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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.

LEGISLATIVE COUNSEL'S DIGEST

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

Existing law establishes the 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 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 CAASPP by the Superintendent of Public Instruction, the State Board of Education, and affected local educational agencies.

This bill would require the CAASPP to include ~~the California Alternate Performance Assessment being administered~~ *an alternate performance assessment, as specified*, in grades ~~2 to 11~~ 3 to 8, inclusive, and grade 11 in English language arts and ~~mathematics and mathematics~~. *The bill would require the CAASPP to include the California Alternate Performance Assessment being administered in grades 5, 8, and 10 in science, until successor assessments for those subject matters are that subject matter are implemented, as specified. The bill would require the state board to adopt an alternate performance assessment, as specified, in English language arts and mathematics for full implementation in the 2015–16 school year unless the state board determines that the assessments cannot be implemented.* The bill also would require the ~~state board and the department~~ *State Department of Education* to submit, no later than February 1, 2015, a report to the appropriate committees of the Legislature, *the state board*, school districts, county offices of education, and charter schools on the status of the successor alternate assessments in English language arts and mathematics and science, ~~as specified~~ *specified, and the field tests that measure specified content standards. The bill would require the department to submit, no later than October 1, 2015, a specified report to the appropriate committees of the Legislature, the state board, school districts, county offices of education, and charter schools on the alternate performance assessments and the field tests that measure specified content standards.* The bill, for the 2014–15 school year, would require each local educational agency to administer the ~~alternate~~ *field tests that measure specified content standards* in a manner determined by the department in consultation with the president or executive director of the ~~state board~~ *board, as specified. The bill would require specified field tests in English language arts and mathematics to qualify as the alternate performance assessment for the 2014–15 school year.* The bill would require the department, with the approval of the state board and the Director of Finance, to amend the assessment contract, as appropriate, to accommodate the ~~alternate assessment~~ field testing and to allow for any necessary studies using information collected from the field tests. *The bill would require the department to apply for a specified waiver from the United States Department of Education.*

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:

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
17 limited to, achievement standard setting, and to allow the
18 department to conduct studies regarding full implementation of
19 the assessment system. These field tests and results shall not be
20 used for any other purpose, including the calculation of any
21 accountability measure.

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

26 (B) For science assessments, the Superintendent shall make a
27 recommendation to the state board as soon as is feasible after the
28 adoption of science content standards pursuant to Section 60605.85
29 regarding the assessment of the newly adopted standards. Before
30 making recommendations, the Superintendent shall consult with
31 stakeholders, including, but not necessarily limited to, California
32 science teachers, individuals with expertise in assessing English
33 learners and pupils with disabilities, parents, and measurement
34 experts, regarding the grade level and type of assessment. The
35 recommendations shall include cost estimates and a plan for

1 implementation of at least one assessment in each of the following
2 grade spans:

3 (i) Grades 3 to 5, inclusive.

4 (ii) Grades 6 to 9, inclusive.

5 (iii) Grades 10 to 12, inclusive.

6 ~~(3) The California Alternative Performance Assessment in~~
7 ~~grades 2 to 11, inclusive, in English language arts and mathematics~~
8 ~~and in grades 5, 8, and 10 in science that measures content~~
9 ~~standards adopted pursuant to Section 60605, until successor~~
10 ~~assessments for these subject matters are implemented. The~~
11 ~~successor assessments shall be limited to the grades and subject~~
12 ~~matters assessed pursuant to paragraph (1) and subparagraph (B)~~
13 ~~of paragraph (2).~~

14 *(3) An alternate performance assessment in English language*
15 *arts and mathematics for grades 3 to 8, inclusive, and grade 11*
16 *that measures content standards adopted pursuant to Sections*
17 *60605.8 and 60605.11.*

18 *(4) The California Alternative Performance Assessment in*
19 *grades 5, 8, and 10 in science that measures content standards*
20 *adopted pursuant to Section 60605, until a successor assessment*
21 *for this subject is implemented.*

22 *(5) The state board shall adopt an alternate performance*
23 *assessment, pursuant to Sections 60605.8 and 60605.11, in English*
24 *language arts and mathematics for full implementation in the*
25 *2015–16 school year unless the state board determines that the*
26 *assessments cannot be implemented.*

27 ~~(4)~~

28 (6) 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 (7) (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) (1) 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 (A) In consultation with stakeholders, including, but not
2 necessarily limited to, California teachers, individuals with
3 expertise in assessing English learners and pupils with disabilities,
4 parents, and measurement experts, the Superintendent shall make
5 recommendations regarding assessments including the grade level,
6 content, and type of assessment. These recommendations shall
7 take into consideration the assessments already administered or
8 planned pursuant to subdivision (b). The Superintendent shall
9 consider the use of consortium-developed assessments, various
10 item types, computer-based testing, and a timeline for
11 implementation.

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

20 (C) The recommendations shall include the use of an assessment
21 calendar that would schedule the assessments identified pursuant
22 to subparagraph (B) over several years, the use of matrix sampling,
23 if appropriate, and the use of population sampling.

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

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

33 (2) (A) No later than February 1, 2015, ~~the state board~~ and the
34 department shall report to the appropriate committees of the
35 Legislature, *the state board*, school districts, county offices of
36 education, and charter schools on the status of the successor
37 alternate assessments approved by the state board pursuant to this
38 section *and the field tests that measure the content standards*
39 *adopted pursuant to Sections 60605.8 and 60605.11.*

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

3 (3) (A) *No later than October 1, 2015, the department shall*
4 *report to the appropriate committees of the Legislature, the state*
5 *board, school districts, county offices of education, and charter*
6 *schools on all of the following:*

7 (i) *The department's evaluation of the field tests administered*
8 *in the 2014–15 school year that measure the content standards*
9 *pursuant to Sections 60605.8 and 60605.11.*

10 (ii) *Progress toward implementing the alternate performance*
11 *assessments described in paragraph (3) of subdivision (b).*

12 (iii) *An update on consortia alternate performance assessments.*

13 (B) Pursuant to Section 10231.5 of the Government Code, this
14 paragraph shall become inoperative on October 1, 2019.

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

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

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

1 to provide makeup days for pupils who were absent during testing,
2 as well as the need to schedule testing on electronic computing
3 devices.

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

22 ~~(3) For the 2014–15 school year, each local educational agency~~
23 ~~shall administer the alternate field tests in a manner determined~~
24 ~~by the department in consultation with the president or executive~~
25 ~~director of the state board. With the approval of the state board~~
26 ~~and the Director of Finance, the department shall amend the~~
27 ~~assessment contract, as appropriate, to accommodate the alternate~~
28 ~~assessment field testing and to allow for any necessary studies~~
29 ~~using information collected from the field tests.~~

30 (3) (A) *For the 2014–15 school year, each local educational*
31 *agency shall administer the field tests that measure the content*
32 *standards adopted pursuant to Sections 60605.8 and 60605.11 in*
33 *grades 3 to 8, inclusive, and grade 11 in English language arts*
34 *and mathematics in a manner determined by the department in*
35 *consultation with the president or executive director of the state*
36 *board. For the 2014–15 school year, the field tests that measure*
37 *the content standards adopted pursuant to Sections 60605.8 and*
38 *60605.11 in grades 3 to 8, inclusive, and grade 11 in English*
39 *language arts and mathematics shall satisfy paragraph (3) of*
40 *subdivision (b).*

1 (B) *The assessments shall be used to gauge the validity and*
2 *reliability of the assessments and shall allow the department to*
3 *do both of the following:*

4 (i) *Conduct all necessary psychometric procedures and studies,*
5 *including, but not limited to, achievement standard setting.*

6 (ii) *Conduct studies regarding full implementation of the*
7 *assessment system.*

8 (C) *The field tests and results shall not be used for any other*
9 *purpose, including, but not limited to, the calculation of an*
10 *accountability measure.*

11 (D) *The department shall use existing contract savings to fund*
12 *the participation of local educational agencies in the field tests.*

13 (E) *With the approval of the state board and the Director of*
14 *Finance, the department shall amend the assessment contract, as*
15 *appropriate, to accommodate the field tests and to allow for any*
16 *necessary studies using information collected from the field tests.*

17 (F) *For purposes of this paragraph, the department shall apply*
18 *for a federal waiver from the United States Department of*
19 *Education for pupils who participate in the field tests.*

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

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

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

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

1 adopted pursuant to Section 60605.8 is developed pursuant to
2 paragraph ~~(5)~~ (7) of subdivision (b). The cost for the assessment
3 shall be the same for all local educational agencies and shall not
4 exceed the marginal cost of the assessment, including any cost the
5 department incurs to implement this section. A local educational
6 agency that elects to administer a primary language assessment
7 pursuant to this subdivision shall do so at its own expense and
8 shall enter into an agreement for that purpose with the state testing
9 contractor, subject to the approval of the department.

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

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

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

24 (B) The Superintendent shall apportion funds to local
25 educational agencies to enable them to administer assessments
26 used to satisfy the voluntary Early Assessment Program in the
27 2013–14 school year pursuant to paragraph ~~(4)~~ (6) of subdivision
28 (b).

29 (2) The state board annually shall establish the amount of
30 funding to be apportioned to local educational agencies for each
31 test administered and annually shall establish the amount that each
32 contractor shall be paid for each test administered under the
33 contracts required pursuant to Section 60643. The amounts to be
34 paid to the contractors shall be determined by considering the cost
35 estimates submitted by each contractor each September and the
36 amount included in the annual Budget Act, and by making
37 allowance for the estimated costs to local educational agencies for
38 compliance with the requirements of subdivisions (b) and (c). The
39 state board shall take into account changes to local educational
40 agency test administration activities under the CAASPP, including,

1 but not limited to, the number and type of tests administered and
2 changes in computerized test registration and administration
3 procedures, when establishing the amount of funding to be
4 apportioned to local educational agencies for each test
5 administered.

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

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

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

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

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

39 (3) The pupils in paragraph (1) who were exempted from the
40 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).

O