



CALIFORNIA STATE BOARD OF EDUCATION

SEPTEMBER 2004 AGENDA

SUBJECT California High School Exit Examination (CAHSEE): Adopt Amendments to Title 5 Regulations	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing
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RECOMMENDATION

Consider comments received during the public comment period and at the public hearing and take action to adopt the regulations.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

In July 2004, the State Board of Education (SBE) approved the Initial Statement of Reasons, Notice of Proposed Rulemaking, and the commencement of the regulatory process for the proposed amendments to the Title 5 regulations for the California High School Exit Examination (CAHSEE) and directed staff to begin the 45-day written comment period.

SUMMARY OF KEY ISSUES

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

FISCAL ANALYSIS (AS APPROPRIATE)

The Economic and Fiscal Impact Analysis concluded that while there are some costs related to the amendments most of the costs are attributable to either state or federal statutes. Some of the regulations generate a cost savings. Costs not attributable to statute are reimbursable by the apportionment. The analysis was included in the Last Minute Memorandum submitted to SBE for the agenda item on the proposed regulations at the July 2004 SBE meeting.

ATTACHMENT(S)

The proposed regulations that were approved by SBE to be sent out for the 45-day written comment period are attached.

Attachment 1: [CAHSEE Regulations, Title 5. Education, Division 1. State Department of Education, Chapter 2. Pupils, Subchapter 6. California High School Exit Examination. Article 1. General \(19 Pages\)](#)

A Last Minute Memorandum will be provided that will include a summary of the comments received during the public comment period and at the public hearing.

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Title 5. EDUCATION
DIVISION 1. STATE DEPARTMENT OF EDUCATION
Chapter 2. Pupils
Subchapter 6. California High School Exit Examination
ARTICLE 1. GENERAL

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

§ 1200. Definitions.

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

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

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

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

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

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

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

1 examination within the district.

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

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

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

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

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

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

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

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

27 ~~(o)~~ ~~(n)~~ "Variation" is a change in the manner in which a test is presented or administered,
28 or in how a test taker is allowed to respond, and includes, but is not limited to,
29 accommodations and modifications as defined in Education Code ~~s~~Section 60850.

30 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 52504,
31 56365, 60850 and 60851, Education Code.

32

1 **Article 2. High School Exit Examination Administration**

2 **§ 1203. Pupil or Adult Student Identification.**

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

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

9
10 **§ 1204.5 Grades 11 and 12 and Adult Education Testing Dates.**

11 (a) Eligible Pupils in grades 11 and eligible adult students and 12 who have not yet
12 passed one or both sections of the examination shall have up to two opportunities per year
13 to take the section(s) of the examination not yet passed and may elect to take the
14 examination during these opportunities.

15 (b) Eligible pupils in grade 12 shall have up to three opportunities to take the section(s)
16 of the examination not yet passed. The district shall offer either three opportunities during
17 grade 12 or two opportunities in grade 12 and one opportunity in the year following grade
18 12 to take the section(s) of the examination not yet passed. Eligible pupils in grade 12 may
19 elect to take the examination during district-provided opportunities.

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

25 NOTE: Authority Cited: Section 33031, Education Code. Reference: Sections 37252 and
26 60851, Education Code.

27
28 **§ 1206. Pupil or Permanent Record Information.**

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

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

32 (2) Whether the pupil has satisfied the requirement to successfully pass the examination

1 for each section or sections of the examination taken.

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

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

8 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49068 and
9 60851, Education Code.

10

11 **§ 1207. Data for Analysis of Pupil Performance.**

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

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

20 (1) Pupil's full name

21 (2) Date of birth

22 (3) Grade level

23 (4) Gender

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

25 (6) Date of English proficiency reclassification

26 (7) If R-FEP pupil scored proficient or above on the California English-Language Arts

27 Standards Test three (3) times since reclassification

28 (8) ~~(6)~~ Special pProgram participation

29 (9) ~~(7)~~ Participation in free or reduced priced meals

30 (8) ~~Enrolled in a school that qualifies for assistance under Title 1 of the Elementary~~
31 ~~and Secondary Education Act~~

1 ~~(10)(9)~~ Use of Testing accommodations or modifications used during the
2 examination

3 ~~(11)(10)~~ Handicapping condition or Primary disability

4 (12) Participation in California Alternate Performance Assessment (CAPA)

5 ~~(13)(11)~~ Ethnicity

6 ~~(14)(12)~~ District mobility, sSchool mobility, and matriculation

7 (15) School and district CBEDS enrollment

8 ~~(16)(13)~~ Parent education level

9 (17) District and county of residence for students with disabilities

10 (18) California School Information Services (CSIS) Student Number, once assigned

11 ~~(19)(14)~~ Post-high school plans

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

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

18 (e) If the information required by Section 1207(b) is incorrect, the school district shall
19 provide corrected information within the time schedule specified by the test contractor or
20 may enter into a separate agreement with the contractor to have the district's data file
21 corrected. Any costs for correcting the student data pursuant to a separate agreement
22 between the school district and the test contractor shall be the school district's
23 responsibility.

24 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections ~~56365~~
25 52050 et seq., and 60855 and 60900, Education Code; 20 USC Section 6311.

26

27 **§ 1207.5 Reporting Test Scores.**

28 No aggregate or group scores or reports that are compiled pursuant to Education
29 Code Section 60851 shall be reported electronically, in hard copy, or in other media, to
30 any audience other than the school or school district where the pupils were tested,
31 except the independent evaluator as set forth in Education Code Section 60855, if the
32 aggregate or group scores or reports are composed of ten (10) or fewer individual pupil

1 scores. In each instance in which no score is reported for this reason, the notation shall
2 appear: "The number of pupils in this category is too small for statistical accuracy or
3 privacy protection." In no case shall any group score be reported that would deliberately
4 or inadvertently make public the score or performance of any individual student.
5 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 60851 and
6 60855, Education Code.

7
8 **§ 1209. High School Exit Examination District Coordinator Responsibilities.**

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

15 (b) The district coordinator or the school district superintendent or his or her
16 designee, shall be available throughout the year and shall serve as the liaison between
17 the school district and the test ~~publisher~~ contractor and the school district and the
18 Department for all matters related to the examination.

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

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

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

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

31 (4) Completing and filing a Test Security Agreement as set forth in Section 1211.5
32 with the test contractor prior to the receipt of examinations and test materials. A copy of

1 The Test Security Agreement shall be maintained at the district office for 12 months
2 from the date signed.

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

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

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

14 ~~(7)(8)~~ Overseeing the collection of all pupil data as required to comply with Sections
15 1205, 1206, and 1207.

16 ~~(8)(9)~~ Ensuring that the examinations and test materials are retained in a secure, locked
17 location, in the sealed boxes in which they were received from the test ~~publisher~~ contractor,
18 from the time they are received in the school district until the time they are delivered to the
19 test sites.

20 ~~(9)(10)~~ Ensuring delivery of examinations and test materials to the test sites no more
21 than five (5) working days before the examination is to be administered.

22 ~~(10)(11)~~ Ensuring that all examinations and test materials are received from test sites
23 no later than the close of the school second day ~~on the school day~~ following the
24 administration of the examination.

25 ~~(11)(12)~~ Ensuring that all examinations and test materials received from test sites have
26 been placed in a secure school district location ~~by the end of the day following the~~
27 ~~administration of those examinations~~ upon receipt.

28 ~~(12)(13)~~ Ensuring that all examinations and test materials are inventoried, packaged,
29 and labeled in accordance with instructions from the test ~~publisher~~ contractor. The
30 examinations and test materials shall be ready for pick-up by the test ~~publisher~~
31 contractor at a designated location in the school district no more than five (5) working
32 days following ~~completion~~ administration of the examination in the school district.

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

3 (14) Assisting the test ~~publisher~~ contractor and the Department in the resolution of
4 any discrepancies in the test information and materials, including but not limited to, pre-
5 identification files and the number of examinations received from the test ~~publisher~~
6 contractor and the number of examinations collected for return to the test ~~publisher~~
7 contractor.

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

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

17 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851,
18 Education Code. 20 USC Section 6311.

19
20 **§ 1210. High School Exit Examination Test Site Coordinator Responsibilities.**

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

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

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

32 (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~~ examiner(s), test proctors, and scribes as provided
3 in the test ~~publisher's~~ contractor's manual.
- 4 (4) Completing a Test Security Agreement and Test Security Affidavit as set forth in
5 Section 1211.5 prior to the receipt of examinations and test materials.
- 6 (5) Overseeing test security requirements, including collecting and delivering all
7 completed Test Security Affidavit forms to the school district office from the test
8 ~~administrators~~ examiners and other site personnel involved with testing. All Test
9 Security Affidavits shall be maintained for 12 months from the date signed.
- 10 (6) Overseeing the acquisition of examinations from the school district and the
11 distribution of examinations to the test ~~administrator~~ examiner(s).
- 12 (7) Maintaining security over the examination and test data as follows:
 - 13 (A) Delivering the examinations and test materials only to those persons who have
14 executed the Test Security Affidavit and who are administering the examination on the
15 date of testing.
 - 16 (B) Ensuring that strict supervision is maintained over each eligible pupil or eligible
17 adult student who is being administered the examination both while the eligible pupil or
18 eligible adult student is in the room in which the examination is being administered and
19 during any period in which the eligible pupil or eligible adult student is, for any purpose,
20 granted a break during testing.
- 21 (8) Overseeing the collection of all pupil data as required to comply with Sections 1205,
22 1206, and 1207 of these regulations.
- 23 (9) Overseeing the collection and return of all testing materials to the district coordinator
24 no later than the ~~close of the school day on the school day~~ following administration of the
25 examination.
- 26 (10) Ensuring that an answer document is submitted for scoring for each eligible pupil in
27 grade 10 enrolled in the test site on the testing dates.
- 28 ~~(11)~~(10) Assisting the district coordinator and the test ~~publisher~~ contractor in the
29 resolution of any discrepancies between the number of examinations received from the
30 district coordinator and the number of examinations collected for return to the district
31 coordinator.

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

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

10 NOTE: Authority cited: Section 33031, Education Code. Reference: Section 60851,
11 Education Code. 20 USC Section 6311.

12
13 **§ 1211. High School Exit Examination Test Security.**

14 (a) Access to the examination materials is limited to pupils taking the examination for
15 the purpose of graduation from high school and eligible adult students taking the
16 examination for the purpose of obtaining a high school diploma of graduation, and those
17 who have signed the security affidavit or agreements, including employees of a school
18 district directly responsible for administration of the examination, and persons assigned
19 by a nonpublic school to implement students' IEPs.

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

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

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

31 (e) No examination may be administered in a ~~private~~ home or ~~location~~ hospital
32 ~~except by a test administrator~~ examiner ~~as defined in Section 1200(h) who signs the~~

1 ~~Test Security Affidavit as set forth in Section 1211.5.~~ No examination shall be
2 administered to a pupil by the parent or guardian of that pupil. This subdivision does not
3 prevent classroom aides from being a test proctor and assisting in the administration of
4 the examination under the supervision of a test ~~administrator~~ examiner provided that the
5 classroom aide does not assist his or her own child and that the classroom aide signs
6 the Test Security Affidavit as set forth in Section 1211.5.

7 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 60851 and
8 60850, Education Code.

9

10 **§ 1211.5. High School Exit Examination Test Security Forms.**

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

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

15 CALIFORNIA HIGH SCHOOL EXIT EXAMINATION TEST
16 SECURITY AGREEMENT

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

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

21 ~~(3)~~(2) ~~The coordinator~~ I will keep on file the names of persons having access to
22 examinations and test materials. All persons having access to the materials shall be
23 required ~~by the coordinator~~ to sign the California High School Exit Examination Test
24 Security Affidavit that will be kept on file in the school district office.

25 ~~(4)~~(3) ~~The coordinator~~ I will keep the examinations and test materials in a secure,
26 locked location, limiting access to only those persons responsible for test security,
27 except on actual testing dates as provided in California Code of Regulations, Title 5,
28 Division 1, Chapter 2, Subchapter 6.

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

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

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

3 Signed: _____

4 Print name: _____

5 Title: _____

6 School District/Affiliation: _____

7 Date: _____

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

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

15 **CALIFORNIA HIGH SCHOOL EXIT EXAMINATION TEST**
16 **SECURITY AFFIDAVIT**

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

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

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

23 (3) I will keep the examination secure until the examination is actually distributed to
24 eligible pupils or eligible adult students.

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

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

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

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

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

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

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

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

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

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

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

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

21 (9) I will administer the examination in accordance with the directions for
22 administration set forth in the test contractor's manuals for administration of the
23 examination.

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

25 Signed: _____

26 Print Name: _____

27 Position: _____

28 School: _____

29 School District/Affiliation: _____

30 Date: _____

31 NOTE: Authority Cited: Section 33031, Education Code. Reference: Sections 60851
32 and 60850, Education Code.

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

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

- 6 (1) extra time within a testing day.
7 (2) test directions that are simplified or clarified.
8 (3) student marks in test booklets (other than responses).

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

- 11 (1) special or adaptive furniture.
12 (2) special lighting, ~~or~~ special acoustics, or visual magnifying or audio amplification
13 equipment.

14 (3) an individual carrel or study enclosure

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

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

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

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

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

27

28 **§ 1215.5. Accommodations for Pupils or Adult Students with Disabilities.**

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

1 (b) Presentation accommodations:

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

3 (2) test items enlarged ~~through electronic means~~ if larger than 20-point font is required.

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

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

7 ~~(4)(5)~~ audio or oral presentation of the mathematics section of the examination.

8 ~~(5)(6)~~ ~~use of~~ Manually Coded English or American Sign Language to present test
9 questions on the mathematics section of the examination.

10 (c) Response accommodations include:

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

14 (2) responses dictated orally, or in Manually Coded English or in American Sign
15 Language to a scribe for selected-response items (e.g., multiple-choice test questions).

16 (3) responses dictated orally or in Manually Coded English to a scribe, audio
17 recorder or speech to text converter on the writing portion of the examination, and the
18 eligible pupil or eligible adult student indicates all spelling and language conventions.

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

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

24 (d) Scheduling/timing accommodations include:

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

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

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

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

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

3 (g) If the eligible pupil's or eligible adult student's IEP team or Section 504 plan
4 proposes a variation for use on the examination that has not been listed in this section,
5 1215, or 1216, the school district may submit a request for review of the proposed
6 variation in administering the examination pursuant to Section 1218.

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

9
10 **§ 1216. Modifications for Pupils or Adult Students with Disabilities.**

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

15 (b) The following are modifications as defined by Education Code sSection 60850
16 because they fundamentally alter what the examination measures or affect the
17 comparability of scores:

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

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

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

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

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

1 (6) ~~use of responses dictated orally, in Manually Coded English, or in American Sign~~
2 Language to provide an essay response to the written portion of the examination a
3 scribe and the scribe provides spelling, grammar, and language conventions.

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

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

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

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

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

18 **§ 1217. English Learners.**

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

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

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

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

31 (4) Translated directions. English learners may have the opportunity to hear the test
32 directions printed in the test contractor's manual a translated into their primary language.

1 version of the test directions and English learners may have the opportunity to ask
2 clarifying questions about the test directions in their primary language.

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

7 NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference: Sections
8 60810(7)(d)(1), 60850 and 60852, Education Code; 20 USC Section 6311.

9 **ARTICLE 5. APPORTIONMENT**

10 **§ 1225. Apportionment.**

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

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

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

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

24 (b) ~~The superintendent of each school district shall certify the accuracy of all~~
25 ~~information submitted. The report required by subdivision (a) shall be filed with the State~~
26 ~~Superintendent of Public Instruction within ten (10) working days of completion of each~~
27 ~~test cycle in the school district. To be eligible for apportionment payment school districts~~
28 ~~must meet the following conditions:~~

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

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

1 (A) postmarked by December 31, or

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

7 (c) The amount of funding to be apportioned to the school district for the examination
8 shall be calculated by multiplying the amount per administration established by the State
9 Board of Education to enable school districts to meet the requirements of Education
10 Code sSection 60851 by the number of eligible pupils and eligible adult students in the
11 school district tested for one or both portions of the examination during the previous
12 fiscal year as determined by the apportionment information report and as certified
13 certification of by the school district superintendent pursuant to subdivision (b).

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

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

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