

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 359

Introduced by Senator Mitchell
(Coauthor: Assembly Member Jones-Sawyer)

February 24, 2015

An act to add Section 51224.7 to the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 359, as amended, Mitchell. *Fair California Mathematics and Academic Placement Act of 2015*.

(1) Existing law establishes a system of public elementary and secondary education in this state, and authorizes local educational agencies throughout the state to provide instruction to pupils.

This bill would enact the *Fair California Mathematics and Academic Placement Act of 2015*. The bill would express findings and declarations of the Legislature relating to the importance of pupil achievement in mathematics. The bill would require the Superintendent of Public Instruction each local educational agency, as defined, serving pupils in grade 8 or 9, or both, to develop and establish implement a fair, objective, and transparent statewide mathematics and academic placement policy with specified elements and would require school districts to implement that policy. To the extent that the bill would impose new duties on school districts, it would constitute elements. The bill would further require each local educational agency to ensure that its mathematics placement policy is available to each pupil and his or her parent or legal guardian and is posted prominently on its Internet Web site. By imposing additional requirements on local educational agencies, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Pupil achievement in mathematics is important to prepare
4 pupils for college and their future careers, especially those careers
5 in the ~~STEM~~ fields of science, technology, engineering, and
6 mathematics: *mathematics (STEM)*.

7 (b) A pupil's 9th grade math course placement is a crucial
8 crossroads for his or her future educational success. Misplacement
9 in the sequence of mathematics courses creates a number of
10 barriers, *barriers* and results in pupils being less competitive for
11 college—*admissions*, *including admissions at the*
12 *California State University and University of California*.

13 (c) The most egregious examples of mathematics misplacement
14 often occur with successful pupils and, disproportionately, with
15 successful pupils of color. Often, these *successful pupils* of
16 underrepresented populations are achieving ~~grades~~ *a grade* of "B"
17 or better, or are testing at proficient or even advanced proficiency
18 levels on state ~~assessments~~, ~~but are nevertheless assessments~~.
19 Nevertheless, they are held back to repeat 8th grade mathematics
20 coursework rather than advancing to the next course in the
21 recommended mathematics course sequence.

22 (d) *Mathematics misplacement has far-reaching impacts on a*
23 *pupil's confidence, general knowledge of mathematical concepts,*
24 *and high school experience, and may also impact the college career*
25 *opportunities available to the pupil.*

26 (e) *New research shows that it is less common for pupils of*
27 *color, even high-achieving pupils of color, to reach calculus by*
28 *grade 12 compared to their white and Asian peers.*

1 (f) All pupils, regardless of race or ethnic background, deserve
2 an equal chance to advance in mathematics.

3 (g) With the shift towards implementation of the Common Core
4 State Standards for Mathematics, it is particularly important for
5 all pupils to have access to high-quality mathematics programs
6 that meet the goals and expectations of these standards.

7 (h) It is crucial for teachers and guidance personnel to advise
8 pupils and parents on the importance of accurate mathematics
9 course placement and its impact on future college eligibility so
10 pupils may take each course in the mathematics course sequence.

11 (i) California faces a looming shortage of college-educated
12 workers in an increasingly competitive global economy.

13 (j) A policy for correct mathematics placement must be
14 addressed in order to ensure a fair process and chance of success
15 for all pupils.

16 SEC. 2. Section 51224.7 is added to the Education Code, to
17 read:

18 51224.7. (a) This act shall be known, and may be cited, as the
19 Fair California Mathematics and Academic Placement Act of
20 2015.

21 (b) ~~The Superintendent~~ Each local educational agency serving
22 pupils in grade 8 or 9, or both, shall develop and establish
23 implement a fair, objective, and transparent statewide mathematics
24 and academic placement policy that shall include at least all of the
25 following elements: does all of the following:

26 (1) Systematically ~~take multiple objective measures~~ takes
27 current academic objective measures into consideration, such as
28 diagnostic placement tests, statewide assessments, pupil grades,
29 and pupil work. ~~diagnostic placement tests~~.

30 (2) ~~Include~~ Includes multiple progress checkpoints through
31 throughout the academic year to permit the reevaluation of
32 individual pupil progress, including at least one
33 checkpoint within the first three months of the academic year.

34 (3) ~~Require periodic~~ Requires examination of pupil placement
35 data data, at least annually, to ensure that there is no
36 disproportionate impact in the course placement of pupils by race,
37 ethnicity, or socioeconomic background. The local educational
38 agency shall report the aggregate results of this examination to
39 the governing board of the local educational agency and
40 prominently post the examination results on its Internet Web site.

1 *This report may be included as part of the local educational*
2 *agency's accountability report of its local control and*
3 *accountability plan.*

4 ~~(4) Be readily available to pupils and parents, and offer clear~~
5 ~~recourse for pupils and parents who question placement decisions.~~

6 ~~(e) School districts shall implement the statewide mathematics~~
7 ~~and academic placement policy established by the Superintendent~~
8 ~~pursuant to subdivision (a).~~

9 *(4) Offers clear and immediate recourse for each pupil and his*
10 *or her parent or legal guardian who questions the pupil's*
11 *placement.*

12 *(c) Each local educational agency shall ensure that its*
13 *mathematics placement policy is available to each pupil and his*
14 *or her parent or legal guardian and is posted prominently on its*
15 *Internet Web site.*

16 *(d) For purposes of this section, "local educational agency"*
17 *means county office of education, school district, state special*
18 *school, or direct-funded charter school as described in Section*
19 *47651.*

20 SEC. 3. If the Commission on State Mandates determines that
21 this act contains costs mandated by the state, reimbursement to
22 local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.