# 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]