

1                                   **ASSESSMENT AND REPORTING OF STUDENT**  
2                                   **PERFORMANCE**

3                                   2013 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Ralph Okerlund**

6                                   House Sponsor: \_\_\_\_\_

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8                                   **LONG TITLE**

9                                   **General Description:**

10                                  This bill modifies provisions relating to the assessment of student performance and the  
11 reporting of student performance data.

12                                  **Highlighted Provisions:**

13                                  This bill:

- 14                                  ▶ amends provisions relating to a computer adaptive assessment system, including:
- 15    • modifying the date when a school district or charter school is required to
  - 16 administer computer adaptive testing;
  - 17    • requiring computer adaptive assessments to be aligned with Utah's core
  - 18 standards; and
  - 19    • deleting the requirement that the State Board of Education make rules pertaining
  - 20 to the award of money to school districts and charter schools for the purchase of
  - 21 computer adaptive tests;
  - 22                                  ▶ modifies provisions relating to the reporting of U-PASS test results, including:
  - 23    • requiring the State Board of Education to provide a public electronic data
  - 24 system that includes U-PASS test results;
  - 25    • requiring a school district or school to provide a password protected electronic
  - 26 data system to provide U-PASS test results to professional and other appropriate
  - 27 staff and a student's parent or guardian; and



- 28 • imposing requirements regarding the data that may be accessed by the public,
- 29 professional, and other appropriate staff, and a student's parent or guardian;
- 30 ▶ modifies the content of a school performance report, which includes information
- 31 about the academic achievement and demographic characteristics of a school's
- 32 students;
- 33 ▶ modifies procedures for publicly disclosing a school performance report; and
- 34 ▶ requires the State Board of Education, in meeting reporting requirements of a school
- 35 performance report, to protect each student's privacy by not revealing personally
- 36 identifiable information about a student.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **53A-1-602**, as last amended by Laws of Utah 2012, Chapter 394

44 **53A-1-603**, as last amended by Laws of Utah 2012, Chapters 394 and 407

45 **53A-3-602.5**, as last amended by Laws of Utah 2011, Chapter 321

45a **§→ ENACTS:**

45b **53A-1-607.5, Utah Code Annotated 1953 ←§**

46 REPEALS AND REENACTS:

47 **53A-1-607**, as last amended by Laws of Utah 2009, Chapter 299



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

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

51 **53A-1-602. Definitions.**

52 As used in this part:

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

56 [~~(2) "Utah's common core" means the core set of English language arts and~~  
57 ~~mathematics standards developed and adopted by the State Board of Education which define~~  
58 ~~the knowledge and skills students should have in kindergarten through grade 12 to enable them~~

59 ~~to be prepared for college or workforce training.]~~

60 [(3)] (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 as detailed in Section 53A-1-611;

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

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

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

69 **53A-1-603. Duties of State Board of Education.**

70 (1) The State Board of Education shall:

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

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

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

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

83 (2) Except as provided in Subsection (3) and Subsection 53A-1-611(5), under  
84 U-PASS, the State Board of Education shall annually require each school district and charter  
85 school, as applicable, to administer:

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

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

90 (c) a tenth grade basic skills competency test as detailed in Section 53A-1-611; and  
91 (d) a test to all students in grade 3 to measure reading grade level.

92 (3) [~~Beginning with~~] No later than the 2014-15 school year, the State Board of  
93 Education shall annually require each school district and charter school, as applicable, to  
94 administer a computer adaptive assessment system that is:

95 (a) adopted by the State Board of Education; and  
96 (b) aligned to Utah's [~~common~~] core standards.

97 (4) The board shall adopt rules for the conduct and administration of U-PASS to  
98 include the following:

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

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

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

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

109 (i) an annual review of those scores by [~~parents of students and~~] professional and other  
110 appropriate staff at the classroom level, and a review of a student's scores by the student's  
111 parent or guardian, at the earliest point in time;

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

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

117 (e) allowing a school district or charter school to have its tests administered and scored  
118 electronically to accelerate the review of test scores and their usefulness to parents and  
119 educators under Subsection (4)(d), without violating the integrity of U-PASS; and

120 (f) providing that:

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

124 (ii) except as provided in Subsection 53A-1-611(5), the student's score on the tenth  
125 grade basic skills competency test shall be recorded on the student's transcript of credits.

126 (5) The State Board of Education shall consider administering the basic skills  
127 competency test on a Saturday to preserve instructional time.

128 (6) (a) A school district or charter school, as applicable, is encouraged to administer an  
129 online writing assessment to students in grade 11.

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

133 [~~(7) The State Board of Education shall make rules:~~]

134 [~~(a) establishing procedures for applying for and awarding money for computer  
135 adaptive tests;~~]

136 [~~(b) specifying how money for computer adaptive tests shall be allocated among school  
137 districts and charter schools that qualify to receive the money; and]~~

138 [~~(c) requiring reporting of the expenditure of money awarded for computer adaptive  
139 testing and evidence that the money was used to implement computer adaptive testing.~~]

140 [(8)] (7) The State Board of Education shall assure that computer adaptive tests are  
141 administered in compliance with the requirements of Chapter 13, Part 3, Utah Family  
142 Educational Rights and Privacy Act.

143 [(9)] (8) (a) The State Board of Education shall establish a committee consisting of 15  
144 parents of Utah public education students to review all computer adaptive test questions.

145 (b) The committee established in Subsection [(9)] (8)(a) shall include the following  
146 parent members:

147 (i) five members appointed by the chair of the State Board of Education;

148 (ii) five members appointed by the speaker of the House of Representatives; and

149 (iii) five members appointed by the president of the Senate.

150 (c) The State Board of Education shall provide staff support to the parent committee.

151 (d) The term of office of each member appointed in Subsection [(9)] (8)(b) is four

152 years.

153 (e) The chair of the State Board of Education, the speaker of the House of  
154 Representatives, and the president of the Senate shall adjust the length of terms to stagger the  
155 terms of committee members so that approximately 1/2 of the committee members are  
156 appointed every two years.

157 (f) No member may receive compensation or benefits for the member's service on the  
158 committee.

159 ~~[(10)]~~ (9) (a) School districts and charter schools shall require each licensed employee  
160 to complete two hours of professional development on youth suicide prevention within their  
161 license cycle in accordance with Section 53A-6-104.

162 (b) The State Board of Education shall develop or adopt sample materials to be used by  
163 a school district or charter school for professional development training on youth suicide  
164 prevention.

165 (c) The training required by this Subsection ~~[(10)]~~ (9) shall be incorporated into  
166 professional development training required by rule in accordance with Section 53A-6-104.

167 Section 3. Section **53A-1-607** is repealed and reenacted to read:

168 **53A-1-607. Reporting of assessment results.**

169 (1) A school district or charter school shall submit answer sheets or electronic  
170 assessment results for an assessment required by U-PASS to the state superintendent or the  
171 State Board of Education approved assessment contractor for scoring as directed by the state  
172 superintendent or the state superintendent's designee.

173 (2) (a) The State Board of Education shall provide a public electronic data system that  
174 shall include annual and longitudinal test results for assessments required by U-PASS.

175 (b) (i) Except as provided in Subsection (2)(b)(ii), the public electronic data system  
176 shall provide disaggregated data at the state, school district, school, and grade or course levels.

177 (ii) Grade or course level test scores for a school may not be provided if fewer than two  
178 classes of a course, or within a grade level, are taught.

179 (3) (a) A school district or school shall provide a password protected electronic data  
180 system that shall include annual and longitudinal test results for assessments required by  
181 U-PASS.

182 (b) The password protected electronic data system shall provide disaggregated data at

183 the school district, school, grade or course, classroom, and student levels.

184 (c) Access to the data system described in this Subsection (3) shall:

185 (i) be limited to professional and other appropriate staff; and

186 (ii) comply with the requirements of the Family Educational Rights and Privacy Act,

187 20 U.S.C. Sec. 1232g.

188 (4) A school district or school shall provide a password protected electronic

189 information system to allow a student's parent or guardian to access all of the student's U-PASS

190 assessment results.

190a **§→ Section 4. Section 53A-1-607.5 is enacted to read:**

190b **53A-1-607.5. Release of class level test scores to a parent or guardian -- Exception.**

190c **(1) Except as provided in Subsection (2), a school principal shall release U-PASS test**

190d **scores aggregated at a class level to the parent or guardian of a student enrolled in the school**

190e **upon the request of the student's parent or guardian.**

190f **(2) Test scores aggregated at the class level may not be revealed if fewer than 10 test**

190g **scores are in the group of aggregated test scores. ←§**

191 Section **§→ [4] 5 ←§** . Section 53A-3-602.5 is amended to read:

192 **53A-3-602.5. School performance report -- Components -- Annual filing.**

193 (1) [~~For a school year beginning with or after the 2010-11 school year, the~~] The State

194 Board of Education in collaboration with the state's school districts and charter schools shall

195 develop a school performance report to inform the state's residents of the quality of schools and

196 the educational achievement of students in the state's public education system.

197 (2) [~~The report described in Subsection (1) shall be written and~~] A school performance

198 report shall include the following statistical data for each school in a school district and each

199 charter school, as applicable, [~~except as provided by Subsection (2)(g),~~] and shall also

200 aggregate the data at the school district and state level:

201 (a) test scores over the previous [~~year~~] four years on:

202 (i) criterion-referenced or online computer adaptive tests to include the scores

203 aggregated for all students[~~:(A)]~~ by grade level or course [~~for the previous two years and an~~

204 ~~indication of whether there was a sufficient magnitude of gain in the scores between the two~~

205 ~~years; and], except grade level or course scores for a school may not be reported if fewer than~~

206 two classes of a course, or within a grade level, are taught;

207 [~~(B) by class;~~]

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

209 (iii) the tenth grade basic skills competency [tests] test required under Section

210 53A-1-603;

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

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



- 214 (i) the number of students taking advanced placement and concurrent enrollment  
 215 courses;
- 216 (ii) the percentage of students who score 3 or higher on an advanced placement test;  
 217 ~~[(ii)]~~ (iii) the number [and percent] of students taking a specific advanced placement  
 218 course [who take advanced placement tests to receive college credit for the course;] test and the  
 219 percentage of those students who score 3 or higher on the test; and  
 220 ~~[(iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number~~  
 221 ~~and percent who pass the test; and]~~
- 222 (iv) of those students taking a concurrent enrollment course, the number and [percent]  
 223 percentage of those who receive college credit for the course;
- 224 (d) the number and [percent] percentage of students in grade 3 reading at or above  
 225 grade level;
- 226 (e) the number and [percent] percentage of students who were absent from school 10  
 227 days or more during the school year;
- 228 (f) achievement gaps that reflect the differences in achievement of various student  
 229 groups as defined by State Board of Education rule;
- 230 (g) the number and [percent] percentage of "student dropouts" ~~[within the school~~  
 231 ~~district]~~ as defined by State Board of Education rule;  
 232 ~~[(h) course-taking patterns and trends in secondary schools;]~~
- 233 ~~[(i)]~~ (h) student mobility;
- 234 ~~[(j)]~~ (i) staff qualifications, to include years of professional service and the number and  
 235 ~~[percent of staff]~~ percentage of teachers who have a degree or endorsement in their assigned  
 236 teaching area and the number and ~~[percent of staff]~~ percentage of teachers who have a graduate  
 237 degree;
- 238 ~~[(k) the number and percent of parents who participate in SEP, SEOP, and~~  
 239 ~~parent-teacher conferences;]~~
- 240 ~~[(l)]~~ (j) average class size calculated in accordance with State Board of Education rule  
 241 adopted under Subsection ~~[(4)]~~ (3);
- 242 ~~[(m)]~~ (k) average daily attendance as defined by State Board of Education rule[;  
 243 ~~including every period in secondary schools]; and~~
- 244 ~~[(n)]~~ (l) enrollment totals disaggregated with respect to race, ethnicity, gender, limited

245 English proficiency, and those students who qualify for free or reduced price school lunch.

246 ~~[(3) For a school year beginning with or after the 2010-11 school year, the State Board~~  
247 ~~of Education, in collaboration with the state's school districts and charter schools, shall provide~~  
248 ~~for the collection and electronic reporting of the following data for a school in each school~~  
249 ~~district and each charter school:]~~

250 ~~[(a) test scores and trends over the previous four years on the tests referred to in~~  
251 ~~Subsection (2)(a);]~~

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

255 ~~[(c) incidents of student discipline as defined by State Board of Education rule,~~  
256 ~~including suspensions, expulsions, and court referrals; and]~~

257 ~~[(d) the number and percent of students receiving fee waivers and the total dollar~~  
258 ~~amount of fees waived.]~~

259 [(4)] (3) (a) The State Board of Education shall adopt common definitions and data  
260 collection procedures for local school boards and charter schools to use in collecting and  
261 forwarding the data required under [Subsections] Subsection (2) [and (3)] to the state  
262 superintendent of public instruction.

263 (b) (i) In accordance with Subsections [(4)] (3)(b)(ii) through [(4)] (3)(b)(iv), the State  
264 Board of Education shall adopt rules specifying how average class size shall be calculated.

265 (ii) (A) Except as provided by Subsections [(4)] (3)(b)(ii)(B) through [(4)] (3)(b)(ii)(D)  
266 or for nontraditional classes identified by rule, average class size at the elementary school level  
267 shall:

268 (I) be calculated by grade level; and

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

271 (B) If students at the elementary school level receive instruction in core classes from  
272 different teachers, average class size may be calculated as provided by Subsection [(4)]  
273 (3)(b)(iii) for secondary school students.

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

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

278 (iii) (A) Except as provided by Subsection ~~[(4)]~~ (3)(b)(iii)(B) or for nontraditional  
279 classes identified by rule, average class size at the secondary school level shall:

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

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

283 (B) A secondary school class in which a teacher provides instruction in multiple  
284 courses shall be counted as a single class.

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

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

291 ~~[(d)]~~ (c) The state superintendent shall use the automated decision support system  
292 referred to in Section 53A-1-301 to collect and report the data required under ~~[Subsections]~~  
293 Subsection (2) ~~[and (3)]~~.

294 ~~[(5)]~~ (4) (a) ~~[For a school year beginning with or after the 2010-11 school year]~~ On or  
295 before October 1, the State Board of Education, through the state superintendent of public  
296 instruction, shall ~~[issue its report]~~ annually ~~[by October 1 to include]~~ publish on the State  
297 Board of Education's website, a school performance report for each school that includes the  
298 required data from the previous school year or years as indicated in ~~[Subsections]~~ Subsection  
299 (2) ~~[and (3)]~~.

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

304 ~~[(6) (a) Each local school board and each charter school shall receive a written or an~~  
305 ~~electronic copy of the report from the state superintendent of public instruction containing the~~  
306 ~~data for that school district or charter school in a clear summary format and have it distributed,~~

307 on a one per household basis, to the residence of students enrolled in the school district or  
308 charter school before November 30th of each year.]

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

312 (b) A school district shall maintain a link to the website described in Subsection (4)(a)  
313 on the school district's website and the website of each school in the district.

314 (c) A charter school shall maintain a link to the website described in Subsection (4)(a)  
315 on the school's website.

316 (5) In meeting the reporting requirements of this section, the State Board of Education  
317 shall ~~§~~ :

317a (a) ~~←§~~ protect each student's privacy by not revealing personally identifiable information  
317b about a  
318 student ~~§~~ [:] ; and

318a (b) prohibit the reporting of student test scores aggregated by teacher or by class to  
318b assure that student test score data that may constitute a portion of a teacher's performance  
318c evaluation is not revealed. ~~←§~~

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Legislative Review Note  
as of 2-8-13 3:13 PM

Office of Legislative Research and General Counsel