

**COMMISSION ON STATE MANDATES
TEST CLAIM FORM**

Authorized by Government Code section 17553
(Revised 1/2005)

GENERAL INSTRUCTIONS

- Local agency and school district test claims shall be filed not later than 12 months following the effective date of a statute or executive order, or within 12 months of incurring increased costs as a result of a statute or executive order, whichever is later.
- Type all responses.
- Complete sections 1 through 8, as indicated. Failure to complete any of these sections will result in this test claim being returned as incomplete.
- Original test claim submissions shall be unbound, single-sided, and without tabs. Copies may be double-sided, but unbound and without tabs.
- Mail, or hand-deliver, one original and seven copies of your test claim submission to:

**Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814**

Within ten (10) days of receipt of a test claim, or its amendment, Commission staff will notify the claimant or claimant representative whether the submission is complete or incomplete. Test claims will be considered incomplete if any of the required sections are not included or are illegible. If a completed test claim is not received within thirty (30) calendar days from the date the incomplete test claim was returned, the executive director may disallow the original test claim filing date. A new test claim may be accepted on the same statute or executive order alleged to impose a mandate.

You may download this form from our website! If you have any questions, please contact us:

Web Site: www.csm.ca.gov
Telephone: (916) 323-3562
Fax: (916) 445-0278
E-Mail: csminfo@csm.ca.gov

1. TEST CLAIM TITLE

Standardized Testing and Reporting II (STAR II)

2. CLAIMANT INFORMATION

Grant Joint Union High School District
Name of Local Agency or School District

Robert Roach
Claimant Contact

Mandated Cost Analyst
Title

1333 Grand Avenue
Street Address

Sacramento, CA 95838

City, State, Zip

916-286-4849

Telephone Number

916-263-6205

Fax Number

robroach@grant.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.

David E. Scribner
Claimant Representative Name

President
Title

Scribner Consulting Group, Inc.
Organization

3840 Rosin Court, Suite 190
Street Address

Sacramento, CA 95834

City, State, Zip

916-922-2636

Telephone Number

916-922-2719

Fax Number

dscribner@scginc.org

E-Mail Address

<i>For CSM Use Only</i>	
Filing Date:	RECEIVED SEP 21 2005 COMMISSION ON STATE MANDATES
Test Claim #:	05-TC-03

4. TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED

Please identify all code sections, statutes, bill numbers, regulations, and/or executive orders that impose the alleged mandate (e.g., Penal Code Section 2045, Statutes 2004, Chapter 54 [AB 290]). When alleging regulations or executive orders, please include the effective date of each one.

Education Code Sections 60640, 60641, 60642.5, Statutes 2003, Chapter 773 (A.B. 1485)

California Code of Regulations, Title 5, Sections 850 (eff. 9/21/05), 851 (eff. 9/21/05), 852 (eff. 9/21/05), 853 (eff. 9/21/05), 855 (eff. 9/21/05), 857 (eff. 9/21/05), 858 (eff. 9/21/05), 859 (eff. 9/21/05), 861 (eff. 9/21/05), 862 (eff. 9/21/05), 863 (eff. 9/21/05), 864.5 (eff. 9/21/05), 865 (eff. 9/21/05), 866 (eff. 9/21/05), 867 (eff. 9/21/05), 867.5 (eff. 9/21/05), 868 (eff. 9/21/05).

Copies of all statutes and executive orders cited are attached.

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

- 5. Written Narrative: pages 1 to 19 .
- 6. Declarations: pages 20 to 28 .
- 7. Documentation: pages 29 to 51 .

Sections 5, 6, and 7 should be answered on separate sheets of plain 8-1/2 x 11 paper. Each sheet should include the test claim name, the claimant, the section number, and heading at the top of each page.

5. WRITTEN NARRATIVE

Under the heading "5. Written Narrative," please 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:

- (A) A detailed description of the new activities and costs that arise from the mandate.
- (B) A detailed description of existing activities and costs that are modified by 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.
- (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.
- (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.
- (F) Identification of all of the following funding sources available for this program:
 - (i) Dedicated state funds
 - (ii) Dedicated federal funds
 - (iii) Other nonlocal agency funds
 - (iv) The local agency's general purpose funds
 - (v) Fee authority to offset costs
- (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.

6. DECLARATIONS

Under the heading "6. Declarations," support the written narrative with declarations that:

- (A) declare actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate;
- (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;
- (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); and
- (D) are signed under penalty of perjury, based on the declarant's personal knowledge, information or belief, by persons who are authorized and competent to do so.

7. DOCUMENTATION

Under the heading "7. Documentation," support the written narrative with copies of all of the following:

- (A) the test claim statute that includes the bill number alleged to impose or impact a mandate; and/or
- (B) the executive order, identified by its effective date, alleged to impose or impact a mandate; and
- (C) relevant portions of state constitutional provisions, federal statutes, and executive orders that may impact the alleged mandate; and
- (D) administrative decisions and court decisions cited in the narrative. Published court decisions arising from a state mandate determination by the Board of Control or the Commission are exempt from this requirement.

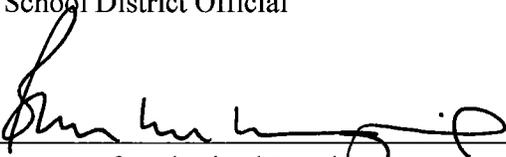
8. CLAIM CERTIFICATION

*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.

Bruce Mangerich

Print or Type Name of Authorized Local Agency
or School District Official



Signature of Authorized Local Agency or
School District Official

Deputy Superintendent

Print or Type Title

September 15, 2005

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.*

* Uve Dahmen/Coordinator Testing & Assessment
1333 Grand Avenue
Sacramento, CA 95838
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BEFORE THE COMMISSION ON STATE MANDATES

Test Claim Filed By: Grant Joint Union High School District, Claimant	Test Claim No. _____ Statutes of 2003, Chapter 773 (AB 1485) Education Code Sections 60640, 60641, and 60642.5 California Code of Regulations, Title 5, Sections 850, 851, 852, 853, 855, 857, 858, 859, 861, 862, 863, 864.5, 865, 866, 867, 867.5, and 868 <i>Standardized Testing and Reporting II</i> <i>(STAR II)</i>
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5. Written Narrative

On October 11, 2003, chapter 773, statutes of 2003 (the test claim legislation) was enacted and became operative January 1, 2004. The test claim legislation added and amended Education Code section 60640 relating the Standardized Testing and Reporting Program. As added and amended by the test claim legislation, section 60640 provides:

“(a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.

(b) Commencing in the 2004–05 fiscal year and each fiscal year thereafter, and from the funds available for that purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades 3 and 8 the achievement test designated by the State Board of Education pursuant to Section 60642 and shall administer to each of its pupils in grades 2 to 11, inclusive, the standards-based achievement test provided for in Section 60642.5. The State Board of Education shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.

(c) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils within the testing period established by the State Board of Education in subdivision (b).

(d) The governing board of the school district may administer achievement tests in grades other than those required by subdivision (b) as it deems appropriate.

(e) Pursuant to paragraph (17) of subsection (a) of Section 1412 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.

(f) At the option of the school district, a pupil with limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language. Primary language tests administered pursuant to this subdivision and subdivision (g) shall be subject to the requirements of subdivision (a) of Section 60641. These primary language tests shall produce individual pupil scores that are valid and reliable. Notwithstanding any other law, the State Board of Education shall designate for use, as part of this program, a single primary language test in each language for which a test is available for grades 2 to 11, inclusive, pursuant to the process used for designation of the assessment chosen in the 1997–98 fiscal year, as specified in Sections 60642 and 60643, as applicable.

(g) A pupil of limited English proficiency who is enrolled in any of grades 2 to 11, inclusive, shall be required to take a test in their primary language if a test is available, if fewer than 12 months have elapsed after their initial enrollment in any public school in the state.

(h) (1) The Superintendent of Public Instruction shall apportion funds to school districts to enable school districts to meet the requirements of subdivisions (b), (f), and (g).

(2) The State Board of Education shall annually establish the amount of funding to be apportioned to school districts for each test administered and shall annually establish the amount that each publisher shall be paid for each test administered under the agreements required pursuant to Section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher 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), (f), and (g).

(3) An adjustment to the amount of funding to be apportioned per test may 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.

(i) For the 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 (h), and the payments made to the publishers 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.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

(k) This section shall become operative July 1, 2004."

The 2004 Standardized Testing and Reporting (STAR) Program included four components:

- California Standards Tests (CST)
- California Alternate Performance Assessment (CAPA)
- California Achievement Tests, Sixth Edition Survey (CAT/6 Survey)
- Spanish Assessment of Basic Education, Second Edition (SABE/2)

California Standards Tests (CSTs)

The California Standards Tests in English-language arts, mathematics, science, and history-social science are administered only to students in California public schools. Except for a writing component that is administered as part of the grade four and seven English-language arts tests, all questions are multiple choice. These tests were developed specifically to assess

students' knowledge of the California content standards. The State Board of Education adopted these standards that specify what all California children are expected to know and be able to do in each grade or course. The 2004 CSTs were required for students who were enrolled in the following grades/courses at the time of testing or who had completed a course during the 2003-04 school year, including 2003 summer school.

All Students in Grades 2 - 11	English-Language Arts
All Students in Grades 2 - 9	Mathematics
All Students in Grade 5	Science
Grade 8 - 11 students who completed	Algebra I, Geometry, Algebra II, or Integrated Mathematics 1, 2, or 3
Grade 8 and 9 students who did not complete one of the above math courses during the school year	General Mathematics
Grade 9 and 10 students who completed Algebra II or Integrated Mathematics 3 during the previous grade and grade 11 students who completed Algebra II or Integrated Mathematics 3 anytime before 2004 testing began, including students taking higher mathematics courses or no mathematics course	Summative High School Mathematics
All Students in Grades 8, 10, and 11	History-Social Science
Grade 9 - 11 students who completed	Earth Science, Biology, Chemistry, Physics, or Integrated/Coordinated Science Courses

English-Language Arts

The grade two and three California English-Language Arts Standards Tests each have 65 multiple-choice questions. The tests for grades five, six, and eight through eleven each have 75 multiple-choice questions. During 2004, the grade four and seven California English Language Arts Standards Tests included 75 multiple-choice questions plus a writing sample. For the writing component, students were required to write an essay for an assigned topic. Grade four

students read an informational article and wrote summaries of the article. Grade seven students wrote persuasive essays for a topic they were assigned. The types of writing used for the writing component of the test change from year to year and are based on the California Writing Application Content Standards. Grade four students may be required to write a narrative, a summary of information, or a response to literature. Grade seven students may be required to write a fictional or autobiographical narrative, a response to literature, a persuasive essay, or a summary of information. Two readers independently score each student's paper using a four-point scoring guide. The two readers' scores are added to the 75 multiple-choice questions, resulting in a maximum score of 83 points possible for the English-language arts test at these two grades.

Mathematics

The California Mathematics Standards Tests are grade specific for grades two through seven. Each of these tests has 65 multiple-choice questions. The California Mathematics Standards Tests for grades eight through eleven also have 65 multiple-choice questions.

- All students in grades eight and nine who had not yet completed or were not enrolled in discipline specific, standards-based math courses or who were enrolled in the first year of a multi-year Algebra I course were required to take the General Mathematics CST. This test assesses the California Mathematics Standards for grades six and seven.
- Students in grades eight through eleven who had completed or were enrolled in discipline specific, standards-based math courses took California Mathematics Standards Tests in Algebra I, Geometry, Algebra II, or Integrated Mathematics 1, 2, or 3.
- Students in grades nine and ten who had completed Algebra II or Integrated Mathematics 3 during a previous school year and grade eleven students who completed one of these two courses anytime prior to the beginning of testing were required to take the Summative High School Mathematics CST. This included students who were taking higher mathematics courses or no mathematics course.

History-Social Science

Students in grades eight, ten, and eleven took California History-Social Science Standards Tests. The grade eight test had 75 multiple-choice questions, and the grade ten and eleven tests each had 60 multiple-choice questions. These tests assess:

- Grade 8-a cumulative test of the grade 6 (Ancient Civilizations) and grade 7 (Medieval and Early Modern Times) world history standards, as well as grade 8 United States History and Geography: Growth and Conflict
- Grade 10-World History, Culture, and Geography: The Modern World
- Grade 11-United States History and Geography: Continuity and Change in the Twentieth Century

Science

The Grade Five California Science Standards Test was administered for the first time to all students enrolled in fifth grade. This test assesses students' knowledge of the California Grade Four and Five Science Content Standards.

The science tests for grades nine through eleven were based on course-specific standards. Only grade nine through eleven students who were enrolled in or completed a standards-based science course took a test. Tests were administered for the following standards-based courses:

- Earth Science
- Biology/Life Science
- Chemistry
- Physics
- Integrated/Coordinated Science 1, 2, 3 and 4 (four test forms, each assessing specific standards for biology/life science, chemistry, earth science, and physics)

Teachers of integrated/coordinated science courses were to use the test blueprints and select the Integrated/Coordinated Science Test that most closely matched their course content. During the 2002-03 school year, teachers of integrated/coordinated science courses were asked to begin aligning their course content with one or more of the test blueprints as appropriate.

CST scores are reported as one of five performance levels from advanced to far below basic. The scores are used for calculating each school’s Academic Performance Index (API). The CST results comprise 80% of the weight for grade two through eight API calculations and 73% of the weight for grade nine through eleven API calculations. Only the results of the California English-Language Arts and Mathematics Standards Tests are used to determine the progress elementary and middle schools are making toward meeting the federal No Child Left Behind adequate yearly progress requirement of having all students score at proficient or above on the these tests.

California Alternate Performance Assessment (CAPA)

Students with significant cognitive disabilities who are unable to take the CSTs and CAT/6 Survey participate in the STAR Program by taking the CAPA. Alternate assessments are required by two federal laws, the Individuals with Disabilities Education Act (IDEA) and the No Child Left Behind (NCLB) Act. The CAPA is an individually administered performance assessment with all tasks linked to the California English-Language Arts and Mathematics Content Standards. Special educators in California identified subsets of standards on which it is appropriate to assess students with moderate to severe disabilities.

The CAPA is organized into five levels, representing specific grade spans. Most students eligible for the CAPA take the level corresponding to their grade placement. These students are expected to move through the CAPA levels as they progress in age. Some students with complex, profound disabilities may be eligible for Level I. These students remain in Level I and are not expected to move through the other CAPA levels.

• Level I	Students in grades 2-11 (those with the most complex, profound disabilities)
• Level II	Students in grades 2 and 3

• Level III	Students in grades 4 and 5
• Level IV	Students in grades 6 – 8
• Level V	Students in grades 9 – 11

Students taking the CAPA were given eight (8) tasks to complete for each of the two content areas. A trained certificated or licensed examiner (usually the student’s teacher) individually administered the assessment. The examiner scored the assessment by observing the student’s response and recording the student’s score using a specific scoring guide. If needed, the examiner could adapt the assessment tasks to make them accessible for students with a wide range of disabilities. Adaptations might have included signing the directions for a student with a hearing impairment or providing tactile materials for a student with a visual impairment.

CAPA scores are reported as one of five performance levels from advanced to far below basic. While the CAPA performance levels have the same labels as those used for the CSTs, they are defined differently and are based on a different scaled score range.

California Achievement Tests, Sixth Edition Survey (CAT/6 Survey)

In April 2002, the State Board of Education designated the CAT/6 Survey, published by CTB/McGraw-Hill, to replace the Stanford Achievement Test, Ninth Edition (Stanford 9) as the national norm-referenced test for the STAR Program. The Stanford 9 was used from 1998 through 2002. Like the Stanford 9, the questions on the CAT/6 Survey are unchanged from year to year. The CAT/6 Survey is a shortened version of the test. The survey version is used to minimize the testing time required for the norm-referenced component of the STAR Program.

Students in grades 2 through 11 were tested in reading, language, and mathematics. Students in grades 2 through 8 were also tested in spelling. Students in grades 9 through 11 were tested in science. The purpose of administering the CAT/6 Survey is to determine how well each

California student is achieving academically compared to a national sample of students tested in the same grade at the same time of the school year.

Reviewers should make no direct comparisons between the Stanford 9 and CAT/6 Survey results because the test series are published by two different companies, were developed at different times, and use different national groups of students as the comparison groups.

Effective July 1, 2005, the Commission on State Mandates determined that the CAT/6 portion of the STAR testing program imposes reimbursable state-mandated activities upon school districts. As such, the claimant does not reassert the CAT/6 portion of the STAR program in this test claim. However, the claimant shall assert any and all activities related to the CAT/6 portion of the STAR program to the extent the existing STAR parameters and guidelines fail to identify activities consistent with this test claim.

Spanish Assessment of Basic Education, Second Edition (SABE/2)

The SABE/2, published by CTB/McGraw-Hill, is a national norm-referenced achievement test in Spanish. The test battery includes tests of Spanish reading, language, and spelling, as well as mathematics tests in Spanish. Spanish-speaking English learners (limited-English proficient students) who had been enrolled in California public schools less than 12 months when testing began were required to take the SABE/2 in addition to taking the CSTs and CAT/6 Survey. Districts had the option of administering the SABE/2 to Spanish-speaking English learners who had been in California public schools 12 months or more.

Effective July 1, 2005, the Commission on State Mandates determined that the SABE/2 portion of the STAR testing program did not impose reimbursable state-mandated activities upon school district. Therefore, the claimant does not reassert those portions of the SABE/2 subject to the Commission's decision. However, to the extent the statute and regulations claimed in this

test claim are in excess of those reviewed by the Commission in its STAR Reconsideration, the claimant asserts these activities.

A. New Activities and Costs That Arise From the Mandate.

While Education Code sections 60640 and 60642.5 serve as the basic authorization and mandate related to the STAR testing program, the California Code of Regulations sections claimed in this test claim impose the majority of reimbursable state-mandated activities upon school districts. Because of the STAR testing program legislation and implementing regulations, the claimant alleges the following activities represent reimbursable state-mandated activities:

1. Administration of the designated achievement test and standards-based achievement tests to each eligible pupil enrolled in any of grades 2 to 11, inclusive, in a school district on the date testing begins in the pupil's school. (Cal. Code Regs., tit. 5, § 851.)
 - a. The designated achievement test shall be administered and returned by school districts in accordance with the manuals or other instructions provided by the contractor for administering and returning the tests unless specifically provided otherwise in this subchapter including instructions for administering the test with variations, accommodations, and modifications. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information. (Id. at § 853.)
 - b. The standards-based achievement tests and the CAPA shall be administered and returned by school districts in accordance with the manuals and other instructions provided by the contractor, and in accordance with testing variations, accommodations, and modifications specified in section 853.5. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information. The procedures shall not include criteria for who should be assessed by the CAPA. (Ibid.)
2. Administration of the CAPA, as set forth in the pupil's IEP, to each eligible pupil in any of grades 2 to 11, inclusive, in a school district during the period specified by the test contractor. Pupils in ungraded special education classes shall be tested, if they are 7 to 16 years of age. (Id. at § 851)

3. Making whatever arrangements are necessary to test all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, continuation schools, independent study, community day schools, or county community schools. (Ibid.)
4. Accepting waivers filed by a parent or guardian to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640. However, the school district and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children. (Id. at § 852.)
5. Administration of the designated achievement test and the standards-based achievement tests, except for the STAR writing assessment as specified in subdivision § 855(c), shall be administered to each pupil during a testing window of twenty-one (21) instructional days that includes ten (10) instructional days before and after completion of 85% of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this twenty-one (21) instructional day window unless all or part of the twenty-one (21) instructional day period falls after any statutorily specified deadline. (Id. at § 855.)
6. Each school district shall provide for at least two (2) makeup days of testing for pupils who were absent during the period in which any school administered the designated achievement test and the standards-based achievement tests. All makeup testing shall occur within five (5) instructional days of the last date that the school district administered the tests but not later than the end of the twenty-one (21) instructional day period established in §855(a). (Ibid.)
7. On or before September 30 of each school year, the superintendent of each school district shall designate from among the employees of the school district a district STAR coordinator. The district STAR coordinator, or the school district superintendent or his or her designee, shall be available through August 15 of the following year to complete school district testing. The school district shall notify the contractor of the identity and contact information, including electronic mail address, if available in the school district, for the district STAR coordinator and for the superintendent and his or her designee, if any. The district STAR coordinator shall serve as the school district representative and the liaison between the school district and the contractor and the school district and the Department for all matters related to the STAR program. (Id. at § 857.)
8. The district STAR coordinator's responsibilities shall include, but not be limited to, all of the following duties:
 - a. Responding to correspondence and inquiries from the contractor and from the Department in a timely manner and as provided in the contractor's instructions and these regulations.
 - b. Determining school district and individual school test and test material needs in conjunction with schools within the district and the contractor,

using current enrollment data and communicating school district test material needs to the contractor on or before December 1.

- c. Ensuring delivery of tests and test materials to the test sites no more than ten (10) or fewer than five (5) working days before the first day of testing designated by the district.
 - d. Coordinating the testing and makeup testing days for the school district and for those pupils of the district who are enrolled in nonpublic schools within any required time periods with the school test site coordinators. Overseeing the collection of all pupil data as required to comply with section 861.
 - e. Maintaining security over the designated achievement test, the standards-based achievement tests, the CAPA and test data using the procedure set forth in section 859. The district STAR coordinator shall sign the security agreement set forth in section 859 and submit it to the contractor prior to receipt of the test materials from the contractor.
 - f. Overseeing the administration of the designated achievement test, the standards-based achievement tests, and the CAPA to eligible pupils.
 - g. Overseeing the collection and return of all test materials and test data to the contractor within any required time periods.
 - h. Assisting the contractor and the Department in the resolution of any discrepancies in the test information and materials, including but not limited to, pre-identification files and all pupil level data required to comply with sections 861 and 862.
 - i. Immediately notifying the Department of any security breaches or testing irregularities in the district before, during, or after the test administration.
 - j. Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the district on the first day of testing.
 - k. After receiving summary reports and files from the contractor, the district STAR coordinator shall review the files and reports for completeness and accuracy, and shall notify the contractor and the Department of any errors, discrepancies, or incomplete information.
 - l. Training test site coordinators to oversee the test administration at each school. (Ibid.)
9. 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 a school district, and all other public programs serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school district or the district STAR coordinator shall designate a STAR test site coordinator from among the employees of the school district. The STAR test site coordinator, or the site principal or his or her designee, shall be available to the district STAR coordinator by telephone through August 15 for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

10. The STAR test site coordinator's responsibilities shall include, but are not limited to, all of the following duties:
 - a. Determining site test and test material needs and communicating the site needs to the district STAR coordinator.
 - b. Overseeing the acquisition and distribution of tests and test materials at the test site, including but not limited to, distributing test materials to test examiners on each day of testing in accordance with the contractor's directions.
 - c. Cooperating with the district STAR coordinator to provide the testing and makeup testing days for the site within any required time periods.
 - d. Maintaining security over the designated achievement test, the standards-based achievement tests, the CAPA and test data. The STAR test site coordinator shall sign the security agreement set forth in section 859 and submit it to the district STAR coordinator prior to the receipt of the test materials.
 - e. Arranging for and overseeing the administration of the designated achievement test, the standards-based achievement tests, and the CAPA to eligible pupils at the test site.
 - f. Overseeing the collection and return of all testing materials to the district STAR coordinator.
 - g. Assisting the district STAR coordinator, the contractor, and the Department in the resolution of any discrepancies in the test information and materials.
 - h. Overseeing the collection of all pupil level and other data required to comply with sections 861 and 862.
 - i. Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the school on the first day of testing.
 - j. Ensuring that for each pupil tested only one scannable answer document is submitted for scoring, except that for each pupil tested at grades for which the contractor has designated the use of more than one answer document. An answer document for the STAR writing assessment administered pursuant to section 855(c) shall be submitted in addition to the answer document for the multiple choice items.
 - k. Immediately notifying the district STAR coordinator of any security breaches or testing irregularities that occur in the administration of the designated achievement test, the standards-based achievement tests, or the CAPA that violate the terms of the STAR Security Affidavit in section 859.
 - l. Training all test examiners, proctors, and scribes for administering the tests. (Id. at § 858.)

11. All STAR district and test site coordinators (coordinators) shall sign the STAR Test Security Agreement set forth in §859(b) before receiving any STAR program tests or test materials. (Id. at § 859.)
12. All test examiners, proctors, scribes, and any other persons having access to the designated achievement test and test materials, the standards-based achievement tests and test materials, and the CAPA materials shall acknowledge the limited purpose of their access to the tests by signing the STAR Test Security Affidavit set forth in §859(d). (Ibid.)
13. To maintain the security of the program, all district STAR coordinators and test site coordinators are responsible for inventory control and shall use appropriate inventory control forms to monitor and track test inventory. (Ibid.)
14. Each school district shall provide the contractor for the designated achievement test and standards-based achievement tests or CAPA, the following information for each pupil enrolled on the first day the tests are administered for purposes of the reporting required by the Academic Performance Index of the Public Schools Accountability Act (chapter 6.1, commencing with section 52050), section 60630, and chapter 5 (commencing with section 60640) of the Education Code:
 - a. Pupil's full name.
 - b. Date of birth.
 - c. Grade level.
 - d. Gender.
 - e. English proficiency and primary language.
 - f. Date of English proficiency reclassification.
 - g. If R-FEP pupil scored proficient or above on the California English-language arts test three (3) times since reclassification.
 - h. Program participation.
 - i. Use of accommodations or modifications.
 - j. California School Information Services (CSIS) Student Number once assigned.
 - k. Parent education level.
 - l. Amount of time in the school and school district.
 - m. For English learners, length of time in California public schools and in school in the United States.
 - n. Participation in the National School Lunch Program.
 - o. Ethnicity.
 - p. Primary disability.
 - q. County and District of residence for pupils with IEPs.

- r. Special testing conditions and/or reasons for not being tested. (Id. at § 861.)
15. School districts shall provide the same information for each eligible pupil enrolled in an alternative or off campus program or for pupils placed in nonpublic schools as is provided for all other eligible pupils in grades 2 to 11, inclusive. (Ibid.)
16. Receipt and review of an apportionment information report with the following information for the designated achievement test, the standards-based achievement tests, and the CAPA by grade level for each of grades 2 to 11, inclusive:
 - a. The number of pupils enrolled in each school and in the school district on the first day of testing as indicated by the number of answer documents submitted to the test contractor for scoring.
 - b. The number of pupils with significant cognitive disabilities in each school and in the school district tested with the California Alternate Performance Assessment (CAPA).
 - c. The number of pupils in each school and in the school district exempted from testing at the request of their parents or guardians pursuant to Education Code section 60615.
 - d. The number of pupils who were administered any portion of the designated achievement test and standards-based achievement tests.
 - e. The number of pupils with demographic information only who were not tested for any reason other than a parent/guardian exemption. (Id. at § 862.)
17. The school district shall forward the STAR Student Report provided by the contractor to each pupil's test to the pupil's parent or guardian, within no more than twenty (20) working days from receipt of the report from the contractor. (Id. at § 863.)
18. If the school district receives the reports for the designated achievement test and standards-based tests or CAPA from the contractor after the last day of instruction for the school year, the school district shall send the pupil results to the parent or guardian by U.S. mail at the parent's or guardian's last known address. If the report is non-deliverable, the school district shall make the report available to the parent or guardian during the next school year. (Ibid.)
19. Schools are responsible for affixing cumulative record labels reporting each pupil's scores to the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding 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. (Ibid.)
20. The school district shall provide to the contractor, no later than December 1 of the year immediately prior to the year of test administration, the following data for each test site of the school district, by grade level:

- a. Number of pupils to be tested.
 - b. Valid county district school (CDS) codes.
 - c. Number of tests without adaptation.
 - d. Numbers of special version tests with adaptations by type of adaptation including, but not limited to, Braille and large print.
 - e. Number of directions for administration needed, by grade level.
 - f. First date of testing in the school district, including the dates for each test administration period, if applicable. (Id. at § 864.5.)
21. Upon arrival of the test materials at a single location designated by each school district, the school district's district STAR coordinator shall provide the contractor with a signed receipt certifying that all cartons were received. (Id. at § 865.)
 22. The security of the test materials that have been duly delivered to the school district is the sole responsibility of the school district until all test materials have been inventoried, accounted for, and delivered to the common or private carrier designated by the contractor for return to the contractor. (Ibid.)
 23. Secure transportation within a school district is the responsibility of the school district once materials have been duly delivered to the school district. The school district is responsible for secure delivery of test materials to non-public schools to which district pupils with disabilities are assigned. (Ibid.)
 24. No school district shall receive its multiple-choice test materials more than twenty (20) or fewer than ten (10) working days prior to the first day of testing in the school district. A school district that has not received multiple-choice test materials from the test contractor at least ten (10) working days before the first date of testing in the school district shall notify the contractor and the Department on the tenth working day before testing is scheduled to begin that the school district has not received its materials. Deliveries of multiple-choice test materials to single school districts shall use the schedule in section 867. (Id. at § 866.)
 25. A school district and the contractor shall establish a periodic delivery schedule to accommodate test administration periods within the school district. Any schedule established must conform to sections 866(a) and (b) for each test administration period. (Ibid.)
 26. The school district shall ensure that multiple-choice testing materials are inventoried, packaged, and labeled in accordance with instructions from the contractor, and returned to a single school district location for pickup by the contractor within five (5) working days following completion of testing in the school district and in no event later than five (5) working days after each test administration period. All school districts must have their multiple-choice testing materials returned to the contractor no later than five (5) working days after any statutory deadline. (Id. at § 867.5.)

27. School districts shall return all writing tests and test materials to the contractor no more than two (2) working days after the makeup day specified for the writing test. (Id. at § 867.5.)
28. School districts shall process discrepancies determined by the contractor upon receipt of returned tests and test materials pursuant to § 868. (Id. at § 868.)
29. The district STAR coordinator shall report any discrepancy in the total amount of the shipment from the contractor within two (2) working days of the receipt of the shipment. If the contractor does not remedy the discrepancy within two (2) working days of the school district report, the school district shall notify the Department within 24 hours. (Ibid.)
30. Any discrepancy in a shipment of designated achievement tests or test materials, standards-based achievement tests or test materials, or CAPA materials received by a test site from the district STAR coordinator shall be reported to the district STAR coordinator immediately but no later than two (2) working days of the receipt of the shipment at the testing site. The district STAR coordinator shall remedy the discrepancy within two (2) working days. (Ibid.)
31. The district STAR coordinator shall report to the contractor any discrepancy reported by a STAR test site coordinator within three (3) working days of receipt of materials at the test site. If the district STAR coordinator does not have a sufficient supply of tests or test materials to remedy any shortage, the contractor shall remedy the shortage by providing sufficient materials directly to the test site within two (2) working days of the notification by the district STAR coordinator. (Ibid.)
32. The notices required by §868 shall be made by telephone with simultaneous confirmation in writing and by electronic mail. (Ibid.)

In order for the test claim legislation and regulations to be subject to article XIII B, section 6 of the California Constitution, the legislation must constitute a “program.” The California Supreme Court, in the case of *County of Los Angeles v. State of California*, defined the word “program” within the meaning of article XIII B, section 6 as a program that carries out the governmental function of providing a service to the public, or laws which, to implement a state policy, impose unique requirements on local governments and do not apply generally to all residents and entities in the state. Only one of these findings is necessary to trigger the applicability of article XIII B, section 6.

The test claim activities outlined above represent the uniquely governmental function of providing public education and only apply to educational agencies and do not apply generally to all state residents and legal entities. Therefore, the test claim legislation and regulations imposed upon educational agencies represent a “program” within the meaning of Article XIII B, section 6 of the California Constitution.

B. Detailed Description of Existing Activities and Costs That are Modified by the Mandate.

Before the enactment of the test claim legislation, educational agencies were under no obligation to administer the STAR testing program beyond the 2003-04 school year. The test claim legislation reauthorized and amended the Education Code to require educational agencies to administer the STAR testing program beginning in the 2004-05 school year. In addition, educational agencies, in response to the test claim legislation, must administer the STAR testing program each year thereafter and incur the increased activities and costs associated with the activities listed above.

C. Actual Increased Costs Incurred by the Claimant During the Fiscal Year for Which the Claim was Filed.

To perform the mandated activities listed above, the claimant will incur approximately \$110,000 in costs.

D. Actual or Estimated Costs that Will be Incurred by the Claimant During the Fiscal Year Immediately Following the Fiscal Year in Which the Claim was Filed.

The claimant estimates it will incur \$125,000 to perform the mandated activities listed above for the 2005-06 school year.

E. Statewide Cost Estimate That all Educational Agencies Will Incur to Implement the Mandate During the Fiscal Year Immediately Following the Fiscal Year for Which the Claim was Filed.

The claimant estimates the Statewide Cost Estimate will be \$54,272,743. See the following table:

Fiscal/Year	Filed Claim Total	# Students Tested	# Students Tested Statewide
1997/1998 Claim/Figures	\$51,776.00	8,326	4,129,310
1998/1999 Claim/Figures	\$93,067.00	8,863	4,263,033
1999/2000 Claim/Figures	\$150,193.00	8,712	4,348,402
2000/2001 Claim/Figures	\$103,589.00	9,740	4,541,412
2001/2002 Claim/Figures	\$114,238.00	9,538	4,615,552
2002/2003 Claim/Figures	\$169,224.00	9,772	4,730,936
2003/2004 Claim/Figures	\$107,951.00	10,436	4,814,302
Totals	\$790,038.00	65,387	31,442,947
Average Totals	\$112,862.57	9,341	4,491,850
Annual Cost per Student	\$12.08	\$12.08 x 4,491,850 = SCE	
State-Wide Costs (est.)			\$54,261,548.00

F. Identification of Funding Sources.

1. Dedicated state funds: Approximately \$9,000,000 statewide
2. Dedicated federal funds: Title VI (per Commission on State Mandates decision in the STAR Reconsideration Statement of Decision)
3. Other non-local agency funds: None
4. Claimant's general purpose fund: None

5. Fee authority to offset costs: None

G. Identification of Prior Board of Control or Commission on State Mandates Decisions.

Two prior actions are relevant to the determination of whether the claimed activities impose a state mandate upon educational agencies:

1. STAR Reconsideration: 04-RL-9723-01 (SOD issued July 28, 2005); and
2. Original Test Clam: 97-TC-23 (submitted March 23, 1998)

6. Declarations

BEFORE THE COMMISSION ON STATE MANDATES

Test Claim Filed By: Grant Joint Union High School District, Claimant DECLARATION OF UVE DAHMEN	Test Claim No. _____ Statutes of 2003, Chapter 773 (AB 1485) Education Code Sections 60640, 60641, and 60642.5 California Code of Regulations, Title 5, Sections 850, 851, 852, 853, 855, 857, 858, 859, 861, 862, 863, 864.5, 865, 866, 867, 867.5, and 868 <i>Standardized Testing and Reporting II</i> <i>(STAR II)</i>
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I, Uve Dahmen make the following declaration and statement. As Testing Coordinator, I have knowledge of Grant Joint Union High School District's Standardized Testing and Reporting program. I am familiar with the provisions and requirements of Statutes of 2003, Chapter 733 and California Code of Regulations, Title 5, sections 850, 851, 852, 853, 855, 857, 858, 859, 861, 862, 863, 864.5, 865, 866, 867, 867.5, and 868, which require educational agencies to perform the following activities:

1. Administration of the designated achievement test and standards-based achievement tests to each eligible pupil enrolled in any of grades 2 to 11, inclusive, in a school district on the date testing begins in the pupil's school. (Cal. Code Regs., tit. 5, § 851.)
 - a. The designated achievement test shall be administered and returned by school districts in accordance with the manuals or other instructions provided by the contractor for administering and returning the tests unless specifically provided otherwise in this subchapter including instructions for administering the test with variations, accommodations, and modifications. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to

pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information. (*Id.* at § 853.)

- b. The standards-based achievement tests and the CAPA shall be administered and returned by school districts in accordance with the manuals and other instructions provided by the contractor, and in accordance with testing variations, accommodations, and modifications specified in section 853.5. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information. The procedures shall not include criteria for who should be assessed by the CAPA. (*Ibid.*)
2. Administration of the CAPA, as set forth in the pupil's IEP, to each eligible pupil in any of grades 2 to 11, inclusive, in a school district during the period specified by the test contractor. Pupils in ungraded special education classes shall be tested, if they are 7 to 16 years of age. (*Id.* at § 851)
3. Making whatever arrangements are necessary to test all eligible pupils in alternative education programs or programs conducted off campus, including, but not limited to, continuation schools, independent study, community day schools, or county community schools. (*Id.* at § 851)
4. Accepting waivers filed by a parent or guardian to excuse his or her child from any or all parts of any test provided pursuant to Education Code section 60640. However, the school district and its employees shall not solicit or encourage any written exemption request on behalf of any child or group of children. (*Id.* at § 852.) Administration of the designated achievement test and the standards-based achievement tests, except for the STAR writing assessment as specified in subdivision § 855(c), shall be administered to each pupil during a testing window of twenty-one (21) instructional days that includes ten (10) instructional days before and after completion of 85% of the school's, track's, or program's instructional days. Testing for all pupils, including makeup testing, is to be completed within this twenty-one (21) instructional day window unless all or part of the twenty-one (21) instructional day period falls after any statutorily specified deadline. (*Id.* at § 855.) Each school district shall provide for at least two (2) makeup days of testing for pupils who were absent during the period in which any school administered the designated achievement test and the standards-based achievement tests. All makeup testing shall occur within five (5) instructional days of the last date that the school district administered the tests but not later than the end of the twenty-one (21) instructional day period established in §855(a). (*Id.* at § 855.) On or before September 30 of each school year, the superintendent of each school district shall designate from among the employees of the school district a district STAR coordinator. The district STAR coordinator, or the school district superintendent or his or her designee, shall be available through August 15 of the following year to complete school district testing. The school district shall notify the contractor of the identity and contact information,

including electronic mail address, if available in the school district, for the district STAR coordinator and for the superintendent and his or her designee, if any. The district STAR coordinator shall serve as the school district representative and the liaison between the school district and the contractor and the school district and the Department for all matters related to the STAR program. (*Id.* at § 857.) The district STAR coordinator's responsibilities shall include, but not be limited to, all of the following duties:

- a. Responding to correspondence and inquiries from the contractor and from the Department in a timely manner and as provided in the contractor's instructions and these regulations.
- b. Determining school district and individual school test and test material needs in conjunction with schools within the district and the contractor, using current enrollment data and communicating school district test material needs to the contractor on or before December 1.
- c. Ensuring delivery of tests and test materials to the test sites no more than ten (10) or fewer than five (5) working days before the first day of testing designated by the district.
- d. Coordinating the testing and makeup testing days for the school district and for those pupils of the district who are enrolled in nonpublic schools within any required time periods with the school test site coordinators. Overseeing the collection of all pupil data as required to comply with section 861.
- e. Maintaining security over the designated achievement test, the standards-based achievement tests, the CAPA and test data using the procedure set forth in section 859. The district STAR coordinator shall sign the security agreement set forth in section 859 and submit it to the contractor prior to receipt of the test materials from the contractor.
- f. Overseeing the administration of the designated achievement test, the standards-based achievement tests, and the CAPA to eligible pupils.
- g. Overseeing the collection and return of all test materials and test data to the contractor within any required time periods.
- h. Assisting the contractor and the Department in the resolution of any discrepancies in the test information and materials, including but not limited to, pre-identification files and all pupil level data required to comply with sections 861 and 862.
- i. Immediately notifying the Department of any security breaches or testing irregularities in the district before, during, or after the test administration.
- j. Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the district on the first day of testing.
- k. After receiving summary reports and files from the contractor, the district STAR coordinator shall review the files and reports for completeness and

accuracy, and shall notify the contractor and the Department of any errors, discrepancies, or incomplete information.

1. Training test site coordinators to oversee the test administration at each school. (*Id.* at § 857.) 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 a school district, and all other public programs serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school district or the district STAR coordinator shall designate a STAR test site coordinator from among the employees of the school district. The STAR test site coordinator, or the site principal or his or her designee, shall be available to the district STAR coordinator by telephone through August 15 for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.
10. The STAR test site coordinator's responsibilities shall include, but are not limited to, all of the following duties:
- a. Determining site test and test material needs and communicating the site needs to the district STAR coordinator.
 - b. Overseeing the acquisition and distribution of tests and test materials at the test site, including but not limited to, distributing test materials to test examiners on each day of testing in accordance with the contractor's directions.
 - c. Cooperating with the district STAR coordinator to provide the testing and makeup testing days for the site within any required time periods.
 - d. Maintaining security over the designated achievement test, the standards-based achievement tests, the CAPA and test data. The STAR test site coordinator shall sign the security agreement set forth in section 859 and submit it to the district STAR coordinator prior to the receipt of the test materials.
 - e. Arranging for and overseeing the administration of the designated achievement test, the standards-based achievement tests, and the CAPA to eligible pupils at the test site.
 - f. Overseeing the collection and return of all testing materials to the district STAR coordinator.
 - g. Assisting the district STAR coordinator, the contractor, and the Department in the resolution of any discrepancies in the test information and materials.
 - h. Overseeing the collection of all pupil level and other data required to comply with sections 861 and 862.
 - i. Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the school on the first day of testing.

- j. Ensuring that for each pupil tested only one scannable answer document is submitted for scoring, except that for each pupil tested at grades for which the contractor has designated the use of more than one answer document. An answer document for the STAR writing assessment administered pursuant to section 855(c) shall be submitted in addition to the answer document for the multiple choice items.
 - k. Immediately notifying the district STAR coordinator of any security breaches or testing irregularities that occur in the administration of the designated achievement test, the standards-based achievement tests, or the CAPA that violate the terms of the STAR Security Affidavit in section 859.
 - l. Training all test examiners, proctors, and scribes for administering the tests. (*Id.* at § 858.)
11. All STAR district and test site coordinators (coordinators) shall sign the STAR Test Security Agreement set forth in §859(b) before receiving any STAR program tests or test materials. (*Id.* at § 859.)
 12. All test examiners, proctors, scribes, and any other persons having access to the designated achievement test and test materials, the standards-based achievement tests and test materials, and the CAPA materials shall acknowledge the limited purpose of their access to the tests by signing the STAR Test Security Affidavit set forth in §859(d). (*Id.* at § 859.)
 13. To maintain the security of the program, all district STAR coordinators and test site coordinators are responsible for inventory control and shall use appropriate inventory control forms to monitor and track test inventory. (*Id.* at § 859.)
 14. Each school district shall provide the contractor for the designated achievement test and standards-based achievement tests or CAPA, the following information for each pupil enrolled on the first day the tests are administered for purposes of the reporting required by the Academic Performance Index of the Public Schools Accountability Act (chapter 6.1, commencing with section 52050), section 60630, and chapter 5 (commencing with section 60640) of the Education Code:
 - a. Pupil's full name.
 - b. Date of birth.
 - c. Grade level.
 - d. Gender.
 - e. English proficiency and primary language.
 - f. Date of English proficiency reclassification.
 - g. If R-FEP pupil scored proficient or above on the California English-language arts test three (3) times since reclassification.
 - h. Program participation.
 - i. Use of accommodations or modifications.

- j. California School Information Services (CSIS) Student Number once assigned.
 - k. Parent education level.
 - l. Amount of time in the school and school district.
 - m. For English learners, length of time in California public schools and in school in the United States. Participation in the National School Lunch Program. Ethnicity. Primary disability. County and District of residence for pupils with IEPs. Special testing conditions and/or reasons for not being tested. (*Id.* at § 861.) School districts shall provide the same information for each eligible pupil enrolled in an alternative or off campus program or for pupils placed in nonpublic schools as is provided for all other eligible pupils in grades 2 to 11, inclusive. (*Id.* at § 861.)
16. Receipt and review of an apportionment information report with the following information for the designated achievement test, the standards-based achievement tests, and the CAPA by grade level for each of grades 2 to 11, inclusive:
- a. The number of pupils enrolled in each school and in the school district on the first day of testing as indicated by the number of answer documents submitted to the test contractor for scoring.
 - b. The number of pupils with significant cognitive disabilities in each school and in the school district tested with the California Alternate Performance Assessment (CAPA).
 - c. The number of pupils in each school and in the school district exempted from testing at the request of their parents or guardians pursuant to Education Code section 60615.
 - d. The number of pupils who were administered any portion of the designated achievement test and standards-based achievement tests.
 - e. The number of pupils with demographic information only who were not tested for any reason other than a parent/guardian exemption. (*Id.* at § 862.)
17. The school district shall forward the STAR Student Report provided by the contractor to each pupil's test to the pupil's parent or guardian, within no more than twenty (20) working days from receipt of the report from the contractor. (*Id.* at § 863.)
18. If the school district receives the reports for the designated achievement test and standards-based tests or CAPA from the contractor after the last day of instruction for the school year, the school district shall send the pupil results to the parent or guardian by U.S. mail at the parent's or guardian's last known address. If the report is non-deliverable, the school district shall make the report available to the parent or guardian during the next school year. (*Id.* at § 863.)
19. Schools are responsible for affixing cumulative record labels reporting each pupil's scores to the pupil's permanent school records or for entering the scores

into electronic pupil records, and for forwarding 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. (*Id.* at § 863.)

20. The school district shall provide to the contractor, no later than December 1 of the year immediately prior to the year of test administration, the following data for each test site of the school district, by grade level:
 - a. Number of pupils to be tested.
 - b. Valid county district school (CDS) codes.
 - c. Number of tests without adaptation.
 - d. Numbers of special version tests with adaptations by type of adaptation including, but not limited to, Braille and large print.
 - e. Number of directions for administration needed, by grade level.
 - f. First date of testing in the school district, including the dates for each test administration period, if applicable. (*Id.* at § 864.5.)
21. Upon arrival of the test materials at a single location designated by each school district, the school district's district STAR coordinator shall provide the contractor with a signed receipt certifying that all cartons were received. (*Id.* at § 865.)
22. The security of the test materials that have been duly delivered to the school district is the sole responsibility of the school district until all test materials have been inventoried, accounted for, and delivered to the common or private carrier designated by the contractor for return to the contractor. (*Id.* at § 865.)
23. Secure transportation within a school district is the responsibility of the school district once materials have been duly delivered to the school district. The school district is responsible for secure delivery of test materials to non-public schools to which district pupils with disabilities are assigned. (*Id.* at § 865.)
24. No school district shall receive its multiple-choice test materials more than twenty (20) or fewer than ten (10) working days prior to the first day of testing in the school district. A school district that has not received multiple-choice test materials from the test contractor at least ten (10) working days before the first date of testing in the school district shall notify the contractor and the Department on the tenth working day before testing is scheduled to begin that the school district has not received its materials. Deliveries of multiple-choice test materials to single school districts shall use the schedule in section 867. (*Id.* at § 866.)
25. A school district and the contractor shall establish a periodic delivery schedule to accommodate test administration periods within the school district. Any schedule established must conform to sections 866(a) and (b) for each test administration period. (*Id.* at § 866.)
26. The school district shall ensure that multiple-choice testing materials are inventoried, packaged, and labeled in accordance with instructions from the

contractor, and returned to a single school district location for pickup by the contractor within five (5) working days following completion of testing in the school district and in no event later than five (5) working days after each test administration period. All school districts must have their multiple-choice testing materials returned to the contractor no later than five (5) working days after any statutory deadline. (*Id.* at § 867.5.)

27. School districts shall return all writing tests and test materials to the contractor no more than two (2) working days after the makeup day specified for the writing test. (*Id.* at § 867.5.)
28. School districts shall process discrepancies determined by the contractor upon receipt of returned tests and test materials pursuant to § 868. (*Id.* at § 868.)
29. The district STAR coordinator shall report any discrepancy in the total amount of the shipment from the contractor within two (2) working days of the receipt of the shipment. If the contractor does not remedy the discrepancy within two (2) working days of the school district report, the school district shall notify the Department within 24 hours. (*Id.* at § 868.)
30. Any discrepancy in a shipment of designated achievement tests or test materials, standards-based achievement tests or test materials, or CAPA materials received by a test site from the district STAR coordinator shall be reported to the district STAR coordinator immediately but no later than two (2) working days of the receipt of the shipment at the testing site. The district STAR coordinator shall remedy the discrepancy within two (2) working days. (*Id.* at § 868.)
31. The district STAR coordinator shall report to the contractor any discrepancy reported by a STAR test site coordinator within three (3) working days of receipt of materials at the test site. If the district STAR coordinator does not have a sufficient supply of tests or test materials to remedy any shortage, the contractor shall remedy the shortage by providing sufficient materials directly to the test site within two (2) working days of the notification by the district STAR coordinator. (*Id.* at § 868.)
32. The notices required by §868 shall be made by telephone with simultaneous confirmation in writing and by electronic mail. (*Id.* at § 868.)

I am informed and believe that before the test claim legislation educational agencies were under no obligation to administer the STAR testing program for the 2004-05 school year. The claimant will/has incurred significantly more than \$1,000 to implement these new activities mandated by the state for which the claimant has not been sufficiently reimbursed by any federal, state, or local agency, and for which it cannot otherwise obtain reimbursement. For the 2004-05

test administration, the claimant shall incur approximately \$110,000 in costs to meet the mandated activities.

Further, this test claim is being filed not later than 12 months of incurring costs as a result of the test claim statute as the Grant Joint Union High School District first incurred costs to administer the 2004-05 STAR Program as mandated by Statutes of 2003, Chapter 773 on October 4, 2004.

I know the foregoing facts personally and if so required, I could testify to the statements made herein. I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct except where stated upon information and belief and where so stated I declare that I believe them to be true.

Executed on September 15, 2005 in Sacramento, California.



Uve Dahmen
Coordinator
Testing & Assessment

7. Documentation

Assembly Bill No. 1485 CHAPTER 773

An act to amend Section 51700 of, to amend, repeal, and add Sections 60640 and 60642 of, and to add Sections 51701 and 51701.5 to, the Education Code, relating to schools.

[Approved by Governor October 10, 2003. Filed
with Secretary of State October 11, 2003.]
LEGISLATIVE COUNSEL'S DIGEST

AB 1485, Firebaugh. English learners: academic assessment.

(1) Existing law establishes the Reading First Plan to provide federally funded reading instruction to pupils in kindergarten and grades 1 to 3, inclusive, and to special education pupils in any grade of elementary or secondary school. Existing law requires the Reading First Plan submitted to the federal Secretary of Education, among other things, to authorize a local educational agency that meets specified federal requirements to be eligible for federal funding if certain pupils are provided by a prescribed deadline with standards-aligned textbooks or basic instructional materials aligned with the state-adopted reading/language arts content standards.

This bill would prohibit the State Department of Education and the State Board of Education from developing or implementing requirements or criteria that make a local educational agency ineligible for funding because the local educational agency provides primary language instruction and comprehensive English language development instruction to English learners in classrooms where English learners are not educated through sheltered or structured English immersion. The bill would authorize the use of primary language materials in specified cases for purposes of participation in a program funded with Reading First funds. The bill would require the State Department of Education to amend California's Reading First Plan to authorize local educational agencies operating programs in which English learners are not educated through sheltered or structural English immersion to apply for funding under the federal No Child Left Behind Act. The bill would additionally require the revised plan to specify that priority to specified federal funds be given to programs meeting certain criteria. The bill would prohibit the allocation of a specified appropriation made in the Budget Act of 2003 until the State Board of Education amends the Reading First Plan according to this act and submits it to Ch. 773 federal authorities and the federal Secretary of Education approves the plan.

(2) Existing law establishes, until January 1, 2005, the Leroy F. Greene California Assessment of Academic Achievement Act to provide a system of individual assessment of pupils. The existing act establishes, among other things, the Standardized Testing and Reporting (STAR) Program and requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, an achievement test and a standards-based achievement test.

This bill would require, commencing on July 1, 2004, the achievement test to be administered to pupils in grades 3 and 8, and the standards-aligned achievement test to be administered to pupils in grades 2 to 11, inclusive.

The people of the State of California do enact as follows:

SECTION 1. Section 51700 of the Education Code is amended to read:

51700. (a) There is hereby established the Reading First Plan to provide reading instruction to pupils in kindergarten and grades 1 to 3, inclusive, and to special education pupils in kindergarten and grades 1 to 12, inclusive.

(b) The plan shall be administered by the State Department of Education and shall be funded from moneys allocated pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.).

(c) The Reading First Plan submitted to the Secretary of Education pursuant to Title I of the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) shall do all of the following:

(1) (A) Authorize a local educational agency that meets all the requirements of Section 6362(c)(6) of Title 20 of the United States Code to be eligible for Reading First funding if pupils enrolled in kindergarten or any of grades 1 to 3, inclusive, and special education pupils enrolled in kindergarten or any of grades 1 to 12, inclusive, are provided with standards-aligned textbooks or basic instructional materials aligned with the reading/language arts content standards pursuant to Section 60605 by the beginning of the first school term that commences no later than 24 months after those materials are adopted by the State Board of Education.

(B) Notwithstanding subparagraph (A), a class operating pursuant to Section 310 may use primary language materials in alternate formats adopted by the State Board of Education for purposes of participating in a program funded pursuant to this article.

(2) Authorize a local educational agency to use scientifically based reading research supplemental instructional materials for pupils enrolled in kindergarten or any of grades 1 to 3, inclusive, and special education pupils enrolled in kindergarten or any of grades 1 to 12, inclusive, that are aligned with the reading/language arts content standards adopted pursuant to Section 60605. The local educational agency shall provide an explanation in its application of how its use of these supplemental instructional materials support the reading/language arts instructional materials adopted by the State Board of Education for pupils enrolled in kindergarten or any of grades 1 to 3, inclusive, and special education pupils enrolled in kindergarten or any of grades 1 to 12, inclusive.

(3) Authorize an eligible local educational agency to receive a grant in the amount of up to six thousand five hundred dollars (\$6,500) per teacher in kindergarten or in any of grades 1 to 3, inclusive, unless otherwise required pursuant to Section 6362(c)(2)(A) of Title 20 of the United States Code. In addition, to the extent that a local educational agency needs additional funding consistent with the maximum amount allowable under the federal No Child Left Behind Act (20 U.S.C. Sec. 6301 et. seq.), authorize the local educational agency to submit a plan justifying that need to the State Department of Education and the Department of Finance for their joint approval. A grant awarded pursuant to this paragraph shall be used to enhance reading instruction, including, but not limited to, the following purposes:

(A) Purchasing and implementing scientifically based reading research instructional and supplemental materials in reading language arts, pursuant to requirements specified in the Reading First Plan and paragraph (2).

(B) Participating in professional development in reading and language arts, pursuant to requirements specified in the Reading First Plan. A Reading First funded agency may not claim funding for teachers of kindergarten or any of grades 1 to 3, inclusive, or teachers of special education pupils for the Mathematics and Reading Professional Development Program established pursuant to Article 3 (commencing with Section 99230) of Chapter 5 of Part 65.

(C) Hiring reading coaches or reading content experts, or both.

(D) Purchasing reading and language arts assessments.

(E) Other purposes, as specified in Section 6362(c)(7) of Title 20 of the United States Code.

(d) The State Department of Education and the State Board of Education may not develop or implement requirements or criteria that make a local educational agency ineligible for funding pursuant to this section because the local educational agency provides primary language instruction and comprehensive English language development instruction to English learners in alternative classrooms, as authorized pursuant to Sections 310 and 311.

(e) A local educational agency shall submit an expenditure plan as part of its Reading First application that includes details about how it is going to use its funding.

SEC. 2. Section 51701 is added to the Education Code, to read:

51701. The State Board of Education shall amend California's Reading First Plan to do all of the following:

(a) Authorize a local educational agency operating a program pursuant to Section 310 to apply for funding under Title 1 of the federal No Child Left Behind Act of 2001 (U.S.C. Sec. 6301 et seq.).

(b) Specify that first priority for the allocation of increased Reading First funds available during the 2003–04 fiscal year be given to classrooms that meet all of the following criteria:

(1) Have not received funding under the Reading First Plan.

(2) Operate programs pursuant to Section 310.

(3) Are located in previously approved Reading First local educational agencies.

(c) Specify that second priority for the allocation of increased Reading First funds available during the 2003–04 fiscal year be given to local educational agencies that operate programs pursuant to Section 310 and that meet other program requirements, as detailed in the revised Reading First Plan.

(d) Provide a process whereby professional development providers that have expertise in addressing the needs of classrooms operating pursuant to Section 310 and using alternate formats adopted by the State Board of Education will be approved as Reading First providers.

SEC. 3. Section 51701.5 is added to the Education Code, to read:

51701.5. The State Board of Education shall determine if a demand exists for scientifically based instructional materials that are aligned with the reading/language arts content standards pursuant to Section 60605 for languages other than Spanish and English in classrooms operating pursuant to Section 310 that apply for Reading First funds. If a demand exists, the State Board of Education shall explore ways to meet that demand, including, but not limited to, alternate format adoptions.

SEC. 4. Section 60640 of the Education Code is amended to read:

60640. (a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.

(b) Each fiscal year, from the funds available for this purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades 2 to 11, inclusive, the achievement test designated by the State Board of Education pursuant to Section 60642 and the standards-based achievement test provided for in Section 60642.5. The State Board of Education shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.

(c) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils within the testing period established by the State Board of Education in subdivision (b).

(d) The governing board of the school district may administer achievement tests in kindergarten and grade 1 or 12, or both, as it deems appropriate.

(e) Pursuant to paragraph (17) of subsection (a) of Section 1412 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.

(f) At the school district's option, pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language. Primary language tests administered pursuant to this subdivision and subdivision (g) shall be subject to the requirements of subdivision (a) of Section 60641. These primary language tests shall produce individual pupil scores that are valid and reliable. Notwithstanding any other law, the State Board of Education shall designate for use, as part of this program, a single primary language test in each language for which a test is available for grades 2 to 11, inclusive, no later than November 14, 1998, pursuant to the process used for designation of the assessment chosen in the 1997-98 fiscal year, as specified in Sections 60642 and 60643, as applicable.

(g) Pupils of limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, shall be required to take a test in their primary language if a test is available, if fewer than 12 months have elapsed after their initial enrollment in any public school in the state.

(h) (1) The Superintendent of Public Instruction shall apportion funds to school districts to enable school districts to meet the requirements of subdivisions (b), (f), and (g).

(2) The State Board of Education shall annually establish the amount of funding to be apportioned to school districts for each test administered and shall annually establish the amount that each publisher shall be paid for each test administered under the agreements required pursuant to Section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher each September and the amount included in the Budget Act and by making allowance for the estimated costs to school districts for compliance with the requirements of subdivisions (b), (f), and (g).

(3) An adjustment to the amount of funding to be apportioned per test may 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.

(i) For the 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 (h), and the payments made to the publishers 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.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

(k) This section shall remain in effect only until June 30, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before June 30, 2004, deletes or extends that date.

SEC. 5. Section 60640 is added to the Education Code, to read:

60640. (a) There is hereby established the Standardized Testing and Reporting Program, to be known as the STAR Program.

(b) Commencing in the 2004–05 fiscal year and each fiscal year thereafter, and from the funds available for that purpose, each school district, charter school, and county office of education shall administer to each of its pupils in grades 3 and 8 the achievement test designated by the State Board of Education pursuant to Section 60642 and shall administer to each of its pupils in grades 2 to 11, inclusive, the standards-based achievement test provided for in Section 60642.5. The State Board of Education shall establish a testing period to provide that all schools administer these tests to pupils at approximately the same time during the instructional year, except as necessary to ensure test security and to meet the final filing date.

(c) The publisher and the school district shall provide two makeup days for the testing of previously absent pupils within the testing period established by the State Board of Education in subdivision (b).

(d) The governing board of the school district may administer achievement tests in grades other than those required by subdivision (b) as it deems appropriate.

(e) Pursuant to paragraph (17) of subsection (a) of Section 1412 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.

(f) At the option of the school district, a pupil with limited English proficiency who are enrolled in any of grades 2 to 11, inclusive, may take a second achievement test in their primary language. Primary language tests administered pursuant to this subdivision and subdivision (g) shall be subject to the requirements of subdivision (a) of Section 60641. These primary language tests shall produce individual pupil scores that are valid and reliable. Notwithstanding any other law, the State Board of Education shall designate for use, as part of this program, a single primary language test in each language for which a test is available for grades 2 to 11, inclusive, pursuant to the process used for designation of the assessment chosen in the 1997–98 fiscal year, as specified in Sections 60642 and 60643, as applicable.

(g) A pupil of limited English proficiency who is enrolled in any of grades 2 to 11, inclusive, shall be required to take a test in their primary language if a test is available, if fewer than 12 months have elapsed after their initial enrollment in any public school in the state.

(h) (1) The Superintendent of Public Instruction shall apportion funds to school districts to enable school districts to meet the requirements of subdivisions (b), (f), and (g).

(2) The State Board of Education shall annually establish the amount of funding to be apportioned to school districts for each test administered and shall annually establish the amount that each publisher shall be paid for each test administered under the agreements required pursuant to Section 60643. The amounts to be paid to the publishers shall be determined by considering the cost estimates submitted by each publisher 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), (f), and (g).

(3) An adjustment to the amount of funding to be apportioned per test may 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.

(i) For the 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 (h), and the payments made to the publishers 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.

(j) As a condition to receiving an apportionment pursuant to subdivision (h), a school district shall report to the superintendent all of the following:

(1) The number of pupils enrolled in the school district in grades 2 to 11, inclusive.

(2) The number of pupils to whom an achievement test was administered in grades 2 to 11, inclusive, in the school district.

(3) The number of pupils in paragraph (1) who were exempted from the test at the request of their parents or guardians.

(k) This section shall become operative July 1, 2004.

SEC. 6. Section 60642 of the Education Code is amended to read:

60642. (a) The Superintendent of Public Instruction and the State Board of Education may consider any evaluations of independent experts who have not been employed by a test publisher in the preceding 12 months regarding the suitability of the achievement tests submitted by publishers as required by subdivision (b) of Section 60605 for use as part of the STAR Program established by this article.

(b) Based upon a review of the achievement tests submitted and the recommendation made by the Superintendent of Public Instruction pursuant to subdivision (b) of Section 60605, the State Board of Education, in its sole discretion, based on the considerations set forth in Section 60644, shall designate for use as part of the STAR Program a single test in grades 2 to 11, inclusive.

(c) The State Board of Education shall ensure that the achievement test designated pursuant to subdivision (b) contains the subject areas specified in subdivision (c) of Section 60603 for grades 2 to 8, inclusive, and the core curriculum areas of English and language arts, mathematics, and science for grades 9 to 11, inclusive.

(d) The State Board of Education is hereby authorized to designate the achievement test to be administered pursuant to this article for more than one academic year subject to the availability of funds.

(e) The board shall minimize, to the extent it deems feasible, the amount of testing time required by the assessment in subdivision (b) for those content areas for which there also exists a standards-based examination as provided for pursuant to Section 60642.5.

(f) This section shall remain in effect only until June 30, 2004, and as of that date is repealed, unless a later enacted statute, that is enacted before June 30, 2004, deletes or extends that date.

SEC. 7. Section 60642 is added to the Education Code, to read:

60642. (a) The Superintendent of Public Instruction and the State Board of Education may consider any evaluations of independent experts who have not been employed by a test publisher in the preceding 12 months regarding the suitability of the achievement tests submitted by publishers as required by subdivision (b) of Section 60605 for use as part of the STAR Program established by this article.

(b) Based upon a review of the achievement tests submitted and the recommendation made by the Superintendent of Public Instruction pursuant to subdivision (b) of Section 60605, the State Board of Education, in its sole discretion, based on the considerations set forth in Section 60644, shall designate for use as part of the STAR Program a single test in grades 3 and 8.

(c) The State Board of Education shall ensure that the achievement test designated pursuant to subdivision (b) contains the subject areas specified in subdivision (c) of Section 60603 for grades 3 and 8.

(d) The State Board of Education is hereby authorized to designate the achievement test to be administered pursuant to this article for more than one academic year subject to the availability of funds.

(e) The board shall minimize, to the extent it deems feasible, the amount of testing time required by the assessment in subdivision (b) for those content areas for which there also exists a standards-based examination as provided for pursuant to Section 60642.5.

(f) This section shall become operative on July 1, 2004.

SEC. 8. The funds appropriated pursuant to Provision 2 of Item 6110-126-0890 of Section 2.00 of the Budget Act of 2003 may not be allocated unless the State Board of Education amends the Reading First Plan pursuant to Section 2 of this act and submits the plan to federal authorities by February 1, 2004, and the federal Secretary of Education approves the plan.

California Code of Regulations, Title 5

§850. Definitions.

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

(a) "Designated achievement test" is the achievement test required by Education Code section 60640(b). The designated achievement test includes test booklets, test answer documents, administration manuals, and administrative materials.

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

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

(d) "Eligible pupil" is any pupil in grades 2 to 11, inclusive, who is not otherwise exempted.

(1) For the designated achievement test and the standards-based achievement tests, an eligible pupil is any pupil in grades 2 through 11, inclusive, including those pupils placed in a non-public school through the Individualized Education Program (IEP) process pursuant to Education Code section 56365 who is not exempted by parent/guardian request or eligible to take the California Alternate Performance Assessment (CAPA).

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

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

(4) For purposes of the writing assessment, an eligible pupil is an eligible pupil for the purpose of taking the standards-based achievement tests for a grade at which the writing test will be administered.

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

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

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

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

(h) "CAPA" is an individually administered performance assessment developed to assess pupils' achievement on a subset of California's Academic Content Standards. The CAPA includes administration manuals, administrative materials, and documents on which the examiner records the pupils' responses.

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

(j) "Below-grade-level testing" means administering a test that is below the grade level of the pupil being tested.

(k) "Test examiner" is an employee of a school district or an employee of a non-public school who has been trained to administer the tests and has signed a STAR Test Security Affidavit. For the CAPA, the test examiner must be a certificated or licensed school staff member.

(l) "Test proctor" is an employee of a school district, or a person assigned by a nonpublic school to implement a pupil's IEP, who has received training designed to prepare him or her to assist the test examiner in the administration of tests within the STAR Program.

(m) "Scribe" is an employee of the school district, or a person assigned by a nonpublic school to implement a pupil's IEP, and is required to transcribe a pupil's responses to the format required by the test. A student's parent or guardian is not eligible to be a scribe.

(n) "Accommodations" means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. Accommodations may include variations in scheduling, setting, aids, equipment, and presentation format.

(o) "Modification" means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores.

(p) "Variation" is a change in the manner in which a test is presented or administered, or in how a test taker is allowed to respond, and includes, but is not limited to, accommodations and modifications.

(q) "Grade" means the grade assigned to the pupil by the school district at the time of testing.

(r) A "significant medical emergency" is a significant accident, trauma, or illness (mental or physical) that precludes a pupil in grades two through eleven from taking the California Standards Tests (CSTs), the California Alternate Performance Assessment (CAPA), and/or the California Achievement Tests, Sixth Edition Survey (CAT/6 Survey). 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.

§851. Pupil Testing.

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

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

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

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

(e) 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 credentialed school district employee 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 parent or guardian may 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. A school district and its employees may discuss the Standardized Testing and Reporting program with parents and may inform parents of the availability of exemptions under Education Code section 60615. However, the school district 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 designated achievement test shall be administered and returned by school districts in accordance with the manuals or other instructions provided by the contractor for administering and returning the tests unless specifically provided otherwise in this subchapter including instructions for administering the test with variations, accommodations, and modifications. The procedures shall include, but are not limited to, those designed to insure the uniform and standard administration of the tests to pupils, the security and integrity of the test content and test items, and the timely provision of all required student and school level information.

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

(c) For the 2004-05 school year, pupils with IEPs specifying below-grade-level testing in grades 4 through 11 may be tested one or two grades below their enrollment grade. Pupils with IEPs specifying below-grade-level testing in grade three may be tested one grade level below their

enrollment grade. The test level must be specified in the pupil's IEP. Below-grade-level testing shall be used only if the pupil is not receiving grade-level curriculum as specified by the California academic content standards, and is so indicated on the IEP. Pupils tested below-grade-level must complete all tests required for the grade at which they are tested and shall be administered the tests for only one grade level.

§855. Testing Period.

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

(b) Each school district shall provide for at least two (2) makeup days of testing for pupils who were absent during the period in which any school administered the designated achievement test and the standards-based achievement tests. All makeup testing shall occur within five (5) instructional days of the last date that the school district administered the tests but not later than the end of the twenty-one (21) instructional day period established in subdivision (a). (c) The STAR writing assessment shall be administered to each eligible pupil only on the day(s) specified annually by the State Superintendent of Public Instruction.

§857. District STAR Coordinator. (a) On or before September 30 of each school year, the superintendent of each school district shall designate from among the employees of the school district a district STAR coordinator. The district STAR coordinator, or the school district superintendent or his or her designee, shall be available through August 15 of the following year to complete school district testing. The school district shall notify the contractor of the identity and contact information, including electronic mail address, if available in the school district, for the district STAR coordinator and for the superintendent and his or her designee, if any. The district STAR coordinator shall serve as the school district representative and the liaison between the school district and the contractor and the school district and the Department for all matters related to the STAR program.

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

- (1) Responding to correspondence and inquiries from the contractor and from the Department in a timely manner and as provided in the contractor's instructions and these regulations.
- (2) Determining school district and individual school test and test material needs in conjunction with schools within the district and the contractor, using current enrollment data and communicating school district test material needs to the contractor on or before December 1.
- (3) Ensuring delivery of tests and test materials to the test sites no more than ten (10) or fewer than five (5) working days before the first day of testing designated by the district.

- (4) Coordinating the testing and makeup testing days for the school district and for those pupils of the district who are enrolled in nonpublic schools within any required time periods with the school test site coordinators. Overseeing the collection of all pupil data as required to comply with section 861.
- (5) Maintaining security over the designated achievement test, the standards-based achievement tests, the CAPA and test data using the procedure set forth in section 859. The district STAR coordinator shall sign the security agreement set forth in section 859 and submit it to the contractor prior to receipt of the test materials from the contractor.
- (6) Overseeing the administration of the designated achievement test, the standards-based achievement tests, and the CAPA to eligible pupils.
- (7) Overseeing the collection and return of all test materials and test data to the contractor within any required time periods.
- (8) Assisting the contractor and the Department in the resolution of any discrepancies in the test information and materials, including but not limited to, pre-identification files and all pupil level data required to comply with sections 861 and 862
- (9) Immediately notifying the Department of any security breaches or testing irregularities in the district before, during, or after the test administration.
- (10) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the district on the first day of testing.
- (11) After receiving summary reports and files from the contractor, the district STAR coordinator shall review the files and reports for completeness and accuracy, and shall notify the contractor and the Department of any errors, discrepancies, or incomplete information.
- (12) Training test site coordinators to oversee the test administration at each school.

§858. STAR 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 a school district, and all other public programs serving pupils in any of the grades 2 to 11, inclusive, the superintendent of the school district or the district STAR coordinator shall designate a STAR test site coordinator from among the employees of the school district. The STAR test site coordinator, or the site principal or his or her designee, shall be available to the district STAR coordinator by telephone through August 15 for purposes of resolving discrepancies or inconsistencies in materials or errors in reports.

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

- (1) Determining site test and test material needs and communicating the site needs to the district STAR coordinator.
- (2) Overseeing the acquisition and distribution of tests and test materials at the test site, including but not limited to, distributing test materials to test examiners on each day of testing in accordance with the contractor's directions.

- (3) Cooperating with the district STAR coordinator to provide the testing and makeup testing days for the site within any required time periods.
- (4) Maintaining security over the designated achievement test, the standards-based achievement tests, the CAPA and test data. The STAR test site coordinator shall sign the security agreement set forth in section 859 and submit it to the district STAR coordinator prior to the receipt of the test materials.
- (5) Arranging for and overseeing the administration of the designated achievement test, the standards-based achievement tests, and the CAPA to eligible pupils at the test site.
- (6) Overseeing the collection and return of all testing materials to the district STAR coordinator.
- (7) Assisting the district STAR coordinator, the contractor, and the Department in the resolution of any discrepancies in the test information and materials.
- (8) Overseeing the collection of all pupil level and other data required to comply with sections 861 and 862.
- (9) Ensuring that an answer document is submitted for scoring for each eligible pupil enrolled in the school on the first day of testing.
- (10) Ensuring that for each pupil tested only one scannable answer document is submitted for scoring, except that for each pupil tested at grades for which the contractor has designated the use of more than one answer document. An answer document for the STAR writing assessment administered pursuant to section 855(c) shall be submitted in addition to the answer document for the multiple choice items.
- (11) Immediately notifying the district STAR coordinator of any security breaches or testing irregularities that occur in the administration of the designated achievement test, the standards-based achievement tests, or the CAPA that violate the terms of the STAR Security Affidavit in section 859.
- (12) Training all test examiners, proctors, and scribes for administering the tests.

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

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

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

STAR TEST SECURITY AGREEMENT I acknowledge by my signature on this form that the designated achievement test, the standards-based achievement tests, and the CAPA 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 by limiting access to persons within the school district with a responsible, professional interest in the tests' security. (2) I will keep on file the names of all persons having access to tests and test materials. All persons having access to the materials shall be required by the coordinator to sign the STAR Test Security Affidavit that will be kept on file in the school district office. (3) I will keep the designated achievement test and the standards-

based achievement tests and test materials in a secure, locked location and will deliver tests and test materials only to those persons who have executed STAR Test Security Affidavits, on actual testing dates as provided in California Code of Regulations, Title 5, division 1, chapter 2, subchapter 3.75.(4) I will keep the CAPA materials in a secure locked location when not being used by 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 examiners.(5) I will not copy any part of the tests or test materials without written permission from the Department to do so.(6) I will not disclose, or allow to be disclosed, the contents of, or the test instrument. I will not review any test questions, passages, or other test items with any other person before, during, or after the test administration.(7) I will not review test questions, develop any scoring keys or review or score any pupil responses except as required by the contractor's manuals.By signing my name to this document, I am assuring that I will abide by the above conditions.

By: Title: School District:
Date:

(c) All test examiners, proctors, scribes, and any other persons having access to the designated achievement test and test materials, the standards-based achievement tests and test materials, and the CAPA materials shall acknowledge the limited purpose of their access to the tests by signing the STAR Test Security Affidavit set forth in subdivision (d).

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

STAR TEST SECURITY AFFIDAVIT

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

- (1) I will not divulge the contents of the tests to any other person through verbal, written, or any other means of communication.
- (2) I will not copy any part of the test(s) or test materials.
- (3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.
- (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).
- (5) I will collect and account for all materials following each period of testing and will not permit pupils to remove test materials from the room where testing takes place.
- (6) I will not review any test questions, passages, or other test items with pupils or any other person before, during, or following testing.
- (7) I will not develop scoring keys or review or score any pupil responses except as required by the contractor's administration manual(s) to prepare answer documents for machine or other scoring.
- (8) I will return all test materials to the designated STAR test site coordinator daily upon completion of testing.
- (9) I will administer the test(s) in accordance with the directions for test administration set forth in the contractor's manual for test administration.
- (10) I have been trained to administer the tests.

Signed:

Print Name:

Position:
School:
School District:
Date:

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

§861. School-By-School Analysis.

(a) Each school district shall provide the contractor for the designated achievement test and standards-based achievement tests or CAPA, the following information for each pupil enrolled on the first day the tests are administered for purposes of the reporting required by the Academic Performance Index of the Public Schools Accountability Act (chapter 6.1, commencing with section 52050), section 60630, and chapter 5 (commencing with section 60640) of the Education Code:

- (1) Pupil's full name.
 - (2) Date of birth.
 - (3) Grade level.
 - (4) Gender.
 - (5) English proficiency and primary language.
 - (6) Date of English proficiency reclassification.
 - (7) If R-FEP pupil scored proficient or above on the California English-language arts test three (3) times since reclassification.
 - (8) Program participation.
 - (9) Use of accommodations or modifications.
 - (10) California School Information Services (CSIS) Student Number once assigned.
 - (11) Parent education level.
 - (12) Amount of time in the school and school district.
 - (13) For English learners, length of time in California public schools and in school in the United States.
 - (14) Participation in the National School Lunch Program.
 - (15) Ethnicity.
 - (16) Primary disability.
 - (17) County and District of residence for pupils with IEPs.
 - (18) Special testing conditions and/or reasons for not being tested.
- (b) In addition to the demographic data required to be reported in section 861(a), school districts may report if a pupil in grades 2 through 11 is not tested due to a significant medical emergency.
- (c) The information is for the purposes of aggregate analyses only and shall be provided and collected as part of the testing materials for the designated achievement test, the standards-based achievement tests, and the CAPA.
- (d) School districts shall provide the same information for each eligible pupil enrolled in an alternative or off campus program or for pupils placed in nonpublic schools as is provided for all other eligible pupils in grades 2 to 11, inclusive.
- (e) If the information

required by section 861(a) is incorrect, the school district may enter into a separate agreement with the contractor to have the district's student data file corrected. The district STAR coordinator shall provide the correct information to the contractor within the contractor's timeline. Any costs for correcting the student data shall be the district's responsibility. §862.

Apportionment Information Report.

(a) Annually, each school district shall receive an apportionment information report with the following information for the designated achievement test, the standards-based achievement tests, and the CAPA by grade level for each of grades 2 to 11, inclusive:

- (1) The number of pupils enrolled in each school and in the school district on the first day of testing as indicated by the number of answer documents submitted to the test contractor for scoring.
- (2) The number of pupils with significant cognitive disabilities in each school and in the school district tested with the California Alternate Performance Assessment (CAPA).
- (3) The number of pupils in each school and in the school district 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 designated achievement test and standards-based achievement tests.
- (5) The number of pupils with demographic information only who were not tested for any reason other than a parent/guardian exemption.

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

(c) To be eligible for apportionment payment school districts must meet the following conditions:

- (1) The school district has returned all secure test materials, and
- (2) the superintendent of each school district has certified the accuracy of the apportionment information report for examinations administered during the calendar year (January 1 through December 31), which is either;
 - (A) postmarked by December 31, or
 - (B) if postmarked 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 postmarked 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.

863. STAR Student Reports and Cumulative Record Labels

(a) The school district shall forward the STAR Student Report provided by the contractor to each pupil's test to the pupil's parent or guardian, within no more than twenty (20) working days from receipt of the report from the contractor.

(b) If the school district receives the reports for the designated achievement test and standards-based tests or CAPA from the contractor after the last day of instruction for the school year, the school district shall send the pupil results to the parent or guardian by U.S. mail at the parent's or

guardian's last known address. If the report is non-deliverable, the school district shall make the report available to the parent or guardian during the next school year.

(c) Schools are responsible for affixing cumulative record labels reporting each pupil's scores to the pupil's permanent school records or for entering the scores into electronic pupil records, and for forwarding 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.

§864.5. Test Order Information.

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

- (1) Number of pupils to be tested
- (2) Valid county district school (CDS) codes
- (3) Number of tests without adaptation
- (4) Numbers of special version tests with adaptations by type of adaptation including, but not limited to, Braille and large print.
- (5) Number of directions for administration needed, by grade level
- (6) First date of testing in the school district, including the dates for each test administration period, if applicable.

(b) Each school district that elects pre-identification of answer documents shall submit an electronic file that includes all of the information required in section 861. The file must be submitted in accordance with the timeline, format, and instructions provided by the contractor.

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

(d) If the school district places an order for tests for any school that is excessive, the school district is responsible for the cost of materials for the difference between the sum of the number of pupil tests submitted for scoring including tests for non-tested pupils and 90 percent of the tests ordered. In no event shall the cost to the school district for replacement or excessive materials exceed the amount per test booklet and accompanying material that is paid to the contractor by the Department as part of the contract for the current year.

§865. Transportation.

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

(b) The security of the test materials that have been duly delivered to the school district is the sole responsibility of the school district until all test materials have been inventoried, accounted

for, and delivered to the common or private carrier designated by the contractor for return to the contractor.

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

§866. School District Delivery.

(a) No school district shall receive its multiple-choice test materials more than twenty (20) or fewer than ten (10) working days prior to the first day of testing in the school district. A school district that has not received multiple-choice test materials from the test contractor at least ten (10) working days before the first date of testing in the school district shall notify the contractor and the Department on the tenth working day before testing is scheduled to begin that the school district has not received its materials. Deliveries of multiple-choice test materials to single school districts shall use the schedule in section 867.

(b) A school district and the contractor shall establish a periodic delivery schedule to accommodate test administration periods within the school district. Any schedule established must conform to sections 866(a) and (b) for each test administration period.

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

§867. Test Site Delivery and Return.(a) No school or other test site shall receive any multiple-choice test or related test materials more than ten (10) or fewer than five (5) working days prior to the first day of testing scheduled at the school or test site.(b) All multiple-choice testing materials shall be returned to the school district location designated by the district STAR coordinator no more than two (2) working days after testing is completed for each test administration period.(c) No school or other test site shall receive any writing test materials more than six (6) or fewer than two (2) working days before the test administration date.(d) Writing test materials shall be returned to the district STAR coordinator no more than one day after the day scheduled for makeup testing.

§867.5. Retrieval of Materials by Contractor.

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

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

§868. Discrepancy Resolution for Designated Achievement Test, Standards-Based Achievement Tests, and CAPA.

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

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

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

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

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

(b) The district STAR coordinator shall report any discrepancy in the total amount of the shipment from the contractor within two (2) working days of the receipt of the shipment. If the contractor does not remedy the discrepancy within two (2) working days of the school district report, the school district shall notify the Department within 24 hours.

(c) Any discrepancy in a shipment of designated achievement tests or test materials, standards-based achievement tests or test materials, or CAPA materials received by a test site from the district STAR coordinator shall be reported to the district STAR coordinator immediately but no later than two (2) working days of the receipt of the shipment at the testing site. The district STAR coordinator shall remedy the discrepancy within two (2) working days.

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

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

§870. Apportionment to School Districts.

(a) The amount of funding to be apportioned to the school district for the costs of administering the designated achievement test, the standards-based achievement tests, and the CAPA shall be the amount established by the State Board of Education to enable school districts to meet the requirements of administering the designated achievement test, the standards-based achievement tests, and the CAPA per the number of tests administered to eligible pupils in grades 2 to 11, inclusive, and the number of answer documents returned with only demographic information for pupils enrolled on the first day of testing who were not tested in the school district. The number of tests administered and the number of demographic answer documents shall be determined by

the certification of the school district superintendent pursuant to section 862. For purposes of this portion of the apportionment, administration of the designated achievement test, the standards-based achievement tests, and the CAPA includes the following items:

- (1) All staffing costs, including the district STAR coordinator and the STAR test site coordinators, staff training and other staff expenses related to testing.
- (2) All expenses incurred at the school district and test site level related to testing.
- (3) All transportation costs of delivering and retrieving tests and test materials within the school district.
- (4) All costs associated with mailing the STAR Student Reports to parents/guardians.
- (5) All costs associated with pre-identification of answer sheets and consumable test booklets, and other activities intended to provide the complete and accurate data required in section 861 of these regulations.

(b) This amount does not include any funding for the purposes of reimbursing the costs incurred by any school district pursuant to section 864.5(d) placing an order that is excessive, or for replacement costs for test materials lost or destroyed while in possession of the school district as stated in section 864.5(c). These costs are outside the scope of the mandates of the STAR program.

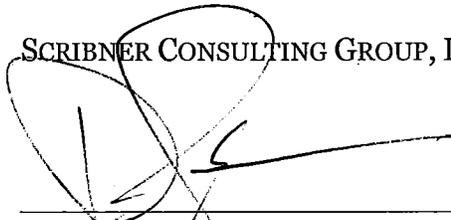
(c) If at the time a school district's scannable documents are processed by the contractor a student data record is missing any of the data elements required in section 861 of these regulations, the school district shall provide the missing data elements within the time required by the contractor to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

CLAIM CERTIFICATION

I certify under penalty of perjury by my signature below that the statements made in this document are true and correct of my knowledge, and as to all other matters, I believe them to be true and correct based on information or belief.

Executed on September 20, 2005 at Sacramento, California, by:

SCRIBNER CONSULTING GROUP, INC.

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is written over a horizontal line.

DAVID E. SCRIBNER, ESQ.
Authorized Representative of Grant Joint Union
High School District

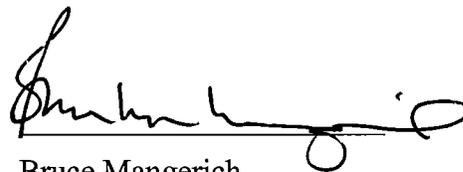
AUTHORIZATION TO ACT AS REPRESENTATIVE
FOR GRANT JOINT UNION HIGH SCHOOL DISTRICT'S TEST CLAIM

STANDARDIZED TESTING AND REPORTING II (STAR II)

I, Bruce Mangerich, hereby authorize David E. Scribner (or designee) of Scribner Consulting Group, Inc. to act as the representative and sole contact of Grant Joint Union High School District in this Test Claim. All correspondence and communications regarding this Test Claim should be forwarded to:

David E. Scribner, Esq.
SCRIBNER CONSULTING GROUP, INC.
3840 Rosin Court, Suite 190
Sacramento, California 95834
Telephone: (916) 922-2636
Facsimile: (916) 922-2719

Dated: September 15, 2005



Bruce Mangerich
Deputy Superintendent