

AMENDED IN SENATE JULY 2, 2014
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~~. *assessment*.

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)~~; *California Assessment of Student Performance and Progress (CAASPP)*, commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. The ~~MAPP CAASPP~~ 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 CAASPP~~ 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 require the CAASPP to include a consortium alternate performance assessment in English language arts and mathematics that measures specified content standards would to 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 2014–15 school year only and subject to approval by the United States Department of Education, as specified, year, the consortium alternate performance assessment in English language arts and mathematics would be a field test only, as specified. The bill would require the department state board to adopt new alternate performance assessments in English language arts and mathematics no later than the 2016–17 for full implementation in the 2015–16 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. The bill would require the State Department of Education to notify the appropriate committees of the Legislature, school districts, county offices of education, and charter schools if there is a change in the timeline or status of the consortium alternate performance assessments in English language arts and mathematics or in the consortium. The bill also would require the department to submit, no later than February 1, 2015, a report to the appropriate committees of the Legislature, school districts, county offices of education, and charter schools on the consortium alternate performance assessment in English language arts and mathematics, as specified.~~

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 California
- 4 Assessment of Student Performance and Progress, to be known as
- 5 the CAASPP.
- 6 (b) Commencing with the 2013–14 school year, the CAASPP
- 7 shall be composed of all of the following:

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

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

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

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

31 (i) Grades 3 to 5, inclusive.

32 (ii) Grades 6 to 9, inclusive.

33 (iii) Grades 10 to 12, inclusive.

34 (3) (A) *A consortium alternate performance assessment in*
35 *English language arts and mathematics for grades 3 to 8, inclusive,*
36 *and grade 11 that measures content standards adopted pursuant*
37 *to Sections 60605.8 and 60605.11.*

38 (B) (i) *In the 2014–15 school year, local educational agencies*
39 *shall administer the field tests of the consortium alternate*
40 *performance assessment in English language arts and mathematics.*

1 *The assessment shall be a field test only, to enable the consortium*
2 *to gauge the validity and reliability of these assessments and to*
3 *conduct all necessary psychometric procedures and studies,*
4 *including, but not necessarily limited to, achievement standard*
5 *setting, and to allow the department to conduct studies regarding*
6 *full implementation of the assessment system. The field test and*
7 *results shall not be used for any other purpose, including the*
8 *calculation of an accountability measure.*

9 *(ii) The state board shall adopt new alternate performance*
10 *assessments in English language arts and mathematics for full*
11 *implementation in the 2015–16 school year.*

12 *(C) The department shall notify the appropriate committees of*
13 *the Legislature, school districts, county offices of education, and*
14 *charter schools if there is a change in the timeline or status of the*
15 *consortium alternate performance assessments in English language*
16 *arts and mathematics or in the consortium described in this*
17 *paragraph.*

18 ~~(3)~~

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

27 ~~(4)~~

28 ~~(5) The Early Assessment Program established by Chapter 6~~
29 ~~(commencing with Section 99300) of Part 65 of Division 14 of~~
30 ~~Title 3.~~

31 ~~(5)~~

32 ~~(6) (A) A local educational agency may administer a primary~~
33 ~~language assessment aligned to the English language arts standards~~
34 ~~adopted pursuant to Section 60605, as it read on January 1, 2013,~~
35 ~~to pupils who are identified as limited English proficient and~~
36 ~~enrolled in any of grades 2 to 11, inclusive, until a subsequent~~
37 ~~primary language assessment aligned to the common core standards~~
38 ~~in English language arts adopted pursuant to Section 60605.8 is~~
39 ~~developed pursuant to subparagraph (E).~~

1 (B) If a local educational agency chooses to administer a primary
2 language assessment to pupils identified as limited English
3 proficient and enrolled in any of grades 2 to 11, inclusive, pursuant
4 to subparagraph (A), it shall notify the department in a manner to
5 be determined by the department and the costs shall be paid by the
6 state and included as part of the testing contract, and the department
7 shall provide the local educational agency a per pupil
8 apportionment for administering the assessment pursuant to
9 subdivision (I).

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

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

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

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

34 (c) (I) No later than March 1, 2016, the Superintendent shall
35 submit to the state board recommendations on expanding the
36 CAASPP to include additional assessments, for consideration at
37 a regularly scheduled public meeting. The Superintendent shall
38 also submit these recommendations to the appropriate policy and
39 fiscal committees of the Legislature and to the Director of Finance
40 in accordance with all of the following:

1 ~~(1)~~

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

13 ~~(2)~~

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

22 ~~(3)~~

23 (C) The recommendations shall include the use of an assessment
24 calendar that would schedule the assessments identified pursuant
25 to ~~paragraph (2)~~ *subparagraph (B)* over several years, the use of
26 matrix sampling, if appropriate, and the use of population sampling.

27 ~~(4)~~

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

31 ~~(5)~~

32 (E) 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 (2) (A) *No later than February 1, 2015, the department shall*
39 *report to the appropriate committees of the Legislature, school*

1 *districts, county offices of education, and charter schools on all*
2 *of the following:*

3 (i) *The status of the field tests of the consortium alternate*
4 *performance assessment in English language arts and mathematics*
5 *identified in paragraph (3) of subdivision (b).*

6 (ii) *Any concerns with the consortium identified in paragraph*
7 *(3) of subdivision (b).*

8 (iii) *Recommendations for moving forward if different from the*
9 *timelines in paragraph (3) of subdivision (b).*

10 (B) *Pursuant to Section 10231.5 of the Government Code, this*
11 *paragraph shall become inoperative on February 1, 2019.*

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

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

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

1 (2) For the 2013–14 school year, each local educational agency
2 shall administer the field tests in a manner described by the
3 department in consultation with the president or executive director
4 of the state board. Additional participants in the field test beyond
5 the representative sample may be approved by the department, and
6 the department shall use existing contract savings to fund local
7 educational agency participation in one or more tests per
8 participant. Funds for this purpose shall be used to allow for
9 maximum participation in the field tests across the state. To the
10 extent savings in the current contract are not available to fully fund
11 this participation, the department shall prorate available funds by
12 test. Local educational agencies shall bear any additional costs to
13 administer these assessments that are in excess of the contracted
14 amount. With approval of the state board and the Director of
15 Finance, the department shall amend the existing assessment
16 contract to accommodate field testing beyond the representative
17 sample, and to allow for special studies using information collected
18 from the field tests.

19 (g) From the funds available for that purpose, each local
20 educational agency shall administer assessments as determined by
21 the state board pursuant to *subparagraph (E) of paragraph (5) (1)*
22 of subdivision (c).

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

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

31 (j) Subject to the approval of the state board, the department
32 may make available to local educational agencies a primary
33 language assessment aligned to the English language arts standards
34 adopted pursuant to Section 60605, as it read on January 1, 2013,
35 for assessing pupils who are enrolled in a dual language immersion
36 program that includes the primary language of the assessment and
37 who are either nonlimited English proficient or redesignated fluent
38 English proficient until a subsequent primary language assessment
39 aligned to the common core standards in English language arts
40 adopted pursuant to Section 60605.8 is developed pursuant to

1 paragraph ~~(5)~~ (6) of subdivision (b). The cost for the assessment
2 shall be the same for all local educational agencies and shall not
3 exceed the marginal cost of the assessment, including any cost the
4 department incurs to implement this section. A local educational
5 agency that elects to administer a primary language assessment
6 pursuant to this subdivision shall do so at its own expense and
7 shall enter into an agreement for that purpose with the state testing
8 contractor, subject to the approval of the department.

9 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
10 States Code, individuals with exceptional needs, as defined in
11 Section 56026, shall be included in the testing requirement of
12 subdivision (b) with appropriate accommodations in administration,
13 where necessary, and the individuals with exceptional needs who
14 are unable to participate in the testing, even with accommodations,
15 shall be given an alternate assessment.

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

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

23 (B) The Superintendent shall apportion funds to local
24 educational agencies to enable them to administer assessments
25 used to satisfy the voluntary Early Assessment Program in the
26 2013–14 school year pursuant to paragraph ~~(4)~~ (5) of subdivision
27 (b).

28 (2) The state board annually shall establish the amount of
29 funding to be apportioned to local educational agencies for each
30 test administered and annually shall establish the amount that each
31 contractor shall be paid for each test administered under the
32 contracts required pursuant to Section 60643. The amounts to be
33 paid to the contractors shall be determined by considering the cost
34 estimates submitted by each contractor each September and the
35 amount included in the annual Budget Act, and by making
36 allowance for the estimated costs to local educational agencies for
37 compliance with the requirements of subdivisions (b) and (c). The
38 state board shall take into account changes to local educational
39 agency test administration activities under the CAASPP, including,
40 but not limited to, the number and type of tests administered and

1 changes in computerized test registration and administration
2 procedures, when establishing the amount of funding to be
3 apportioned to local educational agencies for each test
4 administered.

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

17 (m) For purposes of making the computations required by
18 Section 8 of Article XVI of the California Constitution, the
19 appropriation for the apportionments made pursuant to paragraph
20 (1) of subdivision (I), and the payments made to the contractors
21 under the contracts required pursuant to Section 60643 or
22 subparagraph (C) of paragraph (1) of subdivision (a) of Section
23 60605 between the department and the contractor, are “General
24 Fund revenues appropriated for school districts,” as defined in
25 subdivision (c) of Section 41202, for the applicable fiscal year,
26 and included within the “total allocations to school districts and
27 community college districts from General Fund proceeds of taxes
28 appropriated pursuant to Article XIII B,” as defined in subdivision
29 (e) of Section 41202, for that fiscal year.

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

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

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

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

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

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

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

30
31
32 **All matter omitted in this version of the bill**
33 **appears in the bill as amended in the**
34 **Senate, June 11, 2014. (JR11)**
35