

AMENDED IN ASSEMBLY AUGUST 29, 2012

AMENDED IN ASSEMBLY AUGUST 24, 2012

AMENDED IN ASSEMBLY JULY 5, 2012

AMENDED IN ASSEMBLY JUNE 14, 2012

SENATE BILL

No. 1458

Introduced by Senator Steinberg
(Principal coauthor: Assembly Member Bonilla)

February 24, 2012

An act to amend Section 52052 of, and to add Section 52052.9 to, the Education Code, relating to school accountability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1458, as amended, Steinberg. School accountability: Academic Performance Index: graduation rates.

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) that measures the performance of schools and the academic performance of pupils. Under existing law, the API consists of a variety of indicators, including graduation rates for pupils in secondary schools, and is used to measure the progress of specified schools and to rank all public schools for the purpose of the High Achieving/Improving Schools Program. Existing law requires the Superintendent to determine the accuracy of high school graduation rate data before including that data in the API, and to provide an annual report to the Legislature on graduation and dropout rates, as specified.

This bill would authorize the Superintendent to develop and implement a specified program of school quality review to complement

the API, if an appropriation for this purpose is made in the annual Budget Act. The bill would require the Superintendent to annually provide to local educational agencies and the public an explanation of the individual components of the API and their relative values, as specified, and would prohibit an additional element from being incorporated into the API until at least one full school year after the state board's decision to include the element into the API. The bill would also require the Superintendent to annually determine the accuracy of graduation rate data, and would delete the requirement that the Superintendent report annually to the Legislature on graduation and dropout rates. The bill would authorize the Superintendent to incorporate into the API the rates at which pupils successfully promote from one grade to the next in middle school and high school and matriculate from middle school to high school, as well as pupil preparedness for postsecondary education and career. The bill would delete the requirement that the API be used to measure the progress of specified schools and to rank all public schools for the purpose of the High Achieving/Improving Schools Program. To the extent this bill would require school districts to report additional data for purposes of inclusion in the API or other school quality review, the bill would impose a state-mandated local program.

Existing law provides that pupil scores from certain standards-based achievement tests and the high school exit examination be incorporated into the API, as specified. Under existing law, the results of these tests constitute at least 60% of the value of the index.

This bill would instead require that these test results constitute no more than 60% of the value of the index for secondary schools, commencing with the baseline API calculation in 2016, and for each year thereafter, ~~and constitute at least 40% of the value of the index for primary and middle schools.~~

This bill would require the Superintendent, on or before October 1, 2013, to report to the Legislature a method for increasing emphasis on pupil mastery of standards in science and social science through the system of public school accountability or by other means and an alternative method or methods, in place of decile rank, for determining eligibility, preferences, or priorities for any statutory program that uses decile rank as a determining factor.

This bill would incorporate additional changes in Section 52052 of the Education Code, proposed by AB 1668, to be operative only if AB

1668 and this bill are both chaptered and become effective January 1, 2013, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The state's primary accountability measure for public
4 schools, the Academic Performance Index (API), has performed
5 an important function and has served as a compass by which
6 schools have directed their efforts to improve.

7 (b) The API has been limited, however, by an overreliance on
8 the Standardized Testing and Reporting Program as the chief
9 indicator of a school's performance. Statute requires dropout and
10 graduation rates to be included in a school's API score, but those
11 rates have not yet been incorporated. The API does not indicate
12 the degree to which a school has prepared its pupils for success in
13 postsecondary education and career.

14 (c) The transition to new common core academic content
15 standards and the new assessments that will accompany those
16 standards present an opportunity for the state to reexamine its
17 system of public school accountability, the goals for its public
18 schools, and the most appropriate methods to measure progress
19 towards those goals.

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

22 52052. (a) (1) The Superintendent, with approval of the state
23 board, shall develop an Academic Performance Index (API), to
24 measure the performance of schools, especially the academic
25 performance of pupils.

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

1 (ii) The number of pupils entering grade 9 for the first time in
2 the school year three school years before the current school year,
3 plus the number of pupils who transferred into the class graduating
4 at the end of the current school year between the school year that
5 was three school years before the current school year and the date
6 of graduation, less the number of pupils who transferred out of the
7 school between the school year that was three school years before
8 the current school year and the date of graduation who were
9 members of the class that is graduating at the end of the current
10 school year.

11 (iii) Five-year graduation rates shall be calculated by taking the
12 number of pupils who graduated on time for the current school
13 year, which is considered to be four school years after the pupils
14 entered grade 9 for the first time, and dividing that number by the
15 total calculated in clause (iv).

16 (iv) The number of pupils entering grade 9 for the first time in
17 the school year four years before the current school year, plus the
18 number of pupils who transferred into the class graduating at the
19 end of the current school year between the school year that was
20 four school years before the current school year and the date of
21 graduation, less the number of pupils who transferred out of the
22 school between the school year that was four years before the
23 current school year and the date of graduation who were members
24 of the class that is graduating at the end of the current school year.

25 (v) Six-year graduation rates shall be calculated by taking the
26 number of pupils who graduated on time for the current school
27 year, which is considered to be five school years after the pupils
28 entered grade 9 for the first time, and dividing that number by the
29 total calculated in clause (vi).

30 (vi) The number of pupils entering grade 9 for the first time in
31 the school year five years before the current school year, plus the
32 number of pupils who transferred into the class graduating at the
33 end of the current school year between the school year that was
34 five school years before the current school year and the date of
35 graduation, less the number of pupils who transferred out of the
36 school between the school year that was five years before the
37 current school year and the date of graduation who were members
38 of the class that is graduating at the end of the current school year.

39 (D) The inclusion of five- and six-year graduation rates for
40 pupils in secondary schools shall meet the following requirements:

1 (i) Schools shall be granted one-half the credit in their API
2 scores for graduating pupils in five years that they are granted for
3 graduating pupils in four years.

4 (ii) Schools shall be granted one-quarter the credit in their API
5 scores for graduating pupils in six years that they are granted for
6 graduating pupils in four years.

7 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted
8 full credit in their API scores for graduating in five or six years a
9 pupil with disabilities who graduates in accordance with his or her
10 individualized education program.

11 (E) The pupil data collected for the API that comes from the
12 achievement test administered pursuant to Section 60640 and the
13 high school exit examination administered pursuant to Section
14 60851, when fully implemented, shall be disaggregated by special
15 education status, English learners, socioeconomic status, gender,
16 and ethnic group. Only the test scores of pupils who were counted
17 as part of the enrollment in the annual data collection of the
18 California Basic Educational Data System for the current fiscal
19 year and who were continuously enrolled during that year may be
20 included in the test result reports in the API score of the school.

21 (F) (i) Commencing with the baseline API calculation in 2016,
22 and for each year thereafter, results of the achievement test and
23 other tests specified in subdivision (b) shall constitute no more
24 than 60 percent of the value of the index for secondary schools.

25 (ii) In addition to the elements required by this paragraph, the
26 Superintendent, with approval of the state board, may incorporate
27 into the index for secondary schools valid, reliable, and stable
28 measures of pupil preparedness for postsecondary education and
29 career.

30 (G) Results of the achievement test and other tests specified in
31 subdivision (b) shall constitute at least ~~40~~ 60 percent of the value
32 of the index for primary schools and middle schools.

33 (H) It is the intent of the Legislature that the state's system of
34 public school accountability be more closely aligned with both the
35 public's expectations for public education and the workforce needs
36 of the state's economy. It is therefore necessary that the
37 accountability system evolve beyond its narrow focus on pupil test
38 scores to encompass other valuable information about school
39 performance, including, but not limited to, pupil preparedness for

1 college and career, as well as the high school graduation rates
2 already required by law.

3 (I) The Superintendent shall annually determine the accuracy
4 of graduation rate data. Notwithstanding any other law, graduation
5 rates for pupils in dropout recovery high schools shall not be
6 included in the API. For purposes of this subparagraph, “dropout
7 recovery high school” means a high school in which 50 percent
8 or more of its pupils have been designated as dropouts pursuant
9 to the exit/withdrawal codes developed by the department.

10 (J) To complement the API, the Superintendent, with the
11 approval of the state board, may develop and implement a program
12 of school quality review that features locally convened panels to
13 visit schools, observe teachers, interview pupils, and examine pupil
14 work, if an appropriation for this purpose is made in the annual
15 Budget Act.

16 (K) The Superintendent shall annually provide to local
17 educational agencies and the public a transparent and
18 understandable explanation of the individual components of the
19 API and their relative values within the API.

20 (L) An additional element chosen by the Superintendent and
21 the state board for inclusion in the API pursuant to this paragraph
22 shall not be incorporated into the API until at least one full school
23 year after the state board’s decision to include the element into the
24 API.

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

28 (1) The standards-based achievement tests provided for in
29 Section 60642.5.

30 (2) The high school exit examination.

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

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

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

22 (e) (1) A school with 11 to 99 pupils with valid test scores shall
23 receive an API score with an asterisk that indicates less statistical
24 certainty than API scores based on 100 or more test scores.

25 (2) A school annually shall receive an API score, unless the
26 Superintendent determines that an API score would be an invalid
27 measure of the performance of the school for one or more of the
28 following reasons:

29 (A) Irregularities in testing procedures occurred.

30 (B) The data used to calculate the API score of the school are
31 not representative of the pupil population at the school.

32 (C) Significant demographic changes in the pupil population
33 render year-to-year comparisons of pupil performance invalid.

34 (D) The department discovers or receives information indicating
35 that the integrity of the API score has been compromised.

36 (E) Insufficient pupil participation in the assessments included
37 in the API.

38 (3) If a school has fewer than 100 pupils with valid test scores,
39 the calculation of the API or adequate yearly progress pursuant to
40 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301

1 et seq.) and federal regulations may be calculated over more than
2 one annual administration of the tests administered pursuant to
3 Section 60640 and the high school exit examination administered
4 pursuant to Section 60851, consistent with regulations adopted by
5 the state board.

6 (f) Only schools with 100 or more test scores contributing to
7 the API may be included in the API rankings.

8 (g) The Superintendent, with the approval of the state board,
9 shall develop an alternative accountability system for schools under
10 the jurisdiction of a county board of education or a county
11 superintendent of schools, community day schools, nonpublic,
12 nonsectarian schools pursuant to Section 56366, and alternative
13 schools serving high-risk pupils, including continuation high
14 schools and opportunity schools. Schools in the alternative
15 accountability system may receive an API score, but shall not be
16 included in the API rankings.

17 *SEC. 2.5. Section 52052 of the Education Code is amended to*
18 *read:*

19 52052. (a) (1) The Superintendent, with approval of the state
20 board, shall develop an Academic Performance Index (API), to
21 measure the performance of schools, especially the academic
22 performance of pupils.

23 (2) A school shall demonstrate comparable improvement in
24 academic achievement as measured by the API by all numerically
25 significant pupil subgroups at the school, including:

26 (A) Ethnic subgroups.

27 (B) Socioeconomically disadvantaged pupils.

28 (C) English-language learners.

29 (D) Pupils with disabilities.

30 (3) (A) For purposes of this section, a numerically significant
31 pupil subgroup is one that meets both of the following criteria:

32 (i) The subgroup consists of at least 50 pupils each of whom
33 has a valid test score.

34 (ii) The subgroup constitutes at least 15 percent of the total
35 population of pupils at a school who have valid test scores.

36 (B) If a subgroup does not constitute 15 percent of the total
37 population of pupils at a school who have valid test scores, the
38 subgroup may constitute a numerically significant pupil subgroup
39 if it has at least 100 valid test scores.

1 (C) For a school with an API score that is based on no fewer
2 than 11 and no more than 99 pupils with valid test scores,
3 numerically significant *pupil* subgroups shall be defined by the
4 Superintendent, with approval by the state board.

5 (4) (A) The API shall consist of a variety of indicators currently
6 reported to the department, including, but not limited to, the results
7 of the achievement test administered pursuant to Section 60640,
8 attendance rates for pupils in elementary schools, middle schools,
9 and secondary schools, and the graduation rates for pupils in
10 secondary schools.

11 (B) *The Superintendent, with the approval of the state board,*
12 *may also incorporate into the API the rates at which pupils*
13 *successfully promote from one grade to the next in middle school*
14 *and high school, and successfully matriculate from middle school*
15 *to high school.*

16 (A)

17 (C) Graduation rates for pupils in secondary schools shall be
18 calculated for the API as follows:

19 (i) Four-year graduation rates shall be calculated by taking the
20 number of pupils who graduated on time for the current school
21 year, which is considered to be three school years after the pupils
22 entered grade 9 for the first time, and dividing that number by the
23 total calculated in clause (ii).

24 (ii) The number of pupils entering grade 9 for the first time in
25 the school year three school years ~~prior to~~ *before* the current school
26 year, plus the number of pupils who transferred into the class
27 graduating at the end of the current school year between the school
28 year that was three school years ~~prior to~~ *before* the current school
29 year and the date of graduation, less the number of pupils who
30 transferred out of the school between the school year that was three
31 school years ~~prior to~~ *before* the current school year and the date
32 of graduation who were members of the class that is graduating at
33 the end of the current school year.

34 (iii) Five-year graduation rates shall be calculated by taking the
35 number of pupils who graduated on time for the current school
36 year, which is considered to be four school years after the pupils
37 entered grade 9 for the first time, and dividing that number by the
38 total calculated in clause (iv).

39 (iv) The number of pupils entering grade 9 for the first time in
40 the school year four years ~~prior to~~ *before* the current school year,

1 plus the number of pupils who transferred into the class graduating
2 at the end of the current school year between the school year that
3 was four school years ~~prior to~~ *before* the current school year and
4 the date of graduation, less the number of pupils who transferred
5 out of the school between the school year that was four years ~~prior~~
6 ~~to~~ *before* the current school year and the date of graduation who
7 were members of the class that is graduating at the end of the
8 current school year.

9 (v) Six-year graduation rates shall be calculated by taking the
10 number of pupils who graduated on time for the current school
11 year, which is considered to be five school years after the pupils
12 entered grade 9 for the first time, and dividing that number by the
13 total calculated in clause (vi).

14 (vi) The number of pupils entering grade 9 for the first time in
15 the school year five years ~~prior to~~ *before* the current school year,
16 plus the number of pupils who transferred into the class graduating
17 at the end of the current school year between the school year that
18 was five school years ~~prior to~~ *before* the current school year and
19 the date of graduation, less the number of pupils who transferred
20 out of the school between the school year that was five years ~~prior~~
21 ~~to~~ *before* the current school year and the date of graduation who
22 were members of the class that is graduating at the end of the
23 current school year.

24 ~~(B)~~

25 (D) The inclusion of five- and six-year graduation rates for
26 pupils in secondary schools shall meet the following requirements:

27 (i) Schools shall be granted one-half the credit in their API
28 scores for graduating pupils in five years that they are granted for
29 graduating pupils in four years.

30 (ii) Schools shall be granted one-quarter the credit in their API
31 scores for graduating pupils in six years that they are granted for
32 graduating pupils in four years.

33 (iii) Notwithstanding clauses (i) and (ii), schools shall be granted
34 full credit in their API scores for graduating in five or six years a
35 pupil with disabilities who graduates in accordance with his or her
36 individualized education program ~~(IEP)~~.

37 ~~(C)~~

38 (E) The pupil data collected for the API that comes from the
39 achievement test administered pursuant to Section 60640 and the
40 high school exit examination administered pursuant to Section

1 60851, when fully implemented, shall be disaggregated by special
2 education status, English language learners, socioeconomic status,
3 gender, and ethnic group. Only the test scores of pupils who were
4 counted as part of the enrollment in the annual data collection of
5 the California Basic Educational Data System for the current fiscal
6 year and who were continuously enrolled during that year may be
7 included in the test result reports in the API score of the school.

8 Results

9 *(F) (i) Commencing with the baseline API calculation in 2016,*
10 *and for each year thereafter, results of the achievement test and*
11 *other tests specified in subdivision (b) shall constitute at least no*
12 *more than 60 percent of the value of the index for secondary*
13 *schools.*

14 *(ii) In addition to the elements required by this paragraph, the*
15 *Superintendent, with approval of the state board, may incorporate*
16 *into the index for secondary schools valid, reliable, and stable*
17 *measures of pupil preparedness for postsecondary education and*
18 *career.*

19 *(G) Results of the achievement test and other tests specified in*
20 *subdivision (b) shall constitute at least 60 percent of the value of*
21 *the index for primary schools and middle schools.*

22 *(H) It is the intent of the Legislature that the state's system of*
23 *public school accountability be more closely aligned with both the*
24 *public's expectations for public education and the workforce needs*
25 *of the state's economy. It is therefore necessary that the*
26 *accountability system evolve beyond its narrow focus on pupil test*
27 *scores to encompass other valuable information about school*
28 *performance, including, but not limited to, pupil preparedness for*
29 *college and career, as well as the high school graduation rates*
30 *already required by law.*

31 ~~*(D) Before including high school graduation rates and attendance*~~
32 ~~*rates in the API, the*~~

33 ~~*(I) The Superintendent shall annually determine the extent to*~~
34 ~~*which the data currently are reported to the state and the accuracy*~~
35 ~~*of the graduation rate data. Notwithstanding any other provision*~~
36 ~~*of law, graduation rates for pupils in dropout recovery high schools*~~
37 ~~*shall not be included in the API. For purposes of this subparagraph,*~~
38 ~~*“dropout recovery high school” means a high school in which 50*~~
39 ~~*percent or more of its pupils have been designated as dropouts*~~
40 ~~*pursuant to the exit/withdrawal codes developed by the department*~~

1 *or left a school and were not otherwise enrolled in a school for a*
2 *period of at least 180 days.*

3 ~~(E) The Superintendent shall provide an annual report to the~~
4 ~~Legislature on the graduation and dropout rates in California and~~
5 ~~shall make the same report available to the public. The report shall~~
6 ~~be accompanied by the release of publicly accessible data for each~~
7 ~~school district and school in a manner that provides for~~
8 ~~disaggregation based upon socioeconomically disadvantaged pupils~~
9 ~~and numerically significant subgroups scoring below average on~~
10 ~~statewide standards-aligned assessments. In addition, the data shall~~
11 ~~be made available in a manner that provides for comparisons of a~~
12 ~~minimum of three years of data.~~

13 *(J) To complement the API, the Superintendent, with the*
14 *approval of the state board, may develop and implement a program*
15 *of school quality review that features locally convened panels to*
16 *visit schools, observe teachers, interview pupils, and examine pupil*
17 *work, if an appropriation for this purpose is made in the annual*
18 *Budget Act.*

19 *(K) The Superintendent shall annually provide to local*
20 *educational agencies and the public a transparent and*
21 *understandable explanation of the individual components of the*
22 *API and their relative values within the API.*

23 *(L) An additional element chosen by the Superintendent and the*
24 *state board for inclusion in the API pursuant to this paragraph*
25 *shall not be incorporated into the API until at least one full school*
26 *year after the state board's decision to include the element into*
27 *the API.*

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

31 (1) The standards-based achievement tests provided for in
32 Section 60642.5.

33 (2) The high school exit examination.

34 (c) Based on the API, the Superintendent shall develop, and the
35 state board shall adopt, expected annual percentage growth targets
36 for all schools based on their API baseline score from the previous
37 year. Schools are expected to meet these growth targets through
38 effective allocation of available resources. For schools below the
39 statewide API performance target adopted by the state board
40 pursuant to subdivision (d), the minimum annual percentage growth

1 target shall be 5 percent of the difference between the actual API
2 score of a school and the statewide API performance target, or one
3 API point, whichever is greater. Schools at or above the statewide
4 API performance target shall have, as their growth target,
5 maintenance of their API score above the statewide API
6 performance target. However, the state board may set differential
7 growth targets based on grade level of instruction and may set
8 higher growth targets for the lowest performing schools because
9 they have the greatest room for improvement. To meet its growth
10 target, a school shall demonstrate that the annual growth in its API
11 is equal to or more than its schoolwide annual percentage growth
12 target and that all numerically significant pupil subgroups, as
13 defined in subdivision (a), are making comparable improvement.

14 (d) Upon adoption of state performance standards by the state
15 board, the Superintendent shall recommend, and the state board
16 shall adopt, a statewide API performance target that includes
17 consideration of performance standards and represents the
18 proficiency level required to meet the state performance target.
19 When the API is fully developed, schools, at a minimum, shall
20 meet their annual API growth targets to be eligible for the
21 Governor's Performance Award Program as set forth in Section
22 52057. The state board may establish additional criteria that schools
23 must meet to be eligible for the Governor's Performance Award
24 Program.

25 ~~(e) The API shall be used for both of the following:~~

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

29 ~~(2) Ranking all public schools in the state for the purpose of the~~
30 ~~High Achieving/Improving Schools Program pursuant to Section~~
31 ~~52056.~~

32 ~~(f)~~

33 (e) (1) A school with 11 to 99 pupils with valid test scores shall
34 receive an API score with an asterisk that indicates less statistical
35 certainty than API scores based on 100 or more test scores.

36 (2) A school annually shall receive an API score, unless the
37 Superintendent determines that an API score would be an invalid
38 measure of the performance of the school for one or more of the
39 following reasons:

40 (A) Irregularities in testing procedures occurred.

1 (B) The data used to calculate the API score of the school are
2 not representative of the pupil population at the school.

3 (C) Significant demographic changes in the pupil population
4 render year-to-year comparisons of pupil performance invalid.

5 (D) The department discovers or receives information indicating
6 that the integrity of the API score has been compromised.

7 (E) Insufficient pupil participation in the assessments included
8 in the API.

9 (3) If a school has fewer than 100 pupils with valid test scores,
10 the calculation of the API or adequate yearly progress pursuant to
11 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
12 et seq.) and federal regulations may be calculated over more than
13 one annual administration of the tests administered pursuant to
14 Section 60640 and the high school exit examination administered
15 pursuant to Section 60851, consistent with regulations adopted by
16 the state board.

17 ~~(g)~~

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

20 ~~(h)~~

21 (g) The Superintendent, with the approval of the state board,
22 shall develop an alternative accountability system for schools under
23 the jurisdiction of a county board of education or a county
24 superintendent of schools, community day schools, nonpublic,
25 nonsectarian schools pursuant to Section 56366, and alternative
26 schools serving high-risk pupils, including continuation high
27 schools and opportunity schools. Schools in the alternative
28 accountability system may receive an API score, but shall not be
29 included in the API rankings.

30 SEC. 3. Section 52052.9 is added to the Education Code, to
31 read:

32 52052.9. (a) On or before October 1, 2013, the Superintendent
33 shall report to the Legislature and recommend to the state board
34 for adoption a method or methods for increasing the emphasis on
35 pupil mastery of standards in science and social science through
36 the system of public school accountability or by other means.

37 (b) On or before October 1, 2013, the Superintendent, in
38 consultation with the advisory committee established pursuant to
39 Section 52052.5, shall report to the Legislature an alternative
40 method or methods, in place of decile rank, for determining

1 eligibility, preferences, or priorities for any statutory program that
2 currently uses decile rank as a determining factor.

3 *SEC. 4. Section 2.5 of this bill incorporates amendments to*
4 *Section 52052 of the Education Code proposed by both this bill*
5 *and Assembly Bill 1668. It shall only become operative if (1) both*
6 *bills are enacted and become effective on or before January 1,*
7 *2013, (2) each bill amends Section 52052 of the Education Code,*
8 *and (3) this bill is enacted after Assembly Bill 1668, in which case*
9 *Section 2 of this bill shall not become operative.*

10 ~~SEC. 4.~~

11 *SEC. 5.* If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.