

**Introduced by Senator Karnette**

February 20, 2002

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An act to amend Sections 52052 and 52057 of the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1597, as introduced, Karnette. School accountability: physical performance testing.

Existing law, the Public Schools Accountability Act of 1999, 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, and requires this API to include the results of specified assessments and tests. Based on the API, the Superintendent of Public Instruction is required to develop, and the State Board of Education to adopt, expected annual percentage growth targets for all schools based on their API baseline score. The act contains a High Achieving/Improving Schools Program to provide monetary and nonmonetary awards to schools that meet or exceed API growth targets, and allows, in addition to, or in substitution of monetary awards, the Superintendent of Public Instruction to establish nonmonetary awards that may include, but are not limited to, classification as a distinguished school, as specified.

Existing law requires the governing board of each school district maintaining any of grades 5, 7, and 9, to administer to each pupil in those grades the physical performance test designated by the State Board of Education, during the month of March, April, or May.

This bill would require the results of that performance test to be included in the API. The bill would also require, in addition to any other criteria that are used to determine whether a school shall be classified

as a distinguished school, for purposes of the High Achieving/Improving Schools Program, that the school shall receive a passing grade on that physical performance test.

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. Section 52052 of the Education Code is  
2 amended to read:

3 52052. (a) (1) By July 1, 1999, the Superintendent of Public  
4 Instruction, with approval of the State Board of Education, shall  
5 develop an Academic Performance Index (API), to measure the  
6 performance of schools, especially the academic performance of  
7 pupils, and to demonstrate comparable improvement in academic  
8 achievement by all numerically significant ethnic and  
9 socioeconomically disadvantaged subgroups within schools.

10 (2) For purposes of this section, a numerically significant  
11 ethnic or socioeconomically disadvantaged subgroup is a  
12 subgroup that constitutes at least 15 percent of a school's total  
13 pupil population and consists of at least 30 pupils. An ethnic or  
14 socioeconomically disadvantaged subgroup of at least 100 pupils  
15 constitutes a numerically significant subgroup, even if the  
16 subgroup does not constitute 15 percent of the total enrollment at  
17 a school. For schools whose API scores are based on test scores  
18 of no fewer than 11 and no more than 99 pupils, numerically  
19 significant subgroups shall be defined by the Superintendent of  
20 Public Instruction, with approval by the State Board of Education.

21 (3) The API shall consist of a variety of indicators currently  
22 reported to the State Department of Education including, but not  
23 limited to, the results of the achievement test administered  
24 pursuant to Section 60640, attendance rates for pupils and  
25 certificated school personnel for elementary schools, middle  
26 schools, and secondary schools, ~~and~~ the graduation rates for pupils  
27 in secondary schools, *and the results of the school's performance*  
28 *on the physical performance test administered pursuant to Section*  
29 *60800.*

30 (A) The pupil data collected for the API that comes from the  
31 achievement test administered pursuant to Sections 60640 and  
32 60644 and the high school exit examination administered pursuant



1 to Section 60851, when fully implemented, shall be disaggregated  
2 by special education status, English language learners,  
3 socioeconomic status, gender and ethnic group. Only the test  
4 scores of pupils who were enrolled in a school district in the prior  
5 fiscal year may be included in the test results reported in the API.  
6 Results of the achievement test and other tests specified in  
7 subdivision (b) shall constitute at least 60 percent of the value of  
8 the index.

9 (B) Before including high school graduation rates and  
10 attendance rates in the index, the Superintendent of Public  
11 Instruction shall determine the extent to which the data are  
12 currently reported to the state and the accuracy of the data.

13 (C) If the Superintendent of Public Instruction determines that  
14 accurate data for these indicators is not available, the  
15 Superintendent of Public Instruction shall report to the Governor  
16 and the Legislature by September 1, 1999, and recommend  
17 necessary action to implement an accurate reporting system.

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

21 (1) The assessment of the applied academic skills matrix test  
22 developed pursuant to Section 60604.

23 (2) The nationally normed test designated pursuant to Section  
24 60642.

25 (3) The standards-based achievement tests provided for in  
26 Section 60642.5.

27 (4) The high school exit examination.

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



1 performance target. However, the State Board of Education may  
2 set differential growth targets based on grade level of instruction  
3 and may set higher growth targets for the lowest performing  
4 schools because they have the greatest room for improvement. To  
5 meet its growth target, a school shall demonstrate that the annual  
6 growth in its API is equal to or more than its schoolwide annual  
7 percentage growth target and that all numerically significant  
8 ethnic and socioeconomically disadvantaged subgroups, as  
9 defined in subdivision (a) of Section 52052, are making  
10 comparable improvement.

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

22 (e) Beginning in June 2000, the API shall be used for both of  
23 the following:

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

27 (2) Ranking all public schools in the state for the purpose of the  
28 High Achieving/Improving Schools Program pursuant to Section  
29 52056.

30 (f) (1) A comprehensive high school, middle school, or  
31 elementary school with 11 to 99 valid test scores of pupils who  
32 were enrolled in a school within the same school district in the  
33 prior fiscal year shall receive an API score with an asterisk that  
34 indicates less statistical certainty than API scores based on 100 or  
35 more test scores.

36 (2) A school under the jurisdiction of a county board of  
37 education or a county superintendent of schools, a community day  
38 school, or an alternative school, including continuation high  
39 schools and opportunity schools, may receive an API score if the



1 school has 11 more or more valid test scores and the school chooses  
2 to receive an API score for at least three years.

3 (3) A school that participates in the Immediate  
4 Intervention/Underperforming Schools Program described in  
5 Section 52053 shall receive an API score for the duration of its  
6 participation in that program, unless the Superintendent of Public  
7 Instruction determines that an API score would be an invalid  
8 measure of the school's performance for one or more of the  
9 following reasons:

10 (A) Irregularities in testing procedures occurred.

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

13 (C) Significant demographic changes in the school's pupil  
14 population render year-to-year comparisons of pupil performance  
15 invalid.

16 (D) The Department of Education discovers or receives  
17 information indicating that the integrity of the school's API score  
18 has been compromised.

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

21 (h) By July 1, 2000, the Superintendent of Public Instruction,  
22 with the approval of the State Board of Education, shall develop  
23 an alternative accountability system for schools with fewer than  
24 100 test scores contributing to the schools' API scores, and for  
25 schools under the jurisdiction of a county board of education or a  
26 county superintendent of schools, community day schools, and  
27 alternative schools serving high-risk pupils, including  
28 continuation high schools and opportunity schools.

29 SEC. 2. Section 52057 of the Education Code is amended to  
30 read:

31 52057. (a) The State Board of Education shall establish a  
32 Governor's Performance Award Program to provide monetary and  
33 nonmonetary awards to schools that meet or exceed API  
34 performance growth targets established pursuant to Section  
35 52052, and demonstrate comparable improvement in academic  
36 achievement by all numerically significant ethnic and  
37 socioeconomically disadvantaged subgroups within schools.  
38 Monetary awards shall be awarded only to schools whose API  
39 scores meet or exceed their API growth target as established  
40 pursuant to Section 52052 or increase by five points, whichever is



1 greater, and in which all numerically significant subgroups' scores  
2 meet or exceed 80 percent of the school's API growth target as  
3 established pursuant to Section 52052 or increase by four points,  
4 whichever is greater. For purposes of this section, an ethnic or  
5 socioeconomically disadvantaged subgroup of at least 100 pupils  
6 constitutes a numerically significant subgroup, even if the  
7 subgroup does not constitute 15 percent of the total enrollment at  
8 a school.

9 (b) All schools, including schools participating in the  
10 Immediate Intervention/Underperforming Schools Program are  
11 eligible to participate in the Governor's Performance Award  
12 Program. The manner and form in which the monetary and  
13 nonmonetary awards are given shall be established by the  
14 Superintendent of Public Instruction and approved by the State  
15 Board of Education. The monetary awards shall be made available  
16 on either a per pupil or per school basis, not to exceed one hundred  
17 fifty dollars (\$150) per pupil who received a score on the  
18 assessments described in subdivision (b) of Section 60640 and  
19 subject to funds appropriated in the annual Budget Act. A school  
20 that continues to show improvement in successive years is eligible  
21 to receive annual bonuses.

22 (c) In addition to or in substitution of monetary awards, the  
23 Superintendent of Public Instruction may establish, upon approval  
24 by the State Board of Education, nonmonetary awards that may  
25 include, but are not limited to, classification as a distinguished  
26 school, listing on a published public school honor roll, and public  
27 commendations by the Governor and the Legislature. *In addition*  
28 *to any other criteria that are used to determine whether a school*  
29 *shall be classified as a distinguished school, the school shall*  
30 *receive a passing grade on the physical performance test*  
31 *administered pursuant to Section 60800.*

32 (d) A governing board of a school district or a county board of  
33 education with one or more schools under its jurisdiction that are  
34 eligible to receive an award from the Governor's Performance  
35 Award Program may request on behalf of those schools that the  
36 State Board of Education waive all or any part of any provision of  
37 this code, or any regulation adopted by the State Board of  
38 Education, controlling any of the programs listed in clause (i) of  
39 subparagraph (B) of paragraph (1) of subdivision (a) of Section  
40 54761 and Section 64000. The board may grant the request if the



1 waiver does not result in a decrease in the instructional time  
2 otherwise required by law or regulation or an increase in state costs  
3 and is determined to be consistent with subdivision (a) of Section  
4 46300. The waiver shall be granted for no more than three  
5 consecutive fiscal years. A governing board of a school district or  
6 a county board of education may request a renewal for schools  
7 under their jurisdiction that still meet the eligibility criteria.

8 (e) The waiver granted pursuant to subdivision (d) of Section  
9 52057 may also provide the governing board of a school district  
10 or a county board of education with maximum flexibility, on the  
11 part of eligible schools within the districts, in the expenditure of  
12 any new or existing categorical funds not otherwise prohibited  
13 under state or federal law to enable the school to continue  
14 improvement in pupil performance.

