

**Assembly Bill No. 1951**

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Passed the Assembly August 29, 2018

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*Chief Clerk of the Assembly*

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Passed the Senate August 27, 2018

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2018, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 60630 and 60641 of, and to add and repeal Section 60640.5 of, the Education Code, relating to pupil assessments.

## LEGISLATIVE COUNSEL'S DIGEST

AB 1951, O'Donnell. Pupil assessments: Pathways to College Act.

Existing law establishes the California Assessment of Student Performance and Progress (CAASPP) as the statewide system of pupil assessments under which certain assessments are required or authorized to be administered in public schools, as specified, including a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted by the State Board of Education.

This bill would require, pursuant to specified provisions of the federal Elementary and Secondary Education Act, the Superintendent of Public Instruction to approve a nationally recognized high school assessment that a local educational agency, as defined, may, at its own discretion, administer, if the alternative assessment is approved by the local educational agency's governing board or body in a public meeting, commencing with the 2020–21 school year, and each school year thereafter, in lieu of the consortium summative assessment in English language arts and mathematics for grade 11.

The bill would require a nationally recognized high school assessment approved by the Superintendent to meet specified requirements, would authorize the Superintendent to require the publisher of that assessment to provide documentation that the assessment meets or exceeds these requirements, and would require the Superintendent, if he or she determines that the assessment does not meet these requirements, to inform the assessment's publisher in writing of specific deficiencies and changes needed to meet these requirements. The bill would authorize a governing board of a local educational agency that is part of a consortium of local educational agencies to enter into a cooperative contract with

a publisher for the purposes of providing an assessment, as provided. To the extent permitted by the United States Department of Education, the bill would deem certain nationally recognized high school assessments to meet these requirements, and would require the Superintendent to approve these assessments for selection by a local educational agency. The bill would require the state board to amend the state plan required pursuant to federal law to account for the authorization for local educational agencies to use an alternate assessment pursuant to the bill's provisions, if required by federal law.

The bill would require a local educational agency that administers a nationally recognized high school assessment to comply with specified requirements, would require the Superintendent to apportion to the local educational agency the lesser of the actual cost of administering the alternative assessment, as specified, and the amount that would have been apportioned to the local educational agency if it had administered the consortium summative assessment in English language arts and mathematics for grade 11. The bill would state that a local educational agency may administer only one nationally recognized high school assessment in lieu of the consortium summative assessment in English language arts and mathematics for grade 11.

The bill would make these provisions inoperative 5 years after the first school year in which a local educational agency is able to exercise the authority to administer the alternative assessment, as specified, and would repeal these provisions as of the following January 1. The bill would require the Superintendent to inform the Legislative Counsel within 30 days of when this 5 year condition has been satisfied and post that determination on its Internet Web site.

The bill would require the State Department of Education to ensure that local educational agencies comply with specified requirements, concerning the alternative assessment, that apply in connection with the summative assessments under CAASPP, including that grade 11 pupils, or parents or legal guardians of those pupils, may request results from the alternative assessment.

Existing law requires the Superintendent to prepare and submit, and subsequently post on the Internet Web site of the department, an annual report to the state board containing an analysis of the

results and test scores of the summative assessments administered under the CAASPP.

This bill would require the Superintendent to include the results and test scores of the alternative assessment in that annual report.

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

SECTION 1. Section 60630 of the Education Code is amended to read:

60630. (a) The Superintendent shall prepare and submit, and subsequently post on the Internet Web site of the department, an annual report to the state board containing an analysis of the results and test scores of the summative assessments administered pursuant to Sections 60640 and 60640.5. The Superintendent shall notify the state board and the appropriate policy and fiscal committees of the Legislature that the annual report is available on the Internet Web site of the department.

(b) The Superintendent shall post a periodic update on the implementation of the California Assessment of Student Performance and Progress on the Internet Web site of the department, and notify the state board and the appropriate policy and fiscal committees of the Legislature that the update is available on the Internet Web site of the department.

SEC. 2. Section 60640.5 is added to the Education Code, to read:

60640.5. (a) This section shall be known, and may be cited, as the Pathways to College Act.

(b) (1) Pursuant to Section 1111(b)(2)(H) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), no later than 30 days after the Superintendent determines that a nationally recognized high school assessment satisfies the requirements of subdivision (c), the Superintendent shall approve one or more nationally recognized high school assessments that a local education agency may, at its own discretion, administer, pursuant to subdivision (f), commencing with the 2020–21 school year, and each school year thereafter, in lieu of the assessment required pursuant to paragraph (1) of subdivision (b) of Section 60640.

(2) (A) A governing board of a local educational agency that is part of a consortium of local educational agencies may enter

into a cooperative contract with a publisher for the purposes of providing an assessment pursuant to paragraph (1).

(B) A local educational agency that chooses to administer an assessment pursuant to paragraph (1) may utilize the terms of a contract with a publisher that has been entered into by another district for purposes of providing the assessment.

(c) A nationally recognized high school assessment approved by the Superintendent pursuant to paragraph (1) of subdivision (b) shall meet all of the following requirements:

(1) Align with the academic content standards adopted by the state board pursuant to Section 60605, and address the depth and breadth of those standards.

(2) Be at least as rigorous as the assessment required pursuant to paragraph (1) of subdivision (b) of Section 60640.

(3) Meet the requirements of Sections 200.2(b), 200.5(a), and 200.6 of Title 34 of the Code of Federal Regulations, to ensure appropriate accommodations for English learners and pupils with disabilities, including pupils identified pursuant to Section 602 of the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, and Title II of the federal Americans with Disabilities Act of 1990.

(4) Produce valid and reliable data on pupil academic achievement with respect to all high school pupils and each subgroup of high school pupils in the local education agency.

(5) Produce disaggregated scores based on English proficiency status, gender, ethnicity, socioeconomic disadvantage, foster care status, and special education designation.

(6) Produce individual pupil scores that can be linked to scores from the California Assessment of Student Performance and Progress (CAASPP) assessments.

(7) Ensure that the use of appropriate accommodations by a pupil with disabilities or an English learner does not deny the opportunity of any pupil to participate in the assessment or deny any pupil of any benefit from participating in the assessment that is afforded to pupils without disabilities or pupils who are not English learners.

(8) Satisfy the peer review requirements specified in Section 1111(a)(4) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), as required by Section

1111(b)(2)(H)(iii)(II) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).

(d) (1) The Superintendent may require a publisher of a nationally recognized high school assessment that is being considered for his or her approval pursuant to subdivision (b) to provide documentation that the assessment meets or exceeds the requirements of subdivision (c).

(2) If the Superintendent determines that a nationally recognized high school assessment being considered for his or her approval pursuant to subdivision (b) does not meet the requirements of subdivision (c), the Superintendent shall inform the publisher of the assessment in writing of the specific deficiencies and changes needed to meet the requirements of subdivision (c).

(e) Only to the extent permitted by the United States Department of Education, a nationally recognized high school assessment that has been approved for use by any state that has adopted the Common Core State Standards and that meets federal requirements under Section 1111(b)(2)(H) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) shall be deemed to have met the requirements of subdivisions (c) and (d) and shall be approved by the Superintendent pursuant to subdivision (b).

(f) (1) A local educational agency may administer an assessment approved pursuant to paragraph (1) of subdivision (b), instead of the assessment required pursuant to paragraph (1) of subdivision (b) of Section 60640, only if use of the alternative assessment has been approved by the local educational agency's governing board or body at a public meeting.

(2) Before a local educational agency may administer an assessment pursuant to paragraph (1), the state board shall amend the state plan required pursuant to Section 1111 of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) to account for the authorization for local educational agencies to use an alternate assessment pursuant to this section, if required by federal law.

(g) A local education agency that administers a nationally recognized high school assessment pursuant to subdivision (b) shall do all of the following:

(1) Notify the Superintendent, and the parents and legal guardians of its pupils entering grade 11, at the beginning of each

school year during which the assessment will be administered to those pupils, that it will be administering an assessment that is different from the assessment required pursuant to paragraph (1) of subdivision (b) of Section 60640.

(2) Administer the assessment free of charge to all pupils in grade 11, except for those pupils who opt out pursuant to Section 60615, and as provided in paragraph (3).

(3) Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, administer the assessment to individuals with exceptional needs, as defined in Section 56026, with appropriate accommodations, where necessary, and provide an alternate assessment to individuals with exceptional needs who are unable to participate in testing, even with accommodations.

(4) Administer the assessment to English learner pupils with appropriate accommodations, where necessary. To the extent permissible under federal law, recently arrived English learner pupils shall be exempt from taking the alternative assessment in English language arts.

(5) Report scores and pupil participation data to the department in a manner prescribed by the Superintendent.

(h) The Superintendent shall apportion to a local education agency that administers a nationally recognized high school assessment pursuant to subdivision (b), in lieu of the assessment required pursuant to paragraph (1) of subdivision (b) of Section 60640, the lesser of the following:

(1) The actual cost of administering the nationally recognized high school assessment, including, but not necessarily limited to, administering and scoring the assessment and reporting results of the assessment to the Superintendent.

(2) The amount that would have been apportioned to the local education agency if it had administered the assessment required pursuant to paragraph (1) of subdivision (b) of Section 60640.

(i) A local education agency may administer only one nationally recognized high school assessment in lieu of the assessment required pursuant to paragraph (1) of subdivision (b) of Section 60640. This subdivision shall not be construed to prohibit a local education agency that does not administer a nationally recognized high school assessment pursuant to this section from administering one or more assessments in addition to the assessment required pursuant to paragraph (1) of subdivision (b) of Section 60640.

(j) For purposes of this section, a “local education agency” means a school district, county office of education, or charter school.

(k) (1) This section shall become inoperative five years after the first school year in which a local educational agency is able to exercise the authority granted to it pursuant to subdivision (b), and as of the following January 1, is repealed.

(2) The Superintendent shall inform the Legislative Counsel within 30 days of when the conditions of paragraph (1) have been satisfied, and post that determination on the department’s Internet Web site.

SEC. 3. Section 60641 of the Education Code is amended to read:

60641. (a) The department shall ensure that local educational agencies comply with each of the following requirements:

(1) The achievement tests provided for in Section 60640 or 60640.5 are scheduled to be administered to all pupils, inclusive of pupils enrolled in charter schools and exclusive of pupils exempted pursuant to Section 60640, during the period prescribed in subdivision (b) of Section 60640.

(2) For assessments that produce valid individual pupil results, the individual results of each pupil tested pursuant to Sections 60640 and 60640.5 shall be reported, in writing, to the parent or guardian of the pupil. The report shall include a clear explanation of the purpose of the test, the score of the pupil, and the intended use by the local educational agency of the test score. This subdivision does not require teachers or other local educational agency personnel to prepare individualized explanations of the test score of each pupil. It is the intent of the Legislature that nothing in this section shall preclude a school or school district from meeting the reporting requirement by the use of electronic media formats that secure the confidentiality of the pupil and the pupil’s results. State agencies or local educational agencies shall not use a comparison resulting from the scores and results of the California Assessment of Student Performance and Progress (CAASPP) assessments, or the alternative assessment administered pursuant to Section 60640.5, and the assessment scores and results from assessments that measured previously adopted content standards.

(3) (A) For assessments that produce valid individual pupil results, the individual results of each pupil tested pursuant to Sections 60640 and 60640.5 also shall be reported to the school and teachers of a pupil. The local educational agency shall include the test results of a pupil in his or her pupil records. However, except as provided in this section and Section 60607, personally identifiable pupil test results only may be released with the permission of either the pupil's parent or guardian if the pupil is a minor, or the pupil if the pupil has reached the age of majority or is emancipated.

(B) Notwithstanding subparagraph (A) and pursuant to subdivision (c) of Section 60607, a pupil or his or her parent or guardian may authorize the release of individual pupil results to a postsecondary educational institution for the purpose of credit, placement, determination of readiness for college-level coursework, or admission.

(4) The districtwide, school-level, and grade-level results of the CAASPP in each of the grades designated pursuant to Section 60640, and the districtwide and school-level results of the alternative assessment administered pursuant to Section 60640.5, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.

(b) The state board shall adopt regulations that outline a calendar for delivery and receipt of summative assessment results at the pupil, school, grade, district, county, and state levels. The calendar shall include delivery dates to the department and to local educational agencies. The calendar for delivery shall provide for the timely return of assessment results, and consider the amount of paper-and-pencil administered assessments and number of items requiring hand scoring. The calendar shall also ensure that individual assessment results are reported to local educational agencies within eight weeks of receipt by the contractor for scoring.

(c) Aggregated, disaggregated, or group scores or reports that include the results of the CAASPP assessments or the alternate assessment administered pursuant to Section 60640.5 inclusive of

the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results. Exclusive of the reports developed pursuant to Section 60630, in no case shall any group score or report be displayed that would deliberately or inadvertently make the score or performance of any individual pupil or teacher identifiable.

(d) The department shall ensure that pupils in grade 11, or parents or legal guardians of those pupils, may request results from grade 11 assessments administered as part of the CAASPP or the alternative assessment administered pursuant to Section 60640.5 for the purpose of determining credit, placement, or readiness for college-level coursework be released to a postsecondary educational institution.











Approved \_\_\_\_\_, 2018

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*Governor*