

AMENDED IN ASSEMBLY APRIL 27, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 2013**

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**Introduced by Assembly Member Arambula**

February 17, 2010

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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 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 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 as specified.~~

This bill would 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.

*By requiring local school districts to provide a higher level of service, the bill would impose a state-mandated local program.*

(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.

1 (B) If a subgroup does not constitute 15 percent of the total  
2 population of pupils at a school who have valid test scores, the  
3 subgroup may constitute a numerically significant pupil subgroup  
4 if it has at least 100 valid test scores.

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

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

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

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

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

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

37 (iv) The number of pupils entering grade 9 for the first time in  
38 the school year four years prior to the current school year, plus the  
39 number of pupils who transferred into the class graduating at the  
40 end of the current school year between the school year that was

1 four school years prior to the current school year and the date of  
2 graduation, less the number of pupils who transferred out of the  
3 school between the school year that was four years prior to the  
4 current school year and the date of graduation who were members  
5 of the class that is graduating at the end of the current school year.

6 (v) Six-year graduation rates shall be calculated by taking the  
7 number of pupils who graduated on time for the current school  
8 year, which is considered to be five school years after the pupils  
9 entered grade 9 for the first time, and dividing that number by the  
10 total calculated in clause (vi).

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

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

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

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

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

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

1 included in the test result reports in the API score of the school.  
2 Results of the achievement test and other tests specified in  
3 subdivision (b) shall constitute at least 60 percent of the value of  
4 the index.

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

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

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

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

29 (2) The high school exit examination.

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

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

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

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

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

25 (2) Ranking all public schools in the state for the purpose of the  
26 High Achieving/Improving Schools Program pursuant to Section  
27 52056.

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

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

35 (A) Irregularities in testing procedures occurred.

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

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

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

3 (E) Insufficient pupil participation in the assessments included  
4 in the API.

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

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

15 (h) The Superintendent, with the approval of the state board,  
16 shall develop an alternative accountability system for schools under  
17 the jurisdiction of a county board of education or a county  
18 superintendent of schools, community day schools, nonpublic,  
19 nonsectarian schools pursuant to Section 56366, and alternative  
20 schools serving high-risk pupils, including ~~independent study~~  
21 ~~programs, continuation high schools, and opportunity schools. All~~  
22 ~~alternative schools serving high-risk pupils shall participate in the~~  
23 ~~alternative accountability system, regardless of the percentage of~~  
24 ~~high-risk pupils enrolled~~ *continuation high schools, opportunity*  
25 *schools, and schools that enroll 100 percent of their pupils in*  
26 *independent study and meet the eligibility criteria established by*  
27 *the Superintendent for participation in the alternative*  
28 *accountability system.* Schools in the alternative accountability  
29 system may receive an API score, but shall not be included in the  
30 API rankings.

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

33 (A) A mandatory accountability system.

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

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

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

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

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

7 (C) A report to be submitted pursuant to subparagraph (A) shall  
8 be submitted in compliance with Section 9795 of the Government  
9 Code.

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