

AMENDED IN SENATE JUNE 12, 2000

AMENDED IN ASSEMBLY MAY 26, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2812

Introduced by Assembly Member Mazzoni

February 28, 2000

An act to amend ~~Section~~ *Sections 60605 and 60644* of the Education Code, relating to achievement tests.

LEGISLATIVE COUNSEL'S DIGEST

AB 2812, as amended, Mazzoni. California Assessment of Academic Achievement.

Existing law requires the Superintendent of Public Instruction to design and implement, and requires the governing board of a school district to conduct, a testing program based on a statewide pupil assessment program consisting of (1) systematic achievement testing of pupils in grades 2 to 11, inclusive, pursuant to the standardized testing and reporting (STAR) program and (2) an assessment of basic academic skills and applied academic skills *of all pupils in grades 4, 5, 8, and 10*. Existing law states the intent of the Legislature that the achievement test ~~designated by the State Board of Education~~ *used in grades 2 to 11, inclusive*, be augmented with items that assess the specific grade-level content standards and produce valid and reliable scores for pupil achievement for each of the performance standards adopted by the board.

This bill would require the above augmentation and would specify that it include the use of a direct writing assessment once in elementary school and once in middle or junior high school. The bill would state the intent of the Legislature to remove the assessment of basic academic skills and applied academic skills *that is to be administered to all pupils in grades 4, 5, 8, and 10* from the statewide pupil assessment program and to repeal provisions of the Education Code governing that assessment when the nationally-normed achievement test is augmented by use of a direct writing assessment.

The bill would make provisions requiring the State Board of Education to adopt an assessment basic academic skills and applied academic skills inoperative on the date that the Superintendent of Public Instruction and State Board of Education issue a joint certification to the Legislature and the Governor that the nationally normed achievement test is augmented and includes the use of a direct writing assessment once in elementary school and once in middle or junior high school.

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 60605 of the Education Code is*
 2 *amended to read:*
 3 60605. (a) (1) (A) Not later than January 1, 1998,
 4 the State Board of Education shall adopt statewide
 5 academically rigorous content standards, pursuant to the
 6 recommendations of the Commission for the
 7 Establishment of Academic Content and Performance
 8 Standards, in the core curriculum areas of reading,
 9 writing, and mathematics to serve as the basis for
 10 assessing the academic achievement of individual pupils
 11 and of schools, school districts, and the California
 12 education system. Not later than November 1, 1998, the
 13 State Board of Education shall adopt these standards in
 14 the core curriculum areas of history/social science and
 15 science. The performance standards and the assessments
 16 described in subdivision (c) may be developed



1 concurrently, and shall be based on the content standards
2 adopted by the board pursuant to this section.

3 (B) The board shall adopt statewide performance
4 standards in the core curriculum areas of reading,
5 writing, mathematics, history-social science, and science
6 based on the recommendations made by a contractor or
7 contractors. By November 15, 2000, the board shall
8 complete the adoption of the portion of the pupil
9 assessments described in subdivision (c) in the core
10 curriculum areas of reading, writing, mathematics,
11 history-social science, and science.

12 (C) In specifying timeframes for deliverables in the
13 request for proposal developed pursuant to subdivision
14 (i), the State Board of Education shall require the
15 contractor or contractors to submit performance
16 standards to the board not later than a specified date that
17 allows sufficient opportunity for the board to conduct
18 regional hearings prior to the adoption of the
19 performance standards by the dates specified in
20 subparagraph (B).

21 (2) (A) The State Board of Education may modify any
22 proposed content standards or performance standards
23 prior to adoption and may adopt content and
24 performance standards in individual core curriculum
25 areas as those standards are submitted to the board by the
26 commission or the contractor. The performance
27 standards shall be established against specific grade level
28 benchmarks of academic achievement for each subject
29 area tested and shall be based on the knowledge and skills
30 that pupils will need in order to succeed in the
31 information-based, global economy of the 21st century.
32 These skills shall not include personal behavioral
33 standards or skills, including, but not limited to, honesty,
34 sociability, ethics, or self-esteem. The standards adopted
35 pursuant to this section shall be for the purpose of guiding
36 state decisions regarding the development, adoption, and
37 approval of assessment instruments pursuant to this
38 chapter and shall not be construed to mandate any
39 actions or activities by school districts.



1 (B) Because these standards are models, the adoption
2 of these standards is not subject to the Administrative
3 Procedure Act. This subparagraph is declaratory of
4 existing law.

5 (3) Before adopting academic content and
6 performance standards, the board shall hold regional
7 hearings for the purpose of giving parents and other
8 members of the public the opportunity to comment on
9 the proposed standards.

10 (b) (1) The State Board of Education shall require the
11 State Department of Education to notify publishers of the
12 opportunity to submit, for consideration by the State
13 Board of Education pursuant to Section 60642, tests of
14 achievement that include all of the basic academic skills
15 identified in subdivision (c) of Section 60603 in grades 2
16 to 8, inclusive, and the core curriculum areas identified in
17 subdivision (e) of Section 60603 in grades 9 to 11,
18 inclusive.

19 (2) On or before October 31, 1997, the Superintendent
20 of Public Instruction shall recommend to the State Board
21 of Education which achievement test to adopt pursuant
22 to subdivision (b) of Section 60642.

23 (c) (1) The State Board of Education shall adopt an
24 assessment instrument that meets the objectives of
25 Section 60602 and that yields valid, reliable estimates of
26 school performance, school district performance, and
27 statewide performance of pupils that, in grades 4, 5, 8, and
28 10, assess basic academic skills and incorporate the use of
29 direct writing assessment and other assessments of
30 applied academic skills.

31 (2) The State Board of Education shall annually
32 require that each school district administer the statewide
33 assessment pursuant to this subdivision to all pupils in
34 grades 4, 5, 8, and 10. The core curriculum areas shall be
35 addressed by that assessment. Notwithstanding any other
36 provision of law, the assessment provided for under this
37 subdivision shall address, in grade 4, only reading, written
38 expression, and mathematics, and, in grade 5, only
39 history/social science and science. Pupils in a given school
40 shall be administered a portion of all subjects of the



1 assessment that will be representative of all the
2 assessment objectives, goals, and categories of items on
3 the entire assessment in a manner that will produce
4 results that are valid and reliable at the school and school
5 district level. The State Department of Education may
6 provide assistance to school districts in the
7 implementation of the assessment established pursuant
8 to this subdivision.

9 (3) Nothing in this subdivision shall be construed to
10 prevent the State Board of Education from developing or
11 adopting an assessment instrument that also contains
12 assessments of basic academic skills.

13 (d) The State Board of Education shall adopt
14 assessments pursuant to subdivision (c) that are aligned
15 with the statewide content and performance standards
16 adopted pursuant to subdivision (a). The State Board of
17 Education shall not adopt an assessment pursuant to
18 subdivision (c) for any core curriculum area until the
19 statewide content standards for that core curriculum area
20 have been adopted by the board pursuant to subdivision
21 (a). The State Board of Education shall not award
22 contracts for the development of performance standards
23 and assessments pursuant to subdivision (c) for any core
24 curriculum area until after adoption of statewide content
25 standards for that core curriculum area.

26 (e) After adopting statewide content standards, the
27 State Board of Education shall review the achievement
28 test designated pursuant to Section 60642 for
29 conformance with these statewide standards.

30 (f) After adopting statewide content and performance
31 standards, the State Board of Education shall review the
32 existing curriculum frameworks for conformity with the
33 new statewide standards and shall modify the curriculum
34 frameworks where appropriate to bring them into
35 alignment with the standards.

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

39 (h) The State Board of Education shall adopt a
40 regulation for minimum security procedures that test and



1 assessment publishers and school districts must follow to
2 ensure the security and integrity of test and assessment
3 questions and materials.

4 (i) Following consideration of recommendations of
5 the Superintendent of Public Instruction, the State Board
6 of Education shall award a contract or contracts to
7 develop performance standards pursuant to subdivision
8 (a) and instruments to be used for the purposes of
9 subdivision (c), according to competitive bidding
10 procedures.

11 (1) As part of this process, the board may convene an
12 advisory panel composed of nationally recognized
13 experts in pupil assessment. Two members of the panel
14 shall be selected from a list of at least 10 nominees of the
15 Superintendent of Public Instruction. This panel, if
16 convened, shall assist the board and the Superintendent
17 of Public Instruction in the preparation of the request or
18 requests for proposals to develop performance standards
19 and instruments for use as assessments of applied
20 academic skills and in the review and rating of proposals
21 that are submitted. The panel shall also assist the board
22 and the Superintendent of Public Instruction in
23 determining methods of ensuring that the achievement
24 test designated pursuant to Section 60642 meets the
25 requirements of Section 60644. The State Department of
26 Education shall provide any necessary staff support for
27 the work of the advisory committee.

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

34 (3) For the purposes of making the computations
35 required by Section 8 of Article XVI of the California
36 Constitution, appropriations made for the payment of
37 contracts awarded pursuant to this subdivision shall be
38 deemed to be "General Fund revenues appropriated for
39 school districts," as defined in subdivision (c) of Section
40 41202, for the applicable fiscal year, and included within



1 the “total allocations to school districts and community
2 college districts from General Fund proceeds of taxes
3 appropriated pursuant to Article XIII B,” as defined in
4 subdivision (e) of Section 41202, for that fiscal year.

5 (j) (1) Not less than 60 days before adopting the
6 statewide pupil assessment pursuant to subdivision (c),
7 the State Board of Education shall make the proposed
8 assessment available for inspection by the public. The
9 board shall adopt any proposed amendments or
10 modifications to the assessment before this public
11 inspection period so that the materials available for
12 inspection are the same materials that the board shall
13 consider for final adoption. This provision applies to
14 subsequent amendments or modifications of the
15 examination in addition to the initial adoption. The
16 proposed assessment shall be available for inspection by
17 the public for a reasonable period of time.

18 (2) The assessment adopted pursuant to subdivision
19 (c) shall be available for inspection at each county
20 superintendent of schools’ office and within each school
21 district at a centrally located site selected by the
22 governing board of each school district. The governing
23 board may also make the assessment available for public
24 inspection at other locations within the school district. An
25 assessment may not be copied or taken from the
26 inspection site.

27 *(k) This section shall become inoperative on the date*
28 *that the Superintendent of Public Instruction and the*
29 *State Board of Education issue a joint certification to the*
30 *Legislature and the Governor that the nationally normed*
31 *achievement test designated pursuant to subdivision (b)*
32 *of Section 60642 is augmented as specified in paragraph*
33 *(1) of subdivision (f) of Section 60644 and includes the use*
34 *of a direct writing assessment once in elementary school*
35 *and once in middle or junior high school.*

36 *SEC. 2. Section 60605 of the Education Code is*
37 *amended to read:*

38 60605. (a) (1) (A) Not later than January 1, 1998,
39 the State Board of Education shall adopt statewide
40 academically rigorous content standards, pursuant to the



1 recommendations of the Commission for the
2 Establishment of Academic Content and Performance
3 Standards, in the core curriculum areas of reading,
4 writing, and mathematics to serve as the basis for
5 assessing the academic achievement of individual pupils
6 and of schools, school districts, and the California
7 education system. Not later than November 1, 1998, the
8 State Board of Education shall adopt these standards in
9 the core curriculum areas of history/social science and
10 science. ~~The performance standards and the assessments~~
11 ~~described in subdivision (e) may be developed~~
12 ~~concurrently, and shall be based on the content standards~~
13 ~~adopted by the board pursuant to this section.~~

14 (B) The board shall adopt statewide performance
15 standards in the core curriculum areas of reading,
16 writing, mathematics, history-social science, and science
17 based on the recommendations made by a contractor or
18 contractors. ~~By November 15, 2000, the board shall~~
19 ~~complete the adoption of the portion of the pupil~~
20 ~~assessments described in subdivision (e) in the core~~
21 ~~curriculum areas of reading, writing, mathematics,~~
22 ~~history-social science, and science.~~

23 (C) In specifying timeframes for deliverables in the
24 request for proposal developed pursuant to subdivision
25 (i), the State Board of Education shall require the
26 contractor or contractors to submit performance
27 standards to the board not later than a specified date that
28 allows sufficient opportunity for the board to conduct
29 regional hearings prior to the adoption of the
30 performance standards by the dates specified in
31 subparagraph (B).

32 (2) (A) The State Board of Education may modify any
33 proposed content standards or performance standards
34 prior to adoption and may adopt content and
35 performance standards in individual core curriculum
36 areas as those standards are submitted to the board by the
37 commission or the contractor. The performance
38 standards shall be established against specific grade level
39 benchmarks of academic achievement for each subject
40 area tested and shall be based on the knowledge and skills



1 that pupils will need in order to succeed in the
2 information-based, global economy of the 21st century.
3 These skills shall not include personal behavioral
4 standards or skills, including, but not limited to, honesty,
5 sociability, ethics, or self-esteem. The standards adopted
6 pursuant to this section shall be for the purpose of guiding
7 state decisions regarding the development, adoption, and
8 approval of assessment instruments pursuant to this
9 chapter and shall not be construed to mandate any
10 actions or activities by school districts.

11 (B) Because these standards are models, the adoption
12 of these standards is not subject to the Administrative
13 Procedure Act. This subparagraph is declaratory of
14 existing law.

15 (3) Before adopting academic content and
16 performance standards, the board shall hold regional
17 hearings for the purpose of giving parents and other
18 members of the public the opportunity to comment on
19 the proposed standards.

20 (b) (1) The State Board of Education shall require the
21 State Department of Education to notify publishers of the
22 opportunity to submit, for consideration by the State
23 Board of Education pursuant to Section 60642, tests of
24 achievement that include all of the basic academic skills
25 identified in subdivision (c) of Section 60603 in grades 2
26 to 8, inclusive, and the core curriculum areas identified in
27 subdivision (e) of Section 60603 in grades 9 to 11,
28 inclusive.

29 (2) On or before October 31, 1997, the Superintendent
30 of Public Instruction shall recommend to the State Board
31 of Education which achievement test to adopt pursuant
32 to subdivision (b) of Section 60642.

33 ~~(c) (1) The State Board of Education shall adopt an~~
34 ~~assessment instrument that meets the objectives of~~
35 ~~Section 60602 and that yields valid, reliable estimates of~~
36 ~~school performance, school district performance, and~~
37 ~~statewide performance of pupils that, in grades 4, 5, 8, and~~
38 ~~10, assess basic academic skills and incorporate the use of~~
39 ~~direct writing assessment and other assessments of~~
40 ~~applied academic skills.~~



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

19 ~~(3) Nothing in this subdivision shall be construed to~~
20 ~~prevent the State Board of Education from developing or~~
21 ~~adopting an assessment instrument that also contains~~
22 ~~assessments of basic academic skills.~~

23 ~~(d) The State Board of Education shall adopt~~
24 ~~assessments pursuant to subdivision (e) that are aligned~~
25 ~~with the statewide content and performance standards~~
26 ~~adopted pursuant to subdivision (a). The State Board of~~
27 ~~Education shall not adopt an assessment pursuant to~~
28 ~~subdivision (e) for any core curriculum area until the~~
29 ~~statewide content standards for that core curriculum area~~
30 ~~have been adopted by the board pursuant to subdivision~~
31 ~~(a). The State Board of Education shall not award~~
32 ~~contracts for the development of performance standards~~
33 ~~and assessments pursuant to subdivision (e) for any core~~
34 ~~curriculum area until after adoption of statewide content~~
35 ~~standards for that core curriculum area.~~

36 ~~(e) After adopting statewide content standards, the~~
37 ~~State Board of Education shall review the achievement~~
38 ~~test designated pursuant to Section 60642 for~~
39 ~~conformance with these statewide standards.~~

40 ~~(f)~~



1 (d) After adopting statewide content and
2 performance standards, the State Board of Education
3 shall review the existing curriculum frameworks for
4 conformity with the new statewide standards and shall
5 modify the curriculum frameworks where appropriate to
6 bring them into alignment with the standards.

7 ~~(g)~~

8 (e) The State Board of Education shall adopt
9 regulations for the conduct and administration of the
10 testing and assessment program.

11 ~~(h)~~

12 (f) The State Board of Education shall adopt a
13 regulation for minimum security procedures that test and
14 assessment publishers and school districts must follow to
15 ensure the security and integrity of test ~~and assessment~~
16 questions and materials.

17 ~~(i)~~

18 (g) (1) Following consideration of recommendations
19 of the Superintendent of Public Instruction, the State
20 Board of Education shall award a contract or contracts to
21 develop performance standards pursuant to subdivision
22 (a) ~~and instruments to be used for the purposes of~~
23 ~~subdivision (e)~~, according to competitive bidding
24 procedures.

25 ~~(1)~~

26 (2) As part of this process, the board may convene an
27 advisory panel composed of nationally recognized
28 experts ~~in pupil assessment~~. Two members of the panel
29 shall be selected from a list of at least 10 nominees of the
30 Superintendent of Public Instruction. This panel, if
31 convened, shall assist the board and the Superintendent
32 of Public Instruction in the preparation of the request or
33 requests for proposals to develop performance standards
34 ~~and instruments for use as assessments of applied~~
35 ~~academic skills~~ and in the review and rating of proposals
36 that are submitted. ~~The panel shall also assist the board~~
37 ~~and the Superintendent of Public Instruction in~~
38 ~~determining methods of ensuring that the achievement~~
39 ~~test designated pursuant to Section 60642 meets the~~
40 ~~requirements of Section 60644. The State Department of~~



1 ~~Education shall provide any necessary staff support for~~
2 ~~the work of the advisory committee.~~

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

9 ~~(3) For the purposes of making the computations~~
10 ~~required by Section 8 of Article XVI of the California~~
11 ~~Constitution, appropriations made for the payment of~~
12 ~~contracts awarded pursuant to this subdivision shall be~~
13 ~~deemed to be "General Fund revenues appropriated for~~
14 ~~school districts," as defined in subdivision (c) of Section~~
15 ~~41202, for the applicable fiscal year, and included within~~
16 ~~the "total allocations to school districts and community~~
17 ~~college districts from General Fund proceeds of taxes~~
18 ~~appropriated pursuant to Article XIII B," as defined in~~
19 ~~subdivision (c) of Section 41202, for that fiscal year.~~

20 ~~(j) (1) Not less than 60 days before adopting the~~
21 ~~statewide pupil assessment pursuant to subdivision (c),~~
22 ~~the State Board of Education shall make the proposed~~
23 ~~assessment available for inspection by the public. The~~
24 ~~board shall adopt any proposed amendments or~~
25 ~~modifications to the assessment before this public~~
26 ~~inspection period so that the materials available for~~
27 ~~inspection are the same materials that the board shall~~
28 ~~consider for final adoption. This provision applies to~~
29 ~~subsequent amendments or modifications of the~~
30 ~~examination in addition to the initial adoption. The~~
31 ~~proposed assessment shall be available for inspection by~~
32 ~~the public for a reasonable period of time.~~

33 ~~(2) The assessment adopted pursuant to subdivision~~
34 ~~(c) shall be available for inspection at each county~~
35 ~~superintendent of schools' office and within each school~~
36 ~~district at a centrally located site selected by the~~
37 ~~governing board of each school district. The governing~~
38 ~~board may also make the assessment available for public~~
39 ~~inspection at other locations within the school district. An~~



1 ~~assessment may not be copied or taken from the~~
2 ~~inspection site.~~

3 *(h) This section shall become operative on the date*
4 *that the Superintendent of Public Instruction and the*
5 *State Board of Education issue a joint certification to the*
6 *Legislature and the Governor that the nationally normed*
7 *achievement test designated pursuant to subdivision (b)*
8 *of Section 60642 is augmented as specified in paragraph*
9 *(1) of subdivision (f) of Section 60644 and includes the use*
10 *of a direct writing assessment once in elementary school*
11 *and once in middle or junior high school.*

12 SEC. 3. Section 60644 of the Education Code is
13 amended to read:

14 60644. In designating an achievement test pursuant to
15 Section 60642, the State Board of Education shall adopt
16 only a nationally normed test and shall consider each of
17 the following criteria:

18 (a) Ability of the publisher to produce valid, reliable
19 individual pupil scores.

20 (b) Quality and age of empirical data supporting
21 national norm referenced data analysis of the proposed
22 assessment.

23 (c) Ability to report results pursuant to the provisions
24 of paragraphs (4) to (7), inclusive, of subdivision (a) of
25 Section 60643 by July 8.

26 (d) Ability to report results that permit comparability
27 between data from school districts' previous
28 administration of standardized achievement tests, if
29 feasible.

30 (e) Ability to provide results comparable with data
31 from the 1998 benchmark year and administrations in
32 subsequent years with the grade level competencies
33 established pursuant to the academically rigorous
34 content and performance standards adopted by the State
35 Board of Education pursuant to Section 60605.

36 (f) (1) Ability to align the achievement test with
37 academically rigorous content and performance
38 standards as those standards are adopted by the State
39 Board of Education. The nationally-normed test shall be
40 augmented with items that assess the specific grade-level



1 content standards and produce valid and reliable scores
2 for pupil achievement for each of the State Board of
3 Education designated performance standards adopted by
4 the State Board of Education pursuant to subdivision (a)
5 of Section 60605, including the use of a direct writing
6 assessment once in elementary school and once in middle
7 or junior high school.

8 (2) Until the State Board of Education adopts
9 academically rigorous content standards, the test shall be
10 consistent with Section 60200.4, reasonably aligned with
11 the state curriculum frameworks, and substantively
12 aligned with the program advisories jointly adopted by
13 the Superintendent of Public Instruction, the State Board
14 of Education, and the Commission on Teacher
15 Credentialing in 1996.

16 (g) Per-pupil cost estimates of administering the
17 proposed assessment.

18 (h) The publisher's procedure for ensuring the
19 security and integrity of test questions and materials.

20 (i) Experience in the successful conduct of testing
21 programs adopted and administered by other states. For
22 experience to be considered, the number of grades and
23 pupils tested shall be provided.

24 ~~SEC. 2.—~~

25 *SEC. 4.* It is the intent of the Legislature to remove
26 the assessment of basic academic skills and applied
27 academic skills from the statewide pupil assessment
28 program and to repeal provisions of the Education Code
29 governing the assessment of basic academic skills and
30 applied academic skills when the nationally-normed
31 achievement test designated pursuant to subdivision (b)
32 of Section 60642 of the Education Code is augmented by
33 use of a direct writing assessment.

