

1 **UTAH PERFORMANCE ASSESSMENT SYSTEM**
2 **FOR STUDENTS (U-PASS) AMENDMENTS**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Howard A. Stephenson**

6 House Sponsor: Gregory H. Hughes

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Utah Performance Assessment System for Students (U-PASS) by
11 allowing the use of online computer adaptive tests, extending a pilot assessment
12 system, and eliminating certain tests.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ provides for the statewide assessment of students in grades 2-12 in basic skills
16 courses using criterion-referenced tests or online computer adaptive tests, as
17 determined by the State Board of Education;
- 18 ▶ allows the State Board of Education to exempt a school district or charter school
19 from one or more of the Utah Performance Assessment System for Students
20 (U-PASS) testing requirements if the school district or charter school pilots an
21 assessment system that incorporates certain assessments;
- 22 ▶ eliminates a cap on the number of school districts and charter schools that may
23 participate in a pilot assessment system;
- 24 ▶ extends the pilot assessment systems through July 1, 2015;
- 25 ▶ eliminates the requirement to administer a statewide norm-referenced test in grades
26 3, 5, and 8; and
- 27 ▶ makes technical amendments.

28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53A-1-602**, as last amended by Laws of Utah 2009, Chapter 300

35 **53A-1-603**, as last amended by Laws of Utah 2009, Chapter 300

36 **53A-1-604**, as last amended by Laws of Utah 2009, Chapter 300

37 **53A-1-605**, as last amended by Laws of Utah 2009, Chapter 300

38 **53A-3-602.5**, as last amended by Laws of Utah 2009, Chapters 299 and 300

39 **63I-2-253**, as last amended by Laws of Utah 2008, Second Special Session, Chapter 6



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

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

43 **53A-1-602. Definitions.**

44 As used in this part:

45 [~~(1) (a) "Achievement test" means a standardized test which measures or attempts to~~
46 ~~measure the level of performance which a student has attained in one or more courses of~~
47 ~~study.]~~

48 [~~(b) "Achievement test" includes a norm-referenced or criterion-referenced test.]~~

49 [~~(2)~~] (1) "Basic skills course" means a subject which requires mastery of specific
50 functions, as defined under rules made by the State Board of Education, to include reading,
51 language arts, mathematics through intermediate algebra, science, in grades 4 through 12, and
52 effectiveness of written expression.

53 [~~(3)~~] (2) "Utah Performance Assessment System for Students" or "U-PASS" means:

54 [~~(a) systematic norm-referenced achievement testing of all students in grades 3, 5, and~~
55 ~~8 required by this part in all schools within each school district by means of tests designated~~
56 ~~by the State Board of Education;]~~

57 [~~(b)~~] (a) as determined by the State Board of Education, criterion-referenced

58 achievement testing or online computer adaptive testing of students in grades 2 through 12 in
59 basic skills courses;

60 ~~[(c)]~~ (b) an online writing assessment in grades 5 and 8;

61 ~~[(d)]~~ (c) a tenth grade basic skills competency test as detailed in Section 53A-1-611;

62 ~~[(e)]~~ (d) the use of student behavior indicators in assessing student performance; and

63 ~~[(f)]~~ (e) ~~[beginning with the 2007-08 school year,]~~ testing of students in grade 3 to
64 measure reading grade level.

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

66 **53A-1-603. Duties of State Board of Education.**

67 (1) Except as provided in Subsection (5), the State Board of Education shall:

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

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

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

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

81 (2) Except as provided in Subsection (5), under U-PASS, the state office shall
82 annually require that each district and charter school, as applicable, administer:

83 ~~[(a)]~~ ~~a statewide norm-referenced test to all students in grades 3, 5, and 8;~~

84 ~~[(b)]~~ (a) as determined by the State Board of Education, statewide criterion-referenced
85 tests or online computer adaptive tests in grades 2 through 12 and courses in basic skill areas

86 of the core curriculum;

87 [~~(e)~~] (b) an online writing assessment to all students in grades 5 and 8;

88 [~~(d)~~] (c) a tenth grade basic skills competency test as detailed in Section 53A-1-611;

89 and

90 [~~(e)~~] (d) a test to all students in grade 3 to measure reading grade level.

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

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

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

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

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

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

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

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

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

114 (e) providing that:

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

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

120 (4) The State Board of Education shall consider administering the basic skills
121 competency test on a Saturday to preserve instructional time.

122 (5) (a) The State Board of Education may exempt a school district or charter school
123 from the testing requirements specified in Subsection (2) if:

124 (i) the school district or charter school pilots an assessment system that incorporates
125 the following:

126 ~~(i)~~ (A) online classroom-based assessment that utilizes adaptive testing ~~[in all~~
127 ~~grades]~~;

128 ~~(ii)~~ (B) online writing assessments in grades 4 through 12; ~~[and] or~~

129 ~~(iii)~~ (C) assessments administered in grades 8, 10, and 11 to determine readiness for
130 postsecondary education[-];

131 (ii) the State Board of Education approves the specific assessment administered under
132 Subsection (5)(a)(i) and the assessment provider; and

133 (iii) the school district or charter school verifies the local fiscal capability and
134 resources needed to participate in the pilot assessment system.

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

137 (i) based on the school district's or charter school's assessment system, which may
138 include assessments described in Subsection (2) or Subsections (5)(a)(i) through (iii); and

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

140 (c) By the November ~~[2009]~~ 2014 meeting of the Education Interim Committee, the
141 State Board of Education shall submit recommendations to the committee on the state's

142 assessment system.

143 ~~[(d) The State Board of Education may only provide the following exemptions under~~
144 ~~this Subsection (5):]~~

145 ~~[(i) up to three rural school districts;]~~

146 ~~[(ii) up to two urban school districts; and]~~

147 ~~[(iii) up to five charter schools.]~~

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

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

153 Section 3. Section **53A-1-604** is amended to read:

154 **53A-1-604. Test development, publication, and administration.**

155 (1) The State Board of Education shall develop, publish, and administer
156 criterion-referenced tests and ~~[other assessments referred to in Subsections 53A-1-603(2)(c)~~
157 ~~and (d) of its own devising and incorporate a norm-referenced test into U-PASS] a tenth grade~~
158 basic skills competency test.

159 (2) The board may use the expert services of any ~~[persons or groups of persons]~~ person
160 in the public or private sector in:

161 (a) evaluating current tests and assessment programs~~[, in]; or~~

162 (b) developing, publishing, and administering new tests~~[, or both].~~

163 Section 4. Section **53A-1-605** is amended to read:

164 **53A-1-605. Analysis of results -- Staff professional development.**

165 (1) The State Board of Education, through the state superintendent of public
166 instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels
167 and courses required under Section 53A-1-603 and the student behavior indicators referred to
168 in ~~[Subsection]~~ Section 53A-1-602~~[(3)].~~

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

170 (a) assist school districts and individual schools to use the results of the analysis in
171 planning, evaluating, and enhancing programs [~~within the district~~]; and

172 (b) [~~for the 2003-04 school year and for each year thereafter,~~] identify schools not
173 achieving state-established acceptable levels of student performance in order to assist those
174 schools in raising their student performance levels.

175 (3) The plan shall include provisions for statistical reporting of [~~data as follows:(a)-~~
176 ~~norm-referenced tests results shall be reported at the state, district, school, and grade levels,~~
177 ~~and shall include actual levels of performance on tests;~~ and (b)] criterion-referenced [tests] or
178 online computer adaptive test results [shall be reported] at state, school district, school, and
179 grade or course levels, and shall include actual levels of performance on tests.

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

181 (a) [~~district~~] evaluation of the U-PASS test results and use of the evaluations in setting
182 goals and establishing programs [~~for the district and each school within the district~~]; and

183 (b) a professional development program that provides teachers, principals, and other
184 professional staff [~~employed by the school district~~] with the training required to successfully
185 establish and maintain U-PASS.

186 Section 5. Section **53A-3-602.5** is amended to read:

187 **53A-3-602.5. School performance report -- Components -- Annual filing.**

188 (1) The State Board of Education in collaboration with the state's school districts and
189 charter schools shall develop a school performance report to inform the state's residents of the
190 quality of schools and the educational achievement of students in the state's public education
191 system.

192 (2) The report shall be written and include the following statistical data for each
193 school in [~~each~~] a school district and each charter school, as applicable, except as provided by
194 Subsection (2)(g), and shall also aggregate the data at the school district and state level:

195 (a) [~~except as provided in Subsection (2)(a)(ii),~~] test scores over the previous year on:
196 [~~(i) norm-referenced achievement tests;~~]

197 [~~(ii)~~] (i) criterion-referenced or online computer adaptive tests to include the scores

198 aggregated for all students:

199 (A) by grade level or course for the previous two years and an indication of whether

200 there was a sufficient magnitude of gain in the scores between the two years; and

201 (B) by class;

202 [~~(iii)~~] (ii) online writing assessments required under Section 53A-1-603; and

203 [~~(iv)~~] (iii) tenth grade basic skills competency tests required under Section 53A-1-603;

204 (b) college entrance examinations data, including the number and percentage of each

205 graduating class taking the examinations for the previous four years;

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

207 (i) the number of students taking advanced placement and concurrent enrollment

208 courses;

209 (ii) the number and percent of students taking a specific advanced placement course

210 who take advanced placement tests to receive college credit for the course;

211 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number

212 and percent who pass the test; and

213 (iv) of those students taking a concurrent enrollment course, the number and percent

214 of those who receive college credit for the course;

215 (d) the number and percent of students in grade 3 reading at or above grade level;

216 (e) the number and percent of students who were absent from school 10 days or more

217 during the school year;

218 (f) achievement gaps that reflect the differences in achievement of various student

219 groups as defined by State Board of Education rule;

220 (g) the number and percent of "student dropouts" within the school district as defined

221 by State Board of Education rule;

222 (h) course-taking patterns and trends in secondary schools;

223 (i) student mobility;

224 (j) staff qualifications, to include years of professional service and the number and

225 percent of staff who have a degree or endorsement in their assigned teaching area and the

226 number and percent of staff who have a graduate degree;

227 (k) the number and percent of parents who participate in SEP, SEOP, and

228 parent-teacher conferences;

229 (l) average class size by grade level and subject;

230 (m) average daily attendance as defined by State Board of Education rule, including

231 every period in secondary schools; and

232 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited

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

234 (3) The State Board of Education, in collaboration with the state's school districts and

235 charter schools, shall provide for the collection and electronic reporting of the following data

236 for ~~each~~ a school in each school district and each charter school:

237 (a) test scores and trends over the previous four years on the tests referred to in

238 Subsection (2)(a);

239 (b) the average grade given in each math, science, and English course in grades 9

240 through 12 for which ~~criteria-referenced~~ criterion-referenced or online computer adaptive

241 tests are required under Section 53A-1-603;

242 (c) incidents of student discipline as defined by State Board of Education rule,

243 including suspensions, expulsions, and court referrals; and

244 (d) the number and percent of students receiving fee waivers and the total dollar

245 amount of fees waived.

246 (4) (a) (i) The State Board of Education shall adopt common definitions and data

247 collection procedures for local school boards and charter schools to use in collecting and

248 forwarding the data required under Subsections (2) and (3) to the state superintendent of

249 public instruction.

250 (ii) Average class size by grade and subject shall be calculated for the purposes of

251 Subsection (2)(l) in accordance with the following:

252 (A) for kindergarten through grade six, average class size by grade shall be calculated

253 by dividing grade membership on October 1 by the number of classes in the corresponding

254 grade; and

255 (B) for grades seven through 12, average class size shall be calculated for core
256 language arts, mathematics, and science courses by dividing membership on October 1 in core
257 language arts, mathematics, or science course classes by the number of classes for the
258 corresponding course.

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

263 (c) The state superintendent shall use the automated decision support system referred
264 to in Section 53A-1-301 to collect and report the data required under Subsections (2) and (3).

265 (5) The ~~[state board]~~ State Board of Education, through the state superintendent of
266 public instruction, shall issue its report annually by October 1 to include the required data
267 from the previous school year or years as indicated in Subsections (2) and (3).

268 (6) (a) Each local school board and each charter school shall receive a written or an
269 electronic copy of the report from the state superintendent of public instruction containing the
270 data for that school district or charter school in a clear summary format and have it distributed,
271 on a one per household basis, to the residence of students enrolled in the school district or
272 charter school before November 30th of each year.

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

276 Section 6. Section **63I-2-253** is amended to read:

277 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

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

279 (2) Subsection 53A-1-603(5) is repealed July 1, ~~[2010]~~ 2015.

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

281 ~~[(4) Section 53A-3-702 is repealed July 1, 2008.]~~

- 282 [~~(5)~~ Section 53A-6-112 is repealed July 1, 2009.]
- 283 [~~(6)~~ (4) Subsection 53A-13-110[~~(3)~~](4) is repealed July 1, 2013.
- 284 [~~(7)~~ (5) Section 53A-17a-152 is repealed July 1, 2010.
- 285 [~~(8)~~ (6) Section 53A-17a-162 is repealed July 1, 2012.