

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1156

Introduced by Senator Huff

February 18, 2016

An act to ~~amend Section 52052~~ *amend, repeal, and add Sections 48352, 48354, and 48356* of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1156, as amended, Huff. School accountability: ~~Academic Performance Index~~. *Open Enrollment Act: low-achieving schools.*

Commencing with the 2017–18 school year, the federal Elementary and Secondary Education Act of 1965, as amended by the federal Every Student Succeeds Act, requires the state to identify schools for comprehensive support and improvement pursuant to specified accountability system requirements.

Existing state law, the Open Enrollment Act, authorizes the parent of a pupil enrolled in a low-achieving school, as defined, to submit an application for the pupil to attend a school in a school district other than the school district in which the parent resides, as specified. The act defines “low-achieving school” to mean a school on a list created annually by the Superintendent of 1,000 schools ranked by increasing Academic Performance Index score with the same ratio of elementary, middle, and high schools as existed in decile 1 in the 2008–09 school year.

Commencing July 1, 2017, this bill would instead define a “low-achieving school” for purposes of the Open Enrollment Act to include, among others, a school identified by the Superintendent or the State Board of Education for comprehensive support and improvement

pursuant to federal specified accountability system requirements, including, among others, a school identified as being in the lowest performing 5% of all schools, or a high school failing to graduate $\frac{1}{3}$ or more of its pupils. The bill would also make conforming changes. To the extent the bill would expand the duties of school districts under the Open Enrollment Act, the bill would impose a state-mandated local program.

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.

~~Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop an Academic Performance Index, to measure the performance of schools and school districts, especially the academic performance of pupils.~~

~~This bill would make nonsubstantive changes to that provision.~~

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

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

1 SECTION 1. Section 48352 of the Education Code is amended
2 to read:
3 48352. (a) For purposes of this article, the following definitions
4 apply:
5 ~~(a)~~
6 (1) “Low-achieving school” means any school ~~identified on a~~
7 list created by the Superintendent pursuant to the following:
8 ~~(1) Excluding the schools, and taking into account the impact~~
9 ~~of the criteria in paragraph (2);~~
10 (A) Consistent with subparagraph (B), the Superintendent
11 annually shall create a list of 1,000 schools ranked by increasing
12 API with the same ratio of elementary, middle, and high schools
13 as existed in decile 1 in the 2008–09 school year.
14 ~~(2)~~

1 (B) In constructing the list of 1,000 schools each year, the
2 Superintendent shall ensure each of the following:

3 ~~(A)~~

4 (i) A local educational agency shall not have more than 10
5 percent of its schools on the list. However, if the number of schools
6 in a local educational agency is not evenly divisible by 10, the
7 Superintendent shall round up to the next whole number of schools.

8 ~~(B)~~

9 (ii) Court, community, or community day schools shall not be
10 included on the list.

11 ~~(C)~~

12 (iii) Charter schools shall not be included on the list.

13 ~~(b)~~

14 (2) “Parent” means the natural or adoptive parent or guardian
15 of a dependent child.

16 ~~(e)~~

17 (3) “School district of enrollment” means a school district other
18 than the school district in which the parent of a pupil resides, but
19 in which the parent of the pupil nevertheless intends to enroll the
20 pupil pursuant to this article.

21 ~~(f)~~

22 (4) “School district of residence” means a school district in
23 which the parent of a pupil resides and in which the pupil would
24 otherwise be required to enroll pursuant to Section 48200.

25 (b) *This section shall become inoperative on July 1, 2017, and,*
26 *as of January 1, 2018, is repealed, unless a later enacted statute,*
27 *that becomes operative on or before January 1, 2018, deletes or*
28 *extends the dates on which it becomes inoperative and is repealed.*

29 *SEC. 2. Section 48352 is added to the Education Code, to read:*
30 *48352. (a) For purposes of this article, the following*
31 *definitions apply:*

32 (1) *“Low-achieving school” means either of the following:*

33 (A) *A school that is identified by the Superintendent or the state*
34 *board for comprehensive support and improvement pursuant to*
35 *the accountability system requirements of the federal Elementary*
36 *and Secondary Education Act of 1965 (20 U.S.C. Sec. 6311), as*
37 *amended by the federal Every Student Succeeds Act (Public Law*
38 *114-95), including all of the following:*

39 (i) *A school identified as being in the lowest performing 5*
40 *percent of all schools.*

1 (ii) A high school that fails to graduate one-third or more of its
2 pupils.

3 (iii) A school subject to a mandatory targeted support and
4 improvement plan.

5 (B) A school receiving mandatory assistance pursuant to
6 subdivision (f) of Section 52074.

7 (2) “Parent” means the natural or adoptive parent or guardian
8 of a dependent child.

9 (3) “School district of enrollment” means a school district other
10 than the school district in which the parent of a pupil resides, but
11 in which the parent of the pupil nevertheless intends to enroll the
12 pupil pursuant to this article.

13 (4) “School district of residence” means a school district in
14 which the parent of a pupil resides and in which the pupil would
15 otherwise be required to enroll pursuant to Section 48200.

16 (b) This section shall become operative on July 1, 2017.

17 SEC. 3. Section 48354 of the Education Code is amended to
18 read:

19 48354. (a) The parent of a pupil enrolled in a low-achieving
20 school may submit an application for the pupil to attend a school
21 in a school district of enrollment pursuant to this article.

22 (b) (1) Consistent with the requirements of Section
23 1116(b)(1)(E) of the federal Elementary and Secondary Education
24 Act of 2001 (20 U.S.C. Sec. 6301 et seq.), on or before the first
25 day of the school year, or, if later, on the date the notice of program
26 improvement, corrective action, or restructuring status is required
27 to be provided under federal ~~law~~ law, the school district of
28 residence shall provide the parents and guardians of all pupils
29 enrolled in a ~~school~~ low-achieving school, as determined ~~in~~
30 pursuant to paragraph (1) of subdivision (a) of Section ~~48352~~
31 48352, with notice of the option to transfer to another public school
32 served by the school district of residence or another school district.

33 (2) An application requesting a transfer pursuant to this article
34 shall be submitted by the parent of a pupil to the school district of
35 enrollment ~~prior to~~ before January 1 of the school year preceding
36 the school year for which the pupil is requesting to transfer. The
37 school district of enrollment may waive the deadline specified in
38 this paragraph.

39 (3) The application deadline specified in paragraph (2) does not
40 apply to an application requesting a transfer if the parent, with

1 whom the pupil resides, is enlisted in the military and was relocated
2 by the military within 90 days ~~prior to~~ *before* submitting the
3 application.

4 (4) The application may request enrollment of the pupil in a
5 specific school or program within the school district of enrollment.

6 (5) A pupil may enroll in a school in the school district of
7 enrollment in the school year immediately following the approval
8 of his or her application.

9 (6) In order to provide priority enrollment opportunities for
10 pupils residing in the school district, a school district of enrollment
11 shall establish a period of time for resident pupil enrollment ~~prior~~
12 ~~to~~ *before* accepting transfer applications pursuant to this article.

13 (c) *This section shall become inoperative on July 1, 2017, and,*
14 *as of January 1, 2018, is repealed, unless a later enacted statute,*
15 *that becomes operative on or before January 1, 2018, deletes or*
16 *extends the dates on which it becomes inoperative and is repealed.*

17 SEC. 4. Section 48354 is added to the Education Code, to read:

18 48354. (a) *The parent of a pupil enrolled in a low-achieving*
19 *school may submit an application for the pupil to attend a school*
20 *in a school district of enrollment pursuant to this article.*

21 (b) (1) *Consistent with the authorization in Section*
22 *1111(d)(1)(D) of the federal Elementary and Secondary Education*
23 *Act of 1965 (20 U.S.C. Sec. 6311), as amended by the federal Every*
24 *Student Succeeds Act (Public Law 114-95), on or before the first*
25 *day of the school year; or, if later, on the date of the notice of*
26 *identification of schools for comprehensive support and*
27 *improvement, the school district of residence shall provide the*
28 *parents and guardians of all pupils enrolled in a low-achieving*
29 *school, as determined pursuant to paragraph (1) of subdivision*
30 *(a) of Section 48352, with notice of the option to transfer to another*
31 *public school served by the school district of residence or another*
32 *school district.*

33 (2) *An application requesting a transfer pursuant to this article*
34 *shall be submitted by the parent of a pupil to the school district of*
35 *enrollment before January 1 of the school year preceding the*
36 *school year for which the pupil is requesting to transfer. The school*
37 *district of enrollment may waive the deadline specified in this*
38 *paragraph.*

39 (3) *The application deadline specified in paragraph (2) does*
40 *not apply to an application requesting a transfer if the parent, with*

1 *whom the pupil resides, is enlisted in the military and was relocated*
 2 *by the military within 90 days before submitting the application.*

3 *(4) The application may request enrollment of the pupil in a*
 4 *specific school or program within the school district of enrollment.*

5 *(5) A pupil may enroll in a school in the school district of*
 6 *enrollment in the school year immediately following the approval*
 7 *of his or her application.*

8 *(6) In order to provide priority enrollment opportunities for*
 9 *pupils residing in the school district, a school district of enrollment*
 10 *shall establish a period of time for resident pupil enrollment before*
 11 *accepting transfer applications pursuant to this article.*

12 *(c) This section shall become operative on July 1, 2017.*

13 *SEC. 5. Section 48356 of the Education Code is amended to*
 14 *read:*

15 48356. (a) A school district of enrollment may adopt specific,
 16 written standards for acceptance and rejection of applications
 17 pursuant to this article. The standards may include consideration
 18 of the capacity of a program, class, grade level, school building,
 19 or adverse financial impact. Subject to subdivision (b), and except
 20 as necessary in accordance with Section 48355, the standards shall
 21 not include consideration of a pupil’s previous academic
 22 achievement, physical condition, proficiency in the English
 23 language, family income, or any of the individual characteristics
 24 set forth in Section 200.

25 (b) In considering an application pursuant to this article, a
 26 nonresident school district may apply its usual requirements for
 27 admission to a magnet school or a program designed to serve gifted
 28 and talented pupils.

29 (c) Subject to the rules and standards that apply to pupils who
 30 reside in the school district of enrollment, a resident pupil who is
 31 enrolled in one of the *school* district’s schools pursuant to this
 32 article shall not be required to submit an application in order to
 33 remain enrolled.

34 (d) A school district of enrollment shall ensure that pupils
 35 enrolled pursuant to standards adopted pursuant to this section are
 36 enrolled in a school with a higher Academic Performance Index
 37 than the school in which the pupil was previously enrolled and are
 38 selected through a random, unbiased process that prohibits an
 39 evaluation of whether or not the pupil should be enrolled based
 40 on his or her individual academic or athletic performance, or any

1 of the other characteristics set forth in subdivision (a), except that
2 pupils applying for a transfer pursuant to this article shall be
3 assigned priority for approval as follows:

4 (1) First priority for the siblings of children who already attend
5 the desired school.

6 (2) Second priority for pupils transferring from a program
7 improvement school ranked in decile 1 on the Academic
8 Performance ~~Index~~ *Index*, as determined pursuant to *paragraph*
9 *(1)* of subdivision (a) of Section 48352.

10 (3) If the number of pupils who request a particular school
11 exceeds the number of spaces available at that school, a lottery
12 shall be conducted in the group priority order identified in
13 paragraphs (1) and (2) to select pupils at random until all of the
14 available spaces are filled.

15 (e) The initial application of a pupil for transfer to a school
16 within a school district of enrollment shall not be approved if the
17 transfer would require the displacement from the desired school
18 of any other pupil who resides within the attendance area of that
19 school or is currently enrolled in that school.

20 (f) A pupil approved for a transfer to a school district of
21 enrollment pursuant to this article shall be deemed to have fulfilled
22 the requirements of Section 48204.

23 (g) *This section shall become inoperative on July 1, 2017, and,*
24 *as of January 1, 2018, is repealed, unless a later enacted statute,*
25 *that becomes operative on or before January 1, 2018, deletes or*
26 *extends the dates on which it becomes inoperative and is repealed.*

27 *SEC. 6. Section 48356 is added to the Education Code, to read:*

28 *48356. (a) A school district of enrollment may adopt specific,*
29 *written standards for acceptance and rejection of applications*
30 *pursuant to this article. The standards may include consideration*
31 *of the capacity of a program, class, grade level, school building,*
32 *or adverse financial impact. Subject to subdivision (b), and except*
33 *as necessary in accordance with Section 48355, the standards*
34 *shall not include consideration of a pupil's previous academic*
35 *achievement, physical condition, proficiency in the English*
36 *language, family income, or any of the individual characteristics*
37 *set forth in Section 200.*

38 *(b) In considering an application pursuant to this article, a*
39 *nonresident school district may apply its usual requirements for*

1 admission to a magnet school or a program designed to serve
2 gifted and talented pupils.

3 (c) Subject to the rules and standards that apply to pupils who
4 reside in the school district of enrollment, a resident pupil who is
5 enrolled in one of the school district's schools pursuant to this
6 article shall not be required to submit an application in order to
7 remain enrolled.

8 (d) A school district of enrollment shall ensure that pupils
9 enrolled pursuant to standards adopted pursuant to this section
10 are enrolled in a school not identified as being low-achieving
11 pursuant to paragraph (1) of subdivision (a) of Section 48352 and
12 are selected through a random, unbiased process that prohibits
13 an evaluation of whether or not the pupil should be enrolled based
14 on his or her individual academic or athletic performance, or any
15 of the other characteristics set forth in subdivision (a), except that
16 pupils applying for a transfer pursuant to this article shall be
17 assigned priority for approval as follows:

18 (1) First priority for the siblings of children who already attend
19 the desired school.

20 (2) Second priority for unduplicated pupils, as defined in
21 paragraph (1) of subdivision (b) of Section 42238.02, transferring
22 from a low-achieving school, as determined pursuant to paragraph
23 (1) of subdivision (a) of Section 48352.

24 (3) If the number of pupils who request a particular school
25 exceeds the number of spaces available at that school, a lottery
26 shall be conducted in the group priority order identified in
27 paragraphs (1) and (2) to select pupils at random until all of the
28 available spaces are filled.

29 (e) The initial application of a pupil for transfer to a school
30 within a school district of enrollment shall not be approved if the
31 transfer would require the displacement from the desired school
32 of any other pupil who resides within the attendance area of that
33 school or is currently enrolled in that school.

34 (f) A pupil approved for a transfer to a school district of
35 enrollment pursuant to this article shall be deemed to have fulfilled
36 the requirements of Section 48204.

37 (g) This section shall become operative on July 1, 2017.

38 SEC. 7. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

1 *pursuant to Part 7 (commencing with Section 17500) of Division*
2 *4 of Title 2 of the Government Code.*

3 ~~SECTION 1. Section 52052 of the Education Code is amended~~
4 ~~to read:~~

5 ~~52052. (a) (1) The Superintendent, with the approval of the~~
6 ~~state board, shall develop an Academic Performance Index (API),~~
7 ~~to measure the performance of schools and school districts,~~
8 ~~especially the academic performance of pupils.~~

9 ~~(2) A school or school district shall demonstrate comparable~~
10 ~~improvement in academic achievement as measured by the API~~
11 ~~by all numerically significant pupil subgroups at the school or~~
12 ~~school district, including all of the following:~~

13 ~~(A) Ethnic subgroups.~~

14 ~~(B) Socioeconomically disadvantaged pupils.~~

15 ~~(C) English learners.~~

16 ~~(D) Pupils with disabilities.~~

17 ~~(E) Foster youth.~~

18 ~~(F) Homeless youth.~~

19 ~~(3) (A) For purposes of this section, a numerically significant~~
20 ~~pupil subgroup is one that consists of at least 30 pupils, each of~~
21 ~~whom has a valid test score.~~

22 ~~(B) Notwithstanding subparagraph (A), for a subgroup of pupils~~
23 ~~who are foster youth or homeless youth, a numerically significant~~
24 ~~pupil subgroup is one that consists of at least 15 pupils.~~

25 ~~(C) For a school or school district with an API score that is~~
26 ~~based on no fewer than 11 and no more than 99 pupils with valid~~
27 ~~test scores, numerically significant pupil subgroups shall be defined~~
28 ~~by the Superintendent, with approval by the state board.~~

29 ~~(4) (A) The API shall consist of a variety of indicators currently~~
30 ~~reported to the department, including, but not limited to, the results~~
31 ~~of the achievement test administered pursuant to Section 60640,~~
32 ~~attendance rates for pupils in elementary schools, middle schools,~~
33 ~~and secondary schools, and the graduation rates for pupils in~~
34 ~~secondary schools.~~

35 ~~(B) The Superintendent, with the approval of the state board,~~
36 ~~may also incorporate into the API the rates at which pupils~~
37 ~~successfully promote from one grade to the next in middle school~~
38 ~~and high school, and successfully matriculate from middle school~~
39 ~~to high school.~~

- 1 ~~(C) Graduation rates for pupils in secondary schools shall be~~
2 ~~calculated for the API as follows:~~
- 3 ~~(i) Four-year graduation rates shall be calculated by taking the~~
4 ~~number of pupils who graduated on time for the current school~~
5 ~~year, which is considered to be three school years after the pupils~~
6 ~~entered grade 9 for the first time, and dividing that number by the~~
7 ~~total calculated in clause (ii).~~
- 8 ~~(ii) The number of pupils entering grade 9 for the first time in~~
9 ~~the school year three school years before the current school year,~~
10 ~~plus the number of pupils who transferred into the class graduating~~
11 ~~at the end of the current school year between the school year that~~
12 ~~was three school years before the current school year and the date~~
13 ~~of graduation, less the number of pupils who transferred out of the~~
14 ~~school between the school year that was three school years before~~
15 ~~the current school year and the date of graduation who were~~
16 ~~members of the class that is graduating at the end of the current~~
17 ~~school year.~~
- 18 ~~(iii) Five-year graduation rates shall be calculated by taking the~~
19 ~~number of pupils who graduated on time for the current school~~
20 ~~year, which is considered to be four school years after the pupils~~
21 ~~entered grade 9 for the first time, and dividing that number by the~~
22 ~~total calculated in clause (iv).~~
- 23 ~~(iv) The number of pupils entering grade 9 for the first time in~~
24 ~~the school year four years before the current school year, plus the~~
25 ~~number of pupils who transferred into the class graduating at the~~
26 ~~end of the current school year between the school year that was~~
27 ~~four school years before the current school year and the date of~~
28 ~~graduation, less the number of pupils who transferred out of the~~
29 ~~school between the school year that was four years before the~~
30 ~~current school year and the date of graduation who were members~~
31 ~~of the class that is graduating at the end of the current school year.~~
- 32 ~~(v) Six-year graduation rates shall be calculated by taking the~~
33 ~~number of pupils who graduated on time for the current school~~
34 ~~year, which is considered to be five school years after the pupils~~
35 ~~entered grade 9 for the first time, and dividing that number by the~~
36 ~~total calculated in clause (vi).~~
- 37 ~~(vi) The number of pupils entering grade 9 for the first time in~~
38 ~~the school year five years before the current school year, plus the~~
39 ~~number of pupils who transferred into the class graduating at the~~
40 ~~end of the current school year between the school year that was~~

1 ~~five school years before the current school year and the date of~~
2 ~~graduation, less the number of pupils who transferred out of the~~
3 ~~school between the school year that was five years before the~~
4 ~~current school year and the date of graduation who were members~~
5 ~~of the class that is graduating at the end of the current school year.~~

6 ~~(D) The inclusion of five- and six-year graduation rates for~~
7 ~~pupils in secondary schools shall meet the following requirements:~~

8 ~~(i) Schools and school districts shall be granted one-half the~~
9 ~~credit in their API scores for graduating pupils in five years that~~
10 ~~they are granted for graduating pupils in four years.~~

11 ~~(ii) Schools and school districts shall be granted one-quarter the~~
12 ~~credit in their API scores for graduating pupils in six years that~~
13 ~~they are granted for graduating pupils in four years.~~

14 ~~(iii) Notwithstanding clauses (i) and (ii), schools and school~~
15 ~~districts shall be granted full credit in their API scores for~~
16 ~~graduating in five or six years a pupil with disabilities who~~
17 ~~graduates in accordance with his or her individualized education~~
18 ~~program.~~

19 ~~(E) The pupil data collected for the API that comes from the~~
20 ~~achievement test administered pursuant to Section 60640 and the~~
21 ~~high school exit examination administered pursuant to Section~~
22 ~~60851, when fully implemented, shall be disaggregated by special~~
23 ~~education status, English learners, socioeconomic status, gender,~~
24 ~~and ethnic group. Only the test scores of pupils who were counted~~
25 ~~as part of the enrollment in the annual data collection of the~~
26 ~~California Basic Educational Data System for the current fiscal~~
27 ~~year and who were continuously enrolled during that year may be~~
28 ~~included in the test result reports in the API score of the school.~~

29 ~~(F) (i) Commencing with the baseline API calculation in 2016,~~
30 ~~and for each year thereafter, results of the achievement test and~~
31 ~~other tests specified in subdivision (b) shall constitute no more~~
32 ~~than 60 percent of the value of the index for secondary schools.~~

33 ~~(ii) In addition to the elements required by this paragraph, the~~
34 ~~Superintendent, with the approval of the state board, may~~
35 ~~incorporate into the index for secondary schools valid, reliable,~~
36 ~~and stable measures of pupil preparedness for postsecondary~~
37 ~~education and career.~~

38 ~~(G) Results of the achievement test and other tests specified in~~
39 ~~subdivision (b) shall constitute at least 60 percent of the value of~~
40 ~~the index for primary schools and middle schools.~~

1 (H) It is the intent of the Legislature that the state's system of
2 public school accountability be more closely aligned with both the
3 public's expectations for public education and the workforce needs
4 of the state's economy. It is therefore necessary that the
5 accountability system evolve beyond its narrow focus on pupil test
6 scores to encompass other valuable information about school
7 performance, including, but not limited to, pupil preparedness for
8 college and career, as well as the high school graduation rates
9 already required by law.

10 (I) The Superintendent shall annually determine the accuracy
11 of the graduation rate data. Notwithstanding any other law,
12 graduation rates for pupils in dropout recovery high schools shall
13 not be included in the API. For purposes of this subparagraph,
14 "dropout recovery high school" means a high school in which 50
15 percent or more of its pupils have been designated as dropouts
16 pursuant to the exit/withdrawal codes developed by the department
17 or left a school and were not otherwise enrolled in a school for a
18 period of at least 180 days.

19 (J) To complement the API, the Superintendent, with the
20 approval of the state board, may develop and implement a program
21 of school quality review that features locally convened panels to
22 visit schools, observe teachers, interview pupils, and examine pupil
23 work, if an appropriation for this purpose is made in the annual
24 Budget Act.

25 (K) The Superintendent shall annually provide to local
26 educational agencies and the public a transparent and
27 understandable explanation of the individual components of the
28 API and their relative values within the API.

29 (L) An additional element chosen by the Superintendent and
30 the state board for inclusion in the API pursuant to this paragraph
31 shall not be incorporated into the API until at least one full school
32 year after the state board's decision to include the element into the
33 API.

34 (b) Pupil scores from the following tests, when available and
35 when found to be valid and reliable for this purpose, shall be
36 incorporated into the API:

37 (1) The standards-based achievement tests provided for in
38 Section 60642.5.

39 (2) The high school exit examination.

1 ~~(e) Based on the API, the Superintendent shall develop, and the~~
2 ~~state board shall adopt, expected annual percentage growth targets~~
3 ~~for all schools based on their API baseline score from the previous~~
4 ~~year. Schools are expected to meet these growth targets through~~
5 ~~effective allocation of available resources. For schools below the~~
6 ~~statewide API performance target adopted by the state board~~
7 ~~pursuant to subdivision (d), the minimum annual percentage growth~~
8 ~~target shall be 5 percent of the difference between the actual API~~
9 ~~score of a school and the statewide API performance target, or one~~
10 ~~API point, whichever is greater. Schools at or above the statewide~~
11 ~~API performance target shall have, as their growth target,~~
12 ~~maintenance of their API score above the statewide API~~
13 ~~performance target. However, the state board may set differential~~
14 ~~growth targets based on grade level of instruction and may set~~
15 ~~higher growth targets for the lowest performing schools because~~
16 ~~they have the greatest room for improvement. To meet its growth~~
17 ~~target, a school shall demonstrate that the annual growth in its API~~
18 ~~is equal to or more than its schoolwide annual percentage growth~~
19 ~~target and that all numerically significant pupil subgroups, as~~
20 ~~defined in subdivision (a), are making comparable improvement.~~

21 ~~(d) Upon adoption of state performance standards by the state~~
22 ~~board, the Superintendent shall recommend, and the state board~~
23 ~~shall adopt, a statewide API performance target that includes~~
24 ~~consideration of performance standards and represents the~~
25 ~~proficiency level required to meet the state performance target.~~

26 ~~(e) (1) A school or school district with 11 to 99 pupils with~~
27 ~~valid test scores shall receive an API score with an asterisk that~~
28 ~~indicates less statistical certainty than API scores based on 100 or~~
29 ~~more test scores.~~

30 ~~(2) A school or school district annually shall receive an API~~
31 ~~score, unless the Superintendent determines that an API score~~
32 ~~would be an invalid measure of the performance of the school or~~
33 ~~school district for one or more of the following reasons:~~

34 ~~(A) Irregularities in testing procedures occurred.~~

35 ~~(B) The data used to calculate the API score of the school or~~
36 ~~school district are not representative of the pupil population at the~~
37 ~~school or school district.~~

38 ~~(C) Significant demographic changes in the pupil population~~
39 ~~render year-to-year comparisons of pupil performance invalid.~~

- 1 ~~(D) The department discovers or receives information indicating~~
2 ~~that the integrity of the API score has been compromised.~~
- 3 ~~(E) Insufficient pupil participation in the assessments included~~
4 ~~in the API.~~
- 5 ~~(F) A transition to new standards-based assessments~~
6 ~~compromises comparability of results across schools or school~~
7 ~~districts. The Superintendent may use the authority in this~~
8 ~~subparagraph in the 2013–14 and 2014–15 school years only, with~~
9 ~~the approval of the state board.~~
- 10 ~~(3) If a school or school district has fewer than 100 pupils with~~
11 ~~valid test scores, the calculation of the API or adequate yearly~~
12 ~~progress pursuant to the federal No Child Left Behind Act of 2001~~
13 ~~(20 U.S.C. Sec. 6301 et seq.) and federal regulations may be~~
14 ~~calculated over more than one annual administration of the tests~~
15 ~~administered pursuant to Section 60640 and the high school exit~~
16 ~~examination administered pursuant to Section 60851, consistent~~
17 ~~with regulations adopted by the state board.~~
- 18 ~~(4) Any school or school district that does not receive an API~~
19 ~~calculated pursuant to subparagraph (F) of paragraph (2) shall not~~
20 ~~receive an API growth target pursuant to subdivision (c). Schools~~
21 ~~and school districts that do not have an API calculated pursuant~~
22 ~~to subparagraph (F) of paragraph (2) shall use one of the following:~~
- 23 ~~(A) The most recent API calculation.~~
- 24 ~~(B) An average of the three most recent annual API calculations.~~
- 25 ~~(C) Alternative measures that show increases in pupil academic~~
26 ~~achievement for all groups of pupils schoolwide and among~~
27 ~~significant subgroups.~~
- 28 ~~(f) Only schools with 100 or more test scores contributing to~~
29 ~~the API may be included in the API rankings.~~
- 30 ~~(g) The Superintendent, with the approval of the state board,~~
31 ~~shall develop an alternative accountability system for schools under~~
32 ~~the jurisdiction of a county board of education or a county~~
33 ~~superintendent of schools, community day schools, nonpublic,~~
34 ~~nonsectarian schools pursuant to Section 56366, and alternative~~
35 ~~schools serving high-risk pupils, including continuation high~~
36 ~~schools and opportunity schools. Schools in the alternative~~
37 ~~accountability system may receive an API score, but shall not be~~
38 ~~included in the API rankings.~~
- 39 ~~(h) For purposes of this section, county offices of education~~
40 ~~shall be considered school districts.~~

1 (i) For purposes of this section, “homeless youth” has the same
2 meaning as in Section 11434a(2) of Title 42 of the United States
3 Code.

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