

1 **INCENTIVES FOR STATEWIDE ASSESSMENT**

2 **PERFORMANCE**

3 2019 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Mike Winder**

6 Senate Sponsor: Keith Grover

7	Cosponsors:	Bradley G. Last	Steve Waldrip
8	Melissa G. Ballard	Lee B. Perry	Christine F. Watkins
9	Steve Eliason	Marie H. Poulson	
10	Dan N. Johnson	Susan Pulsipher	

11

12 **LONG TITLE**

13 **General Description:**

14 This bill amends provisions related to the use of student assessments.

15 **Highlighted Provisions:**

16 This bill:

- 17 ▶ allows a teacher to use a student's score on certain assessments to improve the
- 18 student's academic grade or demonstrate the student's competency;
- 19 ▶ prohibits a local education agency from providing a nonacademic reward to a
- 20 student for taking certain assessments; and
- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **53E-4-303**, as renumbered and amended by Laws of Utah 2018, Chapter 1

29 **53E-4-304**, as renumbered and amended by Laws of Utah 2018, Chapter 1

30 **53E-4-305**, as renumbered and amended by Laws of Utah 2018, Chapter 1

31 **53G-6-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3

32

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

34 Section 1. Section **53E-4-303** is amended to read:

35 **53E-4-303. Utah standards assessments -- Administration -- Review committee.**

36 (1) As used in this section, "computer adaptive assessment" means an assessment that
37 measures the range of a student's ability by adapting to the student's responses, selecting more
38 difficult or less difficult questions based on the student's responses.

39 (2) The board shall:

40 (a) adopt a standards assessment that:

41 (i) measures a student's proficiency in:

42 (A) mathematics for students in each of grades 3 through 8;

43 (B) English language arts for students in each of grades 3 through 8;

44 (C) science for students in each of grades 4 through 8; and

45 (D) writing for students in at least grades 5 and 8; and

46 (ii) except for the writing measurement described in Subsection (2)(a)(i)(D), is a
47 computer adaptive assessment; and

48 (b) ensure that an assessment described in Subsection (2)(a) is:

49 (i) a criterion referenced assessment;

50 (ii) administered online;

51 (iii) aligned with the core standards for Utah public schools; and

52 (iv) adaptable to competency-based education as defined in Section **53F-5-501**.

53 (3) A school district or charter school shall annually administer the standards
54 assessment adopted by the board under Subsection (2) to all students in the subjects and grade
55 levels described in Subsection (2).

56 (4) ~~[A]~~ (a) Except as provided in Subsection (4)(b), a student's score on the standards

57 assessment adopted under Subsection (2) may not be considered in determining:

58 ~~[(a)]~~ (i) the student's academic grade for a course; or

59 ~~[(b)]~~ (ii) whether the student may advance to the next grade level.

60 (b) A teacher may use a student's score on the standards assessment adopted under
61 Subsection (2) to improve the student's academic grade for or demonstrate the student's
62 competency within a relevant course.

63 (5) (a) The board shall establish a committee consisting of 15 parents of Utah public
64 education students to review all standards assessment questions.

65 (b) The committee established in Subsection (5)(a) shall include the following parent
66 members:

67 (i) five members appointed by the chair of the board;

68 (ii) five members appointed by the speaker of the House of Representatives or the
69 speaker's designee; and

70 (iii) five members appointed by the president of the Senate or the president's designee.

71 (c) The board shall provide staff support to the parent committee.

72 (d) The term of office of each member appointed in Subsection (5)(b) is four years.

73 (e) The chair of the board, the speaker of the House of Representatives, and the
74 president of the Senate shall adjust the length of terms to stagger the terms of committee
75 members so that approximately half of the committee members are appointed every two years.

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

78 Section 2. Section **53E-4-304** is amended to read:

79 **53E-4-304. High school assessments.**

80 (1) The board shall adopt a high school assessment that:

81 (a) is predictive of a student's college readiness as measured by the college readiness
82 assessment described in Section **53E-4-305**; and

83 (b) provides a growth score for a student from grade 9 to 10.

84 (2) A school district or charter school shall annually administer the high school

85 assessment adopted by the board under Subsection (1) to all students in grades 9 and 10.

86 (3) A teacher may use a student's score on the high school assessment adopted under
87 Subsection (1) to improve the student's academic grade for or demonstrate the student's
88 competency within a relevant course.

89 Section 3. Section **53E-4-305** is amended to read:

90 **53E-4-305. College readiness assessments.**

91 (1) The Legislature recognizes the need for the board to develop and implement
92 standards and assessment processes to ensure that student progress is measured and that school
93 boards and school personnel are accountable.

94 (2) The board shall adopt a college readiness assessment for secondary students that:

95 (a) is the college readiness assessment most commonly submitted to local universities;
96 and

97 (b) may include:

98 (i) the Armed Services Vocational Aptitude Battery; or

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

100 (3) (a) Except as provided in Subsection (3)(b), a school district or charter school shall
101 annually administer the college readiness assessment adopted under Subsection (2) to all
102 students in grade 11.

103 (b) A student with an IEP may take an appropriate college readiness assessment other
104 than the assessment adopted by the board under Subsection (2), as determined by the student's
105 IEP.

106 (4) A teacher may use a student's score on the college readiness assessment adopted
107 under Subsection (2) to improve the student's academic grade for or demonstrate the student's
108 competency within a relevant course.

109 [~~4~~] (5) In accordance with Section **53F-4-202**, the board shall contract with a provider
110 to provide an online college readiness diagnostic tool.

111 Section 4. Section **53G-6-803** is amended to read:

112 **53G-6-803. Parental right to academic accommodations.**

113 (1) (a) A student's parent or guardian is the primary person responsible for the
114 education of the student, and the state is in a secondary and supportive role to the parent or
115 guardian. As such, a student's parent or guardian has the right to reasonable academic
116 accommodations from the student's LEA as specified in this section.

117 (b) Each accommodation shall be considered on an individual basis and no student
118 shall be considered to a greater or lesser degree than any other student.

119 (c) The parental rights specified in this section do not include all the rights or
120 accommodations that may be available to a student's parent or guardian as a user of the public
121 education system.

122 (d) An accommodation under this section may only be provided if the accommodation
123 is:

- 124 (i) consistent with federal law; and
- 125 (ii) consistent with a student's IEP if the student already has an IEP.

126 (2) An LEA shall reasonably accommodate a parent's or guardian's written request to
127 retain a student in kindergarten through grade 8 on grade level based on the student's academic
128 ability or the student's social, emotional, or physical maturity.

129 (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a
130 teacher or request for a change of teacher.

131 (4) An LEA shall reasonably accommodate the request of a student's parent or guardian
132 to visit and observe any class the student attends.

133 (5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused
134 absence for a scheduled family event or a scheduled proactive visit to a health care provider if:

135 (a) the parent or guardian submits a written statement at least one school day before the
136 scheduled absence; and

137 (b) the student agrees to make up course work for school days missed for the scheduled
138 absence in accordance with LEA policy.

139 (6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request
140 to place a student in a specialized class, a specialized program, or an advanced course.

141 (b) An LEA shall consider multiple academic data points when determining an
142 accommodation under Subsection (6)(a).

143 (7) Consistent with Section 53E-4-204, which requires the State Board of Education to
144 establish graduation requirements that use competency-based standards and assessments, an
145 LEA shall allow a student to earn course credit [~~towards~~] toward high school graduation
146 without completing a course in school by:

- 147 (a) testing out of the course; or
- 148 (b) demonstrating competency in course standards.

149 (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet
150 with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a
151 regularly scheduled parent teacher conference.

152 (9) (a) At the request of a student's parent or guardian, an LEA shall excuse a student
153 from taking an assessment that:

- 154 (i) is federally mandated;
- 155 (ii) is mandated by the state under this public education code; or
- 156 (iii) requires the use of:
 - 157 (A) a state assessment system; or
 - 158 (B) software that is provided or paid for by the state.

159 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
160 State Board of Education shall make rules:

161 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)
162 that:

- 163 (A) does not place an undue burden on a parent or guardian; and
- 164 (B) may be completed online; and

165 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or
166 an LEA's employees through school [~~grading~~] accountability or employee evaluations due to a
167 student not taking [~~a test~~] an assessment under Subsection (9)(a).

168 (c) An LEA:

169 (i) shall follow the procedures outlined in rules made by the State Board of Education
170 under Subsection (9)(b) to excuse a student under Subsection (9)(a);

171 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition
172 to the procedures outlined in rules made by the State Board of Education under Subsection
173 (9)(b); and

174 (iii) may not [~~reward~~] provide a nonacademic reward to a student for taking an
175 assessment described in Subsection (9)(a).

176 (d) The State Board of Education shall:

177 (i) maintain and publish a list of state assessments, state assessment systems, and
178 software that qualify under Subsection (9)(a); and

179 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

180 (10) (a) An LEA shall provide for:

181 (i) the distribution of a copy of a school's discipline and conduct policy to each student
182 in accordance with Section [53G-8-204](#); and

183 (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline
184 and conduct policy.

185 (b) An LEA shall notify a parent or guardian of a student's violation of a school's
186 discipline and conduct policy and allow a parent or guardian to respond to the notice in
187 accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.