

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

4
5 **Title 5. EDUCATION**

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

7 **Chapter 2. Pupils**

8 **Subchapter 3.75. Standardized Testing and Reporting Program**

9 **Article 1. General**

10 **§ 850. Definitions.**

11 For the purposes of the Standardized Testing and Reporting (STAR) Program, the
12 following terms shall have the following meanings unless the context indicates
13 otherwise:

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

18 (b) "Administration period" means one of multiple test administration periods used
19 by school districts with schools or programs on non-traditional calendars that begin and
20 complete the school year at various times and have staggered vacation periods, ~~in~~
21 ~~order~~ to ensure that all pupils are tested at approximately the same point in the
22 instructional year.

23 (c) "Alternate assessment" means an assessment as provided in Education Code
24 section 60640(e) and its test materials developed to measure the degree to which
25 pupils with exceptional needs who are unable to take the California Standards-based
26 achievement tests even with accommodations or modifications are achieving the state
27 content standards. The alternate assessments for the STAR Program are the
28 California Alternate Performance Assessment and the California Modified Assessment
29 ~~include administration manuals, administrative materials, and documents on which the~~
30 ~~test examiner records the pupils' responses.~~

31 (d) "Alternate performance assessment" means an alternate assessment as
32 provided in Education Code section 60640(e) and its test materials for pupils with

1 significant cognitive disabilities. The alternate performance assessment for the STAR
2 Program is the California Alternate Performance Assessment.

3 (e) "California Alternate Performance Assessment" is the alternate assessment as
4 provided in Education Code section 60640(e) and its test materials for pupils with
5 significant cognitive disabilities.

6 (f) "California Modified Assessment" is the alternate assessment based on modified
7 achievement standards as provided in Education Code section 60640(e) and its test
8 materials.

9 (g)(e) "California Standards Tests" means an assessment as provided in Education
10 Code section 60642.5 and its test materials that measures the degree to which pupils
11 are achieving the state content standards.

12 (h)(e) "CDE Department" means the California Department of Education.

13 ~~(f) "Designated achievement test" means an assessment as provided in Education~~
14 ~~Code sections 60640(b) and 60642 for grades 3 and 7. The designated achievement~~
15 ~~test includes test booklets, test answer documents, administration manuals, and~~
16 ~~administrative materials.~~

17 (i)(h) "Eligible pupil" is any pupil in grades 2 to 11, inclusive, who is not otherwise
18 exempted pursuant to Education Code section 60615.

19 ~~(1) For the designated achievement test, an eligible pupil is any pupil in grades 3 or~~
20 ~~7.~~

21 ~~(1)(2) For the designated primary language test and the standards-based test in~~
22 ~~Spanish, an eligible pupil is an English learner in grades 2 to 11 with a primary~~
23 ~~language for which a test is required or optional pursuant to Education Code section~~
24 ~~60640.~~

25 (2) For the California Alternate Performance Assessment, an eligible pupil is any
26 pupil in grades 2 to 11, inclusive, who has an individualized education program (IEP)
27 that designates the use of the alternate performance assessment and is unable to take
28 the California Standards Tests even with accommodations or modifications.

29 (3) For the California Modified Assessment, an eligible pupil is any pupil in grades 3
30 to 11, inclusive, who has an IEP, meets the State Board of Education (SBE)-adopted
31 eligibility criteria, and whose IEP designates the use of the modified assessment in one

1 or more content areas.

2 ~~(j)(i)~~ “Grade” means the grade assigned to the pupil by the school district at the time
3 of testing.

4 ~~(k)(i)~~ “Modification” means any variation in the assessment environment or process
5 that fundamentally alters what the test measures or affects the comparability of scores.

6 (l) “Modified assessment” means an alternate assessment based on modified
7 achievement standards as provided in Education Code section 60640(e) and its test
8 materials. The modified assessment for the STAR Program is the California Modified
9 Assessment.

10 ~~(m)(k)~~ “Nonpublic schools (NPS)” are nonpublic, nonsectarian schools as set forth
11 in California Education Code section 56034.

12 ~~(n)(g)~~ “~~Designated p~~Primary language test” means an assessment as provided in
13 Education Code sections 60640(f)(1) and (2) and 60640(g) and its test materials in
14 each primary language for which a test is available for pupils students with limited
15 English proficiency ~~and includes the test booklets, test answer documents,~~
16 ~~administration manuals, administrative materials and practice tests. The primary~~
17 language test for the STAR Program is the Standards-based Tests in Spanish.

18 ~~(o)(f)~~ “School districts” includes elementary, high school, and unified school districts;
19 county offices of education; ~~and~~ any charter school that for assessment purposes does
20 not elect to be part of the school district or county office of education that granted the
21 charter; any statewide benefit charter; and any other charter school chartered by the
22 ~~State Board of Education~~ SBE.

23 ~~(p)(m)~~ “Scribe” is an employee of the school district, or a person assigned by a
24 nonpublic school to implement a pupil’s IEP who has signed a STAR Test Security
25 Affidavit and is required to transcribe a pupil’s responses to the format required by the
26 test. A pupil’s ~~student’s~~ parent or guardian is not eligible to be the pupil’s a scribe.

27 ~~(q)(n)~~ A “significant medical emergency” is a significant accident, trauma, or illness
28 (mental or physical) that precludes a pupil in grades 2 to 11, inclusive, from taking the
29 standards-based achievement tests ~~or the designated achievement test.~~ An accident,
30 trauma, or illness is significant if the pupil has been determined by a licensed physician
31 to be unable to participate in the tests.

1 ~~(r)(e)~~ “Standards-based achievement tests” means an assessment that measures
2 the degree to which pupils are achieving the state content standards as provided in
3 Education Code sections 60640(e) alternate assessment(s), Education Code section
4 60642.5 California Standards Tests, and Education Code section 60640(f)(3)
5 Standards-based Tests in Spanish, and its test materials and ~~60642.5 California~~
6 ~~Standards Tests. The standards-based achievement tests include test booklets, test~~
7 ~~answer documents, administration manuals, administrative materials, practice tests and~~
8 ~~other materials developed and provided by the contractor of the tests. The STAR~~
9 ~~Program alternate assessments, the California Alternate Performance Assessment and~~
10 ~~the California Modified Assessment, are standards-based achievement tests.~~

11 ~~(s)(p)~~ “Standards-based Tests in Spanish” ~~is the~~ means an standards-based
12 achievement test assessment as provided in Education Code section 60640(f)(3), and
13 its test materials, that is administered as the primary language test as provided in
14 Education Code sections 60640(f) and (g) for pupils whose primary language is
15 Spanish in the dominant primary language of limited-English proficient students
16 ~~enrolled in California public schools that measures the degree to which pupils are~~
17 ~~achieving the state content standards.~~

18 ~~(t)~~ “STAR writing portion of the English-language arts tests” is the performance
19 component of the standards-based achievement tests.

20 ~~(u)(e)~~ “Test examiner” is an employee or contractor of a school district or an
21 employee of a nonpublic school who has been trained to administer the tests and has
22 signed a STAR Test Security Affidavit. For the alternate performance assessment, the
23 test examiner must be a certificated or licensed school, district, or county staff member.

24 ~~(v)~~ “Test materials” include administration manuals, administrative materials, test
25 booklets, practice tests, and test answer documents provided as part of the
26 administration of the STAR Program assessments.

27 ~~(w)(f)~~ “Test proctor” is an employee of a school district, or a person assigned by a
28 nonpublic school to implement a pupil’s IEP, who has signed a STAR Test Security
29 Affidavit and has received training designed to prepare him or her to assist the test
30 examiner in the administration of tests within the STAR Program.

1 (x) "Translator" is a person who has been assigned to translate the test directions
2 into the pupil's primary language pursuant to sections 853.5(f) and 853.7(f), who has
3 signed a Test Security Affidavit as identified in section 859(d), and who has received
4 training specifically designed to prepare him or her to assist the test examiner in the
5 administration of the STAR Program assessments. A pupil's parent or guardian is not
6 eligible to be the pupil's translator. A translator must be:

7 (1) an employee of the school district;

8 (2) an employee of the nonpublic school; or

9 (3) supervised by an employee of the school district or an employee of the
10 nonpublic school.

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

14 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
15 Sections 47605, 47605.8, 56034, 60605, 60615, 60640, 60642 and 60642.5, Education
16 Code; 34 C.F.R. Sections 200.1(d) and (e); 5 CCR 11967.6.

17
18 **Article 2. ~~Designated Achievement Test, Standards-Based~~**
19 **Achievement Tests, Alternate Assessments, and Any Designated Primary**
20 **Language Test**

21 **§ 851. Pupil Testing.**

22 (a) School districts shall administer the ~~designated achievement test, and~~
23 ~~standards-based achievement tests and the designated primary language test, if any,~~
24 ~~to each eligible pupil, enrolled in a school district on the date testing begins in the~~
25 ~~pupil's school or school district.~~

26 (b) School districts shall make whatever arrangements are necessary to test all
27 eligible pupils in alternative education programs or programs conducted off campus,
28 including, but not limited to, continuation schools, independent study, community day
29 schools, ~~or county community schools,~~ juvenile court schools, or nonpublic schools.

30 (c) No test may be administered in a home or hospital except by a test examiner.
31 No test shall be administered to a pupil by the parent or guardian of that pupil. This

1 subdivision does not prevent classroom aides from assisting in the administration of the
2 test under the supervision of a test examiner provided that the classroom aide does not
3 assist his or her own child and that the classroom aide signs a security affidavit.

4 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
5 Sections 48645.1, 60605, 60640 and 60642, Education Code.

7 **§ 852. Pupil Exemptions.**

8 A parent or guardian may submit to the school a written request to excuse his or her
9 child from any or all parts of any test provided pursuant to Education Code section
10 60640. If a parent or guardian submits an exemption request after testing has begun,
11 any test(s) completed before the request is submitted will be scored and the results
12 reported to the parent or guardian and included in the pupil's records. A school district
13 and its employees may discuss the ~~Standardized Testing and Reporting~~ STAR
14 Program with parents and may inform parents of the availability of exemptions under
15 Education Code section 60615. ~~However, t~~The school district and its employees shall
16 not solicit or encourage any written exemption request on behalf of any child or group
17 of children.

18 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
19 Sections 60605, 60615, and 60640 and 60641, Education Code.

21 **§ 853. Administration.**

22 The ~~designated achievement test,~~ standards-based achievement tests and the
23 ~~designated~~ primary language test, if any, shall be administered and returned by school
24 districts in accordance with the manuals or other instructions provided by the contractor
25 for administering and returning the tests unless specifically provided otherwise in this
26 subchapter including instructions for administering the test with variations,
27 accommodations, and modifications specified in section 853.5. The procedures shall
28 include, but are not limited to, those designed to ensure ~~insure~~ the uniform and
29 standard administration of the tests to pupils, the security and integrity of the test
30 content and test items, and the timely provision of all required pupil ~~student~~ and school
31 level information.

1 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:
2 Sections 60605, 60640, and 60642, Education Code; ~~and 20 USC Section 6314.~~

3
4 **§ 853.5. Use of Variations, Accommodations, and Modifications.**

5 (a) School districts may provide all pupils the following variations on the California
6 Standards Tests, the California Modified Assessment, and the Standards-based Tests
7 in Spanish:

8 (1) have test directions simplified or clarified.

9 (2) write in test booklets; ~~for example, for grades 2 to 11, on the standards-based~~
10 ~~achievement test inclusive, e.g.,~~ underlining, highlighting, or working math problems.

11 Tests booklets for grades 2 and 3 must have aAny marks other than those in response
12 circles for grades 2 and 3 must be erased or pupil responses must be transcribed into
13 new test booklet(s) to ensure that the tests can be scored.

14 (3) test in a small group setting.

15 (4)(3) have as much time as needed within a single sitting to complete a test or test
16 part on the standards-based achievement tests.

17 (b) School districts may provide all pupils the following testing variations on the
18 California Standards Tests, the California Modified Assessment, and the Standards-
19 based Tests in Spanish if regularly used in the classroom:

20 (1) special or adaptive furniture.

21 (2) special lighting, special acoustics, noise-canceling devices, or visual magnifying
22 equipment, or audio amplification equipment.

23 (3) an individual carrel or study enclosure.

24 (4) test individually in a separate room provided that an employee of the school,
25 school district, or nonpublic school, who has signed the STAR Test Security Affidavit,
26 directly supervises the pupil.

27 (5) colored overlay, mask, or other means to maintain visual attention to the test or
28 test questions.

29 (6) Manually Coded English or American Sign Language to present directions for
30 administration.

31 (c) School districts shall permit eEligible pupils with disabilities ~~who have IEPs and~~

1 ~~pupils with Section 504 plans shall be permitted~~ the following presentation, response,
2 or setting accommodations on the California Standards Tests, the California Modified
3 Assessment, and the Standards-based Tests in Spanish, if specified in the eligible
4 pupil's IEP or Section 504 Pplan:

5 (1) large print versions.

6 (2) test items enlarged if font larger than that used on large print versions is
7 required.

8 (3) Braille transcriptions provided by the test contractor.

9 (4) audio or oral presentation of the mathematics, science, or history-social science
10 tests.

11 (5) Manually Coded English or American Sign Language to present test questions
12 on the mathematics, science, or history-social science tests.

13 (6) for grades 4 to 11 responses marked in test booklet and transferred to the
14 answer document by a school, school district, or nonpublic school employee who has
15 signed the STAR Test Security Affidavit.

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

18 (8) responses dictated to a scribe, audio recorder, or speech to text converter on
19 the writing portion of the English-language arts tests, and the pupil indicates all spelling
20 and language conventions.

21 (9) use of word processing software with spell and grammar check tools turned off
22 on the writing portion of the English-language arts tests.

23 (10) use of an assistive device that does not interfere with the independent work of
24 the student on the multiple-choice or writing portion of the test.

25 (11) supervised breaks within a section of the test.

26 (12) administration of the test at the most beneficial time of day to the pupil.

27 (13) administration of any test or test part to be given in a single sitting over more
28 than one day except for the writing portion of the English-language arts tests.

29 (14) test administered by a test examiner to a pupil at home or in the hospital.

30 (15) ~~extra time within the testing day on the designated achievement test~~ audio or
31 oral presentation of any prompts or passages present in the STAR writing portion of the

1 English-language arts tests.

2 (16) Manually Coded English or American Sign Language to present any prompts or
3 passages present in the STAR writing portion of the English-language arts tests.

4 (d) School districts shall permit eligible pupils with disabilities who have an IEP the
5 following additional presentation, response, or setting accommodations on the
6 California Modified Assessment, if specified in the eligible pupil's IEP or Section 504
7 Plan:

8 (1) audio or oral presentation of test questions and answer options on the English-
9 language arts multiple-choice tests.

10 (2) Manually Coded English or American Sign Language to present test questions
11 on the English-language arts multiple-choice tests.

12 (3) use of a calculator on the mathematics test in grade 5.

13 (4) use of manipulatives on the mathematics and science tests.

14 (e)(d) School districts shall permit eEligible pupils with disabilities shall be permitted
15 the following modifications on the California Standards Tests and the Standards-based
16 Tests in Spanish if specified in the eligible pupil's IEP or Section 504 Plan:

17 (1) calculators, arithmetic tables, and formulaes or mathematics manipulatives not
18 provided in the test materials on the mathematics or science tests.

19 (2) audio or oral presentation of the English-language arts multiple-choice tests.

20 (3) Manually Coded English or American Sign Language to present test questions
21 on the English-language arts multiple-choice tests.

22 (4) spellcheckers, grammar checkers, or word processing software programs that
23 check or correct spelling and/or grammar on the writing portion of the English-language
24 arts tests.

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

30 (6) responses dictated orally, in Manually Coded English or American Sign
31 Language to provide an essay response to a scribe and the scribe provides spelling,

1 grammar, and language conventions.

2 (7) dictionary.

3 ~~(f)(e)~~ If the school district, pupil's IEP team or Section 504 plan proposes a variation
4 for use on the ~~designated achievement test, the standards-based achievement tests,~~ or
5 the ~~designated~~ primary language test, if any, that has not been listed in this section, the
6 school district may submit, to the ~~Department,~~ CDE for review of the proposed variation
7 ~~in administering the designated achievement test, standards-based achievement tests~~
8 ~~or designated primary language test.~~

9 ~~(g)(f)~~ School districts shall provide identified English learner pupils the following
10 testing variations if regularly used in the classroom or for assessment:

11 (1) ~~Flexible setting.~~ Tested in a separate room with other English learners provided
12 that an employee of the school, school district, or nonpublic school, who has signed the
13 Test Security Affidavit, directly supervises the pupil.

14 (2) ~~Flexible schedule.~~ Additional supervised breaks following each section within a
15 test part provided that the test section is completed within a testing day. A test section
16 is identified by a "STOP" at the end of it.

17 (3) ~~Translated directions.~~ ~~Hear t~~The test directions printed in the test administration
18 manual may be translated into an English learner's ~~their~~ primary language. English
19 learners shall have the opportunity to ask clarifying questions about any test directions
20 presented orally in their primary language.

21 (4) ~~Glossaries.~~ Access to translation glossaries/word lists for the standards-based
22 achievement tests in mathematics, science, and history-social science (English to
23 primary language). The translation glossaries/word lists are to include only the English
24 word or phrase with the corresponding primary language word or phrase. The
25 glossaries/ or word lists shall include no definitions, parts of speech, or formulaes.

26 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:
27 Sections 60605 and 60640, Education Code; ~~and 20 USC Section 6311~~ 34 C.F.R.
28 Section 300.160(b).

29

30 **§ 854. Advance Preparation for the Tests.**

31 (a) Except for materials specifically provided by the ~~Department~~ CDE or its agents,

1 no program or materials shall be used by any school district or employee of a school
2 district that are specifically formulated or intended to prepare pupils for the ~~designated~~
3 ~~achievement tests~~, standards-based achievement tests, or the ~~designated primary~~
4 ~~language test, if any~~. No administration or use of an alternate or parallel form ~~of the~~
5 ~~designated achievement test or the designated primary language test~~ shall be used as
6 practice for any pupils ~~in grades 2 to 11, inclusive~~.

7 (b) Practice tests provided by the contractor as part of the standards-based
8 achievement tests and the ~~designated primary language test, if any~~, for the limited
9 purpose of familiarizing pupils with the use of scannable test booklets or answer sheets
10 and the format of test items are not subject to the prohibition of subdivision (a).

11 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
12 Sections 60605, 60611, and 60640 and 60642, Education Code.

13
14 **§ 855. Testing Period.**

15 (a)(1) The standards-based achievement tests and the designated primary
16 language achievement test, if any and the ~~standards-based achievement tests~~, except
17 ~~for the STAR writing assessment as specified below in subdivision (c)~~, shall be
18 administered to each pupil during a testing window of ~~24~~ 25 instructional days that
19 includes ~~40~~ 12 instructional days before and after completion of 85% of the school's,
20 track's, or program's instructional days. Testing for all pupils, including makeup testing,
21 is to be completed within this ~~24~~ 25 instructional day window.

22 (2) Each school district shall provide for at least two makeup days of testing for
23 pupils who were absent during the period in which any school administered the
24 standards-based designated achievement tests and the primary language test, if any
25 ~~and the standards-based achievement tests~~. All makeup testing shall occur within five
26 instructional days of the last date that the school district administered the tests but not
27 later than the end of the ~~24~~ 25 instructional day period established in subdivision (a)(1).

28 ~~(b)(1) Any designated primary language test or tests, as applicable, shall be~~
29 ~~administered between March 15 and May 14, inclusive, of each school year.~~

30 ~~(2) Each school district shall provide for at least two makeup days of testing for~~
31 ~~pupils who were absent during the period that any school administered any designated~~

1 primary language test or tests. All makeup testing shall occur within ten instructional
2 days of the last date that the school district administered any designated primary
3 language test or tests, but not later than May 25th of each school year, whichever is
4 earlier.

5 (3) A school district with schools operating on a multitrack year round schedule may
6 submit a request to the contractor to begin testing no earlier than the fourth Monday in
7 February.

8 ~~(b)(e)~~ The STAR writing portion of the English-language arts tests assessment shall
9 be administered to each eligible pupil only on the day(s) specified annually by the State
10 Superintendent of Public Instruction. An eligible pupil for purposes of the writing
11 component assessment is a pupil taking the standards-based achievement tests for a
12 grade at which the writing component test will be administered.

13 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
14 Sections 60605, 60640, 60642 and 60642.5, Education Code.

15
16 **§ 857. District STAR Coordinator.**

17 (a) On or before September 30 of each school year, the superintendent of each
18 school district shall designate from among the employees of the school district a district
19 STAR coordinator. The district STAR coordinator, or the school district superintendent
20 or his or her designee, shall be available through August 15 of the following year to
21 complete school district testing. The school district shall notify the contractor(s) of the
22 identity and contact information, including electronic mail address, if available in the
23 school district, for the district STAR coordinator and for the superintendent and his or
24 her designee, if any. The district STAR coordinator shall serve as the school district
25 representative and the liaison between the school district and the contractor(s) and the
26 school district and the ~~Department~~ CDE for all matters related to the STAR Program. A
27 school district superintendent may designate a separate STAR program district
28 coordinator for any ~~designated~~ primary language test.

29 (b) The district STAR coordinator's responsibilities shall include, but not be limited
30 to, all of the following duties:

31 (1) Responding to correspondence and inquiries from the contractor and from the

1 Department CDE in a timely manner and as provided in the contractor's instructions
2 and these regulations.

3 (2) Determining school district and individual school test and test material needs in
4 conjunction with schools within the district and the contractor, using current enrollment
5 data and communicating school district test material needs to the contractor on or
6 before December 1.

7 (3) Ensuring delivery of tests and test materials to the test sites no more than ten or
8 fewer than five working days before the first day of testing designated by the district.

9 (4) Coordinating the testing and makeup testing days for the school district and for
10 those pupils of the district who are enrolled in nonpublic schools within any required
11 time periods with the school test site coordinators. Overseeing the collection of all pupil
12 data as required to comply with section 861.

13 (5) Maintaining security over ~~the designated achievement test~~, the standards-based
14 achievement tests and the ~~designated~~ primary language test, if any, and test data using
15 the procedure set forth in section 859. The district STAR coordinator shall sign the
16 security agreement set forth in section 859 and submit it to the contractor prior to
17 receipt of the test materials from the contractor.

18 (6) Overseeing the administration of ~~the designated achievement test~~, the
19 standards-based achievement tests and the ~~designated~~ primary language test, if any,
20 to eligible pupils.

21 (7) Overseeing the collection and return of all test materials and test data to the
22 contractor within any required time periods.

23 (8) Assisting the contractor and the Department CDE in the resolution of any
24 discrepancies in the test information and materials, including but not limited to, pre-
25 identification files and all pupil level data required to comply with sections 861 and 862.

26 (9) Immediately notifying the Department CDE of any security breaches or testing
27 irregularities in the district before, during, or after the test administration.

28 (10) Ensuring that an answer document is submitted for scoring for each eligible
29 pupil enrolled in the district on the first day of testing.

30 (11) After receiving summary reports and files from the contractor, the district STAR
31 coordinator shall review the files and reports for completeness and accuracy, and shall

1 notify the contractor and the Department CDE of any errors, discrepancies, or
2 incomplete information.

3 (12) Training test site coordinators to oversee the test administration at each school.

4 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
5 Sections 52052, 60605, 60630, and 60640, and 60642, Education Code; ~~and 20 USC~~
6 ~~Section 6314~~.

7
8 **§ 858. STAR Test Site Coordinator.**

9 (a) At each test site, including but not limited to, each elementary, middle, and high
10 school or other grade-span designated school, each charter school, each court-school,
11 each school or program operated by a school district, and all other public programs
12 serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school
13 district or the district STAR coordinator shall designate a STAR test site coordinator
14 from among the employees of the school district. The STAR test site coordinator, or the
15 site principal or his or her designee, shall be available to the district STAR coordinator,
16 ~~and the district coordinator for the designated primary language test~~ by telephone
17 through August 15 for purposes of resolving discrepancies or inconsistencies in
18 materials or errors in reports.

19 (b) The STAR test site coordinator's responsibilities shall include, but are not limited
20 to, all of the following duties:

21 (1) Determining site test and test material needs and communicating the site needs
22 to the district STAR coordinator.

23 (2) Overseeing the acquisition and distribution of tests and test materials at the test
24 site, including but not limited to, distributing test materials to test examiners on each
25 day of testing in accordance with the contractor's directions.

26 (3) Cooperating with the district STAR coordinator to provide the testing and
27 makeup testing days for the site within any required time periods.

28 (4) Maintaining security over ~~the designated achievement test~~, the standards-based
29 achievement tests, ~~and the designated primary language test~~, if any, and test data. The
30 STAR test site coordinator shall sign the security agreement set forth in section 859
31 and submit it to the district STAR coordinator prior to the receipt of the test materials.

1 (5) Arranging for and overseeing the administration of ~~the designated achievement~~
2 ~~test~~, the standards-based achievement tests, and the ~~designated~~ primary language
3 ~~test, if any~~, to eligible pupils at the test site.

4 (6) Overseeing the collection and return of all testing materials to the district STAR
5 coordinator.

6 (7) Assisting the district STAR coordinator, the contractor, and the ~~Department~~ CDE
7 in the resolution of any discrepancies in the test information and materials.

8 (8) Overseeing the collection of all pupil level and other data required to comply with
9 sections 861 and 862.

10 (9) Ensuring that an answer document is submitted for scoring for each eligible pupil
11 enrolled in the school on the first day of testing for ~~the designated achievement test or~~
12 ~~the standards-based achievement tests~~ and the primary language test, if any.

13 (10) Ensuring that for each pupil tested only one scannable answer document is
14 submitted for scoring, except that for each pupil tested at grades for which the
15 contractor has designated the use of more than one answer document. An answer
16 document for the STAR writing portion of the English-language arts tests ~~assessment~~
17 administered pursuant to section 855(c) shall be submitted in addition to the answer
18 document for the multiple choice items.

19 (11) Immediately notifying the district STAR coordinator of any security breaches or
20 testing irregularities that occur in the administration of the ~~designated achievement test,~~
21 ~~the standards-based achievement tests,~~ or the ~~designated~~ primary language test, if
22 any, that violate the terms of the STAR Security Affidavit in section 859.

23 (12) Training all test examiners, translators, and proctors, ~~and scribes~~ for
24 administering the tests.

25 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
26 Sections 60605, 60630, ~~and 60640,~~ and 60642, Education Code; ~~and 20 USC Section~~
27 ~~6344~~.

28
29 **§ 859. STAR Test Security Agreement and Test Security Affidavit.**

30 (a) All STAR district and test site coordinators (coordinators) shall sign the STAR
31 Test Security Agreement set forth in subdivision (b) before receiving the any

1 ~~designated achievement test~~, standards-based achievement tests, or the designated
2 primary language test, if any, or test materials.

3 (b) The STAR Test Security Agreement shall be as follows:

4 STAR TEST SECURITY AGREEMENT

5 I acknowledge by my signature on this form that ~~the designated achievement test~~,
6 the standards-based achievement tests, and the ~~designated~~ primary language test are
7 secure tests and agree to each of the following conditions to ensure test security:

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

11 (2) I will keep on file the names of all persons having access to tests and test
12 materials. All persons having access to the materials shall be required ~~by the~~
13 ~~coordinator~~ to sign the STAR Test Security Affidavit that will be kept on file in the
14 school district office.

15 (3) I will keep ~~the designated achievement test~~, the standards-based achievement
16 tests, and the ~~designated~~ primary language test and test materials in a secure, locked
17 location and will deliver tests and test materials only to those persons who have
18 executed STAR Test Security Affidavits, on actual testing dates as provided in section
19 859(d) with the exception of subdivision (4) below.

20 (4) I will keep the alternate performance assessment materials in a secure locked
21 location when not being used by examiners to prepare for and to administer the
22 assessment. I will adhere to the contractor's directions for the distribution of the
23 assessment materials to examiners.

24 (5) I will not copy any part of the tests or test materials without written permission
25 from the ~~Department~~ CDE to do so.

26 (6) I will not disclose, or allow to be disclosed, the contents of, the tests or the test
27 instruments. I will not review any test questions, passages, or other test items with any
28 other person before, during, or after the test administration.

29 (7) I will not ~~review test questions~~, develop ~~any scoring keys~~, or review any pupil
30 responses, or prepare answer documents or ~~score any pupil responses~~ except as
31 required by the test contractor's administration manual(s) prepared by the testing

1 contractor.

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

4 Signed By: _____

5 Print Name: _____

6 Title: _____

7 School District: _____

8 Date: _____

9 (c) All test examiners, proctors, translators, scribes, and any other persons having
10 access to ~~the designated achievement test and test materials~~, the standards-based
11 achievement tests and test materials, and the ~~designated~~ primary language test and
12 test materials shall acknowledge the limited purpose of their access to the tests by
13 signing the STAR Test Security Affidavit set forth in subdivision (d).

14 (d) The STAR Test Security Affidavit shall be as follows:

15 STAR TEST SECURITY AFFIDAVIT

16 I acknowledge that I may ~~will~~ have access to ~~the designated achievement test~~, the
17 standards-based achievement tests, and/or the ~~designated~~ primary language test for
18 the purpose of administering the test(s). I understand that these materials are highly
19 secure, and it is my professional responsibility to protect their security as follows:

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

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

23 (3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.

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

26 (5) I will collect and account for all materials following each period of testing and will
27 not permit pupils to remove test materials from the room where testing takes place.

28 (6) I will not review any test questions, passages, or other test items independently
29 or with pupils or any other person before, during, or following testing.

30 (7) I will not develop scoring keys, ~~or~~ review ~~or score~~ any pupil responses, or
31 prepare answer documents except as required by the test contractor's administration

1 manual(s) prepared by the testing contractor to prepare answer documents for machine
2 or other scoring.

3 (8) I will return all test materials, ~~except for alternate assessment materials,~~ to the
4 designated STAR test site coordinator daily upon completion of testing with the
5 exception of subdivision (9) below.

6 (9) I will keep all alternate performance assessment materials in secure locked
7 storage except when I am administering or observing the administration of the
8 assessment to pupils.

9 (10) I will administer the test(s) in accordance with the directions for test
10 administration and test administration manuals prepared by the testing contractor set
11 forth in the contractor's manual for test administration.

12 (11) I have been trained to administer the tests.

13 Signed: _____

14 Print Name: _____

15 Position: _____

16 School: _____

17 School District: _____

18 Date: _____

19 (e) To maintain the security of the program, all district STAR coordinators and test
20 site coordinators are responsible for inventory control and shall use appropriate
21 inventory control forms to monitor and track test inventory.

22 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
23 Sections 60605, 60640, and 60642, Education Code.

24

25 **§ 861. School-By-School Analysis.**

26 (a) Each school district shall provide the contractor for the ~~designated achievement~~
27 ~~test and standards-based achievement tests,~~ and the primary language test, excluding
28 (6), (7), and (8), the following information for each pupil enrolled on the first day the
29 tests are administered ~~for purposes of the reporting required by the Academic~~
30 ~~Performance Index of the Public Schools Accountability Act (chapter 6.1, commencing~~
31 ~~with section 52050), section 60630, and chapter 5 (commencing with section 60640) of~~

1 ~~the Education Code:~~

2 (1) Pupil's full name.

3 (2) Date of birth.

4 (3) Grade level.

5 (4) Gender.

6 (5) English proficiency ~~and primary language.~~

7 (6) Primary language.

8 ~~(7)(6)~~ Date of English proficiency reclassification.

9 ~~(8)(7)~~ If R-FEP pupil scored proficient or above on the California English-Language
10 Arts Standards Test any three years times since reclassification.

11 ~~(9)(8)~~ Program participation.

12 ~~(10)(9)~~ Use of accommodations or modifications.

13 ~~(11)(10)~~ Statewide Student Identifier.

14 ~~(12)(11)~~ Parent or guardian education level.

15 ~~(13)(12)~~ School and district California Basic Educational Data System (CBEDS)
16 enrollment.

17 ~~(13)~~ ~~Grade last enrolled in school where being tested.~~

18 (14) For English learners, date first enrolled in school in the United States and ~~the~~
19 ~~length of time in U.S. schools~~ if they have been enrolled in school less than 12
20 cumulative months at the time of testing.

21 (15) Documented eligibility to participate ~~Participation~~ in the National School Lunch
22 Program.

23 (16) Race/eEthnicity.

24 (17) Primary disability code.

25 (18) Special Education Exit Date.

26 ~~(19)(18)~~ County and District ~~of residence~~ for pupils with IEPs if residence is other
27 than where pupil attends school or receives services.

28 ~~(20)(19)~~ Special testing conditions and/or reasons for not being tested.

29 ~~(21)(20)~~ Pupil Student enrolled in NPS by district based on IEP.

30 ~~(22)(21)~~ NPS school code.

31 (b) In addition to the demographic data required to be reported in section 861(a),

1 school districts may report if an eligible pupil is not tested ~~with the standards-based~~
2 ~~achievement tests~~ due to a significant medical emergency.

3 ~~(c) Each school district shall provide the contractor for the designated primary~~
4 ~~language test the information specified in subdivision (a) for each pupil assessed with~~
5 ~~the designated primary language test pursuant to Education Code section 60640.~~

6 ~~(c)(d)~~ The information is for the purposes of aggregate analyses only and shall be
7 provided and collected as part of the testing materials for ~~the designated achievement~~
8 ~~test, and the standards-based achievement tests~~ and the primary language test.

9 ~~(d)(e)~~ School districts shall provide the same information for each eligible pupil
10 enrolled in an alternative or off campus program or for pupils placed in nonpublic
11 schools as is provided for all other eligible pupils in grades 2 to 11, inclusive.

12 ~~(e)(f)~~ If the information required by section 861(a) is incorrect, the school district
13 may enter into a separate agreement with the contractor to have the district's student
14 data file corrected. The district STAR coordinator shall provide the correct information
15 to the contractor within the contractor's timeline. Any costs for correcting the student
16 data shall be the district's responsibility.

17 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
18 Sections 52050, 60605, 60630, 60640, 60642 and 60643, Education Code; 7 C.F.R.
19 Sections 245.2(a-4), 245.3 and 245.6.

21 **§ 862. Apportionment Information Report.**

22 (a) Annually, each school district shall receive an apportionment information report
23 with the following information by grade level for ~~the designated achievement test and~~
24 ~~the standards-based achievement tests~~ and the primary language test, if any ~~by grade~~
25 ~~level for each of grades 2 to 11, inclusive:~~

26 (1) The number of pupils enrolled in each school and in the school district on the
27 first day of testing as indicated by the number of alternate assessments and California
28 Standards Tests, excluding the STAR writing portion of the English-language arts tests,
29 answer documents submitted to the test contractor for scoring.

30 (2) The number of pupils in each school and in the school district tested with the
31 alternate performance assessment.

1 (3) The number of pupils in each school and in the school district exempted from
2 testing at the request of their parents or guardians pursuant to Education Code section
3 60615.

4 (4) The number of pupils who were administered any portion of the California
5 Standards Tests or the modified assessment designated achievement test excluding
6 the STAR writing portion of the English-language arts tests and standards-based
7 achievement tests.

8 (5) The number of pupils with demographic information only who were not tested for
9 any reason other than a parent/or guardian exemption.

10 ~~(b) Annually, each school district shall receive an apportionment information report~~
11 ~~for the designated primary language test with the following information by grade level~~
12 ~~for each of grades 2 to 11, inclusive:~~

13 ~~(6)(1)~~ The number of English language learners who were administered each
14 ~~designated~~ primary language test pursuant to Education Code section 60640(f).

15 ~~(7)(2)~~ The number of English language learners who were administered each
16 ~~designated~~ primary language test pursuant to Education Code section 60640(g).

17 ~~(b)(c)~~ To be eligible for apportionment payment for ~~the designated achievement~~
18 ~~test~~, the standards-based achievement tests and/~~or~~ the ~~designated~~ primary language
19 test, if any, school districts must meet the following conditions:

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

21 (2) The superintendent of each school district has certified the accuracy of the
22 apportionment information report for examinations administered during the calendar
23 year (January 1 through December 31), which is either;

24 (A) postmarked by December 31, or

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

30 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:
31 Sections 60615, ~~and 60640~~, and 60642, Education Code.

1

2 **§ 862.5 870. Apportionment to School Districts.**

3 (a) The amount of funding to be apportioned to the school district for the costs of
4 administering ~~the designated achievement test~~, the standards-based achievement
5 tests, and the ~~designated~~ primary language test, if any, shall be the amount established
6 by the ~~SBE State Board of Education~~ to enable school districts to meet the
7 requirements of administering the ~~designated achievement test~~, the standards-based
8 achievement tests, and the ~~designated~~ primary language test per the number of tests
9 administered to eligible pupils in grades 2 to 11, inclusive, and the number of answer
10 documents returned with only demographic information for the ~~designated achievement~~
11 ~~test and the standards-based achievement tests~~ for pupils enrolled on the first day of
12 testing who were not tested in the school district. The number of tests administered and
13 the number of demographic answer documents shall be determined by the certification
14 of the school district superintendent pursuant to section 862. For purposes of this
15 portion of the apportionment, administration of the ~~designated achievement test~~, the
16 standards-based achievement tests, and the ~~designated~~ primary language test includes
17 the following items:

18 (1) All staffing costs, including the district STAR coordinator and the STAR test site
19 coordinators, staff training and other staff expenses related to testing.

20 (2) All expenses incurred at the school district and test site level related to testing.

21 (3) All transportation costs of delivering and retrieving tests and test materials within
22 the school district and to nonpublic schools.

23 (4) All costs associated with mailing the STAR Student Reports to
24 parents/guardians.

25 (5) All costs associated with pre-identification of answer sheets and consumable
26 test booklets, and other activities intended to provide the complete and accurate data
27 required in section 861 of these regulations.

28 (b) This amount does not include any funding for the purposes of:

29 (1) reimbursing the costs incurred by any school district pursuant to section 864.5(d)
30 or (e); and

31 (2) reimbursing any school district for ~~designated~~ primary language tests for non-

1 eligible pupils, and

2 ~~(3) reimbursing any school district for designated achievement tests for non-eligible~~
3 ~~pupils.~~

4 (c) If at the time a school district's scannable documents are processed by the
5 contractor a student data record is missing any of the data elements required in section
6 861 of these regulations for ~~the designated achievement test or the standards-based~~
7 ~~achievement tests~~, the school district shall provide the missing data elements within the
8 time required by the contractor to process the documents and meet the contractor's
9 schedule of deliverables under its contract with the ~~Department~~ CDE. The additional
10 costs incurred by the school district to have the contractor reprocess the student
11 information to acquire the data required by section 861 of these regulations shall be
12 withheld from the school district's apportionment.

13 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:
14 Sections 60640, 60642 and 60643, Education Code.

15

16 **§ 864. Reporting Test Scores.**

17 No aggregate or group scores or reports that are compiled pursuant to Education
18 Code section 60641 or 60643 shall be reported electronically, in hard copy, or in other
19 media, to any party audience other than the school or school district where the pupils
20 were tested, if the aggregate or group scores or reports are composed of ten or fewer
21 individual pupil scores. In each instance in which no score is reported for this reason,
22 the notation shall appear "The number of pupils in this category is too small for
23 statistical accuracy or privacy protection." In no case shall any group score be reported
24 that would deliberately or inadvertently make public the score or performance of any
25 individual pupil identifiable within the meaning of the Family Educational Rights and
26 Privacy Act.

27 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:
28 Sections 60605, 60640, 60641 and 60643, Education Code; 20 U.S.C. Section 1232g;
29 34 C.F.R. Section 99.3.

30

31 **§ 864.5. Test Order Information.**

1 (a) The school district shall provide to the contractor(s) for ~~the designated~~
2 ~~achievement test~~ and the standards-based achievement tests and the primary
3 language test no later than December 1 of the year immediately prior to the year of test
4 administration, the following data for each test site of the school district, by grade or
5 course level:

6 (1) Valid county district school (CDS) codes.

7 (2) Number of tests.

8 (3) Numbers of special version tests including, but not limited to, Braille and large
9 print.

10 (4) Number of Directions for Administration needed, by grade level.

11 (5) Number of pupils to be tested with the alternate assessments.

12 (6) Number of test examiners for the alternate assessments.

13 (7) The first and last date of instruction and all non-instructional days during the
14 school year for each school in the district and all non-working days for the school
15 district.

16 (b) ~~The~~ school district shall provide to the contractor for the primary language test,
17 the following data:

18 (1) Whether or not the district has eligible pupils for the tests.

19 (2) For all test sites in the district with eligible pupils, by grade level, the information
20 in subdivision (a)(1), (2), (3), and (4).

21 (3) First date of testing indicating the dates for each administration period.

22 (c) Each school district that elects pre-identification of answer documents shall
23 submit an electronic file that includes all of the information required in section 861. The
24 file must be submitted in accordance with the timeline, format, and instructions
25 provided by the contractor(s).

26 (d) If the testing materials are lost or destroyed while in the possession of the school
27 district, and the contractor provides the school district with replacement materials, the
28 school district is responsible for the cost of all replacement materials.

29 (e) If the school district places an order for tests for any school that is excessive, the
30 school district is responsible for the cost of materials for the difference between the
31 sum of the number of pupil tests submitted for scoring including tests for non-tested

1 pupils and 90 percent of the materials ordered. In no event shall the cost to the school
2 district for replacement or excessive materials exceed the amount per test booklet and
3 accompanying material that is paid to the contractor by the Department CDE as part of
4 the contract for the current year.

5 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
6 Sections 60605, 60640, 60642 and 60643, Education Code.

7
8 **§ 866. School District Delivery.**

9 (a) No school district shall receive its ~~designated achievement test~~, standards-
10 based achievement test, or ~~designated~~ primary language test materials, if any, more
11 than twenty or fewer than ten working days prior to the first day of testing in the school
12 district. A school district that has not received test materials from the contractor at least
13 ten working days before the first date of testing in the school district shall notify the
14 contractor and the Department CDE on the tenth working day before testing is
15 scheduled to begin that the school district has not received its materials. Deliveries of
16 test materials to single school districts shall use the schedule in section 867.

17 (b) A school district and the contractor shall establish a periodic delivery schedule to
18 accommodate all test administration periods within the school district. Any schedule
19 established must conform to sections 866(a) and (b) for each test administration period.

20 (c) No school district shall receive its writing test materials more than ten or fewer
21 than five working days before the day on which the writing portion of the English-
22 language arts tests are to be administered.

23 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
24 Sections 60605, 60640, 60642, 60642.5 and 60643, Education Code.

25
26 **§ 868. Discrepancy Resolution for ~~Designated Achievement Test~~, Standards-**
27 **Based Achievement Tests, and Any Designated Primary Language Test.**

28 (a) School districts shall process discrepancies determined by the contractor(s)
29 upon receipt of returned tests and test materials pursuant to this subdivision:

30 (1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by
31 the district STAR coordinator for one or more of the following shall require a response

1 from the district STAR coordinator to the contractor within 24 hours.

2 (A) A discrepancy between the quantity of tests and test materials shipped to the
3 school district and the number of tests and test materials returned to the contractor
4 from the school district.

5 (B) Information on scannable documents or test support materials that is
6 inconsistent, incomplete, or missing, according to criteria established with the
7 Department CDE.

8 (2) The district STAR coordinator shall acknowledge the discrepancy notice via
9 electronic mail, if available in the school district, to the contractor and to the
10 Department CDE within 24 hours of its receipt via electronic mail.

11 (b) The district STAR coordinator shall report any discrepancy in the total amount of
12 the shipment from the contractor within two working days of the receipt of the shipment.
13 If the contractor does not remedy the discrepancy within two working days of the school
14 district report, the school district shall notify the Department CDE within 24 hours.

15 (c) Any discrepancy in a shipment of ~~designated achievement tests or test~~
16 ~~materials~~, standards-based achievement tests or test materials; or ~~designated~~ primary
17 language test or test materials received by a test site from the district STAR coordinator
18 shall be reported to the district STAR coordinator immediately but no later than two
19 working days of the receipt of the shipment at the testing site. The district STAR
20 coordinator shall remedy the discrepancy within two working days.

21 (d) The district STAR coordinator shall report to the contractor any discrepancy
22 reported by a STAR test site coordinator within three working days of receipt of
23 materials at the test site. If the district STAR coordinator does not have a sufficient
24 supply of tests or test materials to remedy any shortage, the contractor shall remedy
25 the shortage by providing sufficient materials directly to the test site within two working
26 days of the notification by the district STAR coordinator.

27 (e) The notices required by this section shall be made by telephone with
28 simultaneous confirmation in writing and by electronic mail.

29 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
30 Sections 60605, 60640, 60642 and 60643, Education Code.

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