

AMENDED IN ASSEMBLY JULY 9, 2015
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. 2014–15, 2015–16, 2016–17, and 2017–18 school years.~~ *2014–15, 2015–16, 2016–17, and 2017–18 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

1 the assessment system. These field tests and results shall not be
2 used for any other purpose, including the calculation of any
3 accountability measure.

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

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

20 (i) Grades 3 to 5, inclusive.

21 (ii) Grades 6 to 9, inclusive.

22 (iii) Grades 10 to 12, inclusive.

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

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

33 (5) (A) A local educational agency may administer 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 to pupils who are identified as limited English proficient and
37 enrolled in any of grades 2 to 11, inclusive, until a subsequent
38 primary language assessment aligned to the common core standards
39 in English language arts adopted pursuant to Section 60605.8 is
40 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) No later than March 1, 2016, the Superintendent shall submit
35 to the state board recommendations on expanding the CAASPP
36 to include additional assessments, for consideration at a regularly
37 scheduled public meeting. The Superintendent shall also submit
38 these recommendations to the appropriate policy and fiscal
39 committees of the Legislature and to the Director of Finance in
40 accordance with all of the following:

1 (1) 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 (2) 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 (3) The recommendations shall include the use of an assessment
21 calendar that would schedule the assessments identified pursuant
22 to paragraph (2) over several years, the use of matrix sampling, if
23 appropriate, and the use of population sampling.

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

27 (5) Upon approval by the state board and the appropriation of
28 funding for this purpose, the Superintendent shall develop and
29 administer 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 (6) The Superintendent shall convene an advisory panel,
34 consisting of, but not necessarily limited to, secondary teachers,
35 school administrators, school board members, parents, the student
36 member of the state board, representatives of a dropout recovery
37 charter school operating pursuant to subdivision (g) of Section
38 47605.1, measurement experts, and individuals with expertise in
39 assessing English learners and pupils with disabilities, to provide
40 recommendations to the Superintendent on the continuation of the

1 high school exit examination, described in Chapter 9 (commencing
2 with Section 60850), and on alternative pathways to satisfy the
3 high school graduation requirements pursuant to Sections 51224.5
4 and 51225.3.

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

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

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

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

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

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

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

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

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

1 (k) Pursuant to Section 1412(a)(16) of Title 20 of the United
2 States Code, individuals with exceptional needs, as defined in
3 Section 56026, shall be included in the testing requirement of
4 subdivision (b) with appropriate accommodations in administration,
5 where necessary, and the individuals with exceptional needs who
6 are unable to participate in the testing, even with accommodations,
7 shall be given an alternate assessment.

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

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

15 (B) The Superintendent shall apportion funds to local
16 educational agencies to enable them to administer assessments
17 used to satisfy the voluntary Early Assessment Program in the
18 2013–14 school year pursuant to paragraph (4) of subdivision (b).

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

36 (3) An adjustment to the amount of funding to be apportioned
37 per test shall not be valid without the approval of the Director of
38 Finance. A request for approval of an adjustment to the amount
39 of funding to be apportioned per test shall be submitted in writing
40 to the Director of Finance and the chairpersons of the fiscal

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

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

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

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

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

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

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

37 (p) Subject to the availability of funds in the annual Budget Act
38 for this purpose, and exclusive of the consortium assessments, the
39 Superintendent, with the approval of the state board, annually shall
40 release to the public test items from the achievement tests pursuant

1 to Section 60642.5 administered in previous years. Where feasible
2 and practicable, the minimum number of test items released per
3 year shall be equal to 25 percent of the total number of test items
4 on the test administered in the previous year.

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

20 SEC. 2. Section 60851.5 is added to the Education Code, to
21 read:

22 60851.5. Notwithstanding Section 60851, the administration
23 of the high school exit examination, and the requirement that each
24 pupil completing grade 12 successfully pass the high school exit
25 examination as a condition of receiving a diploma of graduation
26 or a condition of graduation from high school, shall be suspended
27 for the ~~2016–17, 2017–18, and 2018–19 school years, or when the~~
28 ~~high school exit examination approved pursuant to Section 60850~~
29 ~~is no longer available: 2014–15, 2015–16, 2016–17, and 2017–18~~
30 *school years.*