

**Representative Lloyd W. Frandsen** proposes to substitute the following bill:

**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:

26           **53A-1-611**, Utah Code Annotated 1953

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

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

29           **53A-1-602. Definitions.**

30           As used in this part:

31           (1) "Achievement test" means a standardized test which measures or attempts to measure  
32 the level of performance which a student has attained in one or more courses of study.

33 Achievement tests shall include norm-referenced and criterion-referenced tests [~~in basic skills~~  
34 ~~courses administered annually by the State Board of Education~~].

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

38           (3) "Testing program" means:

39           (a) systematic norm-referenced achievement testing of all students in grades 3, 5, 8, and  
40 11 required by this part in all schools within each school district by means of tests designated by  
41 the State Board of Education; and

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

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

45           **53A-1-603. Duties of State Board of Education.**

46           (1) The State Board of Education shall:

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

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

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

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

56           (2) Under the testing method, the state office shall annually require that each district

57 administer a statewide norm-referenced test to all students in grades 3, 5, 8, and 11, and statewide  
58 criterion-referenced tests in all grade levels and courses in basic skill areas of the core curriculum.

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

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

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

62 **53A-1-604. Test development, publication, and administration.**

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

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

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

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

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

76 **53A-1-605. Analysis of results.**

77 (1) The State Office of Education shall develop a plan to analyze the results of the state  
78 testing program scores for [~~grades 5, 8, and 11~~] all grade levels and courses required under Section  
79 53A-1-603.

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

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

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

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

87 (a) norm-referenced tests results shall be reported at the state and district levels, and shall

88 include:

89 (i) actual levels of performance on tests; and

90 (ii) performance levels that are statistically corrected for factors such as socioeconomic  
91 status; and

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

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

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

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

99 **53A-1-606. Conducting of testing programs.**

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

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

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

106 (I) early and explicit teaching of phonetic decoding skills;

107 (II) continuous and frequent exposure to a wide range of quality literature;

108 (III) writing to foster and reinforce word recognition, language structure, and experience;

109 and

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

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

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

117 (c) The testing program shall incorporate assessment mechanisms developed by the State  
118 Board of Education as well as commercially produced testing material selected by the board under

119 Subsection 53A-1-603(1), unless the local board has developed its own comparable mechanisms  
120 as approved by the state board.

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

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

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

126 **53A-1-609. Construction of part.**

127 [Nothing] Except as otherwise provided in Section 53A-1-611, nothing in this part shall  
128 be construed to mean or represented to require that graduation from a high school or promotion  
129 to another grade is in any way dependent upon successful performance of any test administered  
130 as a part of the testing program established under this part.

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

132 **53A-1-611. Standards and assessment processes to measure student performance --**  
133 **Basic skills competency test.**

134 (1) The Legislature recognizes the need for the State Board of Education to develop and  
135 implement standards and assessment processes to ensure that student progress is measured and that  
136 school boards and school personnel are accountable.

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

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

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

145 (d) A student who fails to pass all components of the test may not receive a basic high  
146 school diploma but may receive a certificate of completion or alternative completion diploma  
147 under rules made by the State Board of Education in accordance with Title 63, Chapter 46a, Utah  
148 Administrative Rulemaking Act.

149 (e) The state board shall make rules to allow students who initially fail the test to retake

150 all or part of the test.

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

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

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

158 Section 8. **Effective date.**

159 This act takes effect on July 1, 1999.