

AMENDED IN ASSEMBLY MAY 1, 2014

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 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.

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 Superintendent to recommend, and the state board to adopt, weights for each category.* The bill would require the SAVE accountability system to be fully implemented beginning with the 2016–17 school year.

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. The Legislature finds and declares all of the following:
- 4 (a) Alternative high schools provide significant social, economic,
- 5 and academic benefits to their pupils and to California's population
- 6 as a whole.
- 7 (b) Reengaged learners demonstrate higher civic achievement,
- 8 contribute to the cultural strengths of their communities, and are
- 9 significantly less likely to be unemployed, on public assistance,
- 10 or arrested for a violent crime.
- 11 (c) Alternative high schools face a number of challenges,
- 12 including pupils who are often significantly below grade level.
- 13 (d) Pupils who enroll in alternative high schools have displayed
- 14 a gradual process of disengagement from school that encompasses
- 15 years of academic and behavioral difficulties, absenteeism, and
- 16 stressful life circumstances.
- 17 (e) Successful alternative high schools use multiple strategies
- 18 including state-of-the-art technology and career technical education
- 19 to reach the variety of learning modalities of the population they
- 20 serve.

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

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

12 (h) Support for successful alternative high schools should  
13 include an alternative assessment mechanism that measures the  
14 individual growth in pupils that can be administered at the school  
15 level when pupils are available.

16 SEC. 3. Section 52052 of the Education Code is amended to  
17 read:

18 52052. (a) (1) The Superintendent, with approval of the state  
19 board, shall develop an Academic Performance Index (API), to  
20 measure the performance of schools and school districts, especially  
21 the academic performance of pupils.

22 (2) A school or school district shall demonstrate comparable  
23 improvement in academic achievement as measured by the API  
24 by all numerically significant pupil subgroups at the school or  
25 school district, including:

- 26 (A) Ethnic subgroups.
- 27 (B) Socioeconomically disadvantaged pupils.
- 28 (C) English learners.
- 29 (D) Pupils with disabilities.
- 30 (E) Foster youth.

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

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

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

1 (4) (A) The API shall consist of a variety of indicators currently  
2 reported to the department, including, but not limited to, the results  
3 of the achievement test administered pursuant to Section 60640,  
4 attendance rates for pupils in elementary schools, middle schools,  
5 and secondary schools, and the graduation rates for pupils in  
6 secondary schools.

7 (B) The Superintendent, with the approval of the state board,  
8 may also incorporate into the API the rates at which pupils  
9 successfully promote from one grade to the next in middle school  
10 and high school, and successfully matriculate from middle school  
11 to high school.

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

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

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

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

34 (iv) The number of pupils entering grade 9 for the first time in  
35 the school year four years before the current school year, plus the  
36 number of pupils who transferred into the class graduating at the  
37 end of the current school year between the school year that was  
38 four school years before the current school year and the date of  
39 graduation, less the number of pupils who transferred out of the  
40 school between the school year that was four years before the

1 current school year and the date of graduation who were members  
2 of the class that is graduating at the end of the current school year.

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

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

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

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

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

25 (iii) Notwithstanding clauses (i) and (ii), schools and school  
26 districts shall be granted full credit in their API scores for  
27 graduating in five or six years a pupil with disabilities who  
28 graduates in accordance with his or her individualized education  
29 program.

30 (E) The pupil data collected for the API that comes from the  
31 achievement test administered pursuant to Section 60640 and the  
32 high school exit examination administered pursuant to Section  
33 60851, when fully implemented, shall be disaggregated by special  
34 education status, English learners, socioeconomic status, gender,  
35 and ethnic group. Only the test scores of pupils who were counted  
36 as part of the enrollment in the annual data collection of the  
37 California Basic Educational Data System for the current fiscal  
38 year and who were continuously enrolled during that year may be  
39 included in the test result reports in the API score of the school.

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

5 (ii) In addition to the elements required by this paragraph, the  
6 Superintendent, with approval of the state board, may incorporate  
7 into the index for secondary schools valid, reliable, and stable  
8 measures of pupil preparedness for postsecondary education and  
9 career.

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

13 (H) It is the intent of the Legislature that the state's system of  
14 public school accountability be more closely aligned with both the  
15 public's expectations for public education and the workforce needs  
16 of the state's economy. It is therefore necessary that the  
17 accountability system evolve beyond its narrow focus on pupil test  
18 scores to encompass other valuable information about school  
19 performance, including, but not limited to, pupil preparedness for  
20 college and career, as well as the high school graduation rates  
21 already required by law.

22 (I) The Superintendent shall annually determine the accuracy  
23 of the graduation rate data. Notwithstanding any other law,  
24 graduation rates for pupils in dropout recovery high schools shall  
25 not be included in the API. For purposes of this subparagraph,  
26 "dropout recovery high school" means a high school in which 50  
27 percent or more of its pupils have been designated as dropouts  
28 pursuant to the exit/withdrawal codes developed by the department  
29 or left a school and were not otherwise enrolled in a school for a  
30 period of at least 180 days.

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

37 (K) The Superintendent shall annually provide to local  
38 educational agencies and the public a transparent and  
39 understandable explanation of the individual components of the  
40 API and their relative values within the API.

1 (L) An additional element chosen by the Superintendent and  
2 the state board for inclusion in the API pursuant to this paragraph  
3 shall not be incorporated into the API until at least one full school  
4 year after the state board's decision to include the element into the  
5 API.

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

9 (1) The standards-based achievement tests provided for in  
10 Section 60642.5.

11 (2) The high school exit examination.

12 (c) Based on the API, the Superintendent shall develop, and the  
13 state board shall adopt, expected annual percentage growth targets  
14 for all schools based on their API baseline score from the previous  
15 year. Schools are expected to meet these growth targets through  
16 effective allocation of available resources. For schools below the  
17 statewide API performance target adopted by the state board  
18 pursuant to subdivision (d), the minimum annual percentage growth  
19 target shall be 5 percent of the difference between the actual API  
20 score of a school and the statewide API performance target, or one  
21 API point, whichever is greater. Schools at or above the statewide  
22 API performance target shall have, as their growth target,  
23 maintenance of their API score above the statewide API  
24 performance target. However, the state board may set differential  
25 growth targets based on grade level of instruction and may set  
26 higher growth targets for the lowest performing schools because  
27 they have the greatest room for improvement. To meet its growth  
28 target, a school shall demonstrate that the annual growth in its API  
29 is equal to or more than its schoolwide annual percentage growth  
30 target and that all numerically significant pupil subgroups, as  
31 defined in subdivision (a), are making comparable improvement.

32 (d) Upon adoption of state performance standards by the state  
33 board, the Superintendent shall recommend, and the state board  
34 shall adopt, a statewide API performance target that includes  
35 consideration of performance standards and represents the  
36 proficiency level required to meet the state performance target.

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

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

5 (A) Irregularities in testing procedures occurred.

6 (B) The data used to calculate the API score of the school or  
7 school district are not representative of the pupil population at the  
8 school or school district.

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

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

13 (E) Insufficient pupil participation in the assessments included  
14 in the API.

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

20 (3) If a school or school district has fewer than 100 pupils with  
21 valid test scores, the calculation of the API or adequate yearly  
22 progress pursuant to the federal No Child Left Behind Act of 2001  
23 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be  
24 calculated over more than one annual administration of the tests  
25 administered pursuant to Section 60640 and the high school exit  
26 examination administered pursuant to Section 60851, consistent  
27 with regulations adopted by the state board.

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

33 (A) The most recent API calculation.

34 (B) An average of the three most recent annual API calculations.

35 (C) Alternative measures that show increases in pupil academic  
36 achievement for all groups of pupils schoolwide and among  
37 significant subgroups.

38 (f) Only schools with 100 or more test scores contributing to  
39 the API may be included in the API rankings.

1 (g) Schools in the Student Achievement via Excellence  
2 accountability system, as specified in Article 5 (commencing with  
3 Section 52078), may receive an API score, but shall not be included  
4 in the API rankings.

5 (h) For purposes of this section, county offices of education  
6 shall be considered school districts.

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

10

11 Article 5. Student Achievement via Excellence (SAVE)  
12 Accountability System

13

14 52078. By July 1, 2016, the Superintendent, with the approval  
15 of the state board, shall develop the Student Achievement via  
16 Excellence (SAVE) accountability system for the schools under  
17 the jurisdiction of a county board of education or a county  
18 superintendent of schools, community day schools, charter schools  
19 operated pursuant to subdivision (g) of Section 47605.1, nonpublic,  
20 nonsectarian schools pursuant to Section 56366, and alternative  
21 schools, including continuation high schools and opportunity  
22 schools.

23 52079. (a) The SAVE accountability system developed  
24 pursuant to Section 52078 shall be fully implemented beginning  
25 with the 2016–17 school year.

26 (b) The SAVE accountability system shall be designed in  
27 conformity with the requirements specified in subdivision (c), and  
28 its purpose shall be to annually measure the positive outcome  
29 performance of a covered school, as expressed by the school's  
30 SAVE score.

31 (c) A school's SAVE score shall be calculated based upon three  
32 separate categories: learning readiness, save rate, and academic  
33 achievement. ~~Each category shall be weighted, with learning~~  
34 ~~readiness accounting for 10 percent of the overall SAVE score,~~  
35 ~~the save rate accounting for 30 percent of the overall SAVE score,~~  
36 ~~and academic achievement accounting for 60 percent of the overall~~  
37 ~~SAVE score~~ *The Superintendent shall recommend, and the state*  
38 *board shall adopt, weights for each category.* Each weighted  
39 category shall be measured based upon indicators specific to each  
40 category and appropriate to the school being measured.

1 (1) Learning readiness indicators shall include all of the  
2 following:

3 (A) Improved pupil behavior, as measured by the number of  
4 and rate of classroom-based long-term pupils suspended or  
5 recommended for expulsion pursuant to Article 1 (commencing  
6 with Section 48900) of Chapter 6 of Part 27. Reductions in  
7 classroom-based suspensions shall also be weighted positively  
8 based on the percentage reduction.

9 (B) Reduction of the suspension rate below the statewide  
10 average, as measured by the percentage of long-term pupils who  
11 receive out-of-school suspensions.

12 (C) Improved pupil punctuality, as measured by the percentage  
13 of long-term pupils who are present on time at the beginning of  
14 the school day.

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

18 (E) Pupil persistence, as measured by the percentage of  
19 long-term pupils considered accounted for by the annual California  
20 Basic Educational Data System (CBEDS) Information Day.

21 (F) Improved attendance, as measured by the percentage of  
22 apportionment days claimed for all long-term pupils.

23 (2) The save rate shall measure the effectiveness of the  
24 educational options at a school by tracking the outcome for each  
25 individual pupil. A pupil shall be considered saved upon enrollment  
26 in a SAVE accountability school, and shall remain saved over the  
27 course of his or her enrollment at the school. A pupil shall maintain  
28 his or her saved status so long as his or her transition out of the  
29 SAVE accountability system school is a positive outcome, as  
30 determined by the positive outcome indicators. A pupil whose  
31 transition out of a SAVE accountability school is not a positive  
32 outcome, shall lose his or her saved status. A school's save rate  
33 shall be calculated by determining the proportion of a school's  
34 pupils that transition out of the school with a positive outcome.  
35 The positive outcome indicators shall include all of the following:

36 (A) Attainment of a high school diploma.

37 (B) Continued enrollment in the same SAVE accountability  
38 system school with progress being made toward graduation.

39 (C) Reenrollment in a traditional school.

1 (D) Attainment of a General Educational Development (GED)  
2 credential.

3 (3) Academic achievement indicators shall include all of the  
4 following:

5 (A) The writing, reading, and mathematic achievement measures  
6 and instruments adopted by the state board pursuant to subdivision  
7 (b) of Section 52052.

8 (B) An individual pupil growth model certified by the  
9 Superintendent pursuant to Section 52052.3.

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

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

16 (E) Actual credit completion, as measured by the percentage of  
17 graduation credits earned, both full and partial, by all high school  
18 long-term pupils based on the number of graduation credits  
19 attempted.

20 (F) *Other indicators that may be recommended by the*  
21 *Superintendent and adopted by the state board.*

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

24 (e) In addition to the indicators required by this section, the  
25 Superintendent, with approval of the state board, may incorporate  
26 additional indicators into a SAVE score category that are valid,  
27 reliable, and stable measures, and consistent with the purposes of  
28 the SAVE accountability system.

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

35 ~~(g) The department shall, upon the next revision to the California~~  
36 ~~Longitudinal Pupil Achievement Data System, create a process~~  
37 ~~for school districts operating continuation schools to report the~~  
38 ~~following information:~~

39 ~~(1) Total number of daily instructional minutes offered to pupils~~  
40 ~~enrolled at each continuation schoolsite.~~

- 1   ~~(2) Whether pupils attending the school district's continuation~~
- 2   ~~schools are also able to access career technical education and~~
- 3   ~~vocational courses.~~
- 4   ~~(h)~~
- 5   (g) The department may adopt regulations necessary to
- 6   implement the provisions of this article.