CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

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.~~ *An act to add Section 52052.7 to the Education Code, relating to academic performance.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2307, as amended, 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.~~

Existing law requires the Superintendent, with approval of the state board, to develop an alternative accountability system for specified schools. These schools may receive an API score but shall not be included in the API rankings of schools.

This bill would provide that, as part of the alternative accountability system for schools the Superintendent and the state board shall allow a dropout recovery high school, as defined, to use an individual pupil growth model that meets specified criteria.

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

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

1   SECTION 1.   The Legislature finds and declares all of the
2   following:
3   *(a) Dropout recovery high schools provide significant social,*
4   *economic, and academic benefit to their students and to*
5   *California's population as a whole.*
6   *(b) Research by the Alliance for Excellent Education*
7   *demonstrates that if only one-half of the dropouts were recovered*
8   *in California's six largest metropolitan areas, the economic*
9   *benefits to California would be staggering: those recovered*
10   *dropouts would invest an additional $247 million a year; increase*
11   *home sales by $2.92 billion during their careers; support an*
12   *additional 6,800 jobs to the midpoint of their careers; and increase*
13   *state and local tax revenues by $129 million every year.*
14   *(c) Research further demonstrates that reengaged learners*
15   *demonstrate higher civic engagement, contribute to the cultural*
16   *strengths of their communities and are significantly less likely to*
17   *be unemployed, on public assistance, or arrested for a violent*
18   *crime.*
19   *(d) Research further demonstrates that dropout recovery high*
20   *schools face a number of challenges in reengaging students into*
21   *academic endeavors, including:*
22   *(1) Dropouts who reenter high school are significantly below*
23   *grade level.*
24   *(2) Students who drop out display a gradual process of*
25   *disengagement from school that encompasses years of academic*
26   *and behavioral difficulties, absenteeism, and stressful life*
27   *circumstances.*
28   *(3) Reengagement into a high school setting can be difficult and*
29   *take a significant amount of time.*
30   *(4) Students who have dropped out once are significantly more*
31   *likely to drop out again. Research by WestEd found that one-half*
32   *of the dropouts who return to school stay for one year or less and*
33   *that one-third of returning dropouts fail to complete even one*
34   *course after they reenroll. The school district WestEd studied had*
35   *a graduate rate of 18 percent for recovered dropouts.*
36   *(e) Successful dropout recovery high schools utilize multiple*
37   *strategies including state of the art technology and career technical*

1 *education to reach the variety of learning modalities of the*
2 *population that they serve.*
3 *(f) Successful dropout recovery schools typically enroll students*
4 *for less than four years, provide competency based rather than*
5 *seat time based instruction, and operate with open entry or open*
6 *exit enrollment.*
7 *(g) Standardized testing depends on all students being present*
8 *on a fixed schedule with learning competencies within a narrower*
9 *band of averages than represented by dropouts. Research by the*
10 *National Governor's Association recognizes that seat time*
11 *education in the dropout recovery context is a substantial and*
12 *unnecessary barrier. The use of competency based and open entry*
13 *strategies result in dropout recovery students not being in school*
14 *at the time that standardized tests are administered.*
15 *(h) Support for successful dropout recovery high schools should*
16 *include an alternative assessment mechanism that measures the*
17 *individual growth in students which can be administered at the*
18 *school level when students are available.*
19 *SEC. 2. Section 52052.7 is added to the Education Code, to*
20 *read:*
21 *52052.7. (a) As part of the alternative accountability system*
22 *for schools developed pursuant to subdivision (h) of Section 52052,*
23 *the Superintendent and the state board shall allow a dropout*
24 *recovery high school, as defined in subdivision (b), to use an*
25 *individual pupil growth model that meets the criteria described in*
26 *subdivision (c).*
27 *(b) For purposes of this section, "dropout recovery high school"*
28 *means a high school in which 50 percent or more of its pupils are*
29 *designated as dropouts pursuant to the exit and withdrawal codes*
30 *developed by the department and the school provides instruction*
31 *in partnership with any of the following:*
32 *(1) The federal Workforce Investment Act of 1998 (29 U.S.C.*
33 *Sec. 2801 et seq.).*
34 *(2) Federally affiliated Youthbuild programs (42 U.S.C. Sec.*
35 *12899 et seq.).*
36 *(3) Federal job corps training or instruction provided pursuant*
37 *to a memorandum of understanding with the federal provider.*
38 *(4) The California Conservation Corps or local conservation*
39 *corps certified by the California Conservation Corps pursuant to*
40 *Section 14507.5 or 14406 of the Public Resources Code.*

1   *(c) The Superintendent shall certify that the individual pupil*
2   *growth model meets all of the following criteria:*
3   *(1) The model measures learning based on valid and reliable*
4   *nationally normed reading and mathematics performance tests.*
5   *(2) The model measures instruction of skills and knowledge*
6   *aligned with state standards.*
7   *(3) The model measures the extent to which a pupil scored above*
8   *an expected amount of growth based on the individual pupil's*
9   *initial achievement score.*
10   *(4) The model demonstrates the extent to which a school is able*
11   *to accelerate learning on an annual basis.*
12   SECTION 1. Section 52052 of the Education Code is amended
13   to read:
14   52052. (a) (1) The Superintendent, with approval of the state
15   board, shall develop an Academic Performance Index (API), to
16   measure the performance of schools, especially the academic
17   performance of pupils.
18   (2) A school shall demonstrate comparable improvement in
19   academic achievement as measured by the API by all numerically
20   significant pupil subgroups at the school, including:
21   (A) Ethnic subgroups.
22   (B) Socioeconomically disadvantaged pupils.
23   (C) English language learners.
24   (D) Pupils with disabilities.
25   (3) (A) For purposes of this section, a numerically significant
26   pupil subgroup is one that meets both of the following criteria:
27   (i) The subgroup consists of at least 50 pupils each of whom
28   has a valid test score.
29   (ii) The subgroup constitutes at least 15 percent of the total
30   population of pupils at a school who have valid test scores.
31   (B) If a subgroup does not constitute 15 percent of the total
32   population of pupils at a school who have valid test scores, the
33   subgroup may constitute a numerically significant pupil subgroup
34   if it has at least 100 valid test scores.
35   (C) For a school with an API score that is based on no fewer
36   than 11 and no more than 99 pupils with valid test scores,
37   numerically significant subgroups shall be defined by the
38   Superintendent, with approval by the state board.
39   (4) The API shall consist of a variety of indicators currently
40   reported to the department, including, but not limited to, the results

1   of the achievement test administered pursuant to Section 60640,
2   attendance rates for pupils in elementary schools, middle schools,
3   and secondary schools, and the graduation rates for pupils in
4   secondary schools.
5   (A) Graduation rates for pupils in secondary schools shall be
6   calculated for the API as follows:
7   (i) Four-year graduation rates shall be calculated by taking the
8   number of pupils who graduated on time for the current school
9   year, which is considered to be three school years after the pupils
10 entered grade 9 for the first time, and dividing that number by the
11 total calculated in clause (ii).
12   (ii) The number of pupils entering grade 9 for the first time in
13 the school year three school years before the current school year,
14 plus the number of pupils who transferred into the class graduating
15 at the end of the current school year between the school year that
16 was three school years prior to the current school year and the date
17 of graduation, less the number of pupils who transferred out of the
18 school between the school year that was three school years prior
19 to the current school year and the date of graduation who were
20 members of the class that is graduating at the end of the current
21 school year.
22   (iii) Five-year graduation rates shall be calculated by taking the
23 number of pupils who graduated on time for the current school
24 year, which is considered to be four school years after the pupils
25 entered grade 9 for the first time, and dividing that number by the
26 total calculated in clause (iv).
27   (iv) The number of pupils entering grade 9 for the first time in
28 the school year four years prior to the current school year, plus the
29 number of pupils who transferred into the class graduating at the
30 end of the current school year between the school year that was
31 four school years prior to the current school year and the date of
32 graduation, less the number of pupils who transferred out of the
33 school between the school year that was four years prior to the
34 current school year and the date of graduation who were members
35 of the class that is graduating at the end of the current school year.
36   (v) Six-year graduation rates shall be calculated by taking the
37 number of pupils who graduated on time for the current school
38 year, which is considered to be five school years after the pupils
39 entered grade 9 for the first time, and dividing that number by the
40 total calculated in clause (vi).

1   (vi) The number of pupils entering grade 9 for the first time in
2   the school year five years prior to the current school year, plus the
3   number of pupils who transferred into the class graduating at the
4   end of the current school year between the school year that was
5   five school years prior to the current school year and the date of
6   graduation, less the number of pupils who transferred out of the
7   school between the school year that was five years prior to the
8   current school year and the date of graduation who were members
9   of the class that is graduating at the end of the current school year.
10   (B) The inclusion of five- and six-year graduation rates for
11   pupils in secondary schools shall meet the following requirements:
12   (i) Schools shall be granted one-half the credit in their API
13   scores for graduating pupils in five years that they are granted for
14   graduating pupils in four years.
15   (ii) Schools shall be granted one-quarter the credit in their API
16   scores for graduating pupils in six years that they are granted for
17   graduating pupils in four years.
18   (iii) Notwithstanding clauses (i) and (ii), schools shall be granted
19   full credit in their API scores for graduating in five or six years a
20   pupil with disabilities who graduates in accordance with his or her
21   individualized education program.
22   (C) The pupil data collected for the API that comes from the
23   achievement test administered pursuant to Section 60640 and the
24   high school exit examination administered pursuant to Section
25   60851, when fully implemented, shall be disaggregated by special
26   education status, English language learners, socioeconomic status,
27   gender, and ethnic group. Only the test scores of pupils who were
28   counted as part of the enrollment in the annual data collection of
29   the California Basic Educational Data System for the current fiscal
30   year and who were continuously enrolled during that year may be
31   included in the test result reports in the API score of the school.
32   Results of the achievement test and other tests specified in
33   subdivision (b) shall constitute at least 60 percent of the value of
34   the index.
35   (D) Before including high school graduation rates and attendance
36   rates in the API, the Superintendent shall determine the extent to
37   which the data currently are reported to the state and the accuracy
38   of the data. Notwithstanding any other provision of law, graduation
39   rates for pupils in dropout recovery high schools shall not be
40   included in the API. For purposes of this subparagraph, "dropout

1   recovery high school" means a high school in which 50 percent
2   or more of its pupils have been designated as dropouts pursuant
3   to the exit/withdrawal codes developed by the department.
4   (E) The Superintendent shall provide an annual report to the
5   Legislature on the graduation and dropout rates in California and
6   shall make the same report available to the public. The report shall
7   be accompanied by the release of publicly accessible data for each
8   school district and school in a manner that provides for
9   disaggregation based upon socioeconomically disadvantaged pupils
10 and numerically significant subgroups scoring below average on
11 statewide standards-aligned assessments. In addition, the data shall
12 be made available in a manner that provides for comparisons of a
13 minimum of three years of data.
14   (b) Pupil scores from the following tests, when available and
15 when found to be valid and reliable for this purpose, shall be
16 incorporated into the API:
17   (1) The standards-based achievement tests provided for in
18 Section 60642.5.
19   (2) The high school exit examination.
20   (c) Based on the API, the Superintendent shall develop, and the
21 state board shall adopt, expected annual percentage growth targets
22 for all schools based on their API baseline score from the previous
23 year. Schools are expected to meet these growth targets through
24 effective allocation of available resources. For schools below the
25 statewide API performance target adopted by the state board
26 pursuant to subdivision (d), the minimum annual percentage growth
27 target shall be 5 percent of the difference between the actual API
28 score of a school and the statewide API performance target, or one
29 API point, whichever is greater. Schools at or above the statewide
30 API performance target shall have, as their growth target,
31 maintenance of their API score above the statewide API
32 performance target. However, the state board may set differential
33 growth targets based on grade level of instruction and may set
34 higher growth targets for the lowest performing schools because
35 they have the greatest room for improvement. To meet its growth
36 target, a school shall demonstrate that the annual growth in its API
37 is equal to or more than its schoolwide annual percentage growth
38 target and that all numerically significant pupil subgroups, as
39 defined in subdivision (a), are making comparable improvement.

1   (d) Upon adoption of state performance standards by the state
2   board, the Superintendent shall recommend, and the state board
3   shall adopt, a statewide API performance target that includes
4   consideration of performance standards and represents the
5   proficiency level required to meet the state performance target.
6   When the API is fully developed, schools, at a minimum, shall
7   meet their annual API growth targets to be eligible for the
8   Governor's Performance Award Program as set forth in Section
9   52057. The state board may establish additional criteria that schools
10 must meet to be eligible for the Governor's Performance Award
11 Program.
12 (e) The API shall be used for both of the following:
13 (1) Measuring the progress of schools selected for participation
14 in the Immediate Intervention/Underperforming Schools Program
15 pursuant to Section 52053.
16 (2) Ranking all public schools in the state for the purpose of the
17 High Achieving/Improving Schools Program pursuant to Section
18 52056.
19 (f) (1) A school with 11 to 99 pupils with valid test scores shall
20 receive an API score with an asterisk that indicates less statistical
21 certainty than API scores based on 100 or more test scores.
22 (2) A school annually shall receive an API score, unless the
23 Superintendent determines that an API score would be an invalid
24 measure of the performance of the school for one or more of the
25 following reasons:
26 (A) Irregularities in testing procedures occurred.
27 (B) The data used to calculate the API score of the school are
28 not representative of the pupil population at the school.
29 (C) Significant demographic changes in the pupil population
30 render year-to-year comparisons of pupil performance invalid.
31 (D) The department discovers or receives information indicating
32 that the integrity of the API score has been compromised.
33 (E) Insufficient pupil participation in the assessments included
34 in the API.
35 (3) If a school has fewer than 100 pupils with valid test scores,
36 the calculation of the API or adequate yearly progress pursuant to
37 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
38 et seq.) and federal regulations may be calculated over more than
39 one annual administration of the tests administered pursuant to
40 Section 60640 and the high school exit examination administered

1 pursuant to Section 60851, consistent with regulations adopted by
2 the state board.
3   (g) Only schools with 100 or more test scores contributing to
4 the API may be included in the API rankings.
5   (h) The Superintendent, with the approval of the state board,
6 shall develop an alternative accountability system for schools under
7 the jurisdiction of a county board of education or a county
8 superintendent of schools, community day schools, nonpublic,
9 nonsectarian schools pursuant to Section 56366, and alternative
10 schools serving high-risk pupils, including continuation high
11 schools and opportunity schools. Schools in the alternative
12 accountability system may receive an API score, but shall not be
13 included in the API rankings.

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