
30 *significantly less likely to be unemployed, on public assistance, or*  
31 *arrested for a violent crime.*

32 *(c) Alternative high schools face a number of challenges,*  
33 *including pupils who are often significantly below grade level.*

34 *(d) Pupils who enroll in alternative high schools have displayed*  
35 *a gradual process of disengagement from school that encompasses*  
36 *years of academic and behavioral difficulties, absenteeism, and*  
37 *stressful life circumstances.*

1 (e) Successful alternative high schools use multiple strategies  
 2 including state-of-the-art technology and career technical  
 3 education to reach the variety of learning modalities of the  
 4 population they serve.

5 (f) Successful alternative high schools typically enroll pupils  
 6 for less than four years, provide competency-based rather than  
 7 seat time-based instruction, and operate with open entry or open  
 8 exit enrollment.

9 (g) Standardized testing depends on all pupils being present on  
 10 a fixed schedule with learning competencies within a narrower  
 11 band of averages than necessary to reflect the range of alternative  
 12 high school pupils. Research by the National Governors  
 13 Association recognizes that traditional testing and seat time  
 14 education for alternative high school pupils is a substantial and  
 15 unnecessary barrier.

16 (h) Support for successful alternative high schools should  
 17 include an alternative assessment mechanism that measures the  
 18 individual growth in pupils that can be administered at the school  
 19 level when pupils are available.

20 SEC. 3. Section 46300.8 of the Education Code is amended to  
 21 read:

22 ~~46300.8. (a) Commencing with the 2014-15 school year,~~  
 23 ~~attendance of pupils in grades 9 to 12, inclusive, under the~~  
 24 ~~immediate supervision and control of a certificated employee of~~  
 25 ~~the school district or county office of education who is delivering~~  
 26 ~~synchronous, online instruction shall be included in computing~~  
 27 ~~average daily attendance, provided that all of the following occur:~~

28 ~~(1) The certificated employee providing the instruction confirms~~  
 29 ~~pupil attendance through visual recognition during the class period.~~  
 30 ~~A pupil logon, without any other pupil identification, is not~~  
 31 ~~sufficient to confirm pupil attendance.~~

32 ~~(2) The class has regularly scheduled starting and ending times,~~  
 33 ~~and the pupil is scheduled to attend the entire class period. Average~~  
 34 ~~daily attendance shall be counted only for attendance in classes~~  
 35 ~~held at the regularly scheduled time.~~

36 ~~(3) An individual with exceptional needs, as defined in Section~~  
 37 ~~56026, may participate in synchronous, online instruction only if~~  
 38 ~~his or her individualized education program developed pursuant~~  
 39 ~~to Article 3 (commencing with Section 56340) of Chapter 4 of~~  
 40 ~~Part 30 specifically provides for that participation.~~

1 ~~(4) If a school district or county office of education elects to~~  
2 ~~offer synchronous, online instruction pursuant to this paragraph,~~  
3 ~~the school district or county office of education shall not deny~~  
4 ~~enrollment to a pupil based solely on the pupil's lack of access to~~  
5 ~~the computer hardware or software necessary to participate in the~~  
6 ~~synchronous, online course. If a pupil chooses to enroll in a~~  
7 ~~synchronous, online course and does not have access to the~~  
8 ~~necessary equipment, the school district or county office of~~  
9 ~~education shall provide, for each pupil who chooses to enroll in a~~  
10 ~~synchronous, online course, access to the computer hardware or~~  
11 ~~software necessary to participate in the synchronous, online course.~~

12 ~~(5) The ratio of average daily attendance for synchronous, online~~  
13 ~~pupils who are 18 years of age or younger to school district~~  
14 ~~full-time equivalent certificated employees responsible for~~  
15 ~~synchronous, online instruction, calculated as specified by the~~  
16 ~~department, shall not exceed the equivalent ratio of pupils to~~  
17 ~~full-time certificated employees for all other educational programs~~  
18 ~~operated by the school district, unless a higher or lower ratio is~~  
19 ~~negotiated in a collective bargaining agreement.~~

20 ~~(6) The ratio of average daily attendance for synchronous, online~~  
21 ~~pupils who are 18 years of age or younger to county office of~~  
22 ~~education full-time equivalent certificated employees who provide~~  
23 ~~synchronous, online instruction, to be calculated in a manner~~  
24 ~~prescribed by the department, shall not exceed the equivalent ratio~~  
25 ~~of pupils to full-time certificated employees for all other~~  
26 ~~educational programs operated by the high school or unified school~~  
27 ~~district with the greatest average daily attendance of pupils in that~~  
28 ~~county, unless a higher or lower ratio is provided for in a collective~~  
29 ~~bargaining agreement. The computation of the ratios specified in~~  
30 ~~paragraph (5) and this paragraph shall be performed annually by~~  
31 ~~the reporting agency at the time of, and in connection with, the~~  
32 ~~second principal apportionment report to the Superintendent.~~

33 ~~(b) The Superintendent shall establish rules and regulations for~~  
34 ~~purposes of implementing this section that, at a minimum, address~~  
35 ~~all of the following:~~

36 ~~(1) How school districts and county offices of education include~~  
37 ~~pupil attendance in online courses in the calculation of average~~  
38 ~~daily attendance pursuant to Section 46300.~~

39 ~~(2) How to ensure a pupil meets minimum instructional time~~  
40 ~~requirements pursuant to the following:~~

1     ~~(A) Section 46141 and Section 46201, 46201.5, or 46202, as~~  
2     ~~applicable, for pupils enrolled in a noncharter school in a school~~  
3     ~~district or county office of education.~~

4     ~~(B) Sections 46170 and 46201, for pupils enrolled in a~~  
5     ~~continuation school.~~

6     ~~(C) Section 46180, for pupils enrolled in an opportunity school.~~

7     ~~(3) Require statewide testing results for online pupils to be~~  
8     ~~reported and assigned to the school in which the pupil is enrolled~~  
9     ~~for regular classroom courses, and to any school district or county~~  
10    ~~office of education within which that school's testing results are~~  
11    ~~aggregated.~~

12    ~~(4) Require attendance accounted for pursuant to this section~~  
13    ~~to be subject to the audit conducted pursuant to Section 41020.~~

14    ~~(e) The Superintendent may provide guidance regarding the~~  
15    ~~ability of a school district or county office of education to provide~~  
16    ~~synchrous, online instruction.~~

17    ~~(d) For purposes of this section, "synchronous, online~~  
18    ~~instruction" means a class or course in which the pupil and the~~  
19    ~~certificated employee who is providing instruction are online at~~  
20    ~~the same time and use real-time, Internet-based collaborative~~  
21    ~~software that combines audio, video, file sharing, and other forms~~  
22    ~~of interaction.~~

23    ~~(e) This section shall become inoperative on July 1, 2019, and,~~  
24    ~~as of January 1, 2020, is repealed, unless a later enacted statute,~~  
25    ~~that becomes operative on or before January 1, 2020, deletes or~~  
26    ~~extends the dates on which it becomes inoperative and is repealed.~~

27    ~~SEC. 4.~~

28    ~~SEC. 3. Section 52052 of the Education Code is amended to~~  
29    ~~read:~~

30    ~~52052. (a) (1) The Superintendent, with approval of the state~~  
31    ~~board, shall develop an Academic Performance Index (API), to~~  
32    ~~measure the performance of schools and school districts, especially~~  
33    ~~the academic performance of pupils.~~

34    ~~(2) A school or school district shall demonstrate comparable~~  
35    ~~improvement in academic achievement as measured by the API~~  
36    ~~by all numerically significant pupil subgroups at the school or~~  
37    ~~school district, including:~~

38    ~~(A) Ethnic subgroups.~~

39    ~~(B) Socioeconomically disadvantaged pupils.~~

40    ~~(C) English learners.~~

1 (D) Pupils with disabilities.

2 (E) Foster youth.

3 (3) (A) For purposes of this section, a numerically significant  
4 pupil subgroup is one that consists of at least 30 pupils, each of  
5 whom has a valid test score.

6 (B) Notwithstanding subparagraph (A), for a subgroup of pupils  
7 who are foster youth, a numerically significant pupil subgroup is  
8 one that consists of at least 15 pupils.

9 (C) For a school or school district with an API score that is  
10 based on no fewer than 11 and no more than 99 pupils with valid  
11 test scores, numerically significant pupil subgroups shall be defined  
12 by the Superintendent, with approval by the state board.

13 (4) (A) The API shall consist of a variety of indicators currently  
14 reported to the department, including, but not limited to, the results  
15 of the achievement test administered pursuant to Section 60640,  
16 attendance rates for pupils in elementary schools, middle schools,  
17 and secondary schools, and the graduation rates for pupils in  
18 secondary schools.

19 (B) The Superintendent, with the approval of the state board,  
20 may also incorporate into the API the rates at which pupils  
21 successfully promote from one grade to the next in middle school  
22 and high school, and successfully matriculate from middle school  
23 to high school.

24 (C) Graduation rates for pupils in secondary schools shall be  
25 calculated for the API as follows:

26 (i) Four-year graduation rates shall be calculated by taking the  
27 number of pupils who graduated on time for the current school  
28 year, which is considered to be three school years after the pupils  
29 entered grade 9 for the first time, and dividing that number by the  
30 total calculated in clause (ii).

31 (ii) The number of pupils entering grade 9 for the first time in  
32 the school year three school years before the current school year,  
33 plus the number of pupils who transferred into the class graduating  
34 at the end of the current school year between the school year that  
35 was three school years before the current school year and the date  
36 of graduation, less the number of pupils who transferred out of the  
37 school between the school year that was three school years before  
38 the current school year and the date of graduation who were  
39 members of the class that is graduating at the end of the current  
40 school year.

1 (iii) Five-year graduation rates shall be calculated by taking the  
2 number of pupils who graduated on time for the current school  
3 year, which is considered to be four school years after the pupils  
4 entered grade 9 for the first time, and dividing that number by the  
5 total calculated in clause (iv).

6 (iv) The number of pupils entering grade 9 for the first time in  
7 the school year four years before the current school year, plus the  
8 number of pupils who transferred into the class graduating at the  
9 end of the current school year between the school year that was  
10 four school years before the current school year and the date of  
11 graduation, less the number of pupils who transferred out of the  
12 school between the school year that was four years before the  
13 current school year and the date of graduation who were members  
14 of the class that is graduating at the end of the current school year.

15 (v) Six-year graduation rates shall be calculated by taking the  
16 number of pupils who graduated on time for the current school  
17 year, which is considered to be five school years after the pupils  
18 entered grade 9 for the first time, and dividing that number by the  
19 total calculated in clause (vi).

20 (vi) The number of pupils entering grade 9 for the first time in  
21 the school year five years before the current school year, plus the  
22 number of pupils who transferred into the class graduating at the  
23 end of the current school year between the school year that was  
24 five school years before the current school year and the date of  
25 graduation, less the number of pupils who transferred out of the  
26 school between the school year that was five years before the  
27 current school year and the date of graduation who were members  
28 of the class that is graduating at the end of the current school year.

29 (D) The inclusion of five- and six-year graduation rates for  
30 pupils in secondary schools shall meet the following requirements:

31 (i) Schools and school districts shall be granted one-half the  
32 credit in their API scores for graduating pupils in five years that  
33 they are granted for graduating pupils in four years.

34 (ii) Schools and school districts shall be granted one-quarter the  
35 credit in their API scores for graduating pupils in six years that  
36 they are granted for graduating pupils in four years.

37 (iii) Notwithstanding clauses (i) and (ii), schools and school  
38 districts shall be granted full credit in their API scores for  
39 graduating in five or six years a pupil with disabilities who

1 graduates in accordance with his or her individualized education  
2 program.

3 (E) The pupil data collected for the API that comes from the  
4 achievement test administered pursuant to Section 60640 and the  
5 high school exit examination administered pursuant to Section  
6 60851, when fully implemented, shall be disaggregated by special  
7 education status, English learners, socioeconomic status, gender,  
8 and ethnic group. Only the test scores of pupils who were counted  
9 as part of the enrollment in the annual data collection of the  
10 California Basic Educational Data System for the current fiscal  
11 year and who were continuously enrolled during that year may be  
12 included in the test result reports in the API score of the school.

13 (F) (i) Commencing with the baseline API calculation in 2016,  
14 and for each year thereafter, results of the achievement test and  
15 other tests specified in subdivision (b) shall constitute no more  
16 than 60 percent of the value of the index for secondary schools.

17 (ii) In addition to the elements required by this paragraph, the  
18 Superintendent, with approval of the state board, may incorporate  
19 into the index for secondary schools valid, reliable, and stable  
20 measures of pupil preparedness for postsecondary education and  
21 career.

22 (G) Results of the achievement test and other tests specified in  
23 subdivision (b) shall constitute at least 60 percent of the value of  
24 the index for primary schools and middle schools.

25 (H) It is the intent of the Legislature that the state's system of  
26 public school accountability be more closely aligned with both the  
27 public's expectations for public education and the workforce needs  
28 of the state's economy. It is therefore necessary that the  
29 accountability system evolve beyond its narrow focus on pupil test  
30 scores to encompass other valuable information about school  
31 performance, including, but not limited to, pupil preparedness for  
32 college and career, as well as the high school graduation rates  
33 already required by law.

34 (I) The Superintendent shall annually determine the accuracy  
35 of the graduation rate data. Notwithstanding any other law,  
36 graduation rates for pupils in dropout recovery high schools shall  
37 not be included in the API. For purposes of this subparagraph,  
38 "dropout recovery high school" means a high school in which 50  
39 percent or more of its pupils have been designated as dropouts  
40 pursuant to the exit/withdrawal codes developed by the department

1 or left a school and were not otherwise enrolled in a school for a  
2 period of at least 180 days.

3 (J) To complement the API, the Superintendent, with the  
4 approval of the state board, may develop and implement a program  
5 of school quality review that features locally convened panels to  
6 visit schools, observe teachers, interview pupils, and examine pupil  
7 work, if an appropriation for this purpose is made in the annual  
8 Budget Act.

9 (K) The Superintendent shall annually provide to local  
10 educational agencies and the public a transparent and  
11 understandable explanation of the individual components of the  
12 API and their relative values within the API.

13 (L) An additional element chosen by the Superintendent and  
14 the state board for inclusion in the API pursuant to this paragraph  
15 shall not be incorporated into the API until at least one full school  
16 year after the state board's decision to include the element into the  
17 API.

18 (b) Pupil scores from the following tests, when available and  
19 when found to be valid and reliable for this purpose, shall be  
20 incorporated into the API:

21 (1) The standards-based achievement tests provided for in  
22 Section 60642.5.

23 (2) The high school exit examination.

24 (c) Based on the API, the Superintendent shall develop, and the  
25 state board shall adopt, expected annual percentage growth targets  
26 for all schools based on their API baseline score from the previous  
27 year. Schools are expected to meet these growth targets through  
28 effective allocation of available resources. For schools below the  
29 statewide API performance target adopted by the state board  
30 pursuant to subdivision (d), the minimum annual percentage growth  
31 target shall be 5 percent of the difference between the actual API  
32 score of a school and the statewide API performance target, or one  
33 API point, whichever is greater. Schools at or above the statewide  
34 API performance target shall have, as their growth target,  
35 maintenance of their API score above the statewide API  
36 performance target. However, the state board may set differential  
37 growth targets based on grade level of instruction and may set  
38 higher growth targets for the lowest performing schools because  
39 they have the greatest room for improvement. To meet its growth  
40 target, a school shall demonstrate that the annual growth in its API

1 is equal to or more than its schoolwide annual percentage growth  
2 target and that all numerically significant pupil subgroups, as  
3 defined in subdivision (a), are making comparable improvement.

4 (d) Upon adoption of state performance standards by the state  
5 board, the Superintendent shall recommend, and the state board  
6 shall adopt, a statewide API performance target that includes  
7 consideration of performance standards and represents the  
8 proficiency level required to meet the state performance target.

9 (e) (1) A school or school district with 11 to 99 pupils with  
10 valid test scores shall receive an API score with an asterisk that  
11 indicates less statistical certainty than API scores based on 100 or  
12 more test scores.

13 (2) A school or school district annually shall receive an API  
14 score, unless the Superintendent determines that an API score  
15 would be an invalid measure of the performance of the school or  
16 school district for one or more of the following reasons:

17 (A) Irregularities in testing procedures occurred.

18 (B) The data used to calculate the API score of the school or  
19 school district are not representative of the pupil population at the  
20 school or school district.

21 (C) Significant demographic changes in the pupil population  
22 render year-to-year comparisons of pupil performance invalid.

23 (D) The department discovers or receives information indicating  
24 that the integrity of the API score has been compromised.

25 (E) Insufficient pupil participation in the assessments included  
26 in the API.

27 (F) A transition to new standards-based assessments  
28 compromises comparability of results across schools or school  
29 districts. The Superintendent may use the authority in this  
30 subparagraph in the 2013–14 and 2014–15 school years only, with  
31 approval of the state board.

32 (3) If a school or school district has fewer than 100 pupils with  
33 valid test scores, the calculation of the API or adequate yearly  
34 progress pursuant to the federal No Child Left Behind Act of 2001  
35 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be  
36 calculated over more than one annual administration of the tests  
37 administered pursuant to Section 60640 and the high school exit  
38 examination administered pursuant to Section 60851, consistent  
39 with regulations adopted by the state board.

1 (4) Any school or school district that does not receive an API  
 2 calculated pursuant to subparagraph (F) of paragraph (2) shall not  
 3 receive an API growth target pursuant to subdivision (c). Schools  
 4 and school districts that do not have an API calculated pursuant  
 5 to subparagraph (F) of paragraph (2) shall use one of the following:

- 6 (A) The most recent API calculation.
- 7 (B) An average of the three most recent annual API calculations.
- 8 (C) Alternative measures that show increases in pupil academic  
 9 achievement for all groups of pupils schoolwide and among  
 10 significant subgroups.
- 11 (f) Only schools with 100 or more test scores contributing to  
 12 the API may be included in the API rankings.
- 13 (g) Schools in the Student Achievement via Excellence  
 14 accountability system, as specified in Article 5 (commencing with  
 15 Section 52078), may receive an API score, but shall not be included  
 16 in the API rankings.
- 17 (h) For purposes of this section, county offices of education  
 18 shall be considered school districts.

19 ~~SEC. 5.~~

20 *SEC. 4.* Article 5 (commencing with Section 52078) is added  
 21 to Chapter 6.1 of Part 28 of Division 4 of Title 2 of the Education  
 22 Code, to read:

23  
 24 Article 5. Student Achievement via Excellence (SAVE)  
 25 Accountability System  
 26

27 52078. By July 1, 2016, the Superintendent, with the approval  
 28 of the state board, shall develop the Student Achievement via  
 29 Excellence (SAVE) accountability system for the schools under  
 30 the jurisdiction of a county board of education or a county  
 31 superintendent of schools, community day schools, *charter schools*  
 32 *operated pursuant to subdivision (g) of Section 47605.1*, nonpublic,  
 33 nonsectarian schools pursuant to Section 56366, and alternative  
 34 schools, including continuation high schools and opportunity  
 35 schools.

36 52079. (a) The SAVE accountability system developed  
 37 pursuant to Section 52078 shall be fully implemented beginning  
 38 with the 2016–17 school year.

39 (b) The SAVE accountability system shall be designed in  
 40 conformity with the requirements specified in subdivision (c), and

1 its purpose shall be to annually measure the positive outcome  
2 performance of a covered school, as expressed by the school's  
3 SAVE score.

4 (c) A school's SAVE score shall be calculated based upon three  
5 separate categories: learning readiness, save rate, and academic  
6 achievement. Each category shall be weighted, with learning  
7 readiness accounting for 10 percent of the overall SAVE score,  
8 the save rate accounting for 30 percent of the overall SAVE score,  
9 and academic achievement accounting for 60 percent of the overall  
10 SAVE score. Each weighted category shall be measured based  
11 upon indicators specific to each category and appropriate to the  
12 school being measured.

13 (1) Learning readiness indicators shall include, ~~as appropriate,~~  
14 all of the following:

15 (A) Improved pupil behavior, as measured by the ~~percentage~~  
16 *number of and rate of classroom-based long-term pupils suspended*  
17 *or recommended for exclusion expulsion pursuant to Section 48900*  
18 *Article 1 (commencing with Section 48900) of Chapter 6 of Part*  
19 *27. Reductions in classroom-based suspensions shall also be*  
20 *weighted positively based on the percentage reduction.*

21 (B) ~~Suspension~~ *Reduction of the suspension rate below the*  
22 *statewide average*, as measured by the percentage of long-term  
23 pupils who receive out-of-school suspensions.

24 (C) ~~Pupil~~ *Improved pupil* punctuality, as measured by the  
25 percentage of long-term pupils who are present on time at the  
26 beginning of the school day.

27 (D) Sustained daily attendance, as measured by the percentage  
28 of classroom-based long-term pupils who are present in class and  
29 complete their full assigned school day.

30 (E) Pupil persistence, as measured by the percentage of  
31 ~~classroom-based long-term pupils and long-term pupils enrolled~~  
32 ~~in independent study~~ considered accounted for by the annual  
33 California Basic Educational Data System (CBEDS) Information  
34 Day.

35 (F) ~~Attendance~~, *Improved attendance*, as measured by the  
36 percentage of apportionment days claimed for all long-term pupils.

37 (2) The save rate shall measure the effectiveness of the  
38 educational options at a school by tracking the outcome for each  
39 individual pupil. A pupil shall be considered saved upon enrollment  
40 in a SAVE accountability school, and shall remain saved over the

1 course of his or her enrollment at the school. A pupil shall maintain  
 2 his or her saved status so long as his or her transition out of the  
 3 SAVE accountability system school is a positive outcome, as  
 4 determined by the positive outcome indicators. A pupil whose  
 5 transition out of a SAVE accountability school is not a positive  
 6 outcome, shall lose his or her saved status. A school's save rate  
 7 shall be calculated by determining the proportion of a school's  
 8 pupils that transition out of the school with a positive outcome.  
 9 The positive outcome indicators shall include, ~~as appropriate,~~ all  
 10 of the following:

- 11 (A) Attainment of a high school diploma.
- 12 (B) Continued enrollment in ~~a the same~~ SAVE accountability  
 13 system school *with progress being made toward graduation*.
- 14 (C) Reenrollment in a traditional school.
- 15 (D) Attainment of a General Educational Development (GED)  
 16 credential.

17 (3) Academic achievement indicators shall include, ~~as~~  
 18 ~~appropriate,~~ all of the following:

19 ~~(A) Writing achievement, as measured by suitable instruments~~  
 20 ~~adopted by the state board.~~

21 ~~(B) Reading achievement, as measured by suitable instruments~~  
 22 ~~adopted by the state board.~~

23 ~~(C) Mathematics achievement, as measured by suitable~~  
 24 ~~instruments adopted by the state board.~~

25 (A) *The writing, reading, and mathematic achievement measures*  
 26 *and instruments adopted by the state board pursuant to subdivision*  
 27 *(b) of Section 52052.*

28 (B) *An individual pupil growth model certified by the*  
 29 *Superintendent pursuant to Section 52052.3.*

30 ~~(D)~~

31 (C) Promotion to the next grade, as measured by the percentage  
 32 of pupils in kindergarten and grades 1 to 6, inclusive, who are  
 33 promoted to the next grade level.

34 ~~(E)~~

35 (D) Actual course completion, as measured by the percentage  
 36 of courses passed by all middle school long-term pupils based on  
 37 the number of courses attempted.

38 ~~(F) Average course completion, as measured by the average~~  
 39 ~~number of courses passed by all middle school long-term pupils~~  
 40 ~~per month of enrollment.~~

1     ~~(G)~~

2     (E) Actual credit completion, as measured by the percentage of  
3 graduation credits earned, *both full and partial*, by all high school  
4 long-term pupils based on the number of graduation credits  
5 attempted.

6     ~~(H) Average credit completion, as measured by the average~~  
7 ~~number of graduation credits earned by all high school long-term~~  
8 ~~pupils per month of enrollment.~~

9     (d) For purposes of this section, “long-term pupil” means a pupil  
10 enrolled at a school for 90 days or more.

11     (e) In addition to the indicators required by this section, the  
12 Superintendent, with approval of the state board, may incorporate  
13 additional indicators into a SAVE score category that are valid,  
14 reliable, and stable measures, and consistent with the purposes of  
15 the SAVE accountability system.

16     (f) *The Superintendent, with the approval of the state board,*  
17 *shall request that the United States Secretary of Education accept*  
18 *the data collected pursuant to this section in either the next*  
19 *consolidated state application accountability workbook or the next*  
20 *waiver request under the federal Elementary and Secondary*  
21 *Education Act (20 U.S.C. Sec. 6301 et seq.).*

22     (g) *The department shall, upon the next revision to the*  
23 *California Longitudinal Pupil Achievement Data System, create*  
24 *a process for school districts operating continuation schools to*  
25 *report the following information:*

26         (1) *Total number of daily instructional minutes offered to pupils*  
27 *enrolled at each continuation schoolsite.*

28         (2) *Whether pupils attending the school district’s continuation*  
29 *schools are also able to access career technical education and*  
30 *vocational courses.*

31     ~~(F)~~

32     (h) The department may adopt regulations necessary to  
33 implement the provisions of this article.