

**EDUCATION TESTING AMENDMENTS**

2006 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Neil A. Hansen**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies certain education testing requirements.

**Highlighted Provisions:**

This bill:

▶ allows special education and adult education students to pass an alternative assessment in place of the basic skills competency test required for a basic high school diploma;

▶ provides certain permanent and temporary exemptions for the basic skills competency test or alternative assessment required for a basic high school diploma;

and

▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53A-1-602**, as last amended by Chapter 7, Laws of Utah 2002, Sixth Special Session

**53A-1-611**, as last amended by Chapter 7, Laws of Utah 2002, Fifth Special Session

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

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

30 **53A-1-602. Definitions.**

31 As used in this part:

32 (1) "Achievement test" means a standardized test which measures or attempts to  
33 measure the level of performance which a student has attained in one or more courses of study.  
34 Achievement tests shall include norm-referenced and criterion-referenced tests.

35 (2) "Alternative competency assessment" means a competency assessment for a special  
36 education student or an adult education student, which may include an achievement test or  
37 other types of appropriate competency assessments.

38 [~~(2)~~] (3) "Basic skills course" means a subject which requires mastery of specific  
39 functions, as defined under rules made by the State Board of Education, to include reading,  
40 language arts, mathematics through geometry, science, in grades 4 through 12, and  
41 effectiveness of written expression.

42 [~~(3)~~] (4) "Utah Performance Assessment System for Students" or "U-PASS" means:

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

46 (b) criterion-referenced achievement testing of students in all grade levels in basic  
47 skills courses;

48 (c) beginning with the 2001-02 school year, a direct writing assessment in grades 6 and  
49 9;

50 (d) beginning with the 2003-04 school year, a tenth grade basic skills competency test  
51 as detailed in Section 53A-1-611; [~~and~~]

52 (e) beginning no later than the 2007-08 school year, an alternative competency  
53 assessment as detailed in Section 53A-1-611; and

54 [~~(e)~~] (f) beginning with the 2002-03 school year, the use of student behavior indicators  
55 in assessing student performance.

56 Section 2. Section **53A-1-611** is amended to read:

57 **53A-1-611. Standards and assessment processes to measure student performance**  
58 **-- Basic skills competency test.**

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

62 (2) (a) In addition to its responsibilities under Sections 53A-1-603 through 53A-1-605,  
63 the State Board of Education, through the state superintendent of public instruction, shall  
64 design a basic skills competency test and develop procedures and requirements for an  
65 alternative competency assessment to be administered in the tenth grade.

66 [~~(b)~~ A student must] (b) An alternative competency assessment provided for in this  
67 section may be taken in lieu of the basic skills competency test only by:

68 (i) a special education student, as determined pursuant to Title 53A, Chapter 15, Part 3,  
69 Education of Children with Disabilities; and

70 (ii) an adult education student, under Title 53A, Chapter 14, Part 4, Adult Education,  
71 whose class graduated after 2007.

72 (c) Except as provided under Subsection (2)(f), a student shall pass the basic skills  
73 competency test or alternative competency assessment, in addition to the established  
74 requirements of the state and local board of education of the district in which the student  
75 attends school, in order to receive a basic high school diploma of graduation.

76 [~~(c)~~] (d) The state board shall include in the basic skills competency test or alternative  
77 competency assessment, at a minimum, components on English language arts [~~and~~], reading,  
78 and mathematics.

79 [~~(d)~~ A] (e) Except as provided under Subsection (2)(f), a student who fails to pass all  
80 components of the basic skills competency test or alternative competency assessment may not  
81 receive a basic high school diploma but may receive a certificate of completion or alternative  
82 completion diploma under rules made by the State Board of Education in accordance with Title  
83 63, Chapter 46a, Utah Administrative Rulemaking Act.

84 [~~(e)~~ The] (f) (i) Through the 2006-07 school year, the following students may receive a  
85 basic high school diploma of graduation without passing the basic skills competency test or  
86 alternative competency assessment required under this section:

87 (A) a special education student, as determined pursuant to Title 53A, Chapter 15, Part  
88 3, Education of Children with Disabilities; and

89 (B) an adult education student under Title 53A, Chapter 14, Part 4, Adult Education,

90 whose class graduated before 2007.

91 (ii) The following students may receive a basic high school diploma of graduation  
92 without passing the basic skills competency test or alternative competency assessment required  
93 under this section:

94 (A) a student who has passed a comparable test in another state that is approved by  
95 board rule;

96 (B) a student who moves into this state from another state if the student has less than  
97 two opportunities to pass the basic skills competency test or alternative competency  
98 assessment; and

99 (C) a student who has passed the general educational development test (GED).

100 (g) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
101 state board shall make rules that:

102 (i) ~~[to]~~ allow students who initially fail the basic skills competency test or alternative  
103 competency assessment to retake all or part of the test or assessment; ~~[and]~~

104 (ii) establish standards and procedures for the alternative competency assessment; and

105 ~~[(ii) that]~~ (iii) take into account and are consistent with federal law relating to students  
106 with disabilities in the administration of the test.

107 (3) The state board shall implement;

108 (a) the tenth grade basic skills competency test, no later than the beginning of the  
109 2003-04 school year[-]; and

110 (b) the alternative competency assessment no later than the beginning of the 2007-08  
111 school year.

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

**Legislative Review Note**  
**as of 1-4-06 2:08 PM**

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0155**

Education Testing Amendments

31-Jan-06

2:33 PM

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**State Impact**

Implementation of this bill may be handled within existing resources and may require some reallocation of assessment resources on the state and local levels.

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**Individual and Business Impact**

No fiscal impact.

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**Office of the Legislative Fiscal Analyst**