1 # COLLEGE AND CAREER READINESS ASSESSMENT
2 2012 GENERAL SESSION
3 STATE OF UTAH
4

5 **LONG TITLE**
6 **General Description:**
7 This bill modifies the Utah Performance Assessment System for Students (U-PASS),
8 including requiring school districts and charter schools to administer college and career
9 readiness assessments adopted by the State Board of Education.
10 **Highlighted Provisions:**
11 This bill:
12 ▸ terminates the administration of a basic skills competency test to tenth grade
13 students;
14 ▸ requires school districts and charter schools to administer college and career
15 readiness assessments adopted by the State Board of Education, including a test
16 used by local universities for admission;
17 ▸ eliminates an assessment system pilot program;
18 ▸ eliminates a requirement for the State Board of Education to analyze U-PASS test
19 results and identify schools not meeting state-established acceptable levels of
20 student performance;
21 ▸ requires the State Board of Education to make rules providing for:
22 • a differentiated diploma for which the award criteria includes a student's
23 performance on a college and career readiness assessment; and
24 • distribution of money appropriated for college and career readiness assessments
25 to school districts and charter schools;
26 ▸ eliminates the Basic Skills Education Stipend Program; and
27 ▸ makes technical amendments.
28 **Money Appropriated in this Bill:**
29 This bill appropriates:
30 ▸ to the State Board of Education, as an ongoing appropriation:
31 • from the Education Fund, $2,200,000.
32 **Other Special Clauses:**

33 This bill takes effect on July 1, 2012.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53A-1-602**, as last amended by Laws of Utah 2010, Chapters 11 and 305

37 **53A-1-603**, as last amended by Laws of Utah 2010, Chapters 11 and 305

38 **53A-1-604**, as last amended by Laws of Utah 2010, Chapter 11

39 **53A-1-605**, as last amended by Laws of Utah 2010, Chapter 11

40 **53A-1-609**, as last amended by Laws of Utah 1999, Chapter 336

41 **53A-1-611**, as last amended by Laws of Utah 2010, Chapters 305 and 395

42 **53A-3-602.5**, as last amended by Laws of Utah 2011, Chapter 321

43 **63I-2-253**, as last amended by Laws of Utah 2011, Chapters 303, 330, and 419

44 REPEALS:

45 **53A-1-612**, as last amended by Laws of Utah 2011, Chapter 342

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47 *Be it enacted by the Legislature of the state of Utah:*

48 Section 1. Section **53A-1-602** is amended to read:

49 **53A-1-602. Definitions.**

50 As used in this part:

51 (1) "Basic skills course" means a subject which requires mastery of specific functions,
52 as defined under rules made by the State Board of Education, to include reading, language arts,
53 mathematics [~~through intermediate algebra~~], science[~~;~~] in grades 4 through 12, and
54 effectiveness of written expression.

55 (2) "Utah Performance Assessment System for Students" or "U-PASS" means:

56 (a) as determined by the State Board of Education, criterion-referenced achievement
57 testing or online computer adaptive testing of students in grades 3 through 12 in basic skills
58 courses;

59 (b) an online writing assessment in grades 5 and 8;

60 (c) [~~a tenth grade basic skills competency test~~] college and career readiness
61 assessments as detailed in Section 53A-1-611;

62 (d) the use of student behavior indicators in assessing student performance; and

63 (e) testing of students in grade 3 to measure reading grade level.

64 Section 2. Section **53A-1-603** is amended to read:

65 **53A-1-603. Duties of State Board of Education.**

66 (1) [~~Except as provided in Subsection (5), the~~] The State Board of Education shall:

67 (a) require each school district and charter school to implement the Utah Performance
68 Assessment System for Students, hereafter referred to as U-PASS;

69 (b) require the state superintendent of public instruction to submit and recommend
70 criterion-referenced achievement tests or online computer adaptive tests, [~~a tenth grade basic~~
71 ~~skills competency test~~] college and career readiness assessments, an online writing assessment
72 for grades 5 and 8, and a test for students in grade 3 to measure reading grade level to the board
73 for approval and adoption and distribution to each school district and charter school by the state
74 superintendent;

75 (c) develop an assessment method to uniformly measure statewide performance, school
76 district performance, and school performance of students in grades 3 through 12 in mastering
77 basic skills courses; and

78 (d) provide for the state to participate in the National Assessment of Educational
79 Progress state-by-state comparison testing program.

80 (2) [~~Except as provided in Subsection (5) and Subsection 53A-1-611(6), under~~] Under
81 U-PASS, the [~~state office~~] State Board of Education shall annually require [~~that~~] each school
82 district and charter school, as applicable, to administer:

83 (a) as determined by the State Board of Education, statewide criterion-referenced tests
84 or online computer adaptive tests in grades 3 through 12 and courses in basic skill areas of the
85 core curriculum;

86 (b) an online writing assessment to all students in grades 5 and 8;

87 (c) [~~a tenth grade basic skills competency test~~] college and career readiness
88 assessments as detailed in Section 53A-1-611; and

89 (d) a test to all students in grade 3 to measure reading grade level.

90 (3) The board shall adopt rules for the conduct and administration of U-PASS to
91 include the following:

92 (a) the computation of student performance based on information that is disaggregated
93 with respect to race, ethnicity, gender, limited English proficiency, and those students who
94 qualify for free or reduced price school lunch;

95 (b) security features to maintain the integrity of the system, which could include
96 statewide uniform testing dates, multiple test forms, and test administration protocols;
97 (c) the exemption of student test scores, by exemption category, such as limited
98 English proficiency, mobility, and students with disabilities, with the percent or number of
99 student test scores exempted being publically reported at a district level;
100 (d) compiling of criterion-referenced, online computer adaptive, and online writing test
101 scores and test score averages at the classroom level to allow for:
102 (i) an annual review of those scores by parents of students and professional and other
103 appropriate staff at the classroom level at the earliest point in time;
104 (ii) the assessment of year-to-year student progress in specific classes, courses, and
105 subjects;
106 (iii) a teacher to review, prior to the beginning of a new school year, test scores from
107 the previous school year of students who have been assigned to the teacher's class for the new
108 school year; [~~and~~]
109 [~~(iv)~~] (e) allowing a school district or charter school to have its tests administered and
110 scored electronically to accelerate the review of test scores and their usefulness to parents and
111 educators under [~~Subsections~~] Subsection (3)(d)[~~(i), (ii), and (iii)~~], without violating the
112 integrity of U-PASS; and
113 [~~(e)~~] (f) providing that[~~: (i)~~] scores on the tests and assessments required under
114 Subsection (2)(a) shall be considered in determining a student's academic grade for the
115 appropriate course and whether a student shall advance to the next grade level[~~; and~~].
116 [~~(ii) except as provided in Subsection 53A-1-611(6), the student's score on the tenth~~
117 ~~grade basic skills competency test shall be recorded on the student's transcript of credits.~~]
118 [~~(4) The State Board of Education shall consider administering the basic skills~~
119 ~~competency test on a Saturday to preserve instructional time.~~]
120 [~~(5) (a) The State Board of Education may exempt a school district or charter school~~
121 ~~from the testing requirements specified in Subsection (2) if:~~]
122 [~~(i) the school district or charter school pilots an assessment system that incorporates~~
123 ~~the following:~~]
124 [~~(A) online classroom-based assessment that utilizes adaptive testing;~~]
125 [~~(B) online writing assessments in grades 4 through 12; or~~]

126 [~~(C) assessments administered in grades 8, 10, and 11 to determine readiness for~~
127 ~~postsecondary education;~~]
128 [~~(ii) the State Board of Education approves the specific assessment administered under~~
129 ~~Subsection (5)(a)(i) and the assessment provider; and~~]
130 [~~(iii) the school district or charter school verifies the local fiscal capability and~~
131 ~~resources needed to participate in the pilot assessment system.~~]
132 [~~(b) A school district or charter school that receives an exemption under Subsection (5)~~
133 ~~(a) is subject to an accountability plan and high school graduation standards that are:~~]
134 [~~(i) based on the school district's or charter school's assessment system, which may~~
135 ~~include assessments described in Subsection (2) or Subsections (5)(a)(i) through (iii); and~~]
136 [~~(ii) developed and adopted by the State Board of Education.~~]
137 [~~(c) By the November 2014 meeting of the Education Interim Committee, the State~~
138 ~~Board of Education shall submit recommendations to the committee on the state's assessment~~
139 ~~system.~~]
140 [~~(6)~~] (4) (a) A school district or charter school, as applicable, is encouraged to
141 administer an online writing assessment to students in grade 11.
142 (b) The State Board of Education may award a grant to a school district or charter
143 school to pay for an online writing assessment and instruction program that may be used to
144 assess the writing of students in grade 11.
145 [~~(7) (a) On or before the 2010 October meeting of the Education Interim Committee,~~
146 ~~the State Board of Education shall prepare and present its plan for a pilot program for the~~
147 ~~2010-11 and 2011-12 school years to:~~]
148 [~~(i) replace the tenth grade basic skills competency test with computer adaptive testing~~
149 ~~of basic skills; and~~]
150 [~~(ii) administer the ACT exam to secondary students.~~]
151 [~~(b) The State Board of Education shall implement the pilot program described in~~
152 ~~Subsection (7)(a) for the 2010-11 and 2011-12 school years.~~]
153 [~~(c) The State Board of Education shall re-direct the money saved by not administering~~
154 ~~the tenth grade basic skills competency test pursuant to Subsection 53A-1-611(6) to fund the~~
155 ~~implementation of the pilot program described in Subsection (7)(b) for fiscal years 2010-11~~
156 ~~and 2011-12.~~]

157 Section 3. Section **53A-1-604** is amended to read:

158 **53A-1-604. Test development, publication, and administration.**

159 (1) The State Board of Education shall develop, publish, and administer

160 criterion-referenced tests [~~and a tenth grade basic skills competency test~~].

161 (2) The board may use the expert services of any person in the public or private sector

162 in:

163 (a) evaluating current tests and assessment programs; or

164 (b) developing, publishing, and administering new tests.

165 Section 4. Section **53A-1-605** is amended to read:

166 **53A-1-605. Analysis of results -- Staff professional development.**

167 [~~(1) The State Board of Education, through the state superintendent of public~~

168 ~~instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels~~

169 ~~and courses required under Section 53A-1-603 and the student behavior indicators referred to~~

170 ~~in Section 53A-1-602.~~]

171 [~~(2) The plan shall include components designed to:~~]

172 [~~(a) assist school districts and individual schools to use the results of the analysis in~~

173 ~~planning, evaluating, and enhancing programs; and~~]

174 [~~(b) identify schools not achieving state-established acceptable levels of student~~

175 ~~performance in order to assist those schools in raising their student performance levels.~~]

176 [~~(3) The plan shall include provisions for statistical reporting of criterion-referenced or~~

177 ~~online computer adaptive test results at state, school district, school, and grade or course levels,~~

178 ~~and shall include actual levels of performance on tests.~~]

179 [~~(4)~~] Each local school board and charter school governing board shall provide for:

180 [~~(a)~~] (1) evaluation of the U-PASS test results and use of the evaluations in setting

181 goals and establishing programs; and

182 [~~(b)~~] (2) a professional development program that provides teachers, principals, and

183 other professional staff with the training required to successfully establish and maintain

184 U-PASS.

185 Section 5. Section **53A-1-609** is amended to read:

186 **53A-1-609. Construction of part.**

187 [~~Except as otherwise provided in Section 53A-1-611, nothing~~] Nothing in this part shall

188 be construed to mean or represented to require that graduation from a high school or promotion
189 to another grade is in any way dependent upon successful performance of any test administered
190 as a part of the testing program established under this part.
191 Section 6. Section **53A-1-611** is amended to read:
192 **53A-1-611. Standards and assessment processes to measure student performance**
193 **-- College and career readiness assessments.**
194 (1) The Legislature recognizes the need for the State Board of Education to develop
195 and implement standards and assessment processes to ensure that student progress is measured
196 and that school boards and school personnel are accountable.
197 (2) [~~(a)~~] In addition to its responsibilities under Sections 53A-1-603 through
198 53A-1-605, the State Board of Education[~~, through the state superintendent of public~~
199 ~~instruction, shall design a basic skills competency test to be administered in the tenth grade.~~]
200 shall adopt college and career readiness assessments for secondary students that include:
201 [~~(b) Except as provided in Subsections (5) and (6) and Section 53A-1-1001, a student~~
202 ~~must pass the basic skills competency test, in addition to the established requirements of the~~
203 ~~state and local board of education of the district in which the student attends school, in order to~~
204 ~~receive a basic high school diploma of graduation.~~]
205 [~~(c) The state board shall include in the test, at a minimum, components on English~~
206 ~~language arts and reading and mathematics.~~]
207 [~~(d) Except as provided in Subsections (5) and (6) and Section 53A-1-1001, a student~~
208 ~~who fails to pass all components of the test may not receive a basic high school diploma but~~
209 ~~may receive a certificate of completion or alternative completion diploma under rules made by~~
210 ~~the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative~~
211 ~~Rulemaking Act.~~]
212 [~~(e) The state board shall make rules:~~]
213 [~~(i) to allow students who initially fail the test to retake all or part of the test; and~~]
214 [~~(ii) that take into account and are consistent with federal law relating to students with~~
215 ~~disabilities in the administration of the test.~~]
216 [~~(3) The state board shall implement the tenth grade basic skills competency test, no~~
217 ~~later than the beginning of the 2003-04 school year.~~]
218 (a) a test used by local universities for admission; and

219 (b) a battery of assessments that are predictive of success in higher education.
220 (3) The State Board of Education shall require school districts and charter schools to
221 administer the college and career readiness assessments adopted by the State Board of
222 Education under Subsection (2) beginning with the 2012-13 school year.
223 (4) The requirements of this section are to be complementary to the other achievement
224 testing provisions of this part.
225 [~~(5) A student enrolled in a school district or charter school that is exempt from~~
226 ~~administering the tenth grade basic skills competency test is subject to high school graduation~~
227 ~~standards adopted by the State Board of Education pursuant to Section 53A-1-603.~~]
228 [~~(6) (a) A student is exempt from the requirements of Subsection (2) if:~~]
229 [~~(i) the student is enrolled in the tenth grade during:~~]
230 [~~(A) the 2010-11 school year; or~~]
231 [~~(B) the 2011-12 school year; or~~]
232 [~~(ii) the student:~~]
233 [~~(A) was enrolled in the tenth grade during:~~]
234 [~~(I) the 2008-09 school year; or~~]
235 [~~(II) the 2009-10 school year; and~~]
236 [~~(B) did not pass the tenth grade basic skills competency test while the student was in~~
237 ~~tenth grade.~~]
238 [~~(b) School districts and charter schools are exempt from administering the tenth grade~~
239 ~~basic skills competency test during the 2010-11 and 2011-12 school year.~~]
240 (5) The State Board of Education shall make rules providing for:
241 (a) a differentiated diploma for which the award criteria shall include a student's
242 performance on a college and career readiness assessment; and
243 (b) the distribution of money appropriated for college and career readiness assessments
244 to school districts and charter schools.
245 Section 7. Section **53A-3-602.5** is amended to read:
246 **53A-3-602.5. School performance report -- Components -- Annual filing.**
247 (1) For a school year beginning with or after the 2010-11 school year, the State Board
248 of Education in collaboration with the state's school districts and charter schools shall develop
249 a school performance report to inform the state's residents of the quality of schools and the

250 educational achievement of students in the state's public education system.
251 (2) The report described in Subsection (1) shall be written and include the following
252 statistical data for each school in a school district and each charter school, as applicable, except
253 as provided by Subsection (2)(g), and shall also aggregate the data at the school district and
254 state level:
255 (a) test scores over the previous year on:
256 (i) criterion-referenced or online computer adaptive tests to include the scores
257 aggregated for all students:
258 (A) by grade level or course for the previous two years and an indication of whether
259 there was a sufficient magnitude of gain in the scores between the two years; and
260 (B) by class;
261 (ii) online writing assessments required under Section 53A-1-603; and
262 (iii) [~~tenth grade basic skills competency tests~~] college and career readiness
263 assessments required under Section 53A-1-603;
264 (b) college entrance examinations data, including the number and percentage of each
265 graduating class taking the examinations for the previous four years;
266 (c) advanced placement and concurrent enrollment data, including:
267 (i) the number of students taking advanced placement and concurrent enrollment
268 courses;
269 (ii) the number and percent of students taking a specific advanced placement course
270 who take advanced placement tests to receive college credit for the course;
271 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
272 percent who pass the test; and
273 (iv) of those students taking a concurrent enrollment course, the number and percent of
274 those who receive college credit for the course;
275 (d) the number and percent of students in grade 3 reading at or above grade level;
276 (e) the number and percent of students who were absent from school 10 days or more
277 during the school year;
278 (f) achievement gaps that reflect the differences in achievement of various student
279 groups as defined by State Board of Education rule;
280 (g) the number and percent of "student dropouts" within the school district as defined

281 by State Board of Education rule;
282 (h) course-taking patterns and trends in secondary schools;
283 (i) student mobility;
284 (j) staff qualifications, to include years of professional service and the number and
285 percent of staff who have a degree or endorsement in their assigned teaching area and the
286 number and percent of staff who have a graduate degree;
287 (k) the number and percent of parents who participate in SEP, SEOP, and
288 parent-teacher conferences;
289 (l) average class size calculated in accordance with State Board of Education rule
290 adopted under Subsection (4);
291 (m) average daily attendance as defined by State Board of Education rule, including
292 every period in secondary schools; and
293 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited
294 English proficiency, and those students who qualify for free or reduced price school lunch.
295 (3) For a school year beginning with or after the 2010-11 school year, the State Board
296 of Education, in collaboration with the state's school districts and charter schools, shall provide
297 for the collection and electronic reporting of the following data for a school in each school
298 district and each charter school:
299 (a) test scores and trends over the previous four years on the tests referred to in
300 Subsection (2)(a);
301 (b) the average grade given in each math, science, and English course in grades 9
302 through 12 for which criterion-referenced or online computer adaptive tests are required under
303 Section 53A-1-603;
304 (c) incidents of student discipline as defined by State Board of Education rule,
305 including suspensions, expulsions, and court referrals; and
306 (d) the number and percent of students receiving fee waivers and the total dollar
307 amount of fees waived.
308 (4) (a) The State Board of Education shall adopt common definitions and data
309 collection procedures for local school boards and charter schools to use in collecting and
310 forwarding the data required under Subsections (2) and (3) to the state superintendent of public
311 instruction.

312 (b) (i) In accordance with Subsections (4)(b)(ii) through (4)(b)(iv), the State Board of
313 Education shall adopt rules specifying how average class size shall be calculated.
314 (ii) (A) Except as provided by Subsections (4)(b)(ii)(B) through (4)(b)(ii)(D) or for
315 nontraditional classes identified by rule, average class size at the elementary school level shall:
316 (I) be calculated by grade level; and
317 (II) indicate the average number of students who are assigned to a teacher for
318 instruction together during a designated time period.
319 (B) If students at the elementary school level receive instruction in core classes from
320 different teachers, average class size may be calculated as provided by Subsection (4)(b)(iii) for
321 secondary school students.
322 (C) An elementary school class that includes students from multiple grade levels shall
323 be counted as a single class.
324 (D) An extended day class in which a portion of the class arrives early and the other
325 portion stays late shall be counted as a single class.
326 (iii) (A) Except as provided by Subsection (4)(b)(iii)(B) or for nontraditional classes
327 identified by rule, average class size at the secondary school level shall:
328 (I) be calculated for core language arts, mathematics, and science courses; and
329 (II) indicate the average number of students who are assigned to a teacher for
330 instruction together during a designated time period.
331 (B) A secondary school class in which a teacher provides instruction in multiple
332 courses shall be counted as a single class.
333 (iv) Special education classes and online classes shall be excluded when determining
334 average class size by grade at the elementary school level or the average class size of core
335 language arts, mathematics, and science courses at the secondary level.
336 (c) The State Board of Education, through the state superintendent of public
337 instruction, shall adopt standard reporting forms and provide a common template for collecting
338 and reporting the data, which shall be used by all school districts and charter schools.
339 (d) The state superintendent shall use the automated decision support system referred
340 to in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).
341 (5) [~~(a)~~] For a school year beginning with or after the 2010-11 school year, the State
342 Board of Education, through the state superintendent of public instruction, shall issue its report

343 annually by October 1 to include the required data from the previous school year or years as
344 indicated in Subsections (2) and (3).
345 [~~(b) The State Board of Education shall publish on the State Board of Education's~~
346 ~~website U-PASS school reports for the 2009-10 school year that indicate the academic~~
347 ~~proficiency and progress of a school's students and whether the school meets state standards of~~
348 ~~performance.~~]
349 (6) (a) Each local school board and each charter school shall receive a written or an
350 electronic copy of the report from the state superintendent of public instruction containing the
351 data for that school district or charter school in a clear summary format and have it distributed,
352 on a one per household basis, to the residence of students enrolled in the school district or
353 charter school before November 30th of each year.
354 (b) Each local school board, each charter school, and the State Board of Education
355 shall have a complete report of the statewide data available for copying or in an electronic
356 format at their respective offices.
357 Section 8. Section **63I-2-253** is amended to read:
358 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**
359 (1) Section 53A-1-403.5 is repealed July 1, 2012.
360 [~~(2) Subsection 53A-1-603(5) is repealed July 1, 2015.~~]
361 [~~(3)~~] (2) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.
362 [~~(4)~~] (3) Subsection 53A-13-110(4) is repealed July 1, 2013.
363 [~~(5)~~] (4) Section 53A-15-1215 is repealed July 1, 2012.
364 Section 9. **Repealer.**
365 This bill repeals:
366 Section **53A-1-612, Basic Skills Education Stipend Program.**
367 Section 10. **Appropriation.**
368 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
369 following sums of money are appropriated from resources not otherwise appropriated out of the
370 funds or accounts indicated for the fiscal year beginning July 1, 2012 and ending June 30,
371 2013. These are additions to amounts previously appropriated for fiscal year 2012-13.
372 To State Board of Education $2,200,000
373 Schedule of Programs:

374 Student Achievement $2,200,000

375 The Legislature intends that the $2,200,000 appropriated to the State Board of
376 Education for the Student Achievement program be used for college and career readiness
377 assessments, including the State Board of Education's administration and evaluation of college
378 and career readiness assessments.

379 Section 11. **Effective date.**

380 This bill takes effect on July 1, 2012.