

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 173

Introduced by Assembly Member Price

January 29, 2009

~~An act relating to education.~~ *An act to add Sections 52050.7 and 52052.3 to the Education Code, relating to school accountability.*

LEGISLATIVE COUNSEL'S DIGEST

AB 173, as amended, Price. Low-performing schools.

The Public Schools Accountability Act of 1999 requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop the Academic Performance Index (API) consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils. Existing law requires the API to be used for specified purposes, including, but not limited to, ranking all public schools in the state. The Immediate Intervention/Underperforming Schools Program, the High Priority Schools Program, and the Quality Education Investment Act of 2006 are intended to provide support to schools ranked in the lower deciles of the API.

The federal No Child Left Behind Act of 2001 requires the state accountability system to ensure that all local educational agencies and public schools make adequate yearly progress, as defined. The State Department of Education is required to identify local educational agencies that are in danger of being identified within 2 years as program improvement local educational agencies under the federal No Child Left Behind Act of 2001.

This bill, subject to an appropriation of federal funds for this purpose, would require the State Department of Education to contract for the development of a new indicator that measures pupil-level growth in academic achievement over time using specified statewide tests. The new indicator would be required to allow the state to comply with the federal No Child Left Behind Act of 2001 and to measure adequate yearly progress under that act.

The department would be required to convene an advisory board consisting of representatives from the state board, the Secretary for Education, the Department of Finance, the Legislative Analyst's Office, parent groups, school districts, and education researchers to provide general guidance and make recommendations relative to modifying assessments, academic content standards, performance expectations, and eligibility criteria for state support and resources.

The bill would require the department, subject to funding being provided in the annual Budget Act, to contract with a consultant for independent oversight of the project to develop a new academic performance indicator. The consultant would be required to twice annually submit a written report on the progress in developing of the new measure and how the new measure is meeting specified goals to the Superintendent of Public Instruction, the state board, the advisory board, the Director of Finance, the Legislative Analyst, and the appropriate policy and fiscal committees of the Legislature.

~~Existing law contains provisions intended to identify and assist low-performing schools and school districts.~~

~~This bill would state the intent of the Legislature to enact legislation to create, and to appropriate funds for, a commission tasked with identifying the necessary and appropriate steps toward creation of a measure of pupil learning over time, expectations for pupil performance based upon that measure, and nuanced eligibility criteria for schools and school districts to enter into program improvement, as specified.~~

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

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

- 1 SECTION 1. Section 52050.7 is added to the Education Code,
- 2 to read:
- 3 52050.7. (a) It is the intent of the Legislature to adopt a new
- 4 academic performance indicator that does all of the following:

1 (1) Measures pupil-level growth in achievement over time.

2 (2) Replaces the Academic Performance Index developed
3 pursuant to Section 52052.

4 (3) Serves state accountability functions.

5 (4) Complies with requirements under the federal No Child Left
6 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) regarding
7 measuring adequate yearly progress.

8 (b) It is also the intent of the Legislature that the new
9 performance indicator be ready for implementation by the 2015–16
10 fiscal year.

11 SEC. 2. Section 52052.3 is added to the Education Code, to
12 read:

13 52052.3. (a) Subject to an appropriation of federal funds for
14 this purpose, the department shall contract for the development
15 of a new indicator that accomplishes both of the following:

16 (1) Measures pupil-level growth in academic achievement over
17 time using the tests administered pursuant to Chapter 5
18 (commencing with Section 60600), Chapter 7 (commencing with
19 Section 60810), and Chapter 9 (commencing with Section 60850).

20 (2) Evaluates and determines the most effective way to modify
21 existing standardized tests to allow the new indicator to measure
22 pupil-level growth over time.

23 (b) The new indicator developed pursuant to subdivision (a)
24 shall allow the state to comply with the federal No Child Left
25 Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and to measure
26 adequate yearly progress under that act.

27 (c) The new indicator developed pursuant to subdivision (a)
28 shall be used to accomplish all of the following goals:

29 (1) Serve state accountability functions and be used to measure
30 adequate yearly progress for purposes of complying with the
31 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et
32 seq.).

33 (2) Allow the state to make the assurances required by the
34 federal American Recovery and Reinvestment Act (Public Law
35 111-5) by providing the state with a better means of evaluating
36 the academic progress of pupils over time.

37 (3) Identify schools for program improvement pursuant to the
38 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et
39 seq.).

1 (4) Distinguish among low-performing schools and local
2 educational agencies to identify those schools that increase pupil
3 learning above past performance levels and in this way allow for
4 better targeting state resources and support at schools most in
5 need of improvement.

6 (5) Streamline eligibility criteria for state resources and support
7 for schools and local educational agencies in need of improvement.

8 (d) The department shall convene an advisory board consisting
9 of representatives from the state board, the Secretary for
10 Education, the Department of Finance, the Legislative Analyst's
11 Office, parent groups, school districts, and education researchers
12 to provide general guidance and make recommendations relative
13 to modifying assessments, academic content standards,
14 performance expectations, and eligibility criteria for state support
15 and resources. The department is encouraged to seek
16 representation broadly reflective of the general public of
17 California.

18 (e) Subject to funding being provided in the annual Budget Act,
19 the department shall contract with a consultant for independent
20 oversight of the project to develop a new academic performance
21 indicator. Before the department enters into a contract pursuant
22 to this subdivision, the Director of Finance shall review the request
23 for proposals for the contract. The consultant with whom the
24 department contracts shall twice annually submit a written report
25 to the Superintendent, the state board, the advisory board, the
26 Director of Finance, the Legislative Analyst, and the appropriate
27 policy and fiscal committees of the Legislature. The report shall
28 include an evaluation of the progress in developing the new
29 measure and how the new measure is meeting the goals described
30 in subdivision (c).

31 (f) This section shall be implemented using federal funds
32 received pursuant to the federal No Child Left Behind Act of 2001
33 (20 U.S.C. Sec. 6301 et seq.). The release of these funds is
34 contingent on approval of an expenditure plan by the Department
35 of Finance.

36 ~~SECTION 1. (a) It is the intent of the Legislature to enact~~
37 ~~legislation to create a commission that will identify the necessary~~
38 ~~and appropriate steps toward creation of all of the following:~~

39 ~~(1) A measure of pupil learning over time that unifies the~~
40 ~~Academic Performance Index (API) and federal adequate yearly~~

1 progress data and calculations, and allows the state to qualify for
2 flexibility under the federal No Child Left Behind Act of 2001 (20
3 U.S.C. Sec. 6301 et seq.).
4 (2) Expectations for pupil performance based upon the measure
5 created pursuant to subdivision (a).
6 (3) Eligibility criteria for schools and school districts to enter
7 into program improvement that are nuanced enough to distinguish
8 among schools and school districts based upon specified pupil
9 performance problems.
10 (b) It is further the intent of the Legislature to enact legislation
11 to appropriate funds for the commission described in subdivision
12 (a).