

AMENDED IN ASSEMBLY JUNE 23, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 172

Introduced by Senator Liu

February 5, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 172, as amended, 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, or when the approved high school exit examination is no longer available.

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.

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

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

- 17 (i) Grades 3 to 5, inclusive.
- 18 (ii) Grades 6 to 9, inclusive.
- 19 (iii) Grades 10 to 12, inclusive.

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

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

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

38 (B) If a local educational agency chooses to administer a primary
39 language assessment to pupils identified as limited English
40 proficient and enrolled in any of grades 2 to 11, inclusive, pursuant

1 to subparagraph (A), it shall notify the department in a manner to
2 be determined by the department and the costs shall be paid by the
3 state and included as part of the testing contract, and the department
4 shall provide the local educational agency a per pupil
5 apportionment for administering the assessment pursuant to
6 subdivision (I).

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

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

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

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

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

38 (1) In consultation with stakeholders, including, but not
39 necessarily limited to, California teachers, individuals with
40 expertise in assessing English learners and pupils with disabilities,

1 parents, and measurement experts, the Superintendent shall make
2 recommendations regarding assessments, including the grade level,
3 content, and type of assessment. These recommendations shall
4 take into consideration the assessments already administered or
5 planned pursuant to subdivision (b). The Superintendent shall
6 consider the use of consortium-developed assessments, various
7 item types, computer-based testing, and a timeline for
8 implementation.

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

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

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

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

30 (6) The Superintendent shall convene an advisory panel,
31 consisting of, but not necessarily limited to, secondary teachers,
32 school administrators, school board members, parents, the student
33 member of the state board, *representatives of a dropout recovery*
34 *charter school operating pursuant to subdivision (g) of Section*
35 *47605.1*, measurement experts, and individuals with expertise in
36 assessing English learners and pupils with disabilities, to provide
37 recommendations to the Superintendent on the continuation of the
38 high school exit examination, described in Chapter 9 (commencing
39 with Section 60850), and on alternative pathways to satisfy the

1 high school graduation requirements pursuant to Sections 51224.5
2 and 51225.3.

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

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

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

32 (2) For the 2013–14 school year, each local educational agency
33 shall administer the field tests in a manner described by the
34 department in consultation with the president or executive director
35 of the state board. Additional participants in the field test beyond
36 the representative sample may be approved by the department, and
37 the department shall use existing contract savings to fund local
38 educational agency participation in one or more tests per
39 participant. Funds for this purpose shall be used to allow for
40 maximum participation in the field tests across the state. To the

1 extent savings in the current contract are not available to fully fund
2 this participation, the department shall prorate available funds by
3 test. Local educational agencies shall bear any additional costs to
4 administer these assessments that are in excess of the contracted
5 amount. With the approval of the state board and the Director of
6 Finance, the department shall amend the existing assessment
7 contract to accommodate field testing beyond the representative
8 sample, and to allow for special studies using information collected
9 from the field tests.

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

13 (h) As feasible, the CAASPP field tests shall be conducted in
14 a manner that will minimize the testing burden on individual
15 schools. The CAASPP field tests shall not produce individual pupil
16 scores unless it is determined that these scores are valid and
17 reliable.

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

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

39 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
40 States Code, individuals with exceptional needs, as defined in

1 Section 56026, shall be included in the testing requirement of
2 subdivision (b) with appropriate accommodations in administration,
3 where necessary, and the individuals with exceptional needs who
4 are unable to participate in the testing, even with accommodations,
5 shall be given an alternate assessment.

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

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

13 (B) The Superintendent shall apportion funds to local
14 educational agencies to enable them to administer assessments
15 used to satisfy the voluntary Early Assessment Program in the
16 2013–14 school year pursuant to paragraph (4) of subdivision (b).

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

34 (3) An adjustment to the amount of funding to be apportioned
35 per test shall not be valid without the approval of the Director of
36 Finance. A request for approval of an adjustment to the amount
37 of funding to be apportioned per test shall be submitted in writing
38 to the Director of Finance and the chairpersons of the fiscal
39 committees of both houses of the Legislature with accompanying
40 material justifying the proposed adjustment. The Director of

1 Finance is authorized to approve only those adjustments related
2 to activities required by statute. The Director of Finance shall
3 approve or disapprove the amount within 30 days of receipt of the
4 request and shall notify the chairpersons of the fiscal committees
5 of both houses of the Legislature of the decision.

6 (m) For purposes of making the computations required by
7 Section 8 of Article XVI of the California Constitution, the
8 appropriation for the apportionments made pursuant to paragraph
9 (1) of subdivision (I), and the payments made to the contractors
10 under the contracts required pursuant to Section 60643 or
11 subparagraph (C) of paragraph (1) of subdivision (a) of Section
12 60605 between the department and the contractor, are “General
13 Fund revenues appropriated for school districts,” as defined in
14 subdivision (c) of Section 41202, for the applicable fiscal year,
15 and included within the “total allocations to school districts and
16 community college districts from General Fund proceeds of taxes
17 appropriated pursuant to Article XIII B,” as defined in subdivision
18 (e) of Section 41202, for that fiscal year.

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

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

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

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

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

35 (p) Subject to the availability of funds in the annual Budget Act
36 for this purpose, and exclusive of the consortium assessments, the
37 Superintendent, with the approval of the state board, annually shall
38 release to the public test items from the achievement tests pursuant
39 to Section 60642.5 administered in previous years. Where feasible
40 and practicable, the minimum number of test items released per

1 year shall be equal to 25 percent of the total number of test items
2 on the test administered in the previous year.

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

18 SEC. 2. Section 60851.5 is added to the Education Code, to
19 read:

20 60851.5. Notwithstanding Section 60851, the administration
21 of the high school exit examination, and the requirement that each
22 pupil completing grade 12 successfully pass the high school exit
23 examination as a condition of receiving a diploma of graduation
24 or a condition of graduation from high school, shall be suspended
25 for the 2016–17, 2017–18, and 2018–19 school years, or when the
26 high school exit examination approved pursuant to Section 60850
27 is no longer available.