

**State of California
Office of Administrative Law**

In re:
Superintendent of Public Instruction

Regulatory Action:

Title 05, California Code of Regulations

Adopt sections: 11534.1

Amend sections: 11530, 11533, 11534

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-0523-03

OAL Matter Type: Emergency (E)

This action adopts and amends regulations to implement the statutory fee waiver process and documentation requirements for homeless and foster youths taking the High School Equivalency Test.

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



Mark Storm
Senior Attorney

For: Debra M. Cornez
Director

Original: Tom Torlakson
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-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 20 17-0523-03E
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For use by Office of Administrative Law (OAL) only

2017 MAY 23 A 9:18
OFFICE OF ADMINISTRATIVE LAW

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

JUN 02 2017

2:31 PM

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY
State Superintendent of Public Instruction

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE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) High School Equivalency Test	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 11534.1 per agency request
	AMEND 11530, 11533, 11534
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 §511346.2-11347.3 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)			
<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, Reg Analyst	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 5/19/17
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 Superintendent of Public Instruction has illustrated changes to the original
2 text in the following manner: text originally proposed to be added is underlined; text
3 proposed to be deleted is displayed in ~~strikeout~~.
4

5 **Title 5. EDUCATION**

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

7 **Chapter 11. Special Programs**

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

9 **Article 2. High School Equivalency Certificate – for Persons 18 Years of Age or**
10 **Older**

11
12 **§ 11530. Definitions.**

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

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

18 ~~(c) "Homeless Certification Form (issued 03/2016)" means a form provided by the~~
19 ~~California Department of Education (CDE) that is to be completed by an authorized~~
20 ~~homeless services provider to verify that a youth is homeless as defined in Education~~
21 ~~Code section 51421.5. The Homeless Certification Form is hereby incorporated by~~
22 ~~reference. "Certification" means documentation from a homeless services provider, or a~~
23 ~~county or state agency, certifying the examinee is a homeless youth or a foster youth.~~

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

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

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

32
33

1 **§ 11533. Waiver of Fees.**

2 (a) The contractor(s) selected to administer the examination shall not collect fees
3 from individuals who are under 25 years of age, meet all other registration
4 requirements and are verified to be a homeless youth by a homeless services provider
5 or a foster youth as defined in Education Code section 51421.5, except for fees for
6 additional services not related to regular test administration including, but not limited to,
7 registration for a test administration past the regular registration deadline set by the
8 contractor(s), request to change the testing date past the regular registration deadline
9 set by the contractor(s), request for a transcript, or duplicate certificate, or request to
10 expedite services. The contractor(s) shall not charge fees to individuals who are
11 ~~verified~~ certified to be a homeless or foster youth for any other administrative services
12 without prior approval of the CDE California Department of Education (CDE). The
13 ~~vendor~~ contractor must contact the CDE and provide justification to charge any
14 additional administrative fees to an individual eligible under this part.

15 (b) The fee waiver for individuals who are under age 25 and are certified ~~verified~~ to
16 be a homeless youth by a homeless services provider or a foster youth as defined in
17 Education Code section 51421.5 shall include only fees for services related to test
18 administration. The fee waiver shall not include fees for services or documents required
19 to verify the need for testing accommodations, test preparation, or other services not
20 related to test administration.

21 NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:
22 Sections 51420, 51421 and 51421.5, Education Code.

23
24 **§ 11534. Homeless Certification.**

25 (a) To be eligible for a fee waiver, at the time of registration for a test administration,
26 a certified homeless youth must submit all standard required registration materials to
27 the contractor(s), including documentation required for all testing accommodations that
28 the individual may need and an original completed ~~Homeless Certification Form~~
29 certification. The contractor(s) provides all forms required to approve a testing
30 accommodation.

31 ~~Only the Homeless Certification Form~~ The CDE-developed certification form
32 may be used to certify that the registrant is homeless. ~~The Homeless Certification Form~~
33 Certification must include all of the following information:

- 1 (1) The full legal name of the registrant;
- 2 (2) The date of birth of the registrant;
- 3 (3) The signature of the registrant affirming, under penalty of perjury, a statement
- 4 that she or he is homeless and under 25 years of age;
- 5 (4) The printed name of the homeless services provider;
- 6 (5) The title of the homeless services provider;
- 7 (6) The business address, phone number, and e-mail address of the homeless
- 8 services provider;
- 9 (7) The signature of the homeless services provider affirming, under penalty of
- 10 perjury, a statement that she or he is an authorized homeless services provider and
- 11 that the registrant is homeless as defined in Education Code section 51421.5;
- 12 (8) The date that the ~~Homeless Certification Form~~ certification is completed by the
- 13 homeless services provider; and
- 14 (9) The date the ~~Homeless Certification Form~~ certification expires.

15 (c) ~~The Homeless Certification Form~~ Certification is valid for a period of one year

16 from the certification date and may be renewed annually until the certified homeless

17 youth reaches 25 years of age. If the certified homeless youth reaches 25 years of age

18 within one year from the certification date, the ~~Homeless Certification Form~~ certification

19 will be valid only until one day before the certified homeless youth reaches 25 years of

20 age.

21 (d) The homeless services provider or the provider's agency shall retain a copy of

22 all ~~Homeless Certification Forms~~ certification(s) issued to ~~certified~~ certify homeless

23 youth(s) until each certified homeless youth reaches 28 years of age. The homeless

24 services provider or the provider's agency shall make copies of ~~Homeless Certification~~

25 ~~Forms~~ certification(s) available to the CDE upon request.

26 (e) The contractor(s) shall retain all original ~~Homeless Certification Forms~~

27 certifications issued to ~~certified~~ certify homeless youth(s) until each certified homeless

28 youth reaches 28 years of age. The contractor(s) shall make original ~~Homeless~~

29 ~~Certification Forms~~ certification(s) available to the CDE within 10 business days upon

30 request.

31 (f) The homeless services provider or provider's agency shall not charge a fee to

32 homeless youths seeking certification of their status.

1 NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:
2 Section 51421.5, Education Code.

3
4 **§ 11534.1. Foster Youth Certification.**

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

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

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

15 (d) The county shall not charge any fees to foster youths seeking certification of
16 their status.

17 (e) For purposes of this Article, "Foster Youth" means either current or former foster
18 youth as defined by Education Code Section 51421.5(h).

19 NOTE: Authority cited: Sections 51421.5 and 51426, Education Code. Reference:
20 Section 51421.5, Education Code.

21
22
23
24 06-02-17 [California Department of Education]

HOMELESS CERTIFICATION FORM

To be used by a homeless child or youth to obtain a fee waiver for a High School Equivalency Test and/or the California High School Proficiency Examination (CHSPE).

The current high school equivalency tests approved by the California State Board of Education are the General Education Development (GED) test, the High School Equivalency Test (HiSET), and the Test Assessing Secondary Completion (TASC). The CHSPE is administered by the Sacramento County Office of Education.

HOW TO OBTAIN A FEE WAIVER

To obtain a fee waiver, each eligible homeless child or youth under 25 years of age must:

1. Complete and sign Section I of this form;
2. Have an authorized homeless services provider complete and sign Section II of this form to verify the homeless status of the child or youth, and
3. Submit the original completed form to the test vendor along with his or her test registration materials. (The homeless child or youth must submit an **original** completed Homeless Certification Form to each testing contractor to which he or she registers. **Copies of the form will not be accepted.**)

Note:

- The form is valid for one year and may be renewed annually until the eligible homeless child or youth reaches 25 years of age.
- The fee waiver applies only to the regular test registration fee.

ELIGIBILITY

To meet eligibility requirements for the fee waiver, the homeless child or youth must be under 25 years of age and must meet the following definition:

“Homeless child or youth” means a homeless child or youth as defined in paragraph (2) of Section 725 of the federal “McKinney-Vento Homeless Assistance Act (42 U.S.C. Section 11434a(2)). This means:

- A) individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 11302(a)(1)); and
- B) includes —
 - (i) children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - (ii) children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 11302(a)(2)(C));
 - (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
 - (iv) migratory children (as such term is defined in 20 U.S.C. Section 6309) who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described in clauses (i) through (iii).

HOMELESS SERVICES PROVIDER

A Homeless Certification Form can only be obtained from an authorized homeless services provider who has knowledge of the homeless status of a child or youth. The homeless services provider must verify that status by completing Section II of the Homeless Certification Form.

The information regarding who is qualified to serve as an approved homeless services provider is shown in the boxes at the end of Section II of the form. **The individual completing Section II must check the box that indicates how he or she is qualified as an approved homeless services provider.**