

Part 6 Achievement Tests

53A-1-601 Legislative intent.

- (1) It is the intent of the Legislature in enacting this part to determine the effectiveness of school districts and schools in assisting students to master the fundamental educational skills towards which instruction is directed.
- (2)
 - (a) The Utah Performance Assessment System for Students enacted under this part shall provide the public, the Legislature, the State Board of Education, school districts, public schools, and school teachers evaluative information regarding the various levels of proficiency achieved by students, so that they may have an additional tool to plan, measure, and evaluate the effectiveness of programs in the public schools.
 - (b) The information may also be used to recognize excellence and to identify the need for additional resources or to reallocate educational resources in a manner to assure educational opportunities for all students and to improve existing programs.

Amended by Chapter 219, 2000 General Session

53A-1-602 Definitions.

As used in this part:

- (1) "Basic academic subject" means a subject that requires mastery of specific functions, as defined under rules made by the State Board of Education, to include reading, language arts, mathematics, science in grades 4 through 12, and effectiveness of written expression.
- (2) "Core standards for Utah public schools" means the standards developed and adopted by the State Board of Education that define the knowledge and skills students should have in kindergarten through grade 12 to enable students to be prepared for college or workforce training.
- (3) "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- (4) "Utah Performance Assessment System for Students" or "U-PASS" means:
 - (a) as determined by the State Board of Education, criterion-referenced achievement testing or online computer adaptive testing of students in grades 3 through 12 in basic academic subjects;
 - (b) an online writing assessment in grades 5 and 8;
 - (c) college readiness assessments as detailed in Section 53A-1-611; and
 - (d) testing of students in grade 3 to measure reading grade level.

Amended by Chapter 222, 2015 General Session

Amended by Chapter 415, 2015 General Session

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

- (1) The State Board of Education shall:
 - (a) require a school district or charter school to implement the Utah Performance Assessment System for Students;

- (b) require the state superintendent of public instruction to submit and recommend criterion-referenced achievement tests or online computer adaptive tests, college readiness assessments, an online writing assessment for grades 5 and 8, and a test for students in grade 3 to measure reading grade level to the board for approval and adoption and distribution to a school district or charter school by the state superintendent;
 - (c) develop an assessment method to uniformly measure statewide performance, school district performance, and school performance of students in grades 3 through 12 in mastering basic academic subjects; and
 - (d) provide for the state to participate in the National Assessment of Educational Progress state-by-state comparison testing program.
- (2) Except as provided in Subsection (9) and Subsection 53A-1-611(4), under U-PASS, the State Board of Education shall annually require a school district or charter school to administer:
- (a) as determined by the State Board of Education, statewide criterion-referenced tests or online computer adaptive tests in grades 3 through 12 and courses in basic academic subjects of the core standards for Utah public schools;
 - (b) an online writing assessment to all students in grades 5 and 8;
 - (c) college readiness assessments as detailed in Section 53A-1-611; and
 - (d) a test to all students in grade 3 to measure reading grade level.
- (3) The State Board of Education shall annually require a school district or charter school to administer a computer adaptive assessment system that is:
- (a) adopted by the State Board of Education; and
 - (b) aligned to the core standards for Utah public schools.
- (4) The board shall adopt rules for the conduct and administration of U-PASS to include the following:
- (a) the computation of student performance based on information that is disaggregated with respect to race, ethnicity, gender, limited English proficiency, and those students who qualify for free or reduced price school lunch;
 - (b) security features to maintain the integrity of the system, which may include statewide uniform testing dates, multiple test forms, and test administration protocols;
 - (c) the exemption of student test scores, by exemption category, such as limited English proficiency, mobility, and students with disabilities, with the percent or number of student test scores exempted being publicly reported at a district level;
 - (d) compiling of criterion-referenced, online computer adaptive, and online writing test scores and test score averages at the classroom level to allow for:
 - (i) an annual review of those scores by parents of students and professional and other appropriate staff at the classroom level at the earliest point in time;
 - (ii) the assessment of year-to-year student progress in specific classes, courses, and subjects; and
 - (iii) a teacher to review, prior to the beginning of a new school year, test scores from the previous school year of students who have been assigned to the teacher's class for the new school year;
 - (e) allowing a school district or charter school to have its tests administered and scored electronically to accelerate the review of test scores and their usefulness to parents and educators under Subsection (4)(d), without violating the integrity of U-PASS; and
 - (f) providing that scores on the tests and assessments required under Subsection (2)(a) and Subsection (3) may not be considered in determining:
 - (i) a student's academic grade for the appropriate course; or
 - (ii) whether a student may advance to the next grade level.

- (5)
 - (a) A school district or charter school may administer an online writing assessment to students in grade 11.
 - (b) The State Board of Education may award a grant to a school district or charter school to pay for an online writing assessment and instruction program that may be used to assess the writing of students in grade 11.
- (6) The State Board of Education shall make rules:
 - (a) establishing procedures for applying for and awarding money for computer adaptive tests;
 - (b) specifying how money for computer adaptive tests shall be allocated among school districts and charter schools that qualify to receive the money; and
 - (c) requiring reporting of the expenditure of money awarded for computer adaptive testing and evidence that the money was used to implement computer adaptive testing.
- (7) The State Board of Education shall ensure that computer adaptive tests are administered in compliance with the requirements of Chapter 1, Part 14, Student Data Protection Act, and Chapter 13, Part 3, Utah Family Educational Rights and Privacy Act.
- (8)
 - (a) The State Board of Education shall establish a committee consisting of 15 parents of Utah public education students to review all computer adaptive test questions.
 - (b) The committee established in Subsection (8)(a) shall include the following parent members:
 - (i) five members appointed by the chair of the State Board of Education;
 - (ii) five members appointed by the speaker of the House of Representatives; and
 - (iii) five members appointed by the president of the Senate.
 - (c) The State Board of Education shall provide staff support to the parent committee.
 - (d) The term of office of each member appointed in Subsection (8)(b) is four years.
 - (e) The chair of the State Board of Education, the speaker of the House of Representatives, and the president of the Senate shall adjust the length of terms to stagger the terms of committee members so that approximately 1/2 of the committee members are appointed every two years.
 - (f) No member may receive compensation or benefits for the member's service on the committee.
- (9) Beginning with the 2016-17 school year, for all students in grade 11, a school district or charter school may waive the obligation to administer a test required under Subsection (2)(a).
- (10)
 - (a) School districts and charter schools shall require each licensed employee to complete two hours of professional development on youth suicide prevention within their license cycle in accordance with Section 53A-6-104.
 - (b) The State Board of Education shall develop or adopt sample materials to be used by a school district or charter school for professional development training on youth suicide prevention.
 - (c) The training required by this Subsection (10) shall be incorporated into professional development training required by rule in accordance with Section 53A-6-104.

Amended by Chapter 203, 2016 General Session

Amended by Chapter 221, 2016 General Session

53A-1-603.5 Unique student identifier -- Coordination of higher education and public education information technology systems.

- (1) As used in this section, "unique student identifier" means an alphanumeric code assigned to each public education student for identification purposes, which:
 - (a) is not assigned to any former or current student; and

- (b) does not incorporate personal information, including a birth date or Social Security number.
- (2) The State Board of Education, through the superintendent of public instruction, shall assign each public education student a unique student identifier, which shall be used to track individual student performance on achievement tests administered under this part.
- (3) The State Board of Education and the State Board of Regents shall coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53B-1-109.
- (4) The State Board of Education and State Board of Regents shall coordinate access to the unique student identifier of a public education student who later attends an institution within the state system of higher education.

Enacted by Chapter 147, 2006 General Session

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

- (1) The State Board of Education shall develop, publish, and administer criterion-referenced tests.
- (2) The board may use the expert services of any person in the public or private sector in:
 - (a) evaluating current tests and assessment programs; or
 - (b) developing, publishing, and administering new tests.

Amended by Chapter 161, 2013 General Session

53A-1-605 Analysis of results -- Staff professional development.

- (1) The State Board of Education, through the state superintendent of public instruction, shall develop a plan to analyze the results of the U-PASS scores for all grade levels and courses required under Section 53A-1-603.
- (2) The plan shall include components designed to:
 - (a) assist school districts and individual schools to use the results of the analysis in planning, evaluating, and enhancing programs; and
 - (b) identify schools not achieving state-established acceptable levels of student performance in order to assist those schools in raising their student performance levels.
- (3) The plan shall include provisions for statistical reporting of criterion-referenced or online computer adaptive test results at state, school district, school, and grade or course levels, and shall include actual levels of performance on tests.
- (4) Each local school board and charter school governing board shall provide for:
 - (a) evaluation of the U-PASS test results and use of the evaluations in setting goals and establishing programs; and
 - (b) a professional development program that provides teachers, principals, and other professional staff with the training required to successfully establish and maintain U-PASS.

Amended by Chapter 222, 2015 General Session

53A-1-606.5 State reading goal -- Reading achievement plan.

- (1) As used in this section:
 - (a) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill, or ability.

- (b) "Five domains of reading" include phonological awareness, phonics, fluency, comprehension, and vocabulary.
- (2)
 - (a) The Legislature recognizes that:
 - (i) reading is the most fundamental skill, the gateway to knowledge and lifelong learning;
 - (ii) there is an ever increasing demand for literacy in the highly technological society we live in;
 - (iii) students who do not learn to read will be economically and socially disadvantaged;
 - (iv) reading problems exist in almost every classroom;
 - (v) almost all reading failure is preventable if reading difficulties are diagnosed and treated early; and
 - (vi) early identification and treatment of reading difficulties can result in students learning to read by the end of the third grade.
 - (b) It is therefore the goal of the state to have every student in the state's public education system reading on or above grade level by the end of the third grade.
- (3)
 - (a) Each public school containing kindergarten, grade one, grade two, or grade three, including charter schools, shall develop, as a component of the school improvement plan described in Section 53A-1a-108.5, a reading achievement plan for its students in kindergarten through grade three to reach the reading goal set in Subsection (2)(b).
 - (b) The reading achievement plan shall be:
 - (i) created under the direction of:
 - (A) the school community council or a subcommittee or task force created by the school community council, in the case of a school district school; or
 - (B) the charter school governing board or a subcommittee or task force created by the governing board, in the case of a charter school; and
 - (ii) implemented by the school's principal, teachers, and other appropriate school staff.
 - (c) The school principal shall take primary responsibility to provide leadership and allocate resources and support for teachers and students, most particularly for those who are reading below grade level, to achieve the reading goal.
 - (d) Each reading achievement plan shall include:
 - (i) an assessment component that:
 - (A) focuses on ongoing formative assessment to measure the five domains of reading, as appropriate, and inform individualized instructional decisions; and
 - (B) includes a benchmark assessment of reading approved by the State Board of Education pursuant to Section 53A-1-606.6;
 - (ii) an intervention component:
 - (A) that provides adequate and appropriate interventions focused on each student attaining competency in reading skills;
 - (B) based on best practices identified through proven researched-based methods;
 - (C) that provides intensive intervention, such as focused instruction in small groups and individualized data driven instruction, implemented at the earliest possible time for students having difficulty in reading;
 - (D) that provides an opportunity for parents to receive materials and guidance so that they will be able to assist their children in attaining competency in reading skills; and
 - (E) that, as resources allow, may involve a reading specialist; and
 - (iii) a reporting component that includes reporting to parents:
 - (A) at the beginning, in the middle, and at the end of grade one, grade two, and grade three, their child's benchmark assessment results as required by Section 53A-1-606.6; and

- (B) at the end of third grade, their child's reading level.
 - (e) In creating or reviewing a reading achievement plan as required by this section, a school community council, charter school governing board, or a subcommittee or task force of a school community council or charter school governing board may not have access to data that reveal the identity of students.
- (4)
- (a) The school district shall approve each plan developed by schools within the district prior to its implementation and review each plan annually.
 - (b) The charter school governing board shall approve each plan developed by schools under its control and review each plan annually.
 - (c) A school district and charter school governing board shall:
 - (i) monitor the learning gains of a school's students as reported by the benchmark assessments administered pursuant to Section 53A-1-606.6; and
 - (ii) require a reading achievement plan to be revised, if the school district or charter school governing board determines a school's students are not making adequate learning gains.

Amended by Chapter 220, 2016 General Session

53A-1-606.6 Benchmark assessments in reading -- Report to parent or guardian.

- (1) As used in this section:
- (a) "Board" means the State Board of Education.
 - (b) "Competency" means a demonstrable acquisition of a specified knowledge, skill, or ability that has been organized into a hierarchical arrangement leading to higher levels of knowledge, skill, or ability.
- (2) The board shall approve a benchmark assessment for use statewide by school districts and charter schools to assess the reading competency of students in grades one, two, and three as provided by this section.
- (3) A school district or charter school shall:
- (a) administer benchmark assessments to students in grades one, two, and three at the beginning, middle, and end of the school year using the benchmark assessment approved by the board; and
 - (b) after administering a benchmark assessment, report the results to a student's parent or guardian.
- (4) If a benchmark assessment or supplemental reading assessment indicates a student lacks competency in a reading skill, or is lagging behind other students in the student's grade in acquiring a reading skill, the school district or charter school shall:
- (a) provide focused individualized intervention to develop the reading skill;
 - (b) administer formative assessments to measure the success of the focused intervention;
 - (c) inform the student's parent or guardian of activities that the parent or guardian may engage in with the student to assist the student in improving reading proficiency; and
 - (d) provide information to the parent or guardian regarding appropriate interventions available to the student outside of the regular school day that may include tutoring, before and after school programs, or summer school.

Amended by Chapter 466, 2013 General Session

53A-1-606.7 State Board of Education required to contract for a diagnostic assessment system for reading.

- (1) The State Board of Education shall contract with one or more educational technology providers, selected through a request for proposals process, for a diagnostic assessment system for reading for students in kindergarten through grade three that meets the requirements of this section.
- (2) Subject to legislative appropriations, a diagnostic assessment system for reading shall be made available to school districts and charter schools that apply to use a diagnostic assessment for reading beginning in the 2011-12 school year.
- (3) A diagnostic assessment system for reading for students in kindergarten through grade three shall:
 - (a) be in a digital format;
 - (b) include benchmark assessments of reading proficiency to be administered at the beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade three;
 - (c) include formative assessments to be administered every two to four weeks for students who are at high risk of not attaining proficiency in reading;
 - (d) align with the language arts core standards for Utah public schools adopted by the State Board of Education; and
 - (e) include a data analysis component hosted by the provider that:
 - (i) has the capacity to generate electronic information immediately and produce individualized student progress reports, class summaries, and class groupings for instruction;
 - (ii) may have the capability of identifying lesson plans that may be used to develop reading skills;
 - (iii) enables teachers, administrators, and designated supervisors to access reports through a secured password system;
 - (iv) produces electronic printable reports for parents and administrators; and
 - (v) has the capability for principals to monitor usage by teachers.

Amended by Chapter 372, 2015 General Session

Amended by Chapter 415, 2015 General Session

53A-1-607 Scoring -- Reports of results.

- (1) Each local school board and charter school shall submit all answer sheets for the achievement tests administered under U-PASS on a per-school and per-class basis to the state superintendent of public instruction for scoring unless the test requires scoring by a national testing service.
- (2) The district, school, and class results of the U-PASS testing program, but not the score or relative position of individual students, shall be reported to each local school board or charter school governing board annually at a regularly scheduled meeting.
- (3) Each local board and charter school governing board shall make copies of the report available to the general public upon request.
- (4) The board may charge a fee for the copying costs.
- (5) The State Board of Education shall annually provide to school districts and charter schools a comprehensive report for each of their students showing the student's U-PASS test results for each year the student took a U-PASS test. School districts and charter schools shall give a copy of the comprehensive report to the student's parents and make the report available to school staff, as appropriate.

Amended by Chapter 299, 2009 General Session

53A-1-608 Preparation for tests.

- (1) School district employees may not carry on any specific instruction or preparation of students which would be a breach of testing ethics, such as the teaching of specific test questions.
- (2) School district employees who administer the test shall follow the standardization procedures in the publisher's test administration manual and any additional specific instructions developed by the State Board of Education.
- (3) The State Board of Education may revoke the certification of an individual who violates this section.

Enacted by Chapter 267, 1990 General Session

53A-1-609 Construction of part.

Nothing in this part shall be construed to mean or represented to require that graduation from a high school or promotion to another grade is in any way dependent upon successful performance of any test administered as a part of the testing program established under this part.

Amended by Chapter 161, 2013 General Session

53A-1-610 Grade specification replacement.

- (1) The State Board of Education may replace the grade specification for the administration of specific tests under this part with a specification of age or time elapsed since the student entered school if the replacement specification is more consistent with patterns of school organization.
- (2) The board shall submit a report to the Legislature explaining the reasons for replacing the grade specification. The board shall submit the report at least six months prior to the anticipated change.

Enacted by Chapter 267, 1990 General Session

53A-1-611 College readiness assessments.

- (1) The Legislature recognizes the need for the State Board of Education to develop and implement standards and assessment processes to ensure that student progress is measured and that school boards and school personnel are accountable.
- (2) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605, the State Board of Education shall:
 - (a) adopt college readiness assessments for secondary students; and
 - (b) require a school district or charter school to administer the college readiness assessments adopted by the State Board of Education.
- (3) A college readiness assessment adopted by the State Board of Education:
 - (a) shall include the college admissions test that includes an assessment of language arts, mathematics, and science that is most commonly submitted to local universities; and
 - (b) may include:
 - (i) the Armed Services Vocational Aptitude Battery; and
 - (ii) a battery of assessments that are predictive of success in higher education.
- (4)
 - (a) Except as provided in Subsection (4)(b), the State Board of Education shall require a school district or charter school to administer a test adopted under Subsection (3)(a) to all students in grade 11.

- (b) A student with an IEP may take an appropriate college readiness assessment other than a test adopted by the State Board of Education under Subsection (3)(a), as determined by the student's IEP.

Amended by Chapter 203, 2016 General Session

53A-1-613 Online test preparation program.

- (1) The State Board of Education shall contract with a provider, selected through a request for proposals process, to provide an online program to prepare students to take the college admissions test that includes an assessment of language arts, mathematics, and science that is most commonly submitted to local universities.
- (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) To be eligible to administer a college admissions test provided by the State Board of Education from funds appropriated for college readiness assessments, a school district or charter school shall:
 - (a) promote the use of the online test preparation program; and
 - (b) inform parents and students of the availability of, and how to access and use, the online test preparation program.
- (4) The State Board of Education, 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
 - (b) for at least one full year, except a student in grade 11 in the 2013-14 school year shall have access to the online test preparation program as soon as the program can be made operational.

Enacted by Chapter 161, 2013 General Session