

COMMISSION ON STATE MANDATES

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April 12, 2006

Mr. David E. Scribner
Schools Mandate Group
One Capitol Mall, Suite 200
Sacramento CA 95814

And Interested Parties and Affected State Agencies (See Enclosed Mailing List)

RE: Staff Analysis and Proposed Parameters and Guidelines
High School Exit Examination, 00-TC-06
Trinity Union High School District, Claimant
Education Code Sections 60850, 60851, 60853, 60855
Statutes 1999x, Chapter 1; Statutes 1999, Chapter 135
California Code of Regulations, Title 5, Sections 1200 – 1225

Dear Mr. Scribner:

The final staff analysis and proposed parameters and guidelines are enclosed.

Hearing

This matter is set for hearing on **April 26, 2006**, at 10:00 a.m. at the **Department of Social Services Building, 744 P Street, First Floor, Auditorium**, Sacramento, California. This item will be scheduled for the consent calendar unless any party objects. Please let us know in advance if you or a representative of your agency will testify at the hearing, and if other witnesses will appear. If you would like to request postponement of the hearing, please refer to section 1183.01, subdivision (c), of the Commission's regulations.

Special Accommodations

For any special accommodations such as a sign language interpreter, an assistive listening device, materials in an alternative format, or any other accommodations, please contact the Commission Office at least five to seven *working* days prior to the meeting.

If you have any questions, please contact Tina Poole at (916) 323-8220.

Sincerely,

PAULA HIGASHI
Executive Director

Enclosures

ITEM 12
PROPOSED PARAMETERS AND GUIDELINES
FINAL STAFF ANALYSIS

Education Code Sections 60850, 60851, 60853, and 60855

Statutes 1999x, Chapter 1

Statutes 1999, Chapter 135

High School Exit Examination (00-TC-06)

Trinity Union High School District, Claimant

EXECUTIVE SUMMARY

On March 25, 2004, the Commission adopted the Statement of Decision for *High School Exit Examination* (00-TC-06). The Commission found that the test claim legislation constitutes a new program or higher level of service and imposes a state-mandated program on school districts within the meaning of article XIII B, section 6, of the California Constitution and Government Code section 17514.¹ Accordingly, the Commission approved this test claim for the following reimbursable activities:

- **Adequate notice:** notifying parents of *transfer* students who enroll after the first semester or quarter of the regular school term that, commencing with the 2003-04 school year, and each school year thereafter, each pupil completing 12th grade will be required to successfully pass the High School Exit Exam (HSEE).
- **Documentation of adequate notice:** maintaining documentation that the parent or guardian of each pupil received written notification of the HSEE.
- **Determining English language skills:** determining whether English-learning pupils possess sufficient English language skills at the time of the HSEE to be assessed with the HSEE.
- **HSEE administration:** administration of the HSEE, on designated dates to specified pupils excluding a teacher's time administering the HSEE.
- **Test security/cheating:** maintaining test security.
- **Reporting data to the Superintendent of Public Instruction (SPI):** providing specific HSEE data on each pupil tested to the SPI or independent evaluators or the publisher.

The Commission denied any remaining alleged costs or activities because they do not impose a new program or higher level of service, and do not impose costs mandated by the state as detailed in Attachment A.

¹ Exhibit A.

Staff Analysis

Staff reviewed the claimant's proposal and the comments received. Staff made non-substantive, technical changes for purposes of clarification, consistency with language in recently adopted parameters and guidelines and conformity to the Statement of Decision and statutory language. Substantive changes were made to the following sections of the claimant's proposed parameters and guidelines.

I. Summary of the Mandate

Staff revised this section to summarize the reimbursable activities and identify the non-reimbursable activities.

IV. Reimbursable Activities

Amended Regulations

The HSEE regulations have been amended since the adoption of the Statement of Decision. Therefore, staff modified the citations for several of the reimbursable activities to conform to the current regulations.

Notice of Test Requirements to Parents

The Commission added the activity of notifying the parents of certain transfer students that each pupil completing the 12th grade must successfully pass the HSEE. This activity was identified in the Statement of Decision, but was not included in the claimant's proposal. Staff also revised the parameters and guidelines to specify reasonable methods of notifying parents.

English Language Skills

Staff modified this activity to include references to the code sections.

Administration of the High School Exit Exam

1. Staff added the reference to the Superintendent of Public Instruction (SPI) to be consistent with the Statement of Decision.
2. The Commission found that the teacher time during the regular school day to administer the HSEE is not reimbursable. To ensure this exclusion is clear, staff modified the language to specifically state that a teacher's time during the school day is not reimbursable for all the activities listed within the "HSEE administration" activity.
3. The claimant's proposal did not include the activity under "HSEE administration" of allowing students to have additional time to complete the HSEE as stated in the Statement of Decision. Therefore staff added this activity. Staff also modified the description of the person administering the test to conform to the current regulations.
4. To conform to the regulations and Statement of Decision, staff added language to the activity of accurately identifying pupils to specify that the school personnel at the test site are responsible for positive identification.

District Coordinator and Test Site Coordinator

For increased clarity, staff separated the duties of the district coordinator and test site coordinator and added language identified in the Statement of Decision to the description of these duties.

VII. Offsetting Savings and Reimbursements

Staff added language specifying that reimbursement for the program must be offset by funding already provided each year in the state budget for the HSEE program, including federal funds so designated.

Staff Recommendation

Staff recommends that the Commission adopt the draft parameters and guidelines, as prepared by staff, beginning on page 9.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

Claimants

Trinity Union High School District

Chronology

01/25/01	Claimant, Trinity Union High School District filed test claim
03/25/04	Commission on State Mandates (Commission) adopted Statement of Decision
04/30/04	Claimant submitted Proposed Parameters and Guidelines
07/19/04	State Controller's Office (SCO) submitted comments
12/09/05	Pre-hearing conference
03/17/06	Commission staff issued Draft Staff Analysis and Proposed Parameters and Guidelines
04/12/06	Final staff analysis and proposed parameters and guidelines issued

Background and Summary of the Claim

On March 25, 2004, the Commission adopted the Statement of Decision for *High School Exit Examination* (00-TC-06). The Commission found that the test claim legislation constitutes a new program or higher level of service and imposes a state-mandated program on school districts within the meaning of article XIII B, section 6, of the California Constitution and Government Code section 17514.² Accordingly, the Commission approved this test claim for the following reimbursable activities:

- **Adequate notice:** notifying parents of *transfer* students who enroll after the first semester or quarter of the regular school term that, commencing with the 2003-04 school year, and each school year thereafter, each pupil completing 12th grade will be required to successfully pass the High School Exit Exam (HSEE).
- **Documentation of adequate notice:** maintaining documentation that the parent or guardian of each pupil received written notification of the HSEE.
- **Determining English language skills:** determining whether English-learning pupils possess sufficient English language skills at the time of the HSEE to be assessed with the HSEE.
- **HSEE administration:** administration of the HSEE, on designated dates to specified pupils excluding a teacher's time administering the HSEE.
- **Test security/cheating:** maintaining test security.
- **Reporting data to the Superintendent of Public Instruction (SPI):** providing specific HSEE data on each pupil tested to the SPI or independent evaluators or the publisher.

The Commission denied any remaining alleged costs or activities because they do not impose a new program or higher level of service, and do not impose costs mandated by the state as detailed in Attachment A.

² Exhibit A.

Discussion

Staff reviewed the claimant's proposal³ and the comments received. Staff made non-substantive, technical changes for purposes of clarification, consistency with language in parameters and guidelines, and conformity to the Statement of Decision and statutory language. Substantive changes were made to the claimant's proposed parameters and guidelines. A draft staff analysis was issued on March 17, 2006. No comments were received on the draft. The substantive changes are as follows:

I. Summary of the Mandate

In comments dated July 19, 2004, the SCO requested that information regarding the history of the mandate and non-reimbursable activities be included in this section rather than duplicating the reimbursable activities in Section IV.⁴ Staff finds that the summary information provided by the claimant is consistent with language included in all parameters and guidelines; however duplication of the reimbursable activities is not necessary. Also, staff finds that identification of the non-reimbursable activities would be useful. Therefore staff summarized the reimbursable activities and identified the non-reimbursable activities.

IV. Reimbursable Activities

Amended Regulations

The HSEE regulations have been amended twice since the adoption of the Statement of Decision.⁵ Therefore, staff modified the citations for several of the reimbursable activities to conform to the current regulations. Also, since California Code of Regulations, title 5, section 1212 was repealed on May 19, 2004, the activity of "delivering HSEE booklets to the school test site no more than two working days before administering the test" is now only reimbursable until May 19, 2004. Staff revised the parameters and guidelines to clarify that reimbursement for this activity ends on May 18, 2004. Because section 1207 added additional data that must be submitted to the state after the Statement of Decision was adopted for HSEE, staff noted these changes are not reimbursable under these parameters and guidelines.

Unit Cost

The SCO commented that the use of a unit cost reimbursement should be considered for several of the reimbursable activities. The issue of unit cost was discussed at a prehearing conference on December 9, 2005. However it was decided that because there is currently no audited data, a unit cost could not be determined at this time.

Notice of Test Requirements to Parents

The Commission found that notifying the parents of certain transfer students that each pupil completing the 12th grade must successfully pass the HSEE is reimbursable. The SCO commented that this activity was identified in the Statement of Decision, but was not included in the claimant's proposal. Staff concurred with the SCO and added this activity. The SCO further commented that the proposed parameters and guidelines should clarify the method of notifying

³ Exhibit B.

⁴ Exhibit C.

⁵ Amendments dated May 19, 2004 and August 16, 2005.

parents. Staff finds that having the notice delivered by the student or by U.S. Mail are reasonable methods of complying with this mandate and modified the language accordingly.

The SCO stated that the proposed parameters and guidelines fail to provide guidance regarding the acceptable documentation of the notice. Staff finds that retaining a copy of the notice or a record of mailing the notice are reasonable methods of complying with the mandate and added this language. The SCO also stated that the proposed parameters and guidelines do not clarify how long this documentation should be retained. Section VI. of the parameters and guidelines, Records Retention, clarifies that under Government Code section 17558.5, all records used to support reimbursement claims shall be retained for the time period during which the reimbursement claim is subject to audit by the State Controller's Office. Staff finds that Section VI. Record Retention provides adequate guidance regarding record retention, and therefore, no additional language was added.

English Language Skills

The SCO commented that the claimant's proposed activity "Determining English language skills" fails to define an "English learner pupil" or method and evaluation criteria for determining if a student possesses sufficient English language skills at the time of the HSEE. English learner pupil is defined in Education Code section 435, subdivision (a), and the evaluation criteria for determining if a student possesses sufficient English language skills are found in Education Code section 313. Staff modified this activity to include references to these code sections.

Administration of the High School Exit Exam

5. The SCO noted that the claimant's proposal for the activity "HSEE administration" should have referred to the Superintendent of Public Instruction (SPI) designated dates to be consistent with the Statement of Decision. Staff agrees, and modified this language to conform to the Statement of Decision.
6. The Commission found that the teacher time during the regular school day to administer the HSEE is not reimbursable. The SCO stated that the claimant's proposal does not include this exclusion for training activities included under HSEE Administration. Staff notes that the claimant did include the teacher time exclusion, consistent with the Statement of Decision. However, to ensure this exclusion is clear, staff modified the language to specifically state that a teacher's time during the school day is not reimbursable for all the activities listed within the "HSEE administration" activity.
7. The SCO stated that the claimant's proposal did not include the activity under "HSEE administration" of allowing students to have additional time to complete the HSEE as stated in the Statement of Decision. Staff concurs with the SCO that under section 1211 of the regulations, students may have additional time to complete the HSEE, and added this activity. However, there have been changes to the HSEE regulations since the adoption of the Statement of Decision. The 'Test administrator' is no longer defined as a certificated employee (former section 1200 (g)). The 'Test Administrator' designation is gone and is now 'Test Examiner' (section 1200, subds. (h)). The Test Examiner is not required to be a certificated employee or hold a service credential, so this requirement was deleted. Therefore staff modified the description of the person administering the test to conform to the current regulations.

8. The SCO proposed that the activity of accurately identifying pupils, under HSEE administration, include language that the school personnel at the test site are responsible for positive identification as specified in the Statement of Decision. Staff finds that the language proposed by the SCO is consistent with section 1203 of the regulations and the Statement of Decision, and therefore, added this language.

District Coordinator and Test Site Coordinator

For increased clarity, the SCO requested that the duties of the district coordinator and test site coordinator be separated and that language identified in the Statement of Decision be added to the description of the district coordinator’s duties and the test site coordinator’s duties in the parameters and guidelines. Staff finds that the SCO request is consistent with the Statement of Decision and modified this language accordingly.

V. Claim Preparation and Submission

The SCO commented that the claimant’s proposal included incorrect boilerplate language in section V.B. Indirect Cost Rates. Staff disagrees. The claimant’s proposal is consistent with current boilerplate language that is used for school district claims. Therefore, no changes to the language were made.

VII. Offsetting Savings and Reimbursements

In addition to proposed boilerplate language, staff specified in this section that reimbursement for the program must be offset by funding already provided each year in the state budget for the HSEE program, including federal funds so designated.

Staff Recommendation

Staff recommends that the Commission adopt the claimant’s proposed parameters and guidelines, as modified by staff, beginning on page 9.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

**Claimants' PROPOSED PARAMETERS AND GUIDELINES,
AS MODIFIED BY STAFF**

Education Code Sections 60850, 60851, 60853, and 60855

Statutes of 1999x, Chapter 1
Statutes of 1999, Chapter 135

California Code of Regulations, Title 5, Sections 1200-1225
(regulations effective July 20, 2001 [Register 01, No. 25],
regulations effective May 1, 2003 [Register 03, No. 18])

High School Exit Examination (00-TC-06)

Trinity Union High School District, Claimant

I. SUMMARY OF THE MANDATE

On March 25, 2004, the Commission on State Mandates (“Commission”) adopted the Statement of Decision for the *High School Exit Examination (00-TC-06)* program test claim. The Commission found that Education Code sections 60850, 60851, 60853, and 60855 as added in 1999 along with California Code of Regulations, Title 5, sections 1200-1225 that became effective in 2001 and 2003 constitute a new program or higher level of service and impose a reimbursable state-mandated program upon school districts within the meaning of article XIII B, section 6, of the California Constitution and Government Code section 17514. The regulations were amended in May 2004 and August 2005 to add additional activities which were not included in the test claim decision and are not reimbursable under these parameters and guidelines. ~~Accordingly, the~~The Commission approved this test claim for the following reimbursable activities:

Adequate notice: notifying parents of transfer students who enroll after the first semester or quarter of the regular school term that, commencing with the 2003-04 school year, and each school year thereafter, each pupil completing 12th grade will be required to successfully pass the High School Exit Exam (HSEE).

Documentation of adequate notice: maintaining documentation that the parent or guardian of each pupil received written notification of the HSEE. ~~(Cal. Code Regs., tit. 5, § 1208.)~~

Determining English language skills: determining whether English-learning pupils possess sufficient English language skills at the time of the HSEE to be assessed with the HSEE. ~~(Cal. Code Regs., tit. 5, § 1217.5.)~~

HSEE administration: administration of the HSEE, on designated dates to specified pupils, excluding a teacher’s time administering the HSEE.

Test security/cheating: maintaining test security.

Reporting data to the Superintendent of Public Instruction (SPI): providing specific HSEE data on each pupil to the SPI or independent evaluators or the publisher.

~~**HSEE administration:** Administration of the HSEE on designated dates to all pupils in grade 10 beginning in the 2001-02 school year, and subsequent administrations for students who do not pass until each section of the HSEE has been passed, and administration of the HSEE on~~

designated dates to pupils in grade 9 only in the 2000-01 school year who wish to take the HSEE (Ed. Code, § 60851, subd. (a).), except a teacher's time administering the HSEE is not a new program or higher level of service. Administration is limited to the following activities specified in the regulations:

- Training a test administrator either by a test site or district coordinator as provided in the test publisher's manual (Cal. Code Regs., tit. 5, §§ 1200, subd. (g) and 1210, subd. (b)(3).);
-
- Accurately identifying eligible pupils who take the HSEE through the use of photo-identification, positive recognition by the test administrator, or some equivalent means of identification (Cal. Code Regs., tit. 5, § 1203);
- Maintaining a record of all pupils who participate in each test cycle of the HSEE, including the date each section was offered, the name and grade level of each pupil who took each section, and whether each pupil passed or did not pass the section or sections of the HSEE taken (Cal. Code Regs., tit. 5, § 1205);
- Maintaining in each pupil's permanent record and entering in it prior to the subsequent test cycle the following: the date the pupil took each section of the HSEE and whether or not the pupil passed each section of the HSEE (Cal. Code Regs., tit. 5, § 1206);
- Designation by the district superintendent, on or before July 1 of each year, of a district employee as the HSEE district coordinator, and notifying the publisher of the HSEE of the identity and contact information of that individual (Cal. Code Regs., tit. 5, § 1209);
- For the district coordinator and superintendent, within seven days of completion of the district testing, to certify to CDE that the district has maintained the security and integrity of the exam, collected all data and information as required, and returned all test materials, answer documents, and other materials included as part of the HSEE in the manner required by the publisher (Cal. Code Regs., tit. 5, § 1209);
- Designation annually by the district superintendent a HSEE test site coordinator for each test site (as defined) from among the employees of the school district who is to be available to the HSEE district coordinator to resolve issues that arise as a result of administration of the HSEE (Cal. Code Regs., tit. 5, § 1210);
- Also, the HSEE district coordinator's duties listed in section 1209 and the HSEE test site coordinator's duties listed in section 1210 and referenced below (except for a teacher's time in administering the HSEE during the school day);
 - o District Coordinator duties are: (1) responding to inquiries of the publisher, (2) determining district and school HSEE test material needs, (3) overseeing acquisition and distribution of the HSEE, (4) maintaining security over the HSEE using the procedures in section 1211, (5) overseeing administration of the HSEE, (6) overseeing collection and return of test material and test data to the publisher, (7) assisting the publisher in resolving discrepancies in the test information and materials, (8) ensuring all exams and materials

are received from school test sites no later than the close of the school day on the school day following administration of the HSEE, (9) ensuring all exams and materials received from school test sites have been placed in a secure district location by the end of the day following administration of those tests, (10) ensuring that all exams and materials are inventoried, packaged, and labeled in accordance with instructions from the publisher and ensuring the materials are ready for pick up by the publisher no more than five working days following administration of either section in the district, (11) ensuring that the HSEE and test materials are retained in a secure, locked location in the unopened boxes in which they were received from the publisher from the time they are received in the district until the time of delivery to the test sites; (12) within seven days of completion of the district testing, certifying with the Superintendent to CDE that the district has maintained the security and integrity of the exam, collected all data and information as required, and returned all test materials, answer documents, and other materials included as part of the HSEE in the manner required by the publisher.

o Test site coordinator's duties are: (1) determining site examination and test material needs; (2) arranging for test administration at the site; (3) training the test administrator(s) as provided in the test publisher's manual; (4) completing the Test Security Agreement and Test Security Affidavit prior to the receipt of test materials; (5) overseeing test security requirements, including collecting and filing all Test Security Affidavit forms from the test administrators and other site personnel involved with testing; (6) maintaining security over the examination and test data as required by section 1211; (7) overseeing the acquisition of examinations from the school district and the distribution of examinations to the test administrator(s); (8) overseeing the administration of the HSEE to eligible pupils at the test site; (9) overseeing the collection and return of all testing materials to the HSEE district coordinator no later than the close of the school day on the school day following administration of the high school exit examination; (10) assisting the HSEE district coordinator and the test publisher in the resolution of any discrepancies between the number of examinations received from the HSEE district coordinator and the number of examinations collected for return to the HSEE district coordinator; (11) overseeing the collection of all pupil data as required to comply with sections 1204, 1205, and 1206 of the title 5 regulations; (12) within three (3) working days of completion of site testing, certifying with the principal to the HSEE district coordinator that the test site has maintained the security and integrity of the examination, collected all data and information as required, and returned all test materials, answer documents, and other materials included as part of the HSEE in the manner and as otherwise required by the publisher.

- Delivery of HSEE booklets to the school test site no more than two working days before the test is to be administered (Cal. Code Regs., tit. 5, § 1212.).

Test security/cheating: For HSEE test site coordinators to ensure that strict supervision is maintained over each pupil being administered the HSEE, both while in the testing room and during any breaks (Cal. Code Regs., tit. 5, § 1211, subd. (a).);

- Limiting access to the HSEE to pupils taking it and employees responsible for its administration (Cal. Code Regs., tit. 5, § 1211, subd. (b).);
- Having all HSEE district and test site coordinators sign the HSEE Test Security Agreement set forth in subdivision (d) of section 1211 of the title 5 regulations (Cal. Code Regs., tit. 5, § 1211, subd. (c).);
- Abiding by the Test Security Agreement by limiting access to persons in the district with a responsible, professional interest in the test's security. The Agreement also requires the coordinator to keep on file the names of persons having access to exam and test materials, and who are required to sign the HSEE Test Security Affidavit, and requires coordinators to keep the tests and test materials in a secure, locked location, limiting access to those responsible for test security, except on actual testing dates (Cal. Code Regs., tit. 5, § 1211, subd. (d).);
- HSEE test site coordinators deliver the exams and test materials only to those actually administering the exam on the date of testing and only on execution of the HSEE Test Security Affidavit (Cal. Code Regs., tit. 5, § 1211, subd. (e).);
- For persons with access to the HSEE (including test site coordinators and test administrators) to acknowledge the limited purpose of their access to the test by signing the HSEE Test Security Affidavit set forth in subdivision (g) (Cal. Code Regs., tit. 5, § 1211, subd. (f).);
- HSEE district and test site coordinators control of inventory and use of appropriate inventory control forms to monitor and track test inventory (Cal. Code Regs., tit. 5, § 1211 subd. (h).);
- Being responsible for the security of the test materials delivered to the district until the materials have been inventoried, accounted for, and delivered to the common or private carrier designated by the publisher (Cal. Code Regs., tit. 5, § 1211, subd. (i).);
- Providing secure transportation within the district for test materials once they have been delivered to the district (Cal. Code Regs., tit. 5, § 1211, subd. j).); and
— Marking the test “invalid” and not scoring it for any pupil found to have cheated or assisted others in cheating, or who has compromised the security of the HSEE, and notifying each eligible pupil before administration of the HSEE of these consequences of cheating (Cal. Code Regs., tit. 5, § 1220).

Reporting data to the SPI: Providing HSEE data to the SPI or independent evaluators or the publisher is a new program or higher level of service. Specifically, providing the following information on each pupil tested: (1) date of birth, (2) grade level, (3) gender, (4) language fluency and home language, (5) special program participation, (6) participation in free or reduced priced meals, (7) enrolled in a school that qualifies for assistance under Title I of the Improving America's School Act of 1994, (8) testing accommodations, (9) handicapping condition or disability, (10) ethnicity, (11) district mobility, (12) parent education, (13) post high school

~~plans. (§ 1207); and reporting to the CDE the number of examinations for each test cycle within ten (10) working days of completion of each test cycle in the school district, and for the district superintendent to certify the accuracy of this information submitted to CDE (§ 1225) are new programs or higher levels of service.~~

The Commission denied any remaining alleged costs or activities, as identified on Attachment A, because they do not impose a new program or higher level of service, and do not impose costs mandated by the state.

II. ELIGIBLE CLAIMANTS

Any “school district” as defined in Government Code section 17519, except for community colleges, which incurs increased costs as a direct result of this reimbursable state--mandated program is eligible to claim reimbursement of those costs. Charter schools are not eligible claimants.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557 states that a test claim must be submitted on or before June 30 following a given fiscal year to establish eligibility for that fiscal year. The test claim for this mandate was filed on January 25, 2001. Therefore, the costs incurred for compliance with Statutes of 1999x, Chapter 1 and Statutes of 1999, Chapter 135 are eligible for reimbursement on or after July 1, 2000.

Actual costs for one fiscal year should be included in each claim. Estimated costs for the subsequent year may be included on the same claim, if applicable. Pursuant to Government Code section 17561, subdivision (d)(~~21~~)(A), all claims for reimbursement of initial fiscal year costs shall be submitted to the State Controller within 120 days of the issuance date for the claiming instructions.

If the total costs for a given fiscal year do not exceed \$1,000, no reimbursement shall be allowed, except as otherwise allowed by Government Code section 17564.

IV. REIMBURSABLE ACTIVITIES

To be eligible for mandated cost reimbursement for any fiscal year, only actual costs may be claimed. Actual costs are those costs actually incurred to implement the mandated activities.

Actual costs must be traceable and supported by source documents that show the validity of such costs, when they were incurred, and their relationship to the reimbursable activities. A source document is a document created at or near the same time the actual cost was incurred for the event or activity in question. Source documents may include, but are not limited to, employee time records or time logs, sign-in sheets, invoices, and receipts.

Evidence corroborating the source documents may include, but is not limited to, worksheets, cost allocation reports (system generated), purchase orders, contracts, agendas, and declarations.

Declarations must include a certification or declaration stating, “I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct,” and must further comply with the requirements of Code of Civil Procedure section 2015.5.

Evidence corroborating the source documents may include data relevant to the reimbursable activities otherwise in compliance with local, state, and federal government requirements.

However, corroborating documents cannot be substituted for source documents.

The claimant is only allowed to claim and be reimbursed for increased costs for the reimbursable activities identified below. Increased cost is limited to the cost of an activity that the claimant is required to incur as a result of the mandate.

For each eligible claimant, the following activities are reimbursable:

~~A. Ongoing Activities~~

A. Adequate notice: Notifying parents of *transfer* students who enroll after the first semester or quarter of the regular school term that, commencing with the 2003-04 school year, and each school year thereafter, each pupil completing 12th grade will be required to successfully pass the HSEE. The notification shall include, at a minimum, the date of the HSEE, the requirements for passing the HSEE, the consequences of not passing the HSEE, and that passing the HSEE is a condition of graduation (Ed. Code, § 60850, subs. (e)(1) & (f)(1)). Reimbursement is provided for notices delivered by the student or by U.S. Mail.

1B. Documentation of adequate notice: Maintaining documentation that the parent or guardian of each pupil received written notification of the HSEE. (Cal. Code Regs., tit. 5, § 1208.) Documentation may include a written copy of the notice or a record of mailing the notice.

2C. Determining English language skills: Determining whether English-learning pupils¹ possess sufficient English language skills at the time of the HSEE to be assessed² with the HSEE (Cal. Code Regs., tit. 5, § 1217~~.5~~.)

3D. HSEE administration: Administration of the HSEE on SPI designated dates to all pupils in grade 10 beginning in the 2001-2002 school year, and subsequent administrations for students who do not pass until each section of the HSEE has been passed, and administration of the HSEE on SPI designated dates to pupils in grade 9 only in the 2000-2001 school year who wish to take the HSEE (Ed. Code, § 60851, subd. (a).) ~~except~~

A teacher's time administering the HSEE during the school day is not reimbursable for any of the following activities ~~a new program or higher level of service~~. Administration is limited to the following activities specified in the regulations:

~~ø1.~~ Training a test ~~administrator~~ examiner either by a test site or district coordinator as provided in the test publisher's manual (Cal. Code Regs., tit. 5, §§ 1200, subd. (g) and 1210, subd. ~~(c)~~ (3)).

~~2.~~ Allowing pupils to have additional time to complete the HSEE within the test security limits provided in section 1211, but only if additional time is not specified in the pupil's Individual Education Program (IEP) (§ 1215, subd. (a)(1)).

~~ø3.~~ Accurately identifying eligible pupils who take the HSEE by school personnel at the test site through the use of photo-identification, positive recognition by the test ~~administrator~~ examiner, or some equivalent means of identification. (Cal. Code Regs., tit. 5, § 1203.)

¹ As defined in Education Code section 435, subdivision (a).

² Criteria are identified in Education Code section 313.

- ~~e4.~~ Maintaining a record of all pupils who participate in each test cycle of the HSEE, including the date each section was offered, the name and grade level of each pupil who took each section, and whether each pupil passed or did not pass the section or sections of the HSEE taken. (Cal. Code Regs., tit. 5, § 1205.)
- ~~e5.~~ Maintaining in each pupil's permanent record and entering in it prior to the subsequent test cycle the following: the date the pupil took each section of the HSEE and whether or not the pupil passed each section of the HSEE. (Cal. Code Regs., tit. 5, § 1206.)
- ~~e6.~~ Designation by the district superintendent, on or before July 1 of each year, of a district employee as the HSEE district coordinator, and notifying the publisher of the HSEE of the identity and contact information of that individual. (Cal. Code Regs., tit. 5, § 1209.)
7. For the district coordinator and superintendent, within seven days of completion of the district testing, to certify to CDE that the district has maintained the security and integrity of the exam, collected all data and information as required, and returned all test materials, answer documents, and other materials included as part of the HSEE in the manner required by the publisher. (Cal. Code Regs., tit. 5, § 1209.)
8. Designation annually by the district superintendent a HSEE test site coordinator for each test site (as defined) from among the employees of the school district who is to be available to the HSEE district coordinator to resolve issues that arise as a result of administration of the HSEE. (Cal. Code Regs., tit. 5, § 1210)
- ~~e9.~~ ~~Also, the~~The HSEE district coordinator's duties listed in section 1209 ~~and the HSEE test site coordinator's duties listed in section 1210~~ and referenced below. ~~(except for a teacher's time in administering the HSEE during the school day);~~
- District Coordinator duties are: (1) responding to inquiries of the publisher, (2) determining district and school HSEE test material needs, (3) overseeing acquisition and distribution of the HSEE, (4) maintaining security over the HSEE using the procedures in section 1211, (5) overseeing administration of the HSEE in accordance with the manuals or other instructions provided by the test publisher for administering and returning the test, (6) overseeing collection and return of test material and test data to the publisher, (7) assisting the publisher in resolving discrepancies in the test information and materials, (8) ensuring all exams and materials are received from school test sites no later than the close of the school day on the school day following administration of the HSEE, (9) ensuring all exams and materials received from school test sites have been placed in a secure district location by the end of the day following administration of those tests, (10) ensuring that all exams and materials are inventoried, packaged, and labeled in accordance with instructions from the publisher and ensuring the materials are ready for pick-up by the publisher no more than five working days following administration of either section in the district, (11) ensuring that the HSEE and test materials are retained in a secure, locked location in the unopened boxes in which they were received from the publisher from the time they are received in the district until the time of delivery to the test sites; (12) within seven

days of completion of the district testing, certifying with the Superintendent to CDE that the district has maintained the security and integrity of the exam, collected all data and information as required, and returned all test materials, answer documents, and other materials included as part of the HSEE in the manner required by the publisher.

10. The HSEE test site coordinator's duties listed in section 1210 and referenced below. This individual is to be available to the HSEE district coordinator to resolve issues that arise as a result of administration of the HSEE.

Test site coordinator's duties are: (1) determining site examination and test material needs; (2) arranging for test administration at the site; (3) training the test ~~administrator~~ examiner(s) as provided in the test publisher's manual; (4) completing the Test Security Agreement and Test Security Affidavit prior to the receipt of test materials; (5) overseeing test security requirements, including collecting and filing all Test Security Affidavit forms from the test ~~administrator~~ examiners and other site personnel involved with testing; (6) maintaining security over the examination and test data as required by section 1211; (7) overseeing the acquisition of examinations from the school district and the distribution of examinations to the test ~~administrator~~ examiner(s); (8) overseeing the administration of the HSEE to eligible pupils at the test site; (9) overseeing the collection and return of all testing materials to the HSEE district coordinator no later than the close of the school day on the school day following administration of the high school exit examination; (10) assisting the HSEE district coordinator and the test publisher in the resolution of any discrepancies between the number of examinations received from the HSEE district coordinator and the number of examinations collected for return to the HSEE district coordinator; (11) overseeing the collection of all pupil data as required to comply with sections ~~1204, 1205, and 1206~~ and 1207 of the title 5 regulations; (12) within three (3) working days of completion of site testing, certifying with the principal to the HSEE district coordinator that the test site has maintained the security and integrity of the examination, collected all data and information as required, and returned all test materials, answer documents, and other materials included as part of the HSEE in the manner and as otherwise required by the publisher. The principal's activities may or may not be reimbursable, depending on whether the principle is acting as an HSEE district or test-site coordinator or test examiner.

11. Delivery of HSEE booklets to the school test site no more than two working days before the test is to be administered. (Cal. Code Regs., tit. 5, § 1212.) This activity was repealed on May 19, 2004, therefore this activity is not reimbursable after May 18, 2004.

5E. **Test security/cheating:** Doing the following to maintain security:

1. For HSEE test site coordinators to ensure that strict supervision is maintained over each pupil being administered the HSEE, both while in the testing room and during any breaks (~~Cal. Code Regs., tit. 5, § 1211~~ 1210, subd. (a)-(c)(7)(B).)

2. Limiting access to the HSEE to pupils taking it and employees responsible for its administration (~~Cal. Code Regs., tit. 5, § 1211~~, subd. (b))~~;~~.

- e3. Having all HSEE district and test site coordinators sign the HSEE Test Security Agreement set forth in subdivision (~~db~~) of section 1211.5 of the title 5 regulations. (Cal. Code Regs., tit. 5, § ~~1211.5~~1210, subd. (c)(~~5~~5).)
- e4. Abiding by the Test Security Agreement by limiting access to persons in the district with a responsible, professional interest in the test's security. The Agreement also requires the coordinator to keep on file the names of persons having access to exam and test materials, and who are required to sign the HSEE Test Security Affidavit, and requires coordinators to keep the tests and test materials in a secure, locked location, limiting access to those responsible for test security, except on actual testing dates. (Cal. Code Regs., tit. 5, § ~~1210~~1210 (c)(~~5~~5), § 1211, subd. (~~da~~), § ~~1211.5~~1211.5 (b)(~~4~~4).)
- e5. HSEE test site coordinators deliver the exams and test materials only to those actually administering the exam on the date of testing and only on execution of the HSEE Test Security Affidavit (Cal. Code Regs., tit. 5, § ~~1211.5~~1210, subd. (~~ec~~)(~~7~~)(~~A~~A).)
- e6. For persons with access to the HSEE (including test site coordinators and test ~~administrators~~examiners) to acknowledge the limited purpose of their access to the test by signing the HSEE Test Security Affidavit set forth in subdivision (g). (Cal. Code Regs., tit. 5, § 1211.5, subd. (~~fc~~)).
- e7. HSEE district and test site coordinators control of inventory and use of appropriate inventory control forms to monitor and track test inventory. (Cal. Code Regs., tit. 5, § 1211 subd. (~~hb~~)).
- e8. Being responsible for the security of the test materials delivered to the district until the materials have been inventoried, accounted for, and delivered to the common or private carrier designated by the publisher. (Cal. Code Regs., tit. 5, § 1211, subd. (~~ic~~)).
- e9. Providing secure transportation within the district for test materials once they have been delivered to the district. (Cal. Code Regs., tit. 5, § 1211, subd. (~~dj~~)).
~~and,~~
- e10. ~~Marking the test "invalid" and not~~Not scoring ~~it the test~~ for any pupil found to have cheated or assisted others in cheating, or who has compromised the security of the HSEE, and notifying each eligible pupil before administration of the HSEE of these consequences of cheating. (Cal. Code Regs., tit. 5, § 1220.)

6F. Reporting data to the SPI: Providing HSEE data to the SPI or independent evaluators or the publisher is ~~reimbursable~~~~a new program or higher level of service~~. Specifically, providing the following information on each pupil tested: (1) date of birth, (2) grade level, (3) gender, (4) language fluency and home language, (5) special program participation, (6) participation in free or reduced priced meals, (7) enrolled in a school that qualifies for assistance under Title 1 of the Improving America's School Act of 1994, (8) testing accommodations, (9) handicapping condition or disability, (10) ethnicity, (11) district mobility, (12) parent education, (13) post-high school plans. (§ 1207); and reporting to the CDE the number of examinations for each test cycle within ~~ten~~(~~10~~) working days of completion of each test cycle in the school district, and for the

district superintendent to certify the accuracy of this information submitted to CDE (§ 120725) ~~are new programs or higher levels of service.~~

The regulation (§1207) was amended in May 2004 and August 2005 to add the following data that must be submitted to the state (which are not reimbursable under these parameters and guidelines): (1) pupil's full name; (2) date of English proficiency reclassification; (3) if R-FEP pupil scored proficient or above on the California English-Language Arts Standards Test three (3) times since reclassification; (4) use of modifications during the exam [accommodations are reimbursed]; (5) participation in California Alternate Performance Assessment (CAPA); (6) school and district CBEDS enrollment; (7) district and county of residence for students with disabilities; (8) California School Information Services (CSIS) Student Number, once assigned.

V. CLAIM PREPARATION AND SUBMISSION

Each of the following cost elements must be identified for each reimbursable activity identified in Section IV, Reimbursable Activities, of this document. Each claimed reimbursable cost must be supported by source documentation as described in Section IV. Additionally, each reimbursable claim must be filed in a timely manner.

A. Direct Cost Reporting

Direct costs are those costs incurred specifically for the reimbursable activities. The following direct costs are eligible for reimbursement.

1. Salaries and Benefits

Report each employee implementing the reimbursable activities by name, job classification, and productive hourly rate (total wages and related benefits divided by productive hours). Describe the specific reimbursable activities performed and the hours devoted to each reimbursable activity performed.

2. Materials and Supplies

Report the cost of materials and supplies that have been consumed or expended for the purpose of the reimbursable activities. Purchases shall be claimed at the actual price after deducting discounts, rebates, and allowances received by the claimant. Supplies that are withdrawn from inventory shall be charged on an appropriate and recognized method of costing, consistently applied.

3. Contracted Services

Report the name of the contractor and services performed to implement the reimbursable activities. Attach a copy of the contract to the claim. If the contractor bills for time and materials, report the number of hours spent on the activities and all costs charged. If the contract is a fixed price, report the dates when services were performed and itemize all costs for those services.

4. Fixed Assets and Equipment

Report the purchase price paid for fixed assets and equipment (including computers) necessary to implement the reimbursable activities. The purchase price includes taxes, delivery costs, and installation costs. If the fixed asset or equipment is also used for

purposes other than the reimbursable activities, only the pro-rata portion of the purchase price used to implement the reimbursable activities can be claimed.

5. Travel

Report the name of the employee traveling for the purpose of the reimbursable activities. Include the date of travel, destination point, the specific reimbursable activity requiring travel, and related travel expenses reimbursed to the employee in compliance with the rules of the local jurisdiction. Report employee travel time according to the rules of cost element A.1, Salaries and Benefits, for each applicable reimbursable activity.

6. Training

Report the cost of training an employee to perform the reimbursable activities, as specified in Section IV of this document. Report the name and job classification of each employee preparing for, attending, and/or conducting training necessary to implement the reimbursable activities. Provide the title, subject, and purpose (related to the mandate of the training session), dates attended, and location. If the training encompasses subjects broader than the reimbursable activities, only the pro-rata portion can be claimed. Report employee training time for each applicable reimbursable activity according to the rules of cost element A.1, Salaries and Benefits, and A.2, Materials and Supplies. Report the cost of consultants who conduct the training according to the rules of cost element A.3, Contracted Services.

B. Indirect Cost Rates

Indirect costs are costs that have been incurred for common or joint purposes. These costs benefit more than one cost objective and cannot be readily identified with a particular final cost objective without effort disproportionate to the results achieved. After direct costs have been determined and assigned to other activities, as appropriate, indirect costs are those remaining to be allocated to benefited cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been claimed as a direct cost.

Indirect costs include: (a) the indirect costs originating in each department or agency of the governmental unit carrying out state mandated programs, and (b) the costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

School districts must use the J-380 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

County offices of education must use the J-580 (or subsequent replacement) non-restrictive indirect cost rate provisionally approved by the California Department of Education.

VI. RECORD RETENTION

Pursuant to Government Code section 17558.5, subdivision (a), a reimbursement claim for actual costs filed by a local agency or school district pursuant to this chapter³ is subject to the initiation of an audit by the State Controller no later than three years after the date that the actual reimbursement claim is filed or last amended, whichever is later. However, if no funds are appropriated or no payment is made to a claimant for the program for the fiscal year for which

³ This refers to Title 2, division 4, part 7, chapter 4 of the Government Code.

the claim is filed, the time for the Controller to initiate an audit shall commence to run from the date of initial payment of the claim. In any case, an audit shall be completed not later than two years after the date that the audit is commenced. All documentation used to support the reimbursable activities, as described in Section IV, must be retained during the period subject to audit. If an audit has been initiated by the Controller during the period subject to audit, the retention period is extended until the ultimate resolution of any audit findings.

VII. OFFSETTING SAVINGS AND REIMBURSEMENTS

Any offsetting savings the claimant experiences in the same program as a result of the same statutes or executive orders found to contain the mandates shall be deducted from the costs claimed. In addition, reimbursement for this mandate from any source, including, but not limited to, service fees collected, federal funds, and other state funds shall be identified and deducted from this claim.

Reimbursement shall be offset by funding provided in the State Budget for the HSEE Program.

VIII. STATE CONTROLLER'S CLAIMING INSTRUCTIONS

Pursuant to Government Code section 17558, subdivision (~~bc~~), the Controller shall issue claiming instructions for each mandate that requires state reimbursement no later than 60 days after receiving the adopted parameters and guidelines from the Commission, to assist local agencies and school districts in claiming costs to be reimbursed. The claiming instructions shall be derived from the ~~statute, regulations, or executive order creating the mandate~~ test claim decision and the parameters and guidelines adopted by the Commission.

Pursuant to Government Code section 17561, subdivision (d)(~~1~~2), issuance of the claiming instructions shall constitute notice of the right of local agencies and schools districts to file reimbursement claims, based upon parameters and guidelines adopted by the Commission.

IX. REMEDIES BEFORE THE COMMISSION

Upon request of a local agency or school district, the Commission shall review the claiming instructions issued by the State Controller or any other authorized state agency for reimbursement of mandated costs pursuant to Government Code section 17571. If the Commission determines that the claiming instructions do not conform to the parameters and guidelines, the Commission shall direct the Controller to modify the claiming instructions and the Controller shall modify the claiming instructions to conform to the parameters and guidelines as directed by the Commission.

In addition, requests may be made to amend parameters and guidelines pursuant to Government Code section 17557, ~~m~~ subdivision (~~da~~), and California Code of Regulations, title 2, section 1183.2.

X. LEGAL AND FACTUAL BASIS FOR THE PARAMETERS AND GUIDELINES

The Statement of Decision is legally binding on all parties and provides the legal and factual basis for the parameters and guidelines. The support for the legal and factual findings is found in the administrative record for the test claim. The administrative record, including the Statement of Decision, is on file with the Commission.

ATTACHMENT A

The Commission found that the following activities are not reimbursable. (See Statement of Decision adopted on March 25, 2004.)

1. Duties of the Superintendent of Public Instruction (Ed. Code, § 60850, subs. (a), (b), (d), (e)(2), (e)(3), (e)(4), & (h)).
2. Field testing of the HSEE (Ed. Code, § 60850, subd. (c)).
3. Providing HSEE results to all pupils.
4. Administering the HSEE to adult students.
5. Restructuring academic offerings (Ed. Code, § 60853, subs. (b)(c)).
6. Using test proctors to administer the HSEE (Cal. Code Regs, tit.5, § 1200, subd. (i)).
7. Permissive accommodations (Cal. Code Regs., tit., 5, §§ 1216, subd. (d), 1218 & 1219).
8. Federally mandated accommodations (Cal. Code Regs, tit. 5, §§ 1215.5 & 1216; Ed. Code, § 60850, subd (g)).
9. A teacher's time in administering the examination.
10. Supplemental instruction (Ed. Code, §§ 60851, subd. (f) & 60853, subd. (a)).
11. Evaluations of the HSEE by the SPI (Ed. Code, § 60855)