

ASSEMBLY BILL

No. 2307

Introduced by Assembly Member Carter

February 19, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2307, as introduced, Carter. Education: academic performance.

Existing law requires the Superintendent of Public Instruction, with approval of the state board, to develop an Academic Performance Index (API). The API primarily measures student academic achievement and is used in determining a school's adequate yearly progress under the federal No Child Left Behind Act of 2001.

This bill would make technical, nonsubstantive changes in that provision.

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

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.

(2) A school shall demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school, including:

(A) Ethnic subgroups.

(B) Socioeconomically disadvantaged pupils.

(C) English language learners.

(D) Pupils with disabilities.

(3) (A) For purposes of this section, a numerically significant pupil subgroup is one that meets both of the following criteria:

(i) The subgroup consists of at least 50 pupils each of whom has a valid test score.

(ii) The subgroup constitutes at least 15 percent of the total population of pupils at a school who have valid test scores.

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

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

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

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

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

(ii) The number of pupils entering grade 9 for the first time in the school year three school years ~~prior to~~ *before* the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was three school years prior to the current school year and the date of graduation, less the number of pupils who

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

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

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

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

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

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

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

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

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

5 (C) The pupil data collected for the API that comes from the
6 achievement test administered pursuant to Section 60640 and the
7 high school exit examination administered pursuant to Section
8 60851, when fully implemented, shall be disaggregated by special
9 education status, English language learners, socioeconomic status,
10 gender, and ethnic group. Only the test scores of pupils who were
11 counted as part of the enrollment in the annual data collection of
12 the California Basic Educational Data System for the current fiscal
13 year and who were continuously enrolled during that year may be
14 included in the test result reports in the API score of the school.
15 Results of the achievement test and other tests specified in
16 subdivision (b) shall constitute at least 60 percent of the value of
17 the index.

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

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

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

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

3 (2) The high school exit examination.

4 (c) Based on the API, the Superintendent shall develop, and the
5 state board shall adopt, expected annual percentage growth targets
6 for all schools based on their API baseline score from the previous
7 year. Schools are expected to meet these growth targets through
8 effective allocation of available resources. For schools below the
9 statewide API performance target adopted by the state board
10 pursuant to subdivision (d), the minimum annual percentage growth
11 target shall be 5 percent of the difference between the actual API
12 score of a school and the statewide API performance target, or one
13 API point, whichever is greater. Schools at or above the statewide
14 API performance target shall have, as their growth target,
15 maintenance of their API score above the statewide API
16 performance target. However, the state board may set differential
17 growth targets based on grade level of instruction and may set
18 higher growth targets for the lowest performing schools because
19 they have the greatest room for improvement. To meet its growth
20 target, a school shall demonstrate that the annual growth in its API
21 is equal to or more than its schoolwide annual percentage growth
22 target and that all numerically significant pupil subgroups, as
23 defined in subdivision (a), are making comparable improvement.

24 (d) Upon adoption of state performance standards by the state
25 board, the Superintendent shall recommend, and the state board
26 shall adopt, a statewide API performance target that includes
27 consideration of performance standards and represents the
28 proficiency level required to meet the state performance target.
29 When the API is fully developed, schools, at a minimum, shall
30 meet their annual API growth targets to be eligible for the
31 Governor's Performance Award Program as set forth in Section
32 52057. The state board may establish additional criteria that schools
33 must meet to be eligible for the Governor's Performance Award
34 Program.

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

36 (1) Measuring the progress of schools selected for participation
37 in the Immediate Intervention/Underperforming Schools Program
38 pursuant to Section 52053.

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

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

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

(A) Irregularities in testing procedures occurred.

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

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

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

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

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

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

(h) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.

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