

BEHAVIORAL TESTING AND TRACKING RESTRICTIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Osmond

House Sponsor: Francis D. Gibson

LONG TITLE

General Description:

This bill amends certain provisions in code with references to behavioral testing and tracking.

Highlighted Provisions:

This bill:

- ▶ eliminates references to behavioral testing or tracking in public schools; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1-410, as last amended by Laws of Utah 2014, Chapter 372

53A-1-602, as last amended by Laws of Utah 2013, Chapter 161

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

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

Section 1. Section **53A-1-410** is amended to read:

53A-1-410. Utah Futures.

(1) As used in this section:

(a) "Education provider" means:

- 30 (i) a Utah institution of higher education as defined in Section 53B-2-101; or
31 (ii) a Utah provider of postsecondary education.
- 32 (b) "Student user" means:
33 (i) a Utah student in kindergarten through grade 12;
34 (ii) a Utah post secondary education student;
35 (iii) a parent or guardian of a Utah public education student; or
36 (iv) a Utah potential post secondary education student.
- 37 (c) "Utah Futures" means a career planning program developed and administered by
38 the Department of Workforce Services, the State Board of Regents, and the State Board of
39 Education.
- 40 (d) "Utah Futures Steering Committee" means a committee of members designated by
41 the governor to administer and manage Utah Futures in collaboration with the Department of
42 Workforce Services, the State Board of Regents, and the State Board of Education.
- 43 (2) The Utah Futures Steering Committee shall ensure, as funding allows and is
44 feasible, that Utah Futures will:
- 45 (a) allow a student user to:
46 (i) access the student user's full academic record;
47 (ii) electronically allow the student user to give access to the student user's academic
48 record and related information to an education provider as allowed by law;
49 (iii) access information about different career opportunities and understand the related
50 educational requirements to enter that career;
51 (iv) access information about education providers;
52 (v) access up to date information about entrance requirements to education providers;
53 (vi) apply for entrance to multiple schools without having to fully replicate the
54 application process;
55 (vii) apply for loans, scholarships, or grants from multiple education providers in one
56 location without having to fully replicate the application process for multiple education
57 providers; and

58 (viii) research open jobs from different companies within the user's career interest and
59 apply for those jobs without having to leave the website to do so;

60 (b) allow all users to:

61 (i) access information about different career opportunities and understand the related
62 educational requirements to enter that career;

63 (ii) access information about education providers;

64 (iii) access up-to-date information about entrance requirements to education providers;

65 (iv) apply for entrance to multiple schools without having to fully replicate the
66 application process;

67 (v) apply for loans, scholarships, or grants from multiple education providers in one
68 location without having to fully replicate the application process for multiple education
69 providers; and

70 (vi) research open jobs from different companies within the user's career interest and
71 apply for those jobs without having to leave the website to do so;

72 (c) allow an education provider to:

73 (i) research and find student users who are interested in various educational outcomes;

74 (ii) promote the education provider's programs and schools to student users; and

75 (iii) connect with student users within the Utah Futures website;

76 (d) allow a Utah business to:

77 (i) research and find student users who are pursuing educational outcomes that are
78 consistent with jobs the Utah business is trying to fill now or in the future; and

79 (ii) market jobs and communicate with student users through the Utah Futures website
80 as allowed by law;

81 (e) allow the Department of Workforce Services to analyze and report on student user
82 interests[;] and education paths[; ~~and behaviors~~] within the education system [~~so as to~~
83 ~~predictively determine appropriate career and educational outcomes and results~~]; and

84 (f) allow all users of the Utah Futures' system to communicate and interact through
85 social networking tools within the Utah Futures website as allowed by law.

86 (3) On or before October 1, 2014, the State Board of Education, after consulting with
87 the Board of Business and Economic Development created in Section 63M-1-301, may select a
88 technology provider, through a request for proposals process, to provide technology and
89 support for Utah Futures.

90 (4) In evaluating proposals under Subsection (3) in consultation with the Board of
91 Business and Economic Development, the State Board of Education shall ensure that the
92 technology provided by a proposer:

93 (a) allows Utah Futures to license the selected service oriented architecture
94 technologies;

95 (b) allows Utah Futures to protect all user data within the system by leveraging role
96 architecture;

97 (c) allows Utah Futures to update the user interface, APIs, and web services software
98 layers as needed;

99 (d) provides the ability for a student user to have a secure profile and login to access
100 and to store personal information related to the services listed in Subsection (2) via the
101 Internet;

102 (e) protects all user data within Utah Futures;

103 (f) allows the State Board of Education to license the technology of the selected
104 technology provider; and

105 (g) provides technology able to support application programming interfaces to integrate
106 technology of other third party providers, which may include cloud-based technology.

107 (5) (a) On or before August 1, 2014, the evaluation panel described in Subsection
108 (5)(b), using the criteria described in Subsection (5)(c), shall evaluate Utah Futures and
109 determine whether any or all components of Utah Futures, as described in this section, should
110 be outsourced to a private provider or built in-house by the participating state agencies.

111 (b) The evaluation panel described in Subsection (5)(a) shall consist of the following
112 members, appointed by the governor after consulting with the State Board of Education:

113 (i) five members who represent business, including:

- 114 (A) one member who has extensive knowledge and experience in information
115 technology; and
- 116 (B) one member who has extensive knowledge and experience in human resources;
117 (ii) one member who is a user of the information provided by Utah Futures;
118 (iii) one member who is a parent of a student who uses Utah Futures;
119 (iv) one member who:
- 120 (A) is an educator as defined in Section 53A-6-103; and
121 (B) teaches students who use Utah Futures; and
122 (v) one member who is a high school counselor licensed under Title 53A, Chapter 6,
123 Educator Licensing and Professional Practices Act.
- 124 (c) The evaluation panel described in Subsections (5)(a) and (b) shall consider at least
125 the following criteria to make the determination described in Subsection (5)(a):
- 126 (i) the complete functional capabilities of a private technology provider versus an
127 in-house version;
- 128 (ii) the cost of purchasing privately developed technology versus continuing to develop
129 or build an in-house version;
- 130 (iii) the data and security capabilities of a private technology provider versus an
131 in-house version;
- 132 (iv) the time frames to implementation; and
133 (v) the best practices and examples of other states who have implemented a tool similar
134 to Utah Futures.
- 135 (d) On or before September 30, 2014, the evaluation panel shall report the
136 determination to:
- 137 (i) the State Board of Education;
138 (ii) the Executive Appropriations Committee; and
139 (iii) the Education Interim Committee.
- 140 Section 2. Section 53A-1-602 is amended to read:
141 **53A-1-602. Definitions.**

142 As used in this part:

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

146 (2) "IEP" means a written statement for a student with a disability that is developed,
147 reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20
148 U.S.C. Sec. 1400 et seq.

149 (3) "Utah's common core" means the core set of English language arts and mathematics
150 standards developed and adopted by the State Board of Education which define the knowledge
151 and skills students should have in kindergarten through grade 12 to enable them to be prepared
152 for college or workforce training.

153 (4) "Utah Performance Assessment System for Students" or "U-PASS" means:

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

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

158 (c) college readiness assessments as detailed in Section 53A-1-611; and

159 [~~(d) the use of student behavior indicators in assessing student performance, and]~~

160 [~~(e)~~] (d) testing of students in grade 3 to measure reading grade level.

161 Section 3. Section 53A-1-605 is amended to read:

162 **53A-1-605. Analysis of results -- Staff professional development.**

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

167 (2) The plan shall include components designed to:

168 (a) assist school districts and individual schools to use the results of the analysis in
169 planning, evaluating, and enhancing programs; and

170 (b) identify schools not achieving state-established acceptable levels of student
171 performance in order to assist those schools in raising their student performance levels.

172 (3) The plan shall include provisions for statistical reporting of criterion-referenced or
173 online computer adaptive test results at state, school district, school, and grade or course levels,
174 and shall include actual levels of performance on tests.

175 (4) Each local school board and charter school governing board shall provide for:

176 (a) evaluation of the U-PASS test results and use of the evaluations in setting goals and
177 establishing programs; and

178 (b) a professional development program that provides teachers, principals, and other
179 professional staff with the training required to successfully establish and maintain U-PASS.