

ASSEMBLY BILL

No. 2600

Introduced by Assembly Member Bonilla

February 21, 2014

An act to amend Section 60640 of the Education Code, relating to pupil assessment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2600, as introduced, Bonilla. Pupil assessment: Measurement of Academic Performance and Progress.

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 a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified; science grade level assessments in grades 5, 8, and 10, measuring specified content standards; 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 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.

Existing law requires the Superintendent to submit to the state board recommendations on expanding the MAPP to include additional assessments no later than March 1, 2016.

This bill would change the deadline for the submission of these recommendations to March 2, 2016.

Vote: majority. Appropriation: no. Fiscal committee: no.
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 (b) Commencing with the 2013–14 school year, the MAPP shall
6 be composed of all of the following:
7 (1) (A) A consortium summative assessment in English
8 language arts and mathematics for grades 3 to 8, inclusive, and
9 grade 11 that measures content standards adopted by the state
10 board.
11 (B) In the 2013–14 school year, the consortium summative
12 assessment in English language arts and mathematics shall be a
13 field test only, to enable the consortium to gauge the validity and
14 reliability of these assessments and to conduct all necessary
15 psychometric procedures and studies, including, but not necessarily
16 limited to, achievement standard setting, and to allow the
17 department to conduct studies regarding full implementation of
18 the assessment system. These field tests and results shall not be
19 used for any other purpose, including the calculation of any
20 accountability measure.
21 (2) (A) Science grade level assessments in grades 5, 8, and 10
22 that measure content standards pursuant to Section 60605, until a
23 successor assessment is implemented pursuant to subparagraph
24 (B).
25 (B) For science assessments, the Superintendent shall make a
26 recommendation to the state board as soon as is feasible after the
27 adoption of science content standards pursuant to Section 60605.85
28 regarding the assessment of the newly adopted standards. Before
29 making recommendations, the Superintendent shall consult with
30 stakeholders, including, but not necessarily limited to, California
31 science teachers, individuals with expertise in assessing English
32 learners and pupils with disabilities, parents, and measurement
33 experts, regarding the grade level and type of assessment. The
34 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 Alternate Performance Assessment in grades
7 2 to 11, inclusive, in English language arts and mathematics and
8 science in grades 5, 8, and 10, which measures content standards
9 adopted pursuant to Section 60605 until a successor assessment
10 is implemented. The successor assessment shall be limited to the
11 grades and subject areas assessed pursuant to paragraph (1) and
12 subparagraph (B) of paragraph (2).

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

16 (5) (A) The department shall make available to local educational
17 agencies a primary language assessment aligned to the English
18 language arts standards adopted pursuant to Section 60605, as it
19 read on January 1, 2013, for assessing pupils who are enrolled in
20 a dual language immersion program that includes the primary
21 language of the assessment and who are either nonlimited English
22 proficient or redesignated fluent English proficient. The cost for
23 the assessment shall be the same for all local educational agencies,
24 and shall not exceed the marginal cost of the assessment, including
25 any cost the department incurs to implement this section.

26 (B) A local educational agency may administer a primary
27 language assessment aligned to the English language arts standards
28 adopted pursuant to Section 60605, as it read on January 1, 2013,
29 at its own expense, and shall enter into an agreement for that
30 purpose with the testing contractor. If the local educational agency
31 chooses to administer a primary language assessment pursuant to
32 this paragraph, the department shall reimburse the local educational
33 agency for its costs, including a per pupil apportionment to
34 administer the assessment pursuant to subdivision (I). The
35 department shall determine the procedures for reimbursement.

36 (C) The Superintendent shall consult with stakeholders,
37 including assessment and English learner experts, to determine
38 the content and purpose of a stand-alone language arts summative
39 assessment in primary languages other than English that aligns
40 with the English-language arts content standards. The

1 Superintendent shall consider the appropriate purpose for this
2 assessment, including, but not necessarily limited to, support for
3 the State Seal of Biliteracy and accountability. It is the intent of
4 the Legislature that an assessment developed pursuant to this
5 section be included in the state accountability system.

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

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

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

20 (c) No later than March ~~1~~, 2, 2016, the Superintendent shall
21 submit to the state board recommendations on expanding the
22 MAPP to include additional assessments, for consideration at a
23 regularly scheduled public meeting. The Superintendent shall also
24 submit these recommendations to the appropriate policy and fiscal
25 committees of the Legislature and to the Director of Finance in
26 accordance with all of the following:

27 (1) In consultation with stakeholders, including, but not
28 necessarily limited to, California teachers, individuals with
29 expertise in assessing English learners and pupils with disabilities,
30 parents, and measurement experts, the Superintendent shall make
31 recommendations regarding assessments including the grade level,
32 content, and type of assessment. These recommendations shall
33 take into consideration the assessments already administered or
34 planned pursuant to subdivision (b). The Superintendent shall
35 consider the use of consortium-developed assessments, various
36 item types, computer-based testing, and a timeline for
37 implementation.

38 (2) The recommendations shall consider assessments in subjects,
39 including, but not necessarily limited to, history-social science,
40 technology, visual and performing arts, and other subjects as

1 appropriate, as well as English language arts, mathematics, and
2 science assessments to augment the assessments required under
3 subdivision (b), and the use of various assessment options,
4 including, but not necessarily limited to, computer-based tests,
5 locally scored performance tasks, and portfolios.

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

10 (4) The recommendations shall include a timeline for test
11 development, and shall include cost estimates for subject areas, as
12 appropriate.

13 (5) Upon approval by the state board and the appropriation of
14 funding for this purpose, the Superintendent shall develop and
15 administer approved assessments. The state board shall approve
16 test blueprints, achievement level descriptors, testing periods,
17 performance standards, and a reporting plan for each approved
18 assessment.

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

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

36 (f) (1) From the funds available for that purpose, each local
37 educational agency shall administer assessments to each of its
38 pupils pursuant to subdivision (b). As allowable by federal statute,
39 recently arrived English learner pupils are exempted from taking
40 the assessment in English language arts. The state board shall

1 establish a testing period to provide that all schools administer
2 these tests to pupils at approximately the same time during the
3 instructional year. The testing period established by the state board
4 shall take into consideration the need of local educational agencies
5 to provide makeup days for pupils who were absent during testing,
6 as well as the need to schedule testing on electronic computing
7 devices.

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

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

29 (h) As feasible, the MAPP field tests shall be conducted in a
30 manner that will minimize the testing burden on individual schools.
31 The MAPP field tests shall not produce individual pupil scores
32 unless it is determined that these scores are valid and reliable.

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

36 (j) The governing board of a school district may administer a
37 primary language assessment aligned to the English language arts
38 standards adopted pursuant to Section 60605 to a pupil identified
39 as limited English proficient enrolled in any of grades 2 to 11,
40 inclusive, who either receives instruction in his or her primary

1 language or has been enrolled in a school in the United States for
2 less than 12 months until a subsequent primary language
3 assessment aligned to the common core standards in English
4 language arts adopted pursuant to Section 60605.8 is developed
5 pursuant to paragraph (5) of subdivision (b). If the governing board
6 of a school district chooses to administer this assessment, it shall
7 notify the department in a manner determined by the department.

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

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

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

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

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

1 establishing the amount of funding to be apportioned to local
2 educational agencies for each test administered.

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

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

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

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

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

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

38 (o) The Superintendent and the state board are authorized and
39 encouraged to assist postsecondary educational institutions to use
40 the assessment results of the MAPP, including, but not necessarily

1 limited to, the grade 11 consortium summative assessments in
2 English language arts and mathematics, for academic credit,
3 placement, or admissions processes.

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

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

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