

**ASSESSING, REPORTING, AND
EVALUATING STUDENT PERFORMANCE**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Tammy J. Rowan

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AN ACT RELATING TO PUBLIC EDUCATION; ESTABLISHING A UTAH PERFORMANCE ASSESSMENT SYSTEM FOR STUDENTS TO PROVIDE EVALUATIVE INFORMATION ON STUDENT PERFORMANCE; MODIFYING DEFINITIONS; PROVIDING FOR THE PHASING IN OF ASSESSMENT TOOLS; EXPANDING THE PERFORMANCE ASSESSMENT DUTIES OF THE STATE BOARD OF EDUCATION; PROVIDING FOR FULL IMPLEMENTATION OF THE SYSTEM BY THE 2004-05 SCHOOL YEAR; PROVIDING FOR STUDENT BEHAVIOR INDICATORS; PROVIDING A MECHANISM TO IDENTIFY AND ASSIST SCHOOLS NOT ACHIEVING ACCEPTABLE LEVELS OF STUDENT PERFORMANCE; MODIFYING THE SCHOOL DISTRICT PERFORMANCE REPORT; PROVIDING A REPEALER; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

- 53A-1-601**, as enacted by Chapter 267, Laws of Utah 1990
- 53A-1-602**, as last amended by Chapter 336, Laws of Utah 1999
- 53A-1-603**, as last amended by Chapter 336, Laws of Utah 1999
- 53A-1-604**, as last amended by Chapter 336, Laws of Utah 1999
- 53A-1-605**, as last amended by Chapter 336, Laws of Utah 1999
- 53A-1-606**, as last amended by Chapter 336, Laws of Utah 1999
- 53A-1-607**, as enacted by Chapter 267, Laws of Utah 1990
- 53A-1-611**, as enacted by Chapter 336, Laws of Utah 1999
- 53A-3-601**, as enacted by Chapter 50, Laws of Utah 1990
- 53A-3-602**, as last amended by Chapter 19, Laws of Utah 1999
- 53A-3-603**, as enacted by Chapter 50, Laws of Utah 1990

63-55b-153, as renumbered and amended by Chapter 21 and last amended by Chapter 366,
Laws of Utah 1999

ENACTS:

53A-3-602.5, Utah Code Annotated 1953

This act enacts uncodified material.

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

Section 1. Section **53A-1-601** is amended to read:

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 [~~program of statewide testing adopted~~] Utah Performance Assessment System for Students enacted under this part shall provide the public, the Legislature, [~~and~~] 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 [~~the Legislature, the State Board of Education, and individual school districts~~] they may have an additional tool to plan, measure, and evaluate the effectiveness of programs in the public schools. [~~They may also use the~~]

(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.

Section 2. 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.

(2) "Basic skills course" means a subject which requires [~~among other skills, memorization~~ and] mastery of specific functions, [~~including~~] as defined under rules made by the State Board of

Education, to include reading, [spelling, basic] language arts, mathematics[;] through geometry, science, in grades 4 through 12, and effectiveness of written expression.

~~[(3) "Testing program" means:]~~

(3) "Constructed response" means an answer to a question on a criterion-referenced test that requires a student to provide other than a "true-false" or "multiple choice" response.

(4) "Utah Performance Assessment System for Students" or "U-PASS" 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.]~~ skills courses, except as otherwise provided for science in Subsection (2), to include constructed responses to questions on a pilot basis for tests administered during the 2002-03 and 2003-04 school years, except science tests, and the inclusion of constructed response questions on all criterion-referenced tests, except science tests, administered during the 2004-05 school year and for each year thereafter;

(c) beginning with the 2001-02 school year, a direct writing assessment in grades 6 and 9;

(d) beginning with the 2002-03 school year, a tenth grade basic skills competency test as detailed in Section 53A-1-611; and

(e) beginning with the 2002-03 school year, the use of student behavior indicators in assessing student performance.

Section 3. 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 to implement the Utah Performance Assessment System for Students, hereafter referred to as U-PASS;

(b) require the ~~[State Office of Education]~~ state superintendent of public instruction to submit and recommend criterion-referenced and norm-referenced achievement tests, a tenth grade basic skills competency test, and a direct writing assessment for grades 6 and 9 to the board for approval and

adoption and distribution to each school district by the state ~~[office]~~ superintendent;

(c) develop ~~[a testing]~~ an assessment method to ~~[obtain an accurate estimate of]~~ uniformly measure statewide performance, school district performance, and school performance of students in grades ~~[3, 5, 8, and 11]~~ 1 through 12 in mastering basic skills courses; and

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

(2) Under ~~[the testing method]~~ U-PASS, the state office shall annually require that each district administer:

(a) a statewide norm-referenced test to all students in grades 3, 5, 8, and 11~~[-and];~~

(b) statewide criterion-referenced tests in all grade levels and courses in basic skill areas of the core curriculum~~[-];~~

(c) a direct writing assessment to all students in grades 6 and 9, with the first assessment to be administered during the 2001-02 school year; and

(d) a tenth grade basic skills competency test as detailed in Section 53A-1-611, with the first test to be administered during the 2002-03 school year.

(3) The board shall adopt rules for the conduct and administration of ~~[the testing program:]~~ U-PASS to include the following:

(a) the computation of student performance based on information that is disaggregated with respect to race, ethnicity, gender, and socioeconomic status;

(b) security features to maintain the integrity of the system, which could 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 publically reported at a district level;

(d) compiling of criterion-referenced and direct 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 and consistent with the timeline

of the phase-in referred to in Sections 53A-1-602 and 53A-1-603, but no later than by the end of the school year;

(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; and

(e) providing that:

(i) scores on the tests and assessments required under Subsections (2)(a) and (b) shall be considered in determining a student's academic grade for the appropriate course and whether a student shall advance to the next grade level; and

(ii) the student's score on the tenth grade basic skills competency test shall be recorded on the student's transcript of credits.

Section 4. Section **53A-1-604** is amended to read:

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

(1) The State Board of Education shall develop, publish, and administer criterion-referenced tests and other assessments referred to in Subsections 53A-1-603(2)(c) and (d) of its own devising and incorporate existing norm-referenced tests and assessment programs into [the statewide testing program] U-PASS.

(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.]~~

(3) The board shall develop assessment tools in such a manner and on such a timeline as to ensure full implementation of U-PASS by the 2004-05 school year.

Section 5. Section **53A-1-605** is amended to read:

53A-1-605. Analysis of results.

(1) The State [~~Office~~] Board of Education, through the state superintendent of public instruction, shall develop a plan to analyze the results of the [~~state testing program~~] U-PASS scores for all grade levels and courses required under Section 53A-1-603 and the student behavior indicators referred to in Subsection 53A-1-602(4)(e).

(2) The plan shall include [~~a component~~] components designed to:

(a) assist school districts and individual schools to use the results of the [~~testing program~~] analysis in planning, evaluating, and enhancing programs within the district[-]; and

(b) for the 2003-04 school year and for each year thereafter, 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 [~~averages~~] data as follows:

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

(b) criterion-referenced tests results shall be reported at state, district, [~~and~~] school, and grade or course 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~~] and maintain U-PASS.

(b) As part of the budget recommendation, the state board shall include:

(i) evaluation of [~~the testing program~~] U-PASS and proposed modifications if appropriate[-]; and

(ii) resources required to assist schools identified under Subsection (2)(b) in raising their performance levels.

(5) Each local school board shall provide for district evaluation of the U-PASS test results and use the evaluations in setting goals and establishing programs for the district and school within

the district.

Section 6. Section **53A-1-606** is amended to read:

53A-1-606. Mastery of reading skills.

~~[(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)]~~ (1) (a) The ~~[testing program]~~ Utah Performance Assessment System for Students 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)]~~ (b) As used in Subsection (1)~~[(b)(i)(A)]~~(a), planned instruction shall include instructional practices of:

~~[(F)]~~ (i) early and explicit teaching of phonetic decoding skills;

~~[(H)]~~ (ii) continuous and frequent exposure to a wide range of quality literature;

~~[(HH)]~~ (iii) writing to foster and reinforce word recognition, language structure, and experience; and

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

~~[(i)]~~ (c) (i) If, through ~~[the testing]~~ U-PASS, 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)]~~ (ii) 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.

~~[(e) The testing program]~~ (d) U-PASS shall incorporate assessment mechanisms developed by the State Board of Education, through the state superintendent of public instruction, 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)~~ (2) The local board may also administer other tests.

Section 7. Section **53A-1-607** is amended to read:

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

(1) Each local school board shall submit all answer sheets for the achievement tests administered under ~~[this part]~~ U-PASS on a per-school and per-class basis to the ~~[State Office of Education]~~ state superintendent of public instruction for scoring unless the test requires scoring by a national testing service.

(2) The district and school 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 annually at a regularly scheduled meeting.

(3) Each local 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.

Section 8. Section **53A-1-611** is amended 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:

(i) to allow students who initially fail the test to retake all or part of the test~~[-]; and~~
~~[(f)]~~ (ii) ~~[Subsection (2) is subject to compliance]~~ that take into account and are consistent with federal law relating to students with disabilities ~~[under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq]~~ in the administration of the test.

(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]~~03 school year.

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

Section 9. Section **53A-3-601** is amended to read:

53A-3-601. Legislative findings.

The Legislature recognizes broad-based support from the general public and the state's education community for school and school district performance reports. The Legislature further recognizes that a number of school districts are already committed to a reporting program that gives parents individual student achievement test information, that provides school test data results to the school's community, and that publishes district-wide test results for distribution to the general public.

Section 10. Section **53A-3-602** is amended to read:

53A-3-602. School district performance report -- Elements -- Annual filing.

(1) Each school district shall develop a district performance report providing for accountability of the district to its residents for the quality of schools and the educational achievement of students in the district.

(2) The report shall include the following statistical data:

(a) norm-referenced achievement test scores and trends by grade or subject;

- (b) ACT scores, including trend data and the percentage of each graduating class taking the ACT;
- (c) advanced placement scores, including numbers taking the tests and percentage who pass;
- (d) criterion-referenced test scores, including trend data;
- (e) enrollment trends;
- (f) ethnic distribution of student population;
- (g) attendance and drop-out rates and trends;
- (h) fiscal information, including revenues available to the district by source and total and the information required under Subsection 53A-1-301(2)(d) as related to the district;
- (i) expenditures by source and total;
- (j) per pupil expenditures and trends;
- (k) pupil-teacher ratios and trends;
- (l) certificated staff by level and average years of professional experience;
- (m) course-taking patterns and trends in the high schools;
- (n) number of buildings by level, number of buildings on year-round programs, and number of buildings on extended days;
- (o) percent of free or reduced school lunch participants;
- (p) percent of students receiving fee waivers and dollar amount of fee waivers;
- (q) percent of AFDC families; and
- (r) a statement on the amount of class time missed by students and faculty in grades 9 through 12 for activities which require them to miss normal class time, to include:
 - (i) the total number of individuals involved;
 - (ii) the hours of normal class time missed;
 - (iii) the total miles traveled to and from the activities;
 - (iv) the costs for transporting students and faculty to and from the activities; and
 - (v) a breakdown of the activities by category as follows:
 - (A) athletic contests;
 - (B) music performances and contests;

(C) forensics, debate, speech, and drama performances and contests;

(D) school club activities and contests; and

(E) all other school-sponsored activities and contests.

(3) School districts may include any other data in their reports which they feel is important to report to the general public.

(4) Each district shall issue its report annually by January 15.

(5) Each district shall file a copy of its report with the Legislature and the State Board of Education and have it distributed to the residence of each student enrolled in the district.

(6) Beginning with the report to be issued by January 15, 2002, each school district shall report its previous spring criterion-referenced test scores on a district, school, grade level, and course basis.

Section 11. Section **53A-3-602.5** is enacted to read:

53A-3-602.5. School performance report -- Components -- Annual filing.

(1) The State Board of Education in collaboration with the state's 40 school districts shall develop a school performance report to inform the state's residents of the quality of schools and the educational achievement of students in the state's public education system.

(2) The report shall include the following statistical data for each school in each school district, as applicable, and shall also aggregate the data at the district and state level:

(a) test scores and trends over the previous four years on:

(i) norm-referenced achievement tests;

(ii) criterion-referenced tests beginning with the 2001-02 school year;

(iii) writing assessments required under Subsection 53A-1-603(2)(c); and

(iv) tenth grade basic skills competency tests required under Subsection 53A-1-603(2)(d);

(b) college entrance examinations, including the number and percentage of each graduating class taking the examinations for the previous four years;

(c) advanced placement and concurrent enrollment data, including:

(i) the number of students taking advanced placement and concurrent enrollment courses;

(ii) the number and percent of students taking a specific advanced placement course who take

advanced placement tests to receive college credit for the course;

(iii) of those students taking the test referred to in Subsection (2)(c)(ii), the number and percent who pass the test; and

(iv) of those students taking a concurrent enrollment course, the number and percent of those who receive college credit for the course;

(d) the number and percent of students in elementary schools reading at or above grade level;

(e) the number and percent of students classified as "chronic absentees", as defined by State Board of Education rule;

(f) achievement gaps that reflect the differences in achievement of various student groups as defined by State Board of Education rule;

(g) the number and percent of "student dropouts" within the district as defined by State Board of Education rule;

(h) course-taking patterns and trends in secondary schools;

(i) student mobility;

(j) staff qualifications, to include years of professional service and the number and percent of staff who have a degree or endorsement in their assigned teaching area;

(k) the number and percentage of parents who participate in SEP, SEOP, and parent-teacher conferences;

(l) the number and percentage of students who participate in extracurricular activities, to include a statement on the amount of class time missed by students and faculty for those activities which require them to miss normal class time during the school day and the total number of individuals involved in missing normal class time; and

(m) average class size by grade level and subject.

(3) During the year 2000 interim, the State Board of Education shall work with the Task Force on Learning Standards and Accountability in Public Education, the Legislative Education Interim Committee, and the Strategic Planning for Public and Higher Education Committee to determine if additional statistical data should be collected and reported under Subsection (2), to include the following:

- (a) the average grade given in each math, science, and English class in grades 9 through 12;
 - (b) the number of volunteers and volunteer hours;
 - (c) incidents of student discipline as defined by State Board of Education rule;
 - (d) parent surveys;
 - (e) student surveys;
 - (f) enrollment totals and trends;
 - (g) average daily attendance, including every period in secondary schools;
 - (h) suspensions;
 - (i) the number and percent of students who qualify for free and reduced price school lunch;
 - (j) for secondary schools, grade distributions and average student GPA by school and teacher;
 - (k) total reading hours at home;
 - (l) keyboarding skills;
 - (m) physical fitness;
 - (n) portfolios;
 - (o) safe school violations; and
 - (p) court referrals.
- (4) (a) The State Board of Education shall adopt common definitions and data collection procedures for local school boards to use in collecting and forwarding the data required under Subsection (2) to the state superintendent of public instruction.
- (b) The state board, through the state superintendent of public instruction, shall adopt standard reporting forms and provide a common template for collecting and reporting the data, which shall be used by all school districts.
- (c) The state superintendent shall use the automated decision support system proposed for authorization by the Legislature in the 2000 General Session in Subsection 53A-1-301(2)(e) to collect and report the data required under Subsection (2), contingent upon approval of the proposal and its required appropriation.
- (5) (a) For the school year ending June 30, 2003, and for each year thereafter, the state board, through the state superintendent of public instruction, shall issue its report annually by October

1 to include the required data from the previous school year or years as indicated in Subsection (2).

(b) The state board shall determine the nature and extent of longitudinal data to be reported under Subsections (2)(a), (b), (c), and (d) during the first three years of the reporting program, with the baseline reporting year beginning July 1, 2002 and ending June 30, 2003.

(6) (a) Each local school board shall receive a written or an electronic copy of the report from the state superintendent of public instruction containing the data for that school district in a clear summary format and have it distributed, on a one per household basis, to the residence of students enrolled in the school district before November 30th of each year.

(b) Each local school board and the state board shall have a complete report of the statewide data available for copying or in an electronic format at their respective offices.

Section 12. Section **53A-3-603** is amended to read:

53A-3-603. State board models, guidelines, and training.

(1) The State Board of Education through the State Office of Education shall develop and provide models, guidelines, and training to school districts to enable each district to comply with Section [~~53A-3-602~~] 53A-3-602.5.

(2) The models and guidelines shall focus on systematic, simplified organizational analysis and reporting of available data.

(3) A school district is not restricted to using the models and guidelines developed by the board if it develops or finds a better approach for clearly communicating the data required under Section [~~53A-3-602~~] 53A-3-602.5.

Section 13. Section **63-55b-153** is amended to read:

63-55b-153. Repeal dates -- Titles 53 and 53A.

(1) Subsection 53-5-710(4) pertaining to restrictions at Olympic venue secure areas is repealed April 1, 2002.

(2) Title 53, Chapter 12, State Olympic Public Safety Command Act, is repealed July 1, 2002.

(3) Section 53-12-301.1 is repealed April 1, 2002.

(4) Section 53A-1-403.5 is repealed July 1, 2007.

(5) Section 53A-3-602 is repealed July 1, 2002.

Section 14. **Task force activities.**

(1) The Task Force on Learning Standards and Accountability in Public Education created in H.B.144 of the 1999 General Session shall seek input from the State Board of Education, the Utah School Boards Association, the Utah School Superintendents Association, the Utah Parents and Teachers Association, the Utah Education Association, the Utah Association of Elementary School Principals, the Utah Association of Secondary School Principals, the Utah School Employees Association, Utah Partners in Education, the state's colleges of education, other members of the state's public education community, including teachers, students, and parents, the business community, and the general public during the 2000 interim on issues related to the Utah Performance Assessment System for Students, to include:

(a) recognition and rewards to schools and school districts who:

(i) display exemplary student performance; or

(ii) show significant improvement gains in student performance;

(b) interventions, including identification of available resources, at the school and district level to assist schools whose students are not achieving acceptable levels of performance;

(c) determining what constitutes an acceptable level of performance and whether the level should remain constant or be adjusted over time;

(d) how to best inservice teachers and administrators to maximize the usefulness of the system;

(e) discontinuing social promotions;

(f) using surveys that deal with parental satisfaction as a component of assessing school performance; and

(g) the ways in which a positive public awareness program could be best implemented to inform teachers, parents, and the general public of the benefits provided by U-PASS.

(2) The task force shall include its findings under Subsection (1) in the report it is required to make to the Education Interim Committee and the State Board of Education by November 30, 2000, under H.B.144.

Section 15. **Intent language.**

It is the intent of the Legislature that, notwithstanding the repeal of Section 53A-3-602 on July 1, 2002, school districts shall issue a report on or before January 15, 2003, containing the information described in Section 53A-3-602 for the 2001-02 school year.

It is the further intent of the Legislature that none of the appropriation required to implement this bill shall be used to fund FTEs at the State Office of Education.

Section 16. **Effective date.**

This act takes effect on July 1, 2000, except Sections 53A-3-602.5 and 53A-3-603 take effect July 1, 2002.