

1                                   **STATEWIDE ADAPTIVE TESTING**

2   2012 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Gregory H. Hughes**

5                                   Senate Sponsor: Howard A. Stephenson

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6  
7 **LONG TITLE**

8 **Committee Note:**

9                   The Education Interim Committee recommended this bill.

10 **General Description:**

11                   This bill modifies the Utah Performance Assessment System for Students (U-PASS),  
12 including requiring school districts and charter schools to administer computer adaptive  
13 tests aligned with ~~the~~ Utah's common core.

14 **Highlighted Provisions:**

15                   This bill:

16                   ▶ requires school districts and charter schools to administer computer adaptive tests  
17 aligned with ~~the~~ Utah's common core beginning with the 2014-15 school year;

18                   ▶ eliminates an assessment system pilot program;

19                   ▶ requires the State Board of Education to make rules for:

20                   • applying for and awarding money for computer adaptive tests;  
21                   • allocating money for computer adaptive tests to school districts and charter  
22 schools who qualify for the money; and

23                   • reporting the expenditure of money for computer adaptive tests; ~~and~~

23a                   ▶ requires the State Board of Education to establish a parent committee of 15  
23b members to review computer adaptive test questions appointed as follows:

23c                   • 5 members appointed by the chair of the State Board of Education;

23d                   • 5 members appointed by the speaker of the House of Representatives; and

23e                   • 5 members appointed by the president of the Senate; and ~~the~~

24                   ▶ makes technical amendments.



25 **Money Appropriated in this Bill:**

26           This bill appropriates:

27           ▶ to the State Board of Education, as on ongoing appropriation:

28 • from the Education Fund, \$6,700,000.

29 **Other Special Clauses:**

30 This bill takes effect on July 1, 2012.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53A-1-602**, as last amended by Laws of Utah 2010, Chapters 11 and 305

34 **53A-1-603**, as last amended by Laws of Utah 2010, Chapters 11 and 305

35 **53A-1-611**, as last amended by Laws of Utah 2010, Chapters 305 and 395

36 **63I-2-253**, as last amended by Laws of Utah 2011, Chapters 303, 330, and 419

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

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

40 **53A-1-602. Definitions.**

41 As used in this part:

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

46 (2) "~~Œ~~ ~~→~~ [~~Common~~] ~~Utah's common~~ ~~←~~Œ core" means ~~Œ~~ ~~→~~ [~~a~~] ~~the~~ ~~←~~Œ core set of  
 46a1 English language arts and  
 46a mathematics  
 47 standards developed ~~Œ~~ ~~→~~ [~~by states~~] ~~←~~Œ and adopted by the State Board of Education which  
 47a define the  
 48 knowledge and skills students should have in kindergarten through grade 12 to enable them to  
 49 be prepared for college or workforce training.

50 [~~2~~] (3) "Utah Performance Assessment System for Students" or "U-PASS" means:

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

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

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

56 (d) the use of student behavior indicators in assessing student performance; and

57 (e) testing of students in grade 3 to measure reading grade level.

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

59 **53A-1-603. Duties of State Board of Education.**60 (1) [~~Except as provided in Subsection (5), the~~] The State Board of Education shall:61 (a) require each school district and charter school to implement the Utah Performance  
62 Assessment System for Students, hereafter referred to as U-PASS;63 (b) require the state superintendent of public instruction to submit and recommend  
64 criterion-referenced achievement tests or online computer adaptive tests, a tenth grade basic  
65 skills competency test, an online writing assessment for grades 5 and 8, and a test for students  
66 in grade 3 to measure reading grade level to the board for approval and adoption and  
67 distribution to each school district and charter school by the state superintendent;68 (c) develop an assessment method to uniformly measure statewide performance, school  
69 district performance, and school performance of students in grades 3 through 12 in mastering  
70 basic skills courses; and71 (d) provide for the state to participate in the National Assessment of Educational  
72 Progress state-by-state comparison testing program.73 (2) Except as provided in Subsection [~~(5)~~] (3) and Subsection 53A-1-611(6), under  
74 U-PASS, the [~~state office~~] State Board of Education shall annually require [~~that~~] each school  
75 district and charter school, as applicable, to administer:76 (a) as determined by the State Board of Education, statewide criterion-referenced tests  
77 or online computer adaptive tests in grades 3 through 12 and courses in basic skill areas of the  
78 core curriculum;

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

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

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

82 (3) Beginning with the 2014-15 school year, the State Board of Education shall  
83 annually require each school district and charter school, as applicable, to administer a computer  
84 adaptive assessment system that is:85 (a) adopted by the State Board of Education; and86 (b) aligned to ~~§~~ → [the] Utah's ← ~~§~~ common core.87 [~~(3)~~] (4) The board shall adopt rules for the conduct and administration of U-PASS to  
88 include the following:

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

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

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

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

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

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

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

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

106 ~~[(iv)]~~ (e) allowing a school district or charter school to have its tests administered and  
 107 scored electronically to accelerate the review of test scores and their usefulness to parents and  
 108 educators under ~~[Subsections (3)(d)(i), (ii), and (iii)]~~ Subsection (4)(d), without violating the  
 109 integrity of U-PASS; and

110 ~~[(e)]~~ (f) providing that:

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

114 (ii) except as provided in Subsection 53A-1-611(6), the student's score on the tenth  
 115 grade basic skills competency test shall be recorded on the student's transcript of credits.

116 ~~[(4)]~~ (5) The State Board of Education shall consider administering the basic skills  
 117 competency test on a Saturday to preserve instructional time.

118 ~~[(5)(a)]~~ The State Board of Education may exempt a school district or charter school  
 119 from the testing requirements specified in Subsection (2) if:

120 (i) the school district or charter school pilots an assessment system that incorporates

121 the following:]

122 [~~(A) online classroom-based assessment that utilizes adaptive testing;~~]

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

124 [~~(C) assessments administered in grades 8, 10, and 11 to determine readiness for~~  
125 ~~postsecondary education;~~]

126 [~~(ii) the State Board of Education approves the specific assessment administered under~~  
127 ~~Subsection (5)(a)(i) and the assessment provider; and]~~

128 [~~(iii) the school district or charter school verifies the local fiscal capability and~~  
129 ~~resources needed to participate in the pilot assessment system.]~~

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

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

134 [~~(ii) developed and adopted by the State Board of Education.]~~

135 [~~(c) By the November 2014 meeting of the Education Interim Committee, the State~~  
136 ~~Board of Education shall submit recommendations to the committee on the state's assessment~~  
137 ~~system.]~~

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

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

143 [~~(7) (a) On or before the 2010 October meeting of the Education Interim Committee,~~  
144 ~~the State Board of Education shall prepare and present its plan for a pilot program for the~~  
145 ~~2010-11 and 2011-12 school years to:]~~

146 [~~(i) replace the tenth grade basic skills competency test with computer adaptive testing~~  
147 ~~of basic skills; and]~~

148 [~~(ii) administer the ACT exam to secondary students.]~~

149 [~~(b) The State Board of Education shall implement the pilot program described in~~  
150 ~~Subsection (7)(a) for the 2010-11 and 2011-12 school years.]~~

151 [~~(c) The State Board of Education shall re-direct the money saved by not administering~~

152 ~~the tenth grade basic skills competency test pursuant to Subsection 53A-1-611(6) to fund the~~  
 153 ~~implementation of the pilot program described in Subsection (7)(b) for fiscal years 2010-11~~  
 154 ~~and 2011-12.]~~

155 (7) The State Board of Education shall make rules:

156 (a) establishing procedures for applying for and awarding money for computer adaptive  
 157 tests;

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

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

161a **Ĥ→ (8) The State Board of Education shall assure that computer adaptive tests are**  
 161b **administered in compliance with the requirements of Chapter 13, Part 3, Utah Family**  
 161c **Educational Rights and Privacy Act. ←Ĥ**

161d **Ŝ→ (9)(a) The State Board of Education shall establish a committee consisting of 15**  
 161e **parents of Utah public education students to review all computer adaptive test questions.**

161f **(b) The committee established in Subsection (9)(a) shall include the following parent**  
 161g **members:**

161h **(i) five members appointed by the chair of the State Board of Education;**

161i **(ii) five members appointed by the speaker of the House of Representatives; and**

161j **(iii) five members appointed by the president of the Senate.**

161k **(c) The State Board of Education shall provide staff support to the parent committee.**

161l **(d) The term of office of each member appointed in Subsection (9)(b) is four years.**

161m **(e) The chair of the State Board of Education, the speaker of the House of**  
 161n **Representatives, and the president of the Senate shall adjust the length of terms to stagger the**  
 161o **terms of committee members so that approximately 1/2 of the committee members are**  
 161p **appointed every two years.**

161q **(f) No member may receive compensation or benefits for the member's service on the**  
 161r **committee. ←Ŝ**

162 Section 3. Section **53A-1-611** is amended to read:

163 **53A-1-611. Standards and assessment processes to measure student performance**  
 164 **-- Basic skills competency test.**

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

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

171 (b) Except as provided in [~~Subsections~~] Subsection (5) [~~and (6)~~] and Section  
172 53A-1-1001, a student must pass the basic skills competency test, in addition to the established  
173 requirements of the state and local board of education of the district in which the student  
174 attends school, in order to receive a basic high school diploma of graduation.

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

177 (d) Except as provided in [~~Subsections~~] Subsection (5) [~~and (6)~~] and Section  
178 53A-1-1001, a student who fails to pass all components of the test may not receive a basic high  
179 school diploma but may receive a certificate of completion or alternative completion diploma  
180 under rules made by the State Board of Education in accordance with Title 63G, Chapter 3,  
181 Utah Administrative Rulemaking Act.

182 (e) The state board shall make rules:



183 (i) to allow students who initially fail the test to retake all or part of the test; and  
 184 (ii) that take into account and are consistent with federal law relating to students with  
 185 disabilities in the administration of the test.

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

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

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

193 ~~[(6)]~~ (5) (a) A student is exempt from the requirements of Subsection (2) if:

194 (i) the student is enrolled in the tenth grade during:

195 (A) the 2010-11 school year; or

196 (B) the 2011-12 school year; or

197 (ii) the student:

198 (A) was enrolled in the tenth grade during:

199 (I) the 2008-09 school year; or

200 (II) the 2009-10 school year; and

201 (B) did not pass the tenth grade basic skills competency test while the student was in  
 202 tenth grade.

203 (b) School districts and charter schools are exempt from administering the tenth grade  
 204 basic skills competency test during the 2010-11 and 2011-12 school year.

205 Section 4. Section **63I-2-253** is amended to read:

206 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

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

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

209 ~~[(3)]~~ (2) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

210 ~~[(4)]~~ (3) Subsection 53A-13-110(4) is repealed July 1, 2013.

211 ~~[(5)]~~ (4) Section 53A-15-1215 is repealed July 1, 2012.

212 Section 5. **Appropriation.**

213 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the

214 following sums of money are appropriated from resources not otherwise appropriated out of the  
215 funds or accounts indicated for the fiscal year beginning July 1, 2012 and ending June 30,  
216 2013. These are additions to amounts previously appropriated for fiscal year 2012-13.

217 To State Board of Education \$6,700,000

218 Schedule of Programs:

219 Student Achievement \$6,700,000

220 The Legislature intends that the \$6,700,000 appropriated to the State Board of  
221 Education for the Student Achievement program be used for computer adaptive tests and test  
222 reports for grades 3 through 12.

223 **Section 6. Effective date.**

224 This bill takes effect on July 1, 2012.

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**Legislative Review Note**  
**as of 10-19-11 2:44 PM**

**Office of Legislative Research and General Counsel**