

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

imab-adad-jul23item06

# California State Board of EducationJuly 2023 AgendaItem #06

## Subject

High School Equivalency Program: Approve Commencement of a 45-Day Public Comment Period for Proposed Amendments to California Code of Regulations, Title 5, Article 2 title, sections 11530 and 11531, the deletion of Section 11532, and the addition of Section 11532.5.

## Type of Action

Action, Information, Consent

## Summary of the Issue(s)

California *Education Code* (*EC*) Section 51420 states the State Superintendent of Public Instruction (SSPI) shall issue a California High School Equivalency (HSE) Certificate and/or official score report to persons who have taken and passed an HSE test that has been approved by the California State Board of Education (SBE). *EC* Section 51426 indicates the SBE shall adopt rules and regulations necessary to implement this article. Updates are needed to the following *California Code of Regulations*, Title 5 (*5 CCR*), Article 2 title, sections 11530 and 11531, the removal of Section 11532, and the adoption of Section 11532.5. The proposed changes are:

* Amend the Article 2 title by removing the "for Persons 18 Years of Age or Older"
* Redefine the term “Fee”
* Remove “his” and “her” references and replace with gender-neutral “their”
* Update terminology used to reference testing centers by replacing “school district” with “local educational agency” to be more inclusive
* Eliminate the over-regulated eligibility requirements
* Add Section 11532.5 specifying the documentation needed for the identification of the examinee and evidence of state residency

## Recommendation

The California Department of Education (CDE) recommends the SBE take the following actions:

* Approve the Notice of Proposed Rulemaking (Notice)
* Approve the Initial Statement of Reasons (ISOR)
* Approve the proposed regulations
* Direct the CDE to commence the rulemaking process
* Authorize the CDE to take any necessary action to respond to any direction or concern expressed by the Office of Administrative Law during its review of the Notice, ISOR, and proposed regulations

## Brief History of Key Issues

The 5 *CCR* Article 2 title needs revising because it implies the HSE Certificate is only for “Persons 18 Years of Age or Older.” The *EC* sections within this Article state that students with special circumstances are eligible to test using the equivalency examination, even if they are under 18 years old. The CDE is recommending the removal of the implied age restriction in the title to correctly identify who is eligible for the equivalency examination.

The definition in 5 *CCR* Section 11530 is proposed to be amended to clarify the components of the “fee.” *EC* Section 51421 specifies the fee the CDE may charge is not to exceed twenty dollars ($20); however, this is misleading as other costs such as testing center fees, vendor costs to administer, score, and provide results to the examinee are not specified in *EC* anddo not reflect the actual cost to the examinee.

The CDE proposes that Subsection (a)(1)(D) in 5 *CCR* Section 11531 be amended to change “school district” to “local educational agency.” “School district” was the term used previously to be inclusive of all educational agencies but did not include independently funded charter schools; therefore, “local educational agency” is the appropriate term for inclusivity and clarity.

Subsection (b) in 5 *CCR* Section 11532 creates restrictions on examinees, requiring them to wait until they are within 60 days of turning 18 years of age or be out of school for at least 60 days to be eligible to take the equivalency examination. *EC* Section 51420(c)(2) specifies the SSPI can issue a high school certificate of equivalency if the person “would have graduated from high school if they remained in school and followed the usual course of study toward graduation.” The criteria expressed in 5 *CCR* Section 11532 overregulates how a person can qualify to receive an HSE certificate. This language has caused confusion on when the person is eligible; therefore, 5 *CCR* Section 11532 is proposed to be deleted.

Additionally, current regulations exclude clear descriptions of acceptable forms of identification and proof of residency, which is critically important with the addition of online, live-proctored testing. The launch of online testing has created vulnerabilities to identity impersonation and access to the test by non-California residents. With the advent of online, live proctored testing the regulations must be updated to clarify identity and residency requirements; therefore, 5 *CCR* Section 11532.5 is proposed to be added.

## Summary of Previous State Board of Education Discussion and Action

In March 2014, the SBE authorized the use of three official tests to be administered in California: the GED® test, the HiSET®, and the TASC® for the HSE test. However, beginning in 2020, the TASC® is no longer offered in California ([https://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item12.doc](https://www.cde.ca.gov/be/ag/ag/yr14/documents/mar14item12.doc%22%20%5Co%20%22This%20link%20opens%20the%20March%202014%20SBE%20Agenda%20Item.)).

## Fiscal Analysis

An Economic and Fiscal Impact Statement is provided in Attachment 4.

## Attachment(s)

* Attachment 1: Notice of Proposed Rulemaking (6 pages)
* Attachment 2: Initial Statement of Reasons (4 pages)
* Attachment 3: Proposed Regulations (4 pages)
* Attachment 4: Economic and Fiscal Impact Statement (STD. 399) (5 pages)

**CA DEPARTMENT OF EDUCATION**

**TONY THURMOND**

State Superintendent of Public Instruction

**CA BOARD OF EDUCATION**

**LINDA DARLING-HAMMOND**

President

**NOTICE OF PROPOSED RULEMAKING**

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING High School Equivalency (HSE) Program

Notice published August 11, 2023

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

***PUBLIC HEARING***

California Department of Education (CDE) staff, on behalf of the SBE, will hold a virtual public hearing at 1:30 p.m. on September 26, 2023.

Any interested person may participate in the public hearing via a webinar in Zoom by logging in per the following instructions:

* Click the following link or paste the link to the browser to join the webinar and enter the password:

<https://us02web.zoom.us/j/87593700072>

Passcode: 339581

* To connect with audio only and no video, call one of the following telephone numbers and enter the meeting ID and password:

669-219-2599

213-338-8477

 Meeting ID: 875 9370 0072

 Passcode: 339581

For persons intending to attend the Zoom meeting, those persons may check their computers by:

* Clicking on the test link: <https://zoom.us/test>.
* For any issues regarding connecting with Zoom, go to <https://support.zoom.us/hc/en-us> for assistance.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

***REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY***

Pursuant to the *Rehabilitation Act of 1973,* the *Americans with Disabilities Act of 1990,* and the *Unruh Civil Rights Act,* any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Bernadine Holman, Assessment Development and Administration Division, 1430 N Street, Room 4409, Sacramento, CA, 95814; telephone, 916-319-0500. It is recommended that assistance be requested at least two weeks prior to the hearing.

Pursuant to Government Code Section 11346.6(a)(3) and (b), because some of these regulations pertain to special education, the following provisions also apply:

Upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, the CDE shall provide that person a narrative description of the additions to, and deletions from, the regulations. The description shall identify each addition to or deletion from the regulations by reference to the subdivision, paragraph, subparagraph, clause, or subclause within the proposed regulation containing the addition or deletion. The description shall provide the express language proposed to be added to or deleted from the regulations and any portion of the surrounding language necessary to understand the change in a manner that allows for accurate translation by reading software used by the visually impaired.

The CDE shall provide the information described above within 10 business days, unless the CDE determines that compliance with this requirement would be impractical and notifies the requester of the date on which the information will be provided.

Notwithstanding any other law, if information is provided to a requester as described above, the CDE shall provide that requester at least 45 days from the date upon which the information was provided to the requester to submit a public comment regarding the proposed regulation. The CDE shall not take final action to adopt the regulation until the requester has submitted a public comment or the extended 45-day comment period expires, whichever occurs first.

***WRITTEN COMMENT PERIOD***

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Lorie Adame, Regulations Coordinator

Administrative Support and Regulations Adoption Unit

California Department of Education

1430 N Street, Room 5319

Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-322-2549 or by email to regcomments@cde.ca.gov.

Comments must be received by the Regulations Coordinator prior to or on September 26, 2023. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

***AUTHORITY AND REFERENCE***

Authority: Section 51421.5 and 51426, Education Code

References: Sections 51420, 51421, 51421.5, 51422, and 51423 and 51425, Education Code

***INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW***

Education Code (EC) section 51420 states the State Superintendent of Public Instruction shall issue a California High School Equivalency (HSE) Certificate and/or official score report, to persons who have not completed high school and who meet specified requirements. The requirements include having taken all or a portion of a HSE test that has been approved by the SBE and administered by a CDE-approved testing center, with a score determined by the SBE to be equal to the standard of performance expected from high school graduates.

***Policy Statement Overview***

The objective for the proposed regulations is to update the definitions for clarity, including the requirements for proof of identification and residency for a student to take the HSE test.

***Anticipated Benefits of the Proposed Regulation***

The proposed regulations will provide examinees and test centers with clear eligibility requirements and what may be included in the fee for the examination.

***Evaluation of Inconsistency/Incompatibility With Existing State Regulations***

An evaluation of the proposed regulations has determined they are not inconsistent/incompatible with existing regulations, pursuant to Government Code section 11346.5(a)(3)(D). After conducting a review for any regulations that would relate to or affect this area of law, the SBE has concluded that these are the only regulations that concern the HSE Program regulations.

***DISCLOSURES REGARDING THE PROPOSED ACTION/ FISCAL IMPACT***

The SBE has made the following initial determinations:

*Other statutory requirements*: There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

*Mandate on local agencies and school districts*: No

*Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code*: No

*Cost or savings to any state agency*: No

*Other non-discretionary costs or savings imposed on local agencies, including local educational agencies*: No

*Costs or savings in federal funding to the state*: No

*Effect on housing costs*: No

*Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states*: No

*Cost impacts on a representative private person or businesses*: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

*Report required*: The proposed regulations do not require a report to be made.

*Effect on small* businesses: The proposed regulations would not have an effect on any small business because they are designed to address students’ eligibility for the HSE and will not expand or eliminate small businesses currently doing business within the State of California.

***results of the Economic Impact Analysis/ASSESSMENT***

***Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment – Gov. Code Section 11346.5(a)(10):***

The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

Benefits of the Proposed Action: The proposed regulations will benefit the educational options of California’s residents and will not adversely affect the welfare of California residents, worker safety or the State’s environment.

***CONSIDERATION OF ALTERNATIVES***

In accordance with Government Code section 11346.5(a)(13), the SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

***CONTACT PERSONS***

Inquiries concerning the content of these proposed regulations should be directed to:

Bernadine Holman

Assessment Development and Administration Division

California Department of Education

1430 N Street, Room 4409

Sacramento, CA 95814

Telephone: 916-319-0500

Email : bholman@cde.ca.gov

Inquiries concerning the regulatory process may be directed to Lorie Adame, Regulations Coordinator, or the backup contact person, Gerri White, Analyst. The Regulations Coordinator and the Analyst may be reached by email at regulations@cde.ca.gov or by telephone at 916-319-0860.

***AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND INFORMATION***

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons (ISOR), the agenda and a recording of the SBE meeting where the SBE approved commencement of this rulemaking activity, and Fiscal and Economic Impact Statement (STD. 399). These documents upon which the proposed action is based may be obtained upon request from the Regulations Coordinator. In addition, this Notice, the text of the proposed regulations and the ISOR may also be viewed on CDE’s Proposed Rulemaking and Regulations web page at [*http://www.cde.ca.gov/re/lr/rr/*](http://www.cde.ca.gov/re/lr/rr/).

***AVAILABILITY OF CHANGED OR MODIFIED TEXT***

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available to the public for at least 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations. The SBE will accept written comments on the modified regulations for 15 days after the date on which they are made available.

***AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE***

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Regulations Coordinator.

***AVAILABILITY OF DOCUMENTS ON THE INTERNET***

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text, if any, can be accessed via CDE’s Proposed Rulemaking and Regulations web page at [*http://www.cde.ca.gov/re/lr/rr/*](http://www.cde.ca.gov/re/lr/rr/).

04-27-2023 [California Department of Education]

**INITIAL STATEMENT OF REASONS**

High School Equivalency (HSE) Program

**INTRODUCTION**

Education Code (EC) section 51420 states the State Superintendent of Public Instruction (SSPI) shall issue a California High School Equivalency (HSE) Certificate and/or official score report, to persons who have not completed high school and who meet specified requirements. The requirements include having taken all or a portion of a HSE test that has been approved by the State Board of Education (SBE) and administered by a California Department of Education (CDE) approved testing center, with a score determined by the SBE to be equal to the standard of performance expected from high school graduates.

**PROBLEM AGENCY INTENDS TO ADDRESS**

After receiving feedback from various stakeholders, such as students and parents, regarding the regulations governing the HSE program, the CDE identifies the need to revise the regulations and remove overly restrictive eligibility requirements not supported by EC. The CDE also recognizes the need for more specific guidelines for acceptable forms of identification and state residency is necessary to avoid confusion for the test takers.

**BENEFITS ANTICIPATED FROM REGULATORY ACTION**

By clarifying the definition of "fee," CDE can provide examinees with a clear understanding of what is included in the fee to take the HSE. This information can help examinees make informed decisions about whether they can afford to take the test, as well as whether they need to budget for additional costs related to the test. Clarity about fees also promotes transparency and fairness, as examinees are better able to understand the full cost of the testing process.

Examinees will benefit from the proposed removal of overreaching eligibility requirements. These unnecessary restrictions are not found in EC*,* serve no meaningful purpose and may delay examinees from obtaining their HSE transcript and beginning their college or career path. In addition, removing these restrictions would streamline the process for examinees and eliminate any unnecessary barriers to their success.

Adoption of 5 CCR proposed section 11532.5 will provide clarity on acceptable forms of identification and documents that will provide proof of state residency. Many examinees are unaware of what types of documents that qualify for appropriate identification, as well as how to properly prove California residency. In addition, the launch of online testing has created vulnerabilities to identity impersonation and access to the test by non-California residents. With the advent of online, live proctored testing, the regulations must be updated to clarify identity and residency requirements.

**SPECIFIC PURPOSE OF EACH SECTION – GOV. CODE SECTION 11346.2(b)(1)**

The specific purpose of each adoption or amendment, and the rationale for the determination that each adoption or amendment is reasonably necessary to carry out the purpose of which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that each adoption or amendment is intended to address, is as follows:

General changes were made to the regulations to include grammatical edits and renumbering and/or relettering to reflect deletions or additions.

**Title of Article 2. High School Equivalency Certificate** is amended to remove “for Persons 18 years of Age or Older.” This is necessary because there are instances where a person who is younger than 18 qualifies to take the equivalency examination.

**SECTION 11530**

**Renumbered Section 11530(c), formerly Section 11530(b),** is amended to clarify the definition of what constitutes the high school equivalency fee. This is necessary because current EC defines the fee as the $20 state administration fee and does not include other ancillary costs. Currently, 5 CCR section 115630(b) implies the test will not cost more than $20, which is misleading as the testing center’s cost to administer, test vendor’s cost to administer, score, and provide results to the examinee are not included in the actual cost to the examinee. Thus, amending the definition of “fee” will clarify what costs are included in the high school equivalency fee.

**Section 11530(d)** is amended to remove the use of “his” gender labels. This is necessary to address each examinee without assigning a gender.

**SECTION 11531**

**Section 11531(a)(1)(D)** is amended to clarify the testing facility should be a local educational agency. This is necessary because “school district” was the term used previously to be inclusive of all educational agencies but did not include independently funded charter schools; therefore, “local educational agency” is proposed to replace “school district” for inclusivity and clarity.

**Section 11531(a)(3)** is amended to remove the use of “his” or “her” gender labels. This is necessary to address each examinee without assigning a gender.

**SECTION 11532**

**Section 11532** is deleted to remove the extra parameters of eligibility requirements and align regulations with EC section 51420(c). This is needed because the current regulations contain language that is deemed to be unnecessary and over-regulating, as it does not add any value or clarity to the intended purpose of EC section 51420(c). By removing this language, the regulations will become more streamlined and easier to understand for all related parties. This would also help to ensure that the regulations are consistent with the underlying statute and that all eligible individuals have access to the equivalency examination.

**PROPOSED SECTION 11532.5**

**Proposed Section 11532.5** is added to clarify the acceptable forms of examinee identification and residency requirements. This is necessary because there are no clear parameters mentioned in EC or current regulations. By adding this section, the regulations will provide a comprehensive list of acceptable forms of identification and residency documentation. This new section is proposed to maintain the validity of the test by ensuring the person taking the test is not an imposter and clearly provide acceptable forms of residency to prevent those who are not eligible to take the test from doing so and to enforce the residency requirement stated in EC section 51420(a).

**Economic Impact ASSESSMENT PER GOV. CODE SECTION 11346.3(b)**

***Purpose:***

The proposed regulations will provide clarity and remove unnecessary restrictions to individuals taking the HSE test.

***Creation or Elimination of Jobs within the State of California:***

The proposed regulations directly impact potential test takers, HSE contractors, and testing centers. They are designed to provide clarity regarding the documentation required to prove a test taker’s eligibility and identity. There is no evidence the regulations will either create or eliminate jobs within California.

***Creation of New or Elimination of Existing Businesses within the State of California:***

The proposed regulations directly impact potential test takers, HSE contractors, and testing centers. They are designed to provide clarity regarding eligibility and proper documentation required to prove a test taker’s eligibility and identity. There is no evidence the regulations will either create or eliminate existing business within California.

***Expansion of Businesses or Elimination of Businesses Currently Doing Business within the State of California:***

The proposed regulations directly impact potential test takers, HSE contractors, and testing centers. They are designed to provide clarity regarding eligibility and proper documentation required to prove a test taker’s eligibility and identity. There is no evidence the regulations will either expand or eliminate businesses within California.

***Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment – Gov. Code Section 11346.1(b)(1):***

These proposed regulations will have no adverse effect nor benefit on worker safety or the State’s environment.

***Reasonable Alternatives that Would Lessen the Impact on Small Businesses – Gov. Code Section 11346.2(b)(4)(B):***

The SSPI has not identified any alternatives that would lessen any adverse impact on small business because there will not be any adverse impact on small business.

***Evidence Relied Upon to Support the Initial Determination that the Regulations Will Not Have a Significant Adverse Economic Impact on Business – Gov. Code Section 11346.2(b)(5):***

The proposed regulations would not have a significant adverse economic impact on any business because individuals who take and pass the equivalency exam would only have a positive impact on business by increasing the pool of eligible employment candidates.

**OTHER REQUIRED SHOWINGS**

***Studies, Reports or Documents Relied Upon – Gov. Code. Section 11346.2(b)(3):***

The SSPI did not rely upon any technical, theoretical, or empirical studies, reports, or documents in proposing the adoption, amendment, or repeal of these regulations.

***Reasonable Alternatives Considered or Agency’s Reasons for Rejecting Those Alternatives – Gov. Code Section 11346.2(b)(4)(A):***

No other alternatives were presented to or considered by the SSPI.

***Analysis of Whether the Regulations are an Efficient and Effective Means of Implementing the Law in the Least Burdensome Manner – Gov. Code Section 11346.3(e):***

The proposed regulations have been determined to be the most efficient and effective means of implementing the law in the least burdensome manner.

***Determination of Inconsistent/Incompatible Existing Regulations – Gov. Code Section 11346.5(a)(3)(D):***

An evaluation of the proposed regulations has determined they are not inconsistent/incompatible with existing regulations, pursuant to Government Code section 11346.5(a)(3)(D).

4-27-2023 [California Department of Education]

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

 **Title 5. EDUCATION****Division 1. California Department of Education**

**Chapter 11. Special Programs
Subchapter 8. High School Proficiency Certificates**

**Article 2. High School Equivalency Certificate ~~- for Persons 18 Years of Age or Older~~**

**§ 11530. Definitions.**

 (a) “Certificate” means a document containing the words “California High School Equivalency Certificate.”

 (b~~c~~) “Certification” means documentation from a homeless services provider, or a county or state agency, certifying the examinee is a homeless youth or a foster youth.

 (~~b~~c) “Fee” ~~as referenced in Education Code section 51421(a),~~ ~~shall be $20.00 and~~ refers to a payment ~~shall be~~ submitted ~~by the examinee~~ at the time of initial registration or when requesting services, such as ordering additional score reports or ~~for a test to obtain a high school equivalency~~ certificates.

 (d) “Resident of this State” means a person who either presently lives in the State of California, or who has ~~his~~ their domicile in California in accordance with the criteria established in Government Code section 244.

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

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

 **§ 11531. Approval of Testing Centers.**

 (a) A testing center may be approved by the State Superintendent of Public Instruction (SSPI) to administer tests for purposes of Education Code section 51420 provided it has complied with all of the following:

 (1) Provided the CDE with all required information indicating:

 (A) Name of Institutional Chief Administrative Officer and title~~,~~;

 (B) Name of Chief Examiner and Alternate Examiner(s) and their titles~~,~~;

 (C) Name of testing facility~~,~~;

 (D) Contracting agency or ~~school district,~~ local educational agency; and

 (E) Address of the testing center.

 (2) Agreed to comply with all test security requirements provided by the CDE and to maintain all required records regarding tests and testing activities.

 (3) Agreed to provide each examinee with ~~his or her~~ their test scores.

 (4) Agreed to inspection by authorized representatives of the CDE.

 (b) The SSPI may suspend or revoke the approval, or deny renewal of an approval, of any center for failure or refusal to maintain any one or more of the standards described in subdivision (a) of this section.

NOTE: Authority cited: Section 51426, Education Code. Reference: Sections 51420, 51422 and 51423, Education Code.

**~~§ 11532. Eligibility~~****~~to Take a Test to Obtain a High School Equivalency Certificate.~~**

 ~~(a) A person is eligible to take a test to obtain a high school equivalency certificate no sooner than 60 days prior to the date he or she is eligible to receive a certificate pursuant to Education Code section 51420(c).~~

 ~~(b) The 60 day limitation in subdivision (a) does not apply to any person who is 17 years of age or older who has been out of school for at least 60 days and who submits a letter of request for the test from the military, a postsecondary educational institution or a prospective employer~~.

 ~~(c) Any person who is 17 years of age or older who is incarcerated in a California state or county correctional facility and who meets the following criteria is eligible to take a test to obtain a high school equivalency certificate:~~

 ~~(1) The person does not have a realistic chance of completing the requirements for a high school diploma.~~

 ~~(2) The person has adequate academic skills to successfully complete a test to obtain a high school equivalency certificate.~~

 ~~(3) The person understands the options available regarding acquisition of a high school diploma, the high school equivalency certificate or the high school proficiency certificate, and the requirements, expectations, benefits and limitations of each option.~~

 ~~(4) The person has sufficient commitment time left to complete an entire test to obtain a high school equivalency certificate battery before release; or if released before completion of the test, may complete testing at an authorized testing center.~~

~~NOTE: Authority cited: Section 51426, Education Code. Reference: Sections 51420 and 51422, Education Code.~~

**§ 11532.5. Identity and Residency Requirements.**

 (a) Every examinee must provide proof of identification and residency prior to initial testing and retesting.

 (1) Identification shall include:

1. Full legal name; and
2. Date of birth, signature, and photograph.

 (2) Residency shall be proven by providing one of the following current documents:

1. Rental or lease agreement;
2. Home utility bill;
3. Employment document;
4. Insurance document;
5. Court document listing applicant as a California resident;
6. California certificate of vehicle or vessel title or registration; or
7. Completed California High School Equivalency Declaration of California

Residency.

NOTE: Authority cited: Section 51426, Education Code. Reference: Sections 51420 and 51422, Education Code.

04-18-23 [California Department of Education]