

**INCENTIVES FOR STATEWIDE ASSESSMENT
PERFORMANCE**

2019 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- allows a ~~school district or charter school~~ teacher to use a student's score on certain

assessments to improve the student's academic grade or demonstrate the student's competency;

- prohibits a local education agency from providing a nonacademic reward to a student for taking certain assessments; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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



28 **53G-6-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3

29

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

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

32 **53E-4-303. Utah standards assessments -- Administration -- Review committee.**

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

36 (2) The board shall:

37 (a) adopt a standards assessment that:

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

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

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

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

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

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

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

46 (i) a criterion referenced assessment;

47 (ii) administered online;

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

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

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

53 (4) ~~(A)~~ (a) Except as provided in Subsection (4)(b), a student's score on the standards
 54 assessment adopted under Subsection (2) may not be considered in determining:

55 ~~(a)~~ (i) the student's academic grade for a course; or

56 ~~(b)~~ (ii) whether the student may advance to the next grade level.

57 (b) A ~~school district or charter school~~ teacher may use a student's score on the
 57a standards

58 assessment adopted under Subsection (2) to improve the student's academic grade ~~for~~ or

59 demonstrate the student's competency ~~for~~ within a relevant course.

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

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

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

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

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

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

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

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

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

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

76 **53E-4-304. High school assessments.**

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

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

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

81 (2) A school district or charter school shall annually administer the high school
82 assessment adopted by the board under Subsection (1) to all students in grades 9 and 10.

83 (3) A ~~school district or charter school~~ **teacher** may use a student's score on the
83a high school

84 assessment adopted under Subsection (1) to improve the student's academic grade ~~for~~ or
85 demonstrate the student's competency ~~for~~ within a relevant course.

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

87 **53E-4-305. College readiness assessments.**

88 (1) The Legislature recognizes the need for the board to develop and implement
89 standards and assessment processes to ensure that student progress is measured and that school

90 boards and school personnel are accountable.

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

92 (a) is the college readiness assessment most commonly submitted to local universities;

93 and

94 (b) may include:

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

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

97 (3) (a) Except as provided in Subsection (3)(b), a school district or charter school shall

98 annually administer the college readiness assessment adopted under Subsection (2) to all

99 students in grade 11.

100 (b) A student with an IEP may take an appropriate college readiness assessment other

101 than the assessment adopted by the board under Subsection (2), as determined by the student's

102 IEP.

103 (4) A ~~H→~~ [school-district-or-charter-school] teacher ←H may use a student's score on the

103a college

104 readiness assessment adopted under Subsection (2) to improve the student's academic grade H→ for

104a ←H or

105 demonstrate the student's competency H→ [for] within ←H a relevant course.

106 [(4)] (5) In accordance with Section 53F-4-202, the board shall contract with a provider

107 to provide an online college readiness diagnostic tool.

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

109 **53G-6-803. Parental right to academic accommodations.**

110 (1) (a) A student's parent or guardian is the primary person responsible for the

111 education of the student, and the state is in a secondary and supportive role to the parent or

112 guardian. As such, a student's parent or guardian has the right to reasonable academic

113 accommodations from the student's LEA as specified in this section.

114 (b) Each accommodation shall be considered on an individual basis and no student

115 shall be considered to a greater or lesser degree than any other student.

116 (c) The parental rights specified in this section do not include all the rights or

117 accommodations that may be available to a student's parent or guardian as a user of the public

118 education system.

119 (d) An accommodation under this section may only be provided if the accommodation

120 is:

- 121 (i) consistent with federal law; and
- 122 (ii) consistent with a student's IEP if the student already has an IEP.
- 123 (2) An LEA shall reasonably accommodate a parent's or guardian's written request to
- 124 retain a student in kindergarten through grade 8 on grade level based on the student's academic
- 125 ability or the student's social, emotional, or physical maturity.
- 126 (3) An LEA shall reasonably accommodate a parent's or guardian's initial selection of a
- 127 teacher or request for a change of teacher.
- 128 (4) An LEA shall reasonably accommodate the request of a student's parent or guardian
- 129 to visit and observe any class the student attends.
- 130 (5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused
- 131 absence for a scheduled family event or a scheduled proactive visit to a health care provider if:
- 132 (a) the parent or guardian submits a written statement at least one school day before the
- 133 scheduled absence; and
- 134 (b) the student agrees to make up course work for school days missed for the scheduled
- 135 absence in accordance with LEA policy.
- 136 (6) (a) An LEA shall reasonably accommodate a parent's or guardian's written request
- 137 to place a student in a specialized class, a specialized program, or an advanced course.
- 138 (b) An LEA shall consider multiple academic data points when determining an
- 139 accommodation under Subsection (6)(a).
- 140 (7) Consistent with Section [53E-4-204](#), which requires the State Board of Education to
- 141 establish graduation requirements that use competency-based standards and assessments, an
- 142 LEA shall allow a student to earn course credit [~~towards~~] toward high school graduation
- 143 without completing a course in school by:
- 144 (a) testing out of the course; or
- 145 (b) demonstrating competency in course standards.
- 146 (8) An LEA shall reasonably accommodate a parent's or guardian's request to meet
- 147 with a teacher at a mutually agreeable time if the parent or guardian is unable to attend a
- 148 regularly scheduled parent teacher conference.
- 149 (9) (a) At the request of a student's parent or guardian, an LEA shall excuse a student
- 150 from taking an assessment that:
- 151 (i) is federally mandated;

152 (ii) is mandated by the state under this public education code; or
153 (iii) requires the use of:
154 (A) a state assessment system; or
155 (B) software that is provided or paid for by the state.
156 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
157 State Board of Education shall make rules:
158 (i) to establish a statewide procedure for excusing a student under Subsection (9)(a)
159 that:
160 (A) does not place an undue burden on a parent or guardian; and
161 (B) may be completed online; and
162 (ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or
163 an LEA's employees through school [~~grading~~] accountability or employee evaluations due to a
164 student not taking [~~a test~~] an assessment under Subsection (9)(a).
165 (c) An LEA:
166 (i) shall follow the procedures outlined in rules made by the State Board of Education
167 under Subsection (9)(b) to excuse a student under Subsection (9)(a);
168 (ii) may not require procedures to excuse a student under Subsection (9)(a) in addition
169 to the procedures outlined in rules made by the State Board of Education under Subsection
170 (9)(b); and
171 (iii) may not [~~reward~~] provide a nonacademic reward to a student for taking an
172 assessment described in Subsection (9)(a).
173 (d) The State Board of Education shall:
174 (i) maintain and publish a list of state assessments, state assessment systems, and
175 software that qualify under Subsection (9)(a); and
176 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).
177 (10) (a) An LEA shall provide for:
178 (i) the distribution of a copy of a school's discipline and conduct policy to each student
179 in accordance with Section [53G-8-204](#); and
180 (ii) a parent's or guardian's signature acknowledging receipt of the school's discipline
181 and conduct policy.
182 (b) An LEA shall notify a parent or guardian of a student's violation of a school's

183 discipline and conduct policy and allow a parent or guardian to respond to the notice in
184 accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.