



CDE Issues New Amendments to Regulations Governing the California High School Exit Examination

The California Department of Education (“CDE”) recently issued amendments to the regulations governing the administration of the California High School Exit Examination (“CAHSEE”). (*See Cal. Code Regs., tit. 5 § 1200 et seq.*) The amendments, which reflect changes in the California Education Code, clarify the obligations of school districts in administering the CAHSEE and seek to improve consistency with other statewide assessments. Effective December 3, 2009, the amendments make the following changes:

- Add the definitions of “accommodation,” “modification,” “nonpublic school,” “reclassified fluent English proficient,” and “translator.”
- Amend the definition of “school district” to include “any statewide benefit charter.”
- Revise the definitions of “scribe,” “test examiner,” and “test proctor” to ensure the security of CAHSEE testing materials.
- Amend the number of opportunities that twelfth grade students may retake sections of the CAHSEE from three to five times per school year.
- Revise language to improve the accuracy of student data collection and ensure consistency with the federal regulations governing data collection and the Standardized Testing and Reporting program.
- Amend language related to the reporting of exam scores to protect student confidentiality within the meaning of the Family Educational Rights and Privacy Act.
- Clarify who is required to receive training to administer, or aid in the administration of, the CAHSEE.
- Clarify the use of testing variations for students taking the CAHSEE. For instance, test administration directions, but not test questions, may be simplified, clarified, or presented in Manually Coded English or American Sign Language, and students may now be tested in small group settings.
- Clarify the types of accommodations and modifications students may use on the CAHSEE.
- Add the use of formulas on the mathematics portion of the CAHSEE to the list of permitted modifications.

We recommend that school districts review and revise their policies and procedures for the administration of the CAHSEE to ensure compliance with the amended regulations. Should you have any questions regarding the impact of these amendments on your school district, please contact one of our four offices.

*F3 NewsFlash prepared by Jan Tomsy and Leslie Reed.
Jan is a partner in the F3 Oakland office.
Leslie is an associate in the F3 San Marcos office.*

This F3 NewsFlash is a summary only and not legal advice. We recommend that you consult with legal counsel to determine how these amendments may apply to your specific facts and circumstances. Information on a free NewsFlash subscription can be found at www.fagenfriedman.com.

As part of the **E-ducation™ Professional Development Series** hosted by ACSA and F3, we offer webinars on various topics. You can find the information on the ACSA website at <http://www.acsa.org/MainMenuCategories/ProfessionalLearning/E-ducation-Series.aspx>.

173151

6300 Wilshire Blvd., Suite 1700, Los Angeles, California 90048 Tel. 323.330.6300 Fax 323.330.6311
70 Washington St., Suite 205, Oakland, California 94607 Tel. 510.550.8200 Fax 510.550.8211
520 Capitol Mall, Suite 400, Sacramento, California 95814 Tel. 916.443.0030 Fax 916.443.0030
1 Civic Center Dr., Suite 300, San Marcos, California 92069 Tel. 760.304.6000 Fax 760.304.6011

© 2009 Fagen Friedman & Fulfroost, LLP

All rights reserved, except that the Managing Partner of Fagen Friedman & Fulfroost, LLP hereby grants permission to any client of Fagen Friedman & Fulfroost, LLP to use, reproduce and distribute this NewsFlash intact and solely for the internal, noncommercial purposes of such client.