

Last Minute Memorandum

To: STATE BOARD MEMBERS **Date:** September 9, 2003

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

Re: ITEM # 11

Subject: California High School Exit Examination (CAHSEE): Public Comments on Proposed Amendments to Title 5 Regulations on the CAHSEE

Please add to Item # 11.

The attached CAHSEE Regulations have been revised to incorporate substantive and technical comments from California Department of Education (CDE), State Board of Education (SBE), and Department of Finance (DOF) staff. These revisions will be sent out for a 15-day public comment period. CDE and SBE staff made several technical changes to ensure consistency in language; made substantive changes to comply with federal law regarding testing all students in grade 10 for Adequate Yearly Progress under the No Child Left Behind Act and to comply with federal law regarding the testing of English learners. Changes made at the direction of DOF were to assure that the proposed regulations would not cause mandated costs.

Four written comments were received and are attached. The only suggested change is for clarification of wording. The report on the public hearing is attached as well as the revised regulations. Attachment 7 is a replacement for Attachment 2 on the original SBE mailing.

- Attachment 4: [California High School Exit Examination Regulations Summary of Written Comments Received and Initial Responses to Written Comments. \(Pages 1-2\)](#)
- Attachment 5: [Report on Public Hearing Conducted by Staff. \(Pages 1-1\)](#)
- Attachment 6: [15-Day Notice of Modifications to Text of Proposed Regulations \(Pages 1-1\)](#)
- Attachment 7: [Proposed Regulations, Title 5. EDUCATION, Division 1. State Department of Education, chapter 2. Pupils, subchapter 6. California High School Exit Examination, Article 1. General \(Pages 1-19\)](#)

California High School Exit Examination (CAHSEE) Regulations
Summary of Written Comments Received and
*Initial Responses to Written Comments*¹

As of September 8, 2003, 5:00 P.M., three written comments regarding the proposed revisions to the CAHSEE Regulations were received by the California Department of Education (CDE) in accordance with the Administrative Procedure Act. Among the comments received:

- One general statement was made from Willie Thomas, Assistant Superintendent, Palmdale School District, regarding getting more input from stakeholders when education reforms are made.

Response: The comment does not address the substance of any of the proposed amendments or new regulations. Instead, the comment is directed at the process by which education reform legislation and regulations are enacted. The State Board of Education (SBE) has complied with all notice requirements in enacting all CAHSEE Regulations, including those included in the current rulemaking.

- One general statement was made from Larry Hoyt, Superintendent, Curtis Creek School District, regarding accommodations and modifications. He stated that the proposed revisions will result in an increase of hundreds and millions of dollars in mandated costs to districts. He believes that we are extending the modifications/accommodations beyond those who are physically disabled.

Response: The regulations do not extend the use of modifications or accommodations beyond what was permitted under the existing regulations. Rather, the proposed amended regulations seek to clarify the categories of modifications and accommodations that are permitted to be used by those who are disabled. Pupils are entitled to use modifications or accommodations only if they have an Individualized Education Program (IEP) that designates the need for such modifications or accommodations.

- Marci Jenkins, Sonoma County Office of Education, asked four questions about the proposed regulations clarifying the role of nonpublic school personnel. Two questions were not substantive including whether or not a public school employee must be present at the nonpublic school for the accurate identification of eligible pupils and clarification on the parenthetical phrase in section 1211(d) following the words nonpublic schools--for students placed through the IEP process.

Response: There were clarifying questions only and no comments or suggestions were made regarding the regulations.

¹ Subject to modification prior to the submission of the Final Statement of Reasons to the Office of Administrative Law.

The additional comments are summarized below, by section number.

1210. High School Exit Examination Test Site Coordinator Responsibilities.

Marci Jenkins, Sonoma County Office of Education, commented on section 1210(d) stating that for many nonpublic schools, there is no site principal. This section requires the site principal and the test site coordinator to certify to the district coordinator that test security was maintained.

Response: The wording on this section was changed to read the site principal or the test site coordinator.

Section 1211. High School Exit Examination Test Security.

Ms. Jenkins had an additional concern regarding section 1211(e) stating that there is not a certificated school district employee in a nonpublic school to supervise a classroom aide.

Response: The words “certificated school district employee” were changed to “test administrator” to address this concern because the definition of a test administrator includes a person assigned by a nonpublic school to implement a student’s IEP.

Section 1215.5. Accommodations for Pupils or Adult Students with Disabilities and Section 1216. Modifications for Pupils or Adult Students with Disabilities.

Dawn Parker, Student Outcomes Teacher Specialist, California School for the Deaf, had concerns regarding sections 1215(b)(4), and (6) and section 1216(b)(3) stating that the directions for administration are allowed to be translated into American Sign Language; however, CDE has not provided standardized translations for directions or for test items. She would like to have a training video with closed captions.

Response: Neither of these comments pertain to proposed regulations but are contractual issues with the testing contractor.

Her second comment regarding section 1216(b)(6) is regarding possible misinterpretation of the student’s meaning by the scribe when translating American Sign Language to English for the student’s written response.

Response: The matrix of accommodations and modifications approved by the SBE lists translating American Sign Language to English on the written portion of the exam as a modification because it is a different language than English and will not translate word for word.

CALIFORNIA STATE BOARD OF EDUCATION

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(916) 319-0827
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REPORT ON PUBLIC HEARING CONDUCTED BY STAFF

DATE: September 9, 2003
TO: Members, State Board of Education
FROM: Greg Geeting, Assistant Executive Director

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| SUBJECT: California High School Exit Examination (CAHSEE)–Permanent Title 5 Regulations |
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Background

At the July 2003 meeting, the State Board of Education (SBE) initiated the permanent rulemaking process regarding the California High School Exit Examination (CAHSEE). SBE directed the public hearing for this rulemaking process be conducted by staff in accordance with subdivision (b) of Section 18460 of Title 5 of the California Code of Regulations.

Report on Public Hearing

Consistent with the requirements of the Administrative Procedure Act, the public hearing regarding the proposed regulations was scheduled for Monday, September 8, 2003, at the California Department of Education, 1430 N Street, Room 1101, Sacramento, California, beginning at 3:00 p.m. An audiotape of the public hearing was made, and Maryanna Rickner will provide a copy of the audiotape to any SBE member so desiring.

The public hearing was called to order at 3:00 p.m. on the prescribed date and at the prescribed location. No one present desired to comment on the proposed regulations. The public hearing was recessed for one-half hour in the event that a potential presenter might have been delayed. The public hearing was reconvened at 3:31 p.m. No one wishing to present comments had arrived. The public hearing was adjourned at 3:32 p.m.

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September 9, 2003

15-DAY NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the State Board of Education (SBE) is providing notice of changes made to proposed regulation Section 250 which was the subject of a regulatory hearing on September 8, 2003. These changes are in response to comments received regarding the proposed regulation.

If you have any comments regarding the proposed changes that are the topic of this 15-Day Notice, SBE will accept written comments between **September 16, 2003 and September 30, 2003**, inclusive. All written comments must be submitted to the Regulations Adoption Coordinator via facsimile at (916) 319-0155; email at dstrain@cde.ca.gov or mailed to the following address no later than **5:00 p.m. on September 30, 2003**, and addressed to:

Debra Strain, Regulations Adoption Coordinator
California Department of Education
LEGAL DIVISION
1430 N Street, Suite 5319
Sacramento, California 95814
Telephone: (916) 319-0641

All written comments received by **5:00 p.m. on September 30, 2003**, which pertain to the indicated changes will be reviewed and responded to by California Department of Education (CDE) staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text.

SBE has illustrated changes to the original text in the following manner: regulation language originally proposed is underlined, language originally deleted is in ~~strikeout~~. The 15-Day Notice illustrates deletions from the language originally proposed using a "~~**bold strikeout**~~"; and additions to the language originally proposed using a "**bold double-underline**."

1 **Title 5. EDUCATION**

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

3 **Chapter 2. Pupils**

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

5 **Article 1. General**

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

7 **§ 1200. Definitions.**

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

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

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

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

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

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

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

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

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

1 **§ 1204.5 Grades 11 and 12 Testing Dates.**

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

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

9
10 *Amend Sections 1205, 1206, 1207 to read:*

11 **§ 1205. ~~Documentation~~ School District Information.**

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

16 (a) The date on which each section of the examination was ~~offered~~ taken.

17 (b) The full names of each pupil ~~and adult student~~ who took each section of the examination.

18 (c) The grade level of each pupil ~~who took~~ at the time each section of the examination was taken.

19 (d) Whether each pupil ~~or adult student~~ passed or did not pass the section or sections of the
20 examination taken has satisfied the requirement to successfully pass the examination for each section or
21 sections of the examination taken.

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

23 **§ 1206. Pupil or ~~Adult Student~~ Permanent Record Information.**

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

26 (1) The date on which the pupil ~~or adult student~~ took each section of the examination.

27 (2) Whether the pupil ~~or adult student~~ passed or did not pass each section of the examination taken
28 has satisfied the requirement to successfully pass the examination for each section or sections of the
29 examination taken.

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

33 (c) Whenever a pupil transfers from one school district to another, the new district shall request the
34 pupil's examination results as part of the permanent record in compliance with Education Code section
35 49068.

1 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49068 and 60851(a) and
2 ~~(d)~~, Education Code.

3 **§ 1207. Data for Analysis of Pupil ~~or Adult Student~~ Performance.**

4 (a) Each school district shall provide the test publisher with an answer document with complete
5 demographic information for each grade 10 pupil enrolled at the time of the grade 10 ~~e~~ensus
6 administration.

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

11 (1) Pupil's full name

12 ~~(2)(1)~~ Date of birth

13 ~~(3)(2)~~ Grade level

14 ~~(4)(3)~~ Gender

15 ~~(5)(4)~~ Language fluency and home language

16 ~~(6)(5)~~ Special program participation

17 ~~(7)(6)~~ Participation in free or reduced priced meals

18 ~~(8)(7)~~ Enrolled in a school that qualifies for assistance under Title 1 of the ~~Improving America's~~
19 Schools Act of 1994 Elementary and Secondary Education Act

20 ~~(9)(8)~~ Testing accommodations or modifications used during the examination

21 ~~(10)(9)~~ Handicapping condition or disability

22 ~~(11)(10)~~ Ethnicity

23 ~~(12)(11)~~ District mobility, school mobility, and matriculation

24 ~~(13)(12)~~ Parent education

25 ~~(14)(13)~~ Post-high school plans

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

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

32 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 56365 and 60855,
33 Education Code.

34
35 *Amend Sections 1208, 1209, 1210, 1211 to read:*

1 **§ 1208. Notice of the High School Exit Examination.**

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

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

6 **§ 1209. High School Exit Examination District Coordinator Responsibilities.**

7 (a) On or before July 1 of each school year, the superintendent of each ~~unified or high~~ school
8 district shall designate from among the employees of the school district a ~~high school exit examination~~
9 district coordinator. The superintendent shall notify the ~~test publisher of the high school exit examination~~
10 of the identity and contact information, including electronic mail address if available, for the high
11 school exit examination district coordinator. At the discretion of the superintendent, the contact
12 information may include an electronic email address.

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

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

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

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

25 (2) Advising the test publisher of the selected administration dates for the coming year by November
26 1 of the prior year.

27 (3)~~(2)~~ Determining school district and individual school examination and test material needs in
28 conjunction with the test publisher using current enrollment data.

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

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

35 (6) **Training all test site coordinators on the proper and secure handling of examinations and**

1 test materials, on administering the examination, and on collecting, inventorying and returning all
2 examinations and test materials in a secure manner.

3 ~~(6)(7)~~(3) Overseeing the acquisition Ordering and distribution of sufficient examinations and test
4 materials to for eligible pupils and adult students, including completing an electronic data file as set forth
5 in section 1207, if the district chooses to have the test publisher pre-identify answer documents individual
6 schools and sites.

7 ~~(7)(8)~~ Coordinating with the school test site coordinator within any required time periods the testing
8 days for the school district and nonpublic schools which serve grade 10 through grade 12 pupils of the
9 district.

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

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

16 ~~(8)(9)~~(6) Overseeing the collection of all pupil and return of all test materials and test data as required
17 to comply with Sections 1205, 1206, and 1207 to the publisher within any required time periods.

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

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

23 ~~(9)(10)~~(9) Ensuring that all the examinations and test materials received from school test sites within
24 the school district have been placed are retained in a secure, locked location, in sealed boxes in which
25 they were received from the test publisher, from the time they are received in the school district until the
26 time they are delivered to the test sites location by the end of the day following the administration of
27 those tests.

28 ~~(10)(11)~~ Ensuring delivery of examinations and test materials to the test sites no more than five (5)
29 working days before the examination is to be administered.

30 ~~(11)(12)~~ Ensuring that all examinations and test materials are received from test sites no later than the
31 close of the school day on the school day following administration of the examination.

32 ~~(12)(13)~~ Ensuring that all examinations and test materials received from test sites have been placed in
33 a secure school district location by the end of the day following the administration of those examinations.

34 ~~(13)(14)~~(10) Ensuring that all examinations and test materials are inventoried, packaged, and labeled
35 in accordance with instructions from the test publisher. The examinations and test materials shall be

1 ready for pick-up by the test publisher at a designated location in the school district no more than five (5)
2 working days following administration completion of the English/language arts or the mathematics
3 section examination in the school district.

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

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

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

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

18 **§ 1210. High School Exit Examination Test Site Coordinator Responsibilities.**

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

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

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

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

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

- 1 (2) Arranging for test administration at the test site.
- 2 (3) Training the test administrator(s), ~~and~~ test proctors, and scribes as provided in the test publisher's
3 manual.
- 4 (4) Completing ~~the a~~ Test Security Agreement and Test Security Affidavit as set forth in Section
5 1211.5 prior to the receipt of examinations and test materials.
- 6 (5) Overseeing test security requirements, including collecting and ~~filling~~delivering all completed Test
7 Security Affidavit forms ~~from~~ to the school district office from the test administrators and other site
8 personnel involved with testing. All Test Security Affidavits shall be maintained for 12 months from the
9 date signed.
- 10 ~~(6)(7)~~ Overseeing the acquisition of examinations from the school district and the distribution of
11 examinations to the test administrator(s).
- 12 ~~(7)(6)~~ Maintaining security over the examination and test data as follows: required by Section 1211.
- 13 ~~(8)~~ Overseeing the administration of the high school exit examination to eligible pupils or adult
14 students at the test site.
- 15 (A) Delivering the examinations and test materials only to those persons who have executed the Test
16 Security Affidavit and who are administering the examination on the date of testing.
- 17 (B) Ensuring that strict supervision is maintained over each pupil or adult student who is being
18 administered the examination both while the pupil or adult student is in the room in which the
19 examination is being administered and during any period in which the pupil or adult student is, for any
20 purpose, granted a break during testing.
- 21 ~~(8)(11)~~ Overseeing the collection of all pupil ~~or adult student~~ data as required to comply with
22 Sections 1205, 1206, and 1207 of these regulations.
- 23 (9) Overseeing the collection and return of all testing materials to the ~~high school exit examination~~
24 district coordinator no later than the close of the school day on the school day following administration of
25 the ~~high school exit~~ examination.
- 26 (10) Assisting the ~~high school exit examination~~ district coordinator and the test publisher in the
27 resolution of any discrepancies between the number of examinations received from the ~~high school exit~~
28 ~~examination~~ district coordinator and the number of examinations collected for return to the ~~high school~~
29 ~~exit examination~~ district coordinator.
- 30 ~~(d)(12)~~ Within three (3) working days of completion of site testing, the site principal and or the high
31 school exit examination test site coordinator shall certify to the ~~high school exit examination~~ district
32 coordinator that the test site has maintained the security and integrity of the examination, collected all
33 data and information as required, and returned all examinations and test materials, answer documents, and
34 other materials included as part of the ~~high school exit~~ examination in the manner and as otherwise
35 required by the test publisher.

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

2 **§ 1211. High School Exit Examination Test Security.**

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

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

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

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

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

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

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

32
33 *Add Section 1211.5 (Title). Remove language from Section 1211 and place into Section 1211.5 to read:*

34 **§ 1211.5. High School Exit Examination Test Security Forms.**

35 ~~(a)(e)~~ All high school exit examination district and test site coordinators shall sign the California High

1 School Exit Examination Test Security Agreement set forth in subdivision (b).

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

3 CALIFORNIA HIGH SCHOOL EXIT EXAMINATION
4 TEST SECURITY AGREEMENT

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

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

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

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

17 **By Signed:** _____

18 **Print name:** _____

19 **Title:** _____

20 **School District/Affiliation:** _____

21 **Date:** _____

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

26 ~~(c)(f)~~ All persons having access to the California High School Exit Examination, including but not
27 limited to the ~~high school exit examination~~ site principal, test site coordinator, test administrators, test
28 proctors, scribes, and persons assigned by a nonpublic school to implement students' IEPs shall
29 acknowledge the limited purpose of their access to the ~~test~~ examination by signing the California High
30 School Exit Examination Test Security Affidavit set forth in subdivision ~~(g)~~ (d).

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

32 CALIFORNIA HIGH SCHOOL EXIT EXAMINATION
33 TEST SECURITY AFFIDAVIT

34 I acknowledge that I will have access to the ~~high school exit examination~~ and test materials for the
35 purpose of administering the ~~test~~ examination. I understand that these materials are highly secure, and it

1 is my professional responsibility to protect their security as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 Signed: _____

31 Print Name: _____

32 Position: _____

33 School: _____

34 School District/Affiliation: _____

35 Date: _____

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

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

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

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

17 NOTE: Authority Cited: Section 33031, Education Code. Reference: Sections 60851 and 60850,
18 Education Code.

19
20 *Delete Section 1212.*

21 **~~§ 1212. Test Site Delivery.~~**

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

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

25
26 *Amend Section 1215 to read:*

27 **Article 3. High School Exit Examination Testing Variations/Accommodations/Modifications/Waivers**

28 **§ 1215. Timing/Scheduling Testing Variations Available to All Students.**

29 (a) School districts may provide All eligible pupils and adult students may have the following testing
30 variations: additional time to complete the examination, within the limits imposed by test security as
31 provided in Section 1211.

32 (1) extra time within a testing day.

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

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

1 (1) special or adaptive furniture.

2 (2) special lighting or acoustics.

3 (3) an individual carrel or study enclosure.

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

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

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

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

12
13 *Renumber Section 1217 to 1215.5 and amend to read:*

14 **§ 1217 1215.5. Accommodations and Modifications for Pupils or Adult Students with Disabilities.**

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

25 (b) ~~Presentation accommodations that do not fundamentally alter what the test measures include;~~
26 ~~but may not be limited to:~~

27 (1) ~~Presentation accommodations: Large print versions;~~

28 (2) ~~test items enlarged through mechanical or electronic means (e.g., photocopier);~~

29 (3) ~~Braille transcriptions provided by the test publisher or a designee; markers, masks, or other~~
30 ~~means to maintain visual attention to the test or test items; reduced numbers of items per page;~~

31 (4) ~~use of **mManually eCoded English** or American **sSign IL** language to present directions for~~
32 ~~administration.~~

33 (5) ~~audio or oral presentation on of the mathematics portion section of the test examination, provided~~
34 ~~that an audio presentation is the pupil's or adult student's only means of accessing written material.~~

35 (6) ~~use of **mManually eCoded English** or American **sSign IL** language to present test questions on the~~

1 mathematics section of the examination.

2 ~~(2)~~(c) Response accommodations include:

3 ~~(A) Verbal, written, or signed responses; responses made with mechanical or electronic assistance as~~
4 ~~long as the mechanical or electronic device is used solely to record the pupil's or adult student's response.~~
5 ~~If a person is required to transcribe the pupil's or adult student's responses to the format required by the~~
6 ~~examination, the transcriber shall be an employee of the school district who has signed the Test Security~~
7 ~~Affidavit.~~

8 ~~(B) Assistive devices and technologies that are regularly used during testing provided that no~~
9 ~~technology or assistive device may be used that fundamentally alters what the test measures.~~

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

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

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

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

17 (5) use of an assistive device that does not interfere with the independent work of the student on the
18 writing portion of the examination.

19 ~~(d)~~(3) Scheduling/timing accommodations include: ~~More frequent breaks during the regularly~~
20 ~~scheduled test session; multiple sessions, provided that a pupil or adult student does not have access to~~
21 ~~test items that will be presented in a future session or sessions.~~

22 (1) testing over more than one day in consultation with the test publisher.

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

24 (3) administration of the examination at the most beneficial time of day to the pupil or adult student in
25 consultation with the test publisher.

26 ~~(e)~~(4) Setting accommodations include **test administered by certificated teacher to a pupil or**
27 **adult student at home or in the hospital.** ~~Special or adaptive furniture; special lighting or acoustics; an~~
28 ~~individual carrel or study enclosure; a separate room provided that the pupil or adult student is directly~~
29 ~~supervised by school personnel who have signed the Test Security Affidavit.~~

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

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

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

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

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

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

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

8
9 *Amend Section 1216 to read:*

10 **§ 1216. Allowable Accommodations Modifications for Pupils or Adult Students with Disabilities, or**
11 **for English Learners.**

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

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

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

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

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

26 (3) use of mManually eCoded or American sSign HLanguage to present test questions on the
27 English/language arts section of the examination.

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

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

34 (6) use of American sSign HLanguage to provide a response to the written portion of the examination.

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

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

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

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

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

10
11 *Renumber Section 1217.5 to 1217 and amend to read:*

12 **§ 1217.5 English Language Learners.**

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

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

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

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

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

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

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

32 NOTE: Authority cited: Sections **12001 and** 33031, Education Code. Reference: Sections 60850 and
33 60852, Education Code.

34
35 *Amend Section 1218 to read:*

1 **§ 1218. Requests for Accommodations Review Process for Proposed Variations in Administering**
2 **the Examination.**

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

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

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

12 ~~(1)(2)~~ A description of the requested ~~accommodation~~ variation(s).

13 ~~(2)(3)~~ If applicable, a statement certification that the pupil's or adult student's ~~individualized~~
14 ~~education program IEP team or Section 504 plan team has determined~~ specifies that the requested
15 ~~accommodation variation~~ is appropriate and necessary to ~~address~~ access the examination due to the
16 pupil's or adult student's identified disability(ies) and that such variation is currently listed in the pupil's
17 or adult student's IEP or Section 504 plan.

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

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

24 (d) ~~The California Department of Education shall issue its decision~~ within 15 working days of receipt
25 of the request for review of proposed variation on each request and shall inform the school district in
26 writing at least six (6) weeks in advance of the pupil's or adult student's proposed administration of the
27 high school exit examination.

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

29
30 *Delete Section 1218.5.*

31 **§ 1218.5. Use of Modifications.**

32 (a) ~~If the pupil's IEP or Section 504 Plan indicates that it is appropriate and necessary for a pupil to~~
33 ~~take the test with a modification(s) as defined in Education Code section 60850, or as specified in Section~~
34 ~~1217(e), or determined pursuant to Section 1218, the school district must then administer the test to the~~
35 ~~pupil with these modifications.~~

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

3
4 *Add Section 1218.6 to read:*

5 **§ 1218.6. Waiver Requests on Behalf of Pupils in a State Special School**

6 (a) For a pupil in a state special school who is eligible for a waiver, **at the parent or guardian's**
7 **request**, the state special school principal shall submit a waiver request to the local governing board of
8 the school district that placed the pupil in the state special school.

9 NOTE: Authority cited: Sections 33031 and 48200, Education Code. Reference: Sections 56101 and
10 60850 Education Code; and 34 CFR Section 300.138(a).

11
12 *Amend Section 1219 to read:*

13 **§ 1219. Independent Work of the Pupil or Adult Student.**

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

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

22
23 *Delete Section 1219.5.*

24 **§ 1219.5. Invalidation of Test Scores.**

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

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

29
30 *Amend Section 1220 to read:*

31 **Article 4. Cheating**

32 **§ 1220. Cheating.**

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

1 administration.

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

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

5
6 *Amend Section 1225 to read:*

7
8 **Article 5. Apportionment**

9 **§ 1225. Apportionment.**

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

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

15 (c) The amount of funding to be apportioned to the school district for the ~~high school exit~~ examination
16 shall be ~~equal to the product of~~ calculated by multiplying the amount per administration established by the
17 State Board of Education to enable school districts to meet the requirements of ~~subdivisions (a), (b) and~~
18 ~~(c)~~ of Education Code section 60851 by the number of times the number of tests administered to pupils
19 and adult students in the school district tested for one or both portions of the examination as determined
20 by the certification of the school district 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 60851, Education Code.

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