

AMENDED IN SENATE APRIL 1, 2013

SENATE BILL

No. 512

Introduced by Senator Wyland

February 21, 2013

An act to amend ~~Section 51005~~ *Sections 60850 and 60851* of the Education Code, relating to pupil ~~instruction~~ *assessment*.

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as amended, Wyland. ~~Education programs: resources of fairs and youth leadership activities.~~ *Pupil assessment: high school exit examination: United States history and government.*

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop a high school exit examination in English language arts and mathematics in accordance with state academic content standards. Existing law requires, commencing with the 2003–04 school year and each school year thereafter, each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law requires that each pupil take the high school exit examination in grade 10 beginning in the 2001–02 school year and allows each pupil to take the examination during each subsequent administration, until each section of the examination has been passed.

This bill would require the Superintendent, with the approval of the state board, to develop an additional section to be included in the high school exit examination that tests United States history and government in accordance with the statewide academically rigorous content standards for history-social science adopted by the state board, as specified. The bill would require the Superintendent to subject the United

States history and government section to specified field testing and review requirements before adoption by the state board. The bill would require the state board, by January 1, 2016, to adopt a United States history and government section developed by the Superintendent for inclusion in the high school exit examination. The bill would require, commencing with the 2019–20 school year and each school year thereafter, each pupil completing grade 12, in addition to successfully passing the English language arts and mathematics sections of the high school exit examination, to successfully pass the United States history and government section adopted by the state board. The bill would require, commencing with the 2017–18 school year, each pupil to take the high school exit examination, including the United States history and government section, in grade 10 and would allow each pupil to take the examination during each subsequent administration, until each section of the examination has been passed. The bill would make conforming changes and other nonsubstantive changes.

~~Existing law provides that the Legislature recognizes that all pupils need to be provided with opportunities to explore and make career choices and to seek appropriate instruction and training to support those choices. Existing law requires, in carrying out these provisions, the State Department of Education to annually encourage school districts to plan programs and activities which utilize the resources of fairs and youth leadership activities.~~

~~This bill would make nonsubstantive changes to the latter provision.~~

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

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

1 SECTION 1. Section 60850 of the Education Code is amended
2 to read:
3 60850. (a) The Superintendent of Public Instruction, with the
4 approval of the State Board of Education *state board*, shall develop
5 a high school exit examination in English language arts and
6 mathematics in accordance with the statewide academically
7 rigorous content standards adopted by the State Board of Education
8 *state board* pursuant to Section 60605. To facilitate the
9 development of the examination, the ~~superintendent~~ *Superintendent*
10 shall review any existing high school subject matter examinations
11 that are linked to, or can be aligned with, the statewide

1 academically rigorous content standards for English language arts
2 and mathematics adopted by the ~~State Board of Education~~ *state*
3 *board*. By October 1, 2000, the ~~State Board of Education~~ *state*
4 *board* shall adopt a high school exit examination that is aligned
5 with statewide academically rigorous content standards.

6 (b) *The Superintendent, with the approval of the state board,*
7 *shall develop an additional section to be included in the high*
8 *school exit examination that tests United States history and*
9 *government in accordance with the statewide academically*
10 *rigorous content standards for history-social science adopted by*
11 *the state board pursuant to Section 60605. Before adoption by the*
12 *state board, the Superintendent shall subject the United States*
13 *history and government section to the field testing and review*
14 *requirements specified in subdivisions (d) and (e). By January 1,*
15 *2016, the state board shall adopt a United States history and*
16 *government section developed pursuant to this subdivision for*
17 *inclusion in the high school exit examination.*

18 ~~(b)~~

19 (c) ~~The Superintendent of Public Instruction,~~ with the approval
20 of the ~~State Board of Education~~ *state board*, shall establish a High
21 School Exit Examination Standards Panel to assist in the design
22 and composition of the exit examination and to ensure that the
23 examination is aligned with statewide academically rigorous
24 content standards. Members of the panel shall include, but are not
25 limited to, teachers, administrators, school board members, parents,
26 and the general public. Members of the panel shall serve without
27 compensation for a term of two years and shall be representative
28 of the state's ethnic and cultural diversity and gender balance. The
29 ~~superintendent~~ *Superintendent* shall also make the best effort to
30 ensure representation of the state's diversity relative to urban,
31 suburban, and rural areas. The ~~State Department of Education~~
32 *department* shall provide staff to the panel.

33 ~~(e)~~

34 (d) ~~The Superintendent of Public Instruction~~ shall require that
35 the examination be field tested before actual implementation to
36 ensure that the examination is free from bias and that its content
37 is valid and reliable.

38 ~~(d)~~

39 (e) ~~Before the State Board of Education~~ *state board* adopts the
40 exit examination, the ~~Superintendent of Public Instruction~~ shall

1 submit the examination to the Statewide Pupil Assessment Review
2 Panel established pursuant to Section 60606. The panel shall review
3 all items or questions to ensure that the content of the examination
4 complies with the requirements of Section 60614.

5 ~~(e)~~

6 ~~(f)~~ The exit examination prescribed in ~~subdivision (a)~~
7 ~~subdivisions (a) and (b)~~ shall conform to the following standards
8 or it shall not be required as a condition of graduation:

9 (1) The examination may not be administered to a pupil who
10 did not receive adequate notice as provided for in paragraph ~~(1)~~

11 ~~(2)~~ of subdivision ~~(f)~~ ~~(g)~~ regarding the test.

12 (2) The examination, regardless of federal financial participation,
13 shall comply with Title VI of the Civil Rights Act (42 U.S.C. Sec.
14 2000d et seq.), its implementing regulations (34 C.F.R. Part 100),
15 and the Equal Educational Opportunities Act of 1974 (20 U.S.C.
16 Sec. 1701).

17 (3) The examination shall have instructional and curricular
18 validity.

19 (4) The examination shall be scored as a criterion referenced
20 examination.

21 ~~(f)~~

22 ~~(g)~~ For purposes of this section, the following terms have the
23 following meanings:

24 (1) “Accommodations” means any variation in the assessment
25 environment or process that does not fundamentally alter what the
26 test measures or affect the comparability of scores.
27 “Accommodations” may include variations in scheduling, setting,
28 aids, equipment, and presentation format.

29 (2) “Adequate notice” means that the pupil and his or her parent
30 or guardian have received written notice, at the commencement
31 of the pupil’s 9th grade, and each year thereafter through the annual
32 notification process established pursuant to Section 48980, or if a
33 transfer pupil, at the time the pupil transfers. A pupil who has taken
34 the exit examination in the 10th grade is deemed to have had
35 “adequate notice” as defined in this paragraph.

36 (3) “Curricular validity” means that the examination tests for
37 content found in the instructional textbooks. For ~~the~~ purposes of
38 this section, any textbook or other instructional material adopted
39 pursuant to this code and consistent with the state’s adopted
40 curriculum frameworks shall be deemed to satisfy this definition.

1 (4) “Instructional validity” means that the examination is
2 consistent with what is expected to be taught. For the purposes of
3 this section, instruction that is consistent with the state’s adopted
4 curriculum frameworks for the subjects tested shall be deemed to
5 satisfy this definition.

6 (5) “Modification” means any variation in the assessment
7 environment or process that fundamentally alters what the test
8 measures or affects the comparability of scores.

9 ~~(g)~~

10 (h) The examination shall be offered to individuals with
11 exceptional needs, as defined in Section 56026, in accordance with
12 paragraph (17) of subsection (a) of Section 1412 of Title 20 of the
13 United States Code and Section 794 and following of Title 29 of
14 the United States Code. Individuals with exceptional needs shall
15 be administered the examination with appropriate accommodations,
16 where necessary.

17 ~~(h)~~

18 (i) Nothing in this chapter ~~shall prohibit~~ *prohibits* a school
19 district from requiring pupils to pass additional exit examinations
20 approved by the governing board of the school district as a
21 condition for graduation.

22 *SEC. 2. Section 60851 of the Education Code is amended to*
23 *read:*

24 60851. (a) Commencing with the 2003–04 school year and
25 each school year thereafter, each pupil completing grade 12 shall
26 successfully pass the high school exit examination as a condition
27 of receiving a diploma of graduation or a condition of graduation
28 from high school. *Commencing with the 2019–20 school year and*
29 *each school year thereafter, each pupil completing grade 12 shall,*
30 *in addition to successfully passing the English language arts and*
31 *mathematics sections of the high school exit examination,*
32 *successfully pass the United States history and government section*
33 *of the high school exit examination adopted by the state board*
34 *pursuant to subdivision (b) of Section 60850. Funding for the*
35 *administration of the high school exit examination shall be*
36 *provided for in the annual Budget Act. The Superintendent shall*
37 *apportion funds appropriated for this purpose to enable school*
38 *districts to meet the requirements of this subdivision and*
39 *subdivisions (b), (c), and (d). The state board shall establish the*

1 amount of funding to be apportioned per test administered, based
2 on a review of the cost per test.

3 (b) Each pupil shall take the high school exit examination in
4 grade 10 beginning in the 2001–02 school year and may take the
5 examination during each subsequent administration, until each
6 section of the examination has been passed. *Commencing with the*
7 *2017–18 school year, each pupil shall take the high school exit*
8 *examination, including the United States history and government*
9 *section adopted by the state board pursuant to subdivision (b) of*
10 *Section 60850, in grade 10 and may take the examination during*
11 *each subsequent administration, until each section of the*
12 *examination has been passed.*

13 (c) (1) At the parent or guardian’s request, a school principal
14 shall submit a request for a waiver of the requirement to
15 successfully pass the high school exit examination to the governing
16 board of the school district for a pupil with a disability who has
17 taken the high school exit examination with modifications that
18 alter what the test measures and has received the equivalent of a
19 passing score on one ~~or both~~, *two, or all* subject matter parts of
20 the high school exit examination. A governing board of a school
21 district may waive the requirement to successfully pass one ~~or~~
22 ~~both~~, *two, or all* subject matter parts of the high school exit
23 examination for a pupil with a disability if the principal certifies
24 to the governing board of the school district that the pupil has all
25 of the following:

26 (A) An individualized education program adopted pursuant to
27 the federal Individuals with Disabilities Education Act (20 U.S.C.
28 Sec. 1400 et seq.) or a plan adopted pursuant to Section 504 of the
29 federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)) in place
30 that requires the accommodations or modifications to be provided
31 to the pupil when taking the high school exit examination.

32 (B) Sufficient high school level coursework either satisfactorily
33 completed or in progress in a high school level curriculum
34 sufficient to have attained the skills and knowledge otherwise
35 needed to pass the high school exit examination.

36 (C) An individual score report for the pupil showing that the
37 pupil has received the equivalent of a passing score on the high
38 school exit examination while using a modification that
39 fundamentally alters what the high school exit examination
40 measures as determined by the state board.

1 (2) A school district shall report to the state board, in a manner
2 and by a date determined by the Superintendent, the number and
3 characteristics of waivers reviewed, granted, and denied under this
4 subdivision and any additional information determined to be in
5 furtherance of this subdivision.

6 (d) The high school exit examination shall be offered in each
7 public school and state special school that provides instruction in
8 grades 10, 11, or 12, on the dates designated by the Superintendent.
9 An exit examination may not be administered on any date other
10 than those designated by the Superintendent as examination days
11 or makeup days.

12 (e) The results of the high school exit examination shall be
13 provided to each pupil taking the examination within eight weeks
14 of the examination administration and in time for the pupil to take
15 any section of the examination not passed at the next
16 administration. A pupil shall take again only those parts of the
17 examination he or she has not previously passed and ~~may~~ shall
18 not retake any portion of the exit examination that he or she has
19 previously passed.

20 (f) Supplemental instruction shall be provided to any pupil who
21 does not demonstrate sufficient progress toward passing the high
22 school exit examination. To the extent that school districts have
23 aligned their curriculum with the state academic content standards
24 adopted by the state board, the curriculum for supplemental
25 instruction shall reflect those standards and shall be designed to
26 assist the pupils to succeed on the high school exit examination.
27 This chapter does not require the provision of supplemental
28 services using resources that are not regularly available to a school
29 or school district, including summer school instruction provided
30 pursuant to Section 37252. In no event shall any action taken as a
31 result of this subdivision cause or require reimbursement by the
32 Commission on State Mandates. Sufficient progress shall be
33 determined on the basis of either of the following:

34 (1) The results of the assessments administered pursuant to
35 Article 4 (commencing with Section 60640) of Chapter 5 of Part
36 33 and the minimum levels of proficiency ~~recommended~~ *adopted*
37 by the state board pursuant to Section 60648.

38 (2) The grades of the pupil and other indicators of academic
39 achievement designated by the school district.

1 SECTION 1. ~~Section 51005 of the Education Code is amended~~
2 ~~to read:~~
3 ~~51005. In order to carry out the intent of Section 51004, the~~
4 ~~department shall annually encourage school districts to plan~~
5 ~~programs and activities that use the resources of fairs and youth~~
6 ~~leadership activities as an integral part of the vocational~~
7 ~~instructional program and career decisionmaking.~~

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