

STUDENT ACHIEVEMENT TESTING**EXCEPTIONS**

2008 SECOND SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Merlynn T. Newbold

LONG TITLE**Committee Note:**

The Education Interim Committee recommended this bill.

General Description:

This bill allows the State Board of Education to exempt a school district or charter school from testing requirements under the Utah Performance Assessment System for Students (U-PASS) under certain circumstances.

Highlighted Provisions:

This bill:

► allows the State Board of Education to exempt a school district or charter school from testing requirements under the Utah Performance Assessment System for Students (U-PASS) if the school district or charter school pilots an assessment system that incorporates:

- online classroom-based assessment that utilizes adaptive testing in all grades;
- online writing assessment in grades 4 through 12; and
- assessments administered in grades 8, 10, and 11 to determine readiness for postsecondary education;

§→ ► provides a cap on the number of exemptions that the State Board of Education may provide to school districts and charter schools; ←§

► provides that a school district or charter school that is exempt from U-PASS testing requirements is subject to an accountability plan and high school graduation standards developed and adopted by the State Board of Education; and



28 ▶ provides that a student enrolled in a school district or charter school that is exempt
29 from administering the tenth grade basic skills competency test is subject to high
30 school graduation standards adopted by the State Board of Education ~~H→~~ ; and

30a ▶ provides a repeal date ~~←H~~ .

31 **Monies Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 This bill provides an immediate effective date.

35 **Utah Code Sections Affected:**

36 AMENDS:

37 **53A-1-603**, as last amended by Laws of Utah 2007, Chapter 244

38 **53A-1-611**, as last amended by Laws of Utah 2008, Chapter 382

38a ~~H→~~ **63I-2-253**, as last amended by Laws of Utah 2008, Chapters 250, 397, and renumbered
38b **and amended by Laws of Utah 2008, Chapter 382** ~~←H~~

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

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

42 **53A-1-603. Duties of State Board of Education.**

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

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

46 (b) require the state superintendent of public instruction to submit and recommend
47 criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills
48 competency test, a direct writing assessment for grades 6 and 9, and a test for students in grade
49 3 to measure reading grade level to the board for approval and adoption and distribution to
50 each school district and charter school by the state superintendent;

51 (c) develop an assessment method to uniformly measure statewide performance, school
52 district performance, and school performance of students in grades 2 through 12 in mastering
53 basic skills courses; and

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

56 (2) [~~Under~~] Except as provided in Subsection (5), under U-PASS, the state office shall
57 annually require that each district and charter school, as applicable, administer:

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

(b) statewide criterion-referenced tests in grades 2 through 12 and courses in basic skill areas of the core curriculum;

(c) a direct writing assessment to all students in grades 6 and 9;

(d) a tenth grade basic skills competency test as detailed in Section 53A-1-611; and

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

(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, 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 at the earliest point in time;

(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, 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 or charter school 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) The State Board of Education shall consider administering the basic skills competency test on a Saturday to preserve instructional time.

(5) (a) The State Board of Education may exempt a school district or charter school from the testing requirements specified in Subsection (2) if the school district or charter school pilots an assessment system that incorporates:

(i) online classroom-based assessment that utilizes adaptive testing in all grades;

(ii) online writing assessments in grades 4 through 12; and

(iii) assessments administered in grades 8, 10, and 11 to determine readiness for postsecondary education.

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

(i) based on the assessment system described in Subsections (5)(a)(i) through (iii); and

(ii) developed and adopted by the State Board of Education.

§→ (c) By ~~§~~ [October 31, 2009] the November 2009 meeting of the Education Interim Committee ~~←§~~, the State Board of Education shall ~~§~~ [:

~~— (i) develop and adopt an accountability plan for a school district or charter school that pilots an assessment system described in Subsection (3)(a)(i) - (iii); and~~

~~— (iii) report on the accountability plan to the Education Interim Committee.] submit recommendations to the committee on the state's assessment system. ←§~~

(d) The State Board of Education may only provide the following exemptions under this Subsection (5):

(i) up to three rural school districts;

(ii) up to two urban school districts; and

(iii) up to five charter schools. ←§

Section 2. Section **53A-1-611** is amended to read:

53A-1-611. Standards and assessment processes to measure student performance -- Basic skills competency test.

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

(2) (a) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605, the State Board of Education, through the state superintendent of public instruction, shall design a basic skills competency test to be administered in the tenth grade.

(b) ~~[A]~~ Except as provided in Subsection (5), a student must pass the basic skills competency test, in addition to the established requirements of the state and local board of education of the district in which the student attends school, in order to receive a basic high school diploma of graduation.

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

(d) ~~[A]~~ Except as provided in Subsection (5), a student who fails to pass all components of the test may not receive a basic high school diploma but may receive a certificate of completion or alternative completion diploma under rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(e) The state board shall make rules:

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

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

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

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

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

H→ Section 3. Section 63I-2-253 is amended to read:

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

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

(2) Subsection 53A-1-603(5) is repealed July 1, 2010.

(2) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

(3) Section 53A-3-702 is repealed July 1, 2008.

(4) Section 53A-6-112 is repealed July 1, 2009.

(5) Subsection 53A-13-110(3) is repealed July 1, 2013.

(6) Section 53A-17a-152 is repealed July 1, 2010.

(7) Section 53A-17a-162 is repealed July 1, 2012. ←H

Section 3. Effective date.

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

Legislative Review Note
as of 9-24-08 3:45 PM

Office of Legislative Research and General Counsel

S.B. 2002 - Student Achievement Testing Exceptions

Fiscal Note

2008 Second Special Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.