

**Representative Kraig Powell** proposes the following substitute bill:

**EDUCATIONAL TESTING AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kraig Powell**

Senate Sponsor: Ann Millner

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**LONG TITLE**

**General Description:**

This bill amends provisions related to certain student assessments administered in public schools.

**Highlighted Provisions:**

This bill:

- ▶ requires the State Board of Education to make rules providing that scores on certain assessments may be considered in determining a student's academic grade; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**53A-1-603**, as last amended by Laws of Utah 2015, Chapters 258, 415, and 444

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

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



26 **53A-1-603. Duties of State Board of Education.**

27 (1) The State Board of Education shall:

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

30 (b) require the state superintendent of public instruction to submit and recommend  
31 criterion-referenced achievement tests or online computer adaptive tests, college readiness  
32 assessments, an online writing assessment for grades 5 and 8, and a test for students in grade 3  
33 to measure reading grade level to the board for approval and adoption and distribution to each  
34 school district and charter school by the state superintendent;

35 (c) develop an assessment method to uniformly measure statewide performance, school  
36 district performance, and school performance of students in grades 3 through 12 in mastering  
37 basic academic subjects; and

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

40 (2) Except as provided in Subsection (3) and Subsection [53A-1-611](#)~~(3)~~(4), under  
41 U-PASS, the State Board of Education shall annually require each school district and charter  
42 school, as applicable, to administer:

43 (a) as determined by the State Board of Education, statewide criterion-referenced tests  
44 or online computer adaptive tests in grades 3 through 12 and courses in basic academic subjects  
45 of the core standards for Utah public schools;

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

47 (c) college readiness assessments as detailed in Section [53A-1-611](#); and

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

49 (3) Beginning with the 2014-15 school year, the State Board of Education shall  
50 annually require each school district and charter school, as applicable, to administer a computer  
51 adaptive assessment system that is:

52 (a) adopted by the State Board of Education; and

53 (b) aligned to the core standards for Utah public schools.

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

56 (a) the computation of student performance based on information that is disaggregated

57 with respect to race, ethnicity, gender, limited English proficiency, and those students who  
58 qualify for free or reduced price school lunch;

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

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

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

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

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

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

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

76 (f) providing that scores on the tests and assessments required under Subsection (2)(a)  
77 and Subsection (3) may ~~not~~ be considered in determining~~[-(f)]~~ a student's academic grade for  
78 the appropriate course~~[-or]~~.

79 ~~[(ii) whether a student may advance to the next grade level.]~~

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

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

85 (6) The State Board of Education shall make rules:

86 (a) establishing procedures for applying for and awarding money for computer adaptive  
87 tests;

88 (b) specifying how money for computer adaptive tests shall be allocated among school  
89 districts and charter schools that qualify to receive the money; and

90 (c) requiring reporting of the expenditure of money awarded for computer adaptive  
91 testing and evidence that the money was used to implement computer adaptive testing.

92 (7) The State Board of Education shall assure that computer adaptive tests are  
93 administered in compliance with the requirements of Chapter 13, Part 3, Utah Family  
94 Educational Rights and Privacy Act.

95 (8) (a) The State Board of Education shall establish a committee consisting of 15  
96 parents of Utah public education students to review all computer adaptive test questions.

97 (b) The committee established in Subsection (8)(a) shall include the following parent  
98 members:

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

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

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

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

103 (d) The term of office of each member appointed in Subsection (8)(b) is four years.

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

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

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

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

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

118 Section 2. **Effective date.**

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

123           (2) If this bill is not approved by two-thirds of all the members elected to each house,  
124 this bill takes effect on July 1, 2016.