

1 **STUDENT ACHIEVEMENT TESTING**

2 **EXCEPTIONS**

3 2008 SECOND SPECIAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Howard A. Stephenson**

6 House Sponsor: Merlynn T. Newbold

8 **LONG TITLE**

9 **General Description:**

10 This bill allows the State Board of Education to exempt a school district or charter
11 school from testing requirements under the Utah Performance Assessment System for
12 Students (U-PASS) under certain circumstances.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ allows the State Board of Education to exempt a school district or charter school
16 from testing requirements under the Utah Performance Assessment System for
17 Students (U-PASS) if the school district or charter school pilots an assessment
18 system that incorporates:
 - 19 • online classroom-based assessment that utilizes adaptive testing in all grades;
 - 20 • online writing assessment in grades 4 through 12; and
 - 21 • assessments administered in grades 8, 10, and 11 to determine readiness for
22 postsecondary education;
- 23 ▶ provides a cap on the number of exemptions that the State Board of Education may
24 provide to school districts and charter schools;
- 25 ▶ provides that a school district or charter school that is exempt from U-PASS testing
26 requirements is subject to an accountability plan and high school graduation
27 standards developed and adopted by the State Board of Education;
- 28 ▶ provides that a student enrolled in a school district or charter school that is exempt
29 from administering the tenth grade basic skills competency test is subject to high

30 school graduation standards adopted by the State Board of Education; and

31 ▶ provides a repeal date.

32 **Monies Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 This bill provides an immediate effective date.

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **53A-1-603**, as last amended by Laws of Utah 2007, Chapter 244

39 **53A-1-611**, as last amended by Laws of Utah 2008, Chapter 382

40 **63I-2-253**, as last amended by Laws of Utah 2008, Chapters 250, 397 and renumbered
41 and amended by Laws of Utah 2008, Chapter 382



42
43 *Be it enacted by the Legislature of the state of Utah:*

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

45 **53A-1-603. Duties of State Board of Education.**

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

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

49 (b) require the state superintendent of public instruction to submit and recommend
50 criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills
51 competency test, a direct writing assessment for grades 6 and 9, and a test for students in grade
52 3 to measure reading grade level to the board for approval and adoption and distribution to
53 each school district and charter school by the state superintendent;

54 (c) develop an assessment method to uniformly measure statewide performance,
55 school district performance, and school performance of students in grades 2 through 12 in
56 mastering basic skills courses; and

57 (d) provide for the state to participate in the National Assessment of Educational

58 Progress state-by-state comparison testing program.

59 (2) [~~Under~~] Except as provided in Subsection (5), under U-PASS, the state office shall
60 annually require that each district and charter school, as applicable, administer:

61 (a) a statewide norm-referenced test to all students in grades 3, 5, and 8;

62 (b) statewide criterion-referenced tests in grades 2 through 12 and courses in basic
63 skill areas of the core curriculum;

64 (c) a direct writing assessment to all students in grades 6 and 9;

65 (d) a tenth grade basic skills competency test as detailed in Section 53A-1-611; and

66 (e) a test to all students in grade 3 to measure reading grade level.

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

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

72 (b) security features to maintain the integrity of the system, which could include
73 statewide uniform testing dates, multiple test forms, and test administration protocols;

74 (c) the exemption of student test scores, by exemption category, such as limited
75 English proficiency, mobility, and students with disabilities, with the percent or number of
76 student test scores exempted being publically reported at a district level;

77 (d) compiling of criterion-referenced and direct writing test scores and test score
78 averages at the classroom level to allow for:

79 (i) an annual review of those scores by parents of students and professional and other
80 appropriate staff at the classroom level at the earliest point in time;

81 (ii) the assessment of year-to-year student progress in specific classes, courses, and
82 subjects;

83 (iii) a teacher to review, prior to the beginning of a new school year, test scores from
84 the previous school year of students who have been assigned to the teacher's class for the new
85 school year; and

86 (iv) allowing a school district or charter school to have its tests administered and
87 scored electronically to accelerate the review of test scores and their usefulness to parents and
88 educators under Subsections (3)(d)(i), (ii), and (iii), without violating the integrity of U-PASS;
89 and

90 (e) providing that:

91 (i) scores on the tests and assessments required under Subsection (2)(b) shall be
92 considered in determining a student's academic grade for the appropriate course and whether a
93 student shall advance to the next grade level; and

94 (ii) the student's score on the tenth grade basic skills competency test shall be recorded
95 on the student's transcript of credits.

96 (4) The State Board of Education shall consider administering the basic skills
97 competency test on a Saturday to preserve instructional time.

98 (5) (a) The State Board of Education may exempt a school district or charter school
99 from the testing requirements specified in Subsection (2) if the school district or charter school
100 pilots an assessment system that incorporates:

101 (i) online classroom-based assessment that utilizes adaptive testing in all grades;

102 (ii) online writing assessments in grades 4 through 12; and

103 (iii) assessments administered in grades 8, 10, and 11 to determine readiness for
104 postsecondary education.

105 (b) A school district or charter school that receives an exemption under Subsection
106 (5)(a) is subject to an accountability plan and high school graduation standards that are:

107 (i) based on the assessment system described in Subsections (5)(a)(i) through (iii); and

108 (ii) developed and adopted by the State Board of Education.

109 (c) By the November 2009 meeting of the Education Interim Committee, the State
110 Board of Education shall submit recommendations to the committee on the state's assessment
111 system.

112 (d) The State Board of Education may only provide the following exemptions under
113 this Subsection (5):

114 (i) up to three rural school districts;

115 (ii) up to two urban school districts; and

116 (iii) up to five charter schools.

117 Section 2. Section **53A-1-611** is amended to read:

118 **53A-1-611. Standards and assessment processes to measure student performance**
119 **-- Basic skills competency test.**

120 (1) The Legislature recognizes the need for the State Board of Education to develop
121 and implement standards and assessment processes to ensure that student progress is measured
122 and that school boards and school personnel are accountable.

123 (2) (a) In addition to its responsibilities under Sections 53A-1-603 through
124 53A-1-605, the State Board of Education, through the state superintendent of public
125 instruction, shall design a basic skills competency test to be administered in the tenth grade.

126 (b) [A] Except as provided in Subsection (5), a student must pass the basic skills
127 competency test, in addition to the established requirements of the state and local board of
128 education of the district in which the student attends school, in order to receive a basic high
129 school diploma of graduation.

130 (c) The state board shall include in the test, at a minimum, components on English
131 language arts and reading and mathematics.

132 (d) [A] Except as provided in Subsection (5), a student who fails to pass all
133 components of the test may not receive a basic high school diploma but may receive a
134 certificate of completion or alternative completion diploma under rules made by the State
135 Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative
136 Rulemaking Act.

137 (e) The state board shall make rules:

138 (i) to allow students who initially fail the test to retake all or part of the test; and

139 (ii) that take into account and are consistent with federal law relating to students with
140 disabilities in the administration of the test.

141 (3) The state board shall implement the tenth grade basic skills competency test, no

142 later than the beginning of the 2003-04 school year.

143 (4) The requirements of this section are to be complementary to the other achievement
144 testing provisions of this part.

145 (5) A student enrolled in a school district or charter school that is exempt from
146 administering the tenth grade basic skills competency test is subject to high school graduation
147 standards adopted by the State Board of Education pursuant to Section 53A-1-603.

148 Section 3. Section **63I-2-253** is amended to read:

149 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

150 (1) Section 53A-1-403.5 is repealed July 1, 2012.

151 (2) Subsection 53A-1-603(5) is repealed July 1, 2010.

152 [~~2~~] (3) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

153 [~~3~~] (4) Section 53A-3-702 is repealed July 1, 2008.

154 [~~4~~] (5) Section 53A-6-112 is repealed July 1, 2009.

155 [~~5~~] (6) Subsection 53A-13-110(3) is repealed July 1, 2013.

156 [~~6~~] (7) Section 53A-17a-152 is repealed July 1, 2010.

157 [~~7~~] (8) Section 53A-17a-162 is repealed July 1, 2012.

158 Section 4. **Effective date.**

159 If approved by two-thirds of all the members elected to each house, this bill takes effect
160 upon approval by the governor, or the day following the constitutional time limit of Utah
161 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
162 the date of veto override.