

AMENDED IN SENATE JULY 2, 2014
AMENDED IN SENATE JUNE 18, 2014
AMENDED IN ASSEMBLY APRIL 23, 2014
AMENDED IN ASSEMBLY MARCH 20, 2014
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1599

**Introduced by Committee on Education (Assembly Members
Buchanan (Chair), Olsen (Vice Chair), Chávez, Gonzalez,
Nazarian, Weber, and Williams)**

February 5, 2014

An act to amend Sections 5033, 17047, 33540, 35576, 35710.51, 35782, 35783, 35786, 42281, 49558, ~~51224.5~~, 52060, 56043, 56366.1, 56440, 60603, 60604, 60607, 60611, 60630, 60641, 60643, 60643.6, 60648, and 60810 of, and to repeal and add Section 56363.5 of, the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1599, as amended, Committee on Education. Education: omnibus bill.

(1) Existing law sets forth a method for providing special education and related services to pupils with exceptional needs. Existing law requires the allowable new building area for the purpose of providing special day class and Resource Specialist Program facilities for special education pupils to be negotiated and approved by the State Allocation Board, as provided. Existing law prescribes the maximum square footage for those facilities by special day class basic need, including, among

other basic needs, the maximum square footage for mildly mentally retarded and severely mentally retarded special education pupils.

This bill would change references in these provisions from mildly mentally retarded and severely mentally retarded to mildly intellectually disabled and severely intellectually disabled, respectively.

(2) Existing law requires the State Board of Education and the State Department of Education to request the Instructional Quality Commission to review and revise, as necessary, the course requirements in the history-social science framework to ensure that minimum standards for courses in American government and civics include certain matters.

This bill would additionally require the commission, when revising the history-social science framework, to ensure that these course requirements are also included in all history and social science courses and grade levels, as appropriate. The bill would, among other things, also require the commission, whenever the history-social science framework is revised, to receive input from civics learning experts for the purpose of integrating civics learning content, concepts, and skills, at all appropriate grade levels, with the standards established by the state board in core curriculum areas, as specified, and ensure that voter education information is included in the American government and civics curriculum at the high school level, as specified.

(3) Existing law specifies the circumstances under which the State Board of Education or a county committee on school district reorganization may approve proposals or petitions for the reorganization of school districts. After the state board has approved plans and recommendations or a county committee has approved a petition for the unification or other reorganization of school districts, existing law requires the secretary of the state board or the county committee to give notice to a specified county superintendent of schools. Within 35 days of receiving that notification from the state board, existing law provides for the county superintendent of schools to call an election, to be conducted at the next election of any kind, or in the case of a notice from a county committee, at the next regular election, in the territory of the districts as determined by the state board or the county committee.

This bill would instead require a county superintendent of schools, if notified by a county committee, to call the election at next election of any kind, in accordance with specified requirements.

(4) Existing law provides that a school district that has been organized for more than 3 years shall be lapsed, as defined, if certain conditions

occur. Within 30 days after the close of each school year, existing law requires the county committee on school district reorganization to conduct a public hearing to determine if those conditions have been met. After the hearing, existing law requires the county committee to order the territory annexed to one or more adjoining districts, as specified. Existing law provides that an order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the date of the order.

This bill would, among other things, instead require the county committee to conduct the public hearing within 45 days before the close of each school year, and would require the county committee to order the territory annexed after the hearing and at least 30 days before the close of the school year. The bill would, among other things, make the county committee's order effective on the July 1 after the date of the order, as specified. To the extent these changes would impose a higher level of service on local officials, the bill would create a state-mandated local program.

(5) Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced-price meals available to pupils. Existing law provides that the School Lunch Program application is confidential and would prohibit the information used in the application from being disclosed to any governmental agency, including the federal Immigration and Naturalization Service and the Social Security Administration, or used for any purpose other than enrollment in the CalFresh program. Notwithstanding that restriction, existing law authorizes a public officer or agency to allow the use by certain school district employees of records pertaining to pupil participation in any free or reduced-price meal program solely for the purpose of, among other things, the disaggregation of academic data.

This bill would, among other things, additionally authorize the release of eligibility information on enrolled pupils participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining funding allocations under the local control funding formula and for assessing the accountability of that funding, ~~as provided:~~ *provided, and, upon request, to other local educational*

agencies serving a pupil in the same household as an enrolled pupil for purposes related to free or reduced-price meal program eligibility and for data used in local control funding formula calculations.

~~(6) Existing law requires the adopted course of study for grades 7 to 12, inclusive, to include courses in mathematics, including algebra. Existing law requires a pupil to complete 2 courses in mathematics in grades 9 to 12, inclusive, in order to receive a diploma of graduation from high school, and provides that at least one of these courses, or a combination of the 2 courses, shall meet or exceed the rigor of the content standards for Algebra I, as adopted by the State Board of Education. Existing law exempts a pupil in grades 9 to 12, inclusive, from the requirement that he or she complete a course that meets or exceeds the rigor of the content standards for Algebra I, as adopted by the state board, if that pupil, before enrolling in grade 9, completes coursework in algebra that meets or exceeds the rigor of the content standards for Algebra I, as adopted by the state board.~~

~~This bill would delete the requirement that at least one of the mathematics courses, or a combination of 2 of the mathematics courses, required for graduation shall meet or exceed the rigor of the content standards for Algebra I. The bill would instead require, before a pupil receives a diploma of graduation from high school, that a pupil complete a course in Algebra I or Mathematics I, or a course of equal rigor, that is aligned to the content standards adopted by the state board. The bill would provide that a pupil who completes coursework in algebra before the 2016-17 school year that meets or exceeds the content standards for Algebra I adopted by the state board shall be deemed to have satisfied the Algebra I or Mathematics I graduation requirement. The bill would also exempt from the Algebra I or Mathematics I graduation requirement those pupils who completed a course in Algebra I or Mathematics I, or a course of equal rigor, that is aligned to content standards adopted by the state board, before enrollment in grade 9.~~

~~(7)~~

~~(6) Existing law requires that every individual with exceptional needs, as defined, who is eligible to receive special education instruction and related services be provided with that instruction and those services at no cost to his or her parent or guardian or, as appropriate, to him or her. A free appropriate public education is required to be made available to individuals with exceptional needs in accordance with specified federal regulations adopted pursuant to the federal Individuals with Disabilities Education Act. Existing law authorizes local educational agencies to~~

seek, either directly or through the pupil's parents or guardians, reimbursement from insurance companies to cover the costs of related services, in accordance with specified federal regulations.

This bill would delete that authorization and would instead authorize a public agency, if an individual with exceptional needs is covered by public benefits or insurance, to use Medicaid, other public benefits, or insurance programs in which a pupil participates to provide or pay for certain services required by law if the agency provides written notification to the pupil's parents and obtains written parental consent, as provided.

(8)

(7) Existing law sets forth a method for providing special education and related services to pupils with exceptional needs. Existing law also permits, under certain circumstances, contracts to be entered for the provision of those services by nonpublic, nonsectarian schools or agencies, as defined. Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified by the Superintendent of Public Instruction as meeting specified standards. Existing law also requires the nonpublic, nonsectarian school or agency that is applying for certification to submit, on a form developed by the State Department of Education, a signed verification by local educational agency representatives that they have been notified of the intent to certify or renew certification. Existing law requires the department to mail renewal application materials to certified nonpublic, nonsectarian schools and agencies at least 120 days before the expiration date of their current certification.

This bill would require the local educational agency to send the applicant an acknowledgment, rather than a signed verification, as specified. The bill would delete the provision requiring the department to mail renewal application materials, and instead require the department to provide electronic notification of the availability of these materials to certified nonpublic, nonsectarian schools and agencies at least 120 days before the date their current certification expires.

~~(9) Existing law establishes the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013-14 school year, for the assessment of certain elementary and secondary pupils. Existing law specifies numerous policies and procedures with respect to the development and the implementation of the MAPP by the Superintendent of Public Instruction, the State Board of Education,~~

~~and affected local educational agencies. Legislation pending in the 2013–14 Regular Session would change the name of the MAPP to the California Assessment of Student Performance and Progress (CAASPP).~~

~~This bill would change references to MAPP to CAASPP in certain provisions:~~

~~(10)~~

(8) Existing law requires the Superintendent of Public Instruction to review existing tests that assess the English language development of pupils whose primary language is a language other than English. Existing law requires pupils in kindergarten and first grade to be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. Existing law requires an early literacy assessment to be administered for a period of 4 years beginning after the initial administration of the assessment or until July 1, 2014, whichever occurs first.

This bill would instead require this early literacy assessment to be administered for a period of 4 years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last.

~~(11)~~

(9) This bill also would make various nonsubstantive changes, delete obsolete provisions, and update cross-references.

~~(12)~~

(10) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 5033 of the Education Code is amended
2 to read:
3 5033. A member of the governing board of a district wholly
4 or partially included in a unified school district formed under the
5 provisions of Chapter 4 (commencing with Section 35700) of Part

1 21 of Division 3 of Title 2 shall not be a member of the governing
2 board of the unified school district unless elected to that governing
3 board.

4 SEC. 2. Section 17047 of the Education Code is amended to
5 read:

6 17047. (a) The allowable new building area for the purpose
7 of providing special day class and Resource Specialist Program
8 facilities for special education pupils shall be negotiated and
9 approved by the board, with any necessary assistance to be
10 provided by the Special Education Division of the State Department
11 of Education. The square footage allowances shall be computed
12 within the maximum square footage set forth in the following
13 schedule:

14	Special Day Class	Grade	Load-	Square
15	Basic Need	Levels	ing*	Footage
17	Nonsevere Disability			
18	—Specific Learning			
19	Disability	All	12	1080
20	—Mildly Intellectually			
21	Disabled	All	12	1080
22	—Severe Disorder			
23	of Language	All	10	1080
24	Severe Disability			
25	—Deaf and Hard of			
26	Hearing	All	10	1080
27	—Visually Impaired	All	10	1330 (1080 + 250 storage)
28	—Orthopedically and			
29	Other Health Im-			
30	paired	All	12	2000 (1080 + 400 toilets + 250
31				storage + 270 daily living skills
32				+ 3000 therapy + 750 therapy per
33				additional classroom)
34	—Autistic	All	6	1160 (1080 + 80 toilets)
35	—Severely Emotion-			
36	ally Disturbed	All	6	1160 (1080 + 80 toilets)
37				
38	—Severely Intellectually	Elem.	12	1750 (1080 + 400 toilets + 270
39	Disabled			daily living skills)

1		Secon.		2150 (1080 + 400 toilets + 270
2				daily living skills + 400
3				vocational)
4	—Developmentally			
5	Disabled	All	10	2000 (1080 + 400 toilets + 250
6				storage + 270 daily living skills
7				+ 3000 therapy** + 750 therapy
8				per additional CR)
9	—Deaf-Blind/Multi	All	5	1400 (1080 + 200 storage + 150
10				toilets)

11					
12					Square
13				Pupils	Feet
14	Resource Specialist Program	All	Maximum caseload	1–8	240
15	for those pupils with disabling	for RS	is 28, not all	9–28	480
16	conditions whose needs have	served	at same time.	29–37	720
17	been identified by the			38–56	960
18	Individualized Education			57–65	1200
19	Program (IEP) Team, who			66–85	1440
20	require special education for a			86–94	1680
21	portion of the day, and who are			95–112	1920
22	assigned to a regular classroom				
23	for a majority of the				
24	school day.***				

25

26 * Special pupils may usually be grouped without

27 accordance to type, especially in smaller districts or

28 where attendance zones may indicate, to maximize

29 loadings per classroom where there are children with

30 similar educational needs (Sec. 56364 or 56364.2, as

31 applicable).

32

33 **Therapy add-ons not to be provided if on same site

34 as orthopedically impaired.

35

36 *** To a maximum of 4 percent of the unhoused

37 average daily attendance of the district, per new school

38 or addition, to a maximum of 1920 square feet.

39

1 (b) The allowable new building area shall be computed by
2 dividing the number of eligible pupils by the minimum required
3 loading per classroom for special day classes for the type of pupils
4 to be enrolled. No new or additional facility shall be provided for
5 special day classes unless the number of additional eligible pupils
6 equals one-third or more of the minimum required loading.

7 SEC. 3. Section 33540 of the Education Code is amended to
8 read:

9 33540. (a) The state board and the department shall request
10 that the commission review and revise, as necessary, the course
11 requirements in the history-social science framework developed
12 by the History-Social Science Curriculum Framework and Criteria
13 Committee of the state board to ensure that minimum standards
14 for courses in American government and civics include sufficient
15 attention to teaching pupils how to interact, in a practical manner,
16 with state and local governmental agencies and representatives to
17 solve problems and to petition for changes in laws and procedures,
18 and that these course requirements are also included in all history
19 and social science courses and grade levels, as appropriate.

20 (b) Whenever the history-social science framework is revised
21 as required by law, the commission shall do, as appropriate and
22 based on the subject matter of the course, all of the following:

23 (1) Receive input from civics learning experts, including civics
24 education program providers, associations of civics educators, and
25 organizations dedicated to research on civics learning, for the
26 purpose of integrating civics learning content, concepts, and skills,
27 at all appropriate grade levels, with the standards established by
28 the state board in core curriculum areas, as specified in Sections
29 60605, as that section read on June 30, 2011, and 60605.8.

30 (2) Consider how civics and history instruction, at all appropriate
31 grade levels, includes, in addition to the acquisition of content
32 knowledge, the application of that content to develop the
33 competence and skills needed for civic engagement.

34 (3) Ensure that voter education information is included in the
35 American government and civics curriculum at the high school
36 level, including, but not limited to, information on the importance
37 of registering to vote in local, state, and federal elections, how to
38 register to vote, both online and by mail, what the requirements
39 are to register to vote, how to request an absentee ballot, how to
40 fill out and return an absentee ballot, what to expect on election

1 day, how to find a polling place, and where and how to access and
2 understand the voter information pamphlet and other materials to
3 become an informed voter.

4 (4) Ensure the following historical documents are incorporated
5 in the framework:

6 (A) The Declaration of Independence.

7 (B) The United States Constitution, including the Bill of Rights.

8 (C) The Federalist Papers.

9 (D) The Emancipation Proclamation.

10 (E) The Gettysburg Address.

11 (F) George Washington's Farewell Address.

12 (5) Consider incorporating the following historical documents
13 into the framework:

14 (A) The Magna Carta.

15 (B) The Articles of Confederation.

16 (C) The California Constitution.

17 (6) Encourage instruction that promotes an understanding of
18 the governments of California and the United States of America,
19 including, but not limited to, the development of democracy and
20 the history of the development of the United States Constitution.

21 (c) It is the intent of the Legislature, for purposes of only the
22 history-social science framework that is revised subsequent to the
23 effective date of the act that amended this section in the second
24 year of the 2013–14 Regular Session, that the requirements
25 imposed pursuant to paragraphs (1), (2), and (3) of subdivision (b)
26 may be satisfied under the framework adoption procedures
27 currently being utilized by the department as of January 1, 2015.

28 SEC. 4. Section 35576 of the Education Code is amended to
29 read:

30 35576. (a) If territory is taken from one district and annexed
31 to, or included in, another district or a new district by any procedure
32 and the area transferred contains real property, the district to which
33 the territory is annexed shall take possession of the real property,
34 pursuant to paragraph (1) of subdivision (a) of Section 35560, on
35 the day when the annexation becomes effective for all purposes.
36 The territory transferred shall cease to be liable for the bonded
37 indebtedness of the district of which it was formerly a part and
38 shall automatically assume its proportionate share of the
39 outstanding bonded indebtedness of any district of which it
40 becomes a part.

1 (b) The acquiring district shall be liable for the greater of the
2 amounts determined under provisions of paragraphs (1) or (2), or
3 the amount determined pursuant to a method prescribed under
4 Section 35738.

5 (1) The proportionate share of the outstanding bonded
6 indebtedness of the original district, which proportionate share
7 shall be in the ratio that the total assessed valuation of the
8 transferring territory bears to the total assessed valuation of the
9 original district in the year immediately preceding the date on
10 which the annexation is effective for all purposes. This ratio shall
11 be used each year until the bonded indebtedness for which the
12 acquiring district is liable has been repaid.

13 (2) The portion of the outstanding bonded indebtedness of the
14 original district that was incurred for the acquisition or
15 improvement of real property, or fixtures located on the real
16 property, and situated in the territory transferred.

17 (c) The county board of supervisors shall compute for the
18 reorganized district an annual tax rate for bond interest and
19 redemption that will include the bond interest and redemption on
20 the outstanding bonded indebtedness specified in paragraph (1) or
21 (2) of subdivision (b), or the amount determined pursuant to a
22 method prescribed under Section 35738. The county board of
23 supervisors shall also compute tax rates for the annual charge and
24 use charge prescribed by former Sections 1822.2 and 1825, as they
25 read on July 1, 1970, when such charges were established before
26 November 23, 1970. All such tax rates shall be levied in excess
27 of any other ad valorem property tax authorized or required by
28 law and shall not be included in the computation of the limitation
29 specified in subdivision (a) of Section 1 of Article XIII A of the
30 California Constitution.

31 SEC. 5. Section 35710.51 of the Education Code is amended
32 to read:

33 35710.51. (a) The county superintendent of schools, within
34 35 days after receiving the notification provided by Section 35710,
35 shall call an election, in the manner prescribed in Part 4
36 (commencing with Section 5000), to be conducted at the next
37 election of any kind in accordance with either of the following:

38 (1) Section 1002 of the Elections Code and Part 4 (commencing
39 with Section 5000) of Division 1 of Title 1.

1 (2) Division 4 (commencing with Section 4000) of the Elections
2 Code.

3 (b) The county superintendent of schools shall call the election
4 in the territory of districts as determined by the county committee
5 on school district organization, or, in the case of territory transfers
6 appealed to the state board pursuant to subdivision (c) of Section
7 35710.5, as determined by the state board. The county
8 superintendent of schools shall not issue an order of election until
9 after the time for an appeal pursuant to subdivision (b) of Section
10 35710.5 has elapsed.

11 SEC. 6. Section 35782 of the Education Code is amended to
12 read:

13 35782. Within 45 days before the close of each school year,
14 the county committee shall conduct a public hearing on the issues
15 specified in Section 35780. Notice of the public hearing shall be
16 given at least 10 days in advance of the hearing to each member
17 of the governing board of the lapsed district immediately before
18 its lapsation, to each of the governing boards that adjoin the lapsed
19 district, and to the high school district of which the lapsed
20 elementary district is a component.

21 SEC. 7. Section 35783 of the Education Code is amended to
22 read:

23 35783. After the hearing, and at least 30 days before the end
24 of the school year, the county committee shall order the territory
25 annexed to one or more adjoining districts as seems to the county
26 committee to be in the best interest of the adjoining districts and
27 the residents of the lapsed district.

28 SEC. 8. Section 35786 of the Education Code is amended to
29 read:

30 35786. An order of a county committee attaching the territory
31 of a lapsed school district to one or more adjoining school districts
32 shall be effective for all purposes on the July 1 after date of the
33 order. Notwithstanding Section 35534, the effective date of the
34 order is not subject to compliance with Section 54900 of the
35 Government Code. Compliance with Section 54900 of the
36 Government Code is required by December 1 of the year in which
37 the order is made.

38 SEC. 9. Section 42281 of the Education Code is amended to
39 read:

1 42281. Except as specified in subdivision (d), for each
2 elementary school district that maintains only one school with a
3 second principal apportionment average daily attendance of less
4 than 97, the Superintendent shall make one of the following
5 computations, whichever provides the lesser amount:

6 (a) For each small school that has an average daily attendance
7 during the fiscal year of less than 25, exclusive of pupils attending
8 the 7th and 8th grades of a junior high school, and for which school
9 at least one teacher was hired full time, the Superintendent shall
10 compute for the school district fifty-two thousand nine hundred
11 twenty-five dollars (\$52,925).

12 (b) For each small school that has an average daily attendance
13 during the fiscal year of 25 or more and less than 49, exclusive of
14 pupils attending the 7th and 8th grades of a junior high school,
15 and for which school at least two teachers were hired full time for
16 more than one-half of the days schools were maintained, the
17 Superintendent shall compute for the school district one hundred
18 five thousand eight hundred fifty dollars (\$105,850).

19 (c) For each small school that has an average daily attendance
20 during the fiscal year of 49 or more but less than 73, exclusive of
21 pupils attending the 7th and 8th grades of a junior high school,
22 and for which school three teachers were hired full time for more
23 than one-half of the days schools were maintained, the
24 Superintendent shall compute for the school district one hundred
25 fifty-eight thousand seven hundred seventy-five dollars (\$158,775).

26 (d) For each small school that has an average daily attendance
27 during the fiscal year of 73 or more and less than 97, exclusive of
28 pupils attending the 7th and 8th grades of a junior high school,
29 and for which school four teachers were hired full time for more
30 than one-half of the days schools were maintained, the
31 Superintendent shall compute for the school district two hundred
32 eleven thousand seven hundred dollars (\$211,700). A school district
33 that qualifies under this subdivision may use this funding
34 calculation until the local control funding formula allocation
35 pursuant to Section 42238.02, as implemented by Section 42238.03,
36 per unit of average daily attendance multiplied by the average daily
37 attendance produces state aid equal to the small school funding
38 formula.

39 SEC. 10. Section 49558 of the Education Code is amended to
40 read:

1 49558. (a) All applications and records concerning any
 2 individual made or kept by any public officer or agency in
 3 connection with the administration of any provision of this code
 4 relating to free or reduced-price meal eligibility shall be
 5 confidential, and may not be open to examination for any purpose
 6 not directly connected with the administration of any free or
 7 reduced-price meal program, or any investigation, prosecution, or
 8 criminal or civil proceeding conducted in connection with the
 9 administration of any free or reduced-price meal program.

10 (b) Notwithstanding subdivision (a), a public officer or agency
 11 may allow school district employees, who are authorized by the
 12 governing board of the school district, to disclose from the
 13 individual meal records only the pupil's name and school meal
 14 eligibility status, solely for purposes of disaggregation of academic
 15 achievement data or to identify pupils eligible for public school
 16 choice and supplemental educational services pursuant to the
 17 federal No Child Left Behind Act of 2001 (P.L. 107-110), if the
 18 public agency ensures the following:

19 (1) The public agency has adopted a policy that allows for the
 20 use of individual records for these purposes.

21 (2) No individual indicators of participation in any free or
 22 reduced-price meal program are maintained in the permanent record
 23 of any pupil, unless otherwise allowed by law.

24 (3) No public release of information regarding individual pupil
 25 participation in any free or reduced-price meal program is
 26 permitted.

27 (4) All other confidentiality provisions required by law are met.

28 (5) The information collected regarding individual pupils
 29 certified to participate in the free or reduced-price meal program
 30 is destroyed when it is no longer needed for its intended purpose.

31 (c) Notwithstanding subdivision (a), the school districts and
 32 county superintendents of schools may release information on the
 33 School Lunch Program application to the local agency that
 34 determines eligibility under the Medi-Cal program if the child is
 35 approved for free meals and if the applicant consents to the sharing
 36 of information pursuant to Section 49557.2.

37 (d) Notwithstanding subdivision (a), the school districts and
 38 county superintendents of schools may release information on the
 39 School Lunch Program application to the local agency that
 40 determines eligibility under the CalFresh program or to an agency

1 that determines eligibility for nutrition assistance programs
2 authorized by Chapter 2 (commencing with Section 210.1) of
3 Subtitle B of Title 7 of the Code of Federal Regulations, if the
4 child is approved for free or reduced-price meals and if the
5 applicant consents to the sharing of information pursuant to Section
6 49557.3.

7 (e) Notwithstanding subdivision (a), ~~a school districts, district,~~
8 ~~charter schools, and school, or county offices~~ office of education
9 may release ~~eligibility information on enrolled pupils~~ the name
10 and eligibility status of a pupil participating in the free or
11 reduced-price meal program ~~to as follows:~~

12 (1) To the Superintendent for purposes of determining funding
13 allocations under the local control funding formula and for
14 assessing the accountability of that funding.

15 (2) Upon request, to another school district, charter school, or
16 county office of education that is serving a pupil living in the same
17 household as an enrolled pupil for purposes related to free or
18 reduced-price meal program eligibility and for data used in local
19 control funding formula calculations.

20 (f) Information released pursuant to subdivision (c), (d), or (e)
21 shall adhere to all of the following requirements:

22 (1) Individual indicators of participation in a free or
23 reduced-price meal program shall not be maintained in the
24 permanent record of any pupil, unless otherwise authorized by
25 law.

26 (2) The public release of information regarding individual pupil
27 participation in a free or reduced-price meal program is not
28 permitted.

29 (3) All other confidentiality requirements imposed by law or
30 regulation are met.

31 ~~SEC. 11. Section 51224.5 of the Education Code is amended~~
32 ~~to read:~~

33 ~~51224.5. (a) The adopted course of study for grades 7 to 12,~~
34 ~~inclusive, shall include algebra as part of the mathematics area of~~
35 ~~study pursuant to subdivision (f) of Section 51220.~~

36 ~~(b) Before receiving a diploma of graduation from high school,~~
37 ~~a pupil shall complete a course in Algebra I or Mathematics I, or~~
38 ~~a course of equal rigor, that is aligned to the content standards~~
39 ~~adopted by the state board.~~

1 ~~(e) A pupil who, before enrollment in grade 9, completes a~~
 2 ~~course in Algebra I or Mathematics I, or a course of equal rigor,~~
 3 ~~that is aligned to the content standards adopted by the state board,~~
 4 ~~is exempt from subdivision (b), but is not exempt from the~~
 5 ~~requirement that the pupil complete two courses in mathematics~~
 6 ~~while enrolled in grades 9 to 12, inclusive, as specified in~~
 7 ~~subparagraph (B) of paragraph (1) of subdivision (a) of Section~~
 8 ~~51225.3.~~

9 ~~(d) A pupil who completes coursework in algebra before the~~
 10 ~~2016-17 school year that meets or exceeds the content standards~~
 11 ~~for Algebra I adopted by the state board pursuant to Section 60605~~
 12 ~~shall be deemed to have satisfied the graduation requirement~~
 13 ~~specified in subdivision (b).~~

14 ~~SEC. 12.~~

15 *SEC. 11.* Section 52060 of the Education Code is amended to
 16 read:

17 52060. (a) On or before July 1, 2014, the governing board of
 18 each school district shall adopt a local control and accountability
 19 plan using a template adopted by the state board.

20 (b) A local control and accountability plan adopted by the
 21 governing board of a school district shall be effective for a period
 22 of three years, and shall be updated on or before July 1 of each
 23 year.

24 (c) A local control and accountability plan adopted by the
 25 governing board of a school district shall include, for the school
 26 district and each school within the school district, both of the
 27 following:

28 (1) A description of the annual goals, for all pupils and each
 29 subgroup of pupils identified pursuant to Section 52052, to be
 30 achieved for each of the state priorities identified in subdivision
 31 (d) and for any additional local priorities identified by the
 32 governing board of the school district. For purposes of this article,
 33 a subgroup of pupils identified pursuant to Section 52052 shall be
 34 a numerically significant pupil subgroup as specified in paragraphs
 35 (2) and (3) of subdivision (a) of Section 52052.

36 (2) A description of the specific actions the school district will
 37 take during each year of the local control and accountability plan
 38 to achieve the goals identified in paragraph (1), including the
 39 enumeration of any specific actions necessary for that year to
 40 correct any deficiencies in regard to the state priorities listed in

1 paragraph (1) of subdivision (d). The specific actions shall not
2 supersede the provisions of existing local collective bargaining
3 agreements within the jurisdiction of the school district.

4 (d) All of the following are state priorities:

5 (1) The degree to which the teachers of the school district are
6 appropriately assigned in accordance with Section 44258.9, and
7 fully credentialed in the subject areas, and, for the pupils they are
8 teaching, every pupil in the school district has sufficient access to
9 the standards-aligned instructional materials as determined pursuant
10 to Section 60119, and school facilities are maintained in good
11 repair, as defined in subdivision (d) of Section 17002.

12 (2) Implementation of the academic content and performance
13 standards adopted by the state board, including how the programs
14 and services will enable English learners to access the common
15 core academic content standards adopted pursuant to Section
16 60605.8 and the English language development standards adopted
17 pursuant to former Section 60811.3, as that section read on June
18 30, 2013, or Section 60811.4, for purposes of gaining academic
19 content knowledge and English language proficiency.

20 (3) Parental involvement, including efforts the school district
21 makes to seek parent input in making decisions for the school
22 district and each individual schoolsite, and including how the
23 school district will promote parental participation in programs for
24 unduplicated pupils and individuals with exceptional needs.

25 (4) Pupil achievement, as measured by all of the following, as
26 applicable:

27 (A) Statewide assessments administered pursuant to Article 4
28 (commencing with Section 60640) of Chapter 5 of Part 33 or any
29 subsequent assessment, as certified by the state board.

30 (B) The Academic Performance Index, as described in Section
31 52052.

32 (C) The percentage of pupils who have successfully completed
33 courses that satisfy the requirements for entrance to the University
34 of California and the California State University, or career technical
35 education sequences or programs of study that align with state
36 board-approved career technical education standards and
37 frameworks, including, but not limited to, those described in
38 subdivision (a) of Section 52302, subdivision (a) of Section
39 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

- 1 (D) The percentage of English learner pupils who make progress
2 toward English proficiency as measured by the California English
3 Language Development Test or any subsequent assessment of
4 English proficiency, as certified by the state board.
- 5 (E) The English learner reclassification rate.
- 6 (F) The percentage of pupils who have passed an advanced
7 placement examination with a score of 3 or higher.
- 8 (G) The percentage of pupils who participate in, and demonstrate
9 college preparedness pursuant to, the Early Assessment Program,
10 as described in Chapter 6 (commencing with Section 99300) of
11 Part 65 of Division 14 of Title 3, or any subsequent assessment of
12 college preparedness.
- 13 (5) Pupil engagement, as measured by all of the following, as
14 applicable:
- 15 (A) School attendance rates.
- 16 (B) Chronic absenteeism rates.
- 17 (C) Middle school dropout rates, as described in paragraph (3)
18 of subdivision (a) of Section 52052.1.
- 19 (D) High school dropout rates.
- 20 (E) High school graduation rates.
- 21 (6) School climate, as measured by all of the following, as
22 applicable:
- 23 (A) Pupil suspension rates.
- 24 (B) Pupil expulsion rates.
- 25 (C) Other local measures, including surveys of pupils, parents,
26 and teachers on the sense of safety and school connectedness.
- 27 (7) The extent to which pupils have access to, and are enrolled
28 in, a broad course of study that includes all of the subject areas
29 described in Section 51210 and subdivisions (a) to (i), inclusive,
30 of Section 51220, as applicable, including the programs and
31 services developed and provided to unduplicated pupils and
32 individuals with exceptional needs, and the programs and services
33 that are provided to benefit these pupils as a result of the funding
34 received pursuant to Section 42238.02, as implemented by Section
35 42238.03.
- 36 (8) Pupil outcomes, if available, in the subject areas described
37 in Section 51210 and subdivisions (a) to (i), inclusive, of Section
38 51220, as applicable.
- 39 (e) For purposes of the descriptions required by subdivision (c),
40 the governing board of a school district may consider qualitative

1 information, including, but not limited to, findings that result from
2 school quality reviews conducted pursuant to subparagraph (J) of
3 paragraph (4) of subdivision (a) of Section 52052 or any other
4 reviews.

5 (f) To the extent practicable, data reported in a local control and
6 accountability plan shall be reported in a manner consistent with
7 how information is reported on a school accountability report card.

8 (g) The governing board of a school district shall consult with
9 teachers, principals, administrators, other school personnel, local
10 bargaining units of the school district, parents, and pupils in
11 developing a local control and accountability plan.

12 (h) A school district may identify local priorities, goals in regard
13 to the local priorities, and the method for measuring the school
14 district's progress toward achieving those goals.

15 ~~SEC. 13.~~

16 *SEC. 12.* Section 56043 of the Education Code is amended to
17 read:

18 56043. The primary timelines affecting special education
19 programs are as follows:

20 (a) A proposed assessment plan shall be developed within 15
21 calendar days of referral for assessment, not counting calendar
22 days between the pupil's regular school sessions or terms or
23 calendar days of school vacation in excess of five schooldays, from
24 the date of receipt of the referral, unless the parent or guardian
25 agrees in writing to an extension, pursuant to subdivision (a) of
26 Section 56321.

27 (b) A parent or guardian shall have at least 15 calendar days
28 from the receipt of the proposed assessment plan to arrive at a
29 decision, pursuant to subdivision (c) of Section 56321.

30 (c) Once a child has been referred for an initial assessment to
31 determine whether the child is an individual with exceptional needs
32 and to determine the educational needs of the child, these
33 determinations shall be made, and an individualized education
34 program team meeting shall occur within 60 days of receiving
35 parental consent for the assessment, pursuant to subdivision (a) of
36 Section 56302.1, except as specified in subdivision (b) of that
37 section, and pursuant to Section 56344.

38 (d) The individualized education program team shall review the
39 pupil's individualized education program periodically, but not less

1 frequently than annually, pursuant to subdivision (d) of Section
2 56341.1.

3 (e) A parent or guardian shall be notified of the individualized
4 education program team meeting early enough to ensure an
5 opportunity to attend, pursuant to subdivision (b) of Section
6 56341.5. In the case of an individual with exceptional needs who
7 is 16 years of age or younger, if appropriate, the meeting notice
8 shall indicate that a purpose of the meeting will be the
9 consideration of the postsecondary goals and transition services
10 for the individual with exceptional needs, and the meeting notice
11 described in this subdivision shall indicate that the individual with
12 exceptional needs is invited to attend, pursuant to subdivision (e)
13 of Section 56341.5.

14 (f) (1) An individualized education program required as a result
15 of an assessment of a pupil shall be developed within a total time
16 not to exceed 60 calendar days, not counting days between the
17 pupil's regular school sessions, terms, or days of school vacation
18 in excess of five schooldays, from the date of receipt of the parent's
19 or guardian's written consent for assessment, unless the parent or
20 guardian agrees in writing to an extension, pursuant to Section
21 56344.

22 (2) A meeting to develop an initial individualized education
23 program for the pupil shall be conducted within 30 days of a
24 determination that the child needs special education and related
25 services pursuant to Section 300.323(c)(1) of Title 34 of the Code
26 of Federal Regulations and in accordance with Section 56344.

27 (g) (1) Beginning not later than the first individualized
28 education program to be in effect when the pupil is 16 years of
29 age, or younger if determined appropriate by the individualized
30 education program team, and updated annually thereafter, the
31 individualized education program shall include appropriate
32 measurable postsecondary goals and transition services needed to
33 assist the pupil in reaching those goals, pursuant to paragraph (8)
34 of subdivision (a) of Section 56345.

35 (2) The individualized education program for pupils in grades
36 7 to 12, inclusive, shall include any alternative means and modes
37 necessary for the pupil to complete the district's prescribed course
38 of study and to meet or exceed proficiency standards for graduation,
39 pursuant to paragraph (1) of subdivision (b) of Section 56345.

1 (3) Beginning not later than one year before the pupil reaches
2 the age of 18 years, the individualized education program shall
3 contain a statement that the pupil has been informed of the pupil's
4 rights under this part, if any, that will transfer to the pupil upon
5 reaching the age of 18 years, pursuant to Section 56041.5,
6 subdivision (g) of Section 56345, and Section 300.520 of Title 34
7 of the Code of Federal Regulations.

8 (h) Beginning at the age of 16 years or younger, and annually
9 thereafter, a statement of needed transition services shall be
10 included in the pupil's individualized education program, pursuant
11 to Section 56345.1 and Section 1414(d)(1)(A)(i)(VIII) of Title 20
12 of the United States Code.

13 (i) A pupil's individualized education program shall be
14 implemented as soon as possible following the individualized
15 education program team meeting, pursuant to Section 300.323(c)(2)
16 of Title 34 of the Code of Federal Regulations and in accordance
17 with Section 56344.

18 (j) An individualized education program team shall meet at least
19 annually to review a pupil's progress, the individualized education
20 program, including whether the annual goals for the pupil are being
21 achieved, the appropriateness of the placement, and to make any
22 necessary revisions, pursuant to subdivision (d) of Section 56343.
23 The local educational agency shall maintain procedures to ensure
24 that the individualized education program team reviews the pupil's
25 individualized education program periodically, but not less
26 frequently than annually, to determine whether the annual goals
27 for the pupil are being achieved, and revises the individualized
28 education program as appropriate to address, among other matters,
29 the provisions specified in subdivision (d) of Section 56341.1,
30 pursuant to subdivision (a) of Section 56380.

31 (k) A reassessment of a pupil shall occur not more frequently
32 than once a year, unless the parent and the local educational agency
33 agree otherwise in writing, and shall occur at least once every three
34 years, unless the parent and the local educational agency agree, in
35 writing, that a reassessment is unnecessary, pursuant to Section
36 56381, and in accordance with Section 1414(a)(2) of Title 20 of
37 the United States Code.

38 (l) A meeting of an individualized education program team
39 requested by a parent or guardian to review an individualized
40 education program pursuant to subdivision (c) of Section 56343

1 shall be held within 30 calendar days, not counting days between
2 the pupil’s regular school sessions, terms, or days of school
3 vacation in excess of five schooldays, from the date of receipt of
4 the parent’s or guardian’s written request, pursuant to Section
5 56343.5.

6 (m) If an individual with exceptional needs transfers from
7 district to district within the state, the following are applicable
8 pursuant to Section 56325:

9 (1) If the child has an individualized education program and
10 transfers into a district from a district not operating programs under
11 the same local plan in which he or she was last enrolled in a special
12 education program within the same academic year, the local
13 educational agency shall provide the pupil with a free appropriate
14 public education, including services comparable to those described
15 in the previously approved individualized education program, in
16 consultation with the parents or guardians, for a period not to
17 exceed 30 days, by which time the local educational agency shall
18 adopt the previously approved individualized education program
19 or shall develop, adopt, and implement a new individualized
20 education program that is consistent with federal and state law,
21 pursuant to paragraph (1) of subdivision (a) of Section 56325.

22 (2) If the child has an individualized education program and
23 transfers into a district from a district operating programs under
24 the same special education local plan area of the district in which
25 he or she was last enrolled in a special education program within
26 the same academic year, the new district shall continue, without
27 delay, to provide services comparable to those described in the
28 existing approved individualized education program, unless the
29 parent and the local educational agency agree to develop, adopt,
30 and implement a new individualized education program that is
31 consistent with state and federal law, pursuant to paragraph (2) of
32 subdivision (a) of Section 56325.

33 (3) If the child has an individualized education program and
34 transfers from an educational agency located outside the state to
35 a district within the state within the same academic year, the local
36 educational agency shall provide the pupil with a free appropriate
37 public education, including services comparable to those described
38 in the previously approved individualized education program, in
39 consultation with the parents or guardians, until the local

1 educational agency conducts an assessment as specified in
2 paragraph (3) of subdivision (a) of Section 56325.

3 (4) In order to facilitate the transition for an individual with
4 exceptional needs described in paragraphs (1) to (3), inclusive, the
5 new school in which the pupil enrolls shall take reasonable steps
6 to promptly obtain the pupil's records, as specified, pursuant to
7 subdivision (b) of Section 56325.

8 (n) The parent or guardian shall have the right and opportunity
9 to examine all school records of the child and to receive complete
10 copies within five business days after a request is made by the
11 parent or guardian, either orally or in writing, and before any
12 meeting regarding an individualized education program of his or
13 her child or any hearing or resolution session pursuant to Chapter
14 5 (commencing with Section 56500), in accordance with Section
15 56504 and Chapter 6.5 (commencing with Section 49060) of Part
16 27.

17 (o) Upon receipt of a request from a local educational agency
18 where an individual with exceptional needs has enrolled, a former
19 educational agency shall send the pupil's special education records,
20 or a copy of those records, to the new local educational agency
21 within five working days, pursuant to subdivision (a) of Section
22 3024 of Title 5 of the California Code of Regulations.

23 (p) The department shall do all of the following:

24 (1) Have a time limit of 60 calendar days after a complaint is
25 filed with the state educational agency to investigate the complaint.

26 (2) Give the complainant the opportunity to submit additional
27 information about the allegations in the complaint.

28 (3) Review all relevant information and make an independent
29 determination as to whether there is a violation of a requirement
30 of this part or Part B of the federal Individuals with Disabilities
31 Education Act (20 U.S.C. Sec. 1400 et seq.).

32 (4) Issue a written decision pursuant to Section 300.152(a)(5)
33 of Title 34 of the Code of Federal Regulations.

34 (q) A prehearing mediation conference shall be scheduled within
35 15 calendar days of receipt by the Superintendent of the request
36 for mediation, and shall be completed within 30 calendar days
37 after the request for mediation, unless both parties to the prehearing
38 mediation conference agree to extend the time for completing the
39 mediation, pursuant to Section 56500.3.

1 (r) Any request for a due process hearing arising from
2 subdivision (a) of Section 56501 shall be filed within two years
3 from the date the party initiating the request knew or had reason
4 to know of facts underlying the basis for the request, except that
5 this timeline shall not apply to a parent if the parent was prevented
6 from requesting the due process hearing, pursuant to subdivision
7 (l) of Section 56505.

8 (s) The Superintendent shall ensure that, within 45 calendar
9 days after receipt of a written due process hearing request, the
10 hearing is immediately commenced and completed, including any
11 mediation requested at any point during the hearing process, and
12 a final administrative decision is rendered, pursuant to subdivision
13 (f) of Section 56502.

14 (t) If either party to a due process hearing intends to be
15 represented by an attorney in the due process hearing, notice of
16 that intent shall be given to the other party at least 10 calendar
17 days before the hearing, pursuant to subdivision (a) of Section
18 56507.

19 (u) Any party to a due process hearing shall have the right to
20 be informed by the other parties to the hearing, at least 10 calendar
21 days before the hearing, as to what those parties believe are the
22 issues to be decided at the hearing and their proposed resolution
23 of those issues, pursuant to paragraph (6) of subdivision (e) of
24 Section 56505.

25 (v) Any party to a due process hearing shall have the right to
26 receive from other parties to the hearing, at least five business days
27 before the hearing, a copy of all documents, including all
28 assessments completed and not completed by that date, and a list
29 of all witnesses and their general area of testimony that the parties
30 intend to present at the hearing, pursuant to paragraph (7) of
31 subdivision (e) of Section 56505.

32 (w) An appeal of a due process hearing decision shall be made
33 within 90 calendar days of receipt of the hearing decision, pursuant
34 to subdivision (k) of Section 56505.

35 (x) A complaint filed with the department shall allege a violation
36 of the federal Individuals with Disabilities Education Act (20
37 U.S.C. Sec. 1400 et seq.) or a provision of this part that occurred
38 not more than one year before the date that the complaint is
39 received by the department, pursuant to Section 56500.2 and
40 Section 300.153(c) of Title 34 of the Code of Federal Regulations.

1 ~~SEC. 14.~~

2 *SEC. 13.* Section 56363.5 of the Education Code is repealed.

3 ~~SEC. 15.~~

4 *SEC. 14.* Section 56363.5 is added to the Education Code, to
5 read:

6 56363.5. Pursuant to Section 300.154(d)(2)(iv) and (v) of Title
7 34 of the Code of Federal Regulations, if an individual with
8 exceptional needs is covered by public benefits or insurance, a
9 public agency may use Medicaid, other public benefits, or
10 insurance programs in which a pupil participates to provide or pay
11 for the services required by this part, the federal Individuals with
12 Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and Part
13 300 of Title 34 of the Code of Federal Regulations, if both of the
14 following conditions are met:

15 (a) The public agency provides written notification to the pupil's
16 parents.

17 (b) The public agency obtains written parental consent before
18 accessing the pupil's or parents' public benefits or insurance for
19 the first time, and annually thereafter.

20 ~~SEC. 16.~~

21 *SEC. 15.* Section 56366.1 of the Education Code is amended
22 to read:

23 56366.1. (a) A nonpublic, nonsectarian school or agency that
24 seeks certification shall file an application with the Superintendent
25 on forms provided by the department, and shall include all of the
26 following information on the application:

27 (1) A description of the special education and designated
28 instruction and services provided to individuals with exceptional
29 needs if the application is for nonpublic, nonsectarian school
30 certification.

31 (2) A description of the designated instruction and services
32 provided to individuals with exceptional needs if the application
33 is for nonpublic, nonsectarian agency certification.

34 (3) A list of appropriately qualified staff, a description of the
35 credential, license, or registration that qualifies each staff member
36 rendering special education or designated instruction and services
37 to do so, and copies of their credentials, licenses, or certificates of
38 registration with the appropriate state or national organization that
39 has established standards for the service rendered.

40 (4) An annual operating budget.

1 (5) Affidavits and assurances necessary to comply with all
2 applicable federal, state, and local laws and regulations that include
3 criminal record summaries required of all nonpublic, nonsectarian
4 school or agency personnel having contact with minor children
5 under Section 44237.

6 (b) (1) The applicant shall provide the special education local
7 plan area in which the applicant is located with the written
8 notification of its intent to seek certification or renewal of its
9 certification. The local educational agency representatives shall
10 acknowledge that they have been notified of the intent to certify
11 or renew certification. The acknowledgment shall include a
12 statement that representatives of the local educational agency for
13 the area in which the applicant is located have had the opportunity
14 to review the application at least 60 calendar days before
15 submission of an initial application to the Superintendent, or at
16 least 30 calendar days before submission of a renewal application
17 to the Superintendent. The acknowledgment shall provide
18 assurances that local educational agency representatives have had
19 the opportunity to provide input on all required components of the
20 application.

21 (2) If the local educational agency has not acknowledged an
22 applicant’s intent to be certified 60 calendar days from the date of
23 submission for initial applications or 30 calendar days from the
24 date of the return receipt for renewal applications, the applicant
25 may file the application with the Superintendent.

26 (3) The department shall provide electronic notification of the
27 availability of renewal application materials to certified nonpublic,
28 nonsectarian schools and agencies at least 120 days before the date
29 their current certification expires.

30 (c) If the applicant operates a facility or program on more than
31 one site, each site shall be certified.

32 (d) If the applicant is part of a larger program or facility on the
33 same site, the Superintendent shall consider the effect of the total
34 program on the applicant. A copy of the policies and standards for
35 the nonpublic, nonsectarian school or agency and the larger
36 program shall be available to the Superintendent.

37 (e) (1) Before certification, the Superintendent shall conduct
38 an onsite review of the facility and program for which the applicant
39 seeks certification. The Superintendent may be assisted by
40 representatives of the special education local plan area in which

1 the applicant is located and a nonpublic, nonsectarian school or
2 agency representative who does not have a conflict of interest with
3 the applicant. The Superintendent shall conduct an additional onsite
4 review of the facility and program within three years of the
5 effective date of the certification, unless the Superintendent
6 conditionally certifies the nonpublic, nonsectarian school or
7 agency, or unless the Superintendent receives a formal complaint
8 against the nonpublic, nonsectarian school or agency. In the latter
9 two cases, the Superintendent shall conduct an onsite review at
10 least annually.

11 (2) In carrying out this subdivision, the Superintendent may
12 verify that the nonpublic, nonsectarian school or agency has
13 received a successful criminal background check clearance and
14 has enrolled in subsequent arrest notice service, pursuant to Section
15 44237, for each owner, operator, and employee of the nonpublic,
16 nonsectarian school or agency.

17 (f) The Superintendent shall make a determination on an
18 application within 120 days of receipt of the application and shall
19 certify, conditionally certify, or deny certification to the applicant.
20 If the Superintendent fails to take one of these actions within 120
21 days, the applicant is automatically granted conditional certification
22 for a period terminating on August 31 of the current school year.
23 If certification is denied, the Superintendent shall provide reasons
24 for the denial. The Superintendent shall not certify the nonpublic,
25 nonsectarian school or agency for a period longer than one year.

26 (g) Certification becomes effective on the date the nonpublic,
27 nonsectarian school or agency meets all the application
28 requirements and is approved by the Superintendent. Certification
29 may be retroactive if the nonpublic, nonsectarian school or agency
30 met all the requirements of this section on the date the retroactive
31 certification is effective. Certification expires on December 31 of
32 the terminating year.

33 (h) The Superintendent annually shall review the certification
34 of each nonpublic, nonsectarian school or agency. For this purpose,
35 a certified nonpublic, nonsectarian school or agency annually shall
36 update its application between August 1 and October 31, unless
37 the state board grants a waiver pursuant to Section 56101. The
38 Superintendent may conduct an onsite review as part of the annual
39 review.

1 (i) (1) The Superintendent shall conduct an investigation of a
2 nonpublic, nonsectarian school or agency onsite at any time without
3 prior notice if there is substantial reason to believe that there is an
4 immediate danger to the health, safety, or welfare of a child. The
5 Superintendent shall document the concern and submit it to the
6 nonpublic, nonsectarian school or agency at the time of the onsite
7 investigation. The Superintendent shall require a written response
8 to any noncompliance or deficiency found.

9 (2) With respect to a nonpublic, nonsectarian school, the
10 Superintendent shall conduct an investigation, which may include
11 an unannounced onsite visit, if the Superintendent receives
12 evidence of a significant deficiency in the quality of educational
13 services provided, a violation of Section 56366.9, or
14 noncompliance with the policies expressed by subdivision (b) of
15 Section 1501 of the Health and Safety Code by the nonpublic,
16 nonsectarian school. The Superintendent shall document the
17 complaint and the results of the investigation and shall provide
18 copies of the documentation to the complainant, the nonpublic,
19 nonsectarian school, and the contracting local educational agency.

20 (3) Violations or noncompliance documented pursuant to
21 paragraph (1) or (2) shall be reflected in the status of the
22 certification of the nonpublic, nonsectarian school or agency, at
23 the discretion of the Superintendent, pending an approved plan of
24 correction by the nonpublic, nonsectarian school or agency. The
25 department shall retain for a period of 10 years all violations
26 pertaining to certification of the nonpublic, nonsectarian school
27 or agency.

28 (4) In carrying out this subdivision, the Superintendent may
29 verify that the nonpublic, nonsectarian school or agency received
30 a successful criminal background check clearance and has enrolled
31 in subsequent arrest notice service, pursuant to Section 44237, for
32 each owner, operator, and employee of the nonpublic, nonsectarian
33 school or agency.

34 (j) The Superintendent shall monitor the facilities, the
35 educational environment, and the quality of the educational
36 program, including the teaching staff, the credentials authorizing
37 service, the standards-based core curriculum being employed, and
38 the standards-focused instructional materials used, of an existing
39 certified nonpublic, nonsectarian school or agency on a three-year
40 cycle, as follows:

1 (1) The nonpublic, nonsectarian school or agency shall complete
2 a self-review in year one.

3 (2) The Superintendent shall conduct an onsite review of the
4 nonpublic, nonsectarian school or agency in year two.

5 (3) The Superintendent shall conduct a followup visit to the
6 nonpublic, nonsectarian school or agency in year three.

7 (k) (1) Notwithstanding any other law, the Superintendent shall
8 not certify a nonpublic, nonsectarian school or agency that proposes
9 to initiate or expand services to pupils currently educated in the
10 immediate prior fiscal year in a juvenile court program, community
11 school pursuant to Section 56150, or other nonspecial education
12 program, including independent study or adult school, or both,
13 unless the nonpublic, nonsectarian school or agency notifies the
14 county superintendent of schools and the special education local
15 plan area in which the proposed new or expanded nonpublic,
16 nonsectarian school or agency is located of its intent to seek
17 certification.

18 (2) The notification shall occur no later than the December 1
19 before the new fiscal year in which the proposed or expanding
20 school or agency intends to initiate services. The notice shall
21 include the following:

22 (A) The specific date upon which the proposed nonpublic,
23 nonsectarian school or agency is to be established.

24 (B) The location of the proposed program or facility.

25 (C) The number of pupils proposed for services, the number of
26 pupils currently served in the juvenile court, community school,
27 or other nonspecial education program, the current school services
28 including special education and related services provided for these
29 pupils, and the specific program of special education and related
30 services to be provided under the proposed program.

31 (D) The reason for the proposed change in services.

32 (E) The number of staff who will provide special education and
33 designated instruction and services and hold a current valid
34 California credential or license in the service rendered.

35 (3) In addition to the requirements in subdivisions (a) to (f),
36 inclusive, the Superintendent shall require and consider the
37 following in determining whether to certify a nonpublic,
38 nonsectarian school or agency as described in this subdivision:

39 (A) A complete statement of the information required as part
40 of the notice under paragraph (1).

1 (B) Documentation of the steps taken in preparation for the
2 conversion to a nonpublic, nonsectarian school or agency, including
3 information related to changes in the population to be served and
4 the services to be provided pursuant to each pupil’s individualized
5 education program.

6 (4) Notwithstanding any other law, the certification becomes
7 effective no earlier than July 1 if the nonpublic, nonsectarian school
8 or agency provided the notification required pursuant to paragraph
9 (1).

10 (l) (1) Notwithstanding any other law, the Superintendent shall
11 not certify or renew the certification of a nonpublic, nonsectarian
12 school or agency, unless all of the following conditions are met:

13 (A) The entity operating the nonpublic, nonsectarian school or
14 agency maintains separate financial records for each entity that it
15 operates, with each nonpublic, nonsectarian school or agency
16 identified separately from any licensed children’s institution that
17 it operates.

18 (B) The entity submits an annual budget that identifies the
19 projected costs and revenues for each entity and demonstrates that
20 the rates to be charged are reasonable to support the operation of
21 the entity.

22 (C) The entity submits an entitywide annual audit that identifies
23 its costs and revenues, by entity, in accordance with generally
24 accepted accounting and auditing principles. The audit shall clearly
25 document the amount of moneys received and expended on the
26 educational program provided by the nonpublic, nonsectarian
27 school.

28 (D) The relationship between various entities operated by the
29 same entity are documented, defining the responsibilities of the
30 entities. The documentation shall clearly identify the services to
31 be provided as part of each program, for example, the residential
32 or medical program, the mental health program, or the educational
33 program. The entity shall not seek funding from a public agency
34 for a service, either separately or as part of a package of services,
35 if the service is funded by another public agency, either separately
36 or as part of a package of services.

37 (2) For purposes of this section, “licensed children’s institution”
38 has the same meaning as it is defined by Section 56155.5.

39 (m) (1) The nonpublic, nonsectarian school or agency shall be
40 charged a reasonable fee for certification. The Superintendent may

1 adjust the fee annually commensurate with the statewide average
 2 percentage inflation adjustment computed for local control funding
 3 formula allocations pursuant to Section 42238.02, as implemented
 4 by Section 42238.03, of unified school districts with greater than
 5 1,500 units of average daily attendance if the percentage increase
 6 is reflected in the school district local control funding formula
 7 allocation pursuant to Section 42238.02, as implemented by Section
 8 42238.03, for inflation purposes. For purposes of this section, the
 9 base fee shall be the following:

10

11	(1) 1–5 pupils	\$ 300
12	(2) 6–10 pupils	500
13	(3) 11–24 pupils	1,000
14	(4) 25–75 pupils	1,500
15	(5) 76 pupils and over	2,000

16

17 (2) The nonpublic, nonsectarian school or agency shall pay this
 18 fee when it applies for certification and when it updates its
 19 application for annual renewal by the Superintendent. The
 20 Superintendent shall use these fees to conduct onsite reviews,
 21 which may include field experts. A fee shall not be refunded if the
 22 application is withdrawn or is denied by the Superintendent.

23 (n) (1) Notwithstanding any other law, only those nonpublic,
 24 nonsectarian schools or agencies that provide special education
 25 and designated instruction and services using staff who hold a
 26 certificate, permit, or other document equivalent to that which staff
 27 in a public school are required to hold in the service rendered are
 28 eligible to receive certification. Only those nonpublic, nonsectarian
 29 schools or agencies located outside of California that employ staff
 30 who hold a current valid credential or license to render special
 31 education and related services as required by that state shall be
 32 eligible to be certified.

33 (2) The state board shall develop regulations to implement this
 34 subdivision.

35 (o) In addition to meeting the standards adopted by the state
 36 board, a nonpublic, nonsectarian school or agency shall provide
 37 written assurances that it meets all applicable standards relating
 38 to fire, health, sanitation, and building safety.

39 (p) (1) Notwithstanding subdivision (n) of Section 44237, and
 40 for purposes of enabling the Superintendent to carry out his or her

1 duties pursuant to this section, a nonpublic, nonsectarian school
2 or agency shall, upon demand, make available to the
3 Superintendent evidence of a successful criminal background check
4 clearance and enrollment in subsequent arrest notice service,
5 conducted pursuant to Section 44237, for each owner, operator,
6 and employee of the nonpublic, nonsectarian school or agency.

7 (2) The nonpublic, nonsectarian school or agency shall retain
8 the evidence and store it in a locked file separate from other files.

9 ~~SEC. 17.~~

10 *SEC. 16.* Section 56440 of the Education Code is amended to
11 read:

12 56440. (a) Each special education local plan area shall submit
13 to the Superintendent, as part of the local plan, information for
14 providing special education and services to individuals with
15 exceptional needs, as defined in Section 56026, who are between
16 the ages of three and five years, inclusive.

17 (b) All individuals with exceptional needs between the ages of
18 three and five years, inclusive, identified in subdivision (a) shall
19 be served by the local educational agencies within each special
20 education local plan area, to the extent required under federal law
21 and pursuant to the local plan and application approved by the
22 Superintendent.

23 (c) Individuals with exceptional needs between the ages of three
24 and five years, inclusive, who are identified by the local educational
25 agency as requiring special education and services, as defined by
26 the board, shall be eligible for special education and services
27 pursuant to this part and shall not be subject to any phase-in plan.

28 (d) Special education facilities operated by local educational
29 agencies serving children under this chapter and Chapter 4.4
30 (commencing with Section 56425) shall meet all applicable
31 standards relating to fire, health, sanitation, and building safety,
32 but are not subject to Chapter 3.4 (commencing with Section
33 1596.70), 3.5 (commencing with Section 1596.90), or 3.6
34 (commencing with Section 1597.30) of Division 2 of the Health
35 and Safety Code.

36 (e) This chapter applies to all individuals with exceptional needs
37 between the ages of three and five years, inclusive.

38 ~~SEC. 18.~~

39 *SEC. 17.* Section 60603 of the Education Code is amended to
40 read:

1 60603. As used in this chapter:

2 (a) “Achievement level descriptors” means a narrative
3 description of the knowledge, skills, and processes expected of
4 pupils at different grade levels and at different performance levels
5 on achievement tests.

6 (b) “Achievement test” means any summative standardized test
7 that measures the level of performance that a pupil has achieved
8 on state-adopted content standards.

9 (c) “California Assessment of Student Performance and Progress
10 (CAASPP)” means the comprehensive assessment system,
11 inclusive of consortium-developed assessments, that has the
12 primary purpose of modeling and promoting high-quality teaching
13 and instruction using a variety of assessment approaches and item
14 types.

15 (d) “Census administration” means a test administration in which
16 all pupils take comparable assessments of the same content and
17 where results of individual performance are appropriate and
18 meaningful to parents, pupils, and teachers.

19 (e) “Computer-adaptive assessment” means a computer-based
20 test that utilizes a computer program to adjust the difficulty of test
21 items throughout a testing session based on a test taker’s responses
22 to previous test items during that testing session.

23 (f) “Computer-based assessment” means a test administered
24 using an electronic computing device.

25 (g) “Consortium” means a multistate collaborative organized
26 to develop a comprehensive system of assessments or formative
27 tools such as described in Section 60605.7.

28 (h) “Constructed-response questions” means a type of
29 assessment item that requires pupils to construct their own answers.

30 (i) “Content standards” means the specific academic knowledge,
31 skills, and abilities that all public schools in this state are expected
32 to teach, and all pupils are expected to learn, in reading, writing,
33 mathematics, history-social science, foreign languages, visual and
34 performing arts, and science, at each grade level tested.

35 (j) “Diagnostic assessment” means an assessment of particular
36 knowledge or skills a pupil has or has not yet achieved for the
37 purpose of informing instruction and making placement decisions.

38 (k) “End of course examination” means a comprehensive and
39 challenging assessment of pupil achievement in a particular subject
40 area or discipline.

1 (l) “Field test” means an assessment or assessment items
2 administered to a representative sample of a population to ensure
3 that the test or item produces results that are valid, reliable, and
4 fair.

5 (m) “Formative assessment tools” means assessment tools and
6 processes that are embedded in instruction and used by teachers
7 and pupils to provide timely feedback for purposes of adjusting
8 instruction to improve learning.

9 (n) “High-quality assessment” means an assessment designed
10 to measure a pupil’s knowledge of, understanding of, and ability
11 to apply, critical concepts through the use of a variety of item types
12 and formats, including, but not necessarily limited to, items that
13 allow for constructed responses and items that require the
14 completion of performance tasks. A high-quality assessment should
15 have the following characteristics:

16 (1) Enable measurement of pupil achievement and pupil growth
17 to the extent feasible.

18 (2) Be of high technical quality by being valid, reliable, fair,
19 and aligned to standards.

20 (3) Incorporate technology where appropriate.

21 (4) Include the assessment of pupils with disabilities and English
22 learners.

23 (5) Use, to the extent feasible, universal design principles, as
24 defined in Section 3 of the federal Assistive Technology Act of
25 1998 (29 U.S.C. Sec. 3002) in its development and administration.

26 (o) “Interim assessment” means an assessment that is designed
27 to be given at regular intervals throughout the school year to
28 evaluate a pupil’s knowledge and skills relative to a specific set
29 of academic standards, and produces results that can be aggregated
30 by course, grade level, school, or local educational agency in order
31 to inform teachers and administrators at the pupil, classroom,
32 school, and local educational agency levels.

33 (p) “Local educational agency” means a county office of
34 education, school district, state special school, or direct-funded
35 charter school as described in Section 47651.

36 (q) “Matrix sampling” means administering different portions
37 of a single assessment to different groups of pupils for the purpose
38 of sampling a broader representation of content and reducing
39 testing time.

1 (r) “Performance standards” are standards that define various
2 levels of competence at each grade level in each of the curriculum
3 areas for which content standards are established. Performance
4 standards gauge the degree to which a pupil has met the content
5 standards and the degree to which a school or school district has
6 met the content standards.

7 (s) “Performance tasks” are a collection of questions or activities
8 that relate to a single scenario that include pupil interaction with
9 stimulus. Performance tasks are a means to assess more complex
10 skills such as writing, research, and analysis.

11 (t) “Personally identifiable information” includes a pupil’s name
12 and other direct personal identifiers, such as the pupil’s
13 identification number. Personally identifiable information also
14 includes indirect identifiers, such as the pupil’s address and
15 personal characteristics, or other information that would make the
16 pupil’s identity easily traceable through the use of a single or
17 multiple data sources, including publicly available information.

18 (u) “Population sampling” means administering assessments to
19 a representative sample of pupils instead of the entire pupil
20 population. The sample of pupils shall be representative in terms
21 of various pupil subgroups, including, but not necessarily limited
22 to, English learners and pupils with disabilities.

23 (v) “Recently arrived English learner” means a pupil designated
24 as an English learner who is in his or her first 12 months of
25 attending a school in the United States.

26 (w) “State-determined assessment calendar” means the
27 scheduling of assessments, exclusive of those subject area
28 assessments listed in subdivision (b) of Section 60640, over several
29 years on a predetermined schedule. Content areas and grades shall
30 only be assessed after being publicly announced at least two school
31 years in advance of the assessment.

32 (x) “Summative assessment” means an assessment designed to
33 be given near the end of the school year to evaluate a pupil’s
34 knowledge and skills relative to a specific set of academic
35 standards.

36 ~~SEC. 19.~~

37 *SEC. 18.* Section 60604 of the Education Code is amended to
38 read:

39 60604. (a) The Superintendent shall design and implement,
40 consistent with the timetable and plan required pursuant to

1 subdivision (b), a statewide pupil assessment system consistent
2 with the testing requirements of this article in accordance with the
3 objectives set forth in Section 60602.5. That system shall include
4 all of the following:

5 (1) Exclusive of the consortium assessments, a plan for
6 producing or adopting valid, fair, and reliable achievement tests
7 as recommended by the Superintendent and adopted by the state
8 board pursuant to the California Assessment of Student
9 Performance and Progress (CAASPP) established by Article 4
10 (commencing with Section 60640).

11 (2) A plan for administering the consortium summative
12 assessment as outlined by the joint agreement of the consortium.

13 (3) Statewide academically rigorous content and performance
14 standards that reflect the knowledge and complex skills that pupils
15 will need in order to succeed in the information-based, global
16 economy of the 21st century. These skills shall not include personal
17 behavioral standards or skills, including, but not limited to, honesty,
18 sociability, ethics, or self-esteem.

19 (4) A statewide system that provides the results of testing in a
20 manner that reflects the degree to which pupils are achieving the
21 academically rigorous content and performance standards adopted
22 by the state board.

23 (5) The alignment of assessment with the statewide academically
24 rigorous content and performance standards adopted by the state
25 board.

26 (6) The active, ongoing involvement of parents, classroom
27 teachers, administrators, other educators, governing board members
28 of school districts, business community members, institutions of
29 higher education, and the public in all phases of the design and
30 implementation of the statewide pupil assessment system.

31 (7) A plan for ensuring the security and integrity of the CAASPP
32 assessments.

33 (8) The development of a contract or contracts with a contractor
34 for the development or administration of achievement tests and
35 performance tasks aligned to state-adopted content standards,
36 including summative assessments or assessments that employ
37 matrix sampling or population sampling methods.

38 (b) The Superintendent shall develop and annually update for
39 the Legislature a five-year cost projection, implementation plan
40 for the CAASPP, and a timetable for implementing the system

1 described in Section 60640. The annual update shall be submitted
2 on or before March 1 of each year to the Department of Finance,
3 the state board, and the respective chairpersons of the appropriate
4 fiscal subcommittees considering budget appropriations and the
5 appropriate policy committees in each house. The update shall
6 explain any significant variations from the five-year cost projection
7 for the current year budget and the proposed budget.

8 (c) The Superintendent shall make resources available that are
9 designed to assist with the interpretation and use of the CAASPP
10 results to promote the use of the results for purposes of improving
11 pupil learning and educational programs across the full curriculum.
12 The Superintendent shall consider information already provided
13 by assessment consortia to which California belongs or assessment
14 contractors when fulfilling this requirement.

15 (d) The Superintendent shall make information and resources
16 available to parents, teachers, pupils, administrators, school board
17 members, and the public regarding the CAASPP, including, but
18 not necessarily limited to, system goals, purposes, scoring systems,
19 results, valid uses of assessments, and information on the
20 relationship between performance on the previous state assessments
21 and the CAASPP.

22 (e) The Superintendent and the state board shall consider
23 comments and recommendations from teachers, administrators,
24 pupil representatives, institutions of higher education, and the
25 public in the development, adoption, and approval of assessment
26 instruments.

27 (f) The results of the achievement tests, exclusive of the
28 consortium summative assessments, administered pursuant to
29 Article 4 (commencing with Section 60640), shall be returned to
30 the local educational agencies within the period of time specified
31 by the state board.

32 ~~SEC. 20:~~

33 *SEC. 19.* Section 60607 of the Education Code is amended to
34 read:

35 60607. (a) Each pupil shall have an individual record of
36 accomplishment by the end of grade 12 that includes the results
37 of the achievement test required and administered annually as part
38 of the California Assessment of Student Performance and Progress
39 (CAASPP), or any predecessor assessments, established pursuant
40 to Article 4 (commencing with Section 60640), results of

1 end-of-course examinations he or she has taken, and the vocational
2 education certification examinations he or she chose to take.

3 (b) It is the intent of the Legislature that local educational
4 agencies and schools use the results of the academic achievement
5 tests administered annually as part of the CAASPP to provide
6 support to pupils and parents or guardians in order to assist pupils
7 in strengthening their development as learners, and thereby to
8 improve their academic achievement and performance in
9 subsequent assessments.

10 (c) (1) Except for research provided for in former Section
11 49079.6, as it read on December 31, 2013, a pupil’s results or a
12 record of accomplishment shall be private, and may not be released
13 to any person, other than the pupil’s parent or guardian and a
14 teacher, counselor, or administrator directly involved with the
15 pupil, without the express written consent of either the parent or
16 guardian of the pupil if the pupil is a minor, or the pupil if the pupil
17 has reached the age of majority or is emancipated.

18 (2) (A) Notwithstanding paragraph (1), a pupil or his or her
19 parent or guardian may authorize the release of pupil results or a
20 record of accomplishment to a postsecondary educational
21 institution for the purpose of credit, placement, or admission.

22 (B) Notwithstanding paragraph (1), the results of an individual
23 pupil on the CAASPP may be released to a postsecondary
24 educational institution for the purpose of credit, placement, or
25 admission.

26 ~~SEC. 21.~~

27 *SEC. 20.* Section 60611 of the Education Code is amended to
28 read:

29 60611. A local educational agency, district superintendent of
30 schools, or principal or teacher of any elementary or secondary
31 school, including a charter school, shall not carry on any program
32 for the sole purpose of test preparation of pupils for the statewide
33 pupil assessment system or a particular test used in the statewide
34 pupil assessment system. Nothing in this section prohibits the use
35 of materials to familiarize pupils with item types or the
36 computer-based testing environment used in the California
37 Assessment of Student Performance and Progress.

38 ~~SEC. 22.~~

39 *SEC. 21.* Section 60630 of the Education Code is amended to
40 read:

1 60630. (a) The Superintendent shall prepare and submit, and
2 subsequently post on the Internet Web site of the department, an
3 annual report to the state board containing an analysis of the results
4 and test scores of the summative assessments administered pursuant
5 to Section 60640. The Superintendent shall notify the state board
6 and the appropriate policy and fiscal committees of the Legislature
7 that the annual report is available on the Internet Web site of the
8 department.

9 (b) The Superintendent shall post a periodic update on the
10 implementation of the California Assessment of Student
11 Performance and Progress on the Internet Web site of the
12 department, and notify the state board and the appropriate policy
13 and fiscal committees of the Legislature that the update is available
14 on the Internet Web site of the department.

15 ~~SEC. 23.~~

16 *SEC. 22.* Section 60641 of the Education Code is amended to
17 read:

18 60641. (a) The department shall ensure that local educational
19 agencies comply with each of the following requirements:

20 (1) The achievement tests provided for in Section 60640 are
21 scheduled to be administered to all pupils, inclusive of pupils
22 enrolled in charter schools and exclusive of pupils exempted
23 pursuant to Section 60640, during the period prescribed in
24 subdivision (b) of Section 60640.

25 (2) For assessments that produce valid individual pupil results,
26 the individual results of each pupil tested pursuant to Section 60640
27 shall be reported, in writing, to the parent or guardian of the pupil.
28 The report shall include a clear explanation of the purpose of the
29 test, the score of the pupil, and the intended use by the local
30 educational agency of the test score. This subdivision does not
31 require teachers or other local educational agency personnel to
32 prepare individualized explanations of the test score of each pupil.
33 It is the intent of the Legislature that nothing in this section shall
34 preclude a school or school district from meeting the reporting
35 requirement by the use of electronic media formats that secure the
36 confidentiality of the pupil and the pupil's results. State agencies
37 or local educational agencies shall not use a comparison resulting
38 from the scores and results of the California Assessment of Student
39 Performance and Progress (CAASPP) assessments and the

1 assessment scores and results from assessments that measured
2 previously adopted content standards.

3 (3) (A) For assessments that produce valid individual pupil
4 results, the individual results of each pupil tested pursuant to
5 Section 60640 also shall be reported to the school and teachers of
6 a pupil. The local educational agency shall include the test results
7 of a pupil in his or her pupil records. However, except as provided
8 in this section and Section 60607, personally identifiable pupil test
9 results only may be released with the permission of either the
10 pupil's parent or guardian if the pupil is a minor, or the pupil if
11 the pupil has reached the age of majority or is emancipated.

12 (B) Notwithstanding subparagraph (A) and pursuant to
13 subdivision (c) of Section 60607, a pupil or his or her parent or
14 guardian may authorize the release of individual pupil results to a
15 postsecondary educational institution for the purpose of credit,
16 placement, determination of readiness for college-level coursework,
17 or admission.

18 (4) The districtwide, school-level, and grade-level results of the
19 CAASPP in each of the grades designated pursuant to Section
20 60640, but not the score or relative position of any individually
21 ascertainable pupil, shall be reported to the governing board of the
22 school district at a regularly scheduled meeting, and the
23 countywide, school-level, and grade-level results for classes and
24 programs under the jurisdiction of the county office of education
25 shall be similarly reported to the county board of education at a
26 regularly scheduled meeting.

27 (b) The state board shall adopt regulations that outline a calendar
28 for delivery and receipt of summative assessment results at the
29 pupil, school, grade, district, county, and state levels. The calendar
30 shall include delivery dates to the department and to local
31 educational agencies. The calendar for delivery shall provide for
32 the timely return of assessment results, and consider the amount
33 of paper-and-pencil administered assessments and number of items
34 requiring hand scoring. The calendar shall also ensure that
35 individual assessment results are reported to local educational
36 agencies within eight weeks of receipt by the contractor for scoring.

37 (c) Aggregated, disaggregated, or group scores or reports that
38 include the results of the CAASPP assessments, inclusive of the
39 reports developed pursuant to Section 60630, shall not be publicly
40 reported to any party other than the school or local educational

1 agency where the pupils were tested, if the aggregated,
2 disaggregated, or group scores or reports are comprised of 10 or
3 fewer individual pupil assessment results. Exclusive of the reports
4 developed pursuant to Section 60630, in no case shall any group
5 score or report be displayed that would deliberately or inadvertently
6 make the score or performance of any individual pupil or teacher
7 identifiable.

8 (d) The department shall ensure that pupils in grade 11, or
9 parents or legal guardians of those pupils, may request results from
10 grade 11 assessments administered as part of the CAASPP for the
11 purpose of determining credit, placement, or readiness for
12 college-level coursework be released to a postsecondary
13 educational institution.

14 ~~SEC. 24.~~

15 *SEC. 23.* Section 60643 of the Education Code is amended to
16 read:

17 60643. (a) Notwithstanding any other law, the contractor or
18 contractors of the achievement tests provided for in Section 60640
19 shall comply with all of the conditions and requirements of the
20 contract to the satisfaction of the Superintendent and the state
21 board.

22 (b) (1) The department shall develop, and the Superintendent
23 and the state board shall approve, a contract or contracts to be
24 entered into with a contractor in connection with the test provided
25 for in Section 60640. The department may develop the contract
26 through negotiations. In approving a contract amendment to the
27 contract authorized pursuant to this section, the department, in
28 consultation with the state board, may make material amendments
29 to the contract that do not increase the contract cost. Contract
30 amendments that increase contract costs may only be made with
31 the approval of the department, the state board, and the Department
32 of Finance.

33 (2) For purposes of the contracts authorized pursuant to this
34 subdivision, the department is exempt from the requirements of
35 Part 2 (commencing with Section 10100) of Division 2 of the
36 Public Contract Code and from the requirements of Article 6
37 (commencing with Section 999) of Chapter 6 of Division 4 of the
38 Military and Veterans Code. The department shall use a
39 competitive and open process utilizing standardized scoring criteria
40 through which to select a potential administration contractor or

1 contractors for recommendation to the state board for consideration.
2 The state board shall consider each of the following criteria:
3 (A) The ability of the contractor to produce valid and reliable
4 scores.
5 (B) The ability of the contractor to report accurate results in a
6 timely fashion.
7 (C) Exclusive of the consortium assessments, the ability of the
8 contractor to ensure technical adequacy of the tests, inclusive of
9 the alignment between the California Assessment of Student
10 Performance and Progress tests and the state-adopted content
11 standards.
12 (D) The cost of the assessment system.
13 (E) The ability and proposed procedures to ensure the security
14 and integrity of the assessment system.
15 (F) The experience of the contractor in successfully conducting
16 statewide testing programs in other states.
17 (3) The contracts shall include provisions for progress payments
18 to the contractor for work performed or costs incurred in the
19 performance of the contract. Not less than 10 percent of the amount
20 budgeted for each separate and distinct component task provided
21 for in each contract shall be withheld pending final completion of
22 all component tasks by that contractor. The total amount withheld
23 pending final completion shall not exceed 10 percent of the total
24 contract price for that fiscal year.
25 (4) The contracts shall require liquidated damages to be paid
26 by the contractor in the amount of up to 10 percent of the total cost
27 of the contract for any component task that the contractor through
28 its own fault or that of its subcontractors fails to substantially
29 perform by the date specified in the agreement.
30 (5) The contracts shall establish the process and criteria by
31 which the successful completion of each component task shall be
32 recommended by the department and approved by the state board.
33 (6) The contractors shall submit, as part of the contract
34 negotiation process, a proposed budget and invoice schedule, that
35 includes a detailed listing of the costs for each component task
36 and the expected date of the invoice for each completed component
37 task.
38 (7) The contract or contracts subject to approval by the
39 Superintendent and the state board under paragraph (1) and exempt

1 under paragraph (2) shall specify the following component tasks,
2 as applicable, that are separate and distinct:

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

4 (B) Test materials production or publication.

5 (C) Delivery or electronic distribution of test materials to local
6 educational agencies.

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

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

11 (F) Reporting of valid and reliable test results to the department,
12 including, but not necessarily limited to, the following electronic
13 files:

14 (i) Scores aggregated statewide, and by county, school district,
15 school, and grade.

16 (ii) Disaggregated scores based on English proficiency status,
17 gender, ethnicity, socioeconomic disadvantage, foster care status,
18 and special education designation.

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

22 (H) Technology services to support the activities listed in
23 subparagraphs (A) to (G), inclusive.

24 (I) Perform regular performance checks and load simulations
25 to ensure the integrity and robustness of the technology system
26 used to support the activities listed in subparagraphs (A) to (G),
27 inclusive.

28 ~~SEC. 25.~~

29 *SEC. 24.* Section 60643.6 of the Education Code is amended
30 to read:

31 60643.6. A local educational agency shall be reimbursed by
32 the contractor selected pursuant to this article for any unexpected
33 expenses incurred due to scheduling changes that resulted from
34 the late delivery of testing materials in connection with the
35 California Assessment of Student Performance and Progress.

36 ~~SEC. 26.~~

37 *SEC. 25.* Section 60648 of the Education Code is amended to
38 read:

39 60648. Exclusive of consortium summative assessments, the
40 Superintendent shall recommend, and the state board shall adopt,

1 performance standards on the California Assessment of Student
2 Performance and Progress summative tests administered pursuant
3 to this article. The performance levels shall identify and establish
4 the minimum performance required for meeting a particular
5 achievement level expectation. Once adopted, these standards shall
6 be reviewed by the state board every five years to determine
7 whether adjustments are necessary.

8 ~~SEC. 27:~~

9 *SEC. 26.* Section 60810 of the Education Code, as amended
10 by Section 5 of Chapter 478 of the Statutes of 2013, is amended
11 to read:

12 60810. (a) (1) The Superintendent shall review existing tests
13 that assess the English language development of pupils whose
14 primary language is a language other than English. The tests shall
15 include, but not be limited to, an assessment of achievement of
16 these pupils in English reading, speaking, and written skills. The
17 Superintendent shall determine which tests, if any, meet the
18 requirements of subdivisions (b) and (c). If any existing test or
19 series of tests meets these criteria, the Superintendent, with
20 approval of the state board, shall report to the Legislature on its
21 findings and recommendations.

22 (2) If no suitable test exists, the Superintendent shall explore
23 the option of a collaborative effort with other states to develop a
24 test or series of tests and share test development costs. If no suitable
25 test exists, the Superintendent, with approval of the state board,
26 may contract to develop a test or series of tests that meets the
27 criteria of subdivisions (b) and (c) or may contract to modify an
28 existing test or series of tests so that it will meet the requirements
29 of subdivisions (b) and (c).

30 (3) The Superintendent and the state board shall release a request
31 for proposals for the development of the test or series of tests
32 required by this subdivision. The state board shall select a
33 contractor or contractors for the development of the test or series
34 of tests required by this subdivision, to be available for
35 administration during the 2000–01 school year.

36 (4) The Superintendent shall apportion funds appropriated to
37 enable school districts to meet the requirements of subdivision (d).
38 The state board shall establish the amount of funding to be
39 apportioned per test administered, based on a review of the cost
40 per test.

1 (5) An adjustment to the amount of funding to be apportioned
2 per test is not valid without the approval of the Director of Finance.
3 A request for approval of an adjustment to the amount of funding
4 to be apportioned per test shall be submitted in writing to the
5 Director of Finance and the chairpersons of the fiscal committees
6 of both houses of the Legislature with accompanying material
7 justifying the proposed adjustment. The Director of Finance is
8 authorized to approve only those adjustments related to activities
9 required by statute. The Director of Finance shall approve or
10 disapprove the amount within 30 days of receipt of the request and
11 shall notify the chairpersons of the fiscal committees of both houses
12 of the Legislature of the decision.

13 (b) (1) The test or series of tests developed or acquired pursuant
14 to subdivision (a) shall have sufficient range to assess pupils in
15 grades 2 to 12, inclusive, in English listening, speaking, reading,
16 and writing skills. Pupils in kindergarten and grade 1 shall be
17 assessed in English listening and speaking, and, once an assessment
18 is developed, early literacy skills. The early literacy assessment
19 shall be administered for a period of four years beginning after the
20 initial administration of the assessment or until July 1, 2017,
21 whichever occurs last. Six months after the three administered
22 assessments are collected, but no later than June 30, 2013, the
23 department shall report to the Legislature on the administration of
24 the kindergarten and grade 1 early literacy assessment results, as
25 well as on the administrative process, in order to determine whether
26 reauthorization of the early literacy assessment is appropriate.

27 (2) In the development and administration of the assessment
28 for pupils in kindergarten and grade 1, the department shall
29 minimize any additional assessment time, to the extent possible.
30 To the extent that it is technically possible, items that are used to
31 assess listening and speaking shall be used to measure early literacy
32 skills. The department shall ensure that the test and procedures for
33 its administration are age and developmentally appropriate. Age
34 and developmentally appropriate procedures for administration
35 may include, but are not limited to, one-on-one administration, a
36 small group setting, and orally responding or circling a response
37 to a question.

38 (c) The test or series of tests shall meet all of the following
39 requirements:

- 1 (1) Provide sufficient information about pupils at each grade
2 level to determine levels of proficiency ranging from no English
3 proficiency to fluent English proficiency with at least two
4 intermediate levels.
- 5 (2) Have psychometric properties of reliability and validity
6 deemed adequate by technical experts.
- 7 (3) Be capable of administration to pupils with any primary
8 language other than English.
- 9 (4) Be capable of administration by classroom teachers.
- 10 (5) Yield scores that allow comparison of the growth of a pupil
11 over time, can be tied to readiness for various instructional options,
12 and can be aggregated for use in the evaluation of program
13 effectiveness.
- 14 (6) Not discriminate on the basis of race, ethnicity, or gender.
- 15 (7) Be aligned with the standards for English language
16 development adopted by the state board pursuant to Section 60811.
- 17 (8) Be age and developmentally appropriate for pupils.
- 18 (d) The test shall be used for the following purposes:
- 19 (1) To identify pupils who are limited English proficient.
- 20 (2) To determine the level of English language proficiency of
21 pupils who are limited English proficient.
- 22 (3) To assess the progress of limited-English-proficient pupils
23 in acquiring the skills of listening, reading, speaking, and writing
24 in English.
- 25 (e) (1) A pupil in any of grades 3 to 12, inclusive, shall not be
26 required to retake those portions of the test that measure English
27 language skills for which he or she has previously tested as
28 advanced within each appropriate grade span, as determined by
29 the department in accordance with paragraph (8) of subdivision
30 (c).
- 31 (2) Notwithstanding paragraph (1), a pupil in any of grades 10
32 to 12, inclusive, shall not be required to retake those portions of
33 the test that measure English language skills for which he or she
34 has previously tested as early advanced or advanced.
- 35 (3) This subdivision shall not be implemented until the test
36 publisher's contract that is in effect on January 1, 2012, expires.
- 37 (4) This subdivision shall not be implemented unless and until
38 the department receives written documentation from the United
39 States Department of Education that implementation is permitted
40 by federal law.

1 (f) This section shall remain in effect only until the
2 Superintendent reports to the appropriate policy committees of the
3 Legislature pursuant to paragraph (2) of subdivision (h) of Section
4 60810 as added by the chapter that added this subdivision during
5 the 2013–14 Regular Session, and as of January 1 of the following
6 year, this section is repealed.

7 ~~SEC. 28.~~

8 *SEC. 27.* If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.