

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2013

Introduced by Assembly Member Arambula

February 17, 2010

An act to amend Section 52052 of the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2013, as amended, Arambula. Education: alternative school performance.

(1) Existing law requires the Superintendent of Public Instruction, with the approval of the ~~state board~~ *State Board of Education*, to develop an Academic Performance Index (API) to measure the performance of schools, as specified. The API score is used to rank schools, and set growth and performance targets for schools.

Existing law requires the Superintendent, with the approval of the state board, to develop an alternative accountability system for schools under the jurisdiction of a county board of education; or a county superintendent of schools, and specified types of schools, including alternative schools. Schools in this system may receive an API score, but ~~shall not be~~ *are not* included in the API ratings.

This bill would include independent study programs in the alternative schools for which the Superintendent is required to develop an alternative accountability system, and *would* require all alternative schools serving high-risk pupils to participate in the alternative accountability system, regardless of the percentage of high-risk pupils enrolled.

This bill would ~~specify the minimum contents of~~ *require* the alternative accountability system *to include specified components*, and *would* require the Superintendent to report to the Legislature by March 1, 2011, and January 1, 2012, on the data collected based on the revised alternative accountability system.

(2) 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.

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

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

- 1 SECTION 1. Section 52052 of the Education Code is amended
- 2 to read:
- 3 52052. (a) (1) The Superintendent, with approval of the state
- 4 board, shall develop an Academic Performance Index (API), to
- 5 measure the performance of schools, especially the academic
- 6 performance of pupils.
- 7 (2) A school shall demonstrate comparable improvement in
- 8 academic achievement as measured by the API by all numerically
- 9 significant pupil subgroups at the school, including:
- 10 (A) Ethnic subgroups.
- 11 (B) Socioeconomically disadvantaged pupils.
- 12 (C) English language learners.
- 13 (D) Pupils with disabilities.
- 14 (3) (A) For purposes of this section, a numerically significant
- 15 pupil subgroup is one that meets both of the following criteria:
- 16 (i) The subgroup consists of at least 50 pupils each of whom
- 17 has a valid test score.
- 18 (ii) The subgroup constitutes at least 15 percent of the total
- 19 population of pupils at a school who have valid test scores.
- 20 (B) If a subgroup does not constitute 15 percent of the total
- 21 population of pupils at a school who have valid test scores, the
- 22 subgroup may constitute a numerically significant pupil subgroup
- 23 if it has at least 100 valid test scores.

1 (C) For a school with an API score that is based on no fewer
2 than 11 and no more than 99 pupils with valid test scores,
3 numerically significant subgroups shall be defined by the
4 Superintendent, with approval by the state board.

5 (4) The API shall consist of a variety of indicators currently
6 reported to the department, including, but not limited to, the results
7 of the achievement test administered pursuant to Section 60640,
8 attendance rates for pupils in elementary schools, middle schools,
9 and secondary schools, and the graduation rates for pupils in
10 secondary schools.

11 (A) Graduation rates for pupils in secondary schools shall be
12 calculated for the API as follows:

13 (i) Four-year graduation rates shall be calculated by taking the
14 number of pupils who graduated on time for the current school
15 year, which is considered to be three school years after the pupils
16 entered grade 9 for the first time, and dividing that number by the
17 total calculated in clause (ii).

18 (ii) The number of pupils entering grade 9 for the first time in
19 the school year three school years prior to the current school year,
20 plus the number of pupils who transferred into the class graduating
21 at the end of the current school year between the school year that
22 was three school years prior to the current school year and the date
23 of graduation, less the number of pupils who transferred out of the
24 school between the school year that was three school years prior
25 to the current school year and the date of graduation who were
26 members of the class that is graduating at the end of the current
27 school year.

28 (iii) Five-year graduation rates shall be calculated by taking the
29 number of pupils who graduated on time for the current school
30 year, which is considered to be four school years after the pupils
31 entered grade 9 for the first time, and dividing that number by the
32 total calculated in clause (iv).

33 (iv) The number of pupils entering grade 9 for the first time in
34 the school year four years prior to the current school year, plus the
35 number of pupils who transferred into the class graduating at the
36 end of the current school year between the school year that was
37 four school years prior to the current school year and the date of
38 graduation, less the number of pupils who transferred out of the
39 school between the school year that was four years prior to the

1 current school year and the date of graduation who were members
2 of the class that is graduating at the end of the current school year.

3 (v) Six-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 five school years after the pupils
6 entered grade 9 for the first time, and dividing that number by the
7 total calculated in clause (vi).

8 (vi) The number of pupils entering grade 9 for the first time in
9 the school year five years prior to the current school year, plus the
10 number of pupils who transferred into the class graduating at the
11 end of the current school year between the school year that was
12 five school years prior to the current school year and the date of
13 graduation, less the number of pupils who transferred out of the
14 school between the school year that was five years prior to the
15 current school year and the date of graduation who were members
16 of the class that is graduating at the end of the current school year.

17 (B) The inclusion of five- and six-year graduation rates for
18 pupils in secondary schools shall meet the following requirements:

19 (i) Schools shall be granted one-half the credit in their API
20 scores for graduating pupils in five years that they are granted for
21 graduating pupils in four years.

22 (ii) Schools shall be granted one-quarter the credit in their API
23 scores for graduating pupils in six years that they are granted for
24 graduating pupils in four years.

25 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted
26 full credit in their API scores for graduating in five or six years a
27 pupil with disabilities who graduates in accordance with his or her
28 individualized education program (IEP).

29 (C) The pupil data collected for the API that comes from the
30 achievement test administered pursuant to Section 60640 and the
31 high school exit examination administered pursuant to Section
32 60851, when fully implemented, shall be disaggregated by special
33 education status, English language learners, socioeconomic status,
34 gender, and ethnic group. Only the test scores of pupils who were
35 counted as part of the enrollment in the annual data collection of
36 the California Basic Educational Data System for the current fiscal
37 year and who were continuously enrolled during that year may be
38 included in the test result reports in the API score of the school.
39 Results of the achievement test and other tests specified in

subdivision (b) shall constitute at least 60 percent of the value of the index.

(D) Before including high school graduation rates and attendance rates in the API, the Superintendent shall determine the extent to which the data currently are reported to the state and the accuracy of the data. Notwithstanding any other law, graduation rates for pupils in dropout recovery high schools shall not be included in the API. For purposes of this subparagraph, “dropout recovery high school” means a high school in which 50 percent or more of its pupils have been designated as dropouts pursuant to the exit/withdrawal codes developed by the department.

(E) The Superintendent shall provide an annual report to the Legislature on the graduation and dropout rates in California and shall make the same report available to the public. The report shall be accompanied by the release of publicly accessible data for each school district and school in a manner that provides for disaggregation based upon socioeconomically disadvantaged pupils and numerically significant subgroups scoring below average on statewide standards-aligned assessments. In addition, the data shall be made available in a manner that provides for comparisons of a minimum of three years of data.

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

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

(2) The high school exit examination.

(c) Based on the API, the Superintendent shall develop, and the state board shall adopt, expected annual percentage growth targets for all schools based on their API baseline score from the previous year. Schools are expected to meet these growth targets through effective allocation of available resources. For schools below the statewide API performance target adopted by the state board pursuant to subdivision (d), the minimum annual percentage growth target shall be 5 percent of the difference between the actual API score of a school and the statewide API performance target, or one API point, whichever is greater. Schools at or above the statewide API performance target shall have, as their growth target, maintenance of their API score above the statewide API performance target. However, the state board may set differential

1 growth targets based on grade level of instruction and may set
2 higher growth targets for the lowest performing schools because
3 they have the greatest room for improvement. To meet its growth
4 target, a school shall demonstrate that the annual growth in its API
5 is equal to or more than its schoolwide annual percentage growth
6 target and that all numerically significant pupil subgroups, as
7 defined in subdivision (a), are making comparable improvement.

8 (d) Upon adoption of state performance standards by the state
9 board, the Superintendent shall recommend, and the state board
10 shall adopt, a statewide API performance target that includes
11 consideration of performance standards and represents the
12 proficiency level required to meet the state performance target.
13 When the API is fully developed, schools, at a minimum, shall
14 meet their annual API growth targets to be eligible for the
15 Governor's Performance Award Program as set forth in Section
16 52057. The state board may establish additional criteria that schools
17 must meet to be eligible for the Governor's Performance Award
18 Program.

19 (e) The API shall be used for both of the following:

20 (1) Measuring the progress of schools selected for participation
21 in the Immediate Intervention/Underperforming Schools Program
22 pursuant to Section 52053.

23 (2) Ranking all public schools in the state for the purpose of the
24 High Achieving/Improving Schools Program pursuant to Section
25 52056.

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

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

33 (A) Irregularities in testing procedures occurred.

34 (B) The data used to calculate the API score of the school are
35 not representative of the pupil population at the school.

36 (C) Significant demographic changes in the pupil population
37 render year-to-year comparisons of pupil performance invalid.

38 (D) The department discovers or receives information indicating
39 that the integrity of the API score has been compromised.

1 (E) Insufficient pupil participation in the assessments included
2 in the API.

3 (3) If a school has fewer than 100 pupils with valid test scores,
4 the calculation of the API or adequate yearly progress pursuant to
5 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
6 et seq.) and federal regulations may be calculated over more than
7 one annual administration of the tests administered pursuant to
8 Section 60640 and the high school exit examination administered
9 pursuant to Section 60851, consistent with regulations adopted by
10 the state board.

11 (g) Only schools with 100 or more test scores contributing to
12 the API may be included in the API rankings.

13 (h) The Superintendent, with the approval of the state board,
14 shall develop an alternative accountability system for schools under
15 the jurisdiction of a county board of education or a county
16 superintendent of schools, community day schools, nonpublic,
17 nonsectarian schools pursuant to Section 56366, and alternative
18 schools serving high-risk pupils, including independent study
19 programs, continuation high schools, and opportunity schools. All
20 alternative schools serving high-risk pupils shall participate in the
21 alternative accountability system, regardless of the percentage of
22 high-risk pupils enrolled. Schools in the alternative accountability
23 system may receive an API score, but shall not be included in the
24 API rankings.

25 (1) The alternative accountability system shall include, but not
26 necessarily be limited to, the following:

27 (A) A mandatory accountability system.

28 (B) A rigorous system that measures the educational
29 performance and learning outcomes of pupils.

30 ~~(C) A demonstration of the schools capability of accelerating~~
31 ~~learning and graduating pupils through the accountability measures~~
32 ~~used.~~

33 ~~(D)~~

34 (C) Assurance that pupil outcomes are comparable statewide.

35 ~~(E)~~

36 (D) Development of consequences and improvement plans for
37 schools with low pupil outcomes.

38 ~~(2) The department shall explore options to create a statewide~~
39 ~~standard for granting credit to pupils attending alternative education~~

1 ~~programs. School districts or county offices of education shall not~~
2 ~~develop or impose their own standard.~~

3 ~~(3)~~

4 (2) (A) The Superintendent shall report to the Legislature by
5 March 1, 2011, and January 1, 2012, on the data collected based
6 on the revised alternative accountability system.

7 *(B) The requirement for submitting a report imposed under*
8 *subparagraph (A) is inoperative on March 1, 2015, pursuant to*
9 *Section 10231.5 of the Government Code.*

10 *(C) A report to be submitted pursuant to subparagraph (A) shall*
11 *be submitted in compliance with Section 9795 of the Government*
12 *Code.*

13 SEC. 2. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.