

INFORMATION MEMORANDUM

DATE: March 30, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: B. Teri Burns, Deputy Superintendent
Government Affairs

SUBJECT: Legislative Update

It was indicated to the Board at the March 2004 meeting that Government Affairs was tracking several hundred legislative measures introduced in the second half of the 2003-2004 legislative session. Attached is a brief update of legislative proposals that relate to the six legislative priorities approved by the Board last November. Please note that the measures are in different phases of the legislative process. The status of the measures will be reflected in the update.

Attachment 1: Legislative Update (4 pages)

Legislative Update

1. **Preserve the existing assessment system including the Standardized Testing and Reporting (STAR) Program, the California High School Exit Exam (CAHSEE), and the California English Language Development Test (CELDT).**

SB 1448 (Alpert): reauthorizes the STAR program.

In its current form, this bill, sponsored by the Superintendent of Public Instruction, extends the repeal date of the act to January 1, 2011; adds that the results of the California Standardized Testing (CST) be correlated and predictive of National Assessment of Educational Progress (NAEP) at grades 4 and 8; includes intent for CST at high school to be more aligned to courses that meet A-G; and directs that results from high school CST be used for higher education placement purposes.

Proposed amendments would:

- extend the sunset by 5 years
- delete the NAEP amendment
- bring consistency in the statute with regards to "achievement tests" and "assessment of academic skills"
- clarify with intent language, standards-based assessments vs. diagnostic tests and the function of each
- change the Norm Referenced Test from grades 3 and 8 to grades 3 and 7
- release a certain percentage of CST items, and improve primary language assessments.

Scheduled to be heard on April 21, 2004, in the Senate Education Committee.

AB 2413 (Diaz): English Learners: Testing

This bill would require CDE, beginning on January 1, 2005, to develop academic assessments of English language arts and mathematics in the three primary languages of limited-English-proficient pupils, as identified in the annual language census. It would:

- require that the primary language assessments be administered to limited-English-proficient pupils who receive instruction in their primary language or who enroll in public school;
- require the assessments to be phased in by specified grade levels beginning on July 1, 2006, and require pupil data from those assessments be included in the Academic Performance Index. The bill would require CDE to use Title VI federal funds for this purpose;
- provide for the development of other primary language assessments if additional funds become available.

- provide that the tests only be administered if sufficient funding is available for that purpose
- specify that a limited-English-proficient pupil who has attended public school in the United States for 3 or more consecutive years be administered the assessments in English, beginning on July 1, 2006

This bill is scheduled to be heard in the Assembly Education Committee on April 14, 2004.

2. Maintain the accountability system, making only those minor conforming changes necessary to comply with the No Child Left Behind (NCLB) Act.

SB 1419 (Vasconcellos): School accountability: Opportunity to Learn Index:

This bill creates the Opportunities for Teaching and Learning (OTL) index as a component of the Public School Performance Accountability Program (E.C.52051). The OTL index would:

- measure the access to high-quality learning resources, conditions, and opportunities, based on specified criteria.
- include criteria such as the number of fully and properly credentialed teachers employed at the school, the availability of adequate and appropriate instructional materials, and the physical condition and maintenance of school facilities, among other things.

Scheduled to be heard on April 14, 2004, in the Senate Education Committee.

Note: SB 1419 is the same bill as SB 495 that was vetoed by Governor Davis in 2003.

AB 2360 (Daucher): Special Education: Progress

This bill would require an interagency contract between a school district, a county office of education and/or a special education local plan area and a non-public non-sectarian school. The contract should include a requirement that the non-public school report the progress made towards pupils' individualized education plan (IEP) goals as a condition of its services being continued. The bill specifies that:

- the assessments used to determine the progress shall be the same as those used by the public schools;
- the school shall participate in the Public School Performance Accountability Program (E.C. 52051), just like the public school;
- the non-public school shall test each of its pupils in accordance with the accountability program and would further be required to report the scores to the district in which it is located, in order that the results can be included in that district's reports.

This bill is scheduled to be heard in the Assembly Education Committee on April 14, 2004.

3. Encourage more submission of instructional materials by publishers that will meet California's rigorous requirements.

SB 1405 (Karnette): High School Reform: high school instructional materials: This bill, sponsored by the Superintendent of Public Instruction, would improve high school instructional materials by creating a State of California "seal of approval" to identify materials aligned to California's world-class standards.

Scheduled to be heard on April 14, 2004, in the Senate Education Committee.

4. Safeguard the academic content standards as the foundation of California's K-12 educational system.

AB 1922 (Nation): Instructional Materials: funding: This bill authorizes a school district to expend 30 percent of its IMF allowance to purchase instructional materials that are not adopted by the state board of education.

Not yet scheduled to be heard in the Assembly Education Committee.

5. Strengthen coordination between K-12 and higher education.

SB 905 (Chesbro): Educational Enrichment: As introduced, January 26, 2004, this bill revises current law on educational enrichment as it relates to concurrent enrollment of pupils in high school and community college. This bill makes changes to current law by eliminating specified requirements for and restrictions upon the admission of K-12 students to a community college summer session as special part-time or full-time students. Specifically, SB 905 would:

- delete the requirement that a student recommended for admission by the principal of a school must demonstrate adequate preparation in the discipline to be studied.
- eliminate the restriction, currently 5% of the total number of students who completed a particular grade level, on the number of students a principal may recommend for a community college summer session.

Funding may be an issue if the bill results in the redirection of fiscal resources to support increased summer concurrent enrollment

On January 27, 2004, the Senate passed this measure 35-1. Currently, the bill is awaiting action on the Assembly floor.

AB 1819 (La Malfa): Concurrent Enrollment: This bill would allow high schools to recommend up to ten percent of students who demonstrate adequate preparation in a discipline to enroll in a community college summer school course.

- This bill would delete current limitations on the authority of a principal to recommend a pupil for community college summer session.
- This bill would allow students to enroll in a community college class offered on a high school campus during normal school hours. Per the legislation, the general public must also be allowed to enroll in the community college course, which ultimately may cause additional security for high schools. This bill does not address which entity would be responsible for these incurred costs.

CDE recommends that a task force consisting of Community College Chancellor's Office, California Department of Education, Office of the Secretary of Education be formed to review all of the issues involved with concurrent enrollment and establish a comprehensive set of standards and policies.

Scheduled to be heard on March 30, 2004, in Assembly Higher Education Committee.

6. Encourage only high-quality charter schools

About 16 charter school bills have been introduced, many of which are spot bills. They cover various issues recommended by the Legislative Analyst, such as:

- specifying categorical programs included in the charter school block grant
- removing the cap on the number of charter schools in the state
- clarifying and capping the oversight fees that a charter authorizer may charge a charter school.

A few charter schools bills of interest are:

AB 1860 (Reyes): Charter Schools: A spot bill for now, but the author intends to address many of the Legislative Analyst's recommendations, including requirements for charter authorizers.

Currently, this bill is awaiting a hearing date in Assembly Education Committee.

AB 2764 (Bates, co-author Alpert): Charter Schools: Ms. Bates' second attempt to expand the types of charter authorizers. This bill would expand authorizers to include community colleges, California State Universities and Universities of California.

The measure is scheduled to be heard in the Assembly Education Committee on March 31, 2004.

AB 1726 (Ashburn): This bill, sponsored by the California Association of Charter Schools, would expand charter schools' eligibility for facility funds.

The Senate Education Committee anticipates hearing the bill on April 21, 2004.