

**State of California
Office of Administrative Law**

In re:
Board of Education

Regulatory Action:

Title 5, California Code of Regulations

Adopt sections:

Amend sections: 850, 851, 852, 853, 853.5,
855, 857, 858, 859, 861,
862, 862.5, 863, 864

Repeal sections: 854, 864.5, 865, 866, 867,
867.5, 868

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

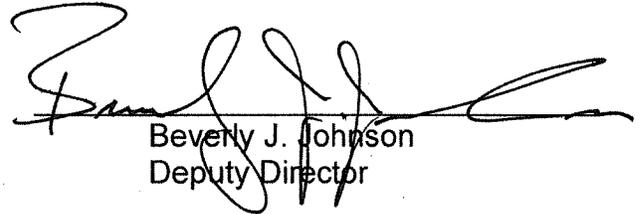
OAL File No. 2014-0716-03 EE

The State Board of Education submitted this emergency readopt action to maintain the regulatory changes made in OAL File No. 2014-0124-04E, which amended and repealed sections of Title 5 of the California Code of Regulations commencing with section 850 and ending with section 868. Education Code section 60640, as established by AB 484, effective January 1, 2014, deleted provisions that established the Standardized Testing and Reporting Program (STAR) and established the California Assessment of Student Performance and Progress (CAASPP).

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 7/23/2014 and will expire on 10/22/2014. The Certificate of Compliance for this action is due no later than 10/21/2014.

Date: 7/23/2014



Beverly J. Johnson
Deputy Director

For: DEBRA M. CORNEZ
Director

Original: Susan Burr
Copy: Hillary Wirick

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

EMERGENCY

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0117-03	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2014-0716-03EE
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For use by Office of Administrative Law (OAL) only

2014 JUL 16 PM 4:08
OFFICE OF
ADMINISTRATIVE LAW

ENDORSED FILED
IN THE OFFICE OF

2014 JUL 23 PM 1:33

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY
State Board of Education

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn			NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Measurement of Academic Performance and Progress (MAPP)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2014-0124-04E
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864
TITLE(S)	REPEAL
5	854, 864.5, 865, 866, 867, 867.5, 868

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY		
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Hillary Wirick, Regulations Analyst	TELEPHONE NUMBER (916) 319-0644	FAX NUMBER (Optional) (916) 319-0155	E-MAIL ADDRESS (Optional) hwirick@cde.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>A. Bisson Holloway</i>	DATE 7/10/14
TYPED NAME AND TITLE OF SIGNATORY Amy Bisson Holloway, General Counsel	

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ENDORSED APPROVED

JUL 23 2014

Office of Administrative Law

1 **Title 5. EDUCATION**

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

3 **Chapter 2. Pupils**

4 **Subchapter 3.75. California Assessment of Student Performance and Progress**
5 **(CAASPP)**

6 **Article 1. General**

7 **§ 850. Definitions.**

8 For the purposes of these regulations, the Measurement of Academic Performance
9 and Progress assessment system (as established in Education Code section 60640
10 and known as "MAPP") shall be designated the California Assessment of Student
11 Performance and Progress (CAASPP), and the following terms shall have the following
12 meanings:

13 (a) "Accommodations" means supports documented in a pupil's individualized
14 education program (IEP) or Section 504 Plan that are utilized in the assessment
15 environment or consist of changes in procedures or materials that increase equitable
16 access during the assessment and that do not fundamentally alter the comparability of
17 scores.

18 (b) "Accessibility supports" means supports that may or may not (because they
19 have not been previously identified) invalidate the measurement of the test; these
20 supports are not universal tools, designated supports, or accommodations (e.g., read-
21 a-loud of passages in grades 3 through 5). An LEA shall notify the CDE in writing prior
22 to the use of the accessibility support(s).

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

25 (d) "Alternate assessment" means an assessment as provided in Education Code
26 section 60640(k) and its test materials developed to measure the level of performance
27 for a pupil with disabilities who is unable to take the consortium summative assessment
28 in English language arts and mathematics pursuant to Education Code section
29 60640(b)(1) or are unable to take an assessment of science pursuant to Education
30 Code section 60640(b)(2), even with accommodations.

31 (e) "Assessment technology platform" means the electronic systems used to display
32 items, accept item responses, store, deliver, score the tests and restrict access to

1 outside sources, as well as report and manage assessment results. Testing technology
2 includes, but is not limited to, computing devices, testing software applications, network
3 hardware, and other technology required to administer the tests.

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

7 (g) "California Modified Assessment (CMA)" is the alternate assessment and its test
8 materials for science based on modified achievement standards.

9 (h) "California Standards Tests (CSTs)" is the assessment and test materials that
10 measure the degree to which pupils are achieving the state content standards pursuant
11 to Education Code section 60605.

12 (i) "Computer-based tests (CBTs)" means tests administered using an electronic
13 computing device.

14 (j) "Designated supports" are features that are available for use by any pupil for
15 whom the need has been indicated, prior to the assessment administration, by an
16 educator or group of educators.

17 (k) "Eligible pupil," with the exception of subdivisions (1) through (3) below, is any
18 pupil who is not exempt from participation in assessments pursuant to Education Code
19 section 60615 or who is not a recently arrived English learner pupil exempt from
20 participating in the English Language Arts assessment pursuant to Education Code
21 section 60640(f)(1).

22 (1) For the primary language test, an eligible pupil is an English learner with a
23 primary language for which a test is optional pursuant to Education Code section
24 60640.

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

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

29 (l) "Embedded" means a support, whether a universal tool, designated support, or
30 accommodation, that is part of the assessment technology platform for the computer-
31 administered CAASPP tests.

32 (m) "Grade" means the grade in which the pupil is enrolled at the time of testing, as

1 determined by the local educational agency.

2 (n) "Local educational agency (LEA)" means a county office of education, school
3 district, state special school, or direct-funded charter school as described in Education
4 Code section 47651.

5 (o) "Non-embedded" means a support, whether a universal tool, designated
6 support, or accommodation, that may be provided by the LEA and is not part of the
7 assessment technology platform for the computer-administered CAASPP tests.

8 (p) "Nonpublic schools (NPS)" are nonpublic, nonsectarian schools as set forth in
9 Education Code section 56034.

10 (q) "Primary language test" means a test as provided in Education Code sections
11 60640(b) and (c) and its test materials in each primary language for which a test is
12 available for English learners. The primary language test is the Standards-based Tests
13 in Spanish (STS).

14 (r) "Recently arrived English learner" means a pupil designated as an English
15 learner who is in his or her first 12 months of attending a school in the United States.

16 (s) "Scribe" is an employee of the LEA or a person assigned by an NPS to
17 implement a pupil's IEP who has signed a CAASPP Test Security Affidavit and is
18 required to transcribe a pupil's responses to the format required by the test. A pupil's
19 parent or guardian is not eligible to be the pupil's scribe.

20 (t) A "significant medical emergency" is a significant accident, trauma, or illness
21 (mental or physical) that precludes a pupil from taking the achievement tests. An
22 accident, trauma, or illness is significant if the pupil has been determined by a licensed
23 physician to be unable to participate in the tests.

24 (u) "Smarter-Balanced Assessment Consortium (Smarter Balanced)" is the multi-
25 state consortium responsible for the development of the English language arts and
26 mathematics summative assessments administered pursuant to Education Code
27 section 60640(b)(1) and the interim assessments and formative assessment tools
28 administered pursuant to Education Code section 60642.6.

29 (v) "Standards-based Tests in Spanish (STS)" are the achievement tests and test
30 materials that are administered as the primary language test as provided in Education
31 Code sections 60640(b) and (c) for pupils whose primary language is Spanish.

32 (w) "Test examiner" is an employee or contractor of an LEA or an NPS who has

1 been trained to administer the tests and has signed a CAASPP Test Security Affidavit.
2 For the alternate assessment, the test examiner must be a certificated or licensed
3 school, district, or county staff member.

4 (x) "Test materials" include, but are not limited to, administration manuals,
5 administrative materials, test booklets, assessment technology platform, practice tests,
6 scratch paper, and test answer documents, as part of the administration of the
7 CAASPP tests.

8 (y) "Test proctor" is an employee of an LEA, or a person assigned by an NPS to
9 implement a pupil's IEP or Section 504 Plan, who has signed a CAASPP Test Security
10 Affidavit and has received training designed to prepare him or her to assist the test
11 examiner in the administration of tests within the CAASPP assessment system.

12 (z) "Translator" is a person who has been assigned to translate the test directions
13 into the pupil's primary language pursuant to section 853.5, who has signed a Test
14 Security Affidavit as identified in section 859(d), and who has received training
15 specifically designed to prepare him or her to assist the test examiner in the
16 administration of the assessments pursuant to Education Code section 60640. A pupil's
17 parent or guardian is not eligible to be the pupil's translator. A translator must be:

18 (1) an employee of an LEA;

19 (2) an employee of the NPS; or

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

21 (aa) "Universal tools" are accessibility features of the CAASPP tests that are
22 available to all pupils.

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

27 28 **Article 2. Achievement Tests and Any Primary Language Test**

29 **§ 851. Pupil Testing.**

30 (a) LEAs shall administer the achievement tests and may administer the primary
31 language test pursuant to Education Code section 60640 to each eligible pupil enrolled
32 in an LEA on the date testing begins in the pupil's school or LEA.

1 (b) No later than start of the 2014-2015 school year, for the purposes of the
2 CAASPP assessment system, a charter school which is not direct-funded pursuant to
3 Education Code section 47651 shall test with, dependent on, the LEA that granted
4 the charter or was designated the oversight agency by the local governing board.

5 (c) LEAs shall make arrangements for the testing of all eligible pupils in alternative
6 education programs or programs conducted off campus, including, but not limited to,
7 non-classroom based programs, continuation schools, independent study, community
8 day schools, county community schools, juvenile court schools, or NPSs.

9 (d) No test may be administered in a home or hospital except by a test examiner.
10 No test shall be administered to a pupil by the parent or guardian of that pupil. This
11 subdivision does not prevent classroom aides from assisting in the administration of the
12 test under the supervision of a test examiner, provided that the classroom aide does
13 not assist his or her own child, and that the classroom aide signs a security affidavit.

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

16
17 **§ 852. Pupil Exemptions.**

18 (a) Each year the LEA shall notify parents or guardians of their pupil's participation
19 in the CAASPP assessment system in accordance with Education Code section 60604.

20 (b) The notification to parents or guardians, as defined in subdivision (a), shall
21 include a notice of the provisions outlined in Education Code section 60615.

22 (c) A parent or guardian may annually submit to the school a written request to
23 excuse his or her child from any or all parts of any test provided pursuant to Education
24 Code section 60640 for the school year. If a parent or guardian submits an exemption
25 request after testing has begun, any test(s) completed before the request is submitted
26 will be scored and the results reported to the parent or guardian and included in the
27 pupil's records. An LEA and its employees may discuss the CAASPP assessment
28 system with parents and may inform parents of the availability of exemptions under
29 Education Code section 60615. The LEA and its employees shall not solicit or
30 encourage any written exemption request on behalf of any child or group of children.

31 NOTE: Authority cited: Sections 33031 and 60640, Education Code. Reference:
32 Sections 60604, 60605, 60607, 60612, 60615, 60640 and 60641, Education Code.

1 **§ 853. Administration.**

2 (a) The CAASPP tests pursuant to Education Code section 60640 shall be
3 administered, scored, transmitted, and/or returned by LEAs in accordance with the
4 manuals or other instructions provided by the contractor or CDE for administering,
5 scoring, transmitting, and/or returning the tests, unless specifically provided otherwise
6 in this subchapter, including instructions for administering the test with universal tools,
7 designated supports, and accommodations specified in section 853.5. The procedures
8 shall include, but are not limited to, those designed to ensure the uniform and
9 standardized administration, and scoring of the tests to pupils, the security and integrity
10 of the test content and test items, and the timely provision of all required pupil and
11 school level information.

12 (b) If available, an LEA may utilize a paper-pencil version of any CBT of the
13 CAASPP assessment system, in accordance with Education Code section 60640(e), if
14 the LEA identifies the pupils that are unable to access the CBT version of the test.

15 (c) Interim assessments and formative assessment tools shall be made available to
16 LEA(s) for use during the school year. Use of interim assessments and formative
17 assessment tools shall not be considered advance preparation for a CAASPP test as
18 defined in Education Code section 60611. LEAs that use interim assessments and/or
19 formative assessment tools shall abide by the consortium/contractor(s) administration
20 and use requirements. Any scoring of any performance tasks for the interim
21 assessment and formative assessment tools is the responsibility of the LEA.

22 NOTE: Authority cited: Sections 33031 and 60640, Education Code. Reference:
23 Sections 60603, 60605, 60611, 60640 and 60642.6, Education Code.

24
25 **§ 853.5. Use of Universal Tools, Designated Supports, and Accommodations.**

26 (a) All pupils (including English learners and students with disabilities) shall be
27 permitted the following embedded universal tools on the CAASPP tests for English
28 language arts (including the components of reading, writing, and listening) and
29 mathematics as specified below:

- 30 (1) breaks for reading, writing, listening, and mathematics;
31 (2) calculator for specific mathematic items;
32 (3) digital notepad for reading, writing, listening, and mathematics;

- 1 (4) English dictionary for writing (ELA-performance task – pupil long essay(s) not
2 short paragraph responses);
 - 3 (5) English glossary for reading, writing, listening, and mathematics;
 - 4 (6) expandable passages for reading, writing, listening, and mathematics;
 - 5 (7) global notes for writing (ELA-performance task – pupils long essay(s) not short
6 paragraph responses);
 - 7 (8) highlighter for reading, writing, listening, and mathematics;
 - 8 (9) keyboard navigation for reading, writing, listening, and mathematics;
 - 9 (10) mark for review for reading, writing, listening, and mathematics;
 - 10 (11) math tools for specific mathematics items;
 - 11 (12) spell check for specific writing items;
 - 12 (13) strikethrough for reading, writing, listening, and mathematics;
 - 13 (14) writing tools for specific pupil generated responses; or
 - 14 (15) zoom for reading, writing, listening, and mathematics.
- 15 (b) All pupils (including English learners and students with disabilities) shall be
16 permitted the following non-embedded universal tools on the CAASPP tests for English
17 language arts (including the components of reading, writing, and listening),
18 mathematics, science, and primary language as specified below:
- 19 (1) breaks;
 - 20 (2) English dictionary for ELA performance task – pupil long essay(s) not short
21 paragraph responses;
 - 22 (3) scratch paper;
 - 23 (4) thesaurus for ELA performance task – pupil long essay(s) not short paragraph
24 responses;
 - 25 (5) color overlay for science and primary language test;
 - 26 (6) math tools (i.e., ruler, protractor) for specific mathematics items;
 - 27 (7) simplify or clarify test administration directions (does not apply to test questions);
- 28 or
- 29 (8) pupil marks in paper-pencil test booklet (other than responses including
30 highlighting).
- 31 (c) All pupils (including English learners and students with disabilities) shall be
32 permitted the following embedded designated supports, unless otherwise designated,

1 when determined for use by an educator or group of educators, on the CAASPP tests
2 for English language arts (including the components of reading, writing, and listening)
3 and mathematics as specified below:

- 4 (1) color contrast for reading, writing, listening, and mathematics;
- 5 (2) masking for reading, writing, listening, and mathematics;
- 6 (3) text-to-speech for writing, listening, mathematics and reading items not
7 passages;
- 8 (4) translated test directions for mathematics;
- 9 (5) translations (glossary) for mathematics;
- 10 (6) translations (stacked) for mathematics; or
- 11 (7) turn off any universal tool for reading, writing, listening, and mathematics.

12 (d) All pupils (including English learners and students with disabilities) shall be
13 permitted the following non-embedded designated supports when determined for use
14 by an educator or a group of educators, on the CAASPP tests for English language arts
15 (including the components of reading, writing, and listening), mathematics, science,
16 and primary language as specified below:

- 17 (1) translated directions for mathematics, science and primary language test;
- 18 (2) bilingual dictionary for writing;
- 19 (3) access to translation glossaries/word lists for science and primary language test;
- 20 (4) color contrast for reading, writing, listening, and mathematics;
- 21 (5) color overlay for reading, writing, listening, and mathematics;
- 22 (6) magnification;
- 23 (7) read aloud for writing, listening, mathematics and reading items not reading
24 passages;
- 25 (8) scribe for reading, listening, and mathematics;
- 26 (9) separate setting for reading, writing, listening, and mathematics;
- 27 (10) translations (glossary) for mathematics, science and primary language test;
- 28 (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling
29 headphones); or
- 30 (12) special lighting or acoustics, assistive devices (specific devices may require
31 CAASPP contractor certification), and/or special or adaptive furniture.

32 (e) The following embedded accommodations shall be provided on the CAASPP

1 tests for English language arts (including the components of reading, writing, and
2 listening) and mathematics when specified in a pupil's IEP or Section 504 Plan:

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

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

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

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

- 1 (1) LEA name and CDS code;
 - 2 (2) school/test site and school code;
 - 3 (3) school/test site address, city, and zip code;
 - 4 (4) LEA CAASPP coordinator name, phone number, and email address;
 - 5 (5) CAASPP test site coordinator name, phone number, and email address;
 - 6 (6) school/test site testing window dates;
 - 7 (7) SSID(s) for the pupil(s) for which the accessibility support is being requested;
 - 8 (8) CAASPP test and grade; and
 - 9 (9) the accessibility support being requested.
- 10 (h) Accessibility supports that change the construct being measured by a CAASPP
- 11 test invalidate the test score and results in a score that cannot be compared with other
- 12 CAASPP results. Scores for pupils' tests with accessibility supports that change the
- 13 construct being measured by a CAASPP test will not be counted as participating in
- 14 statewide testing (and impacts the accountability participation rate indicator) but pupils
- 15 will still receive individual score reports with their actual score. The following non-
- 16 embedded accessibility supports have been determined to change the construct being
- 17 measured on the CAASPP tests for English language arts (including the components
- 18 for reading, writing, and listening), mathematics, science, and primary language and
- 19 are specified below, but not limited to:
- 20 (1) English dictionary for reading, listening, mathematics, science, and primary
 - 21 language;
 - 22 (2) thesaurus for reading, listening, mathematics, science and primary language;
 - 23 (3) translated test directions for reading, writing, or listening;
 - 24 (4) bilingual dictionary for reading, listening, mathematics, science and primary
 - 25 language;
 - 26 (5) translations (glossary) for reading, writing, and listening;
 - 27 (6) read aloud for reading passages in grades 3, 4, and 5;
 - 28 (7) American Sign Language for reading passages in grades 3, 4, and 5 and
 - 29 reading passages for primary language;
 - 30 (8) calculator for non-specified mathematics items or science;
 - 31 (9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and
 - 32 (10) multiplication table for mathematics in grade 3.

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

3
4 **§ 854. Advance Preparation for the Tests. [REPEALED]**

5 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
6 Sections 60605, 60611 and 60640, Education Code.

7
8 **§ 855. Testing Period.**

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

12 (2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and
13 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades
14 5, 8, and 10, shall be administered to each pupil during a testing window of 25
15 instructional days that includes 12 instructional days before and after completion of 85
16 percent of the school's, track's, or program's instructional days. Testing for all pupils,
17 including makeup testing, is to be completed within this 25 instructional day window. If
18 an LEA elects to administer the primary language test, it shall do so during this same
19 testing window.

20 (b) Beginning in the 2014-15 school year, the CAASPP tests pursuant to Education
21 Code sections 60640(b) shall be administered to each pupil during the following testing
22 windows:

23 (1) Unless otherwise stated in these regulations, the testing window shall not begin
24 until at least 66 percent of a school's annual instructional days have been completed,
25 and testing may continue up to and including the last day of instruction for the regular
26 school calendar. For a 180-day school year, 66 percent of a school year occurs after
27 the 120th instructional day. This allows for a 12-week window for testing.

28 (2) For the grade 11 Smarter Balanced assessments and CAASPP tests
29 administered after January 2015, the testing window shall not begin until at least 80
30 percent of a school's annual instructional days have been completed, and testing may
31 continue up to and including the last day of instruction for the regular school calendar.
32 For a 180-day school year, 80 percent of a school year occurs after the 144th

1 instructional day. This allows for a 7-week window for testing.

2 (3) The CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and
3 mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be
4 administered to each pupil during a testing window of 25 instructional days that
5 includes 12 instructional days before and after completion of 85 percent of the school's,
6 track's, or program's instructional days unless the SBE makes a determination by the
7 close of its September 2014 regular meeting that these tests shall be administered
8 during the window defined in subdivision (b)(1) above. If an LEA elects to administer
9 the primary language test, it shall do so during this same window as these tests.

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

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

17

18 **§ 857. LEA CAASPP Coordinator.**

19 (a) On or before September 30 of each school year, the superintendent of each LEA
20 shall:

21 (1) designate from among the employees of the LEA an LEA CAASPP coordinator;

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

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

27 (b) The LEA CAASPP coordinator, or the LEA superintendent, shall be available
28 through September 29 of the following school year to complete the LEA testing
29 activities. The LEA shall notify the contractor(s) of the identity and contact information
30 for the LEA CAASPP coordinator and the superintendent. The LEA CAASPP
31 coordinator shall serve as the LEA representative and the liaison between the LEA and
32 the contractor(s) and the LEA and the CDE for all matters related to the CAASPP

1 assessment system.

2 (c) The LEA CAASPP coordinator's responsibilities shall be those defined in the
3 contractor's(s') or consortium's administrative manuals and documentation, and shall
4 include, but are not limited to, overseeing the LEA's preparation, registration,
5 coordination, training, assessment technology, administration, security, and reporting of
6 the CAASPP tests.

7 (d) The LEA CAASPP coordinator shall ensure current and ongoing compliance
8 with the minimum technology specifications as identified by the CAASPP contractor(s)
9 or consortium.

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

12 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
13 Sections 47079.5, 52052, 60604, 60605, 60610, 60630, 60640 and 60643, Education
14 Code.

15

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

17 (a) At each test site, including, but not limited to, each elementary, middle, and high
18 school or other grade-span designated school, each charter school, each court-school,
19 each school or program operated by an LEA, and all other public programs serving
20 pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall
21 designate a CAASPP test site coordinator from among the employees of the LEA. The
22 CAASPP test site coordinator, or the site principal or his or her designee, shall be
23 available to the LEA CAASPP coordinator by telephone through September 29 of the
24 following school year for purposes of resolving discrepancies or inconsistencies in
25 materials or errors in reports.

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

30 (c) The CAASPP test site coordinator shall be responsible for the training of test
31 examiners, translators, proctors, and scribes.

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

1 Sections 60602.5, 60604, 60605, 60610, 60630 and 60640, Education Code.

2
3 **§ 859. CAASPP Test Security Agreement and Test Security Affidavit.**

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

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

8 CAASPP TEST SECURITY AGREEMENT

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

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

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

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

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

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

31 (6) For the CAPA test, I will keep all tests and testing materials in the manner set
32 forth above in subdivisions (3) and (5) except during actual testing administration or

1 when being used by test examiners to prepare for and to administer the assessment. I
2 will adhere to the contractor's directions for the distribution of the assessment materials
3 to test examiners.

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

6 Signed:

7 Print Name:

8 Title:

9 LEA:

10 Date:

11 (c) All test examiners, proctors, translators, scribes, and any other persons having
12 access to any of the tests and test materials, assessment technology, or tests
13 administered pursuant to Education Code section 60640, shall acknowledge the limited
14 purpose of their access to the tests by signing the CAASPP Test Security Affidavit set
15 forth in subdivision (d).

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

17 CAASPP TEST SECURITY AFFIDAVIT

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

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

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

30 (3) Except during the actual testing administrations or as otherwise provided for by
31 law, I will keep the test(s) and test materials secure until the test(s) are actually
32 distributed to pupils when tests and testing materials are checked in and out by the

1 CAASPP test site coordinator. Keeping materials secure means that testing materials
2 are required to be kept in a securely locked room that can be entered only with a key or
3 keycard and, when possible, in a locked storage cabinet within that room.

4 (4) I will limit access to the test(s) and test materials by test examinees to the actual
5 testing periods when they are taking the test(s). I understand that only pupils who are
6 testing and LEA staff participating in the test administration who have signed a test
7 security affidavit may be in the room when and where a test is being administered.

8 (A) I will keep all assigned, generated, or created usernames, passwords and logins
9 secure and not divulge pupil personal information to anyone.

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

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

14 (D) I will not include, nor will I display, a pupil's name and Statewide Student
15 Identifier (SSID) together in any written or electronic format.

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

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

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

30 (8) I will not, for any achievement test, develop scoring keys, review any pupil
31 responses, or prepare answer documents. I understand that this includes coaching
32 pupils or providing any other type of assistance to pupils that may affect their

1 responses. This includes, but is not limited to, both verbal cues (e.g., interpreting,
2 explaining, or paraphrasing the test items or prompts) and nonverbal cues (e.g., voice
3 inflection, pointing, or nodding head) to the correct answer (anything that may indicate
4 correct or incorrect answers), or completing or changing pupils' answers.

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

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

15 (11) I will actively supervise pupils throughout the testing session to make sure that
16 they are working on the correct test section or part, marking their answers in the correct
17 section of their answer documents, following instructions, and are accessing only
18 authorized materials (embedded and/or non-embedded universal tools, designated
19 supports, or accommodations) needed for the test being administered.

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

29 (13) I have been trained to administer the tests. By signing my name to this
30 document, I am assuring that I have completely read this affidavit and will abide by the
31 above conditions.

32 Signed:

- 1 Print Name:
- 2 Position:
- 3 School:
- 4 LEA:
- 5 Date:

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

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

12

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

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

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

- 20 (1) if an eligible pupil is not tested due to a significant medical emergency;
- 21 (2) if a pupil used an accommodation(s);
- 22 (3) if a pupil had special testing conditions and/or reasons for not being tested (e.g.,
23 parent or guardian exemption);
- 24 (4) if a pupil is enrolled in an NPS based on an IEP and, if so, the NPS school code;
25 and
- 26 (5) if a pupil in grade 2 was administered a diagnostic assessment pursuant to
27 Education Code section 60644.

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

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

5 **§ 862. Apportionment Information Report.**

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

9 (1) The number of pupils enrolled in each school and in the LEA on the first day of
10 testing.

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

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

15 (4) The number of pupils who were administered any portion of the CAASPP
16 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),
17 60640(b)(4), or 60640(c)(3) through the use of CBT.

18 (5) The number of pupils who were administered any portion of the CAASPP
19 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),
20 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments.

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

23 (7) The number of English language learners who were administered a primary
24 language test aligned to the English language arts standards pursuant to Education
25 Code section 60640(b)(5)(B).

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

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

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

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

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

3 (B) if transmitted in any manner after December 31, the apportionment information
4 report must be accompanied by a waiver request as provided by Education Code
5 section 33050. For those apportionment information reports transmitted after December
6 31, apportionment payment is contingent upon the availability of an appropriation for
7 this purpose in the fiscal year in which the testing window began.

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

10
11 **§ 862.5. Apportionment to LEAs.**

12 (a) The amount of funding to be apportioned to the LEA, shall be the amount
13 established by the SBE per the number of tests administered to eligible pupils, and the
14 number of pupils enrolled on the first day of testing who were not tested in the LEA.
15 The number of tests administered and the number of pupils not tested shall be
16 determined by the certification of the LEA CAASPP coordinator pursuant to section
17 862. For purposes of this portion of the apportionment, administration of the tests
18 includes the following items:

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

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

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

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

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

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

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

31

32

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

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

5 (b) If the LEA receives the reports for the tests conducted pursuant to Education
6 Code section 60640 from the contractor after the last day of instruction for the school
7 year, the LEA shall make the report available to the parent or guardian no later than the
8 first 20 working days of the next school year.

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

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

16
17 **§ 864. LEA Compliance with Contractor Requirements.**

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

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

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

23 (2) abide by any and all instructions provided by the CAASPP contractor or
24 consortium, whether written or oral, that are presented for training or provided for in the
25 administration of a CAASPP test.

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

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

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

29
30 **§ 864.5. Test Order Information. [REPEALED]**

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

32 Sections 60605, 60640 and 60643, Education Code.

1 **§ 865. Transportation. [REPEALED]**

2 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
3 Section 60640, Education Code.

4
5 **§ 866. School District Delivery. [REPEALED]**

6 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
7 Sections 60605, 60640, 60642.5 and 60643, Education Code.

8
9 **§ 867. Test Site Delivery and Return. [REPEALED]**

10 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
11 Sections 60640 and 60642.5, Education Code.

12
13 **§ 867.5. Retrieval of Materials by Contractor. [REPEALED]**

14 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
15 Sections 60640, 60642.5 and 60643, Education Code.

16
17 **§ 868. Discrepancy Resolution for Standards-based Achievement Tests and Any
18 Primary Language Test. [REPEALED]**

19 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
20 Sections 60605, 60640 and 60643, Education Code.