

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

May 4, 2015
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB15-1323 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend reengrossed bill, page 3, strike lines 4 through 8 and substitute:
2 "22-7-1006.3. State assessments - administration - rules.
3 (1) (a) BEGINNING IN THE 2015-16 SCHOOL YEAR, THE DEPARTMENT OF
4 EDUCATION, IN COLLABORATION WITH LOCAL EDUCATION PROVIDERS,
5 SHALL ADMINISTER THE STATE ASSESSMENTS IN THE INSTRUCTIONAL
6 AREAS OF ENGLISH LANGUAGE ARTS, MATHEMATICS, AND SCIENCE, AS
7 ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-7-1006, AS
8 FOLLOWS:
9 (I) THE DEPARTMENT SHALL ADMINISTER A STATE ASSESSMENT IN
10 ENGLISH LANGUAGE ARTS AND A STATE ASSESSMENT IN MATHEMATICS TO
11 ALL STUDENTS ENROLLED IN GRADES THREE THROUGH NINE IN PUBLIC
12 SCHOOLS THROUGHOUT THE STATE.
13 (II) THE DEPARTMENT SHALL ADMINISTER A STATE ASSESSMENT
14 IN SCIENCE TO STUDENTS ENROLLED IN PUBLIC ELEMENTARY, MIDDLE, AND
15 HIGH SCHOOLS THROUGHOUT THE STATE. THE DEPARTMENT SHALL SELECT
16 THE SPECIFIC GRADES IN WHICH TO ADMINISTER THE STATE SCIENCE
17 ASSESSMENT, ENSURING THAT STUDENTS TAKE THE STATE SCIENCE
18 ASSESSMENT ONCE IN ELEMENTARY SCHOOL, ONCE IN MIDDLE SCHOOL,
19 AND ONCE IN HIGH SCHOOL; EXCEPT THAT THE DEPARTMENT SHALL NOT
20 ADMINISTER THE STATE SCIENCE ASSESSMENT TO STUDENTS ENROLLED IN
21 TWELFTH GRADE.
22 (b) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS
23 SECTION, THE DEPARTMENT OF EDUCATION SHALL APPLY TO THE FEDERAL
24 DEPARTMENT OF EDUCATION FOR A WAIVER OF FEDERAL STATUTORY AND

1 REGULATORY REQUIREMENTS AS MAY BE NECESSARY TO ALLOW THE
2 DEPARTMENT TO SATISFY THE FEDERAL HIGH SCHOOL ASSESSMENT
3 REQUIREMENTS BY ADMINISTERING ASSESSMENTS IN ENGLISH LANGUAGE
4 ARTS AND MATHEMATICS TO STUDENTS ENROLLED IN NINTH GRADE."

5 Strike page 4.

6 Page 5, strike lines 1 through 3.

7 Page 5, strike lines 18 through 27 and substitute:

8 "(2) (a) THE DEPARTMENT OF EDUCATION SHALL SELECT AND THE
9 STATE SHALL PAY THE COSTS OF ADMINISTERING AN ASSESSMENT THAT IS
10 ALIGNED WITH THE STATE ACADEMIC STANDARDS AND IS A PREPARATION
11 ASSESSMENT FOR THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE
12 ENTRANCE EXAM ADMINISTERED PURSUANT TO PARAGRAPH (b) OF THIS
13 SUBSECTION (2). EACH LOCAL EDUCATION PROVIDER SHALL ADMINISTER
14 THE ASSESSMENT FOR STUDENTS ENROLLED IN TENTH GRADE. EACH LOCAL
15 EDUCATION PROVIDER SHALL ADMINISTER THE TENTH-GRADE ASSESSMENT
16 ON A SCHEDULE THAT THE DEPARTMENT ANNUALLY SETS.

17 (b) THE DEPARTMENT OF EDUCATION SHALL SELECT AND THE
18 STATE SHALL PAY THE COSTS OF ADMINISTERING AN ASSESSMENT THAT IS
19 ADMINISTERED THROUGHOUT THE UNITED STATES AND RELIED UPON BY
20 INSTITUTIONS OF HIGHER EDUCATION, REFERRED TO IN THIS SECTION AS
21 THE "CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM". AT
22 A MINIMUM THE CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE
23 EXAM MUST TEST IN THE AREAS OF READING, WRITING, MATHEMATICS,
24 AND SCIENCE. EACH LOCAL EDUCATION PROVIDER SHALL ADMINISTER THE
25 CURRICULUM-BASED ACHIEVEMENT COLLEGE ENTRANCE EXAM FOR
26 STUDENTS ENROLLED IN ELEVENTH GRADE. THE LOCAL EDUCATION
27 PROVIDER SHALL ADMINISTER THE WRITING PORTION OF THE
28 CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM TO EACH
29 STUDENT WHO REQUESTS THE OPPORTUNITY TO TAKE THE WRITING
30 PORTION. THE DEPARTMENT SHALL PAY THE COSTS OF ADMINISTERING THE
31 WRITING PORTION OF THE EXAM."

32 Page 6, strike lines 1 through 8.

33 Page 6, line 9, strike "(b)" and substitute "(c)".

34 Page 6, line 11, strike "TO" and substitute "FOR".

- 1 Page 6, line 14, strike "(b)," and substitute "(c),".
- 2 Page 6, line 19, strike "(b)." and substitute "(c).".
- 3 Page 6, line 23, strike "(c)" and substitute "(d)".
- 4 Page 7, line 2, strike "(b)" and substitute "(c)".
- 5 Page 8, line 13, strike "RESIDENCY" and substitute "RESIDENCE".
- 6 Page 10, line 9, strike "THREE YEARS" and substitute "THREE OR FIVE
7 YEARS, AS APPLICABLE,".
- 8 Page 12, line 26, strike "AND DIAGNOSTIC REPORTING".
- 9 Page 13, strike lines 13 and 14 and substitute "ADMINISTERED. THE
10 NONPUBLIC SCHOOL".
- 11 Page 13, strike lines 23 and 24 and substitute "ASSESSMENTS
12 ADMINISTERED. THE PARENT OR".
- 13 Page 13, strike line 27 and substitute:
14 "(10) FOR EACH FISCAL YEAR, THE GENERAL ASSEMBLY SHALL
15 APPROPRIATE MONEYS IN THE ANNUAL GENERAL APPROPRIATION ACT TO
16 THE DEPARTMENT OF EDUCATION TO FUND ADMINISTRATION OF THE STATE
17 ASSESSMENTS AS DESCRIBED IN THIS SECTION, INCLUDING
18 ADMINISTRATION OF THE TENTH-GRADE ASSESSMENT AND THE
19 CURRICULUM-BASED, ACHIEVEMENT COLLEGE ENTRANCE EXAM
20 DESCRIBED IN SUBSECTION (2) OF THIS SECTION.
- 21 **22-7-1006.5. Pilot program - alternative assessments.**
22 (1) THERE IS CREATED A PILOT PROGRAM TO ALLOW LOCAL EDUCATION
23 PROVIDERS TO CREATE OR SELECT ASSESSMENTS, WHICH THE LOCAL
24 EDUCATION PROVIDER MAY ADMINISTER IN LIEU OF THE STATE
25 ASSESSMENTS AFTER THE LOCAL ASSESSMENTS ARE APPROVED BY THE
26 DEPARTMENT OF EDUCATION AS PROVIDED IN SUBSECTION (4) OF THIS
27 SECTION. THE GOALS OF THE PILOT PROGRAM ARE TO REDUCE THE
28 EMPHASIS ON A SINGLE STATEWIDE ASSESSMENT BY INCORPORATING
29 LOCAL ASSESSMENTS INTO THE STATE ACCOUNTABILITY SYSTEM AND TO
30 PROVIDE MORE TIMELY AND RELEVANT DATA TO EDUCATORS TO INFORM
31 INSTRUCTION THROUGHOUT THE SCHOOL YEAR, WHILE CONTINUING TO
32 PROVIDE COMPARATIVE DATA FOR STATE ACCOUNTABILITY PURPOSES.

1 (2) (a) FOR A LOCAL EDUCATION PROVIDER TO PARTICIPATE IN THE
2 PILOT PROGRAM AS DESCRIBED IN THIS SECTION, THE LOCAL SCHOOL
3 BOARD OR OTHER GOVERNING BODY OF THE LOCAL EDUCATION PROVIDER
4 MUST FIRST ADOPT A WRITTEN RESOLUTION THAT AUTHORIZES THE LOCAL
5 EDUCATION PROVIDER TO PARTICIPATE IN THE PILOT PROGRAM.

6 (b) IF AUTHORIZED BY ITS LOCAL SCHOOL BOARD OR OTHER
7 GOVERNING BODY, A LOCAL EDUCATION PROVIDER, INDIVIDUALLY OR IN
8 COMBINATION WITH ONE OR MORE OTHER LOCAL EDUCATION PROVIDERS,
9 MAY PARTICIPATE IN THE PILOT PROGRAM BY CREATING OR SELECTING
10 ASSESSMENTS THAT MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION
11 (3) OF THIS SECTION AND ADMINISTERING THOSE ASSESSMENTS, IN
12 ADDITION TO THE STATE ASSESSMENTS REQUIRED IN SECTION 22-7-1006.3,
13 FOR AT LEAST TWO SCHOOL YEARS TO THE STUDENTS ENROLLED BY THE
14 LOCAL EDUCATION PROVIDER. AFTER ADMINISTERING THE ASSESSMENTS
15 FOR AT LEAST TWO SCHOOL YEARS, THE LOCAL EDUCATION PROVIDER
16 MUST SUBMIT TO THE DEPARTMENT OF EDUCATION THE ASSESSMENT
17 RESULTS FOR EACH YEAR IN WHICH THEY WERE ADMINISTERED AND THE
18 LOCAL EDUCATION PROVIDER'S DEMONSTRATION THAT THE RESULTS ARE
19 COMPARABLE TO THE RESULTS OBTAINED ON THE STATE ASSESSMENTS
20 ADMINISTERED IN THE SAME SCHOOL YEARS. A LOCAL EDUCATION
21 PROVIDER MAY CHOOSE TO ADMINISTER THE LOCAL ASSESSMENTS FOR
22 MORE THAN TWO SCHOOL YEARS IF NECESSARY TO OBTAIN SUFFICIENT
23 DATA TO SUBMIT TO THE DEPARTMENT.

24 (c) A LOCAL EDUCATION PROVIDER THAT PARTICIPATES IN THE
25 PILOT PROGRAM MUST:

26 (I) NOTIFY THE DEPARTMENT OF EDUCATION AT THE BEGINNING OF
27 EACH SCHOOL YEAR IN WHICH IT INTENDS TO ADMINISTER ASSESSMENTS
28 PURSUANT TO THIS SECTION AND IDENTIFY THE ASSESSMENTS THAT THE
29 LOCAL EDUCATION PROVIDER INTENDS TO ADMINISTER;

30 (II) NOTIFY THE PARENTS OF THE STUDENTS ENROLLED BY THE
31 LOCAL EDUCATION PROVIDER AT THE BEGINNING OF EACH SCHOOL YEAR
32 IN WHICH IT INTENDS TO ADMINISTER ASSESSMENTS PURSUANT TO THIS
33 SECTION THAT THE LOCAL EDUCATION PROVIDER IS CHOOSING TO
34 ADMINISTER ASSESSMENTS PURSUANT TO THIS SECTION IN ADDITION TO
35 THE STATE ASSESSMENTS REQUIRED IN SECTION 22-7-1006.3; AND

36 (III) IF THE LOCAL EDUCATION PROVIDER IS A SCHOOL DISTRICT,
37 WORK WITH THE SCHOOL DISTRICT'S PERSONNEL PERFORMANCE
38 EVALUATION COUNCIL CREATED PURSUANT TO SECTION 22-9-107 IN
39 SELECTING OR CREATING AND ADMINISTERING ASSESSMENTS PURSUANT
40 TO THIS SECTION.

41 (3) THE ASSESSMENTS THAT A LOCAL EDUCATION PROVIDER

1 CHOOSES TO ADMINISTER PURSUANT TO THIS SECTION MUST:
2 (a) ASSESS STUDENTS IN ALL OF THE SUBJECT AREAS AND AT ALL
3 OF THE GRADE LEVELS REQUIRED IN SECTION 22-7-1006.3;
4 (b) PROVIDE SUFFICIENT DATA EACH SCHOOL YEAR TO
5 DISAGGREGATE AND REPORT RESULTS FOR STUDENT GROUPS AS DEFINED
6 IN SECTION 22-11-103 (34);
7 (c) PROVIDE SUFFICIENT DATA EACH SCHOOL YEAR TO MEASURE,
8 FOR EACH STUDENT ENROLLED IN THE GRADES THAT ARE ASSESSED, THE
9 STUDENT'S PROGRESS IN MEETING THE STATE ACADEMIC STANDARDS; AND
10 (d) PROVIDE RESULTS THAT ARE COMPARABLE WITH THE STATE
11 ASSESSMENT RESULTS AND WITH THE ASSESSMENT RESULTS OBTAINED BY
12 OTHER LOCAL EDUCATION PROVIDERS ACROSS THE STATE.
13 (4) (a) AFTER A LOCAL EDUCATION PROVIDER ADMINISTERS
14 ASSESSMENTS PURSUANT TO THIS SECTION FOR AT LEAST TWO SCHOOL
15 YEARS AND SUBMITS THE ASSESSMENT RESULTS AND DEMONSTRATION OF
16 COMPARABILITY TO THE DEPARTMENT OF EDUCATION, THE DEPARTMENT
17 SHALL REVIEW AND EVALUATE THE ASSESSMENTS AND THE
18 COMPARABILITY DEMONSTRATION TO ENSURE COMPARABILITY OF THE
19 LOCAL ASSESSMENTS RESULTS WITH THE RESULTS OBTAINED FROM THE
20 STATE ASSESSMENTS AND WITH ANY OTHER LOCAL ASSESSMENTS THAT
21 THE DEPARTMENT APPROVES PURSUANT TO THIS SUBSECTION (4). THE
22 DEPARTMENT SHALL APPROVE THE USE OF THE LOCAL ASSESSMENTS IF IT
23 FINDS THAT THE ASSESSMENTS MEET THE REQUIREMENTS SPECIFIED IN
24 SUBSECTION (3) OF THIS SECTION AND THAT THE RESULTS ARE
25 COMPARABLE WITH THE STATE ASSESSMENTS AND WITH OTHER LOCAL
26 ASSESSMENTS THAT IT APPROVES. IF THE DEPARTMENT APPROVES A LOCAL
27 ASSESSMENT PURSUANT TO THIS SECTION, ANY LOCAL EDUCATION
28 PROVIDER MAY CHOOSE TO ADMINISTER THE LOCAL ASSESSMENT IN LIEU
29 OF THE STATE ASSESSMENTS REQUIRED IN SECTION 22-7-1006.3. IF THE
30 DEPARTMENT DOES NOT APPROVE THE LOCAL ASSESSMENTS, THE LOCAL
31 EDUCATION PROVIDER MAY CHOOSE TO CONTINUE ADMINISTERING THE
32 LOCAL ASSESSMENTS IN ADDITION TO THE STATE ASSESSMENTS IN ORDER
33 TO COLLECT ADDITIONAL DATA TO SUBMIT TO THE DEPARTMENT.
34 (b) AS SOON AS POSSIBLE AFTER THE EFFECTIVE DATE OF THIS
35 SECTION, THE DEPARTMENT OF EDUCATION SHALL NOTIFY THE FEDERAL
36 DEPARTMENT OF EDUCATION THAT THE STATE HAS AUTHORIZED LOCAL
37 EDUCATION PROVIDERS TO PARTICIPATE IN THE PILOT PROGRAM
38 DESCRIBED IN THIS SECTION. THE DEPARTMENT SHALL APPLY TO THE
39 FEDERAL DEPARTMENT OF EDUCATION FOR A WAIVER OF FEDERAL
40 STATUTORY AND REGULATORY REQUIREMENTS TO THE EXTENT
41 NECESSARY TO IMPLEMENT THE PILOT PROGRAM AND TO ENABLE LOCAL

1 EDUCATION PROVIDERS TO ADMINISTER APPROVED LOCAL ASSESSMENTS
2 IN LIEU OF THE STATE ASSESSMENTS AS PROVIDED IN PARAGRAPH (a) OF
3 THIS SUBSECTION (4).

4 (c) UPON THE REQUEST OF A LOCAL EDUCATION PROVIDER THAT
5 PARTICIPATES IN THE PILOT PROGRAM, THE DEPARTMENT SHALL PROVIDE
6 TECHNICAL ASSISTANCE TO THE LOCAL EDUCATION PROVIDER IN
7 SELECTING LOCAL ASSESSMENTS AND EVALUATING THE ASSESSMENT
8 RESULTS."

9 Strike pages 14 and 15.

10 Page 16, strike lines 1 through 7.

11 Page 17, line 3, strike "(6)" and substitute "(6), (7), and (8) as follows:".

12 Page 17, strike line 4.

13 Page 19, after line 14, insert:

14 "(8) (a) EACH LOCAL EDUCATION PROVIDER SHALL ADOPT AND
15 IMPLEMENT A WRITTEN POLICY AND PROCEDURE BY WHICH A STUDENT'S
16 PARENT MAY EXCUSE THE STUDENT FROM PARTICIPATING IN ONE OR MORE
17 OF THE STATE ASSESSMENTS ADMINISTERED PURSUANT TO SECTION
18 22-7-1006.3.

19 (b) IF A PARENT EXCUSES HIS OR HER STUDENT FROM
20 PARTICIPATING IN A STATE ASSESSMENT, A LOCAL EDUCATION PROVIDER
21 SHALL NOT IMPOSE NEGATIVE CONSEQUENCES, INCLUDING PROHIBITING
22 SCHOOL ATTENDANCE, IMPOSING AN UNEXCUSED ABSENCE, OR
23 PROHIBITING PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, ON THE
24 STUDENT OR ON THE PARENT."

25 Page 25, line 15, strike "(A)" and substitute "(A); and **add** (2.5) (c)".

26 Page 26, after line 3, insert:

27 "(c) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (e) OF
28 SUBSECTION (1) OF THIS SECTION OR SUBSECTION (7) OF THIS SECTION TO
29 THE CONTRARY:

30 (I) A LOCAL BOARD MAY USE THE RESULTS OF THE STATE
31 ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 IN THE
32 2014-15 SCHOOL YEAR ONLY AS BASELINE DATA FOR MEASURING STUDENT
33 ACADEMIC GROWTH IN THE 2015-16 SCHOOL YEAR AND SCHOOL YEARS
34 THEREAFTER; AND

1 (II) A LOCAL BOARD MAY USE THE RESULTS OF STATE
2 ASSESSMENTS ADMINISTERED PURSUANT TO SECTION 22-7-1006.3 AS A
3 MEASURE OF STUDENT ACADEMIC GROWTH FOR EVALUATIONS PREPARED
4 FOR THE SCHOOL YEAR IN WHICH THE ASSESSMENTS ARE ADMINISTERED
5 ONLY IF THE LOCAL BOARD RECEIVES THE RESULTS AT LEAST TWO WEEKS
6 BEFORE THE DATE BY WHICH PROBATIONARY TEACHERS AND
7 NONPROBATIONARY TEACHERS MUST RECEIVE THE WRITTEN EVALUATION
8 REPORT AS PROVIDED IN PARAGRAPH (c) OF SUBSECTION (1) OF THIS
9 SECTION. A LOCAL BOARD MAY USE THE RESULTS OF STATE ASSESSMENTS
10 AS MEASURES OF STUDENT ACADEMIC GROWTH FOR EDUCATOR
11 EVALUATIONS AND PROFESSIONAL DEVELOPMENT IN THE SCHOOL YEAR
12 FOLLOWING THE SCHOOL YEAR IN WHICH THE ASSESSMENTS ARE
13 ADMINISTERED. IN ANY YEAR IN WHICH A LOCAL BOARD DOES NOT
14 RECEIVE THE STATE ASSESSMENT RESULTS BY TWO WEEKS BEFORE THE
15 DEADLINE FOR THE WRITTEN EVALUATION REPORTS, THE LOCAL BOARD
16 MUST USE ALTERNATE MEASURES OF STUDENT ACADEMIC GROWTH,
17 INCLUDING THE RESULTS OF LOCAL ASSESSMENTS IF AVAILABLE.".

18 Page 45, line 19, strike "GRADES NINE THROUGH TWELVE" and substitute
19 "HIGH SCHOOL".

20 Page 46, line 5, strike "GRADES NINE THROUGH TWELVE," and substitute
21 "HIGH SCHOOL,".

22 Page 47, line 13, strike "GRADES NINE" and substitute "HIGH SCHOOL".

23 Page 47, line 14, strike "AND TEN".

24 Page 50, line 6, strike "**grades nine through twelve**" and substitute "**high**
25 **school**".

26 Page 50, line 14, strike "GRADES NINE THROUGH TWELVE," and substitute
27 "HIGH SCHOOL,".

28 Page 50, line 26, strike "GRADES NINE THROUGH TWELVE." and substitute
29 "HIGH SCHOOL.".

30 Page 51, line 4, strike "GRADES NINE THROUGH TWELVE" and substitute
31 "HIGH SCHOOL".

32 Page 51, line 20, strike "GRADES NINE THROUGH" and substitute "HIGH

1 SCHOOL; and".

2 Page 51, strike line 21.

** ** ** ** **