

AMENDED IN SENATE JUNE 11, 2014

AMENDED IN ASSEMBLY APRIL 3, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2057

Introduced by Assembly Member Bonilla

February 20, 2014

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~~ 2014–15 school year only and subject to approval by the United States Department of Education, *as specified*, the consortium alternate performance assessment in English language arts and mathematics would be a ~~pilot~~ field test only, as specified. *The bill would require the department to adopt new alternate performance assessments in English language arts and mathematics no later than the 2016–17 school year and would authorize local educational agencies to administer the California Alternate Performance Assessment until the department has approved the new alternate performance assessments.*

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

Vote: $\frac{2}{3}$ -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 California
 4 Assessment of Student Performance and Progress, to be know as
 5 the CAASPP.
 6 (b) Commencing with the 2013–14 school year, the CAASPP
 7 shall be composed of all of the following:
 8 (1) (A) A consortium summative assessment in English
 9 language arts and mathematics for grades 3 to 8, inclusive, and
 10 grade 11 that measures content standards adopted by the state
 11 board.
 12 (B) In the 2013–14 school year, the consortium summative
 13 assessment in English language arts and mathematics shall be a
 14 field test only, to enable the consortium to gauge the validity and
 15 reliability of these assessments and to conduct all necessary
 16 psychometric procedures and studies, including, but not necessarily

1 limited to, achievement standard setting, and to allow the
2 department to conduct studies regarding full implementation of
3 the assessment system. These field tests and results shall not be
4 used for any other purpose, including the calculation of any
5 accountability measure.

6 (2) (A) Science grade level assessments in grades 5, 8, and 10
7 that measure content standards pursuant to Section 60605, until a
8 successor assessment is implemented pursuant to subparagraph
9 (B).

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

- 22 (i) Grades 3 to 5, inclusive.
- 23 (ii) Grades 6 to 9, inclusive.
- 24 (iii) Grades 10 to 12, inclusive.

25 (3) (A) A consortium alternate performance assessment in
26 English language arts and mathematics for grades 3 to 8, inclusive,
27 and grade 11 that measures content standards adopted pursuant to
28 Section 60605.

29 (B) (i) In the ~~2013–14~~ 2014–15 school year only and subject
30 to approval by the United States Department of Education, a local
31 educational agency may administer either the ~~pilot field~~ tests of
32 the consortium alternate performance assessment in English
33 language arts and mathematics or the California Alternate
34 Performance Assessment. If a local educational agency administers
35 the ~~pilot field~~ test, the assessment shall be a ~~pilot field~~ test only,
36 to enable the consortium to gauge the validity and reliability of
37 these assessments and to conduct all necessary psychometric
38 procedures and studies, including, but not necessarily limited to,
39 achievement standard setting, and to allow the department to
40 conduct studies regarding full implementation of the assessment

1 system. The ~~pilot~~ *field* test and results shall not be used for any
2 other purpose, including the calculation of an accountability
3 measure.

4 *(ii) For purposes of clause (i), the department shall apply for*
5 *a federal waiver from the United States Department of Education*
6 *for pupils who participate in the field tests of the consortium*
7 *alternate performance assessment in English language arts and*
8 *mathematics and not the California Alternate Performance*
9 *Assessment.*

10 *(iii) The department shall adopt new alternate performance*
11 *assessments in English language arts and mathematics no later*
12 *than the 2016–17 school year. Until the department has adopted*
13 *new alternate performance assessments, a local educational agency*
14 *may continue to administer the California Alternate Performance*
15 *Assessment.*

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

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

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

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 arts content standards. The
9 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 CAASPP
30 to 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 include the use of an assessment
15 calendar that would schedule the assessments identified pursuant
16 to paragraph (2) over several years, the use of matrix sampling, if
17 appropriate, and the use of population sampling.

18 (4) The recommendations shall include a timeline for test
19 development, and shall include cost estimates for subject areas, as
20 appropriate.

21 (5) Upon approval by the state board and the appropriation of
22 funding for this purpose, the Superintendent shall develop and
23 administer the approved assessments. The state board shall approve
24 test blueprints, achievement level descriptors, testing periods,
25 performance standards, and a reporting plan for each approved
26 assessment.

27 (d) For the 2013–14 and 2014–15 school years, the department
28 shall make available to local educational agencies Standardized
29 Testing and Reporting Program test forms no longer required by
30 the CAASPP. The cost of implementing this subdivision, including,
31 but not necessarily limited to, shipping, printing, scoring, and
32 reporting per pupil shall be the same for all local educational
33 agencies, and shall not exceed the marginal cost of the assessment,
34 including any cost the department incurs to implement this
35 subdivision. A local educational agency that chooses to administer
36 an assessment pursuant to this subdivision shall do so at its own
37 expense, and shall enter into an agreement for that purpose with
38 a contractor, subject to the approval of the department.

39 (e) The Superintendent shall make available a paper and pencil
40 version of any computer-based CAASPP assessment for use by

1 pupils who are unable to access the computer-based version of the
2 assessment for a maximum of three years after a new operational
3 test is first administered.

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

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

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

37 (h) As feasible, the CAASPP field tests shall be conducted in
38 a manner that will minimize the testing burden on individual
39 schools. The CAASPP field tests shall not produce individual pupil

1 scores unless it is determined that these scores are valid and
2 reliable.

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

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

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

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

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

32 (B) The Superintendent shall apportion funds to local
33 educational agencies to enable them to administer assessments
34 used to satisfy the voluntary Early Assessment Program in the
35 2013–14 school year pursuant to paragraph (5) of subdivision (b).

36 (2) The state board annually shall establish the amount of
37 funding to be apportioned to local educational agencies for each
38 test administered and annually shall establish the amount that each
39 contractor shall be paid for each test administered under the
40 contracts required pursuant to Section 60643. The amounts to be

1 paid to the contractors shall be determined by considering the cost
2 estimates submitted by each contractor each September and the
3 amount included in the annual Budget Act, and by making
4 allowance for the estimated costs to local educational agencies for
5 compliance with the requirements of subdivisions (b) and (c). The
6 state board shall take into account changes to local educational
7 agency test administration activities under the CAASPP, including,
8 but not limited to, the number and type of tests administered and
9 changes in computerized test registration and administration
10 procedures, when establishing the amount of funding to be
11 apportioned to local educational agencies for each test
12 administered.

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

25 (m) For purposes of making the computations required by
26 Section 8 of Article XVI of the California Constitution, the
27 appropriation for the apportionments made pursuant to paragraph
28 (1) of subdivision (l), and the payments made to the contractors
29 under the contracts required pursuant to Section 60643 or
30 subparagraph (C) of paragraph (1) of subdivision (a) of Section
31 60605 between the department and the contractor, are “General
32 Fund revenues appropriated for school districts,” as defined in
33 subdivision (c) of Section 41202, for the applicable fiscal year,
34 and included within the “total allocations to school districts and
35 community college districts from General Fund proceeds of taxes
36 appropriated pursuant to Article XIII B,” as defined in subdivision
37 (e) of Section 41202, for that fiscal year.

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

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

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

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

8 (o) The Superintendent and the state board are authorized and
 9 encouraged to assist postsecondary educational institutions to use
 10 the assessment results of the CAASPP, including, but not
 11 necessarily limited to, the grade 11 consortium summative
 12 assessments in English language arts and mathematics, for
 13 academic credit, placement, or admissions processes.

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

22 (q) On or before July 1, 2014, Sections 850 to 868, inclusive,
 23 of Title 5 of the California Code of Regulations shall be revised
 24 by the state board to conform to the changes made to this section
 25 in the first year of the 2013–14 Regular Session. The state board
 26 shall adopt initial regulations as emergency regulations to
 27 immediately implement the CAASPP assessments, including, but
 28 not necessarily limited to, the administration, scoring, and reporting
 29 of the tests, as the adoption of emergency regulations is necessary
 30 for the immediate preservation of the public peace, health, safety,
 31 or general welfare within the meaning of Section 11346.1 of the
 32 Government Code. The emergency regulations shall be followed
 33 by the adoption of permanent regulations, in accordance with the
 34 Administrative Procedure Act (Chapter 3.5 (commencing with
 35 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
 36 Code).

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

1 ~~In order for the changes made by this act to be in place during~~
2 ~~the 2013–14 school year, it is necessary for this act to take effect~~
3 ~~immediately.~~

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