

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

pptb-adad-jan19item03

# California State Board of Education January 2019 Agenda Item #16

## Subject

California Assessment of Student Performance and Progress: Approve Commencement of Rulemaking for Amendments to the *California Code of Regulations*, Title 5, Sections 850, 854.1, 854.2, 854.3, 854.4, 859, 862, and 863 Related to Student Accessibility, Electronic Student Score Reporting and Record Keeping, and Apportionments.

## Type of Action

Action, Information

## Summary of the Issues

Approval of the commencement of the rulemaking process is necessary to comply with California *Education Code* (*EC*) Section 33031. The proposed amendments to Title 5 of the California Code of Regulations (5 *CCR*) sections 850, 854.1, 854.2, 854.3, 854.4, 859, 862, and 863 are necessary to add embedded and non-embedded universal tools, designated supports and accommodations for the California Assessment of Student Performance and Progress (CAASPP) System, remove the due date from Section 862 for the local educational agency (LEA) transmission of apportionment information reports, and add to Sections 850, 859, and 863 clarification on electronic record keeping and add new directions for defining LEA responsibility for making student score reports available to parents and guardians when the student has transferred from the testing LEA to another LEA.

## Recommendation

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

* Approve the Notice of Proposed Rulemaking (Notice).
* Approve the Initial Statement of Reasons (ISOR).
* Approve the proposed regulations.
* Direct the CDE to commence the rulemaking process.
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the Office of Administrative Law (OAL) during its review of the Notice, ISOR, or proposed regulations.

## Brief History of Key Issues

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

Pursuant to *EC* Section 60640(q), 5 *CCR* Sections 850 through 868 were revised by the SBE to conform to the statutory changes made in AB 484. These amendments revised definitions, requirements, responsibilities, and guidelines for the administration, test security, reporting, and apportionment related to the CAASPP System. The amendments were approved initially as emergency regulations on February 3, 2014, and later approved by the OAL as permanent regulations on August 27, 2014.

Under these newly-adopted regulations, the English language arts/literacy (ELA) and mathematics operational assessments took place beginning in March through July 31, 2015, and included the new computer-based assessments provided by the Smarter Balanced Assessment Consortium (Consortium), a consortium composed of member states. The CDE, at the direction of the SBE and in collaboration with CAASPP testing contractor, Educational Testing Service (ETS), conducted evaluations of the first operational CAASPP test administration and identified required amendments to be made to the regulations for the second operational administration, including the addition of accessibility resources in alignment with Consortium policy, the addition of a testing window for the new California Alternate Assessments (CAAs) for ELA and mathematics, clarifications to language needed for the new online tests (not necessary for the paper-pencil tests), and minor format and language clarifications. These amendments were approved by the OAL on an emergency basis to allow for the timely preparation and administration of the second operational administration of the 2016 CAASPP tests; they also were adopted through the regular rulemaking process and approved by the OAL on May 18, 2016. The CDE successfully carried out the 2015–16 administration of the online CAASPP tests on March 10 through July 31, 2016.

Emergency regulations were approved in time for the third operational online CAASPP assessments and adopted as permanent regulations during the fourth operational online CAASPP assessments, which were administered from January 8 through July 16, 2018. During the regular rulemaking process, the Consortium conducted an annual review of accessibility resources and voted on a revised set of accessibility resources published in the *Smarter Balanced Assessment Consortium: Usability, Accessibility, and Accommodations Guidelines* (*Consortium Guidelines*), June 30, 2017. The following year, the Consortium conducted another annual review of accessibility resources and published a revised *Consortium Guidelines* document on June 28, 2018, which incorporated the 2017 *Consortium Guidelines*.

### Student Accessibility

The Consortium maintains and updates the *Consortium* *Guidelines*. The *Consortium* *Guidelines* includes all universal tools, designated supports, and accommodations that are available for the ELA and mathematics tests and determined to have no threat to changing the measurement of the construct. Each Consortium member state has the option to temporarily approve an accessibility resource requested from the field if the resource is determined to cause no threat to changing the measurement of the construct.

The Consortium conducts an annual review of the *Consortium Guidelines*. The review process considers feedback from Consortium members for the temporary inclusion of accessibility resources. Temporary accessibility resources from the previous test administration that are approved by the governing Consortium members may be added to the *Consortium Guidelines*. Proposed updates to the *Consortium Guidelines* are brought to governing members annually for review, input, and vote. The review process at the end of the 2016–17 test administration resulted in several changes to the *Consortium Guidelines*, as published on June 30, 2017. Additional changes were made to the *Consortium Guidelines* after the annual review at the end of the 2017–18 test administration, as published on June 28, 2018, which included the changes made in 2017. Pursuant to *EC* Section 60640(q), the CDE recommends proposed changes to 5 *CCR* sections 850, 854.1, and 854.2 to conform the State’s ELA and mathematics testing regulations for the CAASPP System with the latest changes to the *Consortium Guidelines*.

The CAASPP contract also specifically indicates that for all CAASPP non-Consortium assessments, science and primary language, testing contractor ETS must identify the most appropriate accessibility resources for each assessment while maintaining consistency—when the construct necessitates—with the Consortium assessments. Subsequently, the California Science Test (CAST) and the California Spanish Assessment (CSA) are subject to include the same Consortium accessibility resources as their constructs necessitate. The CDE, in collaboration with ETS, has decided that many of these same accessibility resources and test settings presented in the revised *Consortium Guidelines* are necessary to provide for the CAST and the CSA in order to ensure that these assessments are valid and reliable and accessible to all students, including pupils with a disability, as required by *EC* sections 60604(a)(1) and 60640(k). To this end, ETS has produced the *CAST Guidelines* and the *CSA Guidelines*, which reflect a detailed review of the *Consortium Guidelines* and recommendations for changes in the use of accessibility resources. Pursuant to *EC* Section 60640(q), the CDE recommends proposed changes to 5 *CCR* sections 854.3 and 854.4 to conform the State’s CAST and CSA testing regulations to the CAASPP System.

### Apportionment

Assessment apportionment funding is provided to LEAs to reimburse them for the costs associated with administering the CAASPP System. The amount to be apportioned to each LEA is based on the number of pupils tested during each school year. The LEA apportionment rate, per pupil per test, is established by the SBE. Apportionments are not paid to LEAs until the following fiscal year, after all testing has been completed for the school year.

Each fall, the CDE develops Apportionment Information Reports for CASSPP, compiled from data produced by the testing contractor. The reports include the amount to be apportioned to the LEAs, based on the number of pupils tested during the previous school year. The CDE distributes these reports to the LEAs annually. Current regulations require each LEA to certify the accuracy of the report by returning a signed report to the CDE by the regulatory return deadline of March 1. If an LEA returns its report after the regulatory deadline, the LEA will be required to submit a waiver to the SBE.

The waiver process requires an LEA to hold a public hearing, have its request approved by its governing board, and then submit its request to the CDE Waiver Office and have it approved by the SBE. Once it has been heard and approved by the SBE, an LEA can then be paid its apportionment.

Due to the short regulatory deadline window, a large number of LEAs are unable to meet the deadline for returning their apportionment reports. This requires them to go through the waiver process in order to get paid for the work they have completed. The current waiver process can be cumbersome and prohibitive to many LEAs, sometimes to the point that LEAs go without receiving their apportionment funds rather than proceed through the waiver process. The CDE proposes to streamline the apportionment payment process and remove the barriers that LEAs face when applying for their funds by removing the March 1 deadline and thus the need to submit a waiver request as set forth in the proposed changes to Section 862.

### Electronic Student Score Reports and Record Keeping

With the migration away from administering paper-pencil tests to students, many of the CAASPP processes and procedures are transitioning to an electronic format. Student Score Reports are being designed for electronic delivery and procedures to electronically sign security agreements and affidavits are being proposed for implementation. The proposed amendments at sections 850 and 859 to the regulations include clarifying language about the electronic record keeping of the designation of LEA coordinators and the records of signed security agreements and affidavits. The goals of these changes are to introduce efficiencies for superintendents in the designation of LEA coordinators and to streamline the receipt of signed security agreements and security affidavits by the LEA coordinators and site-level users, including site coordinators. These solutions will introduce efficiencies to the designation process for superintendents and LEA coordinators by allowing them to roll over existing users, instead of using the current manual entry process, and will streamline the designation and storage of security agreements and security affidavits.

### Delivery of Score Reports

LEAs are responsible for ensuring that students receive a copy of their student score report within 20 days from receipt of the result from the testing contractor. Sometimes, students have transferred schools in the interim. Section 863 has been amended to clarify which LEA is responsible for providing the score report in cases where a student has transferred to a new LEA.

### Highlights of Proposed Changes

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

* Amending Section 850 to: (1) include record keeping efficiencies caused by transition to electronic processes by replacing “signed” with “electronically agreed to”; and (2) update the definition of “streamlining” to be consistent with *Consortium Guidelines*.
* Amending Sections 854.1 and 854.2 to: (1) to add Consortium-approved embedded and non-embedded universal tools, designated supports and accommodations, by CAASPP test, for additional clarity; and (2) include any changes to existing accessibility resources consistent with *Consortium Guidelines*.
* Amending sections 854.3 and 854.4 to change accessibility resources pertinent to the non-Consortium assessments to ensure reliability and validity of the testing process.
* Amending Section 859 to reflect transition to electronic processes.
* Removing the due date from Section 862 for the LEA transmission of apportionment information reports.
* Clarifying in Section 863 which LEAs have responsibility for making Student Score Reports available to parents and guardians when a student has transferred from one LEA to another LEA during the testing window.

## Summary of Previous State Board of Education Discussion and Action

At its November 2017 meeting, the SBE approved the changes to the CAASPP regulations and asked that the changes to regulations be circulated for a second 15-day comment period. <https://www.cde.ca.gov/be/mt/ms/documents/finalminutes0809nov2017.docx>

At its September 2017 meeting, the SBE approved the second readoption of the Finding of Emergency and proposed emergency regulations for amendments to the *California Code of Regulations*, Title 5, Sections 851 through 856. <http://www.cde.ca.gov/be/ag/ag/yr17/agenda201709.asp>

At its July 2017 meeting, the SBE approved the changes to the CAASPP regulations and asked that the changes to the regulations be circulated for a 15-day comment period. <http://www.cde.ca.gov/be/ag/ag/yr17/agenda201707.asp>

At its May 2017 meeting, the SBE approved readoption of the Finding of Emergency and proposed emergency regulations for amendments to the *California Code of Regulations*, Title 5, Sections 851 through 856.

<http://www.cde.ca.gov/be/ag/ag/yr17/documents/may17item05.doc>

At its March 2017 meeting, the SBE approved the commencement of permanent rulemaking for the proposed amendments to the CAASPP regulations.

<http://www.cde.ca.gov/be/ag/ag/yr17/documents/mar17item10.doc>

At its January 2017 meeting, the SBE approved the Finding of Emergency and emergency regulations to allow the timely preparations for the administration and reporting of the spring 2017 CAASPP administration.

<http://www.cde.ca.gov/be/ag/ag/yr17/documents/jan17item08a4.pdf>

At its May 2016 meeting, the SBE approved the revised Finding of Emergency and approved the readoption of the emergency CAASPP regulations so the CAASPP regulations would continue to be in place pending the OAL’s approval of the revised permanent regulations. <http://www.cde.ca.gov/be/ag/ag/yr16/documents/may16item10.doc>

At its March 2016 meeting, the SBE approved changes to the proposed permanent regulations and directed that the amended regulations be circulated for a 15-day public comment period, March 10–25, 2016, and assuming no relevant comments to the proposed changes were received, directed the CDE to deem the proposed permanent regulations adopted. (No relevant comments were received, and the revised permanent regulations were approved by the OAL on May 16, 2016.)

<http://www.cde.ca.gov/be/ag/ag/yr16/documents/mar16item04.doc>

At its November 2015 meeting, the SBE adopted the proposed amendments to the CAASPP regulations as emergency regulations. The emergency regulations were approved by the OAL and became effective on November 23, 2015. In addition, the SBE approved the commencement of the regular rulemaking process for permanent amendments to the CAASPP regulations. <http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item05-revised.doc>;

<http://www.cde.ca.gov/be/ag/ag/yr15/documents/nov15item06-revised.doc>

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

<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item08.doc>;

<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jul14item09.doc>

At its January 2014 meeting, the SBE, for the first time, adopted proposed emergency regulations for CAASPP. The emergency regulations were approved by the OAL and became effective on February 3, 2014. In addition, the SBE approved the commencement of the regular rulemaking process for the permanent regulations. <http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item06.doc>;

<http://www.cde.ca.gov/be/ag/ag/yr14/documents/jan14item05.doc>

## Fiscal Analysis

An Economic and Fiscal Impact Statement is provided as Attachment 4.

## Attachment(s)

* Attachment 1: Notice of Proposed Rulemaking (6 pages)
* Attachment 2: Initial Statement of Reasons (11 pages)
* Attachment 3: Proposed Regulations (26 pages)
* Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (6 pages)

**CA DEPARTMENT OF EDUCATION**

**TOM TORLAKSON**

State Superintendent of Public Instruction

**CA BOARD OF EDUCATION**

**MICHAEL W. KIRST**

President

# NOTICE OF PROPOSED RULEMAKING

AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING

California Assessment of Student Performance and Progress (CAASPP)

Notice published January 25, 2019

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

## PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 8:30 a.m. on March 11, 2019, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

## WRITTEN COMMENT PERIOD

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

Patricia Alverson, Regulations Coordinator

Administrative Support and Regulations Adoption Unit

California Department of Education

1430 N Street, Room 5319

Sacramento, CA 95814

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

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 11, 2019. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice

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

## AUTHORITY AND REFERENCE

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

References: Sections 306, 37670, 47605, 47605.8, 47651, 49062, 49068, 56034, 60602.5, 60603, 60604, 60605, 60607, 60610, 60615, 60640, 60641, 60642.5 and 60642.6, Education Code; 20 U.S.C. Sections 1401(3), 1412(a)(16), and 6311(b)(1)(E); and 34 C.F.R. Sections 200.1 and 300.160.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 484 (Chapter 489, Statutes of 2013; hereafter “AB 484”) authorized a new statewide testing program, the California Assessment of Student Performance and Progress (CAASPP) System. Provisions of AB 484 took effect in January 2014. Pursuant to California *Education Code* (*EC*) Section 60640, the CDE has updated the CAASPP System to include three new assessments: the new California Science Test (CAST), aligned with the California Next Generation Science Standards (CA NGSS); the new California Alternate Assessment for Science (CAA for Science); and the California Spanish Assessment (CSA), aligned with the Common Core State Standards in Español. CAASPP test results are used to improve teaching and learning by schools and districts in California. The CAASPP tests are also developed, administered, and reported in accordance with federal requirements. With the development of these computer-based assessments, the CDE continues to move manuals and reports from paper products to electronic delivery of products. Work to build out web-based processes for local educational agency (LEA) training, designation of authorized staff, instructional manuals, and reporting continues to change the way the CDE communicates with assessment coordinators, test site administrators, teachers and parents.

This developmental work requires the addition of testing procedures and policies consistent with the assessments and the added resources. Additionally, the assessment consortium of which California is a member, Smarter Balanced Assessment Consortium (Consortium), recently made changes in some of its policies; changes with which the CAASPP regulations must conform by state law in order to ensure that test results are valid and reliable. In addition, the CDE’s testing contractor issued recommendations regarding testing resources that must be included in order for the CAST and CSA to be valid and reliable as required by *EC* Section 60602.5. As required by *EC* Section 60640(q), Title 5 of the *California Code of Regulations* (5 CCR) sections 850, 854.1, 854.2, 854.3, 854.4, 859, 862, and 863 are being amended to conform the State’s testing regulations to the CAASPP System.

The proposed amendments are designed to assure that the tests within the CAASPP are administered fairly and consistently throughout the State so that all students may access the tests and so that valid and reliable results are available for accountability determinations and to provide schools and educators with accurate information to improve student learning, and in so doing, prevent harm to the public peace, health, safety, and general welfare and progress of California pupils.

*Anticipated Benefits of the Proposed Regulation*

The benefit of enacting the proposed amendments are the promotion of an optimal, efficient and fair test administration for eligible students. The clarification of terminology and resources introduced by the transition to electronic processes will aid LEAs and educators in selecting and activating accessibility resources to students who can benefit from them, including supports for English learners (ELs). Additionally, the proposed amendments support increased local control, and strengthen validity, reliability and accuracy of statewide achievement scores used for the purposes for guiding instruction, gauging students’ readiness for career and college, and for meeting state and federal accountability requirements.

*Determination of Inconsistency/Incompatibility with Existing State Regulations*

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

## DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT

*The SBE has made the following initial determinations:*

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

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

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Costs or savings in federal funding to the State: None

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

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

Effect on housing costs: None

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

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations ensure the standard, efficient and effective implementation of a successful statewide assessment for California’s public school children. Administering assessments that align with Consortium and contractor policies for accessibility are critical to ensuring valid and reliable test measures against which to gauge student progress. Clear and consistent procedures are also critical to ensuring that the statewide assessments are administered using standardized procedures that also support accurate, fair, valid, and reliable measures and the efficient reporting of those measures. The proposed changes will help to provide better information about student performance to teachers, parents, and administrators, to ultimately improve teaching and student learning, thus enhancing the general welfare, promoting fairness and social equity and increasing openness and transparency in government.

## CONSIDERATION OF ALTERNATIVES

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

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

## CONTACT PERSONS

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

Mike Torres, Consultant

Assessment Development and Administration Division

California Department of Education

1430 N Street, 4401

Sacramento, CA 95814

Telephone: 916-319-0349

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or the backup contact person, Hillary Wirick, Regulations Analyst, at

916-319-0860.

## INITIAL STATEMENT OF REASONS AND INFORMATION

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

## TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

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

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

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

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

## REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973,* the *Americans with Disabilities Act of 1990,* and the *Unruh Civil Rights Act,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Mike Torres, Assessment Development and Administration Division, 1430 N Street, 4401, Sacramento, CA, 95814; telephone, 916-319-0349. It is recommended that assistance be requested at least two weeks prior to the hearing.

# INITIAL STATEMENT OF REASONS

California Assessment of Student Performance and Progress

## INTRODUCTION

Pursuant to California *Education Code* (*EC*) 60640, the California Department of Education (CDE) has developed the California Assessment of Student Performance and Progress (CAASPP) System, which includes the following assessments: the Smarter Balanced Assessment Consortium (Consortium) computer-based summative assessments for English language arts/literacy (ELA) and mathematics; the California Science Test (CAST), aligned with the California Next Generation Science Standards (CA NGSS); the California Alternate Assessments for Science, English Language Arts (ELA), and Mathematics; and the California Spanish Assessment (CSA), aligned with the Common Core State Standards en Español. CAASPP test results are used to improve teaching and learning by schools and local educational agencies (LEAs) in California. In addition, the CAASPP tests are developed, administered, and reported in accordance with federal requirements.

The Consortium recently adopted additional student accessibility resources and test settings to ensure that the Consortium assessments for ELA and mathematics are valid and reliable tests and accessible to all students, including students with disabilities. The *EC* requires that these Consortium tests conform to Consortium requirements in order to ensure that test results are valid and reliable. The CDE’s CAASPP contract specifically indicates that, for all CAASPP non-Consortium assessments, Educational Testing Systems (ETS), CDE’s current testing contractor, will identify the most appropriate accessibility resources for each assessment while maintaining consistency, when the construct so necessitates, with the Consortium assessments. Subsequently, the CAST and CSA are subject to include the same Consortium accessibility resources based on the testing construct. The CDE, in collaboration with ETS, has decided that many of these same accessibility resources and test settings are necessary to provide for the CAST and the CSA in order to ensure that these assessments are valid and reliable and accessible to all students, including students with a disability.

In addition to these changes to accessibility resources, proposed amendments to the regulations are necessary to address changes to LEAs’ responsibilities for the delivery of the Student Score Reports to parents and guardians to reflect a change to electronic score reporting and to streamline and clarify the apportionment process. These proposed changes also include amendments necessary to transition to electronic record keeping procedures, such as the electronic signing of test security affidavits in lieu of signed paper test security affidavits and keeping documentation on “record” versus in a paper file. As required by *EC* Section 60640(q), Title 5 of *California Code of Regulations* (5 *CCR*) sections 850, 854.1, 854.2, 854.3, 854.4, 859, 862, and 863 are being amended to conform the State’s testing regulations to the CAASPP System.

The proposed amendments are designed to ensure that the CAASPP tests are administered fairly and consistently throughout the State so valid and reliable results are available for accountability determinations and to provide schools and educators with accurate information to improve student learning, and, in so doing, prevent harm to the public peace, health, safety, and general welfare and progress of California students.

## PROBLEM AGENCY INTENDS TO ADDRESS

The existing regulations are not fully aligned to changes from the Consortium’s annual review process of the approved student accessibility resources for the CAASPP ELA and mathematics assessments, which were recently published in the Consortium’s *Usability, Accessibility and Accommodations Guidelines*, June 28, 2018 (*Consortium Guidelines*). This review process is conducted by the Consortium to determine the accessibility resources that should appropriately be and should not be provided to students in order that the ELA and mathematics assessment results be valid and reliable for the students, including students with disabilities. In addition, the existing regulations are not fully aligned to changes determined to be necessary by the CDE and ETS to ensure that the test results of the CAST and CSA are valid and reliable for all students, including students with disabilities. The CAASPP contract specifically indicates, that for all CAASPP non-Consortium assessments, ETS will identify the most appropriate accessibility resources for each assessment, while maintaining consistency, when the construct so necessitates, with the Consortium assessments. As required by the CDE’s CAASPP contract, ETS has produced the *California Science Test Accessibility Supports for Operational Testing* (*CAST Guidelines*) and the *California Spanish Assessment Accessibility Supports for Operational Testing* (*CSA Guidelines*) documents, which reflect a detailed review of the *Consortium Guidelines* recommendations for the use of accessibility resources. Subsequently, the regulations pertaining to the CAST and CSA to include the same Consortium accessibility resources as the construct of those assessments necessitates, as determined by ETS.

In addition, the CAASPP contract, as recently amended, now provides for electronic reporting and electronic record keeping. With the introduction of electronic score reporting, it is important that the responsibility for providing the electronic reporting of scores be clarified and standardized in the regulations. Moreover, procedures and guidance related to test security affidavits and agreements must be updated to address the transition to electronic record keeping.

Changes to the regulations also need to be made as to when apportionment reports are due to the CDE. The apportionment process currently includes a March 1 deadline for LEAs. The proposed amendments in this section are designed to delete that deadline and reduce the procedural burden of completing the waiver process for the LEA to be able to access apportionment dollars. Finally, changes to the regulations need to be made to clarify which LEA is responsible for providing score reports when a student transfers LEAs after taking the tests.

The purpose of the proposed amendments is to ensure the correct, efficient, and standard administration of the CAASPP online assessments through the addition of appropriate accessibility resources and changes to reflect electronic reporting and record keeping as well as to add clarity and consistency to the procedures and requirements for their development, administration, and reporting. The proposed amendments will thereby maintain accuracy, reliability, and validity of measures.

## BENEFITS ANTICIPATED FROM REGULATORY ACTION

The benefit of enacting the proposed amendments is the promotion of an optimal and fair test administration for eligible students. The addition of student accessibility resources will aid LEAs and educators in the selection and activation of accessibility resources to students who can benefit from them, including resources for English learners. In addition, the changeover to electronic-based systems, including electronic reporting of test scores and electronic record keeping, and the proposed amendments related to the changeover will allow the CAASPP assessments to be administered more effectively and efficiently. Families will be able to securely access current and historical electronic Student Score Reports by smartphone, tablet, or computer through the district’s parent portal. Receiving a child’s test results will no longer rely on a one-time mailing that may or may not reach the family. Finally, removing the March 1 deadline for LEAs will reduce the workload and burden on LEAs seeking apportionment payments.

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

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

With the addition of student accessibility resources, general changes were made to the regulations to include grammatical edits and renumbering and/or relettering to reflect deletions or additions.

## SECTION 850

**Sections 850(z), 850(ae), 850(ag), 850(ai), and 850(ak)** are amended to change “signed” to “electronically agreed to” because procedures and guidance related to test security affidavits and agreements must be updated to address the transition to electronic record keeping.

**Section 850(ac)** is amended to change the definition of “streamlining” from being an accommodation to being a designated support. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

## SECTION 854.1

**Section 854.1(a)(5)** is amended to add the words “items and” before “passages”on the expandable passages for reading, writing, and listening as an embedded universal tool for ELA. The amended language results in the provision of two layers of the expansion universal tool: items and passages. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.1(a)(9)** is added to include “line reader for reading, writing, and listening” as an embedded universal tool for ELA. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.1(c)(3)** is added to include “mouse pointer size and color for reading, writing, and listening” as an embedded designated support for ELA. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.1(c)(4)** is added to include “streamline for reading, writing and listening” as an embedded designated support for ELA. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.1(d)(1)** is added toinclude “amplification for reading, writing, and listening” as a non-embedded designated support for ELA. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.1(d)(6)** is added to include “medical device for reading, writing, and listening” as a non-embedded designated support for ELA. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.1(e)(2)** is added to include “audio transcript, including braille transcript for listening” as an embedded accommodation for ELA. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Former Section 854.1(e)(4)** is deleted to remove “streamline for reading, writing, and listening” as an embedded accommodation for ELA. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Section 854.1(f)(7)** is amended to add “for reading, writing, and listening” after “speech-to-text” as a non-embedded accommodation for ELA. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium* *Guidelines*.

**Proposed Section 854.1(f)(8)** is added to include “word prediction for reading, writing, and listening” as a non-embedded accommodation for ELA. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

## SECTION 854.2

**Section 854.2(a)(5)** is amended to add the words “items and” before “passages”on the expandable passages for mathematics as an embedded universal tool for mathematics. The amended language results in the provision of two layers of the expansion universal tool: items and passages. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.2(a)(8)** is added to include “line reader” as an embedded universal tool for mathematics. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.2(c)(3)** is added to include “mouse pointer size and color” as an embedded designated support for mathematics. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.2(c)(4)** is added to include “streamline” as an embedded designated support for mathematics. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.2(d)(1)** is added to include “amplification” as an non-embedded designated support for mathematics. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.2(d)(5)** is added to include “medical device” as an non-embedded designated support for mathematics. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Former Section 854.2(e)(3)** is deleted to remove “streamline” as an embedded accommodation for mathematics. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

**Proposed Section 854.2(f)(10)** is added to include “word prediction” as a non-embedded accommodation for mathematics. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource, as set forth in the *Consortium Guidelines*.

## SECTION 854.3

**Proposed Section 854.3(a)(3)** is added to include “color contrast” as an embedded universal tool for science. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CAST Guidelines*.

**Former Section 854.3(a)(7)** is deleted because “global notes” is supported only for ELA performance tasks, which the CAST does not include. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CAST Guidelines*.

**Proposed Section 854.3(a)(10)** is added to include “line reader” as an embedded universal tool for science. This is a necessary change as a result of the Consortium’s annual review and adoption of this change in the student accessibility resource. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CAST Guidelines*.

**Proposed Section 854.3(c)(3)** is added to include “mouse pointer size and color” as an embedded designated support for science. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CAST Guidelines*.

**Proposed Section 854.3(c)(5)** is added to include “streamline” as an embedded designated support for science. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CAST Guidelines*.

**Proposed Section 854.3(d)(2)** is added to include “amplification” as an non-embedded designated support for science. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CAST Guidelines*.

**Proposed Section 854.3(d)(7)** is added to include “medical device” as an non-embedded designated support for science. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CAST Guidelines*.

**Proposed Section 854.3(e)(2)** is added to include “audio transcript, includes braille transcript” as an embedded accommodation for science. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CAST Guidelines*.

**Former Section 854.3(e)(4)** is deleted to remove “streamline” as an embedded accommodation for science. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CAST Guidelines*.

**Section 854.3(f)(5)** is amended to “word prediction” as a non-embedded accommodation for science. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CAST Guidelines*.

## SECTION 854.4

**Proposed Section 854.4(a)(9)** is added to include “line reader” as an embedded universal tool for the primary language assessment (PLA). This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CSA Guidelines*.

**Proposed Section 854.4(a)(11)** is added to include “Spanish glossary for specific items” as an embedded universal tool for the PLA. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CSA Guidelines*.

**Proposed Section 854.4(c)(3)** is added to include “mouse pointer size and color” as an embedded designated support for PLA. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CSA Guidelines*.

**Proposed Section 854.4(c)(4)** is added to include “streamline for reading, writing, and listening” as an embedded designated support for PLA. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CSA Guidelines*.

**Proposed Section 854.4(d)(1)** is added to include “amplification” as an non-embedded designated support for PLA. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CSA Guidelines*.

**Proposed Section 854.4(d)(6)** is added to include “medical device” as a non-embedded designated support for PLA. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CSA Guidelines*.

**Former Section 854.4(d)(10)** is deleted to remove “translated test directions for reading, writing, and listening” as a non-embedded designated support for PLA. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CSA Guidelines*.

**Former Section 854.4(e)(2)** is deleted to remove “streamline for reading, writing, and listing” as an embedded accommodation for PLA. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the CSA Guidelines.

**Proposed Section 854.4(e)(2)** is added to include “closed-captioning” as an embedded accommodation for PLA. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CSA Guidelines*.

**Proposed Section 854.4(e)(3)** is added to include “Spanish audio transcript, including braille transcript (for listening passages)” as an embedded accommodation for PLA. This is a necessary change as a result of the ETS annual review and CDE recommended change in the student accessibility resource, as set forth in the *CSA Guidelines*.

## SECTION 859

**Section 859(b)(2)** is amended to remove “on file” and add in its place “a record of” the names of all persons who have been trained in the administration of CAASPP achievement tests and all persons with access to achievement tests and corresponding test materials. The section is also amended to remove “sign” and add “electronically agree to” the CAASPP Test Security Affidavit, and remove “that will be kept on file in the LEA office.” With the implementation of an electronic agreement process for submitting the CAASPP Test Security Agreement, these changes are necessary to align with this electronic process. The goal of these changes is to introduce efficiencies for superintendents in the designation of the LEA coordinators as well as streamline the receipt of signed security agreements and security affidavits by the LEA coordinators and site-level users, including site coordinators.

**Section 859(b)(6)** is amended to remove “signing my name” and adds in its place “electronically agreeing” to the CAASPP Test Security Agreement, and removes the collection of information used in the paper signing process: “Signed:, Print Name:, Title:, LEA:, Date:” With the implementation of an electronic agreement process for submitting the CAASPP Test Security Agreement, this change is necessary to align with this electronic process. These changes are necessary, as the signing of documents are no longer needed in an electronic record keeping environment where documents may be electronically agreed to. In addition, the following elements all are recorded in an electronic environment and no longer need to be completed by the user: Name, Title, LEA, and Date.

**Section 859(c)** is amended to remove “signing” and adding “electronically agreeing to” the CAASPP Test Security Affidavit. With the implementation of an electronic agreement process for submitting the CAASPP Test Security Agreement, this change is necessary to align with this electronic process.

**Section 859(d)(4)** is amended to remove “signed” and adding “electronically agreed to” the CAASPP Test Security Affidavit, stating that LEA staff participating in the administration of the test will limit access to the test and test materials to students who are testing. With the implementation of an electronic agreement process for submitting the CAASPP Test Security Agreement, this change is necessary to align with this electronic process.

**Section 859(d)(14)** is amended to remove “signing my name” and adds in its place “electronically agreeing” to the assurances stated in the CAASPP Test Security Agreement, and removes the collection of information used in the paper signing process: “Signed:, Print Name:, Position:, School:, LEA:, Date:” With the implementation of an electronic agreement process for submitting the CAASPP Test Security Agreement, this change is necessary to align with this electronic process.

## SECTION 862

**Section 862(b)** is amended to add “pursuant to Education Code section 60640(l).” This is necessary to clarify the statutory requirements for apportionment payments.

**Section 862(b)(2)** is amended to delete “by March 1” in subdivision (A) and delete subdivision (B) that stated, “if transmitted after March 1, the apportionment information report must be accompanied by a waiver request as provided by *Education Code* Section 33050. For those apportionment information reports transmitted after March 1,” and keep the remaining sentence as Section 862(c) “apportionment payment is contingent upon the availability of an appropriation for this purpose for the fiscal year in which the testing window began.” This is a necessary change in order to reduce the procedural burden on the LEA by having to rush to submit the report by a certain date. Without the change, LEAs are required to certify the accuracy of the report and return to the CDE by the March 1 deadline. LEAs that miss the deadline are further burdened by having to follow the waiver process. The waiver process requires LEAs to hold a public meeting, obtain approval from their governing board, and submit the waiver to the CDE Waiver Office for approval. Then, the waiver must to be heard by the SBE for approval. Removing the March 1 deadline gives LEAs more time to submit the apportionment information report without having to go through the waiver process.

## SECTION 863

**Section 863(a)** is amended to add the “last” LEA and “where the student was enrolled when the selected testing period ended” to clarify which LEA is responsible for providing the Student Score Report to the parent or guardian within 20 working days from receipt of the results from the contractor. This section has also been amended to update the wording regarding providing results of the tests to parents. Specifically, “forward or transmit” has been replaced with “available” to account for other methods of distributing Student Score Reports. These changes are necessary with the implementation of electronic Student Score Reports, LEAs will no longer have paper Student Score Reports; and the regulations must clearly identify the responsibility of providing the electronic score report because the LEA will not have paper in hand to provide to the parent or guardian.

**Section 863(b)** is amended to add the “last” LEA and “where the student was enrolled when the selected testing period ended” to clarify which LEA is responsible for providing the Student Score Report to the student’s parent or guardian no later than the first 20 working days of the next school year when the reports are received after the last day of instruction for the school year. These proposed changes are necessary with the implementation of electronic Student Score Reports because LEAs will no longer have paper Student Score Reports, and the regulations must clearly identify the LEA whose responsible for providing the electronic score report because the LEA will not have a paper copy to provide to the student’s parent or guardian.

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

***Purpose:***

The CDE has determined that only LEAs, as defined by *Education Code* Section 60603(o), are impacted by these amended regulations in order to comply with the provisions of 20 *USC* Section 6311 of the federal Every Student Succeeds Act, requiring the annual assessment of “all students and children in the State.”

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

## OTHER REQUIRED SHOWINGS

**Studies, Reports Or Documents Relied Upon – Government Code Section 11346.2(b)(3):**

The SBE relied on the following document in the drafting of these regulations:

Smarter Balanced Assessment Consortium: *Usability, Accessibility and Accommodations Guidelines, June 28, 2018*. A copy of this document can be obtained at <https://portal.smarterbalanced.org/library/en/usability-accessibility-and-accommodations-guidelines.pdf>.

California Science Test Accessibility Supports for Operational Testing. A copy of this document can be obtained at <https://www.cde.ca.gov/ta/tg/ca/documents/castaccesssupt.pdf>.

California Spanish Assessment for Operational Testing. A copy of this document can be obtained at <http://www.caaspp.org/rsc/pdfs/CSA.accessibility-considerations.2018.pdf>.

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

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

**Reasonable Alternatives that Would Lessen the Impact on Small Businesses – Gov. Code Section 11346.2(b)(5)(B):**

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

**Evidence Relied Upon to Support the Initial Determination that the Regulations Will Not Have A Significant Adverse Economic Impact on Business – Gov. Code Section 11346.2(b)(5)(A):**

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

**Analysis of Whether the Regulations are an Efficient and Effective Means of Implementing the Law in the Least Burdensome Manner – Gov. Code Section 11346.3(e):**

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

11-16-2018 [California Department of Education]

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

# Title 5. EDUCATION

## Division 1. California Department of Education Chapter 2. Pupils

## Subchapter 3.75. California Assessment of Student Performance and

**Progress (CAASPP)**

### Article 1. General

#### § 850. Definitions.

For the purposes of these regulations, the following terms shall have the following meanings:

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

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

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

(d) “Alternate assessments” are any CAASPP achievement tests as provided in Education Code section 60640(k) and the test materials developed to measure the level of performance for pupils with the most significant cognitive disabilities who are unable to take the consortium summative assessments in English language arts (ELA) and mathematics pursuant to Education Code section 60640(b)(1) or are unable to take an assessment of science pursuant to Education Code section 60640(b)(2), even with resources.

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

(f) “Assessment technology platform” means the underlying computer systems on which CAASPP applications run. It is comprised of two components, the assessment management system and the test delivery system.

(g) “California Alternate Assessments (CAAs)” are the alternate assessments and corresponding test materials in ELA, mathematics, and science as provided for in Education Code section 60640(k) for pupils with the most significant cognitive disabilities. The CAAs are the successor alternate assessments for ELA, mathematics, and science as identified in Education Code section 60640(b)(3).

(h) “California Spanish Assessment (CSA)” is the primary language assessment and corresponding test materials in Spanish for Reading Language Arts/Literacy that will replace the Standards-based Tests in Spanish (STS). When operational, the CSA will be the successor to the STS pursuant to Education Code section 60640(b)(5)(A) and (j).

(i) “California Science Test (CAST)” is the assessment and corresponding test materials for science pursuant to Education Code section 60640(b)(2)(B) that measures the degree to which pupils are achieving the state-adopted standards in science pursuant to former Education Code section 60605.85.

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

(k) “Data Warehouse” means a comprehensive storehouse of test registrations and results and a system to generate reports on, or extracts of, that data.

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

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

(n) “Expandable passages/items” are embedded accessibility resources that allow the passage or item to take up a larger portion of the computer screen.

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

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

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

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

(s) “Operational” means a test administration that produces valid and reliable results which are used for public reporting purposes and for which pupil score reports are required to be issued, pursuant to Education Code sections 60640 and 60641. Operational tests do not include tests still under development, such as pilot or field tests.

(t) “Primary language assessment” means a test as provided in Education Code section 60640(b) and (j) and its corresponding test materials in each primary language for which a test is available. The Standards-based Test(s) in Spanish (STS) is the primary language assessment, until the CSA becomes operational. The accessibility supports designated in section 854.4 do not apply to the STS.

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

(v) “Pupils with the most significant cognitive disabilities” means pupils with a disability or disabilities as defined under title 20 United States Code section 1401(3) that significantly impact(s) cognitive functioning and adaptive behavior and who require extensive, direct individualized instruction and substantial supports to achieve measurement on academic standards, provided that:

(1) The identification of a pupil as having a particular disability as defined in IDEA shall not determine whether or not a pupil is a pupil with the most significant cognitive disabilities; and

(2) A pupil with the most significant cognitive disabilities must not be identified as such based solely on the pupil’s previous low academic achievement or the pupil’s previous need for accommodations to participate in general statewide or local assessments.

(3) For purposes of this definition, “adaptive behavior” means behavior essential for someone to live independently and to function safely across three domains of daily life skills: conceptual (e.g., language, functional academics, self-direction, money management, and time concepts); social (e.g., interpersonal skills, responsibility, self-esteem, wariness/naïveté, follow rules, etiquette, and social problem solving); and practical (e.g., activities of daily living, occupational skills, safety, healthcare, and travel).

(w) “Recently arrived English learner” means a pupil designated as an English Learner (EL) who is in his or her first 12 months of attending a school in the United States as specified in Education Code section 60603(v), as determined after April 15th of the previous school year.

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

(y) “Resource(s)” refers to a universal tool, designated support, accommodation or an unlisted resource approved pursuant to section 854.9. Resources (including approved unlisted resources) do not change the construct of the assessment.

(z) “Scribe” is an employee of the LEA or a person assigned by an NPS to implement a pupil's IEP who has ~~signed~~ electronically agreed to a CAASPP Test Security Affidavit and has received training to transcribe a pupil's responses to the format required by the test. A pupil's parent, guardian, or sibling is not eligible to be the pupil's scribe.

(aa) “Significant medical emergency” is a significant injury, trauma, or illness (mental or physical) that precludes a pupil from taking the achievement tests. An injury, trauma, or illness is significant if the pupil has been determined by a licensed physician to be unable to participate in the tests.

(ab) “Standards-based Tests in Spanish (STS)” are the achievement tests and the corresponding test materials that are administered at the option of the LEA as the primary language assessment as provided in Education Code sections 60640(b) and (j).

(ac) “Streamlining” means a~~n accommodation~~  a designated support on a computer-based assessment that provides an alternate display of an item, stacked into instructions, stimuli, and response choices.

(ad) “Test Administration Manual (TAM)” means the instructions provided by the CAASPP contractor or consortium for the purpose of training and administration of the respective CAASPP tests and which must be adhered to in order to ensure the security of valid and reliable tests and the reporting of accurate results.

(ae) “Test administrator“ is an employee or contractor of an LEA or an NPS who has ~~signed~~ electronically agreed to a CAASPP Test Security Affidavit and has received training to administer the CAASPP achievement tests.

(af) “Test delivery system” consists of the electronic systems used to display test items through an adaptive engine; accept and store item responses; score items; and restrict access to outside sources. The test delivery system includes technology required to administer computer-based tests.

(ag) “Test examiner” is an employee or contractor of an LEA or an NPS who has ~~signed~~ electronically agreed to a CAASPP Test Security Affidavit and has received training to administer the CAA tests. A test examiner must be a certificated or licensed LEA staff member.

(ah) “Test materials” include, but are not limited to, administration manuals, administrative materials, assessment management system, practice tests, scratch paper, and test answer documents.

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

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

(ak) “Translator” is a person who has been assigned to translate the test directions into the pupil's primary language pursuant to section 854.5, who has ~~signed~~ electronically agreed to a CAASPP Test Security Affidavit as identified in section 859(d), and who has received training specifically designed to prepare him or her to assist the test administrator or test examiner in the administration of the assessments pursuant to Education Code section 60640. A pupil's parent, guardian, or sibling is not eligible to be the pupil's translator. A translator must be:

(1) an employee of an LEA;

(2) an employee of the NPS; or

(3) a person supervised by an employee of an LEA or an employee of the NPS.

(al) “Universal tools” are resources of the CAASPP tests that are available to all pupils.

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

NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 306, 37670, 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615, 60640, 60641, 60642.5 and 60642.6, Education Code; 20 U.S.C. 1401(3) and 6311(b)(1)(E); and 34 C.F.R. Sections 200.1(d) 200.1(e), 200.1(f) and 300.160.

### Article 2. Achievement Tests and Any Primary Language Assessment

#### § 854.1. Use of Universal Tools, Designated Supports, and Accommodations for English Language Arts (ELA).

(a) All pupils shall be permitted the following embedded universal tools, delivered through an online platform, for all CAASPP achievement tests for ELA (including the components of reading, writing, and listening) as specified below:

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

(2) digital notepad for reading, writing, and listening;

(3) English dictionary for writing (ELA-performance task(s) – full write not short paragraph responses);

(4) English glossary for reading, writing, and listening;

(5) expandable items and passages for reading, writing, and listening;

(6) global notes for writing (ELA-performance task(s) – full write not short paragraph responses)

(7) highlighter for reading, writing, and listening;

(8) keyboard navigation for reading, writing, and listening;

(9) line reader for reading, writing, and listening;

(~~9~~10) mark for review for reading, writing, and listening;

(~~10~~11) spell check for specific writing items for ELA;

(~~11~~12) strikethrough for reading, writing, and listening;

(~~12~~13) writing tools for specific pupil generated responses for ELA; or

(~~13~~14) zoom for reading, writing, and listening.

(b) All pupils shall be permitted the following non-embedded universal tools on all CAASPP achievement tests for ELA (including the components of reading, writing, and listening) as specified below:

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

(2) English dictionary for ELA performance task(s) – full write not short paragraph responses;

(3) scratch paper for reading, writing, and listening; or

(4) thesaurus for ELA performance task(s) – full write not short paragraph responses.

(c) All pupils shall be permitted the following embedded designated supports, delivered through an online platform, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for ELA (including the components of reading, writing, and listening) as specified below:

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

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

(3) mouse pointer size and color for reading, writing, and listening;

(4) streamline for reading, writing and listening;

(~~3~~5) text-to-speech for writing, listening, and reading items but not reading passages; or

(~~4~~6) turn off any universal tool for reading, writing, and listening.

(d) All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or as specified in the pupil’s IEP or Section 504 Plan on the CAASPP achievement tests for ELA as specified below. Included on the following list of non-embedded designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient pupils:

(1) amplification for reading, writing, and listening;

(~~1~~2) bilingual dictionary for ELA performance task(s) – full write not short paragraph responses, and writing;

(~~2~~3) color contrast for reading, writing, and listening;

(~~34~~) color overlay for reading, writing, and listening;

(~~4~~5) magnification for reading, writing, and listening;

(6) medical device for reading, writing, and listening;

(~~5~~7) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones) for reading, writing, and listening;

(~~6~~8) read aloud for writing, listening, and reading items but not reading passages;

(~~7~~9) scribe for reading and listening;

(~~8~~10) separate setting for reading, writing, and listening, including most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture;

(~~9~~11) simplified test directions for reading, writing, and listening; or

(~~10~~12) translated test directions for reading, writing, and listening.

(e) The following embedded accommodations, delivered through an online platform, shall be provided when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for ELA (including the components of reading, writing, and listening) as specified below:

(1) American Sign Language for listening;

(2) audio transcript, including braille transcript for listening;

(~~2~~3) Braille for reading, writing, and listening;

(~~3~~4) closed captioning for listening; or

~~(4) streamline for reading, writing, and listening; or~~

(5) text-to-speech for ELA reading passages.

(f) The following non-embedded accommodations shall be provided, when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for ELA (including the components of reading, writing, and listening) as specified below:

(1) alternate response options for reading, writing, and listening;

(2) Braille for paper-pencil tests;

(3) large-print version of a paper-pencil test, when developed and functional;

(4) print on demand for reading, writing, and listening;

(5) read aloud for ELA reading passages;

(6) scribe for writing; ~~or~~

(7) speech-to-text~~.~~ for reading, writing, and listening; or

(8) word prediction for reading, writing, and listening.

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

NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and 300.160.

#### § 854.2. Use of Universal Tools, Designated Supports, and Accommodations for Mathematics.

(a) All pupils shall be permitted the following embedded universal tools, delivered through an online platform, for all CAASPP achievement tests for mathematics as specified below:

(1) breaks;

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

(3) digital notepad;

(4) English glossary;

(5) expandable items and passages;

(6) highlighter;

(7) keyboard navigation;

(8) line reader

(~~8~~9) mark for review;

(~~9~~10) mathematics tools (i.e., embedded ruler and embedded protractor) for specific mathematics items;

(~~10~~11) strikethrough;

(~~11~~12) writing tools for specific pupil generated responses; or

(~~12~~13) zoom.

(b) All pupils shall be permitted the following non-embedded universal tools on all CAASPP achievement tests for mathematics as specified below:

(1) breaks; or

(2) scratch paper.

(c) All pupils shall be permitted the following embedded designated supports, delivered through an online platform, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or as specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for mathematics as specified below.Included on the following list of embedded designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient pupils:

(1) color contrast;

(2) masking;

(3) mouse pointer size and color;

(4) streamline;

(~~3~~5) text-to-speech for stimuli and items;

(~~4~~6) translations (glossary);

(~~5~~7) Spanish translations (stacked) and translated test directions; or

(~~6~~8) turn off any universal tool.

(d) All pupils shall be permitted the following non-embedded designated supports, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or as specified in the pupil’s IEP or Section 504 Plan on the CAASPP achievement tests for mathematics as specified below. Included on the following list of non-embedded designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient students:

(1) amplification;

(~~1~~2) color contrast;

(~~2~~3) color overlay;

(~~3~~4) magnification;

(5) medical device;

(~~4~~6) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);

(~~5~~7) read aloud for stimuli and items;

(~~6~~8) read aloud for Spanish stacked translation;

(~~7~~9) scribe;

(~~8~~10) separate setting, including most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture;

(~~9~~11) simplified test directions;

(~~10~~12) translated test directions; or

(~~11~~13) translations (glossary) for mathematics (only consortium-provided glossaries for paper-pencil tests).

(e) The following embedded accommodations, delivered through an online platform, shall be provided, when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for mathematics as specified below:

(1) American Sign Language; or

(2) Braille~~; or~~.

~~(3) streamline.~~

(f) The following non-embedded accommodations shall be provided when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for mathematics as specified below:

(1) 100s number table for mathematics beginning in grade 4;

(2) abacus;

(3) alternate response options;

(4) Braille for paper-pencil tests;

(5) calculator for calculator-allowed mathematics items only in grades 6 through 8, and grade 11;

(6) large-print version of a paper-pencil test, when developed and functional;

(7) multiplication table for mathematics beginning in grade 4;

(8) print on demand; ~~or~~

(9) speech-to-text~~.~~ ; or

(10) word prediction.

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

NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and 300.160.

#### § 854.3. Use of Universal Tools, Designated Supports, and Accommodations for Science.

(a) All pupils shall be permitted the following embedded universal tools, delivered through an online platform, for the CASTs as specified below:

(1) breaks;

(2) calculator (four function for grade 5 and scientific for grade 8 and high school);

(3) color contrast;

(~~3~~4) digital notepad;

(~~4~~5) English glossary;

(~~5~~6) expandable items;

(~~6~~7) expandable passages;

~~(7) global notes for writing;~~

(8) highlighter;

(9) keyboard navigation;

(10) line reader;

(~~10~~11) mark for review;

(~~11~~12) mathematics tools (e.g., ruler, protractor);

(~~12~~13) science charts (e.g., calendar, Periodic Table of the Elements, and conversion charts);

(~~13~~14) science tools (e.g., interactive laboratory equipment, stop watch, static hardness key or tool, etc.);

(~~14~~15) strikethrough;

(~~15~~16) writing tools for specific pupil generated responses; or

(~~16~~17) zoom.

(b) All pupils shall be permitted the following non-embedded universal tools on all CAASPP achievement tests for science as specified below:

(1) breaks; or

(2) scratch paper.

(c) All pupils shall be permitted the following embedded designated supports, delivered through an online platform, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for science as specified below. Included on the following list of embedded designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient pupils:

(1) color contrast;

(2) masking;

(3) mouse pointer size and color;

(~~3~~4) Spanish translations (stacked);

(5) streamline;

(~~4~~6) text-to-speech for stimuli and items;

(~~5~~7) translations (glossary) for the following languages, when developed and functional: Arabic, Cantonese, Hmong, Korean, Mandarin, Punjabi, Russian, Spanish, Tagalog, and Vietnamese; or

(~~6~~8) turn off any universal tool(s).

(d) All pupils shall be permitted the following non-embedded designated supports, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for science. Included on the following list of non-embedded designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient students:

(1) 100s number table;

(2) amplification;

(~~2~~3) calculator (four-function for grade 5 and scientific for grade 8 and high school);

(~~3~~4) color contrast;

(~~4~~5) color overlay;

(~~5~~6) magnification;

(7) medical device;

(~~6~~8) multiplication table;

(~~7~~9) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);

(~~8~~10) read aloud for stimuli and items;

(~~9~~11) science charts (state approved only, i.e., calendar, Periodic Table of the Elements, and conversion charts);

(~~10~~12) scribe;

(~~11~~13) separate setting, including most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture;

(~~12~~14) simplified test directions; or

(~~13~~15) translated test directions for the following languages, when developed and functional: Arabic, Armenian, Cambodian, Cantonese, Farsi, Hindi, Hmong, Japanese, Korean, Mandarin, Mixteco, Portuguese, Punjabi, Russian, Spanish, Tagalog, Urdu, and Vietnamese.

(e) The following embedded accommodations, delivered through an online platform, shall be provided, when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for science as specified below:

(1) American Sign Language;

(2) audio transcript, includes braille transcript;

(~~2~~3) Braille; or

(~~3~~4) closed captioning~~; or~~.

~~(4) streamline.~~

(f) The following non-embedded accommodations shall be provided when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for science as specified below:

(1) abacus for specific science items;

(2) alternate response options;

(3) print on demand; ~~or~~

(4) speech-to-text~~.~~; or

(5) word prediction.

NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and 300.160.

**§ 854.4. Use of Universal Tools, Designated Supports, and Accommodations for Primary Language Assessment (PLA).**

(a) All pupils shall be permitted the following embedded universal tools, delivered through an online platform, for all CAASPP achievement tests for PLA (including the components of reading, writing, and listening) as specified below:

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

(2) digital notepad for reading, writing, and listening;

(3) dictionary in the language of the assessment for writing (PLA-performance task – full write not short paragraph responses) – when developed and functional;

(4) expandable items for reading, writing, and listening;

(5) expandable passages for reading, writing, and listening;

(6) global notes for writing (PLA-performance task(s) – full write not short paragraph responses) – when developed and functional;

(7) highlighter for reading, writing, and listening;

(8) keyboard navigation for reading, writing, and listening;

(9) line reader;

(~~9~~10) mark for review for reading, writing, and listening;

(11) Spanish glossary for specific items;

(~~10~~12) spell check for specific writing items for PLA – when developed and functional;

(~~11~~13) strikethrough for reading, writing, and listening;

(~~12~~14) writing tools for specific pupil generated responses for PLA; or

(~~13~~15) zoom for reading, writing, and listening.

(b) All pupils shall be permitted the following non-embedded universal tools on all CAASPP achievement tests for PLA (including the components of reading, writing, and listening) as specified below:

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

(2) dictionary in the language of the assessment for PLA performance task(s) – full write not short paragraph responses – when developed and functional;

(3) scratch paper for reading, writing, and listening; or

(4) thesaurus in the language of the assessment for PLA performance task(s) – full write not short paragraph responses – when developed and functional.

(c) All pupils shall be permitted the following embedded designated supports, delivered through an online platform, when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for PLA (including the components of reading, writing, and listening) as specified below:

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

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

(3) mouse pointer size and color;

(4) streamline for reading, writing, and listening;

(~~3~~5) text-to-speech for writing, listening, and reading items but not reading passages; or

(~~4~~6) turn off any universal tool for reading, writing, and listening.

(d) All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a team of educators (with parent/guardian and pupil input as appropriate) or as specified in the pupil’s IEP or Section 504 Plan on the CAASPP achievement tests for PLA as specified below. Included on the following list of non-embedded designated supports are language support(s) that may be appropriate for any pupil who can benefit from their use:

(1) amplification;

(~~1~~2) bilingual dictionary for PLA performance task(s) – full write not short paragraph responses, and writing – when developed and functional;

(~~2~~3) color contrast for reading, writing, and listening;

(~~34~~) color overlay for reading, writing, and listening;

(~~4~~5) magnification for reading, writing, and listening;

(6) medical device;

(~~5~~7) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones) for reading, writing, and listening;

(~~6~~8) read aloud for writing, listening, and reading items but not reading passages;

(~~7~~9) scribe for reading and listening;

(~~8~~10) separate setting for reading, writing, and listening, including most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture; or

(~~9~~11) simplified test directions for reading, writing, and listening~~; or~~.

~~(10) translated test directions for reading, writing, and listening.~~

(e) The following embedded accommodations, delivered through an online platform, shall be provided when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for PLA (including the components of reading, writing, and listening) as specified below:

(1) Braille for reading, writing, and listening;

~~(2) streamline for reading, writing, and listening; or~~

(2) closed-captioning;

(3) Spanish audio transcript, including Braille transcript (for listening passages); or

(~~3~~4) text-to-speech for PLA reading passages.

(f) The following non-embedded accommodations shall be provided, when specified in the pupil’s IEP or Section 504 Plan on all CAASPP achievement tests for PLA (including the components of reading, writing, and listening) as specified below:

(1) alternate response options for reading, writing, and listening;

(2) print on demand for reading, writing, and listening;

(3) read aloud for PLA reading passages; or

(4) scribe for writing.

NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and 300.160.

#### § 859. CAASPP Test Security Agreement and Test Security Affidavit

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

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

CAASPP TEST SECURITY AGREEMENT

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

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

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

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

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

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

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

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

~~Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~LEA: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

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

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

CAASPP TEST SECURITY AFFIDAVIT

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

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

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

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

(4) I will limit access to the achievement test(s) and corresponding test materials by test examinees to the actual testing periods when they are taking the test(s). I understand that only pupils who are testing and LEA staff participating in the test administration who have ~~signed~~ electronically agreed to a CAASPP Test Security Affidavit may be in the room when and where an achievement test is being administered.

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

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

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

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

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

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

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

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

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

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

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

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

(14) I have been trained to administer the achievement tests. By ~~signing my name~~ electronically agreeing to this document, I am assuring that I have completely read this affidavit and will abide by the above conditions.

~~Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~School: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~LEA: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

~~Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_~~

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

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

#### § 862. Apportionment Information Report

(a) Annually, the CDE shall make available electronically to each LEA an apportionment information report with the following information provided to the contractor by the LEA pursuant to sections 853 and 861 by grade level:

(1) The number of pupils enrolled in each school and in the LEA;

(2) The number of pupils in each school and in the LEA tested with the alternate assessment;

(3) The number of pupils in each school and in the LEA exempted from testing at the request of their parent or guardian pursuant to Education Code section 60615;

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

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

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

(7) The number of ELs who were administered a primary language test aligned to the ELA standards pursuant to Education Code section 60640(b)(5)(B); and

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

(b) To be eligible for apportionment payment for the CAASPP assessments pursuant to Education Code section 60640(l), LEAs must meet the following conditions:

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

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

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

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

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

#### § 863. CAASPP Pupil Reports and Cumulative Record Labels.

(a) The last LEA where the student was enrolled when the selected testing period ended shall make the ~~forward or transmit pupi~~l results for the achievement tests conducted pursuant to Education Code section 60640 available to each pupil's parent or guardian within 20 working days from receipt of the results from the contractor.

(b) If the last LEA where the student was enrolled when the selected testing period ended receives the reports for the achievement tests conducted pursuant to Education Code section 60640 from the contractor after the last day of instruction for the school year, the LEA shall make the report available to the parent or guardian no later than the first 20 working days of the next school year.

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

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

10-24-18 [California Department of Education]