

State of California

Department of Education

INFORMATION MEMORANDUM

DATE: June 2, 2004

TO: MEMBERS, STATE BOARD OF EDUCATION

FROM: Geno Flores, Deputy Superintendent
Assessment and Accountability Branch

SUBJECT: Standardized Testing and Reporting (STAR) Program: Amendments for Title 5 Code of Regulations

Amended Title 5 Code of Regulations for the STAR Program is attached. The State Board of Education (SBE) is being asked to amend the regulations to do the following:

- Update and clarify definitions used in the program.
- Make technical corrections to the Use of Variations, Accommodations, and Modifications that were approved at the November 2003 SBE meeting.
- Add a section to Section 854 to address the use of California Standards Test released items in helping pupils prepare for the tests. This amendment will also require amending California *Education Code* Section 60611.
- Modifying the regulations to use consistently working days. The use of both calendar days and working days in the current regulations has resulted in late delivery of materials to districts and districts being unable to deliver testing materials to schools/test sites within the required time lines.
- Modifying the procedures for completing district apportionment reports. California Department of Education (CDE) is able to compile the reports with current technology and send completed reports to district superintendents for certification. This change reduces the work for districts and produces more accurate information for the state.
- Modifying the regulations related to the designated primary language test to ensure that the regulations are consistent across all tests within the Program.
- Modify the regulations related to out-of-level testing.

The regulations have also been modified to have regulations that are as consistent as possible across all state testing programs.

Staff will continue to work on these regulations and may submit minor changes before the July meeting when SBE will be asked to approve the amended regulations for distribution and public hearings. Following the public hearings and comment period, staff expects to request adoption of the regulations at the September 2004 meeting.

Attachment 1: TITLE 5. Education, Division 1. State Department of Education, Chapter Pupils, Subchapter 3.75. Standardized Testing and Reporting Program (43 Pages)

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Title 5. EDUCATION
Division 1. State Department of Education
Chapter. Pupils
Subchapter 3.75. Standardized Testing and Reporting Program
Article 1. General

Add subsection (h) to Section 850 to read:

§ 850. Definitions.

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

(a) ~~“Designated achievement test” is the achievement test required by Education Code sSection 60640(b). The designated achievement test includes test booklets, test answer documents, administration manuals, and administrative materials. The designated achievement test is to be administered in the areas of reading, spelling, written expression and mathematics for pupils in grades 2 to 8, inclusive; and in the core curriculum areas of reading, writing, mathematics, history-social science and science for pupils in grades 9 to 11, inclusive.~~

(b) “Primary language test” includes any test administered pursuant to Education Code sSection 60640(f) or a test administered pursuant to the requirement of Education Code sSection 60640(g), as applicable, and includes the test booklets, test answer documents, administration manuals, administrative materials and practice tests.

(c) “School districts” includes elementary, high school, and unified school districts; county offices of education; and any charter school that for assessment purposes does not elect to be part of the school district or county office of education that granted the charter; and any charter school chartered by the State Board of Education.

(d) “Eligible pupil”

(1) For the designated achievement test and the standards-based achievement tests, an eligible pupil is any pupil in grades 2 through 11, inclusive, who is not exempted by parent/guardian request or eligible to take the CAPA.

1 (2) For the CAPA, an eligible pupil is any pupil with a significant cognitive disability
2 with in grades 2 through 11 and ages 7 through 16 in ungraded programs whose
3 individual education program (IEP) states that the pupil is to take the CAPA.

4 (3) For the primary language test, an eligible pupil is an English learner with a
5 primary language for which a test is required or optional.

6 (e) "Department" means the California Department of Education.

7 (f)(1) "Standards-based achievement tests" are those tests that measure the degree
8 to which pupils are achieving the content standards and performance standards
9 adopted by the State Board of Education as provided in Education Code §Section
10 60642.5. The standards-based achievement tests include test booklets, test answer
11 documents, administration manuals, administrative materials, practice tests and other
12 materials developed and provided by the publisher of the tests.

13 (2) The term "standards-based achievement test" may refer to one or more of the
14 individual achievement tests in the subject of core curriculum areas required by
15 Education Code §Section 60642.5, or all of the standards-based achievement tests
16 collectively.

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

22 (h) "The California Alternate Performance Assessment" (CAPA) is an individually
23 administered performance assessment developed to assess students' achievement on
24 a subset of California's Academic Content Standards. It is shall only be administered to
25 students with significant cognitive disabilities receiving special education services
26 whose IEP teams determined that the students are to be assessed with the CAPA. The
27 CAPA includes administration manuals, administrative materials, and documents on
28 which the examiner records the student's responses.

29 (i) "Untimed administration" means that pupils may receive as much time as needed
30 within a single sitting to complete a test or test part.

1 (j) ~~“Out-of-level testing”~~ Below grade level testing means administering a test that is
2 below the grade level of the pupil being tested.

3 (k) “Test examiner” is a certificated employee of a school district or an employee of
4 a non-public school who has been trained to administer the tests. For the CAPA, the
5 test examiner may be a certificated or licensed school staff member.

6 (l) “Scribe” is an employee of the school district, or a person assigned to a nonpublic
7 school to implement a pupil’s IEP and is required to transcribe a pupil’s ~~or adult~~
8 ~~student’s~~ responses to the format required by the ~~examination~~ test. A member of a
9 student’s family member or a student’s guardian is not eligible to be a scribe.

10 (m) “Accommodation” means any variation in the assessment environment or
11 process that does not fundamentally alter what the test measures or affect the
12 comparability of scores. Accommodations may include variations in scheduling, setting,
13 aids, equipment, and presentation format.

14 (n) “Modification” means any variation in the assessment environment or process
15 that fundamentally alters what the test measures or affects the comparability of scores.

16 (o) “Variation” is a change in the manner in which a test is presented or
17 administered, or in how a test taker is allowed to respond, and includes, but is not
18 limited to, accommodations and modifications ~~as defined in Education Code section~~
19 ~~60850~~.

20 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
21 Sections 60615, 60640, 60642, and 60642.5, Education Code.

22
23 **Article 2. Designated Achievement Test, and Standards-Based**
24 **Achievement Tests,**
25 **and California Alternate Performance Assessment**

26
27 *Amend Section 851 to read:*

28 **§ 851. Pupil Testing.**

29 (a) School districts shall administer the designated achievement test and standards
30 based achievement tests to each eligible pupil enrolled in any of grades 2 to 11,
31 inclusive, in a school district on the date testing begins in the pupil’s school.

1 (b) School districts shall administer the CAPA, as set forth in the pupil's IEP, to each
2 eligible pupil in any of grades 2 to 11, inclusive, in a school district during the period
3 specified by the test contractor. Students in ungraded special education classes are to
4 be tested, if they are 7 to 16 years of age.

5 (c) School districts shall make whatever arrangements are necessary to test all
6 eligible pupils in alternative education programs or programs conducted off campus,
7 including, but not limited to, continuation schools, independent study, community day
8 schools, or county community schools.

9 (d) School districts may administer the designated achievement test to pupils
10 enrolled in kindergarten or grade 1 or 12, but those pupils shall not be counted for the
11 apportionment pursuant to Education Code ~~s~~Section 60640(h).

12 (e) No test may be administered in a private home or location unless the test is
13 administered by either a certificated employee of the school district or an employee of a
14 nonpublic school pursuant to Education Code ~~s~~Section 56365 who holds a credential
15 and the employee signs a security affidavit. No test shall be administered to a pupil by
16 the parent or guardian of that pupil. This subdivision does not prevent classroom aides
17 from assisting in the administration of the test under the supervision of a credentialed
18 school district employee provided that the classroom aide does not assist his or her
19 own child and that the classroom aide signs a security affidavit.

20 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

21 Reference: Section 60640, Education Code.

22
23 *Amend Section 852 to read:*

24 **§ 852. Pupil Exemptions.**

25 (a) A parent or guardian may submit to the school a written request to excuse his or
26 her child from any or all parts of any test provided pursuant to Education Code ~~s~~Section
27 60640. A school district and its employees may discuss the Standardized Testing and
28 Reporting Program with parents and may inform parents of the availability of
29 exemptions under Education Code ~~s~~Section 60615. However, the school district and its
30 employees shall not solicit or encourage any written exemption request on behalf of
31 any child or group of children.

1 (b) Pupils in special education programs shall be tested with the designated
2 achievement test and the standards-based achievement tests unless the individualized
3 educational program for the pupil specifically states that the pupil will be assessed with
4 the California Alternate Performance Assessment or (CAPA).

5 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
6 Sections 60615 and 60640, Education Code.

7
8
9 *Amend Section 853 to read:*

10 **§ 853. Administration.**

11 (a) The designated achievement test shall be administered and returned by school
12 districts in accordance with the manuals or other instructions provided by the contractor
13 for administering and returning the tests unless specifically provided otherwise in this
14 subchapter including instructions for administering the test with variations,
15 accommodations, and modifications. The procedures shall include, but are not limited
16 to, those designated to insure the uniform and standard administration of the tests to
17 pupils, the security and integrity of the test content and test items, and the timely
18 provision of all required student and school level information.

19 (b) The standards-based achievement tests and the California Alternate
20 Performance Assessment (CAPA) shall be administered and returned by school
21 districts in accordance with the manuals and other instructions provided by the
22 contractor, and in accordance with testing variations, accommodations, and
23 modifications specified in Section 853.5. The procedures shall include, but are not
24 limited to, those designed to insure the uniform and standard administration of the tests
25 to pupils, the security and integrity of the test content and test items, and the timely
26 provision of all required student and school level information, The procedures shall not
27 include criteria for who should be assessed by the CAPA.

28 (c) For the ~~2003-04~~ 2004-05 school year ~~only~~, pupils with IEPs specifying below
29 grade level testing in grades ~~5~~ 4 through 11 may be tested one or two grades below
30 their enrollment grade. Pupils with IEPs specifying below grade level testing in grade 3
31 may be tested one grade level below their enrollment grade. The test level must be

1 specified in the student's pupil's IEP. ~~Out-of-level~~ Below grade level testing shall be
2 used only if the student pupil is not receiving grade-level instruction curriculum as
3 specified by the California academic content standards, and is so indicated on the IEP.
4 ~~Students~~ Pupils tested ~~out-of-level~~ below grade level must complete all tests required
5 for the grade at which they are tested and shall be administered ~~only one level of the~~
6 ~~tests~~ the test for only one grade level. ~~Out-of-level testing is not allowed for pupils in~~
7 ~~grades 2, 3, and 4. No out-of-level testing shall be allowed at any grade beginning with~~
8 ~~the 2004-05 school year.~~

9 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:
10 Section 60640, Education Code; and 20 USC Section 6311.

11 *Amend Section 853.5 to read:*

12 **§ 853.5 Use of Variations, Accommodations, and Modifications for the Standards-**
13 **Based Achievement Test and the California Alternate Performance Assessment.**

14 (a) School districts may provide all pupils the following testing variations if regularly
15 used in the classroom:

16 (1) test directions that are simplified ~~or clarified~~.

17 (2) special or adaptive furniture.

18 (3) special lighting or acoustics.

19 (4) an individual carrel or study enclosure.

20 (5) test individually in a separate room provided that an employee of the school,
21 district, or non-public school, who has signed the STAR Test Security Affidavit, directly
22 supervises the pupil.

23 (6) ~~markers, use of colored overlays or masks, or other means to maintain visual~~
24 ~~attention to the examination or test items.~~

25 (b) Eligible pupils with disabilities who have IEPs and students with Section 504
26 plans shall be permitted to take the standards-based achievement tests with the
27 following presentation, response or setting accommodations if specified in the IEP or
28 Section 504 plan:

29 (1) large print versions.

30 (2) test items enlarged through electronic means (e.g., photocopier).

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

1 (4) for grade 2 or 3 underlining or marking information or working math problems in
2 addition to marking question answers in test booklets and having a school or district
3 employee who has signed the Test Security Affidavit transfer the answers to a new test
4 booklet.

5 ~~(5)(4)~~ use of manually coded English or American sign language to present
6 directions for administration.

7 ~~(6)(5)~~ audio or oral presentation of the mathematics tests.

8 ~~(7)(6)~~ use of manually coded English or American sign language to present test
9 questions on the mathematics, science, or history-social science tests.

10 ~~(8)(7)~~ responses marked in test booklet and transferred to the answer document by
11 a school or district employee who has signed the Test Security Affidavit.

12 ~~(9)(8)~~ responses dictated to a scribe for selected-response items (e.g., multiple-
13 choice test questions).

14 ~~(10)(9)~~ responses dictated to a scribe, audio recorder or speech to text converter on
15 the grade 4 or grade 7 writing application standards section of the California English-
16 Language Arts Standards Test, and the pupil indicates all spelling and language
17 conventions.

18 ~~(11)(10)~~ use of word processing software with spell and grammar check tools turned
19 off on the writing portion of the grade 4 or 7 test.

20 ~~(12)(11)~~ use of an assistive device that does not interfere with the independent work
21 of the student on the multiple-choice or writing portion of the test.

22 ~~(13)(12)~~ supervised breaks within a section of the test.

23 ~~(14)(13)~~ administration of the test at the most beneficial time of day to the pupil.

24 ~~(15)(14)~~ test administered by certificated teacher to a pupil ~~or adult student~~ at home
25 or in the hospital.

26 (c) Eligible pupils with disabilities shall be permitted to take the standards-based
27 tests with the following modifications if specified in the eligible pupil's IEP:

28 (1) calculators on the mathematics or science tests.

29 (2) audio or oral presentation of the English-language arts tests.

30 (3) use of manually coded or American sign language to present test questions on
31 the English-language arts tests.

1 (4) spellcheckers, grammar checkers, or word processing software programs that
2 check or correct spelling and/or grammar on the writing portion of the ~~grade 4 and 7~~
3 English-language arts tests.

4 (5) mechanical or electronic devices or other assistive devices that are not used
5 solely to record the pupil's responses, including but not limited to transcribers, scribes,
6 voice recognition or voice to text software, and that identify a potential error in the
7 pupil's response or that correct spelling, grammar or conventions on the writing portion
8 of the ~~grade 4 and 7~~ English-language arts tests.

9 (6) use of American sign language to provide a response to the written portion of
10 the ~~grade 4 and 7~~ English-language arts tests.

11 (7) English dictionary on the English-language arts test.

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

13 (d) School districts shall provide English learner pupils who have been enrolled in
14 school in the United States or one of its Trust Territories fewer than three years the
15 following ~~additional~~ testing variations if regularly used in the classroom or for
16 assessment:

17 (1) Flexible setting. Tested in a separate room with other English learners provided
18 that an employee of the school, district, or non-public school, who has signed the Test
19 Security Affidavit, directly supervises the pupil and the pupil has been provided such a
20 flexible setting.

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

24 (3) Translated directions. Hear any test directions the test examiner is to read aloud
25 translated into their primary language. English learners shall have the opportunity to
26 ask clarifying questions about any test directions presented orally in their primary
27 language.

28 (4) Glossaries. Access to word-to-word glossaries/word lists for the standards-
29 based achievement tests in mathematics, science, and history-social science if used
30 regularly in the classroom (English to primary language). The glossaries/word lists are
31 to include only the English word or phrase with the corresponding primary language

1 word or phrase. The glossaries/word lists shall include no definitions or formulas.

2 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference:
3 Section 60640, Education Code; 20 USC Section 6311.

4
5 *Amend Section 854 to read:*

6 **§ 854. Advance Preparation for the Test.**

7 (a) Except for materials specifically included within the designated achievement or
8 standards-based tests, no program or materials shall be used by any school district or
9 employee of a school district that are specifically formulated or intended to prepare
10 pupils for the designated achievement or standards-based achievement tests. No
11 administration or use of an alternate or parallel form of the designated test for any
12 stated purpose shall be permitted for any pupils in grades 2 through 11, inclusive.

13 (b) Practice tests provided by the ~~publisher~~ contractor as part of the ~~designated~~
14 ~~achievement test~~ standards-based achievement tests for the limited purpose of
15 familiarizing pupils with the use of scannable test booklets or answer sheets and the
16 format of test items are not subject to the prohibition of Subdivision (a).

17 (c) Questions released by the Department for the standards-based achievement
18 tests may be used only in accordance with Department guidelines.

19 NOTE: Authority cited: Sections 33031 and 60605(~~g~~) and (~~h~~), Education Code.
20 Reference: Sections 60611 and 60640, Education Code.

21
22 *Amend Section 855 to read:*

23 **§ 855. Testing Period.**

24 (a) The designated achievement test and the standards-based achievement tests,
25 except for the STAR writing assessment as specified in subdivision (c) shall be
26 administered to each pupil during a testing window of twenty-one (21) instructional
27 days that includes ten (10) instructional days before and after completion of 85% of the
28 school's, track's or program's instructional days. Testing for all pupils, including
29 makeup testing, is to be completed within this twenty-one day instruction day window
30 unless all or part of the twenty-one instructional day period falls after any statutorily
31 specified deadline.

1 (b) Each school district shall provide for at least two (2) makeup days of testing for
2 pupils who are absent during the period in which any school administered the
3 designated achievement test and the standards-based achievement tests. All makeup
4 testing shall occur within five (5) instructional days of the last date that the school
5 district administered the tests but not later than the end of the twenty-one instructional
6 day period established in subdivision (a).

7 (c) The STAR writing assessment shall be administered to each eligible pupil only
8 on the day(s) specified annually by the Superintendent of Public Instruction. An eligible
9 pupil for purposes of the writing assessment is a pupil taking the standards-based
10 achievement tests for ~~enrolled in~~ a grade at which the writing test will be administered.

11 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

12 Reference: Sections 60640 and 60642.5, Education Code.

13
14 *Amend Section 857 to read:*

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

16 (a) On or before ~~November 15, 1999 and October 15~~ September 30 of each
17 ~~subsequent~~ school year, the superintendent of each school district shall designate from
18 among the certificated employees of the school district a STAR program district
19 coordinator. The STAR program district coordinator, or the school district
20 superintendent or his or her designee, shall be available through August 15 of the
21 following year to complete school district testing. The school district shall notify the
22 ~~publisher~~ contractor of the identity and contact information, including electronic mail
23 address, if available in the school district, for the STAR program district coordinator and
24 for the superintendent and his or her designee, if any. The STAR program district
25 coordinator shall serve as the school district representative and the liaison between the
26 school district and the ~~test publisher~~ contractor and the school district and the
27 Department for all matters related to the STAR Program.

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

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

4 (2) Determining school district and individual school test and test material needs in
5 conjunction with schools within the district and the test-publisher contractor, using
6 California Basic Education Data System (CBEDS) and current enrollment data and
7 communicating school district test ~~and test~~ material needs to the ~~publisher~~ contractor
8 on or before December 1.

9 (3) Overseeing the acquisition and distribution of tests and test materials to
10 individual schools and test sites.

11 (4) Coordinating the testing and makeup testing days for the school district and
12 nonpublic schools within any required time periods with the school test site
13 coordinators. Overseeing the collection of all pupil data as required to comply with
14 Section 861.

15 (5) Maintaining security over the designated achievement test, ~~and~~ the standards-
16 based achievement tests, the California Alternate Performance Assessment and test
17 data using the procedure set forth in Section 859. The STAR program district
18 coordinator shall sign the security agreement set forth in Section 859 prior to receipt of
19 the test materials.

20 (6) Overseeing the administration of the designated achievement test, ~~and~~ the
21 standards-based achievement tests, and the California Alternate Performance
22 Assessment to eligible pupils.

23 (7) Overseeing the collection and return of all test materials and test data to the
24 ~~publisher~~ contractor within any required time periods.

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

28 (9) Ensuring delivery of tests and test materials to the test sites no more than ten
29 (10) or fewer than five (5) working days before the first day of testing at each school.

30 (10) Immediately notifying the Department of any security breaches or testing
31 irregularities in the district.

1 ~~(e)(11)~~ Within five (5) working days of completed school district testing, the school
2 district superintendent and the STAR program district coordinator shall certify the
3 following information with respect to the designated achievement test and the
4 standards-based achievement tests to the Department: that the school district has
5 maintained the security and integrity of the designated achievement test and the
6 standards-based achievement tests; collected all data and information as required by
7 Sections 861 and 862; returned to the ~~test publisher~~ contractor all test materials,
8 answer documents, and other materials included as part of the designated
9 achievement test and the standards-based achievement tests in the manner and as
10 otherwise required by the ~~test publisher~~ contractor; and ~~assisted the test publisher in~~
11 ~~the resolution of any discrepancies in the test or test materials as required by Section~~
12 ~~868.~~

13 ~~(d)(12)~~ Within five (5) working days of receiving summary reports and files from the
14 ~~publisher~~ contractor, the ~~school~~ district STAR coordinator shall review the files and
15 reports for completeness and accuracy, and shall notify the ~~publisher~~ contractor and
16 the Department of its findings. The school district shall notify the Department in writing
17 whether any errors, discrepancies, or incomplete information have been resolved.

18 (13) Within five (5) working days of receiving a report from a STAR program
19 contractor that the quantity of secure testing materials returned by the district differs
20 from the quantity sent to the district, the district STAR coordinator shall attempt to
21 locate and return the missing materials. If the materials cannot be located, the district
22 STAR coordinator shall submit a written response to the contractor explaining the
23 discrepancy. |

24 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

25 Reference: Sections 60630 and 60640, Education Code.

26
27 *Amend Section 858 to read:*

28 **§ 858. STAR Test Site Coordinator.**

29 (a) At each test site, including but not limited to, each elementary, middle, and high
30 school or other grade-span designated school, each charter school, each court-school,
31 each school or program operated by a school district, and all other public programs

1 serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school
2 district shall designate a STAR test site coordinator from among the certificated
3 employees of the school district. The STAR test site coordinator, or the site principal or
4 his or her designee, shall be available to the STAR program district coordinator by
5 telephone through August 15 for purposes of resolving discrepancies or inconsistencies
6 in materials or errors in reports.

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

9 (1) Determining site test and test material needs and communicating the site needs
10 to the STAR program district coordinator.

11 (2) Overseeing the acquisition and distribution of tests and test materials at the test
12 site.

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

15 (4) Maintaining security over the designated achievement test, ~~and the standards-~~
16 based achievement tests, the California Alternate Performance Assessment and test
17 data. The STAR test site coordinator shall sign the security agreement set forth in
18 Section 859 prior to the receipt of the test materials.

19 (5) Overseeing the administration of the designated achievement test, ~~and the~~
20 standards-based achievement tests, and the California Alternate Performance
21 Assessment to eligible pupils at the test site.

22 (6) Overseeing the collection and return of all testing materials to the STAR
23 program district coordinator.

24 (7) Assisting the STAR program district coordinator, the ~~test publisher~~ contractor,
25 and the Department in the resolution of any discrepancies in the test information and
26 materials.

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

29 (9) Ensuring that for each pupil tested only one scannable answer document is
30 submitted for scoring, except for each pupil tested at grades 4 or grade 7, for which the
31 contractor has designated the use of more than one answer document. aAn answer

1 document for the STAR writing assessment administered pursuant to Section 855(c)
2 shall be submitted in addition to the answer document for the multiple choice items.

3 (10) Immediately notifying the STAR program district coordinator of any
4 irregularities that occur in the administration of the designated achievement test, the
5 standards-based achievement tests, or the California Alternate Performance
6 Assessment that violate the terms of the STAR Security Affidavit in Section 859.

7 ~~(e)~~(11) Within three (3) working days of complete site testing, the principal and the
8 STAR test site coordinator shall certify to the STAR program district coordinator that
9 the test site has maintained the security and integrity of the designated achievement
10 test, ~~and~~ the standards-based achievement tests, and the California Alternate
11 Performance Assessment and collected all data and information as required, and
12 returned all test materials, answer documents, and other materials included as part of
13 the designated achievement test, the standards-based achievement tests, and the
14 California Alternate Performance Assessment in the manner and as otherwise required
15 by the STAR program district coordinator.

16 NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ ~~and (h)~~, Education Code.

17 Reference: Sections 60630 and 60640, Education Code.

18
19 *Amend Section 859 to read:*

20 **§ 859. STAR Test Security Agreement and Test Security Affidavit.**

21 (a) All STAR program district and test site coordinators (coordinators) shall sign the
22 STAR Test Security Agreement set forth in Subdivision (b) before receiving any STAR
23 program tests or test materials.

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

25 STAR TEST SECURITY AGREEMENT

26 The coordinator acknowledges by his or her signature on this form that the
27 designated achievement test, ~~and~~ the standards-based achievement tests, and the
28 California Alternate Performance Assessment are secure tests and agrees to each of
29 the following conditions to ensure test security.

1 (1) The coordinator will take all necessary precautions to safeguard all tests and
2 test materials by limiting access to persons within the school district with a responsible,
3 professional interest in the ~~test's~~ tests' security.

4 (2) The coordinator will keep on file the names of all persons having access to tests
5 and test materials. All persons having access to the materials shall be required by the
6 coordinator to sign the STAR Test Security Affidavit that will be kept on file in the
7 school district office.

8 (3) The coordinator will keep the designated achievement test and the standards-
9 based achievement tests and test materials in a secure, locked location limiting access
10 to only those persons responsible for test security except on actual testing dates as
11 provided in California Code of Regulations, Title 5, Division 1, Chapter 2, Subchapter
12 3.75.

13 (4) The coordinator will keep the CAPA materials in a secure locked location when
14 not being used by examiners to prepare for and to administer the assessment. The
15 coordinator shall adhere to the contractor's directions for the distribution of the
16 assessment materials to examiners.

17 (5)(4) The coordinator will not copy any part of the tests or test materials without
18 written permission from the Department to do so.

19 (6)(5) The coordinator ~~will~~ shall not review test questions, develop any scoring keys
20 or review or score any pupil responses except as required by the contractor's manuals.

21 By signing my name to this document, I am assuring that I and anyone having
22 access to the test materials will abide by the above conditions.

23 By: _____

24 Title: _____

25 School District: _____

26 Date: _____

27 (c) Each STAR test site coordinator shall deliver the designated achievement test
28 and the standards-based achievement tests and test materials only to ~~those persons~~
29 ~~actually administering the designated achievement test and the standards-based~~
30 ~~achievement tests~~ test examiners who have been trained to administer the tests and
31 who have signed the STAR Test Security Affidavit set forth in Subdivision (f) on the

1 ~~date each day~~ of testing ~~to persons trained to administer the test who have executed~~
2 ~~the STAR Test Security Affidavit set forth in Subdivision (e).~~

3 (d) Each STAR test site coordinator shall deliver the California Alternate
4 Performance Assessment (CAPA) materials only to test examiners. The coordinator
5 shall adhere to the contractor's directions for the distribution of the assessment
6 materials to test examiners.

7 ~~(e)(d)~~ All test examiners, proctors, scribes, and any other persons having access to
8 the designated achievement test and test materials, ~~and to the standards-based~~
9 achievement tests and test materials, and the CAPA materials shall acknowledge the
10 limited purpose of their access to the tests by signing the STAR Test Security Affidavit
11 set forth in Subdivision (f).

12 ~~(f)(e)~~The STAR Test Security Affidavit shall be as follows:

13 STAR TEST SECURITY AFFIDAVIT

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

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

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

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

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

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

26 (6) I will not disclose, or allow to be disclosed, the contents of, or the test
27 instrument. I will not review any test questions, passages, or other test items with pupils
28 or any other person before, during, or following testing.

29 (7) I will not develop scoring keys or review or score any pupil responses except as
30 required by the ~~publisher's~~ contractor's administration manual(s) to prepare answer
31 documents for machine or other scoring.

1 (8) I will return all test materials to the designated STAR test site coordinator daily
2 upon completion of testing.

3 (9) I will administer the test(s) in accordance with the directions for test
4 administration set forth in the ~~publisher's~~ contractor's manual for test administration.

5 (10) I have been trained to administer the tests.

6 Signed: _____

7 Print Name: _____

8 Position: _____

9 School: _____

10 School District: _____

11 Date: _____

12 ~~(g)(f)~~ To maintain the security of the Program, all STAR program district
13 coordinators and test site coordinators are responsible for inventory control and shall
14 use appropriate inventory control forms to monitor and track test inventory.

15
16 *Section 861 to read:*

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

18 (a) Each school district shall provide the ~~publisher~~ contractor ~~of~~ for the designated
19 achievement test and the standards-based achievement tests, the following information
20 for each pupil ~~tested~~ enrolled on the first day the tests are administered for purposes of
21 the reporting required by the Academic Performance Index of the Public Schools
22 Accountability Act (Chapter 6.1, commencing with Section 52050), Section 60630, and
23 Chapter 5 (commencing with Section 60640) of the Education Code:

24 (1) Pupil's full name

25 ~~(2)(1)~~ Date of birth.

26 ~~(3)(2)~~ Grade level.

27 ~~(4)(3)~~ Gender.

28 ~~(5)(4)~~ English-Language fluency classification and home language.

29 (6) Date of language reclassification and test scores from previous years.

30 ~~(7)(5)~~ Special pProgram participation.

31 ~~(8)(6)~~ Use of Testing adaptations variations, ~~or~~ accommodations, or modifications.

1 (9) California School Information System (CSIS) ID Number

2 (10)(7) Parent education level.

3 (11)(8) Amount of time in the school and school district.

4 (12) For English learners, length of time in California public schools and in school in
5 the United States.

6 (13) Eligibility for participation in the National School Lunch Program.

7 (14)(9) Ethnicity.

8 (15)(10) Handicapping condition or disability.

9 (16) District of residence for students with disabilities.

10 (17) Special testing conditions and/or reasons for not being tested.

11 (b) The information is for the purposes of aggregate analyses only and shall be
12 provided and collected as part of the testing materials for the designated achievement
13 test, the standards-based achievement tests, and the California Alternate Performance
14 Assessment.

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

18 (d) If the information required by section 861(a) is incorrect, the school district may
19 enter into a separate agreement with the contractor to have the district's student data
20 file corrected. The district STAR coordinator shall provide the correct information to the
21 contractor within the contractor's timeline. Any costs for correcting the student data
22 shall be the district's responsibility.

23 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

24 Reference: Section 60630, Education Code.

25
26 *Amend Section 862 to read:*

27 **§ 862. Apportionment Information Report.**

28 (a) The Department shall prepare an apportionment information report for each
29 district by compiling information that was entered into pre-ID files or gridded on student
30 test booklets and answer documents. The report shall include all ~~Each school district~~
31 ~~shall report to the Department~~ all of the following information relevant to the designated

1 achievement test and the standards-based achievement tests by grade level for each
2 of grades 2 to 11, inclusive:

3 (1) The number of pupils enrolled in each school and in the school district on the
4 first day of testing ~~in the school district.~~

5 (2) The number of pupils with significant disabilities in each school and in the school
6 district ~~exempted from testing pursuant to Education Code section 60640(e)~~ tested with
7 the California Alternate Performance Assessment (CAPA).

8 (3) The number of pupils in each school and in the school district exempted from
9 testing at the request of their parents or guardians pursuant to Education Code
10 ~~s~~Section 60615.

11 (4) The number of pupils ~~to whom~~ who were administered any portion of the
12 designated achievement test was administered and standards-based achievement
13 tests.

14 (5) The number of pupils with demographic information only who were not tested for
15 any reason other than because of a parent/guardian exemption or because they were
16 taking the CAPA.

17 (b) The department shall distribute the reports to districts no later than November 15
18 following each testing cycle.

19 ~~(c)(b)(1)~~ (1) The superintendent of each school district shall certify the accuracy of all
20 information submitted. The report required by Subdivision (a) shall be filed with the
21 State Superintendent of Public Instruction within ten (10) working days of the last day of
22 makeup testing in the school district. the report no later than December 31 of the
23 calendar year in which the tests were administered. Certified reports postmarked after
24 December 31 must be accompanied by a waiver request as provided by Education
25 Code Section 33050. The Department shall not process the apportionment payment
26 prior to the State board approving the waiver request. Reports that are postmarked
27 after June 30 of the fiscal year during which the report was prepared shall not be
28 processed.

29 (2) ~~School districts with an average daily attendance greater than 100,000 may~~
30 ~~certify the accuracy and submit the information required by Subdivision (a) within fifteen~~
31 ~~(15) working days of the last day of makeup testing in the school district. The school~~

1 ~~district may submit a request to the Department to obtain approval of the State Board of~~
2 ~~Education for an extension of ten (10) additional working days if the fifteen (15) working~~
3 ~~day requirement presents an undue hardship.~~

4 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

5 Reference: Sections 60615 and 60640, Education Code.

6
7 *Amend Section 863 to read:*

8 **§ 863. STAR Student Parent Reports and Cumulative Record Labels.**

9 (a) The school district shall forward the STAR Student Report provided by the
10 contractor, in writing, the results of to each pupil's test to the pupil's parent or guardian,
11 within not more than twenty (20) working days from receipt of the report test results
12 from the publisher contractor.

13 (b) If the school district receives these reports for the designated achievement test
14 and standards-based tests from the test publisher contractor after the last day of
15 instruction for the school year, the school district shall send the pupil results to the
16 parent or guardian by U.S. mail at the parent's or guardian's last known address. If the
17 report is non-deliverable, the school district shall make the report available to the
18 parent or guardian during the next school year.

19 (c) Schools are responsible for affixing cumulative record labels reporting each
20 pupil's scores to pupils' permanent school records, for entering the scores into
21 electronic student records, and for forwarding the results to schools to which pupils
22 matriculate or transfer. Schools may annotate the scores when the scores may not
23 accurately reflect students' achievement due to illness or testing irregularities.

24 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

25 Reference: Section 60641, Education Code.

26
27 *Amend Section 864 to read:*

28 **§ 864. Reporting Test Scores.**

29 No scores that are compiled pursuant to Education Code section 60641 or 60643
30 shall be reported electronically, in hard copy, or in other media, to any audience other
31 than the school where the pupils were tested, if the aggregate or group score is

1 composed of ten (10) or fewer individual pupil scores. In each instance in which no
2 score is reported for this reason, the notation shall appear “The number of pupils in this
3 category is too small for statistical accuracy or privacy protection.” In no case shall any
4 group score be reported that would deliberately or inadvertently make public the score
5 or performance of any individual pupil. School summary reports with data for ten (10) or
6 fewer students are confidential reports for school use only and are not to be released to
7 anyone. The reports may be reviewed and discussed only by school administrators and
8 teachers responsible for the pupils’ instruction.

9 *Amend Section 864.5. to read:*

10 **§ 864.5. Test Order Information.**

11 (a) The school district shall provide to the publisher, no later than December 1 of the
12 year immediately prior to the year of test administration, the following data for each test
13 site of the school district, by grade level:

14 ~~(1) CBEDS enrollment~~

15 ~~(2) Current enrollment~~

16 (1) Number of students to be tested

17 ~~(2)(3) Valid county district school (CDS) codes~~

18 ~~(3)(4) Number of tests without adaptation~~

19 ~~(4)(5) Numbers of special version tests with adaptations by type of adaptation~~
20 including but not limited to Braille and large print.

21 ~~(5)(6) Number of directions for administration needed, by grade level.~~

22 ~~(6)(7) First date of testing in the school district, including the dates for each testing~~
23 ~~wave test administration period, if applicable.~~

24 ~~(7)(8) Date or dates on which delivery of materials to the school district is~~
25 ~~requested.~~

26 (b) Each school district that elects pre-identification of answer documents shall
27 ~~provide to the publisher no fewer than 45 days prior to the first date of testing in the~~
28 ~~school district, submit an electronic file that includes all of the information required in~~
29 ~~Section 861. The file must be submitted in accordance with the timeline, format, and~~
30 ~~instructions provided by the contractor.~~

1 (c) If the testing materials are lost or destroyed while in the possession of the school
2 district, and the ~~publisher~~ contractor provides the school district with replacement
3 materials, the school district is responsible for the cost of all replacement materials.

4 (d) If the school district places an order for tests for any school that is excessive, the
5 school district is responsible for the cost of materials for the difference between the
6 sum of the number of pupil tests scored, ~~the number of parent requests pursuant to~~
7 ~~Education Code section 60615, and the number of individualized education program~~
8 ~~exemptions pursuant to Education Code section 60640(e)~~ submitted for scoring
9 including tests for non-tested pupils and 90 percent of the tests ordered. In no event
10 shall the cost to the school district for replacement or excessive materials exceed the
11 amount per test booklet and accompanying material that is paid to the ~~publisher~~
12 contractor by the Department as part of the contract ~~with the publisher~~ for the current
13 year.

14 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

15 Reference: Sections 60640 and 60643, Education Code.

16
17 *Amend Section 865 to read:*

18 **§ 865. Transportation.**

19 (a) Upon arrival of the test materials at a single location designated by each school
20 district, the school district's STAR program district coordinator shall provide the
21 ~~publisher~~ contractor with a signed receipt certifying that all cartons were received.

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

26 (c) Secure transportation within a school district is the responsibility of the school
27 district once materials have been duly delivered to the school district. The school
28 district is responsible for secure delivery of test materials to non-public schools to which
29 district students with disabilities are assigned.

30 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

31 Reference: Section 60640, Education Code.

1 *Amend Section 866 to read:*

2 **§ 866. School District Delivery.**

3 (a) No school district shall receive its multiple-choice test materials more than
4 ~~twenty-five (25)~~ twenty (20) or fewer than ten (10) calendar working days prior to the
5 first day of testing in the school district. A school district that has not received multiple-
6 choice test materials from the ~~test publisher~~ contractor at least ten (10) calendar
7 working days before the first date of testing in the school district shall notify the
8 ~~publisher~~ contractor and the Department on the tenth working day before testing is
9 scheduled to begin that the school district has not received its materials. Deliveries of
10 multiple-choice test materials to single school districts shall use the schedule in Section
11 867.

12 ~~(b) School districts shall return all designated achievement tests and standards-~~
13 ~~based achievement tests and test materials to the publisher within five (5) working days~~
14 ~~of the last test date in the school district, including makeup testing days or six (6) days~~
15 ~~after any statutory deadline, whichever date is earlier.~~

16 ~~(b)(e)~~ A school district and the ~~publisher~~ contractor ~~may~~ shall establish a periodic
17 delivery and retrieval schedule to accommodate ~~wave test administration dates~~ test
18 administration periods within the school district. Any schedule established must
19 conform to Sections 866(a) and (b) for each test administration period.

20 (c) No school district shall receive its writing test materials more than ten (10) or
21 fewer than five (5) working days before the day on which the writing tests are to be
22 administered.

23 NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

24 Reference: Sections 60640 and 60643, Education Code.

25
26 *Amend Section 867 to read:*

27 **§ 867. Test Site Delivery and Return.**

28 (a) No school or other test site shall receive any multiple-choice test or related test
29 materials more than ten (10) ~~working days~~ nor fewer than five (5) working days prior to
30 the first day of testing scheduled at the school or test site.

1 ~~(b) Upon completion of a testing wave at a site, including makeup testing, all tests~~
2 ~~and test materials shall be returned to the school district location designated by the~~
3 ~~STAR program district coordinator.~~

4 (b) All multiple-choice testing materials shall be returned to the school district
5 location designated by the STAR program district coordinator no more than two (2)
6 working days after testing is completed for each test administration period.

7 ~~(c) Designated achievement tests and standards-based achievement tests and test~~
8 ~~materials shall not be retained at the test site for more than two (2) working days after~~
9 ~~the last day of test administration including makeup testing days or after any statutory~~
10 ~~deadline, whichever is earlier.~~

11 (c) No school or other test site shall receive any writing test materials more than six
12 (6) or fewer than two (2) working days before the test administration date.

13 (d) Writing test materials shall be returned to the district STAR program coordinator
14 no more than one day after the day scheduled for makeup testing.

15 *Amend Section 867.5 to read:*

16 **§ 867.5. Retrieval of Materials by Publisher Contractor.**

17 (a) The school district shall ensure that multiple-choice testing materials are
18 inventoried, packaged, and labeled in accordance with instructions from the publisher
19 contractor, and returned to a single school district location for pickup by the publisher
20 contractor within five (5) working days following completion of testing in the school
21 district and in no event later than five (5) working days after any applicable statutory
22 deadline each test administration period. All school districts must have their multiple-
23 choice testing materials returned to the publisher contractor no later than six (6) five (5)
24 working days after any statutory deadline.

25 (b) School districts shall return all writing tests and test materials to the contractor
26 no more than two (2) working days after the makeup day specified for the writing test.

27 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

28 Reference: Sections 60640 and 60643, Education Code.

29
30 *Amend Section 868 to read:*

1 **§ 868. Discrepancy Resolution for Designated Achievement Test and Standards-**
2 **Based Achievement Tests.**

3 (a) School districts shall process discrepancies determined by the ~~designated~~
4 ~~publisher~~ contractor upon receipt of returned tests and test materials pursuant to this
5 subdivision:

6 (1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by
7 the STAR program district coordinator for one or more of the following shall require a
8 response from the STAR program district coordinator to the ~~publisher~~ contractor within
9 24 hours.

10 (A) A discrepancy between the quantity of tests and test materials shipped to the
11 school district and the number of tests and test materials returned to the ~~publisher~~
12 contractor from the school district.

13 (B) Information on scannable documents or test support materials that is
14 inconsistent, incomplete, or missing, according to criteria established with the
15 Department.

16 (2) The STAR program district coordinator shall acknowledge the discrepancy
17 notice via electronic mail, if available in the school district, to the ~~publisher~~ contractor
18 and to the Department within twenty-four (24) hours of its receipt via electronic mail.

19 (b) The STAR program district coordinator shall report any discrepancy in the total
20 amount of the shipment from the ~~designated test publisher~~ contractor within two (2)
21 working days of the receipt of the shipment. If the ~~designated test publisher~~ contractor
22 does not remedy the discrepancy within two (2) working days of the school district
23 report, the school district shall notify the Department within 24 hours.

24 (c) Any discrepancy in a shipment of designated achievement tests or test
25 materials, ~~or~~ standards-based achievement tests or test materials, or California
26 Alternate Performance Assessment materials received by a test site from the STAR
27 program district coordinator shall be reported to the STAR program district coordinator
28 immediately but no later than two (2) working days of the receipt of the shipment at the
29 testing site. The STAR program district coordinator shall remedy the discrepancy within
30 two (2) working days.

1 (d) The STAR program district coordinator shall report to the ~~publisher~~ contractor
2 any discrepancy reported by a STAR test site coordinator within three (3) working days
3 of receipt of materials at the test site. If the STAR program district coordinator does not
4 have a sufficient supply of tests or test materials to remedy any shortage, the ~~test~~
5 ~~publisher~~ contractor shall remedy the shortage by providing sufficient materials directly
6 to the test site within two (2) working days of the notification by the STAR program
7 district coordinator.

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

10 NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

11 Reference: Sections 60640 and 60643, Education Code.

12
13 *Amend Section 870 to read:*

14 **§ 870. Apportionment to School Districts.**

15 (a) The amount of funding to be apportioned to the school district for the costs of
16 administering the designated achievement test, ~~and the standards-based achievement~~
17 ~~tests, and the California Alternate Performance Assessment~~ shall be the amount
18 established by the State Board of Education to enable school districts to meet the
19 requirements of administering the designated achievement test, ~~and the standards-~~
20 ~~based achievement tests, and the California Alternate Performance Assessment~~ per
21 the number of tests administered to eligible pupils in grades 2 to 11, inclusive, ~~and the~~
22 ~~number of answer documents returned with only demographic information for students~~
23 ~~enrolled on the first day of testing who were not tested~~ in the school district. The
24 number of tests administered ~~and the number of demographic answer documents~~ shall
25 be determined by the certification of the school district superintendent pursuant to
26 Section 862. For purposes of this portion of the apportionment, administration of the
27 designated achievement test, ~~and the standards-based achievement tests, and the~~
28 ~~California Alternate Performance Assessment~~ includes the following items:

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

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

1 (3) All transportation costs of delivering and retrieving tests and test materials within
2 the school district.

3 (4) All costs associated with mailing the ~~parent reports of test results~~ STAR Student
4 Reports to parents/guardians.

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

8 (b) This amount does not include any funding for the purposes of reimbursing the
9 costs incurred by any school district pursuant to Section 864.5(d) placing an order that
10 is excessive, or for replacement costs for test materials lost or destroyed while in
11 possession of the school district as allocated in Section 865. These costs are outside
12 the scope of the mandates of the STAR Program.

13 (c) If at the time a school district's scannable documents are processed by the
14 ~~publisher contractor~~ a student data record is missing any of the data elements required
15 in Section 861 of these regulations, the school district shall provide the missing data
16 elements within the time required by the ~~publisher contractor~~ to process the documents
17 and meet the ~~publisher's contractor's~~ schedule of deliverables under its contract with
18 the Department. The additional costs incurred by the school district to have the
19 ~~publisher contractor~~ reprocess the student information to acquire the data required by
20 Section 861 of these regulations shall be withheld from the school district's
21 apportionment.

22 NOTE: Authority cited: Sections 33031 and 60605(g) ~~and (h)~~, Education Code.

23 Reference: Sections 60640 and 60643, Education Code.

24
25 Article 3. Designated Primary Language Test

26
27 *Amend Section 880 to read:*

28 **§ 880. Pupil Testing.**

29 (a) In addition to the designated achievement test, ~~and the standards-based~~
30 ~~achievement tests, and the California Alternate Performance Assessment,~~ school
31 districts shall administer to English language learners who are enrolled in any of grades

1 2 to 11, inclusive, a designated primary language test if less than 12 months have
2 elapsed after initial enrollment in any public school in this state and if a test has been
3 designated in the pupil's primary language.

4 (b) School districts shall make whatever arrangements are necessary to test all
5 eligible pupils in alternative education programs or programs conducted off campus,
6 including, but not limited to, continuation schools, independent study, community day
7 schools, or county community schools.

8 (c) Pursuant to Education Code Section 60640(f) school districts have the option of
9 administering the designated primary language test to English learners who have been
10 enrolled in California public schools 12 months or more as part of the state testing
11 program.

12 (d)(e) School districts may administer a designated primary language test to pupils
13 enrolled in kindergarten or grade 1 or 12 or to English only and fluent-English proficient
14 pupils in grades 2 to 11 language immersion programs for the designated primary
15 language test, but those pupils shall not be counted for an apportionment pursuant to
16 Education Code sSection 60640(h) and the district shall be responsible for all costs
17 associated with testing the pupils.

18 (e)(d) No test may be administered in a private home or location unless the test is
19 administered by either a certificated employee of the school district or an employee of a
20 nonpublic school pursuant to Education Code sSection 56365 who holds a credential
21 and the employee signs a security affidavit. No test shall be administered to a pupil by
22 the parent or guardian of that pupil. This subdivision does not prevent classroom aides
23 from assisting in the administration of the test under the direct supervision of a
24 credentialed school district employee provided that the classroom aide does not assist
25 his or her own child and that the classroom aide signs a security affidavit.

26 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

27 Reference: Section 60640, Education Code.

28
29 *Amend Section 881 to read:*

30 **§ 881. Pupil Exemptions.**

1 (a) A parent or guardian may submit to the school a written request to excuse his or
2 her child from any or all parts of any designated primary language test provided
3 pursuant to Education Code ~~§~~Section 60640. The parent or guardian must initiate the
4 request and the school district and its employees shall not solicit or encourage any
5 written request on behalf of any child.

6 (b) Pupils in special education programs may be tested with a designated primary
7 language test, if applicable, unless the individualized education program for the pupil
8 specifically ~~exempts the pupil from testing~~ states that the pupil will be assessed with the
9 California Alternate Performance Assessment (CAPA).

10 NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

11 Reference: Sections 60615 and 60640, Education Code.

12
13 *Amend Section 882 to read:*

14 **§ 882. Administration.**

15 (a) Any designated primary language test or tests, which includes all those
16 materials set forth in Section 850(b), shall be administered and returned in accordance
17 with the manuals or other instructions provided by the ~~publisher~~ contractor(s) for
18 administering and returning the tests unless specifically provided otherwise in this
19 subchapter. The procedures shall include, but are not limited to, those designed to
20 insure the uniform and standard administration of the test(s) to pupils and the security
21 and integrity of the test content(s) and test items.

22 (b) Except as provided in Subdivision (c), the reading section of any test or tests
23 shall not be read, interpreted, or translated to any pupil and no pupil may use a
24 calculator while taking any designated primary language test or tests administered
25 pursuant to Education Code ~~§~~Section 60640(f) or (g).

26 (c) Pupils in special education programs with individualized education programs
27 delineating accommodations such as, but not limited to, large print, extended time, or
28 the use of a reader or scribe; or pupils with current plans under Section 504 of the
29 Rehabilitation Act of 1973 specifying such accommodations shall be tested and the
30 prescribed adaptations or accommodations shall be made.

1 (d) Except for pupils in special education programs with individualized education
2 programs and pupils with section 504 plans that require specific accommodations or
3 modifications, no pupil shall be tested with the accommodations or modifications of
4 large print, use of a reader or scribe, extended time, use of a calculator, or out-of-level
5 test.

6 NOTE: Authority cited: 33031 and 60605(~~g~~) and (~~h~~), Education Code. Reference:
7 Section 60640, Education Code.

8
9 *Amend Section 883 to read:*

10 **§ 883. Advance Preparation for Test.**

11 (a) Except for materials specifically included within any designated primary
12 language test or tests, no program or materials shall be used by any school district or
13 employee of a school district that are specifically formulated, or intended by any school
14 district or employee of a school district, to prepare pupils for any designated primary
15 language test or tests. No administration or use of an alternate or parallel form of the
16 designated test for any stated purpose shall be permitted for any pupils in grades 2
17 through 11, inclusive.

18 (b) Practice tests provided by the ~~publisher~~ contractor(s) as part of any designated
19 primary language test or tests for the limited purpose of familiarizing pupils with the use
20 of scannable test booklets or answer sheets and the format of test items are not subject
21 to the prohibition of Subdivision (a).

22 NOTE: Authority cited: Sections 33031 and 60605(~~g~~) and (~~h~~), Education Code.
23 Reference: Sections 60611 and 60640, Education Code.

24
25
26
27 *Amend Section 884 to read:*

28 **§ 884. Testing Period.**

29 (a) Any designated primary language test or tests, as applicable, shall be
30 administered during the testing period of all instructional days commencing on or after
31 March 15 to the 14th day of May, inclusive, of each school year.

1 (b) Each school district shall provide for at least two (2) makeup days of testing for
2 pupils who were absent during the period that any school administered any designated
3 primary language test or tests. All makeup testing shall occur within ~~ten (10)~~ five (5)
4 instructional days of the last date that the school district administered any designated
5 primary language test or tests for any testing wave, but not later than May 25th of each
6 school year, whichever is earlier.

7 (c) A school district with schools operating on a multitrack year round schedule may
8 submit a request to the ~~Department~~ publisher to begin testing no earlier than the fourth
9 Monday in February. The ~~State Board of Education~~ publisher shall approve the request
10 if it determines that sufficient tests and test materials are available from the ~~publisher~~
11 contractor(s) and that the school district will not otherwise be able to complete the
12 testing of all eligible pupils prior to May 15th of the school year.

13 NOTE: Authority cited: Sections 33031 and 60605(~~g~~) and (~~h~~), Education Code.

14 Reference: Section 60640, Education Code.

15
16 *Amend Section 886 to read:*

17 **§ 886. STAR Program District Coordinator.**

18 The STAR program district coordinator designated by the superintendent of the
19 school district pursuant to Section 857 shall have the same responsibilities with regard
20 to the designated primary language test(s) including, but not limited to, all the duties
21 listed in Section 857(b) and the certifications required in Section 857(~~e~~), (~~d~~), and (~~e~~) for
22 the designated achievement test, the standards-based achievements tests, and the
23 California Alternate Performance Assessment. If necessary, a school district
24 superintendent may designate a separate STAR program district coordinator for any
25 designated primary language test.

26 NOTE: Authority cited: Sections 33031 and 60605(~~g~~) and (~~h~~), Education Code.

27 Reference: Sections 60630 and 60640, Education Code.

28
29 *Amend Section 887 to read:*

30 **§ 887. STAR Test Site Coordinator.**

1 The STAR test site coordinator designated by the Superintendent of the school
2 district pursuant to Section 858 shall have the same responsibilities with regard to the
3 designated primary language test(s) including, but not limited to, all of the duties listed
4 in Section 858(b) and the certification required in Section 858(c) for the designated
5 achievement test. If necessary, a school district superintendent may designate a
6 separate STAR program district coordinator for any designated primary language test.

7
8 *Amend Section 888 to read:*

9 **§ 888. STAR Test Security Agreement and Test Security Affidavit.**

10 (a) All STAR program district and test site coordinators (coordinators) shall sign the
11 STAR Test Security Agreement set forth in Subdivision (b).

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

13 STAR TEST SECURITY AGREEMENT

14 The coordinator acknowledges by his or her signature on this form that the
15 designated primary language test or tests are secure tests and agrees to each of the
16 following conditions to ensure test security.

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

20 (2) The coordinator will keep on file the names of all persons having access to tests
21 and test materials. All persons having access to the materials shall be required by the
22 coordinator to sign the STAR Test Security Affidavit that will be kept on file in the
23 school district office.

24 (3) The coordinator will keep the tests and test materials in a secure, locked location
25 limiting access to only those persons responsible for test security except on actual
26 testing dates as provided in California Code of Regulations, Title 5, Division 1, Chapter
27 2, Subchapter 3.75.

28 (4) The coordinator will not copy any part of the test or test materials without written
29 permission from the Department to do so.

30 (5) The coordinator will shall not review test questions, develop any scoring keys or
31 review or score any pupil responses except as required by the contractor's manuals.

1 By signing my name to this document, I am assuring that I and anyone having
2 access to the test materials will abide by the above conditions.

3 By: _____

4 Title: _____

5 School District: _____

6 Date: _____

7 (c) Each STAR test site coordinator shall deliver the tests and test materials only to
8 ~~those persons actually administering the designated primary language test or tests on~~
9 ~~the date of testing and only upon execution of the~~ test examiners who have been
10 trained to administer the tests and who have signed the STAR Test Security Affidavit
11 set forth in Subdivision (e).

12 (d) All persons having access to the designated primary language test or tests and
13 test materials shall acknowledge the limited purpose of their access to the tests, by
14 signing the STAR Test Security Affidavit set forth in Subdivision (e).

15 (e) The STAR Test Security Affidavit shall be as follows:

16 STAR TEST SECURITY AFFIDAVIT

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

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

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

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

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

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

28 (6) I will not disclose, or allow to be disclosed, the contents of, ~~or the scoring keys~~
29 ~~to,~~ or the test instruments. I will not review any test questions, passages, or other test
30 items with pupils before, during, or following testing.

1 (7) I will not develop scoring keys or review or score any pupil responses except as
2 required by the publisher's administration manual(s) to prepare answer documents for
3 machine or other scoring.

4 ~~(8)~~(7) I will return all test materials to the designated STAR test site coordinator
5 daily upon completion of the ~~test(s)~~ testing.

6 (9) I will administer the test(s) in accordance with the directions for test
7 administration set forth in the publisher's manual for test administration.

8 (10) I have been trained to administer the tests.

9 Signed: _____

10 Print Name: _____

11 Position: _____

12 School: _____

13 School District: _____

14 Date: _____

15 (f) To maintain the security of the program, all STAR program district coordinators
16 and test site coordinators are responsible for inventory control and shall use
17 appropriate inventory control forms to monitor and track test inventory.

18 NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code.

19 Reference: Section 60640, Education Code.

20
21 *Amend Section 890 to read:*

22 **§ 890. School-By-School Analysis.**

23 (a) Each school district shall provide each publisher of a designated primary
24 language test or tests the following information for each pupil tested for purposes of the
25 reporting required by Section 60630 and Article 4 (commencing with Section 60640) of
26 the Education Code:

27 (1) Pupil's full name.

28 ~~(2)~~(4) Date of birth.

29 ~~(3)~~(2) Grade level.

30 ~~(4)~~(3) Gender.

31 ~~(4) Language fluency and home language.~~

- 1 (5) Eligibility for participation in the National School Lunch Program.
- 2 ~~(6)(5)~~ Special program participation.
- 3 ~~(7)(6)~~ Testing ~~adaptations or accommodations~~ or modifications.
- 4 ~~(8)(7)~~ Parent education level.
- 5 ~~(9)(8)~~ Amount of time in the school, school district, and in California public schools.
- 6 (10) Length of time in school in the United States.
- 7 ~~(11)(9)~~ Ethnicity.
- 8 ~~(12)(10)~~ Handicapping condition or disability.

9 (b) The information is for the purposes of aggregate analyses only and shall be
10 provided and collected as part of the testing materials for the designated primary
11 language test or tests.

12 (c) School districts shall provide the same information for each eligible pupil enrolled
13 in an alternative or off campus program as is provided for all other eligible pupils in
14 grades 2 to 11, inclusive.

15 NOTE: Authority cited: Sections 33031 and 60605(~~g~~) and (~~h~~), Education Code.
16 Reference: Section 60630, Education Code.

17

18 *Amend Section 891 to read:*

19 **§ 891. Apportionment Report Information.**

20 ~~(a) Each school district shall report to the State Department of Education~~ The
21 Department shall prepare an apportionment report for each district by compiling
22 information that was entered into pre-ID files or gridded on student test booklets and
23 answer documents. The report shall include all of the following information relevant to
24 the designated primary language test ~~by grade level~~ for grades 2 to 11, inclusive:

25 (1) The number of pupils who are English ~~language~~ learners.

26 (2) The number of English ~~language~~ learners who were administered each
27 designated primary language test pursuant to Education Code section 60640(f).

28 (3) The number of English ~~language~~ learners who were administered each
29 designated primary language test pursuant to Education Code section 60640(g).

30 ~~(4) The total number of English language learners exempted from the test pursuant~~
31 ~~to Education Code section 60615.~~

1 ~~(5) The total number of English language learners exempted pursuant to any~~
2 ~~provision in their individualized education programs (IEPs) which explicitly exempts~~
3 ~~them from standardized testing.~~

4 ~~(6) If a school district opted to have the publisher of a designated primary language~~
5 ~~test provide pre-identification of answer sheets, the number of tests administered with~~
6 ~~pre-identified answer documents.~~

7 (b) The Department shall distribute the reports to districts no later than November
8 15 following each testing cycle.

9 (c)(1) The superintendent of each school district shall certify the accuracy of report
10 no later than December 31 of the calendar year in which the tests were administered.
11 Certified reports postmarked after December 31 must be accompanied by a waiver
12 request as provided by Education Code Section 33050. The Department shall not
13 process the apportionment payment prior to the State Board approving the waiver
14 request. Reports that are postmarked after June 30 of the fiscal year during which the
15 report was prepared shall not be processed all information submitted. The report
16 required by Subdivision (a) shall be filed with the State Superintendent of Public
17 Instruction within ten (10) working days of the last day of makeup testing in the school
18 district.

19 ~~(2) School districts with an average daily attendance greater than 100,000 may~~
20 ~~certify the accuracy and submit the information required by Subdivision (a) within fifteen~~
21 ~~(15) working days of the last day of makeup testing in the school district. The school~~
22 ~~district may submit a request to the Department to obtain approval of the State Board of~~
23 ~~Education for an extension of ten (10) additional working days if the fifteen (15) working~~
24 ~~day requirement presents an undue hardship. In addition to certifying the information~~
25 ~~on the apportionment report received from the California Department of Education, the~~
26 ~~district shall report the following:~~

27 (A) The total number of English learners exempted from the test pursuant to
28 Education Code section 60615.

29 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

30 Reference: Sections 60615 and 60640, Education Code.

31

1 *Amend Section 892 to read:*

2 **§ 892. Parent Reports.**

3 (a) A school district shall report the results of each pupil's test to the pupil's parent
4 or guardian as provided in Section 863. The school district shall forward the reports for
5 the designated primary language test(s) to each pupil's parent or guardian, within not
6 more than twenty (20) working days from receipt of the reports from the publisher.

7 (b) If the school district receives the reports for the designated primary language
8 tests after the last day of instruction for the school year, the school district shall send
9 the pupil results to the parent or guardian by U.S. mail at the parent's or guardian's last
10 known address. If the report is non-deliverable, the school district shall make the report
11 available to the parent or guardian during the next school year.

12 (c) Schools are responsible for affixing cumulative record labels reporting each
13 pupil's scores to pupils' permanent school records, for entering the scores into
14 electronic student records, and for forwarding the results to schools to which pupils
15 matriculate or transfer. Schools may annotate the scores when the scores may not
16 accurately reflect students' achievement due to illness or testing irregularities.

17
18 *Amend Section 894 to read:*

19 **§ 894. Test Order Information.**

20 (a) Each publisher of a designated primary language test or tests shall notify all
21 school districts of any adaptations available from each publisher to accommodate
22 pupils with exceptional needs including, but not limited to, Braille and large print.

23 (b) The school district shall provide to the publisher, no later than ~~December~~
24 November 15 of the year immediately prior to the year of test administration, the
25 following data for each test site of the school district, by grade level:

26 (1) The number of pupils to be tested

27 (2) Valid county district school (CDS) codes

28 ~~(3) Number of tests without adaptation~~

29 ~~(3)~~ (4) Number of large print tests.

30 ~~(4)~~ (5) Number of Directions for Administration needed, by grade level

1 ~~(5) (6)~~ First date of testing in the school district including the dates for each testing
2 ~~wave~~ test administration period, if applicable

3 ~~(7) Date or dates on which delivery of materials to the school district is required.~~

4 (c) Each school district that elects pre-identification of answer documents shall
5 ~~provide to the publisher no fewer than 45 days prior to the first date of testing in the~~
6 ~~school district,~~ submit an electronic file that includes all of the information required in
7 Section ~~864~~ 890.

8 (1) If the testing materials are lost or destroyed while in the possession of the school
9 district, and the publisher provides the school district with replacement materials, the
10 school district is responsible for the cost of all replacement materials,

11 (2) If the school district places orders for tests for any school that are excessive, the
12 school district is responsible for the cost of materials for the difference between the
13 sum of the number of pupil tests scored, and the number of parent requests pursuant to
14 Education Code section 60615, ~~and the number of individualized education program~~
15 ~~exemptions pursuant to Education Code section 60640(e)~~ and 90 percent of the tests
16 ordered. In no event shall the cost to the school district for replacement or excessive
17 materials exceed the amount per test booklet and accompanying material that is paid to
18 the publisher by the Department as part of the contract with the publisher for the
19 current year.

20 NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code.

21 Reference: Sections 60640 and 60643, Education Code.

22
23 *Amend Section 895 to read:*

24 **§ 895. Transportation.**

25 (a) Each test publisher shall assume all responsibility for the security and integrity of
26 their tests and test materials at all sites where the publisher creates, produces, stores,
27 or maintains the materials and during the time that any and all materials are in transit
28 by any means from the publisher's storage, production, maintenance, or transfer facility
29 until the materials arrive at a single location designated by each school district and the
30 school district's STAR program district coordinator provides the publisher with a signed
31 receipt. Upon arrival of the test materials at a single location designated by each school

1 district, the school district's STAR program district coordinator shall provide the
2 publisher with a signed receipt.

3 (b) The security of the tests and test materials that have been duly delivered to the
4 school district is the sole responsibility of the school district until all tests and test
5 materials have been inventoried, accounted for, and delivered to the common or private
6 carrier designated by the publisher.

7 (c) Secure transportation within a school district is the responsibility of the school
8 district once materials have been duly delivered to the school district.

9 NOTE: Authority cited: Sections 33031 and 60605~~(g) and (h)~~, Education Code.

10 Reference: Sections 60640 and 60643, Education Code.

11
12
13 *Amend Section 896 to read:*

14 **§ 896. School District Delivery and Return of Materials.**

15 (a) No school district shall receive its test materials more than twenty-five (25) or
16 fewer than ten (10) ~~calendar~~ working days prior to the first day of testing in the school
17 district. A school district that has not received test materials from the test publisher at
18 least ten (10) ~~calendar~~ working days before the first date of testing in the school district
19 shall notify the publisher and the Department on the tenth day before testing is
20 scheduled to begin that the school district has not received its materials.

21 (b) School districts shall return all designated primary language tests and test
22 materials to the publisher(s) within five (5) working days of the last test date in the
23 school district, including makeup testing days or June 1, whichever date is earlier.

24 (c) If the school district has ~~an average daily attendance greater than 50,000 or has~~
25 schools on a multitrack year round calendar, the school district and the publisher(s)
26 may establish a periodic delivery and retrieval schedule to accommodate staggered
27 test administration dates within the school district.

28 (d) A unified school district that will administer the designated primary language test
29 to pupils in grades 9 through 11 during a time frame that does not overlap the
30 administration of the test to pupils in grades 2 through 8 may establish a periodic
31 delivery and retrieval schedule with the publisher to accommodate staggered test

1 administration dates within the school districts for grades 9 through 11 and grades 2
2 through 8.

3 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

4 Reference: Sections 60640 and 60643, Education Code.

5
6 *Amend Section 897 to read:*

7 **§ 897. Test Site Delivery and Return of Materials.**

8 (a) No school or other test site shall receive any test or related test materials more
9 than ten (10) working days nor fewer than five (5) working days prior to the first day of
10 testing scheduled at the school or test site.

11 (b) Upon completion of testing at a site, including makeup testing, all tests and test
12 materials shall be returned to the school district location designated by the STAR
13 program district coordinator.

14 (c) Tests and test materials shall not be retained at the test site for more than two
15 (2) working days after the last day of test administration including makeup testing days
16 ~~or May 25th, whichever is earlier.~~

17
18 *Amend Section 898 to read:*

19 **§ 898. Retrieval of Materials by Publisher.**

20 (a) The school district shall ensure that materials are inventoried, packaged, and
21 labeled in accordance with instructions from each designated publisher, and returned to
22 a single school district location for pickup by each publisher within five (5) working days
23 following completion of testing in the school district and in no event later than May 30.
24 ~~All school districts must have their materials returned to the publisher(s) no later than~~
25 ~~June 1.~~

26 (b) Each publisher shall arrange with the STAR program district coordinator a range
27 of dates on which the publisher will pick up the packaged materials.

28 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

29 Reference: Sections 60640 and 60643, Education Code.

30
31 *Amend Section 899 to read:*

1 **§899. Discrepancy Resolution for Designated Primary Language Test(s).**

2 (a) School districts shall process discrepancies determined by the designated
3 publisher(s) upon receipt of returned tests and test materials pursuant to this
4 subdivision:

5 (1) Receipt of a discrepancy notice in writing, via telephone, or via electronic mail by
6 the STAR program district coordinator for one or more of the following items shall
7 require a response from the STAR program district coordinator to the publisher within
8 24 hours.

9 (A) A discrepancy between the quantity of tests and test materials shipped to the
10 school district and the number of tests and test materials returned to the publisher from
11 the school district.

12 (B) Information on scannable documents or test support materials that is
13 inconsistent, incomplete, or missing, according to criteria established with the
14 Department.

15 (2) The STAR program district coordinator shall acknowledge the discrepancy
16 notice via electronic mail, if available in the school district, to the publisher and to the
17 Department within twenty-four (24) hours of its receipt via electronic mail.

18 (b) The STAR program district coordinator shall report any discrepancy in the total
19 amount of the shipment from the publisher of any designated primary language test
20 material to the publisher within two (2) working days of the receipt of the shipment. If
21 the publisher does not remedy the discrepancy within two (2) working days of the
22 school district report, the school district shall notify the Department within 24 hours.

23 (c) Any discrepancy in a shipment of tests or test materials received at a test site
24 from the STAR program district coordinator shall be reported to the STAR program
25 district coordinator immediately but no later than two (2) working days of the receipt of
26 the shipment at the testing site. The STAR program district coordinator shall remedy
27 the discrepancy within two (2) working days.

28 (d) The STAR program district coordinator shall report to the publisher any
29 discrepancy reported by a STAR test site coordinator within three (3) working days of
30 receipt of materials at the ~~school district~~ test site. If the STAR program district
31 coordinator does not have a sufficient supply of tests or test materials to remedy any

1 shortage, the test publisher shall remedy the shortage by providing sufficient materials
2 directly to the test site within two (2) working days of the notification by the STAR
3 program district coordinator.

4 (e) The notices required by this section shall be made by telephone with
5 simultaneous confirmation in writing and by electronic mail, if available.

6
7 *Amend Section 901 to read:*

8 **§ 901. Apportionment.**

9 (a) The amount of funding to be apportioned to the school district for the costs of
10 administering any designated primary language test shall be the amount established by
11 the State Board of Education to enable school districts to meet the requirements of
12 administering any designated primary language tests ~~per the number of tests~~
13 ~~administered~~ to eligible pupils in grades 2 to 11, inclusive, in the school district. The
14 number of tests administered shall be determined by the certification of the school
15 district superintendent pursuant to Section 891. For purposes of this portion of the
16 apportionment, administration of any designated primary language test includes the
17 following items:

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

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

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

23 (4) All costs associated with mailing the parent reports of test results.

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

27 ~~(b) If at the time a school district's scannable documents are processed by the~~
28 ~~publisher a student data record is missing any of the data elements required in Section~~
29 ~~861 of these regulations, the school district shall provide the missing data elements~~
30 ~~within the time required by the publisher to process the documents and meet the~~
31 ~~publisher's schedule of deliverables under its contract with the Department. The~~

1 additional costs incurred by the school district to have the publisher reprocess the
2 student information to acquire the data required by Section 890 of these regulations
3 shall be withheld from the school district's apportionment. This amount does not include
4 any funding for the purposes of reimbursing the costs incurred by any school district
5 pursuant to Section 894(c)(2) for placing an order that is excessive, or for replacement
6 costs for test materials lost or destroyed while in possession of the school district as
7 allocated in Section 894(c)(1). These costs are outside the scope of the mandates of
8 the STAR program.

9 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code.

10 Reference: Sections 60640 and 60643, Education Code.

11
12
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14