

CSBA Sample Administrative Regulation

Instruction

AR 6162.52(a)

HIGH SCHOOL EXIT EXAMINATION

<p>Note: The following administrative regulation is for use by districts that maintain one or more high schools and reflects requirements for the administration of the high school exit examination required as a condition for high school graduation beginning with the class of 2006, pursuant to Education Code 60850-60856. See also BP/AR 6146.1 - High School Graduation Requirements.</p>
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Definitions

Variation means a change in the manner in which a test is presented or administered or in how a student is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined in Education Code 60850. (5 CCR 1200)

Accommodation means any variation in the assessment environment or process that does not fundamentally alter what the test measures or affect the comparability of scores. (Education Code 60850)

Modification means any variation in the assessment environment or process that fundamentally alters what the test measures or affects the comparability of scores. (Education Code 60850)

District and Test Site Coordinators

On or before July 1 of each school year, the Superintendent shall designate a high school exit examination coordinator from among district employees and shall notify the test contractor of the identity and contact information of the coordinator. The district coordinator or Superintendent or designee shall be available throughout the year; shall serve as the liaison between the district and the test contractor and between the district and the California Department of Education (CDE) for all matters related to the exit examination; and shall perform additional duties specified in 5 CCR 1209 and 1211. (5 CCR 1209)

Annually, the district coordinator or Superintendent or designee shall designate a test site coordinator for each test site to fulfill the responsibilities specified in 5 CCR 1210 and 1211. (5 CCR 1210)

All district and test site coordinators shall sign a test security affidavit pursuant to 5 CCR 1211.5.

Access to exam materials shall be limited to students taking the exam and individuals who have signed the test security affidavit, including employees directly responsible for test administration. All district and test site coordinators shall be responsible for inventory control. (5 CCR 1211)

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Administration

Note: As amended by Register 2004, No. 33, 5 CCR 1204 and 1204.5 clarify the testing dates for students in grades 10-12, as provided below. By providing that students not be tested in successive administrations, there is sufficient time for students to receive their test scores before determining if retesting is necessary.

The high school exit exam shall be administered as follows: (Education Code 60851; 5 CCR 1204, 1204.5)

1. Students shall take the exam once per school year while in grade 10.
2. Students in grade 11 who have not yet passed one or both sections of the exam shall have up to two opportunities per year to take the section(s) of the exam not yet passed and may elect to take the exam during these opportunities. These students shall not be tested in successive administrations within a school year.
3. Students in grade 12 shall have up to three opportunities to take the section(s) of the exam not yet passed. The district shall offer either three opportunities during grade 12 or two opportunities in grade 12 and one opportunity in the year following grade 12 to take the exam. Eligible students in grade 12 may elect to take the examination during district-provided opportunities.

(cf. 6179 - Supplemental Instruction)

Students in grades 11 and 12 shall be offered appropriate remediation or supplemental instruction before being retested. (5 CCR 1204.5)

The Superintendent or designee shall administer the exit exam in each district high school on the dates designated by the Superintendent of Public Instruction (SPI) as exam days or make-up days. (Education Code 60851)

Note: Education Code 60852 provides that students who do not possess sufficient English language skills to be assessed do not have to pass the exam for a period up to 24 calendar months of enrollment in the California public school system, as specified below. However, all students must ultimately pass the exam, in English, in order to receive a high school diploma.

If a student does not possess sufficient English language skills to be assessed on the exit exam, the Superintendent or designee may defer the exam requirement for a period of up to 24 calendar months of enrollment in the California public school system until the student has completed six months of instruction in reading, writing, and comprehension in the English language. (Education Code 60852)

Test administrators at the test site shall be responsible for the accurate identification of

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eligible students to whom the exit exam is to be administered. This identification shall be made through the use of photo identification or positive recognition by an employee of the district. (5 CCR 1203)

Any student found to have cheated, assisted others in cheating, or compromised the security of the exam shall not receive a score from that test administration. (5 CCR 1220)

(cf. 5131.9 - Academic Honesty)
(cf. 6162.54 - Test Integrity/Test Preparation)

Testing Variations for All Students

Note: 5 CCR 1215, as amended by Register 2005, No. 33, expands the types of testing variations that school districts may offer to all students as provided below.

The Superintendent or designee may provide any student taking the exam with extra time within a testing day, simplified or clarified test directions, and/or student marks (other than responses) in test booklets. (5 CCR 1215)

A student may also be provided the following testing variations if they are regularly used in the classroom: (5 CCR 1215)

1. Special or adaptive furniture
2. Special lighting, special acoustics, visual magnifying, or audio amplification equipment
3. An individual carrel or study enclosure
4. Testing of individual students in a separate room provided that the student is directly supervised by an employee who has signed the test security affidavit
5. Colored overlay, mask, or other means to maintain visual attention to the exam or test items
6. Manually Coded English or American Sign Language to present directions for test administration

At least 30 working days before the proposed administration of the exam, the Superintendent or designee may submit a request to the CDE for a case-by-case review of a proposed variation that is not specified in law. (5 CCR 1218)

HIGH SCHOOL EXIT EXAMINATION (continued)**Testing Variations for English Language Learners**

Note: 5 CCR 1217 authorizes districts to provide additional testing variations for English language learners if regularly used in the classroom for assessment. In order to help ensure that students have an equal opportunity to pass the exam, it is recommended that testing variations be provided on a districtwide basis as consistently as possible and that the same variations be provided to all English language learners regardless of their primary language.

In addition to testing variations allowed for all students, identified English language learners may be allowed the following testing variations if regularly used for assessment in the classroom: (5 CCR 1217)

1. Flexible setting. English learners may have the opportunity to be tested in a separate room with other English language learners provided that the students are directly supervised by an employee who has signed the test security affidavit and the students have been provided such a flexible setting as part of their regular instruction or assessment.
2. Flexible schedule. English learners may have additional supervised breaks within a testing day.
3. Flexible time. English learners may have extra time on the exam within a testing day.
4. Translated directions. English learners may have the opportunity to hear the test directions printed in the test contractor's manual translated into their primary language. English learners may have the opportunity to ask clarifying questions about the test directions in their primary language.
5. Glossaries. English learners may have access to translation glossaries (English to primary language). The glossaries are to include only the English word or phrase with the corresponding primary language word or phrase. The glossaries shall include no definitions or formulas.

Accommodations/Modifications for Students with Disabilities

Note: For students with disabilities, 5 CCR 1215.5-1216 and Education Code 60850 authorize districts to administer the exam with certain accommodations or modifications under the conditions specified below.

A student with a disability shall be permitted to take the exit exam with accommodations or modifications when the student's individualized education program (IEP) or his/her Section 504 plan specifies their use on the exam, standardized testing, or for use during classroom instruction and assessments. (Education Code 60850; 5 CCR 1215.5, 1216)

(cf. 6146.4 - Differential Graduation and Competency Standards for Students with Disabilities)

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(cf. 6159 - Individualized Education Program)

(cf. 6164.6 - Identification and Education under Section 504)

Note: Register 2005, No. 33 amended 5 CCR 1215.5 to specify the following allowable accommodations. In addition, the California Department of Education (CDE) maintains a list of additional accommodations and modifications that are approved for student use. The list is available on the CDE's website.

The use of accommodations shall not invalidate a student's test score(s). Accommodations may include: (5 CCR 1215.5)

1. Presentation accommodations, including large-print versions in 20-point font, test items enlarged if larger than 20-point font is required, Braille transcriptions provided by the test contractor, audio or oral presentation of the mathematics section of the exam, or use of Manually Coded English or American Sign Language to present test questions on the mathematics section of the exam.
2. Response accommodations, including responses marked in the test booklet and transferred to the answer document by an employee who has signed the test security affidavit; responses dictated orally, or in Manually Coded English, or in American Sign Language to a scribe for selected-response items (e.g., multiple choice test questions); responses dictated orally or in Manually Coded English to a scribe, audio recorder, or speech-to-text converter, on the writing portion of the exam and the student indicates all spelling and language conventions; word processing software with spell and grammar check tools turned off on the writing portion of the exam; or an assistive device that does not interfere with the independent work of the student on the writing portion of the exam
3. Scheduling/timing accommodations, including testing over more than one day after consultation with the test contractor, supervised breaks within a section of the exam, and administration of the exam at the most beneficial time of day to the student after consultation with the test contractor
4. Setting accommodations, including tests administered by a text examiner to a student at home or in the hospital

Modifications may include: (5 CCR 1216)

1. Arithmetic table, calculators, or math manipulatives on the mathematics section of the exam
2. Audio or oral presentation of the English/language arts section of the exam
3. Manually Coded English or American Sign Language to present test questions on the English/language arts section of the exam

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4. Spell checkers, grammar checkers, or word processing software programs that check or correct spelling and/or grammar on the writing portion of the exam
5. Mechanical or electronic devices or other assistive devices that are not used solely to record the student's responses, including but not limited to transcribers, scribes, voice recognition or voice-to-text software, and that identify a potential error in the student's response or that correct spelling, grammar, or conventions on the writing portion of the exam
6. Responses dictated orally, in Manually Code English, or in American Sign Language to provide an essay response to a scribe and the scribe provides spelling, grammar, and language conventions
7. Dictionary on any section of the exam

At least 30 working days before the proposed administration of the exam, the Superintendent or designee may submit a request to the CDE for a case-by-case review of a proposed variation that is not specified in law. (5 CCR 1218)

Waiver for Students with Disabilities

Note: Pursuant to 5 CCR 1216, students with disabilities who have taken the exam with one or more modifications that alter what the exam measures have not "successfully passed" the exam. The score report for the section(s) of the exam in which the modifications were used will be marked "not valid." However, if the score is equivalent to a passing score, the student may be eligible for a waiver pursuant to Education Code 60851. The waiver allows a student with a disability who has passed the exam with modifications to graduate from high school and receive a diploma even though, by definition, he/she has not successfully passed the exit exam. See E(1) and E(2) for a sample waiver request form and principal certification form.

The parent/guardian of a student who has taken any section of the exam with one or more modifications and has received the equivalent of a passing score may request that his/her child receive a waiver of the requirement to successfully pass the exam. Upon receipt of such request, the principal shall submit to the Governing Board a request for a waiver. The Board may waive the requirement if the principal certifies that the student has all of the following: (Education Code 60851)

Note: Education Code 60851 clarifies that, in order for a student to receive a waiver, his/her IEP or Section 504 plan must address the exit exam directly, as specified in item #1 below.

1. An IEP or Section 504 plan in place that requires the accommodations or modifications to be provided to the student when taking the exit exam
2. Sufficient high school level coursework either satisfactorily completed or in progress

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in the high school level curriculum sufficient to have attained the skills and knowledge otherwise needed to pass the exit exam

3. An individual score report showing that the student has received the equivalent of a passing score on the exam while using a modification that fundamentally alters what the exit exam measures as determined by the State Board of Education (SBE)

Note: Education Code 35146 authorizes a closed session of the Board for those actions involving a student for which disclosure of information during an open session would violate the privacy of student records protected from disclosure by state and federal law. Because the evaluation of the waiver application involves disclosure of the student's exit exam score and the contents of his/her IEP or Section 504 plan, it is CSBA's opinion that the Board should consider the waiver in closed session, although, as is the case with other actions involving student matters, the final action of the Board must be taken in open session. See BB 9321 - Closed Session Purposes and Agendas and BB 9321.1 - Closed Session Actions and Reports.

In order to protect the student's privacy rights, the waiver request shall be considered in closed session. Final Board action on the waiver request shall be taken in open session and shall be a matter of public record. The student's name shall not be disclosed in open session.

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

Exemption for Students with Disabilities in the Class of 2006

Note: As added by SB 517 (Ch. 3, Statutes of 2006), Education Code 60852.3, effective immediately, requires the district to grant a diploma to students with disabilities in the Class of 2006 who have not passed the exam, who have not received a waiver from the Board, and who meet the criteria specified below. This exemption is intended to create a process to grant a diploma to those students with disabilities who do not qualify for the waiver detailed above. This exemption process expires on December 31, 2006.

The district shall grant a diploma to a student with a disability who is scheduled to graduate from high school in 2006, has not passed the exit exam, and has not received a waiver pursuant to Education Code 60851 if all of the following criteria are satisfied: (Education Code 60852.3)

1. The student has an IEP or Section 504 plan.
2. The IEP or 504 plan states, as of July 1, 2005, that the student is scheduled to receive a high school diploma with an anticipated graduation from high school in 2006.
3. The district certifies that the student has satisfied or will satisfy all other state and district requirements for the receipt of a high school diploma in 2006.
4. The student has attempted to pass the exit exam at least twice after grade 10,

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including at least once during grade 12, with the accommodations or modifications, if any, specified in his/her IEP or Section 504 plan.

Note: As added by SB 517 (Ch. 3, Statutes of 2006), Education Code 60852.3 specifies that, in order to qualify for the exemption, a student must have received remedial or supplemental instruction focused on the exam. If the student has not taken such instruction, it must be because the district failed to provide the student with the instruction.

5. The student has received remedial or supplemental instruction focused on the exit exam either through the district, private tutoring, or other means. A student shall not be required to have satisfied the requirement to have received such instruction if the district has failed to provide the student with the opportunity to receive that remedial or supplemental instruction.

Note: Pursuant to Education Code 60852.3, as added by SB 517 (Ch. 3, Statutes of 2006), in order to qualify for the exemption, the student must take the exam at least once following the receipt of the remedial or supplemental instruction. However, if there is no further administration of the exam between the time the student received the instruction and the expiration of the law on December 31, 2006, then the student may still receive the exemption.

6. The student has taken the exit exam at least once following the receipt of any remedial or supplemental instruction as specified in item #5 above. However, this is not required if, following the receipt of that instruction, there is no further administration of the exam on or before December 31, 2006.
7. The parent/guardian of the student has acknowledged in writing that the student is entitled to receive free appropriate public education up to and including the academic year during which the student reaches 22 years of age or until the student receives a high school diploma, whichever occurs first.

Note: Pursuant to Education Code 60852.3, as added by SB 517 (Ch. 3, Statutes of 2006), if the district determines that a student with disabilities does not satisfy all of the criteria listed in items #1-7 above, the district must notify the State Board of Education (SBE) within 15 days of the decision. The SBE will review the Board's determination at its next meeting and, if the SBE determines that the student does satisfy the criteria that the district previously determined had not been met, then the SBE may direct the district to grant the student a diploma.

If the district determines that a student with a disability who is scheduled to graduate in the class of 2006 does not meet the criteria specified in items #1-7 above, the district shall submit documentation of the failure to grant the student a high school diploma to the SBE within 15 days of its determination. (Education Code 60852.3)

Note: As amended and added by SB 517 (Ch. 3, Statutes of 2006), Education Code 60851 and 60852.3 require that the district report the following items to the Superintendent of Public Instruction (SPI). The law

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requires the SPI to determine the manner and date by which the documentation listed below must be submitted. As of this writing, the SPI has not yet made that determination.

The Superintendent or designee shall report all of the following information to the SPI: (Education Code 60851, 60852.3)

1. The number and characteristics of waivers reviewed, granted, and denied under Education Code 60852.3
2. Documentation of the procedure used to implement Education Code 60852.3
3. The number of students granted a diploma pursuant to Education Code 60852.3
4. Other information as requested

Records

The Superintendent or designee shall maintain a summary data file of all students who participate in each test administration. This summary data file shall include the following information for the English/language arts section and the mathematics section for each test administration: (5 CCR 1205)

1. The date on which each section of the exam was taken
2. The full name of each student who took each section of the exam
3. The grade level of each student at the time each section of the exam was taken
4. Whether each student has satisfied the requirement to successfully pass each section of the exam

(cf. 3580 - District Records)

Note: 5 CCR 1207, as amended by Register 2005, No. 33, specifies the information that must be provided to the test contractor.

In addition, the Superintendent or designee shall provide the test contractor with the student demographic information specified in 5 CCR 1207.

Within 60 days of receiving electronic data files from the test contractor, the Superintendent or designee shall enter the following information in each student's permanent record: (5 CCR 1206)

1. The date on which the student took each section of the exam

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2. Whether the student has satisfied the requirement to successfully pass each section of the exam

(cf. 5125 - Student Records)

Notifications

Note: Education Code 60850 provides that the exam cannot be administered to students who have not received adequate written notice through the annual notification process pursuant to Education Code 48980 or at the time a student transfers into the district. Although Education Code 48980 specifies that the notification should inform parents/guardians that the exit exam requirement is effective beginning in the 2003-04 school year, SBE action delayed implementation of the requirement until the class of 2006; see the accompanying Board policy and BP/AR 6146.1 - High School Graduation Requirements. 5 CCR 1208 requires districts to maintain records of the written notification sent to each parent/guardian.

At the beginning of each school year, the Superintendent or designee shall provide written notification of the exit exam requirement to all students in grades 9-12 and to their parents/guardians. Such notification shall also be provided to any student who transfers into the district after the beginning of the school year at the time of the student's transfer. The notification shall include, at a minimum, the date of the exam, the requirements for passing the exam, the consequences of not passing the exam, and shall inform the parent/guardian that passing the exam is a condition of graduation. The Superintendent or designee shall maintain documentation that the parent/guardian of each student has been sent this written notification. (Education Code 48980, 60850; 5 CCR 1208)

(cf. 5145.6 - Parental Notifications)

(cf. 6146.1 - High School Graduation Requirements)

Prior to each administration of the exam, the Superintendent or designee shall notify students of the provisions of 5 CCR 1220 related to the consequences of cheating. (5 CCR 1220)

Note: Education Code 60851 requires that the parent/guardian initiate the request for the Board to waive the exit exam requirement for a student with disabilities, who has taken the exam with modifications and received the equivalent of a passing score; see section above entitled "Waiver for Students with Disabilities." The following **optional** paragraph ensures that parents/guardians receive information about the requirements for obtaining such a waiver for their child.

The principal or designee shall notify parents/guardians of students with disabilities about the criteria and process for applying for a waiver of the requirement to successfully pass the exit exam.

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