

USBE Legislative Request Form

(Policy, Funding, & Efficiency / Reductions)

2027 General Session

Instructions: Use this form to submit requests for statutory changes, new financial resources, or proposed efficiencies (program cuts/reductions). Please complete **Section 1 and 2**, and then complete **Section 3 and/or 4** depending on the nature of your request.

SECTION 1: THE BOTTOM LINE

Request Title: Online College, AP, and ASVAB Preparation Diagnostic Tool

USBE Lead Point of Contact:

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- USBE Section: Assessment and Accountability

Director Reviewer: Cydnee McCarty

Nature of Request (Select all that apply):

☒ **Policy Change:** Creating, amending, or repealing Utah State Code.
(Complete Section 4)

☐ **New/Increased Funding:** Seeking new financial resources.
(Complete Section 3)

☐ **Efficiency / Reduction:** Proposing the elimination or reduction of a program, mandate, or funding stream. (Complete Section 3 and/or 4)

Purpose Statement (BLUF - Bottom Line Up Front):

We are requesting a statutory amendment to add the ACT and the College Board AP courses to the code and to modify the code so the online diagnostic tool for college prep, Armed Services Vocational Aptitude Battery (ASVAB), and the College Board AP courses can be separate tools/vendors, with the ACT college readiness assessment specifically matched to ACT's online diagnostic/preparation tool.

SECTION 2: THE BUSINESS CASE

(Required for all requests)

The Problem:

The current online college preparation program, *Shmoop University, Inc.*, covers ACT preparation, and as of the 2026-2027 school year, ASVAB preparation, and AP course preparation. This limits our ability to select the best option for each preparation course needed with only one vendor allowed.

We are proposing changes to code [53E-4-305. College readiness assessments](#) and code [53F-4-202. College readiness diagnostic tool](#) to add ACT and the college board AP courses to the codes and language that would allow separate RFPs to select the best vendors for each preparation program.

Utah code [53E-4-305. College readiness assessments](#) currently specifies that the college readiness assessment be the one that is most commonly submitted to Utah universities, which is the ACT assessment. Based on the data below in the evidence section, we are proposing adding ACT to code [53E-4-305. College readiness assessments](#) as the college readiness assessment most submitted by Utah students to Utah universities and colleges. Changing the online college preparation diagnostic to match that language would match the ACT online preparation diagnostic/tools with the ACT assessment. Clarifying the language around ASVAB and adding AP courses to the language would add needed oversight by USBE to those programs, not currently covered in policy or code.]

The Source:

In the online college preparation diagnostic tool RFP process, it was noted that of all the vendors that applied, one would have been best suited for ASVAB, another would have been best for ACT, and yet another would have been best for AP courses. Per conversations with our finance department, the RFP committee was informed that only one vendor could be selected due to the way it had been written in code and in the one time funding in Senate Bill 1 that financed the online ASVAB and AP course preparation program. This limited us to an online preparation

program that does not best meet the needs of our students in two of the three areas.

Everyone at USBE has been supportive of the request. Based on feedback from some LEAs, having the ACT online preparation program in place would be very welcome. We are sure that the current vendor will be in opposition to it.

The request originated during the convergence process when Superintendent Leah Voorhess asked for a policy change request to be submitted to support separate vendors for each online preparation diagnostic tool.]

Projected Results:

Performance metrics would be based on each program. ACT's online preparation program would show links between ACT's online preparation and actual ACT college readiness scores from 11th and 12th grade students. AP course preparation would show an increase in students successfully receiving college credit based on their scores on their final College Board AP tests. ASVAB would show an increase in students who use the online diagnostic tool and are able to access higher enlistments and receive better military jobs/opportunities based on the category achieved on their Armed Forces Qualification Test (AFQT). The ASVAB information is not currently available from military recruiters as it is Federally controlled and not published.

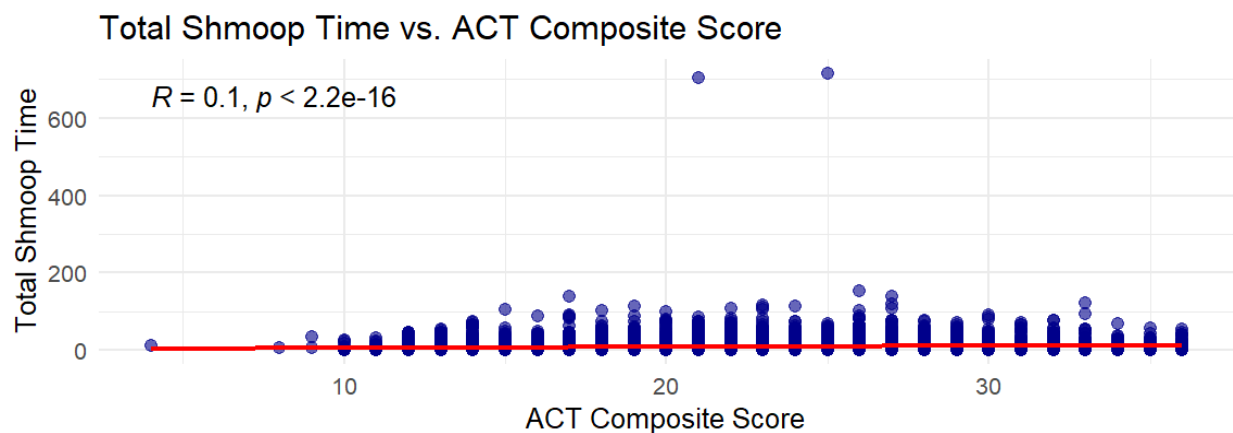
Consequence of Inaction:

The impact of inaction is that our students who utilize the current program will continue to use the least effective program for their online preparation. Additionally, over 75% of our LEAs do not use the current program for ACT preparation, with around 10% or 16 LEAs directly purchasing the ACT Online Prep program, further draining taxpayer funds.

Evidence & Data:

Current program results with Shmoop University, Inc. are hard to document. The only information we currently receive from the vendor is individual time online by each student, or usage data. Once we retrieve that information, it takes many

days of labor by our specialists to link that usage to actual student scores; this is not provided by Shmoop University, Inc. The most current analysis of the 2025-2026 school year indicates that using Shmoop University for ACT preparation does not appear to have a correlation with increasing ACT test scores. See graph below:



Additionally, the Shmoop practice tests are not created by ACT; we have been unable to obtain any information or data that demonstrates a direct positive correlation between ACT scores and Shmoop use; only testimonials.

By comparison, an independent study of ACT Online Prep located at: <https://www.act.org/content/dam/act/unsecured/documents/R1824-test-prep-repeat-test-takers-10-2020.pdf> shows a positive correlation of students using the ACT Online Prep program, especially for low-income students who are enrolled in the program.

ASVAB data on the state or Federal level is not publically available as it is a 100% Federal program. We anticipate an increase in students that use the online diagnostic tool being able to access higher enlistments and receive better military jobs/opportunities based on the category achieved on their Armed Forces Qualification Test (AFQT). This is based on feedback to Shmoop University, Inc. from the United States Marine Corp. stating that recruiters have seen increases in ASVAB scores from recruits who use Shmoop University's ASVAB online preparation program.

The data we receive concerning the College Board AP results is from the LEAs who have AP courses. It includes the number of students who received a passing grade on their AP tests, broken down by demographic groups. This is based on R277-701-13 (1-3a) which states:

“ (1) An LEA receiving an allocation of funds shall submit an annual evaluation report to the Superintendent.

(2) An LEA shall present the evaluation report identified in Subsection (1) to the LEA's local board in a public meeting.

(3) The report shall include the following:

(a) an accounting of student performance, disaggregated by student group for each Early College Program that the LEA participates.”

For the 2024-25 school year, 50,827 AP tests were administered in Utah. 39,118 were passed for a passing percentage rate of 76.96% We expect that once we have the most useful online preparation program in place, specific to AP course preparation, we will see an increase in the number of students receiving college AP credit.

Code [53E-4-305. College readiness assessments](#) states that “(2) *The state board shall adopt a college readiness assessment for secondary students that: (a) is the college readiness assessment most commonly submitted to local universities...*” This is the ACT assessment. Data from the 2025-2026 school year demonstrates that of the 53,851 ACT score reports sent to colleges and universities around the world, 45,073, or 83.7% of them were sent to Utah colleges and universities. Here is the list of all areas sorted from most to least:

ACT Score Reports To Utah Locations - SY 2025-26		
Name	City	Reports Sent
UNIVERSITY OF UTAH	SALT LAKE CITY	8,211
UTAH STATE UNIVERSITY LOGAN	LOGAN	6,699
UTAH VALLEY UNIVERSITY	OREM	6,015
BRIGHAM YOUNG UNIVERSITY	PROVO	5,259
WEBER STATE UNIVERSITY	OGDEN	4,571
UTAH TECH UNIVERSITY	SAINT GEORGE	3,560

ACT Score Reports To Utah Locations - SY 2025-26		
SOUTHERN UTAH UNIVERSITY	CEDAR CITY	3,480
SALT LAKE COMMUNITY COLLEGE	SALT LAKE CITY	2,899
SNOW COLLEGE	EPHRAIM	1,952
UTAH STATE UNIVERSITY EASTERN	PRICE	624
DIXIE TECHNICAL COLLEGE	SAINT GEORGE	457
OGDEN-WEBER TECHL COLLEGE	OGDEN	433
WESTMINSTER UNIVERSITY	SALT LAKE CITY	343
UTAH STATE UNIVERSITY-TOOELE	TOOELE	204
TOOELE TECHNOLOGY COLLEGE	TOOELE	79
ENSIGN COLLEGE	SALT LAKE CITY	76
PROVO COLLEGE	PROVO	42
WESTERN GOVERNORS UNIVERSITY	SALT LAKE CITY	51
US SENATOR UTAH--MIKE LEE	SALT LAKE CITY	30
NEUMONT UNIVERSITY	SALT LAKE CITY	29
US SENATOR UTAH-JOHN CURTIS	SALT LAKE CITY	19
JOYCE UNIVERSITY OF HEALTH	DRAPER	16
CONGRESSIONAL DISTRICT 1-UT	OGDEN	8
CONGRESSIONAL DISTRICT 2-UT	SALT LAKE CITY	6
CONGRESSIONAL DISTRICT 3-UT	PROVO	6
SNOW COLLEGE SOUTH	RICHFIELD	2
USU-UINTAH BASIN EDUC CENTER	VERNAL	1
DALE KIETZMAN ACADEMY	MURRAY	1
	Total	45,073

In addition to the score report submitted, 2024 public enrollment data available in College Navigator from 4 Utah universities demonstrate a clear preference for ACT over the next available college preparation assessment, the SAT.

ACT and SAT Score Submitted - Enrolled Students 2024			
Institution	ACT Scores Submitted (Number)	SAT Scores Submitted (Number)	Notes

ACT and SAT Score Submitted - Enrolled Students 2024

University of Utah	2,252	574	Fall 2024 entering class
Utah State University	3,309	585	Fall 2024 entering class
Brigham Young University	2,807	739	Fall 2024 entering class
Westminster University (Utah)	67	17	Fall 2024 entering class

Of the 10,350 scores reported, 81.5% were the ACT and 18.5% were the SAT.

Based on the data, we are proposing adding ACT to code [53E-4-305. College readiness assessments](#) as the college readiness assessment most submitted by Utah students to Utah universities and colleges. Additionally, based on the supporting data, we are proposing adding ACT Online Prep, or the current ACT online preparation program, to this code and to code [53F-4-202. College readiness diagnostic tool](#) .

SECTION 3: FUNDING, OFFSETS, & EFFICIENCIES

*(Complete **only** if your request involves financial resources or proposing budget cuts)*

Financial Ask:

(If a field does not apply, enter \$0).

- **FY 2027 Ongoing Requested:** \$321,000
- **FY 2027 One-Time Requested:** \$0.00
- **Proposed Offsets / Savings:** \$0.00 *(Amount saved by cutting redundancies or reallocating existing funds)*

The Offset Strategy:

If you are requesting new funds, what duplicate programs, ineffective streams, or outdated mandates could be cut or reallocated to fund this? Please name the specific programs/funds.

[n/a]

Future Obligations:

Does this request create multi-year scale-up costs or ongoing maintenance obligations?

[] Yes

[X] No

If yes, please describe: _____

Itemized Budget Request:

(Please detail how the funding will be utilized across the following categories).

Funding for the programs is expected to stay the same as for only 1 vendor. This is due to the one-time, \$500,000 expenditure from the legislature that, per finance, has been spread over the 5 years of the current program with the one vendor. The current fee structure is a flat fee regardless of how many students access the program. We would create RFP proposals that limit the funds available, just as we did on the original RFP for the current vendor.

	FY 2027 (Current)	FY 2028 (proposed)
TOTAL REQUESTED	\$321,000	\$321,000

New USBE FTEs Requested: 0 (Enter number of new FTEs)

Can current FTEs be assigned these responsibilities? Explain.

The current test administration and data team are already managing this with one vendor. They can continue to manage these programs with separate vendors.

If no FTEs are required, explain.

The increase in the number of vendors might add some additional regular phone calls to collaborate with the vendors. These programs are managed, with training provided by the vendors. The USBE management of them is expected to be minimal. Currently, we engage in one ½ hour phone call a month to manage the Shmoop University contract.

Performance Measures:

The Legislature requires clear, data-driven metrics to evaluate the effectiveness of newly funded programs. Please suggest 1 to 2 specific, measurable outcomes that can be used to track the success of this funding item if it is approved.

When brainstorming your measures, consider:

- *What specific outcomes data point will change because of this funding?*
- *How will the agency or the Legislature objectively know if this program was successful after year one?*

(Examples: "Increase the number of trained special education paraprofessionals by 20% statewide," "Decrease average LEA application processing time from 30 days to 14 days," or "Improve early literacy scores among participating schools by X%.")

[Increase in students receiving an 18 or higher, thus improving individual school report card results. Currently statewide 61.4% of students score an 18 or higher. An increase in students receiving scholarships due to higher ACT scores. All Utah universities, except the University of Utah, allow students to use ACT scores to determine access to academic scholarships.

Increase in enlistment and vocational opportunities for military recruits from Utah.

Increase in the number of students receiving AP credit from the College Board. In the 2024-2025 school year, 76.96% of administered tests received a score needed to get credit from the College Board.]

SECTION 4: POLICY & STATUTE

(Complete only if your request involves changing or eliminating Utah State Code)

Code Sections Affected: *(List specific state code references, or write "New Code")*

[53E-4-305. College readiness assessments

- (1) The Legislature recognizes the need for the state board to develop and implement standards and assessment processes to ensure that student progress is measured and that LEA governing boards and school personnel are accountable.
- (2) The state board shall adopt a college readiness assessment for secondary students that:
 - (a) is the college readiness assessment most commonly submitted to local universities; and
 - (b) may include:
 - (i) the Armed Services Vocational Aptitude Battery; or
 - (ii) a battery of assessments that are predictive of success in higher education.
- (3)
 - (a) Except as provided in Subsection (3)(b), a school district or charter school shall annually administer the college readiness assessment adopted under Subsection (2) to all students in grade 11.
 - (b) A student with an IEP may take an appropriate college readiness assessment other than the assessment adopted by the state board under Subsection (2), as determined by the student's IEP.
- (4) A teacher may use a student's score on the college readiness assessment adopted under Subsection (2) to improve the student's academic grade for or demonstrate the student's competency within a relevant course.
- (5) In accordance with Section 53F-4-202, the state board shall contract with a provider to provide an online college readiness diagnostic tool.

53F-4-202. College readiness diagnostic tool

(1) The state board shall contract with a provider, selected through a request for proposals process, to provide an online college readiness diagnostic tool that is aligned with the college readiness assessment described in Section 53E-4-305.

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

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

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

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

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

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

(e) shall provide training and professional development to personnel in school districts and charter schools on how to utilize the online test preparation program and provide teacher-assisted instruction to students.

(3) The state board, school districts, and charter schools shall make the online test preparation program available to a student:

(a) beginning in the 2013-14 school year; and
for at least one full year.]

Suggested Legislative Solution: *What specific language needs to be added, amended, or repealed? Changes added in BLUE.*

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

(1) The Legislature recognizes the need for the state board to develop and implement standards and assessment processes to ensure that student progress is measured and that LEA governing boards and school personnel are accountable.

(2) The state board shall adopt **a the ACT** college readiness assessment for secondary students that:

- (a) is the college readiness assessment most commonly submitted to local universities; and
 - (b) may ~~adopt~~ ~~include~~:
 - (i) a battery of assessments that are predictive of success on the Armed Services Vocational Aptitude Battery; and/or
 - ~~(ii) a battery of assessments that are predictive of success in higher education; or~~
 - (ii) a battery of assessments that are predictive of success in the College Boards AP Courses offered in Utah.
- (3) (a) Except as provided in Subsection (3)(b), a school district or charter school shall annually administer the college readiness assessment adopted under Subsection (2)(a) to all students in grade 11.
- (b) A student with an IEP may take an appropriate college readiness assessment other than the assessment adopted by the state board under Subsection (2)(a), as determined by the student's IEP.
- (4) A teacher may use a student's score on the college readiness assessment adopted under Subsection (2)(a) to improve the student's academic grade for or demonstrate the student's competency Utah Code Section 53E-4-305 within a relevant course.
- (5) In accordance with Section 53F-4-202, the state board shall contract with a providers to provide ~~an~~ online college readiness diagnostic tools.

53F-4-202. College readiness diagnostic tool

- (1) The state board shall contract with a providers, selected through a request for proposals process, to provide an online college readiness diagnostic tool that is aligned with the college readiness assessment described in Section 53E-4-305.
- (2) An online test preparation program described in Subsection (1):
- (a) (i) shall allow a student to independently access online materials and learn at the student's own pace; and
 - (ii) may be used to provide classroom and teacher-assisted instruction;
 - (b) shall provide online study materials, diagnostic exams, drills, and practice tests in an approach that is engaging to secondary high school students;

- (c) shall enable electronic reporting of student progress to [state administrators](#), [LEA administrators](#), [school administrators](#), teachers, parents, and other facilitators;
 - (d) shall record a student's progress in an online dashboard that provides diagnostic assessment of the content areas tested and identifies mastery of corresponding skill sets; and
 - (e) shall provide training and professional development to personnel in school districts and charter schools on how to utilize the online test preparation program and provide teacher-assisted instruction to students.
- (3) The state board, school districts, and charter schools shall make the online test preparation program available to [secondary a](#) students:
- (b) beginning in the [2013-14 2027-28](#) school year; and for at least one full year.
-]

Safeguards: *Does this policy change or program reduction create unintended consequences for specific geographic areas or student populations? How will those be mitigated?*

[We anticipated no unintended consequences for specific areas or populations. This policy change will lead to increased access to aligned online preparation programs that will improve student outcomes in college readiness, ASVAB readiness, and AP course success. It will also lead to LEAs not purchasing their own programs, adding to taxpayer savings.]