



# CALIFORNIA STATE BOARD OF EDUCATION

## MARCH 2004 AGENDA

<b>SUBJECT</b>  General Educational Development (GED): Approve Commencement of the Rulemaking Process for Amendments to Title 5 Section 11530(e)	<input checked="" type="checkbox"/> <b>Action</b>
	<input checked="" type="checkbox"/> <b>Information</b>
	<input type="checkbox"/> <b>Public Hearing</b>

### RECOMMENDATION

Approve the proposed regulations, the Initial Statement of Reasons, and the Notice of Proposed Rulemaking, and direct staff to commence the rulemaking process.

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

State Board of Education (SBE) received this proposed regulations package (proposed regulations, Initial Statement of Reasons, and Informative Digest) as an information item in their February 2004 Information Memoranda. The SBE last amended section 11530(e) on May 10, 1996, increasing the fee to \$12.00.

### SUMMARY OF KEY ISSUES

The proposed amendment to the regulations is intended to specify the amount of the fee that is needed to cover the administration costs for the State's GED Program. In California, the GED test is administered by 207 local GED Testing Centers. Local GED Testing Centers pay a fee to the state for each examinee that takes the GED.

The first GED Tests were developed in 1942 to help returning World War II Veterans. The GED Testing Service, a division of the American Council on Education, sponsors the GED Program. GED Testing Service develops and norms the GED Tests, develops national policy guidelines, and contracts with agencies to administer the testing program. California first adopted regulations for a GED Program in 1974. Fees paid by examinees fund the administration of the GED Program at the State Level. The fee is used to cover the cost of monitoring contracts with each of the testing centers, monitoring the contract with the GED Testing Service, and monitoring the contract for scoring tests with Educational Testing Service. The fee covers costs incurred in training examiners, inspecting and certifying testing sites, processing test center and examinee data, and processing requests for records from examinees. Annual expenses to provide follow-up services have increased 60 percent since the previous fee increase in 1996. An increase in the fee is now needed to cover increased administration costs of providing these services including increased costs for personnel, communications, facilities, general expense, office supplies, printing, postage, travel, and data processing.

The GED is used by many examinees to apply for college admission or employment. Test center fees are the sole source of funding for the State's GED Program. No Federal or State general funds are provided. The increase is needed to cover increased administration costs so that the program can continue to operate.

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**FISCAL ANALYSIS (AS APPROPRIATE)**

A modest fee increase is needed to safeguard California Department of Education's funding for the program in 2004 and beyond. Test centers collect fees from examinees to cover the costs of administration, so there is no fiscal impact on school districts. The size of the proposed increase, from \$12 to \$20 is unlikely to discourage access. Fiscal review information will be provided in the Last Minute Memorandum.

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**ATTACHMENT**

[Attachment 1](#): GED Regulations Amendment (1 Page)

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

[Attachment 3](#): GED Notice of Proposed Rulemaking (5 Pages)

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**TITLE 5. Education**  
**Division 1. State Department of Education**  
**Chapter 11. Special Programs**  
**Subchapter 8. High School Proficiency Certificates**  
**Article 2. High School Equivalency Certificate (G.E.D.)**  
**For Persons 18 Years of Age or Older**

*Amend Section 11530(e) to read:*

**§ 11530. Definitions**

(e) "Fee" to accompany each application for an equivalency certificate shall be ~~\$12.00~~ \$20.00 and shall be nonrefundable irrespective of whether or not a California High School Equivalency Certificate is granted. This fee shall be charged only once for a given series of the General Educational Development Test.

NOTE: Authority cited: Section 51426, Education Code. Reference: Sections 51420, 51421 and 51425, Education Code.

**Initial Statement of Reasons**

General Educational Development (GED) Test Regulations

**SPECIFIC PURPOSE OF THE REGULATIONS**

The proposed amendment to the regulations is intended to specify the amount of the fee that is needed to cover the administration costs for the State's GED Program. In California, the GED test is administered by 207 local GED Testing Centers. Local GED Testing Centers pay a fee to the state for each examinee that takes the GED.

**NECESSITY/RATIONALE**

The first GED Tests were developed in 1942 to help returning World War II Veterans. The GED Testing Service, a division of the American Council on Education, sponsors the GED Program. GED Testing Service develops and norms the GED Tests, develops national policy guidelines, and contracts with agencies to administer the testing program. California first adopted regulations for a GED Program in 1974. Fees paid by examinees fund the administration of the GED Program at the State Level. The fee is used to cover the cost of monitoring contracts with each of the testing centers, monitoring the contract with the GED Testing Service, and monitoring the contract for scoring tests with Educational Testing Service. The fee covers costs incurred in training examiners, inspecting and certifying testing sites, processing test center and examinee data, and processing requests for records from examinees. Annual expenses to provide follow-up services have increased 60 percent since the previous fee increase in 1996. An increase in the fee is now needed to cover increased administration costs of providing these services including increased costs for personnel, communications, facilities, general expense, office supplies, printing, postage, travel, and data processing.

The GED is used by many examinees to apply for college admission or employment. Test center fees are the sole source of funding for the State's GED Program. No Federal or State general funds are provided. The increase is needed to cover increased administration costs so that the program can continue to operate.

California *Education Code* Section 11530(e)

The amendment to this section is necessary to clarify the amount of the fee to be charged for the application for an equivalency certificate.

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

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

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

No other alternatives were presented to or considered by the State Board.

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

Because there is no impact on small businesses, the State Board has not considered any alternatives.

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

The proposed regulations would not have a significant adverse economic impact on any business because they relate only to local GED Testing Centers and not to small business practices.

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, *Governor*

**CALIFORNIA STATE BOARD OF EDUCATION**

1430 N Street  
Sacramento, CA 95814



**TITLE 5. EDUCATION**

**CALIFORNIA STATE BOARD OF EDUCATION**

**NOTICE OF PROPOSED RULEMAKING**

**General Educational Development (GED) Test**

[Notice published March \_\_\_\_\_, 2004]

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

**PUBLIC HEARING**

The SBE will hold a public hearing beginning at \_\_\_\_\_ p.m. on \_\_\_\_\_, 2004, at 1430 N Street, Room \_\_\_\_\_, 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 SBE requests that any person desiring to present statements or arguments orally notify the Regulations Adoption Coordinator of such intent. The SBE requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Regulations Adoption Coordinator. The written comment period ends at **5:00 p.m. on \_\_\_\_\_, 2004.** The SBE will consider only written comments received by the Regulations Adoption Coordinator or at the SBE Office by that time (in addition to those comments received at the public hearing). Written comments for the SBE's consideration should be directed to:

Debra Strain, Regulations Coordinator  
California Department of Education  
Legal Division  
1430 N Street, Room 5319  
Sacramento, CA 95814  
Telephone: (916) 319-0860  
E-mail: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)  
FAX: (916) 319-0155

### **AUTHORITY AND REFERENCE**

Authority: Section 51421, *California Education Code*.

Reference: Section 51421, *California Education Code*.

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

The proposed amendment to the regulations is intended to specify the fee that must accompany each application for an equivalency certificate. These fees fund the administration of the State GED Program, including coordination with the national GED Office (the American Council on Education), and assistance to government agencies, to over 200 local testing centers, examinees, and to the public. The fee was last raised in 1996. Annual expenses to provide follow-up services have increased 60 percent since the previous fee increase in 1996.

### **DISCLOSURES REGARDING THE PROPOSED ACTION**

Mandate on local agencies and school districts: TBD

Cost or savings to any state agency: TBD

Costs to any local agency or school district which must be reimbursed in accordance with *California Education Code* section 17561: TBD

Other non-discretionary cost or savings imposed on local educational agencies: TBD

Cost or savings in federal funding to the state: TBD

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: TBD.

Cost impacts on a representative private person or businesses: The SBE 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:

- create or eliminate jobs within California;
- create new businesses or eliminate existing businesses within California; or
- affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: TBD.

Affect on small businesses: The proposed regulations would not have a significant adverse economic impact on any business because individual examinees must pay the State fee as a condition of taking the GED under the auspices of a public school district, a community college district, or correctional facility. Businesses do not play a role in the administration of the GED.

### **CONSIDERATION OF ALTERNATIVES**

In accordance with California *Education Code* Section 11346.5(a)(13), SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of SBE, 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 SBE 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:

Monte Blair, Consultant  
California Department of Education  
Standards and Assessment Division  
1430 N Street  
Sacramento, California 95814  
Telephone: (916) 319-0357  
Email: [mblair@cde.ca.gov](mailto:mblair@cde.ca.gov)

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, or to the backup contact person, Najja Rosales, Regulations Analyst, at (916) 319-0860.

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

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the Initial Statement of Reasons. A copy may be obtained by contacting the Regulations Coordinator at the above address.

### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this notice. If SBE makes modifications, which are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) available to the public for at least 15 days before the SBE 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 SBE 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/regulations>.

### **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 Monte Blair, Standards and Assessment Division, 1430 N Street, Sacramento, CA, 95814; telephone, (916) 445-9441; fax, (916) 319-0967. It is recommended that assistance be requested at least two weeks prior to the hearing.