

ENHANCING ACADEMIC ACHIEVEMENT IN PUBLIC SCHOOLS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Lloyd W. Frandsen

AN ACT RELATING TO PUBLIC EDUCATION; PROVIDING FOR ANNUAL CRITERION-REFERENCED ACHIEVEMENT TESTING OF STUDENTS IN ALL GRADE LEVELS AND NORM-REFERENCED TESTING OF STUDENTS IN GRADES 3, 5, 8, AND 11; MODIFYING DEFINITIONS; REQUIRING THE STATE BOARD OF EDUCATION TO DEVELOP ASSESSMENT MECHANISMS FOR DETERMINING DEMONSTRATED COMPETENCY IN COURSES REQUIRED FOR HIGH SCHOOL GRADUATION; PROVIDING FOR AN EXTERNAL EVALUATION OF CORE CURRICULUM CONTENT STANDARDS, OBJECTIVES, AND ASSESSMENTS; PROVIDING FOR A BASIC SKILLS COMPETENCY TEST TO BE ADMINISTERED IN THE TENTH GRADE WHICH A STUDENT MUST PASS IN ORDER TO RECEIVE A BASIC HIGH SCHOOL DIPLOMA; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-1-602, as enacted by Chapter 267, Laws of Utah 1990

53A-1-603, as enacted by Chapter 267, Laws of Utah 1990

53A-1-604, as enacted by Chapter 267, Laws of Utah 1990

53A-1-605, as enacted by Chapter 267, Laws of Utah 1990

53A-1-606, as last amended by Chapter 254, Laws of Utah 1997

53A-1-609, as enacted by Chapter 267, Laws of Utah 1990

ENACTS:

53A-1-611, Utah Code Annotated 1953

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

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

53A-1-602. Definitions.

As used in this part:

(1) "Achievement test" means a standardized test which measures or attempts to measure the level of performance which a student has attained in one or more courses of study. Achievement tests shall include norm-referenced and criterion-referenced tests [~~in basic skills courses administered annually by the State Board of Education~~].

(2) "Basic skills course" means a subject which requires, among other skills, memorization and mastery of specific functions, including reading, spelling, basic mathematics, [science,] and effectiveness of written expression.

(3) "Testing program" means:

(a) systematic norm-referenced achievement testing of all students in grades 3, 5, 8, and 11 required by this part in all schools within each school district by means of tests designated by the State Board of Education; and

(b) criterion-referenced achievement testing of students in all grade levels and courses in basic skill areas of the core curriculum.

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

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

(1) The State Board of Education shall:

(a) require a testing program in each school district;

(b) require the State Office of Education to submit and recommend criterion-referenced and norm-referenced achievement tests to the board for approval and adoption and distribution to [the] each school [~~districts~~] district by the state office;

(c) develop a testing method to obtain an accurate estimate of statewide performance, school district performance, and school performance of students in grades 3, 5, 8, and 11 in basic skills courses; and

(d) provide for the state to participate in the [~~1992 NAEP state~~] National Assessment of Educational Progress state-by-state comparison testing program.

(2) Under the testing method, the state office shall annually require that each district administer a statewide norm-referenced test to all students in grades 3, 5, 8, and 11, and statewide criterion-referenced tests in all grade levels and courses in basic skill areas of the core curriculum.

(3) The board shall adopt rules for the conduct and administration of the testing program.

~~[(4) School districts shall implement the testing program during the 1990-91 school year.]~~

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

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

(1) The State Board of Education [may] shall develop, publish, and administer criterion-referenced tests of its own devising~~[, but shall give first consideration to]~~ and incorporate existing norm-referenced tests and assessment programs into the statewide testing program.

(2) (a) The board may use the expert services of any persons or groups of persons in the public or private sector in evaluating current tests and assessment programs, in developing, publishing, and administering new tests, or both.

(b) (i) The board shall commission an external evaluation of the current core curriculum content standards, objectives, and assessments to determine where changes need to be made to improve the standards and objectives for increased academic achievement.

(ii) The evaluation, together with any recommended changes, shall be completed by November 1, 1999, and a report made to the Legislative Education Interim Committee at its November interim meeting.

Section 4. Section **53A-1-605** is amended to read:

53A-1-605. Analysis of results.

(1) The State Office of Education shall develop a plan to analyze the results of the state testing program scores for ~~[grades 5, 8, and 11]~~ all grade levels and courses required under Section 53A-1-603.

(2) The plan shall include a component designed to assist school districts to use the results of the testing program in planning ~~[and]~~, evaluating, and enhancing programs within the district.

(3) The plan shall include provisions for statistical reporting of ~~[school and district test]~~ averages ~~[based on]~~ as follows:

~~[(a) actual levels of performance on tests; and]~~

~~[(b) performance levels that are statistically corrected for factors such as socioeconomic status.]~~

(a) norm-referenced tests results shall be reported at the state and district levels, and shall include actual levels of performance on tests; and

(b) criterion-referenced tests results shall be reported at state, district, and school levels, and shall include actual levels of performance on tests.

(4) (a) The State Board of Education shall submit to the Legislature, annually, a budget to implement the testing program authorized under this part.

(b) As part of the budget recommendation, the state board shall include evaluation of the testing program and proposed modifications if appropriate.

Section 5. Section **53A-1-606** is amended to read:

53A-1-606. Conducting of testing programs.

(1) (a) Each local school board shall, in accordance with rules adopted by the State Board of Education, conduct a testing program within the school district.

(b) (i) (A) The testing program in grades 1 through 6 shall be used to determine whether the planned instruction has resulted in the student's mastery of reading skills.

(B) As used in Subsection (1)(b)(i)(A), planned instruction shall include instructional practices of:

- (I) early and explicit teaching of phonetic decoding skills;
- (II) continuous and frequent exposure to a wide range of quality literature;
- (III) writing to foster and reinforce word recognition, language structure, and experience;

and

(IV) regular and adequate time to read a wide variety of materials across the curriculum.

(ii) If, through the testing, the school finds the student seriously deficient in one or more of these basic skills, it shall provide remedial assistance to help the student overcome the deficiency and attain reading proficiency appropriate to the student's age and ability.

(iii) The remediation program shall include a plan to bring the student up to the appropriate reading level and an opportunity for parents to receive materials and guidance so that they will be able to assist in the remediation process and support their students' progress toward literacy.

(c) The testing program shall incorporate assessment mechanisms developed by the State

Board of Education as well as commercially produced testing material selected by the board under Subsection 53A-1-603(1), unless the local board has developed its own comparable mechanisms as approved by the state board.

(2) Each board shall provide for district evaluation of the test results and use the evaluations in setting goals and establishing programs for the district and schools within the district.

(3) The local board may also administer other tests.

Section 6. Section **53A-1-609** is amended to read:

53A-1-609. Construction of part.

[Nothing] Except as otherwise provided in Section 53A-1-611, 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.

Section 7. Section **53A-1-611** is enacted to read:

53A-1-611. Standards and assessment processes to measure student performance -- Basic skills competency test.

(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) (a) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605, the State Board of Education, through the state superintendent of public instruction, shall design a basic skills competency test to be administered in the tenth grade.

(b) A student must pass the basic skills competency test, in addition to the established requirements of the state and local board of education of the district in which the student attends school, in order to receive a basic high school diploma of graduation.

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

(d) A student who fails to pass all components of the test may not receive a basic high school diploma but may receive a certificate of completion or alternative completion diploma under rules

made by the State Board of Education in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

(e) The state board shall make rules to allow students who initially fail the test to retake all or part of the test.

(f) Subsection (2) is subject to compliance with federal law relating to students with disabilities under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq.

(3) The state board shall implement the standards and assessment program established under this section, including the tenth grade basic skills competency test, no later than the beginning of the 2002-2003 school year.

(4) The requirements of this section are to be complementary to the other achievement testing provisions of this part.

Section 8. **Effective date.**

This act takes effect on July 1, 1999.