



**California State Board of Education**  
**Meeting Agenda Items for November 4-5, 2015**

**REVISED ITEM 05**



## CALIFORNIA STATE BOARD OF EDUCATION

### NOVEMBER 2015 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Approve Commencement of Rulemaking for Amendments to the <i>California Code of Regulations</i> , Title 5, Sections 850 through 864.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

#### SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the oversight of the California Assessment of Student Performance and Progress assessment system (CAASPP), which is governed by *Education Code (EC)* Sections 60640 through 60649. CAASPP is to be used for the assessment of certain elementary and secondary pupils, replacing the former Standardized Testing and Reporting (STAR) Program.

As required by *EC* Section 60640(q), Title 5 of the *California Code of Regulations* Sections 850 through 864 were amended to conform the state's testing regulations to the CAASPP. Permanent CAASPP regulations were approved by the Office of Administrative Law (OAL) on August 27, 2014.

Under the newly-adopted regulations, the first operational administration of the CAASPP took place in spring 2015. Since the completion of testing on July 31, 2015, the CDE has worked to identify areas for improvement in the test administration process. Additionally, the assessment consortium of which California is a member, Smarter Balanced Assessment Consortium (Smarter Balanced), recently made changes in several of its policies; changes with which the CAASPP regulations must conform. Finally, the introduction of a successor alternate assessment to the CAPA, the new California Alternate Assessment (CAA), requires the addition of testing procedures and policies consistent with that assessment.

The amendments are also submitted for approval on an emergency basis under a separate item.

#### RECOMMENDATION

The CDE recommends the State Board of Education (SBE) take the following actions:

- Approve the Notice of Proposed Rulemaking

- Approve the Initial Statement of Reasons
- Approve the proposed amendments to the regulations
- Direct the CDE to commence the rulemaking process
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the Notice, ISOR and proposed regulations

## **BRIEF HISTORY OF KEY ISSUES**

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For a number of years, California implemented a statewide testing program as required by federal law through the STAR program. On October 2, 2013, Governor Brown signed Assembly Bill 484 (AB 484) deleting the provisions of the *EC* referencing the STAR Program and established the CAASPP assessment system.

Pursuant to *EC* Section 60640(q), Title 5 Regulations, Sections 850 to 868 were revised by the SBE to conform to the statutory changes made in AB 484. These amendments revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the CAASPP system. The amendments were adopted initially as emergency regulations and later adopted by the OAL as permanent regulations on August 27, 2014.

Under these newly-adopted regulations, the first operational assessments took place beginning in March of 2015 through July 31, 2015, and included the new computer-based assessments provided by the Smarter Balanced assessment consortium.

The CDE, at the direction of the SBE, and with the assistance of ETS, the state's CAASPP contractor, conducted evaluations of the first operational CAASPP test administration. The results of these evaluations, which included a post-test survey administered to more 15,500 LEA and school staff and several focus groups consisting of students, teachers, and parents, were not available until late August 2015. The results of these evaluations showed that the new assessments were successful, but did identify a few areas in need of additional clarity and/or improvement in the testing process, particularly in the area of testing periods. In addition, Smarter Balanced, which adopts policies and procedures required to be followed by all member states who have agreed to administer Smarter Balanced testing, recently made several changes in its consortium policies, most of these changes addressing the accessibility supports that may be used in conjunction with testing. The regulations must be amended to conform to the consortium's policies as well as address the issue of accessibility supports and testing procedures available on the CAA. The regulations must also reflect other Smarter Balanced policies such as having an appeal procedure available for LEAs when certain actions are taken during the testing process.

Specifically, the proposed amendments to the CAASPP regulations include, but are not limited to:

- Recognizing the CAA as the successor alternate assessment to the CAPA for English Language Arts and Mathematics.
- Clarifying the language used with respect to accessibility supports that can and cannot be used in CAASPP assessments by redefining “resources,” adding new definitions for “instructional supports” and “unlisted resources” and clarifying the process by which “unlisted resources” may be approved as “resources” for use on CAASPP tests.
- Clarifying the testing process by revising the language in Section 851 regarding when pupils should be tested and the particular grade level a student should be tested for, as well as adding a separate section, Section 851.5, to clarify when a pupil is considered to be an “eligible pupil” for purposes of taking a specific assessment.
- Adding a new section, Section 853.6, to address what accessibility supports may be utilized by a pupil taking the CAA.
- Modifying Section 855 to clarify the periods of time in which testing can be conducted, to give LEAs local control regarding when a school or track will conduct its testing within the available testing window by adding the option for LEAs to select up to six testing period to accommodate different tracks or school calendars and to establish an available testing window for the CAA.
- Establishing guidelines for LEAs to file appeals for taking certain actions that may be taken during testing to conform to Smarter Balanced policies and our contractor’s requirements.

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

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At its January 2014 meeting, the SBE approved emergency regulations for CAASPP. The emergency regulations were approved by the OAL and became effective on February 3, 2014. In addition to adopting the Emergency Regulations at its January 2014 meeting, the SBE approved commencement of the regular rulemaking process for the permanent regulations.

At its July 2014 meeting, the SBE approved re-adoption of the emergency regulations for CAASPP. The emergency re-adoption rulemaking file was submitted to OAL on July 16, 2014. The emergency regulations were approved by the OAL on July 23, 2014. In addition to readopting the emergency regulations, the SBE adopted the permanent rulemaking file. The rulemaking file was submitted to OAL on July 16, 2014 and were approved and became effective on August 27, 2014.

At the March 2015 SBE meeting, the CDE recommended the SBE adopt the SSPI’s recommendation to designate Educational Testing Service as the new testing contractor for the CAASPP assessment system. The SBE accepted this recommendation on condition that ETS meet specific conditions set by the SBE by the May 2015 meeting.

At its May 2015 meeting, the SBE approved the proposed CAASPP contract.

**FISCAL ANALYSIS (AS APPROPRIATE)**

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An Economic and Fiscal Impact Statement will be provided as an Item Addendum.

**ATTACHMENT(S)**

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Attachment 1: Notice of Proposed Rulemaking (5 pages)

Attachment 2: Initial Statement of Reasons (14 pages)

Attachment 3: Text of Proposed Regulations (30 pages)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) will be provided as an Item Addendum



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**CALIFORNIA STATE BOARD OF EDUCATION**  
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## **NOTICE OF PROPOSED RULEMAKING**

### **AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING THE CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS**

[Notice published November 20, 2015]

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### ***PUBLIC HEARING***

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:30 a.m. on January 5, 2016, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

#### ***WRITTEN COMMENT PERIOD***

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator  
Administrative Support and Regulations Adoption Unit  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov).

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on January 5, 2016. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

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

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

## ***AUTHORITY AND REFERENCE***

Authority: Sections 33031, 60605, 60613 and 60640, Education Code.

Reference: Sections 306, 37670, 47079.5, 47605, 47605.8, 47651, 48645.1, 49062, 49068, 49079.5, 52052, 56034, 60602.5, 60603, 60604, 60605, 60607, 60610, 60611, 60615, 60630, 60640, 60641, 60642.5, 60642.6 and 60643, Education Code; 20 U.S.C. Sections 1232g and 1412(a)(16); 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6; 34 C.F.R. Sections 99.3, 200.1(d), (e) and (f), 200.2, and 300.160(b); and 5 CCR 11967.6.

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

Assembly Bill 484 (Chapter 489, Statutes of 2013) authorized a new statewide testing program, the CAASPP system. Pursuant to Education Code section 60640(q), California Code of Regulations, title 5, sections 850 to 868 were revised by the SBE to conform the regulations to the statutory changes made in the legislation. These amendments to the regulations, which revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the new CAASPP, were adopted by the Office of Administrative Law on August 27, 2014.

Under these newly adopted regulations, the first operational administration of the new online CAASPP assessments in English language arts (ELA) and mathematics took place March 10 through July 31, 2015. These new online assessments are provided by the Smarter Balanced Assessment Consortium (Consortium), a national consortium of which California is a governing member State. Post-test evaluation and feedback reviewed by the CDE revealed a need to further align the CAASPP regulations with changes in Consortium policies as well as the need to add clarity and consistency in terminology and requirements related to the new online assessments in ELA and mathematics. The purpose of the proposed revisions to California Code of Regulations, sections 850 to 864 is make the alignment of CAASPP regulations to Consortium policies comprehensive in order to ensure the security of valid and reliable measures which are used to inform instruction, and for federal and state accountability purposes.

The benefit of enacting the proposed regulations will be the standard and effective implementation of a new statewide assessment. Administering assessments that align with Consortium policies for accessibility are critical to ensuring valid and reliable

measures. Clear and consistent procedures are also critical to ensuring that the statewide assessments are administered using standardized procedures that also support accurate, valid, and reliable measures. Thus, making the proposed changes will provide better information about student performance to teachers, parents, and administrators, and will ultimately improve teaching and student learning.

#### *Anticipated Benefits of the Proposed Regulation*

The specific benefits anticipated by the proposed regulations including, to the extent applicable, nonmonetary benefits such as the protection of public health and safety, worker safety, or environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things.

#### *Determination of Inconsistency/Incompatibility with Existing State Regulations*

The CDE reviewed all state regulations relating to the CAASPP and found that none exist that are inconsistent or incompatible with these regulations.

#### **DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT**

*The SBE has made the following initial determinations:*

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None

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

Costs or savings in federal funding to the state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Cost impacts on a representative private person or businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on housing costs: None

Effect on small businesses: The proposed regulations would not have an effect on any small business because the proposed amendments only affect local educational agencies and would have no impact on the private sector.

### ***RESULTS OF THE ECONOMIC IMPACT ANALYSIS***

Benefits of the proposed action: The benefit of enacting the proposed regulations will be the implementation of a statewide assessment system that aligns with state content standards adopted by the SBE in 2010. Administering assessments that align with curriculum and instruction being provided in classrooms will establish continuity, will provide better information about student performance to teachers, parents, and administrators, and will ultimately improve teaching and student learning.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

### ***CONSIDERATION OF ALTERNATIVES***

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

### ***CONTACT PERSONS***

Inquiries concerning the content of this regulation should be directed to:

Shobhana Rishi, Consultant  
Assessment Development and Administration Division  
California Department of Education  
1430 N Street, Room 4200  
Sacramento, CA 95814  
Telephone: 916- 319-0802  
Email: [srishi@cde.ca.gov](mailto:srishi@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Hillary Wirick, Regulations Analyst, at 916-319-0860.

## **INITIAL STATEMENT OF REASONS AND INFORMATION**

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

## **TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS**

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr/>.

## **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

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

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Shobhana Rishi, Assessment Development and Administration Division, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0802. It is recommended that assistance be requested at least two weeks prior to the hearing.

## **INITIAL STATEMENT OF REASONS**

### **CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS (CAASPP)**

#### **INTRODUCTION**

Assembly Bill 484 (Chapter 489, Statutes of 2013) authorized a new statewide testing program, the CAASPP system. Pursuant to Education Code section 60640(q), California Code of Regulations, title 5, sections 850 to 868 were revised by the SBE to conform the regulations to the statutory changes made in the legislation. These amendments to the regulations, which revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the new CAASPP, were adopted by the Office of Administrative Law on August 27, 2014. Under these newly-adopted regulations, the first operational administration of the new online CAASPP assessments in English language arts (ELA) and mathematics took place March 10 through July 31, 2015. These new online assessments are provided by the Smarter Balanced Assessment Consortium (Consortium), a national Consortium of which California is a governing member State.

The tests within the CAASPP assessment system have consequences for individual students, schools, and school districts. The California Department of Education (CDE) uses the test results for school and district Academic Performance Index (API) and Adequate Yearly Progress (AYP) calculations. The results of these accountability calculations are used to identify schools and school districts that may or may not be meeting required growth targets and may result in schools and school districts being identified as “program improvement” schools or school districts. The program improvement designation may result in state intervention and eventually, take-over of the school or school district. The proposed amendments are designed to assure that the tests within the CAASPP are administered fairly and consistently throughout the state so that valid and reliable results are available for API and AYP calculations and, in so doing, prevent harm to the public peace, health, safety, and general welfare of students.

#### **PROBLEM AGENCY INTENDS TO ADDRESS**

The existing regulations are not fully aligned to changes in Consortium policy on accessibility resources; do not include requirements for the new alternate assessments; and contain inconsistencies that may be an obstacle to efficient and standardized statewide administration of the CAASPP tests. The purpose of the proposed amendments is to ensure the correct, efficient, and standardized administration of the CAASPP online assessments according to required Consortium guidelines to maintain accuracy, reliability and validity of measures. In addition, the proposed amendments, which are based on a review of the first operational administration of the new computer-based Consortium assessments, will add clarity and consistency to the procedures and requirements for CAASPP tests, thereby strengthening the reliability and validity of the measures.

## **BENEFITS ANTICIPATED FROM REGULATORY ACTION**

The benefit of enacting the proposed amendments are the promotion of an optimal and fair test administration for eligible students. Streamlining and clarifying procedures and terminology will aid educators in selecting and activating accessibility resources to students who can benefit from them, including language supports for English learners. Clear direction for filing of appeals will support greater reporting accuracy and timeliness. Adding testing window options that include selection of testing periods in alignment with the requirements of the Consortium and testing contractor will give greater local control to LEAs to accommodate their diverse school calendars. And finally, all of the above changes support increased local control, and strengthen validity, reliability and accuracy of statewide achievement scores used for the purposes for guiding instruction, gauging students' readiness for career and college, and for federal and state accountability calculations.

## **SPECIFIC PURPOSE OF EACH SECTION – GOVERNMENT CODE SECTION 11346.2(b)(1)**

The specific purpose of each adoption, amendment, or repeal and the rationale for the determination that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose for which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption or amendment is intended to address, is as follows:

General changes were made to the regulations to include grammatical edits, and renumbering and/or re-lettering to reflect deletions or additions. Additional non-substantive amendments made for consistency are as follows:

- “Assessment” delivery system is changed to “test” delivery system;
- “English language arts” is changed to “ELA;”
- “English language learner” or “English learner” is changed to “EL;”
- The word “corresponding” was added before the words “testing materials;”
- The word “group” was deleted and replaced with the word “team;”
- The word “engine” was replaced with the word “system;”
- The word “accident” was replaced with the word “injury;”
- The word “CAASPP” was added before the words “Test Security Affidavit;”
- The word “achievement” is added between the word “CAASPP” and “tests” to read “CAASPP achievement tests.”

## **SECTION 850**

**Section 850** is amended to define the relevant terms needed to interpret, clarify and make specific the terms used in the CAASPP, as well as to delete terms that are no longer in the Education Code or that are now defined in the Education Code and there is no need to repeat the definition in the regulations. These changes are necessary to clarify the scope and applicability of the changes in the statutes and the regulations.

In addition, the reference to the Measurement of Academic Performance and Progress (MAPP) assessment system was deleted from the Education Code and replaced with the California Assessment of Student Performance and Progress. Thus it is no longer necessary to reference MAPP in the regulations.

**Section 850(c)** is amended to delete the word “adjusts” and replace it with “selects.” The amendment is necessary as “selects” is a more appropriate term to use.

**Section 850(d)** is amended to add the words “significant cognitive” before disabilities. The amendment is necessary to align with Education Code section 60640(b)(1).

**Proposed section 850(e)** is added to define “assessment management system.” The new definition is necessary as the term is now used in the regulations and the term aligns with the terminology/definitions used by the CDE’s CAASPP contractor and is consistent with information provided in the respective Test Administration Manuals (TAMS).

**Section 850(f) (formerly (e))** is amended to change “assessment” to “test” and redefine the term. The amendment is necessary to align with the terminology/definitions used by the CDE’s CAASPP contractor and to be consistent with information provided in the respective TAMS.

**Section 850(g) (formerly (f))** is amended to redefine “assessment technology platform.” The amendment is necessary to align with the terminology/definitions used by the CDE’s CAASPP contractor and to be consistent with information provided in the respective TAMS.

**Proposed section 850(h)** is added to define “California Alternate Assessment” as a new CAASPP test to be used as the successor alternate assessment for ELA and mathematics. The new definition is necessary to ensure all LEAs are clear as to the appropriate alternate test to administer.

**Sections 850(i), (j) and (k) (formerly (g), (h) and (i))** are amended for clarification; they specify that the California Alternate Performance Assessment (CAPA), the California Modified Assessment (CMA) and the California Standards Tests (CST) only exist with respect to science. The amendment is necessary to ensure that the public understands that CAPA, CMA and CST tests only cover science.

**Proposed section 850(l)** is added to define “change of construct”. The new definition is necessary as the term is used in the CAASPP regulations; the definition can provide consistency in how the term is interpreted.

**Section 850(m) (formerly (j))** is amended to delete “all Smarter Balanced.” The amendment is necessary to more accurately specify what is stored in the Data Warehouse.

**Section 850(n) (formerly (k))** is amended to include the phrase “with parent/guardian and pupil input as appropriate.” The amendment is necessary to align with Consortium policies on designated supports.

**Sections 850(o) (formerly (m)) and 850(r) (formerly (q))** are amended to delete the words “assessment technology platform” and replace with “test delivery system.” The amendment is necessary to align with the terminology/definitions used by the CDE’s CAASPP contractor and to be consistent with information provided in the respective TAMs.

**Former section 850(l)** is deleted. The deletion is necessary as the term “eligible pupil” is now further defined and addressed in a new stand-alone section, section 851.5.

**Former section 850(n)** is deleted. The deletion is necessary as a pupil’s “grade” for purposes of CAASPP administration is now defined in section 851(b).

**Former section 850(o)** is deleted. The deletion is necessary as the term “individualized aide” has been replaced with “unlisted resource,” which is defined in section 850(ak).

**Proposed section 850(p)** is added to define “instructional supports.” The new definition is necessary as the term is now used in the amended regulations.

**Section 850(t) (formerly (s))** is amended to add “and pupils enrolled in a dual immersion program,” to substitute Education Code section 60640(j) for former Education Code section 60640(c), and to add “until a successor test becomes available.” The amendments are necessary for consistency with the Education Code.

**Section 850(x) (formerly (w))** is amended to further define the term “resource” to include an unlisted resource that has been approved by the CDE and to clarify that resources do not change the construct of an assessment. The amendment is necessary to conform to the rest of the changes in the amended regulations.

**Section 850(y) (formerly (x))** is amended to add “sibling” to the list of persons that cannot serve as a pupil’s scribe. The amendment is necessary to ensure security to CAASPP tests.

**Former section 850(z)** is deleted in its entirety. The deletion is necessary as there is no longer a reference in the regulations to the Smarter Balanced Assessment Consortium.

**Proposed section 850(ac)** is added to define “Test Administration Manuals.” The new definition is necessary because of the references to that term in the amended regulations.

**Section 850(ad) (formerly (ac))** is amended to replace the term “examiner” with “administrator” to differentiate between the roles of a test administrator and a test examiner, for which a definition has been added in section 850(ae). The amendment is necessary to clarify the two roles.

**Proposed section 850(ae)** is added to define “test examiner” as the administrator of the alternate assessments. The new definition is necessary for consistency and clarity regarding the new alternate assessment procedures.

**Section 850(af) (formerly (ad))** is amended to delete “test booklets.” The amendment is necessary because the test booklets are not part of the test materials. This section is also amended to delete “technology platform” and replace with “management system” This amendment is necessary to align with the terminology/definitions used by the CDE’s CAASPP contractor and to be consistent with information provided in the respective TAMs.

**Proposed section 850(ah)** is added to define “track” because the term is used in the amended regulations. The new definition is necessary to ensure that the meaning is correctly interpreted.

**Section 850(ai) (formerly (af))** is amended to add “sibling” to the list of persons that cannot serve as a pupil’s translator. The amendment is necessary to ensure security to CAASPP tests.

**Proposed section 850(ak)** is added to define “unlisted resource” which is the new term that replaced the previous “individualized aide.” The new definition is necessary to clarify what an unlisted resource is and is not.

## **SECTION 851**

**Section 851(a)** is amended to clarify which students are to be tested using the CAASPP achievement and primary language tests. Specifically, section 851(a) recognizes that pupils with parent exemptions from testing pursuant to section 852 will not be administered the CAASPP tests. It further recognizes that “eligible pupil” is now defined in a stand-alone section, section 851.5, and that, under these revised regulations, a student’s enrollment status depends upon the school’s or track’s selected testing period, excluding any extension that LEAs may have obtained pursuant to the newly added section 855(b)(4). All of these changes are necessary to ensure clarity as to which pupils are to be tested with the CAASPP achievement tests and to conform with other changes in the amended regulations.

**Proposed section 851(b)** is added to the section on Pupil Testing to note that the grade level at which a pupil is tested must be the pupil’s grade of enrollment as noted in CALPADS on the first day of the school’s or track’s available testing window. The new section is necessary to provide consistency among LEAs, who must determine what grade-level achievement tests to administer to each pupil.

**Proposed section 851(e) (formerly (d))** is amended to recognize that a test administrator may also have a role in administering CAASPP tests and to exclude a sibling from administering a CAASPP test. The amendment to include a test administrator is necessary to recognize the official role a test administrator plays in

addition to a test examiner and the amendment to prohibit sibling administration of tests is necessary to support a more secure administration of CAASPP tests.

## **SECTION 851.5**

**Proposed section 851.5** was moved from section 850(l) into a stand-alone section to more clearly redefine who is an “eligible pupil” for purposes of taking a particular CAASPP assessment. The change is necessary as the review of feedback from the first operational test indicated a need for a more explicit statement of which pupils are eligible for each of the CAASPP achievement tests.

## **SECTION 853**

**Section 853** was amended to recognize that LEAs must follow instructions on how to administer CAASPP tests using unlisted resources and instructional supports as set forth in the amended regulations. The amendment is necessary to ensure consistency with the regulations that now provide definitions and process for the use of additional accessibility supports.

## **SECTION 853.5**

The overall purpose and necessity of the amendments to this section are to refine the alignment of the current CAASPP regulations related to assessment accessibility with the most recent accessibility policies set by the Consortium, as set forth in the Smarter Balanced Assessment Consortium *Usability, Accessibility and Accommodations Guidelines*. This is necessary as the correct and standard use of accessibility supports for the CAASPP assessments is critical for ensuring reliable and valid measures of the CAASPP assessments. The changes to the availability of the use of designated supports will similarly be implemented in section 853.7 as the EL community is entitled to the same designated supports. Specific changes to section 853.5 are shown below:

**Section 853.5(a)(11)** is amended to add “embedded ruler and embedded protractor.” The amendment is necessary to add the particular math tools that are permitted as specified in the Consortium’s policy.

**Former sections 853.5(b)(6) – (8)** are deleted because they are no longer necessary or are not consistent with Consortium policy. First is the deletion of “math tools” which is no longer an available resource; “simplify test directions” is being deleted because it is no longer needed and will be added to the TAM; and “pupil marks in paper pencil test” is deleted because it is no longer applicable for a computer based test and will be added to the TAMs for the administration of the few paper-pencil tests being given the next two years.

**Sections 853.5(c) and (d)** are amended to add “with parent/guardian and pupil input as appropriate.” The amendment is necessary to align regulations with Consortium’s approach to accessibility which references inclusion of parent and student input, as appropriate, for the determination of designated supports for a pupil.

**Former section 853.5(c)(4)** is deleted because it was confusing and inaccurate as a separately listed item. It has instead been included with proposed section 853(c)(5) which reflects how it is delivered to the student on the test delivery system. The deletion is necessary because Spanish stacked translation and translated test directions in Spanish are delivered together automatically and cannot be assigned separately.

**Section 853.5(c)(5) (formerly (c)(6))** is amended to add the words “Spanish” and “translated test directions for mathematics.” The amendments are necessary because Spanish stacked translations and translated test directions in Spanish are delivered together automatically and cannot be assigned separately.

**Section 853.5(d)(9)** is amended to include: “most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture.” The amendment is necessary to specify these particular aspects that are included in the “separate setting” non-embedded designated support. These were previously offered under former sections 853.5(d)(12) and (14). In addition, the amendment is necessary to align with Consortium policy and will eliminate confusion about how to assign these available designated supports for pupils who can benefit from their use.

**Former sections 853.5(d)(12) and (14)** are deleted because they have now been included as part of section 853.5(d)(9). See above.

**Proposed section 853.5(d)(13)** is added to include read aloud for Spanish and stacked translations in mathematics as a non-embedded designated support. The new section is necessary to align with Consortium policy.

**Section 853.5(e)(4)** is amended to delete the restriction of text-to-speech embedded accommodation for use by pupils in “grades 6 through 8, inclusive, and 11.” The amendment is necessary because the Consortium’s policy on the use of this accommodation is no longer restricted by grade level; text-to-speech is now available to all eligible students with a documented need in an IEP or Section 504 Plan.

**Section 853.5(f)(2)** is amended to delete the availability of non-embedded accommodation, American Sign Language for ELA listening and mathematics items. The amendments are necessary in order to align the regulations with Consortium policy. Non-embedded American Sign Language accommodation can be requested as an unlisted resource pursuant to section 853.8.

**Section 853.5(f)(6)** is amended to add the descriptive phrases that specify the allowed use of this accommodation in accordance with Consortium policy which specifies it to be used only for “Calculator-allowed” and “only in grades 6 through 8, and 11.” The amendments are necessary because feedback and review of the operational test administration indicated confusion on the part of educators about the allowed use of this non-embedded accommodation.

**Section 853.5(f)(9)** is amended to delete the words “in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate braille skills.” The amendment is necessary in order to make regulations

consistent and aligned with the Consortium’s policy change on the use of the non-embedded accommodation, read aloud, which is now available to all pupils with a documented need in an IEP or Section 504 Plan, regardless of grade level. Read aloud is the non-embedded version of Text-to-Speech accommodation.

**Former section 853.5(g)** is deleted and replaced by a newly added section, section 853.8, on the use of “unlisted resources.” The change includes the changing of the name of an “individualized aid” as to an “unlisted resource.” These changes are necessary for additional clarity and consistency for LEAs when administering CAASPP assessments.

**Former section 853.5(h)** is deleted and has been replaced by newly added section 853.8 on the use of unlisted resources. The deletion is necessary because this section has been replaced.

**Section 853.5(g) (formerly (i))** is amended to add the words “amends or” and to replace the word “allow” with “approve.” The amendments are necessary for the sake of clarity and accuracy of intended meaning. While it is anticipated that the Consortium policies on accessibility may likely add a resource to the list of available resources, it is also possible that research conducted on use of certain resources may require the use of a particular resource to be amended in some manner.

## **SECTION 853.6**

**Proposed section 853.6** is added to inform LEAs about the instructional supports and resources that are available for use by pupils taking the California Alternate Assessments. The new section is necessary to provide clarity on the unique supports that may or may not be used for the alternate assessment.

## **SECTION 853.7**

**Section 853.7(a)** is amended to add “with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan.” The amendment is necessary to align regulations with Consortium’s approach to accessibility which references inclusion of parent and student input as appropriate for the determination of designated supports for a pupil.

**Former section 853.7(a)(4)** is deleted because it was confusing and inaccurate as a separately listed item. It has instead been included with proposed section 853(c)(5) which reflects how it is delivered to the student on the test delivery system. The deletion is necessary because Spanish stacked translation and translated test directions in Spanish are delivered together automatically and cannot be assigned separately.

**Section 853.7(a)(5)** is amended to add the words “Spanish” and “translated test directions for mathematics.” The amendments are necessary because Spanish stacked translations and translated test directions in Spanish are delivered together automatically and cannot be assigned separately.

**Section 853.7(b)** is amended to add “with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan.” The amendment is necessary to align regulations with Consortium’s approach to accessibility which references inclusion of parent and student input as appropriate for the determination of designated supports for a pupil.

**Section 853.7(b)(9)** is amended to include: “most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture.” The amendment is necessary to specify these particular aspects that are included in the “separate setting” non-embedded designated support. These were previously offered under section 853.5(d)(12) and (14). This change is in alignment with Consortium policy and will eliminate confusion about how to assign these available designated supports for pupils who can benefit from their use.

**Former sections 853.7(b)(12) and (14)** are deleted because they have now been included as part of section 853.7(d)(9). See above.

**Proposed section 853.7(b)(13)** is added to include read aloud for Spanish and stacked translations in mathematics. The new section is necessary to align with Consortium policy.

**Proposed section 853.7(c)** is added to mirror the newly numbered section 853.5(g), formerly section 853.5(i). The new section is added for consistency in provisions for Consortium changes to policies on the use of universal tools, designated supports and accommodations, which are referred to as “resources” in regulations.

## **SECTION 853.8**

**Proposed sections 853.8(a), (a)(1) – (a)(9)** are added to replace and update portions of deleted former section 853.5(g). This section provides the procedure for requesting an “unlisted resource,” previously called “individualized aid,” for a student with a documented need through an IEP or section 504 plan. The new sections are necessary to provide additional direction and consistency to LEAs when seeking to use additional supports that are not listed as resources in the regulations.

**Proposed sections 853.8(b) and (c)** are added to replace and update portions of deleted section 853.5(g) and to further clarify the requirements and criteria used to allow the use of an unlisted resource; the request for the use of an unlisted resource on a CAASPP achievement test will be denied only if its use poses a threat to test security. The new sections are necessary to ensure that test results are accurate and valid.

**Proposed sections 853.8(d), (d)(1) and (d)(2)** are added to further clarify the criteria for the approval of an unlisted resource and the consequences of using an unlisted resource that changes the construct. If the CDE determines that the unlisted resource does not change the construct being measured, the unlisted resource shall be approved and the pupil shall receive a valid score. If, however, the CDE determines that the use of the unlisted resource changes the construct, then the student will receive a score, although, the score will not be considered valid for the use of accountability calculations.

The new sections are necessary to align with Consortium policies and to ensure proper accountability for testing and valid results.

**Proposed sections 853.8(e), (e)(1) - (e)(9)** are added to provide a list of the unlisted resources that have already been determined to change the construct of a CAASPP test. The new sections are necessary to assist LEAs with useful information that can assist IEP teams in determining the most appropriate use of resources on the CAASPP tests.

## **SECTION 855**

**Former sections 855(a)(1) – (2)** are deleted because they applied to the 2013-14 administrations and are no longer applicable. The deletions are necessary to avoid confusion in the field.

**Section 855(a) (formerly (b))** is amended to reflect the current test administration for which these procedures are valid, 2015-16. Also added are clarifying words to indicate what is meant by “available testing window” and that the test may be administered “at some time” during the available testing window. This clarification was necessary based on the CDE’s review of the first operation administration which revealed a need for further clarification.

**Section 855(a)(1) (formerly (b)(1))** is amended to replace “until at least” with “on the day in which.” The amendment is necessary to provide clarity as to the date on which testing begins. It is also amended to add “available” before testing window to differentiate the period of time a window may be available from a selected testing period within that window. This differentiation was determined to be necessary after a review of the first operational year of testing. This section is also amended to include language regarding a school’s track schedule. The amendment is necessary to be inclusive of all schools in an LEA, including those that may have different tracks or calendars. Finally, it is amended to delete the last sentence regarding when a school has reached 66 percent of a school year. The amendment is necessary as it was determined to be superfluous.

**Section 855(a)(2) (formerly (b)(2))** is amended to clarify language that will help LEAs to identify their testing dates to meet their own calendar needs and to comply with Consortium requirements for the respective CAASPP achievement tests. The amendment is necessary to provide LEAs greater local control in determining testing dates. It is also amended to delete language as to when a school may have reached 80 percent of a school year. The amendment is necessary as it was determined to be superfluous.

**Section 855(a)(3) (formerly (b)(3))** is amended to delete reference to a successor alternate assessment. This is necessary as the successor assessment is addressed in the new California Alternate Assessments (CAA) in the newly-added section 850(a)(4). It is also amended to delete reference to the SBE making a determination about testing windows prior to September 2014. The amendment is necessary because that language is moot at this time.

**Proposed section 855(a)(4)** is added to provide the information related to the CAA available testing window, which has a separate window for 2015-16 than it does for administrations thereafter. The inclusion of this information in a separate subdivision is necessary to make it easier for LEAs to locate the information related to the CAA, which will have its first operational administration in 2016.

**Proposed sections 855(b), (b)(1) – (4)** are added to provide LEAs with the new option to select up to six testing periods within the available testing window and to add an option for an LEA to request an extension of up to ten days to complete testing. These changes are proposed based on a review of the first operational administration by the CDE and the testing contractor and the need for increased local control to determine when the CAASPP tests can be administered to meet the needs of specific tracks or calendars within an LEA and the need to allow LEAs to extend testing time for a discreet period when circumstances deem such extension necessary.

**Proposed section 855(c)** is added to further clarify that failure of an LEA to select testing periods for a school or track within the available testing window results in the entire available testing window being the selected testing period. The new section is necessary to provide consistency and clarity across LEAs so they know the consequences of not selecting testing periods.

## **SECTION 857**

**Section 857(a)** is amended to delete “September 30” and replace with “July 1.” The amendment is necessary to meet the timeline for preparations for the subsequent test administration in a satisfactory manner.

**Section 857(b)** is amended to add “August 1” and delete “September 30” and replace with “July 31.” The amendment is necessary to prevent a gap in coverage of LEA CAASPP Coordinator, whose responsibilities, pursuant to sections 858 and 859, include pre and post-test tasks and communications.

**Proposed section 857(c)** is added to provide that the CAASPP coordinator for the LEA is to be responsible for following the duties set forth in Section 859. The new section is necessary to provide clarity to the LEAs and in particular LEA CAASPP coordinators.

## **SECTION 858**

**Section 858(a)** is amended to delete “September 30” and replace with “July 31.” The amendment is necessary to conform to changes made to section 857(b).

**Proposed section 858(c)** is added to provide that the CAASPP test site coordinator is to be responsible for following the duties set forth in section 850. The amendment is necessary to provide clarity to the CAASPP test site coordinators.

**Section 858(e) (formerly (d))** is amended to delete “individualized aids” and replace with “unlisted resources.” The amendment is necessary to conform to the new term being used.

**Proposed section 858(f)** is added to provide guidance to LEA’s about the procedures required to manage users in a computer-based system.

## **SECTION 859**

**Sections 859(b)(6) and (d)(10)** are amended to add “CAA” and “Science” after CAPA and to delete “or its successor alternate assessment. The amendments are necessary to recognize that CAA is the successor alternate assessment in ELA and mathematics and to update the terminology regarding CAPA for science, so that it is not confused with the former CAPA for ELA and mathematics.

**Section 859(c)** is amended to add the words “test administrators” and to delete the words “registration system, adaptive engine.” The amendments are necessary to update the terminology to be consistent with the language in the TAMs and the updated definitions related to the computer-based tests.

**Section 859(d)(11)** is amended to delete “individualized aids” and replace with “unlisted resources.” It also adds “instructional supports for the CAA.” The amendments are necessary to conform the change to the new term, “unlisted resource,” which replaced the old “individualized aid,” and to add the instructional supports for CAA to the list of other resources provided in these regulations.

## **SECTION 860**

**Proposed section 860** is added to address the appeal process, which is a requirement of the new Consortium assessments. It provides for the possible actions the CDE may take in response to an appeal, the types of appeals that LEA CAASPP coordinators may request, when appeals must be submitted to the CDE, and how appeals will be reviewed by the CDE. The new section is necessary to conform with new Consortium requirements and the provisions of the new CAASPP contract and because failure to handle appeals in a fair, consistent and effective manner in conformance with Consortium requirements may impact test security and validity.

## **SECTION 861**

**Section 861(b)(3)** is amended to delete the words “individualized aid” and replace with “unlisted resource.” The amendment is necessary to conform the regulations to the change in terminology.

## **SECTION 862**

**Section 862(a)(1)** is amended to delete the words “on the first day of testing.” The amendment is necessary to clarify the process for apportionment reporting in the new computer-based test environment.

**Sections 862(b)(2)(A) and (b)(2)(B)** are amended to delete “December 31” and replace with “March 1.” The amendment is necessary to provide more flexibility to LEAs for completing review outside of the holiday season.

#### **SECTION 862.5**

**Section 862.5(a)** is amended to further clarify how funding is apportioned and to specify that the apportionment rates are to be set annually by the SBE.

#### **SECTION 864**

**Proposed section 864(b)(3)** is added to provide that LEAs must ensure they are following all instructions in the corresponding TAMs. The new section is necessary to ensure clear, complete and consistent direction is followed by LEAs when implementing the CAASPP achievement tests.

#### **ECONOMIC IMPACT ANALYSIS PER GOV. CODE SECTION 11346.3(b)**

The CDE has determined that only LEAs, as defined by Education Code section 60603(o), are impacted by these amended regulations in order to comply with the provisions of 20 U.S.C. Section 6311 of the Elementary and Secondary Education Act requiring the annual assessment of “all students and children in the State.”

Therefore, amendment and adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

#### **OTHER REQUIRED SHOWINGS – GOV. CODE 11346.2(b)(2)-(4)**

##### **Studies, Reports or Documents Relied Upon – Gov. Code. Section 11346.2(b)(3):**

The SBE relied upon the following documents in the drafting of these regulations:

“Smarter Balanced Assessment Consortium: Usability, Accessibility, and Accommodations Guidelines, August 25, 2015.” A copy of this document can be obtained at [http://www.smarterbalanced.org/wordpress/wp-content/uploads/2014/08/SmarterBalanced\\_Guidelines.pdf](http://www.smarterbalanced.org/wordpress/wp-content/uploads/2014/08/SmarterBalanced_Guidelines.pdf).

“Summary of Post-Test Survey and Focus Group Results from the 2015 California Assessment of Student Performance and Progress (CAASPP) Administration of the Smarter Balanced Online Assessments.” A copy of this document can be obtained at <http://www.cde.ca.gov/be/pn/im/documents/memodsibadad-oct15item02.doc>.

##### **Reasonable Alternatives Considered Or Agency’s Reasons For Rejecting Those Alternatives – Gov. Code Section 11346.2(b)(5)(A):**

No other alternatives were presented to or considered by the SBE.

**Reasonable Alternatives That Would Lessen The Impact On Small Businesses – Gov. Code Section 11346.2(b)(5)(B):**

The SBE has not identified any alternatives that would lessen any adverse impact on small business.

**Evidence Relied Upon To Support the Initial Determination That the Regulations Will Not Have A Significant Adverse Economic Impact on Business – Gov. Code Section 11346.2(b)(6):**

The proposed regulations would not have a significant adverse economic impact on any business. The activities specified in the regulations affect only state and local governments.

**Analysis of Whether The Regulations Are An Efficient And Effective Means Of Implementing The Law In The Least Burdensome Manner – Gov. Code Section 11346.3(e)**

The regulations have been determined to be the most efficient and effective means of implementing the law in the least burdensome manner.

10-23-15 [California Department of Education]

- 1 • The State Board of Education has illustrated changes to the original text in the  
2 following manner: text originally proposed to be added is underlined; text proposed to  
3 be deleted is displayed in ~~strikeout~~.  
4

5 **Title 5. EDUCATION**

6 **Division 1. California Department of Education**

7 **Chapter 2. Pupils**

8 **Subchapter 3.75. California Assessment of Student Performance and Progress**  
9 **(CAASPP)**

10 **Article 1. General**

11 **§ 850. Definitions.**

12 For the purposes of these regulations, ~~the Measurement of Academic Performance~~  
13 ~~and Progress assessment system (as established in Education Code section 60640 and~~  
14 ~~known as “MAPP”)~~ shall be designated the California Assessment of Student  
15 Performance and Progress (CAASPP), and the following terms shall have the following  
16 meanings:

17 (a) “Accommodations” means resources documented in a pupil’s individualized  
18 education program (IEP) or Section 504 Plan which the pupil regularly uses in the  
19 classroom for instruction and/or assessments(s) and that are either utilized in the  
20 assessment environment or consist of changes in procedures or materials that increase  
21 equitable access during the assessment. Accommodations cannot fundamentally alter  
22 the comparability of achievement test scores.

23 (b) “Achievement tests” means any summative standardized test that measures the  
24 level of performance that a pupil has achieved on state-adopted content standards.

25 (c) “Adaptive engine” refers to the mechanism utilized in a computer-adaptive  
26 assessment that ~~adjusts~~ selects the difficulty of grade-level test questions throughout an  
27 assessment based on student responses.

28 (d) “Alternate assessments” means any assessments as provided in Education Code  
29 section 60640(k) and ~~it’s~~ the test materials developed to measure the level of  
30 performance for a pupil with significant cognitive disabilities who is unable to take the  
31 consortium summative assessments in English language arts (ELA) and mathematics  
32 pursuant to Education Code section 60640(b)(1) or ~~are~~ is unable to take an assessment  
33 of science pursuant to Education Code section 60640(b)(2), even with resources.

1 (e) “Assessment management system” means the test operations management  
2 system which is a set of web applications that manage the registration of pupils for  
3 tests, machine or hand scoring of test items, integration of item scores into an overall  
4 test score, and delivery of scores to the data warehouse.

5 (f)(e) “Assessment Test delivery system” consists of the electronic systems used to  
6 display test items through an adaptive engine; accept and store item responses; score  
7 items; and restrict access to outside sources. The test delivery system includes  
8 technology required to administer computer based tests means a set of web  
9 applications that manage the registration of pupils for tests, the delivery of those tests to  
10 the pupils, scoring of test items, integration of item scores into an overall test score, and  
11 delivery of scores to the Data Warehouse.

12 (g)(f) “Assessment technology platform” means the underlying computer systems on  
13 which CAASPP applications run. It is comprised of two components, the assessment  
14 management system and the test delivery system electronic systems used to display  
15 items, accept item responses, store, deliver, score the tests and restrict access to  
16 outside sources, as well as report and manage assessment results. Assessment  
17 technology includes, but is not limited to, computing devices, testing software  
18 applications, network hardware, and other technology required to administer the tests.

19 (h) “California Alternate Assessments (CAA)” are the alternate assessments and  
20 corresponding test materials in ELA and mathematics as provided for in Education  
21 Code section 60640(k) for pupils with significant cognitive disabilities. The CAA is the  
22 successor alternate assessment for ELA and mathematics as identified in Education  
23 Code section 60640(b)(3).

24 (i)(g) “California Alternate Performance Assessment for Science (CAPA Science)” is  
25 the alternate assessment and its corresponding test materials for science as provided  
26 for in Education Code section 60640(k) for pupils with significant cognitive disabilities.

27 (j)(h) “California Modified Assessment for Science (CMA Science)” is the alternate  
28 assessment and its corresponding test materials for science based on modified  
29 achievement standards.

30 (k)(i) “California Standards Tests for Science (CSTs Science)” is the assessment  
31 and its corresponding test materials for science that measure the degree to which pupils  
32 are achieving the state content standards in science pursuant to Education Code

1 section 60605.

2 (l) "Change of construct" means a modification of the concept or skills being tested  
3 that fundamentally alters the meaning and comparability of achievement test scores.

4 (m)(j) "Data Warehouse" means a comprehensive storehouse of all Smarter  
5 Balanced test registrations and results and a system to generate reports on, or extracts  
6 of, that data.

7 (n)(k) "Designated supports" are resources which the pupil regularly uses in the  
8 classroom for instruction and/or assessment(s) and that are available for use by any  
9 pupil for whom the need has been indicated, prior to the assessment administration, by  
10 an educator or group a team of educators (with parent/guardian and pupil input as  
11 appropriate) or specified in a the pupil's IEP or Section 504 Plan.

12 ~~(l) "Eligible pupil," with the exception of subdivisions (1) through (3) below, is any~~  
13 ~~pupil taking an assessment, pursuant to Education Code section 60640, who is not~~  
14 ~~exempt from participation in assessments pursuant to Education Code section 60615 or~~  
15 ~~who is not a recently arrived English learner pupil exempt from participating in the~~  
16 ~~English Language Arts assessment pursuant to Education Code section 60640(f)(1).~~

17 ~~(1) For the primary language test, an eligible pupil is an English learner with a~~  
18 ~~primary language for which a test is optional pursuant to Education Code section 60640.~~

19 ~~(2) For CAPA, an eligible pupil is any pupil in grades 2 through 11, inclusive, who~~  
20 ~~has an IEP that designates the use of the alternate assessment.~~

21 ~~(3) For the CMA, an eligible pupil is any pupil in grades 5, 8, or 10, who has an IEP~~  
22 ~~that designates the use of the modified assessment in science.~~

23 (o)(m) "Embedded" means a resource, whether a universal tool, designated support,  
24 or accommodation, that is part of the assessment technology platform test delivery  
25 system for the computer-based CAASPP tests.

26 ~~(n) "Grade" means the grade in which the pupil is enrolled at the time of testing, as~~  
27 ~~determined by the local educational agency.~~

28 ~~(o) "Individualized aid" means a type of resource that a pupil regularly uses in a~~  
29 ~~classroom for instruction and/or assessment that has not been previously identified as a~~  
30 ~~universal tool, designated support or accommodation. Because an individualized aid~~  
31 ~~has not been previously identified as a universal tool, designated support or~~  
32 ~~accommodation, it may or may not invalidate the measurement of the test(s).~~

1 (p) “Instructional supports” are all supports, including those supports documented in  
2 a pupil’s IEP or Section 504 Plan, that may be used in daily instruction and for  
3 assessment(s), including language and physical supports.

4 ~~(q)(p)~~ “Local educational agency (LEA)” means a county office of education, school  
5 district, state special school, or direct-funded charter school as described in Education  
6 Code section 47651. LEA superintendent, for purposes of these regulations, includes an  
7 administrator of a direct-funded charter school.

8 ~~(r)(q)~~ “Non-embedded” means a resource, whether a universal tool, designated  
9 support, or accommodation, that may be provided by the LEA and is not part of  
10 the ~~assessment technology platform~~ test delivery system for the computer-based  
11 CAASPP tests.

12 ~~(s)(r)~~ “Nonpublic schools (NPS)” are nonpublic, nonsectarian schools as set forth in  
13 Education Code section 56034.

14 ~~(t)(s)~~ “Primary language test” means a test as provided in Education Code sections  
15 60640(b) and ~~(e)(j)~~ and its corresponding test materials in each primary language for  
16 which a test is available for English Learners (ELs) and pupils enrolled in dual  
17 immersion program. The primary language test is the Standards-based Tests in  
18 Spanish (STS), until a successor test becomes available.

19 ~~(u)(t)~~ “Pupil” refers to a student enrolled in a California public school.

20 ~~(v)(u)~~ “Recently arrived English learner” means a pupil designated as an EL English  
21 ~~learner~~ who is in his or her first 12 months of attending a school in the United States as  
22 specified in Education Code section 60603(v).

23 ~~(w)(v)~~ “Registration system” means the mechanism that provides administrators with  
24 the tools to manage users and pupils participating in CAASPP computer-based  
25 assessments. The ~~engine~~ system uses a role-specific design to restrict access to  
26 certain tasks based on the user’s designated role as well as manage pupils’ default test  
27 settings, designated supports, and accommodations.

28 ~~(x)(w)~~ “Resource(s)” refers to a universal tool, designated support,  
29 accommodation ~~and/or individualized aid~~ or an unlisted resource approved pursuant to  
30 section 853.8. Resources (including approved unlisted resources) do not change the  
31 construct of the assessment.

32 ~~(y)(x)~~ “Scribe” is an employee of the LEA or a person assigned by an NPS to

1 implement a pupil's IEP who has signed a CAASPP Test Security Affidavit and has  
2 received training to transcribe a pupil's responses to the format required by the test. A  
3 pupil's parent, ~~or~~ guardian, or sibling is not eligible to be the pupil's scribe.

4 ~~(z)(y)~~ A "Ssignificant medical emergency" is a significant ~~accident~~ injury, trauma, or  
5 illness (mental or physical) that precludes a pupil from taking the achievement tests.  
6 An ~~accident~~ injury, trauma, or illness is significant if the pupil has been determined by a  
7 licensed physician to be unable to participate in the tests.

8 ~~(z)~~ "~~Smarter Balanced Assessment Consortium (Smarter Balanced)~~" is the multi-  
9 state consortium responsible for the development of the English language arts and  
10 mathematics summative assessments administered pursuant to Education Code  
11 section 60640(b)(1) and the interim assessments and formative assessment tools  
12 administered pursuant to Education Code section 60642.6.

13 (aa) "Standards-based Tests in Spanish (STS)" are the achievement tests and ~~the~~  
14 its corresponding test materials that are administered at the option of the LEA as the  
15 primary language test as provided in Education Code sections 60640(b) and ~~(e)~~ (j) for  
16 pupils whose primary language is Spanish or ~~to~~ for pupils enrolled in a dual immersion  
17 program that includes Spanish.

18 (ab) "Streamlining" means an accommodation on a computer-based assessment  
19 that provides an alternate display of an item, stacked into instructions, stimuli, and  
20 response choices.

21 (ac) "Test Administration Manuals (TAM)" means the instructions provided by the  
22 CAASPP contractor or consortium for the purpose of training and administration of the  
23 respective CAASPP tests and which must be adhered to in order to ensure the security  
24 of valid and reliable tests and the reporting of accurate results.

25 ~~(ad)(ae)~~ "Test administrator examiner" is an employee or contractor of an LEA or an  
26 NPS who has signed a CAASPP Test Security Affidavit and has received training to  
27 administer the CAASPP achievement tests. ~~For an alternate assessment, the test~~  
28 ~~examiner must be a certificated or licensed school, district, or county staff member.~~

29 (ae) "Test examiner" is an employee or contractor of an LEA or an NPS who has  
30 signed a CAASPP Test Security Affidavit and has received training to administer the  
31 CAA tests. A test examiner must be a certificated or licensed LEA staff member.

32 ~~(af)(ad)~~ "Test materials" include, but are not limited to, administration manuals,

1 administrative materials, ~~test booklets~~, assessment ~~technology platform~~ management  
2 system, practice tests, scratch paper, and test answer documents.

3 ~~(ag)(ae)~~ “Test proctor” is an employee of an LEA, or a person assigned by an NPS,  
4 to implement a pupil’s IEP or Section 504 Plan, who has signed a CAASPP Test  
5 Security Affidavit and has received training designed to prepare him or her to assist the  
6 test examiner in the administration of tests.

7 (ah) “Track” is a type of attendance or instructional schedule for schools with year-  
8 round education programs pursuant to Education Code section 37670.

9 ~~(ai)(af)~~ “Translator” is a person who has been assigned to translate the test  
10 directions into the pupil’s primary language pursuant to sections ~~853.5 and 853.7~~ 853.6,  
11 who has signed a CAASPP Test Security Affidavit as identified in section 859(d), and  
12 who has received training specifically designed to prepare him or her to assist the test  
13 administrator or test examiner in the administration of the assessments pursuant to  
14 Education Code section 60640. A pupil’s parent, ~~or~~ guardian, or sibling is not eligible to  
15 be the pupil’s translator. A translator must be:

- 16 (1) an employee of an LEA;  
17 (2) an employee of the NPS; or  
18 (3) a person supervised by an employee of an LEA or an employee of the NPS.

19 ~~(aj)(ag)~~ “Universal tools” are resources of the CAASPP tests that are available to all  
20 pupils.

21 (ak) “Unlisted resource(s)” means an instructional support that a pupil regularly uses  
22 in daily instruction and/or assessment that has not been previously identified as a  
23 universal tool, designated support or accommodation. Because an unlisted resource  
24 has not been previously identified as a universal tool, designated support or  
25 accommodation, it may or may not change the construct of the assessment.

26 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
27 Sections 306, 37670, 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615,  
28 60640, 60642.5 and 60642.6, Education Code; 34 C.F.R. Sections 200.1(d), and (f) and  
29 300.160; 5 CCR 11967.6.

30 **Article 2. Achievement Tests and Any Primary Language Test**

31 **§ 851. Pupil Testing.**

32 (a) With the exception of pupils exempt pursuant to section 852, LEAs shall

1 administer the achievement tests, and may administer the primary language  
2 test, pursuant to ~~Education Code section 60640~~ to each eligible pupil as defined in  
3 section 851.5 who is enrolled in an LEA on the date testing begins in the pupil's school  
4 or LEA during the school's or track's selected testing period (excluding any extension  
5 period pursuant to section 855(b)(4)).

6 (b) The testing conducted shall be consistent with the pupil's grade of enrollment as  
7 noted in CALPADS on the first day of the school's or track's available testing window  
8 pursuant to section 855.

9 ~~(c)(b)~~ No later than start of the 2014-2015 school year, for the purposes of the  
10 CAASPP assessment system, a charter school which is not an LEA as defined in  
11 Education Code section 60603(o) shall test with, dependent on, the LEA that granted  
12 the charter or was designated the oversight agency by the State Board of Education  
13 (SBE).

14 ~~(d)(e)~~ LEAs shall make arrangements for the testing of all eligible pupils in  
15 alternative education programs or programs conducted off campus, including, but not  
16 limited to, non-classroom based programs, continuation schools, independent study,  
17 community day schools, county community schools, juvenile court schools, or NPSs.

18 ~~(e)(f)~~ No test may be administered in a home or hospital except by a test  
19 administrator or test examiner. No test shall be administered to a pupil by the parent, or  
20 guardian, or sibling of that pupil. This subdivision does not prevent classroom aides  
21 from assisting in the administration of the test under the supervision of a test  
22 administrator or test examiner, provided that the classroom aide does not assist his or  
23 her own child, and that the classroom aide signs a CAASPP Test Security Affidavit.

24 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
25 Sections 47651, 48645.1, 60603, 60605 and 60640, Education Code.

26

27 **§ 851.5. Eligible Pupil.**

28 For purposes of these regulations, an "eligible pupil" is as follows:

29 (a) For CAASPP achievement tests in ELA, a pupil in grades 3 through 8 and grade  
30 11 who is not taking the CAA or is not a recently arrived EL pursuant to section 850(v).  
31 However, a recently arrived EL may be an eligible pupil upon request by the  
32 parent/guardian.

1 (b) For CAASPP achievement tests in mathematics, a pupil in grades 3 through 8  
2 and 11 who is not taking the CAA.

3 (c) For the primary language test, an EL and pupil enrolled in dual immersion  
4 program, in grades 3 through 8 and 11, for whom a primary language test is made  
5 available pursuant to Education Code section 60640(b)(5)(E).

6 (d) For the CAA, a pupil in grades 3 through 8 and 11 who has an IEP that  
7 designates the use of alternate assessments.

8 (e) For CAPA Science, a pupil in grades, 5, 8 and 10 who has an IEP that  
9 designates the use of an alternate assessments.

10 (f) For the CMA Science, a pupil in grades 5, 8 and 10 who has an IEP that  
11 designates the use of the modified assessment in science.

12 (g) For the CST Science, a pupil in grades 5, 8 and 10 who does not have an IEP  
13 that designates the use of an alternate or modified assessment in science.

14 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
15 Sections 60640 and 60641, Education Code.

16  
17 **§ 853. Administration.**

18 (a) The CAASPP tests pursuant to Education Code section 60640 shall be  
19 administered, scored, transmitted, and/or returned by LEAs in accordance with the  
20 corresponding TAMs manuals or other instructions provided by the contractor or the  
21 California Department of Education (CDE) for administering, scoring, transmitting,  
22 and/or returning the tests, unless specifically provided otherwise in this subchapter,  
23 including instructions for administering the test with universal tools, designated  
24 supports, ~~and~~ accommodations, unlisted resources or instructional supports, where  
25 appropriate, as specified in sections 853.5 through and 853.87. The procedures shall  
26 include, but are not limited to, those designed to ensure the uniform and standardized  
27 administration, and scoring of the tests to pupils, the security and integrity of the test  
28 content and test items, and the timely provision of all required pupil and school level  
29 information.

30 (b) The primary mode of administration of a CAASPP achievement test shall be via a  
31 computing device, the use of an assessment technology platform, and the adaptive  
32 engine.

1 (c) If available, an LEA may utilize a paper-pencil version of any computer-based  
2 assessment (CBA) of the CAASPP assessment system, in accordance with Education  
3 Code section 60640(e), and if the LEA identifies the pupils that are unable to access the  
4 CBA version of the test.

5 (d) Interim assessments and formative assessment tools shall be made available to  
6 LEA(s) for their use. Use of interim assessments and formative assessment tools shall  
7 not be considered advance preparation for a CAASPP achievement test as defined in  
8 Education Code section 60611. LEAs that use interim assessments and/or formative  
9 assessment tools shall abide by the consortium/contractor(s) administration and use  
10 requirements. Any scoring of any performance tasks for ~~the~~ an interim assessment is  
11 the responsibility of the LEA.

12 NOTE: Authority cited: Sections 33031 and 60640, Education Code. Reference:  
13 Sections 60602.5, 60603, 60605, 60611, 60640 and 60642.6, Education Code.

14

15 **§ 853.5. Use of Universal Tools, Designated Supports, and Accommodations.**

16 (a) All pupils shall be permitted the following embedded universal tools on the  
17 CAASPP achievement tests for ELA English language arts (including the components of  
18 reading, writing, and listening) and mathematics as specified below:

19 (1) breaks for reading, writing, listening, and mathematics;

20 (2) calculator for specific mathematics items only in grades 6 through 8 and 11;

21 (3) digital notepad for reading, writing, listening, and mathematics;

22 (4) English dictionary for writing (ELA-performance task – ~~pupil long essay(s)~~ full  
23 write not short paragraph responses);

24 (5) English glossary for reading, writing, listening, and mathematics;

25 (6) expandable passages for reading, writing, listening, and mathematics;

26 (7) global notes for writing (ELA-performance task – ~~pupils long essay(s)~~ full write  
27 not short paragraph responses);

28 (8) highlighter for reading, writing, listening, and mathematics;

29 (9) keyboard navigation for reading, writing, listening, and mathematics;

30 (10) mark for review for reading, writing, listening, and mathematics;

31 (11) mathematics tools (i.e., embedded ruler and embedded protractor) for specific  
32 mathematics items;

- 1 (12) spell check for specific writing items;
- 2 (13) strikethrough for reading, writing, listening, and mathematics;
- 3 (14) writing tools for specific pupil generated responses; or
- 4 (15) zoom for reading, writing, listening, and mathematics.

5 (b) All pupils shall be permitted the following non-embedded universal tools on the  
6 CAASPP tests for ELA English language arts (including the components of reading,  
7 writing, and listening), mathematics, science, and primary language as specified below:

8 (1) breaks;

9 (2) English dictionary for ELA performance task – ~~pupil long essay(s)~~ full write not  
10 short paragraph responses;

11 (3) scratch paper;

12 (4) thesaurus for ELA performance task – ~~pupil long essay(s)~~ full write not short  
13 paragraph responses;

14 (5) color overlay for science and primary language test;

15 ~~(6) math tools (i.e., ruler, protractor) for specific mathematics items;~~

16 ~~(7) simplify or clarify test administration directions (does not apply to test questions);~~

17 or

18 ~~(8) pupil marks in paper-pencil test booklet (other than responses including~~  
19 ~~highlighting).~~

20 (c) All pupils shall be permitted the following embedded designated supports when  
21 determined for use by an educator or a team group of educators (with parent/guardian  
22 and pupil input as appropriate) or specified in the pupil's IEP or Section 504 Plan on the  
23 CAASPP achievement tests for ELA English language arts (including the components of  
24 reading, writing, and listening) and mathematics as specified below:

25 (1) color contrast for reading, writing, listening, and mathematics;

26 (2) masking for reading, writing, listening, and mathematics;

27 (3) text-to-speech for writing, listening, mathematics, and reading items but not  
28 reading passages;

29 ~~(4) translated test directions for mathematics;~~

30 ~~(4)(5)~~ translations (glossary) for mathematics;

31 ~~(5)(6)~~ Spanish translations (stacked) and translated test directions for mathematics;

32 or

1        ~~(6)(7)~~ turn off any universal tool for reading, writing, listening, and mathematics.

2        (d) All pupils shall be permitted the following non-embedded designated supports  
3 when determined for use by an educator or a team group of educators (with  
4 parent/guardian and pupil input as appropriate) or specified in a the pupil's IEP or  
5 Section 504 Plan on the CAASPP achievement tests for ELA English language arts  
6 (including the components of reading, writing, and listening), mathematics, science, and  
7 primary language as specified below:

8        (1) translated test directions for ELA, mathematics, science and primary language  
9 test;

10        (2) bilingual dictionary for writing;

11        (3) access to translation glossaries/word lists for science and primary language test;

12        (4) color contrast for reading, writing, listening, and mathematics;

13        (5) color overlay for reading, writing, listening, and mathematics;

14        (6) magnification;

15        (7) read aloud for writing, listening, mathematics, and reading items but not reading  
16 passages;

17        (8) scribe for reading, listening, and mathematics;

18        (9) separate setting including most beneficial time of day, special lighting or  
19 acoustics, and/or special or adaptive furniture;

20        (10) translations (glossary) for mathematics; (only for consortium-provided  
21 glossaries that correspond to the embedded designated supports in subdivision (c));

22        (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling  
23 headphones);

24        ~~(12) special lighting or acoustics, assistive devices (specific devices may require~~  
25 ~~CAASPP contractor certification), and/or special or adaptive furniture;~~

26        ~~(12)(13)~~ translations (glossary) for science and primary language test; or

27        ~~(14) administration of the test at the most beneficial time of day for the pupil.~~

28        (13) read aloud for Spanish stacked translation in mathematics.

29        (e) The following embedded accommodations shall be provided on the CAASPP  
30 achievement tests for ELA English language arts (including the components of reading,  
31 writing, and listening) and mathematics when specified in a pupil's IEP or Section 504  
32 Plan:

- 1 (1) American Sign Language for listening and mathematics;
- 2 (2) braille for reading, writing, listening, and mathematics;
- 3 (3) closed captioning for listening;
- 4 (4) text-to-speech for reading passages ~~for grades 6 through 8, inclusive, and 11;~~ or
- 5 (5) streamlining for reading, writing, listening, and mathematics.

6 (f) The following non-embedded accommodations shall be provided on the CAASPP  
7 achievement tests for ELA English language arts (including the components of reading,  
8 writing, and listening), mathematics, science, and primary language when specified in a  
9 pupil's IEP or Section 504 Plan:

- 10 (1) read aloud for primary language test;
- 11 (2) American Sign Language for ~~listening, mathematics, and science;~~
- 12 (3) braille for paper-pencil tests;
- 13 (4) abacus for mathematics and science;
- 14 (5) alternate response options for reading, writing, listening, and mathematics;
- 15 (6) calculator for ~~specific~~ calculator-allowed mathematics items only in grades 6  
16 through 8, and 11;
- 17 (7) multiplication table for mathematics beginning in grade 4;
- 18 (8) print on demand for reading, writing, listening, and mathematics;
- 19 (9) read aloud for reading passages ~~in grades 6 through 8, inclusive, and grade 11;~~  
20 ~~blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have~~  
21 ~~adequate braille skills;~~
- 22 (10) scribe for writing, science, and primary language test;
- 23 (11) speech-to-text; or
- 24 (12) large-print version of a paper-pencil test.

25 ~~(g) An LEA may submit a request in writing to the CDE, prior to the administration of~~  
26 ~~a CAASPP test for approval for the use of an individualized aid. The LEA CAASPP~~  
27 ~~coordinator or the CAASPP test site coordinator shall make the request on behalf of the~~  
28 ~~LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall~~  
29 ~~respond to the request within four business days from the date of receipt of the written~~  
30 ~~request. Written requests must include:~~

- 31 ~~(1) LEA name and GDS code;~~
- 32 ~~(2) school/test site and school code;~~

- 1 ~~(3) school/test site address, city, and zip code;~~
- 2 ~~(4) LEA CAASPP coordinator name, phone number, and email address;~~
- 3 ~~(5) CAASPP test site coordinator name, phone number, and email address;~~
- 4 ~~(6) school/test site testing window dates;~~
- 5 ~~(7) SSID(s) for the pupil(s) for which the individualized aid is being requested;~~
- 6 ~~(8) CAASPP test and grade; and~~
- 7 ~~(9) the individualized aid being requested.~~

8 (h) Individualized aids that change the construct being measured by a CAASPP test  
9 invalidate the test score and results in a score that cannot be compared with other  
10 CAASPP results. Scores for pupils' tests with individualized aids by a CAASPP test will  
11 not be counted as participating in statewide testing (and impacts the accountability  
12 participation rate indicator) but pupils will still receive individual score reports with their  
13 actual score. The following non-embedded individualized aids have been determined to  
14 change the construct being measured on the CAASPP tests for English language arts  
15 (including the components for reading, writing, and listening), mathematics, science,  
16 and primary language and are specified below, but not limited to:

- 17 ~~(1) English dictionary for reading, listening, mathematics, science, and primary~~  
18 ~~language;~~
- 19 ~~(2) thesaurus for reading, listening, mathematics, science and primary language;~~
- 20 ~~(3) translated test directions for reading, writing, or listening;~~
- 21 ~~(4) bilingual dictionary for reading, listening, mathematics, science and primary~~  
22 ~~language;~~
- 23 ~~(5) translations (glossary) for reading, writing, and listening;~~
- 24 ~~(6) read aloud for reading passages in grades 3, 4, and 5;~~
- 25 ~~(7) American Sign Language for reading passages in grades 3, 4, and 5 and reading~~  
26 ~~passages for primary language;~~
- 27 ~~(8) calculator for non-specified mathematics items or science;~~
- 28 ~~(9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and~~
- 29 ~~(10) multiplication table for mathematics in grade 3.~~

30 (g)(i) If a consortium (in which California is a participant) amends or approves of a  
31 universal tool(s), designated support(s), and/or accommodation(s) not listed in  
32 subdivisions (a) through (f), the CDE shall allow approve its use.

1 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
2 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and  
3 300.160(b).

4  
5 **§ 853.6. Instructional Supports and Resources on California Alternate**  
6 **Assessments (CAA).**

7 (a) Administration of the CAA to eligible pupils shall be one-on-one (test examiner to  
8 pupil).

9 (b) Depending upon the pupil's disability or needs, the CAA may or may not include  
10 the student's independent use of the testing interface.

11 (c) With the exception of inappropriate test practices listed in the TAMs, eligible  
12 pupils may have instructional supports, including the language of instruction and  
13 physical supports, in addition to resources documented in the pupil's IEP or Section 504  
14 Plan.

15 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
16 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and  
17 300.160(b).

18  
19 **§ 853.7. Use of Designated Supports for English Learners.**

20 (a) An English learner (EL) shall be permitted the following embedded designated  
21 supports, when determined for use by an educator or a team group of educators, ~~who~~  
22 ~~may seek input from a parent(s) or guardian(s),~~ (with parent/guardian and pupil input as  
23 appropriate) or specified in the pupil's IEP or Section 504 Plan on the CAASPP  
24 achievement tests for ELA English language arts (including the components of reading,  
25 writing, and listening) and mathematics as specified below:

26 (1) color contrast for reading, writing, listening, and mathematics;

27 (2) masking for reading, writing, listening, and mathematics;

28 (3) text-to-speech for writing, listening, mathematics and reading items, but not  
29 passages;

30 ~~(4) translated test directions for mathematics;~~

31 ~~(4)(5) translations (glossary) for mathematics;~~

32 ~~(5)(6) Spanish translations (stacked) and translated test directions~~ for mathematics;

1 or

2 ~~(6)(7)~~ turn off any universal tool for reading, writing, listening, and mathematics.

3 (b) An EL shall be permitted the following non-embedded designated supports when  
4 determined for use by an educator or a team group of educators, ~~who may seek input~~  
5 ~~from a parent(s) or guardian(s),~~ (with parent/guardian and pupil input as appropriate) or  
6 specified in the pupil's IEP or Section 504 Plan on the CAASPP achievement tests for  
7 ELA English language arts (including the components of reading, writing, and listening),  
8 mathematics, science, and primary language as specified below:

9 (1) translated test directions for mathematics, science and primary language test;

10 (2) bilingual dictionary for writing;

11 (3) access to translation glossaries/word lists for science and primary language test;

12 (4) color contrast for reading, writing, listening, and mathematics;

13 (5) color overlay for reading, writing, listening, and mathematics;

14 (6) magnification;

15 (7) read aloud for writing, listening, mathematics, and reading items but not reading  
16 passages;

17 (8) scribe for reading, listening, and mathematics;

18 (9) separate setting including most beneficial time of day, special lighting or  
19 acoustics, and/or special or adaptive furniture;

20 (10) translations (glossary) for mathematics (only for consortium-provided glossaries  
21 that correspond to the embedded designated supports in subdivision (a));

22 (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling  
23 headphones);

24 ~~(12) special lighting or acoustics, assistive devices (specific devices may require~~  
25 ~~CAASPP contractor certification), and/or special or adaptive furniture;~~

26 ~~(12)(13)~~ translations (glossary) for science and primary language test; or

27 (13) read aloud for Spanish stacked translation in mathematics.

28 ~~(14) administration of the test at the most beneficial time of day for the pupil.~~

29 (c) If a consortium (in which California is a participant) amends or approves of a  
30 designated support(s) not listed in subdivisions (a) and/or (b), the CDE shall approve its  
31 use.

1 NOTE: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 306,  
2 60605 and 60640, Education Code; and 34 C.F.R. Section 200.2.

3

4 **§ 853.8. Unlisted Resources.**

5 (a) An LEA may submit, on behalf of a pupil who has an IEP or Section 504 Plan, a  
6 request through the assessment management system to the CDE, prior to the  
7 administration of a CAASPP achievement test, to allow the use and approval of an  
8 unlisted resource. The LEA CAASPP coordinator or the CAASPP test site coordinator  
9 shall make the request on behalf of the LEA ten business days prior to the pupil's first  
10 day of CAASPP testing. The CDE shall respond to the request within four business  
11 days from the date of the electronic transmission. Transmissions must include:

- 12 (1) LEA name and county/district/school (CDS) code;  
13 (2) school/test site and school code;  
14 (3) LEA CAASPP coordinator name, phone number, and email address;  
15 (4) CAASPP test site coordinator name, phone number, and email address;  
16 (5) school/test site selected testing period;  
17 (6) SSID(s) for the pupil(s) for which the unlisted resource(s) is/are being requested;  
18 (7) CAASPP test and grade;  
19 (8) if the pupil has an IEP, include the primary disability code and/or designated  
20 Section 504 Plan; and  
21 (9) description of the unlisted resource being requested.

22 (b) The use and approval of an unlisted resource must be requested annually by an  
23 LEA.

24 (c) The use of an unlisted resource by a pupil will not be allowed if the CDE  
25 determines its use threatens the security of the test.

26 (d) In addition to determining whether the unlisted resource may be used, the CDE  
27 will determine whether the unlisted resource changes the construct being measured by  
28 the CAASPP achievement test.

29 (1) If the CDE determines the unlisted resource changes the construct being  
30 measured, the unlisted resource will not be approved but may still be used by the pupil  
31 and the pupil will receive an individual score report. The pupil will not be counted as

1 participating in statewide testing, which will impact the accountability participation rate  
2 indicator for the LEA.

3 (2) If CDE determines the unlisted resource does not change the construct being  
4 measured, the unlisted resource will be approved. The pupil will receive an individual  
5 score report and the pupil will be counted as participating in statewide testing.

6 (e) The following non-embedded unlisted resources have already been determined  
7 to change the construct being measured on the CAASPP achievement tests for English  
8 language arts (including the components for reading, writing, and listening),  
9 mathematics, science, and primary language and will not be approved:

10 (1) English dictionary for reading, listening, mathematics, science, and primary  
11 language;

12 (2) translated word list for ELA;

13 (3) calculator on mathematics items in grades 3 through 5;

14 (4) thesaurus for reading, listening, mathematics, science and primary language;

15 (5) bilingual dictionary for ELA, mathematics, science and primary language;

16 (6) translations (glossary) for reading, writing, listening, and mathematics when not  
17 provided by the consortium;

18 (7) calculator for non-specified mathematics items or science;

19 (8) math tools (i.e., ruler, protractor) for mathematics items; and

20 (9) multiplication table for mathematics in grade 3.

21 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
22 Section 60640, Education Code; 20 U.S.C. Section 1412(a)(16); and 34 C.F.R. Sections  
23 200.1 and 300.160.

24

25 **§ 855. Available Testing Window and Selected Testing Period(s).**

26 ~~(a)(1) For the 2013-14 school year, each LEA shall administer the Smarter Balanced~~  
27 ~~field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to~~  
28 ~~the authority granted by Education Code section 60640(f)(2).~~

29 ~~(2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and~~  
30 ~~10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades~~  
31 ~~5, 8, and 10, shall be administered to each pupil during a testing window of 25~~  
32 ~~instructional days that includes 12 instructional days before and after completion of 85~~

1 ~~percent of the school's, track's, or program's instructional days. Testing for all pupils,~~  
2 ~~including makeup testing, is to be completed within this 25 instructional day window. If~~  
3 ~~an LEA elects to administer the primary language test, it shall do so during this same~~  
4 ~~testing window.~~

5 ~~(a)(b)~~ Beginning in the ~~2014-15~~ 2015-16 school year, the CAASPP achievement  
6 tests pursuant to Education Code sections 60640(b) shall be administered to each pupil  
7 at some time during the following available testing windows:

8 (1) Unless otherwise stated in these regulations, the available testing window  
9 shall ~~not~~ begin ~~until at least~~ on the day in which 66 percent of a the school's or track's  
10 annual instructional days have been completed, and testing may continue up to and  
11 including the last day of instruction for the regular school's or track's annual  
12 calendar. ~~For a 180-day school year, 66 percent of a school year occurs after the 120th~~  
13 ~~instructional day. This allows for a 12-week window for testing.~~

14 (2) For the grade 11 ~~Smarter Balanced assessments and CAASPP tests~~  
15 ~~administered after January 2015,~~ the available testing window shall ~~not~~ begin ~~until at~~  
16 ~~least~~ on the day in which 80 percent of a the school's or track's annual instructional  
17 days have been completed, and testing may continue up to and including the last day of  
18 instruction for the regular school's or track's annual calendar. ~~For a 180-day school~~  
19 ~~year, 80 percent of a school year occurs after the 144th instructional day. This allows for~~  
20 ~~a 7-week window for testing.~~

21 (3) The CST Science and, CMA Science, and CAPA Science ~~for science in grades~~  
22 ~~5, 8, and 10, and CAPA, or its successor alternate assessment, for ELA and~~  
23 ~~mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be~~  
24 administered to each pupil during an available testing window of 25 instructional days  
25 that includes 12 instructional days before and after completion of 85 percent of the  
26 school's, or track's, or program's annual instructional days ~~unless the SBE makes a~~  
27 ~~determination by the close of its September 2014 regular meeting that these tests shall~~  
28 ~~be administered during the window defined in subdivision (b)(1) above. If an LEA elects~~  
29 to administer the primary language test, it shall do so during the same available window.

30 (4) The CAA for 2015-16 school year shall be administered during the available  
31 testing window of April 11 through June 17, 2016. Beginning in the 2016-17 school year,  
32 the CAA shall be administered to each eligible pupil during the available testing

1 windows set forth in subdivisions (a)(1) and (2) above.

2 (b) An LEA may designate one selected testing period for each school or track within  
3 the available testing window set forth in subdivision (a) above, subject to the following  
4 conditions:

5 (1) If a school has multiple tracks, a selected testing period may be designated for  
6 each track. (i.e., a year-round school with three tracks may select three different  
7 selected testing periods):

8 (2) An LEA shall not exceed 6 selected testing periods within the available testing  
9 window;

10 (3) A selected testing period shall be no fewer than 25 consecutive instructional  
11 days; and

12 (4) An LEA may extend a selected testing period up to an additional 10 consecutive  
13 instructional days if still within the available testing window set forth in subdivision (a)  
14 above.

15 (c) If an LEA does not designate a selected testing period for a school or track, then  
16 the available testing window, pursuant to subdivisions (a)(1) and (2) above, shall be the  
17 selected testing period for that school or track.

18 (d)(e) The CDE, with the approval of the SBE President or designee, may require  
19 LEAs to more fully utilize the testing window and may also limit the usage of the interim  
20 assessments in instances where the CDE determines that it is necessary to do so to  
21 ensure that the capacity of the California K-12 High Speed Network (K12HSN) is not  
22 exceeded.

23 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
24 Sections 60605, 60640, 60641 and 60642.5, Education Code.

25

26 **§ 857. LEA CAASPP Coordinator.**

27 (a) On or before ~~September 30~~ July 1 of each school year, the superintendent of  
28 each LEA shall:

29 (1) designate from among the employees of the LEA an LEA CAASPP  
30 coordinator(s);

31 (2) identify school(s) with pupils unable to access the CBA version of a CAASPP  
32 test(s) in accordance with Education Code section 60640(e); and

1 (3) report to the CAASPP contractor(s) the number of pupils enrolled in the school  
2 identified in subdivision (2) that are unable to access the CBA version of a CAASPP  
3 test.

4 (b) The LEA CAASPP coordinator(s), or the LEA superintendent, shall be available  
5 August 1 through ~~September 30~~ July 31 of the following school year to complete the  
6 LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact  
7 information for the LEA CAASPP coordinator(s) and the superintendent. The LEA  
8 CAASPP coordinator(s) shall serve as the LEA representative and the liaison between  
9 the LEA and the contractor(s) and the LEA and the CDE for all matters related to the  
10 CAASPP assessment system.

11 (c) The LEA CAASPP coordinator shall be responsible for following the duties set  
12 forth in section 859.

13 ~~(d)(e)~~ The LEA CAASPP coordinator's responsibilities shall also be those defined in  
14 the contractor's(s') or consortium's administrative manuals and documentation, and  
15 shall include, but are not limited to, overseeing the LEA's preparation, registration,  
16 coordination, training, assessment technology, administration, security, and reporting of  
17 the CAASPP achievement tests.

18 ~~(e)(d)~~ The LEA CAASPP coordinator shall ensure current and ongoing compliance  
19 with the minimum technology specifications as identified by the CAASPP contractor(s)  
20 or consortium.

21 ~~(f)(e)~~ The LEA CAASPP coordinator shall ensure the training of all CAASPP test site  
22 coordinators who will oversee the test administration at each school or test site.

23 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
24 Sections 47079.5, 52052, 60604, 60605, 60610, 60630, 60640 and 60643, Education  
25 Code.

26  
27 **§ 858. CAASPP Test Site Coordinator.**

28 (a) At each test site, including, but not limited to, each elementary, middle, and high  
29 school or other grade-span designated school, each charter school, each court-school,  
30 each school or program operated by an LEA, and all other public programs serving  
31 pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall  
32 designate a CAASPP test site coordinator from among the employees of the LEA. The

1 CAASPP test site coordinator, or the site principal or his or her designee, shall be  
2 available to the LEA CAASPP coordinator by telephone through ~~September 30~~ July 31  
3 of the following school year for purposes of resolving discrepancies or inconsistencies in  
4 materials or errors in reports.

5 (b) The CAASPP test site coordinator's responsibilities shall be those defined in the  
6 contractor's(s') and CDE's administrative manuals and documentation, and shall  
7 include, but are not limited to, overseeing the test site's preparation, coordination,  
8 training, registration, administration, security, and reporting of the CAASPP tests.

9 (c) The CAASPP test site coordinator shall be responsible for following the duties set  
10 forth in Section 859.

11 ~~(d)(e)~~ The CAASPP test site coordinator shall be responsible for the training of test  
12 examiners, translators, proctors, and scribes.

13 ~~(e)(d)~~ The CAASPP test site coordinator shall be responsible for ensuring that all  
14 designated supports, accommodations and ~~individualized aids~~ unlisted resources are  
15 correctly entered into the registration system and provided to the pupil(s) identified to  
16 receive the designated supports, ~~and/or~~ accommodations and/or unlisted resources.

17 (f) The CAASPP test site coordinator shall be responsible for maintaining registration  
18 accounts for educators at their site for administering, reporting, and using the CAASPP  
19 system, including, but not limited to, access to the formative assessment tools.

20 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
21 Sections 60602.5, 60604, 60605, 60610, 60630 and 60640, Education Code.

22

23 **§ 859. CAASPP Test Security Agreement and Test Security Affidavit.**

24 (a) All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the  
25 CAASPP Test Security Agreement, set forth in subdivision (b), before receiving any of  
26 ~~the test materials or~~ CAASPP achievement tests administered pursuant to Education  
27 Code section 60640 and corresponding test materials.

28 (b) The CAASPP Test Security Agreement shall be as follows:

29 CAASPP TEST SECURITY AGREEMENT

30 I acknowledge by my signature on this form that the California Assessment of  
31 Student Performance and Progress (CAASPP) achievement tests pursuant to  
32 Education Code section 60640 are secure tests and agree to each of the following

1 conditions to ensure test security:

2 (1) I will take all necessary precautions to safeguard all achievement tests and  
3 corresponding test materials, whether paper-based or computer-based assessments, by  
4 limiting access to only persons within the LEA who are responsible for, and have  
5 professional interest in, the tests' security.

6 (2) I will keep on file the names of all persons who have been trained in the  
7 administration of CAASPP achievement tests and all persons with access to  
8 achievement tests and corresponding test materials, whether paper-based or computer-  
9 based assessments. I have and shall have all other persons having access to the  
10 achievement tests and corresponding test materials read and sign the CAASPP Test  
11 Security Affidavit that will be kept on file in the LEA office.

12 (3) Except during the administration of the tests, I will keep the paper-pencil tests,  
13 and corresponding test materials in a securely locked room that can be entered only  
14 with a key or keycard and, when possible, in a locked storage cabinet within that room.

15 (4) I will securely destroy all print-on-demand papers, scratch paper, and other  
16 documents as prescribed within the contractor's(s') or consortium's administrative  
17 manuals and documentation.

18 (5) With the exception of subdivision (6) below, I will deliver achievement tests and  
19 corresponding test materials or allow electronic access thereto, only on actual testing  
20 dates and only to those persons who have executed CAASPP Test Security Affidavits.

21 (6) For an alternate assessment (CAA and CAPA Science ~~or its successor alternate~~  
22 ~~assessment~~), I will keep all tests and testing materials in the manner set forth above in  
23 subdivisions (b)(3) and (5) except during actual testing administration or when being  
24 used by test examiners to prepare for and to administer the assessment. I will adhere to  
25 the contractor's directions for the distribution of the ~~assessment~~ corresponding test  
26 materials to test examiners.

27 By signing my name to this document, I am assuring that I have completely read and  
28 will abide by the above conditions.

29 Signed: \_\_\_\_\_

30 Print Name: \_\_\_\_\_

31 Title: \_\_\_\_\_

32 LEA: \_\_\_\_\_

1 Date: \_\_\_\_\_

2 (c) All test administrators, test examiners, proctors, translators, scribes, LEA  
3 CAASPP coordinators, ~~and~~ CAASPP test site coordinators, and any other persons  
4 having access to any of the CAASPP achievement tests and corresponding test  
5 materials, assessment technology platform, ~~registration system, adaptive engine,~~ or  
6 tests administered pursuant to Education Code section 60640, shall acknowledge the  
7 limited purpose of their access to the achievement tests by signing the CAASPP Test  
8 Security Affidavit set forth in subdivision (d).

9 (d) The CAASPP Test Security Affidavit shall be as follows:

10 CAASPP TEST SECURITY AFFIDAVIT

11 I acknowledge that I will have access to one or more of the California Assessment of  
12 Student Performance and Progress (CAASPP) achievement tests pursuant to  
13 Education Code section 60640, for the purpose of administering the test(s). I  
14 understand that these materials are highly secure and may be under copyright  
15 restrictions and it is my professional responsibility to protect their security as follows:

16 (1) I will not divulge the contents of the CAASPP achievement tests and  
17 corresponding test materials to any other person through verbal, written, or any other  
18 means of communication. This includes, but is not limited to, sharing or posting test  
19 content via the Internet or by email without the prior express written permission of the  
20 CDE.

21 (2) I will not copy or take a photo of any part of the achievement test(s) or  
22 corresponding test materials. This includes, but is not limited to, photocopying (including  
23 enlarging) and recording without the prior expressed written permission of the CDE.

24 (3) Except during the actual testing administrations or as otherwise provided for by  
25 law, I will keep the achievement test(s) and corresponding test materials secure until the  
26 test(s) are actually distributed to pupils when tests and testing materials are checked in  
27 and out by the CAASPP test site coordinator. Keeping materials secure means that  
28 testing materials are required to be kept in a securely locked room that can be entered  
29 only with a key or keycard and, when possible, in a locked storage cabinet within that  
30 room.

31 (4) I will limit access to the achievement test(s) and corresponding test materials by  
32 test examinees to the actual testing periods when they are taking the test(s). I

1 understand that only pupils who are testing and LEA staff participating in the test  
2 administration who have signed a CAASPP Test Security Affidavit may be in the  
3 room when and where an achievement test is being administered.

4 (A) I will keep all assigned, generated, or created usernames, passwords, and logins  
5 secure and not divulge pupil personal information to anyone other than the pupil to  
6 whom the information pertains for the purpose of logging on to the assessment test  
7 delivery system.

8 (B) I will not allow anyone other than the assigned pupils to log into their assigned  
9 test. I may assist a pupil with using their information to log into their assigned test.

10 (C) I will not use a pupil's information to log in as a pupil or allow a pupil to log in  
11 using another pupil's information.

12 (5) I will not allow pupils to access electronic devices that allow them to access  
13 outside information, communicate with other pupils, or photograph or copy test content.  
14 This includes, but is not limited to, cell phones, personal digital assistants (PDAs),  
15 tablets, laptops, cameras, and electronic translation devices.

16 (6) I will collect and account for all achievement test materials following each testing  
17 session and will not permit pupils to remove any test materials by any means from the  
18 room(s) where testing takes place. After each testing session, I will count all test  
19 booklets and answer documents before allowing any pupil to leave the testing room  
20 and/or ensure that all pupils have properly logged off the assessment test delivery  
21 system.

22 (7) I will not review any achievement test questions, passages, performance tasks,  
23 or other test items independently or with pupils or any other person at any time,  
24 including before, during, or following testing. I understand that this includes any  
25 discussion between LEA staff for training or professional development whether one-on-  
26 one or in a staff meeting.

27 (8) I will not, for any achievement test, develop scoring keys, review any pupil  
28 responses, or prepare answer documents. I understand that this includes coaching  
29 pupils or providing any other type of assistance to pupils that may affect their  
30 responses. This includes, but is not limited to, both verbal cues (e.g., interpreting,  
31 explaining, or paraphrasing the test items or prompts) and nonverbal cues (e.g., voice  
32 inflection, pointing, or nodding head) to the correct answer (anything that may indicate

1 correct or incorrect answers), or completing or changing pupils' answers.

2 (9) I will return all achievement tests and correspondent test materials to the  
3 designated CAASPP test site coordinator each day upon completion of testing. I  
4 understand that all test booklets, answer documents, and scratch paper shall be  
5 returned to the CAASPP test site coordinator each day immediately after testing has  
6 been completed for storage or confidential destruction.

7 (10) If I ~~will~~ administer and/or observe the administration of an alternate assessment  
8 (CAA and CAPA or its successor alternate assessment Science), which means that I  
9 am a certificated or a licensed LEA employee and a trained examiner, I will keep all the  
10 alternate assessment (~~CAPA or its successor alternate assessment~~) materials in a  
11 securely locked room, and, when possible, in a locked storage cabinet within that room  
12 except when I am preparing for the administration, administering, or observing the  
13 administration of the assessment to pupils.

14 (11) I will actively supervise pupils throughout the paper-pencil testing session to  
15 ensure that they are working on the correct test section or part, marking their answers in  
16 the correct section of their answer documents, following instructions, and are accessing  
17 only authorized materials (non-embedded universal tools, designated supports,  
18 accommodations, instructional supports for alternate assessments or ~~individualized aids~~  
19 unlisted resources) needed for the test being administered.

20 (12) I will actively supervise pupils throughout the testing session and verify that  
21 pupils have selected the appropriate assessment for the testing session and have  
22 completed any necessary preceding test sections and/or classroom activities.

23 (13) I will administer the achievement test(s) in accordance with the directions for  
24 test administration and test administration manuals prepared by the CAASPP testing  
25 contractor(s), or any additional guidance provided by the CAASPP test contractor(s). I  
26 understand that the unauthorized copying, sharing, or reusing of any test booklet, test  
27 question, performance task, or answer document by any means is prohibited. This  
28 includes, but is not limited to, photocopying, recording, emailing, messaging (instant,  
29 text, or multimedia messaging service, or digital application), using a camera/camera  
30 phone, and sharing or posting test content via the Internet without the express prior  
31 written permission of the CDE.

32 (14) I have been trained to administer the achievement tests. By signing my name to

1 this document, I am assuring that I have completely read this affidavit and will abide by  
2 the above conditions.

3 Signed: \_\_\_\_\_

4 Print Name: \_\_\_\_\_

5 Position: \_\_\_\_\_

6 School: \_\_\_\_\_

7 LEA: \_\_\_\_\_

8 Date: \_\_\_\_\_

9 (e) To maintain the security of the CAASPP assessment system, all LEA CAASPP  
10 coordinators and CAASPP test site coordinators shall immediately, within 24 hours,  
11 notify the CDE of any security breaches or testing irregularities occurring either before,  
12 during, or after the test administration(s).

13 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
14 Sections 60602.5, 60605 and 60640, Education Code.

15

16 **§ 860. ~~Standard Agreement Between School Districts and Publisher~~ Appeals.**

17 (a) An appeal is a process where an LEA CAASPP coordinator and/or CAASPP test  
18 site coordinator requests that the CDE take one of the actions specified in subdivisions

19 (b) (1)-(5) due to an event that occurred during the administration of the test to a pupil.

20 (b) The following appeals may be requested by the LEA CAASPP coordinator and/or  
21 CAASPP site coordinator:

22 (1) test invalidation;

23 (2) test reopened;

24 (3) test reset;

25 (4) test restore; or

26 (5) grace period extension.

27 (c) The LEA CAASPP coordinator and/or CAASPP test site coordinator must submit  
28 an appeal to address a test security breach or testing irregularity as defined in the  
29 TAMs.

30 (d) All appeals will be reviewed by the CDE and the CDE has authority to approve or  
31 deny the appeal. The CDE will evaluate whether an appeal has an effect on the  
32 integrity, validity, test security, and/or interpretation of the test results.

1 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
2 Sections 60640, 60641, 60642 and 60643, Education Code.

3

4 **§ 861. Data Elements for Test Registration and State and Federal Reporting.**

5 (a) In order to assess pupils pursuant to Education Code section 60640 and meet  
6 state and federal accountability and reporting obligations, each LEA shall provide any  
7 and all program and demographic pupil data requested by the CDE for inclusion  
8 in ~~California Longitudinal Pupil Achievement Data System~~ (CALPADS).

9 (b) In addition to the demographic and program data required to be reported in  
10 section 861(a), LEAs shall report to the CDE the following information:

11 (1) if an eligible pupil is not tested due to a significant medical emergency;

12 (2) if a pupil used a designated support;

13 (3) if a pupil used an ~~individualized aid~~ unlisted resource;

14 (4) if a pupil used an accommodation(s);

15 (5) if a pupil had special testing conditions and/or reasons for not being tested (e.g.,  
16 parent or guardian exemption);

17 (6) if a pupil is enrolled in an NPS based on an IEP and, if so, the NPS school code;  
18 and

19 (7) if a pupil in grade 2 was administered a diagnostic assessment pursuant to  
20 Education Code section 60644.

21 (c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate  
22 prior to LEA registration and throughout the testing window. The CDE shall provide  
23 LEAs reasonable notification prior to pupil demographic and program data being  
24 extracted from CALPADS for purposes of test registration, individual pupil reports and  
25 reports aggregated to the LEA, and state and federal accountability reporting.

26 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
27 Sections 49079.5, 52052, 60605, 60630, 60640, 60641 and 60643, Education Code;  
28 and 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6.

29

30 **§ 862. Apportionment Information Report.**

31 (a) Annually, the CDE shall make available electronically to each LEA an  
32 apportionment information report with the following information provided to the

1 contractor by the LEA pursuant to sections 853 and 861 by grade level:

2 (1) The number of pupils enrolled in each school and in the LEA ~~on the first day of~~  
3 ~~testing~~:-

4 (2) The number of pupils in each school and in the LEA tested with the alternate  
5 assessment:-

6 (3) The number of pupils in each school and in the LEA exempted from testing at the  
7 request of their parents or guardians pursuant to Education Code section 60615:-

8 (4) The number of pupils who were administered any portion of the CAASPP  
9 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),  
10 60640(b)(4), or 60640(c)(3) through the use of ~~CBT~~ computer-based testing:-

11 (5) The number of pupils who were administered any portion of the CAASPP  
12 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),  
13 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments:-

14 (6) The number of pupils with demographic information only who were not tested for  
15 any reason other than a parent or guardian exemption:-

16 (7) The number of EL ~~English language learners~~ who were administered a primary  
17 language test aligned to the ELA ~~English language arts~~ standards pursuant to  
18 Education Code section 60640(b)(5)(B):-and

19 (8) Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic  
20 assessment pursuant to Education Code section 60644.

21 (b) To be eligible for apportionment payment for the CAASPP assessments, LEAs  
22 must meet the following conditions:

23 (1) The LEA has returned all secure test materials, and

24 (2) The LEA CAASPP coordinator has certified the accuracy of the apportionment  
25 information report for assessments administered during the school year, which is either;

26 (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the  
27 CDE by ~~December 31~~ March 1, or

28 (B) if transmitted after ~~December 31~~ March 1, the apportionment information report  
29 must be accompanied by a waiver request as provided by Education Code section  
30 33050. For those apportionment information reports transmitted after ~~December 31~~  
31 March 1, apportionment payment is contingent upon the availability of an appropriation  
32 for this purpose ~~in~~ for the fiscal year in which the testing window began.

1 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
2 Sections 60610, 60615, 60640 and 60641, Education Code.

3

4 **§ 862.5. Apportionment to LEAs.**

5 (a) The amount of funding to be apportioned to the LEA shall be calculated using the  
6 rates amount established by the SBE annually for each CAASPP achievement test ~~per~~  
7 ~~the number of tests administered to eligible pupils, and the number of pupils enrolled on~~  
8 ~~the first day of testing who were not tested in the LEA.~~ The amount of funding to be  
9 apportioned ~~number of tests administered and the number of pupils not tested~~ shall be  
10 determined by the certification of the LEA CAASPP coordinator pursuant to section 862.  
11 For purposes of this portion of the apportionment, administration of the tests includes  
12 the following items:

13 (1) All staffing costs, including the LEA CAASPP coordinator and the CAASPP test  
14 site coordinators, staff training and other staff expenses related to testing.

15 (2) All expenses incurred at the LEA and school/test site(s) related to testing.

16 (3) All transportation costs of delivering and retrieving tests and test materials within  
17 the LEA and to NPSs.

18 (4) All costs associated with transmitting the pupil report(s) to parents/guardians.

19 (5) All costs associated with activities intended to provide the complete and accurate  
20 data required in section 861.

21 (b) This amount does not include any funding for the purposes of reimbursing any  
22 LEA for primary language tests for non-eligible pupils.

23 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
24 Sections 60640 and 60643, Education Code.

25

26 **§ 863. CAASPP Pupil Reports and Cumulative Record Labels.**

27 (a) The LEA shall forward or transmit pupil results for the achievement tests  
28 conducted pursuant to Education Code section 60640 to each pupil's parent or guardian  
29 within 20 working days from receipt of the results from the contractor.

30 (b) If the LEA receives the reports for the achievement tests conducted pursuant to  
31 Education Code section 60640 from the contractor after the last day of instruction for  
32 the school year, the LEA shall make the report available to the parent or guardian no

1 later than the first 20 working days of the next school year.

2 (c) Schools are responsible for maintaining pupil's scores with the pupil's permanent  
3 school records or for entering the scores into electronic pupil records, and for forwarding  
4 or transmitting the results to schools to which pupils matriculate or transfer. Schools  
5 may annotate the scores when the scores may not accurately reflect pupils'  
6 achievement due to illness or testing irregularities.

7 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
8 Sections 49062, 49068, 60607, 60640 and 60641, Education Code.

9

10 **§ 864. LEA Compliance with Contractor Requirements.**

11 (a) An LEA is an agent of the CDE for the purpose of administering a CAASPP test.

12 (b) In order for the state to meet its obligations in the development, administration,  
13 and security of valid and reliable tests, and the reporting of accurate tests, LEAs shall:

14 (1) comply with any and all requests from CAASPP contractor(s) in accordance with  
15 Education Code section 60641; ~~and~~

16 (2) abide by any and all instructions provided by the CAASPP contractor or  
17 consortium, whether written or oral, that are presented for training or provided for in the  
18 administration of a CAASPP test; ~~and~~.

19 (3) follow all instructions in the corresponding TAM for each CAASPP achievement  
20 test.

21 NOTE: Authority cited: Sections 33031, 60605, 60613 and 60640, Education Code.

22 Reference: Sections 60605, 60610, 60640, 60641 and 60643, Education Code; 20

23 U.S.C. Section 1232g; and 34 C.F.R. Section 99.3.

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30 10-23-15 [California Department of Education]



**California State Board of Education**  
**Meeting Agenda Items for November 4-5, 2015**

**REVISED ITEM 06**



## CALIFORNIA STATE BOARD OF EDUCATION

### NOVEMBER 2015 AGENDA

SUBJECT	
California Assessment of Student Performance and Progress: Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the <i>California Code of Regulations</i> , Title 5, Sections 850 through 864.	<input checked="" type="checkbox"/> Action <input checked="" type="checkbox"/> Information <input type="checkbox"/> Public Hearing

#### SUMMARY OF THE ISSUE(S)

The California Department of Education (CDE) is responsible for the oversight of the California Assessment of Student Performance and Progress assessment system (CAASPP), which is governed by *Education Code (EC)* Sections 60640 through 60649. CAASPP is to be used for the assessment of certain elementary and secondary pupils, replacing the former Standardized Testing and Reporting (STAR) Program.

As required by *EC* Section 60640(q), Title 5 of the *California Code of Regulations* Sections 850 through 864 were amended to conform the state's testing regulations to the CAASPP. Permanent CAASPP regulations were approved by the Office of Administrative Law (OAL) on August 27, 2014.

Under the newly-adopted regulations, the first operational administration of the CAASPP took place in spring 2015. Since the completion of testing on July 31, 2015, the CDE has worked to identify areas for improvement in the test administration process. Additionally, the assessment consortium of which California is a member, Smarter Balanced Assessment Consortium (Smarter Balanced), recently made changes in several of its policies; changes with which the CAASPP regulations must conform. Finally, the introduction of a successor alternate assessment to the CAPA, the new California Alternate Assessment (CAA), requires the addition of testing procedures and policies consistent with that assessment.

While the CDE has simultaneously submitted amendments to the CAASPP regulations through the regular rulemaking process, it is imperative that the CAASPP regulations be amended on an emergency basis. The changes to the CAASPP regulations were only able to be recently identified and approval of these regulations solely through the regular rule making process would not give local educational agencies (LEAS) the guidance they immediately require to start preparation for 2015-2016 CAASPP testing, preparation which is already underway.

## **RECOMMENDATION**

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The CDE recommends the State Board of Education (SBE) take the following actions:

- Approve the Finding of Emergency (FOE)
- Adopt the proposed emergency regulations
- Direct the CDE to circulate the required notice of proposed emergency action, and then submit the emergency regulations for adoption to the OAL for approval
- Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the FOE and proposed emergency regulations

## **BRIEF HISTORY OF KEY ISSUES**

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For a number of years, California implemented a statewide testing program as required by federal law through the STAR program. On October 2, 2013, Governor Brown signed Assembly Bill 484 (AB 484) deleting the provisions of the *EC* referencing the STAR Program and established the CAASPP assessment system.

Pursuant to *EC* Section 60640(q), Title 5 Regulations, Sections 850 to 868 were revised by the SBE to conform to the statutory changes made in AB 484. These amendments revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the CAASPP system. The amendments were adopted initially as emergency regulations and later adopted by the OAL as permanent regulations on August 27, 2014.

Under these newly-adopted regulations, the first operational assessments took place beginning in March of 2015 through July 31, 2015, and included the new computer-based assessments provided by the Smarter Balanced assessment consortium.

The CDE, at the direction of the SBE, and with the assistance of ETS, the state's CAASPP contractor, conducted evaluations of the first operational CAASPP test administration. The results of these evaluations, which included a post-test survey administered to more 15,500 LEA and school staff and several focus groups consisting of students, teachers, and parents, were not available until late August 2015. The results of these evaluations showed that the new assessments were successful, but did identify a few areas in need of additional clarity and/or improvement in the testing process, particularly in the area of testing periods. In addition, Smarter Balanced, which adopts policies and procedures required to be followed by all member states who have agreed to administer Smarter Balanced testing, recently made several changes in its consortium policies, most of these changes addressing the accessibility supports that may be used in conjunction with testing. The regulations must be amended to conform to the consortium's policies as well as address the issue of accessibility supports and testing procedures available on the CAA. The regulations must also reflect other Smarter Balanced policies such as having an appeal procedure available for LEAs when certain actions are taken during the testing process.

Specifically, the proposed amendments to the CAASPP regulations include, but are not limited to:

- Recognizing the CAA as the successor alternate assessment to the CAPA for English Language Arts and Mathematics.
- Clarifying the language used with respect to accessibility supports that can and cannot be used in CAASPP assessments by redefining “resources,” adding new definitions for “instructional supports” and “unlisted resources” and clarifying the process by which “unlisted resources” may be approved as “resources” for use on CAASPP tests.
- Clarifying the testing process by revising the language in Section 851 regarding when pupils should be tested and the particular grade level a student should be tested for, as well as adding a separate section, Section 851.5, to clarify when a pupil is considered to be an “eligible pupil” for purposes of taking a specific assessment.
- Adding a new section, Section 853.6, to address what accessibility supports may be utilized by a pupil taking the CAA.
- Modifying Section 855 to clarify the periods of time in which testing can be conducted, to give LEAs local control regarding when a school or track will conduct its testing within the available testing window by adding the option for LEAs to select up to six testing periods to accommodate different tracks or school calendars and to establish an available testing window for the CAA.
- Establishing guidelines for LEAs to file appeals for taking certain actions that may be taken during testing to conform to Smarter Balanced policies and our contractor’s requirements.

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

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At its January 2014 meeting, the SBE adopted proposed emergency regulations for the CAASPP. The emergency regulations were approved by the OAL and became effective on February 3, 2014. In addition to adopting the emergency regulations at its January 2014 meeting, the SBE approved commencement of the regular rulemaking process for the permanent regulations.

At its July 2014 meeting, the SBE re-adopted the emergency regulations for CAASPP. The emergency re-adoption rulemaking file was submitted to the OAL on July 16, 2014. The re-adoption of the emergency regulations were approved by the OAL on July 23, 2014. In addition to re-adopting the emergency regulations, the SBE adopted the permanent rulemaking file at its July 2014 meeting. The rulemaking file was submitted to OAL on July 16, 2014 and were approved and became effective on August 27, 2014.

At the March 2015 SBE meeting, the CDE recommended the SBE adopt the SSPI's recommendation to designate Educational Testing Service as the new testing contractor for the CAASPP assessment system. The SBE accepted this recommendation on condition that ETS meet specific conditions set by the SBE by the May 2015 meeting.

At its May 2015 meeting, the SBE approved the proposed CAASPP contract.

**FISCAL ANALYSIS (AS APPROPRIATE)**

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An Economic and Fiscal Impact Statement will be provided as an Item Addendum.

**ATTACHMENT(S)**

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Attachment 1: Finding of Emergency (6 pages)

Attachment 2: Text of Proposed Emergency Regulations (30 pages)

Attachment 3: Notice of Proposed Emergency Action (1 page)

Attachment 4: Economic and Fiscal Impact Statement (STD. 399) will be provided as an Item Addendum

## **FINDING OF EMERGENCY**

### **California Assessment of Student Performance and Progress (CAASPP)**

The State Board of Education (SBE) finds that an emergency exists and that the emergency regulations adopted are necessary to avoid serious harm to the public peace, health, safety, or general welfare, especially the welfare of pupils attending California's public schools.

### **SPECIFIC FACTS DEMONSTRATING THE EXISTENCE OF AN EMERGENCY AND THE NEED FOR IMMEDIATE ACTION**

#### **Overview**

The proposed amendments to California Code of Regulations, title 5, sections 850 to 864 must be adopted on an emergency basis in order to proceed in a timely manner with the 2015–16 administration of the CAASPP tests pursuant to the requirements of Education Code section 60640. The purpose of the proposed amendments is to ensure the correct, efficient, and standardized administration of the CAASPP online assessments according to required consortium guidelines to maintain accuracy, reliability and validity of measures and, in so doing, prevent harm to the public peace, health, safety, and general welfare of students.

#### **Background**

For many years, the State of California implemented a statewide testing program as required by federal law through the Standardized Testing and Reporting program or STAR. Assembly Bill 484 (Chapter 489, Statutes of 2013) authorized a new statewide testing program, the CAASPP system. Pursuant to Education Code section 60640(q), California Code of Regulations, title 5, sections 850 to 868 were revised by the SBE to conform the regulations to the statutory changes made in the law. These amendments to the regulations, which revised definitions, requirements, responsibilities and guidelines for the administration, test security, reporting and apportionment related to the new CAASPP, were adopted by the Office of Administrative Law on August 27, 2014. Under these newly-adopted regulations, the first operational administration of the new online CAASPP assessments in English language arts (ELA) and mathematics took place March 10 through July 31, 2015. These new online assessments are provided by the Smarter Balanced Assessment Consortium (Consortium), a national consortium of which California is a governing member State.

The task of transitioning the state from a paper and pencil test to a computer-based test aligned to the new Common Core state standards has been approached in a deliberate and careful manner, as reflected in the statutory and contractual requirements for regular evaluations and data gathering, to assure that test administration and reporting follow procedures that will ensure a fair and optimal testing experience for every eligible student. Standardization of testing procedures is also an important factor in ensuring test results are accurate, reliable, and valid measures. Clarity and consistency in all aspects of test administration, so that all local educational agencies (LEAs) follow the same procedures that enforce efficiency and consistency, are critical to supporting

standardization. This is of utmost important for the welfare of pupils attending California's public schools because these test results are used to inform instructional decisions, gauge readiness for career and college and make accountability calculations for federal reporting purposes.

The California Department of Education (CDE), at the direction of the SBE and with the help of its testing contractor, Educational Testing Service, pursuant to a new contract, which started July 1, 2015, conducted evaluations of the first operational CAASPP test administration, which concluded on July 31, 2015. The results of these evaluations, which included a post-test survey administered to more 15,500 LEA and school staff and several focus groups consisting of students, teachers, and parents, were not available until late August 2015. While statewide administration of the new online consortium assessments in mathematics and ELA to 3.2 million students was found to be successful overall, several areas for improvement and additional clarity were identified. The proposed amendments will provide additional clarity and consistency in these areas. In addition, changes in the Consortium's policies and procedures were made during and after the 2014-15 test administration and those changes must be incorporated into State regulations or California will be out of alignment with Consortium requirements. The proposed amendments incorporate the feedback received from the recent evaluation as well as align current CAASPP regulations with the changes made to the Consortium policies and procedures since the last adoption of CAASPP regulations in 2014.

Because the SBE must approve any changes to the CAASPP regulations and the SBE meets only every other month, these regulations must be amended on an emergency basis in order to give school districts the immediate guidance they need to start preparing for the 2015-16 CAASPP test administration.

### **Specific Basis for the Finding of Emergency**

The purpose of the proposed amendments is to complete the alignment of state regulations with Consortium policies and procedures and to ensure that the regulations which govern statewide testing are as clear, efficient and effective as possible to ensure the federally-required goal of producing valid and reliable statewide testing results. Transitioning California LEAs from paper and pencil to online tests for 3.2 million pupils is a daunting task that requires fine-tuning of procedures over time. With the completion of testing on July 31, 2015, feedback from LEA and school staff about their testing experience was not available for CDE until late August. The timing of these events necessitates making the proposed amendments on an emergency basis.

Specifically, the proposed amendments provide further clarity and efficiency in three main areas of test administration. These changes must be enacted on an emergency basis because preparation for the 2015-16 administration has already commenced. The first area concerns the timing of testing, specifically the introduction of selected testing periods within an available testing window. It was determined from feedback received that it is necessary to allow LEAs to select specific testing periods within the available testing windows in order to accommodate their schools with differing calendar needs, as scheduling of testing was an area of difficulty that was identified in the post-

test survey. The proposed amendments also address, for the first time, the fact that some schools operate on several different “tracks” within a school and therefore may require separate testing periods. In addition, a new testing window for the California Alternate Assessment was necessary to accommodate the requirements under the new testing contract.

A second area the proposed amendments address is the list of acceptable accessibility resources that may be utilized during testing including universal tools, designated supports and accommodations. Current regulations are not completely aligned to the Consortium policies on accessibility; the proposed amendments address changes made to policies as well provide more comprehensive language to ensure English learners and students with disabilities receive the supports that will provide fair opportunities to demonstrate their knowledge. These amendments strive to continue and update alignment to consortium policy. Clarity and consistency in this area will reduce the opportunity for error in the area of assigning appropriate accessibility resources to address pupils’ needs. Furthermore, individualized education program (IEP) teams in charge of assigning accessibility supports need this information now as they complete students’ IEPs. The validity and reliability of test measures will be strengthened as a result of the proposed amendments to meet state and federal reporting requirements.

The third area that the proposed amendments address are appeals. Appeals are actions that address events that happen during testing which include testing irregularities and security breaches. Appeals are a facet of administrative actions necessitated by the new online testing system. The appeal procedures are also part of the Consortium’s policies and the new testing contract. The proposed amendments add a new section outlining appeal procedures that all LEAs will need to follow. These amendments prevent the risk of delays and errors in reporting of pupil test scores.

In addition to these three areas, the proposed amendments modify a number of definitions for additional clarity and consistency to help LEAs prepare and train their staff for a smooth and standard test administration and add two new sections. Based on feedback received, the proposed amendments add one section aimed at clarifying what accessibility resources can be used for the California Alternate Assessment and a new section aimed at clarifying the process for requesting the use of an accessibility resource not already designated as an accommodation, designated support or universal tool for pupils, so as to be consistent with Consortium requirements. Finally, the CDE has taken advantage of the opportunity to make additional more minor, conforming and clarifying amendments, where necessary, to make administration of the CAASPP assessments a smoother and more transparent process.

As previously stated, it is critical that the proposed amendments are made on an emergency basis so they can be in place in time to be used for the 2015–16 test administration. While actual CAASPP testing does not begin until after January 2016, preparations for the 2015–16 administration are already underway by the testing contractors, the LEAs and their staff. All training materials must be printed and made available to LEAs ahead of time in order for them to properly train their testing staff (feedback from the 2014 field test reported that the late availability of training manuals hampered proper training at the LEA and school levels). Although this problem was

corrected in the 2015 administration, the CDE is very aware of the need to give the LEAs plenty of time to review testing materials and prepare for the administration of the tests. Moreover, there is a great need for specialized training in the area of test accessibility, specifically the accessibility resources that can be used in conjunction with certain tests, particularly for special education students with IEPs. Clear and consistent information is critical as early as possible to assist school staff with IEP meetings which began in September. In addition, LEAs are establishing their academic calendars and need information as soon as possible as to the applicable testing windows and potential for selection of testing periods.

Because these proposed regulations could not be amended until at least August 2015, following reflection and evaluation on the first year of operational assessments which ended July 31, 2015 and following changes to Consortium guidelines that were issued in July 2015, it was not possible for the proposed amendments to be ready in time for the September meeting of the SBE. Because the SBE meets only every other month, the first SBE meeting at which these amendments could be proposed was November 2015. Testing will begin as early as January for some LEAs on year-round calendars, and the timeline for regular rulemaking will not allow for adequate preparation under current regulations, which are not aligned with changes in consortium policies and lack consistency and clarity. If the regulations are not adopted on an emergency basis, the LEAs will have no way to adequately start preparing for the 2015–16 CAASPP assessments, endangering the ability of the State of California to ensure effective, valid and reliable academic testing as required by federal law.

The following timeline illustrates the necessity of emergency regulations in order for the CDE to meet the requirements of the Education Code.

<b>Action*</b>	<b>Estimated Completion Date</b>
SBE approve agenda items for the commencement of the emergency regulations and the permanent rulemaking process	November 4–5, 2015
Emergency regulations become effective	November 23, 2015
SBE public comment period for permanent regulations	November 21 – January 4, 2016
SBE adopts permanent regulations or approves a 15 day comment period.	March 9–10, 2016
Submit rulemaking to Office of Administrative Law (OAL) if SBE adopts regulations (OAL has 30 working days to review file)	May 2, 2016
OAL Approval – Regulations effective immediately	May 2, 2016

\*These actions represent a small, but relevant, fraction of the detail of the adoption process.

## **These Issues Could Not Be Addressed Through Nonemergency Regulations**

Following the regular rulemaking schedule to make the proposed amendments to regulations will make it necessary to administer the online consortium assessments based on state policies that are not aligned to the Consortium's policies and procedures and that are inadequate to efficiently and effectively administer the CAASPP assessments in 2015-16. For example, during the 2015 test administration over 46,000 appeals were filed; the processing of these appeals in a timely manner posed a challenge for CDE staff and created frustration for the LEA and school staffs, also causing them much duplication of effort. The clarification of procedures for filing an appeal will align state regulations with Consortium policies and the expectations of CDE's testing contract.

If the CAASPP online assessments are administered under the current regulations, testing dates will not align with the work to be performed by the CDE testing contractor, which will risk delay in scoring and reporting of results. Finally, unless the list of approved testing resources is updated, achievement measures may not be accurate, reliable, and valid. Consequently, calculations based on inaccurate measures will harm students and LEAs by not providing the information needed for appropriate instruction and accountability (both federal and state).

## **NON-DUPLICATION**

Government Code section 11349 prohibits unnecessary duplication of state or federal statutes in regulation. In this case, duplication of certain state statutes in the proposed emergency regulations is necessary for purposes of clarify and ease of reading.

## **AUTHORITY AND REFERENCE**

Authority: Sections 33031, 60605, 60613 and 60640, Education Code.

Reference: Sections 306, 37670, 47079.5, 47605, 47605.8, 47651, 48645.1, 49062, 49068, 49079.5, 52052, 56034, 60602.5, 60603, 60604, 60605, 60607, 60610, 60611, 60615, 60630, 60640, 60641, 60642.5, 60642.6 and 60643, Education Code; 20 U.S.C. Section 1232g and 1412(a)(16); 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6; 34 C.F.R. Sections 99.3, 200.1(d), (e), (f), 200.2, and 300.160(b); and 5 CCR 11967.6.

## **INFORMATIVE DIGEST**

The CDE reviewed all state regulations relating to the statewide pupil assessment system and found that none exist that are inconsistent or incompatible with these regulations regarding the CAASPP System.

## **SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS**

The benefit of enacting the proposed amendments are their promotion of an optimal and fair test administration for eligible pupils; a streamlined set of procedures for the selection and assignment of accessibility resources to students who can benefit from

them, such as students with disabilities, and language supports for English learners; clear and efficient procedures for filing appeals which will affect reporting accuracy and timeliness; and addition of option for LEAs to select testing periods within testing windows, in alignment with the requirements of the Consortium and testing contractor. These amendments because they clarify requirements and procedures in alignment with Consortium policies support increased validity, reliability and accuracy of statewide achievement scores for the purpose for guiding instruction, gauging students' readiness for career and college, and for federal and state accountability calculations.

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

The SBE relied upon the following documents in the drafting of these regulations:

“Smarter Balanced Assessment Consortium: Usability, Accessibility, and Accommodations Guidelines, August 25, 2015.” A copy of this document can be obtained at [http://www.smarterbalanced.org/wordpress/wp-content/uploads/2014/08/SmarterBalanced\\_Guidelines.pdf](http://www.smarterbalanced.org/wordpress/wp-content/uploads/2014/08/SmarterBalanced_Guidelines.pdf).

“Summary of Post-Test Survey and Focus Group Results from the 2015 California Assessment of Student Performance and Progress (CAASPP) Administration of the Smarter Balanced Online Assessments.” A copy of this document can be obtained at <http://www.cde.ca.gov/be/pn/im/documents/memodsibadad-oct15item02.doc>.

## **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The proposed regulations do not impose a reimbursable mandate on the LEA. Any mandate imposed on the LEAs is a result of the requirements under Elementary and Secondary Education Act (ESEA), 20 U.S.C. Section 6311, to annually test all students in specific grades in ELA, mathematics and in science.

## **COST ESTIMATE**

These emergency regulations will not result in any additional costs or savings to LEAs, state agencies, or federal funding to the State.

10-23-15 [California Department of Education]

- 1 • The State Board of Education has illustrated changes to the original text in the  
2 following manner: text originally proposed to be added is underlined; text proposed to  
3 be deleted is displayed in ~~strikeout~~.

4  
5 **Title 5. EDUCATION**

6 **Division 1. California Department of Education**

7 **Chapter 2. Pupils**

8 **Subchapter 3.75. California Assessment of Student Performance and Progress**

9 **(CAASPP)**

10 **Article 1. General**

11 **§ 850. Definitions.**

12 For the purposes of these regulations, ~~the Measurement of Academic Performance~~  
13 ~~and Progress assessment system (as established in Education Code section 60640 and~~  
14 ~~known as “MAPP”)~~ shall be designated the California Assessment of Student  
15 Performance and Progress (CAASPP), and the following terms shall have the following  
16 meanings:

17 (a) “Accommodations” means resources documented in a pupil’s individualized  
18 education program (IEP) or Section 504 Plan which the pupil regularly uses in the  
19 classroom for instruction and/or assessments(s) and that are either utilized in the  
20 assessment environment or consist of changes in procedures or materials that increase  
21 equitable access during the assessment. Accommodations cannot fundamentally alter  
22 the comparability of achievement test scores.

23 (b) “Achievement tests” means any summative standardized test that measures the  
24 level of performance that a pupil has achieved on state-adopted content standards.

25 (c) “Adaptive engine” refers to the mechanism utilized in a computer-adaptive  
26 assessment that ~~adjusts~~ selects the difficulty of grade-level test questions throughout an  
27 assessment based on student responses.

28 (d) “Alternate assessments” means any assessments as provided in Education Code  
29 section 60640(k) and ~~it’s~~ the test materials developed to measure the level of  
30 performance for a pupil with significant cognitive disabilities who is unable to take the  
31 consortium summative assessments in English language arts (ELA) and mathematics  
32 pursuant to Education Code section 60640(b)(1) or ~~are~~ is unable to take an assessment  
33 of science pursuant to Education Code section 60640(b)(2), even with resources.

34 (e) “Assessment management system” means the test operations management

1 system which is a set of web applications that manage the registration of pupils for  
2 tests, machine or hand scoring of test items, integration of item scores into an overall  
3 test score, and delivery of scores to the data warehouse.

4 ~~(f)(e)~~ “Assessment Test delivery system” consists of the electronic systems used to  
5 display test items through an adaptive engine; accept and store item responses; score  
6 items; and restrict access to outside sources. The test delivery system includes  
7 technology required to administer computer based tests ~~means a set of web~~  
8 ~~applications that manage the registration of pupils for tests, the delivery of those tests to~~  
9 ~~the pupils, scoring of test items, integration of item scores into an overall test score, and~~  
10 ~~delivery of scores to the Data Warehouse.~~

11 ~~(g)(f)~~ “Assessment technology platform” means the underlying computer systems on  
12 which CAASPP applications run. It is comprised of two components, the assessment  
13 management system and the test delivery system ~~electronic systems used to display~~  
14 ~~items, accept item responses, store, deliver, score the tests and restrict access to~~  
15 ~~outside sources, as well as report and manage assessment results. Assessment~~  
16 ~~technology includes, but is not limited to, computing devices, testing software~~  
17 ~~applications, network hardware, and other technology required to administer the tests.~~

18 ~~(h)~~ “California Alternate Assessments (CAA)” are the alternate assessments and  
19 corresponding test materials in ELA and mathematics as provided for in Education  
20 Code section 60640(k) for pupils with significant cognitive disabilities. The CAA is the  
21 successor alternate assessment for ELA and mathematics as identified in Education  
22 Code section 60640(b)(3).

23 ~~(i)(g)~~ “California Alternate Performance Assessment for Science (CAPA Science)” is  
24 the alternate assessment and its corresponding test materials for science as provided  
25 for in Education Code section 60640(k) for pupils with significant cognitive disabilities.

26 ~~(j)(h)~~ “California Modified Assessment for Science (CMA Science)” is the alternate  
27 assessment and its corresponding test materials for science based on modified  
28 achievement standards.

29 ~~(k)(i)~~ “California Standards Tests for Science (CSTs Science)” is the assessment  
30 and its corresponding test materials for science that measure the degree to which pupils  
31 are achieving the state content standards in science pursuant to Education Code  
32 section 60605.

1 (l) “Change of construct” means a modification of the concept or skills being tested  
2 that fundamentally alters the meaning and comparability of achievement test scores.

3 ~~(m)(j)~~ “Data Warehouse” means a comprehensive storehouse of all Smarter  
4 Balanced test registrations and results and a system to generate reports on, or extracts  
5 of, that data.

6 ~~(n)(k)~~ “Designated supports” are resources which the pupil regularly uses in the  
7 classroom for instruction and/or assessment(s) and that are available for use by any  
8 pupil for whom the need has been indicated, prior to the assessment administration, by  
9 an educator or ~~group~~ a team of educators (with parent/guardian and pupil input as  
10 appropriate) or specified in a the pupil’s IEP or Section 504 Plan.

11 ~~(l) “Eligible pupil,” with the exception of subdivisions (1) through (3) below, is any~~  
12 ~~pupil taking an assessment, pursuant to Education Code section 60640, who is not~~  
13 ~~exempt from participation in assessments pursuant to Education Code section 60615 or~~  
14 ~~who is not a recently arrived English learner pupil exempt from participating in the~~  
15 ~~English Language Arts assessment pursuant to Education Code section 60640(f)(1).~~

16 ~~(1) For the primary language test, an eligible pupil is an English learner with a~~  
17 ~~primary language for which a test is optional pursuant to Education Code section 60640.~~

18 ~~(2) For CAPA, an eligible pupil is any pupil in grades 2 through 11, inclusive, who~~  
19 ~~has an IEP that designates the use of the alternate assessment.~~

20 ~~(3) For the CMA, an eligible pupil is any pupil in grades 5, 8, or 10, who has an IEP~~  
21 ~~that designates the use of the modified assessment in science.~~

22 ~~(o)(m)~~ “Embedded” means a resource, whether a universal tool, designated support,  
23 or accommodation, that is part of the ~~assessment technology platform~~ test delivery  
24 system for the computer-based CAASPP tests.

25 ~~(n) “Grade” means the grade in which the pupil is enrolled at the time of testing, as~~  
26 ~~determined by the local educational agency.~~

27 ~~(o) “Individualized aid” means a type of resource that a pupil regularly uses in a~~  
28 ~~classroom for instruction and/or assessment that has not been previously identified as a~~  
29 ~~universal tool, designated support or accommodation. Because an individualized aid~~  
30 ~~has not been previously identified as a universal tool, designated support or~~  
31 ~~accommodation, it may or may not invalidate the measurement of the test(s).~~

32 (p) “Instructional supports” are all supports, including those supports documented in

1 a pupil's IEP or Section 504 Plan, that may be used in daily instruction and for  
2 assessment(s), including language and physical supports.

3 ~~(g)(p)~~ "Local educational agency (LEA)" means a county office of education, school  
4 district, state special school, or direct-funded charter school as described in Education  
5 Code section 47651. LEA superintendent, for purposes of these regulations, includes an  
6 administrator of a direct-funded charter school.

7 ~~(r)(q)~~ "Non-embedded" means a resource, whether a universal tool, designated  
8 support, or accommodation, that may be provided by the LEA and is not part of  
9 the ~~assessment technology platform~~ test delivery system for the computer-based  
10 CAASPP tests.

11 ~~(s)(r)~~ "Nonpublic schools (NPS)" are nonpublic, nonsectarian schools as set forth in  
12 Education Code section 56034.

13 ~~(t)(s)~~ "Primary language test" means a test as provided in Education Code sections  
14 60640(b) and ~~(e)(j)~~ and its corresponding test materials in each primary language for  
15 which a test is available for English Learners (ELs) and pupils enrolled in dual  
16 immersion program. The primary language test is the Standards-based Tests in  
17 Spanish (STS), until a successor test becomes available.

18 ~~(u)(t)~~ "Pupil" refers to a student enrolled in a California public school.

19 ~~(v)(u)~~ "Recently arrived English learner" means a pupil designated as an EL English  
20 learner who is in his or her first 12 months of attending a school in the United States as  
21 specified in Education Code section 60603(v).

22 ~~(w)(v)~~ "Registration system" means the mechanism that provides administrators with  
23 the tools to manage users and pupils participating in CAASPP computer-based  
24 assessments. The ~~engine~~ system uses a role-specific design to restrict access to  
25 certain tasks based on the user's designated role as well as manage pupils' default test  
26 settings, designated supports, and accommodations.

27 ~~(x)(w)~~ "Resource(s)" refers to a universal tool, designated support,  
28 accommodation ~~and/or individualized aid~~ or an unlisted resource approved pursuant to  
29 section 853.8. Resources (including approved unlisted resources) do not change the  
30 construct of the assessment.

31 ~~(y)(x)~~ "Scribe" is an employee of the LEA or a person assigned by an NPS to  
32 implement a pupil's IEP who has signed a CAASPP Test Security Affidavit and has

1 received training to transcribe a pupil's responses to the format required by the test. A  
2 pupil's parent, ~~or guardian,~~ or sibling is not eligible to be the pupil's scribe.

3 ~~(z)(y)~~ A "~~S~~significant medical emergency" is a significant ~~accident~~ injury, trauma, or  
4 illness (mental or physical) that precludes a pupil from taking the achievement tests.  
5 An ~~accident~~ injury, trauma, or illness is significant if the pupil has been determined by a  
6 licensed physician to be unable to participate in the tests.

7 ~~(z)~~ "~~Smarter Balanced Assessment Consortium (Smarter Balanced)~~" is the multi-  
8 ~~state consortium responsible for the development of the English language arts and~~  
9 ~~mathematics summative assessments administered pursuant to Education Code~~  
10 ~~section 60640(b)(1) and the interim assessments and formative assessment tools~~  
11 ~~administered pursuant to Education Code section 60642.6.~~

12 (aa) "Standards-based Tests in Spanish (STS)" are the achievement tests and ~~the~~  
13 its corresponding test materials that are administered at the option of the LEA as the  
14 primary language test as provided in Education Code sections 60640(b) and ~~(e)~~ (j) for  
15 pupils whose primary language is Spanish or ~~to~~ for pupils enrolled in a dual immersion  
16 program that includes Spanish.

17 (ab) "Streamlining" means an accommodation on a computer-based assessment  
18 that provides an alternate display of an item, stacked into instructions, stimuli, and  
19 response choices.

20 (ac) "Test Administration Manuals (TAM)" means the instructions provided by the  
21 CAASPP contractor or consortium for the purpose of training and administration of the  
22 respective CAASPP tests and which must be adhered to in order to ensure the security  
23 of valid and reliable tests and the reporting of accurate results.

24 ~~(ad)(ae)~~ "Test administrator ~~examiner~~" is an employee or contractor of an LEA or an  
25 NPS who has signed a CAASPP Test Security Affidavit and has received training to  
26 administer the CAASPP achievement tests. ~~For an alternate assessment, the test~~  
27 ~~examiner must be a certificated or licensed school, district, or county staff member.~~

28 (ae) "Test examiner" is an employee or contractor of an LEA or an NPS who has  
29 signed a CAASPP Test Security Affidavit and has received training to administer the  
30 CAA tests. A test examiner must be a certificated or licensed LEA staff member.

31 ~~(af)(ad)~~ "Test materials" include, but are not limited to, administration manuals,  
32 administrative materials, ~~test booklets,~~ assessment ~~technology platform~~ management

1 system, practice tests, scratch paper, and test answer documents.

2 ~~(ag)~~(ae) “Test proctor” is an employee of an LEA, or a person assigned by an NPS,  
3 to implement a pupil’s IEP or Section 504 Plan, who has signed a CAASPP Test  
4 Security Affidavit and has received training designed to prepare him or her to assist the  
5 test examiner in the administration of tests.

6 (ah) “Track” is a type of attendance or instructional schedule for schools with year-  
7 round education programs pursuant to Education Code section 37670.

8 ~~(ai)~~(af) “Translator” is a person who has been assigned to translate the test  
9 directions into the pupil’s primary language pursuant to sections ~~853.5 and 853.7~~ 853.6,  
10 who has signed a CAASPP Test Security Affidavit as identified in section 859(d), and  
11 who has received training specifically designed to prepare him or her to assist the test  
12 administrator or test examiner in the administration of the assessments pursuant to  
13 Education Code section 60640. A pupil’s parent, ~~or~~ guardian, or sibling is not eligible to  
14 be the pupil’s translator. A translator must be:

- 15 (1) an employee of an LEA;  
16 (2) an employee of the NPS; or  
17 (3) a person supervised by an employee of an LEA or an employee of the NPS.

18 ~~(aj)~~(ag) “Universal tools” are resources of the CAASPP tests that are available to all  
19 pupils.

20 (ak) “Unlisted resource(s)” means an instructional support that a pupil regularly uses  
21 in daily instruction and/or assessment that has not been previously identified as a  
22 universal tool, designated support or accommodation. Because an unlisted resource  
23 has not been previously identified as a universal tool, designated support or  
24 accommodation, it may or may not change the construct of the assessment.

25 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
26 Sections 306, 37670, 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615,  
27 60640, 60642.5 and 60642.6, Education Code; 34 C.F.R. Sections 200.1(d), and (f) and  
28 300.160; 5 CCR 11967.6.

29 **Article 2. Achievement Tests and Any Primary Language Test**

30 **§ 851. Pupil Testing.**

31 (a) With the exception of pupils exempt pursuant to section 852, LEAs shall  
32 administer the achievement tests, and may administer the primary language

1 test, pursuant to ~~Education Code section 60640~~ to each eligible pupil as defined in  
2 section 851.5 who is enrolled in an LEA on the date testing begins in the pupil's school  
3 or LEA during the school's or track's selected testing period (excluding any extension  
4 period pursuant to section 855(b)(4)).

5 (b) The testing conducted shall be consistent with the pupil's grade of enrollment as  
6 noted in CALPADS on the first day of the school's or track's available testing window  
7 pursuant to section 855.

8 ~~(c)(b)~~ No later than start of the 2014-2015 school year, for the purposes of the  
9 CAASPP assessment system, a charter school which is not an LEA as defined in  
10 Education Code section 60603(o) shall test with, dependent on, the LEA that granted  
11 the charter or was designated the oversight agency by the State Board of Education  
12 (SBE).

13 ~~(d)(e)~~ LEAs shall make arrangements for the testing of all eligible pupils in  
14 alternative education programs or programs conducted off campus, including, but not  
15 limited to, non-classroom based programs, continuation schools, independent study,  
16 community day schools, county community schools, juvenile court schools, or NPSs.

17 ~~(e)(f)~~ No test may be administered in a home or hospital except by a test  
18 administrator or test examiner. No test shall be administered to a pupil by the parent, ~~or~~  
19 guardian, or sibling of that pupil. This subdivision does not prevent classroom aides  
20 from assisting in the administration of the test under the supervision of a test  
21 administrator or test examiner, provided that the classroom aide does not assist his or  
22 her own child, and that the classroom aide signs a CAASPP Test Security Affidavit.

23 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
24 Sections 47651, 48645.1, 60603, 60605 and 60640, Education Code.

25

26 **§ 851.5. Eligible Pupil.**

27 For purposes of these regulations, an "eligible pupil" is as follows:

28 (a) For CAASPP achievement tests in ELA, a pupil in grades 3 through 8 and grade  
29 11 who is not taking the CAA or is not a recently arrived EL pursuant to section 850(v).  
30 However, a recently arrived EL may be an eligible pupil upon request by the  
31 parent/guardian.

1 (b) For CAASPP achievement tests in mathematics, a pupil in grades 3 through 8  
2 and 11 who is not taking the CAA.

3 (c) For the primary language test, an EL and pupil enrolled in dual immersion  
4 program, in grades 3 through 8 and 11, for whom a primary language test is made  
5 available pursuant to Education Code section 60640(b)(5)(E).

6 (d) For the CAA, a pupil in grades 3 through 8 and 11 who has an IEP that  
7 designates the use of alternate assessments.

8 (e) For CAPA Science, a pupil in grades, 5, 8 and 10 who has an IEP that  
9 designates the use of an alternate assessments.

10 (f) For the CMA Science, a pupil in grades 5, 8 and 10 who has an IEP that  
11 designates the use of the modified assessment in science.

12 (g) For the CST Science, a pupil in grades 5, 8 and 10 who does not have an IEP  
13 that designates the use of an alternate or modified assessment in science.

14 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
15 Sections 60640 and 60641, Education Code.

16  
17 **§ 853. Administration.**

18 (a) The CAASPP tests pursuant to Education Code section 60640 shall be  
19 administered, scored, transmitted, and/or returned by LEAs in accordance with the  
20 corresponding TAMs manuals or other instructions provided by the contractor or the  
21 California Department of Education (CDE) for administering, scoring, transmitting,  
22 and/or returning the tests, unless specifically provided otherwise in this subchapter,  
23 including instructions for administering the test with universal tools, designated  
24 supports, ~~and~~ accommodations, unlisted resources or instructional supports, where  
25 appropriate, as specified in sections 853.5 through and 853.87. The procedures shall  
26 include, but are not limited to, those designed to ensure the uniform and standardized  
27 administration, and scoring of the tests to pupils, the security and integrity of the test  
28 content and test items, and the timely provision of all required pupil and school level  
29 information.

30 (b) The primary mode of administration of a CAASPP achievement test shall be via a  
31 computing device, the use of an assessment technology platform, and the adaptive  
32 engine.

1 (c) If available, an LEA may utilize a paper-pencil version of any computer-based  
2 assessment (CBA) of the CAASPP assessment system, in accordance with Education  
3 Code section 60640(e), and if the LEA identifies the pupils that are unable to access the  
4 CBA version of the test.

5 (d) Interim assessments and formative assessment tools shall be made available to  
6 LEA(s) for their use. Use of interim assessments and formative assessment tools shall  
7 not be considered advance preparation for a CAASPP achievement test as defined in  
8 Education Code section 60611. LEAs that use interim assessments and/or formative  
9 assessment tools shall abide by the consortium/contractor(s) administration and use  
10 requirements. Any scoring of any performance tasks for ~~the~~ an interim assessment is  
11 the responsibility of the LEA.

12 NOTE: Authority cited: Sections 33031 and 60640, Education Code. Reference:  
13 Sections 60602.5, 60603, 60605, 60611, 60640 and 60642.6, Education Code.

14

15 **§ 853.5. Use of Universal Tools, Designated Supports, and Accommodations.**

16 (a) All pupils shall be permitted the following embedded universal tools on the  
17 CAASPP achievement tests for ELA English language arts (including the components of  
18 reading, writing, and listening) and mathematics as specified below:

19 (1) breaks for reading, writing, listening, and mathematics;

20 (2) calculator for specific mathematics items only in grades 6 through 8 and 11;

21 (3) digital notepad for reading, writing, listening, and mathematics;

22 (4) English dictionary for writing (ELA-performance task – ~~pupil long essay(s)~~ full  
23 write not short paragraph responses);

24 (5) English glossary for reading, writing, listening, and mathematics;

25 (6) expandable passages for reading, writing, listening, and mathematics;

26 (7) global notes for writing (ELA-performance task – ~~pupils long essay(s)~~ full write  
27 not short paragraph responses);

28 (8) highlighter for reading, writing, listening, and mathematics;

29 (9) keyboard navigation for reading, writing, listening, and mathematics;

30 (10) mark for review for reading, writing, listening, and mathematics;

31 (11) mathematics tools (i.e., embedded ruler and embedded protractor) for specific  
32 mathematics items;

- 1 (12) spell check for specific writing items;
- 2 (13) strikethrough for reading, writing, listening, and mathematics;
- 3 (14) writing tools for specific pupil generated responses; or
- 4 (15) zoom for reading, writing, listening, and mathematics.

5 (b) All pupils shall be permitted the following non-embedded universal tools on the  
6 CAASPP tests for ELA English language arts (including the components of reading,  
7 writing, and listening), mathematics, science, and primary language as specified below:

8 (1) breaks;

9 (2) English dictionary for ELA performance task – ~~pupil long essay(s)~~ full write not  
10 short paragraph responses;

11 (3) scratch paper;

12 (4) thesaurus for ELA performance task – ~~pupil long essay(s)~~ full write not short  
13 paragraph responses;

14 (5) color overlay for science and primary language test;

15 ~~(6) math tools (i.e., ruler, protractor) for specific mathematics items;~~

16 ~~(7) simplify or clarify test administration directions (does not apply to test questions);~~

17 or

18 ~~(8) pupil marks in paper-pencil test booklet (other than responses including~~  
19 ~~highlighting).~~

20 (c) All pupils shall be permitted the following embedded designated supports when  
21 determined for use by an educator or a team group of educators (with parent/guardian  
22 and pupil input as appropriate) or specified in the pupil's IEP or Section 504 Plan on the  
23 CAASPP achievement tests for ELA English language arts (including the components of  
24 reading, writing, and listening) and mathematics as specified below:

25 (1) color contrast for reading, writing, listening, and mathematics;

26 (2) masking for reading, writing, listening, and mathematics;

27 (3) text-to-speech for writing, listening, mathematics, and reading items but not  
28 reading passages;

29 ~~(4) translated test directions for mathematics;~~

30 ~~(4)(5)~~ translations (glossary) for mathematics;

31 ~~(5)(6)~~ Spanish translations (stacked) and translated test directions for mathematics;

32 or

1        ~~(6)(7)~~ turn off any universal tool for reading, writing, listening, and mathematics.

2        (d) All pupils shall be permitted the following non-embedded designated supports  
3 when determined for use by an educator or a team group of educators (with  
4 parent/guardian and pupil input as appropriate) or specified in a the pupil's IEP or  
5 Section 504 Plan on the CAASPP achievement tests for ELA English language arts  
6 (including the components of reading, writing, and listening), mathematics, science, and  
7 primary language as specified below:

8        (1) translated test directions for ELA, mathematics, science and primary language  
9 test;

10        (2) bilingual dictionary for writing;

11        (3) access to translation glossaries/word lists for science and primary language test;

12        (4) color contrast for reading, writing, listening, and mathematics;

13        (5) color overlay for reading, writing, listening, and mathematics;

14        (6) magnification;

15        (7) read aloud for writing, listening, mathematics, and reading items but not reading  
16 passages;

17        (8) scribe for reading, listening, and mathematics;

18        (9) separate setting including most beneficial time of day, special lighting or  
19 acoustics, and/or special or adaptive furniture;

20        (10) translations (glossary) for mathematics; (only for consortium-provided  
21 glossaries that correspond to the embedded designated supports in subdivision (c));

22        (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling  
23 headphones);

24        ~~(12) special lighting or acoustics, assistive devices (specific devices may require~~  
25 ~~CAASPP contractor certification), and/or special or adaptive furniture;~~

26        ~~(12)(13)~~ translations (glossary) for science and primary language test; or

27        ~~(14) administration of the test at the most beneficial time of day for the pupil.~~

28        (13) read aloud for Spanish stacked translation in mathematics.

29        (e) The following embedded accommodations shall be provided on the CAASPP  
30 achievement tests for ELA English language arts (including the components of reading,  
31 writing, and listening) and mathematics when specified in a pupil's IEP or Section 504  
32 Plan:

- 1 (1) American Sign Language for listening and mathematics;
- 2 (2) braille for reading, writing, listening, and mathematics;
- 3 (3) closed captioning for listening;
- 4 (4) text-to-speech for reading passages ~~for grades 6 through 8, inclusive, and 11;~~ or
- 5 (5) streamlining for reading, writing, listening, and mathematics.

6 (f) The following non-embedded accommodations shall be provided on the CAASPP  
7 achievement tests for ELA English language arts (including the components of reading,  
8 writing, and listening), mathematics, science, and primary language when specified in a  
9 pupil's IEP or Section 504 Plan:

- 10 (1) read aloud for primary language test;
- 11 (2) American Sign Language for ~~listening, mathematics, and science;~~
- 12 (3) braille for paper-pencil tests;
- 13 (4) abacus for mathematics and science;
- 14 (5) alternate response options for reading, writing, listening, and mathematics;
- 15 (6) calculator for ~~specific~~ calculator-allowed mathematics items only in grades 6  
16 through 8, and 11;
- 17 (7) multiplication table for mathematics beginning in grade 4;
- 18 (8) print on demand for reading, writing, listening, and mathematics;
- 19 (9) read aloud for reading passages ~~in grades 6 through 8, inclusive, and grade 11;~~  
20 ~~blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have~~  
21 ~~adequate braille skills;~~
- 22 (10) scribe for writing, science, and primary language test;
- 23 (11) speech-to-text; or
- 24 (12) large-print version of a paper-pencil test.

25 ~~(g) An LEA may submit a request in writing to the CDE, prior to the administration of~~  
26 ~~a CAASPP test for approval for the use of an individualized aid. The LEA CAASPP~~  
27 ~~coordinator or the CAASPP test site coordinator shall make the request on behalf of the~~  
28 ~~LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall~~  
29 ~~respond to the request within four business days from the date of receipt of the written~~  
30 ~~request. Written requests must include:~~

- 31 ~~(1) LEA name and GDS code;~~
- 32 ~~(2) school/test site and school code;~~

- 1 ~~(3) school/test site address, city, and zip code;~~
- 2 ~~(4) LEA CAASPP coordinator name, phone number, and email address;~~
- 3 ~~(5) CAASPP test site coordinator name, phone number, and email address;~~
- 4 ~~(6) school/test site testing window dates;~~
- 5 ~~(7) SSID(s) for the pupil(s) for which the individualized aid is being requested;~~
- 6 ~~(8) CAASPP test and grade; and~~
- 7 ~~(9) the individualized aid being requested.~~

8 (h) Individualized aids that change the construct being measured by a CAASPP test  
9 invalidate the test score and results in a score that cannot be compared with other  
10 CAASPP results. Scores for pupils' tests with individualized aids by a CAASPP test will  
11 not be counted as participating in statewide testing (and impacts the accountability  
12 participation rate indicator) but pupils will still receive individual score reports with their  
13 actual score. The following non-embedded individualized aids have been determined to  
14 change the construct being measured on the CAASPP tests for English language arts  
15 (including the components for reading, writing, and listening), mathematics, science,  
16 and primary language and are specified below, but not limited to:

- 17 ~~(1) English dictionary for reading, listening, mathematics, science, and primary~~  
18 ~~language;~~
- 19 ~~(2) thesaurus for reading, listening, mathematics, science and primary language;~~
- 20 ~~(3) translated test directions for reading, writing, or listening;~~
- 21 ~~(4) bilingual dictionary for reading, listening, mathematics, science and primary~~  
22 ~~language;~~
- 23 ~~(5) translations (glossary) for reading, writing, and listening;~~
- 24 ~~(6) read aloud for reading passages in grades 3, 4, and 5;~~
- 25 ~~(7) American Sign Language for reading passages in grades 3, 4, and 5 and reading~~  
26 ~~passages for primary language;~~
- 27 ~~(8) calculator for non-specified mathematics items or science;~~
- 28 ~~(9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and~~
- 29 ~~(10) multiplication table for mathematics in grade 3.~~

30 (g)(i) If a consortium (in which California is a participant) amends or approves of a  
31 universal tool(s), designated support(s), and/or accommodation(s) not listed in  
32 subdivisions (a) through (f), the CDE shall allow approve its use.

1 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
2 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and  
3 300.160(b).

4  
5 **§ 853.6. Instructional Supports and Resources on California Alternate**  
6 **Assessments (CAA).**

7 (a) Administration of the CAA to eligible pupils shall be one-on-one (test examiner to  
8 pupil).

9 (b) Depending upon the pupil's disability or needs, the CAA may or may not include  
10 the student's independent use of the testing interface.

11 (c) With the exception of inappropriate test practices listed in the TAMs, eligible  
12 pupils may have instructional supports, including the language of instruction and  
13 physical supports, in addition to resources documented in the pupil's IEP or Section 504  
14 Plan.

15 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
16 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and  
17 300.160(b).

18  
19 **§ 853.7. Use of Designated Supports for English Learners.**

20 (a) An English learner (EL) shall be permitted the following embedded designated  
21 supports, when determined for use by an educator or a team group of educators, ~~who~~  
22 ~~may seek input from a parent(s) or guardian(s),~~ (with parent/guardian and pupil input as  
23 appropriate) or specified in the pupil's IEP or Section 504 Plan on the CAASPP  
24 achievement tests for ELA English language arts (including the components of reading,  
25 writing, and listening) and mathematics as specified below:

26 (1) color contrast for reading, writing, listening, and mathematics;

27 (2) masking for reading, writing, listening, and mathematics;

28 (3) text-to-speech for writing, listening, mathematics and reading items, but not  
29 passages;

30 ~~(4) translated test directions for mathematics;~~

31 ~~(4)(5) translations (glossary) for mathematics;~~

32 ~~(5)(6) Spanish translations (stacked) and translated test directions~~ for mathematics;

1 or

2 ~~(6)(7)~~ turn off any universal tool for reading, writing, listening, and mathematics.

3 (b) An EL shall be permitted the following non-embedded designated supports when  
4 determined for use by an educator or a team group of educators, ~~who may seek input~~  
5 ~~from a parent(s) or guardian(s),~~ (with parent/guardian and pupil input as appropriate) or  
6 specified in the pupil's IEP or Section 504 Plan on the CAASPP achievement tests for  
7 ELA English language arts (including the components of reading, writing, and listening),  
8 mathematics, science, and primary language as specified below:

9 (1) translated test directions for mathematics, science and primary language test;

10 (2) bilingual dictionary for writing;

11 (3) access to translation glossaries/word lists for science and primary language test;

12 (4) color contrast for reading, writing, listening, and mathematics;

13 (5) color overlay for reading, writing, listening, and mathematics;

14 (6) magnification;

15 (7) read aloud for writing, listening, mathematics, and reading items but not reading  
16 passages;

17 (8) scribe for reading, listening, and mathematics;

18 (9) separate setting including most beneficial time of day, special lighting or  
19 acoustics, and/or special or adaptive furniture;

20 (10) translations (glossary) for mathematics (only for consortium-provided glossaries  
21 that correspond to the embedded designated supports in subdivision (a));

22 (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling  
23 headphones);

24 ~~(12) special lighting or acoustics, assistive devices (specific devices may require~~  
25 ~~CAASPP contractor certification), and/or special or adaptive furniture;~~

26 ~~(12)(13)~~ translations (glossary) for science and primary language test; or

27 (13) read aloud for Spanish stacked translation in mathematics.

28 ~~(14) administration of the test at the most beneficial time of day for the pupil.~~

29 (c) If a consortium (in which California is a participant) amends or approves of a  
30 designated support(s) not listed in subdivisions (a) and/or (b), the CDE shall approve its  
31 use.

32 NOTE: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 306,

1 60605 and 60640, Education Code; and 34 C.F.R. Section 200.2.

2

3 **§ 853.8. Unlisted Resources.**

4 (a) An LEA may submit, on behalf of a pupil who has an IEP or Section 504 Plan, a  
5 request through the assessment management system to the CDE, prior to the  
6 administration of a CAASPP achievement test, to allow the use and approval of an  
7 unlisted resource. The LEA CAASPP coordinator or the CAASPP test site coordinator  
8 shall make the request on behalf of the LEA ten business days prior to the pupil's first  
9 day of CAASPP testing. The CDE shall respond to the request within four business  
10 days from the date of the electronic transmission. Transmissions must include:

11 (1) LEA name and county/district/school (CDS) code;

12 (2) school/test site and school code;

13 (3) LEA CAASPP coordinator name, phone number, and email address;

14 (4) CAASPP test site coordinator name, phone number, and email address;

15 (5) school/test site selected testing period;

16 (6) SSID(s) for the pupil(s) for which the unlisted resource(s) is/are being requested;

17 (7) CAASPP test and grade;

18 (8) if the pupil has an IEP, include the primary disability code and/or designated

19 Section 504 Plan; and

20 (9) description of the unlisted resource being requested.

21 (b) The use and approval of an unlisted resource must be requested annually by an  
22 LEA.

23 (c) The use of an unlisted resource by a pupil will not be allowed if the CDE  
24 determines its use threatens the security of the test.

25 (d) In addition to determining whether the unlisted resource may be used, the CDE  
26 will determine whether the unlisted resource changes the construct being measured by  
27 the CAASPP achievement test.

28 (1) If the CDE determines the unlisted resource changes the construct being  
29 measured, the unlisted resource will not be approved but may still be used by the pupil  
30 and the pupil will receive an individual score report. The pupil will not be counted as  
31 participating in statewide testing, which will impact the accountability participation rate  
32 indicator for the LEA.

1 (2) If CDE determines the unlisted resource does not change the construct being  
2 measured, the unlisted resource will be approved. The pupil will receive an individual  
3 score report and the pupil will be counted as participating in statewide testing.

4 (e) The following non-embedded unlisted resources have already been determined  
5 to change the construct being measured on the CAASPP achievement tests for English  
6 language arts (including the components for reading, writing, and listening),  
7 mathematics, science, and primary language and will not be approved:

8 (1) English dictionary for reading, listening, mathematics, science, and primary  
9 language;

10 (2) translated word list for ELA;

11 (3) calculator on mathematics items in grades 3 through 5;

12 (4) thesaurus for reading, listening, mathematics, science and primary language;

13 (5) bilingual dictionary for ELA, mathematics, science and primary language;

14 (6) translations (glossary) for reading, writing, listening, and mathematics when not  
15 provided by the consortium;

16 (7) calculator for non-specified mathematics items or science;

17 (8) math tools (i.e., ruler, protractor) for mathematics items; and

18 (9) multiplication table for mathematics in grade 3.

19 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
20 Section 60640, Education Code; 20 U.S.C. Section 1412(a)(16); and 34 C.F.R. Sections  
21 200.1 and 300.160.

22  
23 **§ 855. Available Testing Window and Selected Testing Period(s).**

24 ~~(a)(1) For the 2013-14 school year, each LEA shall administer the Smarter Balanced~~  
25 ~~field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to~~  
26 ~~the authority granted by Education Code section 60640(f)(2).~~

27 ~~(2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and~~  
28 ~~10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades~~  
29 ~~5, 8, and 10, shall be administered to each pupil during a testing window of 25~~  
30 ~~instructional days that includes 12 instructional days before and after completion of 85~~  
31 ~~percent of the school's, track's, or program's instructional days. Testing for all pupils,~~  
32 ~~including makeup testing, is to be completed within this 25 instructional day window. If~~

1 ~~an LEA elects to administer the primary language test, it shall do so during this same~~  
2 ~~testing window.~~

3 ~~(a)(b)~~ Beginning in the ~~2014-15~~ 2015-16 school year, the CAASPP achievement  
4 tests pursuant to Education Code sections 60640(b) shall be administered to each pupil  
5 at some time during the following available testing windows:

6 (1) Unless otherwise stated in these regulations, the available testing window  
7 shall ~~not~~ begin ~~until at least~~ on the day in which 66 percent of a the school's or track's  
8 annual instructional days have been completed, and testing may continue up to and  
9 including the last day of instruction for the regular school's or track's annual  
10 calendar. ~~For a 180-day school year, 66 percent of a school year occurs after the 120th~~  
11 ~~instructional day. This allows for a 12-week window for testing.~~

12 (2) ~~For the grade 11 Smarter Balanced assessments and CAASPP tests~~  
13 ~~administered after January 2015,~~ the available testing window shall ~~not~~ begin ~~until at~~  
14 ~~least~~ on the day in which 80 percent of a the school's or track's annual instructional  
15 days have been completed, and testing may continue up to and including the last day of  
16 instruction for the regular school's or track's annual calendar. ~~For a 180-day school~~  
17 ~~year, 80 percent of a school year occurs after the 144th instructional day. This allows for~~  
18 ~~a 7-week window for testing.~~

19 (3) The CST Science and, CMA Science, and CAPA Science ~~for science~~ in grades  
20 5, 8, and 10, ~~and CAPA, or its successor alternate assessment, for ELA and~~  
21 ~~mathematics in grades 2 through 11 and science in grades 5, 8, and 10~~ shall be  
22 administered to each pupil during an available testing window of 25 instructional days  
23 that includes 12 instructional days before and after completion of 85 percent of the  
24 school's, or track's, or program's annual instructional days ~~unless the SBE makes a~~  
25 ~~determination by the close of its September 2014 regular meeting that these tests shall~~  
26 ~~be administered during the window defined in subdivision (b)(1) above.~~ If an LEA elects  
27 to administer the primary language test, it shall do so during the same available window.

28 (4) The CAA for 2015-16 school year shall be administered during the available  
29 testing window of April 11 through June 17, 2016. Beginning in the 2016-17 school year,  
30 the CAA shall be administered to each eligible pupil during the available testing  
31 windows set forth in subdivisions (a)(1) and (2) above.

32 (b) An LEA may designate one selected testing period for each school or track within

1 the available testing window set forth in subdivision (a) above, subject to the following  
2 conditions:

3 (1) If a school has multiple tracks, a selected testing period may be designated for  
4 each track. (i.e., a year-round school with three tracks may select three different  
5 selected testing periods):

6 (2) An LEA shall not exceed 6 selected testing periods within the available testing  
7 window;

8 (3) A selected testing period shall be no fewer than 25 consecutive instructional  
9 days; and

10 (4) An LEA may extend a selected testing period up to an additional 10 consecutive  
11 instructional days if still within the available testing window set forth in subdivision (a)  
12 above.

13 (c) If an LEA does not designate a selected testing period for a school or track, then  
14 the available testing window, pursuant to subdivisions (a)(1) and (2) above, shall be the  
15 selected testing period for that school or track.

16 (d)(e) The CDE, with the approval of the SBE President or designee, may require  
17 LEAs to more fully utilize the testing window and may also limit the usage of the interim  
18 assessments in instances where the CDE determines that it is necessary to do so to  
19 ensure that the capacity of the California K-12 High Speed Network (K12HSN) is not  
20 exceeded.

21 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
22 Sections 60605, 60640, 60641 and 60642.5, Education Code.

23

24 **§ 857. LEA CAASPP Coordinator.**

25 (a) On or before ~~September 30~~ July 1 of each school year, the superintendent of  
26 each LEA shall:

27 (1) designate from among the employees of the LEA an LEA CAASPP  
28 coordinator(s);

29 (2) identify school(s) with pupils unable to access the CBA version of a CAASPP  
30 test(s) in accordance with Education Code section 60640(e); and

31 (3) report to the CAASPP contractor(s) the number of pupils enrolled in the school  
32 identified in subdivision (2) that are unable to access the CBA version of a CAASPP

1 test.

2 (b) The LEA CAASPP coordinator(s), or the LEA superintendent, shall be available  
3 August 1 through ~~September 30~~ July 31 of the following school year to complete the  
4 LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact  
5 information for the LEA CAASPP coordinator(s) and the superintendent. The LEA  
6 CAASPP coordinator(s) shall serve as the LEA representative and the liaison between  
7 the LEA and the contractor(s) and the LEA and the CDE for all matters related to the  
8 CAASPP assessment system.

9 (c) The LEA CAASPP coordinator shall be responsible for following the duties set  
10 forth in section 859.

11 ~~(d)(e)~~ The LEA CAASPP coordinator's responsibilities shall also be those defined in  
12 the contractor's(s') or consortium's administrative manuals and documentation, and  
13 shall include, but are not limited to, overseeing the LEA's preparation, registration,  
14 coordination, training, assessment technology, administration, security, and reporting of  
15 the CAASPP achievement tests.

16 ~~(e)(d)~~ The LEA CAASPP coordinator shall ensure current and ongoing compliance  
17 with the minimum technology specifications as identified by the CAASPP contractor(s)  
18 or consortium.

19 ~~(f)(e)~~ The LEA CAASPP coordinator shall ensure the training of all CAASPP test site  
20 coordinators who will oversee the test administration at each school or test site.

21 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
22 Sections 47079.5, 52052, 60604, 60605, 60610, 60630, 60640 and 60643, Education  
23 Code.

24

25 **§ 858. CAASPP Test Site Coordinator.**

26 (a) At each test site, including, but not limited to, each elementary, middle, and high  
27 school or other grade-span designated school, each charter school, each court-school,  
28 each school or program operated by an LEA, and all other public programs serving  
29 pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall  
30 designate a CAASPP test site coordinator from among the employees of the LEA. The  
31 CAASPP test site coordinator, or the site principal or his or her designee, shall be  
32 available to the LEA CAASPP coordinator by telephone through ~~September 30~~ July 31

1 of the following school year for purposes of resolving discrepancies or inconsistencies in  
2 materials or errors in reports.

3 (b) The CAASPP test site coordinator's responsibilities shall be those defined in the  
4 contractor's(s') and CDE's administrative manuals and documentation, and shall  
5 include, but are not limited to, overseeing the test site's preparation, coordination,  
6 training, registration, administration, security, and reporting of the CAASPP tests.

7 (c) The CAASPP test site coordinator shall be responsible for following the duties set  
8 forth in Section 859.

9 (d)(e) The CAASPP test site coordinator shall be responsible for the training of test  
10 examiners, translators, proctors, and scribes.

11 (e)(d) The CAASPP test site coordinator shall be responsible for ensuring that all  
12 designated supports, accommodations and ~~individualized aids~~ unlisted resources are  
13 correctly entered into the registration system and provided to the pupil(s) identified to  
14 receive the designated supports, ~~and/or~~ accommodations and/or unlisted resources.

15 (f) The CAASPP test site coordinator shall be responsible for maintaining registration  
16 accounts for educators at their site for administering, reporting, and using the CAASPP  
17 system, including, but not limited to, access to the formative assessment tools.

18 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
19 Sections 60602.5, 60604, 60605, 60610, 60630 and 60640, Education Code.

20

21 **§ 859. CAASPP Test Security Agreement and Test Security Affidavit.**

22 (a) All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the  
23 CAASPP Test Security Agreement, set forth in subdivision (b), before receiving any of  
24 ~~the test materials or CAASPP achievement~~ tests administered pursuant to Education  
25 Code section 60640 and corresponding test materials.

26 (b) The CAASPP Test Security Agreement shall be as follows:

27 CAASPP TEST SECURITY AGREEMENT

28 I acknowledge by my signature on this form that the California Assessment of  
29 Student Performance and Progress (CAASPP) achievement tests pursuant to  
30 Education Code section 60640 are secure tests and agree to each of the following  
31 conditions to ensure test security:

32 (1) I will take all necessary precautions to safeguard all achievement tests and

1 corresponding test materials, whether paper-based or computer-based assessments, by  
2 limiting access to only persons within the LEA who are responsible for, and have  
3 professional interest in, the tests' security.

4 (2) I will keep on file the names of all persons who have been trained in the  
5 administration of CAASPP achievement tests and all persons with access to  
6 achievement tests and corresponding test materials, whether paper-based or computer-  
7 based assessments. I have and shall have all other persons having access to the  
8 achievement tests and corresponding test materials read and sign the CAASPP Test  
9 Security Affidavit that will be kept on file in the LEA office.

10 (3) Except during the administration of the tests, I will keep the paper-pencil tests,  
11 and corresponding test materials in a securely locked room that can be entered only  
12 with a key or keycard and, when possible, in a locked storage cabinet within that room.

13 (4) I will securely destroy all print-on-demand papers, scratch paper, and other  
14 documents as prescribed within the contractor's(s') or consortium's administrative  
15 manuals and documentation.

16 (5) With the exception of subdivision (6) below, I will deliver achievement tests and  
17 corresponding test materials or allow electronic access thereto, only on actual testing  
18 dates and only to those persons who have executed CAASPP Test Security Affidavits.

19 (6) For an alternate assessment (CAA and CAPA Science ~~or its successor alternate~~  
20 ~~assessment~~), I will keep all tests and testing materials in the manner set forth above in  
21 subdivisions (b)(3) and (5) except during actual testing administration or when being  
22 used by test examiners to prepare for and to administer the assessment. I will adhere to  
23 the contractor's directions for the distribution of the ~~assessment~~ corresponding test  
24 materials to test examiners.

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

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

28 Print Name: \_\_\_\_\_

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

30 LEA: \_\_\_\_\_

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

32 (c) All test administrators, test examiners, proctors, translators, scribes, LEA

1 CAASPP coordinators, ~~and~~ CAASPP test site coordinators, and any other persons  
2 having access to any of the CAASPP achievement tests and corresponding test  
3 materials, assessment technology platform, ~~registration system, adaptive engine,~~ or  
4 tests administered pursuant to Education Code section 60640, shall acknowledge the  
5 limited purpose of their access to the achievement tests by signing the CAASPP Test  
6 Security Affidavit set forth in subdivision (d).

7 (d) The CAASPP Test Security Affidavit shall be as follows:

8 CAASPP TEST SECURITY AFFIDAVIT

9 I acknowledge that I will have access to one or more of the California Assessment of  
10 Student Performance and Progress (CAASPP) achievement tests pursuant to  
11 Education Code section 60640, for the purpose of administering the test(s). I  
12 understand that these materials are highly secure and may be under copyright  
13 restrictions and it is my professional responsibility to protect their security as follows:

14 (1) I will not divulge the contents of the CAASPP achievement tests and  
15 corresponding test materials to any other person through verbal, written, or any other  
16 means of communication. This includes, but is not limited to, sharing or posting test  
17 content via the Internet or by email without the prior express written permission of the  
18 CDE.

19 (2) I will not copy or take a photo of any part of the achievement test(s) or  
20 corresponding test materials. This includes, but is not limited to, photocopying (including  
21 enlarging) and recording without the prior expressed written permission of the CDE.

22 (3) Except during the actual testing administrations or as otherwise provided for by  
23 law, I will keep the achievement test(s) and corresponding test materials secure until the  
24 test(s) are actually distributed to pupils when tests and testing materials are checked in  
25 and out by the CAASPP test site coordinator. Keeping materials secure means that  
26 testing materials are required to be kept in a securely locked room that can be entered  
27 only with a key or keycard and, when possible, in a locked storage cabinet within that  
28 room.

29 (4) I will limit access to the achievement test(s) and corresponding test materials by  
30 test examinees to the actual testing periods when they are taking the test(s). I  
31 understand that only pupils who are testing and LEA staff participating in the test  
32 administration who have signed a CAASPP Test Security Affidavit may be in the

1 room when and where an achievement test is being administered.

2 (A) I will keep all assigned, generated, or created usernames, passwords, and logins  
3 secure and not divulge pupil personal information to anyone other than the pupil to  
4 whom the information pertains for the purpose of logging on to the assessment test  
5 delivery system.

6 (B) I will not allow anyone other than the assigned pupils to log into their assigned  
7 test. I may assist a pupils with using their information to log into their assigned test.

8 (C) I will not use a pupil's information to log in as a pupil or allow a pupil to log in  
9 using another pupil's information.

10 (5) I will not allow pupils to access electronic devices that allow them to access  
11 outside information, communicate with other pupils, or photograph or copy test content.  
12 This includes, but is not limited to, cell phones, personal digital assistants (PDAs),  
13 tablets, laptops, cameras, and electronic translation devices.

14 (6) I will collect and account for all achievement test materials following each testing  
15 session and will not permit pupils to remove any test materials by any means from the  
16 room(s) where testing takes place. After each testing session, I will count all test  
17 booklets and answer documents before allowing any pupil to leave the testing room  
18 and/or ensure that all pupils have properly logged off the assessment test delivery  
19 system.

20 (7) I will not review any achievement test questions, passages, performance tasks,  
21 or other test items independently or with pupils or any other person at any time,  
22 including before, during, or following testing. I understand that this includes any  
23 discussion between LEA staff for training or professional development whether one-on-  
24 one or in a staff meeting.

25 (8) I will not, for any achievement test, develop scoring keys, review any pupil  
26 responses, or prepare answer documents. I understand that this includes coaching  
27 pupils or providing any other type of assistance to pupils that may affect their  
28 responses. This includes, but is not limited to, both verbal cues (e.g., interpreting,  
29 explaining, or paraphrasing the test items or prompts) and nonverbal cues (e.g., voice  
30 inflection, pointing, or nodding head) to the correct answer (anything that may indicate  
31 correct or incorrect answers), or completing or changing pupils' answers.

32 (9) I will return all achievement tests and correspondent test materials to the

1 designated CAASPP test site coordinator each day upon completion of testing. I  
2 understand that all test booklets, answer documents, and scratch paper shall be  
3 returned to the CAASPP test site coordinator each day immediately after testing has  
4 been completed for storage or confidential destruction.

5 (10) If I ~~will~~ administer and/or observe the administration of an alternate assessment  
6 (CAA and CAPA ~~or its successor alternate assessment Science~~), which means that I  
7 am a certificated or a licensed LEA employee and a trained examiner, I will keep all the  
8 alternate assessment (~~CAPA or its successor alternate assessment~~) materials in a  
9 securely locked room, and, when possible, in a locked storage cabinet within that room  
10 except when I am preparing for the administration, administering, or observing the  
11 administration of the assessment to pupils.

12 (11) I will actively supervise pupils throughout the paper-pencil testing session to  
13 ensure that they are working on the correct test section or part, marking their answers in  
14 the correct section of their answer documents, following instructions, and are accessing  
15 only authorized materials (non-embedded universal tools, designated supports,  
16 accommodations, instructional supports for alternate assessments or ~~individualized aids~~  
17 unlisted resources) needed for the test being administered.

18 (12) I will actively supervise pupils throughout the testing session and verify that  
19 pupils have selected the appropriate assessment for the testing session and have  
20 completed any necessary preceding test sections and/or classroom activities.

21 (13) I will administer the achievement test(s) in accordance with the directions for  
22 test administration and test administration manuals prepared by the CAASPP testing  
23 contractor(s), or any additional guidance provided by the CAASPP test contractor(s). I  
24 understand that the unauthorized copying, sharing, or reusing of any test booklet, test  
25 question, performance task, or answer document by any means is prohibited. This  
26 includes, but is not limited to, photocopying, recording, emailing, messaging (instant,  
27 text, or multimedia messaging service, or digital application), using a camera/camera  
28 phone, and sharing or posting test content via the Internet without the express prior  
29 written permission of the CDE.

30 (14) I have been trained to administer the achievement tests. By signing my name to  
31 this document, I am assuring that I have completely read this affidavit and will abide by  
32 the above conditions.

1 Signed: \_\_\_\_\_  
2 Print Name: \_\_\_\_\_  
3 Position: \_\_\_\_\_  
4 School: \_\_\_\_\_  
5 LEA: \_\_\_\_\_  
6 Date: \_\_\_\_\_

7 (e) To maintain the security of the CAASPP assessment system, all LEA CAASPP  
8 coordinators and CAASPP test site coordinators shall immediately, within 24 hours,  
9 notify the CDE of any security breaches or testing irregularities occurring either before,  
10 during, or after the test administration(s).

11 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
12 Sections 60602.5, 60605 and 60640, Education Code.

13  
14 **§ 860. Standard Agreement Between School Districts and Publisher Appeals.**

15 (a) An appeal is a process where an LEA CAASPP coordinator and/or CAASPP test  
16 site coordinator requests that the CDE take one of the actions specified in subdivisions

17 (b) (1)-(5) due to an event that occurred during the administration of the test to a pupil.

18 (b) The following appeals may be requested by the LEA CAASPP coordinator and/or  
19 CAASPP site coordinator:

20 (1) test invalidation;

21 (2) test reopened;

22 (3) test reset;

23 (4) test restore; or

24 (5) grace period extension.

25 (c) The LEA CAASPP coordinator and/or CAASPP test site coordinator must submit  
26 an appeal to address a test security breach or testing irregularity as defined in the  
27 TAMs.

28 (d) All appeals will be reviewed by the CDE and the CDE has authority to approve or  
29 deny the appeal. The CDE will evaluate whether an appeal has an effect on the  
30 integrity, validity, test security, and/or interpretation of the test results.

31 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
32 Sections 60640, 60641, 60642 and 60643, Education Code.

1 **§ 861. Data Elements for Test Registration and State and Federal Reporting.**

2 (a) In order to assess pupils pursuant to Education Code section 60640 and meet  
3 state and federal accountability and reporting obligations, each LEA shall provide any  
4 and all program and demographic pupil data requested by the CDE for inclusion  
5 in ~~California Longitudinal Pupil Achievement Data System (CALPADS).~~

6 (b) In addition to the demographic and program data required to be reported in  
7 section 861(a), LEAs shall report to the CDE the following information:

8 (1) if an eligible pupil is not tested due to a significant medical emergency;

9 (2) if a pupil used a designated support;

10 (3) if a pupil used an ~~individualized aid~~ unlisted resource;

11 (4) if a pupil used an accommodation(s);

12 (5) if a pupil had special testing conditions and/or reasons for not being tested (e.g.,  
13 parent or guardian exemption);

14 (6) if a pupil is enrolled in an NPS based on an IEP and, if so, the NPS school code;  
15 and

16 (7) if a pupil in grade 2 was administered a diagnostic assessment pursuant to  
17 Education Code section 60644.

18 (c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate  
19 prior to LEA registration and throughout the testing window. The CDE shall provide  
20 LEAs reasonable notification prior to pupil demographic and program data being  
21 extracted from CALPADS for purposes of test registration, individual pupil reports and  
22 reports aggregated to the LEA, and state and federal accountability reporting.

23 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
24 Sections 49079.5, 52052, 60605, 60630, 60640, 60641 and 60643, Education Code;  
25 and 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6.

26

27 **§ 862. Apportionment Information Report.**

28 (a) Annually, the CDE shall make available electronically to each LEA an  
29 apportionment information report with the following information provided to the  
30 contractor by the LEA pursuant to sections 853 and 861 by grade level:

31 (1) The number of pupils enrolled in each school and in the LEA ~~on the first day of~~  
32 ~~testing~~;

1 (2) The number of pupils in each school and in the LEA tested with the alternate  
2 assessment;:-

3 (3) The number of pupils in each school and in the LEA exempted from testing at the  
4 request of their parents or guardians pursuant to Education Code section 60615;:-

5 (4) The number of pupils who were administered any portion of the CAASPP  
6 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),  
7 60640(b)(4), or 60640(c)(3) through the use of ~~CBT~~ computer-based testing;:-

8 (5) The number of pupils who were administered any portion of the CAASPP  
9 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),  
10 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments;:-

11 (6) The number of pupils with demographic information only who were not tested for  
12 any reason other than a parent or guardian exemption;:-

13 (7) The number of EL ~~English language learners~~ who were administered a primary  
14 language test aligned to the ELA ~~English language arts~~ standards pursuant to  
15 Education Code section 60640(b)(5)(B);-and

16 (8) Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic  
17 assessment pursuant to Education Code section 60644.

18 (b) To be eligible for apportionment payment for the CAASPP assessments, LEAs  
19 must meet the following conditions:

20 (1) The LEA has returned all secure test materials, and

21 (2) The LEA CAASPP coordinator has certified the accuracy of the apportionment  
22 information report for assessments administered during the school year, which is either;

23 (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the  
24 CDE by ~~December 31~~ March 1, or

25 (B) if transmitted after ~~December 31~~ March 1, the apportionment information report  
26 must be accompanied by a waiver request as provided by Education Code section  
27 33050. For those apportionment information reports transmitted after ~~December 31~~  
28 March 1, apportionment payment is contingent upon the availability of an appropriation  
29 for this purpose ~~in~~ for the fiscal year in which the testing window began.

30 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
31 Sections 60610, 60615, 60640 and 60641, Education Code.

32

1 **§ 862.5. Apportionment to LEAs.**

2 (a) The amount of funding to be apportioned to the LEA shall be calculated using the  
3 rates amount established by the SBE annually for each CAASPP achievement test per  
4 the number of tests administered to eligible pupils, and the number of pupils enrolled on  
5 the first day of testing who were not tested in the LEA. The amount of funding to be  
6 apportioned ~~number of tests administered and the number of pupils not tested~~ shall be  
7 determined by the certification of the LEA CAASPP coordinator pursuant to section 862.  
8 For purposes of this portion of the apportionment, administration of the tests includes  
9 the following items:

10 (1) All staffing costs, including the LEA CAASPP coordinator and the CAASPP test  
11 site coordinators, staff training and other staff expenses related to testing.

12 (2) All expenses incurred at the LEA and school/test site(s) related to testing.

13 (3) All transportation costs of delivering and retrieving tests and test materials within  
14 the LEA and to NPSs.

15 (4) All costs associated with transmitting the pupil report(s) to parents/guardians.

16 (5) All costs associated with activities intended to provide the complete and accurate  
17 data required in section 861.

18 (b) This amount does not include any funding for the purposes of reimbursing any  
19 LEA for primary language tests for non-eligible pupils.

20 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
21 Sections 60640 and 60643, Education Code.

22

23 **§ 863. CAASPP Pupil Reports and Cumulative Record Labels.**

24 (a) The LEA shall forward or transmit pupil results for the achievement tests  
25 conducted pursuant to Education Code section 60640 to each pupil's parent or guardian  
26 within 20 working days from receipt of the results from the contractor.

27 (b) If the LEA receives the reports for the achievement tests conducted pursuant to  
28 Education Code section 60640 from the contractor after the last day of instruction for  
29 the school year, the LEA shall make the report available to the parent or guardian no  
30 later than the first 20 working days of the next school year.

31 (c) Schools are responsible for maintaining pupil's scores with the pupil's permanent  
32 school records or for entering the scores into electronic pupil records, and for forwarding

1 or transmitting the results to schools to which pupils matriculate or transfer. Schools  
2 may annotate the scores when the scores may not accurately reflect pupils'  
3 achievement due to illness or testing irregularities.

4 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
5 Sections 49062, 49068, 60607, 60640 and 60641, Education Code.

6  
7 **§ 864. LEA Compliance with Contractor Requirements.**

8 (a) An LEA is an agent of the CDE for the purpose of administering a CAASPP test.

9 (b) In order for the state to meet its obligations in the development, administration,  
10 and security of valid and reliable tests, and the reporting of accurate tests, LEAs shall:

11 (1) comply with any and all requests from CAASPP contractor(s) in accordance with  
12 Education Code section 60641; ~~and~~

13 (2) abide by any and all instructions provided by the CAASPP contractor or  
14 consortium, whether written or oral, that are presented for training or provided for in the  
15 administration of a CAASPP test; ~~and-~~

16 (3) follow all instructions in the corresponding TAM for each CAASPP achievement  
17 test.

18 NOTE: Authority cited: Sections 33031, 60605, 60613 and 60640, Education Code.  
19 Reference: Sections 60605, 60610, 60640, 60641 and 60643, Education Code; 20  
20 U.S.C. Section 1232g; and 34 C.F.R. Section 99.3.

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32 10-23-15 [California Department of Education]



**CALIFORNIA DEPARTMENT OF EDUCATION**  
**TOM TORLAKSON**, State Superintendent of Public Instruction  
916-319-0800

1430 N Street Sacramento, CA 95814-5901

**CALIFORNIA STATE BOARD OF EDUCATION**  
**MICHAEL W. KIRST**, President  
916-319-0827

November 5, 2015

**NOTICE OF PROPOSED EMERGENCY ACTION**  
California Assessment of Student Performance and Progress

Pursuant to the requirements of Government Code section 11346.1(a)(1), the State Board of Education (SBE) is providing notice of proposed emergency action with regards to the above-entitled emergency regulation.

**SUBMISSION OF COMMENTS**

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a Notice of the Proposed Emergency Action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at the OAL within five days after the SBE submits the emergency regulations to the OAL for review.

Please reference submitted comments as regarding "California Assessment of Student Performance and Progress" addressed to:

Mailing Address: Reference Attorney  
Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

Debra Thacker, Reg Coordinator  
California Department of Education  
Administrative Support &  
Regulations Adoption  
1430 N Street, Suite 5319  
Sacramento, CA 95814

E-mail Address: [staff@oal.ca.gov](mailto:staff@oal.ca.gov)  
Fax No.: 916-323-6826

[regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov)  
916-319-0155

For the status of the SBE submittal to the OAL for review, and the end of the five-day written submittal period, please consult the Web site of the OAL at <http://www.oal.ca.gov> under the heading "Emergency Regulations."



**California State Board of Education**  
**Meeting Agenda Items for November 4-5, 2015**

**REVISION INFORMATION**



October 28, 2015

To Whom It May Concern:

**NOVEMBER 2015 STATE BOARD MEETING REVISED ITEMS 5 AND 6  
FOR CAASPP REGULATIONS WEB POSTINGS**

The purpose of this letter is to inform you that revised versions of the following agenda items for the California Assessment of Student Performance and Progress (CAASPP) have been posted:

- Revised Item 5 - California Assessment of Student Performance and Progress: Approve Commencement of Rulemaking Process for Amendments to the California Code of Regulations, Title 5, Sections 850 through 864.
- Revised Item 6 - California Assessment of Student Performance and Progress: Approve the Finding of Emergency and Proposed Emergency Regulations for Amendments to the *California Code of Regulations*, Title 5, Sections 850 through 864.

The re-posting of these items was necessary in order to replace the incorrect draft versions that were inadvertently posted on October 23, 2015, with the updated correct versions. The majority of the edits for both items were minor and made to conform changes in language, ensure consistency of terms, correct formatting, and correct numbering of sections. All substantive changes made to the text of the proposed regulations (Item 5, Attachment 3 and Item 6, Attachment 2) are shown in the table below. Corresponding edits to the Initial Statement of Reasons (ISOR) (Attachment 2 of Item 5) were also made along with edits to correct incomplete entries of the originally posted draft. These are listed on page 3. In addition, in the Finding of Emergency document (Attachment 1 for Revised Item 6, page 6), the titles and links for two reports were updated.

[Note that in the following comparison between the original and revised versions, the text originally proposed to be added is underlined and the text proposed to be deleted contains strikeouts.]

<b>Changes to Item 5 (Attachment 3) and Item 6 (Attachment 2) Title 5 of the California Code of Regulations</b>	
<b>Original Posted Version 10/23/15</b>	<b>Revised Version 10/28/15</b>
<p><b>Page 4, line 14, § 850 ( t)(s):</b></p> <p>( <del>t</del> ) ( <del>s</del> ) “Primary language test” means a test as provided in Education Code sections 60640(b) and ( <del>e</del> ) (j) and its <u>corresponding</u> test materials in each primary language for which a test is available for English Learners (ELs) <u>and pupils enrolled in dual immersion program</u>. The primary language test is the Standards-based Tests in Spanish (STS).</p>	<p><b>Page 4 of 30, line 17§ 850 ( t)(s):</b></p> <p>(<del>t</del>)(<del>s</del>) “Primary language test” means a test as provided in Education Code sections 60640(b) and ( <del>e</del> )(j) and its <u>corresponding</u> test materials in each primary language for which a test is available for English Learners (ELs) <u>and pupils enrolled in dual immersion program</u>. The primary language test is the Standards-based Tests in Spanish (STS), <u>until a successor test becomes available</u>.</p>

<p>Added subsection (f) to § 858</p>	<p><b>Page 21 of 30, line 15, § 858 (f):</b>   <u>(f) The CAASPP test site coordinator shall be responsible for maintaining registration accounts for educators at their site for administering, reporting, and using the CAASPP system, including, but not limited to, access to the formative assessment tools.</u></p>
<p><b>Page 28 of 30, line 2, § 862(a)(1):</b>   (1) The number of pupils enrolled in each school and in the LEA on the <del>first</del> <u>last</u> day of testing:-</p>	<p><b>Page 27 of 30, line 31:</b>   (1) The number of pupils enrolled in each school and in the LEA <del>on the first day of</del> <u>testing</u>:-</p>
<p><b>Page 28 of 30, line 26, § 862 (b)(2)(A):</b>   (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE <del>by December 31</del> <u>within 90 calendar days from the date the apportionment information report is electronically sent to the LEA, or</u></p>	<p><b>Page 28 of 30, line 24, § 862 (b)(2)(A):</b>   (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by <del>December</del> <u>March</u> 31, or</p>
<p><b>Page 28 of 30, line 29, § 862 (b)(2)(B):</b>   (B) if transmitted after <del>December 31</del> <u>the 90 days</u>, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports transmitted after <del>December 31</del> <u>the 90 days</u>, apportionment payment is contingent upon the availability of an appropriation for this purpose <del>in</del> <u>for</u> the fiscal year in which the testing window began.</p>	<p><b>Page 28 of 30, line 25, § 862 (b)(2)(B):</b>   (B) if transmitted after <del>December 31</del> <u>March 1</u>, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports transmitted after <del>December 31</del> <u>March 1</u>, apportionment payment is contingent upon the availability of an appropriation for this purpose <del>in</del> <u>for</u> the fiscal year in which the testing window began.</p>
<p><b>Page 29 of 30, line 6, § 862.5 (a):</b>   (a) The amount of funding to be apportioned to the LEA shall be the amount established by the SBE per the number of tests administered to eligible pupils, and the number of pupils enrolled on the <del>first</del> <u>last</u> day of testing who were not tested in the LEA. The number of tests administered and the number of pupils not tested shall be determined by the certification of the LEA CAASPP coordinator pursuant to section 862.</p>	<p><b>Page 29 of 30, line 2, § 862.5 (a):</b>   (a) The amount of funding to be apportioned to the LEA shall be <u>calculated using the rates</u> <del>amount</del> established by the SBE <u>annually for each CAASPP achievement test</u> <del>per the number of tests administered to eligible pupils, and the number of pupils enrolled on the first day of testing who were not tested in the LEA.</del> The <u>amount of funding to be apportioned</u> <del>number of tests administered and the number of pupils not tested</del> shall be determined by the certification of the LEA CAASPP coordinator pursuant to section 862.</p>

Following is a list of major additions and changes made to the ISOR (Attachment 2) in the Revised Item 5:

<b>ISOR Page Number</b>	<b>Section Reference</b>
4	850 (o)
4	850 (t)
5	850 (af)
5	850 (ai)
7	853.5 (c)(5)
8	853.5 (g)
8	853.7 (a)
8	853.7 (a)(5)
9	853.7 (b)
11	858 (a)
12	858 (f)
12	862 (a)(1)
13	862 (b)(2)(A) and (b)(2)(B)
13	862.5 (a)
13	<b>Other change</b>  Updated version of the Smarter Balanced Usability, Accessibility, and Accommodations Guidelines and Web link

Sincerely,

/s/

Keric Ashley, Deputy Superintendent  
District, School, and Innovation Branch

KA:sr