



# CALIFORNIA STATE BOARD OF EDUCATION

## MAY 2004 AGENDA

<b>SUBJECT</b>  California English Language Development Test (CELDT): 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>

### 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.

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

In February of 2003, SBE adopted amendments to the CELDT regulations that clarified definitions, modified data reported for analysis of pupil proficiency regarding time enrolled in school, and adjusted the period of time for reporting counts of CELDT examinees for apportionment calculations.

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### SUMMARY OF KEY ISSUES

The proposed amendments to the regulations refine definitions and clarify that school districts must provide specific data elements, provide receiving districts information for transferred students, and maintain a specified process for implementing test accommodations and alternate assessments for special education students in order to comply with the accountability requirements under Title III, Part A, Section 3122 of the Elementary and Secondary Education Act (Public Law 107-110).

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### FISCAL ANALYSIS (AS APPROPRIATE)

Fiscal analysis of the regulations will be provided by Fiscal and Administrative Services Division of CDE in a Last Minute Memorandum.

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### ATTACHMENT

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

[Attachment 2](#): Title 5, California Code of Regulations, California State Board of Education Notice of Proposed Rulemaking, California English Language Development Test (4 Pages)

**Attachment 3:** Title 5, California Code of Regulations Education, Division 1, State Department of Education, Chapter 11, Special Programs, Subchapter 7.5 California English Language Development Test, Article1 General (13 Pages)

Fiscal analysis of the regulations will be provided a Last Minute Memorandum.

**Initial Statement of Reasons**

California English Language Development Test (CELDT) Test Regulations

**SPECIFIC PURPOSE OF THE REGULATIONS**

The proposed amendments to the regulations are intended to clarify that schools districts must provide specific data elements, adhere to a specified testing and apportionment schedule, provide receiving districts information for transferred students, and adhere to a specified process for implementing test accommodations and alternate assessments for special education students in order to comply with the accountability requirements under Title III, Part A, Section 3122 of the Elementary and Secondary Education Act (Public Law 107-110). The proposed amendments to the regulations are intended to clarify terms necessary for the continued successful implementation of the CELDT.

**NECESSITY/RATIONALE**

The CELDT has consequences for individual students, schools, and school districts. Identification of a student's English language proficiency level may affect the instructional program. Identification of students as English learners affects district funding. 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 State Board 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 alternatives that would lessen any adverse impact on small business.

**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 school districts and not to small business practices.

**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 English Language Development Test (CELDT)**

[Notice published May 21, 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 July 6, 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 July 5, 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, California 95814  
Email: [dstrain@cde.ca.gov](mailto:dstrain@cde.ca.gov)  
Telephone: (916) 319-0860  
FAX: (916) 319-0155

## **AUTHORITY AND REFERENCE**

Authority: Section 33031, Education Code.

Reference: Sections 306, 313, 37200, 48985, 49068, 52164.1, 60810, 60812, Education Code; 34 CFR 300.138(b)(1)(2).

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

The proposed amendments to the regulations are intended to clarify what is required of school districts and to clarify terms in order to administer the assessment of English language proficiency required by Education Code sections 313 and 60810, et seq. In existing regulations, the English language proficiency assessment is the California English Language Development Test (CELDT). The proposed amendments are necessary for the continuing successful administration of the CELDT program and to bring the CELDT into compliance with federal Title III No Child Left Behind (NCLB) accountability requirements.

## **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 that must be reimbursed in accordance with Government 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: TBD

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: TBD.

Effect on small businesses: TBD

## **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:

Jeanette Ganahl, Education Program Consultant  
Standards and Assessment Division  
California Department of Education  
**1430 N STREET, 5<sup>TH</sup> FLOOR**  
E-mail: [jganahl@cde.ca.gov](mailto:jganahl@cde.ca.gov)  
Sacramento, CA 95814  
Telephone: (916) 445-9441

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 website 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 Jeanette Ganahl, 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.

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**TITLE 5. Education**  
**Division 1. State Department of Education**  
**Chapter 11. Special Programs**  
**Subchapter 7.5. California English Language Development Test**  
**Article 1. General**

*Amend Sections 11510, 11511, 11511.5, 11512, 11512.5, 11513, 11513.5, 11514, 11516, 11516.5, and 11517 to read:*

**§11510. Definitions.**

For the purposes of the test required by Education Code Section 313(a), referred to as the California English Language Development Test, the following definitions shall apply:

(a) "Accommodation" is any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. "Accommodations" may include variations in scheduling, setting, aids, equipment, and presentation format.

(b)(a) An "administration" means a pupil's attempt to take all sections of the California English Language Development Test, including ~~speaking~~, listening, speaking, reading, and writing.

(c) "Alternate Assessment" is the alternate means to measure the English language proficiency of pupils with disabilities whose Individualized Education Program Team has determined unable to participate in the CELDT even with accommodations or variations.

(d)(b) "Annual assessments" are administrations of the California English Language Development Test to enrolled pupils who are currently identified as English learners.

(e)(e) "Annual assessment window" ~~means the period of time designated by the Superintendent of Public Instruction and the State Board of Education for the annual assessments conducted using the California English Language Development Test~~ begins on July 1 and ends on October 31 of each school year. Initial assessments, as defined in subdivision (g), may be administered during the annual assessment window.

(f)(d) "Date of first enrollment" is the date on which the pupil is scheduled to be in attendance in a California public school for the first time. "Eligible pupil" ~~means one who is enrolled in a California public school in kindergarten or any of grades 1 through 12 with a native language other than English or who is currently identified as an English learner.~~

(g) "Excessive materials" is the difference between the sum of the number of tests scored

1 and 90 percent of the tests ordered by the district.

2 ~~(h)(e)~~ “Grade level” ~~means~~ is the grade assigned to the pupil by the school district.

3 ~~(i)(f)~~ “Home language survey” is a form administered by the school district to be completed  
4 by the pupil's parent or guardian at the time of first enrollment in a California public school  
5 indicating language use in the home ~~by the pupil or family~~ which, if completed, ~~would fulfill~~s the  
6 school district's obligation required by Education Code ~~s~~Section 52164.1.

7 ~~(j)(g)~~ “Initial assessment” is the ~~are~~ administrations of the California English Language  
8 Development Test to a ~~pupils who are identified as having a native language other than English,~~  
9 ~~based on the home language survey, and for whom there is no record of English language~~  
10 ~~development assessment results whose primary language is other than English, as determined~~  
11 by the Home Language Survey, and who has not previously been assessed for English  
12 language proficiency in a California public school.

13 ~~(k)~~ “Modification” is any variation in the assessment environment or process that  
14 fundamentally alters what the test measures or affects the comparability of scores.

15 ~~(l)~~ “Primary” language is the language first learned by the pupil, most frequently used at  
16 home, or most frequently spoken by the parents or adults in the home.

17 ~~(m)~~ “Proctor” is an employee of a school district who has received training specifically  
18 designed to prepare him or her to assist the test examiner in administration of the California  
19 English Language Development Test.

20 ~~(n)~~ “Records of results” are:

21 (1) Documents from the pupil's cumulative file;

22 (2) Parent notification letter of student results;

23 (3) Previous or current school district pupil data files;

24 (4) Student Proficiency Level Reports; and

25 (5) Verification from prior school district.

26 ~~(o)(h)~~ “School district” is a :

27 (1) Sschool district;

28 (2) Ceounty office of education; ~~and any~~

29 (3) Ceharter school that does not elect to be part of the school district or county office of  
30 education that granted the charter, and any

31 (4) Charter school chartered by the State Board of Education.

32 ~~(p)~~ “Scribe” is an employee of the school district, or a person assigned by a nonpublic  
33 school to implement a pupil's Individualized Education Program (IEP) and is required to

1 transcribe a pupil's responses to the format required by the test. The pupil's parent or guardian  
2 is not eligible to be a scribe.

3 (q) "Test" is the California English Language Development Test.

4 (r) "Test Examiner" is an employee of the school district who is proficient in English and has  
5 received training specifically designed to prepare him or her to administer the California English  
6 Language Development Test.

7 (s)(i) "Test materials" are materials necessary for administration of the California English  
8 Language Development Test, including but not limited to audio-cassettes, test manuals, pupil  
9 test booklets, forms for recording pupil responses and background information, video tapes,  
10 answer keys, and scoring rubrics.

11 (t) "Variation" is a change in the manner in which a test is presented or administered, or in  
12 how a test taker is allowed to respond, and includes, but is not limited to, accommodations and  
13 modifications.

14 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313, 52164.1  
15 and 60810, Education Code.

16  
17 **Article 2. Administration**  
18 **§11511. English Language Development Initial and Annual Assessments.**

19 (a) Initial assessments shall be administered as follows:

20 (1)(a) Any pupil whose native primary language is other than English as determined by the  
21 home language survey and who has not previously been identified as an English Learner by a  
22 California public school or for whom there is no record of results from an administration of an  
23 English language development proficiency test, shall be assessed for English language  
24 proficiency with the California English Language Development Test within 30 calendar days  
25 after the date of first enrollment in the school district a California public school, or within 60  
26 calendar days before the date of first enrollment, but not before July 1 of that school year.

27 (b) Annual assessments shall be administered as follows:

28 (1)(b) The English language development proficiency of all currently enrolled English  
29 learners shall be assessed by administering the California English Language Development Test  
30 during the annual assessment window.

31 (c) Initial and Annual assessments shall be administered as follows:

32 (1)(c) The California English Language Development Test shall be administered school  
33 district shall administer test in accordance with the test publisher's contractor's directions,  
34 except as provided for in by Sections 11516.5, 11516.5 and 11516.6.

1        ~~(2)(d) If the school district places an order for tests for any school that is excessive, the~~  
2 ~~school district is responsible for the cost of materials for the difference between the sum of the~~  
3 ~~number of pupil tests scored and 90 percent of the tests ordered. The school district is~~  
4 ~~responsible for the cost of excessive materials ordered by the school district.~~ In no event shall  
5 the cost to the school district for replacement or excessive materials exceed the amount per test  
6 booklet and accompanying material that is paid to the test ~~publisher~~ contractor by the California  
7 Department of Education as part of the contract with the test ~~publisher~~ contractor for the current  
8 year.

9 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 306 (a), 313 and  
10 37200, Education Code.

11  
12 **§11511.5. Reporting to Parents.**

13 For each pupil assessed using the California English Language Development Test, each  
14 school district shall notify parents or guardians of the pupil's results within 30 calendar days  
15 following receipt of results of testing from the test ~~publisher~~ contractor. ~~Such~~ The notification  
16 shall comply with the requirements of Education Code Section 48985.

17 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306 (a), 313 and  
18 48985, Education Code.

19  
20 **§11512. District Documentation and Pupil Records.**

21 (a) The school district shall maintain a record of all pupils who participate in each  
22 administration of the California English Language Development Test. This record shall include  
23 the following information for each administration:

- 24 (1) The name of each pupil who took the test.  
25 (2) The grade level of each pupil who took the test.  
26 (3) The date on which the administration of the test was completed for each pupil.  
27 (4) The test results obtained for each pupil.

28 (b) The school district shall enter in each pupil's record the following information for each  
29 administration of the test:

- 30 (1) The date referred to by subdivision (a)(3).  
31 (2) The pupil's test results.

32 (c) The record required by subdivision (a) shall be created and the information required by  
33 subdivision (b) of this section shall be entered in each pupil's record prior to the subsequent

1 administration of the California English Language Development Test.

2 (d) In order to comply with the accountability requirements under Title III of No Child Left  
3 Behind, part A, Section 3122 of the Elementary and Secondary Education Act (Public Law 107-  
4 110), whenever a pupil transfers from one school district to another, the pupil's CELDT records  
5 including the information specified in Section 11512(a) shall be transferred by the sending  
6 district within 20 calendar days upon a request from the receiving district where the pupil  
7 intends to enroll.

8 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306 (a), 313(b),  
9 49068 and 60810(d), Education Code.

10  
11 **§11512.5. Data for Analysis of Pupil Proficiency.**

12 (a) Each school district shall provide the ~~publisher~~ contractor of the California English  
13 Language Development Test the following information for each pupil tested for purposes of the  
14 analyses and reporting required pursuant to Education Code sections 60810(c) and 60812, and  
15 for accountability requirements under Title III of No Child Left Behind, Part A, Section 3122 of  
16 the Elementary and Secondary Education Act (Public Law 107-110):

17 (1) Pupil's full name;

18 ~~(2)~~(1) Date of birth;

19 (3) County, district, school code;

20 ~~(4)~~(2) Date that testing is was completed;

21 ~~(5)~~(3) Grade level;

22 ~~(6)~~(4) Gender;

23 ~~(7)~~(5) Native Primary language;

24 ~~(6)~~ English language fluency, if known;

25 ~~(8)~~(7) Special program participation;

26 ~~(9)~~(8) Special education and 504 plan status;

27 (10) Primary Disability or Handicapping condition ;

28 ~~(9)~~ Nonstandard Test administration;

29 ~~(11)~~(10) Ethnicity;

30 ~~(12)~~(11) Time Year first enrolled in a United States schools; and

31 ~~(13)~~(12) District and school mobility;

32 (14) CELDT scores from the previous administration;

33 (15) Purpose: an initial assessment or an annual assessment;

1 (16) Grade level from the previous CELDT administration;

2 (17) Test modifications and/or accommodations;

3 (18) Alternate Assessment(s); and

4 (19) California School Information Services identifier beginning July 1, 2004.

5 (b) The demographic information required by subdivision (a) is for the purposes of  
6 aggregate analyses and reporting only.

7 ~~(c) School districts shall provide the same information for each eligible pupil enrolled in an~~  
8 ~~alternative or off-campus program as is provided for all other eligible pupils.~~

9 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 313, 60810 and  
10 60812, Education Code.

11  
12 **§11513. California English Language Development Test District Coordinator.**

13 (a) ~~Sixty~~ Ninety calendar days before the beginning of the annual assessment window of  
14 each school year, the superintendent of each school district shall designate from among the  
15 employees of the school district a California English Language Development Test district  
16 coordinator. The superintendent shall notify the ~~publisher~~ contractor ~~of~~ for the California English  
17 Language Development Test of the identity and contact information for the California English  
18 Language Development Test district coordinator. The California English Language Development  
19 Test district coordinator, or the school district superintendent or his or her designee, shall be  
20 available throughout the year and shall serve as the liaison between the school district and the  
21 California Department of Education for all matters related to the California English Language  
22 Development Test.

23 (b) The California English Language Development Test district coordinator's responsibilities  
24 shall include, but are not limited to, the following:

25 (1) Responding to correspondence and inquiries from the ~~publisher~~ contractor in a timely  
26 manner and as provided in the ~~publisher's~~ contractor's instructions.

27 (2) Determining school district and individual school test and test material needs in  
28 conjunction with the test ~~publisher~~ contractor.

29 (3) Overseeing the acquisition and distribution of tests and test materials to individual  
30 schools and sites.

31 (4) Maintaining security over the California English Language Development Test and test  
32 data using the procedure set forth in Section 11514. The California English Language  
33 Development Test district coordinator shall sign the Test Security Agreement set forth in Section

1 11514 prior to receipt of the test materials.

2 (5) Overseeing the administration of the California English Language Development Test to  
3 eligible pupils.

4 (6) Overseeing the collection and return of all test materials and test data to the ~~publisher~~  
5 contractor.

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

8 (8) Ensuring that all test materials are received from school test sites within the school  
9 district in sufficient time to satisfy the requirements of subdivision (10).

10 (9) Ensuring that all tests and test materials received from school test sites within the school  
11 district have been placed in a secure school district location upon receipt of those tests.

12 (10) Ensuring that all test materials are inventoried, packaged, and labeled in accordance  
13 with instructions from the ~~publisher~~ contractor. The test materials shall be returned to the test  
14 contractor no more than ten (10) working days after the close of the testing window for the  
15 annual assessment, and at the date specified monthly by the test contractor for initial  
16 assessments of pupils.

17 (11) Ensuring that the California English Language Development Tests and test materials  
18 are retained in a secure, locked location, in the unopened boxes in which they were received  
19 from the test ~~publisher~~ contractor, from the time they are received in the school district until the  
20 time they are delivered to the test sites.

21 (c) The California English Language Development Test district coordinator shall certify to the  
22 California Department of Education at the time of each shipment of materials to the ~~publisher~~-  
23 contractor that the school district has maintained the security and integrity of the test, collected  
24 all data and information as required, and returned all test materials, answer documents, and  
25 other materials included as part of the California English Language Development Test in the  
26 manner and as otherwise required by the ~~publisher~~ contractor.

27 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 313 and 60810  
28 (d), Education Code.

29

30 **§11513.5. California English Language Development Test Site Coordinator.**

31 (a) Annually, the superintendent of the school district shall designate a California English  
32 Language Development Test site coordinator for each test site, including, but not limited to,  
33 each charter school, each court school, and each school or program operated by a school

1 district, from among the employees of the school district. The California English Language  
2 Development Test site coordinator, or the site principal or his or her designee, shall be available  
3 to the California English Language Development Test district coordinator for the purpose of  
4 resolving issues that arise as a result of the administration of the California English Language  
5 Development Test.

6 (b) The California English Language Development Test site coordinator's responsibilities  
7 shall include, but not be limited to, all of the following:

8 (1) Determining site test and test material needs.

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

10 (3) Completing the Test Security Agreement and Test Security Affidavit prior to the receipt of  
11 test materials.

12 (4) Overseeing test security requirements, including collecting and filing all Test Security  
13 Affidavit forms from the test examiners and other site personnel involved with testing.

14 (5) Maintaining security over the test and test data as required by Section 11514.

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

17 (7) Overseeing the administration of the California English Language Development Test to  
18 ~~eligible~~ pupils at the test site.

19 (8) Overseeing the collection and return of all testing materials to the California English  
20 Language Development Test district coordinator.

21 (9) Assisting the California English Language Development Test district coordinator and the  
22 test ~~publisher~~ contractor in the resolution of any discrepancies between the number of tests  
23 received from the California English Language Development Test district coordinator and the  
24 number of tests collected for return to the California English Language Development Test  
25 district coordinator.

26 (10) Overseeing the collection of all pupil data required by Sections 11512 and 11512.5.

27 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 313 and  
28 60810(d), Education Code.

29  
30 **§11514. Test Security.**

31 (a) The California English Language Development Test site coordinator shall ensure that  
32 strict supervision is maintained over each pupil while the pupil is being administered the  
33 California English Language Development Test.

1 (b) Access to the California English Language Development Test materials is limited to  
2 pupils being administered the California English Language Development Test and employees of  
3 the school district directly responsible for administration of the California English Language  
4 Development Test.

5 (c) All California English Language Development Test district and test site coordinators shall  
6 sign the California English Language Development Test Security Agreement set forth in  
7 subdivision (d).

8 (d) The California English Language Development Test Security Agreement shall be as  
9 follows:

10 CALIFORNIA ENGLISH LANGUAGE DEVELOPMENT TEST  
11 TEST SECURITY AGREEMENT

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

15 (2) I will keep on file the names of persons having access to tests and test materials. I will  
16 require all persons having access to the material to sign the California English Language  
17 Development Test Security Affidavit that will be kept on file in the school district office.

18 (3) I will keep the tests and test materials in a secure, locked location, limiting access to only  
19 those persons responsible for test security, except on actual testing dates.

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

22 By: \_\_\_\_\_

23 Title: \_\_\_\_\_

24 School District: \_\_\_\_\_

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

26 (e) Each California English Language Development Test site coordinator shall deliver the  
27 tests and test materials only to those persons actually administering the California English  
28 Language Development Test on the date of testing and only upon execution of the California  
29 English Language Development Test Security Affidavit set forth in subdivision (g).

30 (f) All persons having access to the California English Language Development Test,  
31 including but not limited to the California English Language Development Test site coordinator,  
32 test administrators examiners, and test proctors, shall acknowledge the limited purpose of their  
33 access to the test by signing the California English Language Development Test Security

1 Affidavit set forth in subdivision (g).

2 (g) The California English Language Development Test Security Affidavit shall be completed  
3 by each test examiner and test proctor:

4 CALIFORNIA ENGLISH LANGUAGE DEVELOPMENT TEST  
5 SECURITY AFFIDAVIT

6 I acknowledge that I will have access to the California English Language Development Test  
7 for the purpose of administering the test. I understand that these materials are highly secure,  
8 and it is my professional responsibility to protect their security as follows:

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

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

11 (3) I will keep the test secure until the test is actually distributed to pupils.

12 (4) I will limit access to the test and test materials by test examinees to the actual testing  
13 periods.

14 (5) I will not permit pupils to remove test materials from the room where testing takes place.

15 (6) I will not disclose, or allow to be disclosed, the contents of, or the scoring keys to, the  
16 test instrument.

17 (7) I will return all test materials to the designated California English Language Development  
18 Test site coordinator upon completion of the test.

19 (8) I will not interfere with the independent work of any pupil taking the test and I will not  
20 compromise the security of the test by means including, but not limited to:

21 (A) Providing ~~eligible~~ pupils with access to test questions prior to testing.

22 (B) Copying, reproducing, transmitting, distributing or using in any manner inconsistent with  
23 test security all or any portion of any secure California English Language Development Test  
24 booklet or document.

25 (C) Coaching ~~eligible~~ pupils during testing or altering or interfering with the pupil's responses  
26 in any way.

27 (D) Making answer keys available to pupils.

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

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

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

33 Signed: \_\_\_\_\_

1 Print Name: \_\_\_\_\_

2 Position: \_\_\_\_\_

3 School: \_\_\_\_\_

4 School District: \_\_\_\_\_

5 Date: \_\_\_\_\_

6 (h) To maintain the security of the California English Language Development Test, all  
7 California English Language Development Test district and test site coordinators are  
8 responsible for inventory control and shall use appropriate inventory control forms to monitor  
9 and track test inventory.

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

14 (j) Secure transportation within a school district is the responsibility of the school district  
15 once materials have been duly delivered to the school district by the test ~~publisher~~ contractor.

16 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 313, Education  
17 Code.

18

19 Article 3. California English Language Development Test Variations/Accommodations

20 **§ 11516. Variations Timing/Scheduling.**

21 ~~All pupils shall have sufficient time to complete the test as provided in the directions for test~~  
22 ~~administration.~~

23 (a) School district may provide all pupils the following variations:

24 (1) Test directions that are simplified or clarified in English for the Reading and Writing  
25 sections.

26 (b) School districts may provide all pupils the following variations if regularly used in the  
27 classroom:

28 (1) Special or adaptive furniture;

29 (2) Special lighting or acoustics;

30 (3) An individual carrel or study enclosure; and

31 (4) Markers, masks, manipulative devices or other means to maintain visual attention to the  
32 examination or test items consistent with contractor's test directions.

33 (c) In addition to the variations listed in Section 11516 (a) and (b), a pupil's IEP Team may

1 determine variations based on the pupil's unique needs pursuant to definition Section 11516.5.

2 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306, 313, and  
3 ~~60840(e)~~ 37200, Education Code.

4  
5 **§ 11516.5. Pupils with Disabilities Accommodations.**

6 (a) Pupils with disabilities shall be permitted to take the California English Language  
7 Development Test with those accommodations listed in subsections (b) through (e), if specified  
8 in the for testing that the pupil has regularly used during instruction and classroom assessments  
9 as delineated in the pupil's IEP or 504 plan for use on the California English Language  
10 Development Test, standardized testing, or for use during classroom instruction and  
11 assessments that are appropriate and necessary to address the pupil's identified individual  
12 needs.

13 (b) Presentation accommodations:

14 (1) Braille transcriptions provided by the test contractor, or designee.

15 (2) Large print versions reformatted from regular print version;

16 (3) Test items enlarged through electronic means;

17 (4) Audio or oral presentation of questions or items for the writing section;

18 (5) Use of Manually Coded English or American Sign Language to present directions for  
19 administration; and

20 (6) Use of Manually Coded English or American Sign Language to present test questions for  
21 the writing section.

22 (c) Response accommodations:

23 (1) For grades 3-12, Listening, Reading and Writing sections, student marks responses in  
24 test booklet and the responses are transferred to the answer document by a school or school  
25 district employee who has signed the Test Security Affidavit;

26 (2) For grades 2-12, Listening, Reading and Writing sections, responses dictated to a scribe  
27 for selected response items or multiple-choice items;

28 (3) For kindergarten and grades 1-12, Speaking section, responses dictated to a scribe for  
29 selected response items or multiple-choice items;

30 (4) For the Writing section, responses dictated to a scribe, audio recorder or speech to text  
31 converter and the pupil indicates all spelling and language conventions; and

32 (5) For the Writing section, use word processing software with the spell and grammar check  
33 tools turned off.

1 (d) For the Writing section, use of an assistive device that does not interfere with the  
2 independent work of the pupil.

3 (e) Setting accommodations include:

4 (1) Test at home or in hospital, by a test examiner.

5 (f) In addition to the accommodations listed, in Section 11516.5 listed in subsections (b)  
6 through (e), a pupil's IEP Team may determine accommodations based on the pupil's unique  
7 needs pursuant to definition 11516.5

8 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 306(a), 313, and  
9 ~~60840(d)~~ 37200, Education Code.

10  
11 *Add Section 11516.6 to read:*

12 **§ 11516.6. Modifications/Alternate Assessments for Pupils with Disabilities.**

13 (a) A pupil's language proficiency cannot be measured by administration of the CELDT with  
14 modifications. Modifications are not permitted in the administration of the test.

15 (b) Pupils with disabilities who are unable to participate in the CELDT with accommodations  
16 or variations shall be administered alternate assessments for English language proficiency as  
17 determined by the pupil's IEP team.

18 (c) Pupils who participate in the California English Language Development Test Program  
19 using alternate assessment procedures shall receive a score marked not valid for the sections  
20 of the test in which alternate assessments were administered.

21 NOTE: Authority cited: Section 33031, Education Code. Reference: 34CFR §300.138 (b) (1) (2)  
22

23 **Article 4. Apportionment**

24 **§11517. Apportionment Reporting Schedule.**

25 (a) Each school district shall report to the California Department of Education the  
26 unduplicated count of the number of pupils to whom the California English Language  
27 Development Test was administered for annual or initial assessment from November 1,  
28 2002 through June 30, 2003. Thereafter, each school district shall report the  
29 unduplicated count of the number of pupils to whom the California English Language  
30 Development Test was administered for annual or initial assessment during the twelve-  
31 month period prior to June 30 of each year.

32 (b) The superintendent of each school district shall certify the accuracy of all information

1 submitted to the California Department of Education.

2 (c) The report for the twelve month period prior to June 30 of each year required by  
3 subdivision (a) shall be postmarked and filed with the State Superintendent of Public  
4 Instruction ~~within thirty (30) calendar days after June 30 of each year~~ no later than  
5 October 15. Reports postmarked after October 15 must be accompanied by a waiver  
6 request as provided by Education Code section 33050. Reports postmarked after June  
7 30 of the following fiscal year will not be processed.