

1 **UTAH PERFORMANCE ASSESSMENT SYSTEM FOR**
2 **STUDENTS (U-PASS) AMENDMENTS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Margaret Dayton**

6 House Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill modifies the Utah Performance Assessment System for Students (U-PASS) by
11 eliminating a tenth grade basic skills competency test and requiring school districts and
12 charter schools to administer assessments adopted by the State Board of Education that
13 indicate whether a student is prepared for postsecondary education or a career.

14 **Highlighted Provisions:**

15 This bill:

- 16 ▶ terminates the administration of a basic skills competency test to tenth grade
17 students;
- 18 ▶ requires school districts and charter schools to administer assessments adopted by
19 the State Board of Education that indicate whether a student is prepared for
20 postsecondary education or a career; and
- 21 ▶ eliminates the Basic Skills Education Stipend Program.

22 **Money Appropriated in this Bill:**

23 This bill appropriates in fiscal year 2014:

- 24 ▶ to the State Board of Education as an ongoing appropriation:
- 25 • from the Education Fund, \$700,000.

26 **Other Special Clauses:**

27 This bill provides an effective date.



28 This bill provides for retrospective operation.

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **53A-1-602**, as last amended by Laws of Utah 2012, Chapter 394

32 **53A-1-603**, as last amended by Laws of Utah 2012, Chapters 394 and 407

33 **53A-1-604**, as last amended by Laws of Utah 2010, Chapter 11

34 **53A-1-609**, as last amended by Laws of Utah 1999, Chapter 336

35 **53A-1-611**, as last amended by Laws of Utah 2012, Chapter 394

36 **53A-3-602.5**, as last amended by Laws of Utah 2011, Chapter 321

37 REPEALS:

38 **53A-1-612**, as last amended by Laws of Utah 2011, Chapter 342



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

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

42 **53A-1-602. Definitions.**

43 As used in this part:

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

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

51 (3) "Utah Performance Assessment System for Students" or "U-PASS" means:

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

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

56 (c) [~~a tenth grade basic skills competency test~~] assessments as detailed in Section
57 53A-1-611;

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

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

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

61 **53A-1-603. Duties of State Board of Education.**

62 (1) The State Board of Education shall:

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

65 (b) require the state superintendent of public instruction to submit and recommend
66 criterion-referenced achievement tests or online computer adaptive tests, [~~a tenth grade basic~~
67 ~~skills competency test~~] assessments as detailed in Section 53A-1-611, an online writing
68 assessment for grades 5 and 8, and a test for students in grade 3 to measure reading grade level
69 to the board for approval and adoption and distribution to each school district and charter
70 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 (3) [~~and Subsection 53A-1-611(5)~~], under
77 U-PASS, the State Board of Education shall annually require each school district and charter
78 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~~] assessments as detailed in Section
84 53A-1-611; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 ~~[(6)]~~ (5) (a) A school district or charter school, as applicable, is encouraged to

121 administer an online writing assessment to students in grade 11.

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

125 [~~7~~] (6) The State Board of Education shall make rules:

126 (a) establishing procedures for applying for and awarding money for computer adaptive
127 tests;

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

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

132 [~~8~~] (7) The State Board of Education shall assure that computer adaptive tests are
133 administered in compliance with the requirements of Chapter 13, Part 3, Utah Family
134 Educational Rights and Privacy Act.

135 [~~9~~] (8) (a) The State Board of Education shall establish a committee consisting of 15
136 parents of Utah public education students to review all computer adaptive test questions.

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

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

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

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

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

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

145 (e) The chair of the State Board of Education, the speaker of the House of
146 Representatives, and the president of the Senate shall adjust the length of terms to stagger the
147 terms of committee members so that approximately [~~1/2~~] one-half of the committee members
148 are appointed every two years.

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

151 [~~10~~] (9) (a) School districts and charter schools shall require each licensed employee

152 to complete two hours of professional development on youth suicide prevention within their
153 license cycle in accordance with Section 53A-6-104.

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

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

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

160 **53A-1-604. Test development, publication, and administration.**

161 (1) The State Board of Education shall develop, publish, and administer
162 criterion-referenced tests [~~and a tenth grade basic skills competency test~~].

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

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

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

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

168 **53A-1-609. Construction of part.**

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

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

174 **53A-1-611. Assessments that indicate whether a student is prepared for**
175 **postsecondary education or a career.**

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

179 (2) [~~(a)~~] In addition to its responsibilities under Sections 53A-1-603 through
180 53A-1-605, the State Board of Education[~~, through the state superintendent of public~~
181 ~~instruction, shall design a basic skills competency test to be administered in the tenth grade]~~
182 shall adopt assessments that indicate whether a student is prepared for postsecondary education

183 or a career.

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

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

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

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

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

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

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

201 (3) Assessments adopted under Subsection (2) may include:

202 (a) a test used by local universities for admission that includes an assessment of
203 language arts, mathematics, and science;

204 (b) the Armed Services Vocational Aptitude Battery; and

205 (c) a battery of assessments that are predictive of success in higher education.

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

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

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

210 ~~[(A) the 2010-11 school year; or]~~

211 ~~[(B) the 2011-12 school year; or]~~

212 ~~[(ii) the student:]~~

213 ~~[(A) was enrolled in the tenth grade during:]~~

214 ~~[(F) the 2008-09 school year; or]~~
215 ~~[(H) the 2009-10 school year; and]~~
216 ~~[(B) did not pass the tenth grade basic skills competency test while the student was in~~
217 ~~tenth grade.]~~
218 ~~[(b) School districts and charter schools are exempt from administering the tenth grade~~
219 ~~basic skills competency test during the 2010-11 and 2011-12 school year.]~~

220 Section 6. Section **53A-3-602.5** is amended to read:

221 **53A-3-602.5. School performance report -- Components -- Annual filing.**

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

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

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

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

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

235 (B) by class;

236 (ii) online writing assessments required under Section 53A-1-603; and

237 (iii) ~~[tenth grade basic skills competency tests]~~ assessments required under Section
238 ~~[53A-1-603]~~ 53A-1-611;

239 (b) college entrance examinations data, including the number and percentage of each
240 graduating class taking the examinations for the previous four years;

241 (c) advanced placement and concurrent enrollment data, including:

242 (i) the number of students taking advanced placement and concurrent enrollment
243 courses;

244 (ii) the number and percent of students taking a specific advanced placement course

245 who take advanced placement tests to receive college credit for the course;

246 (iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and
247 percent who pass the test; and

248 (iv) of those students taking a concurrent enrollment course, the number and percent of
249 those who receive college credit for the course;

250 (d) the number and percent of students in grade 3 reading at or above grade level;

251 (e) the number and percent of students who were absent from school 10 days or more
252 during the school year;

253 (f) achievement gaps that reflect the differences in achievement of various student
254 groups as defined by State Board of Education rule;

255 (g) the number and percent of "student dropouts" within the school district as defined
256 by State Board of Education rule;

257 (h) course-taking patterns and trends in secondary schools;

258 (i) student mobility;

259 (j) staff qualifications, to include years of professional service and the number and
260 percent of staff who have a degree or endorsement in their assigned teaching area and the
261 number and percent of staff who have a graduate degree;

262 (k) the number and percent of parents who participate in SEP, SEOP, and
263 parent-teacher conferences;

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

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

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

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

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

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

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

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

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

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

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

291 (I) be calculated by grade level; and

292 (II) indicate the average number of students who are assigned to a teacher for
293 instruction together during a designated time period.

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

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

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

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

303 (I) be calculated for core language arts, mathematics, and science courses; and

304 (II) indicate the average number of students who are assigned to a teacher for
305 instruction together during a designated time period.

306 (B) A secondary school class in which a teacher provides instruction in multiple

307 courses shall be counted as a single class.

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

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

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

316 (5) (a) For a school year beginning with or after the 2010-11 school year, the State
317 Board of Education, through the state superintendent of public instruction, shall issue its report
318 annually by October 1 to include the required data from the previous school year or years as
319 indicated in Subsections (2) and (3).

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

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

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

332 **Section 7. Repealer.**

333 This bill repeals:

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

335 **Section 8. Appropriation.**

336 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for
337 the fiscal year beginning July 1, 2013, and ending June 30, 2014, the following sums of money

338 are appropriated from resources not otherwise appropriated, or reduced from amounts
339 previously appropriated, out of the funds or accounts indicated. These sums of money are in
340 addition to any amounts previously appropriated for fiscal year 2014.

341 To State Board of Education Utah State Office of Education

342 From Education Fund \$700,000

343 Schedule of Programs:

344 Assessment and Accountability \$700,000

345 The Legislature intends that the appropriation provided under this section be used for
346 assessments required under Section 53A-1-611, including the State Board of Education's
347 administration and evaluation of those assessments.

348 **Section 9. Effective date -- Retrospective operation.**

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

353 (2) Uncodified Section 8, Appropriation takes effect on July 1, 2013.

354 (3) The actions to the following sections have retrospective operation to July 1, 2012:

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

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

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

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

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

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

Legislative Review Note
as of 1-22-13 10:13 AM

Office of Legislative Research and General Counsel