

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2057**

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**Introduced by Assembly Member Bonilla**

February 20, 2014

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An act to amend Section 60640 of the Education Code, relating to pupil assessment, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2057, as amended, Bonilla. Pupil assessment: consortium alternate performance assessments.

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. The MAPP is 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 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.

This bill would *rename the MAPP to the California Assessment of Student Performance and Progress (CAASPP)*. The bill would provide that a consortium alternate performance assessment in English language

arts and mathematics that measures specified content standards would be administered in grades 3 to 8, inclusive, and grade 11 instead of the California Alternate Performance Assessment being administered in grades 2 to 11, inclusive, in English language arts and mathematics. The bill would further provide that, in the 2013–14 school year only *and subject to approval by the United States Department of Education*, the consortium alternate performance assessment in English language arts and mathematics would be a pilot test only, as specified.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . 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 know 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 pursuant to Section 60605, until a

1 successor assessment is implemented pursuant to subparagraph  
2 (B).

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

15 (i) Grades 3 to 5, inclusive.

16 (ii) Grades 6 to 9, inclusive.

17 (iii) Grades 10 to 12, inclusive.

18 (3) (A) A consortium alternate performance assessment in  
19 English language arts and mathematics for grades 3 to 8, inclusive,  
20 and grade 11 that measures content standards adopted pursuant to  
21 Section 60605.

22 (B) In the 2013–14 school year only *and subject to approval*  
23 *by the United States Department of Education*, a local educational  
24 agency may administer either the pilot tests of the consortium  
25 alternate performance assessment in English language arts and  
26 mathematics or the California Alternate Performance Assessment.  
27 If a local educational agency administers the pilot test, the  
28 assessment shall be a pilot test only, to enable the consortium to  
29 gauge the validity and reliability of these assessments and to  
30 conduct all necessary psychometric procedures and studies,  
31 including, but not necessarily limited to, achievement standard  
32 setting, and to allow the department to conduct studies regarding  
33 full implementation of the assessment system. The pilot test and  
34 results shall not be used for any other purpose, including the  
35 calculation of an accountability measure.

36 (4) The California Alternate Performance Assessment in science  
37 in grades 5, 8, and 10, which measures content standards adopted  
38 pursuant to Section 60605 until a successor assessment for this  
39 subject matter is implemented.

1 (5) The Early Assessment Program established by Chapter 6  
2 (commencing with Section 99300) of Part 65 of Division 14 of  
3 Title 3.

4 (6) (A) The department shall make available to local educational  
5 agencies a primary language assessment aligned to the English  
6 language arts standards adopted pursuant to Section 60605, as it  
7 read on January 1, 2013, for assessing pupils who are enrolled in  
8 a dual language immersion program that includes the primary  
9 language of the assessment and who are either nonlimited English  
10 proficient or redesignated fluent English proficient. The cost for  
11 the *primary language* assessment shall be the same for all local  
12 educational agencies, and shall not exceed the marginal cost of  
13 the assessment, including any cost the department incurs to  
14 implement this ~~section~~ *paragraph*.

15 (B) A local educational agency may administer a primary  
16 language assessment aligned to the English language arts standards  
17 adopted pursuant to Section 60605, as it read on January 1, 2013,  
18 at its own expense, and shall enter into an agreement for that  
19 purpose with the testing contractor. If the local educational agency  
20 chooses to administer a primary language assessment pursuant to  
21 this paragraph, the department shall reimburse the local educational  
22 agency for its costs, including a per pupil apportionment to  
23 administer the assessment pursuant to subdivision (l). The  
24 department shall determine the procedures for reimbursement.

25 (C) The Superintendent shall consult with stakeholders,  
26 including assessment and English learner experts, to determine  
27 the content and purpose of a stand-alone language arts summative  
28 assessment in primary languages other than English that aligns  
29 with the English-language arts content standards. The  
30 Superintendent shall consider the appropriate purpose for this  
31 assessment, including, but not necessarily limited to, support for  
32 the State Seal of Biliteracy and accountability. It is the intent of  
33 the Legislature that an assessment developed pursuant to this  
34 section be included in the state accountability system.

35 (D) The Superintendent shall report and make recommendations  
36 to the state board at a regularly scheduled public meeting no sooner  
37 than one year after the first full administration of the consortium  
38 computer-adaptive assessments in English language arts and  
39 mathematics summative assessments in grades 3 to 8, inclusive,  
40 and grade 11, regarding an implementation timeline and estimated

1 costs of a stand-alone language arts summative assessment in  
2 primary languages other than English.

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

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

9 (c) No later than March 1, 2016, the Superintendent shall submit  
10 to the state board recommendations on expanding the ~~MAPP~~  
11 *CAASPP* to include additional assessments, for consideration at a  
12 regularly scheduled public meeting. The Superintendent shall also  
13 submit these recommendations to the appropriate policy and fiscal  
14 committees of the Legislature and to the Director of Finance in  
15 accordance with all of the following:

16 (1) In consultation with stakeholders, including, but not  
17 necessarily limited to, California teachers, individuals with  
18 expertise in assessing English learners and pupils with disabilities,  
19 parents, and measurement experts, the Superintendent shall make  
20 recommendations regarding assessments including the grade level,  
21 content, and type of assessment. These recommendations shall  
22 take into consideration the assessments already administered or  
23 planned pursuant to subdivision (b). The Superintendent shall  
24 consider the use of consortium-developed assessments, various  
25 item types, computer-based testing, and a timeline for  
26 implementation.

27 (2) The recommendations shall consider assessments in subjects,  
28 including, but not necessarily limited to, history-social science,  
29 technology, visual and performing arts, and other subjects as  
30 appropriate, as well as English language arts, mathematics, and  
31 science assessments to augment the assessments required under  
32 subdivision (b), and the use of various assessment options,  
33 including, but not necessarily limited to, computer-based tests,  
34 locally scored performance tasks, and portfolios.

35 (3) The recommendations shall include the use of an assessment  
36 calendar that would schedule the assessments identified pursuant  
37 to paragraph (2) over several years, the use of matrix sampling, if  
38 appropriate, and the use of population sampling.

1 (4) The recommendations shall include a timeline for test  
2 development, and shall include cost estimates for subject areas, as  
3 appropriate.

4 (5) Upon approval by the state board and the appropriation of  
5 funding for this purpose, the Superintendent shall develop and  
6 administer *the* approved assessments. The state board shall approve  
7 test blueprints, achievement level descriptors, testing periods,  
8 performance standards, and a reporting plan for each approved  
9 assessment.

10 (d) For the 2013–14 and 2014–15 school years, the department  
11 shall make available to local educational agencies Standardized  
12 Testing and Reporting Program test forms no longer required by  
13 the ~~MAPP CAASPP~~. The cost of implementing this subdivision,  
14 including, but not necessarily limited to, shipping, printing, scoring,  
15 and reporting per pupil shall be the same for all local educational  
16 agencies, and shall not exceed the marginal cost of the assessment,  
17 including any cost the department incurs to implement this ~~section~~  
18 *subdivision*. A local educational agency that chooses to administer  
19 an assessment pursuant to this ~~section~~ *subdivision* shall do so at  
20 its own expense, and shall enter into an agreement for that purpose  
21 with a contractor, subject to the approval of the department.

22 (e) The Superintendent shall make available a paper and pencil  
23 version of any computer-based ~~MAPP CAASPP~~ assessment for  
24 use by pupils who are unable to access the computer-based version  
25 of the assessment for a maximum of three years after a new  
26 operational test is first administered.

27 (f) (1) From the funds available for that purpose, each local  
28 educational agency shall administer assessments to each of its  
29 pupils pursuant to subdivision (b). As allowable by federal statute,  
30 recently arrived English learner pupils are exempted from taking  
31 the assessment in English language arts. The state board shall  
32 establish a testing period to provide that all schools administer  
33 these tests to pupils at approximately the same time during the  
34 instructional year. The testing period established by the state board  
35 shall take into consideration the need of local educational agencies  
36 to provide makeup days for pupils who were absent during testing,  
37 as well as the need to schedule testing on electronic computing  
38 devices.

39 (2) For the 2013–14 school year, each local educational agency  
40 shall administer the field tests in a manner described by the

1 department in consultation with the president or executive director  
2 of the state board. Additional participants in the field test beyond  
3 the representative sample may be approved by the department, and  
4 the department shall use existing contract savings to fund ~~district~~  
5 *local educational agency* participation in one or more tests per  
6 participant. Funds for this purpose shall be ~~utilized~~ *used* to allow  
7 for maximum participation in the field ~~test~~ *tests* across the state.  
8 To the extent savings in the current contract are not available to  
9 fully fund this participation, the department shall prorate available  
10 funds by test. Local educational agencies shall bear any additional  
11 costs to administer these assessments that are in excess of the  
12 contracted amount. With approval of the state board and the  
13 Director of Finance, the department shall amend the existing  
14 assessment contract to accommodate field testing beyond the  
15 representative sample, and to allow for special studies using  
16 information collected from the field tests.

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

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

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

28 (j) The governing board of a school district may administer a  
29 primary language assessment aligned to the English language arts  
30 standards adopted pursuant to Section 60605 to a pupil identified  
31 as limited English proficient enrolled in any of grades 2 to 11,  
32 inclusive, who either receives instruction in his or her primary  
33 language or has been enrolled in a school in the United States for  
34 less than 12 months until a subsequent primary language  
35 assessment aligned to the common core standards in English  
36 language arts adopted pursuant to Section 60605.8 is developed  
37 pursuant to paragraph (6) of subdivision (b). If the governing board  
38 of a school district chooses to administer this assessment, it shall  
39 notify the department in a manner determined by the department.

1 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United  
2 States Code, individuals with exceptional needs, as defined in  
3 Section 56026, shall be included in the testing requirement of  
4 subdivision (b) with appropriate accommodations in administration,  
5 where necessary, and ~~those~~ *the* individuals with exceptional needs  
6 who are unable to participate in the testing, even with  
7 accommodations, shall be given an alternate assessment.

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

11 (A) For the ~~MAPP CAASPP~~ field tests administered in the  
12 2013–14 school year or later school years, the Superintendent shall  
13 apportion funds to local educational agencies if funds are  
14 specifically provided for this purpose in the annual Budget Act.

15 (B) The Superintendent shall apportion funds to local  
16 educational agencies to enable them to administer assessments  
17 used to satisfy the voluntary Early Assessment Program in the  
18 2013–14 school year pursuant to paragraph (5) of subdivision (b).

19 (2) The state board annually shall establish the amount of  
20 funding to be apportioned to local educational agencies for each  
21 test administered and annually shall establish the amount that each  
22 contractor shall be paid for each test administered under the  
23 contracts required pursuant to Section 60643. The amounts to be  
24 paid to the contractors shall be determined by considering the cost  
25 estimates submitted by each contractor each September and the  
26 amount included in the annual Budget Act, and by making  
27 allowance for the estimated costs to ~~school districts~~ *local*  
28 *educational agencies* for compliance with the requirements of  
29 subdivisions (b) and (c). The state board shall take into account  
30 changes to local educational agency test administration activities  
31 under the ~~MAPP CAASPP~~, including, but not limited to, the  
32 ~~number, number and type of tests administered;~~ *administered* and  
33 changes in computerized test registration and administration  
34 procedures, when establishing the amount of funding to be  
35 apportioned to local educational agencies for each test  
36 administered.

37 (3) An adjustment to the amount of funding to be apportioned  
38 per test shall not be valid without the approval of the Director of  
39 Finance. A request for approval of an adjustment to the amount  
40 of funding to be apportioned per test shall be submitted in writing

1 to the Director of Finance and the chairpersons of the fiscal  
2 committees of both houses of the Legislature with accompanying  
3 material justifying the proposed adjustment. The Director of  
4 Finance is authorized to approve only those adjustments related  
5 to activities required by statute. The Director of Finance shall  
6 approve or disapprove the amount within 30 days of receipt of the  
7 request and shall notify the chairpersons of the fiscal committees  
8 of both houses of the Legislature of the decision.

9 (m) For purposes of making the computations required by  
10 Section 8 of Article XVI of the California Constitution, the  
11 appropriation for the apportionments made pursuant to paragraph  
12 (1) of subdivision (l), and the payments made to the contractors  
13 under the contracts required pursuant to Section 60643 or  
14 subparagraph (C) of paragraph (1) of subdivision (a) of Section  
15 60605 between the department and the contractor, are “General  
16 Fund revenues appropriated for school districts,” as defined in  
17 subdivision (c) of Section 41202, for the applicable fiscal year,  
18 and included within the “total allocations to school districts and  
19 community college districts from General Fund proceeds of taxes  
20 appropriated pursuant to Article XIII B,” as defined in subdivision  
21 (e) of Section 41202, for that fiscal year.

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

25 (1) The pupils enrolled in the local educational agency in the  
26 grades in which assessments were administered pursuant to  
27 subdivisions (b) and (c).

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

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

32 (o) The Superintendent and the state board are authorized and  
33 encouraged to assist postsecondary educational institutions to use  
34 the assessment results of the ~~MAPP~~ CAASPP, including, but not  
35 necessarily limited to, the grade 11 consortium summative  
36 assessments in English language arts and mathematics, for  
37 academic credit, placement, or admissions processes.

38 (p) Subject to the availability of funds in the annual Budget Act  
39 for this purpose, and exclusive of the consortium assessments, the  
40 Superintendent, with the approval of the state board, annually shall

1 release to the public test items from the achievement tests pursuant  
2 to Section 60642.5 administered in previous years. Where feasible  
3 and practicable, the minimum number of test items released per  
4 year shall be equal to 25 percent of the total number of test items  
5 on the test administered in the previous year.

6 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,  
7 of Title 5 of the California Code of Regulations shall be revised  
8 by the state board to conform to the changes made to this section  
9 in the first year of the 2013–14 Regular Session. The state board  
10 shall adopt initial regulations as emergency regulations to  
11 immediately implement the—MAPP CAASPP assessments,  
12 including, but not necessarily limited to, the administration,  
13 scoring, and reporting of the tests, as the adoption of emergency  
14 regulations is necessary for the immediate preservation of the  
15 public peace, health, safety, or general welfare within the meaning  
16 of Section 11346.1 of the Government Code. The emergency  
17 regulations shall be followed by the adoption of permanent  
18 regulations, in accordance with the Administrative Procedure Act  
19 (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
20 Division 3 of Title 2 of the Government Code).

21 SEC. 2. This act is an urgency statute necessary for the  
22 immediate preservation of the public peace, health, or safety within  
23 the meaning of Article IV of the Constitution and shall go into  
24 immediate effect. The facts constituting the necessity are:

25 In order for the changes made by this act to be in place during  
26 the 2013–14 school year, it is necessary for this act to take effect  
27 immediately.