



28 • from the Education Fund, \$850,000.

29 **Other Special Clauses:**

30 This bill provides an effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **53A-1-602**, as last amended by Laws of Utah 2012, Chapter 394

34 **53A-1-603**, as last amended by Laws of Utah 2012, Chapters 394 and 407

35 **53A-1-604**, as last amended by Laws of Utah 2010, Chapter 11

36 **53A-1-609**, as last amended by Laws of Utah 1999, Chapter 336

37 **53A-1-611**, as last amended by Laws of Utah 2012, Chapter 394

38 **53A-3-602.5**, as last amended by Laws of Utah 2011, Chapter 321

39 ENACTS:

40 **53A-1-613**, Utah Code Annotated 1953

41 REPEALS:

42 **53A-1-612**, as last amended by Laws of Utah 2011, Chapter 342



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

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

46 **53A-1-602. Definitions.**

47 As used in this part:

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

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

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

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

- 59 (b) an online writing assessment in grades 5 and 8;
- 60 (c) [~~a tenth grade basic skills competency test~~] college readiness assessments as
- 61 detailed in Section 53A-1-611;
- 62 (d) the use of student behavior indicators in assessing student performance; and
- 63 (e) testing of students in grade 3 to measure reading grade level.

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

65 **53A-1-603. Duties of State Board of Education.**

66 (1) The State Board of Education shall:

67 (a) require each school district and charter school to implement the Utah Performance

68 Assessment System for Students, hereafter referred to as U-PASS;

69 (b) require the state superintendent of public instruction to submit and recommend

70 criterion-referenced achievement tests or online computer adaptive tests, [~~a tenth grade basic~~

71 ~~skills competency test~~] college readiness assessments, an online writing assessment for grades

72 5 and 8, and a test for students in grade 3 to measure reading grade level to the board for

73 approval and adoption and distribution to each school district and charter school by the state

74 superintendent;

75 (c) develop an assessment method to uniformly measure statewide performance, school

76 district performance, and school performance of students in grades 3 through 12 in mastering

77 basic skills courses; and

78 (d) provide for the state to participate in the National Assessment of Educational

79 Progress state-by-state comparison testing program.

80 (2) Except as provided in Subsection (3) and Subsection 53A-1-611[~~(5)~~](3), under

81 U-PASS, the State Board of Education shall annually require each school district and charter

82 school, as applicable, to administer:

83 (a) as determined by the State Board of Education, statewide criterion-referenced tests

84 or online computer adaptive tests in grades 3 through 12 and courses in basic skill areas of the

85 core curriculum;

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

87 (c) [~~a tenth grade basic skills competency test~~] college readiness assessments as

88 detailed in Section 53A-1-611; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

120 ~~[(ii) except as provided in Subsection 53A-1-611(5), the student's score on the tenth~~

121 ~~grade basic skills competency test shall be recorded on the student's transcript of credits.]~~

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

124 ~~[(6)]~~ (5) (a) A school district or charter school, as applicable, is encouraged to  
125 administer an online writing assessment to students in grade 11.

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

129 ~~[(7)]~~ (6) The State Board of Education shall make rules:

130 (a) establishing procedures for applying for and awarding money for computer adaptive  
131 tests;

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

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

136 ~~[(8)]~~ (7) The State Board of Education shall assure that computer adaptive tests are  
137 administered in compliance with the requirements of Chapter 13, Part 3, Utah Family  
138 Educational Rights and Privacy Act.

139 ~~[(9)]~~ (8) (a) The State Board of Education shall establish a committee consisting of 15  
140 parents of Utah public education students to review all computer adaptive test questions.

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

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

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

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

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

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

149 (e) The chair of the State Board of Education, the speaker of the House of  
150 Representatives, and the president of the Senate shall adjust the length of terms to stagger the  
151 terms of committee members so that approximately 1/2 of the committee members are

152 appointed every two years.

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

155 ~~[(10)]~~ (9) (a) School districts and charter schools shall require each licensed employee  
156 to complete two hours of professional development on youth suicide prevention within their  
157 license cycle in accordance with Section 53A-6-104.

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

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

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

164 **53A-1-604. Test development, publication, and administration.**

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

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

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

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

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

172 **53A-1-609. Construction of part.**

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

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

178 **53A-1-611. College readiness assessments.**

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

182 (2) ~~[(a)]~~ In addition to its responsibilities under Sections 53A-1-603 through

183 53A-1-605, the State Board of Education[, through the state superintendent of public  
184 instruction, shall design a basic skills competency test to be administered in the tenth grade.]  
185 shall:

186 (a) adopt college readiness assessments for secondary students; and  
187 (b) require school districts and charter schools to administer the college readiness  
188 assessments adopted by the State Board of Education beginning with the 2013-14 school year.

189 (3) The college readiness assessments adopted by the State Board of Education:  
190 (a) shall include the college admissions test that includes an assessment of language

191 arts, mathematics, and science that is most commonly submitted to local universities; and  
192 (b) may include:

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

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

195 (4) The State Board of Education shall require school districts and charter schools to  
196 administer a test adopted under Subsection (3)(a) to all students in grade 11.

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

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

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

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

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

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

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

214           ~~[(4)] (5)~~ The requirements of this section are to be complementary to the other  
215 achievement testing provisions of this part.

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

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

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

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

220           ~~[(ii) the student:]~~

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

222           ~~[(F) the 2008-09 school year; or]~~

223           ~~[(H) the 2009-10 school year; and]~~

224           ~~[(B) did not pass the tenth grade basic skills competency test while the student was in~~  
225 ~~tenth grade.]~~

226           ~~[(b) School districts and charter schools are exempt from administering the tenth grade~~  
227 ~~basic skills competency test during the 2010-11 and 2011-12 school year.]~~

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

229           **53A-1-613. Online test preparation program.**

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

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

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

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

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

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

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

244           (e) shall provide training and professional development to personnel in school districts



245 and charter schools on how to utilize the online test preparation program and provide  
246 teacher-assisted instruction to students.

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

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

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

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

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

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

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

260 **53A-3-602.5. School performance report -- Components -- Annual filing.**

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

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

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

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

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

274 (B) by class;

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

276 (iii) [~~tenth grade basic skills competency tests~~] college readiness assessments required  
277 under Section 53A-1-603;

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

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

281 (i) the number of students taking advanced placement and concurrent enrollment  
282 courses;

283 (ii) the number and percent of students taking a specific advanced placement course  
284 who take advanced placement tests to receive college credit for the course;

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

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

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

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

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

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

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

297 (i) student mobility;

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

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

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

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

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

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

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

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

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

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

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

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

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

330 (I) be calculated by grade level; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

368 (b) Each local school board, each charter school, and the State Board of Education

369 shall have a complete report of the statewide data available for copying or in an electronic  
370 format at their respective offices.

371 Section 8. **Repealer.**

372 This bill repeals:

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

374 Section 9. **Appropriation.**

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

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

381 From Education Fund

\$850,000

382 Schedule of Programs:

383 Assessment and Accountability

\$850,000

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

385 (1) \$700,000 shall be used for college readiness assessments, including the State Board  
386 of Education's administration and evaluation of college readiness assessments; and

387 (2) \$150,000 shall be used for an online test preparation program as provided in  
388 Section 53A-1-613.

389 Section 10. **Effective date.**

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

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

**Legislative Review Note**  
as of 2-6-13 2:27 PM

**Office of Legislative Research and General Counsel**