Senate Bill No. 219

———

Passed the Senate September 11, 2007

_____

Secretary of the Senate

———

Passed the Assembly September 11, 2007

_____

Chief Clerk of the Assembly

———

This bill was received by the Governor this _____ day

of _____, 2007, at _____ o'clock ___м.

_____

Private Secretary of the Governor

CHAPTER _____

An act to add Section 52052.1 to the Education Code, relating to pupil achievement.

SB 219, Steinberg. Pupil achievement: Academic Performance Index: alternative education.

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. The Superintendent is required to establish an advisory committee to advise the Superintendent and the state board on all matters relative to the creation of the API and implementation of the Immediate Intervention/Underperforming Schools Program and the High Achieving/Improving Schools Program.

This bill, beginning July 1, 2011, would require that the API include additional information regarding test scores and other accountability data of pupils who were referred by the school or school district of residence to an alternative education program and school and school district dropout rates. The bill would require the advisory committee to recommend to the Superintendent and the state board certain matters relative to the assignment of the accountability data on pupils in alternative education programs. The requirements imposed by the bill would become operative only if local educational agencies receive a per pupil allocation prior to the 2010–11 fiscal year for implementation of the California Longitudinal Pupil Achievement Data System.

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

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

(1) The high number of children leaving school without completing their high school education poses a serious threat to children, their families, schools, and communities, and the competitiveness and well-being of the California economy. The potential adverse impacts of the high school dropout crisis include a strain on the social welfare system and a shortage of well educated Californians to fuel the 21st century economy.

(2) New research suggests that fewer than 70 percent of 9th graders in California, and fewer than 50 percent of 9th graders in some school districts, graduate from high school. More than 150,000 California high school pupils may be leaving high school each year without a diploma.

(3) If the dropout crisis is left unchecked, demographic trends suggest that the rate of future dropouts will increase. Latinos are more than twice as likely as whites to leave school before graduation. The Department of Finance estimates that the public school enrollment of Latinos will increase by 18 percent in the next 10 years. The Public Policy Institute of California predicts there will be twice as many high school dropouts in California in 2025 as there will be jobs to support them.

(4) The high school dropout crisis will have detrimental effects on some of the largest industries in California, including computer technology and software engineering, health care, manufacturing, biotechnology, the building and automotive trades, entertainment, and other sectors that rely on an adequately educated workforce with a minimum of a high school education.

(5) Dropouts impose substantial social costs on the state. They are less likely than high school graduates to be employed. The jobs they do find pay substantially lower wages. As a result, dropouts pay lower taxes and are more likely to require public welfare support. Dropouts also have poorer health and are more likely to require public health support.

(6) Dropouts are more likely to commit crimes and become incarcerated. More than 80 percent of the prisoners in California in 2005 did not graduate from high school. In 2006, each inmate cost California taxpayers an average of thirty-four thousand one

hundred fifty dollars ($34,150), according to the Department of Corrections and Rehabilitation.

(7) Families and communities play an important role in keeping children on track toward high school graduation. However, schools are responsible for creating programs that engage children of different backgrounds, interests, and skill levels, and for keeping a close watch on truancy, course failure, and behavior problems that are the markers of a pupil at risk for dropping out of school.

(b) It is the intent of the Legislature in enacting this act to reflect the public's fundamental expectation that public schools engage pupils, keep them on track for graduation, and prepare them for success after high school in college or immediate entry into a career.

SEC. 2. Section 52052.1 is added to the Education Code, to read:

52052.1. (a) Beginning July 1, 2011, in addition to the test scores specified in subparagraph (B) of paragraph (4) of subdivision (a) of Section 52052, the Academic Performance Index (API) for a school or school district shall do all of the following:

(1) Include the test scores and other accountability data of enrolled pupils who were referred by the school or school district of residence to an alternative education program, including community, community day, and continuation high schools and independent study, and be calculated by assigning all accountability data on pupils in alternative education programs, including community, community day, and continuation high schools and independent study, to the school and school district of residence to ensure that placement decisions are in the best interests of affected pupils. If a pupil is referred to an alternative education program by a juvenile court judge or other correctional or judicial official, or if the pupil is expelled pursuant to subdivision (a), (b), or (c) of Section 48915, the test scores of that pupil shall remain with the alternative education program and with the school district or county office of education serving that pupil. This section does not prohibit the alternative education program from counting the test scores of those pupils served in their alternative education program. It is the intent of the Legislature that these alternative education programs remain accountable to the pupils they serve.

(2) Exclude the test scores or other data of those pupils exempt pursuant to federal statute or federal regulation.

(3) Include school and school district dropout rates for pupils who drop out of school while enrolled in grade 8 or 9. If reliable data is not available by July 1, 2011, the Superintendent, on or before that date, shall report to the Legislature the reasons for the delay and date he or she anticipates the specified dropout rates will be included in the API.

(b) The advisory committee established pursuant to Section 52052.5 shall recommend to the Superintendent and the state board all of the following:

(1) The length of time for which the accountability data on pupils in alternative education programs shall be assigned to the school and school district of residence pursuant to paragraph (1) of subdivision (a).

(2) Whether it is appropriate to assign accountability data to the school or the school district, pursuant to paragraph (1) of subdivision (a), if the pupil never attended the school of residence or has been absent for more than one year from the school district of residence due to placement in another school or school district or out of state.

(c) This section shall become operative only if local educational agencies receive a per pupil allocation prior to the 2010–11 fiscal year for implementation of the California Longitudinal Pupil Achievement Data System established pursuant to Section 60900.

Approved _____, 2007

_____
                                    Governor