

PUBLIC EDUCATION ACCOUNTABILITY

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Duane E. Bourdeaux

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the State Board of Education to establish an accountability system with certain requirements.

Highlighted Provisions:

This bill:

- defines achievement gap, student group, and accountability system;
- establishes an accountability system;
- specifies reporting requirements for disaggregated student group test scores;
- requires the State Board of Education to establish a rating system and a system of rewards and sanctions; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1-402, as last amended by Chapter 227, Laws of Utah 2005

53A-1-602, as last amended by Chapter 7, Laws of Utah 2002, Sixth Special Session

53A-1-603, as last amended by Chapter 7, Laws of Utah 2002, Fifth Special Session



ENACTS:

53A-1-603.1, Utah Code Annotated 1953

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

Section 1. Section **53A-1-402** is amended to read:

53A-1-402. Board to establish minimum standards for public schools.

(1) The State Board of Education shall establish rules and minimum standards for the public schools that are consistent with this title, including rules and minimum standards governing the following:

(a) (i) the qualification and certification of educators and ancillary personnel who provide direct student services;

(ii) required school administrative and supervisory services; and

(iii) the evaluation of instructional personnel;

(b) (i) access to programs;

(ii) attendance;

(iii) competency levels;

(iv) graduation requirements; ~~[and]~~

(v) exemption rates for achievement tests administered under this chapter; and

~~[(v)]~~ (vi) discipline and control;

(c) (i) school accreditation;

(ii) the academic year;

(iii) alternative and pilot programs;

(iv) curriculum and instruction requirements;

(v) school libraries; and

(vi) services to:

(A) persons with a disability as defined by and covered under:

(I) the Americans with Disabilities Act of 1990, 42 U.S.C. 12102;

(II) the Rehabilitation Act of 1973, 29 U.S.C. 705(20)(A); and

(III) the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3); and

(B) other special groups;

(d) annual performance standards for:

(i) achievement tests administered under this chapter;
(ii) student dropout rates;
(iii) student grade completion and graduation rates;
(iv) student attendance rates; and
(v) other indicators under Section 53A-3-602.5, as determined by the State Board of Education;
(e) closing achievement gaps in:
(i) performance on achievement tests administered under this chapter for individual students and student groups, including the performance of students who did not perform at a proficient level in the preceding school year on any assessment administered under this chapter; and
(ii) other indicators under Section 53A-3-602.5, as determined by the State Board of Education;
~~[(d)]~~ (f) (i) state reimbursed bus routes;
(ii) bus safety and operational requirements; and
(iii) other transportation needs; and
~~[(e)]~~ (g) (i) school productivity and cost effectiveness measures;
(ii) federal programs;
(iii) the closure of identified achievement gaps;
~~[(iii)]~~ (iv) school budget formats; and
~~[(iv)]~~ (v) financial, statistical, and student accounting requirements.
(2) The board shall determine if:
(a) the minimum standards have been met; and
(b) required reports are properly submitted.
(3) The board may apply for, receive, administer, and distribute to eligible applicants funds made available through programs of the federal government.
(4) (a) The Utah College of Applied Technology shall provide competency-based career and technical education courses that fulfill high school graduation requirements, as requested and authorized by the State Board of Education.
(b) A school district may grant a high school diploma to a student participating in courses described under Subsection (4)(a) that are provided by the Utah College of Applied

Technology.

Section 2. Section **53A-1-602** is amended to read:

53A-1-602. Definitions.

As used in this part:

(1) "Accountability system" means a comprehensive system for ensuring the academic achievement of each student, comprised of:

(a) curriculum standards;

(b) data, information, reporting, and assessment systems;

(c) academic performance and academic growth indicators; and

(d) reward and sanction systems that hold both institutions and students accountable for academic performance and expected academic growth.

(2) "Achievement gap" means:

(a) a difference between the performance of any individual student or a student group and the state's highest standard and expectation on a performance indicator;

(b) a discrepancy in outcomes for individual students or student groups on a performance indicator, including:

(i) results of standardized tests, including:

(A) any achievement test administered under this chapter;

(B) the Scholastic Assessment Test (SAT) and Advanced Placement (AP) test administered by the College Board;

(C) the ACT test administered by ACT, Inc.; and

(D) the National Assessment of Educational Progress;

(ii) high school grade completion and graduation rates; and

(iii) college participation and graduation rates; and

(c) a discrepancy in access to education programs for individual students or student groups, including access to:

(i) adequate school funding;

(ii) a highly qualified teacher;

(iii) a rigorous curriculum;

(iv) advanced curricula;

(v) classroom materials;

(vi) program offerings; and

(vii) educational technology.

~~[(1)]~~ (3) "Achievement test" means a standardized test which measures or attempts to measure the level of performance which a student has attained in one or more courses of study. Achievement tests shall include norm-referenced and criterion-referenced tests.

~~[(2)]~~ (4) "Basic skills course" means a subject which requires mastery of specific functions, as defined under rules made by the State Board of Education, to include reading, language arts, mathematics through geometry, science, in grades 4 through 12, and effectiveness of written expression.

(5) "Student group" means students who share similar characteristics, including:

(a) race;

(b) ethnicity;

(c) English language proficiency level;

(d) status as recipient or nonrecipient of free or reduced price school lunch;

(e) gender; and

(f) special education status.

~~[(3)]~~ (6) "Utah Performance Assessment System for Students" or "U-PASS" means:

(a) systematic norm-referenced achievement testing of all students in grades 3, 5, 8, and 11 required by this part in all schools within each school district by means of tests designated by the State Board of Education;

(b) criterion-referenced achievement testing of students in all grade levels in basic skills courses;

(c) beginning with the 2001-02 school year, a direct writing assessment in grades 6 and 9;

(d) beginning with the 2003-04 school year, a tenth grade basic skills competency test as detailed in Section 53A-1-611; and

(e) beginning with the 2002-03 school year, the use of student behavior indicators in assessing student performance.

Section 3. Section **53A-1-603** is amended to read:

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

(1) The State Board of Education shall:

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

(b) require the state superintendent of public instruction to submit and recommend criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills competency test, and a direct writing assessment for grades 6 and 9 to the board for approval and adoption and distribution to each school district by the state superintendent;

(c) develop an assessment method to uniformly measure statewide performance, school district performance, and school performance of students in grades 1 through 12 in mastering basic skills courses; and

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

(2) Under U-PASS, the state office shall annually require that each district administer:

(a) a statewide norm-referenced test to all students in grades 3, 5, 8, and 11;

(b) statewide criterion-referenced tests in all grade levels and courses in basic skill areas of the core curriculum;

(c) a direct writing assessment to all students in grades 6 and 9, with the first assessment to be administered during the 2001-02 school year; and

(d) a tenth grade basic skills competency test as detailed in Section 53A-1-611, with the first test to be administered during the 2003-04 school year.

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

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

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

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

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

(i) an annual review of those scores by parents of students and professional and other appropriate staff at the classroom ~~[level]~~, school, and school district levels at the earliest point in time and consistent with the timeline of the phase-in referred to in Section 53A-1-602 and this section, but no later than by the end of the school year beginning with the 2003-04 school year;

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

(iii) a teacher to review, prior to the beginning of a new school year for the 2003-04 school year and for each school year thereafter, test scores from the previous school year of students who have been assigned to the teacher's class for the new school year; and

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

(e) providing that:

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

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

(4) In disaggregating data under Subsection (3), achievement test results shall be disaggregated and reported by student group at the grade, school, district, and state level, except that:

(a) if a student group is composed of ten or less students in a grade but more than ten students in a school, the disaggregated data shall be reported at the school, district, and state level;

(b) if a student group is composed of ten or less students in a school but more than ten students in a district, the disaggregated data shall be reported at the district and state level;

(c) if a student group is composed of ten or less students in a district but more than ten students in the state, the disaggregated data shall be reported at the state level; and

(d) if a student group is composed of ten or less students in the state, no disaggregated data shall be reported for that student group.

(5) The disaggregated student group data under this section shall be reported annually by September 15 and made publicly available.

Section 4. Section **53A-1-603.1** is enacted to read:

53A-1-603.1. Accountability system.

(1) By the 2007-08 school year, the State Board of Education shall:

(a) implement an accountability system that evaluates annual performance and performance trends for each school and school district, including at a minimum:

(i) performance of individual students and student groups on the performance standards under Section 53A-1-402; and

(ii) efforts to close identified achievement gaps under Section 53A-1-602; and

(b) establish a four-tiered system of ratings for schools and school districts based upon:

(i) performance of student groups on the performance standards under Section 53A-1-402; and

(ii) efforts to close identified achievement gaps under Section 53A-1-602.

(2) (a) Every two years, the State Board of Education shall evaluate the accountability system for modifications needed in curriculum, assessments, academic standards, performance standards, and student achievement indicators.

(b) At a minimum, the evaluation shall include an analysis of trend data on student group performance on criterion-referenced tests, nationally normed tests, other state-administered tests, and other student achievement indicators.

(c) Based on the results of the evaluation, the State Board of Education shall make appropriate adjustments to the performance standards, including expectations for proficient performance for students and student groups.

(3) By the 2008-09 school year, the State Board of Education shall establish a system of rewards and sanctions for schools and school districts based on the evaluation under Subsection (2).

Legislative Review Note

as of 2-15-06 11:38 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note**Public Education Accountability***24-Feb-06***Bill Number HB0416***11:20 AM*

State Impact

Provisions of this bill may be implemented within existing resources.

Individual and Business Impact

No fiscal impact

Office of the Legislative Fiscal Analyst