

Senate Bill No. 430

CHAPTER 69

An act to amend Sections 60601, 60604, and 60605 of the Education Code, and to amend Sections 4 and 5 of Chapter 975 of the Statutes of 1995, relating to pupils, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 21, 1996. Filed with
Secretary of State June 21, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 430, Greene. California Assessment of Academic Achievement Act.

Under existing law, the California Assessment of Academic Achievement Act, to be repealed as of January 1, 2000, the Superintendent of Public Instruction is required to design and implement a statewide pupil assessment program, including as part of that program the alignment of assessment with the knowledge and skills called for under the curriculum frameworks and with the statewide academically rigorous content and performance standards adopted by the State Board of Education.

This bill instead would require that the alignment of the assessment be made with the statewide academically rigorous content and performance standards not the curriculum frameworks.

The Superintendent of Public Instruction, as part of his or her duties pursuant to this provision, is required to develop and annually update for the Legislature a 5-year cost projection, implementation plan, and timetable for implementing the program.

This bill additionally would require the superintendent to submit the annual update on or before March 1 of each year to the chairperson of the fiscal subcommittee considering budget appropriations in each house. The bill would require that the update explain any significant variations from the 5-year cost projection for the current year budget and the proposed budget.

Under existing law, the State Board of Education is required to adopt statewide academically rigorous content and performance standards pursuant to the recommendations of the Commission for the Establishment of Academic Content and Performance Standards in all core curriculum areas to serve as the basis for assessing the academic achievement of individual pupils and of schools, school districts, and the California education system.

This bill would require the State Board of Education to review the existing curriculum frameworks for conformity with the new

statewide standards and modify the curriculum frameworks to bring them into alignment with the standards.

This bill would provide that not less than 60 days prior to adoption of the statewide pupil assessment tests, the State Board of Education shall make the proposed tests available for inspection by the public. The bill would require that the proposed tests be available for inspection by the public, as specified.

Existing law established the Commission for the Establishment of Academic Content and Performance Standards, consisting of 21 members, including 11 members appointed by the Governor and one member jointly appointed by the Governor and the Superintendent of Public Instruction who is the chair of the commission.

This bill would eliminate the member jointly appointed by the Governor and the superintendent and would instead provide for 12 members to be appointed by the Governor.

Under existing law, the State Board of Education is required to hold regional public hearings throughout the state on the current curriculum framework for the purpose of determining the degree of rigorous, academic focus within each curriculum area.

This bill would require the board to make any changes that the board deems appropriate to the curriculum frameworks as a result of these hearings.

Existing law requires the Commission for the Establishment of Academic Content and Performance Standards to make available to the public the information derived from the framework hearings and to hold regional, public hearings throughout the state for public comment on that information as it relates to the establishment of rigorous, academic standards.

This bill would require the commission to take public comments into consideration in the development of the standards.

The bill would require the Legislative Analyst to oversee the development of a request for proposal and contract for an independent financial and programmatic evaluation of the testing program, as specified.

This bill would appropriate \$130,000 from the General Fund, with \$55,000 to the Superintendent of Public Instruction for the costs of the State Department of Education to implement the statewide pupil assessment system upon approval of an expenditure plan by the Director of Finance and \$75,000 to the Commission for the Establishment of Academic Content and Performance Standards for the expenses of the commission during the 1995–96 fiscal year.

By extending the duties imposed on school districts under the California Assessment of Academic Achievement Act until January 1, 2002, the bill would create 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

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

SECTION 1. Section 60601 of the Education Code is amended to read:

60601. This chapter shall remain in effect only until January 1, 2002, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2002, deletes or extends that date.

SEC. 2. Section 60604 of the Education Code is amended to read:

60604. (a) The Superintendent of Public Instruction shall design and implement, consistent with the timetable and plan required pursuant to subdivision (b), a statewide pupil assessment program to implement the testing requirements of this article in accordance with the objectives set forth in Section 60602. That program shall include all of the following:

(1) A method of producing valid, reliable, and comparable individual pupil scores in kindergarten and grades 1 to 12, inclusive, based on district-selected achievement tests that assess a broad range of basic academic skills pursuant to the pupil testing incentive program established by Article 4.

(2) A method of ensuring valid, reliable, and comparable school-level and district-level scores in kindergarten and grades 1 to 12, inclusive, that is based on achievement tests approved pursuant to subdivision (b) of Section 60605 and that, in the grade levels and subject areas specified in subdivision (c) of Section 60605, ensures valid, reliable and comparable school-level and district-level scores in the assessments administered pursuant to subdivision (c) of Section 60605.

(3) Statewide academically rigorous content and performance standards that reflect the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(4) A statewide system that provides the results of both local and state testing in a manner that reflects the degree to which pupils are



achieving the statewide academically rigorous content and performance standards adopted by the State Board of Education.

(5) The alignment of assessment with the statewide academically rigorous content and performance standards adopted by the State Board of Education.

(6) The active, ongoing involvement of parents, classroom teachers, other educators, governing board members of school districts, and the public in all phases of the design and implementation of the statewide pupil assessment program and the development of assessment instruments.

(7) The development of a contract with a publisher or publishers, after the approval of statewide academically rigorous content and performance standards by the State Board of Education, for the development of assessments of applied academic skills designed to test pupils' knowledge of academic skills and abilities to apply that knowledge and those skills in order to solve problems and communicate, limited to the grade levels and subject areas specified in subdivision (c) of Section 60605.

(b) The superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation plan, and timetable for implementing the program described in subdivision (a). The annual update shall be submitted on or before March 1 of each year to the chairperson of the fiscal subcommittee considering budget appropriations in each house. The update shall explain any significant variations from the five-year cost projection for the current year budget and the proposed budget.

(c) The program described in subdivision (a) shall include, beginning in the 1995–96 school year, the review and approval of achievement tests for use as part of the statewide pupil assessment program.

(d) The Superintendent of Public Instruction shall immediately begin reviewing achievement tests for school district use, in order to determine their acceptability for use as part of the pupil testing incentive program established by Article 4. Based upon this review, the superintendent shall recommend that the State Board of Education approve for use by school districts as part of the statewide pupil assessment program any test that meets all of the following criteria:

(1) Is capable of producing valid, reliable individual pupil scores.

(2) To the extent feasible, uses a reporting scale that permits measurement of changes in individual academic achievement from year to year and that allows comparison with other schools and school districts, including those that use other achievement tests approved by the State Board of Education. The Superintendent of Public Instruction and the State Board of Education shall also consider the degree to which the reporting scale allows comparisons with other states.



(3) Is aligned with the academically rigorous content and performance standards adopted by the State Board of Education.

Until the State Board of Education adopts academically rigorous content and performance standards, the Superintendent of Public Instruction shall recommend that the board conditionally approve for use as part of the statewide pupil assessment program any available achievement test that meets the criteria in paragraphs (1) and (2) and is reasonably aligned with the state curriculum frameworks.

Nothing in this subdivision shall be construed as preventing the approval of any achievement test that contains assessments of applied academic skills, but that otherwise meets the criteria specified above.

(e) The Superintendent of Public Instruction shall provide each school district with guidelines for professional development that is designed to assist classroom teachers to use the results of the assessments administered pursuant to this chapter to modify instruction for the purpose of improving pupil learning. These guidelines shall be developed in consultation with classroom teachers.

(f) Development and implementation of a system for providing valid, reliable, and comparable individual pupil results in grades 2 to 10, inclusive, pursuant to the incentive program established in Article 4 (commencing with Section 60640) shall begin during the 1995–96 fiscal year.

(g) The Superintendent of Public Instruction shall make available prototype and sample versions of the statewide pupil assessment tests to each school district and to the public prior to administration of the tests. The superintendent and the State Board of Education shall consider comments and recommendations from school districts and the public in the development, adoption, and approval of subsequent assessment instruments.

(h) The results of the assessments administered pursuant to Article 4 (commencing with Section 60640) shall be returned to the school district in the same academic year in which the assessments were administered.

SEC. 3. Section 60605 of the Education Code is amended to read:

60605. (a) No later than January 1, 1998, the State Board of Education shall adopt statewide academically rigorous content and performance standards, pursuant to the recommendations of the Commission for the Establishment of Academic Content and Performance Standards, in all core curriculum areas to serve as the basis for assessing the academic achievement of individual pupils and of schools, school districts, and the California education system. The board may modify any proposed content standards or performance standards prior to adoption and may adopt content and performance standards in individual core curriculum areas as those standards are



submitted to the board by the commission. The performance standards shall be established against specific grade level benchmarks of academic achievement for each subject area tested and shall be based on the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem. The standards adopted pursuant to this section shall be for the purpose of guiding state decisions regarding the development, adoption, and approval of assessment instruments pursuant to this chapter and shall not be construed to mandate any actions or activities by school districts. Prior to the adoption of academic content and performance standards, the board shall hold regional hearings for the purpose of giving parents and other members of the public the opportunity to comment on the proposed standards.

(b) The State Board of Education shall require the State Department of Education to submit and recommend to the State Board of Education for approval available tests of achievement that include all of the basic academic skills identified in subdivision (c) of Section 60603 in kindergarten and grades 1 to 12, inclusive.

(c) (1) The State Board of Education shall adopt tests that meet the objectives of Section 60602 and that yield valid, reliable estimates of school performance, school district performance, and statewide performance of pupils that, in grades 4, 5, 8, and 10, assess basic academic skills and incorporate the use of direct writing assessment and other assessments of applied academic skills.

(2) The State Board of Education shall annually require that each school district administer statewide tests pursuant to this subdivision to all pupils in grades 4, 5, 8, and 10. The core curriculum areas shall be addressed by those tests. Notwithstanding any other provision of law, the testing provided for under this subdivision shall address, in grade 4, only reading, written expression, and mathematics, and, in grade 5, only history/social science and science. Pupils in a given school shall be administered a portion of all subjects of the test that will be representative of all the test objectives, goals, and categories of items on the entire test in a manner that will produce results that are valid and reliable at the school and school district level. The State Department of Education may provide assistance to school districts in the implementation of the tests established pursuant to this subdivision.

(3) Nothing in this subdivision shall be construed to prevent the State Board of Education from developing or adopting tests that also contain assessments of basic academic skills.

(d) The State Board of Education shall adopt assessments pursuant to subdivision (c) that are aligned with the statewide content and performance standards adopted pursuant to subdivision



(a). The State Board of Education shall not adopt an assessment pursuant to subdivision (c) for any core curriculum area until the statewide content and performance standards for that core curriculum area have been adopted by the board pursuant to subdivision (a). The State Board of Education shall not award contracts pursuant to subdivision (h) for any core curriculum area until after adoption of statewide content and performance standards for that core curriculum area.

(e) After the adoption of the statewide content and performance standards, the State Board of Education shall review all tests approved or adopted pursuant to subdivision (b) for conformance with these statewide standards.

(f) After the adoption of the statewide content and performance standards, the board shall review the existing curriculum frameworks for conformity with the new statewide standards and shall modify the curriculum frameworks where appropriate to bring them into alignment with the standards.

(g) The State Board of Education shall adopt regulations for the conduct and administration of the testing program.

(h) Following consideration of recommendations of the Superintendent of Public Instruction, the State Board of Education shall award contracts to develop instruments to be used for the purposes of subdivision (c), according to competitive bidding procedures.

(1) As part of this process, the board may convene an advisory panel composed of nationally recognized experts in pupil assessment. This panel, if convened, shall assist the board in the preparation of the request for proposals to develop instruments for use as assessments of applied academic skills and in the review and rating of proposals that are submitted. The panel shall also assist the board in determining methods of assuring that tests approved pursuant to subdivision (b) comply with paragraph (2) of subdivision (d) of Section 60604.

(2) Any contractor to whom a contract is awarded pursuant to this subdivision shall assure that parents, classroom teachers, administrators, school district governing board members, and the general public are actively involved in the development of any assessment instruments.

(i) (1) Not less than 60 days before adoption of the statewide pupil assessment tests pursuant to subdivision (c), the State Board of Education shall make the proposed tests available for inspection by the public. The board shall adopt any proposed amendments or modifications to the tests before this public inspection period so that the materials available for inspection are the same materials that the board shall consider for final adoption. This provision applies to subsequent amendments or modifications of the examination in



addition to the initial adoption. The proposed tests shall be available for inspection by the public for a reasonable period of time.

(2) The tests shall be available for inspection at each county superintendent of schools' office and within each school district at a centrally located site selected by the governing board of each school district. The governing board may also make the tests available for public inspection at other locations within the school district. No test may be copied or taken from the inspection site.

SEC. 4. Section 4 of Chapter 975 of the Statutes of 1995 is amended to read:

Sec. 4. (a) There is hereby established in state government the Commission for the Establishment of Academic Content and Performance Standards, to consist of 21 members.

(1) The members of the commission shall be as follows:

(A) Twelve members appointed by the Governor.

(B) The Superintendent of Public Instruction, or his or her designee.

(C) Six members appointed by the Superintendent of Public Instruction.

(D) One member appointed by the Senate Committee on Rules.

(E) One member appointed by the Speaker of the Assembly.

(2) The chair of the commission shall be elected by the members of the commission.

(3) Members of the commission shall serve at the pleasure of the appointing authority.

(4) It is the intent of the Legislature that the membership of the commission include, but not necessarily be limited to, parents, classroom teachers, representatives of the business community, and individuals with expertise in pupil assessment or expertise in the subject matter areas included in the statewide pupil assessment program.

(b) The commission shall develop academically rigorous content standards and performance standards to be used in public schools maintaining kindergarten and grades 1 to 12, inclusive. Those academically rigorous content standards and performance standards shall comply with all of the following requirements:

(1) Be measurable and objective.

(2) Reflect the knowledge and skills necessary for California's work force to be competitive in the global, information-based economy of the 21st century.

(3) Be comparable in rigor to academic content and performance standards used in the school systems of America's global economic competitors.

(4) Provide the basis for assessments for kindergarten and grades 1 to 12, inclusive, in the following groupings:

(A) Early elementary grades consisting of kindergarten and grades 1 to 3, inclusive.



- (B) Upper elementary grades consisting of grades 4 to 6, inclusive.
- (C) Early departmentalized grades consisting of grades 7 and 8.
- (D) Secondary grades consisting of grades 9 to 12, inclusive.

(c) The commission shall first develop content standards and performance standards in reading, writing, and mathematics prior to developing content standards and performance standards in other core curriculum areas. The commission shall submit content standards and performance standards in each of the core curriculum areas to the State Board of Education for its consideration and adoption as they are completed by the commission.

(d) In developing the academically rigorous content standards and performance standards pursuant to subdivision (b), the commission shall hold at least six public hearings throughout the state to solicit public input.

(e) On or before October 1, 1997, the commission shall have developed and submitted the academically rigorous content standards and performance standards for all core curriculum areas for all grade levels to the State Board of Education for approval by the board.

(f) Upon approval of a staffing and expenditure plan by the commission, funds appropriated for support of the commission shall be allocated by the chair or his or her designee. The commission may appoint personnel and enter into contracts and interagency agreements for services in support of the commission.

(g) This section shall remain in effect only until January 1, 1998, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 1998, deletes or extends that date.

SEC. 5. Section 5 of Chapter 975 of the Statutes of 1995 is amended to read:

Sec. 5. The State Board of Education shall hold regional public hearings throughout the state on the current curriculum frameworks for the purpose of determining the degree of rigorous, academic focus within each curriculum area. The State Board of Education shall make any changes that the board deems appropriate to the curriculum frameworks as a result of these hearings. The board shall provide the results of these hearings to the Commission for the Establishment of Academic Content and Performance Standards for the commission to consider in the development of academically rigorous content standards and performance standards. The commission shall make available to the public the information derived from the framework hearings and shall hold regional, public hearings throughout the state to provide the opportunity for public comment on that information as it relates to the establishment of rigorous, academic standards. The commission shall take public comments into consideration in the development of the standards.

SEC. 6. (a) The Legislative Analyst shall oversee the development of a request for proposal and contract for an



independent financial and programmatic evaluation of the testing program established by Chapter 5 (commencing with Section 60600) of Part 33 of the Education Code. The program review portion of the evaluation shall include, but not be limited to, a review of the program's effectiveness in achieving the goals set forth in Section 60602 of the Education Code, the requirements of Section 60604 of the Education Code, and evaluate the degree of parental involvement in test development. The evaluation shall be submitted to the Legislature on or before May 1, 2001.

(b) It is the intent of the Legislature that funds for the evaluation be appropriated through the budget process.

SEC. 7. The sum of one hundred thirty thousand dollars (\$130,000) is hereby appropriated from the General Fund as follows:

(a) Fifty-five thousand dollars (\$55,000) to the Superintendent of Public Instruction for the 1995-96 fiscal year for the costs of the State Department of Education to implement the statewide pupil assessment system established pursuant to Chapter 5 (commencing with Section 60600) of Part 33 of the Education Code upon approval of an expenditure plan by the Director of Finance.

(b) Seventy-five thousand dollars (\$75,000) to the Commission for the Establishment of Academic Content and Performance Standards for the expenses of the commission during the 1995-96 fiscal year.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to effectuate the necessary changes to the California Assessment of Academic Achievement Act prior to its implementation and to revise the funding levels for varying elements of the implementation of that act, it is necessary that this act take effect immediately.

SEC. 9. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

