



# CALIFORNIA STATE BOARD OF EDUCATION

## JULY 2004 AGENDA

<b>SUBJECT</b> California High School Exit Exam (CAHSEE): Approve Commencement of the Rulemaking Process for Amendments to Title 5 California Code of Regulations	<input checked="" type="checkbox"/> <b>Action</b> <input checked="" type="checkbox"/> <b>Information</b> <input type="checkbox"/> <b>Public Hearing</b>
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### **RECOMMENDATION**

The California Department of Education (CDE) recommends that the State Board of Education (SBE) approve the proposed amendments to the regulations, the Initial Statement of Reasons, and Notice of Proposed Rulemaking, and direct staff to commence the rulemaking process.

### **SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION**

In September 2003, SBE adopted amendments to the CAHSEE regulations, and approved by the Office of Administrative Law in May 2004.

### **SUMMARY OF KEY ISSUES**

The CAHSEE regulations serve to guide districts and schools in the administration of this examination. The purposes of the proposed amendments to the current regulations are: 1) to ensure that these regulations conform with the regulations for other California testing programs (e.g., global changes for "test publisher" to "test contractor" and "test administrator" to "test examiner"); 2) to make technical corrections (e.g., Individualized Education Program not Plan); 3) to add data fields that are now required because CAHSEE is being used for State Academic Performance Index (API) and Federal *No Child Left Behind Act of 2001* (NCLB) accountability purposes; and 4) to specify that districts will be held responsible for data correction costs that are not completed by the deadlines specified by the test contractor, so that mandated reporting timelines can be met (California *Education Code* Section 60851(e)).

## **ATTACHMENT(S)**

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[Attachment 1](#): Initial Statement of Reasons (2 pages)

[Attachment 2](#): Title 5, California Code of Regulations, California State Board of Education Notice of Proposed Rulemaking, California High School Exit Exam (5 pages)

[Attachment 3](#): TITLE 5. Education, Division 1. State Department of Education, Chapter 2. Pupils, Subchapter 6. California High School Exit Examination, Article 1. General (21 Pages)

The Fiscal Impact Statement will be submitted as a Last Minute Memorandum

## **INITIAL STATEMENT OF REASONS**

### **California High School Exit Examination (CAHSEE) Test Regulations**

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

The CAHSEE Regulations serve to guide districts and schools in the administration of this examination. The purposes of the proposed changes to the current regulations are: 1) to ensure that these regulations conform with the regulations for other California testing programs (e.g., global changes for “test publisher” to “test contractor” and “test administrator” to “test examiner”); 2) to make technical corrections (e.g., Individualized Education Program not Plan); 3) to add data fields that are now required because CAHSEE is being used for State (API) and Federal (NCLB) accountability purposes; and 4) to specify that districts will be held responsible for data correction costs that are not completed by the deadlines specified by the test contractor, so that mandated reporting timelines can be met (California *Education Code* Section 60851 (e)).

#### **NECESSITY/RATIONALE**

The CAHSEE has consequences for individual students, schools, and school districts. 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 testing variations regularly used in the classroom, accommodations or modifications receive those that are appropriate. The proposed regulations are also intended to ensure that necessary data on pupil participation and data required for analysis of pupil performance are collected and maintained. The regulations are designed to assure that the test is administered in a consistent, reliable, valid, and fair manner statewide.

#### **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**

It is not anticipated that there will be any adverse impact on small business that would necessitate developing alternatives to the proposed regulatory action. The fiscal analysis is pending.

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

The proposed regulations are not anticipated to have a significant adverse economic impact on any business because the regulations only relate to local school districts and not to business practices. The fiscal analysis is pending.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, *Governor*

**CALIFORNIA STATE BOARD OF EDUCATION**

1430 N Street; Room 5111  
Sacramento, CA 95814



**TITLE 5. EDUCATION**

**CALIFORNIA STATE BOARD OF EDUCATION**

**NOTICE OF PROPOSED RULEMAKING**

**California High School Exit Examination (CAHSEE)**

[Notice published July 23, 2004]

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**

Program staff will hold a public hearing beginning at **8:00 a.m. on Tuesday, September 7, 2004**, at 1430 N Street, Room 1801, 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 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 Coordinator. The written comment period ends at **5:00 p.m. on Tuesday, September 7, 2004**. The Board will consider only written comments received by the Regulations 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 Coordinator  
California Department of Education  
LEGAL DIVISION  
1430 N Street, Room 5319  
Sacramento, CA 95814  
Email: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)  
Telephone: (916) 319-0860  
FAX: (916) 319-0155

## **AUTHORITY AND REFERENCE**

Authority: Sections 12001 and 33031, Education Code.

Reference: Sections 49068, 56365, 60810(7)(d)(1), 60850, 60851, 60852, and 60855; 20 USC Section 6311.

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

Senate Bill 2 was enacted in June 1999 to establish the California High School Exit Examination (CAHSEE). The examination is in English-language arts and mathematics and is aligned to the relevant state academic content standards.

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 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.

The CAHSEE Regulations serve to guide districts and schools in the administration of this examination. The purposes of the proposed changes to the current regulations are: 1) to ensure that these regulations conform with the regulations for other California testing programs (e.g., global changes for “test publisher” to “test contractor” and “test administrator” to “test examiner”); 2) to make technical corrections (e.g., Individualized Education Program not Plan); 3) to add data fields that are now required because CAHSEE is being used for state (API) and federal (NCLB) accountability purposes; and 4) to specify that districts will be held responsible for data correction costs that are not completed by the deadlines specified by the test contractor, so that mandated reporting timelines can be met (Education Code Section 60851 (e)).

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agency or school district that must be reimbursed in accordance with Government Code Section 17561: None

Other non-discretionary cost or savings imposed on local educational agencies: None

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

Effect on small businesses: 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.

### **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:

Janet Chladek, Manager  
Standards and Assessment Division  
California Department of Education  
1430 N STREET, 5<sup>TH</sup> FLOOR  
E-mail: [jchladek@cde.ca.gov](mailto:jchladek@cde.ca.gov)  
Sacramento, CA 95814  
Telephone: (916) 445-9449

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 Coordinator, or to the backup contact person, Najia Rosales, at (916) 319-0860.

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

The Regulations 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 Coordinator at the above address.

### **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 that 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 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 Coordinator at the above address.

### **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 Web site at:

<http://www.cde.ca.gov/re/lr/rr/>

**REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY**

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Janet Chladek, Standards and Assessment Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 445-9449; fax, (916) 319-0969. It is recommended that assistance be requested at least two weeks prior to the hearing.

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  
7 *Amend Sections 1200, 1203, 1204.5, 1206, 1207, 1208, 1209, 1210, 1211,*  
8 *1211.5, 1215, 1215.5, 1216, and 1217 to read:*

9 **§ 1200. Definitions.**

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

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

15 (b) "Test administration" is the period of time starting with the delivery of the  
16 secure testing materials to the district and ending with the return shipment of  
17 materials to the test ~~publisher~~ contractor, and includes the period of time during  
18 which eligible pupils or eligible adult students take one or both sections of the  
19 examination.

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

22 (d) "Eligible pupil" is a person enrolled in a California public school in grade 10,  
23 11, or 12, including those pupils placed in a ~~non-public~~ nonpublic school through  
24 the Individualized Education ~~Plan~~ Program (IEP) process pursuant to Education  
25 Code ~~s~~Section 56365, who has not passed both the English/language arts section  
26 and the mathematics section of the high school exit examination.

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

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

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

8 (h) "Test ~~administrator~~ examiner" is an ~~certificated~~ employee of a school district,  
9 or a person assigned by a nonpublic school to implement a student's ~~Individualized~~  
10 ~~Education Program (IEP)~~, who has received training specifically designed to prepare  
11 him or her to administers the high school exit examination ~~to eligible pupils or eligible~~  
12 ~~adult students.~~

13 (i) "Test proctor" is an employee of a school district, or a person assigned by a  
14 nonpublic school to implement a pupil's IEP, who has received training specifically  
15 designed to prepare him or her to assist the test ~~administrator~~ examiner in  
16 administration of the high school exit examination.

17 (j) "Scribe" is an employee of the school district, or a person assigned by a  
18 nonpublic school to implement a pupil's IEP and is required to transcribe a pupil's or  
19 adult student's responses to the format required by the examination. A parent or  
20 guardian is not eligible to be a scribe.

21 (k) "School district" includes unified and high school districts, county offices of  
22 education, any ~~independent~~ charter school that for assessment purposes does is not  
23 elect to be part of the school district or county office of education that granted the  
24 charter, and any charter school chartered by the State Board of Education.

25 (l) "Department" is the California Department of Education.

26 (m) "Examination" is the high school exit examination.

27 (n) "Test materials" are materials necessary to administer the examination,  
28 including but not limited to test manuals, pupil test booklets, answer documents,  
29 special test versions, and other materials developed and provided by the contractor.

30 (o)(n) "Variation" is a change in the manner in which a test is presented or  
31 administered, or in how a test taker is allowed to respond, and includes, but is not

1 limited to, accommodations and modifications as defined in Education Code ~~s~~Section  
2 60850.

3 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52504,  
4 56365, 60850 and 60851, Education Code.

5

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

7

### 8 **§ 1203. Pupil or Adult Student Identification.**

9 Test ~~administrators~~ examiners at the test site shall be responsible for the accurate  
10 identification of eligible pupils or adult students who are to be administered the  
11 examination through the use of photo-identification or positive recognition by an  
12 employee of the school district.

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

15

### 16 **§ 1204.5 Grades 11 and 12 and Adult Education Testing Dates.**

17 (a) Eligible Ppupils in grades 11 and adult students and ~~12~~ who have not yet  
18 passed one or both sections of the examination shall have up to two opportunities per  
19 year to take the section(s) of the examination not yet passed and may elect to take  
20 the examination during these opportunities.

21 (b) Pupils in grade 12 who have not yet passed one or both sections of the  
22 examination shall have: (1) up to three opportunities during grade 12; or (2) up to two  
23 opportunities in grade 12 and one opportunity in the year following grade 12 to take  
24 the section(s) of the examination not yet passed. Pupils in grade 12 may elect to take  
25 the examination during these opportunities.

26 (c) Districts shall not test eligible pupils in grades 11 and adult students ~~12~~ in  
27 successive administrations within a school year. Eligible pupils in grades 11 and 12  
28 should be offered appropriate remediation or supplemental instruction before being  
29 retested. ~~Eligible pupils shall be provided one opportunity to pass the examination~~  
30 after completion of other grade 12 requirements.

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

1 Education Code.

2

3 **§ 1206. Pupil or Permanent Record Information.**

4 (a) School districts shall maintain in each pupil's permanent record the  
5 following information:

6 (1) The date on which the pupil took each section of the examination.

7 (2) Whether the pupil has satisfied the requirement to successfully pass the  
8 examination for each section or sections of the examination taken.

9 (b) The information required by subdivision (a) of this section shall be entered in  
10 each pupil's permanent record within 60 days of receiving the electronic data files  
11 from the test ~~publisher~~ contractor.

12 (c) Whenever a pupil transfers from one school district to another, the new district  
13 may request the pupil's examination results as part of the permanent record,  
14 pursuant to subdivision (a), in compliance with Education Code sSection 49068.

15 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49068  
16 and 60851, Education Code.

17

18 **§ 1207. Data for Analysis of Pupil Performance.**

19 (a) Each school district shall provide the test ~~publisher~~ contractor with an  
20 answer document with complete demographic information for each grade 10 pupil  
21 enrolled at the time of the grade 10 census administration.

22 (b) Each school district shall provide the data collected pursuant to Section  
23 1205 to the test ~~publisher~~ contractor of the examination for purposes of the  
24 reporting required for the independent evaluation, the Public Schools  
25 Accountability Act, and No Child Left Behind. In addition, each school district shall  
26 provide the following demographic information for each pupil tested:

27 (1) Pupil's full name

28 (2) Date of birth

29 (3) Grade level

30 (4) Gender

31 (5) English Language fluency proficiency and home primary language

- 1        (6) Date of English proficiency reclassification
- 2        (7) If R-FEP pupil scored proficient or above on the California English-
- 3 Language Arts Standards Test three (3) times since reclassification
- 4        ~~(8)(6) Special p~~Program participation
- 5        ~~(9)(7) Participation in free or reduced priced meals~~
- 6        ~~(8) Enrolled in a school that qualifies for assistance under Title 1 of the~~
- 7 ~~Elementary and Secondary Education Act~~
- 8        ~~(10)(9) Use of Testing~~ accommodations or modifications used during the
- 9 examination
- 10        ~~(11)(10) Handicapping condition or Primary~~ disability
- 11        (12) Participation in California Alternate Performance Assessment (CAPA)
- 12        ~~(13)(11) Ethnicity~~
- 13        ~~(14)(12) District mobility, s~~School mobility, and matriculation
- 14        (15) School and district CBEDS enrollment
- 15        ~~(16)(13) Parent education~~ level
- 16        (17) District and county of residence for students with disabilities
- 17        (18) California School Information Services (CSIS) Student Number, once
- 18 assigned

19        ~~(19)(14) Post-high school plans~~

20        (c) The demographic information is for the purposes of aggregate analyses  
21 only and shall be provided to the test publisher contractor and collected as part of  
22 the testing materials for the examination.

23        (d) School districts shall provide the same information for each eligible pupil  
24 enrolled in an alternative or off-campus program, or for pupils placed in nonpublic  
25 schools, as is provided for all other eligible pupils.

26        (e) If the information required by Section 1207(b) is incorrect, the school  
27 district shall provide corrected information within the time schedule specified by  
28 the test contractor in order to satisfy the due dates for deliverables under its  
29 contract with the Department. Any costs resulting from corrections made after the  
30 timeline specified by the test contractor shall be the school district's responsibility.

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

1 56365 52050 and 60855, Education Code; 20 USC 6311.

2  
3 **§ 1207.5 Reporting Test Scores.**

4 No aggregate or group scores or reports that are compiled pursuant to  
5 Education Code Section 60851 shall be reported electronically, in hard copy, or in  
6 other media, to any audience other than the school or school district where the  
7 pupils were tested, except the independent evaluator as set forth in Education  
8 Code Section 60855, if the aggregate or group scores or reports are composed of  
9 ten (10) or fewer individual pupil scores. In each instance in which no score is  
10 reported for this reason, the notation shall appear: "The number of pupils in this  
11 category is too small for statistical accuracy or privacy protection." In no case  
12 shall any group score be reported that would deliberately or inadvertently make  
13 public the score or performance of any individual student.

14 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections  
15 60851 and 60855, Education Code.

16  
17 **§ 1209. High School Exit Examination District Coordinator Responsibilities.**

18 (a) On or before July 1 of each school year, the superintendent of each school  
19 district shall designate from among the employees of the school district a district  
20 coordinator. The superintendent shall notify the test publisher contractor of the  
21 identity and contact information for the ~~high school exit examination~~ district  
22 coordinator. At the discretion of the superintendent, the contact information may  
23 include an electronic email address.

24 (b) The district coordinator or the school district superintendent or his or her  
25 designee, shall be available throughout the year and shall serve as the liaison  
26 between the school district and the test publisher contractor and the school district  
27 and the Department for all matters related to the examination.

28 (c) The district coordinator or the school district superintendent or his or her  
29 designee shall oversee the administration of the examination to eligible pupils or  
30 adult students, in accordance with the manuals or other instructions provided by the  
31 test publisher contractor for administering and returning the examinations and test

1 materials including, but not limited to, the following responsibilities:

2 (1) Responding to correspondence and inquiries from the test ~~publisher~~  
3 contractor and the Department in a timely manner and as provided in the test  
4 ~~publisher's~~ contractor's instructions and these regulations.

5 (2) Advising the test ~~publisher~~ contractor of the selected administration dates  
6 for the coming year by November 1 of the prior year.

7 (3) Determining school district and individual school examination and test  
8 material needs in conjunction with the test ~~publisher~~ contractor using current  
9 enrollment data.

10 (4) Completing and filing a Test Security Agreement as set forth in Section  
11 1211.5 with the test contractor prior to the receipt of examinations and test  
12 materials. A copy of ~~the~~ Test Security Agreement shall be maintained at the  
13 district office for 12 months from the date signed.

14 (5) Identifying a test site coordinator for each test site and securing a signed  
15 Test Security Agreement from each test site coordinator in the district and from  
16 any test ~~administrator~~ examiner at a nonpublic school in which a pupil has been  
17 placed by the district.

18 (6) Ordering sufficient examinations and test materials ~~to~~ for eligible pupils and  
19 adult students, including completing an electronic data file containing the data set  
20 forth in Section 1207, if the district chooses to have the test ~~publisher~~ contractor  
21 pre-identify answer documents.

22 ~~(7) Coordinating with the school test site coordinator within any required time~~  
23 ~~periods the testing days for the school district and nonpublic schools which serve~~  
24 ~~grade 10 through grade 12 pupils of the district.~~

25 ~~(7)(8)~~ (8) Overseeing the collection of all pupil data as required to comply with  
26 Sections 1205, 1206, and 1207.

27 ~~(8)(9)~~ (9) Ensuring that the examinations and test materials are retained in a secure,  
28 locked location, in the sealed boxes in which they were received from the test  
29 ~~publisher~~ contractor, from the time they are received in the school district until the  
30 time they are delivered to the test sites.

31 ~~(9)(10)~~ (10) Ensuring delivery of examinations and test materials to the test sites no

1 more than five (5) working days before the examination is to be administered.

2 ~~(10)~~(11) Ensuring that all examinations and test materials are received from test  
3 sites no later than the ~~close of the school~~ second day on the school day following the  
4 administration of the examination.

5 ~~(11)~~(12) Ensuring that all examinations and test materials received from test sites  
6 have been placed in a secure school district location ~~by the end of the day following~~  
7 ~~the administration of those examinations~~ upon receipt.

8 ~~(12)~~(13) Ensuring that all examinations and test materials are inventoried,  
9 packaged, and labeled in accordance with instructions from the test ~~publisher~~  
10 contractor. The examinations and test materials shall be ready for pick-up by the  
11 test ~~publisher~~ contractor at a designated location in the school district no more  
12 than five (5) working days following ~~completion~~ administration of the examination  
13 in the school district.

14 (13) Ensuring that an answer document is submitted for scoring for each  
15 eligible pupil in grade 10 enrolled in the district on the testing dates.

16 (14) Assisting the test ~~publisher~~ contractor and the Department in the resolution  
17 of any discrepancies in the test information and materials, including but not limited  
18 to, pre-identification files and the number of examinations received from the test  
19 ~~publisher~~ contractor and the number of examinations collected for return to the test  
20 ~~publisher~~ contractor.

21 (15) Immediately notifying the test contractor of any security breaches or  
22 testing irregularities in the district before, during, or after the administration of the  
23 examination.

24 ~~(d) Within seven (7) working days of completion of school district testing, the~~  
25 ~~superintendent and the high school exit examination district coordinator shall~~  
26 ~~certify to the test publisher that the school district has maintained the security and~~  
27 ~~integrity of the examination, collected all data and information as required to~~  
28 ~~comply with Sections 1205, 1206, and 1207, and returned all examinations and~~  
29 ~~test materials, answer documents, and other materials included as part of the~~  
30 ~~examination in the manner and as otherwise required by the Department in~~  
31 ~~regulation.~~

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

3

4 **§ 1210. High School Exit Examination Test Site Coordinator Responsibilities.**

5 (a) Annually, the district coordinator or the superintendent of the school district  
6 shall designate a ~~high school exit examination~~ test site coordinator for each test  
7 site. The designee shall be an employee of the school district, or the person  
8 assigned by a ~~non-public~~ nonpublic school to implement a student's IEP.

9 (b) The test site coordinator or the site principal or his or her designee, shall  
10 be available to the district coordinator for the purpose of resolving issues that  
11 arise as a result of the administration of the examination.

12 (c) The test site coordinator or the site principal shall oversee the  
13 administration of the examination to eligible pupils or adult students at the test site  
14 in accordance with the manuals or other instructions provided by the test  
15 ~~publisher~~ contractor for administering the examination including, but not limited to,  
16 the following responsibilities:

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

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

19 (3) Training the test ~~administrator~~ examiner(s), test proctors, and scribes as  
20 provided in the test ~~publisher's~~ contractor's manual.

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

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

27 (6) Overseeing the acquisition of examinations from the school district and the  
28 distribution of examinations to the test ~~administrator~~ examiner(s).

29 (7) Maintaining security over the examination and test data as follows:

30 (A) Delivering the examinations and test materials only to those persons who  
31 have executed the Test Security Affidavit and who are administering the

1 examination on the date of testing.

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

7 (8) Overseeing the collection of all pupil data as required to comply with Sections  
8 1205, 1206, and 1207 of these regulations.

9 (9) Overseeing the collection and return of all testing materials to the district  
10 coordinator no later than the ~~close of the school day on the school day~~ following  
11 administration of the examination.

12 (10) Ensuring that an answer document is submitted for scoring for each eligible  
13 pupil in grade 10 enrolled in the test site on the testing dates.

14 (11)~~(10)~~ Assisting the district coordinator and the test publisher contractor in  
15 the resolution of any discrepancies between the number of examinations received  
16 from the district coordinator and the number of examinations collected for return  
17 to the district coordinator.

18 (12) Immediately notifying the district coordinator of any security breaches or  
19 testing irregularities at the test site before, during, or after the administration of  
20 the examination.

21 ~~(d) Within three (3) working days of completion of site testing, the site principal~~  
22 ~~or the test site coordinator shall certify to the district coordinator that the test site~~  
23 ~~has maintained the security and integrity of the examination, collected all data and~~  
24 ~~information as required, and returned all examinations and test materials, answer~~  
25 ~~documents, and other materials included as part of the examination in the manner~~  
26 ~~and as otherwise required by the test publisher.~~

27 NOTE: Authority cited: Section 33031, Education Code. Reference: Section  
28 60851, Education Code.

29

30 **§ 1211. High School Exit Examination Test Security.**

31 (a) Access to the examination materials is limited to pupils taking the

1 examination for the purpose of graduation from high school and adult students  
2 taking the examination for the purpose of obtaining a high school diploma of  
3 graduation, and those who have signed the security affidavit or agreements,  
4 including employees of a school district directly responsible for administration of  
5 the examination, and persons assigned by a nonpublic school to implement  
6 students' IEPs.

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

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

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

20 (e) No examination may be administered in a ~~private home or location~~ hospital  
21 except by a test ~~administrator~~ examiner as defined in Section 1200(h) who signs  
22 the Test Security Affidavit as set forth in Section 1211.5. No examination shall be  
23 administered to a pupil by the parent or guardian of that pupil. This subdivision  
24 does not prevent classroom aides from being a test proctor and assisting in the  
25 administration of the examination under the supervision of a test ~~administrator~~  
26 examiner provided that the classroom aide does not assist his or her own child  
27 and that the classroom aide signs the Test Security Affidavit as set forth in  
28 Section 1211.5.

29 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections  
30 60851 and 60850, Education Code.

1 **§ 1211.5. High School Exit Examination Test Security Forms.**

2 (a) All district and test site coordinators shall sign the California High School  
3 Exit Examination Test Security Agreement set forth in subdivision (b).

4 (b) The California High School Exit Examination Test Security Agreement shall  
5 be as follows:

6 CALIFORNIA HIGH SCHOOL EXIT EXAMINATION TEST  
7 SECURITY AGREEMENT

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

11 (2) I will not disclose, or allow to be disclosed, the contents of the examination.

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

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

21 (5) I will not copy any part of the examination or test materials unless  
22 necessary to administer the examination pursuant to Section 1215.5 or 1216.

23 (6) I will not review test questions, develop any scoring keys, or review or  
24 score any pupil responses except as required by the test contractor's manuals.

25 By signing my name to this document, I am assuring that I will abide by the  
26 above conditions.

27 Signed: \_\_\_\_\_

28 Print name: \_\_\_\_\_

29 Title: \_\_\_\_\_

30 School District/Affiliation: \_\_\_\_\_

31 Date: \_\_\_\_\_

1 (c) All persons having access to the California High School Exit Examination,  
2 including but not limited to the site principal, test site coordinator, test administrators  
3 examiners, test proctors, scribes, and persons assigned by a nonpublic school to  
4 implement students' IEPs shall acknowledge the limited purpose of their access to  
5 the examination by signing the California High School Exit Examination Test Security  
6 Affidavit set forth in subdivision (d).

7 (d) The California High School Exit Examination Test Security Affidavit shall be  
8 as follows:

9 **CALIFORNIA HIGH SCHOOL EXIT EXAMINATION TEST SECURITY**  
10 **AFFIDAVIT**

11 I acknowledge that I will have access to the examination and test materials for  
12 the purpose of administering the examination. I understand that these materials  
13 are highly secure, and it is my professional responsibility to protect their security  
14 as follows:

15 (1) I will not divulge the contents of the examination to any other person  
16 through verbal, written, or any other means of communication.

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

18 (3) I will keep the examination secure until the examination is actually  
19 distributed to pupils or adult students.

20 (4) I will limit access to the examination and test materials by test examinees  
21 to the actual testing periods when they are taking the examination.

22 (5) I will collect and account for all materials following each examination and  
23 will not permit pupils or adult students to remove examinations or test materials  
24 from the room where testing takes place.

25 ~~(6) I will not disclose, or allow to be disclosed, the contents of, or the scoring keys~~  
26 ~~to, the examination. I will not review any test questions, passages, or other test items~~  
27 with eligible pupils or adult students before, during, or after the examination.

28 (7) I will return all examinations and test materials to the designated test site  
29 coordinator upon completion of the examination.

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

1 (A) Providing eligible pupils or adult students with access to examination  
2 questions prior to testing.

3 (B) Copying, reproducing, transmitting, distributing or using in any manner  
4 inconsistent with test security all or any section of any secure examinations or test  
5 materials.

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

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

9 (E) Failing to follow security rules for distribution and return of secure  
10 examinations and test materials as directed, or failing to account for all secure  
11 examinations and test materials before, during, and after testing.

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

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

16 (9) I will administer the examination in accordance with the directions for  
17 administration set forth in the test contractor's manuals for administration of the  
18 examination.

19 (10) I have been trained to administer the examination.

20 Signed: \_\_\_\_\_

21 Print Name: \_\_\_\_\_

22 Position: \_\_\_\_\_

23 School: \_\_\_\_\_

24 School District/Affiliation: \_\_\_\_\_

25 Date: \_\_\_\_\_

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

28 **Article 3. High School Exit Examination Testing**  
29 **Variations/Accommodations/Modifications/Waivers**  
30 **§ 1215. Testing Variations Available to All Students.**

31 (a) School districts may provide all eligible pupils and adult students the following  
32 testing variations:

1 (1) extra time within a testing day.

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

3 (3) student marks in test booklets (other than responses).

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

6 (1) special or adaptive furniture.

7 (2) special lighting, ~~or~~ acoustics, visual magnifying, or audio amplification  
8 equipment.

9 (3) an individual carrel or study enclosure

10 (4) test individually student in a separate room provided that the pupil or adult  
11 student is directly supervised by an employee of the school, school district, or  
12 nonpublic school, who has signed the Test Security Affidavit.

13 (5) ~~markers, colored overlay,~~ masks, or other means to maintain visual  
14 attention to the examination or test items.

15 (6) Manually Coded English or American Sign Language to present directions  
16 for test administration.

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

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

23 **§ 1215.5. Accommodations for Pupils or Adult Students with Disabilities.**

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

29 (b) Presentation accommodations:

30 (1) large print versions in 20-point font.

31 (A)(2) test items enlarged through electronic means if larger than 20-point font is

1 required.

2 (3) Braille transcriptions provided by the test ~~publisher~~ contractor ~~or a designee.~~

3 ~~(4) use of Manually Coded English or American Sign Language to present~~  
4 ~~directions for administration.~~

5 ~~(4)(5)~~ audio or oral presentation of the mathematics section of the examination.

6 ~~(5)(6) use of Manually Coded English or American Sign Language to present test~~  
7 ~~questions on the mathematics section of the examination.~~

8 (c) Response accommodations include:

9 (1) responses marked in test booklet and transferred to the answer document by  
10 a school, ~~or school district,~~ nonpublic school employee who has signed the Test  
11 Security Affidavit.

12 (2) responses dictated orally or in Manually Coded English to a scribe for  
13 selected-response items (e.g., multiple-choice test questions).

14 (3) responses dictated to a scribe, audio recorder or speech to text converter  
15 on the writing portion of the examination, and the eligible pupil or adult student  
16 indicates all spelling and language conventions.

17 ~~(4) use of~~ word processing software with spell and grammar check tools  
18 turned off on the writing portion of the examination.

19 ~~(5) use of~~ an assistive device that does not interfere with the independent work  
20 of the eligible pupil or adult student on the multiple choice or writing portion of the  
21 examination.

22 (d) Scheduling/timing accommodations include:

23 (1) testing over more than one day after consultation with the test ~~publisher~~  
24 contractor.

25 (2) supervised breaks within a section of the examination.

26 (3) administration of the examination at the most beneficial time of day to the  
27 eligible pupil or adult student after consultation with the test ~~publisher~~ contractor.

28 (e) Setting accommodations include tests administered by a test examiner  
29 ~~certificated teacher~~ to an eligible pupil or adult student at home or in the hospital.-

30 (f) The use of accommodations on the examination will not invalidate an  
31 eligible pupil's or adult student's test score or scores.

1 (g) If the eligible pupil's or adult student's IEP team or Section 504 plan  
2 proposes a variation for use on the examination that has not been listed in this  
3 section, 1215, or 1216, the school district may submit a request for review of the  
4 proposed variation in administering the examination pursuant to Section 1218.

5 NOTE: Authority cited: Section 33031, Education Code. Reference: Section  
6 60850, Education Code.

7 **§ 1216. Modifications for Pupils or Adult Students with Disabilities.**

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

12 (b) The following are modifications as defined by Education Code ~~s~~Section  
13 60850 because they fundamentally alter what the examination measures or affect  
14 the comparability of scores:

15 (1) arithmetic table, calculators, or math manipulatives on the mathematics  
16 section of the examination.

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

19 (3) ~~use of~~ Manually Coded English or American Sign Language to present test  
20 questions on the English/language arts section of the examination.

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

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

30 (6) ~~use of~~ responses dictated orally, in Manually Coded English, or in  
31 American Sign Language to provide an essay response to ~~the written portion of~~

1 ~~the examination~~ a scribe and the scribe provides spelling, grammar, and language  
2 conventions.

3 (7) ~~English dictionary on the English/language arts~~ any section of the  
4 examination.

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

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

11 (d) If the pupil's or adult student's IEP or Section 504 plan proposes a variation  
12 for use on the examination that has not been listed in this section, 1215, or  
13 1215.5, the school district may submit a request for review of proposed variations  
14 in administering the examination pursuant to Section 1218.

15 NOTE: Authority cited: Section 33031, Education Code. Reference: Section  
16 60850, Education Code; 20 USC Section 6311.

17 **§ 1217. English Learners.**

18 School districts shall provide identified English learner pupils or adult English  
19 learner students the following additional testing variations if regularly used in the  
20 classroom or for assessment:

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

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

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

31 (4) Translated directions. English learners may have the opportunity to hear the

1 test directions printed in the test contractor's manual a translated into their primary  
2 language. ~~version of the test directions and~~ English learners may have the  
3 opportunity to ask clarifying questions about the test directions in their primary  
4 language.

5 (5) Glossaries. English learners may have access to translation glossaries ~~if used~~  
6 ~~regularly in the classroom~~ (English to primary language ~~or primary language to~~  
7 ~~English).~~ The glossaries are to include only the English word or phrase with the  
8 corresponding primary language word or phrase. The glossaries shall include no  
9 definitions or formulas.

10 NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference:  
11 Sections 60810(7)(d)(1), 60850 and 60852, Education Code; 20 USC Section 6311.

## 12 **ARTICLE 5. APPORTIONMENT**

### 13 **§ 1225. Apportionment.**

14 (a) ~~For each test cycle, each school district shall report to the California~~  
15 ~~Department of Education the number of examinations administered.~~ Annually,  
16 each school district shall receive an apportionment information report with the  
17 following information for those examinations administered during the previous  
18 fiscal year (July 1 through June 30).

19 (1) The number of eligible pupils by grade level and eligible adult students  
20 enrolled in each school and in the school district on the day of testing as indicated  
21 by the number of answer documents submitted to the test contractor for scoring  
22 for each administration.

23 (2) The number of eligible pupils by grade level and eligible adult students who  
24 were administered any portion of the examination.

25 (3) The number of eligible pupils by grade level with demographic information  
26 only who were not tested for any reason other than because they were taking the  
27 CAPA.

28 (b) ~~The superintendent of each school district shall certify the accuracy of all~~  
29 ~~information submitted. The report required by subdivision (a) shall be filed with the~~  
30 ~~State Superintendent of Public Instruction within ten (10) working days of~~  
31 ~~completion of each test cycle in the school district.~~ To be eligible for

1 apportionment payment school districts must meet the following conditions:

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

3 (2) The superintendent of each school district has certified the accuracy of the  
4 apportionment information report for examinations administered during the prior  
5 fiscal year (July 1 through June 30), which is either:

6 (A) postmarked by December 31, or

7 (B) if postmarked after December 31, the apportionment information report  
8 must be accompanied by a waiver request as provided by Education Code  
9 Section 33050. For those apportionment information reports postmarked after  
10 December 31, apportionment payment is contingent upon the availability of an  
11 appropriation for this purpose in the fiscal year in which the tests were  
12 administered.

13 (c) The amount of funding to be apportioned to the school district for the  
14 examination shall be calculated by multiplying the amount per administration  
15 established by the State Board of Education to enable school districts to meet the  
16 requirements of Education Code ~~s~~Section 60851 by the number of eligible pupils  
17 and adult students in the school district tested for one or both portions of the  
18 examination during the previous fiscal year as determined by the apportionment  
19 information report and as certified ~~certification of~~ by the school district  
20 superintendent pursuant to subdivision (b).

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

22 NOTE: Authority cited: Section 33031, Education Code. Reference: Section  
23 60851, Education Code.

24  
25  
26