

# Last Minute Memorandum

**To:** STATE BOARD MEMBERS **Date:** July 7, 2003

**From:** Geno Flores, Deputy Superintendent, Assessment and Accountability Branch

**Re:** ITEM #5

**Subject:** CALIFORNIA HIGH SCHOOL EXIT EXAMINATION (CAHSEE):  
PROPOSED AMENDMENTS TO TITLE 5 REGULATIONS ON THE  
CAHSEE.

The following attachments supersede the previously submitted attachments:

[Attachment 1:](#) Title 5. EDUCATION  
California State Board of Education  
Notice of Proposed Rulemaking  
California High School Exit Examination (Pages 1-4)

[Attachment 2:](#) Initial Statement of Reasons (Pages 1-3)

[Attachment 3:](#) Proposed Regulations  
Title 5. EDUCATION  
Division 1. State Department of Education  
Chapter 2. Pupils  
Subchapter 6. California High School Exit Examination  
Article 1. General (Pages 1-19)

The Notice of Proposed Rulemaking and the Initial Statement of Reasons were revised to be consistent with the proposed revisions to the CAHSEE regulations. The revisions to the regulations were mainly for clarity or consistency or were corrections. The more substantive revisions were in Sections 1216 and 1217, Modifications for Pupils or Adult Students with Disabilities. These revisions included the following:

- Section 1216(b), page 15, line 17, was revised to make this wording consistent with Education Code Section 60850(f)(5).
- Section 1216(b)(5), lines 26 and 27 were revised for clarity.
- Section 1216(d), page 16, line 1 was revised to clarify that a request for a variation is for a variation not listed in sections 1215, 1215.5, or 1216.
- Section 1217, page 16, line 14 was revised to be consistent with section 1215 and the word may was substituted for shall.

# CALIFORNIA STATE BOARD OF EDUCATION

1430 N Street; P.O. Box 944272  
Sacramento, CA 95814-5901



## TITLE 5. EDUCATION

### CALIFORNIA STATE BOARD OF EDUCATION

#### NOTICE OF PROPOSED RULEMAKING

#### California High School Exit Examination

[Notice published July 25, 2003]

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

The State Board will hold a public hearing beginning at **3:00 p.m. on Monday, September 8, 2003**, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on Monday, September 8, 2003**. The Board will consider only written comments received by the Regulations Adoption Coordinator or at the Board Office by that time (in addition to those comments received at the public hearing). Written comments for the State Board's consideration should be directed to:

Debra Strain, Regulations Adoption Coordinator  
California Department of Education  
LEGAL DIVISION  
1430 N Street, Room 5319  
Sacramento, California 94244-2720  
Telephone : (916) 319-0641  
E-mail: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)

#### AUTHORITY AND REFERENCE

Authority: Section 33031, Education Code.

Reference: Sections 48980, 49068, 52504, 56101, 56365, 60850, 60851, and 60855, Education Code.

## **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The State Board of Education proposes to adopt amendments to Sections 1200 to 1225 in Title 5 of the California Code of Regulations (CCR). These sections concern the administration of the California high school exit examination (CAHSEE) that require each pupil completing grade 12 or adult school student 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. These sections also concern the administration of the examination in each public school and state special school that provides instruction in grades 10, 11, and 12. Education Code section 33031 authorizes the State Board of Education to adopt regulations to implement, interpret and make specific these requirements.

Senate Bill 2 was enacted in June 1999 to establish the CAHSEE. The examination is offered in English/language arts and mathematics and is aligned to state content standards in these content areas.

In October 2002, Education Code section 60851 was amended effective January 1, 2003, which requires the revision and addition of regulations to clarify the underlying statute. Senate Bill (SB) 2 was enacted in June 1999. In October of 2002, Education Code section 60851 was amended by Senate Bill 1476 and became effective January 1, 2003. In addition, the previously adopted regulations for CAHSEE have been revised twice, thus existing regulations were reviewed in total to ensure that all sections are consistent with each other, and to address new issues and the new amendments to Section 60851.

The purpose of the proposed regulations is to guide districts and schools in the administration of the high school exit examination, including but not limited to definitions, data requirements, test security, and apportionment.

Section 1200 provides definitions. Sections 1203 to 1211.5 deal with administration issues, such as responsibilities of district and school test coordinators and test security. Sections 1215 to 1219.5 address accommodations, modifications and waivers for special needs students. Section 1220 specifies how cheating during test administration will be handled. Section 1225 describes how funds will be apportioned to school districts.

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

Mandate on local agencies and school districts: Fiscal analysis pending

Cost or savings to any state agency: Fiscal analysis pending

Costs to any local agency or school district which must be reimbursed in accordance with Government Code section 17561: Fiscal analysis pending

Other non-discretionary cost or savings imposed on local educational agencies: Fiscal analysis pending

Cost or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

Affect on small businesses: The proposed regulations will have no effect on small businesses because they only relate to the administration of the high school exit exam in public schools. The proposed regulations do not impose additional workload on small businesses or contractors funded by the Department.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The State Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### **CONTACT PERSONS**

Inquiries concerning the substance of the proposed regulations should be directed to:

Jan Chladek, Manager  
California Department of Education  
Standards and Assessment Division  
1430 N Street, Suite 5408  
Sacramento, CA 95814  
E-mail: [jchladek@cde.ca.gov](mailto:jchladek@cde.ca.gov)  
Telephone: (916) 319-0575

Requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based or questions on the proposed administrative action may be directed to the Regulations Adoption Coordinator.

### **AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is

published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the address on page 1 of this notice.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the State Board may adopt the proposed regulations substantially as described in this notice. If the State Board makes modifications which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before the State Board adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting the Regulations Adoption Coordinator at the address on page 1 of this notice.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, the text of the regulations in underline and strikeout, and the Final Statement of Reasons, can be accessed through the California Department of Education's website at <http://www.cde.ca.gov/regulations>.

## INITIAL STATEMENT OF REASONS

**Sections 1200, 1203, 1204, 1204.5, 1205, 1206, 1207, 1207.5, 1208, 1209, 1210, 1211, 1211.5, 1215, 1215.5, 1216, 1217, 1218, 1218.5, 1219, 1219.5, 1220, 1225 – California High School Exit Examination**

### **SPECIFIC PURPOSE OF THE REGULATIONS**

The purpose of the proposed new and amended regulations is to provide further guidance to districts and schools in the administration of the high school exit examination, including but not limited to definitions, test administration, data requirements, testing dates, test security, district and test site coordinators' responsibilities, variations, accommodations, modifications, waiver requests, cheating, and apportionment. Because the California High School Exit Examination (CAHSEE) is a high stakes exam, the proposed regulations are designed to ensure that the examination is administered in a consistent manner across school districts, that maximum test security is maintained, that treatment of cheating is provided for, and that pupils entitled to variations, accommodations or modifications receive them. The proposed regulations are also intended to ensure that necessary data on pupil participation and data required for analysis of pupil performance is collected and maintained.

The proposed regulations serve as an amendment to current regulations that govern the CAHSEE. The amended regulations are based on a careful and overall review of the entire set of regulations for clarity and consistency, as well as revisions based on new laws that remove ninth graders from testing and move the waiver process to the local district governing board.

### **NECESSITY/RATIONALE**

The State Board is revising the proposed regulations to clarify some of the definitions under Article 1 and add definitions for "district coordinator," "scribe," "test site coordinator," and "variation" in test administration. Revisions to Article 2 on Administration consist largely of reorganizing sections to streamline them and make them clearer and easier to use. Article 3 is revised to provide lists of variations, accommodations, and modifications for use on the CAHSEE. Article 3 is also revised to amend the regulations in accordance with new law (Senate Bill 1476, Ch. 808, Statutes of 2002), which moves the waiver process to the local district governing board. It also addresses state special schools and any requests that still may be made to the State Board. Article 5 on apportionment is revised to reduce paperwork.

The substantive changes to the regulations are:

#### Article 1. General.

The sections in Article 1 are intended to provide general information for the high school exit examination.

#### Section 1200 Definitions:

Section 1200 (b) was amended to clarify test administration.

Section 1200 (c) was amended to clarify that a school should determine the grade of a pupil as of the testing date.

Section 1200 (f) was added to define district coordinator.

Section 1200 (g) was added to define test site coordinator.

Section 1200 (j) was added to define a scribe.

Section 1200 (l) was added to define department.

Section 1200 (m) was added to define examination.

Section 1200 (n) was added to define a variation.

### Article 2. Administration.

This article provides guidelines to local education agencies on administration of the high school exit examination.

#### Section 1203:

Wording was changed to clarify that the test administrators are to be responsible for the accurate identification of the pupils.

#### Section 1204 Grade 10 Testing:

Wording was revised to clarify that all tenth graders are to take the test once in tenth grade.

#### Section 1204.5 Grades 11 and 12 Testing Dates:

This section was added to clarify that pupils in grades 11 and 12 should be provided up to two opportunities per year to take the examination, and should not be tested in successive administrations. This allows sufficient time for pupils to receive their test scores before re-testing if necessary. This is to ensure compliance with Education Code Section 60851 that states that no pupil who has passed an examination shall re-take it.

Section 1205, 1206, 1207 Collection of Data: These sections were amended to further clarify what data must be collected and maintained by the districts.

Sections 1209, 1210, 1211, and 1211.5 were revised to separate out and clarify the responsibilities for the district test coordinator and the test site coordinator. In addition, the sections on test security and test security forms are amended to further clarify who is responsible for ensuring security of the examination during administration and who must sign the security agreement and affidavit. All new wording is underlined in the second attachment. The issue here was that the original regulations did not clearly separate these four areas.

Article 3. Variations/Accommodations/Modifications/Waivers specify when variations, accommodations and modifications can be used while taking the examination.

Sections 1215, 1215.5, 1216 and 1217 were revised and amended.

Section 1218 Review Process for Proposed Variations in Administering the Examination was revised to clarify that this process is not for approving accommodations but rather for determining if a proposed variation or change in how the test is presented, administered, or how a test taker is allowed to respond is a variation, accommodation or modification.

Section 1218.6 Waiver Requests by the Local Governing Board was deleted because the language was amended and incorporated into Section 1216.

**TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS OR DOCUMENTS**

The State Board did not rely upon any other technical, theoretical, or empirical studies, reports or documents in proposing the adoption of these regulations.

**REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES**

The State Board has determined that no alternative considered by the State Board would be more effective in carrying out the purpose for which these regulations are proposed or would be as effective and less burdensome to the affected local educators than the adopted regulations.

**REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS**

The proposed regulations will have no adverse economic effect on small businesses because they only relate to the administration of the CAHSEE in public schools or to students placed by their districts in private schools through their Individualized Education Program (IEP).

**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The CAHSEE contract for test administration was awarded through a request for proposal, competitive bid process to Educational Testing Service. The proposed regulations provide guidance to local educational agencies, which are not businesses.

1 **Title 5. EDUCATION**

2 **Division 1. State Department of Education**

3 **Chapter 2. Pupils**

4 **Subchapter 6. California High School Exit Examination**

5 **Article 1. General**

6 *Amend Sections 1200, 1203, and 1204 to read:*

7 **§ 1200. Definitions.**

8 For the purposes of the high school exit examination, the following definitions shall apply:

9 (a) "Section," "portion," and "part(s)" of the examination shall refer to either the English/language  
10 arts section of the high school exit examination or the mathematics section of the high school exit  
11 examination.

12 (b) ~~An "Test administration" means an eligible pupil's or eligible adult student's taking both the~~  
13 ~~English/language arts and mathematics sections of the high school exit examination or either section~~  
14 ~~during a test cycle~~ is the period of time starting with the delivery of the secure testing materials to the  
15 district and ending with the return shipment of materials to the test publisher, and includes the period of  
16 time during which eligible pupils or eligible adult students take one or both sections of the examination.

17 (c) ~~"Test cycle" means one of the opportunities provided each year by the Superintendent of Public~~  
18 ~~Instruction for an eligible pupil or eligible adult student to take the high school exit examination.~~

19 (c)(d) "Grade level" for the purposes of the high school exit examination means the grade assigned to  
20 the pupil by the school district at the time of testing.

21 (d)(e) "Eligible pupil" ~~means one~~ is a person who is enrolled in a California public school in any of  
22 grades 10, 11, or 12, including those pupils placed in a non-public school through the IEP process  
23 pursuant to Education Code section 56365, who has not passed either the English/language arts section or  
24 the mathematics section of the high school exit examination.

25 (e)(f) "Eligible adult student" is a person ~~who is~~ enrolled in an adult school operated by a school  
26 district ~~and who is working to attain a high school diploma and~~ has not passed either the English/language  
27 arts section or the mathematics section of the high school exit examination. This term does not include  
28 pupils who are concurrently enrolled in high school and adult school.

29 (f) "District coordinator" is an employee of the district designated by the superintendent of the district  
30 to oversee the administration of the high school exit examination within the district.

31 (g) "Test site coordinator" is an employee of the district designated by the district coordinator or the  
32 superintendent or a person assigned by a nonpublic school to implement a student's IEP who oversees the  
33 administration of the high school exit examination at each test site at which the examination is given.

34 (h)(g) "Test administrator" ~~means~~ is a certificated employee of a school district, or a person assigned

1 by a nonpublic school to implement a student’s Individualized Education Program (IEP), who ~~has~~  
2 ~~received training in the administration of~~ administers the high school exit examination ~~from the high~~  
3 ~~school exit examination district or test site coordinator~~ to eligible pupils or eligible adult students.

4 ~~(i)(h)~~ “Test proctor” is an employee of a school district, or a person assigned by a nonpublic school to  
5 implement a pupil’s IEP, who has received training specifically designed to prepare him or her to assist  
6 the test administrator in administration of the high school exit examination.

7 (j) “Scribe” is an employee of the school district, or a person assigned by a nonpublic school to  
8 implement a pupil’s IEP and is required to transcribe a pupil’s or adult student’s responses to the format  
9 required by the examination. A family member or guardian is not eligible to be a scribe.

10 ~~(k)(i)~~ “School districts” includes school districts, county offices of education, and any independent  
11 charter school that ~~does~~ is not elect to be part of the school district or county office of education that  
12 granted the charter.

13 (l) “Department” is the California Department of Education.

14 (m) “Examination” is the high school exit examination.

15 (n) “Variation” is a change in the manner in which a test is presented or administered, or in how a test  
16 taker is allowed to respond, and includes, but is not limited to, accommodations and modifications as  
17 defined in Education Code section 60850.

18 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52504, 56365, 60850 and  
19 60851, Education Code.

## 20 **Article 2. High School Exit Examination Administration**

### 21 **§ 1203. Pupil or Adult Student Identification.**

22 ~~School personnel~~ Test administrators at the test site shall be responsible for the accurate identification  
23 of eligible pupils or adult students who are to be administered the ~~high school exit~~ examination through  
24 the use of photo-identification; or positive recognition by ~~the test administrator, or some equivalent means~~  
25 ~~of identification~~ an employee of the school district.

26 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

### 27 **§ 1204. Grade 10 Census Testing.**

28 ~~Each school district must first offer the exam to each pupil in grade 10 only at the spring~~  
29 ~~administration (March or May). If a pupil is absent at the spring administration, the school district must~~  
30 ~~offer a make-up test at the next test date designated by the Superintendent of Public Instruction or on the~~  
31 ~~next designated test date selected by the school district.~~

32 All eligible grade 10 pupils shall only take the examination once while in grade 10.

33 NOTE: Authority Cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

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*Add Section 1204.5 to read:*

**§ 1204.5 Grades 11 and 12 Testing Dates.**

Pupils in grades 11 and 12 who have not yet passed one or both sections of the examination shall have up to two opportunities per year to take the section (s) of the examination not yet passed. Districts shall not test eligible pupils in grades 11 and 12 in successive administrations within a school year. Eligible pupils in grades 11 and 12 should be offered appropriate remediation or supplemental instruction before being retested. Eligible pupils shall be provided one opportunity to pass the examination after completion of other grade 12 requirements.

NOTE: Authority Cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

*Amend Sections 1205, 1206, 1207 to read:*

**§ 1205. Documentation School District Information.**

School districts shall maintain a summary data file, as set forth below, record of all pupils ~~and adult students~~ who participate in each test ~~cycle~~ administration of the ~~high school exit~~ examination. This summary data file record shall include the following information for (1) the English/language arts section, and (2) the mathematics section, for each test ~~cycle~~ administration:

- (a) The date on which each section of the examination was ~~offered~~ taken.
- (b) The full names of each pupil ~~and adult student~~ who took each section of the examination.
- (c) The grade level of each pupil ~~who took~~ at the time each section of the examination was taken.
- (d) Whether each pupil ~~or adult student passed or did not pass the section or sections of the examination taken~~ has satisfied the requirement to successfully pass the examination for each section or sections of the examination taken.

NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851~~(d)~~, Education Code.

**§ 1206. Pupil or Adult Student Permanent Record Information.**

(a) School districts shall maintain in each pupil's ~~or adult student's~~ permanent record the following information:

- (1) The date on which the pupil ~~or adult student~~ took each section of the examination.
- (2) Whether the pupil ~~or adult student passed or did not pass each section of the examination taken~~ has satisfied the requirement to successfully pass the examination for each section or sections of the examination taken.

(b) The ~~record required by Section 1205 shall be created and~~ information required by subdivision (a) of this section shall be entered in each pupil's ~~or adult student's~~ permanent record prior to the subsequent test cycle within 60 days of receiving the electronic data files from the test publisher.

1 (c) Whenever a pupil transfers from one school district to another, the new district shall request the  
2 pupil's examination results as part of the permanent record in compliance with Education Code section  
3 49068.

4 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49068 and 60851(a) and  
5 (d), Education Code.

6 **§ 1207. Data for Analysis of Pupil ~~or Adult Student~~ Performance.**

7 (a) Each school district shall provide the test publisher with an answer document with complete  
8 demographic information for each grade 10 pupil enrolled at the time of the grade 10 census  
9 administration.

10 (b)(a) Each school district shall provide the data collected pursuant to Section 1205 to the test  
11 publisher of the high school exit examination. In addition, each school district shall provide the  
12 following demographic information for each pupil tested: ~~or adult student tested for purposes of the~~  
13 analyses required pursuant to Education Code section 60855:

14 (1) Pupil's full name

15 (2)(1) Date of birth

16 (3)(2) Grade level

17 (4)(3) Gender

18 (5)(4) Language fluency and home language

19 (6)(5) Special program participation

20 (7)(6) Participation in free or reduced priced meals

21 (8)(7) Enrolled in a school that qualifies for assistance under Title 1 of the ~~Improving America's~~  
22 Schools Act of 1994 Elementary and Secondary Education Act

23 (9)(8) Testing accommodations or modifications used during the examination

24 (10)(9) Handicapping condition or disability

25 (11)(10) Ethnicity

26 (12)(11) District mobility, school mobility, and matriculation

27 (13)(12) Parent education

28 (14)(13) Post-high school plans

29 (c)(b) The demographic information is for the purposes of aggregate analyses only and shall be  
30 provided to the test publisher and collected as part of the testing materials for the high school exit  
31 examination.

32 (d)(c) School districts shall provide the same information for each eligible pupil enrolled in an  
33 alternative or off-campus program, or for pupils placed in non-public schools, as is provided for all other  
34 eligible pupils.

1 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 56365 and 60855,  
2 Education Code.

3  
4 *Amend Sections 1208, 1209, 1210, 1211 to read:*

5 **§ 1208. Notice of the High School Exit Examination.**

6 A school district shall maintain documentation that the parent or guardian of each pupil has ~~received~~  
7 been sent written notification as required by Education Code sections 48980(~~e~~) and 60850(~~f~~)(1).

8 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 48980(~~e~~), and 60850(~~e~~) and  
9 (~~f~~), Education Code.

10 **§ 1209. High School Exit Examination District Coordinator Responsibilities.**

11 (a) On or before July 1 of each school year, the superintendent of each unified or high school  
12 district shall designate from among the employees of the school district a ~~high school exit examination~~  
13 district coordinator. The superintendent shall notify the test publisher of the high school exit examination  
14 of the identity and contact information, including electronic mail address if available, for the high school  
15 exit examination district coordinator.

16 (~~b~~) ~~The high school exit examination district coordinator's responsibilities shall include, but not be~~  
17 ~~limited to, the following:~~

18 (b) ~~The high school exit examination district coordinator, or the school district superintendent or his~~  
19 ~~or her designee,~~ shall be available throughout the year and shall serve as the liaison between the school  
20 district and the test publisher and the school district and the California Department of Education for all  
21 matters related to the ~~high school exit~~ examination.

22 (c) The district coordinator or the school district superintendent shall oversee the administration of the  
23 examination to eligible pupils or adult students, in accordance with the manuals or other instructions  
24 provided by the test publisher for administering and returning the examinations and test materials  
25 including, but not limited to, the following responsibilities:

26 (1) Responding to correspondence and inquiries from the test publisher and the Department in a  
27 timely manner and as provided in the test publisher's instructions and these regulations.

28 (2) Advising the test publisher of the selected administration dates for the coming year by November  
29 1 of the prior year.

30 (~~3~~)(2) Determining school district and individual school examination and test material needs in  
31 conjunction with the test publisher using current enrollment data.

32 (4) Completing and filing a Test Security Agreement as set forth in Section 1211.5 prior to the receipt  
33 of examinations and test materials. The Test Security Agreement shall be maintained at the district office  
34 for 12 months from the date signed.

1        (5) Identifying a test site coordinator for each test site and securing a signed Test Security Agreement  
2 from each test site coordinator in the district and from any test administrator at a nonpublic school in  
3 which a pupil has been placed by the district.

4        (6) Training all test site coordinators on the proper and secure handling of examinations and test  
5 materials, on administering the examination, and on collecting, inventorying and returning all  
6 examinations and test materials in a secure manner.

7        ~~(7)(3) Overseeing the acquisition~~ Ordering and distribution of sufficient examinations and test  
8 materials ~~to~~ for eligible pupils and adult students, including completing an electronic data file as set forth  
9 in section 1207, if the district chooses to have the test publisher pre-identify answer documents~~individual~~  
10 ~~schools and sites.~~

11        (8) Coordinating with the school test site coordinator within any required time periods the testing  
12 days for the school district and nonpublic schools which serve grade 10 through grade 12 pupils of the  
13 district.

14        ~~(4) Maintaining security over the high school exit examination and test data using the procedure set~~  
15 ~~forth in Section 1211. The high school exit examination district coordinator shall sign the Test Security~~  
16 ~~Agreement set forth in Section 1211 prior to receipt of the test materials.~~

17        ~~(5) Overseeing the administration of the high school exit examination to eligible pupils or adult~~  
18 ~~students, in accordance with the manuals or other instructions provided by the test publisher for~~  
19 ~~administering and returning the test.~~

20        ~~(9)(6) Overseeing the collection of all pupil and return of all test materials and test data as required to~~  
21 ~~comply with Sections 1205, 1206, and 1207 to the publisher within any required time periods.~~

22        ~~(7) Assisting the test publisher in the resolution of any discrepancies in the test information and~~  
23 ~~materials.~~

24        ~~(8) Ensuring that all examinations and test materials are received from school test sites within the~~  
25 ~~school district no later than the close of the school day on the school day following administration of the~~  
26 ~~high school exit examination.~~

27        ~~(10)(9) Ensuring that all the examinations and test materials received from school test sites within the~~  
28 ~~school district have been placed~~ are retained in a secure, locked location, in sealed boxes in which they  
29 were received from the test publisher, from the time they are received in the school district until the time  
30 they are delivered to the test sites ~~location by the end of the day following the administration of those~~  
31 ~~tests.~~

32        (11) Ensuring delivery of examinations and test materials to the test sites no more than five (5)  
33 working days before the examination is to be administered.

34        (12) Ensuring that all examinations and test materials are received from test sites no later than the

1 close of the school day on the school day following administration of the examination.

2 (13) Ensuring that all examinations and test materials received from test sites have been placed in a  
3 secure school district location by the end of the day following the administration of those examinations.

4 ~~(14)(10)~~ Ensuring that all examinations and test materials are inventoried, packaged, and labeled in  
5 accordance with instructions from the test publisher. The examinations and test materials shall be ready  
6 for pick-up by the test publisher at a designated location in the school district no more than five (5)  
7 working days following ~~administration completion~~ of the ~~English/language arts or the mathematics~~  
8 ~~section~~examination in the school district.

9 ~~(11) Ensuring that the high school exit examinations and test materials are retained in a secure, locked~~  
10 ~~location, in the unopened boxes in which they were received from the test publisher, from the time they are~~  
11 ~~received in the school district until the time they are delivered to the test sites.~~

12 (15) Assisting the test publisher and the Department in the resolution of any discrepancies in the test  
13 information and materials, including but not limited to, pre-identification files and the number of  
14 examinations received from the test publisher and the number of examinations collected for return to the  
15 test publisher.

16 ~~(d)(e)~~ Within seven (7) working days of completion of school district testing, the superintendent and  
17 the high school exit examination district coordinator shall certify to the test publisher ~~California~~  
18 ~~Department of Education~~ that the school district has maintained the security and integrity of the  
19 examination, collected all data and information as required to comply with Sections 1205, 1206, and 1207,  
20 and returned all examinations and test materials, answer documents, and other materials included as part of  
21 the ~~high school exit~~ examination in the manner and as otherwise required by the ~~publisher~~ Department.

22 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

23 **§ 1210. High School Exit Examination Test Site Coordinator Responsibilities.**

24 (a) Annually, the district coordinator or the superintendent of the unified or high school district shall  
25 designate a high school exit examination test site coordinator for each test site, including, but not limited  
26 to, each dependant charter school, each court school, ~~and~~ each school or program operated by a school  
27 district, and nonpublic school which serves grade 10 through grade 12 pupils of the district. The designee  
28 shall be an employee of the school district, or the person assigned by a non public school to implement a  
29 student's Individualized Education Program (IEP) from among the employees of the school district.

30 ~~(b) The high school exit examination test site coordinator's responsibilities shall include, but are not~~  
31 ~~be limited to, all of the following:~~

32 (b) The ~~high school exit examination~~ test site coordinator, or the site principal ~~or his or her designee,~~  
33 shall be available to the ~~high school exit examination~~ district coordinator for the purpose of resolving  
34 issues that arise as a result of the administration of the ~~high school exit~~ examination.

1        (c) The test site coordinator or the site principal shall oversee the administration of the examination to  
2 eligible pupils or adult students at the test site in accordance with the manuals or other instructions  
3 provided by the test publisher for administering the examination including, but not limited to, the  
4 following responsibilities:

5        (1) Determining test site examination and test material needs.

6        (2) Arranging for test administration at the test site.

7        (3) Training the test administrator(s), ~~and~~ test proctors, and scribes as provided in the test publisher's  
8 manual.

9        (4) Completing ~~the~~ a Test Security Agreement and Test Security Affidavit as set forth in Section  
10 1211.5 prior to the receipt of examinations and test materials.

11        (5) Overseeing test security requirements, including collecting and ~~file~~ delivering all completed Test  
12 Security Affidavit forms ~~from~~ to the school district office from the test administrators and other site  
13 personnel involved with testing. All Test Security Affidavits shall be maintained for 12 months from the  
14 date signed.

15        ~~(6)(7)~~ Overseeing the acquisition of examinations from the school district and the distribution of  
16 examinations to the test administrator(s).

17        ~~(7)(6)~~ Maintaining security over the examination and test data as follows: ~~required by Section 1211.~~

18        ~~(8)~~ ~~Overseeing the administration of the high school exit examination to eligible pupils or adult~~  
19 ~~students at the test site.~~

20        (A) Delivering the examinations and test materials only to those persons who have executed the Test  
21 Security Affidavit and who are administering the examination on the date of testing.

22        (B) Ensuring that strict supervision is maintained over each pupil or adult student who is being  
23 administered the examination both while the pupil or adult student is in the room in which the  
24 examination is being administered and during any period in which the pupil or adult student is, for any  
25 purpose, granted a break during testing.

26        ~~(8)(11)~~ Overseeing the collection of all pupil ~~or adult student~~ data as required to comply with  
27 Sections 1205, 1206, and 1207 of these regulations.

28        (9) Overseeing the collection and return of all testing materials to the ~~high school exit examination~~  
29 district coordinator no later than the close of the school day on the school day following administration of  
30 the ~~high school exit~~ examination.

31        (10) Assisting the ~~high school exit examination~~ district coordinator and the test publisher in the  
32 resolution of any discrepancies between the number of examinations received from the ~~high school exit~~  
33 ~~examination~~ district coordinator and the number of examinations collected for return to the ~~high school~~  
34 ~~exit examination~~ district coordinator.

1        ~~(d)(12)~~ Within three (3) working days of completion of site testing, the site principal and the high  
2 school exit examination test site coordinator shall certify to the ~~high school exit examination~~ district  
3 coordinator that the test site has maintained the security and integrity of the examination, collected all  
4 data and information as required, and returned all examinations and test materials, answer documents, and  
5 other materials included as part of the ~~high school exit~~ examination in the manner and as otherwise  
6 required by the test publisher.

7 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851~~(e)~~, Education Code.

8 **§ 1211. High School Exit Examination Test Security.**

9        ~~(a) High school exit examination test site coordinators shall ensure that strict supervision is~~  
10 ~~maintained over each pupil or adult student who is being administered the high school exit examination~~  
11 ~~both while the pupil or adult student is in the room in which the test is being administered and during any~~  
12 ~~period in which the pupil or adult student is, for any purpose, granted a break from testing.~~

13        ~~(a)(b)~~ Access to the ~~high school exit~~ examination materials is limited to pupils taking the examination  
14 for the purpose of graduation from high school and adult students taking the examination for the purpose  
15 of obtaining a high school diploma of graduation, and those who have signed the security affidavit or  
16 agreements, including employees of a school district directly responsible for administration of the  
17 examination, and persons assigned by a nonpublic school to implement students' IEPs.

18        (b) To maintain the security of the examination, all district and test site coordinators are responsible  
19 for inventory control and shall use appropriate inventory control forms to monitor and track test  
20 inventory.

21        (c) The security of the examinations and test materials that have been delivered to the school district  
22 is the sole responsibility of the school district until all examinations and test materials have been  
23 inventoried, accounted for, and delivered to the common or private carrier designated by the test  
24 publisher.

25        (d) Once materials have been delivered to the school district, secure transportation of the  
26 examinations and test materials within a school district including to non-public schools (for students  
27 placed through the IEP process), court and community schools, and home and hospital care, is the  
28 responsibility of the school district.

29        (e) No examination may be administered in a private home or location except by a test administrator  
30 as defined in Section 1200(h) who signs the Test Security Affidavit as set forth in Section 1211.5. No  
31 examination shall be administered to a pupil by the parent or guardian of that pupil. This subdivision  
32 does not prevent classroom aides from being a proctor and assisting in the administration of the  
33 examination under the supervision of a certificated school district employee provided that the classroom  
34 aide does not assist his or her own child and that the classroom aide signs the Test Security Affidavit as

1 set forth in Section 1211.5.

2 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 60851 and 60850,  
3 Education Code.

4

5 *Add Section 1211.5 (Title). Remove language from Section 1211 and place into Section 1211.5 to read:*

6 **§ 1211.5. High School Exit Examination Test Security Forms.**

7 ~~(a)~~(e) All ~~high school exit examination~~ district and test site coordinators shall sign the California High  
8 School Exit Examination Test Security Agreement set forth in subdivision (b).

9 ~~(b)~~(d) The California High School Exit Examination Test Security Agreement shall be as follows:

10 CALIFORNIA HIGH SCHOOL EXIT EXAMINATION  
11 TEST SECURITY AGREEMENT

12 (1) The coordinator will take all necessary precautions to safeguard all ~~tests~~ examinations and test  
13 materials by limiting access to persons within the school district with a responsible, professional interest  
14 in the ~~test's~~ examination's security.

15 (2) The coordinator will keep on file the names of persons having access to examinations and test  
16 materials. All persons having access to the materials shall be required by the coordinator to sign the  
17 California High School Exit Examination Test Security Affidavit that will be kept on file in the school  
18 district office.

19 (3) The coordinator will keep the ~~tests~~ examinations and test materials in a secure, locked location,  
20 limiting access to only those persons responsible for test security, except on actual testing dates as  
21 provided in California Code of Regulations, Title 5, Division 1, Chapter 2, Subchapter 6.

22 By signing my name to this document, I am assuring that I ~~and anyone having access to the test~~  
23 ~~materials~~ will abide by the above conditions.

24 ~~By~~Signed: \_\_\_\_\_

25 Print name: \_\_\_\_\_

26 Title: \_\_\_\_\_

27 School District: \_\_\_\_\_

28 Date: \_\_\_\_\_

29 ~~(e)~~ Each ~~high school exit examination test site coordinator~~ shall deliver the examinations and test  
30 materials only to those persons actually administering the high school exit examination on the date of  
31 testing and only upon execution of the California High School Exit Examination Test Security Affidavit  
32 set forth in subdivision (g).

33 ~~(c)~~(f) All persons having access to the California High School Exit Examination, including but not  
34 limited to the ~~high school exit examination~~ site principal, test site coordinator, test administrators, test

1 proctors, scribes, and persons assigned by a nonpublic school to implement students' IEPs shall  
2 acknowledge the limited purpose of their access to the ~~test~~ examination by signing the California High  
3 School Exit Examination Test Security Affidavit set forth in subdivision ~~(g)~~(d).

4 ~~(d)~~(g) The California High School Exit Examination Test Security Affidavit shall be as follows:

5 CALIFORNIA HIGH SCHOOL EXIT EXAMINATION  
6 TEST SECURITY AFFIDAVIT

7 I acknowledge that I will have access to the ~~high school exit examination~~ and test materials for the  
8 purpose of administering the ~~test~~ examination. I understand that these materials are highly secure, and it  
9 is my professional responsibility to protect their security as follows:

10 (1) I will not divulge the contents of the ~~test~~ examination to any other person.

11 (2) I will not copy any part of the ~~test~~ examination or test materials.

12 (3) I will keep the ~~test~~ examination secure until the ~~test~~ examination is actually distributed to pupils or  
13 adult students.

14 (4) I will limit access to the ~~test~~ examination and test materials by test examinees to the actual testing  
15 periods.

16 (5) I will not permit pupils or adult students to remove examinations or test materials from the room  
17 where testing takes place.

18 (6) I will not disclose, or allow to be disclosed, the contents of, or the scoring keys to, the ~~test~~  
19 examination instrument.

20 (7) I will return all examinations and test materials to the designated ~~high school exit examination~~ test  
21 site coordinator upon completion of the ~~test~~ examination.

22 (8) I will not interfere with the independent work of any pupil or adult student taking the examination  
23 and I will not compromise the security of the ~~test~~ examination by any means including, but not limited to:

24 (A) Providing eligible pupils or adult students with access to ~~test~~ examination questions prior to  
25 testing.

26 (B) Copying, reproducing, transmitting, distributing or using in any manner inconsistent with test  
27 security all or any ~~portion~~ section of any secure ~~high school exit examinations or~~ test materials ~~booklet or~~  
28 ~~document~~.

29 (C) Coaching eligible pupils or adult students during testing or altering or interfering with the pupil's  
30 or adult student's responses in any way.

31 (D) Making answer keys available to pupils or adult students.

32 (E) Failing to follow security rules for distribution and return of secure ~~tests~~ examinations and test  
33 materials as directed, or failing to account for all secure examinations and test materials before, during,  
34 and after testing.

1 (F) Failing to follow test administration directions specified in test administration manuals.

2 (G) Participating in, directing, aiding, counseling, assisting in, or encouraging any of the acts  
3 prohibited in this section.

4 Signed: \_\_\_\_\_

5 Print Name: \_\_\_\_\_

6 Position: \_\_\_\_\_

7 School: \_\_\_\_\_

8 School District: \_\_\_\_\_

9 Date: \_\_\_\_\_

10 ~~(h) To maintain the security of the high school exit examination, all high school exit examination~~  
11 ~~district and test site coordinators are responsible for inventory control and shall use appropriate inventory~~  
12 ~~control forms to monitor and track test inventory.~~

13 ~~(i) The security of the test materials that have been duly delivered to the school district is the sole~~  
14 ~~responsibility of the school district until all test materials have been inventoried, accounted for, and~~  
15 ~~delivered to the common or private carrier designated by the publisher.~~

16 ~~(j) Once materials have been duly delivered to the school district, secure transportation of the test~~  
17 ~~materials within a school district (including to non public schools, (for students placed through the IEP~~  
18 ~~process), court and community schools, and home and hospital care) is the responsibility of the school~~  
19 ~~district.~~

20 ~~(k) No test may be administered in a private home or location except by a test administrator as~~  
21 ~~defined in section 1200 (g) who signs a security affidavit. No test shall be administered to a pupil by the~~  
22 ~~parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the~~  
23 ~~administration of the test under the supervision of a credentialed school district employee provided that~~  
24 ~~the classroom aide does not assist his or her own child and that the classroom aide signs a security~~  
25 ~~affidavit.~~

26 NOTE: Authority Cited: Section 33031, Education Code. Reference: Sections 60851 and 60850,  
27 Education Code.

28

29 *Delete Section 1212.*

30 **§ 1212. Test Site Delivery.**

31 ~~School districts shall deliver the booklets for the high school exit examination to the school test site no~~  
32 ~~more than two working days before the test is to be administered.~~

33 NOTE: Authority cited: 33031, Education Code. Reference: Section 60851, Education Code.

34

1 *Amend Section 1215 to read:*

2 **Article 3. High School Exit Examination Testing Variations/Accommodations/Modifications/Waivers**  
3 **§ 1215. Timing/Scheduling Testing Variations Available to All Students.**

4 (a) All eligible pupils and adult students may have the following testing variations: ~~additional time to~~  
5 ~~complete the examination, within the limits imposed by test security as provided in Section 1211.~~

6 (1) extra time within a testing day.

7 (2) test directions that are simplified or clarified.

8 (b) All eligible pupils and adult students may have the following testing variations if regularly used in  
9 the classroom:

10 (1) special or adaptive furniture.

11 (2) special lighting or acoustics.

12 (3) an individual carrel or study enclosure.

13 (4) test individually in a separate room provided that the pupil or adult student is directly supervised  
14 by an employee of the school, district, or non-public school, who has signed the Test Security Affidavit.

15 (5) markers, masks, or other means to maintain visual attention to the examination or test items.

16 (c) If a school district proposes the use of a variation on the examination that is not listed in this  
17 section, 1215.5, or 1216, the school district may submit a request for review of proposed variation in  
18 administering the examination pursuant to Section 1218.

19 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

21 *ReNUMBER Section 1217 to 1215.5 and amend to read:*

22 **§ ~~1217~~ 1215.5. Accommodations and Modifications for Pupils or Adult Students with Disabilities.**

23 (a) ~~Where necessary to access the test,~~ Eligible pupils or adult students with disabilities shall be  
24 permitted to take the high school exit examination with those accommodations listed in subsections (b)  
25 through (e), if specified in the eligible that are necessary and appropriate to address the pupil's or adult  
26 student's identified disability(ies) and that have been approved by their individualized education program  
27 teams or 504 plan teams, including but not limited to those accommodations that the pupil or adult  
28 student has regularly used during instruction and classroom assessments, provided that such  
29 accommodations do not fundamentally alter what the test measures. Approved accommodations for the  
30 high school exit examination must be reflected in the pupil's or adult student's individualized education  
31 program IEP or Section 504 plan for use on the examination, standardized testing, or for use during  
32 classroom instruction and assessments.

33 (b) Presentation ~~Accommodations~~ ~~that do not fundamentally alter what the test measures include;~~  
34 ~~but may not be limited to:~~

- 1       (1) ~~Presentation accommodations: Large print versions;~~  
2       (2) ~~test items enlarged through mechanical or electronic means (e.g., photocopier);~~  
3       (3) ~~Braille transcriptions provided by the test publisher or a designee; markers, masks, or other~~  
4 ~~means to maintain visual attention to the test or test items; reduced numbers of items per page;~~  
5       (4) ~~use of manually coded or American sign language to present directions for administration.~~  
6       (5) ~~audio or oral presentation on of the mathematics portion section of the test examination, provided~~  
7 ~~that an audio presentation is the pupil's or adult student's only means of accessing written material.~~  
8       (6) use of manually coded or American sign language to present test questions on the mathematics  
9 section of the examination.  
10       (2)(c) Response accommodations include:  
11       (A) ~~Verbal, written, or signed responses; responses made with mechanical or electronic assistance as~~  
12 ~~long as the mechanical or electronic device is used solely to record the pupil's or adult student's response.~~  
13 ~~If a person is required to transcribe the pupil's or adult student's responses to the format required by the~~  
14 ~~examination, the transcriber shall be an employee of the school district who has signed the Test Security~~  
15 ~~Affidavit.~~  
16       (B) ~~Assistive devices and technologies that are regularly used during testing provided that no~~  
17 ~~technology or assistive device may be used that fundamentally alters what the test measures.~~  
18       (1) responses marked in test booklet and transferred to the answer document by a school or district  
19 employee who has signed the Test Security Affidavit.  
20       (2) responses dictated to a scribe for selected-response items (e.g., multiple-choice test questions).  
21       (3) responses dictated to a scribe, audio recorder or speech to text converter on the writing portion of  
22 the examination, and the pupil or adult student indicates all spelling and language conventions.  
23       (4) use of word processing software with spell and grammar check tools turned off on the writing  
24 portion of the examination.  
25       (5) use of an assistive device that does not interfere with the independent work of the student on the  
26 writing portion of the examination.  
27       (d)(3) ~~Scheduling/timing accommodations include: More frequent breaks during the regularly~~  
28 ~~scheduled test session; multiple sessions, provided that a pupil or adult student does not have access to~~  
29 ~~test items that will be presented in a future session or sessions.~~  
30       (1) testing over more than one day in consultation with the test publisher.  
31       (2) supervised breaks within a section of the examination.  
32       (3) administration of the examination at the most beneficial time of day to the pupil or adult student in  
33 consultation with the test publisher.  
34       (e)(4) ~~Setting accommodations include: Special or adaptive furniture; special lighting or acoustics; an~~

1 individual carrel or study enclosure; a separate room provided that the pupil or adult student is directly  
2 supervised by school personnel who have signed the Test Security Affidavit.

3 (1) test administered by certificated teacher to a pupil or adult student at home or in the hospital.

4 (f) The use of accommodations on the examination will not invalidate a pupil's or adult student's test  
5 score or scores.

6 ~~(e) The following are modifications because they fundamentally alter what the test measures:~~

7 ~~(1) Calculators on the math portion of the test.~~

8 ~~(2) Audio or oral presentation of the English/language arts portion of the test.~~

9 (d) If the pupil's or adult student's IEP team individualized education program team or Section 504  
10 plan team proposes an variation for use on the examination that has not been listed in this section, 1215,  
11 or 1216, the school district may submit a request for review of the proposed variation in administering the  
12 examination accommodation for use on the high school exit examination that is not included subdivision  
13 (b), the school district may submit a request for accommodation pursuant to Section 1218.

14 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60850, Education Code.

15  
16 *Amend Section 1216 to read:*

17 **§ 1216. Allowable Accommodations Modifications for Pupils or Adult Students with Disabilities, ~~or~~**  
18 **for English Learners.**

19 The purpose of the high school exit examination is to assure that pupils and adult students who  
20 graduate from high school have demonstrated in English the skills, knowledge and abilities embodied in  
21 the state standards in English/language arts and mathematics selected for the high school exit  
22 examination. To assure that the high school exit examination is a valid measure of each pupil's or adult  
23 student's skills, knowledge and abilities in relationship to these standards, accommodations will be  
24 allowed that are necessary and appropriate to afford access to the test, consistent with federal law, so long  
25 as the accommodations do not fundamentally alter what the examination is designed to measure.

26 (a) Eligible pupils or adult students with disabilities shall be permitted to take the examination with  
27 the following modifications if specified in the eligible pupil's or adult student's IEP or Section 504 plan  
28 for use on the examination, standardized testing, or for use during classroom instruction and assessments.

29 (b) The following are modifications as defined by Education Code section 60850 because they  
30 fundamentally alter what the examination measures or affect the comparability of scores:

31 (1) calculators on the mathematics section of the examination.

32 (2) audio or oral presentation of the English/language arts section of the examination.

33 (3) use of manually coded or American sign language to present test questions on the  
34 English/language arts section of the examination.

1 (4) spellcheckers, grammar checkers, or word processing software programs that check or correct  
2 spelling and/or grammar on the writing portion of the examination.

3 (5) mechanical or electronic devices or other assistive devices that are not used solely to record the  
4 pupil's responses, including but not limited to transcribers, scribes, voice recognition or voice to text  
5 software, and that identify a potential error in the pupil's or adult student's response or that correct  
6 spelling, grammar or conventions on the writing portion of the examination.

7 (6) use of American sign language to provide a response to the written portion of the examination.

8 (7) English dictionary on the English/language arts section of the examination.

9 (8) mathematics dictionary on the mathematics section of the examination.

10 (c) A pupil or adult student who takes the examination with one or more modifications shall receive a  
11 score marked not valid for the sections of the examination on which the modifications were used. If the  
12 score is equivalent to a passing score, the pupil or adult student may be eligible for a waiver pursuant to  
13 Education Code section 60851.

14 (d) If the pupil's or adult student's IEP or Section 504 plan proposes a variation for use on the  
15 examination that has not been listed in this section, 1215, or 1215.5, the school district may submit a  
16 request for review of proposed variations in administering the examination pursuant to Section 1218.

17 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60850(g), Education Code.

18  
19 *Renumber Section 1217.5 to 1217 and amend to read:*

20 **§ 1217.5 English Language Learners.**

21 ~~English learners must read and pass the high school exit examination in English. School districts must~~  
22 ~~evaluate pupils to determine if they possess sufficient English language skills at the time of the~~  
23 ~~examination to be assessed with the test. If the pupil does not possess sufficient English language skills to~~  
24 ~~be assessed, the school district, in addition to the instruction in reading, writing, and comprehension in the~~  
25 ~~English language specified in Education Code section 60852, may provide additional time as provided in~~  
26 ~~Section 1215.~~

27 English learner pupils or adult English learner students may be permitted to take the examination with  
28 the following testing variations:

29 (1) Flexible setting. English learners may have the opportunity to be tested in a separate room with  
30 other English learners provided that the pupil or adult student is directly supervised by an employee of the  
31 school, district, or non-public school, who has signed the Test Security Affidavit and the pupil or adult  
32 student has been provided such a flexible setting as part of their regular instruction or assessment.

33 (2) Flexible schedule. English learners may have additional supervised breaks within a testing day.

34 (3) Flexible time. English learners may have extra time on the examination within a testing day.

1        (4) Translated directions. English learners may have the opportunity to hear a translated version of  
2 the test directions and the opportunity to ask clarifying questions about the test directions in their primary  
3 language.

4        (5) Glossaries. English learners may have access to translation glossaries if used regularly in the  
5 classroom (English to primary language or primary language to English).

6 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 60850 and 60852,  
7 Education Code.

8  
9 *Amend Section 1218 to read:*

10 **§ 1218. Requests for Accommodations Review Process for Proposed Variations in Administering**  
11 **the Examination.**

12        (a) The school district may file a request for ~~accommodation~~ review of proposed examination  
13 variations with the ~~California Department of Education~~ for a case-by-case determination of the use of  
14 ~~accommodations~~ variations that are not ~~included~~ specified in Sections ~~1217(b)~~ 1215, 1215.5 or 1216.  
15 Requests must be received by the ~~California Department of Education~~ at least ~~nine (9) weeks~~ 30 working  
16 days in advance of the ~~pupil's or adult student's~~ proposed administration of the ~~high school exit~~  
17 examination.

18        (b) The request for ~~accommodation~~ review of proposed variations in administering the examination  
19 must include:

20        ~~(1) A description of the pupil's or adult student's disability(ies).~~

21        ~~(1)(2)~~ (2) A description of the requested ~~accommodation~~ variation(s).

22        ~~(2)(3)~~ (3) If applicable, a statement certification that the pupil's or adult student's individualized  
23 education program IEP team or Section 504 plan team has determined specifies that the requested  
24 ~~accommodation~~ variation is appropriate and necessary to ~~address~~ access the examination due to the  
25 pupil's or adult student's identified disability(ies) and that such variation is currently listed in the pupil's  
26 or adult student's IEP or Section 504 plan.

27        ~~(4) An explanation of how the requested accommodation would allow the pupil or adult student to~~  
28 ~~access the high school exit examination.~~

29        (c) ~~The California Department of Education shall make a determination of whether the requested~~  
30 ~~accommodation would fundamentally alter what the test measures. The California Department's of~~  
31 ~~Education's~~ determination shall be ~~the~~ a final administrative decision for purposes of review under the  
32 Administrative Procedure Act.

33        (d) ~~The California Department of Education~~ shall issue its decision within 15 working days of receipt  
34 of the request for review of proposed variation on each request and shall inform the school district in

1 ~~writing at least six (6) weeks in advance of the pupil's or adult student's proposed administration of the~~  
2 ~~high school exit examination.~~

3 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60850, Education Code.

4  
5 *Delete Section 1218.5.*

6 **§ 1218.5. Use of Modifications.**

7 ~~(a) If the pupil's IEP or Section 504 Plan indicates that it is appropriate and necessary for a pupil to~~  
8 ~~take the test with a modification(s) as defined in Education Code section 60850, or as specified in Section~~  
9 ~~1217(e), or determined pursuant to Section 1218, the school district must then administer the test to the~~  
10 ~~pupil with these modifications:~~

11 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 60850 and 60851,  
12 Education Code; and 34 CFR Section 300.138(a).

13  
14  
15 *Add Section 1218.6 to read:*

16 **§ 1218.6. Waiver Requests on Behalf of Pupils in a State Special School**

17 (a) For a pupil in a state special school who is eligible for a waiver, the state special school principal  
18 shall submit a waiver request to the local governing board of the school district that placed the pupil in the  
19 state special school.

20 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 56101 and 60850  
21 Education Code; and 34 CFR Section 300.138(a).

22  
23 *Amend Section 1219 to read:*

24 **§ 1219. Independent Work of the Pupil or Adult Student.**

25 ~~In implementing~~ administering the examination, with accommodations or modifications pursuant to  
26 ~~Section 1216 or 1217~~ 1215.5 or 1216, school districts shall ensure that all ~~test~~ examination responses are  
27 the independent work of the pupil or adult student. School districts, ~~and~~ school district personnel,  
28 including scribes, and nonpublic school personnel are prohibited from assisting any pupil or adult student  
29 in determining how the pupil or adult student will respond to each question, and are prohibited from  
30 leading or directing the pupil or adult student to a particular response, and from correcting, prompting or  
31 otherwise influencing a response.

32 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60850, Education Code.

33  
34 *Delete Section 1219.5.*

1 **§ 1219.5. Invalidation of Test Scores.**

2 ~~If a school district allows a pupil or adult student to take the high school exit examination with one or~~  
3 ~~more accommodations that are determined by the California Department of Education to fundamentally~~  
4 ~~alter what the test measures, that pupil's or adult student's test score or scores will be invalidated.~~

5 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 60850, Education Code.

6  
7 *Amend Section 1220 to read:*

8 **Article 4. Cheating**

9 **§ 1220. Cheating.**

10 (a) Any pupil or adult student found by the school district or its agents to have cheated or assisted  
11 others in cheating, or to have compromised the security of the ~~high school exit examination~~ shall have his  
12 or her test marked as "invalid" and the pupil or adult student shall not receive a score from that test  
13 administration.

14 (b) The school district shall notify each eligible pupil or adult student prior to each administration of  
15 the ~~high school exit~~ examination of the provisions of subdivision (a).

16 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.

17  
18 *Amend Section 1225 to read:*

19  
20 **Article 5. Apportionment**

21 **§ 1225. Apportionment.**

22 (a) For each test cycle, each school district shall report to the California Department of Education the  
23 number of examinations administered.

24 (b) The superintendent of each school district shall certify the accuracy of all information submitted.  
25 The report required by subdivision (a) shall be filed with the State Superintendent of Public Instruction  
26 within ten (10) working days of completion of each test cycle in the school district.

27 (c) The amount of funding to be apportioned to the school district for the ~~high school exit~~ examination  
28 shall be equal to the product of calculated by multiplying the amount per administration established by the  
29 State Board of Education to enable school districts to meet the requirements of ~~subdivisions (a), (b) and~~  
30 ~~(c)~~ of Education Code section 60851 by the number of times the number of tests administered to pupils  
31 and adult students in the school district tested for one or both portions of the examination as determined  
32 by the certification of the school district superintendent pursuant to subdivision (b).

33 (d) The apportionment shall be paid upon return of all secure test materials.

34 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851, Education Code.