

AMENDED IN ASSEMBLY MARCH 26, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1763**

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**Introduced by Assembly Member Mazzoni**  
*(Coauthors: Assembly Members Baca, Kuehl, Migden, and Perata)*  
*(Coauthor: Senator Alpert)*

February 5, 1998

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An act to amend ~~Sections 60640 and~~ *Section* 60643 of the Education Code, relating to pupil testing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1763, as amended, Mazzoni. Statewide achievement test.

Existing law requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, a statewide achievement test ~~and provides that, at the school district's option, pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language.~~

~~This bill would authorize the Superintendent of Public Instruction to provide assistance to school districts in which pupils of limited English proficiency take a second achievement test in their primary language. The bill would require, a school district to provide the Superintendent of Public Instruction with results of these achievement tests, disaggregated according to home language, program of~~

~~instruction at time of current enrollment, number of years enrolled in California public schools, and current language proficiency classification as a condition to receiving an apportionment for administering the tests in languages other than English.~~

Existing law requires the test publisher whose achievement test is adopted for statewide use to provide aggregate scores to teachers, administrators, governing boards of school districts, county boards of education, and the State Department of Education in certain forms and formats and to provide disaggregated scores, based on limited-English-proficient status.

This bill would require the publisher also to provide disaggregated scores for limited-English pupils based on home language, program of instruction at time of enrollment, number of years enrolled in California public schools, and the current language proficiency classification. In addition, the publisher would be required to provide scores for all pupils disaggregated by pupil income status, pupil gender, type of district, and any other type of information the Superintendent of Public Instruction deems necessary if that information is approved by the State Board of Education. These disaggregated scores would be required to be provided in the same form and formats as aggregate scores provided to teachers, administrators, governing boards of school districts, county boards of education, and the State Department of Education.

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~~
- 2 ~~amended to read:~~
- 3 ~~60640. (a) There is hereby established the~~
- 4 ~~Standardized Testing and Reporting Program, to be~~
- 5 ~~known as the STAR Program.~~
- 6 ~~(b) Commencing in the 1997-98 fiscal year and each~~
- 7 ~~fiscal year thereafter, and from the funds available for~~
- 8 ~~that purpose, each school district, charter school, and~~



1 ~~county office of education shall administer to each of its~~  
2 ~~pupils in grades 2 to 11, inclusive, before May 15, the~~  
3 ~~achievement test designated by the State Board of~~  
4 ~~Education pursuant to Section 60642.~~

5 ~~(e) The publisher and the school district shall provide~~  
6 ~~two makeup days for the testing of previously absent~~  
7 ~~pupils no later than May 25.~~

8 ~~(d) The governing board of the school district may~~  
9 ~~administer achievement tests in kindergarten, and grade~~  
10 ~~1 or 12, or both, as it deems appropriate.~~

11 ~~(e) Individuals with exceptional needs who have an~~  
12 ~~explicit provision in their individualized education~~  
13 ~~program that exempts them from the testing~~  
14 ~~requirement of subdivision (b) shall be so exempt.~~

15 ~~(f) At the school district's option, pupils of limited~~  
16 ~~English proficiency who are enrolled in any of grades 2 to~~  
17 ~~11, inclusive, may take a second achievement test in their~~  
18 ~~primary language. The Superintendent of Public~~  
19 ~~Instruction may provide assistance to school districts in~~  
20 ~~implementing this subdivision in any of the following~~  
21 ~~ways:~~

22 ~~(1) By reviewing the achievement tests that a school~~  
23 ~~district can use to assess pupils of limited English~~  
24 ~~proficiency in their primary language.~~

25 ~~(2) By commenting on the appropriateness of the~~  
26 ~~achievement tests that a school district uses to assess~~  
27 ~~pupils of limited English proficiency in their primary~~  
28 ~~language.~~

29 ~~(3) By suggesting alternative tests that a school district~~  
30 ~~can use to assess pupils of limited English proficiency in~~  
31 ~~their primary language.~~

32 ~~(g) In addition to the test required by subdivision (b),~~  
33 ~~pupils of limited English proficiency who are enrolled in~~  
34 ~~any of grades 2 to 11, inclusive, shall be required to take~~  
35 ~~a test in their primary language if a test in their primary~~  
36 ~~language is available, if less than 12 months have elapsed~~  
37 ~~after their initial enrollment in any public school in the~~  
38 ~~state.~~

39 ~~(h) The Superintendent of Public Instruction shall~~  
40 ~~apportion funds to enable school districts to meet the~~



1 requirements of subdivisions (b), (f), and (g). The State  
2 Board of Education shall establish the amount of funding  
3 to be apportioned. The amount to be apportioned shall be  
4 up to eight dollars (\$8) per test administered to a pupil  
5 in grades 2 to 11, inclusive.

6 (i) For the purposes of making the computations  
7 required by Section 8 of Article XVI of the California  
8 Constitution, the appropriation for the apportionments  
9 made pursuant to subdivision (g) shall be deemed to be  
10 “General Fund revenues appropriated for school  
11 districts,” as defined in subdivision (c) of Section 41202 of  
12 the Education Code, for the applicable fiscal year, and  
13 included within the “total allocations to school districts  
14 and community college districts from General Fund  
15 proceeds of taxes appropriated pursuant to Article  
16 XIII B,” as defined in subdivision (c) of Section 41202 of  
17 the Education Code, for that fiscal year.

18 (j) As a condition to receiving an apportionment  
19 pursuant to subdivision (h), a school district shall report  
20 to the superintendent all of the following:

21 (1) The number of pupils enrolled in the school district  
22 in grades 2 to 11, inclusive.

23 (2) The number of pupils to whom an achievement  
24 test was administered in grades 2 to 11, inclusive, in the  
25 school district.

26 (3) The number of pupils in paragraph (1) who were  
27 exempted from the test pursuant to subdivision (e) of  
28 Section 60640.

29 (4) The number of pupils in paragraph (1) who were  
30 exempted from the test at the request of their parents or  
31 guardians.

32 (k) As a condition to receiving an apportionment  
33 pursuant to subdivision (h) for administering tests  
34 pursuant to subdivision (f), a school district shall, to the  
35 extent possible, provide the Superintendent of Public  
36 Instruction with results of the test, disaggregated  
37 according to home language, program of instruction at  
38 time of current enrollment, number of years enrolled in  
39 California public schools, and current language  
40 proficiency classification.



1 ~~SEC. 2.—~~

2 *SECTION 1.* Section 60643 of the Education Code is  
3 amended to read:

4 60643. (a) To be eligible for consideration under  
5 Section 60642 by the State Board of Education, test  
6 publishers shall agree in writing to meet the following  
7 requirements, if selected:

8 (1) Post a performance bond in an amount to be  
9 determined by the State Board of Education.

10 (2) Enter into a standard agreement with all school  
11 districts in the state that includes a payment schedule and  
12 conditions prescribed by the State Board of Education.

13 (3) Align the achievement test to the academically  
14 rigorous content and performance standards adopted by  
15 the State Board of Education.

16 (4) Comply with subdivisions (c) and (d) of Section  
17 60645.

18 (5) Provide individual pupil scores to parents or  
19 guardians, teachers, and school administrators.

20 (6) Provide aggregate scores to teachers,  
21 administrators, governing boards of school districts,  
22 county boards of education, and the State Department of  
23 Education in all of the following forms and formats:

24 (A) Grade level.

25 (B) School level.

26 (C) District level.

27 (D) Countywide.

28 (E) Statewide.

29 (F) Comparison of statewide scores relative to other  
30 states.

31 (7) Provide disaggregated scores, based on  
32 limited-English-proficient status, home language of  
33 limited-English pupils, program of instruction at time of  
34 the limited-English-proficient pupils' enrollment,  
35 number of years the limited-English-proficient pupils  
36 have been enrolled in California public schools, and the  
37 current language proficiency classification of  
38 limited-English-proficient pupils. These scores shall be  
39 provided to teachers, administrators, governing boards of  
40 school districts, county boards of education, and the State



1 Department of Education in the same form and formats  
2 listed in paragraph (6).

3 (8) Provide disaggregated scores by pupil income  
4 status, pupil gender, type of district (small, large, urban,  
5 rural, unified, elementary, high school), and any other  
6 type of information the Superintendent of Public  
7 Instruction deems necessary if that information is  
8 approved by the State Board of Education. These  
9 disaggregated scores shall be in the same form and  
10 formats listed in paragraph (6).

11 (9) Provide all information listed in paragraphs (6),  
12 (7), and (8) to the State Board of Education and to the  
13 recipients listed in paragraph (6), in hard copy and in an  
14 electronic medium compatible for access through the  
15 Internet.

16 (b) *It is the intent of the Legislature that the publisher*  
17 *work with the Superintendent of Public Instruction in*  
18 *developing a methodology to disaggregate statewide*  
19 *scores as required in paragraphs (7) and (8) of*  
20 *subdivision (a).*

21 (c) Notwithstanding any other provision of law, the  
22 publisher of the achievement test designated pursuant to  
23 Section 60642 shall comply with all of the conditions and  
24 requirements enumerated in subdivision (a) to the  
25 satisfaction of the State Board of Education.

26 ~~(e)~~

27 (d) The State Department of Education is hereby  
28 authorized to develop a standard agreement, subject to  
29 the approval of the State Board of Education, that all  
30 school districts shall be required to use. The agreement  
31 shall contain provisions for withholding payments for test  
32 development, publication, administration, scoring, test  
33 security, data aggregation, analysis, reporting, and  
34 electronic transmission. The State Department of  
35 Education shall specify in the standard agreement that  
36 final payments by school districts or any agent of the State  
37 of California shall be withheld until the Superintendent  
38 of Public Instruction notifies all school districts that the  
39 test administration is completed for the academic year  
40 and the State Board of Education has received complete



1 statewide data to its satisfaction reported in the manner  
2 prescribed by this section.

3 ~~(d)~~

4 (e) The State Board of Education shall consider the  
5 performance of publishers no later than July 31 following  
6 the test administration for purposes of making  
7 appropriate determinations pursuant to the standard  
8 agreement authorized pursuant to this section.

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