

**Introduced by Senator Liu**

February 5, 2015

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An act to amend Section 60640 of, and add Section 60851.5 to, the Education Code, relating to pupil testing.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 172, as introduced, Liu. Pupil testing: high school exit examination: suspension.

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

This bill would suspend the administration of the high school exit examination and would remove the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school for each pupil completing grade 12, for the 2016–17, 2017–18, and 2018–19 school years.

Existing law establishes the California Assessment of Student Performance and Progress as the statewide system of pupil assessments, under which various assessments are required or authorized to be administered in public schools, as specified. Existing law requires the Superintendent, on or before March 1, 2016, to submit to the state board recommendations on expanding the California Assessment of Student Performance and Progress to include additional assessments, for consideration at a regularly scheduled public meeting, and to also submit

those recommendations to the appropriate policy and fiscal committees of the Legislature and to the Director of Finance in accordance with specified requirements.

This bill would add a new requirement, that the Superintendent convene an advisory panel consisting of specified individuals to provide recommendations to the Superintendent on the continuation of the high school exit examination and on alternative pathways to satisfy specified high school graduation requirements, to those recommendations to be submitted by the Superintendent.

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).

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

(i) Grades 3 to 5, inclusive.

(ii) Grades 6 to 9, inclusive.

(iii) Grades 10 to 12, inclusive.

(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, which measures content standards adopted pursuant to Section 60605 until a successor assessment is implemented. The successor assessment shall be limited to the grades and subject areas assessed pursuant to paragraph (1) and subparagraph (B) of paragraph (2).

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

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

(B) If a local educational agency chooses to administer a primary language assessment to pupils identified as limited English proficient and enrolled in any of grades 2 to 11, inclusive, pursuant to subparagraph (A), it shall notify the department in a manner to be determined by the department and the costs shall be paid by the state and included as part of the testing contract, and the department shall provide the local educational agency a per pupil

1 apportionment for administering the assessment pursuant to  
2 subdivision (I).

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

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

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

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

27 (c) No later than March 1, 2016, the Superintendent shall submit  
28 to the state board recommendations on expanding the CAASPP  
29 to include additional assessments, for consideration at a regularly  
30 scheduled public meeting. The Superintendent shall also submit  
31 these recommendations to the appropriate policy and fiscal  
32 committees of the Legislature and to the Director of Finance in  
33 accordance with all of the following:

34 (1) In consultation with stakeholders, including, but not  
35 necessarily limited to, California teachers, individuals with  
36 expertise in assessing English learners and pupils with disabilities,  
37 parents, and measurement experts, the Superintendent shall make  
38 recommendations regarding assessments, including the grade level,  
39 content, and type of assessment. These recommendations shall  
40 take into consideration the assessments already administered or

planned pursuant to subdivision (b). The Superintendent shall consider the use of consortium-developed assessments, various item types, computer-based testing, and a timeline for implementation.

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

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

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

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

*(6) The Superintendent shall convene an advisory panel, including, but not necessarily limited to, secondary teachers, school administrators, school board members, parents, measurement experts, and individuals with expertise in assessing English learners and pupils with disabilities, to provide recommendations to the Superintendent on the continuation of the high school exit examination, described in Chapter 9 (commencing with Section 60850), and on alternative pathways to satisfy the high school graduation requirements pursuant to Sections 51224.5 and 51225.3.*

(d) For the 2013–14 and 2014–15 school years, the department shall make available to local educational agencies Standardized Testing and Reporting Program test forms no longer required by the CAASPP. The cost of implementing this subdivision, including, but not necessarily limited to, shipping, printing, scoring, and

1 reporting per pupil shall be the same for all local educational  
2 agencies, and shall not exceed the marginal cost of the assessment,  
3 including any cost the department incurs to implement this section.

4 A local educational agency that chooses to administer an  
5 assessment pursuant to this subdivision shall do so at its own  
6 expense, and shall enter into an agreement for that purpose with  
7 a contractor, subject to the approval of the department.

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

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

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

1 sample, and to allow for special studies using information collected  
2 from the field tests.

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

6 (h) As feasible, the CAASPP field tests shall be conducted in  
7 a manner that will minimize the testing burden on individual  
8 schools. The CAASPP field tests shall not produce individual pupil  
9 scores unless it is determined that these scores are valid and  
10 reliable.

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

14 (j) Subject to the approval of the state board, the department  
15 may make available to local educational agencies a primary  
16 language assessment aligned to the English language arts standards  
17 adopted pursuant to Section 60605, as it read on January 1, 2013,  
18 for assessing pupils who are enrolled in a dual language immersion  
19 program that includes the primary language of the assessment and  
20 who are either nonlimited English proficient or redesignated fluent  
21 English proficient until a subsequent primary language assessment  
22 aligned to the common core standards in English language arts  
23 adopted pursuant to Section 60605.8 is developed pursuant to  
24 paragraph (5) of subdivision (b). The cost for the assessment shall  
25 be the same for all local educational agencies and shall not exceed  
26 the marginal cost of the assessment, including any cost the  
27 department incurs to implement this section. A local educational  
28 agency that elects to administer a primary language assessment  
29 pursuant to this subdivision shall do so at its own expense and  
30 shall enter into an agreement for that purpose with the state testing  
31 contractor, subject to the approval of the department.

32 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United  
33 States Code, individuals with exceptional needs, as defined in  
34 Section 56026, shall be included in the testing requirement of  
35 subdivision (b) with appropriate accommodations in administration,  
36 where necessary, and the individuals with exceptional needs who  
37 are unable to participate in the testing, even with accommodations,  
38 shall be given an alternate assessment.

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

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

8 (B) The Superintendent shall apportion funds to local  
9 educational agencies to enable them to administer assessments  
10 used to satisfy the voluntary Early Assessment Program in the  
11 2013–14 school year pursuant to paragraph (4) of subdivision (b).

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

29 (3) An adjustment to the amount of funding to be apportioned  
30 per test shall not be valid without the approval of the Director of  
31 Finance. A request for approval of an adjustment to the amount  
32 of funding to be apportioned per test shall be submitted in writing  
33 to the Director of Finance and the chairpersons of the fiscal  
34 committees of both houses of the Legislature with accompanying  
35 material justifying the proposed adjustment. The Director of  
36 Finance is authorized to approve only those adjustments related  
37 to activities required by statute. The Director of Finance shall  
38 approve or disapprove the amount within 30 days of receipt of the  
39 request and shall notify the chairpersons of the fiscal committees  
40 of both houses of the Legislature of the decision.



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

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

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

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

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

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

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

(q) On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section

1 in the first year of the 2013–14 Regular Session. The state board  
2 shall adopt initial regulations as emergency regulations to  
3 immediately implement the CAASPP assessments, including, but  
4 not necessarily limited to, the administration, scoring, and reporting  
5 of the tests, as the adoption of emergency regulations is necessary  
6 for the immediate preservation of the public peace, health, safety,  
7 or general welfare within the meaning of Section 11346.1 of the  
8 Government Code. The emergency regulations shall be followed  
9 by the adoption of permanent regulations, in accordance with the  
10 Administrative Procedure Act (Chapter 3.5 (commencing with  
11 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
12 Code).

13 SEC. 2. Section 60851.5 is added to the Education Code, to  
14 read:

15 60851.5. Notwithstanding Section 60851, the administration  
16 of the high school exit examination, and the requirement that each  
17 pupil completing grade 12 successfully pass the high school exit  
18 examination as a condition of receiving a diploma of graduation  
19 or a condition of graduation from high school, shall be suspended  
20 for the 2016–17, 2017–18, and 2018–19 school years.