AMENDED IN ASSEMBLY JULY 17, 2007

AMENDED IN SENATE APRIL 26, 2007

AMENDED IN SENATE APRIL 9, 2007

SENATE BILL   No. 219

Introduced by Senators Steinberg and Romero

February 9, 2007

An act to ~~amend Section 52052 of~~ *add Section 52052.1 to, and to repeal Section 52052.5 of,* the Education Code, relating to pupil achievement.

LEGISLATIVE COUNSEL'S DIGEST

SB 219, as amended, Steinberg. Pupil achievement: Academic Performance Index.

~~Existing~~

(1) Existing law requires the Superintendent of Public Instruction, with approval of the State Board of Education, to develop the Academic Performance Index (API) consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils. Statutory provisions establish a specific calculation for graduation rates to be included within the API and require the Superintendent to provide an annual report to the Legislature on graduation and dropout rates in California.

This bill would require the Superintendent~~, with approval of the state board,~~ to revise the API to include additional information by *a* specified ~~deadlines~~ *deadline* regarding *test scores of pupils who were referred to an alternative education program and* school and school district dropout rates~~, high school graduation rates, and outcomes related to college and career readiness~~. The bill also would require the Superintendent to

establish a broadly representative and diverse advisory committee to advise him or her and the state board on issues related to revision of the API and the inclusion of multiple measures and to recommend ~~college and career related outcomes that provide meaningful insight into the program quality of public elementary and secondary schools and can be incorporated into the API by July 1, 2009~~ *data and connections that are necessary for establishing indicators of the performance of elementary and secondary schools based on college- and career-related outcomes and the length of time for which any alternative education pupils' data must be assigned to the school and school district of residence.*

(2) Existing law requires the Superintendent to establish an advisory committee on all matters relative to the creation of the API and implementation of the Immediate Intervention/Underperforming Schools Program and the High School Achieving/Improving Schools Program. The advisory committee was required to make recommendations to the Superintendent by July 1, 2005, on the appropriateness and feasibility of a methodology for generating a measurement of academic performance by utilizing unique pupil identifiers and annual academic achievement growth to provide a more accurate measure of a school's growth over time. The Superintendent, with approval of the state board, was required to implement that measurement of academic performance if appropriate and feasible.

This bill would delete those provisions.

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 high number of children leaving school without
4 completing their high school education poses a serious threat to
5 children, their families, schools, and communities, and the
6 competitiveness and well-being of the California economy. The
7 potential adverse impacts of the high school dropout crisis include
8 a strain on the social welfare system and a shortage of well
9 educated Californians to fuel the 21st century economy.
10   (2) New research suggests that fewer than 70 percent of 9th
11 graders in California, and fewer than 50 percent of 9th graders in

1 some school districts, graduate from high school. More than
2 150,000 California high school pupils may be leaving high school
3 each year without a diploma.
4   (3) If the dropout crisis is left unchecked, demographic trends
5 suggest that the rate of future dropouts will increase. Latinos are
6 more than twice as likely as whites to leave school before
7 graduation. The Department of Finance estimates that the public
8 school enrollment of Latinos will increase by 18 percent in the
9 next 10 years. The Public Policy Institute of California predicts
10 there will be twice as many high school dropouts in California in
11 2025 as there will be jobs to support them.
12   (4) The high school dropout crisis will have detrimental effects
13 on some of the largest industries in California, including computer
14 technology and software engineering, health care, manufacturing,
15 biotechnology, the building and automotive trades, entertainment,
16 and other sectors that rely on an adequately educated workforce
17 with a minimum of a high school education.
18   (5) Dropouts impose substantial social costs on the state. They
19 are less likely than high school graduates to be employed. The jobs
20 they do find pay substantially lower wages. As a result, dropouts
21 pay lower taxes and are more likely to require public welfare
22 support. Dropouts also have poorer health and are more likely to
23 require public health support.
24   (6) Dropouts are more likely to commit crimes and become
25 incarcerated. More than 80 percent of the prisoners in California
26 in 2005 did not graduate from high school. In 2006, each inmate
27 cost California taxpayers an average of thirty-four thousand one
28 hundred fifty dollars ($34,150), according to the Department of
29 Corrections and Rehabilitation.
30   (7) Families and communities play an important role in keeping
31 children on track toward high school graduation. However, schools
32 are responsible for creating programs that engage children of
33 different backgrounds, interests, and skill levels, and for keeping
34 a close watch on truancy, course failure, and behavior problems
35 that are the markers of a pupil at risk for dropping out of school.
36   (b) It is the intent of the Legislature in enacting this act to reflect
37 the public's fundamental expectation that public schools engage
38 pupils, keep them on track for graduation, and prepare them for
39 success after high school in college or immediate entry into a
40 career.

1   SEC. 2. Section 52052 of the Education Code is amended to
2 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.
7   (2) A school shall demonstrate comparable improvement in
8 academic achievement as measured by the API by all numerically
9 significant pupil subgroups at the school, including:
10   (A) Ethnic subgroups.
11   (B) Socioeconomically disadvantaged pupils.
12   (C) English language learners.
13   (D) Pupils with disabilities.
14   (3) (A) For purposes of this section, a numerically significant
15 pupil subgroup is one that meets both of the following criteria:
16   (i) The subgroup consists of at least 50 pupils each of whom
17 has a valid test score.
18   (ii) The subgroup constitutes at least 15 percent of the total
19 population of pupils at a school who have valid test scores.
20   (B) If a subgroup does not constitute 15 percent of the total
21 population of pupils at a school who have valid test scores, the
22 subgroup may constitute a numerically significant pupil subgroup
23 if it has at least 100 valid test scores.
24   (C) For a school with an API score that is based on no fewer
25 than 11 and no more than 99 pupils with valid test scores,
26 numerically significant subgroups shall be defined by the
27 Superintendent, with approval by the state board.
28   (4) The API shall consist of a variety of indicators currently
29 reported to the department, including, but not limited to, the results
30 of the achievement test administered pursuant to Section 60640,
31 attendance rates for pupils in elementary schools, middle schools,
32 and secondary schools, the graduation rates for pupils in secondary
33 schools, and the measures described in subdivision (i).
34   (A) Graduation rates for pupils in secondary schools shall be
35 calculated for the API as follows:
36   (i) The number of pupils who graduated on time for the current
37 school year, which is considered to be three school years after the
38 pupils entered 9th grade for the first time, divided by the total
39 calculated in clause (ii).

1 (ii) The number of pupils entering 9th grade for the first time
2 in the school year three school years prior to the current school
3 year, plus the number of pupils who transferred into the class
4 graduating at the end of the current school year between the school
5 year that was three school years prior to the current school year
6 and the date of graduation, less the number of pupils who
7 transferred out of the school between the school year that was three
8 school years prior to the current school year and the date of
9 graduation who were members of the class that is graduating at
10 the end of the current school year.
11 (B) (i) The pupil data collected for the API that comes from
12 the achievement test administered pursuant to Sections 60640 and
13 60644 and the high school exit examination administered pursuant
14 to Section 60851, when fully implemented, shall be disaggregated
15 by special education status, English language learners,
16 socioeconomic status, gender and ethnic group. The API shall
17 include both of the following:
18 (I) Only the test scores of pupils who were counted as part of
19 the enrollment in the annual data collection of the California Basic
20 Educational Data System for the current fiscal year and who were
21 continuously enrolled during that year may be included in the test
22 result reports in the API score of the school.
23 (II) The test scores of enrolled pupils who were referred to an
24 alternative education program, including community, community
25 day, and continuation high schools and independent study, that is
26 designed to enroll pupils for less than one school year.
27 (ii) Results of the achievement test and other tests specified in
28 subdivision (b) shall constitute at least 60 percent of the value of
29 the index.
30 (C) Before including high school graduation rates and attendance
31 rates in the API, the Superintendent shall determine the extent to
32 which the data are currently reported to the state and the accuracy
33 of the data. Notwithstanding any other provision of law, graduation
34 rates for pupils in dropout recovery high schools shall not be
35 included in the API. For purposes of this subparagraph, "dropout
36 recovery high school" means a high school in which 50 percent
37 or more of its pupils have been designated as dropouts pursuant
38 to the exit/withdrawal codes developed by the department.
39 (D) The Superintendent shall provide an annual report to the
40 Legislature on the graduation and dropout rates in California and

1 shall make the same report available to the public. The report shall
2 be accompanied by the release of publicly accessible data for each
3 school district and school in a manner that provides for
4 disaggregation based upon socioeconomically disadvantaged pupils
5 and numerically significant subgroups scoring below average on
6 statewide standards-aligned assessments. In addition, the data shall
7 be made available in a manner that provides for comparisons of a
8 minimum of three years of data.
9 (b) Pupil scores from the following tests, when available and
10 when found to be valid and reliable for this purpose, shall be
11 incorporated into the API:
12 (1) The assessment of the applied academic skills matrix test
13 developed pursuant to Section 60604.
14 (2) The nationally normed test designated pursuant to Section
15 60642.
16 (3) The standards-based achievement tests provided for in
17 Section 60642.5.
18 (4) The high school exit examination.
19 (c) Based on the API, the Superintendent shall develop, and the
20 state board shall adopt, expected annual percentage growth targets
21 for all schools based on their API baseline score from the previous
22 year. Schools are expected to meet these growth targets through
23 effective allocation of available resources. For schools below the
24 statewide API performance target adopted by the state board
25 pursuant to subdivision (d), the minimum annual percentage growth
26 target shall be 5 percent of the difference between the actual API
27 score of a school and the statewide API performance target, or one
28 API point, whichever is greater. Schools at or above the statewide
29 API performance target shall have, as their growth target,
30 maintenance of their API score above the statewide API
31 performance target. However, the state board may set differential
32 growth targets based on grade level of instruction and may set
33 higher growth targets for the lowest performing schools because
34 they have the greatest room for improvement. To meet its growth
35 target, a school shall demonstrate that the annual growth in its API
36 is equal to or more than its schoolwide annual percentage growth
37 target and that all numerically significant pupil subgroups, as
38 defined in subdivision (a), are making comparable improvement.
39 (d) Upon adoption of state performance standards by the state
40 board, the Superintendent shall recommend, and the state board

1 shall adopt, a statewide API performance target that includes
2 consideration of performance standards and represents the
3 proficiency level required to meet the state performance target.
4 When the API is fully developed, schools must, at a minimum,
5 meet their annual API growth targets to be eligible for the
6 Governor's Performance Award Program as set forth in Section
7 52057. The state board may establish additional criteria that schools
8 must meet to be eligible for the Governor's Performance Award
9 Program.
10 (e) The API shall be used for both of the following:
11 (1) Measuring the progress of schools selected for participation
12 in the Immediate Intervention/Underperforming Schools Program
13 pursuant to Section 52053.
14 (2) Ranking all public schools in the state for the purpose of the
15 High Achieving/Improving Schools Program pursuant to Section
16 52056.
17 (f) (1) A school with 11 to 99 pupils with valid test scores shall
18 receive an API score with an asterisk that indicates less statistical
19 certainty than API scores based on 100 or more test scores.
20 (2) A school shall annually receive an API score, unless the
21 Superintendent determines that an API score would be an invalid
22 measure of the performance of the school for one or more of the
23 following reasons:
24 (A) Irregularities in testing procedures occurred.
25 (B) The data used to calculate the API score of the school are
26 not representative of the pupil population at the school.
27 (C) Significant demographic changes in the pupil population
28 render year-to-year comparisons of pupil performance invalid.
29 (D) The department discovers or receives information indicating
30 that the integrity of the API score has been compromised.
31 (E) Insufficient pupil participation in the assessments included
32 in the API.
33 (3) If a school has fewer than 100 pupils with valid test scores,
34 the calculation of the API or adequate yearly progress pursuant to
35 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
36 et seq.) and federal regulations may be calculated over more than
37 one annual administration of the tests administered pursuant to
38 Sections 60640 and 60644 and the high school exit examination
39 administered pursuant to Section 60851, consistent with regulations
40 adopted by the state board.

1   (g) Only schools with 100 or more test scores contributing to
2   the API may be included in the API rankings.
3   (h) The Superintendent, with the approval of the state board,
4   shall develop an alternative accountability system for schools under
5   the jurisdiction of a county board of education or a county
6   superintendent of schools, community day schools, nonpublic,
7   nonsectarian schools pursuant to Section 56366, and alternative
8   schools serving high-risk pupils, including continuation high
9   schools and opportunity schools. Schools in the alternative
10   accountability system may receive an API score, but shall not be
11   included in the API rankings.
12   (i) The Superintendent, with the approval of the state board,
13   shall revise the API to do all of the following:
14   (1) By July 1, 2008, or when reliable data first becomes
15   available, include school and school district dropout rates for pupils
16   who drop out of school while enrolled in the 8th or 9th grade. If
17   reliable data is not available by July 1, 2008, the Superintendent,
18   on or before that date, shall report to the Legislature the reasons
19   for the delay and the anticipated date upon which he or she will
20   include the specified dropout rates in the API.
21   (2) By July 1, 2008, assign all accountability data on pupils in
22   alternative education programs, including community, community
23   day, and continuation high schools and independent study, to the
24   school and school district of residence to ensure that placement
25   decisions are in the best interests of affected pupils.
26   (3) When reliable data first becomes available, include high
27   school graduation rates, as calculated pursuant to subparagraph
28   (A) of paragraph (4) of subdivision (a).
29   (4) By July 1, 2009, include outcomes related to college and
30   career readiness, based on recommendations received pursuant to
31   subparagraph (A).
32   (A) The Superintendent shall establish a broadly representative
33   and diverse advisory committee to advise him or her and the state
34   board on issues related to revision of the API and the inclusion of
35   multiple measures and to recommend college and career related
36   outcomes that provide meaningful insight into the program quality
37   of public elementary and secondary schools and can be
38   incorporated into the API by July 1, 2009.
39   (B) The advisory committee's recommendations also shall
40   include data and connections between the data systems of

1 elementary and secondary schools, institutions of postsecondary
2 education, and employers that are necessary for establishing more
3 robust and reliable indicators of the performance of elementary
4 and secondary schools based on college and career related
5 outcomes. The committee shall include representatives from all
6 of the following:
7   (i) All segments of education in California, including one parent
8 of an elementary or secondary school pupil, one elementary or
9 secondary teacher, one elementary or secondary school
10 administrator, one member of the governing board of a school
11 district, and one alternative school educator.
12   (ii) The business and labor communities.
13   (iii) State agencies or departments related to the groups
14 described in clauses (i) and (ii).
15   *SEC. 2.   Section 52052.1 is added to the Education Code, to*
16 *read:*
17   *52052.1.   (a) Beginning July 1, 2008, in addition to the test*
18 *scores specified in subparagraph (B) of paragraph (4) of*
19 *subdivision (a) of Section 52052, the Academic Performance Index*
20 *(API) for any school or school district shall do all of the following:*
21   *(1) Include the test scores of enrolled pupils who were referred*
22 *to an alternative education program, including community,*
23 *community day, and continuation high schools and independent*
24 *study, and be calculated by assigning all accountability data on*
25 *pupils in alternative education programs, including community,*
26 *community day, and continuation high schools and independent*
27 *study, to the school and school district or residence to ensure that*
28 *placement decisions are in the best interests of affected pupils.*
29   *(2) Exclude the test scores or other data of those pupils exempt*
30 *pursuant to federal statute or federal regulation.*
31   *(3) Include school and school district dropout rates for pupils*
32 *who drop out of school while enrolled in grade 8 or 9. If reliable*
33 *data is not available by July 1, 2008, the Superintendent, on or*
34 *before that date, shall report to the Legislature the reasons for the*
35 *delay and date he or she anticipates the specified dropout rates*
36 *will be included in the API.*
37   *(b) The Superintendent shall establish a broadly representative*
38 *and diverse advisory committee to advise him or her and the state*
39 *board on issues related to revision and maintenance of the API*
40 *and the inclusion of multiple measures.*

1   *(1) The advisory committee also shall make recommendations*
2   *on all of the following:*
3   *(A) Data and connections between the data systems of*
4   *elementary and secondary schools, institutions of postsecondary*
5   *education, and employers that are necessary for establishing more*
6   *robust and reliable indicators of the performance of elementary*
7   *and secondary schools based on college- and career-related*
8   *outcomes.*
9   *(B) The length of time for which any alternative education*
10   *pupils' accountability data shall be assigned to the school and*
11   *school district of residence pursuant to paragraph (1) of*
12   *subdivision (a).*
13   *(2) The advisory committee shall include no more than 20*
14   *members, with at least one representative from each of the*
15   *following:*
16   *(A) Parents of an elementary or secondary school pupil.*
17   *(B) Elementary or secondary school teachers.*
18   *(C) Elementary or secondary school administrators.*
19   *(D) Members of the governing board of a school district.*
20   *(E) Alternative school educators.*
21   *(F) Business.*
22   *(G) Labor.*
23   *(H) State agencies or departments related to the groups*
24   *described in subparagraphs (A) to (G), inclusive.*
25   *(3) To the extent possible, the Superintendent shall appoint*
26   *members of the advisory committee set forth in Section 52052.5,*
27   *as it read on December 31, 2007.*
28   *(4) Members of the advisory committee shall serve without*
29   *compensation for terms not to exceed two years.*
30   *(5) The State Department of Education shall provide staff to*
31   *the advisory committee.*
32   *SEC. 3. Section 52052.5 of the Education Code is repealed.*
33   ~~52052.5. (a) The Superintendent of Public Instruction shall~~
34   ~~establish a broadly representative and diverse advisory committee~~
35   ~~to advise the Superintendent of Public Instruction and the State~~
36   ~~Board of Education on all appropriate matters relative to the~~
37   ~~creation of the Academic Performance Index and the~~
38   ~~implementation of the Immediate Intervention/Underperforming~~
39   ~~Schools Program and the High Achieving/Improving Schools~~
40   ~~Program. Members of the advisory committee shall serve without~~

1   compensation for terms not to exceed two years. The State
2   Department of Education shall provide staff to the advisory panel.
3   (b) By July 1, 2005, the advisory committee established pursuant
4   to this section shall make recommendations to the Superintendent
5   of Public Instruction on the appropriateness and feasibility of a
6   methodology for generating a measurement of academic
7   performance by utilizing unique pupil identifiers for pupils in
8   kindergarten and any of grades 1 to 12, inclusive, and annual
9   academic achievement growth to provide a more accurate measure
10 of a school's growth over time. If appropriate and feasible, the
11 Superintendent of Public Instruction, with the approval of the State
12 Board of Education, shall thereafter implement this measurement
13 of academic performance.

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