

- 30 ▶ to the State Board of Education, as on ongoing appropriation:
- 31 • from the Education Fund, \$6,700,000.

32 **Other Special Clauses:**

33 This bill takes effect on July 1, 2012.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53A-1-602**, as last amended by Laws of Utah 2010, Chapters 11 and 305

37 **53A-1-603**, as last amended by Laws of Utah 2010, Chapters 11 and 305

38 **53A-1-611**, as last amended by Laws of Utah 2010, Chapters 305 and 395

39 **63I-2-253**, as last amended by Laws of Utah 2011, Chapters 303, 330, and 419



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

49 (2) "Utah's common core" means the core set of English language arts and mathematics
50 standards developed and adopted by the State Board of Education which define the knowledge
51 and skills students should have in kindergarten through grade 12 to enable them to be prepared
52 for college or workforce training.

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

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

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

- 58 (c) a tenth grade basic skills competency test as detailed in Section 53A-1-611;
- 59 (d) the use of student behavior indicators in assessing student performance; and
- 60 (e) testing of students in grade 3 to measure reading grade level.

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

62 **53A-1-603. Duties of State Board of Education.**

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

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

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

71 (c) develop an assessment method to uniformly measure statewide performance, school
72 district performance, and school performance of students in grades 3 through 12 in mastering
73 basic skills courses; and

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

76 (2) Except as provided in Subsection [~~(5)~~] (3) and Subsection 53A-1-611[~~(6)~~](5), under
77 U-PASS, the [~~state office~~] State Board of Education shall annually require [~~that~~] each school
78 district and charter school, as applicable, to administer:

79 (a) as determined by the State Board of Education, statewide criterion-referenced tests
80 or online computer adaptive tests in grades 3 through 12 and courses in basic skill areas of the
81 core curriculum;

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

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

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

85 (3) Beginning with the 2014-15 school year, the State Board of Education shall

86 annually require each school district and charter school, as applicable, to administer a computer
87 adaptive assessment system that is:

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

89 (b) aligned to Utah's common core.

90 ~~[(3)]~~ (4) The board shall adopt rules for the conduct and administration of U-PASS to
91 include the following:

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

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

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

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

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

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

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

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

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

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

117 (ii) except as provided in Subsection 53A-1-611~~[(6)]~~(5), the student's score on the
118 tenth grade basic skills competency test shall be recorded on the student's transcript of credits.

119 ~~[(4)]~~ (5) The State Board of Education shall consider administering the basic skills
120 competency test on a Saturday to preserve instructional time.

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

123 ~~[(i) the school district or charter school pilots an assessment system that incorporates~~
124 ~~the following:]~~

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

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

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

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

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

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

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

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

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

141 (6) (a) A school district or charter school, as applicable, is encouraged to administer an

142 online writing assessment to students in grade 11.

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

146 ~~[(7)(a) On or before the 2010 October meeting of the Education Interim Committee,
147 the State Board of Education shall prepare and present its plan for a pilot program for the
148 2010-11 and 2011-12 school years to:]~~

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

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

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

154 ~~[(c) The State Board of Education shall re-direct the money saved by not administering
155 the tenth grade basic skills competency test pursuant to Subsection 53A-1-611(6) to fund the
156 implementation of the pilot program described in Subsection (7)(b) for fiscal years 2010-11
157 and 2011-12.]~~

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

159 (a) establishing procedures for applying for and awarding money for computer adaptive
160 tests;

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

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

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

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

170 (b) The committee established in Subsection (9)(a) shall include the following parent
171 members:

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

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

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

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

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

177 (e) The chair of the State Board of Education, the speaker of the House of

178 Representatives, and the president of the Senate shall adjust the length of terms to stagger the

179 terms of committee members so that approximately 1/2 of the committee members are

180 appointed every two years.

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

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

184 **53A-1-611. Standards and assessment processes to measure student performance**
185 **-- Basic skills competency test.**

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

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

192 (b) Except as provided in [~~Subsections~~] Subsection (5) [~~and (6)~~] and Section
193 53A-1-1001, a student must pass the basic skills competency test, in addition to the established
194 requirements of the state and local board of education of the district in which the student
195 attends school, in order to receive a basic high school diploma of graduation.

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

198 (d) Except as provided in [~~Subsections~~] Subsection (5) [~~and (6)~~] and Section
199 53A-1-1001, a student who fails to pass all components of the test may not receive a basic high
200 school diploma but may receive a certificate of completion or alternative completion diploma
201 under rules made by the State Board of Education in accordance with Title 63G, Chapter 3,
202 Utah Administrative Rulemaking Act.

203 (e) The state board shall make rules:

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

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

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

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

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

214 [~~(6)~~] (5) (a) A student is exempt from the requirements of Subsection (2) if:

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

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

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

218 (ii) the student:

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

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

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

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

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

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

227 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

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

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

230 [~~(3)~~] (2) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

231 [~~(4)~~] (3) Subsection 53A-13-110(4) is repealed July 1, 2013.

232 [~~(5)~~] (4) Section 53A-15-1215 is repealed July 1, 2012.

233 Section 5. **Appropriation.**

234 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
235 following sums of money are appropriated from resources not otherwise appropriated out of the
236 funds or accounts indicated for the fiscal year beginning July 1, 2012 and ending June 30,
237 2013. These are additions to amounts previously appropriated for fiscal year 2012-13.

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

239 Schedule of Programs:

240 Student Achievement \$6,700,000

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

244 Section 6. **Effective date.**

245 This bill takes effect on July 1, 2012.