

# **Division VIII of Title 5 of the California Code of Regulations**

## **Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Examination Fees Initial Statement of Reasons**

### **Problem Statement**

The California Basic Education Skills Test (CBEST) is one method teacher candidates may use to demonstrate that they have met the state's basic skills requirement (BSR). The examination consists of three subtests in the areas of math, writing, and reading. Due to the COVID-19 pandemic, the last paper-based CBEST was administered in February 2020 by Evaluation Systems group of Pearson (Evaluation Systems), the examinations contractor for the Commission on Teacher Credentialing. Examination sites that host paper-based CBEST examinations are school districts, county offices of education, community colleges, and the like, which for most of 2020 and until June 2021 have been closed to their students and communities. Even now, these examination sites are reluctant to host large groups of examinees because of the ongoing threats and variants of COVID-19. At the height of the COVID-19 pandemic, Pearson's testing centers were closed and individuals could not access the computer-based CBESTs. When testing centers opened, CBESTs were administered at testing centers at a significantly reduced volume as centers followed safety protocols established by the county in which the center resides; currently, centers are open and operating at near capacity of examination administrations

To meet the needs of examinees who no longer had access to the paper-based CBEST administrations due to COVID, Evaluation Systems added an online proctored CBEST option. With online proctoring, examinees have been able to access the CBEST from their homes, any time of the day, during an identified testing week each month. Additionally, Evaluation Systems, with agreement from the Commission, sub-divided the CBEST into three sections, thus opening additional time slots for examinees at the computer-based testing centers. The subdivision of the CBEST also lowered the cost of the computer-based examination.

Further, Assembly Bill (AB) 130 (Chap. 44, Stats 2021) amended Education Code section 44252(b) to allow additional options for candidates to meet the basic skills requirement (BSR). Candidates may now apply college-level coursework that was completed with an earned grade of "B" or higher in basic reading, writing, and mathematics skills to meet the requirement, or candidates may mix coursework and passing scores of one or more of the CBEST subtests to demonstrate meeting the BSR. Previously, candidates had to pass all three subtests to use the CBEST examination to meet the BSR. To align with the "mix and match" law the CBEST has been sub-divided into three individual sections to allow candidates to mix and match coursework and subtest completion to meet the basic skills requirement.

As a result of adding the online proctoring, sub-dividing the CBEST, options for candidates to demonstrate basic skills, and considering the uncertainty of returning to the "normal" of large-scale examination venues, the Commission has negotiated with Evaluation Systems to no longer offer the paper-based CBEST. The \$41 fee in regulations is the fee for the paper-based CBEST;

because the paper-based CBEST will be eliminated, the \$41 fee must be removed from regulations.

No other examination fees appear in regulations as all other fees are negotiated between the Commission and the contractor.

Nonsubstantive amendments are also needed to correct typos and improve the clarity and consistency in the Commission's regulations.

### **Statement of Purpose**

Education Code 44252.5 requires the Commission to administer the state basic skills proficiency test and authorizes the Commission to charge a fee to the individual being tested to cover the costs of the test, including developing, administering, and scoring the exam. The Commission will continue to administer the computer based CBEST at in-person testing centers and through home online proctoring but will no longer offer the paper-based examination to which the \$41 fee is attached.

No other examination fees appear in regulations as all other fees are negotiated between the Commission and the contractor.

Nonsubstantive amendments are also needed to correct typos and improve the clarity and consistency in the Commission's regulations.

### **Necessity and Rationale for Proposed Provisions**

#### *Amend 80487(a)(2)*

This nonsubstantive amendment is necessary to correct typo in the word "Eligibility."

#### *Repeal 80487(a)(4)*

Due to the COVID-19 pandemic, the last paper-based CBEST was administered in February 2020. To support examinees who otherwise would take the CBEST in large venues, Evaluation Systems added an online proctoring option for examinees and sub-divided the CBEST, thus opening appointments at Pearson Vue testing centers. Additionally, AB 130 added a coursework option for candidates to demonstrate basic skills competence.

Considering the uncertainty of returning to the "normal" of large-scale examination venues, the additional opportunities for candidates to take the CBEST in other venues, and the added options to meet the basic skills requirement, the Commission has negotiated with Evaluation Systems to eliminate the paper-based CBEST. The \$41 fee in regulations is the fee for the paper-based CBEST; because the paper-based CBEST will be eliminated, the \$41 fee must be removed from regulations.

#### *Amend 80487(a)(5)-(7)*

This nonsubstantive amendment is necessary to update the numbering in this section.

#### *Amend 80071.4(j)*

The reference to section 80487(a)(5) is incorrect, as the current (a)(5) section pertains to the cost to reimburse the Commission for the amount charged by the Federal Bureau of Investigation for furnishing criminal history. Removing the last sentence with the incorrect reference will improve clarity and consistency for these and related regulations. Additionally, the fee to retake the CBEST examination has been the same fee to initially take the exam since the inception of the CBEST exam. The fee for the exam does not change for a retake.

## **Fiscal and Economic Impacts of the Regulation**

### *Economic Impact Assessment*

#### Creation or elimination of jobs within the state

The Commission concludes that it is unlikely that the proposal will create or eliminate a significant number of jobs within the State of California. The Commission contracts with Evaluation Systems group of Pearson to administer the CBEST. The contractor has not indicated any elimination of jobs as an outcome of this change in regulations. Instead, the addition of online proctoring has resulted in the creation of a small number of new jobs, according to the contractor.

#### Creation of new businesses or the elimination of existing businesses within the state

The Commission concludes that it is unlikely that the proposal will create any new businesses or eliminate any existing businesses within the State of California. The Commission will continue to contract with Evaluation Systems group of Pearson to administer the CBEST. Thus, there will not be a creation of a new business or elimination of an existing business.

#### Expansion of businesses currently doing business within the state

The Commission concludes that it is unlikely the proposal would cause the expansion of businesses currently doing business within the State of California. The Commission will continue to contract with Evaluation Systems group of Pearson to administer the CBEST. Thus, there will not be a creation of a new business or elimination of an existing business.

#### Benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment

The Commission anticipates that the proposed amendments will continue to benefit the health and welfare of California residents. Benefits anticipated from this regulatory action include protecting the health and wellness of examinees interested in taking the paper-based CBEST by eliminating administering this examination in large crowds at large venues where appropriate social distancing may not be possible. Candidates who have demonstrated basic skills competency in coursework are also benefitted by not having to re-prove competency. Candidates are also able to save money by only having to take, or re-take, parts of the examination that have yet to be passed.

#### *Cost impacts on a representative private person or business*

The current cost of the computer-based CBEST is \$30 per subtest, or \$90 to take all three subtests via computer either in a testing center or at home through online proctoring. Prior to eliminating the paper-based CBEST, the cost was \$102 for the computer-based examination whether an examinee had to pass all three parts or just one. Eliminating the paper-based assessment and adding

the new options for demonstrating basic skills competence has made the CBEST potentially more affordable for all.

This proposal does not have a cost impact on businesses, as the Commission only contracts with one company at a time to administer the CBEST examination.

#### *Business Report*

This proposal does not require a report to be made.

#### *Effect on Small Business*

The proposed regulations will not have a significant adverse economic impact upon small business. The Commission will continue to contract with Evaluation Systems group of Pearson to administer the CBEST examination. Business will remain the same and thus will not have an adverse economic impact on small business.

#### **Documents Relied Upon**

##### *Commission Agenda Items*

April 2021, 4I: Update on Examinations: CSET, RICA, and CBEST

December 2021, Approval of the December 2021 Consent Calendar

##### *Legislation*

AB 130 (Committee on Budget), Chapter 44, Statutes of 2021

#### **Anticipated Benefits**

Benefits anticipated from this regulatory action include the protecting the health and wellness of examinees interested in taking the paper-based CBEST by eliminating administering this examination in large crowds at large venues where appropriate social distancing may not be possible. Candidates who have demonstrated basic skills competency in course work are also benefitted by not having to pay examination fees, and candidates are also able to save money by only having to take, or re-take, parts of the examination that have yet to be passed.

#### **Alternatives Statement**

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention 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 person 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 Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### **Significant Adverse Economic Impact on Business**

The Commission has concluded there is no significant adverse impact on business. The Commission only contracts with one company to administer the CBEST examination at a time

*Proposed Amendments and Additions to Title 5 of the California Code of Regulations Pertaining to Examination Fees – Initial Statement of Reasons*

*Page 5*

and uses the state approved contracting processes. Only the contractor is impacted by this regulatory proposal.