

**BEHAVIORAL TESTING AND TRACKING RESTRICTIONS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Aaron Osmond**

House Sponsor: Francis D. Gibson

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**LONG TITLE**

**General Description:**

This bill amends certain provisions in code with references to behavioral testing and tracking.

**Highlighted Provisions:**

This bill:

- ▶ eliminates references to behavioral testing or tracking in public schools; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-1-410**, as last amended by Laws of Utah 2014, Chapter 372

**53A-1-602**, as last amended by Laws of Utah 2013, Chapter 161

**53A-1-605**, as last amended by Laws of Utah 2010, Chapter 11

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

Section 1. Section **53A-1-410** is amended to read:

**53A-1-410. Utah Futures.**



- 28 (1) As used in this section:
- 29 (a) "Education provider" means:
- 30 (i) a Utah institution of higher education as defined in Section [53B-2-101](#); or
- 31 (ii) a Utah provider of postsecondary education.
- 32 (b) "Student user" means:
- 33 (i) a Utah student in kindergarten through grade 12;
- 34 (ii) a Utah post secondary education student;
- 35 (iii) a parent or guardian of a Utah public education student; or
- 36 (iv) a Utah potential post secondary education student.
- 37 (c) "Utah Futures" means a career planning program developed and administered by
- 38 the Department of Workforce Services, the State Board of Regents, and the State Board of
- 39 Education.
- 40 (d) "Utah Futures Steering Committee" means a committee of members designated by
- 41 the governor to administer and manage Utah Futures in collaboration with the Department of
- 42 Workforce Services, the State Board of Regents, and the State Board of Education.
- 43 (2) The Utah Futures Steering Committee shall ensure, as funding allows and is
- 44 feasible, that Utah Futures will:
- 45 (a) allow a student user to:
- 46 (i) access the student user's full academic record;
- 47 (ii) electronically allow the student user to give access to the student user's academic
- 48 record and related information to an education provider as allowed by law;
- 49 (iii) access information about different career opportunities and understand the related
- 50 educational requirements to enter that career;
- 51 (iv) access information about education providers;
- 52 (v) access up to date information about entrance requirements to education providers;
- 53 (vi) apply for entrance to multiple schools without having to fully replicate the
- 54 application process;
- 55 (vii) apply for loans, scholarships, or grants from multiple education providers in one
- 56 location without having to fully replicate the application process for multiple education
- 57 providers; and
- 58 (viii) research open jobs from different companies within the user's career interest and

- 59 apply for those jobs without having to leave the website to do so;
- 60 (b) allow all users to:
- 61 (i) access information about different career opportunities and understand the related  
62 educational requirements to enter that career;
- 63 (ii) access information about education providers;
- 64 (iii) access up-to-date information about entrance requirements to education providers;
- 65 (iv) apply for entrance to multiple schools without having to fully replicate the  
66 application process;
- 67 (v) apply for loans, scholarships, or grants from multiple education providers in one  
68 location without having to fully replicate the application process for multiple education  
69 providers; and
- 70 (vi) research open jobs from different companies within the user's career interest and  
71 apply for those jobs without having to leave the website to do so;
- 72 (c) allow an education provider to:
- 73 (i) research and find student users who are interested in various educational outcomes;
- 74 (ii) promote the education provider's programs and schools to student users; and
- 75 (iii) connect with student users within the Utah Futures website;
- 76 (d) allow a Utah business to:
- 77 (i) research and find student users who are pursuing educational outcomes that are  
78 consistent with jobs the Utah business is trying to fill now or in the future; and
- 79 (ii) market jobs and communicate with student users through the Utah Futures website  
80 as allowed by law;
- 81 (e) allow the Department of Workforce Services to analyze and report on student user  
82 interests[;] and education paths[; ~~and behaviors~~] within the education system [~~so as to~~  
83 ~~predictively determine appropriate career and educational outcomes and results~~]; and
- 84 (f) allow all users of the Utah Futures' system to communicate and interact through  
85 social networking tools within the Utah Futures website as allowed by law.
- 86 (3) On or before October 1, 2014, the State Board of Education, after consulting with  
87 the Board of Business and Economic Development created in Section [63M-1-301](#), may select a  
88 technology provider, through a request for proposals process, to provide technology and  
89 support for Utah Futures.

90 (4) In evaluating proposals under Subsection (3) in consultation with the Board of  
91 Business and Economic Development, the State Board of Education shall ensure that the  
92 technology provided by a proposer:

93 (a) allows Utah Futures to license the selected service oriented architecture  
94 technologies;

95 (b) allows Utah Futures to protect all user data within the system by leveraging role  
96 architecture;

97 (c) allows Utah Futures to update the user interface, APIs, and web services software  
98 layers as needed;

99 (d) provides the ability for a student user to have a secure profile and login to access  
100 and to store personal information related to the services listed in Subsection (2) via the  
101 Internet;

102 (e) protects all user data within Utah Futures;

103 (f) allows the State Board of Education to license the technology of the selected  
104 technology provider; and

105 (g) provides technology able to support application programming interfaces to integrate  
106 technology of other third party providers, which may include cloud-based technology.

107 (5) (a) On or before August 1, 2014, the evaluation panel described in Subsection  
108 (5)(b), using the criteria described in Subsection (5)(c), shall evaluate Utah Futures and  
109 determine whether any or all components of Utah Futures, as described in this section, should  
110 be outsourced to a private provider or built in-house by the participating state agencies.

111 (b) The evaluation panel described in Subsection (5)(a) shall consist of the following  
112 members, appointed by the governor after consulting with the State Board of Education:

113 (i) five members who represent business, including:

114 (A) one member who has extensive knowledge and experience in information  
115 technology; and

116 (B) one member who has extensive knowledge and experience in human resources;

117 (ii) one member who is a user of the information provided by Utah Futures;

118 (iii) one member who is a parent of a student who uses Utah Futures;

119 (iv) one member who:

120 (A) is an educator as defined in Section [53A-6-103](#); and

- 121 (B) teaches students who use Utah Futures; and  
122 (v) one member who is a high school counselor licensed under Title 53A, Chapter 6,  
123 Educator Licensing and Professional Practices Act.
- 124 (c) The evaluation panel described in Subsections (5)(a) and (b) shall consider at least  
125 the following criteria to make the determination described in Subsection (5)(a):
- 126 (i) the complete functional capabilities of a private technology provider versus an  
127 in-house version;
- 128 (ii) the cost of purchasing privately developed technology versus continuing to develop  
129 or build an in-house version;
- 130 (iii) the data and security capabilities of a private technology provider versus an  
131 in-house version;
- 132 (iv) the time frames to implementation; and  
133 (v) the best practices and examples of other states who have implemented a tool similar  
134 to Utah Futures.
- 135 (d) On or before September 30, 2014, the evaluation panel shall report the  
136 determination to:
- 137 (i) the State Board of Education;
- 138 (ii) the Executive Appropriations Committee; and  
139 (iii) the Education Interim Committee.
- 140 Section 2. Section **53A-1-602** is amended to read:
- 141 **53A-1-602. Definitions.**
- 142 As used in this part:
- 143 (1) "Basic skills course" means a subject which requires mastery of specific functions,  
144 as defined under rules made by the State Board of Education, to include reading, language arts,  
145 mathematics, science in grades 4 through 12, and effectiveness of written expression.
- 146 (2) "IEP" means a written statement for a student with a disability that is developed,  
147 reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20  
148 U.S.C. Sec. 1400 et seq.
- 149 (3) "Utah's common core" means the core set of English language arts and mathematics  
150 standards developed and adopted by the State Board of Education which define the knowledge  
151 and skills students should have in kindergarten through grade 12 to enable them to be prepared

152 for college or workforce training.

153 (4) "Utah Performance Assessment System for Students" or "U-PASS" means:

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

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

158 (c) college readiness assessments as detailed in Section 53A-1-611; and

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

160 [~~(e)~~] (d) testing of students in grade 3 to measure reading grade level.

161 Section 3. Section 53A-1-605 is amended to read:

162 **53A-1-605. Analysis of results -- Staff professional development.**

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

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

168 (a) assist school districts and individual schools to use the results of the analysis in  
169 planning, evaluating, and enhancing programs; and

170 (b) identify schools not achieving state-established acceptable levels of student  
171 performance in order to assist those schools in raising their student performance levels.

172 (3) The plan shall include provisions for statistical reporting of criterion-referenced or  
173 online computer adaptive test results at state, school district, school, and grade or course levels,  
174 and shall include actual levels of performance on tests.

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

176 (a) evaluation of the U-PASS test results and use of the evaluations in setting goals and  
177 establishing programs; and

178 (b) a professional development program that provides teachers, principals, and other  
179 professional staff with the training required to successfully establish and maintain U-PASS.

**Legislative Review Note**  
as of 10-20-14 7:16 AM

**Office of Legislative Research and General Counsel**