

**State of California
Office of Administrative Law**

In re:
Board of Education

Regulatory Action:

Title 05, California Code of Regulations

Adopt sections:

Amend sections: 850, 854.1, 854.2, 854.3,
854.4, 859, 862, 863

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2019-0122-03


OAL Matter Type: Emergency (E)

This emergency rulemaking action by the Board of Education amends regulations that govern the California Assessment of Student Performance and Progress (CAASPP) examination to align state standards with standardized testing guidelines of the Smarter Balanced Assessment Consortium.

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

This emergency regulatory action is effective on 1/31/2019 and will expire on 7/31/2019. The Certificate of Compliance for this action is due no later than 7/30/2019.

Date: January 31, 2019



Lindsey S. McNeill
Attorney

For: Debra M. Cornez
Director

Original: Tony Thurmond, State
Superintendent
Copy: Hillary Wirick

EMERGENCY

STATE OF CALIFORNIA--OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2019-0115-04	REGULATORY ACTION NUMBER 2019-0122-03E	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Board of Education			

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JAN 31 2019

1:48 PM

2019 JAN 22 P 12:08
OFFICE OF
ADMINISTRATIVE LAW**A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)**

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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CA Assessment of Student Performance & Progress		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBERS 2019-0115-04	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT AMEND 850, 854.1, 854.2, 854.3, 854.4, 859, 862, and 863 REPEAL		
TITLE(S) 5			
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only			
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Hillary Wirick, Regulations Analyst		TELEPHONE NUMBER (916) 319-0860	FAX NUMBER (Optional) (916) 319-0155
		E-MAIL ADDRESS (Optional) hwirick@cde.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Amy Bisson Holloway
TYPED NAME AND TITLE OF SIGNATORY
Amy Bisson Holloway, General Counsel

DATE

1/17/19

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JAN 31 2019

Office of Administrative Law

1 The State Board of Education has illustrated changes to the original text in the following
2 manner: text originally proposed to be added is underlined; text proposed to be deleted
3 is displayed in ~~strikeout~~.

4 5 **Title 5. EDUCATION**

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

7 **Chapter 2. Pupils**

8 **Subchapter 3.75. California Assessment of Student Performance and** 9 **Progress (CAASPP)**

10 **Article 1. General**

11 **§ 850. Definitions.**

12 For the purposes of these regulations, the following terms shall have the following
13 meanings:

14 (a) "Accommodations" means resources documented in a pupil's individualized
15 education program (IEP) or Section 504 Plan which the pupil regularly uses in the
16 classroom for instruction and/or assessments(s) and that are either utilized in the
17 assessment environment or consist of changes in procedures or materials that increase
18 equitable access during the assessment. Accommodations cannot fundamentally alter
19 the comparability of achievement test scores.

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

22 (c) "Adaptive engine" refers to the mechanism utilized in a computer-adaptive
23 assessment that selects the difficulty of grade-level test questions throughout an
24 assessment based on pupil responses.

25 (d) "Alternate assessments" are any CAASPP achievement tests as provided in
26 Education Code section 60640(k) and the test materials developed to measure the
27 level of performance for pupils with the most significant cognitive disabilities who are
28 unable to take the consortium summative assessments in English language arts (ELA)
29 and mathematics pursuant to Education Code section 60640(b)(1) or are unable to take
30 an assessment of science pursuant to Education Code section 60640(b)(2), even with
31 resources.

32 (e) "Assessment management system" means the test operations management
33 system which is a set of web applications that manage the registration of pupils for

1 tests, machine or hand scoring of test items, integration of item scores into an overall
2 test score, and delivery of scores to the data warehouse.

3 (f) "Assessment technology platform" means the underlying computer systems on
4 which CAASPP applications run. It is comprised of two components, the assessment
5 management system and the test delivery system.

6 (g) "California Alternate Assessments (CAAs)" are the alternate assessments and
7 corresponding test materials in ELA, mathematics, and science as provided for in
8 Education Code section 60640(k) for pupils with the most significant cognitive
9 disabilities. The CAAs are the successor alternate assessments for ELA, mathematics,
10 and science as identified in Education Code section 60640(b)(3).

11 (h) "California Spanish Assessment (CSA)" is the primary language assessment
12 and corresponding test materials in Spanish for Reading Language Arts/Literacy that
13 will replace the Standards-based Tests in Spanish (STS). When operational, the CSA
14 will be the successor to the STS pursuant to Education Code section 60640(b)(5)(A)
15 and (j).

16 (i) "California Science Test (CAST)" is the assessment and corresponding test
17 materials for science pursuant to Education Code section 60640(b)(2)(B) that
18 measures the degree to which pupils are achieving the state-adopted standards in
19 science pursuant to former Education Code section 60605.85.

20 (j) "Change of construct" means a modification of the concept or skills being tested
21 that fundamentally alters the meaning and comparability of achievement test scores.

22 (k) "Data Warehouse" means a comprehensive storehouse of test registrations and
23 results and a system to generate reports on, or extracts of, that data.

24 (l) "Designated supports" are resources which the pupil regularly uses in the
25 classroom for instruction and/or assessment(s) and that are available for use by any
26 pupil for whom the need has been indicated, prior to the assessment administration, by
27 an educator or a team of educators (with parent/guardian and pupil input as
28 appropriate) or specified in the pupil's IEP or Section 504 Plan.

29 (m) "Embedded" means a resource, whether a universal tool, designated support, or
30 accommodation, that is part of the test delivery system for the computer-based
31 CAASPP tests.

1 (n) "Expandable passages/items" are embedded accessibility resources that allow
2 the passage or item to take up a larger portion of the computer screen.

3 (o) "Instructional supports" are all supports, including those supports documented in
4 a pupil's IEP or Section 504 Plan, that may be used in daily instruction and for
5 assessment(s), including language and physical supports.

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

10 (q) "Non-embedded" means a resource, whether a universal tool, designated
11 support, or accommodation, that may be provided by the LEA and is not part of the test
12 delivery system for the computer-based CAASPP tests.

13 (r) "Nonpublic schools (NPS)" are nonpublic, nonsectarian schools as set forth in
14 Education Code section 56034.

15 (s) "Operational" means a test administration that produces valid and reliable results
16 which are used for public reporting purposes and for which pupil score reports are
17 required to be issued, pursuant to Education Code sections 60640 and 60641.
18 Operational tests do not include tests still under development, such as pilot or field
19 tests.

20 (t) "Primary language assessment" means a test as provided in Education Code
21 section 60640(b) and (j) and its corresponding test materials in each primary language
22 for which a test is available. The Standards-based Test(s) in Spanish (STS) is the
23 primary language assessment, until the CSA becomes operational. The accessibility
24 supports designated in section 854.4 do not apply to the STS.

25 (u) "Pupil" refers to a student enrolled in a California public school.

26 (v) "Pupils with the most significant cognitive disabilities" means pupils with a
27 disability or disabilities as defined under title 20 United States Code section 1401(3)
28 that significantly impact(s) cognitive functioning and adaptive behavior and who require
29 extensive, direct individualized instruction and substantial supports to achieve
30 measurement on academic standards, provided that:

1 (1) The identification of a pupil as having a particular disability as defined in IDEA
2 shall not determine whether or not a pupil is a pupil with the most significant cognitive
3 disabilities; and

4 (2) A pupil with the most significant cognitive disabilities must not be identified as
5 such based solely on the pupil's previous low academic achievement or the pupil's
6 previous need for accommodations to participate in general statewide or local
7 assessments.

8 (3) For purposes of this definition, "adaptive behavior" means behavior essential for
9 someone to live independently and to function safely across three domains of daily life
10 skills: conceptual (e.g., language, functional academics, self-direction, money
11 management, and time concepts); social (e.g., interpersonal skills, responsibility, self-
12 esteem, wariness/naïveté, follow rules, etiquette, and social problem solving); and
13 practical (e.g., activities of daily living, occupational skills, safety, healthcare, and
14 travel).

15 (w) "Recently arrived English learner" means a pupil designated as an English
16 Learner (EL) who is in his or her first 12 months of attending a school in the United
17 States as specified in Education Code section 60603(v), as determined after April 15th
18 of the previous school year.

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

24 (y) "Resource(s)" refers to a universal tool, designated support, accommodation or
25 an unlisted resource approved pursuant to section 854.9. Resources (including
26 approved unlisted resources) do not change the construct of the assessment.

27 (z) "Scribe" is an employee of the LEA or a person assigned by an NPS to
28 implement a pupil's IEP who has signed electronically agreed to a CAASPP Test
29 Security Affidavit and has received training to transcribe a pupil's responses to the
30 format required by the test. A pupil's parent, guardian, or sibling is not eligible to be the
31 pupil's scribe.

1 (aa) "Significant medical emergency" is a significant injury, trauma, or illness
2 (mental or physical) that precludes a pupil from taking the achievement tests. An injury,
3 trauma, or illness is significant if the pupil has been determined by a licensed physician
4 to be unable to participate in the tests.

5 (ab) "Standards-based Tests in Spanish (STS)" are the achievement tests and the
6 corresponding test materials that are administered at the option of the LEA as the
7 primary language assessment as provided in Education Code sections 60640(b) and
8 (j).

9 (ac) "Streamlining" means ~~an accommodation~~ a designated support on a computer-
10 based assessment that provides an alternate display of an item, stacked into
11 instructions, stimuli, and response choices.

12 (ad) "Test Administration Manual (TAM)" means the instructions provided by the
13 CAASPP contractor or consortium for the purpose of training and administration of the
14 respective CAASPP tests and which must be adhered to in order to ensure the security
15 of valid and reliable tests and the reporting of accurate results.

16 (ae) "Test administrator" is an employee or contractor of an LEA or an NPS who has
17 signed electronically agreed to a CAASPP Test Security Affidavit and has received
18 training to administer the CAASPP achievement tests.

19 (af) "Test delivery system" consists of the electronic systems used to display test
20 items through an adaptive engine; accept and store item responses; score items; and
21 restrict access to outside sources. The test delivery system includes technology
22 required to administer computer-based tests.

23 (ag) "Test examiner" is an employee or contractor of an LEA or an NPS who has
24 signed electronically agreed to a CAASPP Test Security Affidavit and has received
25 training to administer the CAA tests. A test examiner must be a certificated or licensed
26 LEA staff member.

27 (ah) "Test materials" include, but are not limited to, administration manuals,
28 administrative materials, assessment management system, practice tests, scratch
29 paper, and test answer documents.

30 (ai) "Test proctor" is an employee of an LEA, or a person assigned by an NPS, to
31 implement a pupil's IEP or Section 504 Plan, who has signed electronically agreed to a

1 CAASPP Test Security Affidavit and has received training designed to prepare him or
2 her to assist the test examiner in the administration of tests.

3 (aj) "Track" is a type of attendance or instructional schedule for schools with year-
4 round education programs pursuant to Education Code section 37670.

5 (ak) "Translator" is a person who has been assigned to translate the test directions
6 into the pupil's primary language pursuant to section 854.5, who has signed
7 electronically agreed to a CAASPP Test Security Affidavit as identified in section
8 859(d), and who has received training specifically designed to prepare him or her to
9 assist the test administrator or test examiner in the administration of the assessments
10 pursuant to Education Code section 60640. A pupil's parent, guardian, or sibling is not
11 eligible to be the pupil's translator. A translator must be:

12 (1) an employee of an LEA;

13 (2) an employee of the NPS; or

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

15 (al) "Universal tools" are resources of the CAASPP tests that are available to all
16 pupils.

17 (am) "Unlisted resource(s)" means an instructional support that a pupil regularly
18 uses in daily instruction and/or assessment that has not been previously identified as a
19 universal tool, designated support or accommodation. Because an unlisted resource
20 has not been previously identified as a universal tool, designated support or
21 accommodation, it may or may not change the construct of the assessment.

22 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
23 Sections 306, 37670, 47605, 47605.8, 47651, 56034, 60603, 60604, 60605, 60615,
24 60640, 60641, 60642.5 and 60642.6, Education Code; 20 U.S.C. 1401(3) and
25 6311(b)(1)(E); and 34 C.F.R. Sections 200.1(d) 200.1(e), 200.1(f) and 300.160.

27 **Article 2. Achievement Tests and Any Primary Language Assessment**

29 **§ 854.1. Use of Universal Tools, Designated Supports, and Accommodations for** 30 **English Language Arts (ELA).**

31 (a) All pupils shall be permitted the following embedded universal tools, delivered
32 through an online platform, for all CAASPP achievement tests for ELA (including the

1 components of reading, writing, and listening) as specified below:

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

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

4 (3) English dictionary for writing (ELA-performance task(s) – full write not short
5 paragraph responses);

6 (4) English glossary for reading, writing, and listening;

7 (5) expandable items and passages for reading, writing, and listening;

8 (6) global notes for writing (ELA-performance task(s) – full write not short paragraph
9 responses)

10 (7) highlighter for reading, writing, and listening;

11 (8) keyboard navigation for reading, writing, and listening;

12 (9) line reader for reading, writing, and listening;

13 ~~(9)10~~ mark for review for reading, writing, and listening;

14 ~~(10)11~~ spell check for specific writing items for ELA;

15 ~~(11)12~~ strikethrough for reading, writing, and listening;

16 ~~(12)13~~ writing tools for specific pupil generated responses for ELA; or

17 ~~(13)14~~ zoom for reading, writing, and listening.

18 (b) All pupils shall be permitted the following non-embedded universal tools on all

19 CAASPP achievement tests for ELA (including the components of reading, writing, and
20 listening) as specified below:

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

22 (2) English dictionary for ELA performance task(s) – full write not short paragraph
23 responses;

24 (3) scratch paper for reading, writing, and listening; or

25 (4) thesaurus for ELA performance task(s) – full write not short paragraph
26 responses.

27 (c) All pupils shall be permitted the following embedded designated supports,

28 delivered through an online platform, when determined for use by an educator or a

29 team of educators (with parent/guardian and pupil input as appropriate) or specified in

30 the pupil's IEP or Section 504 Plan on all CAASPP achievement tests for ELA

31 (including the components of reading, writing, and listening) as specified below:

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

- 1 (2) masking for reading, writing, and listening;
- 2 (3) mouse pointer size and color for reading, writing, and listening;
- 3 (4) streamline for reading, writing, and listening;
- 4 (35) text-to-speech for writing, listening, and reading items but not reading
- 5 passages; or
- 6 (46) turn off any universal tool for reading, writing, and listening.
- 7 (d) All pupils shall be permitted the following non-embedded designated supports
- 8 when determined for use by an educator or a team of educators (with parent/guardian
- 9 and pupil input as appropriate) or as specified in the pupil's IEP or Section 504 Plan on
- 10 the CAASPP achievement tests for ELA as specified below. Included on the following
- 11 list of non-embedded designated supports are language support(s) that may be
- 12 appropriate for English learners or reclassified fluent English proficient pupils:
- 13 (1) amplification for reading, writing, and listening;
- 14 (42) bilingual dictionary for ELA performance task(s) – full write not short paragraph
- 15 responses, and writing;
- 16 (23) color contrast for reading, writing, and listening;
- 17 (34) color overlay for reading, writing, and listening;
- 18 (45) magnification for reading, writing, and listening;
- 19 (6) medical device for reading, writing, and listening;
- 20 (57) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling
- 21 headphones) for reading, writing, and listening;
- 22 (68) read aloud for writing, listening, and reading items but not reading passages;
- 23 (79) scribe for reading and listening;
- 24 (810) separate setting for reading, writing, and listening, including most beneficial
- 25 time of day, special lighting or acoustics, and/or special or adaptive furniture;
- 26 (911) simplified test directions for reading, writing, and listening; or
- 27 (4012) translated test directions for reading, writing, and listening.
- 28 (e) The following embedded accommodations, delivered through an online platform,
- 29 shall be provided when specified in the pupil's IEP or Section 504 Plan on all CAASPP
- 30 achievement tests for ELA (including the components of reading, writing, and listening)
- 31 as specified below:
- 32 (1) American Sign Language for listening;

1 (2) audio transcript, including braille transcript for listening;

2 (23) Braille for reading, writing, and listening;

3 (34) closed captioning for listening; or

4 ~~(4) streamline for reading, writing, and listening; or~~

5 (5) text-to-speech for ELA reading passages.

6 (f) The following non-embedded accommodations shall be provided, when specified
7 in the pupil's IEP or Section 504 Plan on all CAASPP achievement tests for ELA
8 (including the components of reading, writing, and listening) as specified below:

9 (1) alternate response options for reading, writing, and listening;

10 (2) Braille for paper-pencil tests;

11 (3) large-print version of a paper-pencil test, when developed and functional;

12 (4) print on demand for reading, writing, and listening;

13 (5) read aloud for ELA reading passages;

14 (6) scribe for writing; ~~or~~

15 (7) speech-to-text; for reading, writing, and listening; or

16 (8) word prediction for reading, writing, and listening.

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

20 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
21 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and
22 300.160.

23

24 **§ 854.2. Use of Universal Tools, Designated Supports, and Accommodations for**
25 **Mathematics.**

26 (a) All pupils shall be permitted the following embedded universal tools, delivered
27 through an online platform, for all CAASPP achievement tests for mathematics as
28 specified below:

29 (1) breaks;

30 (2) calculator for specific mathematics items only in grades 6 through 8 and grade
31 11;

32 (3) digital notepad;

- 1 (4) English glossary;
- 2 (5) expandable items and passages;
- 3 (6) highlighter;
- 4 (7) keyboard navigation;
- 5 (8) line reader;
- 6 (89) mark for review;
- 7 (910) mathematics tools (i.e., embedded ruler and embedded protractor) for specific
- 8 mathematics items;
- 9 (4011) strikethrough;
- 10 (4112) writing tools for specific pupil generated responses; or
- 11 (4213) zoom.

12 (b) All pupils shall be permitted the following non-embedded universal tools on all
13 CAASPP achievement tests for mathematics as specified below:

- 14 (1) breaks; or
- 15 (2) scratch paper.

16 (c) All pupils shall be permitted the following embedded designated supports,
17 delivered through an online platform, when determined for use by an educator or a
18 team of educators (with parent/guardian and pupil input as appropriate) or as specified
19 in the pupil's IEP or Section 504 Plan on all CAASPP achievement tests for
20 mathematics as specified below. Included on the following list of embedded designated
21 supports are language support(s) that may be appropriate for English learners or
22 reclassified fluent English proficient pupils:

- 23 (1) color contrast;
- 24 (2) masking;
- 25 (3) mouse pointer size and color;
- 26 (4) streamline;
- 27 (35) text-to-speech for stimuli and items;
- 28 (46) translations (glossary);
- 29 (57) Spanish translations (stacked) and translated test directions; or
- 30 (68) turn off any universal tool.

31 (d) All pupils shall be permitted the following non-embedded designated supports,
32 when determined for use by an educator or a team of educators (with parent/guardian

1 and pupil input as appropriate) or as specified in the pupil's IEP or Section 504 Plan on
2 the CAASPP achievement tests for mathematics as specified below. Included on the
3 following list of non-embedded designated supports are language support(s) that may
4 be appropriate for English learners or reclassified fluent English proficient students:

5 (1) amplification;

6 ~~(12)~~ color contrast;

7 ~~(23)~~ color overlay;

8 ~~(34)~~ magnification;

9 (5) medical device;

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

12 ~~(57)~~ read aloud for stimuli and items;

13 ~~(68)~~ read aloud for Spanish stacked translation;

14 ~~(79)~~ scribe;

15 ~~(810)~~ separate setting, including most beneficial time of day, special lighting or
16 acoustics, and/or special or adaptive furniture;

17 ~~(911)~~ simplified test directions;

18 ~~(4012)~~ translated test directions; or

19 ~~(4413)~~ translations (glossary) for mathematics (only consortium-provided glossaries
20 for paper-pencil tests).

21 (e) The following embedded accommodations, delivered through an online platform,
22 shall be provided, when specified in the pupil's IEP or Section 504 Plan on all CAASPP
23 achievement tests for mathematics as specified below:

24 (1) American Sign Language; or

25 (2) Braille; or

26 ~~(3) streamline.~~

27 (f) The following non-embedded accommodations shall be provided when specified
28 in the pupil's IEP or Section 504 Plan on all CAASPP achievement tests for
29 mathematics as specified below:

30 (1) 100s number table for mathematics beginning in grade 4;

31 (2) abacus;

32 (3) alternate response options;

- 1 (4) Braille for paper-pencil tests;
- 2 (5) calculator for calculator-allowed mathematics items only in grades 6 through 8,
- 3 and grade 11;
- 4 (6) large-print version of a paper-pencil test, when developed and functional;
- 5 (7) multiplication table for mathematics beginning in grade 4;
- 6 (8) print on demand; or
- 7 (9) speech-to-text; or
- 8 (10) word prediction.

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

12 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
13 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and
14 300.160.

15
16 **§ 854.3. Use of Universal Tools, Designated Supports, and Accommodations for**
17 **Science.**

18 (a) All pupils shall be permitted the following embedded universal tools, delivered
19 through an online platform, for the CASTs as specified below:

- 20 (1) breaks;
- 21 (2) calculator (four function for grade 5 and scientific for grade 8 and high school);
- 22 (3) color contrast;
- 23 ~~(34)~~ digital notepad;
- 24 ~~(45)~~ English glossary;
- 25 ~~(56)~~ expandable items;
- 26 ~~(67)~~ expandable passages;
- 27 ~~(7) global notes for writing;~~
- 28 (8) highlighter;
- 29 (9) keyboard navigation;
- 30 (10) line reader;
- 31 ~~(4011)~~ mark for review;
- 32 ~~(4412)~~ mathematics tools (e.g., ruler, protractor);

1 (4213) science charts (e.g., calendar, Periodic Table of the Elements, and
2 conversion charts);

3 (4314) science tools (e.g., interactive laboratory equipment, stop watch, static
4 hardness key or tool, etc.);

5 (4415) strikethrough;

6 (4516) writing tools for specific pupil generated responses; or

7 (4617) zoom.

8 (b) All pupils shall be permitted the following non-embedded universal tools on all
9 CAASPP achievement tests for science as specified below:

10 (1) breaks; or

11 (2) scratch paper.

12 (c) All pupils shall be permitted the following embedded designated supports,
13 delivered through an online platform, when determined for use by an educator or a
14 team of educators (with parent/guardian and pupil input as appropriate) or specified in
15 the pupil's IEP or Section 504 Plan on all CAASPP achievement tests for science as
16 specified below. Included on the following list of embedded designated supports are
17 language support(s) that may be appropriate for English learners or reclassified fluent
18 English proficient pupils:

19 (1) color contrast;

20 (2) masking;

21 (3) mouse pointer size and color;

22 (34) Spanish translations (stacked);

23 (5) streamline;

24 (46) text-to-speech for stimuli and items;

25 (57) translations (glossary) for the following languages, when developed and
26 functional: Arabic, Cantonese, Hmong, Korean, Mandarin, Punjabi, Russian, Spanish,
27 Tagalog, and Vietnamese; or

28 (68) turn off any universal tool(s).

29 (d) All pupils shall be permitted the following non-embedded designated supports,
30 when determined for use by an educator or a team of educators (with parent/guardian
31 and pupil input as appropriate) or specified in the pupil's IEP or Section 504 Plan on all
32 CAASPP achievement tests for science. Included on the following list of non-embedded

designated supports are language support(s) that may be appropriate for English learners or reclassified fluent English proficient students:

(1) 100s number table;

(2) amplification;

(23) calculator (four-function for grade 5 and scientific for grade 8 and high school);

(34) color contrast;

(45) color overlay;

(56) magnification;

(7) medical device;

(68) multiplication table;

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

(810) read aloud for stimuli and items;

(911) science charts (state approved only, i.e., calendar, Periodic Table of the Elements, and conversion charts);

(4012) scribe;

(4413) separate setting, including most beneficial time of day, special lighting or acoustics, and/or special or adaptive furniture;

(4214) simplified test directions; or

(4315) translated test directions for the following languages, when developed and functional: Arabic, Armenian, Cambodian, Cantonese, Farsi, Hindi, Hmong, Japanese, Korean, Mandarin, Mixteco, Portuguese, Punjabi, Russian, Spanish, Tagalog, Urdu, and Vietnamese.

(e) The following embedded accommodations, delivered through an online platform, shall be provided, when specified in the pupil's IEP or Section 504 Plan on all CAASPP achievement tests for science as specified below:

(1) American Sign Language;

(2) audio transcript, including braille transcript;

(23) Braille; or

(34) closed captioning; or

~~(4) streamline.~~

(f) The following non-embedded accommodations shall be provided when specified

1 in the pupil's IEP or Section 504 Plan on all CAASPP achievement tests for science as
2 specified below:

- 3 (1) abacus for specific science items;
- 4 (2) alternate response options;
- 5 (3) print on demand; ~~or~~
- 6 (4) speech-to-text; or
- 7 (5) word prediction.

8 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
9 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and
10 300.160.

11
12 **§ 854.4. Use of Universal Tools, Designated Supports, and Accommodations for**
13 **Primary Language Assessment (PLA).**

14 (a) All pupils shall be permitted the following embedded universal tools, delivered
15 through an online platform, for all CAASPP achievement tests for PLA (including the
16 components of reading, writing, and listening) as specified below:

- 17 (1) breaks for reading, writing, and listening;
- 18 (2) digital notepad for reading, writing, and listening;
- 19 (3) dictionary in the language of the assessment for writing (PLA-performance task
20 – full write not short paragraph responses) – when developed and functional;
- 21 (4) expandable items for reading, writing, and listening;
- 22 (5) expandable passages for reading, writing, and listening;
- 23 (6) global notes for writing (PLA-performance task(s) – full write not short paragraph
24 responses) – when developed and functional;
- 25 (7) highlighter for reading, writing, and listening;
- 26 (8) keyboard navigation for reading, writing, and listening;
- 27 (9) line reader;
- 28 ~~(9)~~10 mark for review for reading, writing, and listening;
- 29 (11) Spanish glossary for specific items;
- 30 ~~(40)~~12 spell check for specific writing items for PLA – when developed and
31 functional;
- 32 ~~(44)~~13 strikethrough for reading, writing, and listening;

1 (4214) writing tools for specific pupil generated responses for PLA; or
2 (4315) zoom for reading, writing, and listening.

3 (b) All pupils shall be permitted the following non-embedded universal tools on all
4 CAASPP achievement tests for PLA (including the components of reading, writing, and
5 listening) as specified below:

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

7 (2) dictionary in the language of the assessment for PLA performance task(s) – full
8 write not short paragraph responses – when developed and functional;

9 (3) scratch paper for reading, writing, and listening; or

10 (4) thesaurus in the language of the assessment for PLA performance task(s) – full
11 write not short paragraph responses – when developed and functional.

12 (c) All pupils shall be permitted the following embedded designated supports,
13 delivered through an online platform, when determined for use by an educator or a
14 team of educators (with parent/guardian and pupil input as appropriate) or specified in
15 the pupil's IEP or Section 504 Plan on all CAASPP achievement tests for PLA
16 (including the components of reading, writing, and listening) as specified below:

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

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

19 (3) mouse pointer size and color;

20 (4) streamline for reading, writing, and listening;

21 (35) text-to-speech for writing, listening, and reading items but not reading
22 passages; or

23 (46) turn off any universal tool for reading, writing, and listening.

24 (d) All pupils shall be permitted the following non-embedded designated supports
25 when determined for use by an educator or a team of educators (with parent/guardian
26 and pupil input as appropriate) or as specified in the pupil's IEP or Section 504 Plan on
27 the CAASPP achievement tests for PLA as specified below. Included on the following
28 list of non-embedded designated supports are language support(s) that may be
29 appropriate for any pupil who can benefit from their use:

30 (1) amplification;

31 (42) bilingual dictionary for PLA performance task(s) – full write not short paragraph
32 responses, and writing – when developed and functional;

- 1 (23) color contrast for reading, writing, and listening;
- 2 (34) color overlay for reading, writing, and listening;
- 3 (45) magnification for reading, writing, and listening;
- 4 (6) medical device;
- 5 (57) noise buffers (e.g., individual carrel or study enclosure, or noise-cancelling
- 6 headphones) for reading, writing, and listening;
- 7 (68) read aloud for writing, listening, and reading items but not reading passages;
- 8 (79) scribe for reading and listening;
- 9 (810) separate setting for reading, writing, and listening, including most beneficial
- 10 time of day, special lighting or acoustics, and/or special or adaptive furniture; or
- 11 (911) simplified test directions for reading, writing, and listening; ~~or,~~
- 12 ~~(10) translated test directions for reading, writing, and listening.~~

13 (e) The following embedded accommodations, delivered through an online platform,
14 shall be provided when specified in the pupil's IEP or Section 504 Plan on all CAASPP
15 achievement tests for PLA (including the components of reading, writing, and listening)
16 as specified below:

- 17 (1) Braille for reading, writing, and listening;
- 18 ~~(2) streamline for reading, writing, and listening; or~~
- 19 (2) closed-captioning;
- 20 (3) Spanish audio transcript, including braille transcript (for listening passages); or
- 21 (34) text-to-speech for PLA reading passages.

22 (f) The following non-embedded accommodations shall be provided, when specified
23 in the pupil's IEP or Section 504 Plan on all CAASPP achievement tests for PLA
24 (including the components of reading, writing, and listening) as specified below:

- 25 (1) alternate response options for reading, writing, and listening;
- 26 (2) print on demand for reading, writing, and listening;
- 27 (3) read aloud for PLA reading passages; or
- 28 (4) scribe for writing.

29 NOTE: Authority cited: Sections 33031, 60605 and 60640, Education Code. Reference:
30 Sections 60605 and 60640, Education Code; and 34 C.F.R. Sections 200.1 and
31 300.160.

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

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

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

7 **CAASPP TEST SECURITY AGREEMENT**

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

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

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

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

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

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

31 (6) For an alternate assessment (CAA), I will keep all tests and testing materials in
32 the manner set forth above in subdivisions (b)(3) and (5) except during actual testing

1 administration or when being used by test examiners to prepare for and to administer
2 the assessment. I will adhere to the contractor's directions for the distribution of the
3 corresponding test materials to test examiners.
4 By signing my name electronically agreeing to this document, I am assuring that I have
5 completely read and will abide by the above conditions.

6 Signed: _____

7 Print Name: _____

8 Title: _____

9 LEA: _____

10 Date: _____

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

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

19 CAASPP TEST SECURITY AFFIDAVIT

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

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

30 (2) I will not copy or take a photo of any part of the achievement test(s) or
31 corresponding test materials. This includes, but is not limited to, photocopying

1 (including enlarging) and recording without the prior expressed written permission of
2 the CDE.

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

10 (4) I will limit access to the achievement test(s) and corresponding test materials by
11 test examinees to the actual testing periods when they are taking the test(s). I
12 understand that only pupils who are testing and LEA staff participating in the test
13 administration who have signed electronically agreed to a CAASPP Test Security
14 Affidavit may be in the room when and where an achievement test is being
15 administered.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Signed: _____

14 Print Name: _____

15 Position: _____

16 School: _____

17 LEA: _____

18 Date: _____

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

23 NOTE: Authority cited: Sections 33031 and 60605, Education Code. Reference:
24 Sections 60602.5, 60605 and 60640, Education Code.

25

26 **§ 862. Apportionment Information Report.**

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

30 (1) The number of pupils enrolled in each school and in the LEA;

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

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

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

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

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

(7) The number of ELs who were administered a primary language test aligned to the ELA standards pursuant to Education Code section 60640(b)(5)(B); and

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

(b) To be eligible for apportionment payment for the CAASPP assessments pursuant to Education Code section 60640(l), LEAs must meet the following conditions:

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

(2) The LEA CAASPP coordinator has certified the accuracy of the apportionment information report for assessments administered during the school year, which is either; —(A) transmitted electronically in a manner prescribed by the contractor(s) and/or the CDE by March 1, or,

(B) if transmitted after March 1, the apportionment information report must be accompanied by a waiver request as provided by Education Code section 33050. For those apportionment information reports transmitted after March 1, (c) aApportionment payment is contingent upon the availability of an appropriation for this purpose for the fiscal year in which the testing window began.

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

§ 863. CAASPP Pupil Reports and Cumulative Record Labels.

(a) The last LEA where the student was enrolled when the selected testing period ended shall make the forward or transmit pupil results for the achievement tests

1 conducted pursuant to Education Code section 60640 available to each pupil's parent
2 or guardian within 20 working days from receipt of the results from the contractor.

3 (b) If the last LEA where the student was enrolled when the selected testing period
4 ended receives the reports for the achievement tests conducted pursuant to Education
5 Code section 60640 from the contractor after the last day of instruction for the school
6 year, the LEA shall make the report available to the parent or guardian no later than the
7 first 20 working days of the next school year.

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

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

15
16 11-15-18 [California Department of Education]