

AMENDED IN ASSEMBLY AUGUST 20, 2010

AMENDED IN ASSEMBLY AUGUST 16, 2010

AMENDED IN ASSEMBLY AUGUST 2, 2010

AMENDED IN SENATE JUNE 1, 2010

AMENDED IN SENATE MAY 11, 2010

AMENDED IN SENATE APRIL 27, 2010

AMENDED IN SENATE APRIL 7, 2010

SENATE BILL

No. 930

Introduced by Senator Ducheny
(Coauthors: Senators Alquist, Florez, and Romero)
(Coauthors: Assembly Members Coto and V. Manuel Pérez)

February 2, 2010

An act to add Section 52052.7 to the Education Code, relating to pupil assessments.

LEGISLATIVE COUNSEL'S DIGEST

SB 930, as amended, Ducheny. Pupil assessments.

Existing law, the Public School Performance Accountability Program, provides a state assessment program for schools, an intervention program for low-performing schools, and a reward system for high-achieving schools, as specified.

This bill would require that any primary language assessment developed by the department and administered to limited-English-proficient students, as identified pursuant to existing law, on or after July 1, 2013, be included in the state's assessment system or any successor system and in the state's federal and state

accountability system and any successor system. The bill would require the results of the primary language assessment to be used in any successor measure or results reported for the state's assessment systems and in any other successor measure, as specified. The bill would also require the results to be used in any measure, index, or results reported for the state's federal and state accountability system, or any successor system. These provisions would become operative on July 1, 2013.

This bill would make various findings and declarations.

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

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

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) The federal No Child Left Behind Act of 2001 (20 U.S.C.
4 Sec. 6301 et seq.) requires states to test all pupils in a valid and
5 reliable manner and requires, to the extent practicable, that pupils
6 with limited English proficiency be tested in the language and
7 form most likely to yield accurate data on academic subject areas.

8 (2) Approximately one of every four pupils enrolled in
9 California's public schools is identified as a pupil with limited
10 English proficiency.

11 (3) The current academic assessment system does not allow
12 pupils with limited English proficiency to show academic ability
13 in academic subject areas.

14 (4) Exclusive reliance on academic assessments designed for
15 native English speakers to gauge the academic progress of pupils
16 with limited English proficiency violates standards for educational
17 testing established by recognized national educational institutions,
18 including the American Educational Research Association, the
19 American Psychological Association, and the National Council
20 on Measurement in Education.

21 (5) Valid and reliable academic assessment data is critical to
22 the education accountability system.

23 (6) An accountability system that would yield more accurate
24 data on the academic ability of pupils with limited English
25 proficiency is needed.

26 (7) Local educational agencies should not experience negative
27 consequences solely based on the scores of recent immigrant pupils

1 on tests that do not provide valid and reliable diagnostic
2 information about what these pupils know and can do in academic
3 subject areas.

4 (b) It is therefore the intent of the Legislature to bring the system
5 of assessing the academic progress of pupils with limited English
6 proficiency into alignment with the requirements of the federal
7 No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.),
8 including the requirement that states test all pupils in a valid and
9 reliable manner and, to the extent practicable, in the language and
10 form most likely to yield accurate data on academic ability in
11 academic subject areas. It is also the intent of the Legislature that
12 California's state assessments be valid and reliable assessments
13 for pupils who are English learners and for pupils with
14 developmental disabilities and that the provision of
15 accommodations enable their participation in these state
16 assessments pursuant to the core assurances of the American
17 Recovery and Reinvestment Act of 2009 (Public Law 111-5).

18 SEC. 2. Section 52052.7 is added to the Education Code, to
19 read:

20 52052.7. (a) Any primary language assessment developed by
21 the department and administered to pupils identified as limited
22 English proficient pursuant to Section 60810 on or after July 1,
23 2013, shall be included in the state's assessment system or in any
24 successor system and shall be included in any measure or index
25 that is developed or used for the purposes of the state's federal and
26 state accountability system or any successor system. In addition
27 to being identified as limited English proficient pursuant to Section
28 60810, limited-English-proficient pupils who either receive
29 instruction in their primary language or are literate in their primary
30 language as determined by the results of the first administration
31 of the primary language assessment and have been enrolled in a
32 school in the United States for less than three consecutive years
33 shall be included. Additionally, pupils who are not limited English
34 proficient and who are enrolled in public schools providing dual
35 language immersion programs shall be included. The results of
36 the primary language assessment shall be used in any measure or
37 results reported for the state's assessment system or any successor
38 system, and shall be used in any measure, index, or results reported
39 for the state's federal and state accountability system or any
40 successor system.

1 (b) Any successor system to the state's assessment system
2 adopted on or after July 1, 2013, shall modify the achievement test
3 administered pursuant to Section 60642.5 in order to eliminate
4 linguistic complexity, to the extent practicable. The modifications
5 shall be based upon research and be designed to maintain the rigor
6 of the test.

7 (c) Any successor system to the state assessment system adopted
8 on or after July 1, 2013, shall include accommodations and
9 modifications for English learners that will allow for meaningful
10 participation in the assessments and that address the unique
11 linguistic and sociocultural needs of the English learner without
12 altering the test construct. The accommodations and modifications
13 shall include:

14 (1) A word-to-word glossary, without definitions, in English
15 and in the top five *primary* languages as determined by the
16 ~~language-census~~ *language census taken pursuant to Section 52164*
17 *and* submitted to the department by the districts. The glossary shall
18 include frequently used general academic words as well as
19 discipline-specific words used in the assessments.

20 (2) The repetition of test directions at the request of a pupil.

21 (3) Translations of the test directions in the top *primary* five
22 languages as determined by the ~~Language-Census~~ *language census*
23 *taken pursuant to Section 52164 and* submitted to the department
24 by the districts.

25 (d) The department shall provide to the districts the bilingual
26 glossaries prepared pursuant to paragraph (1) of subdivision (c)
27 and the translations of test directions prepared pursuant to
28 paragraph (3) of subdivision (c).

29 (e) (1) ~~An~~ Any advisory committee, work group, task force, or
30 technical assistance group required by the Legislature or Governor
31 or established by the Superintendent or state board for the purpose
32 of providing recommendations to the Superintendent and the state
33 board on the future state assessment and accountability systems
34 and federal accountability system also shall determine all of the
35 following:

36 (A) How to include primary language assessments and their
37 scores in the state's assessment system and any successor
38 assessment system and in the state and federal accountability
39 system and any successor accountability system.

1 (B) How to modify the state’s successor assessment system as
2 specified in subdivision (b).

3 (C) How to include the accommodations and modifications in
4 the state’s successor assessment system as specified in subdivision
5 (c).

6 (D) How to provide data on pupils who are English learners,
7 their program of instruction, and their English proficiency level
8 as determined by the California English Language Development
9 Test.

10 (E) How to provide disaggregated scores, based on
11 limited-English-proficient status and nonlimited-English-proficient
12 status. For purposes of this section, pupils with
13 “nonlimited-English-proficient status” shall include the total of
14 those pupils who are English-only pupils, fluent-English-proficient
15 pupils, and redesignated fluent-English-proficient pupils.

16 ~~(2) The majority of the advisory committee shall be comprised~~
17 ~~of~~

18 *(2) Any group identified in paragraph (1) of subdivision (e)*
19 *shall include* persons with demonstrated expertise in developing
20 academic assessments specific to English learners and persons
21 with demonstrated experience in research and data specific to
22 English learners.

23 (f) The primary language assessments developed pursuant to
24 this section shall meet the requirements regarding validity,
25 reliability, and comparability as specified by the ~~National Council~~
26 ~~on Measurements testing standards jointly developed by the~~
27 *American Psychological Association, the American Educational*
28 *Research Association, and the National Council on Measurement*
29 *in Education.* The testing contractor chosen for the purpose of
30 developing the primary language assessments shall report to the
31 state board *in writing* as to how these requirements have been met.

32 (g) This section shall become operative on July 1, 2013.