

1 **COLLEGE AND CAREER READINESS ASSESSMENT**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Margaret Dayton**

5 House Sponsor: Keith Grover

6

7 **LONG TITLE**

8 **Committee Note:**

9 The Education Interim Committee recommended this bill.

10 **General Description:**

11 This bill modifies the Utah Performance Assessment System for Students (U-PASS),
12 including requiring school districts and charter schools to administer college and career
13 readiness assessments adopted by the State Board of Education.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ terminates the administration of a basic skills competency test to tenth grade
17 students;
- 18 ▶ requires school districts and charter schools to administer college and career
19 readiness assessments adopted by the State Board of Education, which may include
20 a test used by local universities for admission or the Armed Services Vocational
21 Aptitude Battery;
- 22 ▶ eliminates an assessment system pilot program;
- 23 ▶ eliminates a requirement for the State Board of Education to analyze U-PASS test
24 results and identify schools not meeting state-established acceptable levels of
25 student performance;
- 26 ▶ requires the State Board of Education to make rules providing for:
- 27 • a differentiated diploma for which the award criteria includes a student's



- 28 performance on a college and career readiness assessment; and
- 29 • distribution of money appropriated for college and career readiness assessments
- 30 to school districts and charter schools;
- 31 ▶ eliminates the Basic Skills Education Stipend Program; and
- 32 ▶ makes technical amendments.

33 Money Appropriated in this Bill:

- 34 This bill appropriates:
- 35 ▶ to the State Board of Education, as an ongoing appropriation:
 - 36 • from the Education Fund, \$2,200,000.

37 Other Special Clauses:

38 This bill takes effect on July 1, 2012.

39 Utah Code Sections Affected:

40 AMENDS:

- 41 **53A-1-602**, as last amended by Laws of Utah 2010, Chapters 11 and 305
- 42 **53A-1-603**, as last amended by Laws of Utah 2010, Chapters 11 and 305
- 43 **53A-1-604**, as last amended by Laws of Utah 2010, Chapter 11
- 44 **53A-1-605**, as last amended by Laws of Utah 2010, Chapter 11
- 45 **53A-1-609**, as last amended by Laws of Utah 1999, Chapter 336
- 46 **53A-1-611**, as last amended by Laws of Utah 2010, Chapters 305 and 395
- 47 **53A-3-602.5**, as last amended by Laws of Utah 2011, Chapter 321
- 48 **63I-2-253**, as last amended by Laws of Utah 2011, Chapters 303, 330, and 419

49 REPEALS:

- 50 **53A-1-612**, as last amended by Laws of Utah 2011, Chapter 342



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

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

54 **53A-1-602. Definitions.**

55 As used in this part:

- 56 (1) "Basic skills course" means a subject which requires mastery of specific functions,
- 57 as defined under rules made by the State Board of Education, to include reading, language arts,
- 58 mathematics [~~through intermediate algebra~~], science[;] in grades 4 through 12, and

59 effectiveness of written expression.

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

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

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

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

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

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

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

70 **53A-1-603. Duties of State Board of Education.**

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

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

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

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

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

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

88 (a) as determined by the State Board of Education, statewide criterion-referenced tests
89 or online computer adaptive tests in grades 3 through 12 and courses in basic skill areas of the

90 core curriculum;

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

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

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

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

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

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

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

105 (d) compiling of criterion-referenced, online computer adaptive, and online writing test
106 scores and test score averages at the classroom level to allow for:

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

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

111 (iii) a teacher to review, prior to the beginning of a new school year, test scores from
112 the previous school year of students who have been assigned to the teacher's class for the new
113 school year; [~~and~~]

114 [~~(iv)~~] (e) allowing a school district or charter school to have its tests administered and
115 scored electronically to accelerate the review of test scores and their usefulness to parents and
116 educators under [~~Subsections~~] Subsection (3)(d)[~~(i), (ii), and (iii)~~], without violating the
117 integrity of U-PASS; and

118 [~~(e)~~] (f) providing that [~~(i)~~] scores on the tests and assessments required under
119 Subsection (2)(a) shall be considered in determining a student's academic grade for the
120 appropriate course and whether a student shall advance to the next grade level[~~; and~~].

121 ~~[(ii) except as provided in Subsection 53A-1-611(6), the student's score on the tenth~~
122 ~~grade basic skills competency test shall be recorded on the student's transcript of credits.]~~

123 ~~[(4) The State Board of Education shall consider administering the basic skills~~
124 ~~competency test on a Saturday to preserve instructional time.]~~

125 ~~[(5) (a) The State Board of Education may exempt a school district or charter school~~
126 ~~from the testing requirements specified in Subsection (2) if:]~~

127 ~~[(i) the school district or charter school pilots an assessment system that incorporates~~
128 ~~the following:]~~

129 ~~[(A) online classroom-based assessment that utilizes adaptive testing;]~~

130 ~~[(B) online writing assessments in grades 4 through 12; or]~~

131 ~~[(C) assessments administered in grades 8, 10, and 11 to determine readiness for~~
132 ~~postsecondary education;]~~

133 ~~[(ii) the State Board of Education approves the specific assessment administered under~~
134 ~~Subsection (5)(a)(i) and the assessment provider; and]~~

135 ~~[(iii) the school district or charter school verifies the local fiscal capability and~~
136 ~~resources needed to participate in the pilot assessment system.]~~

137 ~~[(b) A school district or charter school that receives an exemption under Subsection (5)~~
138 ~~(a) is subject to an accountability plan and high school graduation standards that are:]~~

139 ~~[(i) based on the school district's or charter school's assessment system, which may~~
140 ~~include assessments described in Subsection (2) or Subsections (5)(a)(i) through (iii); and]~~

141 ~~[(ii) developed and adopted by the State Board of Education.]~~

142 ~~[(c) By the November 2014 meeting of the Education Interim Committee, the State~~
143 ~~Board of Education shall submit recommendations to the committee on the state's assessment~~
144 ~~system.]~~

145 ~~[(6)] (4) (a) A school district or charter school, as applicable, is encouraged to~~
146 ~~administer an online writing assessment to students in grade 11.~~

147 (b) The State Board of Education may award a grant to a school district or charter
148 school to pay for an online writing assessment and instruction program that may be used to
149 assess the writing of students in grade 11.

150 ~~[(7) (a) On or before the 2010 October meeting of the Education Interim Committee,~~
151 ~~the State Board of Education shall prepare and present its plan for a pilot program for the~~

152 2010-11 and 2011-12 school years to:]

153 [~~(i) replace the tenth grade basic skills competency test with computer adaptive testing~~
154 ~~of basic skills; and]~~

155 [~~(ii) administer the ACT exam to secondary students.]~~

156 [~~(b) The State Board of Education shall implement the pilot program described in~~
157 ~~Subsection (7)(a) for the 2010-11 and 2011-12 school years.]~~

158 [~~(c) The State Board of Education shall re-direct the money saved by not administering~~
159 ~~the tenth grade basic skills competency test pursuant to Subsection 53A-1-611(6) to fund the~~
160 ~~implementation of the pilot program described in Subsection (7)(b) for fiscal years 2010-11~~
161 ~~and 2011-12.]~~

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

163 **53A-1-604. Test development, publication, and administration.**

164 (1) The State Board of Education shall develop, publish, and administer
165 criterion-referenced tests [~~and a tenth grade basic skills competency test~~].

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

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

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

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

171 **53A-1-605. Analysis of results -- Staff professional development.**

172 [~~(1) The State Board of Education, through the state superintendent of public~~
173 ~~instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels~~
174 ~~and courses required under Section 53A-1-603 and the student behavior indicators referred to~~
175 ~~in Section 53A-1-602.]~~

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

177 [~~(a) assist school districts and individual schools to use the results of the analysis in~~
178 ~~planning, evaluating, and enhancing programs; and]~~

179 [~~(b) identify schools not achieving state-established acceptable levels of student~~
180 ~~performance in order to assist those schools in raising their student performance levels.]~~

181 [~~(3) The plan shall include provisions for statistical reporting of criterion-referenced or~~
182 ~~online computer adaptive test results at state, school district, school, and grade or course levels;~~

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

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

185 ~~[(a)]~~ (1) evaluation of the U-PASS test results and use of the evaluations in setting
186 goals and establishing programs; and

187 ~~[(b)]~~ (2) a professional development program that provides teachers, principals, and
188 other professional staff with the training required to successfully establish and maintain
189 U-PASS.

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

191 **53A-1-609. Construction of part.**

192 ~~[Except as otherwise provided in Section 53A-1-611, nothing]~~ Nothing in this part shall
193 be construed to mean or represented to require that graduation from a high school or promotion
194 to another grade is in any way dependent upon successful performance of any test administered
195 as a part of the testing program established under this part.

196 Section 6. Section **53A-1-611** is amended to read:

197 **53A-1-611. Standards and assessment processes to measure student performance**
198 **-- College and career readiness assessments.**

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

202 (2) ~~[(a)]~~ In addition to its responsibilities under Sections 53A-1-603 through
203 53A-1-605, the State Board of Education~~[, through the state superintendent of public~~
204 ~~instruction, shall design a basic skills competency test to be administered in the tenth grade.]~~
205 shall adopt college and career readiness assessments for secondary students that may include:

206 ~~[(b)]~~ ~~Except as provided in Subsections (5) and (6) and Section 53A-1-1001, a student~~
207 ~~must pass the basic skills competency test, in addition to the established requirements of the~~
208 ~~state and local board of education of the district in which the student attends school, in order to~~
209 ~~receive a basic high school diploma of graduation.]~~

210 ~~[(c)]~~ ~~The state board shall include in the test, at a minimum, components on English~~
211 ~~language arts and reading and mathematics.]~~

212 ~~[(d)]~~ ~~Except as provided in Subsections (5) and (6) and Section 53A-1-1001, a student~~
213 ~~who fails to pass all components of the test may not receive a basic high school diploma but~~

214 ~~may receive a certificate of completion or alternative completion diploma under rules made by~~
215 ~~the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative~~
216 ~~Rulemaking Act.]~~

217 ~~[(e) The state board shall make rules:]~~

218 ~~[(i) to allow students who initially fail the test to retake all or part of the test; and]~~

219 ~~[(ii) that take into account and are consistent with federal law relating to students with~~
220 ~~disabilities in the administration of the test.]~~

221 ~~[(3) The state board shall implement the tenth grade basic skills competency test, no~~
222 ~~later than the beginning of the 2003-04 school year.]~~

223 ~~(a) a test used by local universities for admission;~~

224 ~~(b) the Armed Services Vocational Aptitude Battery test; and~~

225 ~~(c) a battery of assessments that are predictive of success in higher education.~~

226 ~~(3) The State Board of Education shall require school districts and charter schools to~~
227 ~~administer the college and career readiness assessments adopted by the State Board of~~
228 ~~Education under Subsection (2) beginning with the 2012-13 school year.~~

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

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

234 ~~[(6) (a) A student is exempt from the requirements of Subsection (2) if:]~~

235 ~~[(i) the student is enrolled in the tenth grade during:]~~

236 ~~[(A) the 2010-11 school year; or]~~

237 ~~[(B) the 2011-12 school year; or]~~

238 ~~[(ii) the student:]~~

239 ~~[(A) was enrolled in the tenth grade during:]~~

240 ~~[(I) the 2008-09 school year; or]~~

241 ~~[(II) the 2009-10 school year; and]~~

242 ~~[(B) did not pass the tenth grade basic skills competency test while the student was in~~
243 ~~tenth grade.]~~

244 ~~[(b) School districts and charter schools are exempt from administering the tenth grade~~

245 ~~basic skills competency test during the 2010-11 and 2011-12 school year.]~~

246 (5) The State Board of Education shall make rules providing for:

247 (a) a differentiated diploma for which the award criteria shall include a student's
248 performance on a college and career readiness assessment; and

249 (b) the distribution of money appropriated for college and career readiness assessments
250 to school districts and charter schools.

251 Section 7. Section **53A-3-602.5** is amended to read:

252 **53A-3-602.5. School performance report -- Components -- Annual filing.**

253 (1) For a school year beginning with or after the 2010-11 school year, the State Board
254 of Education in collaboration with the state's school districts and charter schools shall develop
255 a school performance report to inform the state's residents of the quality of schools and the
256 educational achievement of students in the state's public education system.

257 (2) The report described in Subsection (1) shall be written and include the following
258 statistical data for each school in a school district and each charter school, as applicable, except
259 as provided by Subsection (2)(g), and shall also aggregate the data at the school district and
260 state level:

261 (a) test scores over the previous year on:

262 (i) criterion-referenced or online computer adaptive tests to include the scores
263 aggregated for all students:

264 (A) by grade level or course for the previous two years and an indication of whether
265 there was a sufficient magnitude of gain in the scores between the two years; and

266 (B) by class;

267 (ii) online writing assessments required under Section 53A-1-603; and

268 (iii) ~~[tenth grade basic skills competency tests]~~ college and career readiness
269 assessments required under Section 53A-1-603;

270 (b) college entrance examinations data, including the number and percentage of each
271 graduating class taking the examinations for the previous four years;

272 (c) advanced placement and concurrent enrollment data, including:

273 (i) the number of students taking advanced placement and concurrent enrollment
274 courses;

275 (ii) the number and percent of students taking a specific advanced placement course

276 who take advanced placement tests to receive college credit for the course;
277 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
278 percent who pass the test; and
279 (iv) of those students taking a concurrent enrollment course, the number and percent of
280 those who receive college credit for the course;
281 (d) the number and percent of students in grade 3 reading at or above grade level;
282 (e) the number and percent of students who were absent from school 10 days or more
283 during the school year;
284 (f) achievement gaps that reflect the differences in achievement of various student
285 groups as defined by State Board of Education rule;
286 (g) the number and percent of "student dropouts" within the school district as defined
287 by State Board of Education rule;
288 (h) course-taking patterns and trends in secondary schools;
289 (i) student mobility;
290 (j) staff qualifications, to include years of professional service and the number and
291 percent of staff who have a degree or endorsement in their assigned teaching area and the
292 number and percent of staff who have a graduate degree;
293 (k) the number and percent of parents who participate in SEP, SEOP, and
294 parent-teacher conferences;
295 (l) average class size calculated in accordance with State Board of Education rule
296 adopted under Subsection (4);
297 (m) average daily attendance as defined by State Board of Education rule, including
298 every period in secondary schools; and
299 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited
300 English proficiency, and those students who qualify for free or reduced price school lunch.
301 (3) For a school year beginning with or after the 2010-11 school year, the State Board
302 of Education, in collaboration with the state's school districts and charter schools, shall provide
303 for the collection and electronic reporting of the following data for a school in each school
304 district and each charter school:
305 (a) test scores and trends over the previous four years on the tests referred to in
306 Subsection (2)(a);

307 (b) the average grade given in each math, science, and English course in grades 9
308 through 12 for which criterion-referenced or online computer adaptive tests are required under
309 Section 53A-1-603;

310 (c) incidents of student discipline as defined by State Board of Education rule,
311 including suspensions, expulsions, and court referrals; and

312 (d) the number and percent of students receiving fee waivers and the total dollar
313 amount of fees waived.

314 (4) (a) The State Board of Education shall adopt common definitions and data
315 collection procedures for local school boards and charter schools to use in collecting and
316 forwarding the data required under Subsections (2) and (3) to the state superintendent of public
317 instruction.

318 (b) (i) In accordance with Subsections (4)(b)(ii) through (4)(b)(iv), the State Board of
319 Education shall adopt rules specifying how average class size shall be calculated.

320 (ii) (A) Except as provided by Subsections (4)(b)(ii)(B) through (4)(b)(ii)(D) or for
321 nontraditional classes identified by rule, average class size at the elementary school level shall:

322 (I) be calculated by grade level; and

323 (II) indicate the average number of students who are assigned to a teacher for
324 instruction together during a designated time period.

325 (B) If students at the elementary school level receive instruction in core classes from
326 different teachers, average class size may be calculated as provided by Subsection (4)(b)(iii) for
327 secondary school students.

328 (C) An elementary school class that includes students from multiple grade levels shall
329 be counted as a single class.

330 (D) An extended day class in which a portion of the class arrives early and the other
331 portion stays late shall be counted as a single class.

332 (iii) (A) Except as provided by Subsection (4)(b)(iii)(B) or for nontraditional classes
333 identified by rule, average class size at the secondary school level shall:

334 (I) be calculated for core language arts, mathematics, and science courses; and

335 (II) indicate the average number of students who are assigned to a teacher for
336 instruction together during a designated time period.

337 (B) A secondary school class in which a teacher provides instruction in multiple

338 courses shall be counted as a single class.

339 (iv) Special education classes and online classes shall be excluded when determining
340 average class size by grade at the elementary school level or the average class size of core
341 language arts, mathematics, and science courses at the secondary level.

342 (c) The State Board of Education, through the state superintendent of public
343 instruction, shall adopt standard reporting forms and provide a common template for collecting
344 and reporting the data, which shall be used by all school districts and charter schools.

345 (d) The state superintendent shall use the automated decision support system referred
346 to in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).

347 (5) ~~[(a)]~~ For a school year beginning with or after the 2010-11 school year, the State
348 Board of Education, through the state superintendent of public instruction, shall issue its report
349 annually by October 1 to include the required data from the previous school year or years as
350 indicated in Subsections (2) and (3).

351 ~~[(b) The State Board of Education shall publish on the State Board of Education's
352 website U-PASS school reports for the 2009-10 school year that indicate the academic
353 proficiency and progress of a school's students and whether the school meets state standards of
354 performance.]~~

355 (6) (a) Each local school board and each charter school shall receive a written or an
356 electronic copy of the report from the state superintendent of public instruction containing the
357 data for that school district or charter school in a clear summary format and have it distributed,
358 on a one per household basis, to the residence of students enrolled in the school district or
359 charter school before November 30th of each year.

360 (b) Each local school board, each charter school, and the State Board of Education
361 shall have a complete report of the statewide data available for copying or in an electronic
362 format at their respective offices.

363 Section 8. Section **63I-2-253** is amended to read:

364 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

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

366 ~~[(2) Subsection 53A-1-603(5) is repealed July 1, 2015.]~~

367 ~~[(3)]~~ (2) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

368 ~~[(4)]~~ (3) Subsection 53A-13-110(4) is repealed July 1, 2013.

369 [~~5~~] (4) Section 53A-15-1215 is repealed July 1, 2012.

370 Section 9. **Repealer.**

371 This bill repeals:

372 Section **53A-1-612, Basic Skills Education Stipend Program.**

373 Section 10. **Appropriation.**

374 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
375 following sums of money are appropriated from resources not otherwise appropriated out of the
376 funds or accounts indicated for the fiscal year beginning July 1, 2012, and ending June 30,
377 2013. These are additions to amounts previously appropriated for fiscal year 2012-13.

378 To State Board of Education \$2,200,000

379 Schedule of Programs:

380 Student Achievement \$2,200,000

381 The Legislature intends that the \$2,200,000 appropriated to the State Board of
382 Education for the Student Achievement program be used for college and career readiness
383 assessments, including the State Board of Education's administration and evaluation of college
384 and career readiness assessments.

385 Section 11. **Effective date.**

386 This bill takes effect on July 1, 2012.

Legislative Review Note
as of 10-20-11 8:35 AM

Office of Legislative Research and General Counsel