

**State of California
Office of Administrative Law**

In re:
Board of Education

Regulatory Action:

Title 05, California Code of Regulations

Adopt section: 11526

Amend sections: 11520, 11524, 11525

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-0523-02

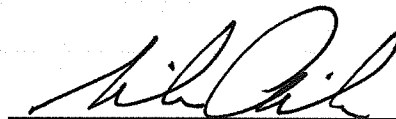
OAL Matter Type: Emergency (E)

This emergency action by the Board of Education adopts and amends regulations to implement the statutory fee waiver process and documentation requirements for foster youths taking the California High School Proficiency Examination pursuant to Education Code section 48412 (as amended by Stats. 2016, Ch. 697, Sec. 1 (AB 2656)).

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 6/2/2017 and will expire on 11/30/2017. The Certificate of Compliance for this action is due no later than 11/29/2017.

Date: June 2, 2017



**Nicole C. Carrillo
Attorney**

**For: Debra M. Cornez
Director**

**Original: Tom Torlakson
Copy: Hillary Wirick**

NOTICE PUBLICATION/REGULATIONS SUBMISSION

EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2017-0523-02E
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For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

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

JUN 02 2017

2:33 pm

AGENCY WITH RULEMAKING AUTHORITY State Board of Education	AGENCY FILE NUMBER (If any)
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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) California High School Proficiency Examination	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 11526
	AMEND 11520, 11524, 11525
TITLE(S) 5	REPEAL

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

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

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Hillary Wirick	TELEPHONE NUMBER (916) 319-0860	FAX NUMBER (Optional) (916) 319-0155	E-MAIL ADDRESS (Optional) hwirick@cde.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Amy Bisson Holloway</i>	DATE 5/17/17
TYPED NAME AND TITLE OF SIGNATORY Amy Bisson Holloway, General Counsel	

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ENDORSED APPROVED

JUN 02 2017

Office of Administrative Law

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

4
5 **Title 5. EDUCATION**

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

7 **Chapter 11. Special Programs**

8 **Subchapter 8. High School Proficiency Certificates**

9 **Article 1. Certificate of Proficiency**

10 **§ 11520. Definitions.**

11 (a) "Certificate" means a certificate of proficiency awarded by the State Board of
12 Education (SBE) as described in Education Code section 48412(a)(2).

13 (b) ~~"Homeless Certification Form" means a form provided by the California~~
14 ~~Department of Education (CDE) that is to be completed by an authorized homeless~~
15 ~~services provider to verify that a youth is homeless as defined in Education Code~~
16 ~~section 48412. The Homeless Certification Form (issued 03/2016) is incorporated by~~
17 ~~reference in California Code of Regulations, title 5, section 11530. "Certification" means~~
18 documentation from a services provider, or a county or state agency, certifying the
19 examinee is a homeless youth or a foster youth.

20 (c) "Parent" as used in Education Code section 48410(e), relating to verified
21 parental approval, means the natural parent, or adoptive parent or legal guardian,
22 having legal custody of the pupil.

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

26 NOTE: Authority cited: Sections 48410 and 48412, Education Code. Reference:
27 Sections 48410 and 48412, Education Code.

28
29 **§ 11524. Waiver of Fees.**

30 (a) The contractor selected to administer the examination shall not collect fees from
31 individuals who are under 25 years of age, meet all other registration requirements, and
32 are verified to be a homeless youth by a homeless services provider or a foster youth
33 as defined in Education Code section 48412, except for fees for additional services not

1 related to regular test registration including, but not limited to, registration for a test
2 administration after the regular registration deadline set by the contractor, request to
3 change the testing date after the regular registration deadline set by the contractor,
4 request for a transcript or duplicate certificate, or request to expedite services. The
5 contractor shall not charge fees to individuals who are certified ~~verified~~ to be a
6 homeless youth, or a foster youth for any other administrative services without prior
7 approval of the CDE California Department of Education (CDE).

8 (b) The fee waiver for individuals who are under age 25 and are certified ~~verified~~ to
9 be a homeless youth by a homeless services provider, or a foster youth as defined in
10 Education Code section 48412 shall include only fees for services related to test
11 administration. The fee waiver shall not include fees for services or documents required
12 to verify the need for testing accommodations, test preparation, or other services not
13 related to test administration.

14 NOTE: Authority cited: Section 48412, Education Code. Reference: Section 48412,
15 Education Code.

16
17 **§ 11525. Homeless Certification.**

18 (a) To be eligible for a fee waiver, at the time of registration for a test administration,
19 a homeless youth must submit all standard required registration materials to the
20 contractor including documentation required for all testing accommodations that the
21 individual may need and an original completed ~~Homeless Certification Form~~.
22 certification.

23 (b) ~~Only the Homeless Certification Form~~ The CDE-developed certification form
24 may be used to certify that the registrant is homeless. ~~The Homeless Certification Form~~
25 Certification must include all of the following information:

- 26 (1) The full legal name of the registrant;
27 (2) The date of birth of the registrant;
28 (3) The signature of the registrant affirming, under penalty of perjury, a statement
29 that he or she is homeless and under 25 years of age;
30 (4) The printed name of the homeless services provider;
31 (5) The title of the homeless services provider;
32 (6) The business address, phone number, and e-mail address of the homeless
33 services provider;

1 (7) The signature of the homeless services provider affirming, under penalty of
2 perjury, a statement that he or she is an authorized homeless services provider and
3 that the registrant is homeless as defined in Education Code section 48412;

4 (8) The date that the ~~Homeless Certification Form~~ certification is completed by the
5 homeless services provider; and

6 (9) The date the ~~Homeless Certification Form~~ certification expires.

7 (c) ~~The Homeless Certification Form~~ Certification is valid for a period of one year
8 from the certification date and may be renewed annually until the certified homeless
9 youth reaches 25 years of age. If the certified homeless youth reaches 25 years of age
10 within one year from the certification date, the ~~Homeless Certification Form~~ certification
11 will be valid only until one day before the certified homeless youth reaches 25 years of
12 age.

13 (d) The homeless services provider or the provider's agency shall retain a copy of
14 all ~~Homeless Certification Forms~~ certification(s) issued to ~~certified~~ certify homeless
15 youth(s) until each certified homeless youth reaches 28 years of age. The homeless
16 services provider or the provider's agency shall make copies of ~~Homeless Certification~~
17 ~~Forms~~ certification(s) available to the CDE upon request.

18 (e) The contractor shall retain all original ~~Homeless Certification Forms~~
19 certification(s) issued to ~~certified~~ certify homeless youth(s) until each homeless youth
20 reaches 28 years of age. The contractor shall make original ~~Homeless Certification~~
21 ~~Forms~~ certification(s) available to the CDE within 10 business days upon request.

22 (f) The homeless services provider or the provider's agency shall not charge any
23 fees to homeless youths seeking certification of their status.

24 NOTE: Authority cited: Sections 33031 and 48412, Education Code. Reference:
25 Sections 48410 and 48412, Education Code.

26
27 **§ 11526. Foster Youth Certification**

28 (a) To be eligible for a fee waiver, at the time of registration for a test administration,
29 a foster youth must submit all standard required registration materials to the contractor
30 including documentation required for all testing accommodations that the individual
31 may need and certification of their foster youth status. This certification may be
32 provided by the county or California Department of Social Services.

1 (b) Eligibility for the fee waiver is valid until the certified foster youth reaches 25
2 years of age.

3 (c) The contractor shall retain all original certification(s) issued to foster youth(s)
4 until each foster youth reaches 28 years of age. The contractor shall make original
5 certification documentation available to the CDE within 10 business days upon request.

6 (d) The service provider or the provider's agency shall not charge any fees to foster
7 youths seeking verification of their status.

8 (e) For purposes of this Article, "Foster Youth" means either current or former foster
9 youth as defined by Education Code section 48412(h).

10 NOTE: Authority cited: Section 48412, Education Code. Reference: Section 48412,
11 Education Code.

12
13
14 04-26-17 [California Department of Education]