

State of California

Department of Education

# INFORMATION MEMORANDUM

**DATE:** May 24, 2004

**TO:** MEMBERS, STATE BOARD OF EDUCATION

**FROM:** Geno Flores, Deputy Superintendent  
Assessment and Accountability Branch

**SUBJECT:** California High School Exit Exam (CAHSEE): Approve Commencement of the Rulemaking Process for Amendments to Title 5 California Code of Regulations

The CAHSEE regulations serve to guide districts and schools in the administration of this examination. The purposes of the proposed changes to the current regulations are: 1) to ensure that these regulations conform with the regulations for other California testing programs (e.g., global changes for “test publisher” to “test contractor” and “test administrator” to “test examiner”); 2) to make technical corrections (e.g., Individualized Education Program not Plan); 3) to add data fields that are now required because CAHSEE is being used for state Academic Performance Index (API) and federal *No Child Left Behind Act of 2001* (NCLB) accountability purposes; and 4) to specify that districts will be held responsible for data correction costs that are not completed by the deadlines specified by the test contractor, so that mandated reporting timelines can be met (*Education Code* Section 60851(e)).

Attachment 1: TITLE 5. Education, Division 1. State Department of Education, Chapter 2. Pupils, Subchapter 6. California High School Exit Examination, Article 1. General (19 Pages)

1 **Title 5. EDUCATION**

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

3 **Chapter 2. Pupils**

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

5 Article 1. General

6  
7 *Amend Sections 1200, 1203, 1204.5, 1206, 1207, 1208, 1209, 1210, 1211, 211.5, 1215,*  
8 *1215.5, 1216, and 1217 to read:*

9 **§ 1200. Definitions.**

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

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

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

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

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

26 (e) "Eligible adult student" is a person enrolled in an adult school operated by a  
27 school district who is working to attain a high school diploma and has not passed both  
28 the English/language arts section and the mathematics section of the high school exit

1 examination. This term does not include pupils who are concurrently enrolled in high  
2 school and adult school.

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

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

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

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

19 (j) "Scribe" is an employee of the school district, or a person assigned by a nonpublic  
20 school to implement a pupil's IEP and is required to transcribe a pupil's or adult  
21 student's responses to the format required by the examination. A ~~parent or~~ member of  
22 the pupil's family or the pupil's guardian is not eligible to be a scribe.

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

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

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



1 administrations within a school year. Eligible pupils in grades 11 and 12 should be  
2 offered appropriate remediation or supplemental instruction before being retested.  
3 ~~Eligible pupils shall be provided one opportunity to pass the examination after~~  
4 ~~completion of other grade 12 requirements.~~

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

7  
8 **§ 1206. Pupil or Permanent Record Information.**

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

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

12 (2) Whether the pupil has satisfied the requirement to successfully pass the  
13 examination for each section or sections of the examination taken.

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

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

20 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 49068  
21 and 60851, Education Code.

22  
23 **§ 1207. Data for Analysis of Pupil Performance.**

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

27 (b) Each school district shall provide the data collected pursuant to Section 1205 to  
28 the test ~~publisher~~ contractor of the examination. In addition, each school district shall

1 provide the following demographic information for each pupil tested:

2 (1) Pupil's full name

3 (2) Date of birth

4 (3) Grade level

5 (4) Gender

6 (5) Language fluency and home language

7 (6) ~~Special p~~Program participation

8 (7) Participation in free or reduced priced meals

9 (8) ~~Enrolled in a school that qualifies for assistance under Title 1 of the Elementary~~  
10 ~~and Secondary Education Act~~ Special education services

11 (9) Use of Testing variations, accommodations, or modifications ~~used~~ during the  
12 examination

13 (10) ~~Handicapping condition or~~ Primary disability

14 (11) Participation in California Alternate Performance Assessment (CAPA)

15 (12)(11) Ethnicity

16 (13)(12) ~~District mobility, s~~School mobility, and matriculation

17 (14) School and district CBEDS enrollment

18 (15)(13) Parent education level

19 (16) County, district, school (CDS) codes

20 (17) California Student Information System (CSIS) Identification number, if available

21 (18)(14) Post-high school plans

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

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

28 (e) If the information required by Section 1207(b) is incorrect, the school district shall

1 provide corrected information within the time schedule specified by the test contractor in  
2 order to satisfy the due dates for deliverables under its contract with the Department.  
3 Any costs resulting from corrections made after the timeline specified by the test  
4 contractor shall be the school district's responsibility.

5 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 56365  
6 and 60855, Education Code.

7  
8 *Amend Sections 1209, 1210, 1211, 1211.5, 1215, 1215.5, 1216, and 1217 to read:*

9  
10 **§ 1209. High School Exit Examination District Coordinator Responsibilities.**

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

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

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

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

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

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

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

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

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

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

19 ~~(7)(8)~~ (8) Overseeing the collection of all pupil data as required to comply with Sections  
20 1205, 1206, and 1207.

21 ~~(8)(9)~~ (9) Ensuring that the examinations and test materials are retained in a secure,  
22 locked location, in the sealed boxes in which they were received from the test ~~publisher~~  
23 contractor, from the time they are received in the school district until the time they are  
24 delivered to the test sites.

25 ~~(9)(10)~~ (10) Ensuring delivery of examinations and test materials to the test sites no more  
26 than five (5) working days before the examination is to be administered.

27 ~~(10)(11)~~ (11) Ensuring that all examinations and test materials are received from test  
28 sites no later than the close of the school day on the school day following administration

1 of the examination.

2 ~~(11)(12)~~ Ensuring that all examinations and test materials received from test sites  
3 have been placed in a secure school district location by the end of the day following the  
4 administration of those examinations.

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

10 ~~(13)(14)~~ Assisting the test ~~publisher~~ contractor and the Department in the resolution  
11 of any discrepancies in the test information and materials, including but not limited to,  
12 pre-identification files and the number of examinations received from the test ~~publisher~~  
13 contractor and the number of examinations collected for return to the test ~~publisher~~  
14 contractor.

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

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

24  
25 **§ 1210. High School Exit Examination Test Site Coordinator Responsibilities.**

26 (a) Annually, the district coordinator or the superintendent of the school district shall  
27 designate a high school exit examination test site coordinator for each test site. The  
28 designee shall be an employee of the school district, or the person assigned by a non

1 public school to implement a student's IEP.

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

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

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

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

11 (3) Training the test ~~administrator~~ examiner(s), test proctors, and scribes as provided  
12 in the test ~~publisher's~~ contractor's manual.

13 (4) Completing a Test Security Agreement and Test Security Affidavit as set forth in  
14 Section 1211.5 prior to the receipt of examinations and test materials.

15 (5) Overseeing test security requirements, including collecting and delivering all  
16 completed Test Security Affidavit forms to the school district office from the test  
17 ~~administrators~~ examiners and other site personnel involved with testing. All Test  
18 Security Affidavits shall be maintained for 12 months from the date signed.

19 (6) Overseeing the acquisition of examinations from the school district and the  
20 distribution of examinations to the test ~~administrator~~ examiner(s).

21 (7) Maintaining security over the examination and test data as follows:

22 (A) Delivering the examinations and test materials only to those persons who have  
23 executed the Test Security Affidavit and who are administering the examination on the  
24 date of testing.

25 (B) Ensuring that strict supervision is maintained over each pupil or adult student  
26 who is being administered the examination both while the pupil or adult student is in the  
27 room in which the examination is being administered and during any period in which the  
28 pupil or adult student is, for any purpose, granted a break during testing.

1 (8) Overseeing the collection of all pupil data as required to comply with Sections  
2 1205, 1206, and 1207 of these regulations.

3 (9) Overseeing the collection and return of all testing materials to the district  
4 coordinator no later than the close of the school day on the school day following  
5 administration of the examination.

6 (10) Assisting the district coordinator and the test ~~publisher~~ contractor in the  
7 resolution of any discrepancies between the number of examinations received from the  
8 district coordinator and the number of examinations collected for return to the district  
9 coordinator.

10 (d) Within three (3) working days of completion of site testing, the site principal or the  
11 test site coordinator shall certify to the district coordinator that the test site has  
12 maintained the security and integrity of the examination, collected all data and  
13 information as required, and returned all examinations and test materials, answer  
14 documents, and other materials included as part of the examination in the manner and  
15 as otherwise required by the test ~~publisher~~ contractor.

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

18  
19 **§ 1211. High School Exit Examination Test Security.**

20 (a) Access to the examination materials is limited to pupils taking the examination for  
21 the purpose of graduation from high school and adult students taking the examination  
22 for the purpose of obtaining a high school diploma of graduation, and those who have  
23 signed the security affidavit or agreements, including employees of a school district  
24 directly responsible for administration of the examination, and persons assigned by a  
25 nonpublic school to implement students' IEPs.

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

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

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

9 (e) No examination may be administered in a ~~private home or location~~ hospital  
10 except by a test administrator examiner ~~as defined in Section 1200(h) who signs the~~  
11 ~~Test Security Affidavit as set forth in Section 1211.5.~~ No examination shall be  
12 administered to a pupil by a member of a pupil's family ~~the parent or the pupil's~~  
13 ~~guardian of that pupil.~~ This subdivision does not prevent classroom aides from being a  
14 test proctor and assisting in the administration of the examination under the supervision  
15 of a test administrator examiner provided that the classroom aide does not assist his or  
16 her own child and that the classroom aide signs the Test Security Affidavit as set forth in  
17 Section 1211.5.

18 NOTE: Authority cited: Section 33031, Education Code. Reference: Sections 60851  
19 and 60850, Education Code.

20  
21 **§ 1211.5. High School Exit Examination Test Security Forms.**

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

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

26 CALIFORNIA HIGH SCHOOL EXIT EXAMINATION  
27 TEST SECURITY AGREEMENT

28 (1) The coordinator will take all necessary precautions to safeguard all examinations

1 and test materials by limiting access to persons within the school district with a  
2 responsible, professional interest in the examination's security.

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

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

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

13 Signed: \_\_\_\_\_

14 Print name: \_\_\_\_\_

15 Title: \_\_\_\_\_

16 School District/Affiliation: \_\_\_\_\_

17 Date: \_\_\_\_\_

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

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

26 CALIFORNIA HIGH SCHOOL EXIT EXAMINATION  
27 TEST SECURITY AFFIDAVIT

28 I acknowledge that I will have access to the examination and test materials for the

1 purpose of administering the examination. I understand that these materials are highly  
2 secure, and it is my professional responsibility to protect their security as follows:

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

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

6 (3) I will keep the examination secure until the examination is actually distributed to  
7 pupils or adult students.

8 (4) I will limit access to the examination and test materials by test examinees to the  
9 actual testing periods.

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

12 (6) I will not disclose, or allow to be disclosed, the contents of, or the scoring keys to,  
13 the examination.

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

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

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

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

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

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

27 (E) Failing to follow security rules for distribution and return of secure examinations  
28 and test materials as directed, or failing to account for all secure examinations and test

1 materials before, during, and after testing.

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

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

6 Signed: \_\_\_\_\_

7 Print Name: \_\_\_\_\_

8 Position: \_\_\_\_\_

9 School: \_\_\_\_\_

10 School District/Affiliation: \_\_\_\_\_

11 Date: \_\_\_\_\_

12 NOTE: Authority Cited: Section 33031, Education Code. Reference: Sections 60851  
13 and 60850, Education Code.

14 **Article 3. High School Exit Examination Testing**

15 **Variations/Accommodations/Modifications/Waivers**

16 **§ 1215. Testing Variations Available to All Students.**

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

19 (1) extra time within a testing day.

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

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

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

25 (1) special or adaptive furniture.

26 (2) special lighting, ~~or~~ acoustics, visual magnifying, or audio amplification equipment.

27 (3) an individual carrel or study enclosure

28 (4) test individually student in a separate room provided that the pupil or adult

1 student is directly supervised by an employee of the school, school district, or nonpublic  
2 school, who has signed the Test Security Affidavit.

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

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

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

10  
11 **§ 1215.5. Accommodations for Pupils or Adult Students with Disabilities.**

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

17 (b) Presentation accommodations:

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

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

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

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

24 ~~(4)(5)~~ audio or oral presentation of the mathematics section of the examination.

25 ~~(5)(6)~~ use of Manually Coded English or American Sign Language to present test  
26 questions on the mathematics section of the examination.

27 (c) Response accommodations include:

28 (1) responses marked in test booklet and transferred to the answer document by a

1 school, ~~or school district,~~ or nonpublic school employee who has signed the Test  
2 Security Affidavit.

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

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

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

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

12 (d) Scheduling/timing accommodations include:

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

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

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

18 (e) Setting accommodations include tests administered by a test examiner  
19 ~~certificated teacher~~ to a pupil or adult student at home or in the hospital.

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

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

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

1 **§ 1216. Modifications for Pupils or Adult Students with Disabilities.**

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

6 (b) The following are modifications as defined by Education Code ~~s~~Section 60850  
7 because they fundamentally alter what the examination measures or affect the  
8 comparability of scores:

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

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

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

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

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

22 (6) ~~use of~~ American Sign Language to provide a response to the written portion of  
23 the examination.

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

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

26 (c) A pupil or adult student who takes the examination with one or more  
27 modifications shall receive a score marked not valid for the sections of the examination  
28 on which the modifications were used. If the score is equivalent to a passing score, the

1 pupil or adult student may be eligible for a waiver pursuant to Education Code Section  
2 60851.

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

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

9  
10 **§ 1217. English Learners.**

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

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

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

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

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

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

28 NOTE: Authority cited: Sections 12001 and 33031, Education Code. Reference:

1 Sections 60810(7)(d)(1), 60850 and 60852, Education Code; 20 USC Section 6311.

2 **Article 5. Apportionment**

3 **§ 1225. Apportionment.**

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

6 (b) The superintendent of each school district shall certify the accuracy of all  
7 information submitted. The report required by subdivision (a) shall be filed with the State  
8 Superintendent of Public Instruction within ~~ten (10)~~ thirty (30) working days of  
9 completion of each test ~~cycle~~ administration in the school district.

10 (c) The amount of funding to be apportioned to the school district for the examination  
11 shall be calculated by multiplying the amount per administration established by the  
12 State Board of Education to enable school districts to meet the requirements of  
13 Education Code ~~s~~Section 60851 by the number of pupils and adult students in the  
14 school district tested for one or both portions of the examination as determined by the  
15 certification of the school district superintendent pursuant to subdivision (b).

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

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