

State of California

Department of Education

LAST MINUTE MEMORANDUM

DATE: July 1, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

RE: Item No. 8

SUBJECT: Standardized Testing and Reporting (STAR) Program: Approve
Commencement of the Rulemaking Process for Proposed Amendments to
Title 5 Code of Regulations

The proposed amendments for the Title 5 Code of Regulations that board members received previously have been modified. The copy of the regulations being received has the following changes from the original copy that board members received:

- Page 3 lines 11 and 12 (m)—family member was deleted
- Page 4 (e)—certificated employee was changed to test examiner
- Page 6 lines 14 through 18 were added to include test administration variations that all allowed for all pupils
- Page 8 line 7—504 Plan was added to allow pupils to use modifications that are specified in the pupil's 504 Plan
- Page 8 line 25—the use of dictionaries is designated as a modification for any subject area. Previously dictionaries were designated as accommodations for mathematics, science, and history-social science. The designation of any use of a dictionary as a modification is consistent with recommendations received from test publishers
- Page 18, Section 862 was changed to conform to procedures and language provided following the fiscal review of the proposed amendments.
- Article 3 has been removed from the document. Due to pending legislation, no amendments are proposed for this article at this time.

Additional technical non-substantive changes to ensure that language is consistent; phrasing in the regulations matches that is use in schools and school districts, i.e., STAR Program district coordinator changed to district STAR coordinator; correct typographical errors, i.e., changing of to or.

Conforming changes were made in the Informative Digest and Initial Statement of Reasons. Additionally, the inclusion of a statement indicating that the tests within the STAR Program have consequences for individual pupils was deleted.

This Last Minute Memorandum also includes an Economic and Fiscal Impact Statement and a summary of the Economic and Fiscal Impact Analysis. The Economic Impact Statement concludes that while there are some costs related to the amendments most of the costs are attributable to either state or federal statutes. Some of the regulations

generate a cost savings. Costs not attributable to statute are reimbursable by the apportionment.

Attachments

[Attachment 4:](#) Informative Digest (1 Page)

[Attachment 5:](#) Initial Statement of Reasons (2 Pages)

[Attachment 6:](#) Proposed changes to the Title 5. Education, Division 1. State Department of Education, Chapter 2. Pupils, Subchapters 3.75. Standardized Testing and Reporting Program, Article1. General (26 Pages).

Attachment 7: Economic and Fiscal Impact Analysis, Proposed Amendments of Title 5, CCR, Regulations, Relating to the Standardized Testing and Reporting (STAR) Program (6 Pages)

Attachment 7 is not available for Web viewing. A printed copy is available for viewing in the State Board Office.

INFORMATIVE DIGEST

Standardized Testing and Reporting (STAR) Program Regulations

Amendments are proposed for Division 1, Chapter. Pupils, Subchapter 3.75, Articles 1 and 2 of Title 5 of the *California Code of Regulations*. Article 1 includes Program definitions and Article 2 addresses the designated achievement test, the standards-based achievement tests, and the California Alternate Performance Assessment.

The purposes of the proposed amendments are to provide consistency with the regulations for the California High School Exit Examination (CAHSEE) and the California English Language Development Test (CELDT) by clarifying current language and adding definitions and language as needed; to make technical changes to correct inconsistent language, terms, and capitalization in the existing regulations; to add a section on test administration variations that all students may have; to modify the provisions for below-grade-level testing; to modify test material delivery and return dates to eliminate the mixture of working and calendar days; to add the California Alternate Performance Assessment (CAPA) as appropriate; to strengthen some test security language; to add a statement to the STAR Test Security Affidavit indicating that test examiners and proctors have been trained to administer the tests; to expand the student demographic data collected to meet the requirements for federal and state reporting and to match the language that is used on test documents; to clarify requirements related to including test results in pupils' permanent records as required by *Education Code* Section 60607; to reinforce the confidentiality of summary data that is based on test results for ten or fewer pupils; and to modify the process for completing Apportionment Information Reports required by *Education Code* Section 60640(j).

INITIAL STATEMENT OF REASONS

Standardized Testing and Reporting (STAR) Program

SPECIFIC PURPOSE OF THE REGULATIONS

The proposed amendments to the regulations are intended to clarify the specific student demographic data that districts must provide, add requirements for the California Alternate Performance Assessment (CAPA), modify all dates associated with the Program to working days, and modify the process for collecting information required for providing apportionments to districts for costs associated with the Program. Additionally, some of the proposed amendments are required to enable the state to comply with the requirements of the federal No Child Left Behind Act of 2001.

NECESSITY/RATIONALE

The tests within the STAR Program have consequences for schools and school districts. The California Department of Education uses the test results for school and district Academic Performance Index (API) and Adequate Yearly Progress (AYP) calculations. The results of these accountability calculations are used to identify schools and districts that are meeting or not meeting required growth targets and may result in schools and districts being identified as program improvement schools or districts. The program improvement designation may result in state intervention. The regulations are designed to assure that the tests within the Program are administered fairly and consistently throughout the state so that valid and reliable results are available for API and AYP calculations.

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

No reports are required by these proposed regulations.

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

No other alternatives were presented to or considered by California Department of Education.

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

The State Board of Education has not identified any adverse impact on small business that would necessitate developing alternatives to the proposed regulatory action.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The proposed regulations would not have a significant adverse economic impact on any business because the regulations only relate to local school districts and not to business practices.

1
2 **Title 5. EDUCATION**

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

4 **Chapter 2. Pupils**

5 Subchapter 3.75. Standardized Testing and Reporting Program

6 Article 1. General

7
8 *Add subsection (h) to Section 850 to read:*

9 **§ 850. Definitions.**

10 For the purposes of the Standardized Testing and Reporting (STAR) Program, the
11 following terms shall have the following meanings unless the context indicates
12 otherwise:

13 ~~(a) “Designated achievement test” is the achievement test required by Education~~
14 ~~Code sSection 60640(b). The designated achievement test includes test booklets, test~~
15 ~~answer documents, administration manuals, and administrative materials. The~~
16 ~~designated achievement test is to be administered in the areas of reading, spelling,~~
17 ~~written expression and mathematics for pupils in grades 2 to 8, inclusive; and in the~~
18 ~~core curriculum areas of reading, writing, mathematics, history-social science and~~
19 ~~science for pupils in grades 9 to 11, inclusive.~~

20 (b) “Primary language test” includes any test administered pursuant to Education
21 Code sSection 60640(f) or a test administered pursuant to the requirement of Education
22 Code sSection 60640(g), as applicable, and includes the test booklets, test answer
23 documents, administration manuals, administrative materials and practice tests.

24 (c) “School districts” includes elementary, high school, and unified school districts;
25 county offices of education; and any charter school that for assessment purposes does
26 not elect to be part of the school district or county office of education that granted the
27 charter; and any charter school chartered by the State Board of Education.

28 (d) “Eligible pupil”

29 (1) For the designated achievement test and the standards-based achievement
30 tests, an eligible pupil is any pupil in grades 2 through 11, inclusive, including those
31 pupils placed in a non-public school through the Individualized Education Program (IEP)
32 process pursuant to Education Code Section 56365 who is not exempted by

1 parent/guardian request or eligible to take the California Alternate Performance
2 Assessment (CAPA).

3 (2) For the CAPA, an eligible pupil is any pupil with a significant cognitive disability in
4 grades 2 through 11 and ages 7 through 16 in ungraded programs whose IEP states
5 that the pupil is to take the CAPA.

6 (3) For the primary language test, an eligible pupil is an English learner with a
7 primary language for which a test is required or optional.

8 (e) “Department” means the California Department of Education.

9 (f)(1) “Standards-based achievement tests” are those tests that measure the degree
10 to which pupils are achieving the content standards and performance standards
11 adopted by the State Board of Education as provided in Education Code §Section
12 60642.5. The standards-based achievement tests include test booklets, test answer
13 documents, administration manuals, administrative materials, practice tests and other
14 materials developed and provided by the contractor of the tests.

15 (2) The term “standards-based achievement test” may refer to one or more of the
16 individual achievement tests in the subject or core curriculum areas required by
17 Education Code §Section 60642.5, or all of the standards-based achievement tests
18 collectively.

19 (g) “Administration Period” means one of multiple test administration periods by
20 school districts with schools or programs on non-traditional calendars that begin and
21 complete the school year at various times and have staggered vacation periods, in
22 order to ensure that all pupils are tested at approximately the same point in the
23 instructional year.

24 (h) ~~“The California Alternate Performance Assessment”~~ (CAPA) is an individually
25 administered performance assessment developed to assess students’ achievement on
26 a subset of California’s Academic Content Standards. It ~~is~~ shall only be administered to
27 ~~students~~ pupils with significant cognitive disabilities receiving special education services
28 whose IEP teams determined that the pupil’s are to be assessed with the CAPA. The
29 CAPA includes administration manuals, administrative materials, and documents on
30 which the examiner records the student’s responses.

31 (i) “Untimed administration” means that pupils may receive as much time as needed
32 within a single sitting to complete a test or test part.

1 (j) ~~“Out-of-level testing”~~ “Below-grade-level testing” means administering a test that
2 is below the grade level of the pupil being tested.

3 (k) “Test examiner” is an employee of a school district or an employee of a non-
4 public school who has been trained to administer the tests and has signed a STAR Test
5 Security Affidavit. For the CAPA, the test examiner must be a certificated or licensed
6 school staff member.

7 (l) “Test proctor” is an employee of a school district, or a person assigned by a
8 nonpublic school to implement a pupil’s IEP, who has received training designed to
9 prepare him or her to assist the test examiner in the administration of tests within the
10 STAR Program.

11 ~~(m)~~(m) “Scribe” is an employee of the school district, or a person assigned by a
12 nonpublic school to implement a pupil’s IEP and is required to transcribe a pupil’s or
13 ~~adult student’s~~ responses to the format required by the examination test. A family
14 ~~member~~ student’s parent or guardian is not eligible to be a scribe.

15 ~~(n)~~(n) “Accommodation” means any variation in the assessment environment or
16 process that does not fundamentally alter what the test measures or affect the
17 comparability of scores. Accommodations may include variations in scheduling, setting,
18 aids, equipment, and presentation format.

19 ~~(o)~~(o) “Modification” means any variation in the assessment environment or process
20 that fundamentally alters what the test measures or affects the comparability of scores.

21 ~~(p)~~(p) “Variation” is a change in the manner in which a test is presented or
22 administered, or in how a test taker is allowed to respond, and includes, but is not
23 limited to, accommodations and modifications ~~as defined in Education Code section~~
24 ~~60850.~~

25 (q) “Grade” means the grade assigned to the pupil by the school district at the time
26 of testing.

27 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
28 Sections 60615, 60640, 60642, and 60642.5, Education Code.

29
30 **Article 2. Designated Achievement Test, and Standards-Based**
31 **Achievement Tests,**
32 **and California Alternate Performance Assessment**
33

1 *Amend Section 851 to read:*

2 **§ 851. Pupil Testing.**

3 (a) School districts shall administer the designated achievement test and standards
4 based achievement tests or the CAPA to each eligible pupil enrolled in any of grades 2
5 to 11, inclusive, in a school district on the date testing begins in the pupil's school.

6 (b) School districts shall administer the CAPA, as set forth in the pupil's IEP, to each
7 eligible pupil in any of grades 2 to 11, inclusive, in a school district during the period
8 specified by the test contractor. Students in ungraded special education classes shall be
9 tested, if they are 7 to 16 years of age.

10 (c) School districts shall make whatever arrangements are necessary to test all
11 eligible pupils in alternative education programs or programs conducted off campus,
12 including, but not limited to, continuation schools, independent study, community day
13 schools, or county community schools.

14 (d) School districts may administer the designated achievement test to pupils
15 enrolled in kindergarten or grade 1 or 12, but those pupils shall not be counted for the
16 apportionment pursuant to Education Code ~~s~~Section 60640(h).

17 (e) No test may be administered in a ~~private home or location~~ hospital ~~unless the~~
18 ~~test is administered by either a certificated employee of the school district or an~~
19 ~~employee of a nonpublic school pursuant to Education Code section 56365 who holds a~~
20 ~~credential and the employee signs a security affidavit~~ except by a test examiner. No test
21 shall be administered to a pupil by the parent or guardian of that pupil. This subdivision
22 does not prevent classroom aides from assisting in the administration of the test under
23 the supervision of a credentialed school district employee provided that the classroom
24 aide does not assist his or her own child and that the classroom aide signs a security
25 affidavit.

26 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

27 Reference: Section 60640, Education Code.

28

29 *Amend Section 852 to read:*

30 **§ 852. Pupil Exemptions.**

31 ~~(a)~~ A parent or guardian may submit to the school a written request to excuse his or
32 her child from any or all parts of any test provided pursuant to Education Code ~~s~~Section
33 60640. A school district and its employees may discuss the Standardized Testing and

1 Reporting Program with parents and may inform parents of the availability of
2 exemptions under Education Code sSection 60615. However, the school district and its
3 employees shall not solicit or encourage any written exemption request on behalf of any
4 child or group of children.

5 ~~(b) Pupils in special education programs shall be tested with the designated~~
6 ~~achievement test and the standards-based achievement tests unless the individualized~~
7 ~~educational program for the pupil specifically states that the pupil will be assessed with~~
8 ~~the California Alternate Performance Assessment or (CAPA).~~

9 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
10 Sections 60615 and 60640, Education Code.

11
12 *Amend Section 853 to read:*

13 **§ 853. Administration.**

14 (a) The designated achievement test shall be administered and returned by school
15 districts in accordance with the manuals or other instructions provided by the contractor
16 for administering and returning the tests unless specifically provided otherwise in this
17 subchapter including instructions for administering the test with variations,
18 accommodations, and modifications. The procedures shall include, but are not limited
19 to, those designated to insure the uniform and standard administration of the tests to
20 pupils, the security and integrity of the test content and test items, and the timely
21 provision of all required student and school level information.

22 (b) ~~The standards-based achievement tests and the California Alternate~~
23 ~~Performance Assessment (CAPA) shall be administered and returned by school districts~~
24 ~~in accordance with the manuals and other instructions provided by the contractor, and in~~
25 ~~accordance with testing variations, accommodations, and modifications specified in~~
26 ~~Section 853.5. The procedures shall include, but are not limited to, those designed to~~
27 ~~insure the uniform and standard administration of the tests to pupils, the security and~~
28 ~~integrity of the test content and test items, and the timely provision of all required~~
29 ~~student and school level information, The procedures shall not include criteria for who~~
30 ~~should be assessed by the CAPA.~~

31 (c) For the ~~2003-04~~ 2004-05 school year ~~only~~, pupils with IEPs specifying below-
32 grade-level testing in grades ~~5~~ four through 11 may be tested one or two grades below
33 their enrollment grade. Pupils with IEPs specifying below-grade-level testing in grade

1 three may be tested one grade level below their enrollment grade. The test level must
2 be specified in the student's pupil's IEP. ~~Out-of-level~~ Below-grade-level testing shall be
3 used only if the student pupil is not receiving grade-level instruction curriculum as
4 specified by the California academic content standards, and is so indicated on the IEP.
5 ~~Students~~ Pupils tested ~~out-of-level~~ below-grade-level must complete all tests required
6 for the grade at which they are tested and shall be administered ~~only one level of the~~
7 ~~tests~~ the tests for only one grade level. ~~Out-of-level testing is not allowed for pupils in~~
8 ~~grades 2, 3, and 4. No out-of-level testing shall be allowed at any grade beginning with~~
9 ~~the 2004-05 school year.~~

10 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:
11 Section 60640, Education Code; and 20 USC Section 6311.

12
13 *Amend Section 853.5 to read:*

14 **§ 853.5 Use of Variations, Accommodations, and Modifications for the Standards-**
15 **Based Achievement Test and the California Alternate Performance Assessment.**

16 (a) All students may:

17 (1) have test directions clarified.

18 (2) write in test booklets for grades 4-11.

19 (3) have as much time as needed within a single sitting to complete a test or test
20 part.

21 (b)(a) School districts may provide all pupils the following testing variations if
22 regularly used in the classroom:

23 (1) test directions that are simplified ~~or clarified.~~

24 (2) special or adaptive furniture.

25 (3) special lighting, ~~or acoustics,~~ visual magnifying, or audio amplification equipment.

26 (4) an individual carrel or study enclosure.

27 (5) test individually in a separate room provided that an employee of the school,
28 school district, or non-public school, who has signed the STAR Test Security Affidavit,
29 directly supervises the pupil.

30 (6) ~~markers,~~ colored overlay, masks, or other means to maintain visual attention to
31 the ~~examination test~~ or test ~~items~~ questions.

32 (7) grade two or three standards-based achievement tests underlining or marking
33 information or working math problems in the test booklet and having a school, school

1 district, or non-public school employee who has signed the Test Security Affidavit
2 transfer the answers to a new test booklet.

3 ~~(4)(8) use of manually coded English or American Sign Language to present~~
4 directions for administration.

5 ~~(c)(b)~~ Eligible pupils with disabilities who have IEPs and students with Section 504
6 plans shall be permitted ~~to take the standards-based achievement tests with the~~
7 following presentation, response or setting accommodations if specified in the IEP or
8 Section 504 plan:

9 (1) large print versions.

10 (2) test items enlarged ~~through electronic means (e.g., photocopier)~~ if font larger
11 than that used on large print versions is required.

12 (3) Braille transcriptions provided by the test contractor.

13 (4) for grade two or three designated achievement test underlining or marking
14 information or working math problems in addition to marking question answers in test
15 booklets and having a school, school district, or non-public school employee who has
16 signed the Test Security Affidavit transfer the answers to a new test booklet.

17 (5) audio or oral presentation of the mathematics; science, or history-social science
18 tests.

19 (6) use of manually coded English or American Sign Language to present test
20 questions on the mathematics, science, or history-social science tests.

21 (7) responses marked in test booklet and transferred to the answer document by a
22 school, ~~or school district, or non-public~~ employee who has signed the Test Security
23 Affidavit.

24 (8) responses dictated to a scribe for selected-response items (e.g., multiple-choice
25 test questions).

26 (9) responses dictated to a scribe, audio recorder or speech to text converter on the
27 grade 4 or grade 7 writing application standards section of the California English-
28 Language Arts Standards Test, and the pupil indicates all spelling and language
29 conventions.

30 (10) use of word processing software with spell and grammar check tools turned off
31 on the writing portion of the ~~grade 4 or 7 test~~ English-language arts tests.

32 (11) use of an assistive device that does not interfere with the independent work of
33 the student on the multiple-choice or writing portion of the test.

1 (12) supervised breaks within a section of the test.

2 (13) administration of the test at the most beneficial time of day to the pupil.

3 (14) administration of any test or test part to be given in a single sitting over more
4 than one day.

5 ~~(15)~~(14) test administered by ~~certificated teacher~~ a test examiner to a pupil ~~or adult~~
6 ~~student~~ at home or in the hospital.

7 ~~(d)~~(e) Eligible pupils with disabilities shall be permitted to take the standards-based
8 tests with the following modifications if specified in the eligible pupil's IEP or 504 Plan:

9 (1) calculators, arithmetic tables, or mathematics manipulatives on the mathematics
10 or science tests.

11 (2) audio or oral presentation of the English-language arts tests.

12 (3) ~~use of m~~Manually eCoded English or American sSign language to present test
13 questions on the English-language arts tests.

14 (4) spellcheckers, grammar checkers, or word processing software programs that
15 check or correct spelling and/or grammar on the writing portion of the ~~grade 4 and 7~~
16 English-language arts tests.

17 (5) mechanical or electronic devices or other assistive devices that are not used
18 solely to record the pupil's responses, including but not limited to transcribers, scribes,
19 voice recognition or voice to text software, and that identify a potential error in the
20 pupil's response or that correct spelling, grammar or conventions on the writing portion
21 of the ~~grade 4 and 7~~ English-language arts tests.

22 ~~(6) use of American sign language to provide a response to the written portion of the~~
23 ~~grade 4 and 7 English-language arts tests~~ responses dictated orally, in Manually Coded
24 English or American Sign Language to provide an essay response to a scribe and the
25 scribe provides spelling, grammar, and language conventions.

26 (7) ~~English dictionary on the English-language arts test.~~

27 ~~(8) mathematics dictionary on the mathematics section of the examination.~~

28 ~~(e)~~(d) School districts shall provide identified English learner pupils the following
29 ~~additional~~ testing variations if regularly used in the classroom or for assessment:

30 (1) Flexible setting. Tested in a separate room with other English learners provided
31 that an employee of the school, school district, or non-public school, who has signed the
32 Test Security Affidavit, directly supervises the pupil ~~and the pupil has been provided~~
33 ~~such a flexible setting.~~

1 (2) Flexible schedule. Additional supervised breaks following each section within a
2 test part provided that the test section is completed within a testing day. A test section is
3 identified by a "STOP" at the end of it.

4 (3) Translated directions. Hear ~~any~~ the test directions ~~the test examiner is to read~~
5 ~~aloud~~ printed in the test administration manual translated into their primary language.
6 English learners shall have the opportunity to ask clarifying questions about any test
7 directions presented orally in their primary language.

8 (4) Glossaries. Access to translation glossaries/word lists for the standards-based
9 achievement tests in mathematics, science, and history-social science ~~if used regularly~~
10 ~~in the classroom~~ (English to primary language). The translation glossaries/word lists are
11 to include only the English word or phrase with the corresponding primary language
12 word or phrase. The glossaries/word lists shall include no definitions or formulas.

13 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:
14 Section 60640, Education Code; 20 USC Section 6311.

15
16 *Amend Section 854 to read:*

17 **§ 854. Advance Preparation for the Test.**

18 (a) Except for materials specifically ~~included within the designated achievement or~~
19 ~~standards-based tests~~ provided by the California Department of Education or its agents,
20 no program or materials shall be used by any school district or employee of a school
21 district that are specifically formulated or intended to prepare pupils for the designated
22 achievement tests or standards-based achievement tests. No administration or use of
23 an alternate or parallel form of the designated achievement test ~~for any stated purpose~~
24 shall be ~~permitted~~ used as practice for any pupils in grades 2 through 11, inclusive.

25 (b) Practice tests provided by the ~~publisher~~ contractor as part of the ~~designated~~
26 ~~achievement test~~ standards-based achievement tests for the limited purpose of
27 familiarizing pupils with the use of scannable test booklets or answer sheets and the
28 format of test items are not subject to the prohibition of Subdivision (a).

29 NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ ~~and (h)~~, Education Code.

30 Reference: Sections 60611 and 60640, Education Code.

31
32 *Amend Section 855 to read:*

33 **§ 855. Testing Period.**

1 (a) The designated achievement test and the standards-based achievement tests,
2 except for the STAR writing assessment as specified in subdivision (c) shall be
3 administered to each pupil during a testing window of twenty-one (21) instructional days
4 that includes ten (10) instructional days before and after completion of 85% of the
5 school's, track's, or program's instructional days. Testing for all pupils, including
6 makeup testing, is to be completed within this twenty-one (21) instructional day window
7 unless all or part of the twenty-one (21) instructional day period falls after any statutorily
8 specified deadline.

9 (b) Each school district shall provide for at least two (2) makeup days of testing for
10 pupils who are absent during the period in which any school administered the
11 designated achievement test and the standards-based achievement tests. All makeup
12 testing shall occur within five (5) instructional days of the last date that the school district
13 administered the tests but not later than the end of the twenty-one instructional day
14 period established in subdivision (a).

15 (c) The STAR writing assessment shall be administered to each eligible pupil only on
16 the day(s) specified annually by the State Superintendent of Public Instruction. An
17 eligible pupil for purposes of the writing assessment is a pupil taking the standards-
18 based achievement tests for ~~enrolled in~~ a grade at which the writing test will be
19 administered.

20 NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ ~~and (h)~~, Education Code.

21 Reference: Sections 60640 and 60642.5, Education Code.

22
23 *Amend Section 857 to read:*

24 **§ 857. ~~STAR Program~~ District STAR Coordinator.**

25 (a) On or before ~~November 15, 1999 and October 15~~ September 30 of each
26 ~~subsequent~~ school year, the superintendent of each school district shall designate from
27 among the employees of the school district a ~~STAR program~~ district STAR coordinator.
28 The ~~STAR program~~ district STAR coordinator, or the school district superintendent or
29 his or her designee, shall be available through August 15 of the following year to
30 complete school district testing. The school district shall notify the ~~publisher~~ contractor
31 of the identity and contact information, including electronic mail address, if available in
32 the school district, for the ~~STAR program~~ district STAR coordinator and for the
33 superintendent and his or her designee, if any. The ~~STAR program~~ district STAR

1 coordinator shall serve as the school district representative and the liaison between the
2 school district and the ~~test publisher~~ contractor and the school district and the
3 Department for all matters related to the STAR Program.

4 (b) The ~~STAR program~~ district STAR coordinator's responsibilities shall include, but
5 not be limited to, all of the following duties:

6 (1) Responding to correspondence and inquiries from the ~~publisher~~ contractor and
7 from the Department in a timely manner and as provided in the ~~publisher's~~ contractor's
8 instructions and these regulations.

9 (2) Determining school district and individual school test and test material needs in
10 conjunction with schools within the district and the test publisher contractor, using
11 ~~California Basic Education Data System (CBEDS)~~ and current enrollment data and
12 communicating school district test and test material needs to the ~~publisher~~ contractor on
13 or before December 1.

14 (3) ~~Overseeing the acquisition and distribution of tests and test materials to~~
15 ~~individual schools and test sites.~~ Ensuring delivery of tests and test materials to the test
16 sites no more than ten (10) or fewer than five (5) working days before the first day of
17 testing designated by the district.

18 (4) Coordinating the testing and makeup testing days for the school district and
19 nonpublic schools within any required time periods with the school test site
20 coordinators. Overseeing the collection of all pupil data as required to comply with
21 Section 861.

22 (5) Maintaining security over the designated achievement test, ~~and the standards-~~
23 ~~based achievement tests,~~ the CAPA and test data using the procedure set forth in
24 Section 859. The ~~STAR program~~ district STAR coordinator shall sign the security
25 agreement set forth in Section 859 and submit it to the contractor prior to receipt of the
26 test materials from the contractor.

27 (6) Overseeing the administration of the designated achievement test, ~~and the~~
28 ~~standards-based achievement tests,~~ and the CAPA to eligible pupils.

29 (7) Overseeing the collection and return of all test materials and test data to the
30 ~~publisher~~ contractor within any required time periods.

31 (8) Assisting the ~~test publisher~~ contractor and the Department in the resolution of
32 any discrepancies in the test information and materials, including but not limited to, pre-
33 identification files and all pupil level data required to comply with Sections 861 and 862.

1 (9) Immediately notifying the Department of any security breaches or testing
2 irregularities in the district before, during, or after the test administration.

3 (10) Ensuring that an answer document is submitted for scoring for each eligible
4 pupil enrolled in the district on the first day of testing.

5 ~~(c) Within five (5) working days of completed school district testing, the school~~
6 ~~district superintendent and the STAR program district coordinator shall certify the~~
7 ~~following information with respect to the designated achievement test and the~~
8 ~~standards-based achievement tests to the Department: that the school district has~~
9 ~~maintained the security and integrity of the designated achievement test and the~~
10 ~~standards-based achievement tests; collected all data and information as required by~~
11 ~~Sections 861 and 862; returned to the test publisher all test materials, answer~~
12 ~~documents, and other materials included as part of the designated achievement test~~
13 ~~and the standards-based achievement tests in the manner and as otherwise required by~~
14 ~~the test publisher; and assisted the test publisher in the resolution of any discrepancies~~
15 ~~in the test or test materials as required by Section 868.~~

16 ~~(d)(11) Within five (5) working days of~~ After receiving summary reports and files from
17 the ~~publisher~~ contractor, the school district STAR coordinator shall review the files and
18 reports for completeness and accuracy, and shall notify the ~~publisher~~ contractor and the
19 Department of its findings. ~~The school district shall notify the Department in writing~~
20 ~~whether~~ any errors, discrepancies, or incomplete information ~~have been resolved.~~

21 (12) Training test site coordinators to oversee the test administration at each school.

22 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

23 Reference: Sections 60630 and 60640, Education Code.

24
25 *Amend Section 858 to read:*

26 **§ 858. STAR Test Site Coordinator.**

27 (a) At each test site, including but not limited to, each elementary, middle, and high
28 school or other grade-span designated school, each charter school, each court-school,
29 each school or program operated by a school district, and all other public programs
30 serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school
31 district or the district STAR coordinator shall designate a STAR test site coordinator
32 from among the employees of the school district. The STAR test site coordinator, or the
33 site principal or his or her designee, shall be available to the ~~STAR program~~ district

1 STAR coordinator by telephone through August 15 for purposes of resolving
2 discrepancies or inconsistencies in materials or errors in reports.

3 (b) The STAR test site coordinator's responsibilities shall include, but are not limited
4 to, all of the following duties:

5 (1) Determining site test and test material needs and communicating the site needs
6 to the ~~STAR program~~ district STAR coordinator.

7 (2) Overseeing the acquisition and distribution of tests and test materials at the test
8 site.

9 (3) Cooperating with the ~~STAR program~~ district STAR coordinator to provide the
10 testing and makeup testing days for the site within any required time periods.

11 (4) Maintaining security over the designated achievement test, ~~and~~ the standards-
12 based achievement tests, the CAPA and test data. The STAR test site coordinator shall
13 sign the security agreement set forth in Section 859 and submit it to the district STAR
14 coordinator prior to the receipt of the test materials.

15 (5) Arranging for and ~~Overseeing~~ the administration of the designated achievement
16 test, ~~and~~ the standards-based achievement tests, and the CAPA to eligible pupils at the
17 test site.

18 (6) Overseeing the collection and return of all testing materials to the ~~STAR program~~
19 district STAR coordinator.

20 (7) Assisting the ~~STAR program~~ district STAR coordinator, the ~~test publisher~~
21 contractor, and the Department in the resolution of any discrepancies in the test
22 information and materials.

23 (8) Overseeing the collection of all pupil level and other data required to comply with
24 Sections 861 and 862.

25 (9) Ensuring that an answer document is submitted for scoring for each eligible pupil
26 enrolled in the school on the first day of testing.

27 ~~(10)~~(9) Ensuring that for each pupil tested only one scannable answer document is
28 submitted for scoring, except for each pupil tested at grades 4 or grade 7, for which the
29 contractor has designated the use of more than one answer document. ~~a~~An answer
30 document for the STAR writing assessment administered pursuant to Section 855(c)
31 shall be submitted in addition to the answer document for the multiple choice items.

32 (11) Immediately notifying the district STAR coordinator of any security breaches or
33 testing irregularities that occur in the administration of the designated achievement test,

1 the standards-based achievement tests, or the CAPA that violate the terms of the STAR
2 Security Affidavit in Section 859.

3 (12) Training all test examiners, proctors, and scribes for administering the tests.

4 ~~(c) Within three (3) working days of complete site testing, the principal and the STAR~~
5 ~~test site coordinator shall certify to the STAR program district coordinator that the test~~
6 ~~site has maintained the security and integrity of the designated achievement test and~~
7 ~~the standards-based achievement tests, collected all data and information as required,~~
8 ~~and returned all test materials, answer documents, and other materials included as part~~
9 ~~of the designated achievement test in the manner and as otherwise required by the~~
10 ~~STAR program district coordinator.~~

11 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

12 Reference: Sections 60630 and 60640, Education Code.

13
14 *Amend Section 859 to read:*

15 **§ 859. STAR Test Security Agreement and Test Security Affidavit.**

16 (a) All STAR ~~program~~ district and test site coordinators (coordinators) shall sign the
17 STAR Test Security Agreement set forth in Subdivision (b) before receiving any STAR
18 Program tests or test materials.

19 (b) The STAR Test Security Agreement shall be as follows:

20 STAR TEST SECURITY AGREEMENT

21 ~~The coordinator I~~ acknowledges by his or her my signature on this form that the
22 designated achievement test, ~~and the standards-based achievement tests, and the~~
23 CAPA are secure tests and agrees to each of the following conditions to ensure test
24 security.

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

28 (2) ~~The coordinator I~~ will keep on file the names of all persons having access to tests
29 and test materials. All persons having access to the materials shall be required by the
30 coordinator to sign the STAR Test Security Affidavit that will be kept on file in the school
31 district office.

32 (3) ~~The coordinator I~~ will keep the designated achievement test and the standards-
33 based achievement tests and test materials in a secure, locked location ~~limiting access~~

1 ~~to and will deliver tests and test materials only to~~ those persons ~~responsible for test~~
 2 ~~security who have executed STAR Test Security Affidavits, except on actual testing~~
 3 ~~dates as provided in California Code of Regulations, Title 5, Division 1, Chapter 2,~~
 4 ~~Subchapter 3.75.~~

5 (4) I will keep the CAPA materials in a secure locked location when not being used
 6 by examiners to prepare for and to administer the assessment. I will adhere to the
 7 contractor's directions for the distribution of the assessment materials to examiners.

8 ~~(5)(4)The coordinator I~~ will not copy any part of the tests or test materials without
 9 written permission from the Department to do so.

10 (6) I will not disclose, or allow to be disclosed, the contents of, or the test instrument.
 11 I will not review any test questions, passages, or other test items with any other person
 12 before, during, or after the test administration.

13 ~~(7)(5) The coordinator I~~ will not review test questions, develop any scoring keys or
 14 review or score any pupil responses except as required by the contractor's manuals.

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

17 By: _____

18 Title: _____

19 School District: _____

20 Date: _____

21 (c) Each STAR test site coordinator shall deliver the designated achievement test
 22 and the standards-based achievement tests and test materials on each day of testing
 23 ~~only to those persons actually administering the designated achievement test and the~~
 24 ~~standards-based achievement tests~~ test examiners who have been trained to administer
 25 the tests and who have signed the STAR Test Security Affidavit set forth in Subdivision
 26 (f) on the date of testing to persons trained to administer the test who have executed the
 27 ~~STAR Test Security Affidavit set forth in Subdivision (e).~~

28 (d) Each STAR test site coordinator shall deliver the CAPA materials
 29 only to test examiners. The coordinator shall adhere to the
 30 contractor's directions for the distribution of the assessment materials
 31 to test examiners.

32 ~~(e)(d)~~ All test examiners, proctors, scribes, and any other persons having access to
 33 the designated achievement test and test materials, and to the standards-based
 34 achievement tests and test materials, and the CAPA materials shall acknowledge the

1 limited purpose of their access to the tests by signing the STAR Test Security Affidavit
2 set forth in Subdivision (f).

3 ~~(f)(e)~~The STAR Test Security Affidavit shall be as follows:

4 STAR TEST SECURITY AFFIDAVIT

5 I acknowledge that I will have access to the designated achievement test and to the
6 standards-based achievement tests and the CAPA for the purpose of administering the
7 test(s). I understand that these materials are highly secure, and it is my professional
8 responsibility to protect their security as follows:

9 (1) I will not divulge the contents of the tests to any other person through verbal,
10 written, or any other means of communication.

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

12 (3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.

13 (4) I will limit access to the test(s) and test materials by test examinees to the actual
14 testing periods when they are taking the test(s).

15 (5) I will collect and account for all materials following each period of testing and will
16 not permit pupils to remove test materials from the room where testing takes place.

17 ~~(6) I will not disclose, or allow to be disclosed, the contents of, or the test instrument.~~
18 I will not review any test questions, passages, or other test items with pupils or any
19 other person before, during, or following testing.

20 (7) I will not develop scoring keys or review or score any pupil responses except as
21 required by the ~~publisher's~~ contractor's administration manual(s) to prepare answer
22 documents for machine or other scoring.

23 (8) I will return all test materials to the designated STAR test site coordinator daily
24 upon completion of testing.

25 (9) I will administer the test(s) in accordance with the directions for test
26 administration set forth in the ~~publisher's~~ contractor's manual for test administration.

27 (10) I have been trained to administer the tests.

28 Signed: _____

29 Print Name: _____

30 Position: _____

31 School: _____

32 School District: _____

33 Date: _____

1 ~~(g)(f)~~ To maintain the security of the Program, all ~~STAR program~~ district STAR
2 coordinators and test site coordinators are responsible for inventory control and shall
3 use appropriate inventory control forms to monitor and track test inventory.

4 *Section 861 to read:*

5
6 **§ 861. School-By-School Analysis**

7 (a) Each school district shall provide the ~~publisher~~ contractor ~~of~~ for the designated
8 achievement test and the standards-based achievement tests or CAPA, the following
9 information for each pupil ~~tested~~ enrolled on the first day the tests are administered for
10 purposes of the reporting required by the Academic Performance Index of the Public
11 Schools Accountability Act (Chapter 6.1, commencing with Section 52050), Section
12 60630, and Chapter 5 (commencing with Section 60640) of the Education Code:

13 (1) Pupil's full name.

14 (2)(1) Date of birth.

15 (3)(2) Grade level.

16 (4)(3) Gender.

17 (5)(4) language fluency English proficiency and ~~home~~ primary language.

18 (6) Date of English proficiency reclassification.

19 (7) If R-FEP pupil scored proficient or above on the California English-Language Arts
20 Standards Test three (3) times since reclassification.

21 (8)(5) Special ~~p~~Program participation.

22 (9)(6) Use of Testing adaptations or accommodations, or modifications.

23 (10) California School Information Services (CSIS) Student Number once assigned.

24 (11)(7) Parent education level.

25 (12)(8) Amount of time in the school and school district.

26 (13) For English learners, length of time in California public schools and in school in
27 the United States.

28 (14) Participation in the National School Lunch Program.

29 (15)(9) Ethnicity.

30 (16)(10) Handicapping condition or Primary disability.

31 (17) County and District of residence for students with IEPs.

32 (18) Special testing conditions and/or reasons for not being tested.

1 (b) The information is for the purposes of aggregate analyses only and shall be
2 provided and collected as part of the testing materials for the designated achievement
3 test, the standards-based achievement tests, and the CAPA.

4 (c) School districts shall provide the same information for each eligible pupil enrolled
5 in an alternative or off campus program or for pupils placed in nonpublic schools as is
6 provided for all other eligible pupils in grades 2 to 11, inclusive.

7 (d) If the information required by section 861(a) is incorrect, the school district may
8 enter into a separate agreement with the contractor to have the district's student data
9 file corrected. The district STAR coordinator shall provide the correct information to the
10 contractor within the contractor's timeline. Any costs for correcting the student data shall
11 be the district's responsibility.

12 NOTE: Authority cited: Sections 33031 and 60605(g) ~~and (h)~~, Education Code.

13 Reference: Section 60630, Education Code.

14
15 *Amend Section 862 to read:*

16 **§ 862. Apportionment.**

17 ~~(a) Each school district shall report to the Department all of the following information~~
18 ~~relevant to~~ Annually, each school district shall receive an apportionment information
19 report with the following information for the designated achievement test, ~~and the~~
20 standards-based achievement tests, and the CAPA by grade level for each of grades 2
21 to 11, inclusive:

22 (1) The number of pupils enrolled in each school and in the school district on the first
23 day of testing ~~in the school district~~ as indicated by the number of answer documents
24 submitted to the test contractor for scoring.

25 (2) The number of pupils with significant cognitive disabilities in each school and in
26 the school district ~~exempted from testing pursuant to Education Code section 60640(e)~~
27 tested with the California Alternate Performance Assessment (CAPA).

28 (3) The number of pupils in each school and in the school district exempted from
29 testing at the request of their parents or guardians pursuant to Education Code ~~s~~Section
30 60615.

31 (4) The number of pupils ~~to whom~~ who were administered any portion of the
32 designated achievement test was administered and standards-based achievement
33 tests.

1 (5) The number of pupils with demographic information only who were not tested for
2 any reason other than because of a parent/guardian exemption.

3 (b) The department shall distribute the reports to districts no later than November 15
4 following each testing cycle.

5 ~~(b)(1) The superintendent of each school district shall certify the accuracy of all~~
6 ~~information submitted. The report required by Subdivision (a) shall be filed with the~~
7 ~~State Superintendent of Public Instruction within ten (10) working days of the last day of~~
8 ~~makeup testing in the school district.~~

9 ~~(2) School districts with an average daily attendance greater than 100,000 may~~
10 ~~certify the accuracy and submit the information required by Subdivision (a) within fifteen~~
11 ~~(15) working days of the last day of makeup testing in the school district. The school~~
12 ~~district may submit a request to the Department to obtain approval of the State Board of~~
13 ~~Education for an extension of ten (10) additional working days if the fifteen (15) working~~
14 ~~day requirement presents an undue hardship.~~

15 (c) To be eligible for apportionment payment school districts must meet the following
16 conditions:

17 (1) The school district has returned all secure test materials, and

18 (2) The superintendent of each school district has certified the accuracy of the
19 apportionment information report for examinations administered during the calendar
20 year (January 1 through December 31), which is either;

21 (A) postmarked by December 31, or

22 (B) if postmarked after December 31, the apportionment information report must be
23 accompanied by a waiver request as provided by Education Code Section 33050. For
24 those apportionment information reports postmarked after December 31, apportionment
25 payment is contingent upon the availability of an appropriation for this purpose in the
26 fiscal year in which the testing window began.

27 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

28 Reference: Sections 60615 and 60640, Education Code.

29
30
31 *Amend Section 863 to read:*

32 **§ 863. STAR Student Parent Reports and Cumulative Record Labels.**

1 (a) The school district shall forward the STAR Student Report provided by the
2 contractor, in writing, the results of to each pupil's test to the pupil's parent or guardian,
3 within not more than twenty (20) working days from receipt of the report test results from
4 the publisher contractor.

5 (b) If the school district receives these reports for the designated achievement test
6 and standards-based tests from the test publisher contractor after the last day of
7 instruction for the school year, the school district shall send the pupil results to the
8 parent or guardian by U.S. mail at the parent's or guardian's last known address. If the
9 report is non-deliverable, the school district shall make the report available to the parent
10 or guardian during the next school year.

11 (c) Schools are responsible for affixing cumulative record labels reporting each
12 pupil's scores to pupils' permanent school records, for entering the scores into
13 electronic student records, and for forwarding the results to schools to which pupils
14 matriculate or transfer. Schools may annotate the scores when the scores may not
15 accurately reflect students' achievement due to illness or testing irregularities.

16 NOTE: Authority cited: Sections 33031 and 60605(~~g~~) and (~~h~~), Education Code.
17 Reference: Section 60641, Education Code.

18
19 *Amend Section 864 to read:*

20 **§ 864. Reporting Test Scores.**

21 No aggregate or group scores or reports that are compiled pursuant to Education
22 Code section 60641 or 60643 shall be reported electronically, in hard copy, or in other
23 media, to any audience other than the school or school district where the pupils were
24 tested, if the aggregate or group scores or reports ~~is~~ are composed of ten (10) or fewer
25 individual pupil scores. In each instance in which no score is reported for this reason,
26 the notation shall appear "The number of pupils in this category is too small for
27 statistical accuracy or privacy protection." In no case shall any group score be reported
28 that would deliberately or inadvertently make public the score or performance of any
29 individual pupil.

30 NOTE: Authority cited: Sections 33031 and 60605(~~g~~) and (~~h~~), Education Code.
31 Reference: Section 60640, Education Code.

32 *Amend Section 864.5. to read:*

33 **§ 864.5. Test Order Information.**

1 (a) The school district shall provide to the ~~publisher~~ contractor, no later than
2 December 1 of the year immediately prior to the year of test administration, the following
3 data for each test site of the school district, by grade level:

4 ~~(1) CBEDS enrollment~~

5 ~~(2) Current enrollment~~

6 (1) Number of students to be tested

7 ~~(2)(3) Valid county district school (CDS) codes~~

8 ~~(3)(4) Number of tests without adaptation~~

9 ~~(4)(5) Numbers of special version tests with adaptations by type of adaptation~~
10 including but not limited to Braille and large print.

11 ~~(5)(6) Number of directions for administration needed, by grade level.~~

12 ~~(6)(7) First date of testing in the school district, including the dates for each testing~~
13 ~~wave test administration period, if applicable.~~

14 ~~(7)(8) Date or dates on which delivery of materials to the school district is requested.~~

15 (b) Each school district that elects pre-identification of answer documents shall
16 provide to the ~~publisher~~ no fewer than 45 days prior to the first date of testing in the
17 ~~school district~~, submit an electronic file that includes all of the information required in
18 Section 861. The file must be submitted in accordance with the timeline, format, and
19 instructions provided by the contractor.

20 (c) If the testing materials are lost or destroyed while in the possession of the school
21 district, and the ~~publisher~~ contractor provides the school district with replacement
22 materials, the school district is responsible for the cost of all replacement materials.

23 (d) If the school district places an order for tests for any school that is excessive, the
24 school district is responsible for the cost of materials for the difference between the sum
25 of the number of pupil tests scored, ~~the number of parent requests pursuant to~~
26 ~~Education Code section 60615, and the number of individualized education program~~
27 ~~exemptions pursuant to Education Code section 60640(e)~~ submitted for scoring
28 including tests for non-tested pupils and 90 percent of the tests ordered. In no event
29 shall the cost to the school district for replacement or excessive materials exceed the
30 amount per test booklet and accompanying material that is paid to the ~~publisher~~
31 contractor by the Department as part of the contract ~~with the publisher~~ for the current
32 year.

1 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

2 Reference: Sections 60640 and 60643, Education Code.

3
4 *Amend Section 865 to read:*

5 **§ 865. Transportation.**

6 (a) Upon arrival of the test materials at a single location designated by each school
7 district, the school district's ~~STAR program~~ district STAR coordinator shall provide the
8 ~~publisher contractor~~ with a signed receipt certifying that all cartons were received.

9 (b) The security of the test materials that have been duly delivered to the school
10 district is the sole responsibility of the school district until all test materials have been
11 inventoried, accounted for, and delivered to the common or private carrier designated
12 by the ~~publisher contractor~~ for return to the contractor.

13 (c) Secure transportation within a school district is the responsibility of the school
14 district once materials have been duly delivered to the school district. The school district
15 is responsible for secure delivery of test materials to non-public schools to which district
16 students with disabilities are assigned.

17 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

18 Reference: Section 60640, Education Code.

19
20 *Amend Section 866 to read:*

21 **§ 866. School District Delivery.**

22 (a) No school district shall receive its multiple-choice test materials more than
23 ~~twenty-five (25)~~ twenty (20) or fewer than ten (10) calendar working days prior to the
24 first day of testing in the school district. A school district that has not received multiple-
25 choice test materials from the ~~test publisher contractor~~ contractor at least ten (10) calendar
26 working days before the first date of testing in the school district shall notify the
27 ~~publisher contractor~~ and the Department on the tenth working day before testing is
28 scheduled to begin that the school district has not received its materials. Deliveries of
29 multiple-choice test materials to single school districts shall use the schedule in Section
30 867.

31 ~~(b) School districts shall return all designated achievement tests and standards-~~
32 ~~based achievement tests and test materials to the publisher within five (5) working days~~

1 ~~of the last test date in the school district, including makeup testing days or six (6) days~~
2 ~~after any statutory deadline, whichever date is earlier.~~

3 ~~(b)(e)~~ A school district and the publisher contractor ~~may~~ shall establish a periodic
4 ~~delivery and retrieval schedule to accommodate wave test administration dates~~ test
5 administration periods within the school district. Any schedule established must conform
6 to Sections 866(a) and (b) for each test administration period.

7 (c) No school district shall receive its writing test materials more than ten (10) or
8 fewer than five (5) working days before the day on which the writing tests are to be
9 administered.

10 NOTE: Authority cited: Sections 33031 and 60605(g) ~~and (h)~~, Education Code.

11 Reference: Sections 60640 and 60643, Education Code.

12
13 *Amend Section 867 to read:*

14 **§ 867. Test Site Delivery and Return.**

15 (a) No school or other test site shall receive any multiple-choice test or related test
16 materials more than ten (10) ~~working days~~ nor fewer than five (5) working days prior to
17 the first day of testing scheduled at the school or test site.

18 ~~(b) Upon completion of a testing wave at a site, including makeup testing, all tests~~
19 ~~and test materials shall be returned to the school district location designated by the~~
20 ~~STAR program district coordinator.~~

21 (b) All multiple-choice testing materials shall be returned to the school district
22 location designated by the district STAR coordinator no more than two (2) working days
23 after testing is completed for each test administration period.

24 ~~(c) Designated achievement tests and standards-based achievement tests and test~~
25 ~~materials shall not be retained at the test site for more than two (2) working days after~~
26 ~~the last day of test administration including makeup testing days or after any statutory~~
27 ~~deadline, whichever is earlier. No school or other test site shall receive any writing test~~
28 materials more than six (6) or fewer than two (2) working days before the test
29 administration date.

30 (d) Writing test materials shall be returned to the district STAR coordinator no more
31 than one day after the day scheduled for makeup testing.

32 *Amend Section 867.5 to read:*

33 **§ 867.5. Retrieval of Materials by Publisher Contractor.**

1 (a) The school district shall ensure that multiple-choice testing materials are
2 inventoried, packaged, and labeled in accordance with instructions from the ~~publisher~~
3 contractor, and returned to a single school district location for pickup by the ~~publisher~~
4 contractor within five (5) working days following completion of testing in the school
5 district and in no event later than five (5) working days after ~~any applicable statutory~~
6 deadline each test administration period. All school districts must have their multiple-
7 choice testing materials returned to the ~~publisher~~ contractor no later than ~~six (6)~~ five (5)
8 working days after any statutory deadline.

9 **(b) School districts shall return all writing tests and test materials to the contractor no**
10 **more than two (2) working days after the makeup day specified for the writing test.**

11 NOTE: Authority cited: Sections 33031 and 60605(~~g~~) and (~~h~~), Education Code.

12 Reference: Sections 60640 and 60643, Education Code.

13
14 *Amend Section 868 to read:*

15 **§ 868. Discrepancy Resolution for Designated Achievement Test, Standards-**
16 **Based Achievement Tests, and CAPA.**

17 (a) School districts shall process discrepancies determined by the ~~designated~~
18 ~~publisher~~ contractor upon receipt of returned tests and test materials pursuant to this
19 subdivision:

20 (1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by
21 the ~~STAR program~~ district STAR coordinator for one or more of the following shall
22 require a response from the ~~STAR program~~ district STAR coordinator to the ~~publisher~~
23 contractor within 24 hours.

24 (A) A discrepancy between the quantity of tests and test materials shipped to the
25 school district and the number of tests and test materials returned to the ~~publisher~~
26 contractor from the school district.

27 (B) Information on scannable documents or test support materials that is
28 inconsistent, incomplete, or missing, according to criteria established with the
29 Department.

30 (2) The ~~STAR program~~ district STAR coordinator shall acknowledge the discrepancy
31 notice via electronic mail, if available in the school district, to the ~~publisher~~ contractor
32 and to the Department within twenty-four (24) hours of its receipt via electronic mail.

1 (b) The ~~STAR program~~ district STAR coordinator shall report any discrepancy in the
2 total amount of the shipment from the ~~designated test publisher~~ contractor within two (2)
3 working days of the receipt of the shipment. If the ~~designated test publisher~~ contractor
4 does not remedy the discrepancy within two (2) working days of the school district
5 report, the school district shall notify the Department within 24 hours.

6 (c) Any discrepancy in a shipment of designated achievement tests or test materials,
7 ~~or standards-based achievement tests or test materials,~~ or CAPA materials received by
8 a test site from the ~~STAR program~~ district STAR coordinator shall be reported to the
9 ~~STAR program~~ district STAR coordinator immediately but no later than two (2) working
10 days of the receipt of the shipment at the testing site. The ~~STAR program~~ district STAR
11 coordinator shall remedy the discrepancy within two (2) working days.

12 (d) The ~~STAR program~~ district STAR coordinator shall report to the ~~publisher~~
13 contractor any discrepancy reported by a STAR test site coordinator within three (3)
14 working days of receipt of materials at the test site. If the ~~STAR program~~ district STAR
15 coordinator does not have a sufficient supply of tests or test materials to remedy any
16 shortage, the ~~test publisher~~ contractor shall remedy the shortage by providing sufficient
17 materials directly to the test site within two (2) working days of the notification by the
18 ~~STAR program~~ district STAR coordinator.

19 (e) The notices required by this section shall be made by telephone with
20 simultaneous confirmation in writing and by electronic mail.

21 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

22 Reference: Sections 60640 and 60643, Education Code.

23
24 *Amend Section 870 to read:*

25 **§ 870. Apportionment to School Districts.**

26 (a) The amount of funding to be apportioned to the school district for the costs of
27 administering the designated achievement test, ~~and the standards-based achievement~~
28 tests, and the CAPA shall be the amount established by the State Board of Education to
29 enable school districts to meet the requirements of administering the designated
30 achievement test, ~~and the standards-based achievement tests, and the CAPA~~ per the
31 number of tests administered to eligible pupils in grades 2 to 11, inclusive, and the
32 number of answer documents returned with only demographic information for students
33 enrolled on the first day of testing who were not tested in the school district. The number

1 of tests administered and the number of demographic answer documents shall be
2 determined by the certification of the school district superintendent pursuant to Section
3 862. For purposes of this portion of the apportionment, administration of the designated
4 achievement test, and the standards-based achievement tests, and the CAPA includes
5 the following items:

6 (1) All staffing costs, including the ~~STAR program~~ district STAR coordinator and the
7 STAR test site coordinators, staff training and other staff expenses related to testing.

8 (2) All expenses incurred at the school district and test site level related to testing.

9 (3) All transportation costs of delivering and retrieving tests and test materials within
10 the school district.

11 (4) All costs associated with mailing the ~~parent reports of test results~~ STAR Student
12 Reports to parents/guardians.

13 (5) All costs associated with pre-identification of answer sheets and consumable test
14 booklets, and other activities intended to provide the complete and accurate data
15 required in Section 861 of these regulations.

16 (b) This amount does not include any funding for the purposes of reimbursing the
17 costs incurred by any school district pursuant to Section 864.5(d) placing an order that
18 is excessive, or for replacement costs for test materials lost or destroyed while in
19 possession of the school district as ~~allocated~~ stated in Section ~~865~~ 864.5(c). These
20 costs are outside the scope of the mandates of the STAR Program.

21 (c) If at the time a school district's scannable documents are processed by the
22 ~~publisher~~ contractor a student data record is missing any of the data elements required
23 in Section 861 of these regulations, the school district shall provide the missing data
24 elements within the time required by the ~~publisher~~ contractor to process the documents
25 and meet the ~~publisher's~~ contractor's schedule of deliverables under its contract with
26 the Department. The additional costs incurred by the school district to have the
27 ~~publisher~~ contractor reprocess the student information to acquire the data required by
28 Section 861 of these regulations shall be withheld from the school district's
29 apportionment.

30 NOTE: Authority cited: Sections 33031 and 60605(~~g~~) and (~~h~~), Education Code.

31 Reference: Sections 60640 and 60643, Education Code.