

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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 amended, Morrell. Pupil assessment: ~~Measurement of Academic~~ *California Assessment of Student 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 *assessments* in history-social science, in accordance with specified requirements.

This bill *would change the name of the MAPP to the California Assessment of Student Performance and Progress (CAASPP). The bill*

would require the ~~MAPP~~, *CAASPP*, 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 *California Assessment of Student Performance and Progress, to*
6 *be known as the CAASPP.*
7 (b) Commencing with the 2013–14 school year, the ~~MAPP~~
8 *CAASPP* shall be composed of all of the following:
9 (1) (A) A consortium summative assessment in English
10 language arts and mathematics for grades 3 to 8, inclusive, and
11 grade 11 that measures content standards adopted by the state
12 board.
13 (B) In the 2013–14 school year, the consortium summative
14 assessment in English language arts and mathematics shall be a
15 field test only, to enable the consortium to gauge the validity and
16 reliability of these assessments and to conduct all necessary
17 psychometric procedures and studies, including, but not necessarily
18 limited to, achievement standard setting, and to allow the
19 department to conduct studies regarding full implementation of
20 the assessment system. These field tests and results shall not be
21 used for any other purpose, including the calculation of any
22 accountability measure.
23 (2) (A) Science grade level assessments in grades 5, 8, and 10
24 that measure content standards adopted pursuant to Section 60605,
25 until a successor assessment is implemented pursuant to
26 subparagraph (B).

1 (B) For science assessments, the Superintendent shall make a
2 recommendation to the state board as soon as is feasible after the
3 adoption of science content standards pursuant to Section 60605.85
4 regarding the assessment of the newly adopted standards. Before
5 making recommendations, the Superintendent shall consult with
6 stakeholders, including, but not necessarily limited to, California
7 science teachers, individuals with expertise in assessing English
8 learners and pupils with disabilities, parents, and measurement
9 experts, regarding the grade level and type of assessment. The
10 recommendations shall include cost estimates and a plan for
11 implementation of at least one assessment in each of the following
12 grade spans:

13 (i) Grades 3 to 5, inclusive.

14 (ii) Grades 6 to 9, inclusive.

15 (iii) Grades 10 to 12, inclusive.

16 (3) The California Alternate Performance Assessment in grades
17 2 to 11, inclusive, in English language arts and mathematics and
18 science in grades 5, 8, and 10, which measures content standards
19 adopted pursuant to Section 60605 until a successor assessment
20 is implemented. The successor assessment shall be limited to the
21 grades and subject areas assessed pursuant to paragraph (1) and
22 subparagraph (B) of paragraph (2).

23 (4) The Early Assessment Program established by Chapter 6
24 (commencing with Section 99300) of Part 65 of Division 14 of
25 Title 3.

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

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

1 (B) A local educational agency may administer a primary
2 language assessment aligned to the English language arts standards
3 adopted pursuant to Section 60605, as it read on January 1, 2013,
4 at its own expense, and shall enter into an agreement for that
5 purpose with the testing contractor. If the local educational agency
6 chooses to administer a primary language assessment pursuant to
7 this paragraph, the department shall reimburse the local educational
8 agency for its costs, including a per pupil apportionment to
9 administer the assessment pursuant to subdivision (I). The
10 department shall determine the procedures for reimbursement.

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

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

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

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

35 (c) No later than March 1, 2016, the Superintendent shall submit
36 to the state board recommendations on expanding the ~~MAPP~~
37 *CAASPP* to include additional assessments, for consideration at a
38 regularly scheduled public meeting. The Superintendent shall also
39 submit these recommendations to the appropriate policy and fiscal

1 committees of the Legislature and to the Director of Finance in
2 accordance with all of the following:

3 (1) In consultation with stakeholders, including, but not
4 necessarily limited to, California teachers, individuals with
5 expertise in assessing English learners and pupils with disabilities,
6 parents, and measurement experts, the Superintendent shall make
7 recommendations regarding assessments including the grade level,
8 content, and type of assessment. These recommendations shall
9 take into consideration the assessments already administered or
10 planned pursuant to subdivision (b). The Superintendent shall
11 consider the use of consortium-developed assessments, various
12 item types, computer-based testing, and a timeline for
13 implementation.

14 (2) The recommendations shall consider assessments in subjects,
15 including, but not necessarily limited to, technology, visual and
16 performing arts, and other subjects as appropriate, as well as
17 English language arts, mathematics, and science assessments to
18 augment the assessments required under subdivision (b), and the
19 use of various assessment options, including, but not necessarily
20 limited to, computer-based tests, locally scored performance tasks,
21 and portfolios.

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

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

29 (5) The recommendations shall include a timeline for test
30 development, and shall include cost estimates for subject areas, as
31 appropriate.

32 (6) Upon approval by the state board and the appropriation of
33 funding for this purpose, the Superintendent shall develop and
34 administer *the* approved assessments. The state board shall approve
35 test blueprints, achievement level descriptors, testing periods,
36 performance standards, and a reporting plan for each approved
37 assessment.

38 (d) For the 2013–14 and 2014–15 school years, the department
39 shall make available to local educational agencies Standardized
40 Testing and Reporting Program test forms no longer required by

1 the ~~MAPP~~ *CAASPP*. The cost of implementing this subdivision,
2 including, but not necessarily limited to, shipping, printing, scoring,
3 and reporting per pupil shall be the same for all local educational
4 agencies, and shall not exceed the marginal cost of the assessment,
5 including any cost the department incurs to implement this ~~section~~.
6 *subdivision*. A local educational agency that chooses to administer
7 an assessment pursuant to this ~~section~~ *subdivision* shall do so at
8 its own expense, and shall enter into an agreement for that purpose
9 with a contractor, subject to the approval of the department.

10 (e) The Superintendent shall make available a paper and pencil
11 version of any computer-based ~~MAPP~~ *CAASPP* assessment for
12 use by pupils who are unable to access the computer-based version
13 of the assessment for a maximum of three years after a new
14 operational test is first administered.

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

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

1 Finance, the department shall amend the existing assessment
2 contract to accommodate field testing beyond the representative
3 sample, and to allow for special studies using information collected
4 from the field tests.

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

8 (h) As feasible, the ~~MAPP CAASPP~~ field tests shall be
9 conducted in a manner that will minimize the testing burden on
10 individual schools. The ~~MAPP CAASPP~~ field tests shall not
11 produce individual pupil scores unless it is determined that these
12 scores are valid and reliable.

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

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

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

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

38 (A) For the ~~MAPP CAASPP~~ field tests administered in the
39 2013–14 school year or later school years, the Superintendent shall

1 apportion funds to local educational agencies if funds are
 2 specifically provided for this purpose in the annual Budget Act.

3 (B) The Superintendent shall apportion funds to local
 4 educational agencies to enable them to administer assessments
 5 used to satisfy the voluntary Early Assessment Program in the
 6 2013–14 school year pursuant to paragraph (4) of subdivision (b).

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

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

37 (m) For purposes of making the computations required by
 38 Section 8 of Article XVI of the California Constitution, the
 39 appropriation for the apportionments made pursuant to paragraph
 40 (1) of subdivision (l), and the payments made to the contractors

1 under the contracts required pursuant to Section 60643 or
2 subparagraph (C) of paragraph (1) of subdivision (a) of Section
3 60605 between the department and the contractor, are “General
4 Fund revenues appropriated for school districts,” as defined in
5 subdivision (c) of Section 41202, for the applicable fiscal year,
6 and included within the “total allocations to school districts and
7 community college districts from General Fund proceeds of taxes
8 appropriated pursuant to Article XIII B,” as defined in subdivision
9 (e) of Section 41202, for that fiscal year.

10 (n) As a condition to receiving an apportionment pursuant to
11 subdivision (I), a local educational agency shall report to the
12 Superintendent all of the following:

13 (1) The pupils enrolled in the local educational agency in the
14 grades in which assessments were administered pursuant to
15 subdivisions (b) and (c).

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

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

20 (o) The Superintendent and the state board are authorized and
21 encouraged to assist postsecondary educational institutions to use
22 the assessment results of the ~~MAPP~~, *CAASPP*, including, but not
23 necessarily limited to, the grade 11 consortium summative
24 assessments in English language arts and mathematics, for
25 academic credit, placement, or admissions processes.

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

34 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,
35 of Title 5 of the California Code of Regulations shall be revised
36 by the state board to conform to the changes made to this section
37 in the first year of the 2013–14 Regular Session. The state board
38 shall adopt initial regulations as emergency regulations to
39 immediately implement the ~~MAPP~~ *CAASPP* assessments,
40 including, but not necessarily limited to, the administration,

1 scoring, and reporting of the tests, as the adoption of emergency
2 regulations is necessary for the immediate preservation of the
3 public peace, health, safety, or general welfare within the meaning
4 of Section 11346.1 of the Government Code. The emergency
5 regulations shall be followed by the adoption of permanent
6 regulations, in accordance with the Administrative Procedure Act
7 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
8 Division 3 of Title 2 of the Government Code).

O