

**COMMISSION ON STATE MANDATES**

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March 27, 2015

Mr. Arthur Palkowitz  
Stutz Artiano Shinoff & Holtz  
2488 Historic Decatur Road, Suite 200  
San Diego, CA 92106

*And Parties, Interested Parties, and Interested Persons (See Mailing List)*

Re: **Notice of Complete Test Claim Amendment Filing and Schedule for Comments**  
*California Assessment of Student Performance and Progress (CAASPP)*, 14-TC-01  
Education Code Sections 60602, 60602.5, 60603, 60604, 60607, 60610, 60611,  
60612, 60640, 60641, 60642.6, 60643, 60643.6, 60648, 60648.5, 60649, 60810,  
99300, and 99301;  
Statutes 2013-2014, Chapter 489 (AB 484); Statutes 2014 Chapter 32, (SB 858);  
Statutes 2014, Chapter 327 (AB 1599)  
California Code of Regulations, Title 5, Section 850 through 864, inclusive;  
(Register 2014, No. 30; Effective Date: July 23, 2014); Certificate of Compliance  
(Register 2014, No. 35; Effective Date: August 27, 28, 2014)

Plumas County Office of Education, Plumas Unified School District, Porterville Unified  
School District, Santa Ana Unified School District, and Vallejo City Unified School  
District, Claimants

Dear Mr. Palkowitz:

On March 17, 2015, the Plumas County Office of Education, Plumas Unified School District, Porterville Unified School District, Santa Ana Unified School District, and Vallejo City Unified School District (claimants) filed a test claim amendment on the above-named matter with the Commission on State Mandates (Commission). Upon review, Commission staff found the test claim amendment filing to be complete.

Specifically, as requested, the amendment consists of test claim forms and declarations which have replaced the test claim forms and declarations submitted in the original test claim filed on December 23, 2014. The amendment also adds Education Code section 60602.5 and California Code of Regulations, Title 5, Section 850 through 864, inclusive; Certificate of Compliance (Register 2014, No.35; Effective Date August 27, 28, 2014).

The Commission is now requesting parties, interested parties, and interested persons to comment on the test claim amendment as specified below.

This matter is now tentatively scheduled for hearing on **July 24, 2015**.

**Review of Test Claim Amendment**

Parties, interested parties, and interested persons receiving this letter are requested to analyze the merits of the test claim amendment and to file written comments on or before **April 27, 2015** in accordance with sections 1183.2 and 1181.3 of the Commission's regulations (California Code

Mr. Palkowitz  
March 27, 2015  
Page 2

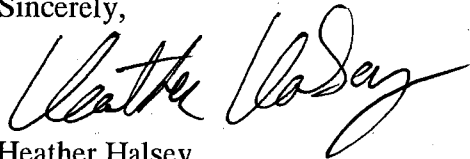
of Regulations, Title 2). Requests for extensions of time to file comments may be filed in accordance with section 1187.9 of the Commission's regulations.

**Claimant's Rebuttal**

Written rebuttals to written comments concerning this test claim amendment may be filed and served in accordance with section 1181.3 of the Commission's regulations within 30 days of service of the written comments. (Cal. Code. Regs., tit. 2 § 1183.3)

You are advised that if written materials are filed in hard copy, the filing must simultaneously be served on everyone on the mailing list, and be accompanied by a proof of service. However, this requirement may also be satisfied by electronically filing your documents on the Commission's website. For instructions on electronic filing, please see the Commission's website at [http://www.csm.ca.gov/dropbox\\_procedures.shtml](http://www.csm.ca.gov/dropbox_procedures.shtml). The comments will be posted on the Commission's website and the mailing list will be notified by electronic mail of the posting and the comment period. This procedure will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.3.

Sincerely,



Heather Halsey  
Executive Director

## 1. TEST CLAIM TITLE

California Assessment of Student  
Performance and Progress-Amendment

## 2. CLAIMANT INFORMATION

Plumas County Office of Education

Name of Local Agency or School District

Micheline G. Miglis

Claimant Contact

Superintendent of Schools

Title

1446 E. Main

Street Address

Quincy, CA 95971

City, State, Zip

(530)283-6500

Telephone Number

(530)283-6509

Fax Number

mmiglis@pcoe.k12.ca.us

E-Mail Address

## 3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Arthur M. Palkowitz

Claimant Representative Name

Attorney

Title

Stutz Artiano Shinoff & Holtz, APC

Organization

2488 Historic Decatur Rd., Suite 200

Street Address

San Diego, CA 92106

City, State, Zip

619.232.3122

Telephone Number

619.232.3264

Fax Number

apalkowitz@sashlaw.com

E-Mail Address

*For CSM Use Only*

Filing Date:

Test Claim Filed December 23, 2014  
Amendment

**RECEIVED**  
March 17, 2015  
Commission on  
State Mandates

Test Claim #: **14-TC-01**

## 4. TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED

*Please identify all code sections (include statutes, chapters, and bill numbers) (e.g., Penal Code Section 2045, Statutes 2004, Chapter 54 [AB 290]), regulations (include register number and effective date), and executive orders (include effective date) that impose the alleged mandate.*

Statutes of 2013-2014, Chapter 489 (A.B. No. 484); Effective January 1, 2014.

Statutes of 2014-Chapter 32 (S.B. No. 858); Effective June 20, 2014.

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### REGULATIONS

Title 5 California Code of Regulations § 850-864 inclusive. (Register no. 2014; No. 30; Effective date July 23, 2014; Certificate of Compliance August 27, 28, 2014.)

Copies of all statutes and executive orders cited are attached.

Sections 5, 6, and 7 are attached as follows:

**5. Written Narrative:** pages \_\_\_\_\_ to \_\_\_\_\_.

**6. Declarations:** pages 1 to 21.

**7. Documentation:** pages 22 to 79.

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Performance and Progress-Amendment

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Name of Local Agency or School District

Micheline G. Miglis

Claimant Contact

Superintendent

Title

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Quincy, CA 95971

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### 1. TEST CLAIM TITLE

California Assessment of Student  
Performance and Progress-Amendment

### 2. CLAIMANT INFORMATION

Porterville Unified School District

Name of Local Agency or School District

John Snavely

Claimant Contact

Superintendent

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(559)793-1088

Fax Number

jsnavely@portervilleschools.org

E-Mail Address

### 3. CLAIMANT REPRESENTATIVE INFORMATION

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### 1. TEST CLAIM TITLE

California Assessment of Student  
Performance and Progress-Amendment **+**

### 2. CLAIMANT INFORMATION

Santa Ana Unified School District  
Name of Local Agency or School District  
Richard L. Miller  
Claimant Contact  
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Fax Number  
rick.miller@sausd.us  
E-Mail Address

### 3. CLAIMANT REPRESENTATIVE INFORMATION

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Claimant Representative Name  
Attorney  
Title  
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Organization  
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## 1. TEST CLAIM TITLE

California Assessment of Student  
Performance and Progress-Amendment

## 2. CLAIMANT INFORMATION

Vallejo City Unified School District

Name of Local Agency or School District

Ramona Bishop

Claimant Contact

Superintendent

Title

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E-Mail Address

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Test Claim: California Assessment of Student Performance and Progress (CAASPP)  
Claimants: Santa Ana Unified School District, Porterville Unified School District,  
Plumas Unified School District, Plumas County Office of Education  
5. Written Narrative

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**BEFORE THE**  
**COMMISSION ON STATE MANDATES**  
**STATE OF CALIFORNIA**

Test Claim of:	) No. CSM _____
	)
Santa Ana Unified School District,	) Statutes 2013-2014 Chapter 489, A.B. No 484;
Porterville Unified School District,	) Statutes 2014 Chapter 327 A.B. No. 1599;
Plumas Unified School District,	) Statutes 2014 Chapter 32, S.B. No. 858;
Plumas County Office of Education,	) Education Code: Sections 60602, 60603, 60604,
	) 60607, 60610, 60611, 60612, 60640, 60641,
Claimants.	) 60642.6, 60643, 60643.6, 60648, 60648.5,
	) 60649, 60810, 99300, and 99301; Title 5 of the
	) California Code of Regulations, Section 850
	) through 864, inclusive.
	)
	) <u>California Assessment of Student Performance</u>
	) <u>and Progress (CAASPP)</u>

**STATEMENT OF THE CLAIM**

This test claim alleges reimbursable costs mandated by the State for school districts to administer statewide academic skill assessments to pupils (“California Assessment of Student Performance and Progress”) pursuant to the requirements in Statutes 2013-2014 Chapter 489 (A.B. No. 484); Statutes 2014 Chapter 327 (A.B. No. 1599); Statutes 2014 Chapter 32 (S.B. No. 858) and in Title 5 of the California Code of Regulations, Section 850 through 864.

“It is the intent of the Legislature that the state's system of public school accountability be more closely aligned with both the public's expectations for public education and the workforce needs of the state's economy. It is therefore necessary that the accountability system evolve beyond its narrow focus on pupil test scores to encompass other valuable information about school performance, including, but not limited to, pupil preparedness for college and career, as well as the high school graduation rates already required by law.” (Statutes 2013-2014, Ch. 489



Test Claim: California Assessment of Student Performance and Progress (CAASPP)  
Claimants: Santa Ana Unified School District, Porterville Unified School District,  
Plumas Unified School District, Plumas County Office of Education  
5. Written Narrative

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(A.B. 484) Testing is to be performed using computer based tests administered using electronic computing device.

Claimants allege that the test claim statutes and regulation impose a reimbursable state mandated program for school districts under article XIII B, section 6 and Government Code section 17514. It was the intent of the Legislature in enacting the test claim statutes and regulations to provide a mandatory system of individual assessment of pupils that has the purpose of assisting teachers, administrators, and pupils and their parents to improve teaching and learning. In order to accomplish these goals, the Legislature declared that California must adopt a coordinated and consolidated testing and assessment program.

#### **AUTHORITY FOR THE CLAIM**

The Commission on State Mandates has the authority pursuant to Government Code section 17551, subdivision (a) to hear and decide upon a claim by a local agency or school district that the local agency or school district is entitled to be reimbursed by the State for costs mandated by the State as required by Section 6 of Article XIII B of the California Constitution. (*Kinlaw v. State of California* (1991) 54 Cal.3d 326, 331-334; Government Code sections 17551 and 17552.) The determination whether a statute or executive order imposes a reimbursable state-mandated program is a question of law. (*County of San Diego v. State of California*, (1997) 15 Cal.4th 68,109.)

Santa Ana Unified School District, Porterville Unified School District, Plumas Unified School District and Plumas County Office of Education (“Claimants”) are school districts as defined in Government Code Section 17519. This test claim is filed pursuant to title 2, California Code of Regulations section 1183.1.

#### **A. California Constitution Requires the State to Reimburse Schools**

Article XIII B, Section 6 of the California Constitution states:

Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such programs or increased level of service.

The purpose of Article XIII B, Section 6 is to “preclude the state from shifting financial responsibility for carrying out governmental functions to local agencies, which are ‘ill equipped’ to assume increased financial responsibilities because of the taxing and spending limitations that article XIII A and XIII B impose.” (*County of San Diego v. State of California* (1997) 15 Cal.4th 68, 81.) Thus the subvention requirement of section 6 is “directed to state-mandated increases in the services provided by [local government]...” (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.) Reimbursement under Article XIII B, Section 6 is required when the following elements are met:

1. A state statute or executive order requires or “mandates” local agencies or school districts to perform and activity. (*San Diego Unified School Dist. v. Commission on State Mandates*, (2004) 33 Cal.4th 859, 874.)
2. The mandated activity either:
  - a. Carries out the governmental function of providing a service to the public;
  - or
  - b. Imposes unique requirements on local agencies or school districts and does not apply generally to all residents and entities in the state. (*San Diego Unified School Dist.*, *supra* 33 Cal.4th at 874-875 (reaffirming the test set out in *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.)
3. The mandated activity is new when compared with the legal requirements in effect immediately before the enactment of the test claim statute or executive order and it increases the level of service provided to the public. (*San Diego Unified School Dist.*, *supra* 33 Cal.4th 859, 874-875, 878; *Lucia Mar Unified School District v. Honig* (1988) 44 Cal 3d 830, 835.)

**B. The New Program Is Mandated When The Schools Incur Increased Costs.**

Government Code section 17514 provides that “[c]osts mandated by the state’ means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or

higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

Government Code section 17564 provides that “[n]o claim shall be made pursuant to Sections 17551, 17561, or 17573, nor shall any payment be made on claims submitted pursuant to Sections 17551, or 17561, or pursuant to a legislative determination under Section 17573, unless these claims exceed one thousand dollars.”

Claimants alleges increased costs mandated by the state in the amount of \$15,000,000.00 for schools in the districts impacted by the test claim statutes, which exceeds the \$1000 minimum claim amount articulated in Government Code section 17564(a). Government Code section 17556(e) states that there are no costs mandated by the state if additional revenue specifically intended to fund the costs of the mandated activities, in an amount sufficient to fund the cost of the state-mandated activities, has been appropriated in a Budget Act or other bill.

There is no evidence that additional on-going revenue has been appropriated specifically to fund the costs of the mandated activities in this claim. Thus, Government Code section 17556(e) does not apply to deny this claim. Accordingly, the evidence in the record supports the finding that the claimant has incurred increased costs mandated by the state pursuant to Government Code section 17514. However, to the extent a district receives any funding or grant funding and applies those funds to the mandated activities, those funds are required to be identified as offsetting revenue and deducted from the costs claimed by the district.

**Identify the specific sections of statutes or executive orders alleged to contain a mandate. Include a statement that actual and/or estimated costs resulting from the alleged mandate exceeds one thousand dollars (\$1,000), and include all of the following elements for each statute or executive order alleged:**

1. Statutes 2013-2014 Chapter 489 (A.B. No. 484); Sections 3, 5, 9, 12, 15, 16, 28, 28.5.
2. Statutes 2014 Chapter 32 (S.B. No. 858); Sections 49.
3. Statutes 2014 Chapter 327 (A.B. No. 1599); Sections 17, 18, 19, 22, 24, 26.
4. Title 5, California Code of Regulations Sections 850-864.

**Statutes 2013-2014 Chapter 489 (A.B. No. 484)**

The CAASPP assessment system replaces the Standardized Testing and Reporting (STAR) Program. The primary purpose of the CAASPP assessment system is to assist teachers, administrators, pupils and their parents by promoting high-quality teaching and learning through the use of a variety of assessment approaches and item types. Testing is to be performed using computer based tests administered using electronic computing device.

AB 484 requires the transition to a system of assessments and assessment tools that cover the full breadth and depth of the curriculum and promote the teaching of the full curriculum. This transition will take several years to complete.

**AB 484 amended (SEC. 3.) Section 60602 of the Education Code is amended to read:**

(a) It is the intent of the Legislature in enacting this chapter to provide a system of individual assessment of pupils that has the primary purpose of assisting teachers, administrators, and pupils and their parents to improve teaching and learning. In order to accomplish these goals, the Legislature finds and declares that California should adopt a coordinated and consolidated testing program to do all of the following:

(1) First and foremost, provide information on the academic status and progress of individual pupils to those pupils, their parents, and their teachers. This information should be designed to assist in the improvement of teaching and learning in California public classrooms. The Legislature recognizes that, in addition to statewide assessments that will occur as specified in this chapter, school districts will conduct additional ongoing pupil diagnostic assessment and provide information regarding pupil performance based on those assessments on a regular basis to parents or guardians and schools. The Legislature further recognizes that local diagnostic

assessment is a primary mechanism through which academic strengths and weaknesses are identified.

(2) Develop and adopt a set of statewide academically rigorous content standards and performance standards in all major subject areas to serve as the basis for assessing the academic achievement of individual pupils, as well as for schools, school districts, and for the California education system as a whole. The performance standards shall be designed to lead to specific grade level benchmarks of academic achievement for each subject area tested within each grade level, and shall be based on the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century.

(3) Ensure that all assessment procedures, items, instruments, and scoring systems are independently reviewed to ensure that they meet high standards of statistical reliability and validity, and that they do not use procedures, items, instruments, or scoring practices that are racially, culturally, or gender biased.

(4) Provide information to pupils, parents or guardians, teachers, schools, and school districts on a timely basis so that the information can be used to further the development of the pupil and to improve the educational program.

(5) Develop assessments that are comparable to the National Assessment of Educational Progress and other national and international assessment efforts, so that California's local and state test results are reported in a manner that corresponds to the national test results. Test results should be reported in terms describing a pupil's academic performance in relation to the statewide academically rigorous content and performance standards adopted by the state board

and in terms of employment skills possessed by the pupil, in addition to being reported as numerical or percentile scores.

(6) Assess pupils for a broad range of academic skills and knowledge including both basic academic skills and the ability of pupils to apply those skills.

(7) Include an appropriate balance of types of assessment instruments, including, but not limited to, multiple choice questions, short answer questions, and assessments of applied academic skills.

(8) Minimize the amount of instructional time devoted to assessments administered pursuant to this chapter.

(b) It is the intent of the Legislature, pursuant to this article, to begin a planning and implementation process to enable the Superintendent to accomplish the goals set forth in this section as soon as feasible.

(c) It is the intent of the Legislature that parents, classroom teachers, other educators, governing board members of school districts, and the public be involved, in an active and ongoing basis, in the design and implementation of the statewide pupil assessment program and the development of assessment instruments.

(d) It is the intent of the Legislature, insofar as is practically feasible and following the completion of annual testing, that the content, test structure, and test items in the assessments that are part of the Standardized Testing and Reporting Program become open and transparent to teachers, parents, and pupils, to assist all the stakeholders in working together to demonstrate improvement in pupil academic achievement. A planned change in annual test content, format, or

design should be made available to educators and the public well before the beginning of the school year in which the change will be implemented.

(e) It is the intent of the Legislature that the results of the California Standards Tests be available for use, after appropriate validation, academic credit, or placement and admissions processes, or both, at postsecondary educational institutions.

(f) This section shall become inoperative on July 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.

**SEC. 5. Section 60603 of the Education Code is amended to read:**

As used in this chapter:

(a) “Achievement level descriptors” means a narrative description of the knowledge, skills, and processes expected of pupils at different grade levels and at different performance levels on achievement tests.

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

(c) “Census administration” means a test administration in which all pupils take comparable assessments of the same content and where results of individual performance are appropriate and meaningful to parents, pupils, and teachers.

(d) “Computer-adaptive assessment” means a computer-based test that utilizes a computer program to adjust the difficulty of test items throughout a testing session based on a test taker’s responses to previous test items during that testing session.

(e) “Computer-based assessment” means a test administered using an electronic computing device.

(f) “Consortium” means a multistate collaborative organized to develop a comprehensive system of assessments or formative tools such as described in Section 60605.7.

(g) “Constructed-response questions” means a type of assessment item that requires pupils to construct their own answers.

(h) “Content standards” means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach, and all pupils are expected to learn, in reading, writing, mathematics, history-social science, foreign languages, visual and performing arts, and science, at each grade level tested.

(i) “Diagnostic assessment” means an assessment of particular knowledge or skills a pupil has or has not yet achieved for the purpose of informing instruction and making placement decisions.

(j) “End of course exam” means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

(k) “Field test” means an assessment or assessment items administered to a representative sample of a population to ensure that the test or item produces results that are valid, reliable, and fair.

(l) “Formative assessment tools” means assessment tools and processes that are embedded in instruction and used by teachers and pupils to provide timely feedback for purposes of adjusting instruction to improve learning.



(m) “High-quality assessment” means an assessment designed to measure a pupil’s knowledge of, understanding of, and ability to apply, critical concepts through the use of a variety of item types and formats, including, but not necessarily limited to, items that allow for constructed responses and items that require the completion of performance tasks. A high-quality assessment should have the following characteristics:

- (1) Enable measurement of pupil achievement and pupil growth to the extent feasible.
- (2) Be of high technical quality by being valid, reliable, fair, and aligned to standards.
- (3) Incorporate technology where appropriate.
- (4) Include the assessment of pupils with disabilities and English learners.
- (5) Use, to the extent feasible, universal design principles, as defined in Section 3 of the federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002) in its development and administration.

(n) “Interim assessment” means an assessment that is designed to be given at regular intervals throughout the school year to evaluate a pupil’s knowledge and skills relative to a specific set of academic standards, and produces results that can be aggregated by course, grade level, school, or local educational agency in order to inform teachers and administrators at the pupil, classroom, school, and local educational agency levels.

(o) “Local educational agency” means a county office of education, school district, state special school, or direct-funded charter school as described in Section 47651.

(p) “Matrix sampling” means administering different portions of a single assessment to different groups of pupils for the purpose of sampling a broader representation of content and reducing testing time.

(q) “Measurement of Academic Performance and Progress (“MAPP”) means the comprehensive assessment system, inclusive of consortium-developed assessments, that has the primary purpose of modeling and promoting high-quality teaching and instruction using a variety of assessment approaches and item types.

(r) “Performance standards” are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has met the content standards.

(s) “Performance tasks” are a collection of questions or activities that relate to a single scenario that include pupil interaction with stimulus. Performance tasks are a means to assess more complex skills such as writing, research, and analysis.

(t) “Personally identifiable information” includes a pupil’s name and other direct personal identifiers, such as the pupil’s identification number. Personally identifiable information also includes indirect identifiers, such as the pupil’s address and personal characteristics, or other information that would make the pupil’s identity easily traceable through the use of a single or multiple data sources, including publicly available information.

(u) “Population sampling” means administering assessments to a representative sample of pupils instead of the entire pupil population. The sample of pupils shall be representative in terms of various pupil subgroups, including, but not necessarily limited to, English learners and pupils with disabilities.

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

(w) “State-determined assessment calendar” means the scheduling of assessments, exclusive of those subject area assessments listed in subdivision (b) of Section 60640, over several years on a predetermined schedule. Content areas and grades shall only be assessed after being publicly announced at least two school years in advance of the assessment.

(x) “Summative assessment” means an assessment designed to be given near the end of the school year to evaluate a pupil’s knowledge and skills relative to a specific set of academic standards.

**SEC. 9. Section 60607 of the Education Code is amended to read:**

(a) Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the Measurement of Academic Performance and Progress (MAPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course exams taken, and the vocational education certification exams he or she chose to take.

(b) It is the intent of the Legislature that local educational agencies and schools use the results of the academic achievement tests administered annually as part of the MAPP to provide support to pupils and parents or guardians in order to assist pupils in strengthening their development as learners, and thereby to improve their academic achievement and performance in subsequent assessments.

(c) (1) Except for research provided for in Section 49079.6, a pupil’s results or a record of accomplishment shall be private, and may not be released to any person, other than the pupil’s parent or guardian and a teacher, counselor, or administrator directly involved with the pupil,

without the express written consent of either the parent or guardian of the pupil if the pupil is a minor, or the pupil if the pupil has reached the age of majority or is emancipated.

(2) (A) Notwithstanding paragraph (1), a pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the purpose of credit, placement, or admission.

(B) Notwithstanding paragraph (1), the results of an individual pupil on the MAPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission.

**SEC. 12. Section 60612 of the Education Code is amended to read:**

Upon adoption or approval of assessments pursuant to this chapter, the Superintendent shall prepare, and make available to parents, teachers, pupils, administrators, school board members, and the public, easily understood materials, in accordance with subdivisions (c) and (d) of Section 60604, describing the nature and purposes of the assessments, the systems of scoring, and the valid uses to which the assessments will be put. The Superintendent shall produce the materials for parents in languages other than English in accordance with Section 48985.

**SEC. 15. Section 60640 of the Education Code is amended to read:**

(a) There is hereby established the Measurement of Academic Performance and Progress, to be known as the MAPP.

(b) Commencing with the 2013-14 school year, the MAPP shall be composed of all of the following:

(1) (A) A consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted by the state board.

(B) In the 2013-14 school year, the consortium summative assessment in English language arts and mathematics shall be a field test only, to enable the consortium to gauge the validity and reliability of these assessments and to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment system. These field tests and results shall not be used for any other purpose, including the calculation of any accountability measure.

(2) (A) Science grade level assessments in grades 5, 8, and 10 that measure content standards pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B).

(3) The California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, which measures content standards adopted pursuant to Section 60605 until a successor assessment is implemented. The successor assessment shall be limited to the grades and subject areas assessed pursuant to paragraph (1) and subparagraph (B) of paragraph (2).

(4) The Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3.

(5) (A) The department shall make available to local educational agencies a primary language assessment aligned to the English language arts standards adopted pursuant to Section

60605, as it read on January 1, 2013, for assessing pupils who are enrolled in a dual language immersion program that includes the primary language of the assessment and who are either non limited English proficient or re-designated fluent English proficient. The cost for the assessment shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section.

(B) A local educational agency may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, at its own expense, and shall enter into an agreement for that purpose with the testing contractor. If the local educational agency chooses to administer a primary language assessment pursuant to this paragraph, the department shall reimburse the local educational agency for its costs, including a per pupil apportionment to administer the assessment pursuant to subdivision (l). The department shall determine the procedures for reimbursement.

(d) For the 2013-14 and 2014-15 school years, the department shall make available to local educational agencies Standardized Testing and Reporting Program test forms no longer required by the MAPP. The cost of implementing this subdivision, including, but not necessarily limited to, shipping, printing, scoring, and reporting per pupil shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that chooses to administer an assessment pursuant to this section shall do so at its own expense, and shall enter into an agreement for that purpose with a contractor, subject to the approval of the department.

(e) The Superintendent shall make available a paper and pencil version of any computer-based MAPP assessment for use by pupils who are unable to access the computer-based version of the assessment for a maximum of three years after a new operational test is first administered.

(f) (1) From the funds available for that purpose, each local educational agency shall administer assessments to each of its pupils pursuant to subdivision (b). As allowable by federal statute, recently arrived English learner pupils are exempted from taking the assessment in English language arts.

(2) For the 2013-14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund district participation in one or more tests per participant. Funds for this purpose shall be utilized to allow for maximum participation in the field test across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by test. Local educational agencies shall bear any additional costs to administer these assessments that are in excess of the contracted amount.

(g) From the funds available for that purpose, each local educational agency shall administer assessments as determined by the state board pursuant to paragraph (5) of subdivision (c).

(h) As feasible, the MAPP field tests shall be conducted in a manner that will minimize the testing burden on individual schools. The MAPP field tests shall not produce individual pupil scores unless it is determined that these scores are valid and reliable.

(i) The governing board of a school district may administer achievement tests in grades other than those required by this section as it deems appropriate.

(j) The governing board of a school district may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605 to a pupil identified as limited English proficient enrolled in any of grades 2 to 11, inclusive, who either receives instruction in his or her primary language or has been enrolled in a school in the United States for less than 12 months until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to paragraph (5) of subdivision (b). If the governing board of a school district chooses to administer this assessment, it shall notify the department in a manner determined by the department.

(k) Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and those individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(n) As a condition to receiving an apportionment pursuant to subdivision (l), a local educational agency shall report to the Superintendent all of the following:

(1) The pupils enrolled in the local educational agency in the grades in which assessments were administered pursuant to subdivisions (b) and (c).

(2) The pupils to whom an achievement test was administered pursuant to subdivisions (b) and (c) in the local educational agency.



(3) The pupils in paragraph (1) who were exempted from the test pursuant to this section.

(o) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the MAPP, including, but not necessarily limited to, the grade 11 consortium summative assessments in English language arts and mathematics, for academic credit, placement, or admissions processes.

**SEC. 16. Section 60641 of the Education Code is amended to read:**

(1) The achievement tests provided for in Section 60640 are scheduled to be administered to all pupils, inclusive of pupils enrolled in charter schools and exclusive of pupils exempted pursuant to Section 60640, during the period prescribed in subdivision (b) of Section 60640.

(2) For assessments that produce valid individual pupil results, the individual results of each pupil tested pursuant to Section 60640 shall be reported, in writing, to the parent or guardian of the pupil. The report shall include a clear explanation of the purpose of the test, the score of the pupil, and the intended use by the local educational agency of the test score. This subdivision does not require teachers or other local educational agency personnel to prepare individualized explanations of the test score of each pupil. It is the intent of the Legislature that nothing in this section shall preclude a school or school district from meeting the reporting requirement by the use of electronic media formats that secure the confidentiality of the pupil and the pupil's results. State agencies or local educational agencies shall not use a comparison resulting from the scores and results of the Measurement of Academic Performance and Progress (MAPP) assessments and the assessment scores and results from assessments that measured previously adopted content standards.

(3) (A) For assessments that produce valid individual pupil results, the individual results of each pupil tested pursuant to Section 60640 also shall be reported to the school and teachers of a pupil. The local educational agency shall include the test results of a pupil in his or her pupil records. However, except as provided in this section and Section 60607, personally identifiable pupil test results only may be released with the permission of either the pupil's parent or guardian if the pupil is a minor, or the pupil if the pupil has reached the age of majority or is emancipated.

(B) Notwithstanding subparagraph (A) and pursuant to subdivision (c) of Section 60607, a pupil or his or her parent or guardian may authorize the release of individual pupil results to a postsecondary educational institution for the purpose of credit, placement, determination of readiness for college-level coursework, or admission.

(4) The districtwide, school-level, and grade-level results of the MAPP in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.

(b) The state board shall adopt regulations that outline a calendar for delivery and receipt of summative assessment results at the pupil, school, grade, district, county, and state levels. The calendar shall include delivery dates to the department and to local educational agencies. The calendar for delivery shall provide for the timely return of assessment results, and consider the amount of paper-and-pencil administered assessments and number of items requiring hand

scoring. The calendar shall also ensure that individual assessment results are reported to local educational agencies within eight weeks of receipt by the contractor for scoring.

(c) Aggregated, disaggregated, or group scores or reports that include the results of the MAPP assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results.

(e) The department shall ensure that pupils in grade 11, or parents or legal guardians of those pupils, may request results from grade 11 assessments administered as part of the MAPP for the purpose of determining credit, placement, or readiness for college-level coursework be released to a postsecondary educational institution.

**SEC. 28. Section 99301 of the Education Code is amended to read:**

(C) Provide access to the individual assessment results, as referenced in Section 60641, to participating community college districts.

**SEC. 28.5. Section 99301 of the Education Code is amended to read:**

(b) (1) As authorized pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 60641, the individual assessment results, as referenced in Section 60641, or a standards-aligned successor assessment, shall be provided to the office of the Chancellor of the California Community Colleges.

(C) Provide access to the individual assessment results, as referenced in Section 60641, or a standards-aligned successor assessment, to participating community college districts.

**Statutes 2014 Chapter 32 (S.B. No. 858); Sections 49.**

**SEC. 49. Section 60640 of the Education Code is amended to read:**

(a) There is hereby established the California Assessment of Student Performance and Progress, to be known as the CAASPP.

(b) Commencing with the 2013–14 school year, the CAASPP shall be composed of all of the following:

(1)(A) A consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted by the state board. (B) In the 2013–14 school year, the consortium summative assessment in English language arts and mathematics shall be a field test only, to enable the consortium to gauge the validity and reliability of these assessments and to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment system. These field tests and results shall not be used for any other purpose, including the calculation of any accountability measure.

(2)(A) Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B).

(B) For science assessments, the Superintendent shall make a recommendation to the state board as soon as is feasible after the adoption of science content standards pursuant to Section 60605.85 regarding the assessment of the newly adopted standards. Before making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English

learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:

- (i) Grades 3 to 5, inclusive.
- (ii) Grades 6 to 9, inclusive.
- (iii) Grades 10 to 12, inclusive.

(3) The California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, which measures content standards adopted pursuant to Section 60605 until a successor assessment is implemented.

The successor assessment shall be limited to the grades and subject areas assessed pursuant to paragraph (1) and subparagraph (B) of paragraph (2).(4) The Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3.

(5)(A) A local educational agency may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, to pupils who are identified as limited English proficient and enrolled in any of grades 2 to 11, inclusive, until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to subparagraph (E).

(B) If a local educational agency chooses to administer a primary language assessment to pupils identified as limited English proficient and enrolled in any of grades 2 to 11, inclusive,

pursuant to subparagraph (A), it shall notify the department in a manner to be determined by the department and the costs shall be paid by the state and included as part of the testing contract, and the department shall provide the local educational agency a per pupil apportionment for administering the assessment pursuant to subdivision (I).

(C) The Superintendent shall consult with stakeholders, including assessment and English learner experts, to determine the content and purpose of a stand-alone language arts summative assessment in primary languages other than English that aligns with the English language arts content standards. The Superintendent shall consider the appropriate purpose for this assessment, including, but not necessarily limited to, support for the State Seal of Bi-literacy and accountability. It is the intent of the Legislature that an assessment developed pursuant to this section be included in the state accountability system.

(D) The Superintendent shall report and make recommendations to the state board at a regularly scheduled public meeting no sooner than one year after the first full administration of the consortium computer-adaptive assessments in English language arts and mathematics summative assessments in grades 3 to 8, inclusive, and grade 11, regarding an implementation timeline and estimated costs of a stand-alone language arts summative assessment in primary languages other than English.

(E) The Superintendent shall develop, and the state board shall adopt, a primary language assessment. The Superintendent shall administer this assessment no later than the 2016–17 school year.

(F) This paragraph shall be operative only to the extent that funding is provided in the annual Budget Act or another statute for the purpose of this section.

(c) No later than March 1, 2016, the Superintendent shall submit to the state board recommendations on expanding the CAASPP to include additional assessments, for consideration at a regularly scheduled public meeting. The Superintendent shall also submit these recommendations to the appropriate policy and fiscal committees of the Legislature and to the Director of Finance in accordance with all of the following:

(1) In consultation with stakeholders, including, but not necessarily limited to, California teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, the Superintendent shall make recommendations regarding assessments including the grade level, content, and type of assessment. These recommendations shall take into consideration the assessments already administered or planned pursuant to subdivision (b). The Superintendent shall consider the use of consortium-developed assessments, various item types, computer-based testing, and a timeline for implementation.

(2) The recommendations shall consider assessments in subjects, including, but not necessarily limited to, history-social science, technology, visual and performing arts, and other subjects as appropriate, as well as English language arts, mathematics, and science assessments to augment the assessments required under subdivision (b), and the use of various assessment options, including, but not necessarily limited to, computer-based tests, locally scored performance tasks, and portfolios.

(3) The recommendations shall include the use of an assessment calendar that would schedule the assessments identified pursuant to paragraph (2) over several years, the use of matrix sampling, if appropriate, and the use of population sampling.

(4) The recommendations shall include a timeline for test development, and shall include cost estimates for subject areas, as appropriate.

(5) Upon approval by the state board and the appropriation of funding for this purpose, the Superintendent shall develop and administer approved assessments. The state board shall approve test blueprints, achievement level descriptors, testing periods, performance standards, and a reporting plan for each approved assessment.

(d) For the 2013–14 and 2014–15 school years, the department shall make available to local educational agencies Standardized Testing and Reporting Program test forms no longer required by the CAASPP. The cost of implementing this subdivision, including, but not necessarily limited to, shipping, printing, scoring, and reporting per pupil shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that chooses to administer an assessment pursuant to this subdivision shall do so at its own expense, and shall enter into an agreement for that purpose with a contractor, subject to the approval of the department.

(e) The Superintendent shall make available a paper and pencil version of any computer-based CAASPP assessment for use by pupils who are unable to access the computer-based version of the assessment for a maximum of three years after a new operational test is first administered.

(f)(1) From the funds available for that purpose, each local educational agency shall administer assessments to each of its pupils pursuant to subdivision (b). As allowable by federal statute, recently arrived English learner pupils are exempted from taking the assessment in



English language arts. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year. The testing period established by the state board shall take into consideration the need of local educational agencies to provide makeup days for pupils who were absent during testing, as well as the need to schedule testing on electronic computing devices.

(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund local educational agency participation in one or more tests per participant. Funds for this purpose shall be used to allow for maximum participation in the field tests across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by test. Local educational agencies shall bear any additional costs to administer these assessments that are in excess of the contracted amount. With approval of the state board and the Director of Finance, the department shall amend the existing assessment contract to accommodate field testing beyond the representative sample, and to allow for special studies using information collected from the field tests.

(g) From the funds available for that purpose, each local educational agency shall administer assessments as determined by the state board pursuant to paragraph (5) of subdivision (c).

(h) As feasible, the CAASPP field tests shall be conducted in a manner that will minimize the testing burden on individual schools. The CAASPP field tests shall not produce individual pupil scores unless it is determined that these scores are valid and reliable.

(i) The governing board of a school district may administer achievement tests in grades other than those required by this section as it deems appropriate.

(j) Subject to the approval of the state board, the department may make available to local educational agencies a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, for assessing pupils who are enrolled in a dual language immersion program that includes the primary language of the assessment and who are either non limited English proficient or re-designated fluent English proficient until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to paragraph (5) of subdivision (b).

The cost for the assessment shall be the same for all local educational agencies and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that elects to administer a primary language assessment pursuant to this subdivision shall do so at its own expense and shall enter into an agreement for that purpose with the state testing contractor, subject to the approval of the department.

(k) Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and the

individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(l)(1) The Superintendent shall apportion funds appropriated for these purposes to local educational agencies to enable them to meet the requirements of subdivisions (b) and (c).

(A) For the CAASPP field tests administered in the 2013–14 school year or later school years, the Superintendent shall apportion funds to local educational agencies if funds are specifically provided for this purpose in the annual Budget Act.

(B) The Superintendent shall apportion funds to local educational agencies to enable them to administer assessments used to satisfy the voluntary Early Assessment Program in the 2013–14 school year pursuant to paragraph (4) of subdivision (b).

(2) The state board annually shall establish the amount of funding to be apportioned to local educational agencies for each test administered and annually shall establish the amount that each contractor shall be paid for each test administered under the contracts required pursuant to Section 60643. The amounts to be paid to the contractors shall be determined by considering the cost estimates submitted by each contractor each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to local educational agencies for compliance with the requirements of subdivisions (b) and (c). The state board shall take into account changes to local educational agency test administration activities under the CAASPP, including, but not limited to, the number and type of tests administered and changes in computerized test registration and administration procedures, when establishing the amount of funding to be apportioned to local educational agencies for each test administered.

(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(m) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (l), and the payments made to the contractors under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are “General Fund revenues appropriated for school districts,” as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the “total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B,” as defined in subdivision (e) of Section 41202, for that fiscal year.

(n) As a condition to receiving an apportionment pursuant to subdivision (l), a local educational agency shall report to the Superintendent all of the following:(1) The pupils enrolled in the local educational agency in the grades in which assessments were administered pursuant to subdivisions (b) and (c).

(2) The pupils to whom an achievement test was administered pursuant to subdivisions (b) and (c) in the local educational agency.

(3) The pupils in paragraph (1) who were exempted from the test pursuant to this section.

(o) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the CAASPP, including, but not necessarily limited to, the grade 11 consortium summative assessments in English language arts and mathematics, for academic credit, placement, or admissions processes.

(p) Subject to the availability of funds in the annual Budget Act for this purpose, and exclusive of the consortium assessments, the Superintendent, with the approval of the state board, annually shall release to the public test items from the achievement tests pursuant to Section 60642.5 administered in previous years. Where feasible and practicable, the minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.

(q) On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013–14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the CAASPP assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code.

**Statutes of 2014, Ch. 327 (A.B. 1599)**

**SEC. 17. Section 60603 of the Education Code is amended to read:**

(c) “California Assessment of Student Performance and Progress (CAASPP)” means the comprehensive assessment system, inclusive of consortium-developed assessments, that has the primary purpose of modeling and promoting high-quality teaching and instruction using a variety of assessment approaches and item types.

(k) “End of course examination” means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

**SEC. 18. Section 60604 of the Education Code is amended to read:**

(1) Exclusive of the consortium assessments, a plan for producing or adopting valid, fair, and reliable achievement tests as recommended by the Superintendent and adopted by the state board pursuant to the \* \* \* California Assessment of Student Performance and Progress (CAASPP) established by Article 4 (commencing with Section 60640).

(7) A plan for ensuring the security and integrity of the CAASPP assessments.

(b) The Superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation plan for the CAASPP, and a timetable for implementing the system described in Section 60640. The annual update shall be submitted on or before March 1 of each year to the Department of Finance, the state board, and the respective chairpersons of the appropriate fiscal subcommittees considering budget appropriations and the appropriate policy committees in each house. The update shall explain any significant variations from the five-year cost projection for the current year budget and the proposed budget.

(c) The Superintendent shall make resources available that are designed to assist with the interpretation and use of the CAASPP results to promote the use of the results for purposes of

improving pupil learning and educational programs across the full curriculum. The Superintendent shall consider information already provided by assessment consortia to which California belongs or assessment contractors when fulfilling this requirement.

(d) The Superintendent shall make information and resources available to parents, teachers, pupils, administrators, school board members, and the public regarding the CAASPP, including, but not necessarily limited to, system goals, purposes, scoring systems, results, valid uses of assessments, and information on the relationship between performance on the previous state assessments and the CAASPP.

**SEC. 19. Section 60607 of the Education Code is amended to read:**

Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the California Assessment of Student Performance and Progress (CAASPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course examinations he or she has taken, and the vocational education certification examinations he or she chose to take. (Education Code 60607)

A pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the purpose of credit, placement, or admission and the results of an individual pupil on the CAASPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607)

**SEC. 22. Section 60641 of the Education Code is amended to read:**

State agencies or local educational agencies shall not use a comparison resulting from the scores and results of the California Assessment of Student Performance and Progress (CAASPP) assessments and the assessment scores and results from assessments that measured previously adopted content standards. The districtwide, school-level, and grade-level results of the CAASPP in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.

Aggregated, disaggregated, or group scores or reports that include the results of the CAASPP assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results.

**SEC. 26. Section 60810 of the Education Code is amended to read:**

The test or series of tests developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills. Pupils in kindergarten and grade 1 shall be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. The early literacy assessment shall be administered for a period of four years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last.

**Title 5 of the California Code of Regulations**



**§ 850. Definitions.**

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

(a) “Accommodations” means resources documented in a pupil’s individualized education program (IEP) or Section 504 Plan which the pupil regularly uses in the classroom for instruction and/or assessments(s) and that are either utilized in the assessment environment or consist of changes in procedures or materials that increase equitable access during the assessment.

Accommodations cannot fundamentally alter the comparability of scores.

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

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

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

(e) “Assessment delivery system” means a set of web applications that manage the registration of pupils for tests, the delivery of those tests to the pupils, scoring of test items,

integration of item scores into an overall test score, and delivery of scores to the Data Warehouse.

(f) “Assessment technology platform” means the electronic systems used to display items, accept item responses, store, deliver, score the tests and restrict access to outside sources, as well as report and manage assessment results. Assessment technology includes, but is not limited to, computing devices, testing software applications, network hardware, and other technology required to administer the tests.

(g) “California Alternate Performance Assessment (CAPA)” is the alternate assessment and its test materials as provided in Education Code section 60640(k) for pupils with significant cognitive disabilities.

(h) “California Modified Assessment (CMA)” is the alternate assessment and its test materials for science based on modified achievement standards.

(i) “California Standards Tests (CSTs)” is the assessment and its test materials that measure the degree to which pupils are achieving the state content standards pursuant to Education Code section 60605.

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

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

(l) “Eligible pupil,” with the exception of subdivisions (1) through (3) below, is any pupil taking an assessment pursuant to Education Code section 60640, who is not exempt from participation in assessments pursuant to Education Code section 60615 or who is not a recently arrived English learner pupil exempt from participating in the English Language Arts assessment pursuant to Education Code section 60640(f)(1).

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

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

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

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

(n) “Grade” means the grade in which the pupil is enrolled at the time of testing, as determined by the local educational agency.

(o) “Individualized aid” means a type of resource that a pupil regularly uses in a classroom for instruction and/or assessment that has not been previously identified as a universal tool, designated support or accommodation. Because an individualized aid has not been previously identified as a universal tool, designated support or accommodation, it may or may not invalidate the measurement of the test(s).

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

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

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

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

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

(u) “Recently arrived English learner” means a pupil designated as an English learner who is in his or her first 12 months of attending a school in the United States as specified in Education Code section 60603(v).

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

(w) “Resource(s)” refers to a universal tool, designated support, accommodation, and/or an individualized aid.

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

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

(z) “Smarter-Balanced Assessment Consortium (Smarter Balanced)” is the multi-state consortium responsible for the development of the English language arts and mathematics summative assessments administered pursuant to Education Code section 60640(b)(1) and the interim assessments and formative assessment tools administered pursuant to Education Code section 60642.6.

(aa) “Standards-based Tests in Spanish (STS)” are the achievement tests and the test materials that are administered at the option of the LEA as the primary language test as provided in Education Code sections 60640(b) and (c) for pupils whose primary language is Spanish or to pupils enrolled in a dual immersion program that includes Spanish.

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

(ac) “Test examiner” is an employee or contractor of an LEA or an NPS who has signed a CAASPP Test Security Affidavit and has received training to administer the tests. For an

alternate assessment, the test examiner must be a certificated or licensed school, district, or county staff member.

(ad) “Test materials” include, but are not limited to, administration manuals, administrative materials, test booklets, assessment technology platform, practice tests, scratch paper, and test answer documents.

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

(af) “Translator” is a person who has been assigned to translate the test directions into the pupil's primary language pursuant to sections 853.5 and 853.7, who has signed a Test Security Affidavit as identified in section 859(d), and who has received training specifically designed to prepare him or her to assist the test examiner in the administration of the assessments pursuant to Education Code section 60640. A pupil's parent or guardian is not eligible to be the pupil's translator. A translator must be:

- (1) an employee of an LEA;
- (2) an employee of the NPS; or
- (3) a person supervised by an employee of an LEA or an employee of the NPS.

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

**§ 851. Pupil Testing.**

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

(b) No later than start of the 2014-2015 school year, for the purposes of the CAASPP assessment system, a charter school which is not an LEA as defined in Education Code section 60603(o) shall test with, dependent on, the LEA that granted the charter or was designated the oversight agency by the State Board of Education (SBE).

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

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

**§ 852. Pupil Exemptions.**

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

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

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

**§ 853. Administration.**

(a) The CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by LEAs in accordance with the manuals or other instructions provided by the contractor or CDE for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with universal tools, designated supports, and accommodations specified in sections 853.5 and 853.7. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

(b) The primary mode of administration of a CAASPP test shall be via a computing device, the use of an assessment technology platform, and the adaptive engine.

(c) If available, an LEA may utilize a paper-pencil version of any computer-based assessment (CBA) of the CAASPP assessment system, in accordance with Education Code



section 60640(e), and if the LEA identifies the pupils that are unable to access the CBA version of the test.

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

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

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

- (1) breaks for reading, writing, listening, and mathematics;
- (2) calculator for specific mathematic items;
- (3) digital notepad for reading, writing, listening, and mathematics;
- (4) English dictionary for writing (ELA-performance task - pupil long essay(s) not short paragraph responses);
- (5) English glossary for reading, writing, listening, and mathematics;
- (6) expandable passages for reading, writing, listening, and mathematics;
- (7) global notes for writing (ELA-performance task - pupils long essay(s) not short paragraph responses);
- (8) highlighter for reading, writing, listening, and mathematics;

(9) keyboard navigation for reading, writing, listening, and mathematics;

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

(11) math tools for specific mathematics items;

(12) spell check for specific writing items;

(13) strikethrough for reading, writing, listening, and mathematics;

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

(15) zoom for reading, writing, listening, and mathematics.

(b) All pupils shall be permitted the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

(1) breaks;

(2) English dictionary for ELA performance task - pupil long essay(s) not short paragraph responses;

(3) scratch paper;

(4) thesaurus for ELA performance task - pupil long essay(s) not short paragraph responses;

(5) color overlay for science and primary language test;

(6) math tools (i.e., ruler, protractor) for specific mathematics items;

(7) simplify or clarify test administration directions (does not apply to test questions); or

(8) pupil marks in paper-pencil test booklet (other than responses including highlighting).

(c) All pupils shall be permitted the following embedded designated supports when determined for use by an educator or group of educators or specified in a pupil's IEP or Section

504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) color contrast for reading, writing, listening, and mathematics;
- (2) masking for reading, writing, listening, and mathematics;
- (3) text-to-speech for writing, listening, mathematics, and reading items but not reading

passages;

- (4) translated test directions for mathematics;
- (5) translations (glossary) for mathematics;
- (6) translations (stacked) for mathematics; or
- (7) turn off any universal tool for reading, writing, listening, and mathematics.

(d) All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) translated directions for mathematics, science and primary language test;
- (2) bilingual dictionary for writing;
- (3) access to translation glossaries/word lists for science and primary language test;
- (4) color contrast for reading, writing, listening, and mathematics;
- (5) color overlay for reading, writing, listening, and mathematics;
- (6) magnification;
- (7) read aloud for writing, listening, mathematics, and reading items but not reading

passages;

(8) scribe for reading, listening, and mathematics;

(9) separate setting;

(10) translations (glossary) for mathematics; (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (c)).

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

(12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;

(13) translations (glossary) for science and primary language test; or

(14) administration of the test at the most beneficial time of day for the pupil.

(e) The following embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics when specified in a pupil's IEP or Section 504 Plan:

(1) American Sign Language for listening and mathematics;

(2) braille for reading, writing, listening, and mathematics;

(3) closed captioning for listening;

(4) text-to-speech for reading passages for grades 6 through 8, inclusive, and 11; or

(5) streamlining for reading, writing, listening, and mathematics.

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

(1) read aloud for primary language test;

- (2) American Sign Language for listening, mathematics, and science;
- (3) braille for paper-pencil tests;
- (4) abacus for mathematics and science;
- (5) alternate response options for reading, writing, listening, and mathematics;
- (6) calculator for specific mathematics items;
- (7) multiplication table for mathematics beginning in grade 4;
- (8) print on demand for reading, writing, listening, and mathematics;.
- (9) read aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate braille skills;
- (10) scribe for writing, science, and primary language test;
- (11) speech-to-text; or
- (12) large-print version of a paper-pencil test.

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

- (1) LEA name and CDS code;
- (2) school/test site and school code;
- (3) school/test site address, city, and zip code;
- (4) LEA CAASPP coordinator name, phone number, and email address;
- (5) CAASPP test site coordinator name, phone number, and email address;

- (6) school/test site testing window dates;
- (7) SSID(s) for the pupil(s) for which the individualized aid is being requested;
- (8) CAASPP test and grade; and
- (9) the individualized aid being requested.

(h) Individualized aids that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with individualized aids that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports with their actual score. The following non-embedded individualized aids have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

- (1) English dictionary for reading, listening, mathematics, science, and primary language;
- (2) thesaurus for reading, listening, mathematics, science and primary language;
- (3) translated test directions for reading, writing, or listening;
- (4) bilingual dictionary for reading, listening, mathematics, science and primary language;
- (5) translations (glossary) for reading, writing, and listening;
- (6) read aloud for reading passages in grades 3, 4, and 5;
- (7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;

(8) calculator for non-specified mathematics items or science;

(9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and

(10) multiplication table for mathematics in grade 3.

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

**§ 853.7. Use of Designated Supports for English Learners.**

(a) An English learner (EL) shall be permitted the following embedded designated supports, when determined for use by an educator or group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

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

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

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

(4) translated test directions for mathematics;

(5) translations (glossary) for mathematics;

(6) translations (stacked) for mathematics; or

(7) turn off any universal tool for reading, writing, listening, and mathematics.

(b) An EL shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) translated directions for mathematics, science and primary language test;
- (2) bilingual dictionary for writing;
- (3) access to translation glossaries/word lists for science and primary language test;
- (4) color contrast for reading, writing, listening, and mathematics;
- (5) color overlay for reading, writing, listening, and mathematics;
- (6) magnification;
- (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
- (8) scribe for reading, listening, and mathematics;
- (9) separate setting;
- (10) translations (glossary) for mathematics (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (a));
- (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
- (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
- (13) translations (glossary) for science and primary language test; or
- (14) administration of the test at the most beneficial time of day for the pupil.

§ 855. Testing Period.

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



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

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

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

(2) For the grade 11 Smarter Balanced assessments and CAASPP tests administered after January 2015, the testing window shall not begin until at least 80 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing.

(3) The CST and CMA for science in grades 5, 8, and 10, and CAPA, or its successor alternate assessment, for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be administered to each pupil during a testing window of 25 instructional days

that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days unless the SBE makes a determination by the close of its September 2014 regular meeting that these tests shall be administered during the window defined in subdivision (b)(1) above. If an LEA elects to administer the primary language test, it shall do so during the same window.

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

**§ 857. LEA CAASPP Coordinator.**

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

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

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

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

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

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

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

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

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

(a) At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 30 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

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

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

(d) The CAASPP test site coordinator shall be responsible for ensuring that all designated supports, accommodations and individualized aids are correctly entered into the registration system and provided to the pupil(s) identified to receive the designated supports and/or accommodations.

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

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

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

**CAASPP TEST SECURITY AGREEMENT**

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

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

(2) I will keep on file the names of all persons who have been trained in the administration of CAASPP tests and all persons with access to tests and test materials, whether paper-based or computer-based assessments. I have and shall have all other persons having

Test Claim: California Assessment of Student Performance and Progress (CAASPP)  
Claimants: Santa Ana Unified School District, Porterville Unified School District,  
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access to the tests and test materials read and sign the CAASPP Test Security Affidavit that will be kept on file in the LEA office.

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

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

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

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

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

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

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

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

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

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

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

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

**CAASPP TEST SECURITY AFFIDAVIT**

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) If I will administer and/or observe the administration of an alternate assessment (CAPA or its successor alternate assessment), which means that I am a certificated or a licensed LEA employee and a trained examiner, I will keep all the alternate assessment (CAPA or its



successor alternate assessment) materials in a securely locked room, and, when possible, in a locked storage cabinet within that room except when I am preparing for the administration, administering or observing the administration of the assessment to pupils.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) if an eligible pupil is not tested due to a significant medical emergency;
- (2) if a pupil used a designated support;
- (3) if a pupil used an individualized aid;
- (4) if a pupil used an accommodation(s);
- (5) if a pupil had special testing conditions and/or reasons for not being tested (e.g., parent or guardian exemption);

(6) if a pupil is enrolled in an NPS based on an IEP and, if so, the NPS school code; and

(7) if a pupil in grade 2 was administered a diagnostic assessment pursuant to Education Code section 60644.

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

**§ 862. Apportionment Information Report.**

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

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

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

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

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

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

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

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

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

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

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

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

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

(B) if transmitted in any manner after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050.

For those apportionment information reports transmitted after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the testing window began.

**§ 862.5. Apportionment to LEAs.**

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

- (1) All staffing costs, including the LEA CAASPP coordinator and the CAASPP test site coordinators, staff training and other staff expenses related to testing.
- (2) All expenses incurred at the LEA and school/test site(s) related to testing.
- (3) All transportation costs of delivering and retrieving tests and test materials within the LEA and to NPSs.
- (4) All costs associated with transmitting the pupil report(s) to parents/guardians.
- (5) All costs associated with activities intended to provide the complete and accurate data required in section 861.

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

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

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

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

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

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

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

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

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

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

The estimated costs from implementing the additions/amendments of Statutes 2013-2014 Chapter 489 (A.B. No. 484); Statutes 2014 Chapter 327 (A.B. No. 1599); Statutes 2014 Chapter 32 (S.B. No. 858); Title Five California Code of Regulations Sections 850-864 will greatly exceed \$1,000.00.

**A. A detailed description of the new activities and costs that arise from the mandate.**

Statutes 2013-2014 Chapter 489 (A.B. No. 484); Statutes 2014 Chapter 327 (A.B. No. 1599); Statutes 2014 Chapter 32 (S.B. No. 858); and Title Five California Code of Regulations Sections 850-864 result in school districts incurring costs mandated by the state, as defined in Government Code section, 17514, by creating new state-mandated duties related to the uniquely governmental function of providing public education to children. The Statutes and regulations apply only to schools and do not apply generally to all residents and entities in the state.

School districts have incurred or will incur costs implementing the following activities:

(a) To review the requirements in Statutes 2013-2014 Chapter 489 (A.B. No. 484); Statutes 2014 Chapter 327 (A.B. No. 1599); Statutes 2014 Chapter 32 (S.B. No. 858); Title Five California Code of Regulations Sections 850-864.

(b) To train and hire administrators, teachers and other school district personnel on the requirements in Statutes 2013-2014 Chapter 489 (A.B. No. 484); Statutes 2014 Chapter 327 (A.B. No. 1599); Statutes 2014 Chapter 32 (S.B. No. 858); Title Five California Code of Regulations Sections 850-864 and administration instructions relating to the California Assessment of Student Performance and Progress (CAASPP) program including, without limitation, test administration and reporting requirements, training associated with installation and operation of new devices.

(c) To administer the tests for the CAASPP program including, without limitation, determining school district and test site test and test materials needs; purchasing testing materials; collecting CAASPP Test Security Agreements from every person who has access to

tests and other test materials; maintaining security over test material and test data; submitting pupil demographic information; staff time of teachers, classroom aides, exam proctors and other school district personnel in administering the tests to pupils;

(d) To maintain individual records of the tests in pupil records.

(e) To report the individual results of the CAASPP Program tests to the pupils' parents or guardians, to the pupils' schools, and the pupils' teachers, including preparation and mailing of reports.

(f) To report the results of the CAASPP Program tests and the tests to the school district governing board on a districtwide and school-by school basis.

(g) To submit to the DOE the information on the CAASPP Program.

(h) To process requests for exemption from testing filed by parents and guardians.

(i) To review the IEPs of children with disabilities to determine if the IEPs contain an express exemption from testing.

(j) To determine the appropriate grade level test for special education pupils and to provide appropriate testing adaptations and accommodations for these pupils.

(l) To develop and implement procedures for items (a) through (j) above.

(k) Purchase student devices, including, but not limited to, Smarter Balance Assessment Consortium compliant tablets, laptops, carts, PCs, iPads, MacBooks, Chromebooks; software (and subsequent updates) Computer and tablet peripherals such as ear buds, mice keyboards that are necessary for students to complete the assessment, Bandwidth improvements/infrastructure; asset tags, packing supplies, testing furniture.



(l) Purchase and implement Smarter Balance Assessment Consortium requirements, including, but not limited to technical technology manuals and other formative and summative assessments administered pursuant to Education Code section 60640(b)(1) and Education Code section 60642.6.

**Other Activities**

Developing and implementation of internal policies, training, procedures and forms relating to the administration of the CAASPP Program. (One-time)

**B. A detailed description of existing activities and costs that are modified by the mandate.**

School districts have incurred or will incur costs implementing the following activities that are modified:

(a) To train certificated, classified and other personnel to administer the tests for the CAASPP program including, without limitation, determining school district and test site test and test materials needs; purchasing testing materials; collecting CAASPP Test Security Agreements from every person who has access to tests and other test materials; maintaining security over test material and test data; submitting pupil demographic information; staff time of teachers, classroom aides, exam proctors and other school district or contracted personnel in administering the tests to pupils;

(b) To report the individual results of the CAASPP Program tests to the pupils' parents or guardians, to the pupils' schools, and the pupils' teachers, including preparation and mailing of reports.

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(c) To report the results of the CAASSP Program tests and the tests to the school district governing board on a districtwide and school-by school basis.

(d) To review the IEPs of children with disabilities to determine if the IEPs contain an express exemption from testing.

(e) To determine the appropriate grade level test for special education pupils and to provide appropriate testing adaptations and accommodations for these pupils.

(f) Claimants incorporate all activities stated in Section A. (A detailed description of the new activities and costs that arise from the mandate.)

**C. The actual increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate.**

<b>Required Costs (2013-14)</b>	<b>Santa Ana Unified School District</b>	<b>Porterville Unified School District</b>	<b>Plumas Unified School District</b>	<b>Plumas County Office of Education</b>
Devices	\$2,551,64.55	\$3,412,197.96	\$2,724.71	\$45,416.24
Bandwidth improvements/infrastructure	\$334,140.96	\$306,213.25	\$25,000.00	\$69,829.35
Accessories	\$230,834.44	\$7,237.98	\$7,788.14	\$1,501.47
Miscellaneous	\$2,656.75	Included with Accessories.	\$272,243.00	\$24,207.12
Training/Personnel	TBD	Included with Staff Time.	\$272,243.00	\$214,756.82
Staff Time/Extra Duty	\$98,599.00	\$106,275.60	\$72,648.69	1,072.08
<b>TOTAL</b>	<b>\$3,217,495.70</b>	<b>\$3,831,924.79</b>	<b>\$509,533.07</b>	<b>\$356,783.08</b>

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**D. The actual or estimated annual costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.**

Required Costs (Estimated 2014-15)	Santa Ana Unified School District	Porterville Unified School District	Plumas Unified School District	Plumas Unified County Office of Education
Devices	\$5,557,947.20	\$2,627,416.09	\$600,000.00	\$10,000
Bandwidth improvements/ infrastructure	\$3,005,852.03	\$395,231.45	\$1,025,881.79	\$119, 829.35
Accessories	\$22,334.40	\$102,326.44	\$50,000.00	\$3,804.00
Miscellaneous	\$333.60	Included with Accessories.	\$7,497.12	\$16,456.18
Training	TBD	Included with Staff Time.	\$81,865.75	\$1,500.00
Staff Time/Extra Duty	\$23,387.00	\$215,866.69	\$169,499.74	\$228,472.11
<b>TOTAL</b>	<b>\$8,609,854.23</b>	<b>\$3,340,840.67</b>	<b>\$1,934,744.40</b>	<b>\$380,061.64</b>

**E. A statewide cost estimate of increased costs that all local agencies or school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.**

\$1,000,000,000.00

**F. Identification of all of the following funding sources available for this program:**

**(i) Dedicated state funds<sup>1</sup>**

*Claimant is unaware at this time of any other dedicated state funds available for this program.*

<sup>1</sup> Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the State shall provide a subvention of funds to reimburse that local government for the costs of the program or increased level of service. (Cal. Const. art. 13B, § 6)

**(ii) Dedicated federal funds**

*Claimant is unaware at this time of any other dedicated state funds available for this program.*

**(iii) Other nonlocal agency funds**

*Common Core Implementation Block Grant*

**(iv) The local agency's general purpose funds**

*Claimant is unaware at this time of any other dedicated state funds available for this program.*

**(v) Fee authority to offset costs.**

*Claimant is unaware at this time of any other dedicated state funds available for this program.*

**G. Identification of prior mandate determinations made by the Board of Control or the Commission on State Mandates that may be related to the alleged mandate.**

- 1.) *Standardized Testing and Reporting (STAR) 97-TC-23.*
- 2.) *Reconsideration of Test Claim 04-RL-9723-01, Statement of Decision (issued July 28, 2005)*

**H. Identification of a legislatively determined mandate pursuant to Government Code section 17573 that is on the same statute or executive order.**

*Claimant is unaware at this time of any other dedicated state funds available for this program.*

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**SECTION NUMBER: 6**  
**Heading: AMENDED DECLARATION**

I, Micheline Miglis, Superintendent for the Plumas County Office of Education, declare as follows:

**Section A. The actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.**

It is estimated the increased costs that will be incurred by the claimant to implement the alleged mandate is approximately:

	<b><u>2013-2014 Actual Costs</u></b>	<b><u>2014-2015 Actual/Est. Costs</u></b>
<u>Devices:</u>  This includes all student devices purchased (laptops).  This includes all student devices needed for full implementation of testing (SEAC compliant tablets, laptops, carts, PCs, iPads, MacBooks, Chromebooks).  <i>Estimate of current and future needs for full implementation.</i>	\$45,416.24	\$10,000.00
<u>Bandwidth improvements/infrastructure:</u>  This includes cost of consultant to implement fiber needed to facilitate the pilot and ultimately full implementation, plus cost of internet access.  This includes cost of consultant to implement fiber needed to facilitate the pilot and ultimately full implementation, plus cost of internet access.  Year to date:  <i>Estimate of current and future needs for full implementation.</i>	\$69,829.35	\$69,829.35    \$50,000.00

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<p><u>Accessories:</u>          Computer and tablet peripherals such as headphones, headsets, monitors, etc. that are necessary for students to complete the assessment.</p> <p>Computer and tablet peripherals such as headphones, docking stations, headsets, mice, keyboards, etc. that are necessary for students to complete the assessment.</p> <p>Year to date:</p> <p><i>Estimate of current and future needs for full implementation.</i></p>	<p>\$1,501.47</p>	<p>\$804.00 \$3,000.00</p>
<p><u>Personnel:</u>          Administrative and support staff to assist in the preparation and implementation of testing.</p> <p>Administrative and support staff to assist in the preparation and implementation of testing. (actual plus estimated)</p>	<p>\$214,756.82</p>	<p>\$228,472.11</p>
<p><u>Miscellaneous:</u>          Projectors, laptops/desktops, software etc. for each classroom for teachers to practice and model for the state assessment.</p> <p>Intervention, software, delivery of necessary equipment; asset tags, student furniture, other as yet un-identified needs to fully implement mandate.</p> <p>Year to date:</p> <p><i>Estimate of current and future needs for full implementation.</i></p>	<p>\$24,207.12</p>	<p>\$15,456.18 \$1,000.00</p>
<p><u>Training:</u>          Professional development for teachers re: State Standards; formative and interim assessment; accessing sample test questions and professional Learning Communities; and preparing for annual test.</p>	<p>\$1,072.08</p>	

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Ongoing professional development for teachers. <i>Estimate of current and future needs for full implementation.</i>		\$1500.00
Total:	\$356,783.08	\$380,061.64

**Section B. Identify all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs:**

*Common Core Implementation Block Grant*

**Section C. Describe new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections or page numbers alleged to impose a reimbursable state mandated program):**

1. Statutes 2013-2014 Chapter 489 (A.B. No. 484); Sections 3, 5, 9, 12, 15, 16, 28, 28.5.
2. Statutes 2014 Chapter 32 (S.B. No. 858); Sections 49.
3. Statutes 2014 Chapter 327 (A.B. No. 1599); Sections 17, 18, 19, 22, 24, 26.
4. Title 5, California Code of Regulations Sections 850-864.
5. Title 5, California Code of Regulations Sections 850-864. (Certificate of Compliance Effective August 27, 2014)

**New Activities**

1. Administration of the achievement tests (Smarter Balanced Field Tests, California Standard Test (CST), CMA, CAPA, California Measurement of Academic Performance and Progress for the 21st Century (CalMAPP21), primary language tests, California Assessment of Student Performance and Progress (CAASPP), a consortium summative assessment in English language arts and mathematics to all pupils in grades 3 through 8, inclusive. For grades 9 and 10 students selected for the scientific sample are/were expected to participate. In grade 11 all students selected for the scientific sample are expected to participate. (Ed. Code, §§ 60640, subds. (b-h, k), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851(a).)

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2. For the 2013-14 school year, each LEA shall administer the Smarter Balanced field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to the authority granted by Education Code § 60640(f)(2). (Cal. Code Regs., tit. 5, §§ 855, subd. (a)(1).)

3. For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10, shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window. (Cal. Code Regs., tit. 5, §§ 855, subd. (a)(2).)

4. Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B). (Cal. Educ. Code § 60640)

5. In the 2014-15 school year, the CAASPP tests pursuant to Education Code section 60640(b) shall be administered to each pupil during the following testing windows: Unless otherwise stated in these regulations, the testing window shall not begin until at least 66 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 66 percent of a school year occurs after the 120th instructional day. This allows for a 12-week window for testing. (Cal. Code Regs., tit. 5, §§ 855, subd. (b)(1).)

6. For the grade 11 Smarter Balanced assessments and CAASPP tests administered after January 2015, the testing window shall not begin until at least 80 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing. (Cal. Code Regs., tit. 5, §§ 855, subd. (b)(2).)

7. The CST and CMA for science in grades 5, 8, and 10, and CAPA, or its successor alternate assessment, for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days unless the SBE makes a determination by the close of its September 2014 regular meeting that these tests shall be administered during the window defined in subdivision (b)(1) above. If an LEA elects to administer the primary language test, it shall do so during the same window. (Ed. Code, §§ 60640, Cal. Code Regs., tit. 5, §§ 855, subd. (b)(3).)



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8. The CDE, with the approval of the SBE President or designee, may require LEAs to more fully utilize the testing window and may also limit the usage of the interim assessments in instances where the CDE determines that it is necessary to do so to ensure that the capacity of the California K-12 High Speed Network (K12HSN) is not exceeded. (Cal. Code Regs., tit. 5, §§ 855, subd. (c).)

9. Administration of the assessments in English language arts and mathematics shall occur in 2014-15 school year. (Ed. Code, §§ 60648.5, subds. (b-h, k), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851 and 855.)

10. LEAs shall make arrangements for the testing of all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or NPSs. No test may be administered in a home or hospital except by a test examiner. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the supervision of a test examiner, provided that the classroom aide does not assist his or her own child, and that the classroom aide signs a security affidavit. (Cal. Code Regs. tit. 5, § 851(c)(d).)

11. Administration of an additional test to pupils of limited English proficiency who are enrolled in grades 2 through 11, if the pupil was initially enrolled in any school district less than 12 months before the date that the English language test was given. (Ed. Code, § 60640, subd. (g).)

12. Exemption of pupils from the CAASSP Program tests upon request of their parent or guardian. (Ed. Code, §§ 60615, 60640, subd. (j); Cal. Code Regs., tit. 5, § 852, subd. (a).)

13. Exemption from testing for pupils if the pupil's individualized education program has an exemption provision. (Ed. Code, § 60640, subds. (e), (j); Cal. Code Regs., tit. 5, § 852, subd. (b).)

14. Determination of the appropriate grade level test for each pupil in a special education program. (Cal. Code Regs., tit. 5, § 852, subd. (b).)

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

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

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(c) A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent or guardian and included in the pupil's records. An LEA and its employees may discuss the CAASPP assessment system with parents and may inform parents of the availability of exemptions under Education Code section 60615. The LEA and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children. (Cal. Code Regs., tit. 5, § 852, subd. (a)(b)(c))

16.(a) The CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by LEAs in accordance with the manuals or other instructions provided by the contractor or CDE for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with universal tools, designated supports, and accommodations specified in sections 853.5 and 853.7. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

(b) The primary mode of administration of a CAASPP test shall be via a computing device, the use of an assessment technology platform, and the adaptive engine.

(c) If available, an LEA may utilize a paper-pencil version of any computer-based assessment (CBA) of the CAASPP assessment system, in accordance with Education Code section 60640(e), and if the LEA identifies the pupils that are unable to access the CBA version of the test.

(d) Interim assessments and formative assessment tools shall be made available to LEA(s) for use. Use of interim assessments and formative assessment tools shall not be considered advance preparation for a CAASPP test as defined in Education Code section 60611. LEAs that use interim assessments and/or formative assessment tools shall abide by the consortium/contractor(s) administration and use requirements. Any scoring of any performance tasks for the interim assessment is the responsibility of the LEA. (Cal. Code Regs., tit. 5, § 853, subd. (a)(b)(c)(d))

17. All pupils shall be permitted the following embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

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

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- (4) English dictionary for writing (ELA-performance task - pupil long essay(s) not short paragraph responses);
- (5) English glossary for reading, writing, listening, and mathematics;
- (6) expandable passages for reading, writing, listening, and mathematics;
- (7) global notes for writing (ELA-performance task - pupils long essay(s) not short paragraph responses);
- (8) highlighter for reading, writing, listening, and mathematics;
- (9) keyboard navigation for reading, writing, listening, and mathematics;
- (10) mark for review for reading, writing, listening, and mathematics;
- (11) math tools for specific mathematics items;
- (12) spell check for specific writing items;
- (13) strikethrough for reading, writing, listening, and mathematics;
- (14) writing tools for specific pupil generated responses; or
- (15) zoom for reading, writing, listening, and mathematics. (Cal. Code Regs., tit. 5, § 853.5 (a)(1-15).)

18. All pupils shall be permitted the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) breaks;
- (2) English dictionary for ELA performance task - pupil long essay(s) not short paragraph responses;
- (3) scratch paper;
- (4) thesaurus for ELA performance task - pupil long essay(s) not short paragraph responses;
- (5) color overlay for science and primary language test;
- (6) math tools (i.e., ruler, protractor) for specific mathematics items;
- (7) simplify or clarify test administration directions (does not apply to test questions); or
- (8) pupil marks in paper-pencil test booklet (other than responses including highlighting). (Cal. Code Regs., tit. 5, § 853.5 (b)(1-8).)

19. All pupils shall be permitted the following embedded designated supports when determined for use by an educator or group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) color contrast for reading, writing, listening, and mathematics;
- (2) masking for reading, writing, listening, and mathematics;
- (3) text-to-speech for writing, listening, mathematics, and reading items but not reading passages;
- (4) translated test directions for mathematics;

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- (5) translations (glossary) for mathematics;
- (6) translations (stacked) for mathematics; or
- (7) turn off any universal tool for reading, writing, listening, and mathematics.  
(Cal. Code Regs., tit. 5, § 853.5 (c)(1-7).)

20. All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) translated directions for mathematics, science and primary language test;
- (2) bilingual dictionary for writing;
- (3) access to translation glossaries/word lists for science and primary language test;
- (4) color contrast for reading, writing, listening, and mathematics;
- (5) color overlay for reading, writing, listening, and mathematics;
- (6) magnification;
- (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
- (8) scribe for reading, listening, and mathematics;
- (9) separate setting;
- (10) translations (glossary) for mathematics; (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (c)).
- (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
- (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
- (13) translations (glossary) for science and primary language test; or
- (14) administration of the test at the most beneficial time of day for the pupil.  
(Cal. Code Regs., tit. 5, § 853.5 (d)(1-14).)

21. The following embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics when specified in a pupil's IEP or Section 504 Plan:

- (1) American Sign Language for listening and mathematics;
- (2) Braille for reading, writing, listening, and mathematics;
- (3) closed captioning for listening;
- (4) text-to-speech for reading passages for grades 6 through 8, inclusive, and 11; or
- (5) streamlining for reading, writing, listening, and mathematics.  
(Cal. Code Regs., tit. 5, § 853.5 (e)(1-5).)

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

- (1) read aloud for primary language test;
  - (2) American Sign Language for listening, mathematics, and science;
  - (3) Braille for paper-pencil tests;
  - (4) Abacus for mathematics and science;
  - (5) Alternate Response Options for reading, writing, listening, and mathematics;
  - (6) Calculator for specific mathematics items;
  - (7) Multiplication Table for mathematics beginning in grade 4;
  - (8) Print on Demand for reading, writing, listening, and mathematics;
  - (9) Read Aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate Braille skills;
  - (10) Scribe for writing, science, and primary language test;
  - (11) Speech-to-Text; or
  - (12) Large-Print version of a paper-pencil test.
- (Cal. Code Regs., tit. 5, § 853.5 (f)(1-12).)

23. A LEA may submit a request in writing to the CDE, prior to the administration of a CAASPP test for approval for the use of an individualized aid. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:

- (1) LEA name and CDS code;
  - (2) school/test site and school code;
  - (3) school/test site address, city, and zip code;
  - (4) LEA CAASPP coordinator name, phone number, and email address;
  - (5) CAASPP test site coordinator name, phone number, and email address;
  - (6) school/test site testing window dates;
  - (7) SSID(s) for the pupil(s) for which the individualized aid is being requested;
  - (8) CAASPP test and grade; and
  - (9) the individualized aid being requested.
- (Cal. Code Regs., tit. 5, § 853.5 (g)(1-9).)

24. Individualized aids that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with individualized aids that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports

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with their actual score. The following non-embedded individualized aids have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

- (1) English dictionary for reading, listening, mathematics, science, and primary language;
  - (2) Thesaurus for reading, listening, mathematics, science and primary language;
  - (3) Translated Test Directions for reading, writing, or listening;
  - (4) Bilingual Dictionary for reading, listening, mathematics, science and primary language;
  - (5) Translations (glossary) for reading, writing, and listening;
  - (6) Read aloud for reading passages in grades 3, 4, and 5;
  - (7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;
  - (8) Calculator for non-specified mathematics items or science;
  - (9) Math tools (i.e., ruler, protractor) for non-specified mathematics items; and
  - (10) Multiplication Table for mathematics in grade 3.
- (Cal. Code Regs., tit. 5, § 853.5 (h)(1-10).)

25. If a consortium (in which California is a participant) approves of a universal tool(s), designated support(s), and/or accommodation(s) not listed in subdivisions (a) through (f), the CDE shall allow its use. (Cal. Code Regs., tit. 5, § 853.5 (i).)

26. (a) An English learner (EL) shall be permitted the following embedded designated supports, when determined for use by an educator or group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

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

(b) An EL shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) translated directions for mathematics, science and primary language test;
- (2) bilingual dictionary for writing;
- (3) access to translation glossaries/word lists for science and primary language test;

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- (4) color contrast for reading, writing, listening, and mathematics;
  - (5) color overlay for reading, writing, listening, and mathematics;
  - (6) magnification;
  - (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
  - (8) scribe for reading, listening, and mathematics;
  - (9) separate setting;
  - (10) translations (glossary) for mathematics (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (a));
  - (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
  - (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
  - (13) translations (glossary) for science and primary language test; or
  - (14) administration of the test at the most beneficial time of day for the pupil.
- (Education Code Sections 60605 and 60640; (Cal. Code Regs., tit. 5, §§ 853.7)

27. Designation of a CAASPP district coordinator. (Cal. Code Regs., tit. 5, §§ 857-859.)

28. On or before September 30 of each school year, the superintendent of each LEA shall:

- (1) designate from among the employees of the LEA an LEA CAASPP coordinator;
  - (2) identify school(s) with pupils unable to access the CBA version of a CAASPP test(s) in accordance with Education Code section 60640(e); and
  - (3) report to the CAASPP contractor(s) the number of pupils enrolled in the school identified in subdivision (2) that are unable to access the CBA version of a CAASPP test.
- (Cal. Code Regs. tit. 5, § 857 (a)(1,2,3).)

29. The LEA CAASPP coordinator, or the LEA superintendent, shall be available through September 30 of the following school year to complete the LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact information for the LEA CAASPP coordinator and the superintendent. The LEA CAASPP coordinator shall serve as the LEA representative and the liaison between the LEA and the contractor(s) and the LEA and the CDE for all matters related to the CAASPP assessment system. (Cal. Code Regs. tit. 5, § 857 (b).)

30. The LEA CAASPP coordinator's responsibilities shall be those defined in the contractor's(s') or consortium's administrative manuals and documentation, and shall include, but are not limited to, overseeing the LEA's preparation, registration, coordination, training, assessment technology, administration, security, and reporting of the CAASPP tests. The LEA CAASPP coordinator shall ensure current and ongoing compliance with the minimum technology specifications as identified by the CAASPP contractor(s) or consortium. The LEA

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CAASPP coordinator shall ensure the training of all CAASPP test site coordinators who will oversee the test administration at each school or test site. (Cal. Code Regs. tit. 5, § 857 (c)(d)(e).)

31. Designation of a CAASPP test site coordinator at each test site. (Cal. Code Regs., tit. 5, §§ 857-859.)

32. At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 30 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports. (Cal. Code Regs. tit. 5, § 858 (a).)

33. The CAASPP test site coordinator's responsibilities shall be those defined in the contractor's(s') and CDE's administrative manuals and documentation, and shall include, but are not limited to, overseeing the test site's preparation, coordination, training, registration, administration, security, and reporting of the CAASPP tests. (Cal. Code Regs. tit. 5, § 858 (b).)

34. The CAASPP test site coordinator shall be responsible for the training of test examiners, translators, proctors, and scribes. The CAASPP test site coordinator shall be responsible for ensuring that all designated supports, accommodations and individualized aids are correctly entered into the registration system and provided to the pupil(s) identified to receive the designated supports and/or accommodations. (Cal. Code Regs. tit. 5, § 858 (c)(d).)

35. All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the CAASPP Test Security Agreement, before receiving any of the test materials or tests administered pursuant to Education Code section 60640 and perform all the tasks included in the agreement. (Cal. Code Regs. tit. 5, § 859 (a).)

The CAASPP Test Security Agreement shall be as follows:

#### CAASPP TEST SECURITY AGREEMENT

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



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- (1) I will take all necessary precautions to safeguard all tests and test materials, whether paper-based or computer-based assessments, by limiting access to only persons within the LEA who are responsible for, and have professional interest in, the tests' security.
- (2) I will keep on file the names of all persons who have been trained in the administration of CAASPP tests and all persons with access to tests and test materials, whether paper-based or computer-based assessments. I have and shall have all other persons having access to the tests and test materials read and sign the CAASPP Test Security Affidavit that will be kept on file in the LEA office.
- (3) Except during the administration of the tests, I will keep the paper-pencil tests, and their test materials in a securely locked room that can be entered only with a key or keycard and, when possible, in a locked storage cabinet within that room.
- (4) I will securely destroy all print-on-demand papers, scratch paper, and other documents as prescribed within the contractor's(s') or consortium's administrative manuals and documentation.
- (5) With the exception of subdivision (6) below, I will deliver tests and test materials or allow electronic access thereto, only on actual testing dates and only to those persons who have executed CAASPP Test Security Affidavits.
- (6) For an alternate assessment (CAPA or its successor alternate assessment), I will keep all tests and testing materials in the manner set forth above in subdivisions (3) and (5) except during actual testing administration or when being used by test examiners to prepare for and to administer the assessment. I will adhere to the contractor's directions for the distribution of the assessment materials to test examiners.

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

Signed: 

Print Name: Micheline G. Miglis

Title: County Superintendent

LEA: Plumas County Office of Education

Date: 16 March 2015

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

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

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

- (1) I will not divulge the contents of the tests and test materials to any other person through verbal, written, or any other means of communication. This includes, but is not limited to, sharing or posting test content via the Internet or by email without the express written permission of the CDE.
- (2) I will not copy or take a photo of any part of the test(s) or test materials. This includes, but is not limited to, photocopying (including enlarging) and recording without prior expressed written permission of the CDE.
- (3) Except during the actual testing administrations or as otherwise provided for by law, I will keep the test(s) and test materials secure until the test(s) are actually distributed to pupils when tests and testing materials are checked in and out by the CAASPP test site coordinator. Keeping materials secure means that testing materials are required to be kept in a securely locked room that can be entered only with a key or keycard and, when possible, in a locked storage cabinet within that room.
- (4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test(s). I understand that only pupils who are testing and LEA staff participating in the test administration who have signed a test security affidavit may be in the room when and where a test is being administered.
  - (A) I will keep all assigned, generated, or created usernames, passwords and logins secure and not divulge pupil personal information to anyone other than the pupil to whom the information pertains for the purpose of logging on to the assessment delivery system.
  - (B) I will not allow anyone other than the assigned pupils to log into their assigned test. I may assist a pupil with using their information to log into their assigned test.
  - (C) I will not use a pupil's information to log in as a pupil or allow a pupil to log in using another pupil's information.
- (5) I will not allow pupils to access electronic devices that allow them to access outside information, communicate with other pupils, or photograph or copy test content. This includes, but is not limited to, cell phones, personal digital assistants (PDAs), tablets, laptops, cameras, and electronic translation devices.
- (6) I will collect and account for all materials following each testing session and will not permit pupils to remove any test materials by any means from the room(s) where testing takes place. After each testing session, I will count all test booklets and answer documents before allowing any pupil to leave the testing room and/or ensure that all pupils have properly logged off the assessment delivery system.

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

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

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

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

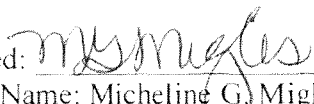
(11) I will actively supervise pupils throughout the paper-pencil testing session to ensure that they are working on the correct test section or part, marking their answers in the correct section of their answer documents, following instructions, and are accessing only authorized materials (non-embedded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

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

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

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

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Signed:   
Print Name: Micheline G. Miglis  
Position: County Superintendent  
School: Plumas County Community School; Plumas County Alternative Programs  
LEA: Plumas County Office of Education  
Date: 16 March 2015

(e) To maintain the security of the CAASPP assessment system, all LEA CAASPP coordinators and CAASPP test site coordinators shall immediately, within 24 hours, notify the CDE of any security breaches or testing irregularities occurring either before, during, or after the test administration(s). (Cal. Code Regs. tit. 5, § 859 (a)(b:1-6)(c)(d:1-4), (A)(B)(C),(d:5-14)(e).)

36. Inclusion of Program test results in each pupil's record of accomplishment. (Ed. Code, §§ 60607, subd. (a), 60641, subd. (a).)

37. In order to assess pupils pursuant to Education Code section 60640 and meet state and federal accountability and reporting obligations, each LEA shall provide any and all program and demographic pupil data requested by the CDE for inclusion in California Longitudinal Pupil Achievement Data System (CALPADS). (Cal. Code Regs. tit. 5, § 861 (a).)

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

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

(c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate prior to LEA registration and throughout the testing window. The CDE shall provide LEAs reasonable notification prior to pupil demographic and program data being extracted from CALPADS for purposes of test registration, individual pupil reports and reports aggregated to the LEA, and state and federal accountability reporting. (Cal. Code Regs., tit. 5, § 861(b: 1-7)(c).)

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

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- (1) The number of pupils enrolled in each school and in the LEA on the first day of testing.
  - (2) The number of pupils in each school and in the LEA tested with the alternate assessment.
  - (3) The number of pupils in each school and in the LEA exempted from testing at the request of their parents or guardians pursuant to Education Code section 60615.
  - (4) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of CBT.
  - (5) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments.
  - (6) The number of pupils with demographic information only who were not tested for any reason other than a parent or guardian exemption.
  - (7) The number of English language learners who were administered a primary language test aligned to the English language arts standards pursuant to Education Code section 60640(b)(5)(B).
  - (8) Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic assessment pursuant to Education Code section 60644.
- (b) To be eligible for apportionment payment for the CAASPP assessments, LEAs must meet the following conditions:
- (1) The LEA has returned all secure test materials, and
  - (2) The LEA CAASPP coordinator has certified the accuracy of the apportionment information report for assessments administered during the school year, which is either:
    - (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by December 31, or
    - (B) if transmitted in any manner after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports transmitted after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the testing window began. (Cal. Code Regs., tit. 5, § 862(a:1-8)(b:1-2)(A)(B).)

39. (a) The amount of funding to be apportioned to the LEA shall be the amount established by the SBE per the number of tests administered to eligible pupils, and the number of pupils enrolled on the first day of testing who were not tested in the LEA. The number of tests administered and the number of pupils not tested shall be determined by the certification of the LEA CAASPP coordinator pursuant to section 862. For purposes of this portion of the apportionment, administration of the tests includes the following items:
- (1) All staffing costs, including the LEA CAASPP coordinator and the CAASPP test site coordinators, staff training and other staff expenses related to testing.
  - (2) All expenses incurred at the LEA and school/test site(s) related to testing.

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

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

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

(b) This amount does not include any funding for the purposes of reimbursing any LEA for primary language tests for non-eligible pupils. (Cal. Code Regs., tit. 5, § 862.5 (a:1-5)(b).)

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

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

(c) Schools are responsible for maintaining pupil's scores with the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding or transmitting the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities. Reporting of individual program test results in writing to each pupil's parent or guardian and to the pupil's school and teachers as well as maintaining the pupil's scores with the pupil's permanent school records. (Ed. Code, § 60641, subs. (a; b); Cal. Code Regs., tit. 5, § 863 (a-c).)

41. Reporting of district-wide, school-level, and class-level results to the school district's governing board or county office of education. (Ed. Code, § 60641.)

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

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

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

(2) abide by any and all instructions provided by the CAASPP contractor or consortium, whether written or oral, that are presented for training or provided for in the administration of a CAASPP test. (Cal. Code Regs., tit. 5, § 864 (a)(b:1-2).)

43. Provide grade 11 assessments to pupils, parents or legal guardians. (Ed. Code, § 60641, subd. (e).)

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44. Provide interim and formative assessment tools for kindergarten and grades 1-12. (Ed. Code, § 60642.6.);

45. Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the Measurement of Academic Performance and Progress (MAPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course exams he or she has taken, and the vocational education certification exams he or she chose to take. (Education Code 60607)

#### **Additional Activities**

CA LEGIS 327 (2014)(A.B. 1599)

46. Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the California Assessment of Student Performance and Progress (CAASPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course examinations he or she has taken, and the vocational education certification examinations he or she chose to take. (Education Code 60607)

47. A pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the purpose of credit, placement, or admission and the results of an individual pupil on the CAASPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607)

48. State agencies or local educational agencies shall not use a comparison resulting from the scores and results of the California Assessment of Student Performance and Progress (CAASPP) assessments and the assessment scores and results from assessments that measured previously adopted content standards. The districtwide, school-level, and grade-level results of the CAASPP in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting. Aggregated, disaggregated, or group scores or reports that include the results of the CAASPP assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were

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tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results. (Education Code 60641)

49. A local educational agency shall be reimbursed by the contractor selected pursuant to this article for any unexpected expenses incurred due to scheduling changes that resulted from the late delivery of testing materials in connection with the California Assessment of Student Performance and Progress. (Education Code 60643.6)

50. The test or series of tests developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills. Pupils in kindergarten and grade 1 shall be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. The early literacy assessment shall be administered for a period of four years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last. (Education Code 60643.6)

51. Training and review of the CAASSP Program requirements as outlined in the test claim legislation and regulations by school district staff.

52. Developing and implementation of internal policies, training, procedures and forms relating to the administration of the CAASPP Program. Developing internal policies, procedures, and forms to implement the CAASP. (One-time)

53. In California, all students in grades 3 through 8 and 11 will participate in the 2015 Smarter Balanced tests, which include both ELA and mathematics content areas. These tests are administered online.

54. In 2015 the CSTs in Science are to be administered to students in grades 5, 8, and 10.

55. In 2015 the CMA for Science tests are to be administered to students in grades 5, 8, and 10 who have an individualized education program (IEP).

56. In 2015 the CAPA for Science tests are individually administered performance assessments for students in grades 5, 8, and 10 who have significant cognitive disabilities and who are unable to take either the CSTs even with accommodations or modifications or the CMA with accommodations.



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57. In 2015 the STS are multiple-choice tests that allow Spanish-speaking English learners in grades 2 through 11 to demonstrate their knowledge of the California content standards by taking a reading/language arts (RLA) assessment in their primary language.

**Section D.**

Not Applicable.

**Section F.**

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

Dated: March 13, 2015

  
MICHELINE MIGLIS, SUPERINTENDENT FOR  
THE PLUMAS COUNTY OFFICE OF EDUCATION

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**SECTION NUMBER: 6**  
**Heading: AMENDED DECLARATION**

I, Micheline G. Miglis, Superintendent for the Plumas Unified School District, declare as follows:

**Section A. The actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.**

It is estimated the increased costs that will be incurred by the claimant to implement the alleged mandate is approximately:

	<b><u>2013-2014 Actual Costs</u></b>	<b><u>2014-2015 Actual/Est. Costs</u></b>
<u>Devices:</u>  This includes all student devices purchased (monitors; student calculators)  This includes all student devices needed for full implementation of testing (SEAC compliant tablets, laptops, carts, PCs, iPads, MacBooks, Chromebooks).  <i>Estimate of current and future needs for full implementation.</i>	\$2,724.71	\$600,000.00
<u>Bandwidth improvements/infrastructure:</u>  This includes fiber updates that were made to facilitate the pilot and ultimately full implementation  This includes fiber updates, servers, and software needed to facilitate the pilot and ultimately full implementation.  Year to date:  <i>Estimate of current and future needs for full implementation.</i>	\$25,000.00	\$25,881.79  \$1,000,000.00

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<p><u>Personnel:</u>          Administrative and support staff to assist in the preparation and implementation of testing.</p> <p>Teachers: 2 hours each x 90 staff for training video to facilitate testing (\$58.25/hr avg w/salary and benefits)          Counselors: 20 hrs each x 3 staff to prepare and organize (\$54.80/hr avg w/salary and benefits) Administrative and support staff to assist in the preparation and implementation of testing. (actual plus estimated)</p>	<p>\$129,128.53</p>	<p>\$10,485.00</p> <p>\$3,288.00</p> <p>\$155,726.74</p>
<p><u>Miscellaneous:</u>          Scanners, print servers, laptops/desktops for each classroom for teachers to practice and model for the state assessment.</p> <p>Asset tags, student furniture, other as yet unidentified needs to fully implement mandate.</p> <p>Year to date:</p> <p><i>Estimate of current and future needs for full implementation.</i></p>	<p>\$272,243.00</p>	<p>\$2,497.12</p> <p>\$5,000.00</p>
<p><u>Training:</u>          Professional development for teachers re: State Standards: formative and interim assessment; accessing sample test questions and professional Learning Communities; and preparing for annual test.</p> <p>Ongoing professional development for teachers.</p> <p><i>Estimate of current and future needs for full implementation.</i></p>	<p>\$72,648.69</p>	<p>\$31,865.75</p> <p>\$50,000.00</p>
<p>Total:</p>	<p>\$509,533.07</p>	<p>\$1,934,744.40</p>

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**Section B. Identify all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs:**

*Common Core Implementation Block Grant*

**Section C. Describe new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections or page numbers alleged to impose a reimbursable state mandated program):**

1. Statutes 2013-2014 Chapter 489 (A.B. No. 484); Sections 3, 5, 9, 12, 15, 16, 28, 28.5.
2. Statutes 2014 Chapter 32 (S.B. No. 858); Sections 49.
3. Statutes 2014 Chapter 327 (A.B. No. 1599); Sections 17, 18, 19, 22, 24, 26.
4. Title 5, California Code of Regulations Sections 850-864.
5. Title 5, California Code of Regulations Sections 850-864. (Certificate of Compliance Effective August 27, 2014)

**New Activities**

1. Administration of the achievement tests (Smarter Balanced Field Tests, California Standard Test (CST), CMA, CAPA, California Measurement of Academic Performance and Progress for the 21st Century (CalMAPP21), primary language tests, California Assessment of Student Performance and Progress (CAASPP), a consortium summative assessment in English language arts and mathematics to all pupils in grades 3 through 8, inclusive. For grades 9 and 10 students selected for the scientific sample are/were expected to participate. In grade 11 all students selected for the scientific sample are expected to participate. (Ed. Code, §§ 60640, subs. (b-h, k), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851(a).)
2. For the 2013-14 school year, each LEA shall administer the Smarter Balanced field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to the authority granted by Education Code § 60640(f)(2). (Cal. Code Regs., tit. 5, §§ 855, subd. (a)(1).)
3. For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10, shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's

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instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window. (Cal. Code Regs., tit. 5, §§ 855, subd. (a)(2).)

4. Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B). (Cal. Educ. Code § 60640)

5. In the 2014-15 school year, the CAASPP tests pursuant to Education Code section 60640(b) shall be administered to each pupil during the following testing windows: Unless otherwise stated in these regulations, the testing window shall not begin until at least 66 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 66 percent of a school year occurs after the 120th instructional day. This allows for a 12-week window for testing. (Cal. Code Regs., tit. 5, §§ 855, subd. (b)(1).)

6. For the grade 11 Smarter Balanced assessments and CAASPP tests administered after January 2015, the testing window shall not begin until at least 80 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing. (Cal. Code Regs., tit. 5, §§ 855, subd. (b)(2).)

7. The CST and CMA for science in grades 5, 8, and 10, and CAPA, or its successor alternate assessment, for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days unless the SBE makes a determination by the close of its September 2014 regular meeting that these tests shall be administered during the window defined in subdivision (b)(1) above. If an LEA elects to administer the primary language test, it shall do so during the same window. (Ed. Code, §§ 60640, Cal. Code Regs., tit. 5, §§ 855, subd. (b)(3).)

8. The CDE, with the approval of the SBE President or designee, may require LEAs to more fully utilize the testing window and may also limit the usage of the interim assessments in instances where the CDE determines that it is necessary to do so to ensure that the capacity of the California K-12 High Speed Network (K12HSN) is not exceeded. (Cal. Code Regs., tit. 5, §§ 855, subd. (c).)

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9. Administration of the assessments in English language arts and mathematics shall occur in 2014-15 school year. (Ed. Code, §§ 60648.5, subds. (b-h, k), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851 and 855.)

10. LEAs shall make arrangements for the testing of all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or NPSs. No test may be administered in a home or hospital except by a test examiner. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the supervision of a test examiner, provided that the classroom aide does not assist his or her own child, and that the classroom aide signs a security affidavit. (Cal. Code Regs. tit. 5, § 851(c)(d).)

11. Administration of an additional test to pupils of limited English proficiency who are enrolled in grades 2 through 11, if the pupil was initially enrolled in any school district less than 12 months before the date that the English language test was given. (Ed. Code, § 60640, subd. (g).)

12. Exemption of pupils from the CAASSP Program tests upon request of their parent or guardian. (Ed. Code, §§ 60615, 60640, subd. (j); Cal. Code Regs., tit. 5, § 852, subd. (a).)

13. Exemption from testing for pupils if the pupil's individualized education program has an exemption provision. (Ed. Code, § 60640, subds. (e), (j); Cal. Code Regs., tit. 5, § 852, subd. (b).)

14. Determination of the appropriate grade level test for each pupil in a special education program. (Cal. Code Regs., tit. 5, § 852, subd. (b).)

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

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

(c) A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent or guardian and included in the pupil's records. An LEA and its employees may discuss the CAASPP assessment system with parents and may inform parents of the availability of

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exemptions under Education Code section 60615. The LEA and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children. (Cal. Code Regs., tit. 5, § 852, subd. (a)(b)(c))

16.(a) The CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by LEAs in accordance with the manuals or other instructions provided by the contractor or CDE for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with universal tools, designated supports, and accommodations specified in sections 853.5 and 853.7. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

(b) The primary mode of administration of a CAASPP test shall be via a computing device, the use of an assessment technology platform, and the adaptive engine.

(c) If available, an LEA may utilize a paper-pencil version of any computer-based assessment (CBA) of the CAASPP assessment system, in accordance with Education Code section 60640(e), and if the LEA identifies the pupils that are unable to access the CBA version of the test.

(d) Interim assessments and formative assessment tools shall be made available to LEA(s) for use. Use of interim assessments and formative assessment tools shall not be considered advance preparation for a CAASPP test as defined in Education Code section 60611. LEAs that use interim assessments and/or formative assessment tools shall abide by the consortium/contractor(s) administration and use requirements. Any scoring of any performance tasks for the interim assessment is the responsibility of the LEA. (Cal. Code Regs., tit. 5, § 853, subd. (a)(b)(c)(d))

17. All pupils shall be permitted the following embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

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

(2) calculator for specific mathematic items;

(3) digital notepad for reading, writing, listening, and mathematics;

(4) English dictionary for writing (ELA-performance task - pupil long essay(s) not short paragraph responses);

(5) English glossary for reading, writing, listening, and mathematics;

(6) expandable passages for reading, writing, listening, and mathematics;

(7) global notes for writing (ELA-performance task - pupils long essay(s) not short paragraph responses);

(8) highlighter for reading, writing, listening, and mathematics;

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- (9) keyboard navigation for reading, writing, listening, and mathematics;
- (10) mark for review for reading, writing, listening, and mathematics;
- (11) math tools for specific mathematics items;
- (12) spell check for specific writing items;
- (13) strikethrough for reading, writing, listening, and mathematics;
- (14) writing tools for specific pupil generated responses; or
- (15) zoom for reading, writing, listening, and mathematics. (Cal. Code Regs., tit. 5, § 853.5 (a)(1-15).)

18. All pupils shall be permitted the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) breaks;
- (2) English dictionary for ELA performance task - pupil long essay(s) not short paragraph responses;
- (3) scratch paper;
- (4) thesaurus for ELA performance task - pupil long essay(s) not short paragraph responses;
- (5) color overlay for science and primary language test;
- (6) math tools (i.e., ruler, protractor) for specific mathematics items;
- (7) simplify or clarify test administration directions (does not apply to test questions); or
- (8) pupil marks in paper-pencil test booklet (other than responses including highlighting).  
(Cal. Code Regs., tit. 5, § 853.5 (b)(1-8).)

19. All pupils shall be permitted the following embedded designated supports when determined for use by an educator or group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) color contrast for reading, writing, listening, and mathematics;
- (2) masking for reading, writing, listening, and mathematics;
- (3) text-to-speech for writing, listening, mathematics, and reading items but not reading passages;
- (4) translated test directions for mathematics;
- (5) translations (glossary) for mathematics;
- (6) translations (stacked) for mathematics; or
- (7) turn off any universal tool for reading, writing, listening, and mathematics.  
(Cal. Code Regs., tit. 5, § 853.5 (c)(1-7).)



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20. All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) translated directions for mathematics, science and primary language test;
- (2) bilingual dictionary for writing;
- (3) access to translation glossaries/word lists for science and primary language test;
- (4) color contrast for reading, writing, listening, and mathematics;
- (5) color overlay for reading, writing, listening, and mathematics;
- (6) magnification;
- (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
- (8) scribe for reading, listening, and mathematics;
- (9) separate setting;
- (10) translations (glossary) for mathematics; (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (c)).
- (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
- (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
- (13) translations (glossary) for science and primary language test; or
- (14) administration of the test at the most beneficial time of day for the pupil.

(Cal. Code Regs., tit. 5, § 853.5 (d)(1-14).)

21. The following embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics when specified in a pupil's IEP or Section 504 Plan:

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

(Cal. Code Regs., tit. 5, § 853.5 (e)(1-5).)

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

- (1) read aloud for primary language test;
- (2) American Sign Language for listening, mathematics, and science;
- (3) Braille for paper-pencil tests;
- (4) Abacus for mathematics and science;

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- (5) Alternate Response Options for reading, writing, listening, and mathematics;
- (6) Calculator for specific mathematics items;
- (7) Multiplication Table for mathematics beginning in grade 4;
- (8) Print on Demand for reading, writing, listening, and mathematics;.
- (9) Read Aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate Braille skills;
- (10) Scribe for writing, science, and primary language test;
- (11) Speech-to-Text; or
- (12) Large-Print version of a paper-pencil test.  
(Cal. Code Regs., tit. 5, § 853.5 (f)(1-12).)

23. A LEA may submit a request in writing to the CDE, prior to the administration of a CAASPP test for approval for the use of an individualized aid. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:

- (1) LEA name and CDS code;
- (2) school/test site and school code;
- (3) school/test site address, city, and zip code;
- (4) LEA CAASPP coordinator name, phone number, and email address;
- (5) CAASPP test site coordinator name, phone number, and email address;
- (6) school/test site testing window dates;
- (7) SSID(s) for the pupil(s) for which the individualized aid is being requested;
- (8) CAASPP test and grade; and
- (9) the individualized aid being requested.  
(Cal. Code Regs., tit. 5, § 853.5 (g)(1-9).)

24. Individualized aids that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with individualized aids that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports with their actual score. The following non-embedded individualized aids have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

- (1) English dictionary for reading, listening, mathematics, science, and primary language;
- (2) Thesaurus for reading, listening, mathematics, science and primary language;
- (3) Translated Test Directions for reading, writing, or listening;

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- (4) Bilingual Dictionary for reading, listening, mathematics, science and primary language;
- (5) Translations (glossary) for reading, writing, and listening;
- (6) Read aloud for reading passages in grades 3, 4, and 5;
- (7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;
- (8) Calculator for non-specified mathematics items or science;
- (9) Math tools (i.e., ruler, protractor) for non-specified mathematics items; and
- (10) Multiplication Table for mathematics in grade 3.  
(Cal. Code Regs., tit. 5, § 853.5 (h)(1-10).)

25. If a consortium (in which California is a participant) approves of a universal tool(s), designated support(s), and/or accommodation(s) not listed in subdivisions (a) through (f), the CDE shall allow its use. (Cal. Code Regs., tit. 5, § 853.5 (i).)

26. (a) An English learner (EL) shall be permitted the following embedded designated supports, when determined for use by an educator or group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) color contrast for reading, writing, listening, and mathematics;
  - (2) masking for reading, writing, listening, and mathematics;
  - (3) text-to-speech for writing, listening, mathematics and reading items, but not passages;
  - (4) translated test directions for mathematics;
  - (5) translations (glossary) for mathematics;
  - (6) translations (stacked) for mathematics; or
  - (7) turn off any universal tool for reading, writing, listening, and mathematics.
- (b) An EL shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:
- (1) translated directions for mathematics, science and primary language test;
  - (2) bilingual dictionary for writing;
  - (3) access to translation glossaries/word lists for science and primary language test;
  - (4) color contrast for reading, writing, listening, and mathematics;
  - (5) color overlay for reading, writing, listening, and mathematics;
  - (6) magnification;
  - (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
  - (8) scribe for reading, listening, and mathematics;
  - (9) separate setting;
  - (10) translations (glossary) for mathematics (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (a));

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(11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);  
(12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;  
(13) translations (glossary) for science and primary language test; or  
(14) administration of the test at the most beneficial time of day for the pupil.  
(Education Code Sections 60605 and 60640; (Cal. Code Regs., tit. 5, §§ 853.7)

27. Designation of a CAASPP district coordinator. (Cal. Code Regs., tit. 5, §§ 857-859.)

28. On or before September 30 of each school year, the superintendent of each LEA shall:  
(1) designate from among the employees of the LEA an LEA CAASPP coordinator;  
(2) identify school(s) with pupils unable to access the CBA version of a CAASPP test(s) in accordance with Education Code section 60640(e); and  
(3) report to the CAASPP contractor(s) the number of pupils enrolled in the school identified in subdivision (2) that are unable to access the CBA version of a CAASPP test.  
(Cal. Code Regs. tit. 5, § 857 (a)(1,2,3).)

29. The LEA CAASPP coordinator, or the LEA superintendent, shall be available through September 30 of the following school year to complete the LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact information for the LEA CAASPP coordinator and the superintendent. The LEA CAASPP coordinator shall serve as the LEA representative and the liaison between the LEA and the contractor(s) and the LEA and the CDE for all matters related to the CAASPP assessment system. (Cal. Code Regs. tit. 5, § 857 (b).)

30. The LEA CAASPP coordinator's responsibilities shall be those defined in the contractor's(s') or consortium's administrative manuals and documentation, and shall include, but are not limited to, overseeing the LEA's preparation, registration, coordination, training, assessment technology, administration, security, and reporting of the CAASPP tests. The LEA CAASPP coordinator shall ensure current and ongoing compliance with the minimum technology specifications as identified by the CAASPP contractor(s) or consortium. The LEA CAASPP coordinator shall ensure the training of all CAASPP test site coordinators who will oversee the test administration at each school or test site. (Cal. Code Regs. tit. 5, § 857 (c)(d)(e).)

31. Designation of a CAASPP test site coordinator at each test site. (Cal. Code Regs., tit. 5, §§ 857-859.)

32. At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the

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superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 30 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports. (Cal. Code Regs. tit. 5, § 858 (a).)

33. The CAASPP test site coordinator's responsibilities shall be those defined in the contractor's(s') and CDE's administrative manuals and documentation, and shall include, but are not limited to, overseeing the test site's preparation, coordination, training, registration, administration, security, and reporting of the CAASPP tests. (Cal. Code Regs. tit. 5, § 858 (b).)

34. The CAASPP test site coordinator shall be responsible for the training of test examiners, translators, proctors, and scribes. The CAASPP test site coordinator shall be responsible for ensuring that all designated supports, accommodations and individualized aids are correctly entered into the registration system and provided to the pupil(s) identified to receive the designated supports and/or accommodations. (Cal. Code Regs. tit. 5, § 858 (c)(d).)

35. All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the CAASPP Test Security Agreement, before receiving any of the test materials or tests administered pursuant to Education Code section 60640 and perform all the tasks included in the agreement. (Cal. Code Regs. tit. 5, § 859 (a).)

The CAASPP Test Security Agreement shall be as follows:

#### CAASPP TEST SECURITY AGREEMENT

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

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

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

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- (3) Except during the administration of the tests, I will keep the paper-pencil tests, and their test materials in a securely locked room that can be entered only with a key or keycard and, when possible, in a locked storage cabinet within that room.
- (4) I will securely destroy all print-on-demand papers, scratch paper, and other documents as prescribed within the contractor's(s') or consortium's administrative manuals and documentation.
- (5) With the exception of subdivision (6) below, I will deliver tests and test materials or allow electronic access thereto, only on actual testing dates and only to those persons who have executed CAASPP Test Security Affidavits.
- (6) For an alternate assessment (CAPA or its successor alternate assessment), I will keep all tests and testing materials in the manner set forth above in subdivisions (3) and (5) except during actual testing administration or when being used by test examiners to prepare for and to administer the assessment. I will adhere to the contractor's directions for the distribution of the assessment materials to test examiners.

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

Signed: 

Print Name: Micheline G. Miglis

Title: Superintendent of Schools

LEA: Plumas Unified School District

Date: 16 March 2015

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

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

**CAASPP TEST SECURITY AFFIDAVIT**

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

(1) I will not divulge the contents of the tests and test materials to any other person through verbal, written, or any other means of communication. This includes, but is not limited to,

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sharing or posting test content via the Internet or by email without the express written permission of the CDE.

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

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

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

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

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

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

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

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

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

(8) I will not, for any achievement test, develop scoring keys, review any pupil responses, or prepare answer documents. I understand that this includes coaching pupils or providing any other type of assistance to pupils that may affect their responses. This includes, but is not limited to, both verbal cues (e.g., interpreting, explaining, or paraphrasing the test items or prompts) and

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nonverbal cues (e.g., voice inflection, pointing, or nodding head) to the correct answer (anything that may indicate correct or incorrect answers), or completing or changing pupils' answers.

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

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

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

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

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

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

Signed: 

Print Name: Micheline G. Miglis

Position: Superintendent of Schools

School: Chester Elementary School, Chester Junior/Senior HS, Indian Valley Elementary School, Greenville Junior/Senior HS, Quincy Elementary School, Quincy Junior/Senior HS, C. Roy Carmichael Elementary School, Portola Junior/Senior HS.

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(e) To maintain the security of the CAASPP assessment system, all LEA CAASPP coordinators and CAASPP test site coordinators shall immediately, within 24 hours, notify the CDE of any security breaches or testing irregularities occurring either before, during, or after the test administration(s). (Cal. Code Regs. tit. 5, § 859 (a)(b:1-6)(c)(d:1-4), (A)(B)(C),(d:5-14)(e).)

36. Inclusion of Program test results in each pupil's record of accomplishment. (Ed. Code, §§ 60607, subd. (a), 60641, subd. (a).)

37. In order to assess pupils pursuant to Education Code section 60640 and meet state and federal accountability and reporting obligations, each LEA shall provide any and all program and demographic pupil data requested by the CDE for inclusion in California Longitudinal Pupil Achievement Data System (CALPADS). (Cal. Code Regs. tit. 5, § 861 (a).)

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

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

(c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate prior to LEA registration and throughout the testing window. The CDE shall provide LEAs reasonable notification prior to pupil demographic and program data being extracted from CALPADS for purposes of test registration, individual pupil reports and reports aggregated to the LEA, and state and federal accountability reporting. (Cal. Code Regs., tit. 5, § 861(b: 1-7)(c).)

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

- (1) The number of pupils enrolled in each school and in the LEA on the first day of testing.
- (2) The number of pupils in each school and in the LEA tested with the alternate assessment.
- (3) The number of pupils in each school and in the LEA exempted from testing at the request of their parents or guardians pursuant to Education Code section 60615.

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- (4) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of CBT.
- (5) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments.
- (6) The number of pupils with demographic information only who were not tested for any reason other than a parent or guardian exemption.
- (7) The number of English language learners who were administered a primary language test aligned to the English language arts standards pursuant to Education Code section 60640(b)(5)(B).
- (8) Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic assessment pursuant to Education Code section 60644.
- (b) To be eligible for apportionment payment for the CAASPP assessments, LEAs must meet the following conditions:
  - (1) The LEA has returned all secure test materials, and
  - (2) The LEA CAASPP coordinator has certified the accuracy of the apportionment information report for assessments administered during the school year, which is either:
    - (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by December 31, or
    - (B) if transmitted in any manner after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports transmitted after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the testing window began. (Cal. Code Regs., tit. 5, § 862(a:1-8)(b:1-2)(A)(B).)

39. (a) The amount of funding to be apportioned to the LEA shall be the amount established by the SBE per the number of tests administered to eligible pupils, and the number of pupils enrolled on the first day of testing who were not tested in the LEA. The number of tests administered and the number of pupils not tested shall be determined by the certification of the LEA CAASPP coordinator pursuant to section 862. For purposes of this portion of the apportionment, administration of the tests includes the following items:
- (1) All staffing costs, including the LEA CAASPP coordinator and the CAASPP test site coordinators, staff training and other staff expenses related to testing.
  - (2) All expenses incurred at the LEA and school/test site(s) related to testing.
  - (3) All transportation costs of delivering and retrieving tests and test materials within the LEA and to NPSs.
  - (4) All costs associated with transmitting the pupil report(s) to parents/guardians.

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- (5) All costs associated with activities intended to provide the complete and accurate data required in section 861.
- (b) This amount does not include any funding for the purposes of reimbursing any LEA for primary language tests for non-eligible pupils. (Cal. Code Regs., tit. 5, § 862.5 (a:1-5)(b).)
40. (a) The LEA shall forward or transmit pupil results for the tests conducted pursuant to Education Code section 60640 to each pupil's parent or guardian within 20 working days from receipt of the results from the contractor.
- (b) If the LEA receives the reports for the tests conducted pursuant to Education Code section 60640 from the contractor after the last day of instruction for the school year, the LEA shall make the report available to the parent or guardian no later than the first 20 working days of the next school year.
- (c) Schools are responsible for maintaining pupil's scores with the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding or transmitting the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities. Reporting of individual program test results in writing to each pupil's parent or guardian and to the pupil's school and teachers as well as maintaining the pupil's scores with the pupil's permanent school records. (Ed. Code, § 60641, subds. (a); b); Cal. Code Regs., tit. 5, § 863 (a-c).)
41. Reporting of district-wide, school-level, and class-level results to the school district's governing board or county office of education. (Ed. Code, § 60641.)
42. (a) An LEA is an agent of the CDE for the purpose of administering a CAASPP test.
- (b) In order for the state to meet its obligations in the development, administration, and security of valid and reliable tests, and the reporting of accurate tests, LEAs shall:
- (1) comply with any and all requests from CAASPP contractor(s) in accordance with Education Code section 60641; and
- (2) abide by any and all instructions provided by the CAASPP contractor or consortium, whether written or oral, that are presented for training or provided for in the administration of a CAASPP test. (Cal. Code Regs., tit. 5, § 864 (a)(b):1-2.)
43. Provide grade 11 assessments to pupils, parents or legal guardians. (Ed. Code, § 60641, subd. (e).)
44. Provide interim and formative assessment tools for kindergarten and grades 1-12. (Ed. Code, § 60642.6.);

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45. Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the Measurement of Academic Performance and Progress (MAPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course exams he or she has taken, and the vocational education certification exams he or she chose to take. (Education Code 60607)

**Additional Activities**

CA LEGIS 327 (2014)(A.B. 1599)

46. Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the California Assessment of Student Performance and Progress (CAASPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course examinations he or she has taken, and the vocational education certification examinations he or she chose to take. (Education Code 60607)

47. A pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the purpose of credit, placement, or admission and the results of an individual pupil on the CAASPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607)

48. State agencies or local educational agencies shall not use a comparison resulting from the scores and results of the California Assessment of Student Performance and Progress (CAASPP) assessments and the assessment scores and results from assessments that measured previously adopted content standards. The districtwide, school-level, and grade-level results of the CAASPP in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting. Aggregated, disaggregated, or group scores or reports that include the results of the CAASPP assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results. (Education Code 60641)

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49. A local educational agency shall be reimbursed by the contractor selected pursuant to this article for any unexpected expenses incurred due to scheduling changes that resulted from the late delivery of testing materials in connection with the California Assessment of Student Performance and Progress. (Education Code 60643.6)

50. The test or series of tests developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills. Pupils in kindergarten and grade 1 shall be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. The early literacy assessment shall be administered for a period of four years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last. (Education Code 60643.6)

51. Training and review of the CAASSP Program requirements as outlined in the test claim legislation and regulations by school district staff.

52. Developing and implementation of internal policies, training, procedures and forms relating to the administration of the CAASPP Program. Developing internal policies, procedures, and forms to implement the CAASP. (One-time)

53. In California, all students in grades 3 through 8 and 11 will participate in the 2015 Smarter Balanced tests, which include both ELA and mathematics content areas. These tests are administered online.

54. In 2015 the CSTs in Science are to be administered to students in grades 5, 8, and 10.

55. In 2015 the CMA for Science tests are to be administered to students in grades 5, 8, and 10 who have an individualized education program (IEP).

56. In 2015 the CAPA for Science tests are individually administered performance assessments for students in grades 5, 8, and 10 who have significant cognitive disabilities and who are unable to take either the CSTs even with accommodations or modifications or the CMA with accommodations.

57. In 2015 the STS are multiple-choice tests that allow Spanish-speaking English learners in grades 2 through 11 to demonstrate their knowledge of the California content standards by taking a reading/language arts (RLA) assessment in their primary language.

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**Section D.**

Not Applicable.

**Section F.**

I certify by my signature below, under penalty of perjury under the laws of the State of California that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

Dated: March 13, 2015

  
\_\_\_\_\_  
MICHELINE G. MIGLIS, SUPERINTENDENT  
FOR PLUMAS UNIFIED SCHOOL DISTRICT

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**SECTION NUMBER: 6**  
**Heading: AMENDED DECLARATION**

I, John Snavelly, Superintendent for the Porterville Unified School District, declare as follows:

**Section A. The actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.**

It is estimated the increased costs that will be incurred by the claimant to implement the alleged mandate is approximately:

	<b><u>2013-2014 Actual Costs</u></b>	<b><u>2014-2015 Actual/Est. Costs</u></b>
<u>Devices:</u>  Includes all costs that were incurred from purchasing devices for administrators, teachers, staff, and student (SEAC compliant tablets, laptops, carts, PCs, iPads, MacBooks, Chromebooks)	\$3,412,197.96	\$2,627,416.09
<u>Bandwidth:</u>  Includes all costs that were incurred from installing and/or updating hardware and software to meet district connectivity and Internet speed requirements.	\$306,213.25	\$395,231.45
<u>Accessories:Miscellaneous</u> Computer and tablet peripherals such as headphones, headsets, monitors, etc. that are necessary for students to complete the assessment.  Includes all costs that were incurred from purchasing miscellaneous items such as asset tags, packing supplies, testing furniture, etc.	\$7,237.98	\$102,326.44
<u>Staff Time</u> Includes all costs that were incurred from training administrators, teachers, and staff to administer the assessment and use the devices, hardware, and software; training administrators, teachers, and staff to help	\$106,275.60	\$215,866.69

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students use the devices, hardware, and software; hiring additional employees and/or directing employees to install the necessary hardware and software.		
Total:	\$3,831,924.79	\$3,340,840.67

**Section B. Identify all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs:**

*Common Core Implementation Block Grant*

**Section C. Describe new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections or page numbers alleged to impose a reimbursable state mandated program):**

1. Statutes 2013-2014 Chapter 489 (A.B. No. 484); Sections 3, 5, 9, 12, 15, 16, 28, 28.5.
2. Statutes 2014 Chapter 32 (S.B. No. 858); Sections 49.
3. Statutes 2014 Chapter 327 (A.B. No. 1599); Sections 17, 18, 19, 22, 24, 26.
4. Title 5, California Code of Regulations Sections 850-864.
5. Title 5, California Code of Regulations Sections 850-864. (Certificate of Compliance Effective August 27, 2014)

**New Activities**

1. Administration of the achievement tests (Smarter Balanced Field Tests, California Standard Test (CST), CMA, CAPA, California Measurement of Academic Performance and Progress for the 21st Century (CalMAPP21), primary language tests, California Assessment of Student Performance and Progress (CAASPP), a consortium summative assessment in English language arts and mathematics to all pupils in grades 3 through 8, inclusive. For grades 9 and 10 students selected for the scientific sample are/were expected to participate. In grade 11 all students selected for the scientific sample are expected to participate. (Ed. Code, §§ 60640, subds. (b-h, k), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851(a).)



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2. For the 2013-14 school year, each LEA shall administer the Smarter Balanced field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to the authority granted by Education Code § 60640(f)(2). (Cal. Code Regs., tit. 5, §§ 855, subd. (a)(1).)

3. For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10, shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window. (Cal. Code Regs., tit. 5, §§ 855, subd. (a)(2).)

4. Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B). (Cal. Educ. Code § 60640)

5. In the 2014-15 school year, the CAASPP tests pursuant to Education Code section 60640(b) shall be administered to each pupil during the following testing windows: Unless otherwise stated in these regulations, the testing window shall not begin until at least 66 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 66 percent of a school year occurs after the 120th instructional day. This allows for a 12-week window for testing. (Cal. Code Regs., tit. 5, §§ 855, subd. (b)(1).)

6. For the grade 11 Smarter Balanced assessments and CAASPP tests administered after January 2015, the testing window shall not begin until at least 80 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing. (Cal. Code Regs., tit. 5, §§ 855, subd. (b)(2).)

7. The CST and CMA for science in grades 5, 8, and 10, and CAPA, or its successor alternate assessment, for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days unless the SBE makes a determination by the close of its September 2014 regular meeting that these tests shall be administered during the window defined in subdivision (b)(1) above. If an LEA elects to administer the primary language test, it shall do so during the same window. (Ed. Code, §§ 60640, Cal. Code Regs., tit. 5, §§ 855, subd. (b)(3).)

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8. The CDE, with the approval of the SBE President or designee, may require LEAs to more fully utilize the testing window and may also limit the usage of the interim assessments in instances where the CDE determines that it is necessary to do so to ensure that the capacity of the California K-12 High Speed Network (K12HSN) is not exceeded. (Cal. Code Regs., tit. 5, §§ 855, subd. (c).)

9. Administration of the assessments in English language arts and mathematics shall occur in 2014-15 school year. (Ed. Code, §§ 60648.5, subds. (b-h, k), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851 and 855.)

10. LEAs shall make arrangements for the testing of all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or NPSs. No test may be administered in a home or hospital except by a test examiner. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the supervision of a test examiner, provided that the classroom aide does not assist his or her own child, and that the classroom aide signs a security affidavit. (Cal. Code Regs. tit. 5, § 851(c)(d).)

11. Administration of an additional test to pupils of limited English proficiency who are enrolled in grades 2 through 11, if the pupil was initially enrolled in any school district less than 12 months before the date that the English language test was given. (Ed. Code, § 60640, subd. (g).)

12. Exemption of pupils from the CAASSP Program tests upon request of their parent or guardian. (Ed. Code, §§ 60615, 60640, subd. (j); Cal. Code Regs., tit. 5, § 852, subd. (a).)

13. Exemption from testing for pupils if the pupil's individualized education program has an exemption provision. (Ed. Code, § 60640, subds. (e), (j); Cal. Code Regs., tit. 5, § 852, subd. (b).)

14. Determination of the appropriate grade level test for each pupil in a special education program. (Cal. Code Regs., tit. 5, § 852, subd. (b).)

15. (a) Each year the LEA shall notify parents or guardians of their pupil's participation in the CAASPP assessment system in accordance with Education Code section 60604.  
(b) The notification to parents or guardians, as defined in subdivision (a), shall include a notice of the provisions outlined in Education Code section 60615.

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(c) A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent or guardian and included in the pupil's records. An LEA and its employees may discuss the CAASPP assessment system with parents and may inform parents of the availability of exemptions under Education Code section 60615. The LEA and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children. (Cal. Code Regs., tit. 5, § 852, subd. (a)(b)(c))

16.(a) The CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by LEAs in accordance with the manuals or other instructions provided by the contractor or CDE for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with universal tools, designated supports, and accommodations specified in sections 853.5 and 853.7. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

(b) The primary mode of administration of a CAASPP test shall be via a computing device, the use of an assessment technology platform, and the adaptive engine.

(c) If available, an LEA may utilize a paper-pencil version of any computer-based assessment (CBA) of the CAASPP assessment system, in accordance with Education Code section 60640(e), and if the LEA identifies the pupils that are unable to access the CBA version of the test.

(d) Interim assessments and formative assessment tools shall be made available to LEA(s) for use. Use of interim assessments and formative assessment tools shall not be considered advance preparation for a CAASPP test as defined in Education Code section 60611. LEAs that use interim assessments and/or formative assessment tools shall abide by the consortium/contractor(s) administration and use requirements. Any scoring of any performance tasks for the interim assessment is the responsibility of the LEA. (Cal. Code Regs., tit. 5, § 853, subd. (a)(b)(c)(d))

17. All pupils shall be permitted the following embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

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

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- (4) English dictionary for writing (ELA-performance task - pupil long essay(s) not short paragraph responses);
- (5) English glossary for reading, writing, listening, and mathematics;
- (6) expandable passages for reading, writing, listening, and mathematics;
- (7) global notes for writing (ELA-performance task - pupils long essay(s) not short paragraph responses);
- (8) highlighter for reading, writing, listening, and mathematics;
- (9) keyboard navigation for reading, writing, listening, and mathematics;
- (10) mark for review for reading, writing, listening, and mathematics;
- (11) math tools for specific mathematics items;
- (12) spell check for specific writing items;
- (13) strikethrough for reading, writing, listening, and mathematics;
- (14) writing tools for specific pupil generated responses; or
- (15) zoom for reading, writing, listening, and mathematics. (Cal. Code Regs., tit. 5, § 853.5 (a)(1-15).)

18. All pupils shall be permitted the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) breaks;
- (2) English dictionary for ELA performance task - pupil long essay(s) not short paragraph responses;
- (3) scratch paper;
- (4) thesaurus for ELA performance task - pupil long essay(s) not short paragraph responses;
- (5) color overlay for science and primary language test;
- (6) math tools (i.e., ruler, protractor) for specific mathematics items;
- (7) simplify or clarify test administration directions (does not apply to test questions); or
- (8) pupil marks in paper-pencil test booklet (other than responses including highlighting). (Cal. Code Regs., tit. 5, § 853.5 (b)(1-8).)

19. All pupils shall be permitted the following embedded designated supports when determined for use by an educator or group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) color contrast for reading, writing, listening, and mathematics;
- (2) masking for reading, writing, listening, and mathematics;
- (3) text-to-speech for writing, listening, mathematics, and reading items but not reading passages;
- (4) translated test directions for mathematics;

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- (5) translations (glossary) for mathematics;
  - (6) translations (stacked) for mathematics; or
  - (7) turn off any universal tool for reading, writing, listening, and mathematics.
- (Cal. Code Regs., tit. 5, § 853.5 (c)(1-7).)

20. All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) translated directions for mathematics, science and primary language test;
  - (2) bilingual dictionary for writing;
  - (3) access to translation glossaries/word lists for science and primary language test;
  - (4) color contrast for reading, writing, listening, and mathematics;
  - (5) color overlay for reading, writing, listening, and mathematics;
  - (6) magnification;
  - (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
  - (8) scribe for reading, listening, and mathematics;
  - (9) separate setting;
  - (10) translations (glossary) for mathematics; (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (c)).
  - (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
  - (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
  - (13) translations (glossary) for science and primary language test; or
  - (14) administration of the test at the most beneficial time of day for the pupil.
- (Cal. Code Regs., tit. 5, § 853.5 (d)(1-14).)

21. The following embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics when specified in a pupil's IEP or Section 504 Plan:

- (1) American Sign Language for listening and mathematics;
  - (2) Braille for reading, writing, listening, and mathematics;
  - (3) closed captioning for listening;
  - (4) text-to-speech for reading passages for grades 6 through 8, inclusive, and 11; or
  - (5) streamlining for reading, writing, listening, and mathematics.
- (Cal. Code Regs., tit. 5, § 853.5 (e)(1-5).)

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

- (1) read aloud for primary language test;
  - (2) American Sign Language for listening, mathematics, and science;
  - (3) Braille for paper-pencil tests;
  - (4) Abacus for mathematics and science;
  - (5) Alternate Response Options for reading, writing, listening, and mathematics;
  - (6) Calculator for specific mathematics items;
  - (7) Multiplication Table for mathematics beginning in grade 4;
  - (8) Print on Demand for reading, writing, listening, and mathematics;
  - (9) Read Aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate Braille skills;
  - (10) Scribe for writing, science, and primary language test;
  - (11) Speech-to-Text; or
  - (12) Large-Print version of a paper-pencil test.
- (Cal. Code Regs., tit. 5, § 853.5 (f)(1-12).)

23. A LEA may submit a request in writing to the CDE, prior to the administration of a CAASPP test for approval for the use of an individualized aid. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:

- (1) LEA name and CDS code;
  - (2) school/test site and school code;
  - (3) school/test site address, city, and zip code;
  - (4) LEA CAASPP coordinator name, phone number, and email address;
  - (5) CAASPP test site coordinator name, phone number, and email address;
  - (6) school/test site testing window dates;
  - (7) SSID(s) for the pupil(s) for which the individualized aid is being requested;
  - (8) CAASPP test and grade; and
  - (9) the individualized aid being requested.
- (Cal. Code Regs., tit. 5, § 853.5 (g)(1-9).)

24. Individualized aids that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with individualized aids that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports

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with their actual score. The following non-embedded individualized aids have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

- (1) English dictionary for reading, listening, mathematics, science, and primary language;
  - (2) Thesaurus for reading, listening, mathematics, science and primary language;
  - (3) Translated Test Directions for reading, writing, or listening;
  - (4) Bilingual Dictionary for reading, listening, mathematics, science and primary language;
  - (5) Translations (glossary) for reading, writing, and listening;
  - (6) Read aloud for reading passages in grades 3, 4, and 5;
  - (7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;
  - (8) Calculator for non-specified mathematics items or science;
  - (9) Math tools (i.e., ruler, protractor) for non-specified mathematics items; and
  - (10) Multiplication Table for mathematics in grade 3.
- (Cal. Code Regs., tit. 5, § 853.5 (h)(1-10).)

25. If a consortium (in which California is a participant) approves of a universal tool(s), designated support(s), and/or accommodation(s) not listed in subdivisions (a) through (f), the CDE shall allow its use. (Cal. Code Regs., tit. 5, § 853.5 (i).)

26. (a) An English learner (EL) shall be permitted the following embedded designated supports, when determined for use by an educator or group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

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

(b) An EL shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) translated directions for mathematics, science and primary language test;
- (2) bilingual dictionary for writing;
- (3) access to translation glossaries/word lists for science and primary language test;

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- (4) color contrast for reading, writing, listening, and mathematics;
  - (5) color overlay for reading, writing, listening, and mathematics;
  - (6) magnification;
  - (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
  - (8) scribe for reading, listening, and mathematics;
  - (9) separate setting;
  - (10) translations (glossary) for mathematics (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (a));
  - (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
  - (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
  - (13) translations (glossary) for science and primary language test; or
  - (14) administration of the test at the most beneficial time of day for the pupil.
- (Education Code Sections 60605 and 60640; (Cal. Code Regs., tit. 5, §§ 853.7)

27. Designation of a CAASPP district coordinator. (Cal. Code Regs., tit. 5, §§ 857-859.)

28. On or before September 30 of each school year, the superintendent of each LEA shall:

- (1) designate from among the employees of the LEA an LEA CAASPP coordinator;
  - (2) identify school(s) with pupils unable to access the CBA version of a CAASPP test(s) in accordance with Education Code section 60640(e); and
  - (3) report to the CAASPP contractor(s) the number of pupils enrolled in the school identified in subdivision (2) that are unable to access the CBA version of a CAASPP test.
- (Cal. Code Regs. tit. 5, § 857 (a)(1,2,3).)

29. The LEA CAASPP coordinator, or the LEA superintendent, shall be available through September 30 of the following school year to complete the LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact information for the LEA CAASPP coordinator and the superintendent. The LEA CAASPP coordinator shall serve as the LEA representative and the liaison between the LEA and the contractor(s) and the LEA and the CDE for all matters related to the CAASPP assessment system. (Cal. Code Regs. tit. 5, § 857 (b).)

30. The LEA CAASPP coordinator's responsibilities shall be those defined in the contractor's(s') or consortium's administrative manuals and documentation, and shall include, but are not limited to, overseeing the LEA's preparation, registration, coordination, training, assessment technology, administration, security, and reporting of the CAASPP tests. The LEA CAASPP coordinator shall ensure current and ongoing compliance with the minimum technology specifications as identified by the CAASPP contractor(s) or consortium. The LEA



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CAASPP coordinator shall ensure the training of all CAASPP test site coordinators who will oversee the test administration at each school or test site. (Cal. Code Regs. tit. 5, § 857 (c)(d)(e).)

31. Designation of a CAASPP test site coordinator at each test site. (Cal. Code Regs., tit. 5, §§ 857-859.)

32. At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 30 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports. (Cal. Code Regs. tit. 5, § 858 (a).)

33. The CAASPP test site coordinator's responsibilities shall be those defined in the contractor's(s') and CDE's administrative manuals and documentation, and shall include, but are not limited to, overseeing the test site's preparation, coordination, training, registration, administration, security, and reporting of the CAASPP tests. (Cal. Code Regs. tit. 5, § 858 (b).)

34. The CAASPP test site coordinator shall be responsible for the training of test examiners, translators, proctors, and scribes. The CAASPP test site coordinator shall be responsible for ensuring that all designated supports, accommodations and individualized aids are correctly entered into the registration system and provided to the pupil(s) identified to receive the designated supports and/or accommodations. (Cal. Code Regs. tit. 5, § 858 (c)(d).)

35. All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the CAASPP Test Security Agreement, before receiving any of the test materials or tests administered pursuant to Education Code section 60640 and perform all the tasks included in the agreement. (Cal. Code Regs. tit. 5, § 859 (a).)

The CAASPP Test Security Agreement shall be as follows:

#### CAASPP TEST SECURITY AGREEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) I will not divulge the contents of the tests and test materials to any other person through verbal, written, or any other means of communication. This includes, but is not limited to, sharing or posting test content via the Internet or by email without the express written permission of the CDE.
- (2) I will not copy or take a photo of any part of the test(s) or test materials. This includes, but is not limited to, photocopying (including enlarging) and recording without prior expressed written permission of the CDE.
- (3) Except during the actual testing administrations or as otherwise provided for by law, I will keep the test(s) and test materials secure until the test(s) are actually distributed to pupils when tests and testing materials are checked in and out by the CAASPP test site coordinator. Keeping materials secure means that testing materials are required to be kept in a securely locked room that can be entered only with a key or keycard and, when possible, in a locked storage cabinet within that room.
- (4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test(s). I understand that only pupils who are testing and LEA staff participating in the test administration who have signed a test security affidavit may be in the room when and where a test is being administered.
  - (A) I will keep all assigned, generated, or created usernames, passwords and logins secure and not divulge pupil personal information to anyone other than the pupil to whom the information pertains for the purpose of logging on to the assessment delivery system.
  - (B) I will not allow anyone other than the assigned pupils to log into their assigned test. I may assist a pupil with using their information to log into their assigned test.
  - (C) I will not use a pupil's information to log in as a pupil or allow a pupil to log in using another pupil's information.
- (5) I will not allow pupils to access electronic devices that allow them to access outside information, communicate with other pupils, or photograph or copy test content. This includes, but is not limited to, cell phones, personal digital assistants (PDAs), tablets, laptops, cameras, and electronic translation devices.
- (6) I will collect and account for all materials following each testing session and will not permit pupils to remove any test materials by any means from the room(s) where testing takes place. After each testing session, I will count all test booklets and answer documents before allowing any pupil to leave the testing room and/or ensure that all pupils have properly logged off the assessment delivery system.

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

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

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

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

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

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

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

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

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Signed: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Position: \_\_\_\_\_  
School: \_\_\_\_\_  
LEA: \_\_\_\_\_  
Date: \_\_\_\_\_

(e) To maintain the security of the CAASPP assessment system, all LEA CAASPP coordinators and CAASPP test site coordinators shall immediately, within 24 hours, notify the CDE of any security breaches or testing irregularities occurring either before, during, or after the test administration(s). (Cal. Code Regs. tit. 5, § 859 (a)(b:1-6)(c)(d:1-4), (A)(B)(C),(d:5-14)(e).)

36. Inclusion of Program test results in each pupil’s record of accomplishment. (Ed. Code, §§ 60607, subd. (a), 60641, subd. (a).)

37. In order to assess pupils pursuant to Education Code section 60640 and meet state and federal accountability and reporting obligations, each LEA shall provide any and all program and demographic pupil data requested by the CDE for inclusion in California Longitudinal Pupil Achievement Data System (CALPADS). (Cal. Code Regs. tit. 5, § 861 (a).)

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

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

(c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate prior to LEA registration and throughout the testing window. The CDE shall provide LEAs reasonable notification prior to pupil demographic and program data being extracted from CALPADS for purposes of test registration, individual pupil reports and reports aggregated to the LEA, and state and federal accountability reporting. (Cal. Code Regs., tit. 5, § 861(b: 1-7)(c).)

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

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- (1) The number of pupils enrolled in each school and in the LEA on the first day of testing.
  - (2) The number of pupils in each school and in the LEA tested with the alternate assessment.
  - (3) The number of pupils in each school and in the LEA exempted from testing at the request of their parents or guardians pursuant to Education Code section 60615.
  - (4) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of CBT.
  - (5) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments.
  - (6) The number of pupils with demographic information only who were not tested for any reason other than a parent or guardian exemption.
  - (7) The number of English language learners who were administered a primary language test aligned to the English language arts standards pursuant to Education Code section 60640(b)(5)(B).
  - (8) Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic assessment pursuant to Education Code section 60644.
- (b) To be eligible for apportionment payment for the CAASPP assessments, LEAs must meet the following conditions:
- (1) The LEA has returned all secure test materials, and
  - (2) The LEA CAASPP coordinator has certified the accuracy of the apportionment information report for assessments administered during the school year, which is either;
    - (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by December 31, or
    - (B) if transmitted in any manner after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports transmitted after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the testing window began. (Cal. Code Regs., tit. 5, § 862(a:1-8)(b:1-2)(A)(B).)

39. (a) The amount of funding to be apportioned to the LEA shall be the amount established by the SBE per the number of tests administered to eligible pupils, and the number of pupils enrolled on the first day of testing who were not tested in the LEA. The number of tests administered and the number of pupils not tested shall be determined by the certification of the LEA CAASPP coordinator pursuant to section 862. For purposes of this portion of the apportionment, administration of the tests includes the following items:
- (1) All staffing costs, including the LEA CAASPP coordinator and the CAASPP test site coordinators, staff training and other staff expenses related to testing.
  - (2) All expenses incurred at the LEA and school/test site(s) related to testing.

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

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

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

(b) This amount does not include any funding for the purposes of reimbursing any LEA for primary language tests for non-eligible pupils. (Cal. Code Regs., tit. 5, § 862.5 (a:1-5)(b).)

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

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

(c) Schools are responsible for maintaining pupil's scores with the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding or transmitting the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities. Reporting of individual program test results in writing to each pupil's parent or guardian and to the pupil's school and teachers as well as maintaining the pupil's scores with the pupil's permanent school records. (Ed. Code, § 60641, subs. (a; b); Cal. Code Regs., tit. 5, § 863 (a-c).)

41. Reporting of district-wide, school-level, and class-level results to the school district's governing board or county office of education. (Ed. Code, § 60641.)

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

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

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

(2) abide by any and all instructions provided by the CAASPP contractor or consortium, whether written or oral, that are presented for training or provided for in the administration of a CAASPP test. (Cal. Code Regs., tit. 5, § 864 (a)(b:1-2).)

43. Provide grade 11 assessments to pupils, parents or legal guardians. (Ed. Code, § 60641, subd. (e).)

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44. Provide interim and formative assessment tools for kindergarten and grades 1-12. (Ed. Code, § 60642.6.);

45. Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the Measurement of Academic Performance and Progress (MAPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course exams he or she has taken, and the vocational education certification exams he or she chose to take. (Education Code 60607)

#### **Additional Activities**

CA LEGIS 327 (2014)(A.B. 1599)

46. Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the California Assessment of Student Performance and Progress (CAASPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course examinations he or she has taken, and the vocational education certification examinations he or she chose to take. (Education Code 60607)

47. A pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the purpose of credit, placement, or admission and the results of an individual pupil on the CAASPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607)

48. State agencies or local educational agencies shall not use a comparison resulting from the scores and results of the California Assessment of Student Performance and Progress (CAASPP) assessments and the assessment scores and results from assessments that measured previously adopted content standards. The districtwide, school-level, and grade-level results of the CAASPP in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting. Aggregated, disaggregated, or group scores or reports that include the results of the CAASPP assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were



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tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results. (Education Code 60641)

49. A local educational agency shall be reimbursed by the contractor selected pursuant to this article for any unexpected expenses incurred due to scheduling changes that resulted from the late delivery of testing materials in connection with the California Assessment of Student Performance and Progress. (Education Code 60643.6)

50. The test or series of tests developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills. Pupils in kindergarten and grade 1 shall be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. The early literacy assessment shall be administered for a period of four years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last. (Education Code 60643.6)

51. Training and review of the CAASSP Program requirements as outlined in the test claim legislation and regulations by school district staff.

52. Developing and implementation of internal policies, training, procedures and forms relating to the administration of the CAASPP Program. Developing internal policies, procedures, and forms to implement the CAASP. (One-time)

53. In California, all students in grades 3 through 8 and 11 will participate in the 2015 Smarter Balanced tests, which include both ELA and mathematics content areas. These tests are administered online.

54. In 2015 the CSTs in Science are to be administered to students in grades 5, 8, and 10.

55. In 2015 the CMA for Science tests are to be administered to students in grades 5, 8, and 10 who have an individualized education program (IEP).

56. In 2015 the CAPA for Science tests are individually administered performance assessments for students in grades 5, 8, and 10 who have significant cognitive disabilities and who are unable to take either the CSTs even with accommodations or modifications or the CMA with accommodations.

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57. In 2015 the STS are multiple-choice tests that allow Spanish-speaking English learners in grades 2 through 11 to demonstrate their knowledge of the California content standards by taking a reading/language arts (RLA) assessment in their primary language.

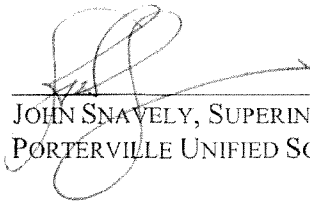
**Section D.**

Not Applicable.

**Section F.**

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

Dated: March 13, 2015

  
\_\_\_\_\_  
JOHN SNAVELY, SUPERINTENDENT FOR THE  
PORTERVILLE UNIFIED SCHOOL DISTRICT

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SECTION NUMBER: 6

**Heading: AMENDED DECLARATION**

I, Richard L. Miller, Superintendent for the Santa Ana Unified School District, declare as follows:

**Section A. The actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.**

It is estimated the increased costs that will be incurred by the claimant Santa Ana Unified School District to implement the alleged mandate is as follows:

	<b><u>2013-2014 Actual Costs</u></b>	<b><u>2014-2015 Actual/Est. Costs</u></b>
<u>Devices:</u> This includes all student devices purchased (SBAC compliant tablets, laptops, carts, PCs, iPads, MacBooks, Chromebooks).	\$2,551,264.55	\$5,557,947.20
<u>Bandwidth improvements/infrastructure:</u> This includes purchases that were made to facilitate the pilot and ultimately full implementation.	\$334,140.96	\$3,005,852.03
<u>Accessories:</u> Computer and tablet peripherals such as ear buds, mice keyboards that is necessary for students to complete the assessment.	\$230,834.44	\$22,334.40
<u>Miscellaneous:</u> Asset tags, packing supplies, testing furniture.	\$2,656.75	\$333.60
<u>Training:</u> Training time/substitutes due to new assessment model. Staff Time/Extra Duty additional (Extra Duty) Staff time associated with installation of new devices.	TBD	TBD
<u>Extra Duty/Additional Staff Time:</u> Extra Duty Staff time associated with installation of new devices; training for using devices in the classroom	\$98,599.00	\$23,387.00
<b>TOTAL</b>	<b>\$3,217,495.70</b>	<b>\$8,609,854.23</b>

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**Section B. Identify all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs:**

*Common Core Implementation Block Grant*

**Section C. Describe new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections or page numbers alleged to impose a reimbursable state mandated program):**

1. Statutes 2013-2014 Chapter 489 (A.B. No. 484); Sections 3, 5, 9, 12, 15, 16, 28, 28.5.
2. Statutes 2014 Chapter 32 (S.B. No. 858); Sections 49.
3. Statutes 2014 Chapter 327 (A.B. No. 1599); Sections 17, 18, 19, 22, 24, 26.
4. Title 5, California Code of Regulations Sections 850-864.
5. Title 5, California Code of Regulations Sections 850-864. (Certificate of Compliance Effective August 27, 2014)

**New Activities**

1. Administration of the achievement tests (Smarter Balanced Field Tests, California Standard Test (CST), CMA, CAPA, California Measurement of Academic Performance and Progress for the 21st Century (CalMAPP21), primary language tests, California Assessment of Student Performance and Progress (CAASPP), a consortium summative assessment in English language arts and mathematics to all pupils in grades 3 through 8, inclusive. For grades 9 and 10 students selected for the scientific sample are/were expected to participate. In grade 11 all students selected for the scientific sample are expected to participate. (Ed. Code, §§ 60640, subs. (b-h, k), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851(a).)
2. For the 2013-14 school year, each LEA shall administer the Smarter Balanced field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to the authority granted by Education Code § 60640(f)(2). (Cal. Code Regs., tit. 5, §§ 855, subd. (a)(1).)
3. For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10, shall be administered to each pupil during a testing window of 25 instructional days that includes 12

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instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window. (Cal. Code Regs., tit. 5, §§ 855, subd. (a)(2).)

4. Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B). (Cal. Educ. Code § 60640)

5. In the 2014-15 school year, the CAASPP tests pursuant to Education Code section 60640(b) shall be administered to each pupil during the following testing windows: Unless otherwise stated in these regulations, the testing window shall not begin until at least 66 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 66 percent of a school year occurs after the 120th instructional day. This allows for a 12-week window for testing. (Cal. Code Regs., tit. 5, §§ 855, subd. (b)(1).)

6. For the grade 11 Smarter Balanced assessments and CAASPP tests administered after January 2015, the testing window shall not begin until at least 80 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing. (Cal. Code Regs., tit. 5, §§ 855, subd. (b)(2).)

7. The CST and CMA for science in grades 5, 8, and 10, and CAPA, or its successor alternate assessment, for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days unless the SBE makes a determination by the close of its September 2014 regular meeting that these tests shall be administered during the window defined in subdivision (b)(1) above. If an LEA elects to administer the primary language test, it shall do so during the same window. (Ed. Code, §§ 60640, Cal. Code Regs., tit. 5, §§ 855, subd. (b)(3).)

8. The CDE, with the approval of the SBE President or designee, may require LEAs to more fully utilize the testing window and may also limit the usage of the interim assessments in instances where the CDE determines that it is necessary to do so to ensure that the capacity of the California K-12 High Speed Network (K12HSN) is not exceeded. (Cal. Code Regs., tit. 5, §§ 855, subd. (c).)

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9. Administration of the assessments in English language arts and mathematics shall occur in 2014-15 school year. (Ed. Code, §§ 60648.5, subs. (b-h, k), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851 and 855.)
10. LEAs shall make arrangements for the testing of all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or NPSs. No test may be administered in a home or hospital except by a test examiner. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the supervision of a test examiner, provided that the classroom aide does not assist his or her own child, and that the classroom aide signs a security affidavit. (Cal. Code Regs. tit. 5, § 851(c)(d).)
11. Administration of an additional test to pupils of limited English proficiency who are enrolled in grades 2 through 11, if the pupil was initially enrolled in any school district less than 12 months before the date that the English language test was given. (Ed. Code, § 60640, subd. (g).)
12. Exemption of pupils from the CAASSP Program tests upon request of their parent or guardian. (Ed. Code, §§ 60640, subd. (j)(k); Cal. Code Regs., tit. 5, § 852, subd. (a).)
13. Exemption from testing for pupils if the pupil's individualized education program has an exemption provision. (Ed. Code, § 60640, subs. (e), (j)(k); Cal. Code Regs., tit. 5, § 852, subd. (b).)
14. Determination of the appropriate grade level test for each pupil in a special education program. (Cal. Code Regs., tit. 5, § 852, subd. (b).)
15. (a) Each year the LEA shall notify parents or guardians of their pupil's participation in the CAASPP assessment system in accordance with Education Code section 60604.  
(b) The notification to parents or guardians, as defined in subdivision (a), shall include a notice of the provisions outlined in Education Code section 60615.  
(c) A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the parent or guardian and included in the pupil's records. An LEA and its employees may discuss the CAASPP assessment system with parents and may inform parents of the availability of

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exemptions under Education Code section 60615. The LEA and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children. (Cal. Code Regs., tit. 5, § 852, subd. (a)(b)(c))

16.(a) The CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by LEAs in accordance with the manuals or other instructions provided by the contractor or CDE for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with universal tools, designated supports, and accommodations specified in sections 853.5 and 853.7. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

(b) The primary mode of administration of a CAASPP test shall be via a computing device, the use of an assessment technology platform, and the adaptive engine.

(c) If available, an LEA may utilize a paper-pencil version of any computer-based assessment (CBA) of the CAASPP assessment system, in accordance with Education Code section 60640(e), and if the LEA identifies the pupils that are unable to access the CBA version of the test.

(d) Interim assessments and formative assessment tools shall be made available to LEA(s) for use. Use of interim assessments and formative assessment tools shall not be considered advance preparation for a CAASPP test as defined in Education Code section 60611. LEAs that use interim assessments and/or formative assessment tools shall abide by the consortium/contractor(s) administration and use requirements. Any scoring of any performance tasks for the interim assessment is the responsibility of the LEA. (Cal. Code Regs., tit. 5, § 853, subd. (a)(b)(c)(d))

17. All pupils shall be permitted the following embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) breaks for reading, writing, listening, and mathematics;
- (2) calculator for specific mathematic items;
- (3) digital notepad for reading, writing, listening, and mathematics;
- (4) English dictionary for writing (ELA-performance task - pupil long essay(s) not short paragraph responses);
- (5) English glossary for reading, writing, listening, and mathematics;
- (6) expandable passages for reading, writing, listening, and mathematics;
- (7) global notes for writing (ELA-performance task - pupils long essay(s) not short paragraph responses);
- (8) highlighter for reading, writing, listening, and mathematics;

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- (9) keyboard navigation for reading, writing, listening, and mathematics;
- (10) mark for review for reading, writing, listening, and mathematics;
- (11) math tools for specific mathematics items;
- (12) spell check for specific writing items;
- (13) strikethrough for reading, writing, listening, and mathematics;
- (14) writing tools for specific pupil generated responses; or
- (15) zoom for reading, writing, listening, and mathematics. (Cal. Code Regs., tit. 5, § 853.5 (a)(1-15).)

18. All pupils shall be permitted the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) breaks;
- (2) English dictionary for ELA performance task - pupil long essay(s) not short paragraph responses;
- (3) scratch paper;
- (4) thesaurus for ELA performance task - pupil long essay(s) not short paragraph responses;
- (5) color overlay for science and primary language test;
- (6) math tools (i.e., ruler, protractor) for specific mathematics items;
- (7) simplify or clarify test administration directions (does not apply to test questions); or
- (8) pupil marks in paper-pencil test booklet (other than responses including highlighting). (Cal. Code Regs., tit. 5, § 853.5 (b)(1-8).)

19. All pupils shall be permitted the following embedded designated supports when determined for use by an educator or group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) color contrast for reading, writing, listening, and mathematics;
- (2) masking for reading, writing, listening, and mathematics;
- (3) text-to-speech for writing, listening, mathematics, and reading items but not reading passages;
- (4) translated test directions for mathematics;
- (5) translations (glossary) for mathematics;
- (6) translations (stacked) for mathematics; or
- (7) turn off any universal tool for reading, writing, listening, and mathematics. (Cal. Code Regs., tit. 5, § 853.5 (c)(1-7).)

20. All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators or specified in a pupil's IEP or Section



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504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) translated directions for mathematics, science and primary language test;
  - (2) bilingual dictionary for writing;
  - (3) access to translation glossaries/word lists for science and primary language test;
  - (4) color contrast for reading, writing, listening, and mathematics;
  - (5) color overlay for reading, writing, listening, and mathematics;
  - (6) magnification;
  - (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
  - (8) scribe for reading, listening, and mathematics;
  - (9) separate setting;
  - (10) translations (glossary) for mathematics; (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (c)).
  - (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
  - (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
  - (13) translations (glossary) for science and primary language test; or
  - (14) administration of the test at the most beneficial time of day for the pupil.
- (Cal. Code Regs., tit. 5, § 853.5 (d)(1-14).)

21. The following embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics when specified in a pupil's IEP or Section 504 Plan:

- (1) American Sign Language for listening and mathematics;
  - (2) Braille for reading, writing, listening, and mathematics;
  - (3) closed captioning for listening;
  - (4) text-to-speech for reading passages for grades 6 through 8, inclusive, and 11; or
  - (5) streamlining for reading, writing, listening, and mathematics.
- (Cal. Code Regs., tit. 5, § 853.5 (e)(1-5).)

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

- (1) read aloud for primary language test;
- (2) American Sign Language for listening, mathematics, and science;
- (3) Braille for paper-pencil tests;
- (4) Abacus for mathematics and science;
- (5) Alternate Response Options for reading, writing, listening, and mathematics;
- (6) Calculator for specific mathematics items;

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- (7) Multiplication Table for mathematics beginning in grade 4;
  - (8) Print on Demand for reading, writing, listening, and mathematics;
  - (9) Read Aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate Braille skills;
  - (10) Scribe for writing, science, and primary language test;
  - (11) Speech-to-Text; or
  - (12) Large-Print version of a paper-pencil test.
- (Cal. Code Regs., tit. 5, § 853.5 (f)(1-12).)

23. A LEA may submit a request in writing to the CDE, prior to the administration of a CAASPP test for approval for the use of an individualized aid. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:

- (1) LEA name and CDS code;
  - (2) school/test site and school code;
  - (3) school/test site address, city, and zip code;
  - (4) LEA CAASPP coordinator name, phone number, and email address;
  - (5) CAASPP test site coordinator name, phone number, and email address;
  - (6) school/test site testing window dates;
  - (7) SSID(s) for the pupil(s) for which the individualized aid is being requested;
  - (8) CAASPP test and grade; and
  - (9) the individualized aid being requested.
- (Cal. Code Regs., tit. 5, § 853.5 (g)(1-9).)

24. Individualized aids that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with individualized aids that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports with their actual score. The following non-embedded individualized aids have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

- (1) English dictionary for reading, listening, mathematics, science, and primary language;
- (2) Thesaurus for reading, listening, mathematics, science and primary language;
- (3) Translated Test Directions for reading, writing, or listening;
- (4) Bilingual Dictionary for reading, listening, mathematics, science and primary language;
- (5) Translations (glossary) for reading, writing, and listening;

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- (6) Read aloud for reading passages in grades 3, 4, and 5;
  - (7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;
  - (8) Calculator for non-specified mathematics items or science;
  - (9) Math tools (i.e., ruler, protractor) for non-specified mathematics items; and
  - (10) Multiplication Table for mathematics in grade 3.
- (Cal. Code Regs., tit. 5, § 853.5 (h)(1-10).)

25. If a consortium (in which California is a participant) approves of a universal tool(s), designated support(s), and/or accommodation(s) not listed in subdivisions (a) through (f), the CDE shall allow its use. (Cal. Code Regs., tit. 5, § 853.5 (i).)

26. (a) An English learner (EL) shall be permitted the following embedded designated supports, when determined for use by an educator or group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) color contrast for reading, writing, listening, and mathematics;
  - (2) masking for reading, writing, listening, and mathematics;
  - (3) text-to-speech for writing, listening, mathematics and reading items, but not passages;
  - (4) translated test directions for mathematics;
  - (5) translations (glossary) for mathematics;
  - (6) translations (stacked) for mathematics; or
  - (7) turn off any universal tool for reading, writing, listening, and mathematics.
- (b) An EL shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:
- (1) translated directions for mathematics, science and primary language test;
  - (2) bilingual dictionary for writing;
  - (3) access to translation glossaries/word lists for science and primary language test;
  - (4) color contrast for reading, writing, listening, and mathematics;
  - (5) color overlay for reading, writing, listening, and mathematics;
  - (6) magnification;
  - (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
  - (8) scribe for reading, listening, and mathematics;
  - (9) separate setting;
  - (10) translations (glossary) for mathematics (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (a));
  - (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);

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(12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;

(13) translations (glossary) for science and primary language test; or

(14) administration of the test at the most beneficial time of day for the pupil.

(Education Code Sections 60605 and 60640; (Cal. Code Regs., tit. 5, §§ 853.7)

27. Designation of a CAASPP district coordinator. (Cal. Code Regs., tit. 5, §§ 857-859.)

28. On or before September 30 of each school year, the superintendent of each LEA shall:

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

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

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

(Cal. Code Regs. tit. 5, § 857 (a)(1,2,3).)

29. The LEA CAASPP coordinator, or the LEA superintendent, shall be available through September 30 of the following school year to complete the LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact information for the LEA CAASPP coordinator and the superintendent. The LEA CAASPP coordinator shall serve as the LEA representative and the liaison between the LEA and the contractor(s) and the LEA and the CDE for all matters related to the CAASPP assessment system. (Cal. Code Regs. tit. 5, § 857 (b).)

30. The LEA CAASPP coordinator's responsibilities shall be those defined in the contractor's(s') or consortium's administrative manuals and documentation, and shall include, but are not limited to, overseeing the LEA's preparation, registration, coordination, training, assessment technology, administration, security, and reporting of the CAASPP tests. The LEA CAASPP coordinator shall ensure current and ongoing compliance with the minimum technology specifications as identified by the CAASPP contractor(s) or consortium. The LEA CAASPP coordinator shall ensure the training of all CAASPP test site coordinators who will oversee the test administration at each school or test site. (Cal. Code Regs. tit. 5, § 857 (c)(d)(e).)

31. Designation of a CAASPP test site coordinator at each test site. (Cal. Code Regs., tit. 5, §§ 857-859.)

32. At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site

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coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 30 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports. (Cal. Code Regs. tit. 5, § 858 (a).)

33. The CAASPP test site coordinator's responsibilities shall be those defined in the contractor's(s') and CDE's administrative manuals and documentation, and shall include, but are not limited to, overseeing the test site's preparation, coordination, training, registration, administration, security, and reporting of the CAASPP tests. (Cal. Code Regs. tit. 5, § 858 (b).)

34. The CAASPP test site coordinator shall be responsible for the training of test examiners, translators, proctors, and scribes. The CAASPP test site coordinator shall be responsible for ensuring that all designated supports, accommodations and individualized aids are correctly entered into the registration system and provided to the pupil(s) identified to receive the designated supports and/or accommodations. (Cal. Code Regs. tit. 5, § 858 (c)(d).)

35. All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the CAASPP Test Security Agreement, before receiving any of the test materials or tests administered pursuant to Education Code section 60640 and perform all the tasks included in the agreement. (Cal. Code Regs. tit. 5, § 859 (a).)

The CAASPP Test Security Agreement shall be as follows:

#### CAASPP TEST SECURITY AGREEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CAASPP TEST SECURITY AFFIDAVIT**

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

(1) I will not divulge the contents of the tests and test materials to any other person through verbal, written, or any other means of communication. This includes, but is not limited to,

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sharing or posting test content via the Internet or by email without the express written permission of the CDE.

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

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

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

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

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

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

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

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

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

(8) I will not, for any achievement test, develop scoring keys, review any pupil responses, or prepare answer documents. I understand that this includes coaching pupils or providing any other type of assistance to pupils that may affect their responses. This includes, but is not limited to, both verbal cues (e.g., interpreting, explaining, or paraphrasing the test items or prompts) and

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nonverbal cues (e.g., voice inflection, pointing, or nodding head) to the correct answer (anything that may indicate correct or incorrect answers), or completing or changing pupils' answers.

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

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

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

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

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

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

Signed: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Position: \_\_\_\_\_  
School: \_\_\_\_\_  
LEA: \_\_\_\_\_  
Date: \_\_\_\_\_



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(e) To maintain the security of the CAASPP assessment system, all LEA CAASPP coordinators and CAASPP test site coordinators shall immediately, within 24 hours, notify the CDE of any security breaches or testing irregularities occurring either before, during, or after the test administration(s). (Cal. Code Regs. tit. 5, § 859 (a)(b:1-6)(c)(d:1-4), (A)(B)(C),(d:5-14)(e).)

36. Inclusion of Program test results in each pupil's record of accomplishment. (Ed. Code, §§ 60607, subd. (a), 60641, subd. (a).)

37. In order to assess pupils pursuant to Education Code section 60640 and meet state and federal accountability and reporting obligations, each LEA shall provide any and all program and demographic pupil data requested by the CDE for inclusion in California Longitudinal Pupil Achievement Data System (CALPADS). (Cal. Code Regs. tit. 5, § 861 (a).)

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

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

(c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate prior to LEA registration and throughout the testing window. The CDE shall provide LEAs reasonable notification prior to pupil demographic and program data being extracted from CALPADS for purposes of test registration, individual pupil reports and reports aggregated to the LEA, and state and federal accountability reporting. (Cal. Code Regs., tit. 5, § 861(b: 1-7)(c).)

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

- (1) The number of pupils enrolled in each school and in the LEA on the first day of testing.
- (2) The number of pupils in each school and in the LEA tested with the alternate assessment.
- (3) The number of pupils in each school and in the LEA exempted from testing at the request of their parents or guardians pursuant to Education Code section 60615.
- (4) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of CBT.

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

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

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

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

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

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

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

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

(B) if transmitted in any manner after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports transmitted after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the testing window began. (Cal. Code Regs., tit. 5, § 862(a:1-8)(b:1-2)(A)(B).)

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

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

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

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

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

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

(b) This amount does not include any funding for the purposes of reimbursing any LEA for primary language tests for non-eligible pupils. (Cal. Code Regs., tit. 5, § 862.5 (a:1-5)(b).)

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

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

(c) Schools are responsible for maintaining pupil's scores with the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding or transmitting the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities. Reporting of individual program test results in writing to each pupil's parent or guardian and to the pupil's school and teachers as well as maintaining the pupil's scores with the pupil's permanent school records. (Ed. Code, § 60641, subs. (a; b); Cal. Code Regs., tit. 5, § 863 (a-c).)

41. Reporting of district-wide, school-level, and class-level results to the school district's governing board or county office of education. (Ed. Code, § 60641.)

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

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

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

(2) abide by any and all instructions provided by the CAASPP contractor or consortium, whether written or oral, that are presented for training or provided for in the administration of a CAASPP test. (Cal. Code Regs., tit. 5, § 864 (a)(b):1-2.)

43. Provide grade 11 assessments to pupils, parents or legal guardians. (Ed. Code, § 60641, subd. (e).)

44. Provide interim and formative assessment tools for kindergarten and grades 1-12. (Ed. Code, § 60642.6.);

45. Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the Measurement of Academic Performance and Progress (MAPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course

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exams he or she has taken, and the vocational education certification exams he or she chose to take. (Education Code 60607)

### **Additional Activities**

CA LEGIS 327 (2014)(A.B. 1599)

46. Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the California Assessment of Student Performance and Progress (CAASPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course examinations he or she has taken, and the vocational education certification examinations he or she chose to take. (Education Code 60607)

47. A pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the purpose of credit, placement, or admission and the results of an individual pupil on the CAASPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607)

48. State agencies or local educational agencies shall not use a comparison resulting from the scores and results of the California Assessment of Student Performance and Progress (CAASPP) assessments and the assessment scores and results from assessments that measured previously adopted content standards. The districtwide, school-level, and grade-level results of the CAASPP in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting. Aggregated, disaggregated, or group scores or reports that include the results of the CAASPP assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results. (Education Code 60641)

49. A local educational agency shall be reimbursed by the contractor selected pursuant to this article for any unexpected expenses incurred due to scheduling changes that resulted from the late delivery of testing materials in connection with the California Assessment of Student Performance and Progress. (Education Code 60643.6)

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50. The test or series of tests developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills. Pupils in kindergarten and grade 1 shall be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. The early literacy assessment shall be administered for a period of four years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last. (Education Code 60643.6)

51. Training and review of the CAASSP Program requirements as outlined in the test claim legislation and regulations by school district staff.

52. Developing and implementation of internal policies, training, procedures and forms relating to the administration of the CAASPP Program. Developing internal policies, procedures, and forms to implement the CAASP. (One-time)

52. In California, all students in grades 3 through 8 and 11 will participate in the 2015 Smarter Balanced tests, which include both ELA and mathematics content areas. These tests are administered online.

53. In 2015 the CSTs in Science are to be administered to students in grades 5, 8, and 10.

54. In 2015 the CMA for Science tests are to be administered to students in grades 5, 8, and 10 who have an individualized education program (IEP).

55. In 2015 the CAPA for Science tests are individually administered performance assessments for students in grades 5, 8, and 10 who have significant cognitive disabilities and who are unable to take either the CSTs even with accommodations or modifications or the CMA with accommodations.

56. In 2015 the STS are multiple-choice tests that allow Spanish-speaking English learners in grades 2 through 11 to demonstrate their knowledge of the California content standards by taking a reading/language arts (RLA) assessment in their primary language.

#### **Section D.**

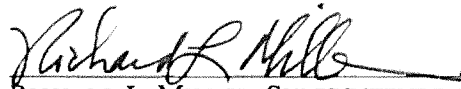
Not Applicable.

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**Section E.**

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

Dated: March 13, 2015

  
RICHARD L. MILLER, SUPERINTENDENT OF  
SCHOOLS, SANTA ANA UNIFIED SCHOOL  
DISTRICT

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**SECTION NUMBER: 6**  
**Heading: AMENDED DECLARATION**

I, Ramona Bishop, Superintendent for the Vallejo City Unified School District, declare as follows:

**Section A. The actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.**

It is estimated the increased costs that will be incurred by the claimant Vallejo City Unified School District to implement the alleged mandate is as follows:

	2013-2014 <u>Actual Costs</u>	2014-2015 <u>Est. Costs</u>
<u>Device Costs</u> Include all costs that were incurred from purchasing devices for administrators, teachers, staff, and student (SEAC compliant tablets, laptops, carts, PCs, iPads, MacBooks, Chromebooks)	\$542,171.62I laptop carts \$75,600.31 lab	\$543,653.22 laptop carts \$86,400.00 lab
<u>Bandwidth Costs</u> Include all costs that were incurred from installing and/or updating hardware and software to meet district connectivity and Internet speed requirements	\$518,512.00 Installation of wireless	\$1,598,387
<u>Accessories</u> Include all costs that were incurred from purchasing computer and tablet peripherals such as ear buds, mice keyboards, etc. for administrators, teachers, staff, and student in order to properly administer the assessment	\$3,122.97 mice \$23,897.50 Headsets	\$3,747.00 mice \$7,980.00 Headsets
<u>Miscellaneous</u> Include all costs that were incurred from purchasing miscellaneous items such as asset tags, packing supplies, testing furniture, etc.	\$7,541.41 Furniture	\$ N/A
<u>Staff Time</u> Include all costs that were incurred from training administrators, teachers, and staff to administer the assessment and use the devices, hardware, and software; training administrators, teachers, and staff to help students use the devices, hardware, and software; hiring additional	\$ N/A	\$ \$6,243.69

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employees and/or directing employees to install the necessary hardware and software		
TOTAL	\$1,170,840.81	\$2,546,410.91

**Section B. Identify all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs:**

*Common Core Implementation Block Grant*

**Section C. Describe new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections or page numbers alleged to impose a reimbursable state mandated program):**

1. Statutes 2013-2014 Chapter 489 (A.B. No. 484); Sections 3, 5, 9, 12, 15, 16, 28, 28.5.
2. Statutes 2014 Chapter 32 (S.B. No. 858); Sections 49.
3. Statutes 2014 Chapter 327 (A.B. No. 1599); Sections 17, 18, 19, 22, 24, 26.
4. Title 5, California Code of Regulations Sections 850-864. (Effective July 23, 2014)
5. Title 5, California Code of Regulations Sections 850-864. (Certificate of Compliance Effective August 27, 2014)

**New Activities**

1. Administration of the achievement tests (Smarter Balanced Field Tests, California Standard Test (CST), CMA, CAPA, California Measurement of Academic Performance and Progress for the 21st Century (CalMAPP21), primary language tests, California Assessment of Student Performance and Progress (CAASPP), a consortium summative assessment in English language arts and mathematics to all pupils in grades 3 through 8, inclusive. For grades 9 and 10 students selected for the scientific sample are/were expected to participate. In grade 11 all students selected for the scientific sample are expected to participate. (Ed. Code, §§ 60640, subds. (b-h, k), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851(a).)
2. For the 2013-14 school year, each LEA shall administer the Smarter Balanced field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to the authority granted by Education Code § 60640(f)(2). (Cal. Code Regs., tit. 5, §§ 855, subd. (a)(1).)



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3. For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10, shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window. (Cal. Code Regs., tit. 5, §§ 855, subd. (a)(2).)

4. Science grade level assessments in grades 5, 8, and 10 that measure content standards adopted pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B). (Cal. Educ. Code § 60640)

5. In the 2014-15 school year, the CAASPP tests pursuant to Education Code section 60640(b) shall be administered to each pupil during the following testing windows: Unless otherwise stated in these regulations, the testing window shall not begin until at least 66 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 66 percent of a school year occurs after the 120th instructional day. This allows for a 12-week window for testing. (Cal. Code Regs., tit. 5, §§ 855, subd. (b)(1).)

6. For the grade 11 Smarter Balanced assessments and CAASPP tests administered after January 2015, the testing window shall not begin until at least 80 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing. (Cal. Code Regs., tit. 5, §§ 855, subd. (b)(2).)

7. The CST and CMA for science in grades 5, 8, and 10, and CAPA, or its successor alternate assessment, for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10 shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days unless the SBE makes a determination by the close of its September 2014 regular meeting that these tests shall be administered during the window defined in subdivision (b)(1) above. If an LEA elects to administer the primary language test, it shall do so during the same window. (Ed. Code, §§ 60640, Cal. Code Regs., tit. 5, §§ 855, subd. (b)(3).)

8. The CDE, with the approval of the SBE President or designee, may require LEAs to more fully utilize the testing window and may also limit the usage of the interim assessments in instances where the CDE determines that it is necessary to do so to ensure that the capacity of the

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California K-12 High Speed Network (K12HSN) is not exceeded. (Cal. Code Regs., tit. 5, §§ 855, subd. (c).)

9. Administration of the assessments in English language arts and mathematics shall occur in 2014-15 school year. (Ed. Code, §§ 60648.5, subds. (b-h, k), 60641, subd. (a); Cal. Code Regs., tit. 5, §§ 851, and 855.)

10. LEAs shall make arrangements for the testing of all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, non-classroom based programs, continuation schools, independent study, community day schools, county community schools, juvenile court schools, or NPSs. No test may be administered in a home or hospital except by a test examiner. No test shall be administered to a pupil by the parent or guardian of that pupil. This subdivision does not prevent classroom aides from assisting in the administration of the test under the supervision of a test examiner, provided that the classroom aide does not assist his or her own child, and that the classroom aide signs a security affidavit. (Cal. Code Regs. tit. 5, § 851(c)(d).)

11. Administration of an additional test to pupils of limited English proficiency who are enrolled in grades 2 through 11, if the pupil was initially enrolled in any school district less than 12 months before the date that the English language test was given. (Ed. Code, § 60640, subd. (g).)

12. Exemption of pupils from the CAASSP Program tests upon request of their parent or guardian. (Ed. Code, §§ 60615, 60640, subd. (j); Cal. Code Regs., tit. 5, § 852, subd. (a).)

13. Exemption from testing for pupils if the pupil's individualized education program has an exemption provision. (Ed. Code, § 60640, subds. (e), (j)).

14. Determination of the appropriate grade level test for each pupil in a special education program. (Ed. Code, § 60640, subds. (e), (j)).

15. (a) Each year the LEA shall notify parents or guardians of their pupil's participation in the CAASPP assessment system in accordance with Education Code section 60604.  
(b) The notification to parents or guardians, as defined in subdivision (a), shall include a notice of the provisions outlined in Education Code section 60615.  
(c) A parent or guardian may annually submit to the school a written request to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640 for the school year. If a parent or guardian submits an exemption request after testing has begun, any test(s) completed before the request is submitted will be scored and the results reported to the

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parent or guardian and included in the pupil's records. An LEA and its employees may discuss the CAASPP assessment system with parents and may inform parents of the availability of exemptions under Education Code section 60615. The LEA and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children. (Cal. Code Regs., tit. 5, § 852, subd. (a)(b)(c))

16.(a) The CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by LEAs in accordance with the manuals or other instructions provided by the contractor or CDE for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with universal tools, designated supports, and accommodations specified in sections 853.5 and 853.7. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.

(b) The primary mode of administration of a CAASPP test shall be via a computing device, the use of an assessment technology platform, and the adaptive engine.

(c) If available, an LEA may utilize a paper-pencil version of any computer-based assessment (CBA) of the CAASPP assessment system, in accordance with Education Code section 60640(e), and if the LEA identifies the pupils that are unable to access the CBA version of the test.

(d) Interim assessments and formative assessment tools shall be made available to LEA(s) for use. Use of interim assessments and formative assessment tools shall not be considered advance preparation for a CAASPP test as defined in Education Code section 60611. LEAs that use interim assessments and/or formative assessment tools shall abide by the consortium/contractor(s) administration and use requirements. Any scoring of any performance tasks for the interim assessment is the responsibility of the LEA. (Cal. Code Regs., tit. 5, § 853, subd. (a)(b)(c)(d))

17. All pupils shall be permitted the following embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) breaks for reading, writing, listening, and mathematics;
- (2) calculator for specific mathematic items;
- (3) digital notepad for reading, writing, listening, and mathematics;
- (4) English dictionary for writing (ELA-performance task - pupil long essay(s) not short paragraph responses);
- (5) English glossary for reading, writing, listening, and mathematics;
- (6) expandable passages for reading, writing, listening, and mathematics;

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- (7) global notes for writing (ELA-performance task - pupils long essay(s) not short paragraph responses);
- (8) highlighter for reading, writing, listening, and mathematics;
- (9) keyboard navigation for reading, writing, listening, and mathematics;
- (10) mark for review for reading, writing, listening, and mathematics;
- (11) math tools for specific mathematics items;
- (12) spell check for specific writing items;
- (13) strikethrough for reading, writing, listening, and mathematics;
- (14) writing tools for specific pupil generated responses; or
- (15) zoom for reading, writing, listening, and mathematics. (Cal. Code Regs., tit. 5, § 853.5 (a)(1-15).)

18. All pupils shall be permitted the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) breaks;
  - (2) English dictionary for ELA performance task - pupil long essay(s) not short paragraph responses;
  - (3) scratch paper;
  - (4) thesaurus for ELA performance task - pupil long essay(s) not short paragraph responses;
  - (5) color overlay for science and primary language test;
  - (6) math tools (i.e., ruler, protractor) for specific mathematics items;
  - (7) simplify or clarify test administration directions (does not apply to test questions); or
  - (8) pupil marks in paper-pencil test booklet (other than responses including highlighting).
- (Cal. Code Regs., tit. 5, § 853.5 (b)(1-8).)

19. All pupils shall be permitted the following embedded designated supports when determined for use by an educator or group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) color contrast for reading, writing, listening, and mathematics;
  - (2) masking for reading, writing, listening, and mathematics;
  - (3) text-to-speech for writing, listening, mathematics, and reading items but not reading passages;
  - (4) translated test directions for mathematics;
  - (5) translations (glossary) for mathematics;
  - (6) translations (stacked) for mathematics; or
  - (7) turn off any universal tool for reading, writing, listening, and mathematics.
- (Cal. Code Regs., tit. 5, § 853.5 (c)(1-7).)

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20. All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) translated directions for mathematics, science and primary language test;
- (2) bilingual dictionary for writing;
- (3) access to translation glossaries/word lists for science and primary language test;
- (4) color contrast for reading, writing, listening, and mathematics;
- (5) color overlay for reading, writing, listening, and mathematics;
- (6) magnification;
- (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
- (8) scribe for reading, listening, and mathematics;
- (9) separate setting;
- (10) translations (glossary) for mathematics; (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (c)).
- (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
- (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
- (13) translations (glossary) for science and primary language test; or
- (14) administration of the test at the most beneficial time of day for the pupil.  
(Cal. Code Regs., tit. 5, § 853.5 (d)(1-14).)

21. The following embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics when specified in a pupil's IEP or Section 504 Plan:

- (1) American Sign Language for listening and mathematics;
- (2) Braille for reading, writing, listening, and mathematics;
- (3) closed captioning for listening;
- (4) text-to-speech for reading passages for grades 6 through 8, inclusive, and 11; or
- (5) streamlining for reading, writing, listening, and mathematics.  
(Cal. Code Regs., tit. 5, § 853.5 (e)(1-5).)

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

- (1) read aloud for primary language test;
- (2) American Sign Language for listening, mathematics, and science;

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- (3) Braille for paper-pencil tests;
  - (4) Abacus for mathematics and science;
  - (5) Alternate Response Options for reading, writing, listening, and mathematics;
  - (6) Calculator for specific mathematics items;
  - (7) Multiplication Table for mathematics beginning in grade 4;
  - (8) Print on Demand for reading, writing, listening, and mathematics;
  - (9) Read Aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate Braille skills;
  - (10) Scribe for writing, science, and primary language test;
  - (11) Speech-to-Text; or
  - (12) Large-Print version of a paper-pencil test.
- (Cal. Code Regs., tit. 5, § 853.5 (f)(1-12).)

23. A LEA may submit a request in writing to the CDE, prior to the administration of a CAASPP test for approval for the use of an individualized aid. The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP testing. The CDE shall respond to the request within four business days from the date of receipt of the written request. Written requests must include:

- (1) LEA name and CDS code;
  - (2) school/test site and school code;
  - (3) school/test site address, city, and zip code;
  - (4) LEA CAASPP coordinator name, phone number, and email address;
  - (5) CAASPP test site coordinator name, phone number, and email address;
  - (6) school/test site testing window dates;
  - (7) SSID(s) for the pupil(s) for which the individualized aid is being requested;
  - (8) CAASPP test and grade; and
  - (9) the individualized aid being requested.
- (Cal. Code Regs., tit. 5, § 853.5 (g)(1-9).)

24. Individualized aids that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with individualized aids that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports with their actual score. The following non-embedded individualized aids have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

- (1) English dictionary for reading, listening, mathematics, science, and primary language;

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- (2) Thesaurus for reading, listening, mathematics, science and primary language;
  - (3) Translated Test Directions for reading, writing, or listening;
  - (4) Bilingual Dictionary for reading, listening, mathematics, science and primary language;
  - (5) Translations (glossary) for reading, writing, and listening;
  - (6) Read aloud for reading passages in grades 3, 4, and 5;
  - (7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;
  - (8) Calculator for non-specified mathematics items or science;
  - (9) Math tools (i.e., ruler, protractor) for non-specified mathematics items; and
  - (10) Multiplication Table for mathematics in grade 3.
- (Cal. Code Regs., tit. 5, § 853.5 (h)(1-10).)

25. If a consortium (in which California is a participant) approves of a universal tool(s), designated support(s), and/or accommodation(s) not listed in subdivisions (a) through (f), the CDE shall allow its use. (Cal. Code Regs., tit. 5, § 853.5 (i).)

26. (a) An English learner (EL) shall be permitted the following embedded designated supports, when determined for use by an educator or group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:

- (1) color contrast for reading, writing, listening, and mathematics;
  - (2) masking for reading, writing, listening, and mathematics;
  - (3) text-to-speech for writing, listening, mathematics and reading items, but not passages;
  - (4) translated test directions for mathematics;
  - (5) translations (glossary) for mathematics;
  - (6) translations (stacked) for mathematics; or
  - (7) turn off any universal tool for reading, writing, listening, and mathematics.
- (b) An EL shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:
- (1) translated directions for mathematics, science and primary language test;
  - (2) bilingual dictionary for writing;
  - (3) access to translation glossaries/word lists for science and primary language test;
  - (4) color contrast for reading, writing, listening, and mathematics;
  - (5) color overlay for reading, writing, listening, and mathematics;
  - (6) magnification;
  - (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
  - (8) scribe for reading, listening, and mathematics;

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- (9) separate setting;
- (10) translations (glossary) for mathematics (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (a));
- (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
- (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
- (13) translations (glossary) for science and primary language test; or
- (14) administration of the test at the most beneficial time of day for the pupil.  
(Education Code Sections 60605 and 60640; (Cal. Code Regs., tit. 5, §§ 853.7)

27. Designation of a CAASPP district coordinator. (Cal. Code Regs., tit. 5, §§ 857-859.)

28. On or before September 30 of each school year, the superintendent of each LEA shall:

- (1) designate from among the employees of the LEA an LEA CAASPP coordinator;
- (2) identify school(s) with pupils unable to access the CBA version of a CAASPP test(s) in accordance with Education Code section 60640(e); and
- (3) report to the CAASPP contractor(s) the number of pupils enrolled in the school identified in subdivision (2) that are unable to access the CBA version of a CAASPP test.  
(Cal. Code Regs. tit. 5, § 857 (a)(1,2,3).)

29. The LEA CAASPP coordinator, or the LEA superintendent, shall be available through September 30 of the following school year to complete the LEA testing activities. The LEA shall notify the contractor(s) of the identity and contact information for the LEA CAASPP coordinator and the superintendent. The LEA CAASPP coordinator shall serve as the LEA representative and the liaison between the LEA and the contractor(s) and the LEA and the CDE for all matters related to the CAASPP assessment system. (Cal. Code Regs. tit. 5, § 857 (b).)

30. The LEA CAASPP coordinator's responsibilities shall be those defined in the contractor's(s') or consortium's administrative manuals and documentation, and shall include, but are not limited to, overseeing the LEA's preparation, registration, coordination, training, assessment technology, administration, security, and reporting of the CAASPP tests. The LEA CAASPP coordinator shall ensure current and ongoing compliance with the minimum technology specifications as identified by the CAASPP contractor(s) or consortium. The LEA CAASPP coordinator shall ensure the training of all CAASPP test site coordinators who will oversee the test administration at each school or test site. (Cal. Code Regs. tit. 5, § 857 (c)(d)(e).)

31. Designation of a CAASPP test site coordinator at each test site. (Cal. Code Regs., tit. 5, §§ 857-859.)



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32. At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 30 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports. (Cal. Code Regs. tit. 5, § 858 (a).)

33. The CAASPP test site coordinator's responsibilities shall be those defined in the contractor's(s') and CDE's administrative manuals and documentation, and shall include, but are not limited to, overseeing the test site's preparation, coordination, training, registration, administration, security, and reporting of the CAASPP tests. (Cal. Code Regs. tit. 5, § 858 (b).)

34. The CAASPP test site coordinator shall be responsible for the training of test examiners, translators, proctors, and scribes. The CAASPP test site coordinator shall be responsible for ensuring that all designated supports, accommodations and individualized aids are correctly entered into the registration system and provided to the pupil(s) identified to receive the designated supports and/or accommodations. (Cal. Code Regs. tit. 5, § 858 (c)(d).)

35. All LEA CAASPP coordinators and CAASPP test site coordinators shall sign the CAASPP Test Security Agreement, before receiving any of the test materials or tests administered pursuant to Education Code section 60640 and perform all the tasks included in the agreement. (Cal. Code Regs. tit. 5, § 859 (a).)

The CAASPP Test Security Agreement shall be as follows:

#### CAASPP TEST SECURITY AGREEMENT

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

- (1) I will take all necessary precautions to safeguard all tests and test materials, whether paper-based or computer-based assessments, by limiting access to only persons within the LEA who are responsible for, and have professional interest in, the tests' security.
- (2) I will keep on file the names of all persons who have been trained in the administration of CAASPP tests and all persons with access to tests and test materials, whether paper-based or computer-based assessments. I have and shall have all other persons having access to the tests

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and test materials read and sign the CAASPP Test Security Affidavit that will be kept on file in the LEA office.

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

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

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

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

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

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

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

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

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

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

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

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

**CAASPP TEST SECURITY AFFIDAVIT**

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

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- (1) I will not divulge the contents of the tests and test materials to any other person through verbal, written, or any other means of communication. This includes, but is not limited to, sharing or posting test content via the Internet or by email without the express written permission of the CDE.
- (2) I will not copy or take a photo of any part of the test(s) or test materials. This includes, but is not limited to, photocopying (including enlarging) and recording without prior expressed written permission of the CDE.
- (3) Except during the actual testing administrations or as otherwise provided for by law, I will keep the test(s) and test materials secure until the test(s) are actually distributed to pupils when tests and testing materials are checked in and out by the CAASPP test site coordinator. Keeping materials secure means that testing materials are required to be kept in a securely locked room that can be entered only with a key or keycard and, when possible, in a locked storage cabinet within that room.
- (4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test(s). I understand that only pupils who are testing and LEA staff participating in the test administration who have signed a test security affidavit may be in the room when and where a test is being administered.
  - (A) I will keep all assigned, generated, or created usernames, passwords and logins secure and not divulge pupil personal information to anyone other than the pupil to whom the information pertains for the purpose of logging on to the assessment delivery system.
  - (B) I will not allow anyone other than the assigned pupils to log into their assigned test. I may assist a pupil with using their information to log into their assigned test.
  - (C) I will not use a pupil's information to log in as a pupil or allow a pupil to log in using another pupil's information.
- (5) I will not allow pupils to access electronic devices that allow them to access outside information, communicate with other pupils, or photograph or copy test content. This includes, but is not limited to, cell phones, personal digital assistants (PDAs), tablets, laptops, cameras, and electronic translation devices.
- (6) I will collect and account for all materials following each testing session and will not permit pupils to remove any test materials by any means from the room(s) where testing takes place. After each testing session, I will count all test booklets and answer documents before allowing any pupil to leave the testing room and/or ensure that all pupils have properly logged off the assessment delivery system.
- (7) I will not review any achievement test questions, passages, performance tasks, or other test items independently or with pupils or any other person at any time, including before, during, or following testing. I understand that this includes any discussion between LEA staff for training or professional development whether one-on-one or in a staff meeting.
- (8) I will not, for any achievement test, develop scoring keys, review any pupil responses, or prepare answer documents. I understand that this includes coaching pupils or providing any other

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

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


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

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

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

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

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

Signed:   
Print Name: Tamara F. Bishop EdD  
Position: Superintendent  
School: Vallejo City Unified School District  
LEA:  
Date: 3/17/15

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(e) To maintain the security of the CAASPP assessment system, all LEA CAASPP coordinators and CAASPP test site coordinators shall immediately, within 24 hours, notify the CDE of any security breaches or testing irregularities occurring either before, during, or after the test administration(s). (Cal. Code Regs. tit. 5, § 859 (a)(b:1-6)(c)(d:1-4), (A)(B)(C),(d:5-14)(e).)

36. Inclusion of Program test results in each pupil's record of accomplishment. (Ed. Code, §§ 60607, subd. (a), 60641, subd. (a).)

37. In order to assess pupils pursuant to Education Code section 60640 and meet state and federal accountability and reporting obligations, each LEA shall provide any and all program and demographic pupil data requested by the CDE for inclusion in California Longitudinal Pupil Achievement Data System (CALPADS). (Cal. Code Regs. tit. 5, § 861 (a).)

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

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

(c) The LEA shall ensure that CALPADS data elements are up-to-date and accurate prior to LEA registration and throughout the testing window. The CDE shall provide LEAs reasonable notification prior to pupil demographic and program data being extracted from CALPADS for purposes of test registration, individual pupil reports and reports aggregated to the LEA, and state and federal accountability reporting. (Cal. Code Regs., tit. 5, § 861(b: 1-7)(c).)

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

- (1) The number of pupils enrolled in each school and in the LEA on the first day of testing.
- (2) The number of pupils in each school and in the LEA tested with the alternate assessment.
- (3) The number of pupils in each school and in the LEA exempted from testing at the request of their parents or guardians pursuant to Education Code section 60615.

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- (4) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of CBT.
  - (5) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments.
  - (6) The number of pupils with demographic information only who were not tested for any reason other than a parent or guardian exemption.
  - (7) The number of English language learners who were administered a primary language test aligned to the English language arts standards pursuant to Education Code section 60640(b)(5)(B).
  - (8) Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic assessment pursuant to Education Code section 60644.
- (b) To be eligible for apportionment payment for the CAASPP assessments, LEAs must meet the following conditions:
- (1) The LEA has returned all secure test materials, and
  - (2) The LEA CAASPP coordinator has certified the accuracy of the apportionment information report for assessments administered during the school year, which is either;
    - (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by December 31, or
    - (B) if transmitted in any manner after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports transmitted after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the testing window began. (Cal. Code Regs., tit. 5, § 862(a:1-8)(b:1-2)(A)(B).)
39. (a) The amount of funding to be apportioned to the LEA shall be the amount established by the SBE per the number of tests administered to eligible pupils, and the number of pupils enrolled on the first day of testing who were not tested in the LEA. The number of tests administered and the number of pupils not tested shall be determined by the certification of the LEA CAASPP coordinator pursuant to section 862. For purposes of this portion of the apportionment, administration of the tests includes the following items:
- (1) All staffing costs, including the LEA CAASPP coordinator and the CAASPP test site coordinators, staff training and other staff expenses related to testing.
  - (2) All expenses incurred at the LEA and school/test site(s) related to testing.
  - (3) All transportation costs of delivering and retrieving tests and test materials within the LEA and to NPSs.
  - (4) All costs associated with transmitting the pupil report(s) to parents/guardians.

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

(b) This amount does not include any funding for the purposes of reimbursing any LEA for primary language tests for non-eligible pupils. (Cal. Code Regs., tit. 5, § 862.5 (a:1-5)(b).)

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

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

(c) Schools are responsible for maintaining pupil's scores with the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding or transmitting the results to schools to which pupils matriculate or transfer. Schools may annotate the scores when the scores may not accurately reflect pupils' achievement due to illness or testing irregularities. Reporting of individual program test results in writing to each pupil's parent or guardian and to the pupil's school and teachers as well as maintaining the pupil's scores with the pupil's permanent school records. (Ed. Code, § 60641, subs. (a; b); Cal. Code Regs., tit. 5, § 863 (a-c).)

41. Reporting of district-wide, school-level, and class-level results to the school district's governing board or county office of education. (Ed. Code, § 60641.)

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

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

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

(2) abide by any and all instructions provided by the CAASPP contractor or consortium, whether written or oral, that are presented for training or provided for in the administration of a CAASPP test. (Cal. Code Regs., tit. 5, § 864 (a)(b:1-2).)

43. Provide grade 11 assessments to pupils, parents or legal guardians. (Ed. Code, § 60641, subd. (e).)

44. Provide interim and formative assessment tools for kindergarten and grades 1-12. (Ed. Code, § 60642.6.);

Test Claim: California Assessment of Student Performance and Progress (CAASPP)  
Claimants: Santa Ana Unified School District, Porterville Unified School District,  
Plumas Unified School District, Plumas County Office of Education, Vallejo City Unified School District  
Section: 6 – Vallejo City Unified School District Amended Declaration

45. Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the Measurement of Academic Performance and Progress (MAPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course exams he or she has taken, and the vocational education certification exams he or she chose to take. (Education Code 60607)

**Additional Activities**

CA LEGIS 327 (2014)(A.B. 1599)

46. Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the California Assessment of Student Performance and Progress (CAASPP), or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course examinations he or she has taken, and the vocational education certification examinations he or she chose to take. (Education Code 60607)

47. A pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the purpose of credit, placement, or admission and the results of an individual pupil on the CAASPP may be released to a postsecondary educational institution for the purpose of credit, placement, or admission. (Education Code 60607)

48. State agencies or local educational agencies shall not use a comparison resulting from the scores and results of the California Assessment of Student Performance and Progress (CAASPP) assessments and the assessment scores and results from assessments that measured previously adopted content standards. The districtwide, school-level, and grade-level results of the CAASPP in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting. Aggregated, disaggregated, or group scores or reports that include the results of the CAASPP assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results. (Education Code 60641)



Test Claim: California Assessment of Student Performance and Progress (CAASPP)

Claimants: Santa Ana Unified School District, Porterville Unified School District,

Plumas Unified School District, Plumas County Office of Education, Vallejo City Unified School District

Section: 6 – Vallejo City Unified School District Amended Declaration

49. A local educational agency shall be reimbursed by the contractor selected pursuant to this article for any unexpected expenses incurred due to scheduling changes that resulted from the late delivery of testing materials in connection with the California Assessment of Student Performance and Progress. (Education Code 60643.6)

50. The test or series of tests developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills. Pupils in kindergarten and grade 1 shall be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. The early literacy assessment shall be administered for a period of four years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last. (Education Code 60643.6)

51. Training and review of the CAASSP Program requirements as outlined in the test claim legislation and regulations by school district staff.

52. Developing and implementation of internal policies, training, procedures and forms relating to the administration of the CAASPP Program. Developing internal policies, procedures, and forms to implement the CAASP. (One-time)

53. In California, all students in grades 3 through 8 and 11 will participate in the 2015 Smarter Balanced tests, which include both ELA and mathematics content areas. These tests are administered online.

54. In 2015 the CSTs in Science are to be administered to students in grades 5, 8, and 10.

55. In 2015 the CMA for Science tests are to be administered to students in grades 5, 8, and 10 who have an individualized education program (IEP).

56. In 2015 the CAPA for Science tests are individually administered performance assessments for students in grades 5, 8, and 10 who have significant cognitive disabilities and who are unable to take either the CSTs even with accommodations or modifications or the CMA with accommodations.

57. In 2015 the STS are multiple-choice tests that allow Spanish-speaking English learners in grades 2 through 11 to demonstrate their knowledge of the California content standards by taking a reading/language arts (RLA) assessment in their primary language.

Test Claim: California Assessment of Student Performance and Progress (CAASPP)  
Claimants: Santa Ana Unified School District, Porterville Unified School District,  
Plumas Unified School District, Plumas County Office of Education, Vallejo City Unified School District  
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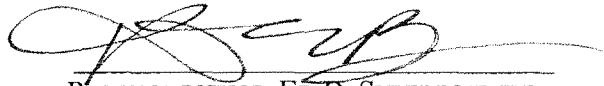
**Section D.**

Not Applicable.

**Section F.**

I certify by my signature below, under penalty of perjury under the laws of the State of California, that the statements made in this document are true and complete to the best of my own personal knowledge or information and belief.

Dated: March 17, 2015



RAMONA BISHOP, ED.D, SUPERINTENDENT OF  
SCHOOLS, VALLEJO CITY UNIFIED SCHOOL  
DISTRICT

Test Claim: California Assessment of Student Performance and Progress (CAASPP)  
Claimants: Santa Ana Unified School District, Porterville Unified School District,  
Plumas Unified School District, Plumas County Office of Education  
Section: 7 – Documentation

## EDUCATION—SCHOOLS AND SCHOOL DISTRICTS—TESTS AND TESTING

2013 Cal. Legis. Serv. Ch. 489 (A.B. 484) (WEST) (Approx. 21 pages)

2013 Cal. Legis. Serv. Ch. 489 (A.B. 484) (WEST)

CALIFORNIA 2013 LEGISLATIVE SERVICE

2013 Portion of 2013-2014 Regular Session

Additions are indicated by **Text**; deletions by

\* \* \* .

Vetoed are indicated by ~~Text~~ ;stricken material by ~~Text~~ .

## CHAPTER 489

A.B. No. 484

EDUCATION—SCHOOLS AND SCHOOL DISTRICTS—  
TESTS AND TESTING

AN ACT to amend Sections 52052, 60601, 60603, 60604, 60607, 60610, 60611, 60612, 60630, 60640, 60641, 60643, 60648, 99300, and 99301 of, to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, to amend and repeal Section 60602 of, to add Sections 60602.5, 60642.6, 60643.6, and 60648.5 to, to repeal Sections 60605.5, 60606, 60643.1, 60643.5, and 60645 of, and to repeal, add, and repeal Section 60649 of, the Education Code, relating to pupil assessments.

[Filed with Secretary of State October 2, 2013.]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 484, Bonilla. Pupil assessments: Measurement of Academic Performance and Progress (MAPP).

Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to develop an Academic Performance Index (API) to measure the performance of schools and school districts, especially the academic performance of pupils.

Existing law, the Leroy Greene California Assessment of Academic Achievement Act, requires the Superintendent to design and implement a statewide pupil assessment program, and requires school districts, charter schools, and county offices of education to administer to each of its pupils in grades 2 to 11, inclusive, certain achievement tests, including a standards-based achievement test pursuant to the Standardized Testing and Reporting (STAR) Program and the California Standards Tests. Existing law makes the Leroy Greene California Assessment of Academic Achievement Act inoperative on July 1, 2014, and repeals it on January 1, 2015.

Existing federal law, the No Child Left Behind Act of 2001, contains provisions generally requiring states to adopt performance goals for their public elementary and secondary schools, and to demonstrate that these public schools are making adequate yearly progress, as measured by pupil performance on standardized tests as well as other measures, to satisfy those goals.

Existing law requires the Superintendent, with approval of the state board, to develop the California Standards Tests, to measure the degree to which pupils are achieving academically rigorous content standards and performance standards, as provided.

Existing law, the Early Assessment Program, establishes a collaborative effort, headed by the California State University, to enable pupils to learn about their readiness for college-level English and mathematics before their senior year of high school.

This bill would, for the 2013–14 and 2014–15 school years, upon approval of the state board, authorize the Superintendent to not provide an API score to a school or school district due to a determination by the Superintendent that a transition to new standards-based assessments would compromise comparability of results across schools or school districts.

The bill would extend the duration of the provisions of the Leroy Greene California Assessment of Academic Achievement Act by 6 years so that they would become inoperative on July 1, 2020, and be repealed on January 1, 2021.

The bill would delete the provisions establishing the STAR Program, and instead establish the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils. The bill would specify that the MAPP would be composed of: a consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11, as specified; science grade level assessments in grades 5, 8, and 10, measuring specified content standards; the California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, as specified; and the Early Assessment Program. The bill would specify numerous policies and procedures with respect to the development and the implementation of the MAPP by the Superintendent, the state board, and affected local educational agencies.

This bill would, commencing with the 2014–15 school year and for purposes of the Early Assessment Program, authorize the replacement of the California Standards Test and the augmented California Standards Tests in English language arts and mathematics with the grade 11 consortium computer-adaptive assessments in English language arts and mathematics, as provided.

This bill would make conforming and other related changes and nonsubstantive changes.

This bill would incorporate additional changes in Section 52052 of the Education Code, proposed by SB 344, to be operative only if SB 344 and this bill are chaptered and become effective on or before January 1, 2014, and this bill is chaptered last.

This bill would incorporate additional changes in Section 99301 of the Education Code, proposed by SB 490, to be operative only if SB 490 and this bill are chaptered and become effective on or before January 1, 2014, and this bill is chaptered last.

The people of the State of California do enact as follows:

SECTION 1. Section 52052 of the Education Code is amended to read:

<< CA EDUC § 52052 >>

52052. (a)(1) The Superintendent, with approval of the state board, shall develop an Academic Performance Index (API), to measure the performance of schools **and school districts**, especially the academic performance of pupils.

(2) A school **or school district** shall demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school **or school district**, including:

- (A) Ethnic subgroups.
- (B) Socioeconomically disadvantaged pupils.
- (C) English learners.
- (D) Pupils with disabilities.

**(E) Foster youth.**

(3)(A) For purposes of this section, a numerically significant pupil subgroup is one that ~~\*\*\*~~ **consists of at least 30 pupils, each of whom has a valid test score.**

~~\*\*\*~~

~~\*\*\*~~ **(B) Notwithstanding subparagraph (A), for a subgroup of pupils who are foster youth, a numerically significant pupil subgroup ~~\*\*\*~~ is one that consists of at least 15 pupils.**

(C) For a school **or school district** with an API score that is based on no fewer than 11 and no more than 99 pupils with valid test scores, numerically significant pupil subgroups shall be defined by the Superintendent, with approval by the state board.

(4)(A) The API shall consist of a variety of indicators currently reported to the department, including, but not limited to, the

results of the achievement test administered pursuant to Section 60640, attendance rates for pupils in elementary schools, middle schools, and secondary schools, and the graduation rates for pupils in secondary schools.

(B) The Superintendent, with the approval of the state board, may also incorporate into the API the rates at which pupils successfully promote from one grade to the next in middle school and high school, and successfully matriculate from middle school to high school.

(C) Graduation rates for pupils in secondary schools shall be calculated for the API as follows:

(i) Four-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be three school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (ii).

(ii) The number of pupils entering grade 9 for the first time in the school year three school years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was three school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was three school years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(iii) Five-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be four school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (iv).

(iv) The number of pupils entering grade 9 for the first time in the school year four years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was four school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was four years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(v) Six-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be five school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (vi).

(vi) The number of pupils entering grade 9 for the first time in the

school year five years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was five school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was five years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(D) The inclusion of five- and six-year graduation rates for pupils in secondary schools shall meet the following requirements:

(i) Schools **and school districts** shall be granted one-half the credit in their API scores for graduating pupils in five years that they are granted for graduating pupils in four years.

(ii) Schools **and school districts** shall be granted one-quarter the credit in their API scores for graduating pupils in six years that they are granted for graduating pupils in four years.

(iii) Notwithstanding clauses (i) and (ii), schools **and school districts** shall be granted full credit in their API scores for graduating in five or six years a pupil with disabilities who graduates in accordance with his or her individualized education program.

(E) The pupil data collected for the API that comes from the achievement test administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, when fully implemented, shall be disaggregated by special education status, English learners, socioeconomic status, gender, and ethnic group. Only the test scores of pupils who were counted as part of the enrollment in the annual data collection of the California Basic Educational Data System for the current fiscal year and who were continuously enrolled during that year may be included in the test result reports in the API score of the school.

(F)(i) Commencing with the baseline API calculation in 2016, and for each year thereafter, results of the achievement test and other tests specified in subdivision (b) shall constitute no more than 60 percent of the value of the index for secondary schools.

(ii) In addition to the elements required by this paragraph, the Superintendent, with approval of the state board, may incorporate into the index for secondary schools valid, reliable, and stable measures of pupil preparedness for postsecondary education and career.

(G) Results of the achievement test and other tests specified in subdivision (b) shall constitute at least 60 percent of the value of the index for primary schools and middle schools.

(H) It is the intent of the Legislature that the state's system of public school accountability be more closely aligned with both the



public's expectations for public education and the workforce needs of the state's economy. It is therefore necessary that the accountability system evolve beyond its narrow focus on pupil test scores to encompass other valuable information about school performance, including, but not limited to, pupil preparedness for college and career, as well as the high school graduation rates already required by law.

(I) The Superintendent shall annually determine the accuracy of the graduation rate data. Notwithstanding any other law, graduation rates for pupils in dropout recovery high schools shall not be included in the API. For purposes of this subparagraph, "dropout recovery high school" means a high school in which 50 percent or more of its pupils have been designated as dropouts pursuant to the exit/withdrawal codes developed by the department or left a school and were not otherwise enrolled in a school for a period of at least 180 days.

(J) To complement the API, the Superintendent, with the approval of the state board, may develop and implement a program of school quality review that features locally convened panels to visit schools, observe teachers, interview pupils, and examine pupil work, if an appropriation for this purpose is made in the annual Budget Act.

(K) The Superintendent shall annually provide to local educational agencies and the public a transparent and understandable explanation of the individual components of the API and their relative values within the API.

(L) An additional element chosen by the Superintendent and the state board for inclusion in the API pursuant to this paragraph shall not be incorporated into the API until at least one full school year after the state board's decision to include the element into the API.

(b) Pupil scores from the following tests, when available and when found to be valid and reliable for this purpose, shall be incorporated into the API:

(1) The standards-based achievement tests provided for in Section 60642.5.

(2) The high school exit examination.

(c) Based on the API, the Superintendent shall develop, and the state board shall adopt, expected annual percentage growth targets for all schools based on their API baseline score from the previous year. Schools are expected to meet these growth targets through effective allocation of available resources. For schools below the statewide API performance target adopted by the state board pursuant to subdivision (d), the minimum annual percentage growth target shall be 5 percent of the difference between the actual API score of a school and the statewide API performance target, or one API point, whichever is greater.

Schools at or above the statewide API performance target shall have, as their growth target, maintenance of their API score above the statewide API performance target. However, the state board may set differential growth targets based on grade level of instruction and may set higher growth targets for the lowest performing schools because they have the greatest room for improvement. To meet its growth target, a school shall demonstrate that the annual growth in its API is equal to or more than its schoolwide annual percentage growth target and that all numerically significant pupil subgroups, as defined in subdivision (a), are making comparable improvement.

(d) Upon adoption of state performance standards by the state board, the Superintendent shall recommend, and the state board shall adopt, a statewide API performance target that includes consideration of performance standards and represents the proficiency level required to meet the state performance target. \*  
\*.\*

(e)(1) A school **or school district** with 11 to 99 pupils with valid test scores shall receive an API score with an asterisk that indicates less statistical certainty than API scores based on 100 or more test scores.

(2) A school **or school district** annually shall receive an API score, unless the Superintendent determines that an API score would be an invalid measure of the performance of the school **or school district** for one or more of the following reasons:

(A) Irregularities in testing procedures occurred.

(B) The data used to calculate the API score of the school **or school district** are not representative of the pupil population at the school **or school district**.

(C) Significant demographic changes in the pupil population render year-to-year comparisons of pupil performance invalid.

(D) The department discovers or receives information indicating that the integrity of the API score has been compromised.

(E) Insufficient pupil participation in the assessments included in the API.

**(F) A transition to new standards-based assessments compromises comparability of results across schools or school districts. The Superintendent may use the authority in this subparagraph in the 2013–14 and 2014–15 school years only, with approval of the state board.**

(3) If a school **or school district** has fewer than 100 pupils with valid test scores, the calculation of the API or adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be calculated over more than one annual administration of the tests administered pursuant to Section 60640 and the high school exit

examination administered pursuant to Section 60851, consistent with regulations adopted by the state board.

**(4) Any school or school district that does not receive an API calculated pursuant to subparagraph (F) of paragraph (2) shall not receive an API growth target pursuant to subdivision (c). Schools and school districts that do not have an API calculated pursuant to subparagraph (F) of paragraph (2) shall use one of the following:**

**(A) The most recent API calculation.**

**(B) An average of the three most recent annual API calculations.**

**(C) Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups.**

(f) Only schools with 100 or more test scores contributing to the API may be included in the API rankings.

(g) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative accountability system may receive an API score, but shall not be included in the API rankings.

**(h) For purposes of this section, county offices of education shall be considered school districts.**

SEC. 1.5. Section 52052 of the Education Code is amended to read:

<< CA EDUC § 52052 >>

52052. (a)(1) The Superintendent, with approval of the state board, shall develop an Academic Performance Index (API), to measure the performance of schools **and school districts**, especially the academic performance of pupils.

(2) A school **or school district** shall demonstrate comparable improvement in academic achievement as measured by the API by all numerically significant pupil subgroups at the school **or school district**, including:

(A) Ethnic subgroups.

(B) Socioeconomically disadvantaged pupils.

(C) English learners.

(D) Pupils with disabilities.

**(E) Foster youth.**

**(F) Reclassified English learners. The inclusion of reclassified English learners in the API shall, at a minimum, be consistent with the manner in which reclassified English learners are included in the determination of adequate yearly progress, as required by Section 6311(b)(2)(B) of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).**

(3)(A) For purposes of this section, a numerically significant pupil subgroup is one that ~~\*\*\*~~ **consists of at least 30 pupils, each of whom has a valid test score.**

~~\*\*\*~~

(B) ~~\*\*\*~~ **Notwithstanding subparagraph (A), for a subgroup ~~\*\*\*~~ of pupils who are foster youth,** a numerically significant pupil subgroup ~~\*\*\*~~ **is one that consists of at least 15 pupils.**

(C) For a school **or school district** with an API score that is based on no fewer than 11 and no more than 99 pupils with valid test scores, numerically significant pupil subgroups shall be defined by the Superintendent, with approval by the state board.

(4)(A) The API shall consist of a variety of indicators currently reported to the department, including, but not limited to, the results of the achievement test administered pursuant to Section 60640, attendance rates for pupils in elementary schools, middle schools, and secondary schools, and the graduation rates for pupils in secondary schools.

(B) The Superintendent, with the approval of the state board, may also incorporate into the API the rates at which pupils successfully promote from one grade to the next in middle school and high school, and successfully matriculate from middle school to high school.

(C) Graduation rates for pupils in secondary schools shall be calculated for the API as follows:

(i) Four-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be three school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (ii).

(ii) The number of pupils entering grade 9 for the first time in the school year three school years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was three school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was three school years before the current school year and the date of

graduation who were members of the class that is graduating at the end of the current school year.

(iii) Five-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be four school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (iv).

(iv) The number of pupils entering grade 9 for the first time in the school year four years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was four school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was four years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(v) Six-year graduation rates shall be calculated by taking the number of pupils who graduated on time for the current school year, which is considered to be five school years after the pupils entered grade 9 for the first time, and dividing that number by the total calculated in clause (vi).

(vi) The number of pupils entering grade 9 for the first time in the school year five years before the current school year, plus the number of pupils who transferred into the class graduating at the end of the current school year between the school year that was five school years before the current school year and the date of graduation, less the number of pupils who transferred out of the school between the school year that was five years before the current school year and the date of graduation who were members of the class that is graduating at the end of the current school year.

(D) The inclusion of five- and six-year graduation rates for pupils in secondary schools shall meet the following requirements:

(i) Schools **and school districts** shall be granted one-half the credit in their API scores for graduating pupils in five years that they are granted for graduating pupils in four years.

(ii) Schools **and school districts** shall be granted one-quarter the credit in their API scores for graduating pupils in six years that they are granted for graduating pupils in four years.

(iii) Notwithstanding clauses (i) and (ii), schools **and school districts** shall be granted full credit in their API scores for graduating in five or six years a pupil with disabilities who graduates in accordance with his or her individualized education program.

(E) The pupil data collected for the API that comes from the

achievement test administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, when fully implemented, shall be disaggregated by special education status, English learners, socioeconomic status, gender, and ethnic group. Only the test scores of pupils who were counted as part of the enrollment in the annual data collection of the California Basic Educational Data System for the current fiscal year and who were continuously enrolled during that year may be included in the test result reports in the API score of the school.

(F)(i) Commencing with the baseline API calculation in 2016, and for each year thereafter, results of the achievement test and other tests specified in subdivision (b) shall constitute no more than 60 percent of the value of the index for secondary schools.

(ii) In addition to the elements required by this paragraph, the Superintendent, with approval of the state board, may incorporate into the index for secondary schools valid, reliable, and stable measures of pupil preparedness for postsecondary education and career.

(G) Results of the achievement test and other tests specified in subdivision (b) shall constitute at least 60 percent of the value of the index for primary schools and middle schools.

(H) It is the intent of the Legislature that the state's system of public school accountability be more closely aligned with both the public's expectations for public education and the workforce needs of the state's economy. It is therefore necessary that the accountability system evolve beyond its narrow focus on pupil test scores to encompass other valuable information about school performance, including, but not limited to, pupil preparedness for college and career, as well as the high school graduation rates already required by law.

(I) The Superintendent shall annually determine the accuracy of the graduation rate data. Notwithstanding any other law, graduation rates for pupils in dropout recovery high schools shall not be included in the API. For purposes of this subparagraph, "dropout recovery high school" means a high school in which 50 percent or more of its pupils have been designated as dropouts pursuant to the exit/withdrawal codes developed by the department or left a school and were not otherwise enrolled in a school for a period of at least 180 days.

(J) To complement the API, the Superintendent, with the approval of the state board, may develop and implement a program of school quality review that features locally convened panels to visit schools, observe teachers, interview pupils, and examine pupil work, if an appropriation for this purpose is made in the annual Budget Act.

(K) The Superintendent shall annually provide to local educational agencies and the public a transparent and understandable explanation of the individual components of the API and their

relative values within the API.

(L) An additional element chosen by the Superintendent and the state board for inclusion in the API pursuant to this paragraph shall not be incorporated into the API until at least one full school year after the state board's decision to include the element into the API.

(b) Pupil scores from the following tests, when available and when found to be valid and reliable for this purpose, shall be incorporated into the API:

(1) The standards-based achievement tests provided for in Section 60642.5.

(2) The high school exit examination.

(c) Based on the API, the Superintendent shall develop, and the state board shall adopt, expected annual percentage growth targets for all schools based on their API baseline score from the previous year. Schools are expected to meet these growth targets through effective allocation of available resources. For schools below the statewide API performance target adopted by the state board pursuant to subdivision (d), the minimum annual percentage growth target shall be 5 percent of the difference between the actual API score of a school and the statewide API performance target, or one API point, whichever is greater. Schools at or above the statewide API performance target shall have, as their growth target, maintenance of their API score above the statewide API performance target. However, the state board may set differential growth targets based on grade level of instruction and may set higher growth targets for the lowest performing schools because they have the greatest room for improvement. To meet its growth target, a school shall demonstrate that the annual growth in its API is equal to or more than its schoolwide annual percentage growth target and that all numerically significant pupil subgroups, as defined in subdivision (a), are making comparable improvement.

(d) Upon adoption of state performance standards by the state board, the Superintendent shall recommend, and the state board shall adopt, a statewide API performance target that includes consideration of performance standards and represents the proficiency level required to meet the state performance target. \*

(e)(1) A school **or school district** with 11 to 99 pupils with valid test scores shall receive an API score with an asterisk that indicates less statistical certainty than API scores based on 100 or more test scores.

(2) A school **or school district** annually shall receive an API score, unless the Superintendent determines that an API score would be an invalid measure of the performance of the school **or school district** for one or more of the following reasons:

- (A) Irregularities in testing procedures occurred.
- (B) The data used to calculate the API score of the school **or school district** are not representative of the pupil population at the school **or school district**.
- (C) Significant demographic changes in the pupil population render year-to-year comparisons of pupil performance invalid.
- (D) The department discovers or receives information indicating that the integrity of the API score has been compromised.
- (E) Insufficient pupil participation in the assessments included in the API.

**(F) A transition to new standards-based assessments compromises comparability of results across schools or school districts. The Superintendent may use the authority in this subparagraph in the 2013–14 and 2014–15 school years only, with approval of the state board.**

(3) If a school **or school district** has fewer than 100 pupils with valid test scores, the calculation of the API or adequate yearly progress pursuant to the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and federal regulations may be calculated over more than one annual administration of the tests administered pursuant to Section 60640 and the high school exit examination administered pursuant to Section 60851, consistent with regulations adopted by the state board.

**(4) Any school or school district that does not receive an API calculated pursuant to subparagraph (F) of paragraph (2) shall not receive an API growth target pursuant to subdivision (c). Schools and school districts that do not have an API calculated pursuant to subparagraph (F) of paragraph (2) shall use one of the following:**

- (A) The most recent API calculation.**
- (B) An average of the three most recent annual API calculations.**
- (C) Alternative measures that show increases in pupil academic achievement for all groups of pupils schoolwide and among significant subgroups.**

(f) Only schools with 100 or more test scores contributing to the API may be included in the API rankings.

(g) The Superintendent, with the approval of the state board, shall develop an alternative accountability system for schools under the jurisdiction of a county board of education or a county superintendent of schools, community day schools, nonpublic, nonsectarian schools pursuant to Section 56366, and alternative schools serving high-risk pupils, including continuation high schools and opportunity schools. Schools in the alternative



accountability system may receive an API score, but shall not be included in the API rankings.

**(h) For purposes of this section, county offices of education shall be considered school districts.**

SEC. 2. Section 60601 of the Education Code is amended to read:

<< CA EDUC § 60601 >>

60601. This chapter shall become inoperative on July 1, **2020**, and as of January 1, **2021**, is repealed, unless a later enacted statute that is enacted before January 1, **2021**, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Section 60602 of the Education Code is amended to read:

<< CA EDUC § 60602 >>

60602. (a) It is the intent of the Legislature in enacting this chapter to provide a system of individual assessment of pupils that has the primary purpose of assisting teachers, administrators, **and** pupils ~~\*\*\*~~ and their parents ~~\*\*\*~~ to improve teaching and learning. In order to accomplish these goals, the Legislature finds and declares that California should adopt a coordinated and consolidated testing program to do all of the following:

(1) First and foremost, provide information on the academic status and progress of individual pupils to those pupils, their parents, and their teachers. This information should be designed to assist in the improvement of teaching and learning in California public classrooms. The Legislature recognizes that, in addition to statewide assessments that will occur as specified in this chapter, school districts will conduct additional ongoing pupil diagnostic assessment and provide information regarding pupil performance based on those assessments on a regular basis to parents or guardians and schools. The Legislature further recognizes that local diagnostic assessment is a primary mechanism through which academic strengths and weaknesses are identified.

(2) Develop and adopt a set of statewide academically rigorous content standards and performance standards in all major subject areas to serve as the basis for assessing the academic achievement of individual pupils, as well as for schools, school districts, and for the California education system as a whole. The performance standards shall be designed to lead to specific grade level benchmarks of academic achievement for each subject area tested within each grade level, and shall be based on the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century.

(3) Ensure that all assessment procedures, items, instruments, and scoring systems are independently reviewed to ensure that they meet high standards of statistical reliability and validity, and

that they do not use procedures, items, instruments, or scoring practices that are racially, culturally, or gender biased.

(4) Provide information to pupils, parents or guardians, teachers, schools, and school districts on a timely basis so that the information can be used to further the development of the pupil and to improve the educational program.

(5) Develop assessments that are comparable to the National Assessment of Educational Progress and other national and international assessment efforts, so that California's local and state test results are reported in a manner that corresponds to the national test results. Test results should be reported in terms describing a pupil's academic performance in relation to the statewide academically rigorous content and performance standards adopted by the **state board** ~~\*\*\*~~ and in terms of employment skills possessed by the pupil, in addition to being reported as numerical or percentile scores.

(6) Assess pupils for a broad range of academic skills and knowledge including both basic academic skills and the ability of pupils to apply those skills.

(7) Include an appropriate balance of types of assessment instruments, including, but not limited to, multiple choice questions, short answer questions, and assessments of applied academic skills.

(8) Minimize the amount of instructional time devoted to assessments administered pursuant to this chapter.

(b) It is the intent of the Legislature, pursuant to this article, to begin a planning and implementation process to enable the Superintendent ~~\*\*\*~~ to accomplish the goals set forth in this section as soon as feasible.

(c) It is the intent of the Legislature that parents, classroom teachers, other educators, governing board members of school districts, and the public be involved, in an active and ongoing basis, in the design and implementation of the statewide pupil assessment program and the development of assessment instruments.

(d) It is the intent of the Legislature, insofar as is practically feasible and following the completion of annual testing, that the content, test structure, and test items in the assessments that are part of the Standardized Testing and Reporting Program become open and transparent to teachers, parents, and pupils, to assist all the stakeholders in working together to demonstrate improvement in pupil academic achievement. A planned change in annual test content, format, or design ~~\*\*\*~~ should be made available to educators and the public well before the beginning of the school year in which the change will be implemented.

(e) It is the intent of the Legislature that the results of the

California Standards Tests be available for use, after appropriate validation, academic credit, or placement and admissions processes, or both, at postsecondary educational institutions.

**(f) This section shall become inoperative on July 1, 2014, and, as of January 1, 2015, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2015, deletes or extends the dates on which it becomes inoperative and is repealed.**

SEC. 4. Section 60602.5 is added to the Education Code, to read:

<< CA EDUC § 60602.5 >>

60602.5. (a) It is the intent of the Legislature in enacting this chapter to provide a system of assessments of pupils that has the primary purposes of assisting teachers, administrators, and pupils and their parents; improving teaching and learning; and promoting high-quality teaching and learning using a variety of assessment approaches and item types. The assessments, where applicable and valid, will produce scores that can be aggregated and disaggregated for the purpose of holding schools and local educational agencies accountable for the achievement of all their pupils in learning the California academic content standards. The system includes assessments or assessment tools for multiple grade levels that cover the full breadth and depth of the curriculum and promote the teaching of the full curriculum. In order to accomplish these goals, the Legislature finds and declares that California should adopt a coordinated and consolidated testing system to do all of the following:

(1) Develop and adopt a set of statewide academically rigorous content standards in all major subject areas to serve as the basis for modeling and promoting high-quality teaching and learning activities across the entire curriculum and assessing the academic achievement of pupils, as well as for schools, school districts, and for the California education system as a whole. Exclusive of those assessments established by a multistate consortium, produce performance standards to be adopted by the state board designed to lead to specific grade level benchmarks of academic achievement for each subject area tested within each grade level based on the knowledge, skills, and processes that pupils will need in order to succeed in the information-based, global economy of the 21st century.

(2) Provide information and resources to schools and local educational agencies to assist with the selection of local benchmark assessments, diagnostic assessments, and formative tools aligned with the state-adopted California academic content standards. The Legislature recognizes the importance of local tools and assessments used by schools and local educational agencies to monitor pupil achievement and to identify individual pupil strengths and weaknesses. The Legislature further recognizes the role the state may play in leveraging resources to

provide schools and local educational agencies with information and tools for use at their discretion.

(3) Ensure that all assessment procedures, items, instruments, scoring systems, and results meet high standards of statistical reliability and validity, and that they do not use procedures, items, instruments, or scoring practices that are racially, culturally, socioeconomically, or gender biased.

(4) Provide information to pupils, parents and guardians, teachers, schools, and local educational agencies on a timely basis so the information can be used to further the development of the pupil or to improve the educational program. The Legislature recognizes that the majority of the assessments in the system will generate individual pupil scores that will provide information on pupil achievement to pupils, their parents or guardians, teachers, schools, and local educational agencies. The Legislature further recognizes that some assessments in the system may solely generate results at the school, school district, county, or state level for purposes of improving the education program and promoting the teaching and learning of the full curriculum.

(5) When administered as a census administration, results should be reported in terms describing a pupil's academic performance in relation to the statewide academically rigorous content and performance standards and in terms of college and career readiness skills possessed by the pupil, in addition to being reported as a numerical. When appropriate, the reports should include a measure of growth that describes a pupil's current status in relation to past performance.

(6) Where feasible, administer assessments via technology to enhance the assessment of challenging content using innovative item types and to facilitate expedited scoring.

(7) Minimize the amount of instructional time devoted to assessments administered pursuant to this chapter. It is the intent of the Legislature that any redundancies in statewide testing be eliminated as soon as is feasible.

(b) It is the intent of the Legislature, pursuant to this article, to initiate planning for the implementation process to enable the Superintendent to accomplish the goals set forth in this section as soon as feasible.

(c) It is the intent of the Legislature that parents, classroom teachers, other educators, pupil representatives, institutions of higher education, business community members, and the public be involved, in an active and ongoing basis, in the design and implementation of the statewide pupil assessment system and the development of assessment instruments. The Legislature recognizes the important role that these stakeholders play in the success of the statewide pupil assessment system and the importance of providing them with information and resources about the new statewide system including the goals and

appropriate uses of the system.

(d) It is the intent of the Legislature, insofar as is practically and fiscally feasible and following the completion of annual testing, that the content, test structure, and test items in the assessments that are part of the statewide pupil assessment system become open and transparent to teachers, parents, and pupils, to assist stakeholders in working together to demonstrate improvement in pupil academic achievement. A planned change in annual test content, format, or design should be made available to educators and the public well before the beginning of the school year in which the change will be implemented.

(e) It is the intent of the Legislature that the results of the statewide pupil assessments be available for use, after appropriate validation, for academic credit, or placement and admissions processes, or both, at postsecondary educational institutions.

(f) This section shall become operative on July 1, 2014.

SEC. 5. Section 60603 of the Education Code is amended to read:

<< CA EDUC § 60603 >>

60603. As used in this chapter:

**(a) "Achievement level descriptors" means a narrative description of the knowledge, skills, and processes expected of pupils at different grade levels and at different performance levels on achievement tests.**

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

\*\*\*

**(c) "Census administration" means a test administration in which all pupils take comparable assessments of the same content and where results of individual performance are appropriate and meaningful to parents, pupils, and teachers.**

**(d) "Computer-adaptive assessment" means a computer-based test that utilizes a computer program to adjust the difficulty of test items throughout a testing session based on a test taker's responses to previous test items during that testing session.**

**(e) "Computer-based assessment" means a test administered using an electronic computing device.**

**(f) "Consortium" means a multistate collaborative organized to develop a comprehensive system of assessments or formative tools such as described in Section 60605.7.**

**(g) "Constructed-response questions" means a type of assessment item that requires pupils to construct their own answers.**

**(h) "Content standards" means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach, and all pupils are expected to learn~~\*\*\*~~, in reading, writing, mathematics, history-social science, foreign languages, visual and performing arts, and science, at each grade level tested.**

~~\*\*\*~~

~~\*\*\*~~ **(i) "Diagnostic assessment" means an assessment of particular ~~\*\*\*~~ knowledge or skills a pupil has or has not yet achieved for the purpose of informing instruction and making placement decisions.**

~~\*\*\*~~

**(j) "End of course exam" means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.**

**(k) "Field test" means an assessment or assessment items administered to a representative sample of a population to ensure that the test or item produces results that are valid, reliable, and fair.**

**(l) "Formative assessment tools" means assessment tools and processes that are embedded in instruction and ~~\*\*\*~~ used by teachers and pupils to provide timely feedback for purposes of adjusting instruction to improve learning.**

**(m) "High-quality assessment" means an assessment designed to measure a pupil's knowledge of, understanding of, and ability to apply, critical concepts through the use of a variety of item types and formats, including, but not necessarily limited to, items that allow for **constructed** responses and items that require the completion of **performance** tasks. A high-quality assessment should have the following characteristics:**

(1) Enable measurement of pupil achievement and pupil growth **to the extent feasible.**

(2) Be of high technical quality by being valid, reliable, fair, and aligned to standards.

(3) Incorporate technology where appropriate.

(4) Include the assessment of pupils with disabilities and English learners.

(5) Use, to the extent feasible, universal design principles, as defined in Section 3 of the federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002) in its development and administration.

**(n)** "Interim assessment" means an assessment that is **designed to be** given at regular ~~\*\*\*~~ intervals throughout the school year ~~\*\*\*~~ to evaluate a pupil's knowledge and skills relative to a specific set of academic standards, and produces results that can be aggregated by course, grade level, school, or local educational agency in order to inform teachers and administrators at the pupil, classroom, school, and local educational agency levels.

**(o)** "Local educational agency" means a county office of education, school district, state special school, or direct-funded charter school as described in Section 47651.

**(p)** "Matrix sampling" means administering different portions of a single assessment to different groups of pupils for the purpose of sampling a broader representation of content and reducing testing time.

**(q)** "Measurement of Academic Performance and Progress (MAPP)" means the comprehensive assessment system, inclusive of consortium-developed assessments, that has the primary purpose of modeling and promoting high-quality teaching and instruction using a variety of assessment approaches and item types.

**(r)** "Performance standards" are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has met the content standards.

~~\*\*\*~~

**(s)** "Performance tasks" are a collection of questions or activities that relate to a single scenario that include pupil interaction with stimulus. Performance tasks are a means to assess more complex skills such as writing, research, and analysis.

**(t)** "Personally identifiable information" includes a pupil's name and other direct personal identifiers, such as the pupil's identification number. Personally identifiable information also includes indirect identifiers, such as the pupil's address and personal characteristics, or other information that would make the pupil's identity easily traceable through the use of a single or multiple data sources, including publicly available information.

**(u)** "Population sampling" means administering assessments to a representative sample of pupils instead of the entire pupil population. The sample of pupils shall be representative in terms of various pupil subgroups, including, but not necessarily limited to, English learners and pupils with disabilities.

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

**(w) "State-determined assessment calendar" means the scheduling of assessments, exclusive of those subject area assessments listed in subdivision (b) of Section 60640, over several years on a predetermined schedule. Content areas and grades shall only be assessed after being publicly announced at least two school years in advance of the assessment.**

**(x) "Summative assessment" means an assessment designed to be given near the end of the school year to evaluate a pupil's knowledge and skills relative to a specific set of academic standards.**

SEC. 6. Section 60604 of the Education Code is amended to read:

<< CA EDUC § 60604 >>

60604. (a) The Superintendent shall design and implement, consistent with the timetable and plan required pursuant to subdivision (b), a statewide pupil assessment **system** consistent with the testing requirements of this article in accordance with the objectives set forth in Section **60602.5**. That **system** shall include all of the following:

(1) **Exclusive of the consortium assessments, a plan for producing ~~\*\*\*~~ or adopting valid, fair, and reliable achievement tests as recommended by the Superintendent and adopted by the state board ~~\*\*\*~~ pursuant to the ~~\*\*\*~~ Measurement of Academic Performance and Progress (MAPP) established by Article 4 (commencing with Section 60640).**

~~\*\*\*~~

**(2) A plan for administering the consortium summative assessment as outlined by the joint agreement of the consortium.**

(3) Statewide academically rigorous content and performance standards that reflect the knowledge and **complex** skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(4) A statewide system that provides the results of testing in a manner that reflects the degree to which pupils are achieving the academically rigorous content and performance standards adopted by the state board.

(5) The alignment of assessment with the statewide academically rigorous content and performance standards adopted by the state



board.

(6) The active, ongoing involvement of parents, classroom teachers, administrators, other educators, governing board members of school districts, **business community members, institutions of higher education**, and the public in all phases of the design and implementation of the statewide pupil assessment **system**.

**(7) A plan for ensuring the security and integrity of the MAPP assessments.**

(8) The development of a contract or contracts with a ~~\*\*\*~~ **contractor** for the development ~~\*\*\*~~ **or administration of achievement tests and performance tasks aligned to state-adopted content standards, including summative assessments or assessments that employ matrix sampling or population sampling methods.**

(b) The Superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation plan **for the MAPP**, and a timetable for implementing the **system** described in ~~\*\*\*~~ **Section 60640**. The annual update shall be submitted on or before March 1 of each year to the ~~\*\*\*~~ **Department of Finance, the state board, and the respective chairpersons of the appropriate fiscal subcommittees** considering budget ~~\*\*\*~~ **appropriations and the appropriate policy committees** in each house. The update shall explain any significant variations from the five-year cost projection for the current year budget and the proposed budget.

(c) The Superintendent shall ~~\*\*\*~~ **make resources available** that are designed to assist ~~\*\*\*~~ **with the interpretation and use of the MAPP results to promote the use of the results for purposes of** improving pupil learning **and educational programs across the full curriculum. The Superintendent shall consider information already provided by assessment consortia to which California belongs or assessment contractors when fulfilling this requirement.**

(d) The Superintendent shall make information and resources available to parents, teachers, pupils, administrators, school board members, and the public regarding the MAPP, including, but not necessarily limited to, system goals, purposes, scoring systems, results, valid uses of assessments, and information on the relationship between performance on the previous state assessments and the MAPP.

(e) The Superintendent and the state board shall consider comments and recommendations from ~~\*\*\*~~ **teachers, administrators, pupil representatives, institutions of higher education**, and the public in the development, adoption, and approval of assessment instruments.

(f) The results of the achievement ~~\*\*\*~~ **tests, exclusive of the consortium summative assessments**, administered pursuant to Article 4 (commencing with Section 60640), shall be returned to the ~~\*\*\*~~ **local educational agencies** within the period of time specified by the state board.

<< Repealed: CA EDUC § 60605.5 >>

SEC. 7. Section 60605.5 of the Education Code is repealed.

<< Repealed: CA EDUC § 60606 >>

SEC. 8. Section 60606 of the Education Code is repealed.

SEC. 9. Section 60607 of the Education Code is amended to read:

<< CA EDUC § 60607 >>

60607. (a) Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the ~~\*\*\*~~ **Measurement of Academic Performance and Progress (MAPP), or any predecessor assessments**, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course exams he or she has taken, and the vocational education certification exams he or she chose to take.

(b) It is the intent of the Legislature that ~~\*\*\*~~ **local educational agencies** and schools use the results of the academic achievement tests administered annually as part of the ~~\*\*\*~~ **MAPP** to provide support to pupils and parents or guardians in order to assist pupils in strengthening their development as learners, and thereby to improve their academic achievement and performance in subsequent assessments.

(c)(1) ~~\*\*\*~~ **Except for research provided for in Section 49079.6, a pupil's** results or a record of accomplishment shall be private, and may not be released to any person, other than the pupil's parent or guardian and a teacher, counselor, or administrator directly involved with the pupil, without the express written consent of either the parent or guardian of the pupil if the pupil is a minor, or the pupil if the pupil has reached the age of majority or is emancipated.

(2)(A) Notwithstanding paragraph (1), a pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the **purpose** of credit, placement, or admission.

(B) Notwithstanding paragraph (1), the results of an individual pupil on the ~~\*\*\*~~ **MAPP** may be released to a postsecondary educational institution for the **purpose** of credit, placement, or admission.

SEC. 10. Section 60610 of the Education Code is amended to

read:

<< CA EDUC § 60610 >>

60610. At the request of the **state board** ~~\*\*\*~~, and in accordance with rules and regulations that the **state** board may adopt, each county superintendent of schools shall cooperate with and assist school districts ~~\*\*\*~~ **and charter schools** under his or her jurisdiction in carrying out the testing programs of those **school** districts and **charter schools** and other duties imposed on school districts by this chapter.

SEC. 11. Section 60611 of the Education Code is amended to read:

<< CA EDUC § 60611 >>

60611. ~~\*\*\*~~ **A local educational agency**, district superintendent of schools, or principal or teacher of any elementary or secondary school, including a charter school, shall not carry on any program ~~\*\*\*~~ **for the sole purpose of test preparation of pupils for the statewide pupil assessment system or a particular test used ~~\*\*\*~~ in the statewide pupil assessment system. Nothing in this section prohibits the use of materials to familiarize pupils with item types or the computer-based testing environment used in the Measurement of Academic Performance and Progress.**

~~\*\*\*~~

SEC. 12. Section 60612 of the Education Code is amended to read:

<< CA EDUC § 60612 >>

60612. Upon adoption or approval of assessments pursuant to this chapter, the Superintendent ~~\*\*\*~~ shall prepare, and make available to parents, teachers, pupils, administrators, school board members, and the public, easily understood materials, **in accordance with subdivisions (c) and (d) of Section 60604**, describing the nature and purposes of the assessments, the systems of scoring, and the **valid** uses to which the assessments will be put. **The Superintendent shall produce the materials for parents in languages other than English in accordance with Section 48985. It is the intent of the Legislature that the department utilize the clearinghouse for multilingual documents to meet this requirement. The Superintendent shall consider information already provided by assessment consortia of which California is a member or assessment contractors when fulfilling this requirement.**

SEC. 13. Section 60630 of the Education Code is amended to read:

<< CA EDUC § 60630 >>

60630. (a) The Superintendent shall prepare and submit, **and subsequently post on the Internet Web site of the department**, an annual report to the ~~\*\*\*~~ state board containing an analysis of the results and test scores of the ~~\*\*\*~~ **summative assessments administered pursuant to Section 60640. The Superintendent shall notify the state board and the appropriate policy and fiscal committees of the Legislature that the annual report is available on the Internet Web site of the department.**

~~\*\*\*~~

**(b) The Superintendent shall post a periodic update on the implementation of the Measurement of Academic Performance and Progress on the Internet Web site of the department, and notify the state board and the appropriate policy and fiscal committees of the Legislature that the update is available on the Internet Web site of the department.**

SEC. 14. The heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the Education Code is amended to read:

t. 2 d. 4 pt. 33 ch. 5 art. 4 pr. § 60640

Article 4. ~~\*\*\*~~ **Measurement of Academic Performance and Progress**

SEC. 15. Section 60640 of the Education Code is amended to read:

<< CA EDUC § 60640 >>

60640. (a) There is hereby established the ~~\*\*\*~~ **Measurement of Academic Performance and Progress**, to be known as the ~~\*~~ ~~\*\*~~ **MAPP**.

~~\*\*\*~~

**(b) Commencing with the 2013–14 school year, the MAPP shall be composed of all of the following:**

**(1)(A) A consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted by the state board.**

**(B) In the 2013–14 school year, the consortium summative assessment in English language arts and mathematics shall be a field test only, to enable the consortium to gauge the validity and reliability of these assessments and to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment**

**system. These field tests and results shall not be used for any other purpose, including the calculation of any accountability measure.**

**(2)(A) Science grade level assessments in grades 5, 8, and 10 that measure content standards pursuant to Section 60605, until a successor assessment is implemented pursuant to subparagraph (B).**

**(B) For science assessments, the Superintendent shall make a recommendation to the state board as soon as is feasible after the adoption of science content standards pursuant to Section 60605.85 regarding the assessment of the newly adopted standards. Before making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:**

**(i) Grades 3 to 5, inclusive.**

**(ii) Grades 6 to 9, inclusive.**

**(iii) Grades 10 to 12, inclusive.**

**(3) The California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, which measures content standards adopted pursuant to Section 60605 until a successor assessment is implemented. The successor assessment shall be limited to the grades and subject areas assessed pursuant to paragraph (1) and subparagraph (B) of paragraph (2).**

**(4) The Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3.**

**(5)(A) The department shall make available to local educational agencies a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, for assessing pupils who are enrolled in a dual language immersion program that includes the primary language of the assessment and who are either nonlimited English proficient or redesignated fluent English proficient. The cost for the assessment shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section.**

**(B) A local educational agency may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, at its own expense, and shall enter into an agreement for that purpose with the testing contractor. If the local educational agency chooses to administer a primary language assessment pursuant to this paragraph, the department shall reimburse the local educational agency for its costs, including a per pupil apportionment to administer the assessment pursuant to subdivision (I). The department shall determine the procedures for reimbursement.**

**(C) The Superintendent shall consult with stakeholders, including assessment and English learner experts, to determine the content and purpose of a stand-alone language arts summative assessment in primary languages other than English that aligns with the English-language arts content standards. The Superintendent shall consider the appropriate purpose for this assessment, including, but not necessarily limited to, support for the State Seal of Biliteracy and accountability. It is the intent of the Legislature that an assessment developed pursuant to this section be included in the state accountability system.**

**(D) The Superintendent shall report and make recommendations to the state board at a regularly scheduled public meeting no sooner than one year after the first full administration of the consortium computer-adaptive assessments in English language arts and mathematics summative assessments in grades 3 to 8, inclusive, and grade 11, regarding an implementation timeline and estimated costs of a stand-alone language arts summative assessment in primary languages other than English.**

**(E) The Superintendent shall develop, and the state board shall adopt, a primary language assessment. The Superintendent shall administer this assessment no later than the 2016–17 school year.**

**(F) This paragraph shall be operative only to the extent that funding is provided in the annual Budget Act or another statute for the purpose of this section.**

**(c) No later than March 1, 2016, the Superintendent shall submit to the state board recommendations on expanding the MAPP to include additional assessments, for consideration at a regularly scheduled public meeting. The Superintendent shall also submit these recommendations to the appropriate policy and fiscal committees of the Legislature and to the Director of Finance in accordance with all of the following:**

(1) In consultation with stakeholders, including, but not necessarily limited to, California teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, the Superintendent shall make recommendations regarding assessments including the grade level, content, and type of assessment. These recommendations shall take into consideration the assessments already administered or planned pursuant to subdivision (b). The Superintendent shall consider the use of consortium-developed assessments, various item types, computer-based testing, and a timeline for implementation.

(2) The recommendations shall consider assessments in subjects, including, but not necessarily limited to, history-social science, technology, visual and performing arts, and other subjects as appropriate, as well as English language arts, mathematics, and science assessments to augment the assessments required under subdivision (b), and the use of various assessment options, including, but not necessarily limited to, computer-based tests, locally scored performance tasks, and portfolios.

(3) The recommendations shall include the use of an assessment calendar that would schedule the assessments identified pursuant to paragraph (2) over several years, the use of matrix sampling, if appropriate, and the use of population sampling.

(4) The recommendations shall include a timeline for test development, and shall include cost estimates for subject areas, as appropriate.

(5) Upon approval by the state board and the appropriation of funding for this purpose, the Superintendent shall develop and administer approved assessments. The state board shall approve test blueprints, achievement level descriptors, testing periods, performance standards, and a reporting plan for each approved assessment.

(d) For the 2013–14 and 2014–15 school years, the department shall make available to local educational agencies Standardized Testing and Reporting Program test forms no longer required by the MAPP. The cost of implementing this subdivision, including, but not necessarily limited to, shipping, printing, scoring, and reporting per pupil shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that chooses to administer an assessment pursuant to this section shall do so at its own expense, and shall enter into an agreement for that purpose with a contractor, subject to the approval of the department.

**(e) The Superintendent shall make available a paper and pencil version of any computer-based MAPP assessment for use by pupils who are unable to access the computer-based version of the assessment for a maximum of three years after a new operational test is first administered.**

**(f)(1) From the funds available for that purpose, each local educational agency shall administer assessments to each of its pupils pursuant to subdivision (b). As allowable by federal statute, recently arrived English learner pupils are exempted from taking the assessment in English language arts. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year. The testing period established by the state board shall take into consideration the need of local educational agencies to provide makeup days for pupils who were absent during testing, as well as the need to schedule testing on electronic computing devices.**

**(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund district participation in one or more tests per participant. Funds for this purpose shall be utilized to allow for maximum participation in the field test across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by test. Local educational agencies shall bear any additional costs to administer these assessments that are in excess of the contracted amount. With approval of the state board and the Director of Finance, the department shall amend the existing assessment contract to accommodate field testing beyond the representative sample, and to allow for special studies using information collected from the field tests.**

**(g) From the funds available for that purpose, each local educational agency shall administer assessments as determined by the state board pursuant to paragraph (5) of subdivision (c).**

**(h) As feasible, the MAPP field tests shall be conducted in a manner that will minimize the testing burden on individual schools. The MAPP field tests shall not produce individual pupil scores unless it is determined that these scores are valid and reliable.**

**(i) The governing board of a school district may administer achievement tests in grades other than those required by**



this section as it deems appropriate.

~~\*\*\*~~ (j) The governing board of a school district may administer a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605 to a pupil identified as limited English proficient ~~\*~~ ~~\*~~ ~~\*~~ enrolled in any of grades 2 to 11, inclusive, ~~\*\*\*~~ who either receives instruction in his or her primary language or has been enrolled in a school in the United States for less than 12 months ~~\*~~ ~~\*~~ ~~\*~~ until a subsequent primary language ~~\*\*\*~~ assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to paragraph (5) of subdivision (b). If the governing board of a school district chooses to administer this assessment, it shall notify the department in a manner determined by the department.

(k) Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and those individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(l)(1) The Superintendent shall apportion funds ~~\*\*\*~~ appropriated for these purposes to local educational agencies to enable them to meet the requirements of subdivisions (b) ~~\*\*\*~~ and (c).

(A) For the MAPP field tests administered in the 2013–14 school year or later school years, the Superintendent shall apportion funds to local educational agencies if funds are specifically provided for this purpose in the annual Budget Act.

(B) The Superintendent shall apportion funds to local educational agencies to enable them to administer assessments used to satisfy the voluntary Early Assessment Program in the 2013–14 school year pursuant to paragraph (4) of subdivision (b).

(2) The state board annually shall establish the amount of funding to be apportioned to ~~\*\*\*~~ local educational agencies for each test administered and annually shall establish the amount that each contractor shall be paid for each test administered under the contracts required pursuant to Section 60643. The amounts to be paid to the contractors shall be determined by considering the cost estimates submitted by each contractor each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to school districts for compliance with the requirements of subdivisions (b) ~~\*\*\*~~ and (c). The state board shall take into account changes to

**local educational agency test administration activities under the MAPP, including, but not limited to, the number, type of tests administered, and changes in computerized test registration and administration procedures, when establishing the amount of funding to be apportioned to local educational agencies for each test administered.**

(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

**(m)** For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision **(l)**, and the payments made to the **contractors** under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for that fiscal year.

**(n)** As a condition to receiving an apportionment pursuant to subdivision ~~\*\*\*~~ **(l)**, a **local educational agency** shall report to the Superintendent all of the following:

(1) The ~~\*\*\*~~ pupils enrolled in the ~~\*\*\*~~ **local educational agency in the grades in which assessments were administered pursuant to subdivisions (b) and (c).**

(2) The ~~\*\*\*~~ pupils to whom an achievement test was administered ~~\*\*\*~~ **pursuant to subdivisions (b) and (c) in the local educational agency.**

(3) The ~~\*\*\*~~ pupils in paragraph (1) who were exempted from the test ~~\*\*\*~~ **pursuant to this section.**

**(o)** The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the ~~\*\*\*~~ **MAPP**, including, but not **necessarily** limited to, the ~~\*\*\*~~ **grade 11 consortium summative assessments in English language arts and mathematics**, for academic credit, placement, or admissions

processes.

**~~\*\*\*~~ (p) Subject to the availability of funds in the annual Budget Act for this purpose, and exclusive of the consortium assessments,** the Superintendent, with the approval of the state board, annually shall release to the public test items from the achievement tests pursuant to Section 60642.5 administered in previous years. **Where feasible and practicable,** the minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.

**(q) On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013–14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the MAPP assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace, health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).**

SEC. 16. Section 60641 of the Education Code is amended to read:

<< CA EDUC § 60641 >>

60641. (a) The department shall ensure that ~~\*\*\*~~ **local educational agencies** comply with each of the following requirements:

(1) The ~~\*\*\*~~ achievement **tests** provided for in Section ~~\*\*\*~~ **60640 are** scheduled to be administered to all pupils, **inclusive of pupils enrolled in charter schools and exclusive of pupils exempted pursuant to Section 60640,** during the period prescribed in subdivision (b) of Section 60640.

(2) **For assessments that produce valid individual pupil results,** the individual results of each pupil ~~\*\*\*~~ **tested** pursuant to Section 60640 shall be reported, in writing, to the parent or guardian of the pupil. The ~~\*\*\*~~ report shall include a clear explanation of the purpose of the test, the score of the pupil, and the intended use by the ~~\*\*\*~~ **local educational agency** of the test score. This subdivision does not require teachers or other ~~\*\*\*~~ **local educational agency** personnel to prepare individualized explanations of the test score of each pupil. **It is the intent of the Legislature that nothing in this section**

**shall preclude a school or school district from meeting the reporting requirement by the use of electronic media formats that secure the confidentiality of the pupil and the pupil's results. State agencies or local educational agencies shall not use a comparison resulting from the scores and results of the Measurement of Academic Performance and Progress (MAPP) assessments and the assessment scores and results from assessments that measured previously adopted content standards.**

(3)(A) **For assessments that produce valid individual pupil results,** the individual results of each pupil ~~\*\*\*~~ **tested** pursuant to Section 60640 also shall be reported to the school and teachers of a pupil. The ~~\*\*\*~~ **local educational agency** shall include the test results of a pupil in his or her pupil records. However, except as provided in this section ~~\*\*\*~~ **and Section 60607, personally identifiable** pupil test results only may be released with the permission of either the pupil's parent or guardian if the pupil is a minor, or the pupil if the pupil has reached the age of majority or is emancipated.

(B) Notwithstanding subparagraph (A) **and pursuant to subdivision (c) of Section 60607,** a pupil or his or her parent or guardian may authorize the release of individual pupil results to a postsecondary educational institution for the purpose of credit, placement, determination of readiness for college-level coursework, or admission.

(4) The districtwide, school-level, and grade-level results of the ~~\*~~ ~~\*\*~~ **MAPP** in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.

~~\*\*\*~~

**(b) The state board shall adopt regulations that outline a calendar for delivery and receipt of summative assessment results at the pupil, school, grade, district, county, and state levels. The calendar shall include delivery dates to the department and to local educational agencies. The calendar for delivery shall provide for the timely return of assessment results, and consider the amount of paper-and-pencil administered assessments and number of items requiring hand scoring. The calendar shall also ensure that individual assessment results are reported to local educational agencies within eight weeks of receipt by the contractor for scoring.**

**(c) Aggregated, disaggregated, or group scores or reports**

**that include the results of the MAPP assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results. Exclusive of the reports developed pursuant to Section 60630, in no case shall any group score or report be displayed that would deliberately or inadvertently make the score or performance of any individual pupil or teacher identifiable.**

**(d) For those entities described in clauses (i) and (iii) of subparagraph (B) of paragraph (3) of subdivision (c) of Section 49079.6, the MAPP scores and results shall be released pursuant to the process outlined in paragraph (3) of subdivision (c) of Section 49079.6.**

**(e) The department shall ensure that ~~\*\*\*~~ pupils in grade 11, or parents or legal guardians of those pupils, may request results from grade 11 assessments administered as part of the MAPP for the purpose of determining credit, placement, or readiness for college-level coursework ~~\*\*\*~~ be released to a postsecondary educational institution.**

SEC. 17. Section 60642.6 is added to the Education Code, to read:

<< CA EDUC § 60642.6 >>

60642.6. The department shall acquire, and offer at no cost to local educational agencies, interim and formative assessment tools for kindergarten and grades 1 to 12, inclusive, as provided through the consortium membership pursuant to Section 60605.7.

SEC. 18. Section 60643 of the Education Code is amended to read:

<< CA EDUC § 60643 >>

**60643. ~~\*\*\*~~ (a) Notwithstanding any other law, the contractor or contractors of the achievement tests provided for in Section 60640 shall comply with all of the conditions and requirements of the contract to the satisfaction of the Superintendent and the state board.**

**(b)(1) The department shall develop, and the Superintendent and the state board shall approve, a contract or contracts to be entered into with a contractor in connection with the test provided for in Section 60640. The department may develop the contract through negotiations. In approving a contract amendment to the contract authorized pursuant to this section, the department, in consultation with the state board, may make material amendments to the contract that do not**

**increase the contract cost. Contract amendments that increase contract costs may only be made with the approval of the department, the state board, and the Department of Finance.**

**(2)** For purposes of the contracts authorized pursuant to this subdivision, the department is exempt from the requirements of Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code and from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code. **The department shall use a competitive and open process utilizing standardized scoring criteria through which to select a potential administration contractor or contractors for recommendation to the state board for consideration. The state board shall consider each of the following criteria:**

**(A) The ability of the contractor to produce valid and reliable scores.**

**(B) The ability of the contractor to report accurate results in a timely fashion.**

**(C) Exclusive of the consortium assessments, the ability of the contractor to ensure technical adequacy of the tests, inclusive of the alignment between the Measurement of Academic Performance and Progress (MAPP) tests and the state-adopted content standards.**

**(D) The cost of the assessment system.**

**(E) The ability and proposed procedures to ensure the security and integrity of the assessment system.**

**(F) The experience of the contractor in successfully conducting statewide testing programs in other states.**

**(3)** The contracts shall include provisions for progress payments to the **contractor** for work performed or costs incurred in the performance of the contract. Not less than 10 percent of the amount budgeted for each separate and distinct component task provided for in each contract shall be withheld pending final completion of all component tasks by that **contractor**. The total amount withheld pending final completion shall not exceed 10 percent of the total contract price **for that fiscal year**.

**(4)** The contracts shall require liquidated damages to be paid by the **contractor** in the amount of up to 10 percent of the total cost of the contract for any component task that the **contractor** through its own fault or that of its subcontractors fails to substantially perform by the date specified in the agreement.

**(5)** The contracts shall establish the process and criteria by which the successful completion of each component task shall be recommended by the department and approved by the state board.

**(6)** The **contractors** shall submit, as part of the contract negotiation process, a proposed budget and invoice schedule, that includes a detailed listing of the costs for each component task and the expected date of the invoice for each completed component task.

**(7)** The **contract or contracts subject to approval by the Superintendent and the state board under paragraph (1) and exempt under paragraph (2)** shall specify the following component tasks, as applicable, that are separate and distinct:

(A) Development of new tests or test items ~~\*\*\*~~.

(B) Test materials production or publication.

(C) Delivery **or electronic distribution** of test materials to ~~\*\*\*~~ **local educational agencies**.

(D) Test processing, scoring, and analyses.

(E) Reporting of test results to the ~~\*\*\*~~ **local educational agencies**, including, but not **necessarily** limited to, all reports specified in this section.

(F) Reporting of **valid and reliable** test results to the department, including, but not **necessarily** limited to, the **following** electronic files ~~\*\*\*~~ :

**(i) Scores aggregated statewide, and by county, school district, school, and grade.**

**(ii) Disaggregated scores based on English proficiency status, gender, ethnicity, socioeconomic disadvantage, foster care status, and special education designation.**

(G) All other analyses or reports required by the Superintendent to meet the requirements of state and federal law and set forth in the agreement.

~~\*\*\*~~

**(H) Technology services to support the activities listed in subparagraphs (A) to (G), inclusive.**

**(I) Perform regular performance checks and load simulations to ensure the integrity and robustness of the technology system used to support the activities listed in subparagraphs (A) to (G), inclusive.**

<< Repealed: CA EDUC § 60643.1 >>

SEC. 19. Section 60643.1 of the Education Code is repealed.

<< Repealed: CA EDUC § 60643.5 >>

SEC. 20. Section 60643.5 of the Education Code is repealed.

SEC. 21. Section 60643.6 is added to the Education Code, to

read:

<< CA EDUC § 60643.6 >>

60643.6. A local educational agency shall be reimbursed by the contractor selected pursuant to this article for any unexpected expenses incurred due to scheduling changes that resulted from the late delivery of testing materials in connection with the Measurement of Academic Performance and Progress.

<< Repealed: CA EDUC § 60645 >>

SEC. 22. Section 60645 of the Education Code is repealed.

SEC. 23. Section 60648 of the Education Code is amended to read:

<< CA EDUC § 60648 >>

60648. **Exclusive of consortium summative assessments,** the Superintendent ~~\*\*\*~~ shall recommend, and the state board ~~\*\*\*~~ shall adopt, ~~\*\*\*~~ **performance standards on the Measurement of Academic Performance and Progress summative** tests administered pursuant to this article~~\*\*\*~~. The performance levels shall identify and establish the ~~\*\*\*~~ **minimum** performance ~~\*\*\*~~ required for ~~\*\*\*~~ **meeting a particular achievement level expectation. Once adopted, these standards shall be reviewed by the state board every five years to determine whether adjustments are necessary.**

SEC. 24. Section 60648.5 is added to the Education Code, to read:

<< CA EDUC § 60648.5 >>

60648.5. (a) The first full administration of assessments aligned to the common core standards in English language arts and mathematics shall occur in the 2014–15 school year unless the state board determines that the assessments cannot be fully implemented.

(b) The department shall determine how school districts are progressing toward implementation of a technology-enabled assessment system, and the extent to which the assessments aligned to the common core standards in English language arts and mathematics can be fully implemented. The department shall provide a report and recommendations to the state board, the Department of Finance, and the appropriate fiscal and policy committees of the Legislature on or before October 1, 2014.

(c) Based on the information in the report required under this section, the state board shall determine whether the state shall fully implement the operational consortium computer-adaptive summative assessments in English language arts and mathematics in grades 3 to 8, inclusive, and grade 11 for the



2014–15 school year.

<< Repealed: CA EDUC § 60649 >>

SEC. 25. Section 60649 of the Education Code is repealed.

SEC. 26. Section 60649 is added to the Education Code, to read:

<< CA EDUC § 60649 >>

60649. (a) The department shall develop a three-year plan of activities, with the approval of the state board, supporting the continuous improvement of the assessments developed and administered pursuant to Section 60640. The plan shall include a process for obtaining independent, objective technical advice and consultation on activities to be undertaken. Activities may include, but not necessarily be limited to, a variety of internal and external studies such as validity studies, alignment studies, and studies evaluating test fairness, testing accommodations, testing policies, and reporting procedures, and consequential validity studies specific to pupil populations such as English learners and pupils with disabilities.

(b) Beginning in the school year in which the first full administration of the consortium computer-adaptive assessments in English language arts and mathematics in grades 3 to 8, inclusive, and grade 11 occurs, and every three years thereafter, the department shall contract for a three-year independent evaluation of the assessments. Independent evaluation reports shall include interim annual reports as well as a final report on the activities and analysis of the three-year evaluation including, but not necessarily limited to, recommendations to ensure the quality, fairness, validity, and reliability of the assessments. These validity studies shall take into consideration the purposes of the assessment system and its results, and the timeline for implementation of the assessments, the adoption of new curriculum resources, and the development and delivery of professional development. The department shall not contract for studies that duplicate studies conducted as part of a federal peer review process or studies conducted by any assessment contractor.

(c) The independent evaluation reports and interim annual reports shall be submitted to the Governor, the Superintendent, the state board, and the chairs of the education policy committees in both houses of the Legislature by October 31 each year.

(d) Notwithstanding Section 60601, this section shall become inoperative on July 1, 2021, and, as of January 1, 2022, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2022, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 27. Section 99300 of the Education Code is amended to read:

&lt;&lt; CA EDUC § 99300 &gt;&gt;

99300. **(a)(1) Commencing with the 2014–15 school year and for purposes of the Early Assessment Program established by this chapter, the California Standards Test and the augmented California Standards Tests in English language arts and mathematics may be replaced with the grade 11 consortium computer-adaptive assessments in English language arts and mathematics.**

**(2)** The Legislature finds and declares that in 2004, the California State University (CSU) established the Early Assessment Program (EAP), a collaborative effort among the State Board of Education, the State Department of Education, and CSU, to enable pupils to learn about their readiness for college-level English and mathematics before their senior year of high school. It is the intent of the Legislature that the office of the Chancellor of the California Community Colleges, the office of the Chancellor of the California State University, the State Board of Education, and the State Department of Education work together to modify the existing EAP to expand it to include the California Community Colleges (CCC) so that, beginning in the 2009–10 school year, high school juniors who are considering attending either system can take the EAP and receive information in the summer before their senior year concerning their preparation for college-level work at both CSU and CCC.

(b) It is also the intent of the Legislature that the existing EAP student notification system, as currently operated by agreement between CSU and the State Department of Education, be modified to do both of the following:

(1) Reassure pupils that they are eligible to attend a community college and that taking the EAP test has no bearing on their eligibility to attend a community college.

(2) Inform pupils of their readiness for college-level coursework in English or mathematics, or both, and recommend the next appropriate steps as they pertain to achieving success at a community college, similar to how CSU communicates with pupils who take the EAP test and are prospective CSU students.

(c) It is also the intent of the Legislature that the EAP be modified to include all of the following requirements:

(1) That the participating community college districts utilize the existing EAP secure data repository and clearinghouse for test score distribution of the ~~\*\*\*~~ **assessment**, as referenced in Section 60641.

(2) That the modified EAP not affect the statutory reporting requirements ~~\*\*\*~~ **provided in Section 60641**, or increase the costs of either the ~~\*\*\*~~ **assessment program referenced in Section 60640** or the State Department of Education.

(3) That the modified EAP be titled the "Early Assessment Program."

SEC. 28. Section 99301 of the Education Code is amended to read:

<< CA EDUC § 99301 >>

99301. (a) Notwithstanding subdivision (a) of Section 78213, the individual ~~\*\*\*~~ **grade 11 assessment results**, as referenced in Section 60641, in addition to any other purposes, may be used by community college districts to provide diagnostic advice to, or for the placement of, prospective community college students participating in the EAP.

(b)(1) As authorized pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 60641, the individual ~~\*\*\*~~ **assessment results**, as referenced in Section 60641, shall be provided to the office of the Chancellor of the California Community Colleges.

(2) The office of the Chancellor of the California Community Colleges shall coordinate with community college districts that choose to voluntarily participate in the EAP as follows, and, to the extent possible, shall accomplish all of the following activities using existing resources:

(A) Encourage community college districts to choose to voluntarily participate in the EAP and notify them of the requirements of subdivision (c), including the requirements that the standards utilized by CSU to assess readiness for college-level English and mathematics courses, as expressed in the ~~\*\*\*~~ **assessment referenced in Section 60641**, shall also be used for the purposes of the EAP.

(B) Coordinate the progress of the program, provide technical assistance to participating community college districts pursuant to subdivision (c) as needed, identify additional reporting and program criteria as needed, and provide a report to the Legislature and Governor on or before February 15, 2015, on the implementation and results of the EAP for community college students.

(C) Provide access to the individual ~~\*\*\*~~ **assessment results**, as referenced in Section 60641, to participating community college districts.

(c) For those community college districts that choose to work directly with high school pupils within their respective district boundaries who took the ~~\*\*\*~~ **assessment**, as referenced in Section 60641, and choose to offer assistance to these pupils in strengthening their college readiness skills, all of the following provisions apply:

(1) The individual results of the ~~\*\*\*~~ **assessment**, as referenced in Section 60641, shall be released by the office of the

Chancellor of the California Community Colleges, as authorized pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 60641, to participating community college districts upon their request for this information and may be used to provide diagnostic advice to prospective community college students participating in the EAP.

(2) Pursuant to subparagraph (A) of paragraph (2) of subdivision (b), the same standards utilized by CSU to assess readiness shall also be used for purposes of this section.

(3) The ~~\*\*\*~~ **assessment**, as referenced in Section 60641, and currently utilized by CSU for purposes of early assessment, shall be used to assess the college readiness of pupils in the EAP.

(4) Participating community college districts are encouraged to consult with the Academic Senate for the California Community Colleges to work toward sequencing their precollegiate level courses and transfer-level courses in English and mathematics to the elementary and secondary education academic content standards adopted pursuant to Section 60605.

(5) Participating community college districts shall identify an EAP coordinator and shall coordinate with CSU campuses and schools offering instruction in kindergarten and any of grades 1 to 12, inclusive, in their respective district boundaries on EAP-related activities that assist pupils in making decisions that increase their college readiness skills and likelihood of pursuing a postsecondary education.

(6) In order to provide high school pupils with an indicator of their college readiness, a community college district participating in the EAP shall use individual **assessment** results provided to that college pursuant to paragraph (1) of, and subparagraph (C) of paragraph (2) of, subdivision (b) to provide diagnostic advice to prospective community college students participating in the EAP.

(7) The individual results of the ~~\*\*\*~~ **assessment**, as referenced in Section 60641 for purposes of the EAP, shall not be used by a community college as a criterion for admission.

(8) Participating community college districts shall utilize the existing infrastructure of academic opportunities, as developed by CSU, to provide additional preparation in grade 12 for prospective community college students participating in the EAP.

(d) Both of the following provisions apply to CSU:

(1) The individual results of the ~~\*\*\*~~ **assessment**, as referenced in Section 60641, as authorized pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 60641, shall be released to, and in addition to any other purposes, may be used by, CSU to provide diagnostic advice to, or for the placement of prospective CSU students participating in the EAP.

(2) The individual results of the ~~\*\*\*~~ **assessment**, as referenced in Section 60641 for purposes of the EAP, shall not be used by CSU as a criterion for admission.

SEC. 28.5. Section 99301 of the Education Code is amended to read:

<< CA EDUC § 99301 >>

99301. (a) Notwithstanding subdivision (a) of Section 78213, the individual ~~\*\*\*~~ **grade 11 assessment results**, as referenced in Section 60641, **or a standards-aligned successor assessment**, in addition to any other purposes, may be used by community college districts to provide diagnostic advice to, or for the placement of, prospective community college students participating in the EAP.

(b)(1) As authorized pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 60641, the individual ~~\*\*\*~~ **assessment results**, as referenced in Section 60641, **or a standards-aligned successor assessment**, shall be provided to the office of the Chancellor of the California Community Colleges.

(2) The office of the Chancellor of the California Community Colleges shall coordinate with community college districts that choose to voluntarily participate in the EAP as follows, and, to the extent possible, shall accomplish all of the following activities using existing resources:

(A) Encourage community college districts to choose to voluntarily participate in the EAP and notify them of the requirements of subdivision (c), including the requirements that the standards utilized by CSU to assess readiness for college-level English and mathematics courses, as expressed in the ~~\*\*\*~~ **assessment referenced in Section 60641, or a standards-aligned successor assessment**, shall also be used for the purposes of the EAP.

(B) Coordinate the progress of the program, provide technical assistance to participating community college districts pursuant to subdivision (c) as needed, identify additional reporting and program criteria as needed, and provide a report to the Legislature and Governor on or before February 15, 2015, on the implementation and results of the EAP for community college students.

(C) Provide access to the individual ~~\*\*\*~~ **assessment results**, as referenced in Section 60641, **or a standards-aligned successor assessment**, to participating community college districts.

(c) For those community college districts that choose to work directly with high school pupils within their respective district boundaries who took the ~~\*\*\*~~ **assessment**, as referenced in Section 60641, **or a standards-aligned successor**

**assessment**, and choose to offer assistance to these pupils in strengthening their college readiness skills, all of the following provisions apply:

- (1) The individual results of the ~~\*\*\*~~ **assessment**, as referenced in Section 60641, ~~\*\*\*~~ **or a standards-aligned successor assessment**, shall be released by the office of the Chancellor of the California Community Colleges, as authorized pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 60641, to participating community college districts upon their request for this information and may be used to provide diagnostic advice to prospective community college students participating in the EAP.
- (2) Pursuant to subparagraph (A) of paragraph (2) of subdivision (b), the same standards utilized by CSU to assess readiness shall also be used for purposes of this section.
- (3) The ~~\*\*\*~~ **assessment**, as referenced in Section 60641, and ~~\*\*\*~~ utilized by CSU for purposes of early assessment, **or a standards-aligned successor assessment**, shall be used to assess the college readiness of pupils in the EAP.
- (4) Participating community college districts are encouraged to consult with the Academic Senate for the California Community Colleges to work toward sequencing their precollegiate level courses and transfer-level courses in English and mathematics to the ~~\*\*\*~~ **common core** academic content standards adopted pursuant to Section **60605.8**.
- (5) Participating community college districts shall identify an EAP coordinator and shall coordinate with CSU campuses and schools offering instruction in kindergarten and any of grades 1 to 12, inclusive, in their respective district boundaries on EAP-related activities that assist pupils in making decisions that increase their college readiness skills and likelihood of pursuing a postsecondary education.
- (6) In order to provide high school pupils with an indicator of their college readiness, a community college district participating in the EAP shall use individual **assessment** results provided to that college pursuant to paragraph (1) of, and subparagraph (C) of paragraph (2) of, subdivision (b) to provide diagnostic advice to prospective community college students participating in the EAP.
- (7) The individual results of the ~~\*\*\*~~ **assessment**, as referenced in Section 60641 for purposes of the EAP, **or a standards-aligned successor assessment**, shall not be used by a community college as a criterion for admission.
- (8) Participating community college districts shall utilize the existing infrastructure of academic opportunities, as developed by CSU, to provide additional preparation in grade 12 for prospective community college students participating in the EAP.

(d) Both of the following provisions apply to CSU:

(1) The individual results of the ~~\*\*\*~~ **assessment**, as referenced in Section 60641, **or a standards-aligned successor assessment**, as authorized pursuant to subparagraph (B) of paragraph (3) of subdivision (a) of Section 60641, shall be released to, and in addition to any other purposes, may be used by, CSU to provide diagnostic advice to, or for, the placement of prospective CSU students participating in the EAP.

(2) The individual results of the ~~\*\*\*~~ **assessment**, as referenced in Section 60641 for purposes of the EAP, **or a standards-aligned successor assessment**, shall not be used by CSU as a criterion for admission.

SEC. 29. (a) Section 1.5 of this bill incorporates amendments to Section 52052 of the Education Code proposed by both this bill and Senate Bill 344. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2014, (2) each bill amends Section 52052 of the Education Code, and (3) this bill is enacted after Senate Bill 344, in which case Section 1 of this bill shall not become operative.

(b) Section 28.5 of this bill incorporates amendments to Section 99301 of the Education Code proposed by both this bill and Senate Bill 490. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2014, (2) each bill amends Section 99301 of the Education Code, and (3) this bill is enacted after Senate Bill 490, in which case Section 28 of this bill shall not become operative.

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**EDUCATION—PRESCHOOL—CHILD CARE**

2014 Cal. Legis. Serv. Ch. 32 (S.B. 858) (WEST) (Approx. 42 pages)

2014 Cal. Legis. Serv. Ch. 32 (S.B. 858) (WEST)

CALIFORNIA 2014 LEGISLATIVE SERVICE

2014 Portion of 2013-2014 Regular Session

Additions are indicated by **Text**; deletions by

\* \* \*

Vetoed are indicated by Text ;stricken material by **Text-** .

## CHAPTER 32

S.B. No. 858

## EDUCATION—PRESCHOOL—CHILD CARE

AN ACT to amend Sections 8206.1, 8236, 8239, 8261, 8263.1, 8265, 8273.1, 8278.3, 8447, 8450, 8499.5, 14041.5, 14041.6, 17080, 24214, 41203.1, 41207.3, 42127, 44374.5, 47644, 48000, 49430.5, 51745.6, 51747, 51747.5, 52055.770, 56836.06, 56836.07, 56836.08, 56836.095, 56836.11, 56836.15, and 60640 of, to amend the heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of, to amend, repeal, and add Section 47612.1 of, to add Sections 8203.1, 44235.2, 51749.5, and 57149.6 to, to add Chapter 16 (commencing with Section 53010) to Part 28 of Division 4 of Title 2 of, to add and repeal Sections 8363.1, 42127.01, and 41841.9 of, to repeal Sections 14035 and 60640.2 of, and to repeal and add Section 8273.2 of, the Education Code, to amend Section 17581.6 of, and to add Section 17581.8 to, the Government Code, and to amend Item 6110-106-0001 of Section 2.00 of the Budget Act of 2013, relating to education finance, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Filed with Secretary of State June 20, 2014.]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 858, Committee on Budget and Fiscal Review. Education finance: education omnibus trailer bill.

(1) Existing law, the Child Care and Development Services Act, requires the State Department of Education to develop an expenditure plan, known as the Child Care and Development Fund (CCDF) Plan, that sets forth the final priorities for child care, as required by federal law. The act requires the department, before the May budget revision, to provide the revised CCDF Plan to the chairs of the committees of each house of the Legislature that consider appropriations, and to provide a report on the plan to the committees in each house of the Legislature that consider the



annual Budget Act appropriation.

The bill would instead require, by April 1 of the year that the CCDF Plan is due, the department to provide the revised plan and a description of any changes to the earlier draft to the Director of Finance and the chairs of the fiscal committees of the Legislature.

The bill would require the department, after the CCDF Plan is federally approved, to provide a copy of the final plan to the Department of Finance and the fiscal committees of the Legislature and a description of any changes made since submission for review. The bill would also require the department, if the annual Budget Act requires changes to the approved CCDF Plan, to submit an amended plan to the United States Department of Education.

(2) The Child Care and Development Services Act requires the Superintendent of Public Instruction to develop standards for the implementation of quality programs and requires indicators of quality to include, among other things, a physical environment that is safe and appropriate to the ages of the children and that meets applicable licensing standards.

This bill would require the Superintendent to administer an early learning quality rating and improvement system (QRIS) block grant that would be allocated to local consortia, as defined, for support of local early learning quality rating and improvement systems that increase the number of low-income children in high-quality preschool programs that prepare those children for success in school and life. The bill would require the QRIS block grant to build on preexisting local consortia and other QRIS work.

The bill would require local consortia to take certain actions in order to be eligible for a QRIS block grant, and would require the Superintendent, in consultation with the executive director of the State Board of Education, to allocate to local consortia who satisfy these eligibility requirements QRIS block grant funds based on the number of California state preschool program slots within the county or region. The bill would require local consortia receiving QRIS block grant funds to allocate those funds to contracting agencies of the California state preschool program, including certain family child care home education networks, as specified.

(3) Existing law, in the award of new funding for the expansion of the California state preschool program that is appropriated for that purpose in any fiscal year, requires an application for those expansion funds to include an estimate of the number of 4-year-old and 3-year-old children that the applicant plans to serve in the following fiscal year with those expansion funds. Existing law requires the Superintendent of Public Instruction, in awarding the contracts for expansion, to take into account certain criteria and to give priority to applicant agencies that, in expending the expansion funds, will be serving the highest percentage of 4-year-old children.

This bill, commencing June 15, 2015, would require the

Superintendent to consider different criteria and data in awarding expansion funds and would require the Superintendent to give priority to applicant agencies that would provide the greatest progress toward achieving access to full-day, full-year services for all income eligible four-year-olds. The bill would specify that a family child care home education network is eligible to apply for expansion funding.

- (4) Existing law requires the Superintendent of Public Instruction to adopt rules and regulations pursuant to the Child Care and Development Services Act that include provisions that, among other things, set forth standards for State Department of Education site visits to contracting agencies, as specified.

This bill would require the Superintendent to adopt rules and regulations that authorize the department to develop a process that requires every contracting agency to recompetete for continued funding no less frequently than every 5 years.

- (5) Existing law provides for income eligibility standards for families to receive child care and development services. Existing law provides that "income eligible," for purposes of the Child Care and Development Services Act, means that a family's adjusted monthly income is at or below 70% of the state median income, adjusted for family size, and adjusted annually. Notwithstanding this provision, existing law sets the income eligibility limits for the 2013–14 fiscal year at 70% of the state median income that was in use for the 2007–08 fiscal year, adjusted for family size.

This bill would set the income eligibility limits for the 2014–15 fiscal year at 70% of the state median income that was in use for the 2007–08 fiscal year, adjusted for family size.

- (6) Existing law requires the Superintendent of Public Instruction to implement a plan that establishes reasonable standards and assigned reimbursement rates, and requires the standard reimbursement rate to be \$3,523 per unit of average daily enrollment for a 250–day year, increased by the cost-of-living adjustment granted by the Legislature beginning July 1, 1980.

Existing law requires the Department of Finance and the Department of General Services to approve or disapprove annual state subsidized child care and development program contract funding terms and conditions, including both family fee schedules and regional market rate schedules that are required to be adhered to by contract. Existing law requires the State Department of Education to implement the regional market rate schedules based upon the county aggregates, as determined by the Regional Market survey conducted in 2005.

This bill would require the standard reimbursement rate to be \$9,024.75 per unit of average daily enrollment for a 250–day year, and, commencing with the 2015–16 fiscal year, would require that rate to be increased by the cost-of-living adjustment granted by the Legislature annually. The bill, commencing January

1, 2015, would require the State Department of Education to implement the regional market rate schedule based upon the county aggregates, as determined by the Regional Market survey conducted in 2009 and would require the regional market rate schedule to be reduced by 13%, except as specified.

(7) Existing law requires the Superintendent of Public Instruction to establish a fee schedule for families using preschool and child care and development services, requires family fees to be assessed at initial enrollment and reassessed at update of certification or recertification, and authorizes certain families to be exempt from the family fees. Existing law requires the family fee schedule that was in effect in the 2012–13 fiscal year to remain in effect for the 2013–14 fiscal year until the first day of a month that is at least 60 days after the new family fee schedule has been approved by the Department of Finance and adopted.

This bill would prohibit fees from being assessed on income-eligible families for their children to attend a part-day California state preschool program. The bill, commencing with the 2014–15 fiscal year, would require the adopted family fee schedule that was in effect on July 1, 2014, to remain in effect.

(8) Existing law establishes the Child Care Facilities Revolving Fund to provide funding for the renovation, repair, or improvement of an existing building to make the building suitable for licensure for child care and development services, and for the purchase of new relocatable child care facilities for lease to school districts and contracting agencies that provide child care and development services, pursuant to the Child Care and Development Services Act.

This bill would make funding from the Child Care Facilities Revolving Fund available to local educational agencies and contracting agencies that provide child care and development services, pursuant to the Child Care and Development Services Act. The bill would require any augmentations to the Child Care Facilities Revolving Fund made by the Budget Act of 2014 to be used for renovation or repair of existing local educational agency facilities or new relocatable child care facilities for lease to local educational agencies that provide California state preschool program services, as specified.

(9) Existing law requires the Commission on Teacher Credentialing to establish the requirements for the issuance and renewal of permits authorizing (A) service in the care, development, and instruction of children in child care and development programs, and (B) supervision of a child care and development program.

This bill, on or before July 1, 2016, would require the Commission on Teacher Credentialing to review, and update if appropriate, the conditions for issuance or renewal of the permits described above.

(10) Existing law authorizes a child development contractor to

retain a reserve fund balance equal to 5% of the sum of the maximum reimbursable amount of all contracts to which the contractor is a party, or \$2,000, whichever is greater.

This bill would authorize a California state preschool program contracting agency to retain in the reserve fund an additional 10% of the sum of the maximum reimbursable amount of all preschool contracts to which the contracting agency is a party for purposes of professional development for California state preschool program staff.

(11) Existing law establishes the county school service fund contingency account in the General Fund, which is credited with \$100,000 each fiscal year to reimburse county superintendents of schools for certain expenses, as specified.

This bill would repeal that provision.

(12) Existing law establishes the public elementary and secondary schools and the system of public community colleges in this state, and provides for a system for their funding. Provisions of the California Constitution require that a minimum amount of aggregate funding, calculated as specified, be allocated to school districts and community college districts unless this requirement is suspended, as provided. Pursuant to existing statutes, school districts, community college districts, and other local educational agencies receive a portion of their funding through apportionments of state funds made in accordance with payment schedules. Existing law requires the Controller to draw warrants on the State Treasury in each month of each year in specified amounts for purposes of funding school districts, county superintendents of schools, and community college districts. Existing law defers the drawing of those warrants, as specified.

This bill would delete authorizations for deferrals for school districts and county offices of education beyond the 2014–15 fiscal year, and would, for purposes of calculations required by the California Constitution, provide that specified amounts of warrants drawn in July 2014 shall be included in the total allocations to school districts and community college districts for the 2012–13 and 2013–14 fiscal years, as specified. For the 2014–15 fiscal year, the bill would provide that warrants for the principal apportionments for the month of June in the amount \$897,184,000 instead shall be drawn in July of the same calendar, but would authorize those deferrals, as well as specified deferrals for apportionments to the California Community Colleges, to not be made if the Director of Finance, on or before May 14, 2015, determines that the total allocations required by the California Constitution for the 2013–14 and 2014–15 fiscal years, as estimated by the Director of Finance on May 13, 2015, exceed the estimate of the required allocations, as determined at the time of, and as set forth in, the 2014 Budget Act.

(13) Existing law requires, whenever moneys transferred to the

General Fund each year from moneys deposited into the Public School Building Loan Fund and the State School Building Aid Fund exceed the amounts required to reimburse the General Fund on account of principal and interest due and payable for that fiscal year on all school building aid bonds outstanding against the state, an amount equal to such excess to be appropriated from the General Fund for purposes of the Leroy F. Greene State School Building Lease–Purchase Law of 1976. Existing law establishes the State School Deferred Maintenance Fund which is continuously appropriated for the purposes for which it is established.

This bill would instead require the excess amount to be appropriated from the General Fund for purposes of the School Facilities Emergency Repair Account. The bill would also eliminate the State School Deferred Maintenance Fund.

(14) Existing law, the Teachers' Retirement Law, establishes the Defined Benefit Program of the State Teachers' Retirement Plan, which provides a defined benefit to members of the program. Existing law limits the amount of postretirement compensation that may be earned in specific types of employment by a retired member of the Defined Benefit Program in any one school year without a reduction in retirement allowance. Existing law exempts from the limit compensation paid to a retired member who has returned to work after the date of retirement as an appointed trustee, fiscal advisor, fiscal expert, receiver, or special trustee, as specified. Existing law, as of July 1, 2014, revises these provisions by, among other things, deleting the exemption.

This bill would delay the revisions until July 1, 2017.

(15) Existing law requires, for the 1990–91 fiscal year and each fiscal year thereafter, that moneys to be applied by the state for the support of school districts, community college districts, and direct elementary and secondary level instructional services provided by the state be distributed in accordance with certain calculations governing the proration of those moneys among the 3 segments of public education. Existing law makes that provision inapplicable to the 1992–93 to 2013–14 fiscal years, inclusive.

This bill would also make that provision inapplicable to the 2014–15 fiscal year.

(16) Existing law declares that the minimum state educational funding obligation for school districts and community college districts for the 2006–07 fiscal year is \$55,251,266,000, with an outstanding balance of \$211,533,000. Existing law, commencing with the 2014–15 fiscal year, requires the Legislature to appropriate the outstanding balance, as specified.

This bill would delay that requirement until the 2015–16 fiscal year.

(17) Existing law authorizes a school district or county

superintendent of schools to claim average daily attendance for purposes of apportionments from the adult education fund for schools or classes maintained for adults in correctional facilities if those classes meet specified requirements.

This bill would, for the 2014–15 fiscal year only, apply these provisions to a charter school whose charter was granted by its chartering authority after July 1, 2014.

(18) Existing law authorizes a school district or charter school to maintain a transitional kindergarten program and defines transitional kindergarten as the first year of a 2–year kindergarten program that uses a modified kindergarten curriculum that is age and developmentally appropriate.

This bill would state the intent of the Legislature that the transitional kindergarten curriculum be aligned to the California Preschool Learning Foundations developed by the State Department of Education. The bill, as a condition of receipt of apportionment for pupils in a transitional kindergarten program, would require a school district or charter school to ensure that teachers assigned to a transitional kindergarten class after July 1, 2015, be credentialed and, by August 1, 2020, have a minimum number of units in early childhood education or childhood development, comparable experience in a preschool setting, or a child development permit issued by the Commission on Teacher Credentialing.

(19) Existing law requires the Superintendent of Public Instruction, the Controller, and the Director of Finance to develop standards and criteria, including, among others, methods of projection of reserves and fund balance, to be reviewed and adopted by the State Board of Education, and to be used by local educational agencies in the development of annual budgets and the management of subsequent expenditures from that budget.

Existing law, on or before July 1 of each year, requires the governing board of each school district to hold a public hearing on, and to adopt, a budget for the subsequent fiscal year, and to file the adopted budget with the county superintendent of schools, as specified. Existing law requires the county superintendent of schools to examine the adopted budget, as specified, to make certain determinations related to the adopted budget, and to approve, conditionally approve, or disapprove the adopted budget for each school district. Existing law, on or before September 8, and after a public hearing regarding the proposed revisions to the budget, as specified, requires the governing board of the school district to revise the adopted budget to reflect certain fiscal changes, as provided, and to file the revised budget with the county superintendent of schools.

This bill would, commencing with budgets adopted by a school district for the 2015–16 fiscal year, require a school district that proposes to adopt or revise a budget that includes a combined assigned or unassigned ending fund balance that is in excess of

the minimum recommended reserve for economic uncertainties, as established by the state board, to provide at a public hearing, among other things, a statement of reasons that substantiates the need for the balance, and would require the county superintendent of schools, when making the required determinations, to also determine whether a school district's adopted or revised budget includes a such a balance. By imposing additional duties on local educational agencies, the bill would impose a state-mandated local program.

This bill would, in a fiscal year immediately after which a transfer is made into the Public School System Stabilization Account, which would be created by an Assembly Constitutional Amendment, prohibit a school district's adopted or revised budget from containing a combined assigned or unassigned ending fund balance that is in excess of either two or three times the minimum recommended reserve for economic uncertainties, as established by the state board, depending on the school district's units of average daily attendance. The bill would authorize the county superintendent of schools to waive the prohibition, pursuant to specified conditions, for up to two consecutive fiscal years within a three-year period if the school district provides documentation indicating that extraordinary fiscal circumstances substantiates the need for the balance. The bill would make operation of these provisions contingent on the voter approval of a specified Assembly Constitutional Amendment at the November 4, 2014, statewide general election.

(20) Existing law establishes the Teacher Credentials Fund, requires all fees levied and collected by the Commission on Teacher Credentialing to be deposited in the fund, and prohibits those moneys from being transferred to any other fund. Existing law also establishes the Test Development and Administration Account in the Teacher Credentials Fund, and requires all fees collected by the commission for tests, examinations, or assessments to be deposited in the account.

This bill would, if, in any month in which there are insufficient moneys in the Teacher Credentials Fund to satisfy monthly payroll obligations and scheduled claims and in which there are moneys in the Test Development and Administration Account not required to meet a demand that has accrued or may accrue against it, require the Controller to transfer moneys from the account to the fund to the extent necessary to meet the immediate obligations of the fund. The bill would provide for the repayment of the transfer, as specified.

(21) Existing law establishes the Commission on Teacher Credentialing for, among other purposes, the establishment of professional standards, assessments, and examinations for entry and advancement in the teaching profession. Existing law authorizes the commission to charge a fee to applicable local educational agencies and institutions of higher education to recover the standard costs of reviewing new educator preparation

programs and specified accreditation activities, as provided.

This bill would instead authorize the commission to charge fees to sponsors of educator preparation programs to cover the cost of reviewing new and existing educator preparation programs and specified accreditation activities, as provided.

(22) The Charter Schools Act of 1992 requires that a pupil over 19 years of age be continuously enrolled in public school and make satisfactory progress towards award of a high school diploma in order to remain eligible for generating charter school apportionments. The act exempts charter school programs that provide instruction exclusively in partnership with any of several specified career preparation programs from those requirements.

This bill would, for the 2014–15 fiscal year, make that exemption applicable to a charter school whose charter was granted by its chartering authority before July 1, 2014, and that provides instruction exclusively in partnership with any of the specified career preparation programs.

(23) Existing law sets the reimbursement a school receives for free and reduced-price meals sold or served to pupils in elementary, middle, or high schools at \$0.2229 per meal, and, for meals served in child care centers and homes, at \$0.1660 per meal.

This bill would set the reimbursement amount for schools at \$0.2248 per meal, and, for meals served in child care centers and homes, at \$0.1674 per meal.

(24) Existing law authorizes the governing board of a school district or a county office of education to offer independent study to meet the educational needs of pupils in accordance with prescribed criteria. Existing law requires a written agreement for each independent study pupil, not to exceed one semester or ½ year for a school on a year-round calendar, and signed by prescribed individuals, and maintained on file.

This bill would instead require that the signed written agreement not exceed one school year, and would allow the signed written agreement to be maintained on file electronically. The bill would, notwithstanding any other law, and commencing with the 2015–16 school year, authorize a school district, county office of education, or charter school to offer independent study courses to pupils enrolled in kindergarten and grades 1 to 12, inclusive, in accordance with prescribed conditions, including, among others, that the courses be taught under the general supervision of certificated employees who hold the appropriate subject matter credential, that courses are annually certified, by school district, charter school, or county office of education governing board or body resolution, to be of the same rigor and educational quality as equivalent classroom-based courses, and that certificated employees and each pupil communicate in-person, by telephone, or by any other live visual or audio connection no less than twice



per calendar month to assess whether each pupil is making satisfactory educational progress. The bill would also require that a signed learning agreement, as specified, be completed and on file. The bill would prohibit pupils from being required to enroll in the independent study courses.

(25) Existing law requires the ratio of average daily attendance for independent study pupils 18 years of age or less to full-time equivalent certificated employees responsible for independent study to not exceed a specified ratio. Existing law authorizes school districts and county offices of education to claim apportionment credit for independent study only to the extent of the time value of pupil work product, as personally judged in each instance by a certificated teacher.

This bill would specify the computation of average daily attendance for the independent study courses described above. The bill would provide that school districts, charter schools, and county offices of education are not required to sign and date pupil work products when assessing their time value of pupil work products for apportionment purposes. The bill would also revise the pupil-to-teacher ratios by grade span, as specified.

(26) Existing law, the Quality Education Investment Act of 2006, among other things, effectuates the intent of the Legislature to implement the terms of the proposed settlement agreement of a specified legal action. The act appropriates specified funds for these purposes.

This bill would specify previously undetermined appropriations made pursuant to these provisions.

(27) Existing law provides for the allocation of funds appropriated by the Budget Act of 2013 for the establishment of the California Career Pathways Trust, and requires these funds to be apportioned to school districts, county superintendents of schools, charter schools, and community colleges for career pathways programs that accomplish specified objectives.

This bill would establish the California Career Pathways Trust, and would require the State Department of Education, contingent upon appropriation in the annual Budget Act, to administer the California Career Pathways Trust as a competitive grant program for kindergarten to grade 14, inclusive. The bill would require grant recipients to fulfill specified requirements and conditions, and would impose restrictions on the use of funds, including prohibiting the use of funds to supplant other funds from state, federal, or other sources, as specified. The bill would require the Superintendent of Public Instruction to consider specified priorities when approving an application for funds.

(28) Existing law establishes the Measurement of Academic Performance and Progress (MAPP), commencing with the 2013–14 school year, for the assessment of certain elementary and secondary pupils, as provided. As part of MAPP, existing law

requires the State Department of Education to make available to local educational agencies a primary language assessment aligned to the English language arts standards adopted by the State Board of Education for assessing pupils who are enrolled in a dual language immersion program and who are either nonlimited English proficient or redesignated English proficient, as provided.

Existing law also authorizes the governing board of a school district to administer a primary language assessment aligned to the English language arts standards adopted by the state board for assessing pupils identified as limited English proficient who are enrolled in any of grades 2 to 11, inclusive, and who either receives instruction in his or her primary language or has been enrolled in a school in the United States for 12 months, as provided. Existing law allocates the costs associated with administration of the assessments, as specified.

This bill would change the name of the MAPP to the California Assessment of Student Performance and Progress (CAASPP). The bill would instead authorize a local educational agency to administer, as part of CAASPP, the primary language assessment to pupils identified as limited English proficient and who are enrolled in any of grades 2 to 11, inclusive, until a subsequent primary language assessment aligned to the common core standards in English language arts adopted by the state board is developed, as provided. The bill would, subject to the approval of the state board, authorize the department to make available to local educational agencies a primary language assessment that is aligned to the English language arts standards adopted by the state board for assessing pupils who are enrolled in a dual language immersion program and who are either nonlimited English proficient or redesignated English proficient until a subsequent primary language assessment is adopted, as specified. The bill would revise the allocation of costs associated with the administration of the assessments, as specified.

(29) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including a school district, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law requires certain funds appropriated in the annual Budget Act for reimbursement of the cost of a new program or increased level of service of an existing program mandated by statute or executive order to be available as a block grant to school districts, charter schools, and county offices of education, to support specified state-mandated local programs. Existing law provides that a school district, charter school, or county office of education that submits a letter of intent to the Superintendent of Public Instruction and receives this block grant funding is not eligible to submit a claim for reimbursement for those specified mandated programs for the fiscal year for which the block grant funding is received.

This bill would revise the list of programs that are authorized for block grant funding in lieu of program-specific reimbursement.

(30) This bill would appropriate \$287,149,000 from the General Fund to the Superintendent of Public Instruction for allocation to school districts, county offices of education, and charter schools, and would appropriate \$49,500,000 from the General Fund to the Chancellor of the California Community Colleges for allocation to community college districts. The bill would require any allocations made to first satisfy any outstanding claims for reimbursement of state-mandated local program costs, and would authorize the Controller to audit any claims and reduce any amounts owed, as provided. The bill would authorize any funds received to be expended for any one-time purpose, but would state Legislature's intent that school districts, county offices of education, and charter schools use the funds for professional development, instructional materials, technology infrastructure, and any other investments necessary to support implementation of the common core standards in English language arts and mathematics, the implementation of English language development standards, and the implementation of the Next Generation Science standards.

(31) This bill would require that the funds appropriated pursuant to a designated item of the Budget Act of 2013 to the State Department of Education for support of the California Local Control Accountability Support Network be available for encumbrance until June 30, 2015.

(32) A certain item of the Budget Act of 2013 appropriated \$381,000,000 to the State Department of Education for allocation by the Superintendent of Public Instruction to school districts, county offices of education, state special schools, and charter schools for specified purposes.

This bill would reappropriate the balance of those appropriations to the department, for the same purposes, and would provide that those funds would be available for encumbrance until June 30, 2018.

(33) This bill would provide that, of the amount allocated in a specified schedule of the Budget Acts of 2012 and 2013 for special education instruction, \$32,806,000 and \$46,943,000, respectively, would be provided to fund the 2010–11 fiscal year maintenance of effort in the special education program.

(34) This bill would require an amount to be determined by the Director of Finance to be appropriated, on or before June 30, 2015, from the General Fund to the Superintendent of Public Instruction in the event that specified revenues distributed to local educational agencies for special education programs are less than the estimated amount reflected in the Budget Act of 2014.

(35) This bill would make conforming changes, delete obsolete provisions, correct cross-references, and make other nonsubstantive changes.

(36) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(37) Funds appropriated by this bill would be applied toward the minimum funding requirements for school districts and community college districts imposed by Section 8 of Article XVI of the California Constitution.

(38) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares that quality early learning and care for children from infancy to five years of age is a sound and strategic investment to narrow achievement gaps that are present well before children enter kindergarten.

(b) It is the intent of the state to ensure a fair start to all low-income children by providing quality preschool opportunities for all low-income children whose families wish to enroll their children. It is further the intent of the state to provide all low-income four-year-old children from working families with full-day, full-year early education and care.

SEC. 2. Section 8203.1 is added to the Education Code, to read:

<< CA EDUC § 8203.1 >>

8203.1. (a) The Superintendent shall administer a QRIS block grant, pursuant to an appropriation made for that purpose in the annual Budget Act, to be allocated to local consortia for support of local early learning quality rating and improvement systems that increase the number of low-income children in high-quality preschool programs that prepare those children for success in school and life.

(b)(1) For purposes of this section, "early learning quality rating and improvement system" or "QRIS" is defined as a locally determined system for continuous quality improvement based on a tiered rating structure with progressively higher quality standards for each tier that provides supports and incentives for programs, teachers, and administrators to reach higher levels of quality, monitors and evaluates the impacts on child outcomes, and disseminates information to parents and the public about program quality.

contained in Section 42238.1, as that section read on January 1, 2013. For the 2013–14 fiscal year only, the amount of funding per unit of average daily attendance computed for the special education local plan area for the 2013–14 fiscal year shall be used, and multiplied by one plus the inflation factor computed pursuant to Section 42238.1, as that section read on January 1, 2013, or any successor section of law enacted by the Legislature that specifies the inflation factor contained in Section 42238.1, as that section read on January 1, 2013, for application to the 2013–14 fiscal year and each fiscal year thereafter.

(2) The difference between the number of units of average daily attendance upon which allocations to the special education local plan area are based for the fiscal year in which the computation is made and the number of units of average daily attendance upon which allocations to the special education local plan area were based for the prior fiscal year.

SEC. 48. The heading of Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 of Division 4 of Title 2 of the Education Code is amended to read:

t. 2 d. 4 pt. 33 ch. 5 art. 4 pr. § 60640

Article 4. ~~\*\*\*~~ **California Assessment of Student Performance and Progress**

SEC. 49. Section 60640 of the Education Code is amended to read:

<< CA EDUC § 60640 >>

60640. (a) There is hereby established the ~~\*\*\*~~ **California Assessment of Student Performance and Progress**, to be known as the **CAASPP**.

(b) Commencing with the 2013–14 school year, the **CAASPP** shall be composed of all of the following:

(1)(A) A consortium summative assessment in English language arts and mathematics for grades 3 to 8, inclusive, and grade 11 that measures content standards adopted by the state board.

(B) In the 2013–14 school year, the consortium summative assessment in English language arts and mathematics shall be a field test only, to enable the consortium to gauge the validity and reliability of these assessments and to conduct all necessary psychometric procedures and studies, including, but not necessarily limited to, achievement standard setting, and to allow the department to conduct studies regarding full implementation of the assessment system. These field tests and results shall not be used for any other purpose, including the calculation of any accountability measure.

(2)(A) Science grade level assessments in grades 5, 8, and 10 that measure content standards **adopted** pursuant to Section

60605, until a successor assessment is implemented pursuant to subparagraph (B).

(B) For science assessments, the Superintendent shall make a recommendation to the state board as soon as is feasible after the adoption of science content standards pursuant to Section 60605.85 regarding the assessment of the newly adopted standards. Before making recommendations, the Superintendent shall consult with stakeholders, including, but not necessarily limited to, California science teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, regarding the grade level and type of assessment. The recommendations shall include cost estimates and a plan for implementation of at least one assessment in each of the following grade spans:

- (i) Grades 3 to 5, inclusive.
- (ii) Grades 6 to 9, inclusive.
- (iii) Grades 10 to 12, inclusive.

(3) The California Alternate Performance Assessment in grades 2 to 11, inclusive, in English language arts and mathematics and science in grades 5, 8, and 10, which measures content standards adopted pursuant to Section 60605 until a successor assessment is implemented. The successor assessment shall be limited to the grades and subject areas assessed pursuant to paragraph (1) and subparagraph (B) of paragraph (2).

(4) The Early Assessment Program established by Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3.

(5)(A) ~~\*\*\*~~ **A local educational \*\*\* agency may administer** a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605, as it read on January 1, 2013, ~~\*\*\* to pupils who are \*\*\* identified as limited~~ **English proficient \*\*\* and enrolled in any of grades 2 to 11, inclusive, until a subsequent primary language assessment \*\*\* aligned to the \*\*\* common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to subparagraph (E).**

(B) ~~\*\*\*~~ **If a \*\*\* local educational agency chooses to administer a primary language assessment to pupils identified as limited English proficient and enrolled in any of grades 2 to 11, inclusive,** pursuant to ~~\*\*\* subparagraph (A), it shall notify~~ **the department in a manner to be determined by the department and the costs shall \*\*\* be paid by the \*\*\* state and included as part of the testing contract, and the department shall provide the local educational agency** a per pupil apportionment ~~\*\*\* for administering~~ **the assessment pursuant to subdivision (J).** ~~\*\*\*~~

(C) The Superintendent shall consult with stakeholders, including assessment and English learner experts, to determine the content and purpose of a stand-alone language arts summative assessment in primary languages other than English that aligns with the **English language** arts content standards. The Superintendent shall consider the appropriate purpose for this assessment, including, but not necessarily limited to, support for the State Seal of Biliteracy and accountability. It is the intent of the Legislature that an assessment developed pursuant to this section be included in the state accountability system.

(D) The Superintendent shall report and make recommendations to the state board at a regularly scheduled public meeting no sooner than one year after the first full administration of the consortium computer-adaptive assessments in English language arts and mathematics summative assessments in grades 3 to 8, inclusive, and grade 11, regarding an implementation timeline and estimated costs of a stand-alone language arts summative assessment in primary languages other than English.

(E) The Superintendent shall develop, and the state board shall adopt, a primary language assessment. The Superintendent shall administer this assessment no later than the 2016–17 school year.

(F) This paragraph shall be operative only to the extent that funding is provided in the annual Budget Act or another statute for the purpose of this section.

(c) No later than March 1, 2016, the Superintendent shall submit to the state board recommendations on expanding the **CAASPP** to include additional assessments, for consideration at a regularly scheduled public meeting. The Superintendent shall also submit these recommendations to the appropriate policy and fiscal committees of the Legislature and to the Director of Finance in accordance with all of the following:

(1) In consultation with stakeholders, including, but not necessarily limited to, California teachers, individuals with expertise in assessing English learners and pupils with disabilities, parents, and measurement experts, the Superintendent shall make recommendations regarding assessments including the grade level, content, and type of assessment. These recommendations shall take into consideration the assessments already administered or planned pursuant to subdivision (b). The Superintendent shall consider the use of consortium-developed assessments, various item types, computer-based testing, and a timeline for implementation.

(2) The recommendations shall consider assessments in subjects, including, but not necessarily limited to, history-social science, technology, visual and performing arts, and other subjects as appropriate, as well as English language arts, mathematics, and science assessments to augment the assessments required under

subdivision (b), and the use of various assessment options, including, but not necessarily limited to, computer-based tests, locally scored performance tasks, and portfolios.

(3) The recommendations shall include the use of an assessment calendar that would schedule the assessments identified pursuant to paragraph (2) over several years, the use of matrix sampling, if appropriate, and the use of population sampling.

(4) The recommendations shall include a timeline for test development, and shall include cost estimates for subject areas, as appropriate.

(5) Upon approval by the state board and the appropriation of funding for this purpose, the Superintendent shall develop and administer approved assessments. The state board shall approve test blueprints, achievement level descriptors, testing periods, performance standards, and a reporting plan for each approved assessment.

(d) For the 2013–14 and 2014–15 school years, the department shall make available to local educational agencies Standardized Testing and Reporting Program test forms no longer required by the **CAASPP**. The cost of implementing this subdivision, including, but not necessarily limited to, shipping, printing, scoring, and reporting per pupil shall be the same for all local educational agencies, and shall not exceed the marginal cost of the assessment, including any cost the department incurs to implement this section. A local educational agency that chooses to administer an assessment pursuant to this **subdivision** shall do so at its own expense, and shall enter into an agreement for that purpose with a contractor, subject to the approval of the department.

(e) The Superintendent shall make available a paper and pencil version of any computer-based **CAASPP** assessment for use by pupils who are unable to access the computer-based version of the assessment for a maximum of three years after a new operational test is first administered.

(f)(1) From the funds available for that purpose, each local educational agency shall administer assessments to each of its pupils pursuant to subdivision (b). As allowable by federal statute, recently arrived English learner pupils are exempted from taking the assessment in English language arts. The state board shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year. The testing period established by the state board shall take into consideration the need of local educational agencies to provide makeup days for pupils who were absent during testing, as well as the need to schedule testing on electronic computing devices.

(2) For the 2013–14 school year, each local educational agency shall administer the field tests in a manner described by the



department in consultation with the president or executive director of the state board. Additional participants in the field test beyond the representative sample may be approved by the department, and the department shall use existing contract savings to fund ~~\*\*\*~~ **local educational agency** participation in one or more tests per participant. Funds for this purpose shall be **used** to allow for maximum participation in the field **tests** across the state. To the extent savings in the current contract are not available to fully fund this participation, the department shall prorate available funds by test. Local educational agencies shall bear any additional costs to administer these assessments that are in excess of the contracted amount. With approval of the state board and the Director of Finance, the department shall amend the existing assessment contract to accommodate field testing beyond the representative sample, and to allow for special studies using information collected from the field tests.

(g) From the funds available for that purpose, each local educational agency shall administer assessments as determined by the state board pursuant to paragraph (5) of subdivision (c).

(h) As feasible, the **CAASPP** field tests shall be conducted in a manner that will minimize the testing burden on individual schools. The **CAASPP** field tests shall not produce individual pupil scores unless it is determined that these scores are valid and reliable.

(i) The governing board of a school district may administer achievement tests in grades other than those required by this section as it deems appropriate.

(j) ~~\*\*\*~~ **Subject to the approval of \*\*\* the state board, the department may \*\*\* make available to local educational agencies** a primary language assessment aligned to the English language arts standards adopted pursuant to Section 60605-~~\*\*\*~~, as ~~\*\*\*~~ **it read on January 1, 2013, for assessing pupils who \*\*\* are enrolled in a \*\*\* dual language immersion program that includes the \*\*\* primary language of the assessment and who are either nonlimited English proficient or redesignated fluent English proficient** until a subsequent primary language assessment aligned to the common core standards in English language arts adopted pursuant to Section 60605.8 is developed pursuant to paragraph (5) of subdivision (b). ~~\*\*\*~~ **The cost for the \*\*\* assessment shall be the same for all local educational agencies and shall not exceed the marginal cost of the assessment, \*\*\* including any cost the department \*\*\* incurs to implement this section. A local educational agency that elects to administer a \*\*\* primary language assessment pursuant to this subdivision shall do so at its own expense and shall enter into an agreement for that purpose with the state testing contractor, subject to the approval of the** department.

(k) Pursuant to Section 1412(a)(16) of Title 20 of the United States Code, individuals with exceptional needs, as defined in Section 56026, shall be included in the testing requirement of subdivision (b) with appropriate accommodations in administration, where necessary, and **the** individuals with exceptional needs who are unable to participate in the testing, even with accommodations, shall be given an alternate assessment.

(l)(1) The Superintendent shall apportion funds appropriated for these purposes to local educational agencies to enable them to meet the requirements of subdivisions (b) and (c).

(A) For the **CAASPP** field tests administered in the 2013–14 school year or later school years, the Superintendent shall apportion funds to local educational agencies if funds are specifically provided for this purpose in the annual Budget Act.

(B) The Superintendent shall apportion funds to local educational agencies to enable them to administer assessments used to satisfy the voluntary Early Assessment Program in the 2013–14 school year pursuant to paragraph (4) of subdivision (b).

(2) The state board annually shall establish the amount of funding to be apportioned to local educational agencies for each test administered and annually shall establish the amount that each contractor shall be paid for each test administered under the contracts required pursuant to Section 60643. The amounts to be paid to the contractors shall be determined by considering the cost estimates submitted by each contractor each September and the amount included in the annual Budget Act, and by making allowance for the estimated costs to ~~\*\*\*~~ **local educational agencies** for compliance with the requirements of subdivisions (b) and (c). The state board shall take into account changes to local educational agency test administration activities under the **CAASPP**, including, but not limited to, the number **and** type of tests administered ~~\*\*\*~~ and changes in computerized test registration and administration procedures, when establishing the amount of funding to be apportioned to local educational agencies for each test administered.

(3) An adjustment to the amount of funding to be apportioned per test shall not be valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(m) For purposes of making the computations required by Section 8 of Article XVI of the California Constitution, the appropriation for the apportionments made pursuant to paragraph (1) of subdivision (l), and the payments made to the contractors under the contracts required pursuant to Section 60643 or subparagraph (C) of paragraph (1) of subdivision (a) of Section 60605 between the department and the contractor, are "General Fund revenues appropriated for school districts," as defined in subdivision (c) of Section 41202, for the applicable fiscal year, and included within the "total allocations to school districts and community college districts from General Fund proceeds of taxes appropriated pursuant to Article XIII B," as defined in subdivision (e) of Section 41202, for that fiscal year.

(n) As a condition to receiving an apportionment pursuant to subdivision (l), a local educational agency shall report to the Superintendent all of the following:

(1) The pupils enrolled in the local educational agency in the grades in which assessments were administered pursuant to subdivisions (b) and (c).

(2) The pupils to whom an achievement test was administered pursuant to subdivisions (b) and (c) in the local educational agency.

(3) The pupils in paragraph (1) who were exempted from the test pursuant to this section.

(o) The Superintendent and the state board are authorized and encouraged to assist postsecondary educational institutions to use the assessment results of the **CAASPP**, including, but not necessarily limited to, the grade 11 consortium summative assessments in English language arts and mathematics, for academic credit, placement, or admissions processes.

(p) Subject to the availability of funds in the annual Budget Act for this purpose, and exclusive of the consortium assessments, the Superintendent, with the approval of the state board, annually shall release to the public test items from the achievement tests pursuant to Section 60642.5 administered in previous years. Where feasible and practicable, the minimum number of test items released per year shall be equal to 25 percent of the total number of test items on the test administered in the previous year.

(q) On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013–14 Regular Session. The state board shall adopt initial regulations as emergency regulations to immediately implement the **CAASPP** assessments, including, but not necessarily limited to, the administration, scoring, and reporting of the tests, as the adoption of emergency regulations is necessary for the immediate preservation of the public peace,

health, safety, or general welfare within the meaning of Section 11346.1 of the Government Code. The emergency regulations shall be followed by the adoption of permanent regulations, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

<< Repealed: CA EDUC § 60640.2 >>

SEC. 50. Section 60640.2 of the Education Code is repealed.

SEC. 51. Section 17581.6 of the Government Code is amended to read:

<< CA GOVT § 17581.6 >>

17581.6. (a) Funding apportioned pursuant to this section shall constitute reimbursement pursuant to Section 6 of Article XIII B of the California Constitution for the performance of any state mandates included in the statutes and executive orders identified in subdivision (e).

(b) Any school district, county office of education, or charter school may elect to receive block grant funding pursuant to this section.

(c)(1) A school district, county office of education, or charter school that elects to receive block grant funding pursuant to this section in a given fiscal year shall submit a letter requesting funding to the Superintendent of Public Instruction on or before August 30 of that fiscal year.

(2) The Superintendent of Public Instruction shall, in the month of November of each year, apportion block grant funding appropriated pursuant to Item 6110-296-0001 of Section 2.00 of the annual Budget Act to all school districts, county offices of education, and charter schools that submitted letters requesting funding in that fiscal year according to the provisions of that item.

(3) A school district or county office of education that receives block grant funding pursuant to this section shall not be eligible to submit claims to the Controller for reimbursement pursuant to Section 17560 for any costs of any state mandates included in the statutes and executive orders identified in subdivision (e) incurred in the same fiscal year during which the school district or county office of education received funding pursuant to this section.

(d) Block grant funding apportioned pursuant to this section is subject to annual financial and compliance audits required by Section 41020 of the Education Code.

(e) Block grant funding apportioned pursuant to this section is specifically intended to fund the costs of the following programs and activities:

(1) Academic Performance Index (01-TC-22; Chapter 3 of the

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**EDUCATION—GENERAL AMENDMENTS**

2014 Cal. Legis. Serv. Ch. 327 (A.B. 1599) (WEST) (Approx. 24 pages)

2014 Cal. Legis. Serv. Ch. 327 (A.B. 1599) (WEST)

CALIFORNIA 2014 LEGISLATIVE SERVICE

2014 Portion of 2013-2014 Regular Session

Additions are indicated by **Text**; deletions by

\* \* \*

Vetoed are indicated by ~~Text~~ ;stricken material by ~~Text~~ .

## CHAPTER 327

A.B. No. 1599

**EDUCATION—GENERAL AMENDMENTS**

AN ACT to amend Sections 5033, 17047, 33540, 35576, 35710.51, 35782, 35783, 35786, 42281, 49558, 52060, 56043, 56366.1, 56440, 60603, 60604, 60607, 60611, 60630, 60641, 60643, 60643.6, 60648, and 60810 of, [and to] amend [and add] Section 52060,<sup>1</sup> and to repeal and add Section 56363.5 of, the Education Code, relating to education.

[Filed with Secretary of State September 15, 2014.]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1599, Committee on Education. Education: omnibus bill.

(1) Existing law sets forth a method for providing special education and related services to pupils with exceptional needs.

Existing law requires the allowable new building area for the purpose of providing special day class and Resource Specialist Program facilities for special education pupils to be negotiated and approved by the State Allocation Board, as provided. Existing law prescribes the maximum square footage for those facilities by special day class basic need, including, among other basic needs, the maximum square footage for mildly mentally retarded and severely mentally retarded special education pupils.

This bill would change references in those provisions from mildly mentally retarded and severely mentally retarded to mildly intellectually disabled and severely intellectually disabled, respectively.

(2) Existing law requires the State Board of Education and the State Department of Education to request the Instructional Quality Commission to review and revise, as necessary, the course requirements in the history-social science framework to ensure that minimum standards for courses in American government and civics include certain matters.

This bill would additionally require the commission, when revising the history-social science framework, to ensure that those course requirements are also included in all history and social science courses and grade levels, as appropriate. The bill would, among other things, also require the commission, whenever the history-social science framework is revised, to receive input from civics learning experts for purposes of integrating civics learning content, concepts, and skills, at all appropriate grade levels, with the standards established by the state board in core curriculum areas, as specified, and ensure that voter education information is included in the American government and civics curriculum at the high school level, as specified.

(3) Existing law specifies the circumstances under which the State Board of Education or a county committee on school district reorganization may approve proposals or petitions for the reorganization of school districts. After the state board has approved plans and recommendations, or a county committee has approved a petition for the unification or other reorganization of school districts, existing law requires the secretary of the state board or the county committee to give notice to a specified county superintendent of schools. Within 35 days of receiving notification from the state board, existing law provides for the county superintendent of schools to call an election, to be conducted at the next election of any kind, or in the case of a notice from a county committee, at the next regular election, in the territory of the districts as determined by the state board or the county committee.

This bill would instead require a county superintendent of schools, if notified by a county committee, to call the election at next election of any kind, in accordance with specified requirements.

(4) Existing law provides that a school district that has been organized for more than 3 years shall be lapsed, as defined, if certain conditions occur. Within 30 days after the close of each school year, existing law requires the county committee on school district reorganization to conduct a public hearing to determine if those conditions have been met. After the hearing, existing law requires the county committee to order the territory annexed to one or more adjoining districts, as specified. Existing law provides that an order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the date of the order.

This bill would, among other things, instead require the county committee to conduct the public hearing within 45 days before the close of each school year, and would require the county committee to order the territory annexed after the hearing and at least 30 days before the end of the school year. The bill would, among other things, make the county committee's order effective on the July 1 after the date of the order, as specified. To the extent these changes would impose a higher level of service on local officials, the bill would create a state-mandated local

program.

(5) Existing law requires each school district or county superintendent of schools maintaining any kindergarten or any of grades 1 to 12, inclusive, to provide for each needy pupil one nutritionally adequate free or reduced-price meal during each schoolday. Existing law requires the governing board of a school district and the county superintendent of schools to make applications for free or reduced-price meals available to pupils. Existing law provides that the School Lunch Program application is confidential and prohibits the information from being used in the application from being disclosed to any governmental agency, including the federal Immigration and Naturalization Service and the Social Security Administration, or used for any purpose other than enrollment in the CalFresh program. Notwithstanding that restriction, existing law authorizes a public officer or agency to allow the use by certain school district employees of records pertaining to pupil participation in any free or reduced-price meal program solely for the purpose of, among other things, the disaggregation of academic data.

This bill would, among other things, additionally authorize the release of eligibility information on enrolled pupils participating in the free or reduced-price meal program to the Superintendent of Public Instruction for purposes of determining funding allocations under the local control funding formula and for assessing the accountability of that funding, as provided, and, upon request, to other local educational agencies serving a pupil in the same household as an enrolled pupil for purposes related to free or reduced-price meal program eligibility and for data used in local control funding formula calculations.

(6) Existing law requires that every individual with exceptional needs, as defined, who is eligible to receive special education instruction and related services be provided with that instruction and those services at no cost to his or her parent or guardian or, as appropriate, to him or her. A free appropriate public education is required to be made available to individuals with exceptional needs in accordance with specified federal regulations adopted pursuant to the federal Individuals with Disabilities Education Act. Existing law authorizes local educational agencies to seek, either directly or through the pupil's parents or guardians, reimbursement from insurance companies to cover the costs of related services, in accordance with specified federal regulations.

This bill would delete that authorization and would instead authorize a public agency, if an individual with exceptional needs is covered by public benefits or insurance, to use Medicaid, other public benefits, or insurance programs in which a pupil participates to provide or pay for certain services required by law if the agency provides written notification to the pupil's parents and obtains written parental consent, as provided.

(7) Existing law sets forth a method for providing special

education and related services to pupils with exceptional needs. Existing law also permits, under certain circumstances, contracts to be entered for the provision of those services by nonpublic, nonsectarian schools or agencies, as defined. Existing law authorizes a master contract for special education and related services provided by a nonpublic, nonsectarian school or agency only if the school or agency has been certified by the Superintendent of Public Instruction as meeting specified standards. Existing law also requires the nonpublic, nonsectarian school or agency that is applying for certification to submit, on a form developed by the State Department of Education, a signed verification by local educational agency representatives that they have been notified of the intent to certify or renew certification. Existing law requires the department to mail renewal application materials to certified nonpublic, nonsectarian schools and agencies at least 120 days before the expiration date of their current certification.

This bill would require the local educational agency to send the applicant an acknowledgment, rather than a signed verification, as specified. The bill would delete the provision requiring the department to mail renewal application materials and instead require the department to provide electronic notification of the availability of these materials to certified nonpublic, nonsectarian schools and agencies at least 120 days before the date their current certification expires.

- (8) Existing law requires the Superintendent of Public Instruction to review existing tests that assess the English language development of pupils whose primary language is a language other than English. Existing law requires pupils in kindergarten and first grade to be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. Existing law requires an early literacy assessment to be administered for a period of 4 years beginning after the initial administration of the assessment or until July 1, 2014, whichever occurs first.

This bill would instead require this early literacy assessment to be administered for a period of 4 years beginning after the initial administration of the assessment or until July 1, 2017, whichever occurs last.

- (9) This bill also would make various nonsubstantive changes, delete obsolete provisions, and update cross-references.

- (10) This bill would incorporate additional changes to Section 33540 of the Education Code proposed by SB 897 that would become operative if this bill and SB 897 are both enacted on or before January 1, 2015, and this bill is enacted last. The bill also would incorporate additional changes to Section 52060 of the Education Code proposed by AB 2512 that would become operative if this bill and AB 2512 are both enacted on or before January 1, 2015, and this bill is enacted last.



(11) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 5033 of the Education Code is amended to read:

<< CA EDUC § 5033 >>

5033. **A** member of the governing board of **a** district ~~\*\*\*~~ wholly or partially included in a unified school district formed under the provisions of Chapter **4** (commencing with Section **35700**) of Part **21 of Division 3** of ~~\*\*\*~~ **Title 2** shall **not** be a member of the governing board of the unified school district unless elected ~~\*\*\*~~ **to that governing board.**

SEC. 2. Section 17047 of the Education Code is amended to read:

<< CA EDUC § 17047 >>

17047. (a) The allowable new building area for the purpose of providing special day class and Resource Specialist Program facilities for special education pupils shall be negotiated and approved by the ~~\*\*\*~~ **board**, with any necessary assistance to be provided by the Special Education Division of the State Department of Education. The square footage allowances shall be computed within the maximum square footage set forth in the following schedule:

Special Day Class Basic Need	Grade Levels	Loading*	Square Footage
Nonsevere Disability			
-Specific Learning Disability	All	12	1080
-Mildly <del>***</del>			
<b>Intellectually Disabled</b>	All	12	1080
-Severe Disorder of Language Severe Disability	All	10	1080
-Deaf and Hard of Hearing	All	10	1080
-Visually Impaired	All	10	1330 (1080 + 250 storage)
-Orthopedically and			2000 (1080 + 400 toilets)

Other Health Impaired			+ 250 storage + 270 daily living skills + 3000 therapy + 750 therapy per additional classroom)
	All	12	
-Autistic	All	6	1160 (1080 + 80 toilets)
-Severely Emotionally Disturbed	All	6	1160 (1080 + 80 toilets)
-Severely *** <b>Intellectually Disabled</b>	Elem.	12	1750 (1080 + 400 toilets + 270 daily living skills ) 2150 (1080 + 400 toilets + 270 daily living skills + 400 vocational)
	Secon.		
-Developmentally Disabled			2000 (1080 + 400 toilets + 250 storage + 270 daily living skills + 3000 therapy** + 750 therapy per additional CR)
	All	10	
-Deaf-Blind/Multi	All	5	1400 (1080 + 200 storage + 150 toilets)

			Pupils	Square Feet
Resource Specialist Program for those	All Maximum caseload for RS		1-8	240
pupils with disabling conditions whose needs have been identified by the	is 28, not all served at same time.		9-28	480
Individualized Education Program (IEP) Team, who require special education for a portion of the day, and who are assigned to a regular classroom for a majority of the schoolday.***			29- 37 38- 56 57- 65 66- 85 86- 94 95- 112	720 960 1200 1440 1680 1920

\* Special pupils may usually be grouped without accordance to type, especially in smaller districts or where attendance zones may indicate, to maximize loadings per classroom where there are children with similar educational needs (SEC. 56364 or 56364.2, as applicable).

\*\* Therapy add-ons not to be provided if on same site as orthopedically impaired.

\*\*\* To a maximum of 4 percent of the unhoused average daily attendance of the district, per new school or addition, to a maximum of 1920 square feet.

(b) The allowable new building area shall be computed by dividing the number of eligible pupils by the minimum required loading per classroom for special day classes for the type of pupils to be enrolled. No new or additional facility shall be provided for special day classes unless the number of additional eligible pupils equals one-third or more of the minimum required loading.

SEC. 3. Section 33540 of the Education Code is amended to read:

<< CA EDUC § 33540 >>

33540. (a) The state board and the department shall request that the commission review and revise, as necessary, the course requirements in the history-social science framework developed by the History-Social Science Curriculum Framework and Criteria Committee of the state board to ensure that minimum standards for courses in American government and civics include sufficient attention to teaching pupils how to interact, in a practical manner, with state and local governmental agencies and representatives to solve problems and to petition for changes in laws and procedures, **and that the course requirements in the history-social science framework are also included in all history and social science courses and grade levels, as appropriate.**

(b) **Whenever** the history-social science framework is revised as required by law, the commission shall do, as appropriate and based on the subject matter of the course, all of the following:

**(1) Receive input from civics learning experts, including civics education program providers, associations of civics educators, and organizations dedicated to research on civics learning, for purposes of integrating civics learning content, concepts, and skills, at all appropriate grade levels, with the standards established by the state board in core curriculum areas, as specified in Sections 60605, as that section read on June 30, 2011, and 60605.8.**

**(2) Consider how civics and history instruction, at all appropriate grade levels, includes, in addition to the acquisition of content knowledge, the application of that content to develop the competence and skills needed for civic engagement.**

**(3) Ensure that voter education information is included in the American government and civics curriculum at the high school level, including, but not limited to, information on the importance of registering to vote in local, state, and**

**federal elections, how to register to vote, both online and by mail, what the requirements are to register to vote, how to request an absentee ballot, how to fill out and return an absentee ballot, what to expect on election day, how to find a polling place, and where and how to access and understand the voter information pamphlet and other materials to become an informed voter.**

(4) Ensure the following historical documents are incorporated in the framework:

(A) The Declaration of Independence.

(B) The United States Constitution, including the Bill of Rights.

(C) The Federalist Papers.

(D) The Emancipation Proclamation.

(E) The Gettysburg Address.

(F) George Washington's Farewell Address.

(5) Consider incorporating the following historical documents into the framework:

(A) The Magna Carta.

(B) The Articles of Confederation.

(C) The California Constitution.

(6) Encourage instruction that promotes an understanding of the governments of California and the United States of America, including, but not limited to, the development of democracy and the history of the development of the United States Constitution.

**(c) It is the intent of the Legislature, for purposes of the history-social science framework that is revised after January 1, 2015, that the requirements imposed pursuant to paragraphs (1) to (3), inclusive, of subdivision (b) may be satisfied under the framework adoption procedures currently being used by the department as of January 1, 2015.**

SEC. 3.5. Section 33540 of the Education Code is amended to read:

<< CA EDUC § 33540 >>

33540. (a) The state board and the department shall request that the commission review and revise, as necessary, the course requirements in the history-social science framework developed by the History–Social Science Curriculum Framework and Criteria Committee of the state board to ensure that minimum standards for courses in American government and civics include sufficient attention to teaching pupils how to interact, in a practical manner, with state and local governmental agencies and representatives to

solve problems and to petition for changes in laws and procedures, **and that the course requirements in the history-social science framework are also included in all history and social science courses and all grade levels, as appropriate.**

(b) **Whenever** the history-social science framework is revised as required by law, the commission shall do, as appropriate and based on the subject matter of the course, all of the following:

**(1) Receive input from civics learning experts, including civics education program providers, associations of civics educators, and organizations dedicated to research on civics learning, for purposes of integrating civics learning content, concepts, and skills, at all appropriate grade levels, with the standards established by the state board in core curriculum areas, as specified in Section 60605, as that section read on June 30, 2011, and Section 60605.8.**

**(2) Consider how civics and history instruction, at all appropriate grade levels, includes, in addition to the acquisition of content knowledge, the application of that content to develop the competence and skills needed for civic engagement.**

**(3) Ensure that voter education information is included in the American government and civics curriculum at the high school level, including, but not limited to, information on the importance of registering to vote in local, state, and federal elections, how to register to vote, both online and by mail, what the requirements are to register to vote, how to request an absentee ballot, how to fill out and return an absentee ballot, what to expect on election day, how to find a polling place, and where and how to access and understand the voter information pamphlet and other materials to become an informed voter.**

**(4) Ensure the following historical documents are incorporated into the framework:**

(A) The Declaration of Independence.

(B) The United States Constitution, including the Bill of Rights.

(C) The Federalist Papers.

(D) The Emancipation Proclamation.

(E) The Gettysburg Address.

(F) George Washington's Farewell Address.

**(5) Consider incorporating the following historical documents into the framework:**

(A) The Magna Carta.

(B) The Articles of Confederation.

(C) The California Constitution.

**(6)** Encourage instruction that promotes an understanding of the governments of California and the United States of America, including, but not limited to, the development of democracy and the history of the development of the United States Constitution.

**(c) It is the intent of the Legislature, for purposes of the history-social science framework that is revised any time after January 1, 2015, that the commission consider whether and how to incorporate the College, Career, and Civic Life (C3) Framework for Social Studies State Standards into that framework.**

**(d) It is the intent of the Legislature, for purposes of the history-social science framework that is revised after January 1, 2015, that the requirements imposed pursuant to paragraphs (1) to (3), inclusive, of subdivision (b) may be satisfied under the framework adoption procedures currently being used by the department as of January 1, 2015.**

**(e) When the history-social science content standards are next revised after January 1, 2015, the state board shall consider incorporating the College, Career, and Civic Life (C3) Framework for Social Studies State Standards into the history-social science content standards.**

SEC. 4. Section 35576 of the Education Code is amended to read:

<< CA EDUC § 35576 >>

35576. (a) **If** territory is taken from one district and annexed to, or included in, another district or a new district by any procedure and the area transferred contains ~~\*\*\*~~ **real** property, the district to which the territory is annexed shall take possession of the ~~\*\*\*~~ **real property, pursuant to paragraph (1) of subdivision (a) of Section 35560**, on the day when the annexation becomes effective for all purposes. The territory transferred shall cease to be liable for the bonded indebtedness of the district of which it was formerly a part and shall automatically assume its proportionate share of the outstanding bonded indebtedness of any district of which it becomes a part.

(b) The acquiring district shall ~~\*\*\*~~ **be liable for the \*\*\* greater** of the amounts determined under provisions of **paragraph (1) or (2)**, or the amount determined pursuant to a method prescribed under Section 35738.

(1) The proportionate share of the outstanding bonded indebtedness of the original district, which proportionate share shall be in the ratio **that** the total assessed valuation of the transferring territory bears to the total assessed valuation of the original district in the year immediately preceding the date on

which the annexation is effective for all purposes. This ratio shall be used each year until the bonded indebtedness for which the acquiring district is liable has been repaid.

(2) **The** portion of the outstanding bonded indebtedness of the original district **that** was incurred for the acquisition or improvement of ~~\*\*\*~~ **real property**, or ~~\*\*\*~~ fixtures located ~~\*\*~~ **on the real property**, and situated in the territory transferred.

(c) The county board of supervisors shall compute for the reorganized district an annual tax rate for bond interest and redemption **that** will include the bond interest and redemption on the outstanding bonded indebtedness specified in paragraph (1) or (2) of subdivision (b), or the amount determined pursuant to a method prescribed under Section 35738. The county board of supervisors shall also compute tax rates for the annual charge and use charge prescribed by former Sections 1822.2 and 1825, as they read on July 1, 1970, when such charges were established ~~\*\*\*~~ **before** November 23, 1970. All such tax rates shall be levied in excess of any other ad valorem property tax authorized or required by law and shall not be included in the computation of the limitation specified in subdivision (a) of Section 1 of Article XIII A of the California Constitution.

SEC. 5. Section 35710.51 of the Education Code is amended to read:

<< CA EDUC § 35710.51 >>

35710.51. **(a)** The county superintendent of schools, within 35 days after receiving the notification provided by Section 35710, shall call an election, in the manner prescribed in Part 4 (commencing with Section 5000), to be conducted at the next ~~\*\*~~ ~~\*~~ election ~~\*\*\*~~ **of any kind in accordance with either of the following:**

**(1) Section 1002 of the Elections Code and Part 4 (commencing with Section 5000) of Division 1 of Title 1.**

**(2) Division 4 (commencing with Section 4000) of the Elections Code.**

**(b) The county superintendent of schools shall call the election** in the territory of districts as determined by the county committee on school district organization, or, in the case of territory transfers appealed to the ~~\*\*\*~~ **state board** pursuant to **subdivision (c) of Section 35710.5**, as determined by the ~~\*\*\*~~ **state board**. The county superintendent **of schools** shall not issue an order of election until after the time for an appeal pursuant to subdivision (b) of Section 35710.5 has elapsed.

SEC. 6. Section 35782 of the Education Code is amended to read:

<< CA EDUC § 35782 >>

35782. Within **45 days before** the close of each school year, the county committee shall conduct a public hearing on the issues specified in Section 35780. Notice of the public hearing shall be given at least 10 days in advance ~~\*\*\*~~ **of the hearing** to each member of the governing board of the lapsed district immediately ~~\*\*\*~~ **before** its lapsation, to each of the governing boards **that** adjoin the lapsed district, and to the high school district of which the lapsed elementary district is a component.

SEC. 7. Section 35783 of the Education Code is amended to read:

<< CA EDUC § 35783 >>

35783. After the hearing, **and at least 30 days before the end of the school year**, the county committee shall order the territory annexed to one or more adjoining districts as seems to the county committee to be in the best interest of the adjoining districts and the residents of the lapsed district.

SEC. 8. Section 35786 of the Education Code is amended to read:

<< CA EDUC § 35786 >>

35786. An order of a county committee attaching the territory of a lapsed school district to one or more adjoining school districts shall be effective for all purposes on the **July 1 after** date of the order. **Notwithstanding Section 35534, the effective date of the order is not subject to compliance with Section 54900 of the Government Code. Compliance with Section 54900 of the Government Code is required by December 1 of the year in which the order is made.**

SEC. 9. Section 42281 of the Education Code is amended to read:

<< CA EDUC § 42281 >>

42281. Except as specified in ~~\*\*\*~~ **subdivision (d)**, for each elementary school district that maintains only one school with a second principal apportionment average daily attendance of less than 97, the Superintendent shall make one of the following computations, whichever provides the lesser amount:

(a) For each small school that has an average daily attendance during the fiscal year of less than 25, exclusive of pupils attending the 7th and 8th grades of a junior high school, and for which school at least one teacher was hired full time, the Superintendent shall compute for the school district fifty-two thousand nine hundred twenty-five dollars (\$52,925).

(b) For each small school that has an average daily attendance during the fiscal year of 25 or more and less than 49, exclusive of pupils attending the 7th and 8th grades of a junior high school, and for which school at least two teachers were hired full time for more than one-half of the days schools were maintained, the Superintendent shall compute for the school district one hundred five thousand eight hundred fifty dollars (\$105,850).



(c) For each small school that has an average daily attendance during the fiscal year of 49 or more but less than 73, exclusive of pupils attending the 7th and 8th grades of a junior high school, and for which school three teachers were hired full time for more than one-half of the days schools were maintained, the Superintendent shall compute for the school district one hundred fifty-eight thousand seven hundred seventy-five dollars (\$158,775).

(d) For each small school that has an average daily attendance during the fiscal year of 73 or more and less than 97, exclusive of pupils attending the 7th and 8th grades of a junior high school, and for which school four teachers were hired full time for more than one-half of the days schools were maintained, the Superintendent shall compute for the school district two hundred eleven thousand seven hundred dollars (\$211,700). A school district that qualifies under this subdivision may use this funding calculation until the local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03, per unit of average daily attendance multiplied by the average daily attendance produces state aid equal to the small school funding formula.

SEC. 10. Section 49558 of the Education Code is amended to read:

<< CA EDUC § 49558 >>

49558. (a) All applications and records concerning any individual made or kept by any public officer or agency in connection with the administration of any provision of this code relating to free or reduced-price meal eligibility shall be confidential, and may not be open to examination for any purpose not directly connected with the administration of any free or reduced-price meal program, or any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any free or reduced-price meal program.

(b) Notwithstanding subdivision (a), a public officer or agency may allow ~~\*\*\*~~ school district employees, who are authorized by the governing board of the school district, ~~\*\*\*~~ **to disclose from the individual meal records \*\*\* only the pupil's name and school meal \*\*\* eligibility status,** solely for ~~\*\*\*~~ **purposes** of disaggregation of academic achievement data or to identify pupils eligible for public school choice and supplemental educational services pursuant to the federal No Child Left Behind Act of 2001 (~~\*\*\*~~ **Public Law** 107-110), if the public agency ensures the following:

(1) The public agency has adopted a policy that allows for the use of individual records for these purposes.

(2) No individual indicators of participation in any free or reduced-price meal program are maintained in the permanent record of any pupil, unless otherwise allowed by law.

(3) No public release of information regarding individual pupil participation in any free or reduced-price meal program is permitted.

(4) All other confidentiality provisions required by law are met.

(5) The information collected regarding individual pupils certified to participate in the free or reduced-price meal program is destroyed when it is no longer needed for its intended purpose.

(c) Notwithstanding subdivision (a), the school districts and county superintendents of schools may release information on the School Lunch Program application to the local agency that determines eligibility under the Medi-Cal ~~\*\*\*~~ **program if** the child is approved for free meals and if the applicant consents to the sharing of information pursuant to Section 49557.2.

(d) Notwithstanding subdivision (a), the school districts and county superintendents of schools may release information on the School Lunch Program application to the local agency that determines eligibility under the CalFresh program or to an agency that determines eligibility for nutrition assistance programs authorized by Chapter 2 (commencing with Section 210.1) of Subtitle B of Title 7 of the Code of Federal Regulations, if the child is approved for free or reduced-price meals and if the applicant consents to the sharing of information pursuant to Section 49557.3.

**(e) Notwithstanding subdivision (a), a school district, charter school, or county office of education may release the name and eligibility status of a pupil participating in the free or reduced-price meal program as follows:**

**(1) To the Superintendent for purposes of determining funding allocations under the local control funding formula and for assessing the accountability of that funding.**

**(2) Upon request, to another school district, charter school, or county office of education that is serving a pupil living in the same household as an enrolled pupil for purposes related to free or reduced-price meal program eligibility and for data used in local control funding formula calculations.**

**(f) Information released pursuant to subdivision (c), (d), or (e) shall adhere to all of the following requirements:**

**(1) Individual indicators of participation in a free or reduced-price meal program shall not be maintained in the permanent record of any pupil, unless otherwise authorized by law.**

**(2) The public release of information regarding individual pupil participation in a free or reduced-price meal program is not permitted.**

**(3) All other confidentiality requirements imposed by law or regulation are met.**

SEC. 11. Section 52060 of the Education Code is amended to read:

<< CA EDUC § 52060 >>

52060. (a) On or before July 1, 2014, the governing board of each school district shall adopt a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by **the** governing board of a school district shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by **the** governing board of a school district shall include, for the school district and each school within the school district, both of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d) and for any additional local priorities identified by the governing board of the school district. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in paragraphs (2) and (3) of subdivision (a) of Section 52052.

(2) A description of the specific actions the school district will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the school district.

(d) All of the following are state priorities:

(1) The degree to which the teachers of the school district are appropriately assigned in accordance with Section 44258.9, and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair, as **defined** in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to **former** Section 60811.3, **as that section**

**read on June 30, 2013, or Section 60811.4**, for purposes of gaining academic content knowledge and English language proficiency.

(3) Parental involvement, including efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite, and including how the school district will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.

(4) Pupil achievement, as measured by all of the following, as applicable:

(A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.

(B) The Academic Performance Index, as described in Section 52052.

(C) The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that align with state board-approved career technical **education** standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

(D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.

(E) The English learner reclassification rate.

(F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.

(G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(5) Pupil engagement, as measured by all of the following, as applicable:

(A) School attendance rates.

(B) Chronic absenteeism rates.

(C) Middle school dropout rates, as described in paragraph (3) of subdivision (a) of Section 52052.1.

(D) High school dropout rates.

(E) High school graduation rates.

(6) School climate, as measured by all of the following, as applicable:

(A) Pupil suspension rates.

(B) Pupil expulsion rates.

(C) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

(7) The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the **programs** and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.

(8) Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

(e) For purposes of the descriptions required by subdivision (c), **the** governing board of a school district may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) of paragraph (4) of subdivision (a) of Section 52052 or any other reviews.

(f) To the extent practicable, data reported in a local control and accountability plan shall be reported in a manner consistent with how information is reported on a school accountability report card.

(g) **The** governing board of a school district shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, parents, and pupils in developing a local control and accountability plan.

(h) A school district may identify local priorities, goals in regard to the local priorities, and the method for measuring the school district's progress toward achieving those goals.

SEC. 11.1. Section 52060 of the Education Code is amended to read:

<< CA EDUC § 52060 >>

52060. (a) On or before July 1, 2014, the governing board of each school district shall adopt a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by **the** governing board of a school district shall be effective for a period

of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by **the** governing board of a school district shall include, for the school district and each school within the school district, both of the following:

(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d) and for any additional local priorities identified by the governing board of the school district. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in paragraphs (2) and (3) of subdivision (a) of Section 52052.

(2) A description of the specific actions the school district will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the school district.

(d) All of the following are state priorities:

(1) The degree to which the teachers of the school district are appropriately assigned in accordance with Section 44258.9, and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair, as **defined** in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to **former** Section 60811.3, **as that section read on June 30, 2013, or Section 60811.4**, for purposes of gaining academic content knowledge and English language proficiency.

(3) Parental involvement, including efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite, and including how the school district will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.

(4) Pupil achievement, as measured by all of the following, as applicable:

(A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.

(B) The Academic Performance Index, as described in Section 52052.

(C) The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California and the California State University, or career technical education sequences or programs of study that align with state board-approved career technical **education** standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

(D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.

(E) The English learner reclassification rate.

(F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.

(G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(5) Pupil engagement, as measured by all of the following, as applicable:

(A) School attendance rates.

(B) Chronic absenteeism rates.

(C) Middle school dropout rates, as described in paragraph (3) of subdivision (a) of Section 52052.1.

(D) High school dropout rates.

(E) High school graduation rates.

(6) School climate, as measured by all of the following, as applicable:

(A) Pupil suspension rates.

(B) Pupil expulsion rates.

(C) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

(7) The extent to which pupils have access to, and are enrolled in,

a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable, including the programs and services developed and provided to unduplicated pupils and individuals with exceptional needs, and the **programs** and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.

(8) Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

(e) For purposes of the descriptions required by subdivision (c), **the** governing board of a school district may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) of paragraph (4) of subdivision (a) of Section 52052 or any other reviews.

(f) To the extent practicable, data reported in a local control and accountability plan shall be reported in a manner consistent with how information is reported on a school accountability report card.

(g) **The** governing board of a school district shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, parents, and pupils in developing a local control and accountability plan.

(h) A school district may identify local priorities, goals in regard to the local priorities, and the method for measuring the school district's progress toward achieving those goals.

**(i) This section shall remain in effect only until January 1, 2018, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2018, deletes or extends that date.**

SEC. 11.2. Section 52060 is added to the Education Code, to read:

<< CA EDUC § 52060 >>

52060. (a) On or before July 1, 2014, the governing board of each school district shall adopt a local control and accountability plan using a template adopted by the state board.

(b) A local control and accountability plan adopted by the governing board of a school district shall be effective for a period of three years, and shall be updated on or before July 1 of each year.

(c) A local control and accountability plan adopted by the governing board of a school district shall include, for the school district and each school within the school district, both of the following:



(1) A description of the annual goals, for all pupils and each subgroup of pupils identified pursuant to Section 52052, to be achieved for each of the state priorities identified in subdivision (d) and for any additional local priorities identified by the governing board of the school district. For purposes of this article, a subgroup of pupils identified pursuant to Section 52052 shall be a numerically significant pupil subgroup as specified in paragraphs (2) and (3) of subdivision (a) of Section 52052.

(2) A description of the specific actions the school district will take during each year of the local control and accountability plan to achieve the goals identified in paragraph (1), including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities listed in paragraph (1) of subdivision (d). The specific actions shall not supersede the provisions of existing local collective bargaining agreements within the jurisdiction of the school district.

(d) All of the following are state priorities:

(1) The degree to which the teachers of the school district are appropriately assigned in accordance with Section 44258.9, and fully credentialed in the subject areas, and, for the pupils they are teaching, every pupil in the school district has sufficient access to the standards-aligned instructional materials as determined pursuant to Section 60119, and school facilities are maintained in good repair, as defined in subdivision (d) of Section 17002.

(2) Implementation of the academic content and performance standards adopted by the state board, including how the programs and services will enable English learners to access the common core academic content standards adopted pursuant to Section 60605.8 and the English language development standards adopted pursuant to former Section 60811.3, as that section read on June 30, 2013, or Section 60811.4, for purposes of gaining academic content knowledge and English language proficiency.

(3) Parental involvement, including efforts the school district makes to seek parent input in making decisions for the school district and each individual schoolsite, and including how the school district will promote parental participation in programs for unduplicated pupils and individuals with exceptional needs.

(4) Pupil achievement, as measured by all of the following, as applicable:

(A) Statewide assessments administered pursuant to Article 4 (commencing with Section 60640) of Chapter 5 of Part 33 or any subsequent assessment, as certified by the state board.

(B) The Academic Performance Index, as described in Section 52052.

(C) The percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the

University of California and the California State University, or career technical education sequences or programs of study that align with state board-approved career technical education standards and frameworks, including, but not limited to, those described in subdivision (a) of Section 52302, subdivision (a) of Section 52372.5, or paragraph (2) of subdivision (e) of Section 54692.

(D) The percentage of English learner pupils who make progress toward English proficiency as measured by the California English Language Development Test or any subsequent assessment of English proficiency, as certified by the state board.

(E) The English learner reclassification rate.

(F) The percentage of pupils who have passed an advanced placement examination with a score of 3 or higher.

(G) The percentage of pupils who participate in, and demonstrate college preparedness pursuant to, the Early Assessment Program, as described in Chapter 6 (commencing with Section 99300) of Part 65 of Division 14 of Title 3, or any subsequent assessment of college preparedness.

(5) Pupil engagement, as measured by all of the following, as applicable:

(A) School attendance rates.

(B) Chronic absenteeism rates.

(C) Middle school dropout rates, as described in paragraph (3) of subdivision (a) of Section 52052.1.

(D) High school dropout rates.

(E) High school graduation rates.

(6) School climate, as measured by all of the following, as applicable:

(A) Pupil suspension rates.

(B) Pupil expulsion rates.

(C) If the governing board of the school district chooses to include it, compliance with the federal gender equity requirements under Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681 et seq.), including, but not limited to, the total number of pupils, by gender, participating in interscholastic athletics.

(D) Other local measures, including surveys of pupils, parents, and teachers on the sense of safety and school connectedness.

(7) The extent to which pupils have access to, and are enrolled in, a broad course of study that includes all of the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable, including the programs and

services developed and provided to unduplicated pupils and individuals with exceptional needs, and the programs and services that are provided to benefit these pupils as a result of the funding received pursuant to Section 42238.02, as implemented by Section 42238.03.

(8) Pupil outcomes, if available, in the subject areas described in Section 51210 and subdivisions (a) to (i), inclusive, of Section 51220, as applicable.

(e) For purposes of the descriptions required by subdivision (c), the governing board of a school district may consider qualitative information, including, but not limited to, findings that result from school quality reviews conducted pursuant to subparagraph (J) of paragraph (4) of subdivision (a) of Section 52052 or any other reviews.

(f) To the extent practicable, data reported in a local control and accountability plan shall be reported in a manner consistent with how information is reported on a school accountability report card.

(g) The governing board of a school district shall consult with teachers, principals, administrators, other school personnel, local bargaining units of the school district, parents, and pupils in developing a local control and accountability plan.

(h) A school district may identify local priorities, goals in regard to the local priorities, and the method for measuring the school district's progress toward achieving those goals.

(i) This section shall become operative on January 1, 2018.

SEC. 12. Section 56043 of the Education Code is amended to read:

<< CA EDUC § 56043 >>

56043. The primary timelines affecting special education programs are as follows:

(a) A proposed assessment plan shall be developed within 15 calendar days of referral for assessment, not counting calendar days between the pupil's regular school sessions or terms or calendar days of school vacation in excess of five schooldays, from the date of receipt of the referral, unless the parent or guardian agrees in writing to an extension, pursuant to subdivision (a) of Section 56321.

(b) A parent or guardian shall have at least 15 calendar days from the receipt of the proposed assessment plan to arrive at a decision, pursuant to subdivision (c) of Section 56321.

(c) Once a child has been referred for an initial assessment to determine whether the child is an individual with exceptional needs and to determine the educational needs of the child, these determinations shall be made, and an individualized education

program team meeting shall occur within 60 days of receiving parental consent for the assessment, pursuant to subdivision (a) of Section 56302.1, except as specified in subdivision (b) of that section, and pursuant to Section 56344.

(d) The individualized education program team shall review the pupil's individualized education program periodically, but not less frequently than annually, pursuant to subdivision (d) of Section 56341.1.

(e) A parent or guardian shall be notified of the individualized education program team meeting early enough to ensure an opportunity to attend, pursuant to subdivision (b) of Section 56341.5. In the case of an individual with exceptional needs who is 16 years of age or younger, if appropriate, the meeting notice shall indicate that a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the individual with exceptional needs, and the meeting notice described in this subdivision shall indicate that the individual with exceptional needs is invited to attend, pursuant to subdivision (e) of Section 56341.5.

(f)(1) An individualized education program required as a result of an assessment of a pupil shall be developed within a total time not to exceed 60 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's or guardian's written consent for assessment, unless the parent or guardian agrees in writing to an extension, pursuant to Section 56344.

(2) A meeting to develop an initial individualized education program for the pupil shall be conducted within 30 days of a determination that the child needs special education and related services pursuant to Section 300.323(c)(1) of Title 34 of the Code of Federal Regulations and in accordance with Section 56344.

(g)(1) Beginning not later than the first individualized education program to be in effect when the pupil is 16 years of age, or younger if determined appropriate by the individualized education program team, and updated annually thereafter, the individualized education program shall include appropriate measurable postsecondary goals and transition services needed to assist the pupil in reaching those goals, pursuant to paragraph (8) of subdivision (a) of Section 56345.

(2) The individualized education program for pupils in grades 7 to 12, inclusive, shall include any alternative means and modes necessary for the pupil to complete the district's prescribed course of study and to meet or exceed proficiency standards for graduation, pursuant to paragraph (1) of subdivision (b) of Section 56345.

(3) Beginning not later than one year before the pupil reaches ~~\*~~**of age**, the individualized education program shall

contain a statement that the pupil has been informed of the pupil's rights under this part, if any, that will transfer to the pupil upon reaching ~~\*\*\*~~ 18 years **of age**, pursuant to Section 56041.5, subdivision (g) of Section 56345, and Section 300.520 of Title 34 of the Code of Federal Regulations.

(h) Beginning at the age of 16 years or younger, and annually thereafter, a statement of needed transition services shall be included in the pupil's individualized education program, pursuant to Section 56345.1 and Section 1414(d)(1)(A)(i)(VIII) of Title 20 of the United States Code.

(i) A pupil's individualized education program shall be implemented as soon as possible following the individualized education program team meeting, pursuant to Section 300.323(c) (2) of Title 34 of the Code of Federal Regulations and in accordance with Section 56344.

(j) An individualized education program team shall meet at least annually to review a pupil's progress, the individualized education program, including whether the annual goals for the pupil are being achieved, the appropriateness of the placement, and to make any necessary revisions, pursuant to subdivision (d) of Section 56343. The local educational agency shall maintain procedures to ensure that the individualized education program team reviews the pupil's individualized education program periodically, but not less frequently than annually, to determine whether the annual goals for the pupil are being achieved, and revises the individualized education program as appropriate to address, among other matters, the provisions specified in subdivision (d) of Section 56341.1, pursuant to subdivision (a) of Section 56380.

(k) A reassessment of a pupil shall occur not more frequently than once a year, unless the parent and the local educational agency agree otherwise in writing, and shall occur at least once every three years, unless the parent and the local educational agency agree, in writing, that a reassessment is unnecessary, pursuant to Section 56381, and in accordance with Section 1414(a)(2) of Title 20 of the United States Code.

(l) A meeting of an individualized education program team requested by a parent or guardian to review an individualized education program pursuant to subdivision (c) of Section 56343 shall be held within 30 calendar days, not counting days between the pupil's regular school sessions, terms, or days of school vacation in excess of five schooldays, from the date of receipt of the parent's or guardian's written request, pursuant to Section 56343.5.

(m) If an individual with exceptional needs transfers from district to district within the state, the following are applicable pursuant to Section 56325:

(1) If the child has an individualized education program and

transfers into a district from a district not operating programs under the same local plan in which he or she was last enrolled in a special education program within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents or guardians, for a period not to exceed 30 days, by which time the local educational agency shall adopt the previously approved individualized education program or shall develop, adopt, and implement a new individualized education program that is consistent with federal and state law, pursuant to paragraph (1) of subdivision (a) of Section 56325.

(2) If the child has an individualized education program and transfers into a district from a district operating programs under the same special education local plan area of the district in which he or she was last enrolled in a special education program within the same academic year, the new district shall continue, without delay, to provide services comparable to those described in the existing approved individualized education program, unless the parent and the local educational agency agree to develop, adopt, and implement a new individualized education program that is consistent with state and federal law, pursuant to paragraph (2) of subdivision (a) of Section 56325.

(3) If the child has an individualized education program and transfers from an educational agency located outside the state to a district within the state within the same academic year, the local educational agency shall provide the pupil with a free appropriate public education, including services comparable to those described in the previously approved individualized education program, in consultation with the parents or guardians, until the local educational agency conducts an assessment as specified in paragraph (3) of subdivision (a) of Section 56325.

(4) In order to facilitate the transition for an individual with exceptional needs described in paragraphs (1) to (3), inclusive, the new school in which the pupil enrolls shall take reasonable steps to promptly obtain the pupil's records, as specified, pursuant to subdivision (b) of Section 56325.

(n) The parent or guardian shall have the right and opportunity to examine all school records of the child and to receive complete copies within five business days after a request is made by the parent or guardian, either orally or in writing, and before any meeting regarding an individualized education program of his or her child or any hearing or resolution session pursuant to Chapter 5 (commencing with Section 56500), in accordance with Section 56504 and Chapter 6.5 (commencing with Section 49060) of Part 27.

(o) Upon receipt of a request from a local educational agency where an individual with exceptional needs has enrolled, a former

educational agency shall send the pupil's special education records, or a copy ~~\*\*\*~~ **of those records**, to the new local educational agency within five working days, pursuant to subdivision (a) of Section 3024 of Title 5 of the California Code of Regulations.

(p) The department shall do all of the following:

(1) Have a time limit of 60 calendar days after a complaint is filed with the state educational agency to investigate the complaint.

(2) Give the complainant the opportunity to submit additional information about the allegations in the complaint.

(3) Review all relevant information and make an independent determination as to whether there is a violation of a requirement of this part or Part B of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.).

(4) Issue a written decision pursuant to Section 300.152(a)(5) of Title 34 of the Code of Federal Regulations.

(q) A prehearing mediation conference shall be scheduled within 15 calendar days of receipt by the Superintendent of the request for mediation, and shall be completed within 30 calendar days after the request for mediation, unless both parties to the prehearing mediation conference agree to extend the time for completing the mediation, pursuant to Section 56500.3.

(r) Any request for a due process hearing arising from subdivision (a) of Section 56501 shall be filed within two years from the date the party initiating the request knew or had reason to know of facts underlying the basis for the request, except that this timeline shall not apply to a parent if the parent was prevented from requesting the due process hearing, pursuant to subdivision (l) of Section 56505.

(s) The Superintendent shall ensure that, within 45 calendar days after receipt of a written due process hearing request, the hearing is immediately commenced and completed, including any mediation requested at any point during the hearing process, and a final administrative decision is rendered, pursuant to subdivision (f) of Section 56502.

(t) If either party to a due process hearing intends to be represented by an attorney in the due process hearing, notice of that intent shall be given to the other party at least 10 calendar days ~~\*\*\*~~ **before** the hearing, pursuant to subdivision (a) of Section 56507.

(u) Any party to a due process hearing shall have the right to be informed by the other parties to the hearing, at least 10 calendar days ~~\*\*\*~~ **before** the hearing, as to what those parties believe are the issues to be decided at the hearing and their proposed resolution of those issues, pursuant to paragraph (6) of subdivision (e) of Section 56505.

(v) Any party to a due process hearing shall have the right to receive from other parties to the hearing, at least five business days ~~\*\*\*~~ **before** the hearing, a copy of all documents, including all assessments completed and not completed by that date, and a list of all witnesses and their general area of testimony that the parties intend to present at the hearing, pursuant to paragraph (7) of subdivision (e) of Section 56505.

(w) An appeal of a due process hearing decision shall be made within 90 calendar days of receipt of the hearing decision, pursuant to subdivision (k) of Section 56505.

~~\*\*\*~~

(x) A complaint filed with the department shall allege a violation of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.) or a provision of this part that occurred not more than one year ~~\*\*\*~~ **before** the date that the complaint is received by the department, pursuant to Section 56500.2 and Section 300.153(c) of Title 34 of the Code of Federal Regulations.

<< Repealed: CA EDUC § 56363.5 >>

SEC. 13. Section 56363.5 of the Education Code is repealed.

SEC. 14. Section 56363.5 is added to the Education Code, to read:

<< CA EDUC § 56363.5 >>

56363.5. Pursuant to Section 300.154(d)(2)(iv) and (v) of Title 34 of the Code of Federal Regulations, if an individual with exceptional needs is covered by public benefits or insurance, a public agency may use Medicaid, other public benefits, or insurance programs in which a pupil participates to provide or pay for the services required by this part, the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), and Part 300 of Title 34 of the Code of Federal Regulations, if both of the following conditions are met:

(a) The public agency provides written notification to the pupil's parents.

(b) The public agency obtains written parental consent before accessing the pupil's or parents' public benefits or insurance for the first time, and annually thereafter.

SEC. 15. Section 56366.1 of the Education Code is amended to read:

<< CA EDUC § 56366.1 >>

56366.1. (a) A nonpublic, nonsectarian school or agency that seeks certification shall file an application with the Superintendent on forms provided by the department, and shall include all of the following information on the application:



- (1) A description of the special education and designated instruction and services provided to individuals with exceptional needs if the application is for nonpublic, nonsectarian school certification.
- (2) A description of the designated instruction and services provided to individuals with exceptional needs if the application is for nonpublic, nonsectarian agency certification.
- (3) A list of appropriately qualified staff, a description of the credential, license, or registration that qualifies each staff member rendering special education or designated instruction and services to do so, and copies of their credentials, licenses, or certificates of registration with the appropriate state or national organization that has established standards for the service rendered.
- (4) An annual operating budget.
- (5) Affidavits and assurances necessary to comply with all applicable federal, state, and local laws and regulations that include criminal record summaries required of all nonpublic, nonsectarian school or agency personnel having contact with minor children under Section 44237.

(b)(1) The applicant shall provide the special education local plan area in which the applicant is located with the written notification of its intent to seek certification or renewal of its certification. The ~~\*\*\*~~ local educational agency representatives **shall acknowledge** that they have been notified of the intent to certify or renew certification. The **acknowledgment** shall include a statement that representatives of the local educational agency for the area in which the applicant is located have had the opportunity to review the application at least 60 calendar days before submission of an initial application to the Superintendent, or at least 30 calendar days before submission of a renewal application to the Superintendent. The ~~\*\*\*~~ **acknowledgment** shall provide assurances that local educational agency representatives have had the opportunity to provide input on all required components of the application.

(2) If the ~~\*\*\*~~ **local educational agency has not acknowledged an applicant's intent to be certified** 60 calendar days from the date of ~~\*\*\*~~ **submission** for initial applications or 30 calendar days from the date of the return receipt for renewal applications, the applicant may file the application with the Superintendent. ~~\*\*\*~~

(3) The department shall ~~\*\*\*~~ **provide electronic notification of the availability of** renewal application materials to certified nonpublic, nonsectarian schools and agencies at least 120 days before the date their current certification expires.

(c) If the applicant operates a facility or program on more than one site, each site shall be certified.

(d) If the applicant is part of a larger program or facility on the same site, the Superintendent shall consider the effect of the total program on the applicant. A copy of the policies and standards for the nonpublic, nonsectarian school or agency and the larger program shall be available to the Superintendent.

(e)(1) Before certification, the Superintendent shall conduct an onsite review of the facility and program for which the applicant seeks certification. The Superintendent may be assisted by representatives of the special education local plan area in which the applicant is located and a nonpublic, nonsectarian school or agency representative who does not have a conflict of interest with the applicant. The Superintendent shall conduct an additional onsite review of the facility and program within three years of the effective date of the certification, unless the Superintendent conditionally certifies the nonpublic, nonsectarian school or agency, or unless the Superintendent receives a formal complaint against the nonpublic, nonsectarian school or agency. In the latter two cases, the Superintendent shall conduct an onsite review at least annually.

(2) In carrying out this subdivision, the Superintendent may verify that the nonpublic, nonsectarian school or agency has received a successful criminal background check clearance and has enrolled in subsequent arrest notice service, pursuant to Section 44237, for each owner, operator, and employee of the nonpublic, nonsectarian school or agency.

(f) The Superintendent shall make a determination on an application within 120 days of receipt of the application and shall certify, conditionally certify, or deny certification to the applicant. If the Superintendent fails to take one of these actions within 120 days, the applicant is automatically granted conditional certification for a period terminating on August 31 of the current school year. If certification is denied, the Superintendent shall provide reasons for the denial. The Superintendent shall not certify the nonpublic, nonsectarian school or agency for a period longer than one year.

(g) Certification becomes effective on the date the nonpublic, nonsectarian school or agency meets all the application requirements and is approved by the Superintendent. Certification may be retroactive if the nonpublic, nonsectarian school or agency met all the requirements of this section on the date the retroactive certification is effective. Certification expires on December 31 of the terminating year.

(h) The Superintendent annually shall review the certification of each nonpublic, nonsectarian school or agency. For this purpose, a certified nonpublic, nonsectarian school or agency annually shall update its application between August 1 and October 31, unless the state board grants a waiver pursuant to Section 56101. The Superintendent may conduct an onsite review as part of the annual review.

(i)(1) The Superintendent shall conduct an investigation of a nonpublic, nonsectarian school or agency onsite at any time without prior notice if there is substantial reason to believe that there is an immediate danger to the health, safety, or welfare of a child. The Superintendent shall document the concern and submit it to the nonpublic, nonsectarian school or agency at the time of the onsite investigation. The Superintendent shall require a written response to any noncompliance or deficiency found.

(2) With respect to a nonpublic, nonsectarian school, the Superintendent shall conduct an investigation, which may include an unannounced onsite visit, if the Superintendent receives evidence of a significant deficiency in the quality of educational services provided, a violation of Section 56366.9, or noncompliance with the policies expressed by subdivision (b) of Section 1501 of the Health and Safety Code by the nonpublic, nonsectarian school. The Superintendent shall document the complaint and the results of the investigation and shall provide copies of the documentation to the complainant, the nonpublic, nonsectarian school, and the contracting local educational agency.

(3) Violations or noncompliance documented pursuant to paragraph (1) or (2) shall be reflected in the status of the certification of the nonpublic, nonsectarian school or agency, at the discretion of the Superintendent, pending an approved plan of correction by the nonpublic, nonsectarian school or agency. The department shall retain for a period of 10 years all violations pertaining to certification of the nonpublic, nonsectarian school or agency.

(4) In carrying out this subdivision, the Superintendent may verify that the nonpublic, nonsectarian school or agency received a successful criminal background check clearance and has enrolled in subsequent arrest notice service, pursuant to Section 44237, for each owner, operator, and employee of the nonpublic, nonsectarian school or agency.

(j) The Superintendent shall monitor the facilities, the educational environment, and the quality of the educational program, including the teaching staff, the credentials authorizing service, the standards-based core curriculum being employed, and the **standards-focused** instructional materials used, of an existing certified nonpublic, nonsectarian school or agency on a three-year cycle, as follows:

(1) The nonpublic, nonsectarian school or agency shall complete a self-review in year one.

(2) The Superintendent shall conduct an onsite review of the nonpublic, nonsectarian school or agency in year two.

(3) The Superintendent shall conduct a followup visit to the nonpublic, nonsectarian school or agency in year three.

(k)(1) Notwithstanding any other law, the Superintendent shall

not certify a nonpublic, nonsectarian school or agency that proposes to initiate or expand services to pupils currently educated in the immediate prior fiscal year in a juvenile court program, community school pursuant to Section 56150, or other nonspecial education program, including independent study or adult school, or both, unless the nonpublic, nonsectarian school or agency notifies the county superintendent of schools and the special education local plan area in which the proposed new or expanded nonpublic, nonsectarian school or agency is located of its intent to seek certification.

(2) The notification shall occur no later than the December 1 before the new fiscal year in which the proposed or expanding school or agency intends to initiate services. The notice shall include the following:

(A) The specific date upon which the proposed nonpublic, nonsectarian school or agency is to be established.

(B) The location of the proposed program or facility.

(C) The number of pupils proposed for services, the number of pupils currently served in the juvenile court, community school, or other nonspecial education program, the current school services including special education and related services provided for these pupils, and the specific program of special education and related services to be provided under the proposed program.

(D) The reason for the proposed change in services.

(E) The number of staff who will provide special education and designated instruction and services and hold a current valid California credential or license in the service rendered.

(3) In addition to the requirements in subdivisions (a) to (f), inclusive, the Superintendent shall require and consider the following in determining whether to certify a nonpublic, nonsectarian school or agency as described in this subdivision:

(A) A complete statement of the information required as part of the notice under paragraph (1).

(B) Documentation of the steps taken in preparation for the conversion to a nonpublic, nonsectarian school or agency, including information related to changes in the population to be served and the services to be provided pursuant to each pupil's individualized education program.

(4) Notwithstanding any other law, the certification becomes effective no earlier than July 1 if the nonpublic, nonsectarian school or agency provided the notification required pursuant to paragraph (1).

(j)(1) Notwithstanding any other law, the Superintendent shall not certify or renew the certification of a nonpublic, nonsectarian school or agency, unless all of the following conditions are met:

(A) The entity operating the nonpublic, nonsectarian school or agency maintains separate financial records for each entity that it operates, with each nonpublic, nonsectarian school or agency identified separately from any licensed children's institution that it operates.

(B) The entity submits an annual budget that identifies the projected costs and revenues for each entity and demonstrates that the rates to be charged are reasonable to support the operation of the entity.

(C) The entity submits an entitywide annual audit that identifies its costs and revenues, by entity, in accordance with generally accepted accounting and auditing principles. The audit shall clearly document the amount of moneys received and expended on the educational program provided by the nonpublic, nonsectarian school.

(D) The relationship between various entities operated by the same entity are documented, defining the responsibilities of the entities. The documentation shall clearly identify the services to be provided as part of each program, for example, the residential or medical program, the mental health program, or the educational program. The entity shall not seek funding from a public agency for a service, either separately or as part of a package of services, if the service is funded by another public agency, either separately or as part of a package of services.

(2) For purposes of this section, "licensed children's institution" has the same meaning as it is defined by Section 56155.5.

(m)(1) The nonpublic, nonsectarian school or agency shall be charged a reasonable fee for certification. The Superintendent may adjust the fee annually commensurate with the statewide average percentage inflation adjustment computed for local control funding formula allocations pursuant to Section 42238.02, as implemented by Section 42238.03, of unified school districts with greater than 1,500 units of average daily attendance if the percentage increase is reflected in the school district local control funding formula allocation pursuant to Section 42238.02, as implemented by Section 42238.03, for inflation purposes. For purposes of this section, the base fee shall be the following:

(1) 1–5 pupils .....	\$ 300
(2) 6–10 pupils .....	500
(3) 11–24 pupils .....	1,000
(4) 25–75 pupils .....	1,500
(5) 76 pupils and over .....	2,000

(2) The nonpublic, nonsectarian school or agency shall pay this fee when it applies for certification and when it updates its application for annual renewal by the Superintendent. The Superintendent shall use these fees to conduct onsite reviews, which may include field experts. A fee shall not be refunded if the

application is withdrawn or is denied by the Superintendent.

(n)(1) Notwithstanding any other law, only those nonpublic, nonsectarian schools **or** agencies that provide special education and designated instruction and services using staff who hold a certificate, permit, or other document equivalent to that which staff in a public school are required to hold in the service rendered are eligible to receive certification. Only those nonpublic, nonsectarian schools or agencies located outside of California that employ staff who hold a current valid credential or license to render special education and related services as required by that state shall be eligible to be certified.

(2) The state board shall develop regulations to implement this subdivision.

(o) In addition to meeting the standards adopted by the state board, a nonpublic, nonsectarian school or agency shall provide written assurances that it meets all applicable standards relating to fire, health, sanitation, and building safety.

(p)(1) Notwithstanding subdivision (n) of Section 44237, and for purposes of enabling the Superintendent to carry out his or her duties pursuant to this section, a nonpublic, nonsectarian school or agency shall, upon demand, make available to the Superintendent evidence of a successful criminal background check clearance and enrollment in subsequent arrest notice service, conducted pursuant to Section 44237, for each owner, operator, and employee of the nonpublic, nonsectarian school or agency.

(2) The nonpublic, nonsectarian school or agency shall retain the evidence and store it in a locked file separate from other files.

SEC. 16. Section 56440 of the Education Code is amended to read:

<< CA EDUC § 56440 >>

56440. (a) Each special education local plan area shall submit ~~\*\*\*~~ ~~\*\*\*~~ to the Superintendent ~~\*\*\*~~, **as part of the local plan, information** for providing special education and services to individuals with exceptional needs, as defined ~~\*\*\*~~ **in Section 56026**, who are between the ages of three and five years, inclusive ~~\*\*\*~~.

~~\*\*\*~~

(b) All individuals with exceptional needs between the ages of three and five years, inclusive, identified in subdivision (a) shall be served by the local educational agencies within each special education local plan area ~~\*\*\*~~, to the extent required under federal law and pursuant to the local plan and application approved by the Superintendent.

(c) Individuals with exceptional needs between the ages of three

and five years, inclusive, who are identified by the local educational agency as requiring special education and services ~~\*\*\*~~ shall be eligible for special education and services pursuant to this part ~~\*\*\*~~.

~~\*\*\*~~

**(d)** Special education facilities operated by local educational agencies serving children under this chapter and Chapter 4.4 (commencing with Section 56425) shall meet all applicable standards relating to fire, health, sanitation, and building safety, but are not subject to Chapter 3.4 (commencing with Section 1596.70), 3.5 (commencing with Section 1596.90), or 3.6 (commencing with Section 1597.30) of Division 2 of the Health and Safety Code.

**(e)** This chapter applies to all individuals with exceptional needs between the ages of three and five years, inclusive.

SEC. 17. Section 60603 of the Education Code is amended to read:

<< CA EDUC § 60603 >>

60603. As used in this chapter:

(a) "Achievement level descriptors" means a narrative description of the knowledge, skills, and processes expected of pupils at different grade levels and at different performance levels on achievement tests.

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

**(c) "California Assessment of Student Performance and Progress (CAASPP)" means the comprehensive assessment system, inclusive of consortium-developed assessments, that has the primary purpose of modeling and promoting high-quality teaching and instruction using a variety of assessment approaches and item types.**

**(d)** "Census administration" means a test administration in which all pupils take comparable assessments of the same content and where results of individual performance are appropriate and meaningful to parents, pupils, and teachers.

**(e)** "Computer-adaptive assessment" means a computer-based test that utilizes a computer program to adjust the difficulty of test items throughout a testing session based on a test taker's responses to previous test items during that testing session.

**(f)** "Computer-based assessment" means a test administered using an electronic computing device.

**(g)** "Consortium" means a multistate collaborative organized to develop a comprehensive system of assessments or formative

tools such as described in Section 60605.7.

**(h)** "Constructed-response questions" means a type of assessment item that requires pupils to construct their own answers.

**(i)** "Content standards" means the specific academic knowledge, skills, and abilities that all public schools in this state are expected to teach, and all pupils are expected to learn, in reading, writing, mathematics, history-social science, foreign languages, visual and performing arts, and science, at each grade level tested.

**(j)** "Diagnostic assessment" means an assessment of particular knowledge or skills a pupil has or has not yet achieved for the purpose of informing instruction and making placement decisions.

**(k)** "End of course **examination**" means a comprehensive and challenging assessment of pupil achievement in a particular subject area or discipline.

**(l)** "Field test" means an assessment or assessment items administered to a representative sample of a population to ensure that the test or item produces results that are valid, reliable, and fair.

**(m)** "Formative assessment tools" means assessment tools and processes that are embedded in instruction and used by teachers and pupils to provide timely feedback for purposes of adjusting instruction to improve learning.

**(n)** "High-quality assessment" means an assessment designed to measure a pupil's knowledge of, understanding of, and ability to apply, critical concepts through the use of a variety of item types and formats, including, but not necessarily limited to, items that allow for constructed responses and items that require the completion of performance tasks. A high-quality assessment should have the following characteristics:

(1) Enable measurement of pupil achievement and pupil growth to the extent feasible.

(2) Be of high technical quality by being valid, reliable, fair, and aligned to standards.

(3) Incorporate technology where appropriate.

(4) Include the assessment of pupils with disabilities and English learners.

(5) Use, to the extent feasible, universal design principles, as defined in Section 3 of the federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002) in its development and administration.

**(o)** "Interim assessment" means an assessment that is designed to be given at regular intervals throughout the school year to evaluate a pupil's knowledge and skills relative to a specific set of



academic standards, and produces results that can be aggregated by course, grade level, school, or local educational agency in order to inform teachers and administrators at the pupil, classroom, school, and local educational agency levels.

**(p)** "Local educational agency" means a county office of education, school district, state special school, or direct-funded charter school as described in Section 47651.

**(q)** "Matrix sampling" means administering different portions of a single assessment to different groups of pupils for the purpose of sampling a broader representation of content and reducing testing time.

\* \* \*

**(r)** "Performance standards" are standards that define various levels of competence at each grade level in each of the curriculum areas for which content standards are established. Performance standards gauge the degree to which a pupil has met the content standards and the degree to which a school or school district has met the content standards.

**(s)** "Performance tasks" are a collection of questions or activities that relate to a single scenario that include pupil interaction with stimulus. Performance tasks are a means to assess more complex skills such as writing, research, and analysis.

**(t)** "Personally identifiable information" includes a pupil's name and other direct personal identifiers, such as the pupil's identification number. Personally identifiable information also includes indirect identifiers, such as the pupil's address and personal characteristics, or other information that would make the pupil's identity easily traceable through the use of a single or multiple data sources, including publicly available information.

**(u)** "Population sampling" means administering assessments to a representative sample of pupils instead of the entire pupil population. The sample of pupils shall be representative in terms of various pupil subgroups, including, but not necessarily limited to, English learners and pupils with disabilities.

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

**(w)** "State-determined assessment calendar" means the scheduling of assessments, exclusive of those subject area assessments listed in subdivision (b) of Section 60640, over several years on a predetermined schedule. Content areas and grades shall only be assessed after being publicly announced at least two school years in advance of the assessment.

**(x)** "Summative assessment" means an assessment designed to be given near the end of the school year to evaluate a pupil's knowledge and skills relative to a specific set of academic

standards.

SEC. 18. Section 60604 of the Education Code is amended to read:

<< CA EDUC § 60604 >>

60604. (a) The Superintendent shall design and implement, consistent with the timetable and plan required pursuant to subdivision (b), a statewide pupil assessment system consistent with the testing requirements of this article in accordance with the objectives set forth in Section 60602.5. That system shall include all of the following:

(1) Exclusive of the consortium assessments, a plan for producing or adopting valid, fair, and reliable achievement tests as recommended by the Superintendent and adopted by the state board pursuant to the ~~\*\*\*~~ **California Assessment of Student Performance and Progress (CAASPP)** established by Article 4 (commencing with Section 60640).

(2) A plan for administering the consortium summative assessment as outlined by the joint agreement of the consortium.

(3) Statewide academically rigorous content and performance standards that reflect the knowledge and complex skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(4) A statewide system that provides the results of testing in a manner that reflects the degree to which pupils are achieving the academically rigorous content and performance standards adopted by the state board.

(5) The alignment of assessment with the statewide academically rigorous content and performance standards adopted by the state board.

(6) The active, ongoing involvement of parents, classroom teachers, administrators, other educators, governing board members of school districts, business community members, institutions of higher education, and the public in all phases of the design and implementation of the statewide pupil assessment system.

(7) A plan for ensuring the security and integrity of the **CAASPP** assessments.

(8) The development of a contract or contracts with a contractor for the development or administration of achievement tests and performance tasks aligned to state-adopted content standards, including summative assessments or assessments that employ matrix sampling or population sampling methods.

(b) The Superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation plan for the **CAASPP**, and a timetable for implementing the system described in Section 60640. The annual update shall be submitted on or before March 1 of each year to the Department of Finance, the state board, and the respective chairpersons of the appropriate fiscal subcommittees considering budget appropriations and the appropriate policy committees in each house. The update shall explain any significant variations from the five-year cost projection for the current year budget and the proposed budget.

(c) The Superintendent shall make resources available that are designed to assist with the interpretation and use of the **CAASPP** results to promote the use of the results for purposes of improving pupil learning and educational programs across the full curriculum. The Superintendent shall consider information already provided by assessment consortia to which California belongs or assessment contractors when fulfilling this requirement.

(d) The Superintendent shall make information and resources available to parents, teachers, pupils, administrators, school board members, and the public regarding the **CAASPP**, including, but not necessarily limited to, system goals, purposes, scoring systems, results, valid uses of assessments, and information on the relationship between performance on the previous state assessments and the **CAASPP**.

(e) The Superintendent and the state board shall consider comments and recommendations from teachers, administrators, pupil representatives, institutions of higher education, and the public in the development, adoption, and approval of assessment instruments.

(f) The results of the achievement tests, exclusive of the consortium summative assessments, administered pursuant to Article 4 (commencing with Section 60640), shall be returned to the local educational agencies within the period of time specified by the state board.

SEC. 19. Section 60607 of the Education Code is amended to read:

<< CA EDUC § 60607 >>

60607. (a) Each pupil shall have an individual record of accomplishment by the end of grade 12 that includes the results of the achievement test required and administered annually as part of the ~~\*\*\*~~ **California Assessment of Student Performance and Progress (CAASPP)**, or any predecessor assessments, established pursuant to Article 4 (commencing with Section 60640), results of end-of-course **examinations** he or she has taken, and the vocational education certification **examinations** he or she chose to take.

(b) It is the intent of the Legislature that local educational agencies and schools use the results of the academic achievement tests administered annually as part of the **CAASPP** to provide support to pupils and parents or guardians in order to assist pupils in strengthening their development as learners, and thereby to improve their academic achievement and performance in subsequent assessments.

(c)(1) Except for research provided for in **former** Section 49079.6, **as it read on December 31, 2013**, a pupil's results or a record of accomplishment shall be private, and may not be released to any person, other than the pupil's parent or guardian and a teacher, counselor, or administrator directly involved with the pupil, without the express written consent of either the parent or guardian of the pupil if the pupil is a minor, or the pupil if the pupil has reached the age of majority or is emancipated.

(2)(A) Notwithstanding paragraph (1), a pupil or his or her parent or guardian may authorize the release of pupil results or a record of accomplishment to a postsecondary educational institution for the purpose of credit, placement, or admission.

(B) Notwithstanding paragraph (1), the results of an individual pupil on the **CAASPP** may be released to a postsecondary educational institution for the purpose of credit, placement, or admission.

SEC. 20. Section 60611 of the Education Code is amended to read:

<< CA EDUC § 60611 >>

60611. A local educational agency, district superintendent of schools, or principal or teacher of any elementary or secondary school, including a charter school, shall not carry on any program for the sole purpose of test preparation of pupils for the statewide pupil assessment system or a particular test used in the statewide pupil assessment system. Nothing in this section prohibits the use of materials to familiarize pupils with item types or the computer-based testing environment used in the ~~\*\*\*~~ **California Assessment of Student Performance and Progress**.

SEC. 21. Section 60630 of the Education Code is amended to read:

<< CA EDUC § 60630 >>

60630. (a) The Superintendent shall prepare and submit, and subsequently post on the Internet Web site of the department, an annual report to the state board containing an analysis of the results and test scores of the summative assessments administered pursuant to Section 60640. The Superintendent shall notify the state board and the appropriate policy and fiscal committees of the Legislature that the annual report is available on the Internet Web site of the department.

(b) The Superintendent shall post a periodic update on the implementation of the ~~\*\*\*~~ **California Assessment of Student Performance and Progress** on the Internet Web site of the department, and notify the state board and the appropriate policy and fiscal committees of the Legislature that the update is available on the Internet Web site of the department.

SEC. 22. Section 60641 of the Education Code is amended to read:

<< CA EDUC § 60641 >>

60641. (a) The department shall ensure that local educational agencies comply with each of the following requirements:

(1) The achievement tests provided for in Section 60640 are scheduled to be administered to all pupils, inclusive of pupils enrolled in charter schools and exclusive of pupils exempted pursuant to Section 60640, during the period prescribed in subdivision (b) of Section 60640.

(2) For assessments that produce valid individual pupil results, the individual results of each pupil tested pursuant to Section 60640 shall be reported, in writing, to the parent or guardian of the pupil. The report shall include a clear explanation of the purpose of the test, the score of the pupil, and the intended use by the local educational agency of the test score. This subdivision does not require teachers or other local educational agency personnel to prepare individualized explanations of the test score of each pupil. It is the intent of the Legislature that nothing in this section shall preclude a school or school district from meeting the reporting requirement by the use of electronic media formats that secure the confidentiality of the pupil and the pupil's results. State agencies or local educational agencies shall not use a comparison resulting from the scores and results of the ~~\*\*\*~~ **California Assessment of Student Performance and Progress (CAASPP)** assessments and the assessment scores and results from assessments that measured previously adopted content standards.

(3)(A) For assessments that produce valid individual pupil results, the individual results of each pupil tested pursuant to Section 60640 also shall be reported to the school and teachers of a pupil. The local educational agency shall include the test results of a pupil in his or her pupil records. However, except as provided in this section and Section 60607, personally identifiable pupil test results only may be released with the permission of either the pupil's parent or guardian if the pupil is a minor, or the pupil if the pupil has reached the age of majority or is emancipated.

(B) Notwithstanding subparagraph (A) and pursuant to subdivision (c) of Section 60607, a pupil or his or her parent or guardian may authorize the release of individual pupil results to a postsecondary educational institution for the purpose of credit, placement, determination of readiness for college-level coursework, or

admission.

(4) The districtwide, school-level, and grade-level results of the **CAASPP** in each of the grades designated pursuant to Section 60640, but not the score or relative position of any individually ascertainable pupil, shall be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.

(b) The state board shall adopt regulations that outline a calendar for delivery and receipt of summative assessment results at the pupil, school, grade, district, county, and state levels. The calendar shall include delivery dates to the department and to local educational agencies. The calendar for delivery shall provide for the timely return of assessment results, and consider the amount of paper-and-pencil administered assessments and number of items requiring hand scoring. The calendar shall also ensure that individual assessment results are reported to local educational agencies within eight weeks of receipt by the contractor for scoring.

(c) Aggregated, disaggregated, or group scores or reports that include the results of the **CAASPP** assessments, inclusive of the reports developed pursuant to Section 60630, shall not be publicly reported to any party other than the school or local educational agency where the pupils were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual pupil assessment results. Exclusive of the reports developed pursuant to Section 60630, in no case shall any group score or report be displayed that would deliberately or inadvertently make the score or performance of any individual pupil or teacher identifiable.

\* \* \*

(d) The department shall ensure that pupils in grade 11, or parents or legal guardians of those pupils, may request results from grade 11 assessments administered as part of the **CAASPP** for the purpose of determining credit, placement, or readiness for college-level coursework be released to a postsecondary educational institution.

SEC. 23. Section 60643 of the Education Code is amended to read:

<< CA EDUC § 60643 >>

60643. (a) Notwithstanding any other law, the contractor or contractors of the achievement tests provided for in Section 60640 shall comply with all of the conditions and requirements of the contract to the satisfaction of the Superintendent and the state board.

(b)(1) The department shall develop, and the Superintendent and the state board shall approve, a contract or contracts to be entered into with a contractor in connection with the test provided for in Section 60640. The department may develop the contract through negotiations. In approving a contract amendment to the contract authorized pursuant to this section, the department, in consultation with the state board, may make material amendments to the contract that do not increase the contract cost. Contract amendments that increase contract costs may only be made with the approval of the department, the state board, and the Department of Finance.

(2) For purposes of the contracts authorized pursuant to this subdivision, the department is exempt from the requirements of Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code and from the requirements of Article 6 (commencing with Section 999) of Chapter 6 of Division 4 of the Military and Veterans Code. The department shall use a competitive and open process utilizing standardized scoring criteria through which to select a potential administration contractor or contractors for recommendation to the state board for consideration. The state board shall consider each of the following criteria:

(A) The ability of the contractor to produce valid and reliable scores.

(B) The ability of the contractor to report accurate results in a timely fashion.

(C) Exclusive of the consortium assessments, the ability of the contractor to ensure technical adequacy of the tests, inclusive of the alignment between the ~~\*\*\*~~ **California Assessment of Student Performance and Progress** ~~\*\*\*~~ tests and the state-adopted content standards.

(D) The cost of the assessment system.

(E) The ability and proposed procedures to ensure the security and integrity of the assessment system.

(F) The experience of the contractor in successfully conducting statewide testing programs in other states.

(3) The contracts shall include provisions for progress payments to the contractor for work performed or costs incurred in the performance of the contract. Not less than 10 percent of the amount budgeted for each separate and distinct component task provided for in each contract shall be withheld pending final completion of all component tasks by that contractor. The total amount withheld pending final completion shall not exceed 10 percent of the total contract price for that fiscal year.

(4) The contracts shall require liquidated damages to be paid by the contractor in the amount of up to 10 percent of the total cost

of the contract for any component task that the contractor through its own fault or that of its subcontractors fails to substantially perform by the date specified in the agreement.

(5) The contracts shall establish the process and criteria by which the successful completion of each component task shall be recommended by the department and approved by the state board.

(6) The contractors shall submit, as part of the contract negotiation process, a proposed budget and invoice schedule, that includes a detailed listing of the costs for each component task and the expected date of the invoice for each completed component task.

(7) The contract or contracts subject to approval by the Superintendent and the state board under paragraph (1) and exempt under paragraph (2) shall specify the following component tasks, as applicable, that are separate and distinct:

(A) Development of new tests or test items.

(B) Test materials production or publication.

(C) Delivery or electronic distribution of test materials to local educational agencies.

(D) Test processing, scoring, and analyses.

(E) Reporting of test results to the local educational agencies, including, but not necessarily limited to, all reports specified in this section.

(F) Reporting of valid and reliable test results to the department, including, but not necessarily limited to, the following electronic files:

(i) Scores aggregated statewide, and by county, school district, school, and grade.

(ii) Disaggregated scores based on English proficiency status, gender, ethnicity, socioeconomic disadvantage, foster care status, and special education designation.

(G) All other analyses or reports required by the Superintendent to meet the requirements of state and federal law and set forth in the agreement.

(H) Technology services to support the activities listed in subparagraphs (A) to (G), inclusive.

(I) Perform regular performance checks and load simulations to ensure the integrity and robustness of the technology system used to support the activities listed in subparagraphs (A) to (G), inclusive.

SEC. 24. Section 60643.6 of the Education Code is amended to



read:

<< CA EDUC § 60643.6 >>

60643.6. A local educational agency shall be reimbursed by the contractor selected pursuant to this article for any unexpected expenses incurred due to scheduling changes that resulted from the late delivery of testing materials in connection with the ~~\*\*\*~~ **California Assessment of Student Performance and Progress**.

SEC. 25. Section 60648 of the Education Code is amended to read:

<< CA EDUC § 60648 >>

60648. Exclusive of consortium summative assessments, the Superintendent shall recommend, and the state board shall adopt, performance standards on the ~~\*\*\*~~ **California Assessment of Student Performance and Progress** summative tests administered pursuant to this article. The performance levels shall identify and establish the minimum performance required for meeting a particular achievement level expectation. Once adopted, these standards shall be reviewed by the state board every five years to determine whether adjustments are necessary.

SEC. 26. Section 60810 of the Education Code, as amended by Section 5 of Chapter 478 of the Statutes of 2013, is amended to read:

<< CA EDUC § 60810 >>

60810. (a)(1) The Superintendent shall review existing tests that assess the English language development of pupils whose primary language is a language other than English. The tests shall include, but not be limited to, an assessment of achievement of these pupils in English reading, speaking, and written skills. The Superintendent shall determine which tests, if any, meet the requirements of subdivisions (b) and (c). If any existing test or series of tests meets these criteria, the Superintendent, with approval of the state board, shall report to the Legislature on its findings and recommendations.

(2) If no suitable test exists, the Superintendent shall explore the option of a collaborative effort with other states to develop a test or series of tests and share test development costs. If no suitable test exists, the Superintendent, with approval of the state board, may contract to develop a test or series of tests that meets the criteria of subdivisions (b) and (c) or may contract to modify an existing test or series of tests so that it will meet the requirements of subdivisions (b) and (c).

(3) The Superintendent and the state board shall release a request for proposals for the development of the test or series of tests required by this subdivision. The state board shall select a contractor or contractors for the development of the test or series of tests required by this subdivision, to be available for

administration during the 2000–01 school year.

(4) The Superintendent shall apportion funds appropriated to enable school districts to meet the requirements of subdivision (d). The state board shall establish the amount of funding to be apportioned per test administered, based on a review of the cost per test.

(5) An adjustment to the amount of funding to be apportioned per test is not valid without the approval of the Director of Finance. A request for approval of an adjustment to the amount of funding to be apportioned per test shall be submitted in writing to the Director of Finance and the chairpersons of the fiscal committees of both houses of the Legislature with accompanying material justifying the proposed adjustment. The Director of Finance is authorized to approve only those adjustments related to activities required by statute. The Director of Finance shall approve or disapprove the amount within 30 days of receipt of the request and shall notify the chairpersons of the fiscal committees of both houses of the Legislature of the decision.

(b)(1) The test or series of tests developed or acquired pursuant to subdivision (a) shall have sufficient range to assess pupils in grades 2 to 12, inclusive, in English listening, speaking, reading, and writing skills. Pupils in kindergarten and grade 1 shall be assessed in English listening and speaking, and, once an assessment is developed, early literacy skills. The early literacy assessment shall be administered for a period of four years beginning after the initial administration of the assessment or until July 1, **2017**, whichever occurs **last**. Six months after the three administered assessments are collected, but no later than June 30, 2013, the department shall report to the Legislature on the administration of the kindergarten and grade 1 early literacy assessment results, as well as on the administrative process, in order to determine whether reauthorization of the early literacy assessment is appropriate.

(2) In the development and administration of the assessment for pupils in kindergarten and grade 1, the department shall minimize any additional assessment time, to the extent possible. To the extent that it is technically possible, items that are used to assess listening and speaking shall be used to measure early literacy skills. The department shall ensure that the test and procedures for its administration are age and developmentally appropriate. Age and developmentally appropriate procedures for administration may include, but are not limited to, one-on-one administration, a small group setting, and orally responding or circling a response to a question.

(c) The test or series of tests shall meet all of the following requirements:

(1) Provide sufficient information about pupils at each grade level to determine levels of proficiency ranging from no English

proficiency to fluent English proficiency with at least two intermediate levels.

(2) Have psychometric properties of reliability and validity deemed adequate by technical experts.

(3) Be capable of administration to pupils with any primary language other than English.

(4) Be capable of administration by classroom teachers.

(5) Yield scores that allow comparison of the growth of a pupil over time, can be tied to readiness for various instructional options, and can be aggregated for use in the evaluation of program effectiveness.

(6) Not discriminate on the basis of race, ethnicity, or gender.

(7) Be aligned with the standards for English language development adopted by the state board pursuant to Section 60811.

(8) Be age and developmentally appropriate for pupils.

(d) The test shall be used for the following purposes:

(1) To identify pupils who are limited English proficient.

(2) To determine the level of English language proficiency of pupils who are limited English proficient.

(3) To assess the progress of limited-English-proficient pupils in acquiring the skills of listening, reading, speaking, and writing in English.

(e)(1) A pupil in any of grades 3 to 12, inclusive, shall not be required to retake those portions of the test that measure English language skills for which he or she has previously tested as advanced within each appropriate grade span, as determined by the department in accordance with paragraph (8) of subdivision (c).

(2) Notwithstanding paragraph (1), a pupil in any of grades 10 to 12, inclusive, shall not be required to retake those portions of the test that measure English language skills for which he or she has previously tested as early advanced or advanced.

(3) This subdivision shall not be implemented until the test publisher's contract that is in effect on January 1, 2012, expires.

(4) This subdivision shall not be implemented unless and until the department receives written documentation from the United States Department of Education that implementation is permitted by federal law.

(f) This section shall remain in effect only until the Superintendent reports to the appropriate policy committees of the Legislature pursuant to paragraph (2) of subdivision (h) of Section 60810 as

added by the chapter that added this subdivision during the 2013–14 Regular Session, and as of January 1 of the following year, this section is repealed.

SEC. 27. (a) Section 3.5 of this bill incorporates amendments to Section 33540 of the Education Code proposed by both this bill and Senate Bill 897. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 33540 of the Education Code, and (3) this bill is enacted after Senate Bill 897, in which case Section 3 of this bill shall not become operative.

(b) Sections 11.1 and 11.2 of this bill incorporate amendments to Section 52060 of the Education Code proposed by both this bill and Assembly Bill 2512. They shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 52060 of the Education Code, and (3) this bill is enacted after Assembly Bill 2512, in which case Section 11 of this bill shall not become operative.

SEC. 28. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

## Footnotes

1 A.B. 1599 also added Section 52060.

**End of  
Document**

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**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

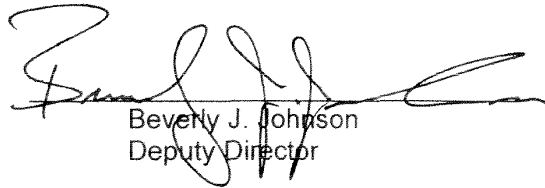
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The State Board of Education submitted this emergency readopt action to maintain the regulatory changes made in OAL File No. 2014-0124-04E, which amended and repealed sections of Title 5 of the California Code of Regulations commencing with section 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

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**Title 5. EDUCATION**  
**Division 1. California Department of Education**  
**Chapter 2. Pupils**  
**Subchapter 3.75. California Assessment of Student Performance and Progress**  
**(CAASPP)**  
**Article 1. General**

**§ 850. Definitions.**

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

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

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

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

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

(e) “Assessment technology platform” means the electronic systems used to display 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.

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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~~ resources documented in a pupil's  
14 individualized education program (IEP) or Section 504 Plan which the pupil regularly  
15 uses in the classroom for instruction and/or assessments(s) and that are either utilized  
16 in the assessment environment or consist of changes in procedures or materials that  
17 increase equitable access during the assessment ~~and that do not~~. Accommodations  
18 cannot fundamentally alter the comparability of scores.

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

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

26 (c) "Adaptive engine" refers to the mechanism utilized in a computer-adaptive  
27 assessment that adjusts the difficulty of grade-level test questions throughout an  
28 assessment based on student responses.

29 (d) "Alternate assessment" means an assessment as provided in Education Code  
30 section 60640(k) and its test materials developed to measure the level of performance  
31 for a pupil with disabilities who is unable to take the consortium summative assessment  
32 in English language arts and mathematics pursuant to Education Code section

1 60640(b)(1) or are unable to take an assessment of science pursuant to Education  
2 Code section 60640(b)(2), even with accommodations resources.

3 (e) "Assessment delivery system" means a set of web applications that manage the  
4 registration of pupils for tests, the delivery of those tests to the pupils, scoring of test  
5 items, integration of item scores into an overall test score, and delivery of scores to the  
6 Data Warehouse.

7 (f)(e) "Assessment technology platform" means the electronic systems used to  
8 display items, accept item responses, store, deliver, score the tests and restrict access  
9 to outside sources, as well as report and manage assessment results. Testing  
10 Assessment technology includes, but is not limited to, computing devices, testing  
11 software applications, network hardware, and other technology required to administer  
12 the tests.

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

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

18 (i)(h) "California Standards Tests (CSTs)" is the assessment and its test materials  
19 that measure the degree to which pupils are achieving the state content standards  
20 pursuant to Education Code section 60605.

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

23 (j) "Data Warehouse" means a comprehensive storehouse of all Smarter Balanced  
24 test registrations and results and a system to generate reports on, or extracts of, that  
25 data.

26 (k)(f) "Designated supports" are features resources which the pupil regularly uses in  
27 the classroom for instruction and/or assessment(s) and that are available for use by  
28 any pupil for whom the need has been indicated, prior to the assessment  
29 administration, by an educator or group of educators or specified in a pupil's IEP or  
30 Section 504 Plan.

31 (l)(k) "Eligible pupil," with the exception of subdivisions (1) through (3) below, is any  
32 pupil taking an assessment pursuant to Education Code section 60640, who is not

1 exempt from participation in assessments pursuant to Education Code section 60615  
2 or who is not a recently arrived English learner pupil exempt from participating in the  
3 English Language Arts assessment pursuant to Education Code section 60640(f)(1).

4 (1) For the primary language test, an eligible pupil is an English learner with a  
5 primary language for which a test is optional pursuant to Education Code section  
6 60640.

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

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

11 ~~(m)(l)~~ “Embedded” means a support resource, whether a universal tool, designated  
12 support, or accommodation, that is part of the assessment technology platform for the  
13 computer-based administered CAASPP tests.

14 ~~(n)(m)~~ “Grade” means the grade in which the pupil is enrolled at the time of testing,  
15 as determined by the local educational agency.

16 (o) “Individualized aid” means a type of resource that a pupil regularly uses in a  
17 classroom for instruction and/or assessment that has not been previously identified as  
18 a universal tool, designated support or accommodation. Because an individualized aid  
19 has not been previously identified as a universal tool, designated support or  
20 accommodation, it may or may not invalidate the measurement of the test(s).

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

25 ~~(q)(e)~~ “Non-embedded” means a support resource, whether a universal tool,  
26 designated support, or accommodation, that may be provided by the LEA and is not  
27 part of the assessment technology platform for the computer-based administered  
28 CAASPP tests.

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

31 ~~(s)(e)~~ “Primary language test” means a test as provided in Education Code sections  
32 60640(b) and (c) and its test materials in each primary language for which a test is

1 available for English learners. The primary language test is the Standards-based Tests  
2 in Spanish (STS).

3 (t) "Pupil" refers to a student enrolled in a California public school.

4 (u)(f) "Recently arrived English learner" means a pupil designated as an English  
5 learner who is in his or her first 12 months of attending a school in the United States as  
6 specified in Education Code section 60603(v).

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

12 (w) "Resource(s)" refers to a universal tool, designated support, accommodation,  
13 and/or an individualized aid.

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

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

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

27 (aa)(v) "Standards-based Tests in Spanish (STS)" are the achievement tests and its  
28 test materials that are administered at the option of the LEA as the primary language  
29 test as provided in Education Code sections 60640(b) and (c) for pupils whose primary  
30 language is Spanish or to pupils enrolled in a dual immersion program that includes  
31 Spanish.

32 (ab) "Streamlining" means an accommodation on a computer-based assessment

1 that provides an alternate display of an item, stacked into instructions, stimuli, and  
2 response choices.

3 ~~(ac)(w)~~ “Test examiner” is an employee or contractor of an LEA or an NPS who has  
4 signed a CAASPP Test Security Affidavit and has received ~~been trained~~ training to  
5 administer the tests and ~~has signed a CAASPP Test Security Affidavit~~. For an the  
6 alternate assessment, the test examiner must be a certificated or licensed school,  
7 district, or county staff member.

8 ~~(ad)(x)~~ “Test materials” include, but are not limited to, administration manuals,  
9 administrative materials, test booklets, assessment technology platform, practice tests,  
10 scratch paper, and test answer documents, ~~as part of the administration of the~~  
11 ~~CAASPP tests.~~

12 ~~(ae)(y)~~ “Test proctor” is an employee of an LEA, or a person assigned by an NPS to  
13 implement a pupil’s IEP or Section 504 Plan, who has signed a CAASPP Test Security  
14 Affidavit and has received training designed to prepare him or her to assist the test  
15 examiner in the administration of tests ~~within the CAASPP assessment system.~~

16 ~~(af)(z)~~ “Translator” is a person who has been assigned to translate the test  
17 directions into the pupil’s primary language pursuant to sections 853.5 and 853.7, who  
18 has signed a Test Security Affidavit as identified in section 859(d), and who has  
19 received training specifically designed to prepare him or her to assist the test examiner  
20 in the administration of the assessments pursuant to Education Code section 60640. A  
21 pupil’s parent or guardian is not eligible to be the pupil’s translator. A translator must  
22 be:

- 23 (1) an employee of an LEA;
- 24 (2) an employee of the NPS; or
- 25 (3) a person supervised by an employee of an LEA or an employee of the NPS.

26 ~~(ag)(aa)~~ “Universal tools” are resources ~~accessibility features~~ of the CAASPP tests  
27 that are available to all pupils.

28 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
29 Sections 306, 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615, 60640,  
30 60642.5 and 60642.6, Education Code; 34 C.F.R. Sections 200.1(d), ~~200.1(e)~~ and  
31 ~~200.1(f)~~ and 300.160; 5 CCR 11967.6.

32



1 **Article 2. Achievement Tests and Any Primary Language Test**

2 **§ 851. Pupil Testing.**

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

6 (b) No later than start of the 2014-2015 school year, for the purposes of the  
7 CAASPP assessment system, a charter school which is not an LEA as defined in  
8 direct-funded pursuant to Education Code section 47651 60603(o) shall test with,  
9 dependent on, the LEA that granted the charter or was designated the oversight  
10 agency by the ~~local governing board~~ State Board of Education (SBE).

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

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

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

22  
23 **§ 852. Pupil Exemptions.**

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

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

28 (c) A parent or guardian may annually submit to the school a written request to  
29 excuse his or her child from any or all parts of any test provided pursuant to Education  
30 Code section 60640 for the school year. If a parent or guardian submits an exemption  
31 request after testing has begun, any test(s) completed before the request is submitted  
32 will be scored and the results reported to the parent or guardian and included in the

1 pupil's records. An LEA and its employees may discuss the CAASPP assessment  
2 system with parents and may inform parents of the availability of exemptions under  
3 Education Code section 60615. The LEA and its employees shall not solicit or  
4 encourage any written exemption request on behalf of any child or group of children.

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

### 7 8 **§ 853. Administration.**

9 (a) The CAASPP tests pursuant to Education Code section 60640 shall be  
10 administered, scored, transmitted, and/or returned by LEAs in accordance with the  
11 manuals or other instructions provided by the contractor or CDE for administering,  
12 scoring, transmitting, and/or returning the tests, unless specifically provided otherwise  
13 in this subchapter, including instructions for administering the test with universal tools,  
14 designated supports, and accommodations specified in sections 853.5 and 853.7. The  
15 procedures shall include, but are not limited to, those designed to ensure the uniform  
16 and standardized administration, and scoring of the tests to pupils, the security and  
17 integrity of the test content and test items, and the timely provision of all required pupil  
18 and school level information.

19 (b) The primary mode of administration of a CAASPP test shall be via a computing  
20 device, the use of an assessment technology platform, and the adaptive engine.

21 (c)(b) If available, an LEA may utilize a paper-pencil version of any GBT computer-  
22 based assessment (CBA) of the CAASPP assessment system, in accordance with  
23 Education Code section 60640(e), and if the LEA identifies the pupils that are unable to  
24 access the GBT CBA version of the test.

25 (d)(e) Interim assessments and formative assessment tools shall be made available  
26 to LEA(s) for use ~~during the school year~~. Use of interim assessments and formative  
27 assessment tools shall not be considered advance preparation for a CAASPP test as  
28 defined in Education Code section 60611. LEAs that use interim assessments and/or  
29 formative assessment tools shall abide by the consortium/contractor(s) administration  
30 and use requirements. Any scoring of any performance tasks for the interim  
31 assessment ~~and formative assessment tools~~ is the responsibility of the LEA.

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

1 Sections 60602.5, 60603, 60605, 60611, 60640 and 60642.6, Education Code.

2  
3 **§ 853.5. Use of Universal Tools, Designated Supports, and Accommodations.**

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

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

9 (2) calculator for specific mathematic items;

10 (3) digital notepad for reading, writing, listening, and mathematics;

11 (4) English dictionary for writing (ELA-performance task – pupil long essay(s) not  
12 short paragraph responses);

13 (5) English glossary for reading, writing, listening, and mathematics;

14 (6) expandable passages for reading, writing, listening, and mathematics;

15 (7) global notes for writing (ELA-performance task – pupils long essay(s) not short  
16 paragraph responses);

17 (8) highlighter for reading, writing, listening, and mathematics;

18 (9) keyboard navigation for reading, writing, listening, and mathematics;

19 (10) mark for review for reading, writing, listening, and mathematics;

20 (11) math tools for specific mathematics items;

21 (12) spell check for specific writing items;

22 (13) strikethrough for reading, writing, listening, and mathematics;

23 (14) writing tools for specific pupil generated responses; or

24 (15) zoom for reading, writing, listening, and mathematics.

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

29 (1) breaks;

30 (2) English dictionary for ELA performance task – pupil long essay(s) not short  
31 paragraph responses;

32 (3) scratch paper;

33 (4) thesaurus for ELA performance task – pupil long essay(s) not short paragraph

- 1 responses;
- 2 (5) color overlay for science and primary language test;
- 3 (6) math tools (i.e., ruler, protractor) for specific mathematics items;
- 4 (7) simplify or clarify test administration directions (does not apply to test questions);
- 5 or
- 6 (8) pupil marks in paper-pencil test booklet (other than responses including
- 7 highlighting).

8 (c) All pupils (~~including English learners and students with disabilities~~) shall be

9 permitted the following embedded designated supports, ~~unless otherwise designated,~~

10 when determined for use by an educator or group of educators, or specified in a pupil's

11 IEP or Section 504 Plan on the CAASPP tests for English language arts (including the

12 components of reading, writing, and listening) and mathematics as specified below:

- 13 (1) color contrast for reading, writing, listening, and mathematics;
- 14 (2) masking for reading, writing, listening, and mathematics;
- 15 (3) text-to-speech for writing, listening, mathematics, and reading items but not
- 16 reading passages;
- 17 (4) translated test directions for mathematics;
- 18 (5) translations (glossary) for mathematics;
- 19 (6) translations (stacked) for mathematics; or
- 20 (7) turn off any universal tool for reading, writing, listening, and mathematics.

21 (d) All pupils (~~including English learners and students with disabilities~~) shall be

22 permitted the following non-embedded designated supports when determined for use

23 by an educator or a group of educators, or specified in a pupil's IEP or Section 504

24 Plan on the CAASPP tests for English language arts (including the components of

25 reading, writing, and listening), mathematics, science, and primary language as

26 specified below:

- 27 (1) translated directions for mathematics, science and primary language test;
- 28 (2) bilingual dictionary for writing;
- 29 (3) access to translation glossaries/word lists for science and primary language test;
- 30 (4) color contrast for reading, writing, listening, and mathematics;
- 31 (5) color overlay for reading, writing, listening, and mathematics;
- 32 (6) magnification;

1 (7) read aloud for writing, listening, mathematics, and reading items but not reading  
2 passages;

3 (8) scribe for reading, listening, and mathematics;

4 (9) separate setting for reading, writing, listening, and mathematics;

5 (10) translations (glossary) for mathematics, science and primary language test;  
6 (only for consortium-provided glossaries that correspond to the embedded designated  
7 supports in subdivision (c)).

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

10 (12) special lighting or acoustics, assistive devices (specific devices may require  
11 CAASPP contractor certification), and/or special or adaptive furniture-;

12 (13) translations (glossary) for science and primary language test; or

13 (14) administration of the test at the most beneficial time of day for the pupil.

14 (e) The following embedded accommodations shall be provided on the CAASPP  
15 tests for English language arts (including the components of reading, writing, and  
16 listening) and mathematics when specified in a pupil's IEP or Section 504 Plan:

17 (1) American Sign Language for listening and mathematics;

18 (2) braille for reading, writing, listening, and mathematics;

19 (3) closed captioning for listening; or

20 (4) text-to-speech for reading passages for grades 6 through 8, inclusive, and 11; or

21 (5) streamlining for reading, writing, listening, and mathematics.

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

26 (1) read aloud for primary language test;

27 (2) American Sign Language for listening, mathematics, and science;

28 (3) braille for paper-pencil tests;

29 (4) abacus for mathematics and science;

30 (5) alternate response options for reading, writing, listening, and mathematics;

31 (6) calculator for specific mathematics items;

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

- 1 (8) print on demand for reading, writing, listening, and mathematics;
- 2 (9) read aloud for reading passages in grades 6 through 8, inclusive, and grade 11;
- 3 blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have
- 4 adequate braille skills;
- 5 (10) scribe for writing, science, and primary language test;
- 6 (11) speech-to-text; or
- 7 (12) large-print version of a paper-pencil test; or
- 8 ~~(13) separate setting for science and primary language test; or~~
- 9 ~~(14) administration of the test at the most beneficial time of day to the pupil.~~

10 (g) An LEA may submit a request in writing to the CDE, prior to the administration of  
11 a CAASPP test for approval for the use of an ~~accessibility support~~ individualized aid.

12 The LEA CAASPP coordinator or the CAASPP test site coordinator shall make the  
13 request on behalf of the LEA ten business days prior to the pupil's first day of CAASPP  
14 testing. The CDE shall respond to the request within four business days from the date  
15 of receipt of the written request. Written requests must include:

- 16 (1) LEA name and CDS code;
- 17 (2) school/test site and school code;
- 18 (3) school/test site address, city, and zip code;
- 19 (4) LEA CAASPP coordinator name, phone number, and email address;
- 20 (5) CAASPP test site coordinator name, phone number, and email address;
- 21 (6) school/test site testing window dates;
- 22 (7) SSID(s) for the pupil(s) for which the ~~accessibility support~~ individualized aid is  
23 being requested;
- 24 (8) CAASPP test and grade; and
- 25 (9) the ~~accessibility support~~ individualized aid being requested.

26 (h) ~~Accessibility supports~~ Individualized aids that change the construct being  
27 measured by a CAASPP test invalidate the test score and results in a score that cannot  
28 be compared with other CAASPP results. Scores for pupils' tests with ~~accessibility~~  
29 ~~supports~~ individualized aids that change the construct being measured by a CAASPP  
30 test will not be counted as participating in statewide testing (and impacts the  
31 accountability participation rate indicator) but pupils will still receive individual score  
32 reports with their actual score. The following non-embedded ~~accessibility supports~~

1 individualized aids have been determined to change the construct being measured on  
2 the CAASPP tests for English language arts (including the components for reading,  
3 writing, and listening), mathematics, science, and primary language and are specified  
4 below, but not limited to:

5 (1) English dictionary for reading, listening, mathematics, science, and primary  
6 language;

7 (2) thesaurus for reading, listening, mathematics, science and primary language;

8 (3) translated test directions for reading, writing, or listening;

9 (4) bilingual dictionary for reading, listening, mathematics, science and primary  
10 language;

11 (5) translations (glossary) for reading, writing, and listening;

12 (6) read aloud for reading passages in grades 3, 4, and 5;

13 (7) American Sign Language for reading passages in grades 3, 4, and 5 and  
14 reading passages for primary language;

15 (8) calculator for non-specified mathematics items or science;

16 (9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and

17 (10) multiplication table for mathematics in grade 3.

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

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

23  
24 **§ 853.7. Use of Designated Supports for English Learners.**

25 (a) An English learner (EL) shall be permitted the following embedded designated  
26 supports, when determined for use by an educator or group of educators, who may  
27 seek input from a parent(s) or guardian(s), on the CAASPP tests for English language  
28 arts (including the components of reading, writing, and listening) and mathematics as  
29 specified below:

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

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

32 (3) text-to-speech for writing, listening, mathematics and reading items, but not

1 passages;

2 (4) translated test directions for mathematics;

3 (5) translations (glossary) for mathematics;

4 (6) translations (stacked) for mathematics; or

5 (7) turn off any universal tool for reading, writing, listening, and mathematics.

6 (b) An EL shall be permitted the following non-embedded designated supports when  
7 determined for use by an educator or a group of educators, who may seek input from a  
8 parent(s) or guardian(s), on the CAASPP tests for English language arts (including the  
9 components of reading, writing, and listening), mathematics, science, and primary  
10 language as specified below:

11 (1) translated directions for mathematics, science and primary language test;

12 (2) bilingual dictionary for writing;

13 (3) access to translation glossaries/word lists for science and primary language test;

14 (4) color contrast for reading, writing, listening, and mathematics;

15 (5) color overlay for reading, writing, listening, and mathematics;

16 (6) magnification;

17 (7) read aloud for writing, listening, mathematics, and reading items but not reading

18 passages;

19 (8) scribe for reading, listening, and mathematics;

20 (9) separate setting;

21 (10) translations (glossary) for mathematics (only for consortium-provided  
22 glossaries that correspond to the embedded designated supports in subdivision (a));

23 (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling  
24 headphones);

25 (12) special lighting or acoustics, assistive devices (specific devices may require  
26 CAASPP contractor certification), and/or special or adaptive furniture;

27 (13) translations (glossary) for science and primary language test; or

28 (14) administration of the test at the most beneficial time of day for the pupil.

29 NOTE: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 306,  
30 60605 and 60640, Education Code; 34 C.F.R. Section 200.2.

31

32



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

2 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:  
3 Sections 60605, 60611 and 60640, Education Code.

4  
5 **§ 855. Testing Period.**

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

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

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

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

25 (2) For the grade 11 Smarter Balanced assessments and CAASPP tests  
26 administered after January 2015, the testing window shall not begin until at least 80  
27 percent of a school's annual instructional days have been completed, and testing may  
28 continue up to and including the last day of instruction for the regular school calendar.  
29 For a 180-day school year, 80 percent of a school year occurs after the 144th  
30 instructional day. This allows for a 7-week window for testing.

31 (3) The CST and CMA for science in grades 5, 8, and 10, and CAPA, or its  
32 successor alternate assessment, for ELA and mathematics in grades 2 through 11 and

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

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

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

15  
16 **§ 857. LEA CAASPP Coordinator.**

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

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

20 (2) identify school(s) with pupils unable to access the ~~GBT~~ CBA version of a  
21 CAASPP test(s) in accordance with Education Code section 60640(e); and

22 (3) report to the CAASPP contractor(s) the number of pupils enrolled in the school  
23 identified in subdivision (2) that are unable to access the ~~GBT~~ CBA version of a  
24 CAASPP test.

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

32 (c) The LEA CAASPP coordinator's responsibilities shall be those defined in the

1 contractor's(s') or consortium's administrative manuals and documentation, and shall  
2 include, but are not limited to, overseeing the LEA's preparation, registration,  
3 coordination, training, assessment technology, administration, security, and reporting of  
4 the CAASPP tests.

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

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

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

13  
14 **§ 858. CAASPP Test Site Coordinator.**

15 (a) At each test site, including, but not limited to, each elementary, middle, and high  
16 school or other grade-span designated school, each charter school, each court-school,  
17 each school or program operated by an LEA, and all other public programs serving  
18 pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall  
19 designate a CAASPP test site coordinator from among the employees of the LEA. The  
20 CAASPP test site coordinator, or the site principal or his or her designee, shall be  
21 available to the LEA CAASPP coordinator by telephone through September 29 30 of  
22 the following school year for purposes of resolving discrepancies or inconsistencies in  
23 materials or errors in reports.

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

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

30 (d) The CAASPP test site coordinator shall be responsible for ensuring that all  
31 designated supports, accommodations and individualized aids are correctly entered  
32 into the registration system and provided to the pupil(s) identified to receive the

1 designated supports and/or accommodations.

2 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
3 Sections 60602.5, 60604, 60605, 60610, 60630 and 60640, Education Code.

4

5 **§ 859. CAASPP Test Security Agreement and Test Security Affidavit.**

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

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

10

CAASPP TEST SECURITY AGREEMENT

11

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

15

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

19

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

24

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

27

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

30

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

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

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

9 Signed: \_\_\_\_\_

10 Print Name: \_\_\_\_\_

11 Title: \_\_\_\_\_

12 LEA: \_\_\_\_\_

13 Date: \_\_\_\_\_

14 (c) All test examiners, proctors, translators, scribes, LEA CAASPP coordinators and  
15 CAASPP test site coordinators, and any other persons having access to any of the  
16 tests and test materials, assessment technology platform, registration system, adaptive  
17 engine, or tests administered pursuant to Education Code section 60640, shall  
18 acknowledge the limited purpose of their access to the tests by signing the CAASPP  
19 Test Security Affidavit set forth in subdivision (d).

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

21 CAASPP TEST SECURITY AFFIDAVIT

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

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

31 (2) I will not copy or take a photo of any part of the test(s) or test materials. This  
32 includes, but is not limited to, photocopying (including enlarging) and recording without

1 prior expressed written permission of the CDE.

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

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

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

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

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

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

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

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

31 (7) I will not review any achievement test questions, passages, performance tasks,  
32 or other test items independently or with pupils or any other person at any time,

1 including before, during, or following testing. I understand that this includes any  
2 discussion between LEA staff for training or professional development whether one-on-  
3 one or in a staff meeting.

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

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

16 (10) If I will administer and/or observe the administration of an alternate assessment  
17 (CAPA or its successor alternate assessment) CAPA, which means that I am a  
18 certificated or a licensed LEA employee and a trained ~~CAPA Examiner~~, I will keep all  
19 the alternate assessment (CAPA or its successor alternate assessment) CAPA  
20 materials in a securely locked room, and, when possible, in a locked storage cabinet  
21 within that room except when I am preparing for the administration, administering or  
22 observing the administration of the assessment to pupils.

23 (11) I will actively supervise pupils throughout the paper-pencil testing session to  
24 ~~make~~ ensure that they are working on the correct test section or part, marking their  
25 answers in the correct section of their answer documents, following instructions, and  
26 are accessing only authorized materials (~~embedded and/or non-embedded universal~~  
27 tools, designated supports, or accommodations, or individualized aids) needed for the  
28 test being administered.

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

32 (13)(12) I will administer the test(s) in accordance with the directions for test

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

9 (14)(13) I have been trained to administer the tests. By signing my name to this  
10 document, I am assuring that I have completely read this affidavit and will abide by the  
11 above conditions.

12 Signed: \_\_\_\_\_

13 Print Name: \_\_\_\_\_

14 Position: \_\_\_\_\_

15 School: \_\_\_\_\_

16 LEA: \_\_\_\_\_

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

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

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

24

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

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

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

32 (1) if an eligible pupil is not tested due to a significant medical emergency;



1       (2) if a pupil used a designated support;  
2       (3) if a pupil used an individualized aid;  
3       (4)(2) if a pupil used an accommodation(s);  
4       (5)(3) if a pupil had special testing conditions and/or reasons for not being tested  
5 (e.g., parent or guardian exemption);  
6       (6)(4) if a pupil is enrolled in an NPS based on an IEP and, if so, the NPS school  
7 code; and  
8       (7)(5) if a pupil in grade 2 was administered a diagnostic assessment pursuant to  
9 Education Code section 60644.

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

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

18  
19 **§ 862. Apportionment Information Report.**

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

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

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

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

29       (4) The number of pupils who were administered any portion of the CAASPP  
30 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),  
31 60640(b)(4), or 60640(c)(3) through the use of CBT.

32       (5) The number of pupils who were administered any portion of the CAASPP

1 assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2),  
2 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments.

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

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

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

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

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

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

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

17 (B) if transmitted in any manner after December 31, the apportionment information  
18 report must be accompanied by a waiver request as provided by Education Code  
19 section 33050. For those apportionment information reports transmitted after December  
20 31, apportionment payment is contingent upon the availability of an appropriation for  
21 this purpose in the fiscal year in which the testing window began.

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

24  
25 **§ 862.5. Apportionment to LEAs.**

26 (a) The amount of funding to be apportioned to the LEA, shall be the amount  
27 established by the SBE per the number of tests administered to eligible pupils, and the  
28 number of pupils enrolled on the first day of testing who were not tested in the LEA.

29 The number of tests administered and the number of pupils not tested shall be  
30 determined by the certification of the LEA CAASPP coordinator pursuant to section  
31 862. For purposes of this portion of the apportionment, administration of the tests  
32 includes the following items:

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

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

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

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

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

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

11 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:  
12 Sections 60640 and 60643, Education Code.

13  
14 **§ 863. CAASPP Pupil Reports and Cumulative Record Labels.**

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

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

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

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

29  
30 **§ 864. LEA Compliance with Contractor Requirements.**

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

32 (b) In order for the state to meet its obligations in the development, administration,

1 and security of valid and reliable tests, and the reporting of accurate tests, LEAs shall:

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

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

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

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

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

10  
11 **§ 864.5. Test Order Information. [REPEALED]**

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

13 Sections 60605, 60640 and 60643, Education Code.

14  
15 **§ 865. Transportation. [REPEALED]**

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

17 Sections 60605, 60640, 60642.5 and 60643, Education Code.

18  
19 **§ 867. Test Site Delivery and Return. [REPEALED]**

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

21 Sections 60640 and 60642.5, Education Code.

22  
23 **§ 867.5. Retrieval of Materials by Contractor. [REPEALED]**

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

25 Sections 60640, 60642.5 and 60643, Education Code.

26  
27 **§ 868. Discrepancy Resolution for Standards-based Achievement Tests and Any  
28 Primary Language Test. [REPEALED]**

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

30 Sections 60605, 60640 and 60643, Education Code.

31  
32 8-22-14 [California Department of Education]

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## 2014 CA REG TEXT 350845 (NS)

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5 CA ADC 850, 851, 852, 853, 854, 855, 857, 858, 859, 861, 862, 863, 864, 865, 866, 867,  
868; 5 CA ADC 853.5, 7; 5 CA ADC 862.5; 5 CA ADC 864.5; 5 CA ADC 867.5

Regulations Filed with the Secretary of State

September 05, 2014

Effective: August 27, 2014

Education

FULL TEXT OF REGULATION(S)

**Measurement of Academic Performance and Progress**

The State Board of Education submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2014-0124-04E and re-adopted in OAL file no. 2014-0716-03EE.

5 CA ADC 850

**5 CA ADC 850. Definitions.**

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

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

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

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

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

(e) Assessment delivery system means a set of web applications that manage the registration of pupils for tests, the delivery of those tests to the pupils, scoring of test items, integration of item scores into an overall test score, and delivery of scores to the Data Warehouse.

(f) Assessment technology platform means the electronic systems used to display items, accept item responses, store, deliver, score the tests and restrict access to outside sources, as well as report and manage assessment results. Assessment technology includes, but is not limited to, computing devices, testing software applications, network hardware, and other technology required to administer the tests.

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

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

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

(j) Data Warehouse means a comprehensive storehouse of all Smarter Balanced test registrations and results and a system to generate reports on, or extracts of, that data.

(k) Designated supports are resources which the pupil regularly uses in the classroom for instruction and/or assessment(s) and that are available for use by any pupil for whom the need has been indicated, prior to the assessment administration, by an educator or group of educators or specified in a pupil's IEP or Section 504 Plan.

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

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

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

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

(m) Embedded means a resource, whether a universal tool, designated support, or accommodation, that is part of the assessment technology platform for the computer-based CAASPP tests.

(n) Grade means the grade in which the pupil is enrolled at the time of testing, as determined by the local educational agency.

(o) Individualized aid means a type of resource that a pupil regularly uses in a classroom for instruction and/or assessment that has not been previously identified as a universal tool, designated support or accommodation. Because an individualized aid has not been previously identified as a universal tool, designated support or accommodation, it may or may not invalidate the measurement of the test(s).

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

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

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

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

(t) Pupil refers to a student enrolled in a California public school.

- (u) Recently arrived English learner means a pupil designated as an English learner who is in his or her first 12 months of attending a school in the United States as specified in Education Code section 60603(v).
- (v) Registration system means the mechanism that provides administrators with the tools to manage users and pupils participating in CAASPP computer-based assessments. The engine uses a role-specific design to restrict access to certain tasks based on the user's designated role as well as manage pupils' default test settings, designated supports, and accommodations.
- (w) Resource(s) refers to a universal tool, designated support, accommodation, and/or an individualized aid.
- (x) Scribe is an employee of the LEA or a person assigned by an NPS to implement a pupil's IEP who has signed a CAASPP Test Security Affidavit and has received training to transcribe a pupil's responses to the format required by the test. A pupil's parent or guardian is not eligible to be the pupil's scribe.
- (y) A significant medical emergency is a significant accident, trauma, or illness (mental or physical) that precludes a pupil from taking the achievement tests. An accident, trauma, or illness is significant if the pupil has been determined by a licensed physician to be unable to participate in the tests.
- (z) Smarter-Balanced Assessment Consortium (Smarter Balanced) is the multi-state consortium responsible for the development of the English language arts and mathematics summative assessments administered pursuant to Education Code section 60640(b)(1) and the interim assessments and formative assessment tools administered pursuant to Education Code section 60642.6.
- (aa) Standards-based Tests in Spanish (STS) are the achievement tests and the test materials that are administered at the option of the LEA as the primary language test as provided in Education Code sections 60640(b) and (c) for pupils whose primary language is Spanish or to pupils enrolled in a dual immersion program that includes Spanish.
- (ab) Streamlining means an accommodation on a computer-based assessment that provides an alternate display of an item, stacked into instructions, stimuli, and response choices.
- (ac) Test examiner is an employee or contractor of an LEA or an NPS who has signed a CAASPP Test Security Affidavit and has received training to administer the tests. For an alternate assessment, the test examiner must be a certificated or licensed school, district, or county staff member.
- (ad) Test materials include, but are not limited to, administration manuals, administrative materials, test booklets, assessment technology platform, practice tests, scratch paper, and test answer documents.
- (ae) Test proctor is an employee of an LEA, or a person assigned by an NPS to implement a pupil's IEP or Section 504 Plan, who has signed a CAASPP Test Security Affidavit and has received training designed to prepare him or her to assist the test examiner in the administration of tests.
- (af) Translator is a person who has been assigned to translate the test directions into the pupil's primary language pursuant to sections 853.5 and 853.7, who has signed a Test Security Affidavit as identified in section 859(d), and who has received training specifically designed to prepare him or her to assist the test examiner in the administration of the assessments pursuant to Education Code section 60640. A pupil's parent or guardian is not eligible to be the pupil's translator. A translator must be:
- (1) an employee of an LEA;
  - (2) an employee of the NPS; or
  - (3) a person supervised by an employee of an LEA or an employee of the NPS.
- (ag) Universal tools are resources of the CAASPP tests that are available to all pupils.

Note: Authority cited: Sections 33031, 60605 and 60640, Education Code.  
Reference: Sections 306, 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615, 60640, 60642.5 and 60642.6, Education Code; 34 C.F.R. Sections 200.1 (d) 200.1(e), 200.1(f) and 300.160; and 5 CCR 11967.6.

#### HISTORY

1. New subchapter 3.75 (sections 850-874) and section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New subchapter 3.75 (sections 850-874) and section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-5-98 order transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
4. New article 1 heading, amendment of subsection (c), new subsections (g)-(h) and amendment of Note filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 10-26-98 order, including amendment of Note, transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).
6. Amendment of subsections (a), (c) and (f), repealer of subsections (g)-(h) and amendment of Note filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).
8. Repealer of subsection (d), subsection relettering, new subsections (f)(1)-(g) and amendment of Note filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 11-27-2000 order transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).
10. Amendment of subsections (a), (f)(1) and (g), new subsections (h)-(m) and amendment of Note filed 2-3-2004; operative 2-3-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 6).
11. Amendment filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
12. Amendment of section and Note filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
13. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
14. Amendment of subchapter heading, repealer and new section and amendment of Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
15. Amendment of subchapter heading, repealer and new section and amendment of Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL



by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

16. Certificate of Compliance as to 7-23-2014 order, including amendment of subsection (a), repealer of subsection (b), subsection relettering, new subsection (c), amendment of subsection (d), new subsections (e), (j), (o), (t), (v), (w) and (ab), repealer of subsection (i), subsection relettering, amendment of newly designated subsections (f), (i), (k), (l), (m), (p), (q), (u), (x), (aa) and (ac) -(ag), and amendment of Note, transmitted to OAL 7-16-2014 and filed 8-27-2014; amendments effective 8-27-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 35).

5 CA ADC 851

#### **5 CA ADC 851. Pupil Testing.**

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

(b) No later than start of the 2014-2015 school year, for the purposes of the CAASPP assessment system, a charter school which is not an LEA as defined in Education Code section 60603(o) shall test with, dependent on, the LEA that granted the charter or was designated the oversight agency by the State Board of Education (SBE).

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

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

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

Reference: Sections 47651, 48645.1, 60603, 60605 and 60640, Education Code.

#### **HISTORY**

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 5-5-98 order, including amendment of subsections (a) and (d), transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).

4. Editorial correction of subsection (b) (Register 98, No. 44).

5. New article 2 heading and amendment of subsections (a) and (c) filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 10-26-98 order, including amendment of subsection (d), transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).

7. Amendment of article heading filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be

transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.

8. Certificate of Compliance as to 11-27-2000 order transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).

9. Amendment of article heading, section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).

10. Amendment of article heading, section and Note filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).

11. Amendment of article heading, subsections (a)-(b) and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).

12. Amendment of article heading, section and Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.

13. Amendment of article heading, section and Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

14. Certificate of Compliance as to 7-23-2014 order, including amendment of subsection (b), transmitted to OAL 7-16-2014 and filed 8-27-2014; amendments effective 8-27-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 35).

5 CA ADC 852

#### **5 CA ADC 852. Pupil Exemptions.**

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

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

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

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

#### HISTORY

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 5-5-98 order, including amendment of section, transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).

4. Amendment of subsection (b) filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 10-26-98 order transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).
6. Amendment of subsection (b) filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-27-2000 order, including further amendment of subsection (a), transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).
8. Amendment of subsection (b) and amendment of Note filed 2-3-2004; operative 2-3-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 6).
9. Repealer of subsection (a) designator and subsection (b) filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
10. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
11. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
12. Amendment of section and Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
13. Amendment of section and Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014 (Register 2014, No. 35).

5 CA ADC 853

**5 CA ADC 853. Administration.**

- (a) The CAASPP tests pursuant to Education Code section 60640 shall be administered, scored, transmitted, and/or returned by LEAs in accordance with the manuals or other instructions provided by the contractor or CDE for administering, scoring, transmitting, and/or returning the tests, unless specifically provided otherwise in this subchapter, including instructions for administering the test with universal tools, designated supports, and accommodations specified in sections 853.5 and 853.7. The procedures shall include, but are not limited to, those designed to ensure the uniform and standardized administration, and scoring of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required pupil and school level information.
- (b) The primary mode of administration of a CAASPP test shall be via a computing device, the use of an assessment technology platform, and the adaptive engine.
- (c) If available, an LEA may utilize a paper-pencil version of any computer-based assessment (CBA) of the CAASPP assessment system, in accordance with Education Code section 60640(e), and if the LEA identifies the pupils that are unable to access the CBA version of the test.
- (d) Interim assessments and formative assessment tools shall be made available to LEA(s) for use. Use of interim assessments and formative assessment tools shall not be considered advance preparation for a CAASPP test as defined in Education Code section 60611. LEAs that use interim assessments and/or

formative assessment tools shall abide by the consortium/contractor(s) administration and use requirements. Any scoring of any performance tasks for the interim assessment is the responsibility of the LEA.

Note: Authority cited: Sections 33031 and 60640, Education Code. Reference: Sections 60602.5, 60603, 60605, 60611, 60640 and 60642.6, Education Code.

#### HISTORY

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-5-98 order, including new subsections (c) and (d), transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
4. Amendment of subsections (a) and (c) filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 10-26-98 order transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).
6. Amendment filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).
8. New subsection (d), subsection relettering and amendment of newly designated subsection (e) filed 11-8-2000; operative 12-8-2000 (Register 2000, No. 45).
9. Amendment of subsections (a) and (b) filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 11-27-2000 order transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).
11. Amendment of subsection (a), repealer of former subsections (b)-(e), new subsections (b) and (c) and amendment of Note filed 2-3-2004; operative 2-3-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 6).
12. Amendment of subsections (b)-(c) filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
13. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
14. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
15. Amendment of section and Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
16. Amendment of section and Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

17. Certificate of Compliance as to 7-23-2014 order, including amendment of subsection (a), new subsection (b), subsection relettering, amendment of newly designated subsections (c) and (d) and amendment of Note, transmitted to OAL 7-16-2014 and filed 8-27-2014; amendments effective 8-27-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 35).

5 CA ADC 853.5

**5 CA ADC 853.5. Use of Universal Tools, Designated Supports, and Accommodations.**

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

- (1) breaks for reading, writing, listening, and mathematics;
- (2) calculator for specific mathematic items;
- (3) digital notepad for reading, writing, listening, and mathematics;
- (4) English dictionary for writing (ELA-performance task - pupil long essay(s) not short paragraph responses);
- (5) English glossary for reading, writing, listening, and mathematics;
- (6) expandable passages for reading, writing, listening, and mathematics;
- (7) global notes for writing (ELA-performance task - pupils long essay(s) not short paragraph responses);
- (8) highlighter for reading, writing, listening, and mathematics;
- (9) keyboard navigation for reading, writing, listening, and mathematics;
- (10) mark for review for reading, writing, listening, and mathematics;
- (11) math tools for specific mathematics items;
- (12) spell check for specific writing items;
- (13) strikethrough for reading, writing, listening, and mathematics;
- (14) writing tools for specific pupil generated responses; or
- (15) zoom for reading, writing, listening, and mathematics.

(b) All pupils shall be permitted the following non-embedded universal tools on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) breaks;
- (2) English dictionary for ELA performance task - pupil long essay(s) not short paragraph responses;
- (3) scratch paper;
- (4) thesaurus for ELA performance task - pupil long essay(s) not short paragraph responses;
- (5) color overlay for science and primary language test;
- (6) math tools (i.e., ruler, protractor) for specific mathematics items;
- (7) simplify or clarify test administration directions (does not apply to test questions); or
- (8) pupil marks in paper-pencil test booklet (other than responses including highlighting).

(c) All pupils shall be permitted the following embedded designated supports when determined for use by an educator or group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts

(including the components of reading, writing, and listening) and mathematics as specified below:

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

(d) All pupils shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators or specified in a pupil's IEP or Section 504 Plan on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:

- (1) translated directions for mathematics, science and primary language test;
- (2) bilingual dictionary for writing;
- (3) access to translation glossaries/word lists for science and primary language test;
- (4) color contrast for reading, writing, listening, and mathematics;
- (5) color overlay for reading, writing, listening, and mathematics;
- (6) magnification;
- (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
- (8) scribe for reading, listening, and mathematics;
- (9) separate setting;
- (10) translations (glossary) for mathematics; (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (c)).
- (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
- (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
- (13) translations (glossary) for science and primary language test; or
- (14) administration of the test at the most beneficial time of day for the pupil.

(e) The following embedded accommodations shall be provided on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics when specified in a pupil's IEP or Section 504 Plan:

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

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

- (1) read aloud for primary language test;
- (2) American Sign Language for listening, mathematics, and science;
- (3) braille for paper-pencil tests;
- (4) abacus for mathematics and science;
- (5) alternate response options for reading, writing, listening, and mathematics;
- (6) calculator for specific mathematics items;
- (7) multiplication table for mathematics beginning in grade 4;
- (8) print on demand for reading, writing, listening, and mathematics;
- (9) read aloud for reading passages in grades 6 through 8, inclusive, and grade 11; blind pupils in grades 3 through 8, inclusive, and grade 11 who do not yet have adequate braille skills;
- (10) scribe for writing, science, and primary language test;
- (11) speech-to-text; or
- (12) large-print version of a paper-pencil test.

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

- (1) LEA name and CDS code;
- (2) school/test site and school code;
- (3) school/test site address, city, and zip code;
- (4) LEA CAASPP coordinator name, phone number, and email address;
- (5) CAASPP test site coordinator name, phone number, and email address;
- (6) school/test site testing window dates;
- (7) SSID(s) for the pupil(s) for which the individualized aid is being requested;
- (8) CAASPP test and grade; and
- (9) the individualized aid being requested.

(h) Individualized aids that change the construct being measured by a CAASPP test invalidate the test score and results in a score that cannot be compared with other CAASPP results. Scores for pupils' tests with individualized aids that change the construct being measured by a CAASPP test will not be counted as participating in statewide testing (and impacts the accountability participation rate indicator) but pupils will still receive individual score reports with their actual score. The following non-embedded individualized aids have been determined to change the construct being measured on the CAASPP tests for English language arts (including the components for reading, writing, and listening), mathematics, science, and primary language and are specified below, but not limited to:

- (1) English dictionary for reading, listening, mathematics, science, and primary language;
- (2) thesaurus for reading, listening, mathematics, science and primary language;

- (3) translated test directions for reading, writing, or listening;
  - (4) bilingual dictionary for reading, listening, mathematics, science and primary language;
  - (5) translations (glossary) for reading, writing, and listening;
  - (6) read aloud for reading passages in grades 3, 4, and 5;
  - (7) American Sign Language for reading passages in grades 3, 4, and 5 and reading passages for primary language;
  - (8) calculator for non-specified mathematics items or science;
  - (9) math tools (i.e., ruler, protractor) for non-specified mathematics items; and
  - (10) multiplication table for mathematics in grade 3.
- (i) If a consortium (in which California is a participant) approves of a universal tool(s), designated support(s), and/or accommodation(s) not listed in subdivisions (a) through (f), the CDE shall allow its use.

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

#### HISTORY

1. New section filed 2-3-2004; operative 2-3-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 6).
2. Amendment of section heading and section filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
3. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
4. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
5. Amendment of section heading, section and Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section heading, section and Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 7-23-2014 order, including amendment of subsections (a), (b), (c), (c)(3), (d), (d)(7), (d)(9)-(12), (e)(3)-(4), (f)(11)-(12), (g), (g)(7), (g)(9) and (h), new subsections (d)(13)-(14), (e)(5) and (i), and repealer of subsections (f)(13)-(14), transmitted to OAL 7-16-2014 and filed 8-27-2014; amendments effective 8-27-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 35).

5 CA ADC 853.7

#### **5 CA ADC 853.7. Use of Designated Supports for English Learners.**

- (a) An English learner (EL) shall be permitted the following embedded designated supports, when determined for use by an educator or group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening) and mathematics as specified below:
- (1) color contrast for reading, writing, listening, and mathematics;
  - (2) masking for reading, writing, listening, and mathematics;
  - (3) text-to-speech for writing, listening, mathematics and reading items, but not passages;



- (4) translated test directions for mathematics;
  - (5) translations (glossary) for mathematics;
  - (6) translations (stacked) for mathematics; or
  - (7) turn off any universal tool for reading, writing, listening, and mathematics.
- (b) An EL shall be permitted the following non-embedded designated supports when determined for use by an educator or a group of educators, who may seek input from a parent(s) or guardian(s), on the CAASPP tests for English language arts (including the components of reading, writing, and listening), mathematics, science, and primary language as specified below:
- (1) translated directions for mathematics, science and primary language test;
  - (2) bilingual dictionary for writing;
  - (3) access to translation glossaries/word lists for science and primary language test;
  - (4) color contrast for reading, writing, listening, and mathematics;
  - (5) color overlay for reading, writing, listening, and mathematics;
  - (6) magnification;
  - (7) read aloud for writing, listening, mathematics, and reading items but not reading passages;
  - (8) scribe for reading, listening, and mathematics;
  - (9) separate setting;
  - (10) translations (glossary) for mathematics (only for consortium-provided glossaries that correspond to the embedded designated supports in subdivision (a));
  - (11) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling headphones);
  - (12) special lighting or acoustics, assistive devices (specific devices may require CAASPP contractor certification), and/or special or adaptive furniture;
  - (13) translations (glossary) for science and primary language test; or
  - (14) administration of the test at the most beneficial time of day for the pupil.

Note: Sections 33031, 60605 and 60640, Education Code. Reference: Sections 306, 60605 and 60640, Education Code; and 34 C.F.R. Section 200.2.

#### HISTORY

1. New section adopted as part of Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014; effective 8-27-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 35).  
5 CA ADC 854

#### **5 CA ADC 854. Advance Preparation for the Tests. [Repealed]**

Note: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60605, 60611 and 60640, Education Code.

#### HISTORY

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 5-5-98 order, including amendment of subsection (b), transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
4. Amendment filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 10-26-98 order transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).
6. Amendment of subsection (a) filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).
8. Amendment of section heading, section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
9. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
10. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
11. Repealer filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
12. Repealer refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014 (Register 2014, No. 35).

5 CA ADC 855

**5 CA ADC 855. Testing Period.**

- (a)(1) For the 2013-14 school year, each LEA shall administer the Smarter Balanced field tests for ELA and mathematics in the manner prescribed by the CDE pursuant to the authority granted by Education Code section 60640(f)(2).
- (2) For the 2013-14 school year, the CST and CMA for science in grades 5, 8, and 10, and CAPA for ELA and mathematics in grades 2 through 11 and science in grades 5, 8, and 10, shall be administered to each pupil during a testing window of 25 instructional days that includes 12 instructional days before and after completion of 85 percent of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this 25 instructional day window. If an LEA elects to administer the primary language test, it shall do so during this same testing window.
- (b) Beginning in the 2014-15 school year, the CAASPP tests pursuant to Education Code sections 60640(b) shall be administered to each pupil during the following testing windows:
- (1) Unless otherwise stated in these regulations, the testing window shall not begin until at least 66 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 66 percent of a school year occurs after the 120th instructional day. This allows for a 12-week window for testing.
- (2) For the grade 11 Smarter Balanced assessments and CAASPP tests administered after January 2015, the testing window shall not begin until at

least 80 percent of a school's annual instructional days have been completed, and testing may continue up to and including the last day of instruction for the regular school calendar. For a 180-day school year, 80 percent of a school year occurs after the 144th instructional day. This allows for a 7-week window for testing.

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

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

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

Reference: Sections 60605, 60640, 60641 and 60642.5, Education Code.

#### HISTORY

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-5-98 order, including amendment of subsection (c), transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
4. Amendment of subsection (c) filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).
6. Amendment filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-27-2000 order, including further amendment of subsection (a) and Note, transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).
8. Amendment of section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
9. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
10. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
11. Repealer and new section and amendment of Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.

12. Repealer and new section and amendment of Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

13. Certificate of Compliance as to 7-23-2014 order, including amendment of subsection (b)(3), transmitted to OAL 7-16-2014 and filed 8-27-2014; amendments effective 8-27-2014 pursuant to Government Code section 11343.4 (b)(3) (Register 2014, No. 35).

5 CA ADC 857

**5 CA ADC 857. LEA CAASPP Coordinator.**

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

- (1) designate from among the employees of the LEA an LEA CAASPP coordinator;
- (2) identify school(s) with pupils unable to access the CBA version of a CAASPP test(s) in accordance with Education Code section 60640(e); and
- (3) report to the CAASPP contractor(s) the number of pupils enrolled in the school identified in subdivision (2) that are unable to access the CBA version of a CAASPP test.

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

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

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

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

Note: Authority cited: Sections 33031, 60605 and 60640, Education Code.  
Reference: Sections 47079.5, 52052, 60604, 60605, 60610, 60630, 60640 and 60643, Education Code.

**HISTORY**

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.
3. Editorial correction of subsection (b)(5) (Register 98, No. 42).
4. Certificate of Compliance as to 5-5-98 order, including amendment of subsections (a) and (c), transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
5. Amendment filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99

or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 10-26-98 order, including amendment of subsection (d), transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).
7. Amendment filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 12-16-99 order, including amendment of subsection (a), transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).
9. Amendment of subsections (a), (b)(2), (b)(5)-(6) and (c) filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 11-27-2000 order transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).
11. Amendment of section heading, section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
12. Amendment of subsections (a), (b)(3) and (b)(5)-(6) filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
13. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
14. Amendment of section heading, repealer and new section and amendment of Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
15. Amendment of section heading, repealer and new section and amendment of Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.
16. Certificate of Compliance as to 7-23-2014 order, including amendment of subsections (a)(2), (a)(3) and (b), transmitted to OAL 7-16-2014 and filed 8-27-2014; amendments effective 8-27-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 35).

5 CA ADC 858

**5 CA ADC 858. CAASPP Test Site Coordinator.**

(a) At each test site, including, but not limited to, each elementary, middle, and high school or other grade-span designated school, each charter school, each court-school, each school or program operated by an LEA, and all other public programs serving pupils, inclusive, the superintendent of the LEA or the LEA CAASPP coordinator shall designate a CAASPP test site coordinator from among the employees of the LEA. The CAASPP test site coordinator, or the site principal or his or her designee, shall be available to the LEA CAASPP coordinator by telephone through September 30 of the following school year for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

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

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

(d) The CAASPP test site coordinator shall be responsible for ensuring that all designated supports, accommodations and individualized aids are correctly entered into the registration system and provided to the pupil(s) identified to receive the designated supports and/or accommodations.

Note: Authority cited: Sections 33031, 60605 and 60640, Education Code.  
Reference: Sections 60602.5, 60604, 60605, 60610, 60630 and 60640, Education Code.

#### HISTORY

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-5-98 order transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
4. Amendment of subsections (b)(4)-(5) filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 10-26-98 order transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).
6. Amendment of subsections (a), (b)(1) and (b)(7) filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 12-16-99 order, including amendment of subsection (a), transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).
8. Amendment of subsections (a), (b) and (b)(4)-(5), new subsection (b)(9) and amendment of subsection (c) filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.
9. Certificate of Compliance as to 11-27-2000 order transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).
10. Amendment of section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
11. Amendment of subsections (a), (b)(4), (b)(5), (b)(9) and (b)(11) filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
12. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
13. Amendment of section heading, repealer and new section and amendment of Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
14. Amendment of section heading, repealer and new section and amendment of Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

15. Certificate of Compliance as to 7-23-2014 order, including amendment of subsection (a) and new subsection (d), transmitted to OAL 7-16-2014 and filed 8-27-2014; amendments effective 8-27-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 35).

5 CA ADC 859

**5 CA ADC 859. CAASPP Test Security Agreement and Test Security Affidavit.**

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

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

CAASPP TEST SECURITY AGREEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) All test examiners, proctors, translators, scribes, LEA CAASPP coordinators and CAASPP test site coordinators, and any other persons having access to any of the tests and test materials, assessment technology platform, registration

system, adaptive engine, or tests administered pursuant to Education Code section 60640, shall acknowledge the limited purpose of their access to the tests by signing the CAASPP Test Security Affidavit set forth in subdivision (d).

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

CAASPP TEST SECURITY AFFIDAVIT

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HISTORY

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-5-98 order, including amendment of subsections (c) and (d), transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
4. Amendment of subsections (b) and (c)-(e) filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 10-26-98 order transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).
6. Amendment filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-27-2000 order transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).
8. New subsections (b)(4) and (b)(5) and amendment of Note filed 2-3-2004; operative 2-3-2004 pursuant to Government Code section 11343.4 (Register 2004, No. 6).
9. Amendment filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
10. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
11. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
12. Amendment of section heading, repealer and new section and amendment of Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
13. Amendment of section heading, repealer and new section and amendment of Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.
14. Certificate of Compliance as to 7-23-2014 order, including amendment of subsections (b)(6), (c) and (d)(4)(A), repealer of subsection (d)(4)(D), amendment of subsections (d)(6) and (d)(10)-(11), new subsection (d)(12) and subsection renumbering, transmitted to OAL 7-16-2014 and filed 8-27-2014; amendments effective 8-27-2014 pursuant to Government Code section 11343.4 (b)(3) (Register 2014, No. 35).

5 CA ADC 861

**5 CA ADC 861. Data Elements for Test Registration and State and Federal Reporting.**

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

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

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

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

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

#### HISTORY

1. New section adopted by the Department of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-5-98 order, including amendment of subsection (a), repealer of subsections (a)(10) and (a)(11), and amendment of Note, transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
4. Amendment of subsections (a) and (a)(8) and new subsection (a)(10) filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).
6. Amendment of section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
7. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
8. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
9. Amendment of section heading, repealer and new section and amendment of Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
10. Amendment of section heading, repealer and new section and amendment of Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

11. Certificate of Compliance as to 7-23-2014 order, including new subsections (b)(2)-(3) and subsection renumbering, transmitted to OAL 7-16-2014 and filed 8-27-2014; amendments effective 8-27-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 35).

5 CA ADC 862

**5 CA ADC 862. Apportionment Information Report.**

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

- (1) The number of pupils enrolled in each school and in the LEA on the first day of testing.
- (2) The number of pupils in each school and in the LEA tested with the alternate assessment.
- (3) The number of pupils in each school and in the LEA exempted from testing at the request of their parents or guardians pursuant to Education Code section 60615.
- (4) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of CBT.
- (5) The number of pupils who were administered any portion of the CAASPP assessments pursuant to Education Code sections 60640(b)(1), 60640(b)(2), 60640(b)(4), or 60640(c)(3) through the use of paper-pencil assessments.
- (6) The number of pupils with demographic information only who were not tested for any reason other than a parent or guardian exemption.
- (7) The number of English language learners who were administered a primary language test aligned to the English language arts standards pursuant to Education Code section 60640(b)(5)(B).
- (8) Beginning in 2014-15, the number of pupils in grade 2 administered a diagnostic assessment pursuant to Education Code section 60644.

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

- (1) The LEA has returned all secure test materials, and
- (2) The LEA CAASPP coordinator has certified the accuracy of the apportionment information report for assessments administered during the school year, which is either;
  - (A) transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by December 31, or
  - (B) if transmitted in any manner after December 31, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports transmitted after December 31, apportionment payment is contingent upon the availability of an appropriation for this purpose in the fiscal year in which the testing window began.

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

Reference: Sections 60610, 60615, 60640 and 60641, Education Code.

**HISTORY**

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.



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

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

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

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

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

Reference: Sections 60640 and 60643, Education Code.

#### HISTORY

1. Renumbering of former section 870 to new section 862.5, including amendment of section and Note, filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).

2. Amendment of section heading, section and Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.

3. Amendment of section heading, section and Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 7-23-2014 order, including amendment of subsection (a), transmitted to OAL 7-16-2014 and filed 8-27-2014; amendments effective 8-27-2014 pursuant to Government Code section 11343.4(b)(3) (Register 2014, No. 35).

5 CA ADC 863

#### **5 CA ADC 863. CAASPP Pupil Reports and Cumulative Record Labels.**

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

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

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

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

Reference: Sections 49062, 49068, 60607, 60640 and 60641, Education Code.

#### HISTORY

1. New section adopted by the Department of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 5-5-98 order, including amendment of Note, transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).

4. Amendment of subsection (b) filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 10-26-98 order transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).

6. Amendment of section heading, section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).

7. Amendment of subsections (a) and (b) filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).

8. Amendment of section heading, section and Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.

9. Amendment of section heading, section and Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

10. Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014 (Register 2014, No. 35).

5 CA ADC 864

**5 CA ADC 864 LEA Compliance with Contractor Requirements.**

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

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

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

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

Note: Authority cited: Sections 33031, 60605, 60613 and 60640, Education Code. Reference: Sections 60605, 60610, 60640, 60641 and 60643, Education Code; 20 U.S.C. Section 1232g; and 34 C.F.R. Section 99.3.

**HISTORY**

1. New section adopted by the Department of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 5-5-98 order, including amendment of Note, transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).

4. Amendment of section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).

5. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).

6. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).

7. Amendment of section heading, section and Note filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.

8. Amendment of section heading, section and Note refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

9. Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014 (Register 2014, No. 35).

5 CA ADC 864.5

**5 CA ADC 864.5. Test Order Information. [Repealed]**

Note: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60605, 60640 and 60643, Education Code.

**HISTORY**

1. New section filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 10-26-98 order transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).

3. Amendment filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).

5. Amendment of subsections (a), (a)(7) and (d) filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-27-2000 order transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).

7. Amendment of section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).

8. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).

9. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).

10. Repealer filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.

11. Repealer refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

12. Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014 (Register 2014, No. 35).

5 CA ADC 865

**5 CA ADC 865. Transportation. [Repealed]**

Note: Authority cited: Sections 33031 and 60605, Education Code. Reference: Section 60640, Education Code.



## HISTORY

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-5-98 order transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
4. Amendment of subsection (a) filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).
6. Amendment of section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
7. Amendment of subsections (a) and (c) filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
8. Repealer filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
9. Repealer refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014 (Register 2014, No. 35).

5 CA ADC 866

**5 CA ADC 866. School District Delivery. [Repealed]**

Note: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60605, 60640, 60642.5 and 60643, Education Code.

## HISTORY

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-5-98 order, including amendment of subsection (a), transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
4. Amendment of subsection (a), repealer of subsection (b) and subsection relettering filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 10-26-98 order transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).

6. Amendment of section and Note filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.

7. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).

8. Amendment filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.

9. Certificate of Compliance as to 11-27-2000 order, including further amendment of subsection (b), transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).

10. Amendment of section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).

12. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).

13. Amendment of section and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).

14. Repealer filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.

15. Repealer refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

16. Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014 (Register 2014, No. 35).

5 CA ADC 867

**5 CA ADC 867. Test Site Delivery and Return. [Repealed]**

Note: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60640 and 60642.5, Education Code.

HISTORY

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.

2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 5-5-98 order transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).

4. Amendment of subsections (b)-(c) filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.

5. Certificate of Compliance as to 11-27-2000 order, including further amendment of subsection (c), transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).

6. Amendment of section heading, section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).

7. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).

8. Repealer filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.

9. Repealer refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

10. Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014 (Register 2014, No. 35).

5 CA ADC 867.5

**5 CA ADC 867.5. Retrieval of Materials by Contractor. [Repealed]**

Note: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60640, 60642.5 and 60643, Education Code.

HISTORY

1. New section filed 10-26-98 as an emergency; operative 10-26-98 (Register 98, No. 44). A Certificate of Compliance must be transmitted to OAL by 2-23-99 or emergency language will be repealed by operation of law on the following day.

2. Certificate of Compliance as to 10-26-98 order transmitted to OAL 2-23-99 and filed 4-6-99 (Register 99, No. 15).

3. Repealer of subsection (a) designator, repealer of subsection (b) and amendment of Note filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).

5. Amendment filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.

6. Certificate of Compliance as to 11-27-2000 order, including further amendment of section, transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).

7. Amendment of section heading, section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).

8. Amendment filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).

9. Repealer filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.

10. Repealer refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.

11. Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014 (Register 2014, No. 35).

5 CA ADC 868

**5 CA ADC 868. Discrepancy Resolution for Standards-Based Achievement Tests and Any Primary Language Test. [Repealed]**

Note: Authority cited: Sections 33031 and 60605, Education Code. Reference: Sections 60605, 60640 and 60643, Education Code.

## HISTORY

1. New section adopted by the State Board of Education and filed 1-2-98 as an emergency; operative 1-2-98 (Register 98, No. 1). A Certificate of Compliance must be transmitted to OAL by 5-2-98 or emergency language will be repealed by operation of law on the following day.
2. New section refiled 5-5-98 as an emergency; operative 5-5-98 (Register 98, No. 19). A Certificate of Compliance must be transmitted to OAL by 9-2-98 or emergency language will be repealed by operation of law on the following day.
3. Certificate of Compliance as to 5-5-98 order, including amendment of subsections (c) and (d), transmitted to OAL 9-2-98 and filed 10-14-98 (Register 98, No. 42).
4. Amendment of section and Note filed 12-16-99 as an emergency; operative 12-16-99 (Register 99, No. 51). A Certificate of Compliance must be transmitted to OAL by 4-14-2000 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 12-16-99 order transmitted to OAL 4-14-2000 and filed 5-26-2000 (Register 2000, No. 21).
6. Amendment of subsection (c) filed 11-27-2000 as an emergency; operative 1-1-2001 (Register 2000, No. 48). A Certificate of Compliance must be transmitted to OAL by 5-1-2001 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 11-27-2000 order transmitted to OAL 3-28-2001 and filed 5-9-2001 (Register 2001, No. 19).
8. Amendment of section heading, section and Note filed 8-22-2005; operative 9-21-2005 (Register 2005, No. 34).
9. Amendment of section heading and section filed 11-8-2006; operative 12-8-2006 (Register 2006, No. 45).
10. Amendment of section heading, subsections (a)(1)(B)-(c) and Note filed 4-13-2011; operative 5-13-2011 (Register 2011, No. 15).
11. Repealer filed 2-3-2014 as an emergency; operative 2-3-2014 (Register 2014, No. 6). A Certificate of Compliance must be transmitted to OAL by 8-4-2014 or emergency language will be repealed by operation of law on the following day.
12. Repealer refiled 7-23-2014 as an emergency; operative 7-23-2014 (Register 2014, No. 30). A Certificate of Compliance must be transmitted to OAL by 10-21-2014 or emergency language will be repealed by operation of law on the following day.
13. Certificate of Compliance as to 7-23-2014 order transmitted to OAL 7-16-2014 and filed 8-27-2014 (Register 2014, No. 35).

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NETSCAN

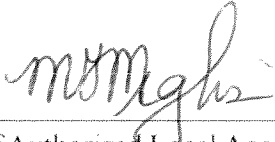
**8. CLAIM CERTIFICATION**

*Read, sign, and date this section and insert at the end of the test claim submission.\**

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and complete to the best of my own knowledge or information or belief.

**Micheline G. Miglis**

Print or Type Name of Authorized Local Agency  
or School District Official



Signature of Authorized Local Agency or  
School District Official

Superintendent, Plumas County Office of Education

Print or Type Title

*09 March 2015*

Date

*\* If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*

## 8. CLAIM CERTIFICATION

*Read, sign, and date this section and insert at the end of the test claim submission.\**

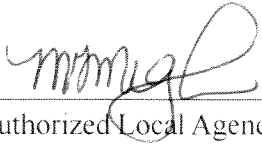
This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and complete to the best of my own knowledge or information or belief.

**Micheline G. Miglis**

Print or Type Name of Authorized Local Agency  
or School District Official

Superintendent, Plumas Unified School District

Print or Type Title



Signature of Authorized Local Agency or  
School District Official

03/march/2015

Date

*\* If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*

**8. CLAIM CERTIFICATION**

*Read, sign, and date this section and insert at the end of the test claim submission.\**

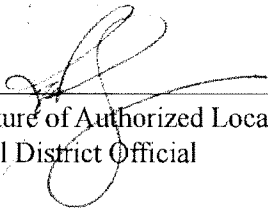
This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and complete to the best of my own knowledge or information or belief.

**John Snavelly**

Print or Type Name of Authorized Local Agency  
or School District Official

Superintendent, Porterville Unified School District

Print or Type Title



Signature of Authorized Local Agency or  
School District Official

3/9/2015

Date

*\* If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*

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**Richard L. Miller**

Print or Type Name of Authorized Local Agency  
or School District Official

Superintendent, Santa Ana Unified School District

Print or Type Title



Signature of Authorized Local Agency or  
School District Official

3.13.2015

Date

*\* If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*



**8. CLAIM CERTIFICATION**

*Read, sign, and date this section and insert at the end of the test claim submission.\**

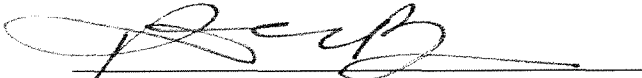
This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and complete to the best of my own knowledge or information or belief.

**Ramona Bishop**

Print or Type Name of Authorized Local Agency  
or School District Official

Superintendent, Vallejo Unified School District

Print or Type Title



Signature of Authorized Local Agency or  
School District Official

3/17/15

Date

*\* If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*

**DECLARATION OF SERVICE BY EMAIL**

I, the undersigned, declare as follows:

I am a resident of the County of Solano and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On March 16, 2015, I served the:

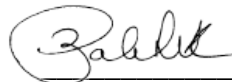
**Claimant Rebuttal Comments and California Educational Technology Professionals Association Comments**

*California Assessment of Student Performance and Progress (CAASPP)*, 14-TC-01 Education Code Sections 60602, 60603, 60604, 60607, 60610, 60611, 60612, 60640, 60641, 60642.6, 60643, 60643.6, 60648, 60648.5, 60649, 60810, 99300, and 99301; Statutes 2013-2014, Chapter 489 (AB 484); Statutes 2014 Chapter 32, (SB 858); Statutes 2014, Chapter 327 (AB 1599); California Code of Regulations, Title 5, Section 850 through 864, inclusive; (Register 2014, No. 30; Effective Date: July 23, 2014)

Plumas County Office of Education, Plumas Unified School District, Porterville Unified School District, Santa Ana Unified School District, and Vallejo City Unified School District, Claimants

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on March 16, 2015 at Sacramento, California.



---

Heidi J. Palchik  
Commission on State Mandates  
980 Ninth Street, Suite 300  
Sacramento, CA 95814  
(916) 323-3562

# COMMISSION ON STATE MANDATES

## Mailing List

**Last Updated:** 3/13/15

**Claim Number:** 14-TC-01

**Matter:** California Assessment of Student Performance and Progress (CAASPP)

**Claimants:** Plumas County Office of Education  
Plumas Unified School District  
Porterville Unified School District  
Santa Ana Unified School District  
Vallejo City Unified School District

### TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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