R277. Education, Administration.

R277-404. Requirements for Assessments of Student Achievement.

R277-404-1. Definitions.

A. "Board" means the Utah State Board of Education.

[~~B. "Criterion-Referenced test (CRT)" means a test to measure performance against a specific standard. The meaning of the scores is not tied to the performance of other students.~~]

B. "College readiness assessment" means an assessment adopted by the Board that includes a college admissions test that provides an assessment of language arts, mathematics, and science, that is most commonly used by local universities to assess student preparation for college. The college readiness assessment may include the Armed Services Vocational Aptitude Battery (ASVAB) and a battery of assessments that is predictive of success in higher education.

C. "Days," for purposes of this rule, means calendar days unless specifically designated otherwise in this rule.

[~~C~~]D. "Direct Writing Assessment (DWA)" means a [~~USOE~~]Board-designated online [~~test~~]assessment to measure writing performance for students in grades five and eight.

[~~D~~]E. "English Language Learner (ELL) student" means a student who is learning in English as a second language.

[~~E~~]F. "English Language Proficiency Test (ELPT)" means an assessment designed to measure the acquisition of the English language for English Language Learners.

[~~F~~]G. "Individualized Education Program (IEP)" means an individualized instructional and assessment plan for students who are eligible for special education services under the Individuals with Disabilities Education Act of 2004.

[~~G~~]H. "LEA" means local education agency, including local school boards/ public school districts and schools, and charter schools.

[~~H~~]I. "National Assessment of Education Progress (NAEP)" is the national achievement assessment administered by the United States Department of Education to measure and track student academic progress.

[~~I~~]J. "Pre-post" means an assessment administered at the beginning of the school year and at the end of the school year to determine individual student growth in [~~achievement~~]academic proficiency which has occurred during the school year.

[~~J~~]K. "Section 504 accommodation plan" required by Section 504 of the Rehabilitation Act of 1973, means a plan designed to accommodate an individual who has been determined, as a result of an evaluation, to have a physical or mental impairment that substantially limits one or more major life activities.

[~~K~~]L. "Summative adaptive assessments" means assessments administered to assess a student's achievement. The assessments are administered online to measure the full range of student ability by adapting to each student's responses, selecting more difficult questions when a student answers correctly and less difficult questions when a student answers incorrectly. Summative assessments provide summary information allowing a student or groups of students to be compared with other students.

M. "USOE" means the Utah State Office of Education.

[~~L~~]N. "Utah Alternate Assessment (UAA)" means an assessment instrument for students in special education with disabilities so severe they are not able to participate in the components of U-PASS even with [~~testing~~]assessment accommodations or modifications. The UAA measures progress on the [~~common~~]Utah core instructional goals and objectives in the student's individual

education program (IEP).

[~~M~~]O. "Utah eTranscript and Record Exchange (UTREx)" means a system that allows individual detailed student records to be exchanged electronically between public education LEAs and the USOE, and allows electronic transcripts to be sent to any post-secondary institution, private or public, in-state or out-of-state, that participates in the e-transcript service.

P. "Utah Performance Assessment System for Students (U-PASS)" means:

(1) summative adaptive assessments of students in grades 3 through 12 in basic skills courses;

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

(3) college readiness assessments;

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

(5) assessment of students in grade 3 to measure reading grade level.

R277-404-2. Authority and Purpose.

A. This rule is authorized by Utah Constitution Article X, Section 3 which vests general control and supervision of public education in the Board, Sections 53A-1-603 through 53A-1-611 which direct the Board to adopt rules for the [~~conduct~~[maintenance and administration of U-PASS, and Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to provide consistent definitions and to provide standards and procedures for a Board developed and directed comprehensive assessment system for all students, as required by state and federal law.

R277-404-3. Board Responsibilities.

A. [~~Beginning in the 2011-2012 school year, t~~]The Board shall [~~implement~~]maintain a comprehensive assessment system for [~~each~~]all students in grades K-12. This assessment system shall include:

(1) [~~Criterion-Referenced tests~~]Summative adaptive assessments in English language arts for grades 3 - 11; mathematics for grades 3 - [~~12~~]8; secondary math 1, 2, 3; and science for grades 4 - 8[~~,~~]; earth systems, biology, physics and chemistry[~~OR summative adaptive assessments in reading, language arts, mathematics and science for grades 3-12~~];

(2) Direct Writing Assessment (DWA) for grades 5 and 8;

(3) Pre-post kindergarten assessment for kindergarten[~~-age~~] students as determined by the LEA;

(4) one benchmark reading assessment determined by USOE for 1st, 2nd and 3rd grade students at the midpoint of the year. [~~Beginning in 2012-2013, t~~]This assessment shall be administered at the beginning, midpoint and end of year;

(5) Third grade summative end of year reading assessment;

(6) Utah Alternate Assessment (UAA);

(7) English Language Proficiency Test (ELPT);[~~ and~~]

(8) National Assessment of Educational Progress (NAEP)[~~.~~];

(9) College readiness assessments for grades 11, 10 and either grade 9 or 8 as determined by the LEA; and

(10) Reporting by the USOE of U-PASS results to include:

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

(b) security features to maintain the integrity of the system, including

statewide uniform assessment dates, multiple assessment forms, assessment administration protocols, and training;

(c) compilation of summative adaptive assessment results and online writing assessment scores and assessment summaries.

(d) teacher use of classroom level data:

(i) A teacher may review assessment scores from the previous school year for students who have been assigned to the teacher's class for the new school year.

(ii) A teacher shall consider students' summative adaptive assessments in determining students' academic grades for the appropriate courses and students' advancement to the next grade level.

B. The Board shall provide specific rules, administrative guidelines, timelines, procedures, and [~~testing~~]assessment ethics training and requirements for all required assessments.

[~~C. Schools must declare their decision to replace the Criterion-Referenced tests with the adaptive summative test no later than August 1 for the coming year.~~]

C. The Board shall provide information and applications:

(1) establishing procedures for applying for and awarding funding for computer adaptive assessment technology;

(2) specifying how funds for computer adaptive assessment technology shall be allocated among LEAs that qualify to receive the funding; and

(3) requiring reporting of the expenditure of funds awarded for computer adaptive assessment technology and evidence that the funds were used to implement computer adaptive assessments.

D. The Board shall provide resources, to the extent available, and recommendations for:

(1) LEA implementation of the assessment system; and

(2) professional development for teachers to administer assessments and interpret assessment results.

E. All Utah public school students shall participate in the comprehensive assessment system unless[:

(1)] the UAA or ELPT is approved for specific students consistent with federal law.[; or

(2) the parent makes a written request consistent with LEA administrative timelines and procedures that the parent's student not be tested. Students not tested due to parent request shall receive a non-proficient score which shall be used in school accountability calculations.]

R277-404-4. LEA Responsibilities.

A. LEAs shall develop a comprehensive assessment system plan to include the assessments described in R277-404-3A. This plan shall, at a minimum, include:

[A.](1) professional development for teachers to fully implement the assessment system;

[B.](2) training for educators and appropriate paraprofessionals in the requirements of [testing]assessment administration ethics; and

[C.](3) training for educators and appropriate paraprofessionals to utilize assessment results effectively to inform instruction[; and.

[D. adherence to all testing administration and ethics requirements consistent with R277-473.]

B. LEAs shall make all policies and procedures consistent with the law, Board rules for standardized assessment administration, and the USOE Testing Ethics Policy available from the USOE.

C. At least once each school year, LEAs shall provide professional

development for all teachers, administrators, and standardized assessment administrators concerning guidelines and procedures for standardized assessment administration, including teacher responsibility for assessment security and proper professional practices.

D. LEA assessment staff shall use the USOE Testing Ethics Policy in providing training for all assessment administrators/proctors.

R277-404-5. School Responsibilities.

[~~A. LEAs shall develop a comprehensive assessment system implementation plan to include the assessments required under R277-404-3A. This plan shall, at a minimum, include:~~

~~(1) professional development for teachers and others as directed by the LEA to fully implement system;~~

~~(2) training for educators and appropriate paraprofessionals in the requirements of [testing]~~~~assessment~~ ~~administration ethics;~~

~~(3) training to utilize assessment tools and results to inform instruction; and~~

~~(4) [adherence to all testing administration and ethics requirements consistent with R277-473.~~]

A. LEAs/schools shall require teachers and assessment administrators/proctors to individually sign the Testing Ethics signature page provided by the USOE acknowledging or assuring that the teacher shall administer assessments consistent with ethics and protocol requirements.

B. All teachers and assessment administrators shall conduct assessment preparation, supervise assessment administration, provide assessment results and complete error resolution.

C. All teachers and assessment administrators/proctors shall securely

handle and return all protected assessment materials, where instructed, in strict accordance with the procedures and directions specified in assessment administration manuals, LEA rules and policies, Board rules, USOE Testing Ethics Policy, and state applications of federal requirements for funding.

R277-404-6. Assessment Requirements, Protocols, and Security.

A. Teachers, test administrators/proctors, administrators, school personnel and volunteers, under the direction of school personnel, shall not:

(1) provide students directly or indirectly with specific questions, answers, or the content of any specific item in any standardized assessment prior to assessment administration;

(2) download, copy, print, or make any facsimile of protected assessment material prior to assessment administration without express permission of the USOE and LEA administrators;

(3) change, alter or amend any student answer or any other standardized assessment materials at any time in such a way that alters the student's intended response;

(4) use any prior form of any standardized assessment (including pilot assessment materials) that has not been released by the USOE in assessment preparation without express permission of the USOE and LEA administrators;

(5) violate any specific assessment administrative procedure specified in the assessment administration manual, or violate any state or LEA standardized assessment policy or procedure, or violate any procedure specified in the USOE Testing Ethics Policy;

(6) fail to administer a required assessment;

(7) submit falsified data; or

(8) knowingly do anything that would affect the security, validity, or reliability of standardized assessment scores of any individual student, class, or school.

B. All assessment materials, questions and student responses for required assessments shall be designated protected, consistent with Section 63G-2-305, until released by the USOE.

C. A student's individual responses and scores shall be available to the student's parent(s)/legal guardian(s) consistent with the federal Family Educational Rights and Privacy Act (FERPA),20 USC, Sec. 1232g; 34 CFR Part 99.

D. Each LEA shall ensure that all assessment content is secured so that only authorized personnel have access and that assessment materials are returned to USOE following testing, as required by the USOE. Individual educators shall not retain test materials, in either paper or electronic form, for purposes inconsistent with ethical test administration or beyond the time period allowed for test administration.

E. Violation of any of these rules subjects licensed educators to possible disciplinary action under R277-515, Utah Educator Standards.

[~~B~~]F. A student's IEP, ELL, or Section 504 team shall determine a student's participation in statewide assessments.

R277-404-7. Time Periods for Assessment Administration.

A. LEAs shall administer assessments required under R277-404-3, and consistent with the following schedule:

(1) All summative adaptive assessments and UAAs (elementary and secondary, English language arts, math, science) shall be administered within the USOE annually designated assessment windows.

(2) The grade 5 and grade 8 Direct Writing Assessment shall be administered in a three week window beginning at least 14 weeks prior to the last day of school.

(3) The UALPA shall be administered to all English Language Learner students identified as Level 1 Entering, Level 2 Beginning, Level 3 Developing, Level 4 Expanding, or enrolled for the first time in the LEA at any time during the school year. The assessment shall be administered annually to show progress. LEAs shall submit UALPA paper answer documents to the USOE-identified scoring provider for scanning and scoring on a schedule defined by the USOE.

(4) Pre-post kindergarten assessment for kindergarten students as determined by the LEA during assessment windows determined by the LEA.

(5) One benchmark reading assessment specifically and solely determined by the USOE for grade 1, grade 2, and grade 3 students administered to students in the beginning, midpoint, and end of the school year.

(6) Grade 3 summative end of year reading assessment determined specifically and solely by USOE administered by LEAs consistent with USOE procedures.

(7) NAEP assessments determined and required annually by the United States Department of Education and administered to students as directed by United States Department of Education.

B. LEAs shall complete all required assessment procedures prior to the end of the USOE-defined assessment window(s).

C. LEAs shall set dates for summative adaptive assessment administration for courses taught on alternative, year-round, semester or trimester schedules. LEAs shall assess students at the point in the course where students have had approximately the same amount of instructional time as students on a traditional full year schedule. LEAs with alternative scheduling shall provide course level test

administration schedule(s) to the USOE before instruction begins for the course.

R277-404-8. Data Exchanges.

A. The USOE IT Section shall communicate regularly with LEAs regarding required formats for electronic submission of required data.

B. LEAs shall update UTREx data using the processes and according to schedule(s) determined by the USOE.

C. LEAs shall ensure that any computer software for maintaining or submitting LEA data is compatible with data reporting requirements as determined in R277-484.

D. The USOE shall provide directions to all LEAs detailing the data exchange requirements for each assessment.

E. Each LEA shall verify that all the requirements of the USOE-provided directions have been satisfied.

F. Consistent with Utah law, the USOE shall return assessment results from all required assessments to the school before the end of the school year.

G. Each LEA shall check all assessment results for each school within the LEA and for the LEA as a whole, verify their accuracy with the USOE, and certify that they are prepared for publication within two weeks of receipt of the data. Except in compelling circumstances, as determined by the USOE, no changes shall be made to LEA data after this two week period. Compelling circumstances may include:

(1) a natural disaster or other catastrophic occurrence, such as a school fire or flood, that precludes timely review of data; and

(2) resolution of a professional practices issue that may impede reporting of the data.

H. LEAs shall not release data publicly until authorized to do so by the USOE.

R277-404-9. Crisis Indicators in State Assessments.

A. Students participating in state assessments may reveal intentions to harm themselves or others, that a student is at risk of harm from others, or may reveal other indicators that the student is in a crisis situation.

B. If a student's response comes to the attention of USOE assessment staff, the USOE shall notify the school principal, counselor or other LEA personnel who USOE staff determines has legitimate educational interests, whenever the USOE identifies and determines, in its sole discretion, that a student response indicates the student may be in a crisis situation.

C. As soon as practicable, the school district superintendent/charter school director, or designee shall be given the name of the individual contacted at the school regarding a student's potential crisis situation.

D. The USOE shall provide the school and district with a copy of the relevant student response.

E. Using their professional judgment, school personnel contacted by USOE shall notify the student's parent, guardian or law enforcement of the student's expressed intentions as soon as practical under the circumstances.

F. The student response provided by USOE shall not be part of the student's record and the school shall destroy any copies of the student response once the school or district personnel involved in resolution of the matter determine the student response is no longer necessary.

G. School personnel who contact a parent, guardian or law enforcement agency in response to the USOE's notification of potential harm shall provide the USOE with the name of the person contacted and the date of the contact within three business days from the date of contact.

KEY: assessment, student achievement

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Notice of Continuation: 2013

Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-603 through 53A-1-611; 53A-1-401(3)