

**Assembly Bill No. 532**

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Passed the Assembly September 7, 2011

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*Chief Clerk of the Assembly*

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Passed the Senate September 1, 2011

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

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

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

## LEGISLATIVE COUNSEL'S DIGEST

AB 532, V. Manuel Pérez. Pupil assessments.

Existing law, the Public Schools Accountability Act of 1999, 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 California's assessments to be valid, reliable, and comparable for pupils who are limited English proficient and for pupils with developmental disabilities. The bill would require any primary language assessment developed by the State Department of Education and administered to limited-English-proficient pupils, as identified pursuant to existing law, to be considered for inclusion in the state's assessment system, or in any successor system, and in any measure or index developed or used for the state's federal and state accountability system and any successor system. The bill would also require any successor system to the state's assessment system adopted on or after the effective date of this act to include accommodations and variations for limited-English-proficient pupils, as determined by the Superintendent of Public Instruction.

The bill would require any existing advisory committee, work group, task force, or technical assistance group that is operating on or after July 1, 2012, and that is either required by the Legislature or the Governor, or established by the Superintendent or the State Board of Education, to provide recommendations to the Superintendent and the state board on state or federal assessment or accountability systems, to provide to the Superintendent and the state board additional recommendations relating to systems of assessment and accountability.

The bill would make these provisions operative on July 1, 2012.

This bill would also make various findings and declarations.

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

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

(3) The current academic assessment system does not allow pupils with limited English proficiency to accurately demonstrate their abilities in academic subject areas.

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

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

(6) An accountability system that would yield more accurate data on the academic ability of pupils with limited English proficiency is needed for instructional use and to meet federal requirements.

(7) Local educational agencies should not experience negative consequences solely based on the scores of recent immigrant pupils on tests that do not provide valid and reliable information about what these pupils know and can do in academic subject areas.

(b) California's current assessment and accountability system will sunset in 2013 and the development of a new generation of assessments aligned to the recently approved common core academic content standards is occurring at the national level.

(c) It is therefore the intent of the Legislature to bring the system of assessing the academic progress of pupils with limited English proficiency into alignment with the requirements of the federal

No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.), including the requirement that states test all pupils in a valid and reliable manner and, to the extent practicable, in the language and form most likely to yield accurate data on academic ability in academic subject areas.

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

52052.7. (a) California's state assessments shall be valid, reliable, and comparable for pupils who are limited English proficient and for pupils with developmental disabilities, and the provision of accommodations shall enable their participation in these state assessments pursuant to the core assurances of the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5).

(b) Any successor system to the state assessment system adopted on or after the effective date of this section shall include accommodations and variations for limited-English-proficient pupils that will allow for meaningful participation in the English language assessments and that address the unique linguistic and sociocultural needs of the limited-English-proficient pupil without altering the test construct. The Superintendent, in consultation with persons with demonstrated experience in developing academic assessments specific to English learners, shall determine the accommodations and variations used in any successor system.

(c) (1) Any primary language assessment developed by the department and administered to pupils identified as limited English proficient, pursuant to subdivision (m) of Section 52163 and Sections 52164.1 and 60810, shall be considered for inclusion in the state's assessment system, or in any successor system, and shall be considered for inclusion in any measure or index that is developed or used for the purposes of the state's federal and state accountability system or any successor system.

(2) The primary language assessment developed pursuant to this section shall meet the requirements regarding validity, reliability, and comparability as specified by the testing standards jointly developed by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.

(3) Pupils identified as limited English proficient pursuant to subdivision (m) of Section 52163 and Sections 52164.1 and 60810

and who either receive instruction in their primary language or have been enrolled in a school in the United States for less than 12 months, shall be authorized to take the primary language assessment.

(d) (1) Any existing advisory committee, work group, task force, or technical assistance group that is operating on or after July 1, 2012, and that is either required by the Legislature or the Governor, or established by the Superintendent or the state board, to provide recommendations to the Superintendent and the state board on state or federal assessment or accountability systems, shall provide recommendations to the Superintendent and the state board on all of the following:

(A) Whether to include primary language assessments and their scores in the state's systems of assessment and in any successor state or federal systems of assessment and accountability.

(B) How to include the accommodations and variations in the state's successor assessment system as specified in subdivision (b).

(C) How to include data on pupils who are English learners, their program of instruction, and their English proficiency level as determined by the California English Language Development Test in the current state system of public school accountability, or any successor system.

(D) Whether to include disaggregated scores, based on limited-English-proficient status, English language proficiency levels, English-only pupils, fluent-English-proficient pupils, and limited-English-proficient pupils who have been redesignated as fluent-English-proficient in the current state system of public school accountability, or any successor system.

(2) Any group identified in paragraph (1) shall include persons with demonstrated expertise in developing academic assessments specific to English learners and persons with demonstrated experience in research and data specific to English learners.

(e) This section shall become operative on July 1, 2012.





Approved \_\_\_\_\_, 2011

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*Governor*