

ASSEMBLY BILL

No. 1931

Introduced by Assembly Member Morrell

February 19, 2014

An act to amend Section 60640 of the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1931, as introduced, Morrell. Pupil assessment: Measurement of Academic Performance and Progress: history-social science.

Existing law establishes the Measurement of Academic Performance and Progress (MAPP), and, commencing with the 2013–14 school year, requires the MAPP to be composed of (1) a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified, (2) science grade level assessments in grades 5, 8, and 10, measuring specified content standards, (3) the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified, and (4) the Early Assessment Program. Existing law requires the Superintendent of Public Instruction, on or before March 1, 2016, to submit to the State Board of Education, the appropriate policy and fiscal committees of the Legislature, and the Director of Finance, recommendations on expanding the MAPP to include additional assessments, including in history-social science, in accordance with specified requirements.

This bill would require the MAPP, commencing with the 2018–19 school year, to also be composed of a summative assessment in history-social science that is adopted by the state board, as specified. The bill would require the recommendations of the Superintendent

submitted to the state board, the appropriate policy and fiscal committees of the Legislature, and the Director of Finance to include a plan to implement a summative assessment in history-social science commencing with the 2018–19 school year.

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

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

1 SECTION 1. Section 60640 of the Education Code is amended
2 to read:

3 60640. (a) There is hereby established the Measurement of
4 Academic Performance and Progress, to be known as the MAPP.

5 (b) Commencing with the 2013–14 school year, the MAPP shall
6 be composed of all of the following:

7 (1) (A) A consortium summative assessment in English
8 language arts and mathematics for grades 3 to 8, inclusive, and
9 grade 11 that measures content standards adopted by the state
10 board.

11 (B) In the 2013–14 school year, the consortium summative
12 assessment in English language arts and mathematics shall be a
13 field test only, to enable the consortium to gauge the validity and
14 reliability of these assessments and to conduct all necessary
15 psychometric procedures and studies, including, but not necessarily
16 limited to, achievement standard setting, and to allow the
17 department to conduct studies regarding full implementation of
18 the assessment system. These field tests and results shall not be
19 used for any other purpose, including the calculation of any
20 accountability measure.

21 (2) (A) Science grade level assessments in grades 5, 8, and 10
22 that measure content standards *adopted* pursuant to Section 60605,
23 until a successor assessment is implemented pursuant to
24 subparagraph (B).

25 (B) For science assessments, the Superintendent shall make a
26 recommendation to the state board as soon as is feasible after the
27 adoption of science content standards pursuant to Section 60605.85
28 regarding the assessment of the newly adopted standards. Before
29 making recommendations, the Superintendent shall consult with
30 stakeholders, including, but not necessarily limited to, California
31 science teachers, individuals with expertise in assessing English

1 learners and pupils with disabilities, parents, and measurement
2 experts, regarding the grade level and type of assessment. The
3 recommendations shall include cost estimates and a plan for
4 implementation of at least one assessment in each of the following
5 grade spans:

- 6 (i) Grades 3 to 5, inclusive.
- 7 (ii) Grades 6 to 9, inclusive.
- 8 (iii) Grades 10 to 12, inclusive.

9 (3) The California Alternate Performance Assessment in grades
10 2 to 11, inclusive, in English language arts and mathematics and
11 science in grades 5, 8, and 10, which measures content standards
12 adopted pursuant to Section 60605 until a successor assessment
13 is implemented. The successor assessment shall be limited to the
14 grades and subject areas assessed pursuant to paragraph (1) and
15 subparagraph (B) of paragraph (2).

16 (4) The Early Assessment Program established by Chapter 6
17 (commencing with Section 99300) of Part 65 of Division 14 of
18 Title 3.

19 (5) *Commencing with the 2018–19 school year, a summative*
20 *assessment in history-social science, as adopted by the state board*
21 *in accordance with the recommendations made pursuant to*
22 *paragraph (3) of subdivision (c).*

23 ~~(5)~~

24 (6) (A) The department shall make available to local educational
25 agencies a primary language assessment aligned to the English
26 language arts standards adopted pursuant to Section 60605, as it
27 read on January 1, 2013, for assessing pupils who are enrolled in
28 a dual language immersion program that includes the primary
29 language of the assessment and who are either nonlimited English
30 proficient or redesignated fluent English proficient. The cost for
31 the assessment shall be the same for all local educational agencies,
32 and shall not exceed the marginal cost of the assessment, including
33 any cost the department incurs to implement this section.

34 (B) A local educational agency may administer a primary
35 language assessment aligned to the English language arts standards
36 adopted pursuant to Section 60605, as it read on January 1, 2013,
37 at its own expense, and shall enter into an agreement for that
38 purpose with the testing contractor. If the local educational agency
39 chooses to administer a primary language assessment pursuant to
40 this paragraph, the department shall reimburse the local educational

1 agency for its costs, including a per pupil apportionment to
2 administer the assessment pursuant to subdivision (l). The
3 department shall determine the procedures for reimbursement.

4 (C) The Superintendent shall consult with stakeholders,
5 including assessment and English learner experts, to determine
6 the content and purpose of a stand-alone language arts summative
7 assessment in primary languages other than English that aligns
8 with the ~~English-language~~ *English language* arts content standards.
9 The Superintendent shall consider the appropriate purpose for this
10 assessment, including, but not necessarily limited to, support for
11 the State Seal of Biliteracy and accountability. It is the intent of
12 the Legislature that an assessment developed pursuant to this
13 section be included in the state accountability system.

14 (D) The Superintendent shall report and make recommendations
15 to the state board at a regularly scheduled public meeting no sooner
16 than one year after the first full administration of the consortium
17 computer-adaptive assessments in English language arts and
18 mathematics summative assessments in grades 3 to 8, inclusive,
19 and grade 11, regarding an implementation timeline and estimated
20 costs of a stand-alone language arts summative assessment in
21 primary languages other than English.

22 (E) The Superintendent shall develop, and the state board shall
23 adopt, a primary language assessment. The Superintendent shall
24 administer this assessment no later than the 2016–17 school year.

25 (F) This paragraph shall be operative only to the extent that
26 funding is provided in the annual Budget Act or another statute
27 for the purpose of this section.

28 (c) No later than March 1, 2016, the Superintendent shall submit
29 to the state board recommendations on expanding the MAPP to
30 include additional assessments, for consideration at a regularly
31 scheduled public meeting. The Superintendent shall also submit
32 these recommendations to the appropriate policy and fiscal
33 committees of the Legislature and to the Director of Finance in
34 accordance with all of the following:

35 (1) In consultation with stakeholders, including, but not
36 necessarily limited to, California teachers, individuals with
37 expertise in assessing English learners and pupils with disabilities,
38 parents, and measurement experts, the Superintendent shall make
39 recommendations regarding assessments including the grade level,
40 content, and type of assessment. These recommendations shall

1 take into consideration the assessments already administered or
2 planned pursuant to subdivision (b). The Superintendent shall
3 consider the use of consortium-developed assessments, various
4 item types, computer-based testing, and a timeline for
5 implementation.

6 (2) The recommendations shall consider assessments in subjects,
7 including, but not necessarily limited to, ~~history-social science~~,
8 technology, visual and performing arts, and other subjects as
9 appropriate, as well as English language arts, mathematics, and
10 science assessments to augment the assessments required under
11 subdivision (b), and the use of various assessment options,
12 including, but not necessarily limited to, computer-based tests,
13 locally scored performance tasks, and portfolios.

14 (3) *The recommendations shall also include a plan to implement*
15 *a summative assessment in history-social science commencing*
16 *with the 2018–19 school year.*

17 ~~(3)~~

18 (4) The recommendations shall include the use of an assessment
19 calendar that would schedule the assessments identified pursuant
20 to paragraph (2) over several years, the use of matrix sampling, if
21 appropriate, and the use of population sampling.

22 ~~(4)~~

23 (5) The recommendations shall include a timeline for test
24 development, and shall include cost estimates for subject areas, as
25 appropriate.

26 ~~(5)~~

27 (6) Upon approval by the state board and the appropriation of
28 funding for this purpose, the Superintendent shall develop and
29 administer approved assessments. The state board shall approve
30 test blueprints, achievement level descriptors, testing periods,
31 performance standards, and a reporting plan for each approved
32 assessment.

33 (d) For the 2013–14 and 2014–15 school years, the department
34 shall make available to local educational agencies Standardized
35 Testing and Reporting Program test forms no longer required by
36 the MAPP. The cost of implementing this subdivision, including,
37 but not necessarily limited to, shipping, printing, scoring, and
38 reporting per pupil shall be the same for all local educational
39 agencies, and shall not exceed the marginal cost of the assessment,
40 including any cost the department incurs to implement this section.

1 A local educational agency that chooses to administer an
2 assessment pursuant to this section shall do so at its own expense,
3 and shall enter into an agreement for that purpose with a contractor,
4 subject to the approval of the department.

5 (e) The Superintendent shall make available a paper and pencil
6 version of any computer-based MAPP assessment for use by pupils
7 who are unable to access the computer-based version of the
8 assessment for a maximum of three years after a new operational
9 test is first administered.

10 (f) (1) From the funds available for that purpose, each local
11 educational agency shall administer assessments to each of its
12 pupils pursuant to subdivision (b). As allowable by federal statute,
13 recently arrived English learner pupils are exempted from taking
14 the assessment in English language arts. The state board shall
15 establish a testing period to provide that all schools administer
16 these tests to pupils at approximately the same time during the
17 instructional year. The testing period established by the state board
18 shall take into consideration the need of local educational agencies
19 to provide makeup days for pupils who were absent during testing,
20 as well as the need to schedule testing on electronic computing
21 devices.

22 (2) For the 2013–14 school year, each local educational agency
23 shall administer the field tests in a manner described by the
24 department in consultation with the president or executive director
25 of the state board. Additional participants in the field test beyond
26 the representative sample may be approved by the department, and
27 the department shall use existing contract savings to fund district
28 participation in one or more tests per participant. Funds for this
29 purpose shall be ~~utilized~~ *used* to allow for maximum participation
30 in the field test across the state. To the extent savings in the current
31 contract are not available to fully fund this participation, the
32 department shall prorate available funds by test. Local educational
33 agencies shall bear any additional costs to administer these
34 assessments that are in excess of the contracted amount. With
35 approval of the state board and the Director of Finance, the
36 department shall amend the existing assessment contract to
37 accommodate field testing beyond the representative sample, and
38 to allow for special studies using information collected from the
39 field tests.

1 (g) From the funds available for that purpose, each local
2 educational agency shall administer assessments as determined by
3 the state board pursuant to paragraph~~(5)~~ (6) of subdivision (c).

4 (h) As feasible, the MAPP field tests shall be conducted in a
5 manner that will minimize the testing burden on individual schools.
6 The MAPP field tests shall not produce individual pupil scores
7 unless it is determined that these scores are valid and reliable.

8 (i) The governing board of a school district may administer
9 achievement tests in grades other than those required by this section
10 as it deems appropriate.

11 (j) The governing board of a school district may administer a
12 primary language assessment aligned to the English language arts
13 standards adopted pursuant to Section 60605 to a pupil identified
14 as limited English proficient enrolled in any of grades 2 to 11,
15 inclusive, who either receives instruction in his or her primary
16 language or has been enrolled in a school in the United States for
17 less than 12 months until a subsequent primary language
18 assessment aligned to the common core standards in English
19 language arts adopted pursuant to Section 60605.8 is developed
20 pursuant to paragraph~~(5)~~ (6) of subdivision (b). If the governing
21 board of a school district chooses to administer this assessment,
22 it shall notify the department in a manner determined by the
23 department.

24 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
25 States Code, individuals with exceptional needs, as defined in
26 Section 56026, shall be included in the testing requirement of
27 subdivision (b) with appropriate accommodations in administration,
28 where necessary, and those individuals with exceptional needs
29 who are unable to participate in the testing, even with
30 accommodations, shall be given an alternate assessment.

31 (l) (1) The Superintendent shall apportion funds appropriated
32 for these purposes to local educational agencies to enable them to
33 meet the requirements of subdivisions (b) and (c).

34 (A) For the MAPP field tests administered in the 2013–14 school
35 year or later school years, the Superintendent shall apportion funds
36 to local educational agencies if funds are specifically provided for
37 this purpose in the annual Budget Act.

38 (B) The Superintendent shall apportion funds to local
39 educational agencies to enable them to administer assessments

1 used to satisfy the voluntary Early Assessment Program in the
2 2013–14 school year pursuant to paragraph (4) of subdivision (b).

3 (2) The state board annually shall establish the amount of
4 funding to be apportioned to local educational agencies for each
5 test administered and annually shall establish the amount that each
6 contractor shall be paid for each test administered under the
7 contracts required pursuant to Section 60643. The amounts to be
8 paid to the contractors shall be determined by considering the cost
9 estimates submitted by each contractor each September and the
10 amount included in the annual Budget Act, and by making
11 allowance for the estimated costs to school districts for compliance
12 with the requirements of subdivisions (b) and (c). The state board
13 shall take into account changes to local educational agency test
14 administration activities under the MAPP, including, but not limited
15 to, the number, type of tests administered, and changes in
16 computerized test registration and administration procedures, when
17 establishing the amount of funding to be apportioned to local
18 educational agencies for each test administered.

19 (3) An adjustment to the amount of funding to be apportioned
20 per test shall not be valid without the approval of the Director of
21 Finance. A request for approval of an adjustment to the amount
22 of funding to be apportioned per test shall be submitted in writing
23 to the Director of Finance and the chairpersons of the fiscal
24 committees of both houses of the Legislature with accompanying
25 material justifying the proposed adjustment. The Director of
26 Finance is authorized to approve only those adjustments related
27 to activities required by statute. The Director of Finance shall
28 approve or disapprove the amount within 30 days of receipt of the
29 request and shall notify the chairpersons of the fiscal committees
30 of both houses of the Legislature of the decision.

31 (m) For purposes of making the computations required by
32 Section 8 of Article XVI of the California Constitution, the
33 appropriation for the apportionments made pursuant to paragraph
34 (1) of subdivision (l), and the payments made to the contractors
35 under the contracts required pursuant to Section 60643 or
36 subparagraph (C) of paragraph (1) of subdivision (a) of Section
37 60605 between the department and the contractor, are “General
38 Fund revenues appropriated for school districts,” as defined in
39 subdivision (c) of Section 41202, for the applicable fiscal year,
40 and included within the “total allocations to school districts and

1 community college districts from General Fund proceeds of taxes
2 appropriated pursuant to Article XIII B,” as defined in subdivision
3 (e) of Section 41202, for that fiscal year.

4 (n) As a condition to receiving an apportionment pursuant to
5 subdivision (l), a local educational agency shall report to the
6 Superintendent all of the following:

7 (1) The pupils enrolled in the local educational agency in the
8 grades in which assessments were administered pursuant to
9 subdivisions (b) and (c).

10 (2) The pupils to whom an achievement test was administered
11 pursuant to subdivisions (b) and (c) in the local educational agency.

12 (3) The pupils in paragraph (1) who were exempted from the
13 test pursuant to this section.

14 (o) The Superintendent and the state board are authorized and
15 encouraged to assist postsecondary educational institutions to use
16 the assessment results of the MAPP, including, but not necessarily
17 limited to, the grade 11 consortium summative assessments in
18 English language arts and mathematics, for academic credit,
19 placement, or admissions processes.

20 (p) Subject to the availability of funds in the annual Budget Act
21 for this purpose, and exclusive of the consortium assessments, the
22 Superintendent, with the approval of the state board, annually shall
23 release to the public test items from the achievement tests pursuant
24 to Section 60642.5 administered in previous years. Where feasible
25 and practicable, the minimum number of test items released per
26 year shall be equal to 25 percent of the total number of test items
27 on the test administered in the previous year.

28 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,
29 of Title 5 of the California Code of Regulations shall be revised
30 by the state board to conform to the changes made to this section
31 in the first year of the 2013–14 Regular Session. The state board
32 shall adopt initial regulations as emergency regulations to
33 immediately implement the MAPP assessments, including, but
34 not necessarily limited to, the administration, scoring, and reporting
35 of the tests, as the adoption of emergency regulations is necessary
36 for the immediate preservation of the public peace, health, safety,
37 or general welfare within the meaning of Section 11346.1 of the
38 Government Code. The emergency regulations shall be followed
39 by the adoption of permanent regulations, in accordance with the
40 Administrative Procedure Act (Chapter 3.5 (commencing with

- 1 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
- 2 Code).

O