

**State of California
Office of Administrative Law**

In re:
Superintendent of Public Instruction

Regulatory Action:

Title 05, California Code of Regulations

Adopt sections: 11533, 11534

Amend sections: 11530, 11531

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2016-0520-04

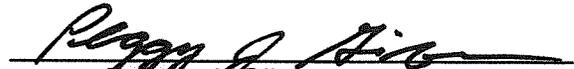
OAL Matter Type: Emergency (E)

The State Superintendent of Public Instructions (SSPI) in this emergency action is implementing Senate Bill 252 that prohibits California Department of Education (CDE), Contractor(s) or testing centers from charging a fee for the California High School Equivalency Test (HSET) to an examinee who meets the defined criteria of a homeless youth.

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 5/31/2016 and will expire on 11/29/2016. The Certificate of Compliance for this action is due no later than 11/28/2016.

Date: May 31, 2016


Peggy J. Gibson
Senior Attorney

For: Debra M. Cornez
Director

Original: Tom Torlakson
Copy: Hillary Wirick

STD. 400 (REV. 01-2013)

EMERGENCY

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-0520-04E
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For use by Office of Administrative Law (OAL) only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California**MAY 31 2016**

3:18 PM

NOTICE	REGULATIONS OFFICE OF ADMINISTRATIVE LAW
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AGENCY WITH RULEMAKING AUTHORITY
State Superintendent of Public Instruction

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 <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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	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) High School Equivalency Test (HSET)	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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 11533, 11534
	AMEND 11530, 11531
TITLE(S) 5	REPEAL

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 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 §511349.3, 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 checked="" 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>Amy Bisson Holloway</i>	DATE 5/11/16
TYPED NAME AND TITLE OF SIGNATORY Amy Bisson Holloway, General Counsel	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**MAY 31 2016**

Office of Administrative Law

- 1 • The State Superintendent of Public Instruction has illustrated changes to the original
2 text in the following manner: text originally proposed to be added is underlined; text
3 proposed to be deleted is displayed in ~~strikeout~~.
4

5 **Title 5. EDUCATION**

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

7 **Chapter 11. Special Programs**

8 **Subchapter 8. High School Equivalency Certificates**

9 **Article 2. High School Equivalency Certificate – for Persons 18**

10 **Years of Age or Older**

11 **§ 11530. Definitions.**

12 ~~(a)~~(e) "Certificate" means a document containing the words "California High School
13 Equivalency Certificate."

14 (b) ~~The "Fee," as referenced referred to~~ in Education Code section 51421(a), shall
15 be \$20.00 and shall be submitted by the examinee at the time of initial registration for a
16 test to obtain a high school equivalency certificate.

17 (c) "Homeless Certification Form (issued 03/2016) " means a form provided by the
18 California Department of Education (CDE) that is to be completed by an authorized
19 homeless services provider to verify that a youth is homeless as defined in Education
20 Code section 51421.5. The Homeless Certification Form is hereby incorporated by
21 reference.

22 ~~(d)~~(a) "Resident of this State" means a person who either presently lives in the State
23 of California, or who has his domicile in California in accordance with the criteria
24 established in Government Code section 244.

25 (e) "Testing accommodations" means any variation in the assessment environment
26 or process that does not fundamentally alter what the test measures or affect the
27 comparability of scores.

28 NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:
29 Sections 51420, 51421, 51421.5 and 51425, Education Code.
30

31 **§ 11531. Approval of Testing Centers.**

32 (a) A testing center may be approved by the State Superintendent of Public
33 Instruction (SSPI) to administer tests for purposes of Education Code section 51420
34 provided it has complied with all of the following:

1 (1) Provided the ~~California Department of Education (CDE)~~ with all required
2 information indicating:

3 (A) Name of Institutional Chief Administrative Officer and title,

4 (B) Name of Chief Examiner and Alternate Examiner(s) and their titles,

5 (C) Name of testing facility,

6 (D) Contracting agency or school district,

7 (E) Address of the testing center.

8 (2) Agreed to comply with all test security requirements provided by the CDE and to
9 maintain all required records regarding tests and testing activities.

10 (3) Agreed to provide each examinee with his or her test scores.

11 (4) Agreed to inspection by authorized representatives of the CDE.

12 (b) The SSPI may suspend or revoke the approval, or deny renewal of an approval,
13 of any center for failure or refusal to maintain any one or more of the standards
14 described in subdivision (a) of this section.

15 NOTE: Authority cited: Section 51426, Education Code. Reference: Sections 51420,
16 51422 and 51423, Education Code.

17
18 **§ 11533. Waiver of Fees.**

19 (a) The contractor(s) selected to administer the examination shall not collect fees
20 from individuals who are under 25 years of age, meet all other registration requirements
21 and are verified to be homeless by a homeless services provider as defined in
22 Education Code section 51421.5, except for fees for additional services not related to
23 regular test administration including, but not limited to, registration for a test
24 administration past the regular registration deadline set by the contractor(s), request to
25 change the testing date past the regular registration deadline set by the contractor(s),
26 request for a transcript, or request to expedite services. The contractor(s) shall not
27 charge fees to individuals who are verified to be homeless for any other administrative
28 services without prior approval of the CDE. The vendor must contact the CDE and
29 provide justification to charge any additional administrative fees to an individual eligible
30 under this part.

31 (b) The fee waiver for individuals who are under age 25 and are verified to be
32 homeless by a homeless services provider as defined in Education Code section
33 51421.5 shall include only fees for services related to test administration. The fee

1 waiver shall not include fees for services or documents required to verify the need for
2 testing accommodations, test preparation, or other services not related to test
3 administration.

4 NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:
5 Sections 51420, 51421 and 51421.5, Education Code.

6
7 **§ 11534. Homeless Certification.**

8 (a) To be eligible for a fee waiver, at the time of registration for a test administration,
9 a certified homeless youth must submit all standard required registration materials to
10 the contractor(s), including documentation required for all testing accommodations that
11 the individual may need and an original completed Homeless Certification Form. The
12 contractor provides all forms required to approve a testing accommodation.

13 (b) Only the Homeless Certification Form may be used to certify that the registrant is
14 homeless. The Homeless Certification Form must include all of the following
15 information:

16 (1) The full legal name of the registrant;

17 (2) The date of birth of the registrant;

18 (3) The signature of the registrant affirming, under penalty of perjury, a statement
19 that she or he is homeless and under 25 years of age;

20 (4) The printed name of the homeless services provider;

21 (5) The title of the homeless services provider;

22 (6) The business address, phone number, and e-mail address of the homeless
23 services provider;

24 (7) The signature of the homeless services provider affirming, under penalty of
25 perjury, a statement that she or he is an authorized homeless services provider and that
26 the registrant is homeless as defined in Education Code section 51421.5;

27 (8) The date that the Homeless Certification Form is completed by the homeless
28 services provider; and

29 (9) The date the Homeless Certification Form expires.

30 (c) The Homeless Certification Form is valid for a period of one year from the
31 certification date and may be renewed annually until the certified homeless youth
32 reaches 25 years of age. If the certified homeless youth reaches 25 years of age within

1 one year from the certification date, the Homeless Certification Form will be valid only
2 until one day before the certified homeless youth reaches 25 years of age.

3 (d) The homeless services provider or the provider's agency shall retain a copy of all
4 Homeless Certification Forms issued to certified homeless youth until each certified
5 homeless youth reaches 28 years of age. The homeless services provider or the
6 provider's agency shall make copies of Homeless Certification Forms available to the
7 CDE upon request.

8 (e) The contractor(s) shall retain all original Homeless Certification Forms issued to
9 certified homeless youth until each certified homeless youth reaches 28 years of age.
10 The contractor(s) shall make original Homeless Certification Forms available to the CDE
11 upon request.

12 NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:
13 Section 51421.5, Education Code.

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