

1 **ASSESSMENT OF COLLEGE READINESS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

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

5 House Sponsor: Steve Eliason

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions regarding the assessment of high school students' college
10 readiness.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ terminates the administration of a basic skills competency test to tenth grade
14 students;
- 15 ▶ requires school districts and charter schools to administer college readiness
16 assessments adopted by the State Board of Education, which shall include the
17 college admissions test that includes an assessment of language arts, mathematics,
18 and science that is most commonly submitted to local universities;
- 19 ▶ requires the State Board of Education to contract with a provider, through a request
20 for proposals process, to provide an online program to prepare students to take the
21 college admissions test that includes an assessment of language arts, mathematics,
22 and science that is most commonly submitted to local universities;
- 23 ▶ eliminates the Basic Skills Education Stipend Program; and
- 24 ▶ makes technical amendments.

25 **Money Appropriated in this Bill:**

26 This bill appropriates in fiscal year 2014:

- 27 ▶ to the State Board of Education, as an ongoing appropriation:
28 • from the Education Fund, \$850,000.

29 **Other Special Clauses:**

30 This bill provides an effective date.

31 This bill provides for retrospective operation.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **53A-1-602**, as last amended by Laws of Utah 2012, Chapter 394

35 **53A-1-603**, as last amended by Laws of Utah 2012, Chapters 394 and 407

36 **53A-1-604**, as last amended by Laws of Utah 2010, Chapter 11

37 **53A-1-609**, as last amended by Laws of Utah 1999, Chapter 336

38 **53A-1-611**, as last amended by Laws of Utah 2012, Chapter 394

39 **53A-3-602.5**, as last amended by Laws of Utah 2011, Chapter 321

40 ENACTS:

41 **53A-1-613**, Utah Code Annotated 1953

42 REPEALS:

43 **53A-1-612**, as last amended by Laws of Utah 2011, Chapter 342



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

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

47 **53A-1-602. Definitions.**

48 As used in this part:

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

52 (2) "IEP" means a written statement for a student with a disability that is developed,
53 reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20
54 U.S.C. Sec. 1400 et seq.

55 [~~2~~] (3) "Utah's common core" means the core set of English language arts and
56 mathematics standards developed and adopted by the State Board of Education which define
57 the knowledge and skills students should have in kindergarten through grade 12 to enable them

58 to be prepared for college or workforce training.

59 [(3)] (4) "Utah Performance Assessment System for Students" or "U-PASS" means:

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

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

64 (c) [~~a tenth grade basic skills competency test~~] college readiness assessments as
65 detailed in Section 53A-1-611;

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

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

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

69 **53A-1-603. Duties of State Board of Education.**

70 (1) The State Board of Education shall:

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

73 (b) require the state superintendent of public instruction to submit and recommend
74 criterion-referenced achievement tests or online computer adaptive tests, [~~a tenth grade basic
75 skills competency test~~] college readiness assessments, an online writing assessment for grades
76 5 and 8, and a test for students in grade 3 to measure reading grade level to the board for
77 approval and adoption and distribution to each school district and charter school by the state
78 superintendent;

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

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

84 (2) Except as provided in Subsection (3) and Subsection 53A-1-611[(5)](3), under
85 U-PASS, the State Board of Education shall annually require each school district and charter

86 school, as applicable, to administer:

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

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

91 (c) [~~a tenth grade basic skills competency test~~] college readiness assessments as
92 detailed in Section 53A-1-611; and

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

94 (3) Beginning with the 2014-15 school year, the State Board of Education shall
95 annually require each school district and charter school, as applicable, to administer a computer
96 adaptive assessment system that is:

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

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

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

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

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

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

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

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

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

114 subjects;

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

118 (e) allowing a school district or charter school to have its tests administered and scored
119 electronically to accelerate the review of test scores and their usefulness to parents and
120 educators under Subsection (4)(d), without violating the integrity of U-PASS; and

121 (f) providing that~~[(f)]~~ scores on the tests and assessments required under Subsection
122 (2)(a) and Subsection (3) shall be considered in determining a student's academic grade for the
123 appropriate course and whether a student shall advance to the next grade level~~[, and]~~.

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

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

128 ~~[(6)]~~ (5) (a) A school district or charter school, as applicable, is encouraged to
129 administer an online writing assessment to students in grade 11.

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

133 ~~[(7)]~~ (6) The State Board of Education shall make rules:

134 (a) establishing procedures for applying for and awarding money for computer adaptive
135 tests;

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

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

140 ~~[(8)]~~ (7) The State Board of Education shall assure that computer adaptive tests are
141 administered in compliance with the requirements of Chapter 13, Part 3, Utah Family

142 Educational Rights and Privacy Act.

143 ~~[(9)]~~ (8) (a) The State Board of Education shall establish a committee consisting of 15
144 parents of Utah public education students to review all computer adaptive test questions.

145 (b) The committee established in Subsection ~~[(9)]~~ (8)(a) shall include the following
146 parent members:

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

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

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

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

151 (d) The term of office of each member appointed in Subsection ~~[(9)]~~ (8)(b) is four
152 years.

153 (e) The chair of the State Board of Education, the speaker of the House of
154 Representatives, and the president of the Senate shall adjust the length of terms to stagger the
155 terms of committee members so that approximately 1/2 of the committee members are
156 appointed every two years.

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

159 ~~[(10)]~~ (9) (a) School districts and charter schools shall require each licensed employee
160 to complete two hours of professional development on youth suicide prevention within their
161 license cycle in accordance with Section 53A-6-104.

162 (b) The State Board of Education shall develop or adopt sample materials to be used by
163 a school district or charter school for professional development training on youth suicide
164 prevention.

165 (c) The training required by this Subsection ~~[(10)]~~ (9) shall be incorporated into
166 professional development training required by rule in accordance with Section 53A-6-104.

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

168 **53A-1-604. Test development, publication, and administration.**

169 (1) The State Board of Education shall develop, publish, and administer

170 criterion-referenced tests [~~and a tenth grade basic skills competency test~~].

171 (2) The board may use the expert services of any person in the public or private sector
172 in:

173 (a) evaluating current tests and assessment programs; or

174 (b) developing, publishing, and administering new tests.

175 Section 4. Section **53A-1-609** is amended to read:

176 **53A-1-609. Construction of part.**

177 [~~Except as otherwise provided in Section 53A-1-611, nothing~~] Nothing in this part shall
178 be construed to mean or represented to require that graduation from a high school or promotion
179 to another grade is in any way dependent upon successful performance of any test administered
180 as a part of the testing program established under this part.

181 Section 5. Section **53A-1-611** is amended to read:

182 **53A-1-611. College readiness assessments.**

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

186 (2) [~~(a)~~] In addition to its responsibilities under Sections 53A-1-603 through
187 53A-1-605, the State Board of Education[~~-, through the state superintendent of public~~
188 ~~instruction, shall design a basic skills competency test to be administered in the tenth grade.~~]
189 shall:

190 (a) adopt college readiness assessments for secondary students; and

191 (b) require school districts and charter schools to administer the college readiness
192 assessments adopted by the State Board of Education beginning with the 2013-14 school year.

193 (3) The college readiness assessments adopted by the State Board of Education:

194 (a) shall include the college admissions test that includes an assessment of language
195 arts, mathematics, and science that is most commonly submitted to local universities; and

196 (b) may include:

197 (i) the Armed Services Vocational Aptitude Battery; and

198 (ii) a battery of assessments that are predictive of success in higher education.

199 (4) (a) Except as provided in Subsection (4)(b), the State Board of Education shall
200 require school districts and charter schools to administer a test adopted under Subsection (3)(a)
201 to all students in grade 11.

202 (b) A student with an IEP may take an appropriate college readiness assessment other
203 than a test adopted by the State Board of Education under Subsection (3)(a), as determined by
204 the student's IEP.

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

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

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

216 ~~[(e) The state board shall make rules:]~~

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

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

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

222 ~~[(4)] (5) The requirements of this section are to be complementary to the other~~
223 ~~achievement testing provisions of this part.~~

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

225 ~~[(i) the student is enrolled in the tenth grade during:]~~

226 ~~[(A) the 2010-11 school year; or]~~
227 ~~[(B) the 2011-12 school year; or]~~
228 ~~[(ii) the student:]~~
229 ~~[(A) was enrolled in the tenth grade during:]~~
230 ~~[(I) the 2008-09 school year; or]~~
231 ~~[(II) the 2009-10 school year; and]~~
232 ~~[(B) did not pass the tenth grade basic skills competency test while the student was in~~
233 ~~tenth grade.]~~
234 ~~[(b) School districts and charter schools are exempt from administering the tenth grade~~
235 ~~basic skills competency test during the 2010-11 and 2011-12 school year.]~~

236 Section 6. Section **53A-1-613** is enacted to read:

237 **53A-1-613. Online test preparation program.**

238 (1) The State Board of Education shall contract with a provider, selected through a
239 request for proposals process, to provide an online program to prepare students to take the
240 college admissions test that includes an assessment of language arts, mathematics, and science
241 that is most commonly submitted to local universities.

242 (2) An online test preparation program described in Subsection (1):

243 (a) (i) shall allow a student to independently access online materials and learn at the
244 student's own pace; and

245 (ii) may be used to provide classroom and teacher-assisted instruction;

246 (b) shall provide online study materials, diagnostic exams, drills, and practice tests in
247 an approach that is engaging to high school students;

248 (c) shall enable electronic reporting of student progress to administrators, teachers,
249 parents, and other facilitators;

250 (d) shall record a student's progress in an online dashboard that provides diagnostic
251 assessment of the content areas tested and identifies mastery of corresponding skill sets; and

252 (e) shall provide training and professional development to personnel in school districts
253 and charter schools on how to utilize the online test preparation program and provide

254 teacher-assisted instruction to students.

255 (3) To be eligible to administer a college admissions test provided by the State Board
256 of Education from funds appropriated for college readiness assessments, a school district or
257 charter school shall:

258 (a) promote the use of the online test preparation program; and

259 (b) inform parents and students of the availability of, and how to access and use, the
260 online test preparation program.

261 (4) The State Board of Education, school districts, and charter schools shall make the
262 online test preparation program available to a student:

263 (a) beginning in the 2013-14 school year; and

264 (b) for at least one full year, except a student in grade 11 in the 2013-14 school year
265 shall have access to the online test preparation program as soon as the program can be made
266 operational.

267 Section 7. Section **53A-3-602.5** is amended to read:

268 **53A-3-602.5. School performance report -- Components -- Annual filing.**

269 (1) For a school year beginning with or after the 2010-11 school year, the State Board
270 of Education in collaboration with the state's school districts and charter schools shall develop
271 a school performance report to inform the state's residents of the quality of schools and the
272 educational achievement of students in the state's public education system.

273 (2) The report described in Subsection (1) shall be written and include the following
274 statistical data for each school in a school district and each charter school, as applicable, except
275 as provided by Subsection (2)(g), and shall also aggregate the data at the school district and
276 state level:

277 (a) test scores over the previous year on:

278 (i) criterion-referenced or online computer adaptive tests to include the scores
279 aggregated for all students:

280 (A) by grade level or course for the previous two years and an indication of whether
281 there was a sufficient magnitude of gain in the scores between the two years; and

- 282 (B) by class;
- 283 (ii) online writing assessments required under Section 53A-1-603; and
- 284 (iii) [~~tenth grade basic skills competency tests~~] college readiness assessments required
- 285 under Section 53A-1-603;
- 286 (b) college entrance examinations data, including the number and percentage of each
- 287 graduating class taking the examinations for the previous four years;
- 288 (c) advanced placement and concurrent enrollment data, including:
- 289 (i) the number of students taking advanced placement and concurrent enrollment
- 290 courses;
- 291 (ii) the number and percent of students taking a specific advanced placement course
- 292 who take advanced placement tests to receive college credit for the course;
- 293 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
- 294 percent who pass the test; and
- 295 (iv) of those students taking a concurrent enrollment course, the number and percent of
- 296 those who receive college credit for the course;
- 297 (d) the number and percent of students in grade 3 reading at or above grade level;
- 298 (e) the number and percent of students who were absent from school 10 days or more
- 299 during the school year;
- 300 (f) achievement gaps that reflect the differences in achievement of various student
- 301 groups as defined by State Board of Education rule;
- 302 (g) the number and percent of "student dropouts" within the school district as defined
- 303 by State Board of Education rule;
- 304 (h) course-taking patterns and trends in secondary schools;
- 305 (i) student mobility;
- 306 (j) staff qualifications, to include years of professional service and the number and
- 307 percent of staff who have a degree or endorsement in their assigned teaching area and the
- 308 number and percent of staff who have a graduate degree;
- 309 (k) the number and percent of parents who participate in SEP, SEOP, and

310 parent-teacher conferences;

311 (l) average class size calculated in accordance with State Board of Education rule
312 adopted under Subsection (4);

313 (m) average daily attendance as defined by State Board of Education rule, including
314 every period in secondary schools; and

315 (n) enrollment totals disaggregated with respect to race, ethnicity, gender, limited
316 English proficiency, and those students who qualify for free or reduced price school lunch.

317 (3) For a school year beginning with or after the 2010-11 school year, the State Board
318 of Education, in collaboration with the state's school districts and charter schools, shall provide
319 for the collection and electronic reporting of the following data for a school in each school
320 district and each charter school:

321 (a) test scores and trends over the previous four years on the tests referred to in
322 Subsection (2)(a);

323 (b) the average grade given in each math, science, and English course in grades 9
324 through 12 for which criterion-referenced or online computer adaptive tests are required under
325 Section 53A-1-603;

326 (c) incidents of student discipline as defined by State Board of Education rule,
327 including suspensions, expulsions, and court referrals; and

328 (d) the number and percent of students receiving fee waivers and the total dollar
329 amount of fees waived.

330 (4) (a) The State Board of Education shall adopt common definitions and data
331 collection procedures for local school boards and charter schools to use in collecting and
332 forwarding the data required under Subsections (2) and (3) to the state superintendent of public
333 instruction.

334 (b) (i) In accordance with Subsections (4)(b)(ii) through (4)(b)(iv), the State Board of
335 Education shall adopt rules specifying how average class size shall be calculated.

336 (ii) (A) Except as provided by Subsections (4)(b)(ii)(B) through (4)(b)(ii)(D) or for
337 nontraditional classes identified by rule, average class size at the elementary school level shall:

338 (I) be calculated by grade level; and
339 (II) indicate the average number of students who are assigned to a teacher for
340 instruction together during a designated time period.

341 (B) If students at the elementary school level receive instruction in core classes from
342 different teachers, average class size may be calculated as provided by Subsection (4)(b)(iii) for
343 secondary school students.

344 (C) An elementary school class that includes students from multiple grade levels shall
345 be counted as a single class.

346 (D) An extended day class in which a portion of the class arrives early and the other
347 portion stays late shall be counted as a single class.

348 (iii) (A) Except as provided by Subsection (4)(b)(iii)(B) or for nontraditional classes
349 identified by rule, average class size at the secondary school level shall:

350 (I) be calculated for core language arts, mathematics, and science courses; and
351 (II) indicate the average number of students who are assigned to a teacher for
352 instruction together during a designated time period.

353 (B) A secondary school class in which a teacher provides instruction in multiple
354 courses shall be counted as a single class.

355 (iv) Special education classes and online classes shall be excluded when determining
356 average class size by grade at the elementary school level or the average class size of core
357 language arts, mathematics, and science courses at the secondary level.

358 (c) The State Board of Education, through the state superintendent of public
359 instruction, shall adopt standard reporting forms and provide a common template for collecting
360 and reporting the data, which shall be used by all school districts and charter schools.

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

363 (5) (a) For a school year beginning with or after the 2010-11 school year, the State
364 Board of Education, through the state superintendent of public instruction, shall issue its report
365 annually by October 1 to include the required data from the previous school year or years as

366 indicated in Subsections (2) and (3).

367 (b) The State Board of Education shall publish on the State Board of Education's
368 website U-PASS school reports for the 2009-10 school year that indicate the academic
369 proficiency and progress of a school's students and whether the school meets state standards of
370 performance.

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

376 (b) Each local school board, each charter school, and the State Board of Education
377 shall have a complete report of the statewide data available for copying or in an electronic
378 format at their respective offices.

379 Section 8. **Repealer.**

380 This bill repeals:

381 Section 53A-1-612, **Basic Skills Education Stipend Program.**

382 Section 9. **Appropriation.**

383 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
384 the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of money
385 are appropriated from resources not otherwise appropriated, or reduced from amounts
386 previously appropriated, out of the funds or accounts indicated. These sums of money are in
387 addition to any amounts previously appropriated for fiscal year 2014.

388 To State Board of Education - Utah State Office of Education

389 From Education Fund \$850,000

390 Schedule of Programs:

391 Assessment and Accountability \$850,000

392 The Legislature intends that of the money appropriated under this section:

393 (1) \$700,000 shall be used for college readiness assessments, including the State Board

394 of Education's administration and evaluation of college readiness assessments; and
395 (2) \$150,000 shall be used for an online test preparation program as provided in
396 Section 53A-1-613.

397 Section 10. **Effective date -- Retrospective operation.**

398 (1) Except as provided in Subsection (2), if approved by two-thirds of all the members
399 elected to each house, this bill takes effect upon approval by the governor, or the day following
400 the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's
401 signature, or in the case of a veto, the date of veto override.

402 (2) Uncodified Section 9, Appropriation, takes effect on July 1, 2013.

403 (3) The amendments to the following sections have retrospective operation to July 1,
404 2012:

405 (a) Section 53A-1-602;

406 (b) Section 53A-1-603;

407 (c) Section 53A-1-604;

408 (d) Section 53A-1-609;

409 (e) Section 53A-1-611; and

410 (f) Section 53A-3-602.5.